

CODE OF ORDINANCES

Town of

HAUGHTON, LOUISIANA

Looseleaf Supplement

This Supplement contains all ordinances deemed advisable to be included at this time through:

Ordinance No. 2-2015, enacted May 12, 2015.

See the Code Comparative Table for further information.

Remove Old Pages

Title Page
xiii—xvi

CD8:1—CD8:8
CD14:1—CD14:9
CD26:1—CD26:4
CD33:1
CD36:25—CD36:27
CD38:3, CD38:4
CD40:1—CD40:4
CD41:1
CD42:1—CD42:5
CD42:9—CD42:12
CD42:23, CD42:24
CDB:3—CDB:5
CCT:5—CCT:7
SLT:1, SLT:2
CDi:7, CDi:8
CDi:17—CDi:20
CDi:33, CDi:34
CDi:47, CDi:48
CDi:55—CDi:60

Insert New Pages

Title Page
xiii—xvii
Checklist of up-to-date pages
(following Table of Contents)
SH:1, SH:2 (following Checklist of up-to-date pages)
CD8:1—CD8:24
CD14:1—CD14:10
CD26:1—CD26:7
CD33:1—CD33:3
CD36:25—CD36:27
CD38:3—CD38:4.1
CD40:1—CD40:4.1
CD41:1—CD41:10
CD42:1—CD42:5
CD42:9—CD42:12.1
CD42:23—CD42:24.1
CDB:3—CDB:5
CCT:5—CCT:8
SLT:1, SLT:2
CDi:7—CDi:8.1
CDi:17—CDi:20.1
CDi:33—CDi:34.1
CDi:47, CDi:48
CDi:55—CDi:60.1

Insert and maintain this instruction sheet in front of this publication. File removed pages for reference.

CODE OF ORDINANCES
OF THE
TOWN OF
HAUGHTON, LOUISIANA

Published in 2009 by Order of the Mayor and Board of Aldermen

In Memory of Former Mayor Billy J. Maxey for His Support of This Project



OFFICIALS

of the

TOWN OF

HAUGHTON, LOUISIANA

AT THE TIME OF THIS RECODIFICATION

Carlton Anderson
Mayor

Doris Grappe
Jack Hicks
Michael Hollis
Martha McGee
Elbert Winnfield
Board of Aldermen

Arthur Wallace
Town Attorney

Charlene Smith
Town Clerk

PREFACE

This Code constitutes a recodification of the general and permanent ordinances of the Town of Haughton, Louisiana.

Source materials used in the preparation of the Code were the 1976 Code, as updated through October 14, 2008. 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 any section of the 1976 Code, and any subsequent ordinance included herein.

The chapters of the Code have been conveniently arranged in alphabetical order, and the various sections within each chapter have been catchlined to facilitate usage. Notes which tie related sections of the Code together and which refer to relevant state law have been included. A table listing the state law citations and setting forth their location within the Code is included at the back of this Code.

Chapter and Section Numbering System

The chapter and section numbering system used in this Code is the same system used in many state and local government codes. Each section number consists of two parts separated by a dash. The figure before the dash refers to the chapter number, and the figure after the dash refers to the position of the section within the chapter. Thus, the second section of chapter 1 is numbered 1-2, and the first section of chapter 6 is 6-1. Under this system, each section is identified with its chapter, and at the same time new sections can be inserted in their proper place by using the decimal system for amendments. For example, if new material consisting of one section that would logically come between sections 6-1 and 6-2 is desired to be added, such new section would be numbered 6-1.5. New articles and new divisions may be included in the same way or, in the case of articles, may be placed at the end of the chapter embracing the subject, and, in the case of divisions, may be placed at the end of the article embracing the subject. The next successive number shall be assigned to the new article or division. New chapters may be included by using one of the reserved chapter numbers. Care should be taken that the alphabetical arrangement of chapters is maintained when including new chapters.

Page Numbering System

The page numbering system used in this Code is a prefix system. The letters to the left of the colon are an abbreviation which represents a certain portion of the volume. The number to the right of the colon represents the number of the page in that portion. In the case of a chapter of the Code, the number to the

left of the colon indicates the number of the chapter. In the case of an appendix to the Code, the letter immediately to the left of the colon indicates the letter of the appendix. The following are typical parts of codes of ordinances, which may or may not appear in this Code at this time, and their corresponding prefixes:

CHARTER	CHT:1
RELATED LAWS	RL:1
SPECIAL ACTS	SA:1
CHARTER COMPARATIVE TABLE	CHTCT:1
RELATED LAWS COMPARATIVE TABLE	RLCT:1
SPECIAL ACTS COMPARATIVE TABLE	SACT:1
CODE	CD1:1
CODE APPENDIX	CDA:1
CODE COMPARATIVE TABLES	CCT:1
STATE LAW REFERENCE TABLE	SLT:1
CHARTER INDEX	CHTi:1
CODE INDEX	CDi:1

Index

The index has been prepared with the greatest of care. Each particular item has been placed under several headings, some of which are couched in lay phraseology, others in legal terminology, and still others in language generally used by local government officials and employees. There are numerous cross references within the index itself which stand as guideposts to direct the user to the particular item in which the user is interested.

Looseleaf Supplements

A special feature of this publication is the looseleaf system of binding and supplemental servicing of the publication. With this system, the publication will be kept up to date. Subsequent amendatory legislation will be properly edited, and the affected page or pages will be reprinted. These new pages will be distributed to holders of copies of the publication, with instructions for the manner of inserting the new pages and deleting the obsolete pages.

Keeping this publication up to date at all times will depend largely upon the holder of the publication. As revised pages are received, it will then become the responsibility of the holder to have the amendments inserted according to the

attached instructions. It is strongly recommended by the publisher that all such amendments be inserted immediately upon receipt to avoid misplacing them and, in addition, that all deleted pages be saved and filed for historical reference purposes.

Acknowledgments

This publication was under the direct supervision of Jim Jenkins, Code Attorney, and Shelly Hayes, Editor, of the Municipal Code Corporation, 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 Ms. Charlene Smith, Town Clerk, and Mr. Arthur Wallace, Town Attorney, for their cooperation and assistance during the progress of the work on this publication. It is hoped that their efforts and those of the publisher have resulted in a Code of Ordinances which will make the active law of the town readily accessible to all citizens and which will be a valuable tool in the day-to-day administration of the town's affairs.

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TABLE OF CONTENTS

	Page
Officials of the Town at the Time of this Recodification	iii
Current Officials (Reserved).....	v
Preface	vii
Adopting Ordinance (Reserved)	
Checklist of Up-to-Date Pages.....	[1]
Supplement History Table	SH:1

CODE OF ORDINANCES

Chapter

1. General Provisions.....	CD1:1
2. Administration	CD2:1
Art. I. In General.....	CD2:3
Art. II. Legislative Body	CD2:3
Art. III. Officers and Employees	CD2:4
Art. IV. Boards, Commissions and Committees.....	CD2:6
Art. V. Finances	CD2:6
3. Reserved.....	CD3:1
4. Alcoholic Beverages.....	CD4:1
5. Reserved.....	CD5:1
6. Animals.....	CD6:1
7. Reserved.....	CD7:1
8. Buildings and Building Regulations.....	CD8:1
Art. I. In General.....	CD8:3
Art. II. Permits and Certification of Compliance	CD8:20
Art. III. Technical Codes	CD8:22
9. Reserved.....	CD9:1
10. Businesses and Business Regulations	CD10:1
Art. I. In General.....	CD10:3
Art. II. Sexually Oriented Businesses	CD10:3
Div. 1. Generally	CD10:3
Div. 2. Licensing and Regulation.....	CD10:14
Div. 3. Zoning	CD10:34
Art. III. Secondhand Dealers	CD10:36
Art. IV. Itinerant Vendors	CD10:37
11. Reserved.....	CD11:1

HAUGHTON TOWN CODE

Chapter	Page
12. Emergency Services and Management	CD12:1
13. Reserved.....	CD13:1
14. Fire Prevention and Protection	CD14:1
Art. I. In General.....	CD14:3
Art. II. Fire Department	CD14:3
15. Reserved.....	CD15:1
16. Floods	CD16:1
Art. I. In General.....	CD16:3
Art. II. Procedures.....	CD16:9
Art. III. Administration.....	CD16:11
Art. IV. Provisions for Flood Hazard Reduction	CD16:14
17. Reserved.....	CD17:1
18. Health and Sanitation	CD18:1
19. Reserved.....	CD19:1
20. Human Relations.....	CD20:1
Art. I. In General.....	CD20:3
Art. II. Discrimination and Fair Housing	CD20:3
21. Reserved.....	CD21:1
22. Law Enforcement.....	CD22:1
23. Reserved.....	CD23:1
24. Nuisances.....	CD24:1
Art. I. In General.....	CD24:3
Art. II. Noise.....	CD24:3
Div. 1. Generally	CD24:3
Div. 2. Unnecessary and Excessive Noise	CD24:3
Div. 3. Excessive Noise Resulting from Amplified Sound.....	CD24:5
Art. III. Weeds and Yard Vegetation.....	CD24:8
Art. IV. Unfit Buildings and Structures	CD24:8
Art. V. Littering	CD24:9
Art. VI. Junked Vehicles	CD24:9
25. Reserved.....	CD25:1
26. Offenses and Miscellaneous Provisions	CD26:1
Art. I. In General.....	CD26:3
Art. II. Minors	CD26:5
Art. III. Stealing	CD26:6
27. Reserved.....	CD27:1
28. Planning.....	CD28:1
Art. I. In General.....	CD28:3
Art. II. Planning Commission	CD28:3
29. Reserved.....	CD29:1

TABLE OF CONTENTS—Cont'd.

Chapter	Page
30. Solid Waste	CD30:1
31. Reserved.....	CD31:1
32. Streets, Sidewalks and Other Public Places.....	CD32:1
Art. I. In General.....	CD32:3
Art. II. Town Buildings	CD32:3
Art. III. Drug Free Zones	CD32:3
Art. IV. Excavations	CD32:4
Art. V. Business Operations Permit	CD32:5
33. Security Gates and Limited Access Gates.....	CD33:1
34. Subdivisions	CD34:1
35. Reserved.....	CD35:1
36. Taxation	CD36:1
Art. I. In General.....	CD36:5
Art. II. Sales and Use Tax	CD36:5
Div. 1. Generally	CD36:5
Div. 2. Imposition of Tax	CD36:6
Div. 3. Collection of Tax By Dealer.....	CD36:8
Div. 4. Collection of Tax from Dealer	CD36:9
Div. 5. Records and Inspection.....	CD36:9
Div. 6. Imported Goods Permits.....	CD36:12
Div. 7. Remedies for Collection, Including Interest and Penalties.....	CD36:12
Div. 8. Refunds and Reimbursements	CD36:18
Div. 9. Remedies of the Dealer.....	CD36:19
Div. 10. Other Administrative Provisions	CD36:20
Div. 11. Disposition of Tax Proceeds and Revenues	CD36:23
Div. 12. Additional Taxes Imposed	CD36:23
Art. III. Occupational License Taxes	CD36:24
37. Reserved.....	CD37:1
38. Traffic and Vehicles.....	CD38:1
Art. I. In General.....	CD38:3
Art. II. Regulations.....	CD38:3
Art. III. Traffic Control Devices.....	CD38:5
39. Reserved.....	CD39:1
40. Utilities.....	CD40:1
Art. I. In General.....	CD40:3
Art. II. Water Service.....	CD40:4.1
Div. 1. Generally	CD40:4.1
Div. 2. Drinking Water Protection.....	CD40:6
Art. III. Sewer Service.....	CD40:9
Div. 1. Generally	CD40:9
Div. 2. Service Policies and Procedures.....	CD40:12
Div. 3. Administration and Enforcement.....	CD40:19

HAUGHTON TOWN CODE

Chapter	Page
41. Telecommunications	CD41:1
Art. I. Telecommunications Facilities/Towers.....	CD41:3
42. Zoning.....	CD42:1
Art. I. In General.....	CD42:7
Art. II. District Regulations	CD42:11
Div. 1. Generally	CD42:11
Div. 2. Residential Districts	CD42:13
Div. 3. Business Districts	CD42:24.1
Div. 4. Industry Districts.....	CD42:37
Art. III. Supplementary Regulations	CD42:48
Div. 1. Generally	CD42:48
Div. 2. Supplementary Use Regulations	CD42:48
Div. 3. Supplementary Area Regulations	CD42:49
Div. 4. Supplementary Height Regulations	CD42:50
Div. 5. Yard Regulations	CD42:50
Div. 6. Protection Standards.....	CD42:52
Art. IV. Planned Building Groups and Residential Planned Unit Development	CD42:53
Div. 1. Generally	CD42:53
Div. 2. Planned Building Groups.....	CD42:56
Subdiv. I. In General	CD42:56
Subdiv. II. Conditions to Be Met By Special Plans.....	CD42:57
Div. 3. Residential Planned Unit Development....	CD42:58
Subdiv. I. In General	CD42:58
Subdiv. II. Conditions to Be Met By Special Plans.....	CD42:58
Art. V. Off-Street Parking and Off-Street Truck Load- ing	CD42:60
Div. 1. Generally	CD42:60
Div. 2. Off-Street Parking Requirements	CD42:61
Div. 3. Off-Street Truck Loading Facilities.....	CD42:64
Art. VI. Nonconforming Uses and Structure	CD42:66
Div. 1. Generally	CD42:66
Div. 2. Nonconforming Uses	CD42:67
Div. 3. Nonconforming Structures.....	CD42:68
Art. VII. Administration and Enforcement.....	CD42:69
Div. 1. Generally	CD42:69
Div. 2. Office of Zoning Administration	CD42:71
Div. 3. Board of Appeals.....	CD42:73
Art. VIII. Zoning Amendments	CD42:75
Appendix	
A. Traffic Offenses Fine Schedule.....	CDA:1
B. Traffic Schedule	CDB:1
Code Comparative Table—1976 Code	CCT:1
Code Comparative Table—Ordinances	CCT:3

TABLE OF CONTENTS—Cont'd.

	Page
State Law Reference Table	SLT:1
Code Index	CDi:1

Checklist of Up-to-Date Pages

(This checklist will be updated with the printing of each Supplement)

From our experience in publishing Looseleaf Supplements on a page-for-page substitution basis, it has become evident that through usage and supplementation many pages can be inserted and removed in error.

The following listing is included in this Code as a ready guide for the user to determine whether the Code volume properly reflects the latest printing of each page.

In the first column all page numbers are listed in sequence. The second column reflects the latest printing of the pages as they should appear in an up-to-date volume. The letters "OC" indicate the pages have not been reprinted in the Supplement Service and appear as published for the original Code. When a page has been reprinted or printed in the Supplement Service, this column reflects the identification number or Supplement Number printed on the bottom of the page.

In addition to assisting existing holders of the Code, this list may be used in compiling an up-to-date copy from the original Code and subsequent Supplements.

Page No.	Supp. No.	Page No.	Supp. No.
Title Page	1	CD5:1	OC
iii	OC	CD6:1	OC
vii, viii	OC	CD6:3	OC
ix	OC	CD7:1	OC
xiii, xiv	1	CD8:1	1
xv, xvi	1	CD8:3, CD8:4	1
xvii	1	CD8:5, CD8:6	1
SH:1, SH:2	1	CD8:7, CD8:8	1
CD1:1	OC	CD8:9, CD8:10	1
CD1:3, CD1:4	OC	CD8:11, CD8:12	1
CD1:5, CD1:6	OC	CD8:13, CD8:14	1
CD1:7, CD1:8	OC	CD8:15, CD8:16	1
CD1:9	OC	CD8:17, CD8:18	1
CD2:1	OC	CD8:19, CD8:20	1
CD2:3, CD2:4	OC	CD8:21, CD8:22	1
CD2:5, CD2:6	OC	CD8:23, CD8:24	1
CD2:7	OC	CD9:1	OC
CD3:1	OC	CD10:1, CD10:2	OC
CD4:1	OC	CD10:3, CD10:4	OC
CD4:3, CD4:4	OC	CD10:5, CD10:6	OC
CD4:5, CD4:6	OC	CD10:7, CD10:8	OC

[1]

Supp. No. 1

HAUGHTON TOWN CODE

Page No.	Supp. No.	Page No.	Supp. No.
CD10:9, CD10:10	OC	CD18:3	OC
CD10:11, CD10:12	OC	CD19:1	OC
CD10:13, CD10:14	OC	CD20:1	OC
CD10:15, CD10:16	OC	CD20:3, CD20:4	OC
CD10:17, CD10:18	OC	CD20:5, CD20:6	OC
CD10:19, CD10:20	OC	CD21:1	OC
CD10:21, CD10:22	OC	CD22:1	OC
CD10:23, CD10:24	OC	CD22:3	OC
CD10:25, CD10:26	OC	CD23:1	OC
CD10:27, CD10:28	OC	CD24:1, CD24:2	OC
CD10:29, CD10:30	OC	CD24:3, CD24:4	OC
CD10:31, CD10:32	OC	CD24:5, CD24:6	OC
CD10:33, CD10:34	OC	CD24:7, CD24:8	OC
CD10:35, CD10:36	OC	CD24:9, CD24:10	OC
CD10:37, CD10:38	OC	CD25:1	OC
CD10:39	OC	CD26:1	1
CD11:1	OC	CD26:3, CD26:4	1
CD12:1	OC	CD26:5, CD26:6	1
CD12:3, CD12:4	OC	CD26:7	1
CD13:1	OC	CD27:1	OC
CD14:1	1	CD28:1	OC
CD14:3, CD14:4	1	CD28:3, CD28:4	OC
CD14:5, CD14:6	1	CD29:1	OC
CD14:7, CD14:8	1	CD30:1	OC
CD14:9, CD14:10	1	CD30:3, CD30:4	OC
CD15:1	OC	CD31:1	OC
CD16:1	OC	CD32:1	OC
CD16:3, CD16:4	OC	CD32:3, CD32:4	OC
CD16:5, CD16:6	OC	CD32:5, CD32:6	OC
CD16:7, CD16:8	OC	CD32:7, CD32:8	OC
CD16:9, CD16:10	OC	CD32:9	OC
CD16:11, CD16:12	OC	CD33:1	1
CD16:13, CD16:14	OC	CD33:3	1
CD16:15, CD16:16	OC	CD34:1	OC
CD16:17, CD16:18	OC	CD34:3, CD34:4	OC
CD16:19	OC	CD34:5, CD34:6	OC
CD17:1	OC	CD34:7, CD34:8	OC
CD18:1	OC	CD34:9, CD34:10	OC

CHECKLIST OF UP-TO-DATE PAGES

Page No.	Supp. No.	Page No.	Supp. No.
CD34:11, CD34:12	OC	CD41:1	1
CD34:13, CD34:14	OC	CD41:3, CD41:4	1
CD34:15, CD34:16	OC	CD41:5, CD41:6	1
CD34:17, CD34:18	OC	CD41:7, CD41:8	1
CD35:1	OC	CD41:9, CD41:10	1
CD36:1, CD36:2	OC	CD42:1, CD42:2	1
CD36:3	OC	CD42:3, CD42:4	1
CD36:5, CD36:6	OC	CD42:5	1
CD36:7, CD36:8	OC	CD42:7, CD42:8	OC
CD36:9, CD36:10	OC	CD42:9, CD42:10	1
CD36:11, CD36:12	OC	CD42:11, CD42:12	1
CD36:13, CD36:14	OC	CD42:12.1	1
CD36:15, CD36:16	OC	CD42:13, CD42:14	OC
CD36:17, CD36:18	OC	CD42:15, CD42:16	OC
CD36:19, CD36:20	OC	CD42:17, CD42:18	OC
CD36:21, CD36:22	OC	CD42:19, CD42:20	OC
CD36:23, CD36:24	OC	CD42:21, CD42:22	OC
CD36:25, CD36:26	1	CD42:23, CD42:24	1
CD36:27	1	CD42:24.1	1
CD37:1	OC	CD42:25, CD42:26	OC
CD38:1	OC	CD42:27, CD42:28	OC
CD38:3, CD38:4	1	CD42:29, CD42:30	OC
CD38:4.1	1	CD42:31, CD42:32	OC
CD38:5, CD38:6	OC	CD42:33, CD42:34	OC
CD39:1	OC	CD42:35, CD42:36	OC
CD40:1, CD40:2	1	CD42:37, CD42:38	OC
CD40:3, CD40:4	1	CD42:39, CD42:40	OC
CD40:4.1	1	CD42:41, CD42:42	OC
CD40:5, CD40:6	OC	CD42:43, CD42:44	OC
CD40:7, CD40:8	OC	CD42:45, CD42:46	OC
CD40:9, CD40:10	OC	CD42:47, CD42:48	OC
CD40:11, CD40:12	OC	CD42:49, CD42:50	OC
CD40:13, CD40:14	OC	CD42:51, CD42:52	OC
CD40:15, CD40:16	OC	CD42:53, CD42:54	OC
CD40:17, CD40:18	OC	CD42:55, CD42:56	OC
CD40:19, CD40:20	OC	CD42:57, CD42:58	OC
CD40:21, CD40:22	OC	CD42:59, CD42:60	OC
CD40:23, CD40:24	OC	CD42:61, CD42:62	OC

[3]

Supp. No. 1

HAUGHTON TOWN CODE

Page No.	Supp. No.	Page No.	Supp. No.
CD42:63, CD42:64	OC	CDi:34.1	1
CD42:65, CD42:66	OC	CDi:35, CDi:36	OC
CD42:67, CD42:68	OC	CDi:37, CDi:38	OC
CD42:69, CD42:70	OC	CDi:39, CDi:40	OC
CD42:71, CD42:72	OC	CDi:41, CDi:42	OC
CD42:73, CD42:74	OC	CDi:43, CDi:44	OC
CD42:75, CD42:76	OC	CDi:45, CDi:46	OC
CD42:77, CD42:78	OC	CDi:47, CDi:48	1
CDA:1	OC	CDi:49, CDi:50	OC
CDA:3, CDA:4	OC	CDi:51, CDi:52	OC
CDA:5, CDA:6	OC	CDi:53, CDi:54	OC
CDB:1	OC	CDi:55, CDi:56	1
CDB:3, CDB:4	1	CDi:57, CDi:58	1
CDB:5	1	CDi:59, CDi:60	1
CCT:1	OC	CDi:60.1	1
CCT:3, CCT:4	OC	CDi:61, CDi:62	OC
CCT:5, CCT:6	1	CDi:63, CDi:64	OC
CCT:7, CCT:8	1	CDi:65, CDi:66	OC
SLT:1, SLT:2	1	CDi:67, CDi:68	OC
CDi:1, CDi:2	OC	CDi:69, CDi:70	OC
CDi:3, CDi:4	OC	CDi:71, CDi:72	OC
CDi:5, CDi:6	OC	CDi:73, CDi:74	OC
CDi:7, CDi:8	1	CDi:75	OC
CDi:8.1	1		
CDi:9, CDi:10	OC		
CDi:11, CDi:12	OC		
CDi:13, CDi:14	OC		
CDi:15, CDi:16	OC		
CDi:17, CDi:18	1		
CDi:19, CDi:20	1		
CDi:20.1	1		
CDi:21, CDi:22	OC		
CDi:23, CDi:24	OC		
CDi:25, CDi:26	OC		
CDi:27, CDi:28	OC		
CDi:29, CDi:30	OC		
CDi:31, CDi:32	OC		
CDi:33, CDi:34	1		

SUPPLEMENT HISTORY TABLE

The table below allows users of this Code to quickly and accurately determine what ordinances have been considered for codification in each supplement. Ordinances that are of a general and permanent nature are codified in the Code Book and are considered "Includes." Ordinances that are not of a general and permanent nature are not codified in the Code Book and are considered "Omits."

In addition, by adding to this table with each supplement, users of this Code of Ordinances will be able to gain a more complete picture of the Code's historical evolution.

Ord. No.	Date Adopted	Include/ Omit	Supp. No.
13-2008	10-14-2008	Omit	1
14-2008	10-14-2008	Omit	1
1-2009	10- 5-2009	Omit	1
2-2009	11-10-2009	Omit	1
3-2009	12- 8-2009	Omit	1
4-2009	12-17-2009	Omit	1
1-2009 (Res.)	12- 8-2009	Omit	1
1-2010	3- 9-2010	Omit	1
2-2010	4-13-2010	Omit	1
3-2010	5-11-2010	Omit	1
4-2010	6-11-2010	Include	1
5-2010	7-13-2010	Omit	1
6-2010	8-10-2010	Include	1
7-2010	12-14-2010	Omit	1
8-2010	12-14-2010	Omit	1
1-2011	7-12-2011	Include	1
2-2011	8- 8-2011	Omit	1
3-2011	12-13-2011	Omit	1
4-2011	12-13-2011	Omit	1
5-2011	12-13-2011	Include	1
1-A-2012	9-11-2012	Include	1
1-B-2012	9-11-2012	Include	1
2-2012	12-11-2012	Omit	1
3-2012	12-11-2012	Omit	1
4-2012	1- 8-2013	Include	1
1-2013	3- 9-2013	Omit	1
1-2014	3-11-2014	Include	1

HAUGHTON TOWN CODE

Ord. No.	Date Adopted	Include/ Omit	Supp. No.
2-2014	4- 8-2014	Omit	1
3-2014	3-11-2014	Include	1
4-2014	3-11-2014	Include	1
5-2014	3-11-2014	Include	1
6-2014	9- 9-2014	Include	1
7-2014	8-12-2014	Omit	1
8-2014	10-14-2014	Omit	1
10-2014	12- 9-2014	Omit	1
1-2015	2-10-2015	Include	1
2-2015	5-12-2015	Include	1

CODE OF ORDINANCES

Chapter 1

GENERAL PROVISIONS

- Sec. 1-1. Designation and citation of Code.
- Sec. 1-2. Rules of construction and definitions.
- Sec. 1-3. Effect of repeal of ordinances.
- Sec. 1-4. Severability of parts of Code.
- Sec. 1-5. Amendments to Code; effect of new ordinances; amendatory language.
- Sec. 1-6. Altering Code.
- Sec. 1-7. General penalty.
- Sec. 1-8. Catchlines of sections; history notes; references to Code.
- Sec. 1-9. Supplementation of Code.
- Sec. 1-10. Code does not affect prior offenses, rights, etc.
- Sec. 1-11. Ordinances not affected by Code.

Sec. 1-1. Designation and citation of Code.

The ordinances embraced in the following chapters and sections shall constitute and be designated and cited as the "Code of Ordinances of the Town of Haughton, Louisiana." This Code may also be cited as the "Haughton Town Code."

(Code 1976, § 1-1)

State law reference—Ordinance codification, La. Const. art. VI, § 10, R.S. 33:1361—33:1363.

Sec. 1-2. Rules of construction and definitions.

(a) In the construction of this Code, and of all ordinances, the rules and definitions set out in this section shall be observed, unless such construction would be inconsistent with the manifest intent of the parish commission. The rules of construction and definitions set out herein shall not be applied to any section of this Code which shall contain any express provisions excluding such construction, or where the subject matter or context of such section may be repugnant thereto.

(b) Generally. All general provisions, terms, phrases and expressions contained in this Code shall be liberally construed in order that the true intent and meaning of the parish commission may be fully carried out.

(c) In the interpretation and application of any provisions of this Code, they shall be held to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience and general welfare. Where any provision of the Code imposes greater restrictions upon the subject matter than another more general provision imposed by the Code or other law, the provision imposing the greater restriction or regulation shall be controlling.

Board of aldermen. The term "board of aldermen," "board," "aldermen," or "town council" means the board of aldermen of the Town of Haughton, Louisiana.

C.C. The abbreviation "C.C." refers to the Louisiana Civil Code, as amended.

C.C.P. The abbreviation "C.C.P." refers to the Louisiana Code of Civil Procedure, as amended.

C.Cr.P. The abbreviation "C.Cr.P." refers to the Louisiana Code of Criminal Procedure, as amended.

Ch.C. The abbreviation "Ch.C." refers to the Louisiana Children's Code, as amended.

Code. The term "Code" or "this Code" means the Code of Ordinances, Town of Haughton, Louisiana, as designated in section 1-1.

Computation of time. In computing a period of time allowed or prescribed by ordinance, the date of the act, event, or default after which the period begins to run is not to be included. The last day of the period is to be included, unless it is a legal holiday, in which event the period

runs until the end of the next day which is not a legal holiday. A half-holiday is considered as a legal holiday. A legal holiday is to be included in the computation of a period of time allowed or prescribed, except when:

- (1) It is expressly excluded;
- (2) It would otherwise be the last day of the period; or
- (3) The period is less than seven days.

State law reference—Similar provisions, La. C.C.P. art. 5059.

Gender. A word importing one gender only shall extend and be applied to other genders and to firms, partnerships, and corporations as well.

State law reference—Similar provision, R.S. 1:8.

Governing authority, governing body. The term "governing authority" or "governing body" means the mayor and board of aldermen of the Town of Haughton.

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.

May. The term "may" shall be construed as being permissive.

Mayor. The term "mayor" means the mayor of the Town of Haughton, Louisiana.

Month. The term "month" shall mean a calendar month.

Must. The term "must" shall be construed as being mandatory.

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

State law reference—Similar provision, R.S. 1:7.

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

Officers, boards, commissions. Whenever reference is made to officers, boards or commissions by title only, such as "planning commission," said references shall be read as though followed by the words "of the Town of Haughton, Louisiana."

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

Parish. The term "parish" means the Parish of Bossier.

Person. The term "person" extends and applies to a number of persons and to associations, clubs, societies, firms, partnerships, and bodies politic and corporate, as well as to individuals.

State law reference—Similar provision, R.S. 1:10.

Property. The term "property" includes movable and immovable property.

R.S. The abbreviation "R.S." refers to the Louisiana Revised Statutes of 1950, as amended.

Shall. The term "shall" shall be construed as being 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 or road. The term "street" or "road" means and includes streets, roads, avenues, boulevards, alleys, lanes, viaducts, and all other public highways in the parish.

Tense. Terms used in the past or present tense includes the future as well as the past and present.

Town. The term "town" means the "Town of Haughton, Louisiana."

Week. The term "week" means seven days.

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

Sec. 1-3. 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 1976, § 1-2)

State law reference—Similar provision, R.S. 1:15.

Sec. 1-4. 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 board of aldermen without the incorporation in this Code of any unconstitutional, unenforceable or invalid phrase, clause, sentence, paragraph or section.

(Code 1976, § 1-3)

Sec. 1-5. Amendments to Code; effect of new ordinances; amendatory language.

(a) All ordinances passed subsequent to this Code of Ordinances which amend, repeal or in any way affect this Code of Ordinances may be numbered in accordance with the numbering system of this Code and printed for inclusion therein. When subsequent ordinances repeal any

State law reference—Similar provision, R.S. 1:10.

Property. The term "property" includes movable and immovable property.

R.S. The abbreviation "R.S." refers to the Louisiana Revised Statutes of 1950, as amended.

Shall. The term "shall" shall be construed as being 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 or road. The term "street" or "road" means and includes streets, roads, avenues, boulevards, alleys, lanes, viaducts, and all other public highways in the parish.

Tense. Terms used in the past or present tense includes the future as well as the past and present.

Town. The term "town" means the "Town of Haughton, Louisiana."

Week. The term "week" means seven days.

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(Code 1976, § 1-2)

State law reference—Similar provision, R.S. 1:15.

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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 board of aldermen without the incorporation in this Code of any unconstitutional, unenforceable or invalid phrase, clause, sentence, paragraph or section.

(Code 1976, § 1-3)

Sec. 1-5. Amendments to Code; effect of new ordinances; amendatory language.

(a) All ordinances passed subsequent to this Code of Ordinances which amend, repeal or in any way affect this Code of Ordinances may be numbered in accordance with the numbering system of this Code and printed for inclusion therein. When subsequent ordinances repeal any

(b) The history or source notes appearing in parentheses after sections in this Code are not intended to have any legal effect but are merely intended to indicate the source of matter contained in the section. State law references which appear after sections or subsections of this Code or which otherwise appear in footnote form are provided for the convenience of the user of this Code and have no legal effect.

(c) All references to chapters, articles, or sections are to the chapters, articles, and sections of this Code unless otherwise specified.

State law reference—Headings and ancillary information not part of law, R.S. 1:13.

Sec. 1-9. Supplementation of Code.

(a) By contract or by town personnel, supplements to this Code shall be prepared and printed whenever authorized or directed by the mayor and board of aldermen. A supplement to the Code shall include substantive permanent and general parts of ordinances passed by the mayor and board of aldermen or adopted by initiative and referendum during the period covered by the supplement and all changes made thereby in the Code. The pages of a supplement shall be so numbered that they will fit properly into the Code and will, where necessary, replace pages which have become obsolete or partially obsolete, and the new pages shall be so prepared that, when they have been inserted, the Code will be current through the date of the adoption of the latest ordinance included in the supplement.

(b) In preparing a supplement to this Code, all portions of the Code which have been repealed shall be excluded from the Code by the omission thereof from reprinted pages.

(c) When preparing a supplement to this Code, the codifier (meaning the person, agency or organization authorized to prepare the supplement) may make formal, nonsubstantive changes in ordinances and parts of ordinances included in the supplement, insofar as it is necessary to do so to embody them into a unified code. For example, the codifier may:

- (1) Organize the ordinance material into appropriate subdivisions;
- (2) Provide appropriate catchlines, headings and titles for sections and other subdivisions of the Code printed in the supplement, and make changes in such catchlines, headings and titles;
- (3) Assign appropriate numbers to sections and other subdivisions to be inserted in the Code and, where necessary to accommodate new material, change existing section or other subdivision numbers;
- (4) Change the words "this ordinance" or words of the same meaning to "this chapter," "this article," "this division," etc., as the case may be, or to "sections ___ to ___" (inserting section numbers to indicate the sections of the Code which embody the substantive sections or the ordinance incorporated into the Code); and
- (5) Make other nonsubstantive changes necessary to preserve the original meaning of ordinance sections inserted into the Code; but in no case shall the codifier make any change in the meaning or effect of ordinance material included in the supplement or already embodied in the Code.

(d) The publisher, editor or codifier shall omit all titles of ordinances; all enacting, resolving and repealing clauses; all appropriation measures; all temporary ordinances; all declarations of emergency; and all validity, declaration of policy and construction clauses, except when the retention thereof is necessary to preserve the full meaning and intent of the law. Whenever any validity, declaration of policy or construction clause is omitted, proper notation of the omission may be made.

Sec. 1-10. Code does not affect prior offenses, rights, etc.

(a) Nothing in this Code or the ordinance adopting this Code shall affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract or right established or accruing before the effective date of this Code.

(b) The adoption of this Code shall not be interpreted as authorizing or permitting any use or the continuance of any use of a structure or premises in violation of any ordinance of the town in effect on the date of adoption of this Code.

Sec. 1-11. Ordinances not affected by Code.

(a) Nothing in this Code or the ordinance adopting this Code affects the validity of any ordinance or resolution, or any portion thereof:

- (1) Promising or guaranteeing the payment of money for the town or any contract or obligation assumed by the town;
- (2) Establishing or amending the administrative rules or regulations of the town not in conflict or inconsistent with the provisions of the Code;
- (3) Making or approving any appropriation or budget;
- (4) Granting any right or franchise by the town governing authority to any person, firm or corporation;
- (5) Dedicating, naming, establishing, locating relocating, opening, closing, paving, widening, vacating, etc., any street or public way in the town;
- (6) Establishing the prescribing of street grades of any streets in the town;
- (7) Providing for local improvements or assessing taxes or special assessments therefor;
- (8) Dedicating or accepting any plat or subdivision in the town;
- (9) Annexing property to the town or de-annexing property or excluding property from the town;
- (10) Regulating the erection, alteration, repair, demolition, moving or removal of buildings or other structures, except that these ordinances have been amended as part of this recodification;
- (11) Rezoning specific property or amending the zoning map;
- (12) The issuance of corporate bonds and notes of the town of whatever name or description;

- (13) Water, sewer and electric rates, rules and regulations and sewer and water main construction;
 - (14) Providing for salaries, benefits, or policy and procedures for municipal officers or employees not codified in this Code;
 - (15) Releasing a person from liability;
 - (16) Calling or ordering an election;
 - (17) Adopting or amending the comprehensive plan;
 - (18) Levying, imposing taxes not codified in this Code;
 - (19) Providing traffic or parking regulations for specific locations or routing buses in a manner not inconsistent with this Code;
 - (20) That is temporary, although general in effect;
 - (21) That is special, although permanent in effect; or
 - (22) The purpose of which has been accomplished.
- (b) The ordinances designated in subsection (a) of this section continue in full force and effect to the same extent as if published at length in this Code.
- (c) Nothing in this Code or the ordinance adopting this Code affects any Charter ordinance.

Chapter 2

ADMINISTRATION*

Article I. In General

Secs. 2-1—2-18. Reserved.

Article II. Legislative Body

- Sec. 2-19. Date of regular meetings.
- Sec. 2-20. Presiding officer.
- Sec. 2-21. Quorum.
- Sec. 2-22. Order of business.
- Sec. 2-23. Appointment of committees.
- Sec. 2-24. Publication of ordinances; minutes.
- Sec. 2-25. Appointment of treasurer.
- Sec. 2-26. Salary of mayor.
- Sec. 2-27. Salary of aldermen.
- Sec. 2-28. Salary of marshal.
- Secs. 2-29—2-59. Reserved.

Article III. Officers and Employees

- Sec. 2-60. Town employee handbook adopted.
- Sec. 2-61. Appointments with confirmation from the mayor and the board of aldermen.
- Sec. 2-62. Fulltime salaried employees required to reside within incorporated town city limits.
- Sec. 2-63. Appointment, suspension, and dismissal.
- Secs. 2-64—2-84. Reserved.

Article IV. Boards, Commissions and Committees

- Sec. 2-85. County festival committee designated as a tourist promotion agency.
- Secs. 2-86—2-113. Reserved.

Article V. Finances

- Sec. 2-114. Investment of public funds.
- Sec. 2-115. Reporting requirements.

*State law reference—Municipalities generally, R.S. 33:1 et seq.

ARTICLE I. IN GENERAL

Secs. 2-1—2-18. Reserved.

ARTICLE II. LEGISLATIVE BODY**Sec. 2-19. Date of regular meetings.**

The mayor and board of aldermen shall meet regularly on the second Tuesday in each month at the town hall. If the second Tuesday shall fall on a holiday, the regular meeting shall be held on the following Tuesday.

(Code 1976, § 2-1)

State law reference—Meetings of mayor and board of aldermen, R.S. 33:405.

Sec. 2-20. Presiding officer.

The mayor shall preside over the deliberations of the board of aldermen, call them to order, see that a quorum is present before proceeding to business, and take ayes and nays on all motions which have been seconded.

(Code 1976, § 2-2)

Sec. 2-21. Quorum.

A quorum shall consist of the mayor and at least three aldermen.

(Code 1976, § 2-3)

Sec. 2-22. Order of business.

The order of business shall be: first, reading of the minutes of the last meeting; second, unfinished business; and third, new business.

(Code 1976, § 2-4)

Sec. 2-23. Appointment of committees.

The mayor shall appoint all committees not otherwise provided for.

(Code 1976, § 2-6)

Sec. 2-24. Publication of ordinances; minutes.

All ordinances passed by the board of aldermen shall be dated and signed by the mayor and clerk and published according to law. The minutes of each meeting shall be signed by the mayor and clerk.

(Code 1976, § 2-7)

State law reference—Enactment, recording, and publication of ordinances, R.S. 33:406.

Sec. 2-25. Appointment of treasurer.

There shall be elected by the board of aldermen at their first regular meeting after their election or appointment a treasurer.

(Code 1976, § 2-8)

State law reference—Appointment of municipal officials, R.S. 33:386.

Sec. 2-26. Salary of mayor.

A salary shall be paid to the mayor in an amount according to state law and as established by the board of aldermen from time to time.

(Code 1976, § 2-9; Ord. No. 1-1976, § 1, 2-10-1976; Ord. No. 6-1991, 12-19-1991; Ord. No. 3-2000, § 1, 7-11-2000)

Sec. 2-27. Salary of aldermen.

A salary shall be paid to the aldermen in an amount according to state law and as established by the board of aldermen from time to time, but one month's salary shall be forfeited for any calendar month in which a council meeting is missed unless the absence is excused by unanimous consent of the mayor and other councilmembers present at such meeting.

(Code 1976, § 2-10; Ord. No. 1-1976, § 2, 2-10-1976; Ord. No. 5-1987, 12-8-1987; Ord. No. 1-1992, 2-11-1992; Ord. No. 2-2000, 7-11-2000)

Sec. 2-28. Salary of marshal.

A salary shall be paid to the marshal together with additional sums, if any, as may be authorized by the mayor and board of aldermen which additional sums shall not exceed \$25.00 per month. The amounts to be paid shall be according to state law and shall be established by the board of aldermen from time to time.

(Code 1976, § 2-11; Ord. No. 1-1976, § 3, 2-10-1976)

Secs. 2-29—2-59. Reserved.

ARTICLE III. OFFICERS AND EMPLOYEES

Sec. 2-60. Town employee handbook adopted.

The Town of Haughton Employee Handbook, as amended, including the town employee drug abuse and testing policy, is hereby adopted by reference and incorporated herein as if fully set out.

Sec. 2-61. Appointments with confirmation from the mayor and the board of aldermen.

The mayor, subject to the confirmation by the board of aldermen, shall appoint all deputy clerks and other appointed officials for the town. These appointments shall be for terms of one

year, with employment being subject to the performance of administrative duties of the deputy clerk and other appointed officials. The removal of deputy clerks and other appointed officials from the town's employment shall be at the discretion of the mayor, subject to the approval by the board of aldermen, except that in case of a tie vote, the recommendation of the mayor shall prevail.

(Ord. No. 5-1997, 10-14-1997)

Sec. 2-62. Fulltime salaried employees required to reside within incorporated town city limits.

The police personnel, the water and utilities superintendent, the fire chief, and town clerk, who are fulltime salaried employees of the town are required to reside within the incorporated town "city" limits.

- (1) Should there be extreme circumstances where this provision would create hardships, because of disaster, or circumstances beyond the control of the employee involved, the mayor, board of aldermen and, in cases involving the police department, the chief of police may, at their discretion, work with the employee involved, and temporarily make a variance to the ordinance, if such intended variance would:
 - a. Be in the best interest of the citizenry of the town; and
 - b. Be temporary to help the employee overcome the circumstance of not living within the town "city" limits.

The mayor, board of aldermen, and chief of police (if police personnel are involved) shall have full jurisdiction in determining extreme circumstances. Any decision by the mayor or chief of police, with reference to variance, shall be presented to the board of aldermen for a final decision to variances.

- (2) Should an employee named in this provision choose not to abide by the rules set forth in this provision, and refuse to reside within the town "city" limits, or choose to relocate his place of residence and it is outside the town "city" limits, this action shall be deemed grounds for dismissal for employment by the town.

(Ord. No. 4-1995, 5-9-1995)

Sec. 2-63. Appointment, suspension, and dismissal.

(a) The vacancies to be filled in the municipal service shall be publicized in order that qualified persons shall be encouraged to apply and qualify for municipal employment.

(b) The employees shall be appointed pursuant to R.S. 33:404(A)(3). Appointments to positions shall be made on the basis of merit and fitness. In filling vacancies, an effort should be made to promote qualified employees before seeking an outside replacement.

(c) All appointments to positions in the service of the municipality shall be for a probationary period of six months.

(d) During the investigation, hearing, or trial of an employee on any criminal charge, or during the course of any civil action involving an employee, when suspension would be in the best interest of the municipality, the mayor may suspend the employee without pay for the duration of the proceedings as a nondisciplinary measure. Back pay shall not, ordinarily, be recoverable; but where the suspension is terminated by full reinstatement of the employee, the mayor may authorize full recovery of pay and benefits for the entire or for any lesser period of the suspension.

(e) An unsatisfactory employee shall be notified how his work is deficient and what he must do if his work is to be satisfactory. If the employee's work continues to be below standard, the mayor shall demote or dismiss the employee pursuant to R.S. 33:404(A)(3).

(f) Prior to dismissal or termination of an employee, the employee shall be notified, by the mayor or authorized department head, either verbally or in writing, of the reason for his dismissal or termination. The employee shall further be advised of the evidence on which the dismissal or termination is based. The employee shall also be given an opportunity to respond, either verbally or in writing, prior to dismissal or termination.

(Ord. No. 4-1985, § 4.1, 12-17-1985)

Secs. 2-64—2-84. Reserved.

ARTICLE IV. BOARDS, COMMISSIONS AND COMMITTEES

Sec. 2-85. Country festival committee designated as a tourist promotion agency.

The Country Festival Committee, a nonprofit corporation, domiciled in the town is hereby designated as a "tourist promotion agency" for said town, and is authorized to make application to and receive grants from or contract with the Louisiana Tourist Development Commission.

(Ord. No. 3-1980, 7-8-1980)

Secs. 2-86—2-113. Reserved.

ARTICLE V. FINANCES

Sec. 2-114. Investment of public funds.

(a) The following transactions are expressly prohibited for the investment of the town's assets, which are held in trust by a fiduciary as designated by the town:

- (1) Any transactions not authorized by this policy.
- (2) The purchase of securities on margin.
- (3) Director purchases of single-family or commercial mortgages.
- (4) Purchases of foreign bonds.

- (5) The short sale of securities.
- (6) Effective August 15, 1995, as provided in R.S. 33:2955(A)(1)(b)(iii), enacted by Act No. 1126 of 1995, investment in obligations issued or guaranteed by federal agencies or U.S. government instrumentalities which are collateralized mortgage obligations that have been stripped into interest only or principal only obligations, inverse floaters, or structured notes. The term "structured note" means securities of the U.S. government agencies, instrumentalities, or government-sponsored enterprises which have been restructured, modified, and/or reissued by private entities.

(b) Any investments which were made prior to August 15, 1995, and which are now prohibited investments shall be monitored on a monthly basis by the board of aldermen and disposed of by the town when, upon recommendation of the board of aldermen after review of the solvency of the funds and investment climate, it is prudent to do so.

(Ord. No. 4-1996, 5-14-1996)

State law reference—Investments by political subdivisions, R.S. 33:2955.

Sec. 2-115. Reporting requirements.

The clerk is required to provide reports to the mayor and board of aldermen biannually. The topics to be covered in these reports include the performance for the past period; standard time periods for each report will be last quarter, year to date, latest 12 months.

(Ord. No. 4-1996, 5-14-1996)

Chapter 3

RESERVED

Chapter 4

ALCOHOLIC BEVERAGES*

- Sec. 4-1. Definitions.
- Sec. 4-2. Penalties.
- Sec. 4-3. Operation without permit prohibited.
- Sec. 4-4. Application for permit.
- Sec. 4-5. Submission of application.
- Sec. 4-6. Facilities and business required location of business limited.
- Sec. 4-7. Renewal of permit.
- Sec. 4-8. Permit fees.
- Sec. 4-9. Suspension and revocation.
- Sec. 4-10. Tax on beverages of low alcoholic content.
- Sec. 4-11. Sale to incompetents.
- Sec. 4-12. Closing hours.
- Sec. 4-13. Alcoholic beverages from open container in public prohibited.

***State law references**—The Alcoholic Beverage Control Law, R.S. 26:1 et seq.; beverages of low alcoholic content, R.S. 26:241 et seq.; authority of, and limitations on, municipalities, R.S. 26:493.

Sec. 4-1. Definitions.

The definitions set forth in R.S. 26:1 (Alcohol Beverage Control Law—Definitions) and R.S. 26:241 (Alcohol Beverage Control and Taxation—Definitions), as amended, shall be effective as definitions of the words, terms and phrases used in this chapter. All words, terms and phrases used herein, other than those specifically defined elsewhere in this chapter, shall have the respective meanings ascribed to them in R.S. 26:1 and 26:241, as amended, and shall have the same scope and effect that the same words, terms and phrases have where used in R.S. 26:1 and 26:241, as amended.

Sec. 4-2. Penalties.

The violation of any of the provisions of this chapter shall constitute a misdemeanor and the owner, tenant, operator, manager, servant, employee, and any and all persons who shall perform any act of violation shall, upon conviction thereof be punished according to the general penalties described in section 1-7; provided further that each violation shall constitute a separate offense punishable as aforesaid and that any conviction hereunder shall operate as a revocation of the permit under which such business was conducted and no subsequent permit may be issued to any person convicted of violating any of the provisions of this chapter.

(Ord. No. 2-1984, § 14, 10-9-1984)

State law reference—Similar provision, R.S. 26:521.

Sec. 4-3. Operation without permit prohibited.

No person shall operate as a dealer in low alcoholic beverages as defined in R.S. 26:241, unless he has first applied for and received a permit from the town as required by this chapter. Each day's conduct of business by the dealer without a valid permit therefor constitutes a separate violation of this chapter.

(Ord. No. 2-1984, § 1, 10-9-1984)

Sec. 4-4. Application for permit.

All applications shall be in writing, sworn to and shall contain the full name and correct home address of the applicant and an accurate description and address of the business premises, and the application shall include an affidavit of the applicant that he meets the qualifications and conditions of R.S. 26:279. Unless he is seeking a renewal of his permit, an applicant for a retail dealer's permit shall attach to his application a certificate of publication by the publisher of the newspaper showing the publication of the notice required in R.S. 26:276.

(Ord. No. 2-1984, § 2, 10-9-1984)

Sec. 4-5. Submission of application.

All applications must be mailed or delivered to the mayor and board within 24 hours of the application for a state permit, and if the applicant fails to do so his application may be withheld and the permit denied. The mayor and board may issue permits immediately after proper

investigation but for a period of 35 days after receipt of the application, the permittee shall operate on a probationary basis subject to final action on opposition to or withholding of the permits.

(Ord. No. 2-1984, § 3, 10-9-1984)

Sec. 4-6. Facilities and business required location of business limited.

(a) No permit shall be granted in contravention of any applicable zoning ordinance or regulation.

(b) No permit shall be granted for any premises situated within 300 feet or less of any public playground, or of a building used exclusively as a church, synagogue, public library, or school, except a business college.

(c) The prohibition herein does not apply to any premises maintained as a hotel, railway car, or fraternal organization, nor to any premises which have been licensed to deal in low alcoholic beverages for a period of one year or longer prior to the adoption of the ordinance from which this article is derived.

(d) The persons engaged primarily in the sale, handling, distribution and storage of low alcoholic beverages which are ultimately delivered or transported beyond the borders of the state are exempt from complying with the standards in subsections (a) through (c) of this section.

(Ord. No. 2-1984, § 5, 10-9-1984; Ord. No. 1-1989, 1-10-1989)

Sec. 4-7. Renewal of permit.

(a) The persons holding permits as dealers in beverages of low alcoholic content shall file applications for renewal thereof for the ensuing year on or before November 1. Anyone filing his renewal application after that date shall be charged a delinquency penalty of 25 percent over and above the regular fee.

(b) A renewal permit may be withheld or denied on the same ground and in the same manner as an original permit.

(Ord. No. 2-1984, § 6, 10-9-1984)

Sec. 4-8. Permit fees.

Dealers in beverages of low alcoholic content are hereby required to pay an annual license fee according to the following schedule:

<i>Permit</i>	<i>Fee</i>
Wholesale dealers permit	\$100.00
Class A retail dealers permit	\$75.00
Class B retail dealers permit	\$60.00

(Ord. No. 2-1984, § 7, 10-9-1984; Ord. No. 6-1993, 12-14-1993; Ord. No. 2-1995, 3-14-1995)
State law reference—Local permit fees, R.S. 26:274.

Sec. 4-9. Suspension and revocation.

(a) The mayor and board of aldermen may suspend or revoke permits issued to a retail dealer in beverages of low alcoholic content for causes set forth in R.S. 26:285 and R.S. 26:286.

(b) Before any permit is suspended or revoked the holder shall be entitled to a hearing before the mayor and board of aldermen and the hearing and notice of that hearing shall comply with the requirements of R.S. 33:4787, and the holder of the permit shall likewise be entitled to appeal to the district court pursuant to R.S. 33:4788.

(Ord. No. 2-1984, § 8, 10-9-1984)

Sec. 4-10. Tax on beverages of low alcoholic content.

In addition to all other licenses and taxes which may be imposed, there is hereby imposed on the amount of beverages of low alcoholic content, sold and consumed within the municipal limits, a tax of \$1.50 per standard barrel of 31 gallons.

(Ord. No. 2-1984, § 9, 10-9-1984)

State law reference—Local gallonage tax, R.S. 26:492.

Sec. 4-11. Sale to incompetents.

No person shall sell, serve, give or deliver any low alcoholic beverages to or procure or aid in the procurement of any low alcoholic beverages for any habitual drunkard or person of unsound mind, knowing that the person buying, or receiving service of the low alcoholic beverages is an habitual drunkard or a lunatic.

(Ord. No. 2-1984, § 11, 10-9-1984)

Sec. 4-12. Closing hours.

No permittee hereunder shall sell any low alcoholic beverages between the hours of 12:01 a.m. and 7:00 a.m.

(Ord. No. 2-1984, § 13, 10-9-1984)

Sec. 4-13. Alcoholic beverages from open container in public prohibited.

(a) It shall be unlawful for any person to possess or consume alcoholic beverages of either high or low alcoholic content in or from any opened container as defined herein, in or on any public street, sidewalk, park, playground or unenclosed public place within the corporate limits of the town.

(b) For the purposes of this section, the term "open container" is defined as any container or receptacle wherein the seal or stamp has been broken, or any container, bottle or can that has been open subsequent to the filling of such container by the manufacturer, brewer, or distillery of such alcoholic beverages. Alcoholic beverages contained in drinking glasses, cups, including plastic glasses and styrofoam cups regardless of whether such container has a top affixed thereto shall be defined as an open container.

- (c) Whoever violates the provisions of this section shall be punished by:
- (1) A fine not to exceed:
 - a. First offense: \$100.00;
 - b. Second offense: \$200.00; and
 - c. Third offense: \$500.00; or
 - (2) Imprisonment for a term not exceeding 15 days; or
 - (3) By both such fine and imprisonment, within the discretion of the court.
- (Ord. No. 3-1995, 5-9-1995)

Chapter 5

RESERVED

Chapter 6

ANIMALS*

- Sec. 6-1. Prohibiting the raising, producing or keeping of swine, hogs, or pigs within the corporate limits.
- Sec. 6-2. Poultry and fowl running at large within the town city limits are prohibited.
- Sec. 6-3. Penalties.
- Sec. 6-4. Hog pens prohibited.

*State law reference—Animals generally, R.S. 3:1 et seq.

Sec. 6-1. Prohibiting the raising, producing or keeping of swine, hogs, or pigs within the corporate limits.

(a) It shall be unlawful for any person to raise, produce or keep on any private premises any swine, hogs or pigs within the corporate limits.

(b) Any person violating any of the provisions of this chapter, shall upon conviction be punished according to the general penalties described in section 1-7.

(Ord. No. 3-1981, 11-10-1981)

Sec. 6-2. Poultry and fowl running at large within the town city limits are prohibited.

It shall be unlawful for any person to permit any chickens, ducks, geese, guineas, turkeys or any other type of poultry or fowl to run at large in the town or keep any such poultry or fowl in any enclosure within 100 feet of an occupied residence. Such measurement shall begin from any portion of the occupied residence.

(Ord. No. 1-2008, § 5-5, 3-11-2008)

Sec. 6-3. Penalties.

The fine and/or imprisonment for conviction of violations of the provisions of this chapter shall be as follows:

	<i>Fine</i>	<i>Term of Imprisonment</i>
First offense	\$100.00	10 days
Second offense	\$200.00	20 days
Third offense	\$300.00	30 days

(Ord. No. 1-2008, § 5-8, 3-11-2008)

Sec. 6-4. Hog pens prohibited.

It shall be unlawful for any person to raise or produce on any private or public premises any swine, hogs or pigs within the corporate limits.

(Ord. No. 2-2008, § 21-3, 3-11-2008)

Chapter 7

RESERVED

Chapter 8

BUILDINGS AND BUILDING REGULATIONS*

Article I. In General

- Sec. 8-1. Definitions.
- Sec. 8-2. Enforcement of construction code.
- Sec. 8-3. Building officials.
- Sec. 8-4. Plumbing inspector.
- Sec. 8-5. Building code.
- Secs. 8-6—8-26. Reserved.

Article II. Permits and Certification of Compliance

- Sec. 8-27. Permit fees.
- Sec. 8-28. Permits.
- Sec. 8-29. Application for permit; contents.
- Sec. 8-30. Certification of compliance.
- Secs. 8-31—8-48. Reserved.

Article III. Technical Codes

- Sec. 8-49. Definitions.
- Sec. 8-50. Adoption of state uniform construction code.
- Sec. 8-51. Plumbing.

***State law references**—Adoption of building, electrical, etc., codes by reference, R.S. 33:1368; building permits, R.S. 33:4744; state uniform construction code, R.S. 40:1730.21 et seq.

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:

Town building officials means the employee/employer or individuals appointed by the board of aldermen to serve as the building officials and to serve as building code enforcement officers for the town.

(Ord. No. 6-2006, § 1, 12-12-2006)

Sec. 8-2. Enforcement of construction code.

The building officials of the town may, through the town attorney, seek to enjoin further construction or work which is required to be permitted under this chapter and which construction or work does not have a validly issued permit. Further, the building officials may seek to enjoin the occupancy or use of any building or structure which has, without compliance with this chapter, been, in whole or in part, constructed, enlarged, altered, repaired, moved, demolished, or the occupancy changed or for which the electrical, gas, mechanical, or plumbing system has been erected, installed, enlarged, altered, repaired, removed, converted or replaced in any fashion.

(Ord. No. 6-2006, § 6, 12-12-2006)

Sec. 8-3. Building officials.

(a) There shall be the Town of Haughton Building Officials, who shall be the town building code enforcement officers responsible for the administration and enforcement of the state uniform construction code.

(b) Pursuant to state law, the mayor, two councilmembers, the superintendent of maintenance, and assistant superintendent are hereby appointed and confirmed as the building officials for the town.

(Ord. No. 6-2006, § 7, 12-12-2006)

Sec. 8-4. Plumbing inspector.

(a) *Creation.* The office of plumbing inspector is created. Said office shall be filled by an individual appointed by the mayor with the consent of the board of aldermen. There may be deputy plumbing inspectors appointed in the same manner.

(b) *Authority.* The plumbing inspector shall have the authority to inspect plumbing, administer and enforce the provisions of the plumbing and sewerage code as adopted or amended by the rules and regulations of the board of aldermen.

(c) *Duties.* The duties of the plumbing inspector shall be as follows:

- (1) Perform all authorities extended to him.

- (2) Make all inspections, required of him, within two working days after proper notification and fees have been paid.
 - a. Leave notice of findings of such inspection at the job site.
 - b. Furnish certificate of approval, should the work meet the requirements of this code as to material, design and workmanship.
 - c. Disapprove, should the work not meet the requirements of the code, as specified in subsection (c)(2)b of this section, issuing a certificate citing violations of the code.
 - d. Reinspect, upon proper notice and fees paid, furnishing either a certificate of approval or disapproval.
- (3) Serve written notice and order of discontinuance on the persons responsible.

(d) *Notifications.*

- (1) Whenever the plumbing inspector finds that any construction, alteration or repair of any portion of the plumbing work of any building or structure is being erected, constructed or altered in violation of the provisions or requirements of this code, or in violation of any plans and specifications submitted and approved hereunder or of a permit or license issued hereunder then said official shall serve a written notice or order upon the person responsible therefor, directing discontinuance of such illegal action and the remedying of the condition that is in violation of the provision or requirements of this code.
- (2) Whenever the plumbing inspector finds that work is proceeding in violation of the provisions or requirements of this code and the continuance of said plumbing work is contrary to public health and welfare, said official shall order, in writing, all further work to be stopped and may require suspensions of all work until the condition in violation has been corrected.

(e) *Copies of notices and certificates to mayor's office.* Present copies of all notices and certificates to the mayor's office within one working day after notice or certificate issued.

(Ord. No. 3-1978, § 12-1, 1-1-1978)

Sec. 8-5. Building code.

(a) *Definitions.*

Building official shall mean that employee or individual appointed by the Town of Haughton to serve as the building official for the Town of Haughton, inside of any incorporated area of the town.

(b) *Creation of enforcement agency.* The Town of Haughton Building Department is hereby created and the official in charge thereof shall be known as the building official.

- (1) *Deputies.* In accordance with the prescribed procedures of the Town of Haughton Building Department and with the concurrence of the appointing authority, the

building official shall have the authority to appoint a deputy building official, the related technical officers, inspectors, plan examiners and other town employees or contract agents. Such deputies shall have powers as delegated by the building official.

- (2) *Enforcement.* Enforcement procedures by the code enforcement officers such as the building official, deputies, or third-party providers acting in the capacity of a code enforcement officer shall include examination or review of plans, drawings, or specifications; the conducting of inspections; and the issuance, denial, or revocation of permits.

(c) *Adoption of state uniform construction codes.* Pursuant to R.S. 40:1730.21 et seq., the following construction codes (hereinafter sometimes referred to as "code") are hereby adopted as the regulations governing construction of buildings and other structures in the Town of Haughton. Unless specified, all standards contained in a referenced code are adopted and included for purposes of this chapter. Unless referenced by name or letter designation, no appendix or appendices to the codes specified herein are adopted.

- (1) International Building Code, current edition as adopted by the State of Louisiana.
- (2) International Existing Building Code, current edition as adopted by the State of Louisiana.
- (3) International Residential Code (IRC), current edition as adopted by the State of Louisiana.
- (4) The International Mechanical Code (IMC), current edition as adopted by the State of Louisiana.
- (5) The Louisiana State Plumbing Code (LSPC), the International Plumbing Code (IPC), current edition as adopted by the State of Louisiana.
- (6) The International Fuel Gas Code (IFGC), current edition as adopted by the State of Louisiana.
- (7) The National Electrical Code (NEC), current edition as adopted by the State of Louisiana.
- (8) Nothing in this section shall conflict with the Federal Department of Housing and Urban Development's regulations regarding manufactured housing construction or the provisions of R.S. 51:912.21 et seq., as it relates to manufactured housing installation. Further, it is the intent of the town that any service, renovation, repair, or warranty work performed on a manufactured home shall be handled under the appropriate federal standards governing manufactured housing construction or state standards governing installation and all such work shall be under the jurisdiction of the Louisiana Manufactured Housing Commission. Additionally, the exemption for manufactured housing provided for in this section shall extend to and include driveways, steps, decks, or other similar accessory structures or work, but shall not include any additional living area or other type of heated and cooled space outside of the original footprint of the manufactured home.

(d) *Duties and powers of the building official.* The building official is hereby authorized and directed to enforce the provisions of the code. The building official shall have the authority to render interpretations of the code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in conformance with the intent and purpose of the code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in the code.

- (1) *Applications and permits.* The building official shall receive applications, review construction documents and issue permits for the erection and alteration of buildings and structures, inspect the premises for which such permits have been issued and enforce compliance with the provisions of the code.
- (2) *Inspections.* The building official shall make all of the required inspections, or the building official shall have the authority to accept reports of inspection by a contracted agent (with sufficient certifications) or by certified third-party providers. Reports of such inspections shall be in writing and be completed by an individual listed on the state's list of certified third party providers. The building official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.
- (3) *Right of entry.* Where it is necessary to make an inspection to enforce the provisions of the code, or where the building official has reasonable cause to believe that there exists in a structure or upon a premises a condition which is contrary to or in violation of the code which makes the structure or premises unsafe, dangerous or hazardous, the building official or designee is authorized to enter the structure or premises at reasonable times to inspect or to perform the duties imposed by the code, provided that if such structure or premises be occupied that credentials be presented to the occupant and entry requested. If such structure or premises be unoccupied, the building official shall first make a reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry. If entry is refused, the building official shall have recourse to the remedies provided by law to secure entry.
- (4) *Department records.* The building official shall keep official records of applications received, permits and certificates issued, fees collected, reports of inspections, and notices and orders issued. Such records shall be retained in the official records for the period required for the retention of public records.
- (5) *Liability.* The building official, member of the board of appeals or employee charged with the enforcement of the code, while acting for the Town of Haughton Building Department in good faith and without malice in the discharge of the duties required by the code or other pertinent law or ordinance, shall not thereby be rendered liable personally and is hereby relieved from personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties. Any suit instituted against an officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of the code shall be defended by legal representative of the Town

of Houghton Building Department until the final termination of the proceedings. The building official or any subordinate shall not be liable for cost in any action, suit or proceeding that is instituted in pursuance of the provisions of the code.

- (6) *Approved materials and equipment.* Materials, equipment and devices approved by the building official shall be constructed and installed in accordance with such approval.
- (7) *Used materials and equipment.* Used materials, equipment and devices shall not be reused unless approved by the building official.
- (8) *Modifications.* Wherever there are practical difficulties involved in carrying out the provisions of the code, the building official shall have the authority to grant modifications for individual cases, provided the building official shall first find that special individual reason makes the strict letter of the code impractical and the modification is in compliance with the intent and purpose of the code and that such modification does not lessen health, life and fire safety requirements or structural soundness. The details of action granting modifications shall be recorded and entered in the files of the Town of Houghton Building Department.
- (9) *Alternative materials, design and methods of construction and equipment.* The provisions of the code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by the code, provided that any such alternative has been approved. An alternative material, design or method of construction shall be approved where the building official finds that the proposed design is satisfactory and complies with the intent of the provisions of the code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in the code. Compliance with the specific performance-based provisions of the codes in lieu of specific requirements of the code shall also be permitted as an alternate.
- (10) *Tests.* Whenever there is insufficient evidence of compliance with the provisions of the code, or evidence that a material or method does not conform to the requirements of the code, or in order to substantiate claims for alternative materials or methods, the building official shall have the authority to require tests as evidence of compliance to be made at no expense to the Town of Houghton Building Department. Test methods shall be as specified in the code or by other recognized test standards. In the absence of recognized and accepted test methods, the building official shall approve the testing procedures. Tests shall be performed by an approved agency. Reports of such tests shall be retained by the building official for the period required for retention of public records.
- (11) *Cooperation of other officials and officers.* The building official may request and shall receive the assistance and cooperation of other town [officers] and town officials so far as is required in the discharge of the duties required by the code or other pertinent law or ordinance.

(e) *Permits.*

(1) *Required.* It shall be unlawful to construct, enlarge, alter, extensively alter, repair, move, demolish, or change the occupancy of any building or structure, or to erect, install, enlarge, alter, extensively alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by the technical codes adopted in subsection (c), or to cause any such work to be done, without obtaining a properly issued permit from the Town of Haughton Building Official for that work.

(2) *Work exempt from permit.* Permits shall not be required for the following. Exemption from permit requirements of the code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of the code or any other laws or ordinances of the Town of Haughton.

a. *Building:*

1. One-story detached accessory structures without utilities used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 500 square feet (22.30 m²).
2. Fences not over six feet (1,829 mm) high.
3. Retaining walls that are not over four feet (1,219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge.
4. Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons (18,927 L) and the ratio of height to diameter or width does not exceed two to one.
5. Sidewalks and driveways.
6. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
7. Prefabricated swimming pools that are less than 24 inches (610 mm) deep.
8. Swings and other playground equipment.
9. Window awnings supported by an exterior wall which do not project more than 54 inches (1,372 mm) from the exterior wall and do not require additional support.
10. Recreational structures, as defined by the Louisiana State Uniform Construction Code Council, once the affidavit is completed and filed with clerk of court.
11. Farm structures, as defined by the Louisiana State Uniform Construction Code Council, once the affidavit is completed and filed with clerk of court.

b. *Electrical:* Repairs and maintenance. A permit shall not be required for minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.

- c. *Gas:*
1. Portable heating, cooking or clothes drying appliances.
 2. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.
 3. Portable fuel-cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.
- d. *Mechanical:*
1. Portable heating appliances.
 2. Portable ventilation appliances.
 3. Portable cooling units.
 4. Steam, hot or chilled water piping within any heating or cooling equipment regulated by the code.
 5. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.
 6. Portable evaporative coolers.
 7. Self-contained refrigeration systems containing ten pounds (4.54 kg) or less of refrigerant or that are actuated by motors of one horsepower (746 W) or less.
 8. Portable fuel-cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.

The stopping of leaks in drains, water, soil, waste or vent pipe; provided, however, that if any concealed trap, drainpipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in the code. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures, and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.

- (3) *Emergency repairs.* Where equipment replacements and repairs must be performed in an emergency situation, the permit application shall be submitted within the next working business day to the building official.
- (4) *Repairs.* Application or notice to the building official is not required for ordinary repairs to structures, replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles. Such repairs shall not include the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or load-bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the egress requirements; nor shall ordinary repairs include addition to, alteration of, replacement

or relocation of any water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring or mechanical or other work affecting public health or general safety.

- (5) *Public service agencies.* A permit shall not be required for the installation, alteration or repair of generation, transmission, distribution, metering or other related equipment that is under the ownership and control of public service agencies by established right.
- (6) *Application for permit.* To obtain a permit, the applicant shall first file an application therefore in writing on a form furnished by the Town of Haughton Building Department for that purpose.

Such application shall:

1. Identify and describe the work to be covered by the permit for which application is made.
2. Describe the land on which the proposed work is to be done by legal description, street address or similar description that will readily identify and definitely locate the proposed building or work.
3. Indicate the use and occupancy for which the proposed work is intended.
4. Be accompanied by construction documents and other information as required by the building official.
5. State the valuation of the proposed work.
6. Be signed by the applicant or the applicant's authorized agent.
7. Give such other data and information as required by the building official.

The specific information shall, at a minimum, include the following information:

- (i) Name, address, and daytime telephone number of owner;
 - (ii) Name, address, and daytime telephone number of any and all contractors;
 - (iii) Location of the construction;
 - (iv) Description of the construction, including but not limited to square footage, type of construction, intended occupancy, and whether any work will involve the following types:
 1. Electrical;
 2. Concrete or masonry;
 3. Plumbing;
 4. Structural;
 5. Natural gas, liquefied gas, or other gas fuel;
 - (v) Anticipated completion of construction.
- (7) *Action on application.* The building official shall examine or cause to be examined applications for permits and amendments thereto within a reasonable time after filing. If the application or the construction documents do not conform to the requirements of

pertinent laws, the building official shall reject such application in writing, stating the reasons therefore. If the building official is satisfied that the proposed work conforms to the requirements of the code and laws and ordinances applicable thereto, the building official shall issue a permit therefore as soon as practicable.

- (8) *Time limitation of application.* An application for a permit for any proposed work shall be deemed to have been abandoned 180 days after the date of filing unless such application has been pursued in good faith or a permit has been issued; except that the building official is authorized to grant one or more extensions of time for additional periods not exceeding 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.
 - (9) *Validity of permit.* The issuance or granting of a permit shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of the code or of any other ordinance of the Town of Haughton Building Department. Permits presuming to give authority to violate or cancel the provisions of the code or other ordinances of the Town of Haughton Building Department shall not be valid. The issuance of a permit based on construction documents and other data shall not prevent the building official from requiring the correction of errors in the construction documents and other data. The building official is also authorized to prevent occupancy or use of a structure where in violation of the code or of any other ordinances of Town of Haughton.
 - (10) *Expiration.* Every permit issued shall become invalid unless the work authorized by such permit is commenced within 180 days after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. The building official is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.
 - (11) *Suspension or revocation.* The building official is authorized to suspend or revoke a permit issued under the provisions of the code wherever the permit is issued in error or on the basis of incorrect, inaccurate or incomplete information, or in violation of any ordinance or regulation or any of the provisions of the code.
 - (12) *Placement of permit.* The building permit or copy thereof shall be kept on the site of the work, located or visible at the front exterior of the structure, until the completion of the project.
 - (13) *Responsibility.* It shall be the duty of every person who performs work for the installation or repair of building, structure, electrical, gas, mechanical or plumbing systems, for which the code is applicable, to comply with the code.
- (f) *Construction documents.*
- (1) *Submittal documents.* Construction documents, special inspection and structural observation programs and other data shall be submitted in two or more sets with each application for a permit. The construction documents shall be prepared by a registered design professional when the design can't be shown to meet the minimum prescriptive

Uniform Construction Codes as adopted by the LSUCCC. Where special conditions exist, the building official is authorized to require additional construction documents to be prepared by a registered design professional.

Exception: The building official is authorized to waive the submission of construction documents and other data not required to be prepared by a registered design professional if it is found that the nature of the work applied for is such that reviewing of construction documents is not necessary to obtain compliance with the code.

- (2) *Information on construction documents.* Construction documents shall be drawn upon suitable material. Electronic media documents are permitted to be submitted when approved by the building official. Construction documents shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of the code and relevant laws, ordinances, rules and regulations, as determined by the building official.
- (3) *Manufacturer's installation instructions.* Manufacturer's installation instructions, as required by this code, shall be available on the job site at the time of inspection.
- (4) *Site plan.* The construction documents submitted with the application for permit shall be accompanied by a site plan showing the size and location of new construction and existing structures on the site and distances from lot lines. In the case of demolition, the site plan shall show construction to be demolished and the location and size of existing structures and construction that are to remain on the site or plot.
- (5) *Examination of documents.* The building official shall examine or cause to be examined construction documents for code compliance.
- (6) *Approval of construction documents.* When the building official issues a permit, the construction documents shall be approved, in writing or by a stamp which states "APPROVED PLANS." One set of construction documents so reviewed shall be retained by the building official. The other set shall be returned to the applicant, shall be kept at the site of work and shall be open to inspection by the building official or his or her authorized representative.
- (7) *Previous approvals.* The code shall not require changes in the construction documents, construction or designated occupancy of a structure for which a lawful permit has been heretofore issued or otherwise lawfully authorized, and the construction of which has been pursued in good faith within 180 days after the effective date of the code and has not been abandoned.
- (8) *Phased approval.* The building official is authorized to issue a permit for the construction of foundations or any other part of a building or structure before the construction documents for the whole building or structure have been submitted, provided that adequate information and detailed statements have been filed complying with pertinent requirements of the code. The holder of such permit for the foundation

or other parts of a building or structure shall proceed at the holder's own risk with the building operation and without assurance that a permit for the entire structure will be granted.

- (9) *Amended construction documents.* Work shall be installed in accordance with the approved construction documents, and any changes made during construction that are not in compliance with the approved construction documents shall be resubmitted for approval as an amended set of construction documents.
 - (10) *Retention of construction documents.* One set of approved construction documents shall be retained by the building official for a period of not less than 180 days from date of completion of the permitted work, or as required by state or local laws.
- (g) *Temporary structures and uses.*
- (1) *General.* The building official is authorized to issue a permit for temporary structures and temporary uses. Such permits shall be limited as to time of service, but shall not be permitted for more than 180 days. The building official is authorized to grant extensions for demonstrated cause.
 - (2) *Conformance.* Temporary structures and uses shall conform to the structural strength, fire safety, means of egress, light, ventilation and sanitary requirements of the code as necessary to ensure the public health, safety and general welfare.
 - (3) *Temporary power.* The building official is authorized to give permission to temporarily supply and use power in part of an electric installation before such installation has been fully completed and the final certificate of completion has been issued. The part covered by the temporary certificate shall comply with the requirements specified for temporary lighting, heat or power in the applicable electric code.
 - (4) *Termination of approval.* The building official is authorized to terminate such permit for a temporary structure or use and to order the temporary structure or use to be discontinued.
- (h) *Fees.*
- (1) *Payment of fees.* A permit shall not be valid until the fees prescribed by law have been paid. Nor shall an amendment to a permit be released until the additional fee, if any, has been paid.
 - (2) *Schedule of permit fees.* On buildings, structures, electrical, gas, mechanical and plumbing systems or alterations requiring a permit, a fee for each permit shall be paid as required, in accordance with the schedule as established by the applicable governing authority.
 - (3) *Building permit valuations.* Generally, building permit fees shall be calculated based on the square footage under beam as prescribed in the agreements.

- (4) *Related fees.* The payment of the fee for the construction, alteration, removal or demolition for work done in connection with or concurrently with the work authorized by a building permit shall not relieve the applicant or holder of the permit from the payment of other fees that are prescribed by law.
- (5) *Refunds.* Before the start of construction and upon surrender of the permit, permit holders can receive a refund of 100 percent of original cost of inspections not completed. This refund does not apply to permit or plan review fees.
- (i) *Inspections.*
- (1) *Residential.*
- a. *General.* Construction or work for which a permit is required shall be subject to inspection by the building official and such construction or work shall remain accessible and exposed for inspection purposes until approved. Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of the code or of other ordinances of the Town of Haughton Building Department. Inspections presuming to give authority to violate or cancel the provisions of the code or of other ordinances of the Town of Haughton Building Department shall not be valid. It shall be the duty of the permit applicant to cause the work to remain accessible and exposed for inspection purposes. Neither the building official nor the Town of Haughton Building Department shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.
- b. *Preliminary inspection.* Before issuing a permit, the building official is authorized to examine or cause to be examined buildings, structures and sites for which an application has been filed.
- c. *Types of inspections.* For onsite construction, from time to time the building official, upon notification from the permit holder or his agent, shall make or cause to be made any necessary inspections and shall either approve that portion of the construction as completed or shall notify the permit holder or his or her agent wherein the same fails to comply with the code.
1. *Foundation inspection.* Inspection of the foundation shall be made after poles or piers are set or trenches or basement areas are excavated and any required forms erected and any required reinforcing steel is in place and supported prior to the placing of concrete. The foundation inspection shall include excavations for thickened slabs intended for the support of bearing walls, partitions, structural supports, or equipment and special requirements for wood foundations.
2. *Plumbing, mechanical, gas and electrical systems inspection.* Rough inspection of plumbing, mechanical, gas and electrical systems shall be made prior to covering or concealment, before fixtures or appliances are set or installed, and prior to framing inspection.
- Exception:* Back-filling of ground-source heat pump loop systems tested prior to inspection shall be permitted.

3. *Frame and masonry inspection.* Inspection of framing and masonry construction shall be made after the roof, masonry, all framing, firestopping, draftstopping and bracing are in place and after the plumbing, mechanical and electrical rough inspections are approved.
 4. *Other inspections.* In addition to the called inspections above, the building official may make or require any other inspections to ascertain compliance with the code and other laws enforced by the building official.
 5. *Fire-resistance-rated construction inspection.* Where fire-resistance-rated construction is required between dwelling units or due to location on property, the building official shall require an inspection of such construction after all lathing and/or wallboard is in place, but before any plaster is applied, or before wallboard joints and fasteners are taped and finished.
 6. *Reinforced masonry, insulating concrete form (ICF) and conventionally formed concrete wall inspection.* Reinforced masonry walls, insulating concrete form (ICF) walls and conventionally formed concrete walls located in Seismic Design Categories D0, D1, D2, and E shall be inspected after plumbing, mechanical, and electrical systems embedded within the walls, and reinforcing steel are in place and prior to placement of grout or concrete. Inspection shall verify the correct size, location, spacing, and lapping of reinforcing. For masonry walls, inspection shall also verify that the location of grout cleanouts and size of grout spaces comply with the requirements of the code.
 7. *Final inspection.* Final inspection shall be made after the permitted work is complete and prior to occupancy.
- d. *Inspection requests.* It shall be the duty of the permit holder or their agent to notify the building official that such work is ready for inspection. It shall be the duty of the person requesting any inspections required by the code to provide access to and means for inspection of such work.
 - e. *Approval required.* Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the building official. The building official, upon notification, shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed, or shall notify the permit holder or an agent of the permit holder wherein the same fails to comply with the code. Any portions that do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the building official.
- (2) *Non-residential.*
 - a. *General.* Construction or work for which a permit is required shall be subject to inspection by the building official and such construction or work shall remain accessible and exposed for inspection purposes until approved. Approval as a result of an inspection shall not be construed to be an approval of a violation of

the provisions of the code or of other ordinances of the Town of Haughton Building Department. Inspections presuming to give authority to violate or cancel the provisions of the code or of other ordinances of the Town of Haughton Building Department shall not be valid. It shall be the duty of the permit applicant to cause the work to remain accessible and exposed for inspection purposes. Neither the building official nor the Town of Haughton Building Department shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

- b. *Preliminary inspection.* Before issuing a permit, the building official is authorized to examine or cause to be examined buildings, structures and sites for which an application has been filed.
- c. *Types of inspections.* For onsite construction, from time to time the building official, upon notification from the permit holder or his agent, shall make or cause to be made any necessary inspections and shall either approve that portion of the construction as completed or shall notify the permit holder or his or her agent wherein the same fails to comply with the code.
 1. *Footing and foundation inspection.* Footing and foundation inspections shall be made after excavations for footings are complete and any required reinforcing steel is in place. For concrete foundations, any required forms shall be in place prior to inspection. Materials for the foundation shall be on the job, except where concrete is ready mixed in accordance with ASTM C 94, the concrete need not be on the job.
 2. *Concrete slab and under-floor inspection.* Concrete slab and under-floor inspections shall be made after in-slab or under-floor reinforcing steel and building service equipment, conduit, piping accessories and other ancillary equipment items are in place, but before any concrete is placed or floor sheathing installed, including the subfloor.
 3. *Frame inspection.* Framing inspections shall be made after the roof deck or sheathing, all framing, fireblocking and bracing are in place and pipes, chimneys and vents to be concealed are complete and the rough electrical, plumbing, heating wires, pipes and ducts are approved.
 4. *Lath and gypsum board inspection.* Lath and gypsum board inspections shall be made after lathing and gypsum board, interior and exterior, is in place, but before any plastering is applied or gypsum board joints and fasteners are taped and finished.

Exception: Gypsum board that is not part of a fire-resistance-rated assembly or a shear assembly.
 5. *Fire-resistant penetrations.* Protection of joints and penetrations in fire-resistance-rated assemblies shall not be concealed from view until inspected and approved.

6. *Energy efficiency inspections.* Inspections shall be made to determine compliance with chapter 13 and shall include, but not be limited to, inspections for: envelope insulation R and U values, fenestration U value, duct system R value, and HVAC and water-heating equipment efficiency.
 7. *Other inspections.* In addition to the inspections specified above, the building official is authorized to make or require other inspections of any construction work to ascertain compliance with the provisions of the code and other laws that are enforced by the department of building safety.
 8. *Final inspection.* The final inspection shall be made after all work required by the building permit is completed.
- d. *Inspection requests.* It shall be the duty of the permit holder or their agent to notify the building official that such work is ready for inspection. It shall be the duty of the person requesting any inspections required by the code to provide access to and means for inspection of such work.
 - e. *Approval required.* Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the building official. The building official, upon notification, shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed, or shall notify the permit holder or an agent of the permit holder wherein the same fails to comply with the code. Any portions that do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the building official.
- (j) *Certificate of occupancy.*
- (1) *Use and occupancy.* No building or structure shall be used or occupied, and no change in the existing occupancy classification of a building or structure or portion thereof shall be made until the building official has issued a certificate of occupancy therefore as provided herein. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of the code or of other ordinances of the Town of Houghton Building Department.
Exceptions:
 - a. Certificates of occupancy are not required for work exempt from permits under subsection (e).
 - b. Accessory buildings or structures.
 - (2) *Change in use.* Changes in the character or use of an existing structure shall not be made except as specified in the International Building Code.
 - (3) *Certificate issued.* After the building official inspects the building or structure and finds no violations of the provisions of the code or other laws that are enforced by the department of building safety, the building official shall issue a certificate of occupancy that contains the following:
 - a. The building permit number.

- b. The address of the structure.
 - c. The name, phone number and address of the owner.
 - d. A description of that portion of the structure for which the certificate is issued.
 - e. The name of the building official.
 - f. The edition of the code under which the permit was issued.
 - g. The use and occupancy of the structure.
 - h. The type of construction.
 - i. The design occupant load.
 - j. If an automatic sprinkler system is provided, whether the sprinkler system is required.
 - k. Any special stipulations and conditions of the building permit.
- (4) *Temporary occupancy.* The building official is authorized to issue a temporary certificate of occupancy before the completion of the entire work covered by the permit, provided that such portion or portions shall be occupied safely. The temporary certificate of occupancy will be valid for 28 days.
- (5) *Revocation.* The building official is authorized to, in writing, suspend or revoke a certificate of occupancy or completion issued under the provisions of the code wherever the certificate is issued in error, or on the basis of incorrect information supplied, or where it is determined that the building or structure or portion thereof is in violation of any ordinance or regulation or any of the provisions of the code.
- (k) *Service utilities.*
- (1) *Connection of service utilities.* No person shall make connections from a utility, source of energy, fuel or power to any building or system that is regulated by the code for which a permit is required, until approved by the building official.
- (2) *Temporary connection.* The building official shall have the authority to authorize and approve the temporary connection of the building or system to the utility, source of energy, fuel or power.
- (3) *Authority to disconnect service utilities.* The building official shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by the code and the referenced codes and standards in case of emergency where necessary to eliminate an immediate hazard to life or property or when such utility connection has been made without approval. The building official shall notify the serving utility and whenever possible the owner and occupant of the building, structure or service system of the decision to disconnect prior to taking such action if not notified prior to disconnection. The owner or occupant of the building, structure or service system shall be notified in writing as soon as practical thereafter.

(1) *Violations.*

- (1) *Unlawful acts.* It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, move, remove, demolish or occupy any building, structure or equipment regulated by the code, or cause same to be done, in conflict with or in violation of any of the provisions of the code.
- (2) *Notice of violation.* The building official is authorized to serve a notice of violation or order on the person responsible for the erection, construction, alteration, extension, repair, moving, removal, demolition or occupancy of a building or structure in violation of the provisions of the code, or in violation of a detail statement or a plan approved thereunder, or in violation of a permit or certificate issued under the provisions of the code. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.
- (3) *Prosecution of violation.* If the notice of violation is not complied with in the time prescribed by such notice, the building official of the Town of Haughton may, through the town attorney, seek to enjoin further construction or work which is required to be permitted under this chapter and which construction or work does not have a validly issued permit. Further, the building official may seek to enjoin the occupancy or use of any building or structure which has, without compliance with this chapter, been, in whole or in part, constructed, enlarged, altered, repaired, moved, demolished, or the occupancy changed or for which the electrical, gas, mechanical or plumbing system has been erected, installed, enlarged, altered, repaired, removed, converted or replaced in any fashion.
- (4) *Violation penalties.* Any person who violates a provision of the code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the building official, or of a permit or certificate issued under the provisions of the code, shall be subject to penalties.
- (5) *Penalties.* In addition to any legal costs incurred, violators will be required to pay any fees that would have been generated by legal permitting including plan review fees, permitting fees and inspection fees. Payment of these fees is required regardless of the stage of construction. In addition to the aforementioned fees, a 50-percent penalty will apply to each fee. Each day of violation continuance may be considered a separate offence.
- (6) *Other remedies.* The imposition of penalties prescribed in this section shall not preclude the town counselor from instituting appropriate action, including equitable and extraordinary remedies, to prevent any unlawful erection, construction, reconstruction, alteration, repair conversion, maintenance or use or to restrain, correct or abate a violation, or to prevent the occupancy of a building or structure or portion thereof, or of the premises, or to prevent an illegal act, conduct of business or use in or about the premises.

(m) *Stop work order.*

- (1) *Notice to owner.* Upon notice from the building official that work on any building or structure is being prosecuted contrary to the provisions of the code or in an unsafe and dangerous manner, such work shall be immediately stopped. The stop work order shall be in writing and shall be given to the owner of the property involved, or to the owner's agent or to the person doing the work and shall state the conditions under which work will be permitted to resume.
- (2) *Unlawful continuance.* Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as prescribed by law.
- (3) *Penalties.* In addition to any legal costs incurred, any person, partnership, or corporation who violates any of the provisions of this chapter or aids or abets in the violation of any of the provisions of this chapter shall be guilty of a misdemeanor and shall be punishable by a fine of not exceeding \$500.00, nor less than \$100.00 for each offense. Each day of violation continuance may be considered a separate offence.

(Ord. No. 2-2015, §§ 1—13, 5-12-2015)

Secs. 8-6—8-26. Reserved.**ARTICLE II. PERMITS AND CERTIFICATION OF COMPLIANCE****Sec. 8-27. Permit fees.**

The permit fees regarding the following building and constructions activities shall be as established, from time to time, by the board of aldermen:

- (1) Residential rates; new construction.
- (2) Commercial rates; new construction.
- (3) Remodeling; add-on residential construction.
- (4) Swimming pools; in ground.
- (5) Commercial signs: businesses; 12 inches offset from street or highway easement.
- (6) Driveway culvert permit.
- (7) Mobile home moving permit; into or out of town corporate limits.
- (8) Residential exempt from permit fees:
 - a. Driveways, roof repair or replacement, small porches, (less than 100 square feet);
 - b. Portable buildings (less than 200 square feet);
 - c. Fencing (must be in compliance with zoning chapter); and

d. Stationary buildings (less than 100 square feet).
(Ord. No. 1-2007, 2-13-2007)

Sec. 8-28. Permits.

It shall be unlawful to construct, enlarge, alter, repair, move, demolish, or change the occupancy of any building or structure, or to erect, install, enlarge, alter, repair, remove, convert, or replace any electrical, gas, mechanical, or plumbing system, the installation of which is regulated by the technical codes adopted in section 8-50, or to cause any such work to be done, without obtaining a properly issued permit from the town building officials for that work.

(Code 1976, § 9-1; Ord. No. 3-1975, 5-19-1975; Ord. No. 1-1978, 2-14-1978; Ord. No. 6-2006, § 3, 12-12-2006)

Sec. 8-29. Application for permit; contents.

The permit mandated under section 8-28 shall only be issued after the owner or his designee have submitted an application for a construction permit to the town building officials and that the officials have approved the application for permit. The application shall, at a minimum, include the following information:

- (1) Name, address and daytime telephone number of owner;
- (2) Name, address and daytime telephone number of any and all contractors;
- (3) Location of construction;
- (4) Description of the construction, including, but not limited to, square footage, type of construction, intended occupancy, landscape plat for commercial construction, and whether any work will involve the following types:
 - a. Electrical;
 - b. Concrete or masonry;
 - c. Plumbing;
 - d. Structural; and
 - e. Natural gas, liquefied gas, or other gas fuel;
- (5) Anticipated completion of construction; and
- (6) Certification, under penalty of perjury, that the construction will be done in compliance with the applicable code and standards.

(Ord. No. 6-2006, § 4, 12-12-2006; Ord. No. 6-2010, 8-10-2010)

Sec. 8-30. Certification of compliance.

It shall be unlawful for any structure or other construction which is required to be permitted under section 8-28 to be occupied, used or otherwise put in service before the owner or his designee has filed a certificate of completion or compliance on the form provided by the town

building officials and until a certificate of occupancy has been issued by the office of zoning administration. The certificate of completion and compliance shall include the following information.

- (1) Name, address, and daytime telephone number of owner;
 - (2) Name, address, and daytime telephone number of any and all contractors;
 - (3) Location of the construction;
 - (4) Description of the construction, including, but not limited to, square footage, type of construction and intended occupancy;
 - (5) Date of construction; and
 - (6) Certification, under penalty of perjury, that the construction was done in compliance with the applicable codes and standards.
- (Ord. No. 6-2006, § 5, 12-12-2006)

Secs. 8-31—8-48. Reserved.

ARTICLE III. TECHNICAL CODES

Sec. 8-49. 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:

Corporation counsel. Wherever the term "corporation counsel" is used in the technical codes adopted by reference in this article, it shall be held to mean the town attorney for the Town of Haughton, Louisiana.

Municipality. Whenever the term "municipality" is used in the technical codes adopted by reference in this article, it shall be held to mean the Town of Haughton, Louisiana.

Sec. 8-50. Adoption of state uniform construction code.

Pursuant to R.S. 40:1730.21 et seq., the following codes are hereby adopted as the regulations governing the construction of buildings and other structures in the town. Unless specified, all standards contained in a referenced code are adopted and included for purposes of this section. Unless referenced by name or letter designation, no appendix or appendices to a code is adopted.

- (1) The International Building Code, 2006 Edition, as published by the International Code Council, not including chapter 1, Administration; chapter 11, Accessibility; chapter 27, Electrical; and chapter 29, Plumbing Systems. Including any standards referenced therein, but not including any appendices thereto;

- (2) The International Existing Building Code, 2006 Edition, as published by the International Code Council, including any standards referenced therein, but not including any appendices thereto and not including chapter 1, Administration;
 - (3) The International Residential Code, 2006 Edition, as published by the International Code Council, including appendix J, Existing Buildings and Structures, but not including parts 1, Administrative, V, Mechanical, VII, Plumbing, and VIII-Electrical. IRC R301.2.1.1 (Design Criteria) therein shall be amended as follows and shall only apply to the International Residential Code, 2006 Edition:
 - a. Item 6 of Guide to Concrete Masonry Residential Construction in High Winds Areas, as published by the American Concrete Institute, shall be added.
 - b. Item 7, Optional Code-plus Fortified for Safer Living, as published by the Institute for Business and Home Safety shall be added; and
 - c. Item 8, Optional Code-plus Blueprint for Safety, as published by the Federal Alliance for Safe Homes, shall be added.
 - (4) International Mechanical Code, 2006 Edition, as published by the International Code Council;
 - (5) Louisiana State Plumbing Code (part XIV Plumbing) of the State Sanitary Code;
 - (6) International Fuel Gas Code, 2006 Edition, as published by the International Code Council; and
 - (7) National Electrical Code, 2005 Edition, as published by the National Fire Protection Association.
- (Code 1976, § 9-3; Ord. No. 3-1975, 5-19-1975; Ord. No. 6-2006, § 2, 12-12-2006)

Sec. 8-51. Plumbing.

(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:

Plumbing inspector means the individual official authorized by the mayor and board of aldermen to inspect plumbing, administer and enforce the provisions of the plumbing code as adopted or amended.

Plumbing system includes the drainage and vent system, the gas and/or water supply distributing pipes, the fixtures and fixture traps; and the stormwater drainage; with their devices, appurtenances and connections, installed in buildings or on the premises. The term does not include the community gas or water supply distributing pipes.

(b) *Permits.*

- (1) *Property owner permit.* Every property owner shall have the right to secure a plumbing permit to do his own plumbing work provided the person is a bona fide owner of such property and that said owner shall personally purchase all material and perform all

labor in connection therewith. The permit shall state the nature of work to be done and shall terminate upon completion of such work. Before being issued a permit the property owner shall furnish the board the following:

- a. A plan or sketch of the proposed work to be done.
 - b. Information as to the applicant's understanding of the general principles of plumbing work and of the rules and regulations governing plumbing in the town.
- (2) *Permit for plumbing work.* No plumbing work, unless excepted in this section, shall be undertaken prior to the issuance of a permit therefor by the plumbing inspector or its representative.
- (3) *Application for plumbing permit.* Application for permits shall be made on a proper form and filed with the mayor or the mayor's representative. Such applications shall be accompanied by the necessary fees in accordance with the schedule of fees.
- (4) *Necessary plans.* In addition the application must include the necessary plans of the proposed work. Such plans must show the type and scope of the work to be done; the exact location of the property by street address or by subdivision, lot and square number; and the connection to any soil or waste pipe, gas line, water line, building sewer or city sewer.
- (Ord. No. 3-1978, § 12-2, 1-1-1978)

Chapter 9

RESERVED

Chapter 10

BUSINESSES AND BUSINESS REGULATIONS*

Article I. In General

Secs. 10-1—10-18. Reserved.

Article II. Sexually Oriented Businesses

Division 1. Generally

Sec. 10-19. Secondary effects of sexually oriented businesses.
Sec. 10-20. Purpose and findings.
Sec. 10-21. Definitions.
Sec. 10-22. Classification.
Secs. 10-23—10-47. Reserved.

Division 2. Licensing and Regulation

Sec. 10-48. License or employee card required.
Sec. 10-49. Issuance of license or employee card.
Sec. 10-50. Fees.
Sec. 10-51. Inspection.
Sec. 10-52. Term; renewal.
Sec. 10-53. Suspension; fines.
Sec. 10-54. Revocation.
Sec. 10-55. Hearing; denial, revocation, and suspension; appeal.
Sec. 10-56. Transfer of license.
Sec. 10-57. Hours of operation.
Sec. 10-58. Regulations pertaining to exhibition of sexually explicit films or videos.
Sec. 10-59. Loitering and exterior lighting and monitoring requirements.
Sec. 10-60. Penalties and enforcement.
Sec. 10-61. Prohibited acts on sexually oriented business premises generally.
Sec. 10-62. Additional regulations concerning live public nudity.
Sec. 10-63. Regulation of dual purpose businesses.
Sec. 10-64. Proof of violation or business licensee liability.
Sec. 10-65. Applicability of regulations to existing businesses and employees.
Sec. 10-66. Sexually oriented business locations, measurements.
Sec. 10-67. Severability.
Secs. 10-68—10-92. Reserved.

Division 3. Zoning

Sec. 10-93. Classification.
Sec. 10-94. Locational requirements.
Secs. 10-95—10-145. Reserved.

***State law references**—Video Draw Poker Devices Control Law, R.S. 27:301 et seq.; local regulation of businesses and occupations, R.S. 33:4781 et seq.

HAUGHTON TOWN CODE

Article III. Secondhand Dealers

- Sec. 10-146. Definitions.
- Sec. 10-147. License required; application; exemptions.
- Sec. 10-148. Hours of business.
- Sec. 10-149. Failure to comply; penalty.
- Secs. 10-150—10-166. Reserved.

Article IV. Itinerant Vendors

- Sec. 10-167. Purpose.
- Sec. 10-168. Definitions.
- Sec. 10-169. Agent; bond.
- Sec. 10-170. Exceptions.
- Sec. 10-171. Penalty.

ARTICLE I. IN GENERAL

Secs. 10-1—10-18. Reserved.

ARTICLE II. SEXUALLY ORIENTED BUSINESSES**DIVISION 1. GENERALLY**

Sec. 10-19. Secondary effects of sexually oriented businesses.

(a) *Documented evidence.*

- (1) There is convincing documented evidence that sexually oriented businesses, because of their very nature have a deleterious effect on both the existing businesses around them and the surrounding residential areas adjacent to them, causing increased illicit sexual activities, increased vice crime, and the downgrading of property values;
- (2) It is recognized that sexually oriented businesses, due to their nature, have serious objectionable operational characteristics, particularly when they are located in close proximity to each other, thereby contributing to urban blight and downgrading the quality of life in the adjacent area;
- (3) The board of aldermen ("board of aldermen"), desires to minimize and control these adverse effects and thereby protect the health, safety, and welfare of the citizenry; protect the citizens from increased crime; preserve the quality of life; preserve the property values and character of surrounding neighborhoods and deter the spread of urban blight; and
- (4) Based on evidence of the adverse secondary effects of adult uses presented in reports made available to the board of aldermen, and on findings, interpretations, and narrowing constructions incorporated in the cases and materials made available to the board of aldermen, including *Pap's a.m. v. City of Erie*, 529 U.S. 277 (2000); *City of Los Angeles v. Alameda Books, Inc.*, 122 S. Ct. 1728 (2002); *City of Renton v. Playtime Theatres, Inc.*, 475 U.S. 41 (1986), *Young v. American Mini Theatres*, 426 U.S. 50 (1976), *Barnes v. Glen Theatre, Inc.*, 501 U.S. 560 (1991); *FW/PRS, Inc. v. City of Dallas*, 493 U.S. 215 (1990); *California v. LaRue*, 409 U.S. 109 (1972); *BGHA, Inc. v. City of Universal City, TX*, No. 02-50220 (5th Cir. 2003); *Baby Dolls Topless Saloons, Inc. v. City of Dallas*, 2002 U.S. App. LEXIS 12202 (5th Cir., June 20, 2002); *LLEH, Inc. v. Wichita County*, 289 F.3d 358 (5th Cir. 2002); *Hang On, Inc. v. City of Arlington*, 65 F.3d 1248 (5th Cir. 1995); *Woodall v. City of El Paso*, 49 F.3d 1120 (5th Cir. 1995); *J & B Entertainment, Inc. v. City of Jackson*, 152 F.3d 362 (5th Cir. 1998); *SDJ, Inc. v. City of Houston*, 837 F.2d 1268 (5th Cir. 1988); *TK's Video, Inc. v. Denton County*, 24 F.3d 705 (5th Cir. 1994); *Lagrange Trading Co. v. Nicolosi*, 1991 U.S. Dist. LEXIS 3551 (E.D. La. 1991); *Vonderhaar v. Parish of St. Tammany*, 633 So. 2d 217 (La. Ct. App. 1993); *Liberto v. Rapides Parish Police Jury*, 667 So. 2d 552 (La. Ct. App. 1995); *City of Gretna v. Russland Enterprises, Inc.*, 564 So. 2d 367 (La. Ct. App. 1990); and other cases; and

on testimony to Congress in 136 Cong. Rec. S 8987; 135 Cong. Rec. S. 14519; 135 Cong. Rec. S 5636; 134 Cong. Rec. E 3750; and reports of secondary effects occurring in and around sexually oriented businesses, including, but not limited to, Phoenix, Arizona - 1984; Minneapolis, Minnesota - 1980; Houston, Texas - 1997; Indianapolis, Indiana - 1984; Amarillo, Texas - 1977; Garden Grove, California - 1991; Los Angeles, California - 1977; Whittier, California - 1978; Austin, Texas - 1986; Seattle, Washington - 1989; Oklahoma City, Oklahoma - 1986; Cleveland, Ohio - 1977; and Dallas, Texas - 1997; St. Croix County, Wisconsin - 1993; Bellevue, Washington, - 1998; Newport News, Virginia - 1996; New York Times Square study - 1994; Phoenix, Arizona - 1995-98; and also on findings of physical abuse from the paper entitled "Stripclubs According to Strippers: Exposing Workplace Sexual Violence," by Kelly Holsopple, Program Director, Freedom and Justice Center for Prostitution Resources, Minneapolis, Minnesota, and from "Sexually Oriented Businesses: An Insider's View," by David Sherman, presented to the Michigan House Committee on Ethics and Constitutional Law, Jan. 12, 2000, and the Report of the Attorney General's Working Group on the Regulation of Sexually Oriented Businesses (June 6, 1989, State of Minnesota), the board of aldermen finds:

- a. Sexually oriented businesses lend themselves to ancillary unlawful and unhealthy activities that are presently uncontrolled by the unlicensed operators of the establishments. Further, there is presently no mechanism in this town to make the owners and operators of these establishments responsible for the activities that occur on their premises;
- b. Some employees of unregulated sexually oriented businesses defined in this chapter as adult theaters and cabarets engage in higher incidence of certain types of illicit sexual behavior than employees of other establishments;
- c. Sexual acts, including masturbation, and oral and anal sex, occur at unregulated sexually oriented businesses, especially those which provide private or semi-private booths or cubicles for viewing films, videos, or live sex shows;
- d. Offering and providing such unregulated space encourages such activities, which creates unhealthy conditions;
- e. Some persons frequent certain adult theaters, adult arcades, and other sexually oriented businesses for the purpose of engaging in sex within the premises of such sexually oriented businesses, or for the purpose of purchasing or selling illicit drugs;
- f. Numerous communicable diseases may be spread by activities occurring in sexually oriented businesses, including, but not limited to, syphilis, gonorrhea, human immunodeficiency virus infection (HIV/AIDS), genital herpes, hepatitis salmonella, campylobacter and shigella infections, chlamydial, myoplasmal and ureoplasmal infections, trichomoniasis and chancroid;
- g. According to research from the Kaiser Family Foundation, an estimated 650,000 to 900,000 Americans are infected with HIV. The number of new HIV infections occurring each year is now about 41,000. Men and women of all races are most likely to be infected by sexual contact;

- h. Statistics compiled by the Centers for Disease Control and Prevention reveal that as of December 2000, the State of Louisiana had 12,645 people living with AIDS. See [http://oph.dhh.state.la.us/HIV AIDS/does/HIV Annual Report 2000.pdf](http://oph.dhh.state.la.us/HIV/AIDS/does/HIV%20Annual%20Report%202000.pdf);
- i. The Centers for Disease Control and Prevention estimate that as many as one in three people with HIV/AIDS do not know they are infected;
- j. The number of cases of early (less than one year) syphilis in the United States reported annually has risen, with 33,613 cases reported in 1982 and 45,200 through November of 1990;
- k. The number of cases of gonorrhea in the United States reported annually remains at a high level, with over 500,000 cases being reported in 1990;
- l. The surgeon general of the United States in his report of October 22, 1986, has advised the American public that AIDS and HIV infection may be transmitted through sexual contact, intravenous drug abuse, exposure to infected blood and blood components, and from an infected mother to her newborn;
- m. According to the best scientific evidence, AIDS and HIV infection, as well as syphilis and gonorrhea, are principally transmitted by sexual acts. See Findings of U.S. Department of Health and Human Services;
- n. Sanitary conditions in some sexually oriented businesses are unhealthy, in part, because the activities conducted there are unhealthy, and, in part, because of the unregulated nature of the activities and the failure of the owners and the operators of the facilities to self-regulate those activities and maintain those facilities;
- o. Numerous studies and reports have determined that semen is found in the areas of sexually oriented businesses where persons view "adult" oriented films;
- p. The findings noted in subsections (a)(4)a through (a)(4)o of this section raise substantial governmental concerns;
- q. Sexually oriented businesses have operational characteristics that should be reasonably regulated in order to protect those substantial governmental concerns;
- r. A reasonable licensing procedure is an appropriate mechanism to place the burden of that reasonable regulation on the owners and the operators of the sexually oriented businesses. Further, such a licensing procedure will place a heretofore nonexistent incentive on the operators to see that the sexually oriented business is run in a manner consistent with the health, safety and welfare of its patrons and employees, as well as the citizens of the town. It is appropriate to require reasonable assurances that the licensee is the actual operator of the sexually oriented business, fully in possession and control of the premises and activities occurring therein;

- s. Removal of doors on adult booths and requiring sufficient lighting on premises with adult booths advances a substantial governmental interest in curbing the illegal and unsanitary sexual activity occurring in adult theaters;
- t. Requiring licensees of sexually oriented businesses to keep information regarding current employees and certain past employees will help reduce the incidence of certain types of criminal behavior by facilitating the identification of potential witnesses or suspects and by preventing minors from working in such establishments;
- u. The disclosure of certain information by those persons ultimately responsible for the day-to-day operation and maintenance of the sexually oriented business, where such information is substantially related to the significant governmental interest in the operation of such uses, will aid in preventing the spread of sexually transmitted diseases and will prevent the further secondary effects of dissemination of illegal obscenity, child pornography, and to minors, materials harmful to them;
- v. It is desirable in the prevention of the spread of communicable diseases to obtain a limited amount of information regarding certain employees who may engage in the conduct which this article is designed to prevent or who are likely to be witnesses to such activity;
- w. The fact that an applicant for an adult use has been convicted of a sexually related crime leads to the rational assumption that the applicant may engage in that conduct in contravention of this article;
- x. The barring of such individuals from employment in sexually oriented businesses for a specified period of years serves to prevent distribution of illegal material, to prevent conduct which leads to the transmission of sexually transmitted diseases, and to preclude the establishment of criminal enterprises within the town; and
- y. The general welfare, health, morals, and safety of the citizens of the town will be promoted by the enactment of this ordinance.

(b) *Not the intent to condone or legitimize the distribution of obscene materials.* It is not the intent of the board of aldermen to condone or legitimize the distribution of obscene material, and the board of aldermen recognizes that state and federal laws prohibit the distribution of obscene materials and expects and encourages state law enforcement officials to enforce state obscenity statutes against any such illegal activities in the town:

- (1) The board of aldermen recognizes its constitutional duty to interpret, construe, and amend its laws and ordinances to comply with constitutional requirements as they are announced;
- (2) With the passage of any ordinance, the town and the board of aldermen accept as binding the applicability of general principles of criminal and civil law and procedure and the rights and obligations under the United States and Louisiana Constitutions, Louisiana Code, and the Louisiana Rules of Civil and Criminal Procedure; and

- (3) It is not the intent of this chapter to suppress any speech activities protected by the First Amendment of the U.S. Constitution or article I, section 7 of the Louisiana Constitution, but to enact content neutral provisions which addresses the secondary effects of sexually oriented businesses.

(Ord. No. 6-2007, 11-13-2007; Ord. No. 7-2007, 11-13-2007)

Sec. 10-20. Purpose and findings.

(a) *Purpose.* It is the purpose of this article to regulate sexually oriented businesses in order to promote the health, safety, morals, and general welfare of the citizens of the town, and to establish reasonable and uniform regulations to prevent the deleterious secondary effects of sexually oriented businesses within the town. The provisions of this article have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is neither the intent nor effect of this article to restrict or deny access by adults to sexually oriented materials protected by the First Amendment to the United States Constitution or the corresponding provisions of the Louisiana Constitution, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this article to condone or legitimize the distribution of obscene material.

(b) *Findings.* Based on evidence of the adverse secondary effects of adult uses presented in reports made available to the board of aldermen as set forth, and on findings, interpretations, and narrowing constructions incorporated in the cases described in said article, the board of aldermen has made specific findings concerning the adverse secondary effects of sexually oriented businesses and the need for additional requirements for the operation of such businesses.

(Ord. No. 6-2007, § 6-60.1, 11-13-2007; Ord. No. 7-2007, § 6-60.1, 11-13-2007)

Sec. 10-21. 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:

Adult arcade means any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are regularly maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by their emphasis upon matter exhibiting or describing specified sexual activities or specified anatomical areas.

Adult bookstore, adult novelty store, or adult video store means a commercial establishment that devotes 50 percent or more of its interior sales or display space to the sale or rental, for any form of consideration, of any one or more of the following:

- (1) Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, videocassettes, compact discs, slides, or other visual representations which are characterized by their emphasis upon the exhibition or description of specified sexual activities or specified anatomical areas;

- (2) Instruments, devices, or paraphernalia which are designed for use or marketed primarily for stimulation of human genital organs or for sadomasochistic use or abuse of themselves or others.

The term "adult bookstore," "adult novelty store," or "adult video store" includes a commercial establishment which regularly maintains one or more "adult arcades." The floor space shall be measured by dividing the floor space where patrons or customers of the establishment are permitted where the primary sales or displays are of materials described in this definition by the total floor space where patrons or customers of the establishment are permitted regardless of the materials.

Adult cabaret means a nightclub, bar, juice bar, restaurant, bottle club, or similar commercial establishment, whether or not alcoholic beverages are served, which features persons who appear semi-nude. Regularity of appearances are not required for an establishment to constitute an adult cabaret; a single occasion of such appearance shall be sufficient to cause the establishment to be classified as an adult cabaret.

Adult motel means a motel, hotel, or similar commercial establishment which:

- (1) Offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, videocassettes, other photographic reproductions, or live performances which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas"; and which advertises the availability of such material by means of a sign visible from the public right-of-way, or by means of any on-premises or off-premises advertising, including, but not limited to, newspapers, magazines, pamphlets or leaflets, radio or television; or
- (2) Offers a sleeping room for rent for a period of time that is less than ten hours; or
- (3) Allows the tenant or occupant of a sleeping room to subrent the room for a period of time that is less than ten hours.

Adult motion picture theater means a commercial establishment where films, motion pictures, videocassettes, slides, or similar photographic reproductions which are characterized by their emphasis upon the exhibition or description of specified sexual activities or specified anatomical areas are regularly shown for any form of consideration.

Chief of police means the chief of police of the Town of Haughton or his designee.

Controlling interest means the power, directly or indirectly, to direct the operation, management or policies of a business or entity, or to vote 20 percent or more of any class of voting securities or ownership interests of a business. The ownership, control, or power to vote 20 percent or more of any class of voting securities or ownership interests of a business shall be presumed, subject to rebuttal, to be the power to direct the management, operation or policies of the business.

Distinguished or characterized by an emphasis upon means the dominant or principal theme of the object described by such phrase. For instance, when the phrase refers to films "which are

distinguished or characterized by an emphasis upon the exhibition or description of specified sexual activities or specified anatomical areas," the films so described are those whose dominant or principal character and theme are the exhibition or description of specified anatomical areas or specified sexual activities.

Dual purpose business means a commercial establishment that devotes at least ten percent of its interior sales or display space to the sale or rental, for any form of consideration, of any one or more of the following:

- (1) Books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, videocassettes, compact discs, digital video discs, slides, or other visual representations which are characterized by their emphasis upon the exhibition or description of specified sexual activities or specified anatomical areas;
- (2) Instruments, devices, or paraphernalia which are designed for use or marketed primarily for stimulation of human genital organs or for sadomasochistic use or abuse of themselves or others; and
- (3) Which does not meet the definition of adult bookstore, adult novelty store or adult video store set forth in this definition. Floor space shall be measured by dividing the floor space where patrons or customers of the establishment are permitted where the primary sales or displays are of materials described in this definition by the total floor space where patrons or customers of the establishment are permitted regardless of the materials.

Employ, employee, and employment describe and pertain to any person who performs any service on the premises of a sexually oriented business, on a fulltime, parttime, or contract basis, whether or not the person is denominated an employee, independent contractor, agent, or otherwise. The term "employee" does not include an independent contractor or a person working for an independent contractor who performs any service on the premises exclusively for repair or maintenance of the premises or for the delivery of goods to the premises, or for the rendition of services incidental to the business of the establishment but not an integral part thereof, such as accounting or legal services.

Escort means a person who, for compensation, agrees or offers to engage in any of the following acts:

- (1) Act as a social companion, guide, or date for another person;
- (2) Privately model lingerie with the intention of and for the purpose of providing sexual stimulation or sexual gratification to the customer;
- (3) Privately disrobe for another person with the intention of providing sexual stimulation or sexual gratification to the customer;
- (4) Agree to come to a specified location for the purpose of disrobing and for the purpose of providing sexual stimulation or sexual gratification to the customer;

- (5) To perform a massage where one or more of the persons is nude, semi-nude or in a state of nudity or for the purpose of providing sexual stimulation or sexual gratification to the customer.

Escort agency means a person or business association who, whether on or off the licensed premises, furnishes, offers to furnish, or advertises to furnish escorts, as defined herein, for compensation.

Establish or establishment means and includes any of the following:

- (1) The opening or commencement of any sexually oriented business as a new business;
- (2) The conversion of an existing business, whether or not a sexually oriented business, to any sexually oriented business; or
- (3) The addition of any sexually oriented business to any other existing sexually oriented business.

Exotic dance service refers to any business or person who provides exotic dancers to perform at a private residence, business, or other location (other than an adult cabaret) within the town city limits.

Exotic dancer refers to a male or female dancer that performs seminude or nude for compensation.

Licensee means a person in whose name a license to operate a sexually oriented business has been issued, as well as the individual listed as an applicant on the application for a sexually oriented business license. In case of an employee, it shall mean the person in whose name the sexually oriented business employee license has been issued.

Massage center refers to a commercial business which is not licensed by the state as a massage business and which allows its employees, for compensation, to manipulate soft tissue including effleurage (stroking), patrissage (kneading), tapotement (percussion), compression, vibration, friction, (active/passive range of motion), Shiatsu, and acupressure, either by hand, forearm, elbow, foot, or with mechanical appliances for the purpose of body massage.

Massagist means a person that is not licensed by the state as a massage therapist, and who, for compensation manipulates soft tissue including effleurage (stroking), patrissage (kneading), tapotement (percussion), compression, vibration, friction, (active/passive range of motion), Shiatsu, and acupressure, either by hand, forearm, elbow, foot, or with mechanical appliances for the purpose of body massage.

Nudity or a state of nudity means the showing of the human male or female genitals, pubic area, vulva, anus, anal cleft or cleavage with less than a fully opaque covering, or the showing of the female breast with less than a fully opaque covering of any part of the nipple and areola.

Operate or cause to operate means to cause to function or to put or keep in a state of doing business.

Operator means any persons on the premises of a sexually oriented business who is authorized to exercise overall operational control of the business or who causes to function or

who puts or keeps in operation the business. A person may be found to be operating or causing to be operated a sexually oriented business whether or not that person is an owner, part owner, or licensee of the business.

Person means individual, proprietorship, partnership, corporation, association, or other legal entity.

Prostitute refers to a person who has been convicted of prostitution or prostitution by massage, or who engages in activities, that, if prosecuted, would constitute the criminal offense of prostitution or prostitution by massage under the Louisiana Revised Statutes; provided, however, that a person shall not be considered a prostitute if he is not currently engaging in activities, that, if prosecuted, would constitute the criminal offense of prostitution or prostitution by massage under the Louisiana Revised Statutes:

- (1) If more than two years have elapsed since the date of the conviction or the date of release from confinement imposed for such person's last conviction of prostitution or prostitution by massage, whichever is the later date, if the conviction was for a misdemeanor offense; or
- (2) If more than five years have elapsed since the date of the conviction or the date of release from confinement imposed for such person's last conviction of prostitution or prostitution by massage, whichever is the later date, if the conviction was for a felony offense.

Regularly features or regularly shown means a consistent or substantial course of conduct, such that the films or performances exhibited constitute a substantial portion of the films or performances offered as a part of the ongoing business.

Semi-nude or state of semi-nudity means a state of dress in which opaque clothing covers no more than the genitals, anus, anal cleft or cleavage, pubic area, vulva, and nipple and areola of the female breast, as well as portions of the body covered by supporting straps or devices. This definition shall not include any portion of the cleavage of the human female breast exhibited by a dress, blouse, skirt, leotard, bathing suit, or other wearing apparel provided that the areola and nipple are not exposed in whole or in part.

Semi-nude model studio means any place where a person, who regularly appears in a state of semi-nudity is provided for money or any form of consideration to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons. It is a defense to prosecution for any violation of this chapter that a person appearing in a state of nudity or semi-nudity did so in a modeling class operated:

- (1) By a college, junior college, or university supported entirely or partly by taxation;
- (2) By a private college or university which maintains and operates educational programs in which credits are transferable to college, junior college, or university supported entirely or partly by taxation; or

(3) In a structure:

- a. Which has no sign visible from the exterior of the structure and no other advertising that indicates a semi-nude person is available for viewing; and
- b. Where, in order to participate in a class a student must enroll at least three days in advance of the class.

Sexually oriented business means any establishment that is an adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motel, adult motion picture theater, massage center, exotic dance service, or semi-nude model studio as defined in this section, as well as any other establishment that regularly features or regularly shows any sexually oriented entertainment activity, including any dual purpose business.

Sexually oriented entertainment activity means the sale, rental, or exhibition for any form of consideration, of books, films, videocassettes, magazines, periodicals, or live performances which are characterized by an emphasis on the exposure or display of specific sexual activity.

Specified anatomical areas means human genitals, anus, and/or the female breast areola or nipple.

Specified criminal activity means any of the following offenses:

- (1) R.S. 14:41-43.5 (rape and sexual battery offenses); R.S. 14:80-81.2 (sexual offenses affecting minors); R.S. 14:82-86 (offenses concerning prostitution); R.S. 14:104-6.1 (offenses concerning disorderly places and obscenity); R.S. 14:281-284 (operating places of prostitution, voyeurism); R.S. 40:971 et seq. (Uniform Controlled Dangerous Substances Law); engaging in organized criminal activity relating to a sexually oriented business, specifically R.S. 14:230 (money laundering) R.S. 33:2845 (tax evasion); criminal attempt, conspiracy or solicitation to commit any of the foregoing offenses; or offenses in other jurisdictions that, if the acts would have been committed in Louisiana, would have constituted any of the foregoing offenses; for which:
 - a. Less than two years have elapsed since the date of conviction or the date of release from confinement imposed for the conviction, whichever is the later date, if the conviction is of a misdemeanor offense;
 - b. Less than five years have elapsed since the date of conviction or the date of release from confinement for the conviction, whichever is the later date, if the conviction is of a felony offense; or
 - c. Less than five years have elapsed since the date of the last conviction or the date of release from confinement for the last conviction, whichever is the later date, if the convictions are of two or more misdemeanor offenses or combination of misdemeanor offenses occurring within any 24-month period.
- (2) The fact that a conviction is being appealed shall have no effect on the disqualification of the applicant.

Specified sexual activity means any of the following sex acts, normal or perverted, including intercourse, oral copulation, masturbation or sodomy; or excretory functions as a part of or in connection with any of the activities described in subsection (a) the definition of "specified criminal activity."

Transfer of ownership or control of a sexually oriented business means any of the following:

- (1) The sale, lease, or sublease of the business;
- (2) The transfer of securities, including interests in a limited liability company or partnership, or other ownership interests which constitute a controlling interest in the business, whether by sale, exchange, or similar means; or
- (3) The establishment of a trust, gift, or other similar legal device which transfers the ownership or control of the business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.

Video includes image reproduction and display by videotape or any other medium, such as digital video disk or compact disk, that produces moving or still images on a screen, wall, or other similar display.

Viewing room means the room, booth, or area where a patron of a sexually oriented business would ordinarily be positioned while watching a film, videocassette, or other video or visual production or reproduction.

(Ord. No. 6-2007, § 6-60.2, 11-13-2007; Ord. No. 7-2007, § 6-60.2, 11-13-2007)

Sec. 10-22. Classification.

Sexually oriented businesses shall be classified as follows:

Adult arcades, adult bookstores, adult novelty stores, adult video stores;

Adult cabarets;

Adult motels;

Adult motion picture theaters;

Escort agencies;

Exotic dance services;

Massage centers;

Dual purpose businesses;

Other sexually oriented businesses.

(Ord. No. 6-2007, § 6-60.3, 11-13-2007; Ord. No. 7-2007, § 6-60.3, 11-13-2007)

Secs. 10-23—10-47. Reserved.

DIVISION 2. LICENSING AND REGULATION

Sec. 10-48. License or employee card required.(a) *Sexually oriented business license.*

- (1) It shall be unlawful for any person to operate a sexually oriented business in the City of Haughton without a valid sexually oriented business license. Separate sexually oriented business licenses shall be required for each place of business of an operator.
- (2) An applicant for a sexually oriented business license or a sexually oriented business employee license shall file in person at the office of the chief of police a completed application made on a form provided by the chief of police. The application shall be signed by the applicant. An application shall be considered complete when it contains the following information and is accompanied by all the documents required by this section:
 - a. The applicant's full true name and any other names used in the preceding five years.
 - b. Current home address and, if desired by the applicant, another mailing address of the applicant.
 - c. Written proof of age, in the form of a valid photographic ID.
 - d. The business name, location, legal description, mailing address and phone number of the sexually oriented business.
 - e. The name and business address of the statutory agent or other agent authorized to receive service of process.
 - f. A statement whether the applicant has been convicted or has pled guilty or nolo contendere to a specified criminal activity as defined in this chapter, and if so, the specified criminal activity involved, including the date, place, and jurisdiction of each as well as the dates of conviction and release from confinement, where applicable.
 - g. A statement whether the applicant, or any entity in which the applicant owns a controlling interest, has had a license or permit to operate a sexually oriented business or to be an employee of a sexually oriented business issued by the United States, any state, or by any political subdivision of any state, authorized to issue permits or licenses, revoked within two years prior to the application, or been convicted or had a judgment of court rendered against him involving violation of sexually oriented business ordinances by this or any other state or local government or by the United States within one year prior to the application.

The information provided pursuant to subsections (a)(2)a through (a)(2)g of this section shall be supplemented in writing by certified mail, return receipt requested, to the chief of police within ten working days of a change of circumstances which would render the information originally submitted false or incomplete.

- (3) An application for a sexually oriented business license shall be accompanied by a sketch or diagram showing the configuration of the premises, including a statement of total floor space occupied by the business. The sketch or diagram need not be professionally prepared but shall be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six inches. Applicants who are required to comply with sections 10-58 and 10-62 of this chapter shall submit a diagram meeting the requirements of those sections. A valid certificate of occupancy, lease agreement or proof of ownership, articles of incorporation or organization, operating agreement, or other instruments indicating the true direct and indirect ownership of the applicant, beneficial or otherwise, evidence of measurement from protected activities, will also be required when making application.
 - (4) If a person who wishes to operate a sexually oriented business is an individual, he shall sign the application for a license as applicant. If a person who wishes to operate a sexually oriented business is other than an individual, each officer, director, general partner or other person who will participate directly in decisions relating to management and control of the business shall sign the application for a license as applicant. Each applicant must be qualified under section 10-49 and each applicant shall be considered a licensee if a license is granted.
- (b) *Sexually oriented business employee card.*
- (1) It shall be unlawful for any operator of a sexually oriented business to allow any employee to engage in employment requiring a sexually oriented business employee card unless such employee is in possession of a sexually oriented business employee card issued under the authority of this chapter. The license holder shall have such person obtain such a card prior to engaging in employment for which a permit is required by this chapter.
 - (2) It shall be unlawful for any person to be an employee, as defined in this chapter, of a sexually oriented business, or for an employee of a dual purpose business who engages in the activities described in section 10-63, in the town without a valid sexually oriented business employee card.
 - (3) An applicant for a sexually oriented business employee card shall file in person at the office of the chief of police a completed application made on a form provided by the chief of police. The application shall be signed by the applicant. An application shall be considered complete when it contains the following information:
 - a. The applicant's full true name and any other names used in the preceding five years.
 - b. Current home address and, if desired by the applicant, another mailing address of the applicant.
 - c. Written proof of age, in the form of valid photographic ID.
 - d. A statement whether the applicant has been convicted or has pled guilty or nolo contendere to a specified criminal activity as defined in this chapter, and if so, the

specified criminal activity involved, including the date, place, and jurisdiction of each as well as the dates of conviction and release from confinement, where applicable.

- e. A statement whether the applicant has had a license, permit or card to be an employee of a sexually oriented business issued by the United States, any state, or by any political subdivision of any state, authorized to issue permits or licenses, revoked within two years prior to the application, or been convicted or had a judgment of court rendered against him involving violation of sexually oriented business regulations by this or any other state or local government or by the United States within one year prior to the application.

The information provided pursuant to subsections (b)(3)a through (b)(3)e of this section shall be supplemented in writing by certified mail, return receipt requested, to the chief of police within ten working days of a change of circumstances which would render the information originally submitted false or incomplete.

(c) *Fingerprinting.* All applicants for licenses or cards under this chapter shall be fingerprinted.

(d) *Confidentiality of information.* The information provided by an applicant in connection with an application for a license or card under this chapter shall be maintained by the chief of police on a confidential basis, except that such information may be disclosed only to law enforcement agencies in connection with a law enforcement or public safety function, or as may be required by governing law or court order.

(Ord. No. 7-2007, § 6-60.4, 11-13-2007)

Sec. 10-49. Issuance of license or employee card.

(a) *Sexually oriented business license.*

(1) Within 30 days after the filing of a completed application under section 10-48 for a sexually oriented business license, the chief of police shall either approve the application or shall issue to the applicant a letter of intent to deny the application. Each person having a controlling interest in any entity applying for a sexually oriented business license shall be considered an applicant, and each such person must meet the requirements for the approval of the issuance of the license to the entity. The chief of police shall approve the issuance of a license unless one or more of the following is found to be true:

- a. An applicant is less than 21 years of age.
- b. An applicant has failed to provide information as required by section 10-48 for issuance of a license or has falsely answered a question or request for information on the application form.
- c. Any taxes, fees or charges due to the town by the applicant or his business have not been paid.

- d. An applicant has been shown to have committed a violation of section 10-51(a), 10-54(b), 10-62(a), (b) or (c) within the previous year.
 - e. The sexually oriented business premises are not in compliance with the interior configuration requirements of this chapter or are not in compliance with locational requirements established in the applicable zoning regulations.
 - f. An applicant has been convicted of a specified criminal activity, as defined in section 10-21.
 - g. An applicant, or the entity in which an applicant has a controlling interest, is not the owner of the premises or the tenant under a bona fide written lease therefor.
 - h. An applicant, or an entity in which an applicant has a controlling interest, has had a license or permit to operate a sexually oriented business issued by the United States, any state, or by any political subdivision of a state, authorized to issue permits or licenses, revoked within two years prior to the application, or been convicted or had a judgment of a court of competent jurisdiction rendered against him involving violation of sexually oriented business ordinances by this or any other state or local government or by the United States for two years prior to the application.
 - i. An applicant is a person interposed for another person who does not meet the requirements for the issuance of a license. A person is considered an interposed person if such person is subsidized, financed or employed by an applicant to operate a sexually oriented business without disclosing the true and beneficial ownership of the business.
 - j. Any applicant is the spouse of a person whose application for a sexually oriented business license whose permit or license has been denied or revoked, unless judicially separated; provided, however, that in any such case:
 1. The application shall not be denied solely on the basis of the age of the ineligible spouse;
 2. A conviction of the spouse of a specified criminal activity shall not be cause for denial of a license if and only if:
 - (i) The applicant had state and local permits prior to the conviction; and
 - (ii) The applicant had a regime of separation of property, pursuant to applicable state law, and is the owner of the premises or has a bona fide written lease therefor, or the owner owns the premises as the applicant's separate property pursuant to applicable state law;
 - k. An applicant has any outstanding warrants for arrest for any crime.
- (2) The license, if granted, shall state on its face the name of the person to whom it is granted, the number of the licenses issued to the licensee, the expiration date, and the address of the sexually oriented business. The sexually oriented business license shall be posted in a conspicuous place at or near the entrance to the sexually oriented

business so that it may be easily read at any time or in the case of a dual purpose business, the sexually oriented business license shall be posted in a conspicuous place in the area of the adult entertainment materials.

(b) *Sexually oriented business employee card.* Upon the filing of a completed application for a sexually oriented business employee card and the payment of a nonrefundable application fee, the chief of police shall issue a temporary card to the applicant, which temporary card shall expire upon the final decision of the City of Haughton to deny or grant the application, or, if approved, the issuance of the card. Within 30 days of the receipt of a completed application, the chief of police shall either approve the issuance of a card or issue a written notice of intent to deny a card to the applicant. The chief of police shall approve the issuance of a card unless one or more of the following is found to be true:

- (1) An applicant is less than 18 years of age.
- (2) An applicant has failed to provide information as required by section 10-48 for issuance of a card or has falsely answered a question or request for information on the application form.
- (3) An applicant has been shown to have committed a violation of section 10-51(a), 10-54(b), 10-62(a), (b) or (c) within the previous year.
- (4) An applicant has been convicted of a specified criminal activity, as defined in section 10-21.
- (5) An applicant has had a card, license or permit to operate a sexually oriented business or to be an employee of a sexually oriented business issued by the United States, any state, or by any political subdivision of a state, authorized to issue cards, permits or licenses, revoked within two years prior to the application, or been convicted or had a judgment of a court of competent jurisdiction rendered against him involving violation of sexually oriented business regulations by this or any other state or local government or by the United States for two years prior to the application.
- (6) An applicant has any outstanding warrants for arrest for any crime.

An employee card issued pursuant to this section shall contain the card holder's photograph, full name, date of birth, race, sex, and fingerprint. A sexually oriented business employee shall keep the employee's card on his person or on the premises where the card holder is then working or performing and shall produce such card for inspection upon request by a law enforcement officer or other town official performing functions connected with the enforcement of this chapter.

(c) *Issuance of license or card.* After any application for a license under this chapter has been approved, it shall be submitted to the town clerk, who shall forthwith issue and sign the license or card upon payment of the prescribed fee. Any license for a sexually oriented business shall be restricted to the single location described in the application; that is, each location for a sexually oriented business must have a separate license. After any application for a sexually oriented business employee card under this chapter has been approved, the chief of police shall

issue the card. A sexually oriented business employee card shall be good and valid for use on the premises of any sexually oriented business, provided that the licensee has notified the chief of police of the name and address of the sexually oriented business employee card holder within five days of the hire date.

(d) *Effect of failure to act.* The failure of the chief of police to act on an application within the time set forth in this section shall be deemed a denial of the application for a license or card, and shall be deemed to be the issuance of a written notice of intent to deny the license or card applied for.

(e) *Appeal from notice of intent to deny.* Upon issuance or deemed issuance of a written notice of intent to deny a license or card, the applicant may appeal the denial to the board of aldermen by making a written request for appeal to the town clerk within ten days after issuance or deemed issuance of the written notice of intent to deny the license or card. The applicant's temporary license or card, if any, shall continue in effect during such ten-day period. Upon timely appeal, the applicant's temporary license or card, if any, shall continue in effect until the board of aldermen has acted on the applicant's appeal or the applicant has withdrawn his appeal. The appeal to the board of aldermen shall proceed in accordance with the hearing provisions set forth in this chapter and the rules of the board of aldermen. The only issue on the appeal shall be whether the applicant meets the criteria for issuance of the license or card in question; the board of aldermen shall not have the authority to waive any of the requirements for the license or card in question.

(f) *Temporary sexually oriented business employee card.* The temporary sexually oriented business employee card issued pursuant to this section shall state on its face an expiration date 45 days after its date of issuance; provided, however, that, if the employee's card application or appeal from a denial of a card or card renewal is continuing at the end of each successive 45-day period, at the request of the applicant the chief of police shall issue a renewal temporary card, which shall expire 45 days after its issuance. Notwithstanding the stated 45-day expiration date, the temporary card shall expire upon either the issuance of a permanent card, the withdrawal of any appeal from the denial of issuance of a card, or the termination of any appeal of the denial of issuance of a card. Upon the denial of the issuance of the card, if not appealed, or the unsuccessful or withdrawal of appeal of the denial of issuance of the card, the applicant shall immediately return the temporary card to the chief of police. It shall be unlawful for any applicant to fail to return the temporary card to the chief of police within three business days after the denial of the issuance of the card, if not appealed, or the unsuccessful or withdrawal of appeal of the denial of issuance of the card.

(Ord. No. 7-2007, § 6-60.5, 11-13-2007)

Sec. 10-50. Fees.

(a) *Sexually oriented business License.* The initial license and annual renewal fees for sexually oriented business licenses shall be as follows:

- (1) Type I license: \$1,000.00.

Adult cabaret;

Adult motel;
Adult motion picture adult theater;
Escort agency;
Exotic dance service;
Massage center.

(2) Type II license: \$100.00.

Adult arcade;
Adult bookstore;
Adult novelty;
Adult video store;
Semi-nude modeling studio;
Other sexually oriented businesses.

(3) Type III license: \$100.00. Dual purpose business.

(b) *Sexually oriented business employee card.* The fee for the application for issuance or renewal of a sexually oriented business employee card shall be \$20.00. The fee is nonrefundable. There is no additional fee or charge upon issuance of the card after the completion of the application or renewal process.

(Ord. No. 7-2007, § 6-60.6, 11-13-2007)

Sec. 10-51. Inspection.

(a) *Inspection during business open for business.* Sexually oriented businesses and sexually oriented business employees shall permit town officers or agents to inspect the business premises for the purpose of ensuring compliance with the specific regulations of this article, during those times when the sexually oriented business is occupied by patrons or is open for business. This section shall be narrowly construed by the town to authorize reasonable inspections of the licensed premises pursuant to this article, but not to authorize a harassing or excessive pattern of inspection.

(b) *Exception.* The provisions of this section do not apply to areas of an adult motel which are currently being rented by a customer for use as a permanent or temporary habitation.

(Ord. No. 7-2007, § 6-60.7, 11-13-2007)

Sec. 10-52. Term; renewal.

(a) *Sexually oriented business license.*

(1) A sexually oriented business license issued under this chapter shall be dated from the effective date as shown on the license and be valid for one year from the date of issuance, unless sooner suspended or revoked. Application for the renewal of such a

license shall be filed in the manner provided by this chapter for the initial license on or before 60 days prior to the expiration date as shown on the existing license. The renewal license will be dated from the date of expiration of the existing license.

- (2) The chief of police shall approve or deny the renewal within 30 days after receipt of the completed renewal application. If approved, the renewal license shall be issued as provided in section 10-49. If denied, the chief of police shall issue a written notice of intent to deny the renewal application in the same manner as for the denial of an initial license application, and the appeal rights and any rights to continue operating set forth in section 10-49 shall apply to such renewal application. The failure of the chief of police to act on an application within the time set forth in this section shall be deemed a denial of the application for a license or card, and shall be deemed to be the issuance of a written notice of intent to deny the license or card applied for.
- (3) If a licensee fails to complete his renewal application within the time set forth in this section, his application shall be treated as a new application under sections 10-48 and 10-49, but the late filing shall not affect the expiration of the previous license; that is, if the license renewal application has not been acted upon prior to the expiration of the existing license, the existing license shall expire, and the business shall not be entitled to operate as a sexually oriented business unless and until a new license is issued.

(b) *Sexually oriented business employee card.*

- (1) A sexually oriented business employee card issued under this chapter shall be dated from the effective date as shown on the card and be valid for two years from the date of issuance, unless sooner suspended or revoked. The application for the renewal of such a card shall be filed in the manner provided by this chapter for the initial card on or before 60 days prior to the expiration date as shown on the existing card. The renewal card will be dated from the date of expiration of the existing card.
- (2) The chief of police shall approve or deny the renewal within 30 days after receipt of the completed renewal application. If approved, the renewal card shall be issued as provided in section 10-49. If denied, the chief of police shall issue a written notice of intent to deny the renewal application in the same manner as for the denial of an initial card application, and the appeal rights and any rights to continue operating set forth in section 10-49 shall apply to such renewal application. The failure of the chief of police to act on an application within the time set forth in this section shall be deemed a denial of the application for a license or card, and shall be deemed to be the issuance of a written notice of intent to deny the license or card applied for.
- (3) If a card holder fails to complete his renewal application within the time set forth in this section, his application shall be treated as a new application under sections 10-48 and 10-49 hereof, but the late filing shall not affect the expiration of the previous card; that is, if the card renewal application has not been acted upon prior to the expiration

of the existing card, the existing card shall expire, and the person shall not be entitled to be employed by a sexually oriented business or in certain operations of a dual purpose business, as the case may be, unless and until a new card is issued.

(Ord. No. 7-2007, § 6-60.8, 11-13-2007)

Sec. 10-53. Suspension; fines.

(a) The following shall be the causes for the suspension of a sexually oriented business license:

- (1) If any applicant who possessed the qualifications for the license at the time of issuance of the license fails to maintain such qualifications during the licensed year.
- (2) If there was any misstatement or suppression of fact in the application for the license.
- (3) If the license was granted to any person who is or has been engaged in a sexually oriented business with a person whose application for a license has been denied or whose license has been revoked.
- (4) If the license was issued to an interposed person.
- (5) If the licensee has violated any section of this chapter.
- (6) If, without a proper license or zoning, any sexually oriented business license 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.
- (7) Violation of any controlled, dangerous substance law on the premises of the business holding the sexually oriented business license.
- (8) Violation of any obscenity law on the premises of the sexually oriented business.
- (9) If the licensee knowingly permits an employee to violate any section of this chapter on the licensed premises.

(b) The following shall be the causes for the suspension of a sexually oriented business employee card:

- (1) If any applicant who possessed the qualifications for the card at the time of issuance of the license fails to maintain such qualifications during the term of the card.
- (2) If there was any misstatement or suppression of fact in the application for the card.
- (3) If the card holder has violated any section of this chapter.

(c) The chief of police, with the approval of the mayor and the town attorney, shall issue a written letter of intent to suspend the license or card in question for a period not to exceed six months, if the chief of police finds that probable cause exists to believe that grounds exist for the suspension or revocation of a sexually oriented business license or a sexually oriented business employee card. The license or card holder shall have ten days following the issuance of the letter of intent to suspend the license or card within which to appeal the suspension to the board of aldermen. The appeal shall be perfected by making a written request for appeal

to the town clerk. If no appeal is perfected within such time, the license or card holder shall be suspended in accordance with the written letter of intent to suspend the license or card. If the licensee or card holder perfects an appeal, no suspension shall take effect until after the board of aldermen has acted on the appeal or the appeal has been withdrawn. The appeal to the board of aldermen shall proceed in accordance with the hearing provisions set forth in this chapter and the rules of the board of aldermen.

(d) Notwithstanding subsection (c) of this section, if the chief of police finds that probable cause exists to believe that a licensee or card holder has violated any provision of this chapter or that grounds exist for the suspension of his license or card, but that the violation or grounds in question are minor in nature, the chief of police, with the approval of the mayor and the town attorney, may impose an administrative fine, payable to the general fund of the town, instead of a request for suspension of the license or card. The chief of police shall report the imposition of the fine to the town clerk. The fine shall be due and payable within ten days from service of a notice on the licensee or the card holder by certified mail or hand delivery, unless within such ten-day period the licensee or the card holder files a written notice of appeal with the town clerk. If the licensee or the card holder perfects an appeal, the time for payment of the fine shall be suspended until after the board of aldermen has acted on the appeal or the appeal has been withdrawn. The appeal to the board of aldermen shall proceed in accordance with the hearing provisions set forth in this chapter and the rules of the board of aldermen. At the hearing, the board of aldermen may approve the fine, disapprove the fine, or assess a lower fine.

(e) Any fine imposed by the chief of police shall be progressive with each offense during the term of the license or card in question, in accordance with the levels set forth in the following table:

<i>Conduct During Term of License or Card</i>	<i>SOB License</i>	<i>SOB Employee Card</i>
First fine	\$500.00	\$100.00
Second fine	\$750.00	\$250.00
Third fine	\$1,000.00	\$500.00

If either a licensee or a card holder has had three fines imposed during the term of his license or card, if the chief of police, with the approval of the mayor and the town attorney, finds that probable cause exists to believe that grounds exist for suspension or revocation of a license or card issued pursuant to this chapter, he shall request suspension or revocation of the license or card in question.

(f) Nothing in this section is intended or shall be construed to require that the chief of police impose one or more fines as a prerequisite to seeking suspension or revocation of any license or card. The chief of police, with the approval of the mayor and the town attorney, may seek suspension or revocation for any grounds set forth in this chapter without the imposition of any fine.

(g) Notwithstanding anything in this chapter to the contrary, failure timely to pay any fine imposed under this section shall constitute grounds for suspension or revocation of the license or card of the person who fails to pay such fine.

(h) No person whose sexually oriented business license or sexually oriented business employee card has been suspended shall operate a sexually oriented business or be employed in a sexually oriented business during the period of such suspension.

(Ord. No. 7-2007, § 6-60.9, 11-13-2007)

Sec. 10-54. Revocation.

(a) The chief of police, with the concurrence of the mayor and the town attorney, shall issue a letter of intent to revoke a sexually oriented business license or a sexually oriented business employee card if the chief of police finds that a cause of suspension in section 10-53 occurs and the license has been suspended within the preceding 12 months.

(b) The chief of police, with the concurrence of the mayor and the town attorney, shall issue a letter of intent to revoke a sexually oriented business license or a sexually oriented business employee card if the chief of police determines that:

- (1) The licensee or card holder has knowingly given false information in the application for the sexually oriented business license or employee card;
- (2) A licensee has knowingly allowed possession, use, or sale of controlled substances on the premises;
- (3) A licensee has knowingly allowed prostitution on the premises;
- (4) A licensee knowingly operated the sexually oriented business during a period of time when the license was suspended, or a card holder was employed by a sexually oriented business or in the sexually oriented activity area of a dual purpose business during a period when the card holder's sexually oriented business employee card was suspended;
- (5) A licensee has knowingly allowed any specified sexual activity to occur in or on the licensed premises;
- (6) The licensee or card holder has failed to maintain any qualification required for initial issuance or renewal of the license.

(c) The fact that a conviction is being appealed shall have no effect on the revocation of the license.

(d) Nature of revocation. When, after the notice and hearing procedure described in section 10-55, a sexually oriented business license or a sexually oriented business employee card is revoked, the revocation shall continue for two years and the licensee or card holder shall not be issued a sexually oriented business license or sexually oriented business employee card for two years from the date revocation becomes effective, provided that, if the conditions of section 10-55(a) are met, a provisional license or card will be granted pursuant to that section. No person whose sexually oriented business license or sexually oriented business employee card

has been revoked shall operate a sexually oriented business or be employed in a sexually oriented business, unless and until a new sexually oriented business license or sexually oriented business employee card has been issued to such person pursuant to the provisions of this article.

(Ord. No. 7-2007, § 6-60.10, 11-13-2007)

Sec. 10-55. Hearing; denial, revocation, and suspension; appeal.

(a) Any notice or letter of intent issued under this article for the denial, suspension, or revocation of a license under this article shall be in writing, shall be addressed to the applicant, licensee or card holder (respondent), shall set forth the grounds therefor, and shall be delivered by personal delivery, or by certified mail. The notification shall be directed to the most current business address or other mailing address on file with the chief of police for the respondent.

(b) Upon any appeal to the board of aldermen as provided in this article, or upon the institution of revocation proceedings, the town clerk shall notify the respondent in writing of the hearing date on the respondent's denial, fine, suspension, or revocation proceeding. Within 30 days of the receipt of respondent's appeal or the institution of revocation proceedings, the board of aldermen shall conduct a hearing at which the respondent shall have the opportunity to present all of his arguments and to be represented by counsel, and present evidence and witnesses on his behalf. The town may also be represented by counsel, and shall bear the burden of proving the grounds for denying, suspending, or revoking the license or card, or imposing the fine.

(c) The board of aldermen may administer oaths, issue subpoenas for the attendance of witnesses and the production of books, papers, accounts and documents, and examine witnesses and receive testimony at the hearing for denial, suspension or revocation of licenses under this chapter. If any person fails to comply with a subpoena issued by the board of aldermen, or if a witness refuses to testify in any matter regarding which he may be lawfully interrogated, such failure or refusal shall constitute contempt of the board of aldermen and upon conviction in any court of competent jurisdiction shall be punishable pursuant to section 1-7. Notwithstanding any other provision of this chapter, such a conviction of a licensee or card holder shall be cause for suspension or revocation of his license or card.

(d) If a respondent who has been notified of a hearing for denial, suspension or revocation of a license under this article, does not appear, the hearing may proceed without him and the board of aldermen may consider and dispose of the case, but in all cases the board of aldermen, upon its own motion, may grant continuances from time-to-time. If the continuance is granted to a fixed future date by written consent or in the presence of the respondent or his counsel, no further notice of the hearing date need be given. In all other cases the same notice of hearing as in original hearings shall be given.

(e) A hearing shall take no longer than four hours, unless extended to meet the requirements of due process and proper administration of justice.

(f) In determining cases involving the suspension or revocation of licenses or cards, or the imposition of an administrative fine, the board of aldermen may accept, reject or modify the recommendation or action of the chief of police. The board of aldermen shall issue a decision on the issue before it within 21 days after the conclusion of the hearing. The failure of the board of aldermen to act within such time period shall be deemed an acceptance of the recommendation of the chief of police.

(g) Notwithstanding any other provision of this article to the contrary, the board of aldermen may, instead of or in addition to revocation or suspension of a license issued under the authority of this article, impose a fine on the licensee not to exceed the fines set forth in section 10-53(e).

(h) In hearings of the board of aldermen which finally result in withholding the issuance of a license or in suspending or revoking a license, the board of aldermen shall assess the costs of the hearing to the applicant or licensee. The costs are recoverable by the board of aldermen in any appellate proceeding instituted by the applicant or licensee or in any other appropriate judicial proceeding.

(i) An applicant or licensee who is aggrieved by a decision of the board of aldermen to withhold, suspend or revoke his license may, within ten days of the notification of the decision, or within ten days of the deemed action of the board of aldermen, take a devolutive appeal to the district court having jurisdiction over his place of business, and on such appeal, the trial shall be de novo. Upon the filing of any court action to appeal, challenge, restrain, or otherwise enjoin the town's enforcement of the denial, suspension, or revocation, the town shall immediately issue the aggrieved party a provisional license. The provisional license shall allow the aggrieved party to continue operation of the sexually oriented business or to continue employment as a sexually oriented business employee and will expire upon the court's entry of a judgment on the aggrieved party's appeal or other action to restrain or otherwise enjoin the town's enforcement.

(j) Sexually oriented business employees operating or working under temporary cards or licenses, provisional cards or licenses, or de facto temporary cards or licenses shall be subject to the provisions of sections 10-56 through 10-63.

(Ord. No. 7-2007, § 6-60.11, 11-13-2007)

Sec. 10-56. Transfer of license.

A licensee shall not transfer his license to another, transfer ownership or control or permit the transfer of ownership or control of the license, either voluntarily or by operation of law, or operate a sexually oriented business under the authority of a license at any place other than the address designated in the sexually oriented business license application.

(Ord. No. 7-2007, § 6-60.12, 11-13-2007)

Sec. 10-57. Hours of operation.

No sexually oriented business shall be or remain open for business between 12:00 midnight and 6:00 a.m., provided that a sexually oriented business which has obtained a license to sell

alcoholic beverages from the state or the town may remain open to sell alcoholic beverages under the terms of that license, but may not conduct sexually oriented entertainment activity between 12:00 midnight and 6:00 a.m.

(Ord. No. 7-2007, § 6-60.13, 11-13-2007)

Sec. 10-58. Regulations pertaining to exhibition of sexually explicit films or videos.

(a) A person who operates or causes to be operated a sexually oriented business, other than an adult motel, which exhibits on the premises in a viewing room of less than 150 square feet of floor space, a film, videocassette, or other video reproduction characterized by an emphasis on the display of specified sexual activities or specified anatomical areas shall comply with the following requirements:

- (1) Each application for a sexually oriented business license shall contain a diagram of the premises showing the location of all manager's stations, viewing rooms, overhead lighting fixtures, video cameras and monitors installed for monitoring purposes and restrooms, and shall designate all portions of the premises in which patrons will not be permitted. Restrooms shall not contain video reproduction equipment. The diagram shall also designate the place at which the permit will be conspicuously posted, if granted. A professionally prepared diagram in the nature of an engineer's or architect's blueprint shall not be required; however, each diagram shall be oriented to the north or to some designated street or object and shall be drawn to a designated scale or with marked dimensions sufficient to show the various internal dimensions of all areas of the interior of the premises to an accuracy of plus or minus six inches. The chief of police may waive the foregoing diagram for renewal applications if the applicant adopts a diagram that was previously submitted and certifies that the configuration of the premises has not been altered since it was prepared.
- (2) The application shall be sworn to be true and correct by the applicant or acknowledged by the applicant before a notary.
- (3) No alteration in the configuration or location of a manager's station or viewing room may be made without the prior approval of the chief of police.
- (4) It shall be the duty of the operator, and of any employees present on the premises, to ensure that no patron is permitted access to any area of the premises which has been designated as an area in which patrons will not be permitted in the application filed pursuant to subsection (a)(1) of this section.
- (5) The interior premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than one footcandle as measured at the floor level. It shall be the duty of the operator, and of any employees present on the premises, to ensure that the illumination described in this subsection is maintained at all times that the premises is occupied by patrons or open for business.

- (6) It shall be the duty of the operator, and of any employees present on the premises, to ensure that no sexual activity occurs in or on the licensed premises.
- (7) It shall be the duty of the operator, and of any employees present on the premises, to ensure that not more than one person is present in a viewing room at any time. No person shall enter a viewing room that is occupied by another person.
- (8) It shall be the duty of the operator, and of any employees present on the premises, to ensure that no openings of any kind exist between viewing rooms. No person shall make an attempt to make an opening of any kind between viewing rooms.
- (9) It shall be the duty of the operator, or of any employee who discovers two or more patrons in a viewing room or discovers any person making or attempting to make an opening of any kind between viewing rooms, to immediately escort such persons from the premises.
- (10) It shall be the duty of the operator, or of any employee, who discovers an opening of any kind between viewing rooms to immediately secure such rooms, and prevent entry into them by any patron until such time as the wall between the rooms has been repaired to remove the opening. Removal and repairing openings between viewing rooms shall be in a manner that is as structurally substantial as the original wall construction.
- (11) It shall be the duty of the operator, at least once each business day, to inspect the walls between viewing rooms for openings of any kind, documented by appropriate logs.
- (12) It shall be the duty of the operator to post conspicuous signs in well-lighted entry areas of the business stating all of the following:
 - a. That no loitering is permitted in viewing rooms.
 - b. That the occupancy of viewing rooms is limited to one person.
 - c. That sexual activity on the premises is prohibited.
 - d. That the making of openings between viewing rooms is prohibited.
 - e. That violators will be required to leave the premises.
 - f. That violations of this section are unlawful.
- (13) It shall be the duty of the operator to ensure that floor coverings in viewing rooms are nonporous, easily cleanable surfaces, with no rugs or carpeting.
- (14) It shall be the duty of the operator to ensure that all wall surfaces and seating surfaces in viewing rooms are constructed of or permanently covered by nonporous easily cleanable material.
- (15) It shall be the duty of the operator to ensure that premises are clean and sanitary. Such duty shall be fulfilled if the operator complies with the following cleaning procedures:
 - a. The operator shall maintain a regular cleaning schedule of at least two cleanings per day, documented by appropriate logs.

- b. The operator shall provide an employee to check all areas for garbage, trash, body fluids and excrement and to remove and clean all areas with a disinfectant. All solid waste generated by the business shall be collected from the premises for disposal at a lawful solid waste disposal facility at least twice each week. Prior to the collection, solid waste shall be stored in a manner that prevents access by animals or members of the public and which will not facilitate the creation of a health nuisance.
 - c. Thorough cleaning of the entire interior of any room providing patron privacy shall be done using a disinfectant. Cleaning shall include floors, walls, doors, seating, monitors, video cameras, windows and other surfaces.
- (16) The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager's station of every area of the premises, including the interior of each viewing room but excluding restrooms, to which any patron is permitted access for any purpose. A manager's station shall not exceed 32 square feet of floor area. If the premises has two or more manager's stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose from at least one of the manager's stations. The view required in this subsection must be by direct line of sight from the manager's station. It is the duty of the operator to ensure that at least one employee is on duty and situated in each manager's station at all times that any patron is on the premises. It shall be the duty of the operator, and it shall also be the duty of any employees present on the premises, to ensure that the view area specified in this subsection remains unobstructed by any doors, curtains, walls, merchandise, display racks or other materials or enclosures at all times that any patron is present on the premises.
- (17) It shall be the duty of the operator or manager of the business to ensure that no sexually oriented entertainment activity or visual depictions characterized by an emphasis on actual specified anatomical areas or specified sexual activities are visible from a public right-of-way adjacent to the establishment.

(b) It shall be unlawful for a person having a duty under this section to knowingly fail to fulfill that duty.

(Ord. No. 7-2007, § 6-60.14, 11-13-2007)

Sec. 10-59. Loitering and exterior lighting and monitoring requirements.

- (a) It shall be the duty of the operator of a sexually oriented business to:
 - (1) Post conspicuous signs stating that no loitering is permitted on the premises;
 - (2) Designate one or more employees to monitor the activities of persons on such property by visually inspecting such property at least once every 90 minutes or inspecting such property by use of video cameras and monitors; and

- (3) Provide lighting of the exterior premises to provide for visual inspection or video monitoring to prohibit loitering. If used, video cameras and monitors shall operate continuously at all times that the premises are open for business. The monitors shall be installed within a manager's station.

(b) It shall be unlawful for a person having a duty under this section to knowingly fail to fulfill that duty.

(Ord. No. 7-2007, § 6-60.15, 11-13-2007)

Sec. 10-60. Penalties and enforcement.

(a) A person who knowingly violates, disobeys, omits, neglects, or refuses to comply with or resists the enforcement of any of the provisions of this chapter, shall be subject to a citation and a civil fine, not to exceed \$500.00, upon proper adjudication before the town magistrate court. Each day the violation is committed, or permitted to continue, shall constitute a separate offense and shall be fined as such.

(b) The town attorney is hereby authorized to institute civil proceedings necessary for the enforcement of this article to prosecute, restrain, or correct violations hereof. Such proceedings, including injunction, shall be brought in the name of the town, provided however, that nothing in this section and no action taken hereunder, shall be held to exclude such criminal proceedings as may be authorized by other provisions of this Code, or any of the laws or ordinances in force in the town, or to exempt anyone violating this Code or any part of the laws from any penalty which may be incurred.

(Ord. No. 7-2007, § 6-60.16, 11-13-2007)

Sec. 10-61. Prohibited acts on sexually oriented business premises generally.

(a) No person holding a sexually oriented business license, and no employee of any such person, shall do or permit any of the following acts to be done on or about the licensed premises:

- (1) Serve or allow on the premises of a sexually oriented business, any person under the age of 18 years, unless such person submits a valid photographic ID which, on its face, establishes the age of the person as 18 years or older, and there is no reasonable doubt as to the authenticity or correctness of the identification; provided, however, that the prohibition of this subsection shall apply only to the partitioned area for sexually oriented activity of a dual purpose business.
- (2) Allow alcohol on the premises except for those sexually oriented businesses properly licensed under the state and town alcoholic beverage regulations.
- (3) Intentionally entice, aid or permit any person under the age of 18 years to visit or loiter in or about any sexually oriented business; provided, however, that the prohibition of this subsection shall apply only to the partitioned area for sexually oriented activity of a dual purpose business.

- (4) Permit any prostitute to frequent the licensed premises or to solicit patrons for prostitution on the licensed premises.
- (5) Intentionally conduct illegal gambling as defined by law, on the premises described in the application for the license.
- (6) Fail to keep the premises clean and sanitary, including any parking lot, sidewalk, vacant lot, or open or closed space within or contiguous to the licensed premises which is under the control of the permit holder by lease, ownership, or otherwise.
- (7) Illegally distribute, sell, offer for sale, possess or permit the consumption or distribution on or about the licensed premises of any kind or type of narcotics or habit-forming drug.

(b) Violation of this section by any sexually oriented business licensee, agent, associate, employee, representative or servant shall be considered the licensee's act for the purposes of suspension or revocation of a license.

(c) Notwithstanding the issuance of a license by way of renewal, the chief of police or the town may request revocation or suspension of such license as prescribed by this article, for violations of this section occurring during the license period immediately preceding the issuance of such license.

(Ord. No. 7-2007, § 6-60.17, 11-13-2007)

Sec. 10-62. Additional regulations concerning live public nudity.

(a) It shall be a violation of this chapter for a patron, employee, or any other person knowingly or intentionally, in a sexually oriented business, to appear in a state of nudity, regardless of whether such public nudity is expressive in nature.

(b) It shall be a violation of this article for a person, knowingly or intentionally, in a sexually oriented business to appear in a semi-nude condition unless the person is an employee who, while semi-nude, shall be at least six feet from any patron or customer and on a permanent immovable stage at least 18 inches from the floor.

(c) It shall be a violation of this article for any employee of a sexually oriented business, while semi-nude, to knowingly or intentionally touch a customer or the clothing of a customer.

(d) It shall be a violation of this article for any person to knowingly or intentionally touch an employee of a sexually oriented business or such employee's clothing or costume, while such employee is semi-nude.

(e) A sign in a form to be prescribed by the chief of police and summarizing the provisions of subsections (a) through (d) of this section shall be posted near the entrance of the sexually oriented business in such a manner as to be clearly visible to patrons upon entry. It shall be a violation of this article for an operator to operate a sexually oriented business at any time when the required sign is not posted and clearly visible to patrons entering the business.

(f) The interior of any business that regularly features persons who appear in a state of semi-nudity shall be configured in such a manner that there is an unobstructed view from a manager's station or from a hallway accessible to all patrons to all places and all parts of any room where patrons are permitted access, excluding restrooms, for any purpose. In any business that regularly features persons who appear in a state of semi-nudity, no separate room, other than a restroom, where any patron is allowed access for any purpose, shall have any door that precludes viewing of all parts of any such room from a manager's station or a hallway to which all patrons are permitted access. A manager's station as described in the preceding sentences shall not exceed 32 square feet of floor area. The view required in this subsection must be by direct line of sight from the manager's station or the hallway to all parts of the room in question. It is the duty of the operator to ensure that at least one employee is on duty and situated in each manager's station at all times that any patron is on the premises. It shall be the duty of the operator, and it shall also be the duty of any employees present on the premises, to ensure that the view area specified in this subsection remains unobstructed by any doors, curtains, walls, merchandise, display racks or other materials or enclosures at all times that any patron is present on the premises. It shall be a violation of this chapter for any person to operate a business in violation of this subsection.

(g) It is unlawful for a sexually oriented business to knowingly violate the preceding regulations or to knowingly allow an employee or any other person to violate the preceding regulations.

(Ord. No. 7-2007, § 6-60.18, 11-13-2007)

Sec. 10-63. Regulation of dual purpose businesses.

It shall be unlawful for the operator of any dual purpose business to fail to comply with the following regulations:

- (1) The operator shall maintain a physical barrier between any sexually oriented entertainment activity and other activity of the business. The barrier shall consist of a permanent opaque wall or room divider, or a separate room. The barrier will be a minimum of six feet high. The entrance to the separate sexually oriented entertainment activity area will be configured as to not allow a patron of the business below the age of 18 years to view the contents of the sexually oriented entertainment activity area from outside such area.
- (2) The area containing sexually oriented entertainment activity shall be clearly marked by signs, with bold-face lettering in type or handwriting no less than the equivalent of 70-point type, stating that no persons under the age of 18 are allowed in the area. Such sign shall be not less than two-feet wide and one-foot high, in letters sharply contrasting in color with the background of the sign.
- (3) The operator shall ensure that only employees holding sexually oriented business employee cards and qualified patrons are permitted entry into the separate sexually

oriented entertainment area; provided, however, that bona fide maintenance or cleaning employees may be permitted entry into such area to perform their maintenance or cleaning responsibilities.

- (4) Any employee of a dual purpose business will be required to have a sexually oriented business employee card if the employee has any duties relating to the sale, rental, restocking, checking in and out of sexually oriented entertainment materials, or taking inventory of any sexually oriented entertainment material.
- (5) The operator shall not advertise or display promotional materials for any of the materials or activities available in the partitioned sexually oriented activities section on the exterior of the premises or within the interior of the premises not partitioned for sexually oriented entertainment material.

(Ord. No. 7-2007, § 6-60.19, 11-13-2007)

Sec. 10-64. Proof of violation or business licensee liability.

Notwithstanding anything to the contrary, for the purposes of this article, an act by an employee that constitutes grounds for suspension or revocation of that employee's license shall be imputed to the sexually oriented business licensee for purposes of finding a violation of this provision, or for purposes of license denial, suspension, or revocation, only if an officer, director, or general partner, or a person who managed, supervised, or controlled the operation of the business premises, knowingly allowed such act to occur on the premises, or if an officer, director, or general partner, or a person who managed, supervised, or controlled the operation of the business premises reasonably should have known that such act was occurring or likely to occur on the premises.

(Ord. No. 7-2007, § 6-60.20, 11-13-2007)

Sec. 10-65. Applicability of regulations to existing businesses and employees.

(a) The provisions of this article shall apply to the activities of all sexually oriented businesses and sexually oriented business employees described herein, whether such businesses or activities were established or commenced before, on, or after the effective date of the ordinance from which this article is derived. As of the effective date of the ordinance from which this enacted article is derived, any person or business who is engaged in a business or activity requiring a sexually oriented business license or a sexually oriented business employee card under this chapter shall apply for the appropriate license or card within 30 days after the effective date of the ordinance from which this enacted article is derived. If such person does not apply for the applicable license or card within such 30-day period, the person or business shall not be entitled to operate a sexually oriented business or be an employee of a sexually oriented business (or an employee of a dual purpose business required to hold a sexually oriented business employee card) after the expiration of such 30-day period, and such person shall be subject to prosecution or other action for violation of this article. During the pendency of any application for a sexually oriented business license or sexually oriented business employee card, and any appeal from the denial of any such license or card, the applicant is hereby granted a de facto temporary license or card, as the case may be, to

continue operation or employment until the ultimate termination of the appeal process by completion or withdrawal of the appeal, subject to suspension or revocation provisions as provided in this article.

(b) Within 180 days after the effective date of the ordinance from which this article is derived, sexually oriented businesses and dual purpose businesses must make any necessary changes to the interior configurations of the regulated business premises to conform to this article.

(Ord. No. 7-2007, § 6-60.21, 11-13-2007)

Sec. 10-66. Sexually oriented business locations, measurements.

Any measurement required to be conducted by the provisions of this article shall be preformed by the zoning administrator, or his designee, as appointed by the chairman of the town planning commission.

(Ord. No. 7-2007, § 6-60.22, 11-13-2007)

Sec. 10-67. Severability.

The subsections and provisions of this article thereunder are hereby declared to be independent divisions and subdivisions and, notwithstanding any other evidence of legislative intent, it is hereby declared to be the controlling legislative intent that if any provisions of this article, or the application thereof to any person or circumstance is held to be invalid, the remaining sections or provisions and the application of such sections and provisions to any person or circumstances other than those to which it is held invalid, shall not be affected thereby, and it is hereby declared that such sections and provisions are severable and would have been passed independently of such section or provision so known to be invalid.

(Ord. No. 7-2007, § 6-60.23, 11-13-2007)

Secs. 10-68—10-92. Reserved.

DIVISION 3. ZONING

Sec. 10-93. Classification.

Sexually oriented businesses shall be classified as follows:

- (1) Adult arcades, adult bookstores, adult novelty stores, adult video stores;
- (2) Adult cabarets;
- (3) Adult motels;
- (4) Adult motion picture theaters;
- (5) Escort agencies;
- (6) Exotic dance services;
- (7) Massage centers;

- (8) Dual purpose businesses;
 - (9) Other sexually oriented businesses.
- (Ord. No. 6-2007, § 29-60.2, 11-13-2007)

Sec. 10-94. Locational requirements.

(a) *Not to operate within 1,000 feet.* No sexually oriented business shall be operated within 1,000 feet of:

- (1) A public park or public library.
- (2) A nonprofit educational museum.
- (3) A church or synagogue.
- (4) A public or private elementary or secondary school.
- (5) A day care center or kindergarten.
- (6) Another sexually oriented business.
- (7) A structure that contains another sexually oriented business.

(b) *Residential zoning district.* No sexually oriented business shall be operated within 1,000 feet of a residential zoning district.

(c) *Allowed in D-2 district.* Sexually oriented businesses shall be allowed only in the D-2 industrial district.

(d) *Measurement.* The following shall be the method of measuring restrictive distances:

- (1) Measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the structure where a sexually oriented business is located or conducted to the nearest property line of the premises of a church, public park, public or private elementary or secondary school, day care or kindergarten, residential district, or building site dedicated or devoted to a residential use.
- (2) Measurement between any two sexually oriented businesses shall be made in a straight line, without regard to intervening structures or objects, from the closest exterior wall of one establishment to the exterior wall of the other establishment.

(e) *Nonconforming.* The following shall be the conforming restrictions for sexually oriented businesses:

- (1) Any person or entity holding a certificate of occupancy for a lawful business and actually operating a sexually oriented business on the effective date of the ordinance from which this article is derived, but not in compliance with the requirements of this article shall be permitted to continue to operate as a nonconforming sexually oriented business at the site of the previous use; provided, however, that should such business cease to operate or be discontinued for any period of time, it shall not thereafter be reestablished without being in full compliance with all provisions of this article and

other applicable codes and ordinances. The term "cease to operate" or "discontinued for any period of time" means the voluntary or intentional termination, cessation or discontinuance of the business by the owner or other party in interest or an involuntary termination of the business resulting from a violation of any applicable rule, regulation, ordinance, statute or law. The nonconforming use shall not be deemed to terminate if the cessation, termination or discontinuance of the business operations are caused by an act of God, or other catastrophic occurrence or event not caused by or under the control of the business owner or other party in interest. The holder of the certificate of occupancy or operator of the business shall be responsible for providing documentation, acceptable to the zoning administrator, that a nonconforming sexually oriented business has not ceased to operate or been discontinued. A nonconforming sexually oriented business shall not be enlarged, increased or altered, as provided in applicable sections of this article. Any change in use shall require full compliance with all provisions of this article and other applicable codes.

- (2) A sexually oriented business lawfully operating as a conforming use is not rendered a nonconforming use by the location, subsequent to approval of the sexually oriented business, of a church, public park, public or private elementary or secondary school, day care or kindergarten, residential district or residential lot within 1,000 feet of the sexually oriented business.

(f) *Issuance of certificate of occupancy.* Prior to the issuance of a certificate of occupancy, the owner or applicant shall be required to sign a written statement verifying that a sexually oriented business is being operated as defined by this article.

(Ord. No. 6-2007, § 29-60.3, 11-13-2007)

Secs. 10-95—10-145. Reserved.

ARTICLE III. SECONDHAND DEALERS

Sec. 10-146. 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:

Secondhand dealers means:

- (1) Every person in the town engaged in the business of buying, selling, trading in or otherwise acquiring or disposing of used or secondhand property is a secondhand dealer.
- (2) Secondhand property includes, but is not limited to, jewelry, silverware, diamonds, precious metals, furniture, pictures, objects of arts, clothing, mechanic's tools, carpenter tools, automobile hubcaps, automotive batteries, automotive sound equipment,

such as radios, CB radios, stereos, speakers, cassettes, compact disc players and similar automobile audio supplies, all children's toys, bicycles, skate boards and similar sporting equipment and used building components.

(Ord. No. 10-2008, § a, 8-12-2008)

Sec. 10-147. License required; application; exemptions.

(a) No person shall do business as a secondhand dealer in the town without having first obtained the license required by law. Any person desiring a license as a secondhand dealer shall make an application in writing, specifying the street number and house number of the building where the business is to be carried on. This application shall be signed by at least three property taxpayers of the town certifying that the applicant is of good moral character. He shall also submit with his application a bond in favor of the town in the sum of \$1,000.00 as security conditioned for the due observance of all provisions of this article.

(b) The provisions of this section shall not apply to a retail tire outlet or an automobile dealer in tires.

(Ord. No. 10-2008, § b, 8-12-2008)

Sec. 10-148. Hours of business.

A secondhand dealer shall neither open his place of business before the hour of 7:00 a.m. nor keep it open after the hour of 7:00 p.m. except on Saturdays and during the month of December, during which time the hour of 7:00 p.m. shall be extended to 10:00 p.m.

(Ord. No. 10-2008, § c, 8-12-2008)

Sec. 10-149. Failure to comply; penalty.

Anyone acting as a secondhand dealer without complying with the provisions of this article shall be fined not less than \$250.00 or be imprisoned not less than 30 days nor more than 60 days, or both.

(Ord. No. 10-2008, § d, 8-12-2008)

Secs. 10-150—10-166. Reserved.

ARTICLE IV. ITINERANT VENDORS

Sec. 10-167. Purpose.

The purpose of this article is to protect the public from improper sales techniques by itinerant vendors, and to provide a method of processing warranty claims on merchandise sold by itinerant vendors.

(Ord. No. 11-2008, § I, 8-12-2008)

Sec. 10-168. Definitions.

The following terms shall have the meaning ascribed to them unless the context clearly indicates otherwise:

Itinerant vendor means any person, partnership, firm or corporation of whatever type, including their agents and employees, who engages in a temporary business in this state exhibiting merchandise to the public for the purpose of selling or offering to sell, or taking orders to sell such merchandise when such vendor does not have a permanent address in this state and does not have a duly appointed agent for service of process in this state.

Merchandise means any consumer item that is, or is represented to be, new or not previously owned by a consumer.

(Ord. No. 11-2008, § II, 8-12-2008)

Sec. 10-169. Agent; bond.

(a) It shall be unlawful for any itinerant vendor to engage in any temporary business without first complying with the provisions of this article and obtaining a permit from the town in the amount of \$150.00.

(b) Each itinerant vendor shall appoint an agent within this state which agent shall be a resident of this state. The agent shall accept service of process on behalf of the itinerant vendor in any suit filed against the itinerant vendor and shall be responsible for processing any warranty claim on merchandise sold by the itinerant vendor.

(c) The name and street address of the agent shall be filed with the secretary of state. In addition, the name and address of the agent shall be furnished in writing to each person purchasing an item from the itinerant vendor along with a written statement that the agent is the proper person to accept service of process in any suit filed against the vendor; and is the proper person to process any warranty claim.

(d) Each agent shall post a bond with the secretary of state in the amount of \$500.00 for each itinerant vendor for which he services as an agent. The bond shall be to ensure the performance of his duties, as provided in this article, and shall remain in effect for a period of two years after the date on which the last sale by the itinerant vendor is made in this state. Said bond shall be available to satisfy judgments rendered against said itinerant vendor.

(Ord. No. 11-2008, § III, 8-12-2008)

Sec. 10-170. Exceptions.

(a) This article shall not apply to sales made at crafts and arts fairs or festivals sponsored by a state nonprofit organization or to sales made at events commonly known as flea markets, stamp shows, coin shows, trade shows, festivals, fairs, or gun shows or to sales of agricultural, seafood, or handcrafted products.

(b) Notwithstanding the provisions of subsection (a) of this section, a person renting or leasing a space at a wholesale or retail trade show shall present written evidence on the letterhead of the business that he claims to represent, to the manager, director, coordinator, or other appropriate person having responsibility for that specific trade show, of his agency relationship or contract status with such business. Such person shall further agree to comply with the rules governing the types of transactions permitted by such show, including rules prohibiting retail sales at wholesale trade shows.

(c) Any itinerant vendor shall be exempt from the provisions of this section when:

- (1) He participates in a trade show or other exhibition in which the promoter, manager, coordinator, or other person in authority for such show or exhibition has posted a \$10,000.00 bond with the local governing authority where the merchandise is to be sold; and
- (2) Such promoter, manager, coordinator, or other person in authority for such show agrees to make every reasonable effort to satisfy complaints by purchasers of merchandise from him.

(Ord. No. 11-2008, § IV, 8-12-2008)

Sec. 10-171. Penalty.

Any itinerant vendor convicted of violating the provisions of this article shall be fined not less than \$100.00 nor more than \$1,000.00.

(Ord. No. 11-2008, § V, 8-12-2008)

Chapter 11

RESERVED

CD11:1

Chapter 12

EMERGENCY SERVICES AND MANAGEMENT*

- Sec. 12-1. Unauthorized use of the 911 system.
- Sec. 12-2. Emergency medical service.

***State law references**—Authority of local government to regulate ambulance services and emergency medical services, R.S. 33:4791 and 33:4791.1; authority of local government to establish and regulate of ambulance service districts authorized, R.S. 33:9040 et seq.

Sec. 12-1. Unauthorized use of the 911 system.

(a) It shall be unlawful for any person to use the Bossier Parish Communications District Number One Enhanced 911 Telephone System by dialing 9-1-1, except when there is a legitimate and justified need for immediate or expedited assistance of law enforcement, fire or medical personnel.

- (1) Determinations of the automatic location identifier and automatic number identifier features of the enhanced 911 telephone system shall constitute prima facie evidence of the location and telephone line from which a call is made.
- (2) The trier of fact may infer that there has been an unlawful use of the enhanced 911 emergency by the person charged when:
 - a. Emergency personnel responding to the location from which a 911 emergency call originated as determined by the E-911 Automatic Identifier Systems, find that there exists at that location no legitimate and justified need for immediate or expedited assistance of law enforcement, fire or medical personnel.
 - b. The telephone line from which the call originated is listed in the name of the person charged by the local telephone company.
 - c. The person charged has had custody or control over the room, structure, or place from which the call originated.

(b) Any adult person violating the provisions of this section, shall, upon conviction be punished according to the general penalties described in section 1-7.

(c) Any minor violating the provisions of this section shall be dealt with accordance with juvenile court law and procedure as set out in the Louisiana Children's Code.

(d) Any parent, guardian or other adult person having the care and custody of a minor found guilty of violating this section shall be punished according to the general penalties described in section 1-7.

(e) Each transmission of/and dialing of the Bossier Parish Enhanced Emergency Phone System Telephone Number 9-1-1, when there is no legitimate and justified need for immediate or expedited assistance of law enforcement, fire, or medical personnel shall constitute a separate offense under the penalties provided for in this section.

(Ord. No. 3-1994, § I, 4-12-1994)

State law references—Criminal mischief, R.S. 14:59A(2) and (5); false swearing concerning the commission of a crime for purpose of violating public health or safety, R.S. 14:126.1.

Sec. 12-2. Emergency medical service.

(a) *Primary provider.* The Haughton Volunteer Fire Department shall be the primary provider for ambulance service in the town.

(b) *Rates.* Rates are hereby set at \$225.00 per person, per call, plus \$1.00 per mile.

(c) *Third party billing.* Billing to Medicare and other insurance companies shall be done by the town.

(d) *Responsibility.* That person requiring ambulance service is responsible for charges.
(Ord. No. 1-1990, 2-13-1990)

Chapter 13

RESERVED

CD13:1

Chapter 14

FIRE PREVENTION AND PROTECTION*

Article I. In General

- Sec. 14-1. Fire department policy and procedures manual adopted.
Secs. 14-2—14-20. Reserved.

Article II. Fire Department

- Sec. 14-21. Establishment of fire department.
Sec. 14-22. Governing body.
Sec. 14-23. Officers.
Sec. 14-24. Duties of the chief.
Sec. 14-25. Membership.
Sec. 14-26. Equipment.
Sec. 14-27. General regulations.
Sec. 14-28. Enforcement.
Sec. 14-29. Special officers.
Sec. 14-30. Houghton Fire Department Standard Operating Guidelines.

***State law reference**—Municipal fire prevention regulations, R.S. 33:4741 et seq.

ARTICLE I. IN GENERAL**Sec. 14-1. Fire department policy and procedures manual adopted.**

(a) The Town of Haughton Fire Department Policy and Procedures Manual, as amended, is hereby adopted by reference and incorporated herein as if fully set out.

(b) The Town of Haughton Fire Department Policy and Procedures Manual merely supplements the town employee handbook, including the town employee drug abuse and testing policy, and is not meant to replace any policy or procedure set out in the town employee handbook. Where the provisions of the Town of Haughton Fire Department Policy and Procedures Manual are in conflict with the town employee handbook, the most restrictive provisions shall be enforced.

(c) The board of aldermen will review and update the fire department policy and procedures manual in those years in which an election for a mayor and council is held, or as soon thereafter as is practicable. In those years in which an election for a mayor and council is not being held, the chief of the fire department may present to the board of aldermen for their review and approval any change in fire department policy or procedure that is required to be made by state or federal law.

Secs. 14-2—14-20. Reserved.**ARTICLE II. FIRE DEPARTMENT****Sec. 14-21. Establishment of fire department.**

A department to be hereafter known as the Haughton Fire Department whose mission shall be the prevention and suppression of fire and the protection of life and property within the town and adjoining areas. The department will be created as set forth in this article.

(Ord. No. 8-2008, § 11-1, 8-12-2008; Ord. No. 1-2011, 7-12-2011)

Editor's note—Ord. No. 1-2011, adopted July 12, 2011, changed the title of § 14-21 from "Establishment of volunteer fire department" to read as herein set out.

Sec. 14-22. Governing body.

The town mayor and board of aldermen shall be the governing body of the town fire department.

(Ord. No. 8-2008, § 11-2, 8-12-2008)

Sec. 14-23. Officers.

(a) The department shall consist of a chief and other officers as the chief may deem necessary for the effective operation of the department.

(b) The chief shall be appointed by the town mayor and board of aldermen for an indefinite period of time, and his tenure of office shall depend upon his good conduct and efficiency. The chief shall be technically qualified by training and experience and shall have ability to command men and women and hold their respect and confidence. He can be removed for just cause and after a hearing before the town mayor and board of aldermen.

(c) The chief shall be held accountable for the fire department, and shall make written and verbal reports thereto as the governing body may require. All other department and company officers shall be accountable to the chief.

(d) The officers shall be appointed by the chief. Such officers shall be accountable only to the chief and the chief shall be held accountable to the town mayor and board of aldermen.
(Ord. No. 8-2008, § 11-3, 8-12-2008)

Sec. 14-24. Duties of the chief.

(a) The chief shall formulate a set of rules and regulations to govern the department, and shall be responsible to the town mayor and board of aldermen for the personnel, morale and general efficiency of the department.

(b) The chief shall determine the number and kind of companies of which the department is to be composed and shall determine the response of such companies to alarms.

(c) The chief, or his designee, shall at least once a month conduct suitable drills or instruction in the operation and handling of equipment, first aid and rescue work, salvage, a study of building in the area of response, fire prevention, water supplies, and all other matters generally considered essential to good friendship and safety of life and property from fire.

(d) The chief, or his designee, is hereby required to assist the proper authorities in suppressing the crime of arson by investigating or causing to be investigated the cause, origin, and circumstances of all fires.

(e) The chief, or his designee, is hereby empowered to enter any and all places of public assemblage and their premises at any reasonable hour for the purpose of making inspections and to serve written notice upon the owner or occupant to abate, within a specified time, any and all fire hazards that may be found. Any person served with notice to abate any fire hazard or hazard, shall comply therewith and promptly notify the chief.

(f) The chief shall see that complete records are kept of all fires, inspections, apparatus and minor equipment, personnel, and other information about the work of the department.

(g) The chief shall report monthly to the town mayor and board of aldermen the condition of the apparatus and equipment; the number of fires during the month, their location and cause, and date of same and loss occasioned thereby; the number of members responding to each fire or other run, and any changes in membership.

(h) The chief shall make a complete annual report to the town mayor and board of aldermen within one month after the close of the fiscal year, such report to include the information specified in subsection (f) of this section, together with comparative data for previous years and recommendations for improving the effectiveness of the department.

(i) Authority to establish burning ban; penalties for violation thereof.

(1) The town council of the Town of Haughton does hereby authorize the fire chief or his designee, with the approval of the mayor, to impose a temporary burn ban within the town's legal boundaries when weather conditions so warrant.

(2) Any temporary burn ban so imposed by the fire chief or his designee shall prohibit all outdoor burning until such time as the fire chief or his designee determines that weather conditions are safe enough to cancel the burn ban.

(3) Any person or persons or company or corporation or any person or persons who are individually representing or acting as an agent for any person or persons or company or corporation who violates this ordinance shall be guilty of a misdemeanor and punishable by a fine not to exceed \$500.00 plus all costs of court and/or a jail sentence not to exceed six months.

(4) Prosecution under this section shall not affect any violator's civil liability to any party damaged as a result of any fire set by the violator.

(5) Upon issuance of a burn ban, the following agencies shall be notified. These agencies shall also be notified at such time the burn ban is lifted.

The Bossier Parish Police Jury;

The Bossier Parish Sheriff's Department;

Bossier Parish Communications District No. 1;

All local news media.

(Ord. No. 8-2008, § 11-4, 8-12-2008; Ord. No. 5-2011, 12-13-2011)

Sec. 14-25. Membership.

(a) The membership of the department shall consist of able-bodied citizens residing within one mile of the protected areas limits. Exceptions may be made by the fire chief. Determination of whether candidates for appointment are able-bodied shall be made by the fire chief upon medical and physical examinations, and undergo a background investigation, which may be required.

(b) The term "members" shall include all employees and volunteers of the town fire department.

(c) All members shall:

(1) Conduct themselves in such a manner as approved by law abiding self-respecting citizens.

(2) Refrain from any act which might bring discredit upon the department or its members.

- (3) Refrain from indulging in boisterous conduct or profane language.
- (4) Show courtesy and respect to the public at all times.
- (5) Obey and show courtesy to officers and acting officers on duty or in the line of duty.

(d) No tobacco products of any kind will be allowed inside the fire station at any time. This includes inside the fire apparatus, a fire or EMS scene. Reasonable exceptions may be made by the incident commander (i.e., when the emergency no longer exists and the incident commander gives permission, or a safe smoking area has been designated by the incident commander when members are required to be on scene for extended periods of time).

(e) Members shall report promptly to their commanding officer, the occurrence of any accident, sickness, or injury to themselves while on duty no matter how trivial. Any accident, sickness, or injury occurring during off-duty time, which might affect their ability to carry out their duties in the normal manner, shall also be reported. Also, medications that may impair their reflex abilities.

(f) Members shall refrain from exceeding their authority in giving orders to subordinate members. The wrongful or injurious exercise of authority by any member is prohibited. A member acting in obedience to an improper order shall be protected against penalty.

(g) Members shall upon receipt of an order that is in conflict with a previous order, inform the officer who issued the conflicting order of the conflict and be governed by his instructions.

(h) Members shall attend all fires or emergencies to which they may be dispatched and exert their greatest effort to perform to the best of their ability, under all circumstances. Neglect, inefficiency, or indifference of members is sufficient cause for disciplinary action.

(i) Members shall practice economy in the use of supplies and metered services.

(j) Members shall familiarize themselves with and obey the rules and regulations, standard operating procedures, and practices of the fire department including this article.

(k) Members shall exercise good judgment and take precautionary measures to avoid injury to themselves and other members while on duty. Members shall avoid unnecessary damage to or loss of departmental property and be responsible for the reasonable care and safekeeping of all property in their charge.

(l) Participation in emergency service requires many hours to be spent training. Training sessions will include, but not be limited to the following:

- (1) *Company training.* Conducted once a week (except for holidays and special events) on to help educate the department members on fire service related subjects. Members will be required to attend a minimum of 80 percent of company training sessions, unless excused by the chief.
- (2) *EMS training.* Conducted once a month (on a different date than the company training) on an emergency medical topic. These training sessions will be open to any members wishing to attend, EMS providers on the department, however, will be

required to attend a minimum of 80 percent of these sessions, unless excused by the chief, assistant chief, or EMS officer, or risk losing their EMS status on the department.

(3) *Driver training.* Any member that will be driving a department apparatus must complete a course approved by the department on the handling of emergency apparatus. A re-occurring background check may be conducted at any time on members that are qualified to drive. The following shall be required of a member in order to drive a department apparatus:

- a. Must be 21 years of age.
- b. Must have a valid driver's license.
- c. Cannot have more than the allowed amount of speeding tickets.
- d. No DWI's will be allowed.

(4) *Probation period training.* To be completed prior to the end of a member's probation period. This is to educate a new member on the fundamentals of fire service.

(5) *Business meetings.* To be held at least once a month to inform the membership of current business and to get feedback from the membership.

(m) Members shall be thoroughly familiar with all of the equipment they may be required to use in the full performance of their duties and perform related work as required.

(n) Members shall accept responsibilities for the performance of duties of a higher rank when assigned to act in such a position.

(o) Members shall report any change in residence address or telephone number.

(p) Members shall acquaint themselves with the physical conditions, street names, block numbers, locations of fire plugs, and other matters affecting response to their first alarm territory while maintaining a good working knowledge of their mutual aid response territories.

(q) Members shall refrain from being a party to any malicious gossip, rumor, report, or activity that would tend to disrupt the department or any member; and from making derogatory statements or adversely criticizing departments or town government policies, activities, or officers of the fire department or other personnel of the town government, except by written report to the fire chief submitted through the proper channels.

(r) Members shall refrain from revealing any sensitive, confidential, or privileged information, including patient information to any unauthorized persons, except in case of written approval of the chief or town mayor and board of aldermen.

(s) Members shall immediately turn in to their commanding officers all equipment and badges, identification, pagers, and training materials or any other item belonging to the department for any reason.

(t) At fire department executive board meetings, nonfire department members shall not be allowed to attend unless agreed upon by the board members present.

(u) All functions or fund raisers must be approved at a fire department meeting and voted on by the members that are present.

(v) Any member of the department shall be suspended or discharged from the department by the chief or the town mayor and board of aldermen at any time they may deem such action necessary for the good of the department.

(Ord. No. 8-2008, § 11-5, 8-12-2008; Ord. No. 1-2011, 7-12-2011)

Sec. 14-26. Equipment.

(a) The department shall be equipped with such apparatus and other equipment as may be required from time to time to maintain its efficiency and properly protect life and property.

(b) Recommendations of apparatus, apparatus housing, and equipment needed shall be made by the chief, and after approval by the town mayor and board of aldermen shall be purchased in such manner as may be designated by the town mayor and board of aldermen.

(c) All equipment of the department shall be safely and conveniently housed in such places as may be designated by the fire chief. Such places shall be heated during the winter season.

(d) Suitable arrangement or equipment shall be provided for citizens to turn in an alarm, and for notifying all members of the department so that they may promptly respond.

(e) No person shall use any fire apparatus or equipment for any private purpose, nor shall any person willfully and without proper authority take away or conceal any article used in any way by the department including removing apparatus on nonalarm purposes.

(f) No person shall enter any place where fire apparatus is housed or handle any apparatus or equipment belonging to the department unless accompanied by, or having the special permission of an officer or authorized member of the department.

(g) The town is hereby authorized to enter into agreements or contracts with nearby incorporated communities, the Bossier Parish Police Jury or governing bodies of other organizations to provide the members of such communities or organizations with fire protection or to establish a mutual aid system.

(h) No apparatus shall be hired out or permitted to leave the area of response except in response to a call for aid at a fire in a neighboring community without the consent of the chief. The officer in charge of the department shall have power to assign equipment for response to a call for outside aid in accordance with subsection (g) of this section, and in other cases only when the absence of such equipment will not jeopardize protection in this area of response. (Ord. No. 8-2008, § 11-6, 8-12-2008)

Sec. 14-27. General regulations.

(a) Each member of the department shall be issued a badge and/or fire credential designating his rank when funds are available.

(b) All department apparatus and all personal cars of department members must follow all traffic laws. Members do not have the right-of-way over other traffic when responding to an alarm simply because red lights and sirens are used. Red lights and sirens are asking for the right-of-way.

(c) No person shall drive any vehicle over a fire hose except upon specific orders from the chief or other officer in charge where the hose is used.

(d) No person shall park any vehicle or otherwise cause any obstruction to be placed within 30 feet of the entrance to any fire station or other place where apparatus is stored, or within ten feet of any fire hydrant or cistern.

(e) No unauthorized person with any vehicle shall follow within 500 feet of any apparatus belonging to the department.

(f) No person shall maliciously turn in or cause to be turned in a false alarm under penalty of law.

(Ord. No. 8-2008, § 11-7, 8-12-2008)

Sec. 14-28. Enforcement.

(a) Any person violating the provisions of sections 14-24(e), 14-26(e) and (f), and 14-27(b), (d) through (f) shall, upon conviction in mayor's court of this fire response area, or before any court of proper jurisdiction, pay a fine of not less than \$10.00 or more than \$100.00 for each offense.

(b) The permanent members of the department are hereby given the necessary police powers for the purpose of enforcing the provisions of this Code.

(c) It is hereby made the special duty of the marshal and peace officers who may be on duty and available for fire duty, to respond to all fire alarms and assist the department in the protection of life and property, in regulating traffic, maintaining order, and in enforcing observance of all sections of this Code.

(Ord. No. 8-2008, § 11-8, 8-12-2008; Ord. No. 1-2011, 7-12-2011)

Sec. 14-29. Special officers.

(a) The department may elect a president, vice-president, secretary and treasurer, to be known as social officers. Such officers may be elected in any manner and for any term the membership may decide upon, and their duties shall be to arrange for and manage any or all social functions sponsored by the department.

(b) The functions and duties of said social officers shall in no way interfere with those of the permanent department officers who are charged with responsibility for all fire service activities of the department.

(Ord. No. 8-2008, § 11-9, 8-12-2008; Ord. No. 1-2011, 7-12-2011)

Sec. 14-30. Haughton Fire Department Standard Operating Guidelines.

(a) *Purpose.* This manual is a consolidation of the policies, procedures, rules and regulations concerning and affecting the Haughton Fire Department. It is designed to be a working guide for all members of the department. The manual is intended to supplement and should be used in conjunction with the Town employee handbook, federal and state laws and is not intended to supersede or overrule such agreements or statutes.

(b) *Scope.* The manual attempts, through policies and procedures, to outline the proper way to mitigate emergencies and to accomplish the daily routine tasks necessary for the operation of the department. The primary mission of the department is to preserve the life and property of the citizens and visitors to the Town of Haughton, as well as the protection, health and safety of the members of this department.

(c) *Authority.* This manual is issued by the Chief of the Haughton Fire Department.
(Ord. No. 6-2014, 9-9-2014)

Editor's note—The Haughton Fire Department Standard Operating Guidelines containing chapters 100.0—100.11 of the current standard operating guidelines as last revised on the 22nd day of May 2014, has not been set out, but may be reviewed in the town clerk's office.

Chapter 15

RESERVED

CD15:1

Chapter 16

FLOODS*

Article I. In General

- Sec. 16-1. Statutory authorization.
- Sec. 16-2. Findings of fact.
- Sec. 16-3. Statement of purpose.
- Sec. 16-4. Methods of reducing flood losses.
- Sec. 16-5. Definitions.
- Secs. 16-6—16-28. Reserved.

Article II. Procedures

- Sec. 16-29. Lands to which this article applies.
- Sec. 16-30. Basis for establishing the areas of special flood hazard.
- Sec. 16-31. Establishment of development permit.
- Sec. 16-32. Compliance.
- Sec. 16-33. Abrogation and greater restrictions.
- Sec. 16-34. Interpretation.
- Sec. 16-35. Warning and disclaimer or liability.
- Secs. 16-36—16-58. Reserved.

Article III. Administration

- Sec. 16-59. Floodplain administrator.
- Sec. 16-60. Duties and responsibilities of the floodplain administrator.
- Sec. 16-61. Permit procedures.
- Sec. 16-62. Variance procedures.
- Secs. 16-63—16-82. Reserved.

Article IV. Provisions for Flood Hazard Reduction

- Sec. 16-83. Requirements.
- Sec. 16-84. Specific standards.
- Sec. 16-85. Standards for subdivision proposals.
- Sec. 16-86. Standards for areas of shallow flooding (AO/AH zones).
- Sec. 16-87. Floodways.
- Sec. 16-88. Severability.
- Sec. 16-89. Penalties for noncompliance.

*State law reference—Municipalities authorized to comply with National Flood Insurance Act, R.S. 38:84.

ARTICLE I. IN GENERAL**Sec. 16-1. Statutory authorization.**

The legislature of the state has in statute RS 38:84 delegated the responsibility of local governmental units to adopt regulations designed to minimize flood losses. Therefore, the board of aldermen does ordain as follows in this article.

(Ord. No. 7-2008, art. 1, § A, 7-7-2008)

Sec. 16-2. Findings of fact.

(a) The flood hazard areas of the town 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. 7-2008, art. 1, § B, 7-7-2008)

Sec. 16-3. 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. 7-2008, art. 1, § C, 7-7-2008)

Sec. 16-4. 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. 7-2008, art. 1, § D, 7-7-2008)

Sec. 16-5. Definitions.

Unless specifically defined below, words or phrases used in this chapter shall be interpreted to give them the meaning they have in common usage and to give this chapter its most reasonable application.

Alluvial fan flooding means flooding occurring on the surface of an alluvial fan or similar landform which originates at the apex and is characterized by high-velocity flows; active processes of erosion, sediment transport, and deposition; and 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 is 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 zone A, AO, AH, A1-30, AE, A99, AR, AR/A1-30, AR/AE, AR/AO, AR/AH, AR/A, VO, V1-30, VE or V.

Base flood means the flood having a one percent chance of being equaled or exceeded in any given year.

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 manmade 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 nonbasement 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. "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, from which this chapter is derived.

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 (e.g., 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 regulations, subdivision regulations, building codes, health regulations, special purpose provisions (such as floodplain provisions, grading provisions and erosion control provisions) 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 means a use, which cannot perform its intended purpose unless it is located or carried out in close proximity to water. 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, but 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 the 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 manmade 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 the parking of 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 section 60.3 of the National Flood Insurance Program regulations.

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. 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 National Geodetic Vertical Datum (NGVD) of 1929, or other datum, to which base flood elevations shown on a community's flood insurance rate map are referenced.

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. 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, from which this chapter is derived.

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, from which this chapter is derived.

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 of construction" means either the first placement of permanent construction of a structure on a site, such as the pouring of the slab or footings, the installation of the piles, the construction of the 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 means, for floodplain management purposes, 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 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. This term "start of construction" includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either:

- (1) 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
- (2) 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 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 section 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

Water surface elevation means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

(Ord. No. 7-2008, art. 2, 7-7-2008)

Secs. 16-6—16-28. Reserved.

ARTICLE II. PROCEDURES

Sec. 16-29. Lands to which this article applies.

This article shall apply to all areas of special flood hazard with the jurisdiction of the town. (Ord. No. 7-2008, art. 3, § A, 7-7-2008)

Sec. 16-30. 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

Bossier Parish, Louisiana and Incorporated Areas," dated September 26, 2008, with accompanying flood insurance rate maps (FIRM) dated September 26, 2008, and any revisions thereto are hereby adopted by reference and declared to be a part of this article.

(Ord. No. 7-2008, art. 3, § B, 7-7-2008)

Sec. 16-31. Establishment of development permit.

A floodplain development permit shall be required to ensure conformance with the provisions of this article.

(Ord. No. 7-2008, art. 3, § C, 7-7-2008)

Sec. 16-32. Compliance.

No structure or land shall hereafter be located, altered, or have its use changed without full compliance with the terms of this article and other applicable regulations.

(Ord. No. 7-2008, art. 3, § D, 7-7-2008)

Sec. 16-33. Abrogation and greater restrictions.

This article is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this article and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

(Ord. No. 7-2008, art. 3, § E, 7-7-2008)

Sec. 16-34. Interpretation.

In the interpretation and application of this article, all provisions shall be:

- (1) Considered as minimum requirements;
- (2) Liberally construed in favor of the town mayor and board of aldermen; and
- (3) Deemed neither to limit nor repeal any other powers granted under state statutes.

(Ord. No. 7-2008, art. 3, § F, 7-7-2008)

Sec. 16-35. Warning and disclaimer or liability.

The degree of flood protection required by this article 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 manmade or natural causes. This article 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 article shall not create liability on the part of the community or any official or employee thereof for any flood damages that result from reliance on this article or any administrative decision lawfully made hereunder.

(Ord. No. 7-2008, art. 3, § G, 7-7-2008)

Secs. 16-36—16-58. Reserved.

ARTICLE III. ADMINISTRATION**Sec. 16-59. Floodplain administrator.**

The serving mayor of the town or his designee is hereby appointed the floodplain administrator to administer and implement the provisions of this article and other appropriate sections of 44 CFR (Emergency Management and Assistance, National Flood Insurance Program regulations) pertaining to floodplain management.

(Ord. No. 7-2008, art. 4, § A, 7-7-2008)

Sec. 16-60. Duties and responsibilities of the floodplain administrator.

(a) 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 article.
- (2) Review the permit 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 date of the ordinance from which this article 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 1344) from which prior approval is required.
- (5) 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) the floodplain administrator shall make the necessary interpretation.
- (6) Notify, in riverine situations, adjacent communities and the state coordinating agency which is the state 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) When base flood elevation data has not been provided in accordance with section 16-30, the floodplain administrator shall 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 IV of this chapter.
- (9) When a regulatory floodway has not been designated, the floodplain administrator must require that no new construction, substantial improvements, or other develop-

ment (including fill) shall be permitted within zones A1-30 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.

(b) Under the provisions of 44 CFR chapter 1, section 65.12, of the National Flood Insurance Program regulations, a community may approve certain development in zones A1-30, 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 section 65.12.

(Ord. No. 7-2008, art. 4, § B, 7-7-2008)

Sec. 16-61. Permit procedures.

(a) Application for a floodplain development permit shall be presented to the floodplain administrator on forms furnished by him 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 16-84(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 16-60(1).

(b) Approval or denial of a floodplain development permit by the floodplain administrator shall be based on all of the provisions of this article 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. 7-2008, art. 4, § C, 7-7-2008)

Sec. 16-62. Variance procedures.

(a) The board of appeals, as established by the community, shall hear and render judgment on requests for variances from the requirements of this article.

(b) The board of appeals 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 article.

(c) Any person aggrieved by the decision of the board of appeals 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 a state inventory of historic places, without regard to the procedures set forth in the remainder of this article.

(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 16-61(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 this section and the intent of this article, the board of appeals may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this chapter (section 16-3).

(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. A showing of 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 applicant 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 (i) 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. 7-2008, art. 4, § D, 7-7-2008)

Secs. 16-63—16-82. Reserved.

ARTICLE IV. PROVISIONS FOR FLOOD HAZARD REDUCTION

Sec. 16-83. Requirements.

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. 7-2008, art. 5, § A, 7-7-2008)

Sec. 16-84. Specific standards.

In all areas of special flood hazards where base flood elevation data has been provided as set forth in section 16-30, 16-60(8) or 16-85(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 16-61(a)(1), 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.*
- a. Require that all manufactured homes to be placed within zone A on a community's 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. Require that manufactured homes that are placed or substantially improved within zones A1-30, AH, and AE on the community's FIRM on sites:
 1. Outside of a manufactured home park or subdivision;
 2. In a new manufactured home park or subdivision;
 3. In an expansion to an existing manufactured home park or subdivision; or
 4. In an existing manufactured home park or subdivision on which a manufactured home has incurred substantial damage as a result of a flood, be elevated on a permanent foundation such that the lowest floor 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. Require that manufactured homes be placed or substantially improved on sites in an existing manufactured homes park or subdivision with zones A1-30, AH and AE on the community's FIRM that are not subject to the provisions of subsection (4) of this section be elevated so that either:
 1. The lowest floor 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.* Require that recreational vehicles placed on sites within zones A1-30, AH, and AE on the community's FIRM either:
- a. Be on the site for fewer than 180 consecutive days;
 - b. Be fully licensed and ready for highway use; or
 - c. Meet the permit requirements of section 16-61(a), and the elevation and anchoring requirements for manufactured homes in subsection (4) of this section. A recreational vehicle is 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. 7-2008, art. 5, § B, 7-7-2008)

Sec. 16-85. Standards for subdivision proposals.

(a) All subdivision proposals including the placement of manufactured home parks and subdivisions shall be consistent with sections 16-2 through 16-4.

(b) All proposals for the development of subdivisions including the placement of manufactured home parks and subdivisions shall meet the floodplain development permit requirements of sections 16-31, 16-61 and article IV of this chapter.

(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 16-30 or 16-60(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. 7-2008, art. 5, § C, 7-7-2008)

Sec. 16-86. Standards for areas of shallow flooding (AO/AH zones).

Located within the areas of special flood hazard established in section 16-30, 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 community's FIRM (at least two feet if no depth number is specified).

- (2) All new construction and substantial improvements of nonresidential structures:
 - 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 community'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 in an AH zone, 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 of 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 16-61 are satisfied.
 - (4) Require within zone AH or AO adequate drainage paths around structures on slopes, to guide floodwaters around and away from proposed structures.
- (Ord. No. 7-2008, art. 5, § D, 7-7-2008)

Sec. 16-87. Floodways.

Located within areas of special flood hazard established in section 16-30 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 practices that the proposed encroachment would not result in an 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 article.
 - (3) Under the provisions of 44 CFR ch. 1, § 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 ch. 1, § 65.12.
- (Ord. No. 7-2008, art. 5, § E, 7-7-2008)

Sec. 16-88. Severability.

If any section, clause, sentence, or phrase of this chapter is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this chapter.

(Ord. No. 7-2008, art. 5, § F, 7-7-2008)

Sec. 16-89. 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 \$200.00 or imprisoned for not more than 60 days, or both, for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the administrator from taking such other lawful action as is necessary to prevent or remedy any violation.

(Ord. No. 7-2008, art. 5, § G, 7-7-2008)

Chapter 17

RESERVED

CD17:1

Chapter 18

HEALTH AND SANITATION

- Sec. 18-1. State sanitary code adopted.
- Sec. 18-2. Enforcement of state sanitary code.
- Sec. 18-3. Refuse on town streets.
- Sec. 18-4. Storage or sale of scrap metal or parts.

Sec. 18-1. State sanitary code adopted.

Pursuant to the authority conferred by section 33:1368 of the Louisiana Revised Statutes (R.S. 33:1368), the town hereby adopts that certain publication known and designated as "Sanitary Code, State of Louisiana" (R.S. 40:4 et seq.), prepared and promulgated by the state board of health as amended or revised by said board from time to time. The provisions of the code shall be regulations of the town and the violation thereof shall be punishable as provided in section 1-7.

(Code 1976, § 10-1)

Sec. 18-2. Enforcement of state sanitary code.

The state sanitary code shall be enforced by the parish board of health, the parish health officer and the town marshal.

(Code 1976, § 10-2)

Sec. 18-3. Refuse on town streets.

It shall be unlawful to deposit, drop, place, throw or sweep into any street, sidewalk, alley or other public place, or upon the property of another person within the town any garbage, trash, cans, glass, or refuse of any nature whatsoever.

(Code 1976, § 10-3)

Sec. 18-4. Storage or sale of scrap metal or parts.

No person shall store or offer for sale any iron and steel junk, scrap metal or parts, or wreckage of motor-driven vehicles, automobiles, or automobile trucks on open lots unless said lot is properly enclosed on all boundary lines with a proper, suitable and substantial fence of not less than seven feet nor more than ten feet high and screened from public view, and, provided further, that said fence shall be kept in a constant state of good repair, and further that no signs or other advertising matter be placed upon said fence.

(Code 1976, § 10-4)

Chapter 19

RESERVED

CD19:1

Chapter 20

HUMAN RELATIONS

Article I. In General

Secs. 20-1—20-18. Reserved.

Article II. Discrimination and Fair Housing

- Sec. 20-19. Policy.
- Sec. 20-20. Definitions.
- Sec. 20-21. Application of prohibitions.
- Sec. 20-22. Discrimination in the sale or rental of housing.
- Sec. 20-23. Discrimination in the financing of housing.
- Sec. 20-24. Discrimination in the provision of brokerage services.
- Sec. 20-25. Exemption.
- Sec. 20-26. Interference, coercion or intimidation.
- Sec. 20-27. Penalty.
- Sec. 20-28. Enforcement.

ARTICLE I. IN GENERAL

Secs. 20-1—20-18. Reserved.

ARTICLE II. DISCRIMINATION AND FAIR HOUSING***Sec. 20-19. Policy.**

It is the policy of the mayor to provide, within constitutional limitations, for fair housing throughout the town.

(Ord. No. 6-1980, § 1, 11-11-1980)

Sec. 20-20. Definitions.

The definitions set forth in R.S. 51:2603 (Louisiana Equal Housing Opportunity Act—Definitions), as amended, shall be effective as definitions of the words, terms and phrases used in this chapter. All words, terms and phrases used herein, other than those specifically defined elsewhere in this chapter, shall have the respective meanings ascribed to them in R.S. 51:2603, as amended, and shall have the same scope and effect that the same words, terms and phrases have where used in R.S. 51:2603, as amended.

Discriminatory housing practice means an act, that is unlawful under section 20-22, 20-23 or 20-24.

(Ord. No. 6-1980, § 2, 11-11-1980)

Sec. 20-21. Application of prohibitions.

(a) Subject to the provisions of subsection (b) of this section and section 20-25, the prohibitions against discrimination in the sale or rental of housing set forth in section 20-22 shall apply to all dwellings except as exempted by subsection (b) of this section.

(b) Nothing in section 20-22 (other than subsection (c) of this section) shall apply to:

- (1) Any single-family house sold or rented by an owner; provided, that such private individual owner does not own more than three such single-family houses at any one time; provided further that in the case of the sale of any such single-family house by a private individual owner not residing in such house at the time of such sale or who was not the most recent resident of such house prior to such sale, the exemption granted by this subsection shall apply only with respect to one such sale within any 24-month period; provided further, that such bona fide private individual owner does not own any interest in, nor is there owned or reserved on his behalf, under any express or voluntary agreement, title to or any right to all or a portion of the proceeds from the sale or rental of, more than three such single-family houses at any one time; provided further, that the sale or rental of any such single-family house shall be excepted from the application of this article only if such house is sold or rented without

*State law reference—Louisiana Equal Housing Opportunity Act, R.S. 51:2601 et seq.

the use in any manner of the sales or rental facilities or the sales or rental services of any real estate broker or salesperson, or of such facilities or services of any person in the business of selling or renting dwellings, or of any employee or agent of any such broker, salesperson, or person and without the publication, posting, or mailing of any advertisement or written notice in violation of R.S. 51:2606(A)(3); but nothing in this provision shall prohibit the use of attorneys, escrow agents, abstracter title companies, and other such professional assistance necessary to perfect or transfer the title; or

- (2) Rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four families living independently of each other, if the owner actually maintains and occupies one of such living quarters as his residence.

(c) For the purpose of subsection (b) of this section, a person shall be deemed to be in the business of selling or renting dwellings if:

- (1) He has, within the preceding 12 months, participated as principal in three or more transactions involving the sale or rental of any dwelling or any interest therein;
- (2) He has, within the preceding 12 months, participated as agent, other than in the sale of his own personal residence in providing sales or rental facilities or sales or rental services in two or more transactions involving the sale or rental of any dwelling or any interest therein; or
- (3) He is the owner of any dwelling designed or intended for occupancy by, or occupied by, five or more families.

(Ord. No. 6-1980, § 3, 11-11-1980)

Sec. 20-22. Discrimination in the sale or rental of housing.

As made applicable by section 20-21 and except as exempted by sections 20-21(b) and 20-25, it shall be unlawful:

- (1) To refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, color, religion, sex, familial status, or national origin.
- (2) To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, color, religion, sex, familial status, or national origin.
- (3) To make, print, or publish, or cause to be made, printed, or published any notice, statement, or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, color, religion, sex, handicap, familial status, or national origin, or any intention to make any such preference, limitation, or discrimination.
- (4) To represent to any person because of race, color, religion, sex, handicap, familial status, or national origin that any dwelling is not available for inspection, sale, or rental when such dwelling is in fact so available.

- (5) For profit, to induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person of a particular race, color, religion, sex, handicap, familial status, or national origin:
- a. To discriminate in the sale or rental, or to otherwise make unavailable or deny, a dwelling to any buyer or renter because of a handicap of:
 1. That buyer or renter;
 2. A person residing in or intending to reside in that dwelling after it is so sold, rented, or made available; or
 3. Any person associated with that buyer or renter.
 - b. To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection with such dwelling, because of a handicap of:
 1. That person;
 2. A person residing in or intending to reside in that dwelling after it is so sold, rented, or made available; or
 3. Any person associated with that person.

(Ord. No. 6-1980, § 4, 11-11-1980)

Sec. 20-23. Discrimination in the financing of housing.

It shall be unlawful for any bank, building and loan association, insurance company or other corporation, association, firm, or enterprise whose business consists in whole or in part in the making of commercial real estate loans, to deny a loan or other financial assistance to a person applying therefor for the purpose of purchasing, constructing, improving, repairing, or maintaining a dwelling, or to discriminate against him in the fixing of the amount, interest rate, duration, or other terms or conditions of such loan or other financial assistance, because of the race, color, religion, sex, handicap, familial status, or national origin of such person or of any person associated with him in connection with such loan or other financial assistance or the purposes of such loan or other financial assistance, or of the present or prospective owners, lessees, tenants, or occupants of the dwelling in relation to which such loan or other financial assistance is to be made or given; provided that nothing contained in this section shall impair the scope of effectiveness of the exception contained in section 20-21(b).

(Ord. No. 6-1980, § 5, 11-11-1980)

Sec. 20-24. Discrimination in the provision of brokerage services.

It shall be unlawful to deny any person access to or membership or participation in any multiple-listing service, real estate brokers' organization or other services, organization, or

facility relating to the business of selling or renting dwellings, or to discriminate against him in the terms or conditions of such access, membership, or participation, on account of race, color, religion, sex, handicap, familial status, or national origin.

(Ord. No. 6-1980, § 6, 11-11-1980)

Sec. 20-25. Exemption.

Nothing in this title shall prohibit a religious organization, association, or society, or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association, or society, from limiting the sale, rental or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons, unless membership in such religion is restricted on account of race, color, or national origin. Nor shall anything in this title prohibit a private club not in fact open to the public, which as an incident to its primary purpose provides lodgings which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodgings to its members or from giving preference to its members.

(Ord. No. 6-1980, § 7, 11-11-1980)

Sec. 20-26. Interference, coercion or intimidation.

It shall be unlawful to coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, or on account of his having exercised or enjoyed, or on account of his having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by section 20-21, 20-22, 20-23 or 20-24.

(Ord. No. 6-1980, § 8, 11-11-1980)

Sec. 20-27. Penalty.

Any person violating any of the provisions of this chapter shall be guilty of a misdemeanor, and upon conviction shall be subject to the general penalties described in section 1-7.

(Ord. No. 6-1980, § 10, 11-11-1980)

Sec. 20-28. Enforcement.

The board of aldermen shall have the responsibility for enforcing the provisions contained in this article. On the regular meeting date of each month, the board of aldermen shall hear any and all comments, complaints, suggestions, or opinions from citizens within its jurisdictions pertaining to this article, particularly any discriminatory housing charges with regards to the provisions of this article. The board of aldermen shall take appropriate legal action through its designated legal counsel against all violators of the fair housing regulations for the town.

(Ord. No. 6-1980, § 11, 11-11-1980)

Chapter 21

RESERVED

CD21:1

Chapter 22

LAW ENFORCEMENT

- Sec. 22-1. Witness fees.
- Sec. 22-2. Police department policy and procedures manual adopted.
- Sec. 22-3. Annual fiscal reporting requirement.

Sec. 22-1. Witness fees.

(a) The town shall pay each law enforcement officer during any time when he is otherwise not required to report to work or perform the duties of his office, when the officer is required to be present as a witness in any criminal case being tried in the mayor's court for which he is the arresting officer or for which he served in some other official capacity. The amount of payment to the officer for his service as a witness in these circumstances shall be as established by the board of aldermen, from time to time.

(b) Witness fees provided by this chapter shall be paid from costs of the court which shall be assessed and collected in individual cases in which there is a plea of guilty or a conviction. The costs so collected shall be maintained and administered by the town, which shall pay the witness fees provided for herein.

(Code 1976, § 6-1; Ord. No. 3-1993, 4-13-1993)

Sec. 22-2. Police department policy and procedures manual adopted.

(a) The Town of Haughton Police Department Policy and Procedures Manual, as amended, is hereby adopted by reference and incorporated herein as if fully set out.

(b) The town's police department policy and procedures manual merely supplements the town's employee handbook, including the town employee drug abuse and testing policy, and is not meant to replace any policy or procedure set out in the town's employee handbook. Where the provisions of the town's police department policy and procedures manual are in conflict with the town's employee handbook, the most restrictive provisions shall be enforced.

(c) The board of aldermen will review and update the police department policy and procedures manual in those years in which an election for a mayor and council is held, or as soon thereafter as is practicable. In those years in which an election for a mayor and council is not being held, the chief of police may present to the board of aldermen for their review and approval any change in police department policy or procedure that is required to be made by state or federal law.

Sec. 22-3. Annual fiscal reporting requirement.

(a) The chief of the police department shall make a complete annual report to the board of aldermen within one month after the close of the fiscal year.

(b) Such report shall include information regarding all arrests, inspections, equipment, personnel, and other information about the work of the department, together with comparative data for previous years and recommendations for improving the effectiveness of the department.

Chapter 23

RESERVED

CD23:1

Chapter 24

NUISANCES*

Article I. In General

Secs. 24-1—24-18. Reserved.

Article II. Noise

Division 1. Generally

Secs. 24-19—24-39. Reserved.

Division 2. Unnecessary and Excessive Noise

Sec. 24-40. Prohibited.

Sec. 24-41. Nonexclusive enumeration of prohibited acts.

Sec. 24-42. Exceptions.

Secs. 24-43—24-72. Reserved.

Division 3. Excessive Noise Resulting from Amplified Sound

Sec. 24-73. Definitions.

Sec. 24-74. Regulations.

Sec. 24-75. Radios, stereos, television sets, phonographs, cassette and disk players and similar devices.

Sec. 24-76. Maximum permissible sound levels.

Sec. 24-77. Excessive noise from vehicles.

Secs. 24-78—24-97. Reserved.

Article III. Weeds and Yard Vegetation

Sec. 24-98. Removal of weeds, high grass, etc.; costs.

Secs. 24-99—24-124. Reserved.

Article IV. Unfit Buildings and Structures

Sec. 24-125. Authority.

Sec. 24-126. State procedures adopted.

Secs. 24-127—24-150. Reserved.

Article V. Littering

Sec. 24-151. Prohibited.

Secs. 24-152—24-170. Reserved.

***State law references**—Abatement of public nuisances, R.S. 13:4711 et seq.; state sanitary code, R.S. 40:4.

ARTICLE I. IN GENERAL

Secs. 24-1—24-18. Reserved.

ARTICLE II. NOISE

DIVISION 1. GENERALLY

Secs. 24-19—24-39. Reserved.

DIVISION 2. UNNECESSARY AND EXCESSIVE NOISE*

Sec. 24-40. Prohibited.

It shall be unlawful for any person to make, continue or cause to be made or continued any loud, unreasonable or unusual noise or any noise which disturbs, injures or endangers the comfort, repose, health, peace or safety of others, within the town city limits.

(Ord. No. 06-2001, § I, - 2001; Ord. No. 1-2004, § (a1), 2-10-2004)

Sec. 24-41. Nonexclusive enumeration of prohibited acts.

The following acts, among others, are declared to be loud, disturbing and unreasonable noises and noises in violation of this section, but this enumeration shall not be deemed to be exclusive:

- (1) *Horns or signal devices.* The sounding of any horn or signal device on any automobile, motorcycle, bus, streetcar or other vehicle except when reasonably necessary to ensure safe operation; the creation by means of any such signal device of any noise for any unreasonable period of time.
- (2) *Radio, phonograph or any musical instrument.* The playing of any radio, television set, phonograph, cassette or disk player, other sound-reproducing device or any musical instrument in such a manner or with such volume, particularly between the hours of 10:00 p.m. and 7:00 a.m., as to disturb the quiet, comfort or repose of persons in any office, hospital or in any dwelling, hotel or other type of residence, or of any persons in the vicinity.

***Editor's note**—Ordinance No. 1-2004, adopted February 10, 2004, consisted of two parts: "Unnecessary noise" and "excessive noise resulting from amplified sound." Each part contained subsection designations of (a), (b), and (c). Therefore, for purposes of clarity, the editor has styled the history notes for these duplicative subsection designations in the following format: "Unnecessary noise" as subsections (a1), (b1), and (c1); "Excessive noise resulting from amplified sound" as subsections (a2), (b2), and (c2).

- (3) *Yelling, shouting, hooting, etc.* Yelling, shouting, hooting, whistling or singing on the public streets, particularly between the hours of 10:00 p.m. and 7:00 a.m. or at any time or place so as to disturb the quiet, comfort or repose of persons in any hospital, dwelling, hotel or other type of residence, or of any persons in the vicinity.
- (4) *Animals, birds, etc.* The keeping of any animal, bird or fowl which by causing frequent or long continued noise shall disturb the comfort or repose of any person in the vicinity.
- (5) *Defect in vehicle or load.* The use of any automobile, motorcycle, street car or vehicle so out of repair or loaded in such manner as to create loud and unreasonable grating, grinding, ratting or other noise.
- (6) *Steam whistles.* The blowing of any steam whistle attached to any stationary boiler except to give notice of the time to begin or stop work, or as a warning of fire or danger, or upon the request of proper authorities.
- (7) *Exhausts.* The discharge of any steam engine, stationary internal combustion engine, motor vehicle or motorboat engine except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.
- (8) *Construction and repairing of buildings.* The following acts are declared to be loud, disturbing and unreasonable noises, and noises in violation of this article:
 - a. The erection (including excavation), demolition, alteration or repair of any building in any residential district or section and the excavation of streets or highways in any residential district or section other than between the hours of 6:00 a.m. and 10:00 p.m., Monday through Saturday, and 6:00 a.m. to 6:00 p.m. on Sunday, except in cases of urgent necessity in the interest of public health and safety, and then only with a permit from the building inspector, which permit may be granted for a period not to exceed 30 days while the emergency continues. If the building inspector should determine that the public health and safety will not be impaired by the erection, demolition, alteration or repair of any building or the excavation of streets and highways between the hours of 10:00 p.m. and 6:00 a.m., and if he shall further determine that loss or inconvenience would result to any party in interest, he may grant permission for such work to be done within the hours between 10:00 p.m. and 6:00 a.m. upon application being made at the time the permit for the work is awarded or during the progress of the work.
 - b. This section shall not apply to excavations or repairs of bridges, streets or highways by or on behalf of the town during the night, when the public welfare and convenience renders it impossible to perform such work during the day.
- (9) *Schools, courts, churches, hospitals.* The creation of any excessive noise on any street adjacent to any school, institution of learning, church or court while the school, institution of learning, church or court are in use or adjacent to any hospital, which unreasonably interferes with the working of such institution or which disturbs patients in a hospital.

- (10) *Loading, unloading.* The creation of a loud and excessive noise in connection with the loading or/unloading of any vehicle or the opening and destruction of bales, boxes, crates and containers.
 - (11) *Drums, loudspeakers.* The use of any drum, loudspeakers or other instrument or device for the purpose of attracting attention by the creation of noise to any performance, show or sale or display of merchandise.
 - (12) *Hawkers, peddlers and vendors.* The shouting or crying of peddlers, hawkers and vendors which disturbs the peace and quiet of the neighborhood.
- (Ord. No. 1-2004, § (b1), 2-10-2004)

Sec. 24-42. Exceptions.

(a) Nothing herein shall prohibit a person from engaging in lawful conduct within the boundaries of their own premises as long as the noise does not exceed the boundaries of their own premises.

(b) None of the terms or prohibitions of section 24-41 shall apply to or be enforced against:

- (1) Any publicly owned vehicle while engaged upon necessary public business.
- (2) Excavations or repairs of bridges, streets or highways by or on behalf of any public agency during the night, when the public welfare and convenience renders it impossible to perform such work during the day.
- (3) The reasonable use of amplifiers or loudspeakers in the course of public address and for which a permit is first obtained from the police chief.

(Ord. No. 06-2001, § III, - -2001; Ord. No. 1-2004, § (c1), 2-10-2004)

Secs. 24-43—24-72. Reserved.

DIVISION 3. EXCESSIVE NOISE RESULTING FROM AMPLIFIED SOUND

Sec. 24-73. Definitions.

As used in this section, unless context otherwise clearly indicates, the words and phrases used in this section are defined as follows:

"A" *band level* means the total sound level of all noise as measured with a sound level meter using the "A" weighting network. The unit is the dbA.

Ambient noise means the all-encompassing noise associated with a given environment, usually being a composite of sounds with many sources near and far.

Band pressure level means band-pressure level of a sound for a specified frequency band shall mean the sound pressure level for the sound contained within the restricted band.

Cycle means the complete sequence of values of a periodic quantity which occurs during a period.

Decibel (db) means a unit of level which denotes the ratio between two quantities which are proportional to power, the number of decibels corresponding to the ratio of two amounts.

Fluctuating noise means the sound pressure level of a fluctuating noise which varies more than six dbA during the period of observation when measured with the slow meter characteristic of a sound level meter.

Frequency means a function periodic in time, the reciprocal of the primitive period. The unit is the cycle per unit time and shall be specified.

Microbar means a unit of pressure commonly used in acoustics and is equal to one dyne per square centimeter.

Motor vehicle means and shall include, but not be limited to, mini-bikes and go-carts.

Period means the period of a periodic quantity, the smallest increment of time for which the function repeats itself.

Periodic quantity means oscillating quantity, the values of which recur for equal increments of time.

Sound-amplifying equipment means any machine or device for the amplification of the human voice, music, or any other sound. The term "sound-amplifying equipment" shall not include standard automobile radios when used and heard only by the occupants of the vehicle in which the automobile radio is installed. Sound-amplifying equipment, as used in this section, shall not include warning devices or authorized emergency vehicles or horns or other warning devices on any vehicle used only for traffic safety purposes.

Sound analyzer means a device for measuring the band pressure level or pressure spectrum level of a sound as a function of frequency.

Sound-level meter means an instrument including a microphone, an amplifier, an output meter, and frequency weighting networks for the measurement of noise and sound levels in a specified manner.

Sound-pressure level means the sound-pressure level in decibels of a sound which means 20 times the logarithm to the base ten of the ratio of the pressure of this sound to the reference pressure, which reference pressure shall be explicitly stated.

Spectrum means a function of time, a description of its resolution into components, each of a different frequency.

(Ord. No. 1-2004, § (a2), 2-10-2004)

Sec. 24-74. Regulations.

The use of sound-amplifying equipment shall be subject to the following regulations:

- (1) No sound emanating from sound-amplifying equipment shall exceed 15 dbA above the ambient as measured at any property line.

(2) In any event, the volume of sound shall be so controlled that it will not be unreasonably loud, raucous, jarring, disturbing, or a nuisance to reasonable persons of normal sensitivity within the area of audibility.

(3) Noise sound pressure levels shall be measured at a distance of 25 feet from the noise source.

(Ord. No. 1-2004, § (b2), 2-10-2004)

Sec. 24-75. Radios, stereos, television sets, phonographs, cassette and disk players and similar devices.

(a) *Use restricted.* It shall be unlawful for any person to use, operate or permit to be played any radio receiving set, musical instrument, television, phonograph, drum or other machine or device for the production or reproduction of sound in such a manner as to cause to be made or contained any unnecessary noise as heard without measurement.

(b) *Prima facie violation.* The operation of such set, instrument, television, phonograph, machine or device at any time in such a manner as to be plainly audible at either the property line, or 25 feet in the case of a vehicle on public rights-of-way, shall be prima facie evidence of a violation of this section.

(c) *Exception.* This section shall not apply to any person who is participating in a school band or in a parade for which a permit has been issued by the town.

(Ord. No. 1-2004, § (c2), 2-10-2004)

Sec. 24-76. Maximum permissible sound levels.

The maximum permissible sound pressure level of any continuous source shall be as follows:

Sound Pressure Level Limit

<i>District</i>	<i>dba</i>
Residential	55
Commercial	60
Industrial	80

Sound pressure levels in excess of those established for the districts of the town shall constitute prima facie evidence that such sound is an unnecessary noise.

(Ord. No. 1-2004, § (d), 2-10-2004)

Sec. 24-77. Excessive noise from vehicles.

(a) No person may operate or occupy a motor vehicle on a street, highway, alley, parking lot, or driveway where the vehicle's sound system is plainly audible 25 or more feet away from the vehicle.

(b) This section shall not apply to noise devices, bands or other musical devices used in any public parade or procession which is operated under a permit in accordance with the ordinances of the town; nor to vehicles owned and operated by the town for public safety. (Ord. No. 1-2004, § (e), 2-10-2004)

Secs. 24-78—24-97. Reserved.

ARTICLE III. WEEDS AND YARD VEGETATION*

Sec. 24-98. Removal of weeds, high grass, etc.; costs.

(a) All owners of property, lots or other areas, or occupants of property, lots or other areas, within the town are hereby required to keep cut and eliminated from all lots, property and areas within the corporate limits of the town, weeds, high grass and any unhealthy or noxious growths or accumulations on their property within said town, between the months of May and December.

(b) The town is hereby granted authority to cut, remove or destroy all weeds, high grass or any unhealthy or noxious growths or accumulations from any lot, property or area within the corporate limits of the town, if, after 15 days from the date written notice has been given to the owner of any uncleared lot, property area, no action has been taken by said owner.

(c) The costs of cutting, destroying and removing such weeds, high grass, or any unhealthy or noxious growths or accumulations shall be assessed to the owner of the property and such costs shall be added to the annual town property tax and paid at the same time as said tax bill by said owner. (Ord. No. 4-1984, 11-13-1984)

Secs. 24-99—24-124. Reserved.

ARTICLE IV. UNFIT BUILDINGS AND STRUCTURES†

Sec. 24-125. Authority.

(a) The town board of aldermen is hereby authorized and empowered to condemn and cause to be demolished or removed any building or structure within the town when it is in a dilapidated and dangerous condition which endangers the public welfare.

*State law reference—Municipality authorized to require weed cutting, R.S. 33:5062.

†State law reference—Municipality authorized to condemn unfit buildings and structures, R.S. 33:4761 et seq.

(b) The mayor of the town shall appoint a building inspector whose duty it shall be to inspect all buildings within the town believed to be in a dilapidated and dangerous condition and render a report of his inspection to the board of aldermen containing his recommendation of action to be taken. The building inspector shall be or have been a professional home builder or civil engineer and shall be approved by a majority vote of the board of aldermen.
(Ord. No. 1-1994, § 1-1, 2-8-1994)

Sec. 24-126. State procedures adopted.

Pursuant to the authority conferred by R.S. 33:4761, the provisions of R.S. 33:476 through 33:4768, which govern the procedures required for a municipality to condemn and demolish or repair a dilapidated and dangerous building or structure, are hereby adopted by reference and incorporated herein as if fully set out, except as such are in conflict or inconsistent with the provisions of this article and as are inapplicable by their nature.

Secs. 24-127—24-150. Reserved.

ARTICLE V. LITTERING

Sec. 24-151. Prohibited.

It shall be unlawful to deposit, drop, place, throw or sweep into any street, sidewalk, alley or other public place, or upon the property of another person within the town any garbage, trash, cans, glass, or refuse of any nature whatsoever.
(Ord. No. 2-1971, § 101, 5-11-1971)

Secs. 24-152—24-170. Reserved.

ARTICLE VI. JUNKED VEHICLES*

Sec. 24-171. Definitions.

When used in this article, the following words and phrases have the meanings ascribed to them in this section, unless the context indicates a different meaning:

Junk, wrecked or used automobiles or motor vehicles means any motor vehicle which is totally inoperable, left unattended on any vacant lot or any unused portion of any occupied lot, neutral ground, street or sidewalk and is so damaged or dismantled as to be a total loss.

Total loss means that the cost to repair a damaged or dismantled motor vehicle exceeds the junk value of said vehicle as determined by any recognized major appraiser book.
(Ord. No. 2-1968, § 2, 7-9-1968; Ord. No. 3-2006, § II, 3-14-2006)

***State law reference**—Power of municipality to regulate and prohibit storing or abandoning of junk, wrecked or used motor vehicles, R.S. 33:1236(30), 33:4876.

Sec. 24-172. Prohibited conduct.

It shall be unlawful for any person to store or abandon any junk, wrecked or used automobiles or motor vehicles or any part thereof, or any dilapidated tires, on any vacant lot or any unused portion of any occupied lot, neutral ground, street or sidewalk within the corporate limits of the town.

(Ord. No. 2-1968, § 1, 7-9-1968; Ord. No. 3-2006, § I, 3-14-2006)

Sec. 24-173. Removal or disposal.


Such junk automobiles, motor vehicles, or any part thereof, including dilapidated tires, shall be removed or otherwise disposed of after notice of not less than ten days which notice shall be posted on the automobile or vehicle itself or given to the owner, if known.

(Ord. No. 3-2006, § III, 3-14-2006)

Sec. 24-174. Penalty.



Any person who violates any of the provisions of this article by not removing or dispersing of the junk automobile, motor vehicles or any parts thereof, including dilapidated tires after due notice shall be given a citation in violation of this article and after due hearing and if convicted shall be fined a sum of \$100.00 plus court cost or be sentenced to imprisonment not exceeding 30 days or both. Should the person continue the violation after the first conviction, then every day after the conviction on which the violation of this article continues, each day of violation shall constitute a separate and distinct offense. When a second offense and all subsequent offenses occur, the fine will be \$200.00 plus court costs or 60 days imprisonment, or both.

(Ord. No. 3-2006, § IV, 3-14-2006)



Chapter 25

RESERVED

CD25:1

Chapter 26

OFFENSES AND MISCELLANEOUS PROVISIONS*

Article I. In General

- Sec. 26-1. Disturbing the peace; penalty.
- Sec. 26-2. Discharge of firearm prohibited.
- Sec. 26-3. Simple criminal damage to property.
- Sec. 26-4. Criminal mischief.
- Sec. 26-5. Criminal trespass.
- Sec. 26-6. [Statutes adopted by reference.]
- Secs. 26-7—26-22. Reserved.

Article II. Minors

- Sec. 26-23. Curfew.
- Sec. 26-24. Permitting by parent for minor to break curfew.
- Sec. 26-25. Penalty.
- Secs. 26-26—26-39. Reserved.

Article III. Stealing

- Sec. 26-40. Theft.
- Sec. 26-41. Theft of goods.

***State law references**—Louisiana Criminal Code, R.S. 14:1 et seq.; preemption of local ordinances regarding state felonies, R.S. 14:143.

ARTICLE I. IN GENERAL**Sec. 26-1. Disturbing the peace; penalty.**

(a) Disturbing the peace is the doing of any of the following in such manner as would foreseeably disturb or alarm the public:

- (1) Engaging in a fistic encounter;
- (2) Addressing any offensive, derisive, or annoying words to any other person who is lawfully in any street, or other public place; or call him by any offensive or derisive name, or make any noise or exclamation in his presence and hearing with the intent to deride, offend, or annoy him, or to prevent him from pursuing his lawful business, occupation, or duty;
- (3) Appearing in an intoxicated condition;
- (4) Engaging in any act in a violent and tumultuous manner by any three or more persons;
- (5) Holding of an unlawful assembly;
- (6) Interruption of any lawful assembly of people;
- (7) Intentionally engaging in any act or any utterance, gesture, or display designed to disrupt a funeral, funeral home viewing, funeral procession, wake, memorial service, or burial of a deceased person; or
- (8) Intentionally blocking, impeding, inhibiting, or in any other manner obstructing or interfering with access into or from any building or parking lot of a building in which a funeral, wake, memorial service, or burial is being conducted, or any burial plot or the parking lot of the cemetery in which a funeral, wake, memorial service, or burial is being conducted.

(b) Any person convicted of disturbing the peace shall be fined not less than \$50.00 nor more than \$100.00 and/or be imprisoned not less than five days or not more than 30 days, or both.

(Code 1976, § 6-1; Ord. No. 2-1989, 4-11-1989)

Sec. 26-2. Discharge of firearm prohibited.

It shall be unlawful for any person to discharge either in the daytime or nighttime any firearm within the corporate limits of the town; except law enforcement officers in the discharge of their duties, and except other persons acting in the necessary defense of life or property.

(Ord. No. 5-1980, § 1, 9-9-1980)

State law reference—Illegal use of weapons or dangerous instrumentalities, R.S. 14:94.

Sec. 26-3. Simple criminal damage to property.

(a) Simple criminal damage to property is unlawful and is the intentional damaging of any property of another, valued at less than \$500.00, without the consent of the owner, by any means other than fire or explosion.

(b) Whoever commits the crime of criminal damage to property shall be fined not more than \$300.00. Mayor's court shall also have the discretion of directing the offender to pay restitution to the property owner.

(Ord. No. 1-A-2012, 9-11-2012)

State law reference—Similar provisions, R.S. 14:56.

Sec. 26-4. Criminal mischief.

(a) Criminal mischief is unlawful and is the intentional performance of any of the following acts:

- (1) The tampering with any property of another, without the consent of the owner, with the intent to interfere with the free enjoyment of any rights of anyone thereto, or with the intent to deprive anyone entitled thereto of the full use of the property; or
- (2) The giving of any false alarm of fire or notice which would reasonably result in an emergency response; or
- (3) The driving of any tack, nail, spike or metal over one and one-half inches in length into any tree located on lands belonging to another, without the consent of the owner, or without the later removal of the object from the tree; or
- (4) The giving of any false report or complaint to a sheriff, or his deputies, or to any officer of the law relative to the commission of, or an attempt to commit, a crime; or
- (5) The communication to any person for the purpose of disrupting any public utility water service when the communication causes any officer, employee or agent of the service reasonably to be placed in sustained fear for his or another person's safety, or causes the evacuation of a water service building, or causes any discontinuance of any water services; or
- (6) The felling, topping or pruning of trees or shrubs or other plants in any park or other public place or injuring or molesting any public property of the town; or
- (7) The throwing of any stone or any other missile in any street, avenue, alley, road, highway, open space, public square, or enclosure, or throwing any stone, missile or other object from any place into any street, avenue, road, highway, alley, open space, public square, enclosure, or at any train, railway car or locomotive.

(b) Whoever commits the crime of criminal mischief shall be fined not more than \$300.00. (Ord. No. 1-A-2012, 9-11-2012)

State law reference—Similar provisions, R.S. 14:59.

Sec. 26-5. Criminal trespass.

(a) No person shall without authorization intentionally enter any structure, watercraft or movable [property owned by another].

(b) No person shall intentionally enter immovable property owned by another:

(1) When he knows his entry is unauthorized; or

(2) Under circumstances where he reasonably should know his entry is unauthorized.

(c) Whoever commits the crime of criminal trespass shall be fined not more than \$300.00.

(d) Upon a second or subsequent conviction, regardless of whether the second offense occurred before or after the first conviction, the offender shall be imprisoned for not more than 90 days, or shall be fined not more than \$300.00, or both.

(Ord. No. 1-A-2012, 9-11-2012)

State law reference—Similar provisions, R.S. 14:63.

Sec. 26-6. [Statutes adopted by reference.]

The provisions of R.S. 13:4611 and R.S. 32:57.1 are hereby adopted by reference to apply to any and all contempt of court and failure to appear charges for the Town of Haughton.

(Ord. No. 4-2014, 3-11-2014)

Editor's note—Ord. No. 4-2014, adopted March 11, 2014, enacted new provisions designated as § 5-8. At the discretion of the editor, said provisions have been redesignated as § 26-6.

Secs. 26-7—26-22. Reserved.**ARTICLE II. MINORS****Sec. 26-23. Curfew.**

It shall be unlawful for any person under the age of 18 years to be or remain upon any public road, street or thoroughfare or in any public place including places of amusement, between the hours of 11:00 p.m. to 5:00 a.m., Monday through Friday and 12:00 midnight to 5:00 a.m. on Saturday and Sunday, unless such person is accompanied by his parent, tutor, or legal guardian or by some person of full age and competency to whom the full authority, permission and responsibility over said juvenile shall have been given and delegated by the parent or tutor of said juvenile.

(Ord. No. 9-2008, § I, 8-12-2008)

Sec. 26-24. Permitting by parent for minor to break curfew.

It shall be unlawful for a parent, tutor or other person having legal custody of a juvenile below the age of 18 years to permit such juvenile to be or remain on any public road, street or thoroughfare, or in a public place, including places of amusement, between the hours of 11:00

p.m. to 5:00 a.m., Monday through Friday, and 12:00 midnight to 5:00 a.m. on Saturday and Sunday, unless accompanied by an adult having the legal, or legally delegated authority and responsibility for such juvenile.

(Ord. No. 9-2008, § II, 8-12-2008)

Sec. 26-25. Penalty.

(a) Any parent, tutor, or other person having legal custody of a juvenile under the age of 18 years who shall knowingly permit the violation of this article by the juvenile for whom they are responsible shall be deemed guilty of a misdemeanor and shall, upon conviction thereof, be fined not more than \$50.00 or imprisoned for not more than 30 days, or both, in the discretion of the mayor's court, and fined not more than \$100.00 for the second offense or imprisoned for not more than 30 days or both and fined not more than \$200.00 or imprisoned for not more than 30 days or both for the third or more offenses.

(b) Any minor violating this article shall be charged and prosecuted by the 26th Judicial District Juvenile Court and subject to the jurisdiction of that court.

(Ord. No. 9-2008, §§ III, IV, 8-12-2008)

Secs. 26-26—26-39. Reserved.

ARTICLE III. STEALING

Sec. 26-40. Theft.

(a) Theft is unlawful and is the misappropriation or taking of anything of value worth less than \$500.00 which belongs to another, either without the consent of the other to the misappropriation or taking, or by means of fraudulent conduct, practices, or representations. An intent to deprive the other permanently of whatever may be the subject of the misappropriation or taking is essential.

(b) When the misappropriation or taking amounts to less than a value of \$500.00, the offender shall be fined not more than \$300.00 or imprisoned for not more than 30 days, or both.

(Ord. No. 1-B-2012, 9-11-2012)

State law reference—Similar provisions, R.S. 14:67.

Sec. 26-41. Theft of goods.

(a) Theft of goods is unlawful and is the misappropriation or taking of anything of value which is held for sale by a merchant, either without the consent of the merchant to the misappropriation or taking, or by means of fraudulent conduct, practices, or representations. An intent to deprive the other permanently of whatever may be the subject of the misappropriation or taking is essential and may be inferred when a person:

- (1) Intentionally conceals, on his person or otherwise, goods held for sale;
- (2) Alters or transfers any price-marking reflecting the actual retail price of the goods;

- (3) Transfers goods from one container or package to another or places goods in any container, package or wrapping in a manner to avoid detection;
- (4) Willfully causes the cash register or other sales recording device to reflect less than the actual retail price of the goods;
- (5) Removes any price-marking with the intent to deceive the merchant as to the actual retail price of the goods; or
- (6) Damages or consumes goods or property so as to render it unmerchantable.

(b) When the misappropriation or taking amounts to less than a value of \$500.00, the offender shall be fined not more than \$300.00 or imprisoned for not more than 30 days, or both. Mayor's court shall also have the discretion of directing the offender to pay restitution to the merchant.

(Ord. No. 1-B-2012, 9-11-2012)

State law reference—Similar provisions, R.S. 14:67.10

Chapter 27

RESERVED

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Chapter 28

PLANNING*

Article I. In General

Secs. 28-1—28-18. Reserved.

Article II. Planning Commission

- Sec. 28-19. Created.
- Sec. 28-20. Membership; appointment.
- Sec. 28-21. Selection of chairman; meetings.
- Sec. 28-22. Powers.
- Sec. 28-23. Planning commission as zoning commission.
- Sec. 28-24. Officers of zoning commission.
- Sec. 28-25. Powers of zoning commission.

***State law reference**—Municipal planning commissions, R.S. 33:101 et seq., 33:1236(20), (38)(a).

ARTICLE I. IN GENERAL

Secs. 28-1—28-18. Reserved.

ARTICLE II. PLANNING COMMISSION

Sec. 28-19. Created.

By virtue of the authority conferred by section 101 et seq. of title 33 of the Louisiana Revised Statutes of 1950 (R.S. 33:101 et seq.), and other constitutional and legislative authority supplemental thereto, a municipal planning commission is hereby created for the Town of Haughton.

(Ord. No. 3-1984, § 1-1, 11- -1984)

Sec. 28-20. Membership; appointment.

The town planning commission shall consist of five members, all to be appointed by the mayor. The mayor may remove any member of the commission after public hearing for inefficiency, neglect of duty, or malfeasance in office. All members of the commission so appointed shall serve without compensation and shall hold no other public office except that a commission member may also serve as a member of any duly constituted regional commission of which the town forms a part. The term of office for a planning commission member shall be five years. If a vacancy occurs other than by an expiration of the term, it shall be filled by appointment by the mayor for the unexpired term.

(Ord. No. 3-1984, § 1-2, 11- -1984)

Sec. 28-21. Selection of chairman; meetings.

The planning commission shall elect a chairman from its membership and create and fill such other of its offices as it may determine. The term of chairman shall be one year, with eligibility for reelection. The commission shall hold regular meetings. It shall adopt rules for the transaction of business and shall keep a record of its resolutions, transactions, findings and determinations, which record shall be a public record.

(Ord. No. 3-1984, § 1-3, 11- -1984)

Sec. 28-22. Powers.

The planning commission shall have all the powers and authority as set forth in subpart A of part IV of chapter 1 of title 33 of the Louisiana Revised Statutes (R.S. 33:101 et seq.), as amended, and as may be amended from time to time.

(Ord. No. 3-1984, § 1-4, 11- -1984)

Sec. 28-23. Planning commission as zoning commission.

As authorized by section 4726 of title 33 of the Louisiana Revised Statutes (R.S. 33:4726), the planning commission created in this chapter shall be and is the zoning commission of the town.

(Ord. No. 3-1984, § 1-5, 11- -1984)

Sec. 28-24. Officers of zoning commission.

The zoning commission shall elect a chairman from its membership and create and fill such other offices as it may determine. The term of the chairman shall be one year, with eligibility for reelection. The zoning commission shall meet on a periodic basis as determined by the members of the commission. 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. The chairman, officers, records and other matters provided for in this section shall be separate and distinct from the chairman, officers and records of the planning commission.

(Ord. No. 3-1984, § 1-6, 11- -1984)

Sec. 28-25. Powers of zoning commission.

The zoning commission shall have all powers, responsibilities and duties as set forth in sections 101 to 119 and sections 4721 et seq. of title 33 of the Louisiana Revised Statutes of 1950 (R.S. 33:101 et seq.), as amended, and as may be amended from time to time.

(Ord. No. 3-1984, § 1-7, 11- -1984)

Chapter 29

RESERVED

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Chapter 30

SOLID WASTE*

- Sec. 30-1. Definitions.
- Sec. 30-2. Deposit of grass, leaves, branches, other rubbish in public streets.
- Sec. 30-3. Containers for establishments serving customers outside building; duty to pick up litter.
- Sec. 30-4. Duty to keep sidewalks clean; littering prohibited.
- Sec. 30-5. Containers.
- Sec. 30-6. Businesses and other commercial activities.
- Sec. 30-7. Unauthorized use of another's garbage or trash container.
- Sec. 30-8. Collection and disposal charge.
- Sec. 30-9. Provisions declared additional to state regulations.
- Sec. 30-10. Enforcing officers designated.

***State law references**—Louisiana Environmental Quality Act, R.S. 30:2001 et seq.; Louisiana Solid Waste Management and Resource Recovery Law, R.S. 30:2151 et seq.; municipal authority over collection and disposal of garbage and trash, R.S. 33:4169.1; accumulation of rubbish prohibited, R.S. 40:1605.

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:

Garbage means any refuse, animal or vegetable matter from a kitchen, or other refuse or waste material subject to decay or putrefication, or any other refuse matter attractive to flies or other insects or conducive to the germination of bacteria.

(Ord. No. 4-1986, § 1, 7-8-1986)

Sec. 30-2. Deposit of grass, leaves, branches, other rubbish in public streets.

It shall be unlawful for any person to dump or deposit, or cause to be dumped or deposited any grass or leaves, in the roadway or gutter of any public street in the town or to deposit the same upon any neutral ground or near any street in the town without first having placed such matter in a container, whether plastic, metal or other, that is securely sealed and closed and that will not deteriorate due to rain, sleet or snow, or allow said leaves or grass to be scattered upon the public streets of the town.

(Ord. No. 4-1986, § 2, 7-8-1986)

Sec. 30-3. Containers for establishments serving customers outside building; duty to pick up litter.

All owners or managers of lunch stands, drugstores or other businesses serving persons outside of a building shall be required to provide one or more garbage cans outside the front of the building and shall require their employees in attendance to pick up and deposit in the garbage cans all paper napkins or other litter accumulating outside said premises from such service.

(Ord. No. 4-1986, § 3, 7-8-1986)

Sec. 30-4. Duty to keep sidewalks clean; littering prohibited.

All owners or managers of stores, restaurants, markets or stands shall be responsible for keeping the sidewalks in front of the buildings occupied by them in a clean condition. It shall be unlawful for any person to sweep, throw or otherwise deposit any paper, trash, litter, dirt or other refuse materials into the streets or gutters of the town.

(Ord. No. 4-1986, § 4, 7-8-1986)

Sec. 30-5. Containers.

Owners or occupants of dwellings or businesses, or other places where garbage, trash or other refuse matter is likely to accumulate, within the town, are charged to place such refuse in containers as follows: garbage cans or containers of metal or other suitable material of not less than ten gallons in size nor more than 35 gallons in size, and such containers shall be provided with a tightly fitting lid capable of excluding rain and sufficiently sealing the container so as to preclude the attraction of insects.

(Ord. No. 4-1986, § 5, 7-8-1986)

Sec. 30-6. Businesses and other commercial activities.

All business and other commercial activities located or doing business within the town are required to use the same contractor for the pickup and removal of trash and garbage as is contracted with by the town for residence garbage and trash collection.

(Ord. No. 4-1986, § 6, 7-8-1986)

Sec. 30-7. Unauthorized use of another's garbage or trash container.

It shall be unlawful for any person to deposit garbage, trash or other waste material in a garbage can, solid waste container or box owned or assigned to another person, business or other entity without specific authorization of the owner or the person to whom said container is assigned.

(Ord. No. 4-1986, § 7, 7-8-1986)

Sec. 30-8. Collection and disposal charge.

In order to provide for the health and welfare of the citizens of the town there is hereby levied a service charge to defray the expenses of the collection and disposal of garbage and other refuse and to defray the expenses of the maintenance of the general cleanliness and sanitation of the town, to be assessed and collected monthly as follows:

- (1) Upon each residence, the basic charge of \$7.00 per month;
- (2) Upon each business or commercial activity whose requirements can be satisfied by twice weekly pickup of four or less 35-gallon containers, the basic charge of \$7.00 per month. Upon all other businesses or commercial activities, the basic charge of \$21.00 per month;
- (3) The charges which are levied herein shall be billed and collected monthly in the same manner and upon the same statements as charges for water and sewerage are billed and collected;
- (4) Upon failure of any person or commercial activity to pay the charge levied herein, the furnishing of all services and utilities provided by the town shall be discontinued.

(Ord. No. 4-1986, § 8, 7-8-1986)

Sec. 30-9. Provisions declared additional to state regulations.

The provisions of this chapter shall be in addition and supplemental to the provisions of the sanitary code of the state (R.S. 40:4 et seq.).

(Ord. No. 4-1986, § 9, 7-8-1986)

Sec. 30-10. Enforcing officers designated.

Except as otherwise provided, the provisions of this chapter shall be enforced by the mayor or the parish health officer.

(Ord. No. 4-1986, § 10, 7-8-1986)

Chapter 31

RESERVED

CD31:1

Chapter 32

STREETS, SIDEWALKS AND OTHER PUBLIC PLACES*

Article I. In General

Secs. 32-1—32-18. Reserved.

Article II. Town Buildings

Sec. 32-19. Security for the town hall; possession of weapons in the town hall prohibited.
Secs. 32-20—32-41. Reserved.

Article III. Drug Free Zones

Sec. 32-42. Established.
Sec. 32-43. Definitions.
Sec. 32-44. Map adopted; published.
Secs. 32-45—32-61. Reserved.

Article IV. Excavations

Sec. 32-62. Permit required.
Sec. 32-63. Application for permit.
Sec. 32-64. Deposit required; responsibility for safety of public.
Sec. 32-65. Backfilling, resurfacing and repairing of damaged public utilities.
Sec. 32-66. Inspections required; fee.
Secs. 32-67—32-90. Reserved.

Article V. Business Operations Permit

Sec. 32-91. Purpose.
Sec. 32-92. Findings.
Sec. 32-93. Permit required for business operations.
Sec. 32-94. Standards.

*State law reference—Municipal authority over streets and sidewalks, R.S. 33:3301 et seq.

ARTICLE I. IN GENERAL

Secs. 32-1—32-18. Reserved.

ARTICLE II. TOWN BUILDINGS

Sec. 32-19. Security for the town hall; possession of weapons in the town hall prohibited.

(a) All persons entering the town hall shall be subject to a search for weapons and all persons entering the town hall shall be deemed to have given consent and permission to be searched for weapons.

(b) No person, other than commissioned law enforcement officers, shall be permitted to possess a weapon inside the town hall. Persons with a current permit to carry a firearm shall be subject to this prohibition while inside the town hall.

(c) Any person who possesses a weapon in the town hall in violation of this section shall be punished according to the general penalties described in section 1-7.

(Ord. No. 4-1993, 4-13-1993)

Secs. 32-20—32-41. Reserved.

ARTICLE III. DRUG FREE ZONES

Sec. 32-42. Established.

There shall hereby be established within the town, drug free zones as defined herein.

(Ord. No. 5-1989, § 1, 10-10-1989)

Sec. 32-43. 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:

Drug free zone means an area inclusive of any property used for school purposes by any school, within 1,000 feet of any such property, and school buses.

School means any public or private elementary, secondary, or vocational-technical.

School property means any property used for school purposes, including, but not limited to, school playgrounds.

(Ord. No. 5-1989, § 2, 10-10-1989)

Sec. 32-44. Map adopted; published.

The board of aldermen shall publish a map clearly indicating the boundaries of each drug free zone in accordance with section 32-42. The drug free zone map is hereby adopted by reference and incorporated herein as if fully set out, and shall be made an official public document and placed with the clerk of court the parish.

(Ord. No. 5-1989, § 3, 10-10-1989)

Secs. 32-45—32-61. Reserved.

ARTICLE IV. EXCAVATIONS

Sec. 32-62. Permit required.

It shall be unlawful for any person to make any excavation or opening in, on, under or through any street, street right-of-way, alley, sidewalk or public way or place without having first secured a permit for such purpose from the mayor.

(Ord. No. 2-1980, § 1.1, - -1980)

Sec. 32-63. Application for permit.

Anyone desiring to secure an excavation permit shall make application therefor to the mayor by written application, setting forth the purpose of making such opening or excavation, its location, the approximate size of such opening, and the length, width and depth of such excavation at its longest, widest and deepest points, and any other data necessary to calculate the amount of materials necessary for refilling said excavation.

(Ord. No. 2-1980, § 1.2, - -1980)

Sec. 32-64. Deposit required; responsibility for safety of public.

Prior to the issuance of an excavation permit, the person desiring to make such excavation shall deposit with the town clerk a sum sufficient to guarantee the replacement of earth, gravel and/or pavement as the case may be, and the repairing of any damaged public utilities, and further such person shall be responsible for the safety of the traveling public during the process of such installation.

(Ord. No. 2-1980, § 1.3, - -1980)

Sec. 32-65. Backfilling, resurfacing and repairing of damaged public utilities.

It shall be the duty of the person making any excavation hereunder to fill the excavation and restore the surface to a condition at least equal to the surface prior to the excavation and to repair any damaged public utility to the satisfaction of the mayor.

(Ord. No. 2-1980, § 1.4, - -1980)

Sec. 32-66. Inspections required; fee.

All excavations except those backfilled and resurfaced by the town shall be inspected and approved by the mayor before and after backfilling and before and after resurfacing. A fee for making the inspections may be charged in an amount as fixed from time to time by the board. (Ord. No. 2-1980, § 1.5, - -1980)

Secs. 32-67—32-90. Reserved.**ARTICLE V. BUSINESS OPERATIONS PERMIT****Sec. 32-91. Purpose.**

(a) The town recognizes that it holds its property and the rights-of-way within its geographical boundaries as an asset in trust for its citizens. The town and other public entities have invested millions of dollars in public funds to acquire, build, and maintain the rights-of-way. It also recognizes that some persons, by placing their equipment in the rights-of-way and charging the citizens of the town for goods and services delivered thereby, are profiting from their use of this property held by the town for the public good.

(b) The town's rights-of-way are owned or held by the town primarily for the purpose of pedestrian and vehicular passage and for the town's provision of essential public safety services, including police, fire, and emergency medical response services; and public health services, including sanitary sewer, water, and storm drainage services (together, public uses).

(c) Public uses should in all cases be considered and treated as the dominant and preeminent uses of public property and rights-of-way.

(d) All other uses of public rights-of-way, including use for the provision of business operations, must be subordinate to public uses.

(e) In order to provide for the health, safety and well-being of its citizens, as well as to ensure the structural integrity of its rights-of-way and the town owned facilities located therein, the town strives to keep its rights-of-way in a state of good repair and free from unnecessary encumbrances.

(f) Right-of-way obstructions and deterioration disrupt the flow of vehicular and pedestrian traffic and are a source of frustration for merchants, business owners and the general population.

(g) The Louisiana legislature enacted Act 433 of 2008, codified as R.S. 45:1361 through 45:1378 as the "Consumer Choice for Television Act," which provides for a state-issued certificate of franchise authority for cable and video services. In R.S. 45:1374, the legislature reserved to local government certain authority to regulate the holder of a state-issued certificate of franchise authority including the town's lawful exercise of its police powers.

(h) In order for the town to properly protect the health, safety and welfare of its citizens, to enhance the public uses, and manage and maintain its property, it is appropriate and necessary that the town obtain and maintain current, accurate information concerning the location, construction, installation and maintenance of structures, facilities, and equipment occupying town property for business operations (system).

(i) Some entities conduct business operations utilizing town property and rights-of-way authorized by a fully executed, valid franchise agreement or ordinance with the town which addresses, among other matters, maintenance and use of town property and rights-of-way. The town has determined that it is in the public's best interest to honor said franchise agreements or ordinances and exempt from the application of this article the business operations specifically authorized by such agreements or ordinances.

(Ord. No. 12-2008, 10-14-2008)

Sec. 32-92. Findings.

The board of aldermen finds that 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 town (herein referred to as town property) for the conduct of business operations without first being issued a permit to enter town property for business operations as more fully set forth hereafter.

(Ord. No. 12-2008, 10-14-2008)

Sec. 32-93. Permit required for business operations.

(a) Location of any system for business operations within town property without a valid permit from the town pursuant to this article presents a threat to the health, safety, and welfare of the town's citizens and their property and is expressly forbidden.

(b) The town recognizes and reserves any and all rights available to it to regulate use of any town property.

(c) The granting of any town license, permit, or other requirement for doing business within the town shall not be construed as authorizing any such person or entity the right to utilize town property for the conduct of business operations.

(d) Any person or entity desiring to operate a system occupying town property (applicant) shall make a written request to the town for a permit, which shall include the following information:

- (1) Name, address, telephone number, and contact person of the person or entity making the request;
- (2) Necessary corporate information, if applicable;
- (3) 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;
- (4) Description of the proposed activity;

- (5) Identification of the town property which the applicant's system will occupy. Said identification shall include the following:
 - a. Map drawn to scale of the location of all of the applicant's system presently occupying town property;
 - b. Inventory of all equipment, structures, and facilities comprising applicant's system occupying town property; and
 - c. 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;
- (6) Proof of comprehensive general liability insurance covering and affecting the applicant's business operations occupying town property. The applicant shall notify the town of cancellation of such policy at least 30 days in advance of such cancellation; and
- (7) Names of all contractors acting or working on behalf of the applicant within town 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.

(e) Upon provision of all of the information required by subsection (d) of this section, the town shall issue a permit allowing the applicant/permittee to enter town property to conduct business operations in accordance with the specific information provided to the town by the applicant/permittee.

(Ord. No. 12-2008, 10-14-2008)

Sec. 32-94. Standards.

(a) Standard provisions of each permit granted pursuant to this article include the following:

- (1) *Conditions of occupancy.* The system shall be located so as to cause minimum interference with the public uses, use of town property and with the rights and reasonable convenience of property owners who own property that adjoins town property.
- (2) *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 town property by the permittee, the permittee shall replace and restore such town property to a condition reasonably comparable to the condition of the town property existing immediately prior to such disturbance.
- (3) *Relocation at request of the town.* If the town shall lawfully elect to vacate, relocate, abandon, alter, reconstruct or change any town property, the permittee shall, upon 30 days' written notice by the town via certified mail to the permittee, remove, re-lay 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 town shall have the right to remove the component parts of the system and charge the permittee for the costs of removal.

- (4) *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 town property, as necessary, any property of the permittee provided:
 - a. 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
 - b. 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.
- (5) *Interference with use of right-of-way.* When working within town property, the permittee shall not unreasonably interfere with public uses of said town property and the safety, health, and convenience of the public in the public's use thereof for ordinary travel.

(b) No less than three business days prior to commencement of construction, installation or maintenance activities within town property, the permittee shall notify the town 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 (d) of this section. Upon receipt of this notification, the town shall determine whether the proposed construction, installation, or maintenance activities shall pose an unreasonable interference with public uses. If the town 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 town within 24 hours of the proposed commencement of activities, the proposed activities may be deemed approved. This section shall not apply to emergency repair projects or utility service extension projects which the permittee could not have anticipated.

(c) The permittee shall keep all of the information required by section 32-93(d) current at all times by immediately providing the town written notice of changes.

(d) Any person or entity:

- (1) Whose system occupies town property for business operations without obtaining the permit required in this article;
- (2) Who fails to provide the 72-hour notice prior to commencement of construction, installation, or maintenance activities as required in subsection (f) of this section; or who fails to maintain current, accurate information required by section 32-93(d) concerning any system occupying town property may have any permit granted pursuant to this article revoked and may be denied future authorization for construction, installation, or maintenance activities for a period of two years.

(e) Any violation of this article shall afford the town 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 town's right to seek injunctive relief, damages, and attorney's fees as the law might allow.

(f) Business operations specifically authorized by a fully executed, valid franchise agreement or ordinance with the town shall not be subject to the provisions of this article and the provisions of said franchise agreement or ordinance shall continue to govern.

(Ord. No. 12-2008, 10-14-2008)

Chapter 33

SECURITY GATES AND LIMITED ACCESS GATES

Sec. 33-1. Security gates and limited access gates.

Sec. 33-1. Security gates and limited access gates.

(a) Security gates and limited access gates may be installed that restrict access to the public, police and fire lane provided that at least one entrance is either left unobstructed (no gate) or an electrically operated gate is installed that can be operated with a manual key switch and electronic tag transmitters used by the city. This switch and receiver shall be installed on the column or post near the electrical control box (preferably on the right hand side). When the switch is operated, the gate shall remain in the open position until manually reset. A battery back-up and manual override shall be provided to be used in case of power outage. Additional gates may be manually operated gates that have an approved padlock installed to permit fire and police department access. This shall allow emergency access to the property by the police and fire departments.

(b) Requirement of emergency rapid access devices for gated communities or gated commercial premises.

- (1) *Gated communities or gated commercial premises.* For purposes of this section, gated communities shall include all commercial properties, housing developments, apartment and townhouse complexes, and all other residential communities, which have limited access electronic gates for ingress into and egress from the community or commercial premises.
- (2) *Emergency rapid access devices.* For purposes of this section, emergency rapid access devices include rapid access key boxes, switch control devices, receivers, security padlocks, and the locks and keys used in such devices, which shall be UL certified and approved by the fire marshal.
- (3) *Requirement.* All gated communities or gated commercial premises shall install rapid access key boxes, switch control devices, and an electronic tag receiver which is compatible with the electronic tag transmitters used by the city at the primary gated entrance on the gate control panel that is readily visible and accessible. All secondary gated entrances/exits shall have key boxes, switch control devices or security padlocks.
- (4) *Time for compliance.* All existing gated communities and gated commercial premises shall have 90 days from the date this section becomes effective to comply with this section, all new gated communities and commercial premises shall comply with this section prior to occupancy.
- (5) *Responsible persons/entities.* For existing gated communities and gated commercial premises, the person/entity responsible for compliance with this section shall be the person/entity responsible for maintenance of the gated access. For new gated communities or gated commercial premises, the person/entity responsible for compliance with this section shall be the developer or builder of the gated community or gated commercial premises.

(Ord. No. 4-2010, § I, 6-11-2010)

Chapter 34

SUBDIVISIONS*

- Sec. 34-1. Introduction and summary.
- Sec. 34-2. Definitions.
- Sec. 34-3. Procedure.
- Sec. 34-4. General requirements for the subdivision of land.
- Sec. 34-5. Documents required.
- Sec. 34-6. Administration and effective date.

***Editor's note**—The effective date of these regulations was stated as "at the beginning of the thirtieth (30th) day from the date that this ordinance is adopted on final reading, exempting any subdivision that has received preliminary approval prior to the effective date of this ordinance." The regulations were later revised by the town board on October 11, 1983.

State law reference—Regulation of subdivisions, R.S. 33:101 et seq., 33:1236(20).

Sec. 34-1. Introduction and summary.*(a) Introduction.*

- (1) The town and the surrounding urbanized area is presently experiencing the fastest rate of growth of any area in the state. With this rate of growth comes the responsibility of the town and parish governing bodies regulating and planning for this continued growth to ensure the health, safety, morals and general welfare of the people in the Haughton urbanized area.
- (2) These subdivision regulations are just one of the tools that will assist them in discharging that responsibility.

(b) Summary of procedure.

- (1) The subdivider visits the mayor's office before any preliminary laywork work begins to determine if the tract is affected by the flood area on the official street map.
 - (2) Prepare preliminary layout and submit four copies to mayor's office ten days prior to regular meeting. (Other departments have to be consulted.)
 - (3) Submit final plat at least ten days prior to regular meeting, the original, two reproducibles and five paper copies. The original shall be drawn on a plat exactly 18 inches by 11½ inches and to a scale of one inch equals 100 feet (if practical). The two reproducibles to be on a durable material, preferably Mylar film, exactly the same size. This is very important for filing purposes.
 - (4) After approval of final plat and all signatures affixed to the original, subdivider shall have the original recorded.
 - (5) Provide the mayor's office a Xerox copy of the recorded plat. (Copy may be acquired from recorder's office.)
 - (6) Distribution of maps.
 - a. Bossier Parish Clerk and Recorder: The original on all subdivisions.
 - b. Mayor's office: One reproducible and one paper print on all.
 - c. Bossier Parish Health Unit: One paper print on all.
 - d. Bossier Parish Tax Assessor: Two paper prints on all.
 - e. Parish engineer: One reproducible and one paper print.
- (Ord. No. 2-1983, 10-11-1983)

Sec. 34-2. Definitions.

For the purpose of these regulations, certain words and phrases used herein are defined as follows:

Alley means a minor public right-of-way between rear of side property lines, which provides vehicular access to properties otherwise abutting on a street.

Building setback line means the line indicating the minimum horizontal distance between the street right-of-way line and building, not including steps, eaves, or over hangs.

Crosswalkway means a public right-of-way used primarily for pedestrian travel through or across any portion of a block.

Cul-de-sac means a short street having but one end open to traffic and being terminated at the other end by a vehicular turnaround.

Easement means a grant by a property owner of the use of a strip of land by others for specific purposes.

Final plat means the final map or drawing on which the subdivision plan is submitted to the planning commission for approval and which, if approved, will be submitted to the clerk of court and recorder of the parish for recording.

Improvements means hard street surfacing with or without curb and gutter, sidewalks, crosswalkways, water mains, sanitary sewer lines, storm drainage lines, and utilities.

Lot means a portion of a subdivision intended as a unit for transfer of ownership or for development or both, and having frontage on a dedicated street.

Lot frontage means the front dimension of a lot measured along the street right-of-way.

Lot width means the width of the lot at the building setback line measured parallel to the street right-of-way line.

Major street plan map means a part of the master plan showing the location and dimensions of principal thoroughfares, existing and planned.

Master plan means the comprehensive plan for the physical development of the town and the surrounding areas, all as provided by law and has been adopted by the town and the parish police jury in their respective jurisdictions. The term "master plan" includes any unit or part of such plan separately and any amendment to such plat or parts thereof.

Metropolitan planning area means all the land within the town and that unincorporated area of the parish within five miles of the town city limits as they exist or may exist in the future.

Official map means the map established by the board of aldermen and the police jury in their respective jurisdictions, as provided by law, showing the streets theretofore existing and established by law as public streets and any amendments thereto adopted by the board of aldermen or the police jury, as appropriate, or additions thereto resulting from approval of subdivision plats and the subsequent recording of such approved plats.

Parish means Bossier Parish, State of Louisiana.

Plat of subdivision means a map showing the division of any tract of land into two or more parcels, and prepared for the purpose of recording.

Police jury or *jury* means the chief legislative body of the parish.

Preliminary layout means the preliminary map or drawing on which the proposed layout of a subdivision is submitted to the planning commission for review. Such a drawing is not recordable.

Protective covenant means a restriction on the use of private property within a subdivision for the purpose of providing mutual protection against undesirable aspects of development. This covenant represents an express agreement between the subdivider and the lot purchasers.

Right-of-way means the entire strip of land lying between the property lines of a street or throughfare, alley, crosswalkway, or easement. All rights-of-way referred to here will be public.

Roadway means the portion of a street available for vehicular traffic; where curbs are laid, the portion between curbs. If no curbs, the portion between the shoulders.

Rules of procedure means the regulations adopted by the board of aldermen and police jury for the submission and approval of subdivision plats.

Sidewalks means the portion of a street or crosswalkway, paved or otherwise surfaced, intended for pedestrian use only.

Street means a right-of-way designed for vehicular traffic regardless of its designation by name or classification.

- (1) Express or parkway: Access limited to major arterial streets to move large volumes of traffic, and may provide scenic or recreational features.
- (2) Major arterial streets: To provide for large volumes of through traffic, not intended to provide local access to abutting property.
- (3) Collector: Commercial and industrial, to move local to major arterial streets.
- (4) Residential collector streets: To move neighborhood traffic to other neighborhoods and to major arterial streets.
- (5) Residential principal streets: To move local traffic within a subdivision.
- (6) Residential minor streets: Limited to cul-de-sac and short loop streets serving 30 residences.
- (7) Marginal access street: A street running parallel to and adjacent to an expressway, parkway or major arterial street where required to provide local service of abutting property to the limited access streets.

Subdivider means any person, group, or corporation acting as a unit, or any agent thereof, dividing or proposing to divide land so as to constitute a subdivision as defined herein.

Subdivision means the division of a tract or parcel of land into two or more lots, sites, or other divisions for the purpose, whether immediate or future, of sale or building developments; the term includes resubdivision, and when appropriate to the context, related to the process of subdividing, or rearrangement of one or more lots, plots, parcels, or building sites.

Town means Town of Haughton, being in Bossier Parish, State of Louisiana.

Zoning means the regulation by districts of the height, area, and use of buildings, use of land and density of population as provided for in the zoning chapter and administered by the zoning administrator

(Ord. No. 2-1983, § I, 10-11-1983)

Sec. 34-3. Procedure.

(a) *Preapplication procedure.*

- (1) Informal consideration. It is required of the subdivider or his agent, while the subdivision is still in the preliminary planning stage, to consult with the town engineer to determine conformity to the major street plan and official map, the zoning chapter, and compliance with these regulations and rules of procedure in meeting requirements for the design and installation of public improvements as required by the town and/or police jury. The engineer will alert the subdivider to any special known problems and request exhibits if needed.
- (2) Upon receiving informal favorable consideration, the subdivider may then proceed to prepare the preliminary layout for submission, allowing staff review time of not more than seven days.
- (3) Favorable consideration by the staff under no circumstances, shall be construed as preliminary or tentative approval. This must come from the board of aldermen.

(b) *Submission of preliminary layout.*

- (1) After fulfilling the conditions in subsection (a) of this section, the subdivider shall cause to be prepared a preliminary layout, as specified in section 34-5, together with other supplementary material deemed necessary by the town or parish governments, regulating the installation of public improvements.
- (2) Four copies of the preliminary layout and supplementary material, if any, shall be submitted to the town engineer at least ten days prior to the regular monthly meeting of the council to receive action at such meeting. The town engineer shall determine whether the preliminary layout is in proper form and shall not receive or consider the application as filed until such documents are in accordance with the requirements set forth herein.

(c) *Consideration of preliminary layout.* The town engineer will study the preliminary layout to the major street plan, the official map, the zoning chapter, and the topography of the area, and will take into consideration the general requirements of the community, the particular requirements of the neighborhood, and the best use of the land to be subdivided. Particular attention will be given to specific requirements for parks, playgrounds, and playfields, school sites, major arterial streets and the suitability of the land for development. The preliminary layout will also be checked by the town engineer or parish engineer, as appropriate, and by such other officials of the town and parish as may be concerned with such aspects of subdivision as utilities or health protection.

(d) *Action on preliminary layout.*

- (1) Within 30 days after the submission of the preliminary layout and other material submitted for conformity thereof to these regulations, the board of aldermen will communicate in writing to the subdivider its conditional approval or disapproval, giving the specific changes which it will require on the final plat to conform to these regulations.
- (2) Conditional approval of a preliminary layout shall not constitute approval of the final plat. This is only conditional approval of the preliminary layout to aid in the submission of the final plat to the board of aldermen, or the police jury, as appropriate, after fulfillment of the requirements of these regulations and the specific additions required of the conditional approval, if any.

(e) *Effective period of conditional approval.* Conditional approval of the preliminary layout shall be valid for a maximum period of 12 months, unless, upon application by the subdivider, the council grants an extension. If the final plat has not been submitted to the council for final approval within this time limit, the preliminary layout shall again be submitted to the planning commission for approval and any recent land use changes taken into consideration before any action is taken by the board of aldermen.

(f) *Prior to submission of final plat.*

- (1) After approval of the preliminary layout by the planning commission, if within the town city limits, the developer must contact the town engineer to guarantee he will be in conformance with this Code (easements and rights-of-way, reimbursement to town for cost of checking plans and inspections, ownership of plan and specifications, plans and specifications required; approval).
- (2) If beyond the town city limits, in the planning area, the parish engineer must be consulted to ascertain what plans and specifications on improvements his office requires, as specified in Ordinance No. 509 and Amendment No. 602 and 612 of Bossier Parish.

(g) *Submission of final plat.*

- (1) After approval of the preliminary layout by the town engineer and fulfillment of required conditions, the final plat shall be submitted to the board of aldermen for final approval.
- (2) Two reproducibles on Mylar film or tracing cloth and five copies of the final plat including items specified in section 32-5(b) shall be submitted ten days prior to the meeting at which it is to be considered.
- (3) If desired by the subdivider, the final plat may be submitted only on that unit or portion of the preliminary layout that he proposes to record and develop at that time, provided, however, that such portion conforms to all requirements of these regulations. The filing of a unit of the preliminary layout automatically extends the effective time period of approved preliminary layout.

(4) Review summary of procedures, subsections (a) through (c) of this section.

(h) *Hearing.* The board of aldermen will notify the subdivider and/or his agent of the time and place at which action on his final plat will be taken. His presence is required.

(i) *Action on final plat.* Within 30 days after submission of the final plat and supplementary material required for approval, the staff will notify the subdivider of the town's final actions.

(j) *Approval of final plat and acceptance of public areas.* Approval of the final plat shall constitute acceptance by the town or parish of the dedication of a street or other public way, a park, playground, or playfield, or any other space shown on the plat and provide maintenance of same.

(k) *Effective period of final plat.*

(1) Final plat shall be signed by authorized persons specified in section 34-5(b)(18).

(2) Approval of the final plat shall be null and void if not signed and recorded with the clerk of court and recorder of the parish within 30 days after the date of final approval unless application for an extension of time is made in writing during such 30-day period to the town and granted by it.

(3) Provide the town a Xerox copy of the recorded plat. A copy may be acquired from the recorder's office.

(Ord. No. 2-1983, § II, 10-11-1983)

Sec. 34-4. General requirements for the subdivision of land.

(a) *General principles of acceptability.*

(1) *Master plan.* Streets shall conform substantially to the master plan adopted by the police jury and the town, and any revisions or amendments thereof. Whenever a tract to be subdivided includes any part of a street indicated as a major arterial street on the major street plan of the master plan, such part of such street shall be dedicated by the subdivider. It is the intent of this chapter to provide a 100-foot dedication of all thoroughfares (50 feet measured each side of centerline of the proposed thoroughfare) except as provided in section 34-6(b). The street layout should be planned to reduce to the minimum, as far as is practical, the direct access to such thoroughfares.

(2) *Provisions for future subdivision.* If a tract is subdivided into parcels larger than ordinary building lots, such parcels shall be arranged to allow the opening of the future streets and logical further subdivision.

(3) *Reserved strips prohibited.* There shall be no reserved strips controlling access to a dedicated or intended to be dedicated public street such as the end of a stub out street.

(4) *Buffer park strips.* Where a residential subdivision adjoins a railroad right-of-way, an industrial area, a business area, or other land use which might have a depreciating effect on the residential use of the property, a buffer park strip, in the form of an easement, of adequate width for suitable screen planting may be required by the town.

- (5) *Trees.* Valuable trees shall be preserved wherever possible. Where the neutral ground or planting strip between the roadway and the sidewalk is provided with trees, such trees shall not be of a low bushy species that might obstruct vision. No tree or shrub or bush shall be planted in the neutral ground within 40 feet of the intersecting property lines at a street intersection.
 - (6) *Neighborhood plan.* If a tentative plan has been approved by the town engineer for the neighborhood of the proposed subdivision, the street system of the latter shall conform substantially thereto.
 - (7) *Uninhabitable land.* Land deemed by the planning commission to be uninhabitable because of the danger of flood or for other reasons shall not be platted for residential use nor for such other uses as may increase danger to health, life or property or aggravate the hazard, until the conditions making the land uninhabitable have been corrected. Land that is permitted to be platted shall not be considered to be guaranteed by the engineer, board of aldermen, or the police jury against flood or other hazard.
 - (8) *Variations and exceptions.* Variations and exceptions from the design and dimensional standards and improvements requirements of these regulations may be made by the town engineer in cases where, owing to exceptional conditions, there are extreme difficulties or hardships in the way of carrying out the strict letter of these regulations. No variations or exceptions shall be made that will be detrimental to the public welfare.
 - (9) *Unsubdivided portion of tract.* The town engineer shall require a sketch of the tentative future street system beyond the limits of the tract presently being subdivided. (Land owned or controlled by applicant.)
 - (10) *Adjacent lands.* town engineer may require a map showing existing or planned streets or adjacent lands.
- (b) *Streets.*
- (1) *Major thoroughfares.* Wherever a subdivision embraces a major street, as shown on the major street plan, such major thoroughfares shall be platted in the location and of the width indicated on the major street plan.
 - (2) *Circulation.* The street pattern shall provide ease of circulation within the subdivision as well as convenient access to adjoining streets, thoroughfares, or unsubdivided land, as may be required by the engineer. Minor residential streets should be planned as to discourage their use by nonlocal traffic. Where a street will eventually be extended beyond the plat but is temporarily dead-ended, the subdivider will post a "Dead End Street" sign if the end of the stub cut is not visible.
 - (3) *Existing streets.* Existing streets (constructed or recorded) in adjoining territory shall be continued at equal or greater width and in similar alignment by streets proposed in the subdivision, unless variations are approved by the engineer.

- (4) *Intersections.* Street intersections shall be at right angles except where, because of topographic or other reasons, an intersection cannot be at right angles, such intersections shall be designed to ensure safety. The minimum distance between intersections shall be 150 feet. Intersections should be reduced on major arterials.
- (5) *Marginal access streets.* If a new residential subdivision or an undeveloped lot proposed for commercial use fronts on a major arterial street, as defined herein, an access street shall be provided.
- (6) *Alleys.* Paved rear alleys not less than 20 feet wide will be required in all business and industrial districts where other provisions for delivery and service, including adequate off-street loading space suitably surfaced, is not made. In general, alleys will not be approved for residential district of subdivisions.
- (7) *Half streets.* Except in unusual circumstance, no new half streets shall be platted; where a tract of land to be subdivided abuts upon an existing half street, the other half of the street shall be platted.
- (8) *Culs-de-sac.* Culs-de-sac shall not exceed 600 feet, unless necessitated by topography or other circumstances beyond the subdivider's control, and shall have a turn around not less than 100 feet in diameter of right-of-way at the closed end.
- (9) *Right-of-way widths.*

<i>Right-of-Way Widths</i>	<i>Minimum (feet)</i>	<i>Desired (feet)</i>
Expressway of parkway	200	300
Major arterial street	80	100
Collector street—commerical-industrial	70	
Residential, collector streets	70	
Residential, principal streets	60	
Residential, minor streets (town)	50	
Marginal access streets	40	
Alley	20	
Crosswalkway	10	

- (10) *Roadway widths.*

<i>Roadway widths</i>	<i>Minimum (feet)</i>	<i>Desired (feet)</i>
Expressway of parkway (Set by state department of highways) major arterial street	48	4-12 ft. in.
Collector street—commerical-industrial	44	4-11 ft. in.
Residential, collector streets	31	
Residential, principal streets	25	
Residential, minor streets (town)	25	

<i>Roadway widths</i>	<i>Minimum (feet)</i>	<i>Desired (feet)</i>
Marginal access streets (no parking)	20	
Alley	20	
Crosswalkway	4	

(11) *Alignment; minimum standards.*

- a. Two copies of the complete plans and profiles for street improvements shall be submitted for approval of the town engineer or the parish engineer prior to approval of the final plat by the board of aldermen.
- b. Vertical. For major thoroughfares and collector streets, profile grades shall be connected by vertical curves to minimum length (measured horizontally) equivalent to 25 to 60 times the algebraic difference between the grades of grade expressed in feet per hundred, depending on type street and allowable speed for minor streets and alleys, a minimum of 20 times the algebraic difference between the rates of grades.
- c. Horizontal radii of centerline curvature.

Major thoroughfares, access and frontal streets	500 ft. min.
Secondary or collector streets	200 ft. min.
Minor streets	100 ft. min.
Final design criteria to be determined by designed speed as set by the town engineer	
Reversed curve-unless approved by the town or parish engineer, all streets shall have a tangent of 100 feet between reverse curves.	

- d. Other horizontal radii.
 - 1. Edge of pavement radii: at the intersection of two streets edge of pavement radius shall be a minimum of 25 feet.
 - 2. Property line radii: at the intersection of two streets, property line corners shall be rounded by an arc of 20-foot radius of all residential streets and a 30-foot radius on all commercial or industrial collector streets. The minimum radii shall be increased when the smallest angle of intersection is less than 50 degrees, or in any case where the town or parish engineer consider an increase necessary. In the triangle formed by measuring 30 feet from the property line and connecting these two points, nothing shall be placed, constructed or planted, other than low ground cover, and the subdivision plat shall so state.
- e. Intersections occurring on the inside of a curve; see subsection (d)(3) of this section for corner lot requirements.

(c) *Blocks.*

- (1) *Length.* Residential blocks shall not be more than 1,200 feet long unless approved by the town engineer. Blocks longer than 800 feet in length shall have a crosswalkway near the center of the block when required by the engineer.
- (2) *Blocks for industrial or commercial use.* Blocks intended for business or industry shall be of such width and depth as may be considered most suitable for their prospective use by the town engineer, including adequate provision for onsite parking, loading and unloading, and buffer, as required by the zoning chapter.
- (3) *Blocks on major thoroughfares.* If frontage on a thoroughfare is involved, the long dimension of the block shall preferably front thereon by means of an access or frontal road, in order to create as few intersections as possible with the thoroughfares.
- (4) *Shape of blocks.* Irregular shaped blocks (including superblocs) indented by culs-de-sac containing interior parks or playgrounds and adequate parking space, will be acceptable when properly designed and covered by agreements as to maintenance of such park areas.

(d) *Lots.*

- (1) *Minimum width and area.* Lots for single-family residential use shall be at least 50 feet wide at the building setback line and shall be at least 6,000 square feet in area. Rural lots shall have a minimum of one acre unless on a community sewage system.
- (2) *Lot to abut on street.* Every lot shall front on a dedicated public street having a minimum right-of-way of 50 feet in the town and 60 feet in the parish for a distance of not less than 25 feet measured along said right-of-way line, unless in a planned unit development (PUD).
- (3) *Corner lots.* Corner lots shall have sufficient width to permit the maintenance of the side street building line after providing a minimum building width of 30 feet, and a side yard, as required by the zoning chapter, of the interior side of the lot.
- (4) *Property line at corners.* Where necessary, property lines at street intersection corners shall be arcs having radii of 20 feet or shall be chords of such arcs.
- (5) *Side lines of lots.* Side lines of lots shall be approximately at right angles or radial to the street line unless, in the opinion of the town engineer, a variation from this rule will give a better street and lot plan.
- (6) *Shape of lots.* The shape of lots and their orientation shall be appropriate to the location of the proposed subdivision and to the type of development contemplated.
- (7) *Double frontage lots.* Double frontage lots shall be avoided, except where essential to provide separation of residential development from major thoroughfares or to overcome specific disadvantages of topography and orientation.

(8) *Building lines.* Each lot shall have a building setback line at least 25 feet from the front property line and, in the case of a corner lot also from the side (street) property line. Each lot shall have side building lines at least five feet from each side lot line, unless exempted in article III of the zoning chapter.

(e) *Public spaces.*

(1) *Parks and playgrounds.* Ten percent of the area of every subdivision, exclusive of streets and unusable land, may be required by the town engineer to be set aside for public recreational purposes. In small subdivisions such reservation of land shall be so located as to permit combining it with similar reservations in adjoining tracts.

(2) *Natural and cultural features.* Outstanding natural and cultural features, such as scenic spots, watercourses, and historic sites, shall be preserved insofar as possible.

(3) *Utility easements.* Nonexclusive easements at least ten feet wide, five feet on each side of rear or side property lines of lots, if lots are on each side, together with the right of ingress and egress, shall be provided where necessary for public utilities; the dimensions of such easements shall be increased where necessary to provide space for utility pole bracing or other construction or for the extension of main storm and sanitary sewers and other utilities and where both water and sewer lines are located in the same easement, easements shall be part of the yard area and shall remain unobstructed except for fences.

(4) *Names.* The name of the subdivision and new street names shall not duplicate, nor too closely approximate phonetically, the name of any other subdivision or street within the town or within five miles of the town and within the parish. The names should be coordinated with the board of aldermen, town engineer and parish engineer.

(f) *Improvements.* Within the planning limits in the parish, the improvements will be installed at the developer's expense and to the specifications and under the supervision of the parish engineer and the director of the parish health unit, covered by Ordinance No. 509 and Amendment No. 602 and 612 of the parish.

(1) *Street clearing and grubbing.* The entire street right-of-way which is indicated for public use shall be cleared and grubbed.

(2) *Roadways.* All roadways in the town shall be concrete, or other type, meeting the town engineer's specifications and standards. All roadways in the parish planning area shall meet the parish engineer's specifications and standards with the concrete roadways meeting town standards as a minimum.

(3) *Drainage.* Proper drainage shall be the responsibility of the developer.

(4) *Sidewalks.* Sidewalks shall be installed on both sides of the street in the town unless special circumstances, approved by the town engineer, would not warrant them (examples: low density or topography). Sidewalks are not required in the parish.

- (5) *Water supply.* The water system shall be at the expense of the developer and shall meet the specifications of the town engineer, parish engineer or director of the parish health unit, as appropriate.
- (6) *Sanitary sewerage.* The sewage system shall be at the expense of the developer and shall meet the specifications of the town engineer, parish engineer or director of the parish health unit, as appropriate.
- (7) *Utility lines.* Above-ground utility lines shall be placed on rear or side property lines of lots in easements provided for this purpose. Every effort should be made to provide under ground utility lines.
- (8) *Street lighting; town only.* All street lighting, except expressways or major arterials shall be installed at the developer's expense and in accordance with the requirements of the town engineer.
 - a. The minimum lumen size of streetlights in residential, commercial, and industrial subdivisions shall be as follows:
 1. Expressways or parkways and major arterial streets: Minimum 11,000 and 20,000 lumen mercury vapor lights, or equivalent.
 2. Collector streets: Minimum 8,000 lumen mercury vapor streetlights, or equivalent.
 3. Principal and minor streets: Minimum 4,000 lumen mercury vapor streetlights, or equivalent.
 - b. The minimum mounting height of streetlights shall be 18 feet with a mast arm a minimum of four feet.
 - c. Streetlights shall be placed at all intersections.
 1. Where subdivision electric distribution lines are installed in easements along the rear property line, streetlights shall be installed at all intersections and in the street dedication, spaced at a minimum of 200 feet and a maximum of 300 feet.
 2. Where subdivision electric distribution lines are installed in the street dedication, streetlights shall be placed on poles carrying said electric distribution lines and shall be placed at all intersections and spaced at a minimum of 200 feet and maximum of 300 feet.
 3. Where subdivision electric distribution lines are underground, streetlights shall be installed in the street dedication on metal standards serviced by underground cable. They shall be installed at all intersections and spaced at a minimum of 200 feet and a maximum of 300 feet.
 - d. All street lights for proposed subdivisions shall be under contract as approved by the town engineer and utilities before the subdivision is approved by the town.

- (g) *Parish only; compliance with the requirements of the parish engineer.*
- (1) *Inspection.* The improvements will be constructed, if in the town, under the supervision and inspection of the town engineer and will be compensated by the subdivider as required. In the parish planning limits, the developer shall furnish a certificate from a licensed civil engineer that he has inspected the roadway during construction and that said roadway is built according to specifications and standards of the parish engineer.
 - (2) *Performance bond.* The town requires a bond from the contractor for subdivision improvements as determined by the town engineer who is responsible for supervision of improvements installation.
 - (3) *Assurance of completion.* Prior to the granting of any building permit for construction of a residence or other building in the subdivision, there shall be filed with the mayor's office a certificate signed by the town engineer or parish engineer that the subdivider or contractor has complied with one of the following alternatives:
 - a. That a contract secured by a bond in an amount and surety, or other evidence satisfactory to the town engineer and/or parish engineer, guaranteeing completion of the subdivision improvements which are shown on the subdivision improvement plan as the responsibility of the subdivider, or
 - b. That all public improvements shown on the final plat, necessary, for the service and use for the residence or other building for which a building permit has been requested, have been installed in accordance with the final plat and these regulations.

(Ord. No. 2-1983, § III, 10-11-1983)

Sec. 34-5. Documents required.

- (a) *The preliminary layout.* The preliminary layout shall contain the following information:
- (1) Proposed name of subdivision.
 - (2) Legal description of location (section, township, range, parish and state).
 - (3) Scale of the layout or plat (one inch equals 100 feet, if practical).
 - (4) Date.
 - (5) Statement of whether the north point is true or magnetic and whether bearings shown on the plat are true or magnetic.
 - (6) Boundary lines of the subdivision with length and bearings of lines.
 - (7) The location, width, and names of streets or other public ways, easements, railroad and utility rights-of-way, pipe lines, section and corporation lines within or adjacent to the tract, airport approach zones, hazard areas, and height restrictions, and distances and bearings to the nearest official monuments which shall be accurately described.

- (8) Location of land intended to be dedicated to public use or reserved in the deeds for the use of all property owners in the subdivision.
 - (9) Numbers and dimensions of lots and blocks.
 - (10) Building setback lines, both front and side.
 - (11) Accurate location of watercourses and other important features.
 - (12) Contours, with intervals of two feet mean sea level.
 - (13) Names and addresses of the owner and subdivider and name of designer of the preliminary layout.
 - (14) The name of subdivisions immediately adjacent and the names of owners of record of adjacent unsubdivided tracts.
 - (15) Existing permanent buildings or structures within or adjacent to the tract.
 - (16) Where the preliminary layout covers only a part of the subdivider's entire holding, a sketch of the prospective street system of the unsubmitted part shall be furnished, and the street system of the submitted part will be considered in the light of adjustments and connections with the street system of the part not submitted.
 - (17) Drainage channels and any other significant physical items.
- (b) *The final plat.* The final plat shall contain the following information:
- (1) Name of subdivision and unit number.
 - (2) Location by section, township, range, parish and state.
 - (3) Name of owner, name and seal, with registration number, of civil engineer or surveyor, certification by engineer or surveyor that the plat conforms to Act No. 34 of 1962 of the Louisiana State Legislature; also that it conforms to the Subdivision Ordinance.
 - (4) Scale: one inch equals 100 feet, if practical.
 - (5) Date (near final submission date).
 - (6) Boundary of the proposed subdivision with accurate distances and bearings; measurements to be third order or better under government standards.
 - (7) Exact location and width of all streets and crosswalkways within and adjoining the plat.
 - (8) Bearing and distances to the nearest section corner, quarter section corner or center of section if same has been established, with section, township, and range numbers shown.
 - (9) Names of streets within and adjoining the plat. All streets must be named. The names of new streets shall not duplicate or too closely approximate, phonetically, the name of any other street in the planning area.
 - (10) Length of all arcs, radii, internal angles, points of curvature and tangents.

- (11) All easements of rights-of-way provided for public service or utilities or drainage, including purposes and any limitations of such easements.
- (12) All lots shall be numbered consecutively in a new subdivision. On resubdivision of an existing subdivision, a new unit number shall be assigned and lots numbered rather than lettered. All lot lines shall show accurate dimensions in feet and hundredths, and width angles related to street and crosswalkway lines.
- (13) Accurate description of location, permanent material, and size of all monuments at all lot corners and angle points; also on all corner and angle points of subdivision boundary.
- (14) Accurate outlines of any areas to be dedicated for public use, with the purpose indicated thereon; and of any area to be reserved by deed covenant for common use of all property owners in the subdivision.
- (15) Building setback lines, shown graphically along all streets, with dimensions.
- (16) If any restrictive covenants are to apply to lots in the subdivision, other than those in the zoning chapter, then a separate filing, with the recorder and clerk of court, of these are required and a notation made on the final plat. If restrictive covenants are filed or altered after the final plat has been recorded, a certified copy of same shall be furnished to the town engineer or parish engineer.
- (17) The following certification, signed by a civil engineer or surveyor, registered in the State of Louisiana:

"I hereby certify this subdivision conforms to all regulations and requirements of the Subdivision Ordinance of the Town of Haughton and the Bossier Parish Police Jury."
- (18) A space for approval of the town engineer or parish engineer, and a space for acceptance of the board of aldermen (mayor).
- (19) A signed certification by the owner of his approval of the plat and the dedication of streets, easements and any other public areas.

(c) *Size of plat.* In order to ensure consistency in a size that will be suitable for filing purposes and drafting purposes, it shall be required of the subdivider to draw his originals on a map that measures 18 inches by 11½ inches to a scale of one inch equals 100 feet. When this scale is not practical, use larger scale but retain size of plat. Two reproducibles shall be made actual size from this and five paper copies. If the subdivision is too large for one scale, make matching lines and use two sheets, but do not vary from the 18-inch by 11½-inch size sheet. This includes new subdivisions, replats, and street dedications.

(d) *Attendant items.* The final plat shall be accompanied by the following documents:

- (1) Copy of restrictions to be incorporated into deeds or covenants to be recorded with notation on plat.

(2) A conveyance to the town or parish as appropriate, by fee simple or by easement, of land set aside for parks, playgrounds, or other public use.
(Ord. No. 2-1983, § IV, 10-11-1983)

Sec. 34-6. Administration and effective date.

(a) *Administration.*

- (1) These regulations shall be administered by the town engineer and mayor's office.
- (2) The clerk of court and recorder of the parish shall not receive and record a plat of a subdivider without the approval of the board of aldermen and until all authorizing signatures are affixed.

(b) *Planned unit development.* The standards and requirements of these regulations may be modified in the case of a plan and program for a complete community or neighborhood unit, which in the judgment of the town engineer, provides adequate public spaces and improvements for the circulation, recreation, light, air and service needs of the tract when fully developed and populated, and which also provides such covenants or other legal provisions as will ensure conformity to and achievement of the plan. All zoning chapter requirements shall be complied with.

(c) *Violations.* The person notified in writing by the town of a violation of any of the provisions of this chapter shall have the violation corrected within 60 days, and each day that a violation is permitted to exist beyond the allowed 60 days shall constitute a separate offense. Any person violating or neglecting or refusing to comply with any provision of this chapter is committing a misdemeanor and shall, upon conviction, be fined not more than \$100.00 for each offense.

(d) *Mobile home subdivisions.* Plans for mobile home subdivisions must be in compliance with the town and the parish and must be approved by the town engineer.
(Ord. No. 2-1983, § V, 10-11-1983)

Chapter 35

RESERVED

CD35:1

Chapter 36

TAXATION

Article I. In General

Secs. 36-1—36-18. Reserved.

Article II. Sales and Use Tax

Division 1. Generally

Sec. 36-19. Definitions.
Sec. 36-20. Adoption of uniform local sales tax code.
Secs. 36-21—36-43. Reserved.

Division 2. Imposition of Tax

Sec. 36-44. Levy of tax.
Sec. 36-45. Collection of tax.
Sec. 36-46. Levy in addition to all other taxes.
Sec. 36-47. Rate schedules prescribed by the state.
Sec. 36-48. Collection in the name of taxing authority.
Sec. 36-49. Exemptions and exclusions from tax.
Secs. 36-50—36-71. Reserved.

Division 3. Collection of Tax by Dealer

Sec. 36-72. Registration; certificate.
Sec. 36-73. Wholesaler's responsibility.
Sec. 36-74. Dealer compensation.
Secs. 36-75—36-91. Reserved.

Division 4. Collection of Tax from Dealer

Sec. 36-92. Tax collectible.
Sec. 36-93. Use tax collections.
Secs. 36-94—36-114. Reserved.

Division 5. Records and Inspection

Sec. 36-115. Dealer required to keep records.
Sec. 36-116. Retention and inspection of records.
Sec. 36-117. Wholesalers and jobbers.
Sec. 36-118. Audits.
Sec. 36-119. Records of acts of administrator.
Sec. 36-120. Records confidential and privileged.
Sec. 36-121. Provisos and limitations.
Secs. 36-122—36-140. Reserved.

HAUGHTON TOWN CODE

Division 6. Imported Goods Permits

- Sec. 36-141. Authority to issue permits.
- Secs. 36-142—36-165. Reserved.

Division 7. Remedies for Collection, Including Interest and Penalties

- Sec. 36-166. Interest and penalties.
- Sec. 36-167. Failure to file; estimate and assessment.
- Sec. 36-168. Third party liability; delinquent dealers.
- Sec. 36-169. Imports; assessment.
- Sec. 36-170. Lease or rental; assessment.
- Sec. 36-171. Transportation companies; rule to show cause.
- Sec. 36-172. Authority to require hearing.
- Sec. 36-173. Application to court for orders.
- Sec. 36-174. Authority to seize vehicle and imported property.
- Sec. 36-175. Liability shall be a personal debt; lien, bankruptcy, insolvency, or otherwise.
- Sec. 36-176. Authority to require bond or security.
- Sec. 36-177. Failure to file; estimate and assessment; three-year limit.
- Sec. 36-178. Audit authority; assessment.
- Sec. 36-179. Quick departure; arbitrary assessment.
- Sec. 36-180. Fifteen-day notice; additional penalty.
- Sec. 36-181. Corporation; dissolution, merger, reorganization, etc.
- Sec. 36-182. Interest and penalties.
- Sec. 36-183. Waiver of penalty.
- Secs. 36-184—36-204. Reserved.

Division 8. Refunds and Reimbursements

- Sec. 36-205. Credit memo.
- Sec. 36-206. Erroneous, illegal, or mistaken collections.
- Sec. 36-207. Authorization for repayment.
- Sec. 36-208. Natural disaster.
- Secs. 36-209—36-239. Reserved.

Division 9. Remedies of the Dealer

- Sec. 36-240. Legal remedy.
- Sec. 36-241. Interstate commerce burden, constitutional violation.
- Sec. 36-242. Protest, hearing, security and appeals to court.
- Secs. 36-243—36-262. Reserved.

Division 10. Other Administrative Provisions

- Sec. 36-263. Short title.
- Sec. 36-264. Administrator's authority—Enforcement generally.
- Sec. 36-265. Same—Rules and regulations.
- Sec. 36-266. Forms—Preparation; availability.
- Sec. 36-267. Same—Costs.
- Sec. 36-268. Sales prior to effective date.
- Sec. 36-269. Written oath.
- Sec. 36-270. Hearings.

TAXATION

- Sec. 36-271. Notices.
- Sec. 36-272. Records of the administrator.
- Sec. 36-273. Division does not affect other remedies.
- Sec. 36-274. Tax levied in addition to all other taxes.
- Secs. 36-275—36-296. Reserved.

Division 11. Disposition of Tax Proceeds and Revenues

- Sec. 36-297. Daily deposit of revenues; administrative expenses.
- Sec. 36-298. Contracting a collector.
- Secs. 36-299—36-329. Reserved.

Division 12. Additional Taxes Imposed

- Sec. 36-330. Additional one-half of one percent tax imposed.
- Sec. 36-331. Additional one percent tax imposed.
- Secs. 36-332—36-350. Reserved.

Article III. Occupational License Taxes

- Sec. 36-351. Occupational license tax.
- Sec. 36-352. Insurance business/insurance license tax.
- Sec. 36-353. Occupational license tax levied on the operation of video draw poker devices.

ARTICLE I. IN GENERAL

Secs. 36-1—36-18. Reserved.

ARTICLE II. SALES AND USE TAX*

DIVISION 1. GENERALLY

Sec. 36-19. Definitions.

(a) The definitions set forth in R.S. 47:301 (Sales Tax—Definitions), as amended, shall be effective as definitions of the words, terms and phrases used in this article. All words, terms and phrases used herein, other than those specifically defined elsewhere in this article, shall have the respective meanings ascribed to them in R.S. 47:301, as amended, and shall have the same scope and effect that the same words, terms and phrases have where used in R.S. 47:301, as amended.

(b) As used in this article the following words, terms and phrases shall have the meaning ascribed to them in this section, except when the context clearly indicates a different meaning:

Agricultural commodity means horticultural, viticultural, poultry, farm and range products and livestock and livestock products.

Collector means the person designated by the mayor and board of aldermen of the town who will be in charge of the administration and collection of the tax herein levied, or the duly authorized assistants of said collector.

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 this town means and includes any of the following methods of transacting business; maintaining directly, indirectly or through a subsidiary, an office, distribution house, sales house, warehouse or other place of business or by having an agent salesman, solicitor or employees operating within this town under the authority of the seller or its subsidiary, irrespective of whether such place of business, agent, salesman, solicitor or employee is located in this town permanently or temporarily, or whether such seller or subsidiary is qualified to do business in this town or by having within this town any choses in or causes of action, or any property, or any liens on property, or any indebtedness due it in this town, protected by the laws and courts of this town.

***State law references**—Town authorized to levy sales tax, La. Const. art. VI, § 29; sales taxes generally, R.S. 33:2711 et seq.; Uniform Local Sales Tax Code, 47:337.1 et seq.

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.

Person includes any individual, firm, co-partnership, joint venture, association, corporation, cooperative, estate, trust, business trust, receiver, syndicate, the state or any department thereof, the Parish of Bossier, and any city, parish, municipality, district or other political subdivision thereof or any board, agency, instrumentality or other group or combination acting as a unit, and the plural as well as the singular number.

Taxing authority means the mayor and board of aldermen of the town.
(Ord. of 5-13-1980, § 1)

Sec. 36-20. Adoption of uniform local sales tax code.

Pursuant to the authority conferred by R.S. 47:337.4 (levy of sales and use tax), the provisions of R.S. 47:337.1 et seq., as amended, commonly referred to as the Uniform Local Sales Tax Code, are hereby adopted by reference and incorporated herein as if set out fully.

Secs. 36-21—36-43. Reserved.

DIVISION 2. IMPOSITION OF TAX

Sec. 36-44. Levy of tax.

(a) There is hereby levied a tax upon the sale at retail, the use, the lease or rental, the consumption and storage for use or consumption of tangible personal property and on sales of services within this town as defined herein; and the levy of such tax shall be as follows:

- (1) At the rate of one percent of the sales price of each item or article of tangible personal property when sold at retail in this town; the tax to be computed on gross sales for the purpose of remitting the amount of tax due the town, 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 this town, provided 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 herein, 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 business.
- (4) At the rate of one percent 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.
- (5) At the rate of one percent of the gross proceeds derived from the sale of services, as defined herein.

(b) Sales or use taxes paid to this town 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 semi-trailers 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 been exceeded. The sales tax paid to another municipality or parish or municipality or county in a state other than Louisiana on the purchase price of property is not deductible from the tax subsequently due on the rental of such property in this town.

(c) If the tax on rental payments fails to exceed the credits for sales or use tax paid, no refund is due the purchaser.

(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 a 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. (Ord. of 5-13-1980, §§ 2.01, 2.02)

Sec. 36-45. Collection of tax.

The tax shall be collected from the dealer, as defined herein, and paid at the time and in the manner hereinafter provided.

(Ord. of 5-13-1980, § 2.03)

Sec. 36-46. Levy in addition to all other taxes.

The tax so levied is, and shall be in addition to all other taxes, whether levied in the form of excise, or license, privilege or property taxes levied by another ordinance or resolution of the taxing authority.

(Ord. of 5-13-1980, § 2.04)

Sec. 36-47. Rate schedules prescribed by the state.

The dealer shall collect the taxes levied by this article together with those sales and use taxes levied by the state and the parish school board in accordance with the integrated bracket schedule prepared by the collector of revenue of the state 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 tax schedules shall be available to dealers on request from the collector.

(Ord. of 5-13-1980, § 2.05)

Sec. 36-48. Collection in the name of taxing authority.

The collection of the tax herein levied shall be made in the name of the taxing authority by the collector.

(Ord. of 5-13-1980, § 2.06)

Sec. 36-49. Exemptions and exclusions from tax.

(a) The taxes imposed and levied by this article shall be subject to all exemptions and exclusions provided in R.S. 47:337.9 et seq., as amended, with respect to taxes levied by any local governmental subdivision or school board.

(b) It is not the intention of this article to levy a tax upon articles of tangible personal property imported into this town, or produced or manufactured in this town, for export; nor is it the intention of this article to levy a tax on bona fide interstate commerce. It is, however, the intention of this article to levy a tax on the sale at retail, the use, the consumption, the distribution, and the storage to be used or consumed in this town, of tangible personal property after it has come to rest in this town and has become a part of the mass of property in this town. (Ord. of 5-13-1980, §§ 3.01, 3.02)

Secs. 36-50—36-71. Reserved.

DIVISION 3. COLLECTION OF TAX BY DEALER

Sec. 36-72. Registration; certificate.

In order to aid in the administration and enforcement of the provisions of this article, every dealer purchasing or importing tangible personal property for resale shall file with the collector a certificate of registration in a form prescribed by the collector, within three days after commencing business or opening a new place of business. 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 duplicates thereof, for each additional place of business of such dealer. Each certificate or duplicate shall state the place of business to which it is applicable. Such certificates 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. Such certificate shall be nonassignable and nontransferable and shall be surrendered immediately to the collector upon the dealer ceasing to do business at the place therein named.

(Ord. of 5-13-1980, § 4.04; Ord. No. 8-1989, 12-12-1989)

Sec. 36-73. Wholesaler's responsibility.

A wholesale dealer or jobber shall refuse to accept a certificate that any property upon which a tax is imposed by this 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 this taxing authority the tax herein imposed.

(Ord. of 5-13-1980, § 4.05; Ord. No. 8-1989, 12-12-1989)

Sec. 36-74. Dealer compensation.

For the purpose of compensating the dealer in accounting for and remitting the tax levied by this division, each dealer shall be allowed one percent of the amount of tax due and accounted for and remitted to the director of finance 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.

(Ord. of 5-13-1980, § 4.11; Ord. No. 8-1989, 12-12-1989)

Secs. 36-75—36-91. Reserved.

DIVISION 4. COLLECTION OF TAX FROM DEALER

Sec. 36-92. Tax collectible.

The tax imposed by this article shall be collectible by the collector on behalf of this taxing authority from all persons engaged as dealers.

(Ord. of 5-13-1980, § 5.01)

Sec. 36-93. Use tax collections.

On all tangible personal property imported or caused to be imported, from other states or other political subdivisions of this state, or foreign countries, 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 articles had been sold at retail for use or consumption in this town. For the purposes of this article, the use, or consumption, or distribution, or storage of tangible personal property, shall each be equivalent to a sale at retail, and the tax shall thereupon immediately levy and be collected in the manner provided herein, provided there shall be no duplication of the tax in any event.

(Ord. of 5-13-1980, § 5.02)

Secs. 36-94—36-114. Reserved.

DIVISION 5. RECORDS AND INSPECTION

Sec. 36-115. Dealer required to keep records.

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 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 and it shall be the duty of every such dealer moreover, to keep and preserve, for a period of three years, all invoices, bills of lading and other records of goods, wares and merchandise or other subjects of taxation under this article; and 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.

(Ord. of 5-13-1980, § 7.01)

State law reference—Similar provision, R.S. 47:337.29, 47:337.37.

Sec. 36-116. Retention and inspection of records.

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 this town 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 and all such records shall be open for inspection to the collector at all reasonable hours.

(Ord. of 5-13-1980, § 7.02)

Sec. 36-117. Wholesalers and jobbers.

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 this town are hereby required to keep a record of all sales of tangible personal property made in this town, 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 purchase, the article purchased and the price at which the article are sold to the purchaser. These records shall be kept until the taxes to which they relate have prescribed and shall be open to inspection to the collector or his duly authorized assistants at all reasonable hours.

(Ord. of 5-13-1980, § 7.03)

Sec. 36-118. Audits.

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 power so to do.

(Ord. of 5-13-1980, § 7.04)

Sec. 36-119. Records of acts of administrator.

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 paper 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.

(Ord. of 5-13-1980, § 7.06)

Sec. 36-120. Records confidential and privileged.

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 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 or files or the facts shown thereby are directly involved in such action or proceeding.

(Ord. of 5-13-1980, § 7.07)

Sec. 36-121. Provisos and limitations.

Nothing contained in this article shall be construed to prevent:

- (1) The delivery to a dealer or his duly authorized representative 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 legal representative of this taxing 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 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 other state or of the United States who shall be concerned with the administration of any similar tax by that state or the United States.

(Ord. of 5-13-1980, § 7.08)

Secs. 36-122—36-140. Reserved.

DIVISION 6. IMPORTED GOODS PERMITS

Sec. 36-141. Authority to issue permits.

In order to prevent the illegal importation into the town 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 town, which property is subject to the 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.

(Ord. of 5-13-1980, § 8.01)

State law reference—Collection from interstate and foreign transportation dealers, R.S. 47:337.20, 47:337.20.1.

Secs. 36-142—36-165. Reserved.

DIVISION 7. REMEDIES FOR COLLECTION, INCLUDING INTEREST AND PENALTIES

Sec. 36-166. Interest and penalties.

(a) If the amount of tax due by the dealer is not paid on or before the 20th day of the month next following the month for which the tax is due, interest shall be computed from the first day of the month next following the month for which the tax is due until it is paid; the rate of interest charged on any delinquent taxes shall be equal to the rate of interest provided for in R.S. 47:1601 and any subsequent amendments that may be made thereto; notwithstanding any provision of this section, the interest on any amount of tax outstanding on a specific date shall be computed at the rate applicable on such date.

(b) When any dealer fails to make a report and pay the tax as provided by this article at the time such report becomes due, there shall be imposed, in addition to any other penalty provided, a specific penalty to be added to the tax; the amount of the specific penalty shall be equal to and applied in the same manner as that set forth in R.S. 47:1602 and any subsequent

amendments that may be made thereto. This specific penalty shall be an obligation to be collected and accounted for in the same manner as if it were 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.

(c) In the event it becomes necessary to file suit for the collection of any unpaid tax, interest and penalty, the dealer shall also be liable for attorney's fees at the rate of ten percent of the aggregate of tax, interest and penalty.

(Ord. of 5-13-1980, § 9.03; Ord. No. 7-1989, § 9.03, 12-12-1989)

Sec. 36-167. Failure to file; estimate and assessment.

(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 service, 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 or consumption or distribution or storage to be used or consumed in the town, and assess and collect the tax and interest, plus penalty, that may have accrued thereon, 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 amount of the "Town of Haughton Sales Tax Fund" in the same 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 special penalty of five percent of the tax or deficiency found to be due, or \$10.00, whichever is the 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.

(Ord. of 5-13-1980, § 9.04)

State law reference—Similar provisions, R.S. 47:337.28, 47:337.72, 47:337.73.

Sec. 36-168. Third party liability; delinquent dealers.

In the event that any dealer is delinquent in the payment of the tax herein provided for, 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.

(Ord. of 5-13-1980, § 9.06)

Sec. 36-169. Imports; assessment.

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.

(Ord. of 5-13-1980, § 9.07)

Sec. 36-170. Lease or rental; assessment.

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 and actual consideration, then the collector is authorized to fix the same and collect the tax thereon for this taxing authority in the same manner as provided in section 36-169, with interest plus penalties, if such have accrued.

(Ord. of 5-13-1980, § 9.08)

Sec. 36-171. Transportation companies; rule to show cause.

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 vacation, 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.

(Ord. of 5-13-1980, § 9.09)

Sec. 36-172. Authority to require hearing.

If any dealer, 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; and said collector may require such dealer, or the agents or employees of such dealers, to give testimony or to answer interroga-

tories, under oath administered by the collector or his assistants, respecting the sale at retail, the use, or consumption or distribution, in this town, 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.

(Ord. of 5-13-1980, § 9.10)

State law reference—Similar provisions, R.S. 47:337.40—47:337.42.

Sec. 36-173. Application to court for orders.

If any dealer fails to make a return, or refuses to permit an examination of his, the dealer's, books, records, or paper, 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, or 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 examinations, 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 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, co-partnership, 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.

(Ord. of 5-13-1980, § 9.11)

Sec. 36-174. Authority to seize vehicle and imported property.

The importation into the town of tangible personal property which is subject to tax, by truck, automobile, other means of transportation other than a common carrier, without having first obtained a permit as described in section 36-141 (if the tax imposed by this article on said tangible personal property has not been paid), is prohibited and shall be construed as an attempt to evade payment of the tax, and the truck, automobile, or means of transportation other than a common carrier, and the taxable property may be seized by the collector 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.

(Ord. of 5-13-1980, § 9.12)

Sec. 36-175. Liability shall be a personal debt; lien, bankruptcy, insolvency, or otherwise.

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 this taxing authority recoverable in any court of competent jurisdiction in an action at law by this taxing 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 collector.

(Ord. of 5-13-1980, § 9.14)

Sec. 36-176. Authority to require bond or security.

The collector may require a bond or other security 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.

(Ord. of 5-13-1980, § 9.15)

Sec. 36-177. Failure to file; estimate and assessment; three-year limit.

If any person, or dealer, shall fail to make a return or report as required by this article, the collector, within three 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 this taxing 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 the said claim shall prescribe.

(Ord. of 5-13-1980, § 9.16)

State law reference—Similar provision, R.S. 47:337.70.

Sec. 36-178. Audit authority; assessment.

After a return or report is filed under the provisions of this article, the collector shall cause to be examined and made 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 this taxing authority from such person, or dealer, and make demand upon him for payment.

(Ord. of 5-13-1980, § 9.17)

State law reference—Similar provision, R.S. 47:337.36.

Sec. 36-179. Quick departure; arbitrary assessment.

(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 this town 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 the last three preceding sections, shall be paid within 15 days after notice and demand shall have been mailed to the dealer liable therefor by this taxing 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 hereinbefore provided, and any other penalties provided by this article, a sum equivalent to five percent of the tax.

(Ord. of 5-13-1980, § 9.18)

State law reference—Assessment and notice when tax is in jeopardy, R.S. 47:337.53.

Sec. 36-180. Fifteen-day notice; additional penalty.

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 property or rights to property belonging to the delinquent dealer.

(Ord. of 5-13-1980, § 9.19)

Sec. 36-181. Corporation; dissolution, merger, reorganization, etc.

No corporation organized under the laws of this state shall hereafter be dissolved, or effect a merger, reorganization, or consolidation under any law of this 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 the provisions of this article shall have been paid in full. No foreign corporation which has obtained authority from the state to transact business in this town may surrender such authority and withdraw from this 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.

(Ord. of 5-13-1980, § 9.22)

State law references—Special authority to enforce collection of taxes collected or withheld; personal liability of certain officers and directors, R.S. 47:337.46.

Sec. 36-182. Interest and 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 36-166, 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 the special penalty provided by this article. (Ord. of 5-13-1980, § 9.23)

State law reference—Interest on unpaid taxes, R.S. 47:337.69.

Sec. 36-183. Waiver of penalty.

All penalties and interest imposed by this article shall be payable to and recoverable by this taxing 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 charge in excess of the rate of one percent per month.

(Ord. of 5-13-1980, § 9.24)

State law reference—Similar provision, R.S. 47:337.71.

Secs. 36-184—36-204. Reserved.

DIVISION 8. REFUNDS AND REIMBURSEMENTS

Sec. 36-205. Credit memo.

If, upon examination of such claim for refund, it shall be determined by the collector that there has been an over-payment 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.

(Ord. of 5-13-1980, § 10.03)

Sec. 36-206. Erroneous, illegal, or mistaken collections.

Where no question of fact or law is involved, and it appears from the records of this taxing 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 of his reason 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.

(Ord. of 5-13-1980, § 10.04)

Sec. 36-207. Authorization for repayment.

When, to secure compliance with any of the provisions of this article any moneys shall have been deposited with this taxing authority by any dealer, and shall have been paid over to this taxing 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 money, 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.

(Ord. of 5-13-1980, § 10.05)

Sec. 36-208. Natural disaster.

In the event tangible personal property, a part of and used in or about a person's home, apartment or homestead, in this town on which this tax has been paid by the owner of the property is destroyed by a natural disaster occurring in an area in this town subsequently determined by the president of the United States to warrant assistance by the federal government, the owner thereof who was the purchaser who paid this tax shall be entitled to reimbursement of the amount of the tax paid on such tangible personal property destroyed for which no reimbursement was received by insurance or otherwise. Upon receipt of a sworn statement of the owner as to the amount of the taxes paid under the provisions of this article on tangible personal property destroyed as aforesaid, the collector shall make refund to said owner in the amount to which he is entitled.

(Ord. of 5-13-1980, § 10.06)

Secs. 36-209—36-239. Reserved.

DIVISION 9. REMEDIES OF THE DEALER*

Sec. 36-240. Legal remedy.

This section shall afford a legal remedy and right of action in any state, parish 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.

(Ord. of 5-13-1980, § 11.02)

Sec. 36-241. Interstate commerce burden, constitutional violation.

This section shall be construed to provide a legal remedy in the state, parish 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 Constitution of the State of Louisiana, or in any case where jurisdiction is vested in any of the courts of the United States; provided that upon request of the dealer and upon proper showing by such dealer that the principle of law involved at 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

***State law references**—Protest to collector's determination of tax due, R.S. 47:337.49; taxpayers power to remit tax under protest and file suit to recover, R.S. 47:337.63; alternative remedy for dealers, R.S. 47:337.64.

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.

(Ord. of 5-13-1980, § 11.03)

Sec. 36-242. Protest, hearing, security and appeals to court.

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 non-payment nor shall it stay the right of the collector to collect the tax in any manner herein provided, 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, parish or federal court of competent jurisdiction as provided for in section 36-240.

(Ord. of 5-13-1980, § 11.04)

Secs. 36-243—36-262. Reserved.

DIVISION 10. OTHER ADMINISTRATIVE PROVISIONS

Sec. 36-263. Short title.

This article may be cited or otherwise referred to as the "Town of Haughton Sales and Use Tax Ordinance."

(Ord. of 5-13-1980, § 12.13)

Sec. 36-264. Administrator's authority—Enforcement generally.

The collector is hereby 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 in administering the provisions of this article and other policies or procedures which may be hereafter established by this taxing authority.

(Ord. of 5-13-1980, § 12.01)

Sec. 36-265. Same—Rules and regulations.

The collector shall have the power to make and publish reasonable rules and regulations, not inconsistent with this article or the laws and the Constitution of the State of Louisiana or of the United States, for the enforcement of the provisions of this article and the collection of the revenues and penalties imposed by this article.

(Ord. of 5-13-1980, § 12.02)

Sec. 36-266. Forms—Preparation; availability.

The collector shall design, prepare, print and furnish to all dealers or make available to said dealers all necessary forms for filing returns, and instructions to ensure a full collection from dealers and an accounting for the taxes due, but failure of any dealer to secure such forms shall not relieve such dealer from the payment of said taxes at the time and in the manner herein provided.

(Ord. of 5-13-1980, § 12.03)

Sec. 36-267. Same—Costs.

The cost of preparing and distributing the report forms and paraphernalia for the collection of said tax, and of the inspection and enforcement duties required herein, shall be borne out of appropriations by this taxing authority as provided in section 36-297(a).

(Ord. of 5-13-1980, § 12.04)

Sec. 36-268. Sales prior to effective date.

(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 the effective date of the ordinance from which this article is derived, and such sale is taxable under this article, the seller shall add the tax imposed by said 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 the effective date of the ordinance from which this article is derived, but are actually furnished after the effective date of the ordinance from which this article is derived hereof.

(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 town prior to the 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.

(Ord. of 5-13-1980, § 12.05)

Sec. 36-269. Written oath.

It shall be lawful for the collector, or any deputy by him duly designated, to receive the written oath of any person signing any application, deposition, statement, or report required by the collector in the administration of this article.

(Ord. of 5-13-1980, § 12.06)

Sec. 36-270. Hearings.

The collector, or any deputy by him duly designated, 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 incidental to the administration of this article. Such examination or hearings shall be at a time convenient to the dealer within 14 days after requested by the collector in writing.

(Ord. of 5-13-1980, § 12.07)

Sec. 36-271. Notices.

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.

(Ord. of 5-13-1980, § 12.08)

Sec. 36-272. Records of the administrator.

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 paper or 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 evidenced in all courts of competent jurisdiction of the same weight and force as the original thereof. For authenticating any such copy, he shall be paid a fee of \$5.00 which shall be treated as revenue of the tax levied hereby.

(Ord. of 5-13-1980, § 12.09)

Sec. 36-273. Division does not affect other remedies.

Nothing in this division 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 this taxing authority of any remedy for the enforcement of this division through any procedure or remedies expressly provided in this article imposing the tax herein levied or any other law, nor shall this article be construed as repealing or altering any such laws or ordinance.

(Ord. of 5-13-1980, § 12.10)

Sec. 36-274. Tax levied in addition to all other taxes.

The tax levied herein is declared to be supplemental and in addition to all other taxes levied by and under the authority of this taxing authority of any kind or nature.

(Ord. of 5-13-1980, § 12.11)

Secs. 36-275—36-296. Reserved.

DIVISION 11. DISPOSITION OF TAX PROCEEDS AND REVENUES

Sec. 36-297. Daily deposit of revenues; administrative expenses.

(a) All taxes, revenues, funds, assessments, monies, penalties, fees or other income which may be collected or come into the possession of the collector, as an agent of this taxing authority, under any provision or provisions of this article, shall be deposited daily by the collector for the account of this taxing authority in a special fund designated "Town of Haughton Sales Tax Fund," which fund shall be a separate bank account established and maintained by the collector; provided, however, any amount which is paid under protest or which is subject to litigation shall be transferred to a separate account established by the collector pending the final determination of the protest of litigation.

(b) Out of the tax funds on deposit to the credit of the taxing authority in said "Town of Haughton Sales Tax Fund," the collector shall deduct the reasonable and necessary costs and expenses of administering and collecting the tax herein levied and administering the provisions of this article as well as the various administrative and enforcement procedures established in said article. Such costs and expenses shall include, by way of example but not of limitation, all necessary costs and expenses incurred for office equipment, furniture and supplies, vehicles and the maintenance and operation thereof, printing, postage, rent, salaries, and other related items. Such costs and expenses shall be reported monthly by the collector to this taxing authority.

(c) After the reasonable and necessary costs and expenses of the collection and administration of the tax have been paid as provided for in subsection (b) of this section, the remaining balance in the "Town of Haughton Sales Tax Fund" shall be available for appropriation and expenditure by the mayor and board of aldermen of the town in accordance with the terms of the proposition authorizing the levy of the tax and having been approved by a majority of the qualified electors of the town voting at a special election held therein on October 27, 1979. (Ord. of 5-13-1980, §§ 13.01—13.03)

Sec. 36-298. Contracting a collector.

Any provision of this article to the contrary notwithstanding, the taxing authority may contract with anyone for the performance of any or all of the duties of the collector provided for herein.

(Ord. of 5-13-1980, § 14.01)

Secs. 36-299—36-329. Reserved.

DIVISION 12. ADDITIONAL TAXES IMPOSED

Sec. 36-330. Additional one-half of one percent tax imposed.

(a) Pursuant to the authority of a special election held in the town on April 7, 1990, there is hereby levied within the town, an additional one-half of one percent sales and use tax (the "tax"), upon the sale at retail, the use, the lease or rental, the consumption and storage for use

or consumption of tangible personal property and on sales of services in the town, all in the manner and subject to the provisions and terms of those portions of state law, applicable to sales and use taxes levied by local governments.

(b) That the tax levied herein shall be assessed, imposed, collected, paid and enforced in the manner as any other sales and use tax imposed by this article. The provisions of state law applicable to the assessment, imposition, collection, payment and enforcement of sales and use taxes by local governments, shall apply to the assessment, collection, payment and enforcement of the tax herein levied as though all such provisions were set forth in full herein.

(c) 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.

(d) The tax levied herein is and shall be in addition to all other taxes, whether levied in the form of sales, excise, or license, privilege or property taxes levied by the town mayor and board of aldermen.

(Ord. No. 3-1990, 5-8-1990)

Sec. 36-331. Additional one percent tax imposed.

(a) Pursuant to the authority granted by the electorate of the town at a special election held therein on Saturday, April 4, 1987, there is hereby levied a tax of one percent upon the sale at retail, the use, the lease or rental, the consumption and storage for use or consumption of tangible personal property and on sales of services in said town, all as defined in R.S. 47:301 through 47:317, inclusive.

(b) The tax levied herein shall be assessed, imposed, collected, paid and enforced in the same manner as any other sales and use tax imposed by this article. The provisions of the state law applicable to the assessment, imposition, collection, payment and enforcement of sales and use taxes by local governments, shall apply to the assessment, collection, payment and enforcement of the tax herein levied as though all such provisions were set forth in full herein.

(c) The sales and use tax levied herein shall be in addition to all other sales and use taxes lawfully levied and collected in the town.

(Ord. No. 2-1987, 5-12-1987)

Secs. 36-332—36-350. Reserved.

ARTICLE III. OCCUPATIONAL LICENSE TAXES*

Sec. 36-351. Occupational license tax.

(a) There is hereby levied an annual occupational license tax upon each business who may be subject to such license tax under the Constitution and laws of the State of Louisiana pursuing and conducting any business within the corporate limits of the town.

***State law references**—Local regulation of businesses and occupations, R.S. 33:4781 et seq.; occupational license tax generally, R.S. 47:341 et seq.

(b) The tax levied herein shall be in addition to all other taxes levied by the town.

(c) Exempted from the provisions of this section are businesses that are exempted by the laws of the state and more particularly businesses that are exempted under the provisions of R.S. 47:360.

(d) The license taxes levied by this article are declared to be for the purpose required by the Constitution and laws of the State of Louisiana.

(e) The amount of the license tax levied by this article, in each case, is hereby fixed, determined and ordained to be that which is fixed, levied and collectible in accordance with the provisions of R.S. 47:341—47:363, as amended and all other applicable laws of the state, all of which for all purposes of this article are made a part hereof by reference as if written herein.

(f) Any person operating more than one place of business within the corporate limits of the town shall pay a separate license tax for each business so operated, unless otherwise provided in R.S. 47:341 through 47:363, as amended.

(g) All license taxes levied under this article shall be due and collectible according to the provisions of R.S. 47:343.

(h) All license taxes due by a new business shall be due and collectible according to the provisions of R.S. 47:344.

(i) The procedure for the collection of license taxes levied by this article, and to ascertain the amount due the town and the penalties, costs and attorney' fees to be imposed upon and collected from delinquent taxpayers are hereby declared and ordained to be the same as now or hereafter provided by R.S. 47:341 through 47:363, as amended, and all other applicable laws of the state for the collection and enforcement of state occupational license taxes. The procedure for inspection, collection, enforcement and the obtaining of information on which license taxes levied under this article shall be predicated shall be those set forth in R.S. 47:341 through 47:363, as amended, and all other applicable laws of the state and such sections and statutes are hereby adopted and made applicable to the town by reference and to the same extent as if written herein in extenso.

(j) It shall be the duty of the mayor to enforce collection of delinquent license taxes in accordance with state law. After due and proper notice in writing by the mayor to any taxpayer that he is delinquent in the payment of any tax, provided for in this article, the town attorney shall take such legal action as is necessary to enforce collection of such delinquent tax.

(Code 1976, § 8-1; Ord. of 11-10-1981; Ord. No. 4-1981, § 8-1, 11-10-1981; Ord. No. 1-1987, § 8-1, 4-14-1987; Ord. No. 2-2001, § 8-1, 5-8-2001)

Sec. 36-352. Insurance business/insurance license tax.

(a) 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 authorized by R.S. 22:1076 on risks located in the town as follows:

- (1) On any insurer engaged in the business of issuing life or accident or health insurance policies, other than programs of benefits authorized or provided pursuant to the

provisions of parts I and II of chapter 12, of title 42 of the Louisiana Revised Statutes of 1950 (R.S. 42:801 et seq., and 42:821 et seq.) 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 this state or through an agent or other representative, or otherwise:

- a. \$10.00 on gross annual premiums up to \$2,000.00 and an additional license thereafter of \$7,000.00 on each \$10,000.00, or fraction thereof, of gross annual premium in excess of \$2,000.00.
 - b. The maximum license on such businesses, payable to the town by any one insurer, shall not exceed \$21,000.00.
- (2) 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, indemnity, guaranty, worker's compensation, employers' liability, property damage, live stock, vehicle, automatic sprinkler, burglary, or insurance business of any other kind whatsoever in this state, whether such insurer is operating in the state through agents or other representative or otherwise, not more than the following:
- a. *First class.* When the gross 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.* The maximum license tax on such businesses, payable to the town by any insurer shall not exceed the maximum limit of \$9,000.00, as provided for by R.S. 22:1076, above referred to;
 - f. *Plate glass and steam boilers.* Provided that plate glass and steam boiler inspection insurers shall pay only one-third of the above rated provided in subsection (2) of this section; and provided further, that the amount of license payable to the town as fixed by this section, shall be one-third of the amount so fixed if the payer shall file a sworn statement with the annual report required by L.R.S. title 22, ch. I, part XXIII (R.S. 22:1061 et seq.), showing that at least one-sixth of the total admitted assets of the payer, less assets in an amount equal to the reserves on its policies issued in foreign countries in which it is authorized to do business and which countries require an investment therein as a condition of doing business, is invested and maintained, either in bonds of the state, or in

bonds of municipal, school, road, or levee district, or other political subdivisions of this state or in mortgages on property located in this state, or in real property in this state which shall be requisite for the convenient accommodation of the transaction of its own business, or in policy loans, or other loans to residents of this state, or to corporations organized under the laws of this state and domiciled in this state, or in stock of homestead building or loan associations organized under the laws of this state, to the extent such stock is guaranteed or insured by the Federal Deposit Insurance Corporation or other federal or state agency.

(b) 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 this municipality 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 1976, § 8-11; Ord. No. 1-1988, 7-12-1988; Ord. No. 6-1999, 12-14-1999; Ord. No. 5-2000, 10-10-2000)

State law references—State license taxes on insurers, R.S. 22:1061 et seq.; authority of parish governing authorities to impose license tax on insurers, R.S. 22:1076.

Sec. 36-353. Occupational license tax levied on the operation of video draw poker devices.

Pursuant to R.S. 27:314, an occupational license tax is hereby levied on the operation of video draw poker devices within the municipal limits of the town in the amount of \$50.00 per device per year.

(Ord. No. 1-2001, 5-8-2001)

Chapter 37

RESERVED

CD37:1

Chapter 38

TRAFFIC AND VEHICLES*

Article I. In General

- Sec. 38-1. Definitions.
- Secs. 38-2—38-21. Reserved.

Article II. Regulations

- Sec. 38-22. Speed limits.
- Sec. 38-23. Prohibitions on parking.
- Sec. 38-24. State highway regulatory act adopted.
- Sec. 38-25. Vehicle weight limits established on town streets.
- Sec. 38-26. Use of Jake Brakes.
- Secs. 38-27—38-55. Reserved.

Article III. Traffic Control Devices

- Sec. 38-56. Implementation; installation and maintenance.
- Sec. 38-57. Obedience to devices.
- Sec. 38-58. Display of unauthorized signs, signals.
- Sec. 38-59. Damaging or removing traffic control devices.

***State law references**—Highway Regulatory Act, R.S. 32:1 et seq.; general authority of parish to regulate traffic, R.S. 32:42.

ARTICLE I. IN GENERAL**Sec. 38-1. Definitions.**

The definitions set forth in R.S. 32:1 (Louisiana Highway Regulatory Act—Definitions), as amended, shall be effective as definitions of the words, terms and phrases used in this chapter. All words, terms and phrases used herein, other than those specifically defined elsewhere in this chapter, shall have the respective meanings ascribed to them in R.S. 32:1, as amended, and shall have the same scope and effect that the same words, terms and phrases have where used in R.S. 32:1, as amended.

Secs. 38-2—38-21. Reserved.**ARTICLE II. REGULATIONS****Sec. 38-22. Speed limits.**

(a) Except when a special hazard exists that requires lower speed for compliance with subsection (b) of this section, no person shall operate or drive a motor vehicle upon the streets and highways of this town at such a low speed as to impede the normal and usual movement of traffic.

(b) No person shall drive a vehicle on any street or highway within the town at a speed greater than is reasonable and prudent under the conditions and potential hazards then existing, having due regard for the traffic on, and the surface and width of, a street or highway, and the condition of the weather, and in no event at a speed in excess of a maximum speed established by this article.

(c) Unless otherwise specifically designated, the speed limit upon all streets of the town shall be 25 miles per hour and it shall be unlawful for any person to drive or operate a motor vehicle in excess of such limit.

(d) The speed limit for motor vehicles on town streets, or portions thereof, shall be as established by the board of aldermen, from time to time, and is available for public examination in the traffic schedule appearing in the town clerk's office, the police department, and as an appendix to this Code. It shall be unlawful for any person to drive or operate a motor vehicle at a speed in excess of such speed limits appearing in the traffic schedule.

(e) Notwithstanding any other provision of the Code, it shall be unlawful for any person to operate any motor vehicle at a greater rate of the posted speed through any zone designated and properly marked as a school zone, or any construction zone designated and properly marked by the project engineer as a 15- or 25-mile per hour zone.

Enforcement of speed limits, set forth by the state traffic control division, on any state designated highway that is within the corporate limits of the town.

(f) Any and all vehicles, with the capacity of hauling a gross weight of five tons or more, are prohibited from driving on a residential street, within the town limits of the Town of Haughton, with the exception of the following:

- (1) Any vehicle owned by a public utility or a licensed contractor while necessarily in use in the construction, installation or repair of any public utility; and
- (2) For the purpose of transporting farm or ranch supplies, produce, or animals to and from ranches or farms situated along a street otherwise forbidden to be used by such vehicles, and
- (3) For the purpose of transporting a trailer used for recreation or noncommercial purposes and/or boat to and from locations along a street otherwise forbidden to be used by such vehicles.

(g) Whoever operates a vehicle in violation of the speed limitations of this Code shall be punished according to the general penalties described in section 1-7.

(Code 1976, § 5-1; Ord. No. 5-1977, §§ D, E, 5-10-1977; Ord. No. 3-1989, §§ D, E, 5-9-1989; Ord. No. 1-1993, §§ D, E, 4-13-1993; Ord. No. 1-2000, §§ D, E, 3-14-2000; Ord. No. 4-2007, § D, 5-8-2007; Ord. No. 5-2014, §§ D—F, 3-11-2014)

Sec. 38-23. Prohibitions on parking.

(a) The parking of automobiles, trucks and other vehicles is prohibited on all hardsurfaced streets and roads within the town city limits; provided that vehicles may park on the shoulders of said streets and roads so long as no part of the vehicle protrudes over the hardsurfaced portion of said streets and roads nor otherwise obstructs the free flow of traffic thereon.

(b) The parking of automobiles, trucks and other vehicles is prohibited on all gravel or dirt roads and streets within the town insofar as said parking obstructs or impedes the free flow of traffic thereon.

(c) No driveway or entrance to property shall be blocked by automobiles, trucks or other vehicles.

(Ord. No. 2-1977, § 5-6, 4-12-1977)

Sec. 38-24. State highway regulatory act adopted.

The provisions of chapter 1 of title 32 of the Louisiana Revised Statutes (R.S. 32:1 through R.S. 32:399) known as the Louisiana Highway Regulatory Act and the regulations of the department and of the director of public safety adopted pursuant to said act pertaining to state highways are hereby adopted by reference and incorporated herein as if fully set out, and shall apply to highways within the corporate limits of the town.

(Ord. No. 4-1977, § 5-7, 9-13-1977)

Sec. 38-25. Vehicle weight limits established on town streets.

It is unlawful for any person to operate on any street any motor vehicle, or other vehicle, tractor, trailer, or tractor-trailer combination having an agreement or gross weight equal to or greater than 15 tons, on the streets and/or highways or portions of streets and highways.

(Ord. No. 2-1990, - -1990)

Sec. 38-26. Use of Jake Brakes.

(a) The use of Jacobs Vehicle Engine Retarders or any other engine retarders (also known as Jake Brakes or engine brakes) of commercial vehicles shall be prohibited inside the town city limits.

(b) The fine set forth in establishing and enforcing this article shall be \$200.00.

(Ord. No. 5-2007, 7-9-2007)

Secs. 38-27—38-55. Reserved.

ARTICLE III. TRAFFIC CONTROL DEVICES***Sec. 38-56. Implementation; installation and maintenance.**

(a) The term "traffic control device" means all signs, signals, markings, and devices, not inconsistent with the Louisiana Highway Regulatory Act (R.S. 32:1 et seq.), placed or erected by the town, for the purpose of regulating, warning, or guiding traffic.

(b) The town police department is authorized to recommend implementation of traffic control devices on streets and highways in the town not maintained by the state. With the approval of the board of aldermen, such traffic control devices shall be implemented and the appropriate signs, signals or markings shall be installed and maintained by the town. Any recommendations regarding traffic control devices made by the town police department and approved by the board of aldermen may be modified or altered by the board of aldermen so long as such devices conform to the state manual and specifications mandated by the Louisiana Highway Regulatory Act (R.S. 32:1 et seq.).

(c) Notice of the designated locations for traffic control devices shall be filed with the town clerk and placed on the traffic schedule. The traffic schedule shall be available for public inspection during reasonable hours in the office of the town clerk, the police department, and shall appear as an appendix to the town Code of Ordinances.

Sec. 38-57. Obedience to devices.

The driver of any vehicle shall obey the instructions of any official traffic control device applicable thereto placed in accordance with this state law and other traffic ordinances of the town, unless otherwise directed by a police officer, subject to the exceptions granted to the driver of an authorized emergency vehicle.

Sec. 38-58. Display of unauthorized signs, signals.

(a) No person shall place, maintain or display upon or in view of any street or highway any unauthorized sign, signal, marking or device which purports to be, or is an imitation of, or resembles, an official traffic control device or railroad sign or signal; or which attempts to direct the movement of traffic; or which hides from view or interferes with the effectiveness of any official traffic control device or any railroad sign or signal. No person shall place or maintain, nor shall any public authority permit, upon any street or highway, any traffic sign or signal bearing thereon any commercial advertising. This shall not be deemed to prohibit the erection upon private property adjacent to streets or highways of signs giving useful directional information and of a type that cannot be mistaken for official signs.

*State law reference—Authority of town relative to traffic control devices, R.S. 32:41, 32:235.

(b) Every such prohibited sign, signal or marking is hereby declared to be a public nuisance and the authority having jurisdiction over the street or highway is hereby empowered to remove such sign, signal or marking, or cause it to be removed, without notice.

State law reference—Similar provisions, R.S. 32:236.

Sec. 38-59. Damaging or removing traffic control devices.

No person shall, without lawful authority, attempt to or in fact alter, deface, injure, knock down or remove any traffic control device, or any inscription, shield or insignia thereon, or any other part thereof.

Chapter 39

RESERVED

CD39:1

Chapter 40

UTILITIES*

Article I. In General

- Sec. 40-1. Reconnect fee charge.
- Sec. 40-2. Town not included in state act.
- Sec. 40-3. Theft of utilities and penalties for violation thereof.
- Sec. 40-4. Citizens of town must use town water system.
- Sec. 40-5. Water and wastewater capital improvements assessment fees.
- Secs. 40-6—40-26. Reserved.

Article II. Water Service

Division 1. Generally

- Sec. 40-27. Town water system.
- Sec. 40-28. Regulating the extension of waterlines outside the town city limits.
- Sec. 40-29. Rates.
- Secs. 40-30—40-46. Reserved.

Division 2. Drinking Water Protection

- Sec. 40-47. Established.
- Sec. 40-48. Prohibited uses.
- Sec. 40-49. Definitions.
- Sec. 40-50. Exceptions.
- Sec. 40-51. Enforcement.
- Secs. 40-52—40-75. Reserved.

Article III. Sewer Service

Division 1. Generally

- Sec. 40-76. Definitions.
- Sec. 40-77. Penalties.
- Secs. 40-78—40-97. Reserved.

Division 2. Service Policies and Procedures

- Sec. 40-98. Mandatory connections.
- Sec. 40-99. Building sewers and connections.
- Sec. 40-100. Prohibited discharges.
- Sec. 40-101. Chemical discharges.
- Sec. 40-102. Heavy metals and toxic materials.
- Sec. 40-103. Garbage.
- Sec. 40-104. Stormwater and other unpolluted drainage.

*State law reference—Public utilities generally, R.S. 33:4161 et seq.

HAUGHTON TOWN CODE

- Sec. 40-105. Temperature.
- Sec. 40-106. Radioactive waste.
- Sec. 40-107. Impairment of facilities.
- Sec. 40-108. Compliance with existing authority.
- Secs. 40-109—40-129. Reserved.

Division 3. Administration and Enforcement

- Sec. 40-130. Approving authority requirements.
- Sec. 40-131. Approving authority review and approval.
- Sec. 40-132. Requirements for traps.
- Sec. 40-133. Requirements for building sewers.
- Sec. 40-134. Sampling and testing.
- Sec. 40-135. Payment and agreement.
- Sec. 40-136. Sewer use cost system.
- Sec. 40-137. Grandfathered discharges.
- Sec. 40-138. Conditions or permits.
- Sec. 40-139. Power to enter property.
- Sec. 40-140. Authority to disconnect service.
- Sec. 40-141. Notice.
- Sec. 40-142. Failure to pay.

ARTICLE I. IN GENERAL**Sec. 40-1. Reconnect fee charge.**

(a) The cost for reconnecting a meter which has been disconnected because of delinquent bills, is hereby fixed at \$25.00, plus payment of all delinquent bills due the town.

(b) Once the cut off proceedings have been put into effect, this is the writing up of cut off notices and sending an employee out to cut off, a reconnect fee of \$25.00 will be paid even if the meter has not actually been cut off.

(Ord. No. 4-1980, 8-12-1980; Ord. No. 4-1991, 8-13-1991)

Sec. 40-2. Town not included in state act.

In accordance with the provisions of R.S. 40:1749.19, the town hereby declares that it does not desire to be included in R.S. 40:1749.14 (Regional Notification Center) or under the provisions of the "Louisiana Underground Utilities And Facilities Damage Prevention Law," R.S. 40:1749:11 through 40:1749.22, as enacted by Act 923 of 1988 (La. Acts 1988, No. 923). (Ord. No. 2-1989, 11-7-1988)

Sec. 40-3. Theft of utilities and penalties for violation thereof.

(a) Theft of utility service is the misappropriation, taking, or use of any electricity, gas, water, or telecommunications which belongs to another, is held for sale by another, or is being distributed by another, without consent of the owner, seller, or distributor or by means of fraudulent conduct, practices, or representations. A taking, misappropriation, or use includes the diversion by any means of device of any quantity of electricity, gas, water, or telecommunications from the wires, cables, pipes, mains, or other means of transmission of such person, or by directly or indirectly preventing a metering device from properly registering the quantity of electricity, gas, water, or telecommunications actually used, consumed or transmitted.

(b) The trier of fact may infer that there was a misappropriation, taking, or using without the consent of the owner, seller, or distributor, or that there was fraudulent conduct, practices, or representations when:

- (1) There is on or about any wire, cable, pipe, main, or meter, or the equipment to which said wire, cable, pipe, main, or meter is affixed or attached, any device or any other means resulting in the diversion of electricity, gas, water, or telecommunications or any device or any other means resulting in the prevention of the proper action or accurate registration of the meter used to measure the quantity of electricity, gas, water, or telecommunications actually used, consumed, or transmitted, or interfering with the proper action or accurate registration of such meter;
- (2) The person charged had custody or control of the room, structure, or place where such device, other means, or such wire, cable, pipe, main, meter, or equipment affixed or attached thereto was located; and
- (3) The person charged benefited from the misappropriation of such utility service; or

(4) The person charged intentionally supplied false information in applying for such utility service.

(c) Whoever commits the crime of theft of utility service shall be fined not less than \$100.00 nor more than \$500.00 or imprisoned for not more than 60 days, or both.

(Ord. No. 3-1986, 4-8-1986)

State law references—Theft of utility service, R.S. 14:67.6; preemption of state law and exceptions, R.S. 14:143.

Sec. 40-4. Citizens of town must use town water system.

It shall be unlawful for anyone living within the town city limits to fail to use town water (i.e., water provided through the town water system) for household use. Failure to comply with this section shall result in the party being billed for double the minimum charge for water/and sewerage plus all incidental costs such as inspection fees and tie in fees.

(Ord. No. 9-1979, 7-24-1979)

Sec. 40-5. Water and wastewater capital improvements assessment fees.

(a) The Town of Haughton Board of Aldermen desire to assess water and wastewater capital improvements assessment fees on water meter and sewer taps utilizing Haughton water or sewer services allowing the town to accommodate growth and provide service to new customers or newly constructed residential housing or commercial structures in residential planned unit developments, or any other housing or commercial structures desiring to utilize the Haughton water and sewer systems after the date of adoption of this section without burdening existing customers.

(1) *Limitations.* This section shall not apply to water and sewer system customers who desire to remodel, rebuild or replace existing residential housing or commercial structures through either a voluntary desire or through necessity due to fire or natural disaster. Replacement of a demolished structure shall be accomplished within 24 months. For purposes of this section, replacement shall be accomplished upon the securing of a valid construction permit from the Town of Haughton.

(2) *Waivers.* The board of aldermen shall have the authority to waive water and wastewater capital improvement assessment fees on individual structures in an area to be annexed to the Town of Haughton.

(b) Water and wastewater capital improvements assessment fees shall be \$1,300.00 per unit, and such amounts as shall hereafter be approved by the board of aldermen; and

(c) Capital improvement assessment fees collected shall be deposited respectively into the water and sewer facility improvement fund created by this section; and

(d) The use of said funds is hereby restricted for expenses solely for the expansion of water and sewer facilities directly related to growth; and

(e) Capital improvements assessment fees shall come into effect and shall be collected in full beginning 90 calendar days after adoption of this section with no capital improvement assessment fees to be collected within the first 90 days after adoption of this section. (Ord. No. 1-2015, 2-10-2015)

Secs. 40-6—40-26. Reserved.

ARTICLE II. WATER SERVICE

DIVISION 1. GENERALLY

Sec. 40-27. Town water system.

(a) All owners of residences and/or business establishments located within the corporate limits of the town are henceforth required to install a water supply in said residences and/or businesses, connected only to either of the following sources, to-wit:

- (1) The town's water lines;
- (2) A water source approved by the board of aldermen.

(b) The term "consumer," as used herein, includes all users of water, with each individual household, business, house trailer, or similar unit being considered as one consumer.

<i>Inside Town City Limits</i>	<i>Rates</i>
0—1,999	\$9.00 minimum bill
2,000—15,000	\$1.90 per 1,000 to 15,000
All over 15,000	\$2.10 per 1,000
<i>Outside Town City Limits</i>	<i>Rates</i>
0—1,999	\$18.00 minimum bill
2,000—15,000	\$3.80 per 1,000 to 15,000
All over 15,000	\$4.20 per 1,000

(c) The tapping fee for new users is hereby fixed at \$125.00 and the new user is to be responsible for the cost of road bores and other related costs.

(d) The meter deposit for new users is hereby fixed at \$60.00.

(e) It shall be unlawful for anyone to tie into the town water system or to make a road crossing for any water line without first obtaining a permit for such purpose from the town.

(f) The town requires that all work for a tie-in into the town water system be performed by a plumber licensed by the state, and the town shall inspect all work performed for a tie-in into the town water system.

(g) All tie-ins into the town water system and all road crossings shall be done in a workmanlike manner with strict care to ensure that there is no damage to the town water system or to streets or roads in the town. For all road crossings a \$75.00 fee shall be paid to the town.

(h) All charges and assessments due for water shall be made and collected in accordance with regulations prescribed by the town water superintendent who shall determine the number of consumers on each water meter.

(i) If a consumer fails to pay a water bill within 15 days after the month for which the bill is due, then the following notice shall be sent with the next water bill: "If total bill is not paid by _____, your water will be disconnected on or about the 25th of the month. A \$5.00 fee will be charged to reconnect your water."

(j) The cost for reconnecting a meter which has been disconnected because of delinquent bills, is hereby fixed at \$25.00, plus payment of all delinquent bills due the town.

(Code 1976, § 3-5; Ord. No. 3-1977, § 3-5-D, 9-13-1977; Ord. No. 9-1977, § 5-1, 4-25-1977; Ord. No. 4-1980, §§ 2—4, 8-12-1980; Ord. No. 1-2003, § 3-5, 3-11-2003)

Sec. 40-28. Regulating the extension of waterlines outside the town city limits.

No additional truck lines, extension of trunk lines, service lines or extension of service lines outside of the town city limits will be permitted without the prior approval of the town mayor and the board of aldermen.

(Res. No. 5-1977, 8-9-1977)

Sec. 40-29. Rates.

Residential and small commercial rates. The minimum bill of \$6.25 for 2,000 gallons of water, and every 1,000 or part of 1,000 gallons above the minimum of 2,000 gallons per month shall be \$1.75 per 1,000 or part thereof.

(Ord. No. 1-2003, § 5-1, 3-11-2003)

Secs. 40-30—40-46. Reserved.

DIVISION 2. DRINKING WATER PROTECTION

Sec. 40-47. Established.

There is hereby established within the town certain drinking water protection critical areas, each defined as the area within a 1,000-foot radial boundary from any water well serving an active public water system.

(Ord. No. 5-2008, § 1, 6-12-2008)

Sec. 40-48. Prohibited uses.

The following uses, unless granted a special exception, are prohibited within the drinking water protection critical areas:

- Abandoned water wells;
- Aboveground storage tanks;
- Agriculture chemical-formulation/distribution facilities;
- Airports;
- Animal feeding lots/dairies;
- Asphalt plants;
- Auto/boat/tractor/small engine shops;
- Battery recyclers;
- Body shop/paint shops;
- Car washes, cemeteries, chemical plants;
- Class I injection wells;
- Class II injection wells;
- Class III injection wells;
- Class V injection wells;
- Dry cleaner/laundromats;
- Funeral homes;
- Furniture stripping facilities;
- Golf courses;
- Hospitals;
- Irrigation wells;
- Lumber mills;
- Metal plating/metal working facilities;
- Military facilities;

Nonfunctional septic systems;
Nuclear plants;
Oxidation ponds;
Paper mills;
Petroleum bulk plants;
Pipeline compressor stations;
Plant nurseries;
Port facilities, power plants;
Printing shops;
Promiscuous dumps;
Railroad yards-switching/loading and offloading/maintenance;
Salvage yards;
Sand/gravel pits;
Sanitary landfills;
Sewer lift stations;
Sewer treatment plants;
Truck terminals, underground storage tanks;
Wood preserving plants.
(Ord. No. 5-2008, § 2, 6-12-2008)

Sec. 40-49. Definitions.

The definition of Class I, II, III and V wells as used in section 40-49 are as follows, to-wit:

- (1) *Class I well.* Wells used to inject hazardous wastes or dispose of nonhazardous industrial waste and treated municipal sewage below the deepest underground source of drinking water.
- (2) *Class II well.* Wells used to inject fluids associated with the production of oil and natural gas or fluids and compounds used for enhanced hydrocarbon recovery. These wells normally inject below the deepest underground source of drinking water (USDW) except in cases where the USDW contains producible quantities of oil or gas.
- (3) *Class III well.* Wells that inject fluids used in the subsurface mining of minerals.
- (4) *Class V well.* Wells not included in the other classes that inject nonhazardous fluid into or above an underground source of drinking water. (The seven major types of class V wells include drainage wells, geothermal reinjection wells, domestic wastewater

disposal wells, mineral and fossil fuel recovery related wells, industrial/commercial/utility disposal wells, recharge wells and miscellaneous wells. Class V injection wells also include all large-capacity cesspools and motor vehicle waste disposal wells.)

(Ord. No. 5-2008, § 3, 6-12-2008)

Sec. 40-50. Exceptions.

(a) Any of the land uses, facilities or activities identified in section 40-49 lawfully in existence on the date of adoption of this article may continue to exist on the parcel upon which it is located. Replacement or repair may be permitted.

(b) Exceptions to prohibited uses may be granted by the board of aldermen upon the application of any person or entity showing undue hardship or proof that the activity will not harm the groundwater from which the town's drinking water is drawn. Upon the filing of an application for exception, the matter will be heard at the next regular meeting of the town board of aldermen, unless it is necessary, in the opinion of the mayor, to call a special meeting to hear and act on the request for a permit to use areas within the drinking water protection critical areas which do not conform with this act or which would be in violation of this act.

(c) Attached to any request for a special permit will be a site plan by a professional engineer, with attachments by qualified professionals showing how discharge of hazardous materials, or wastes due to environmental spills, or accidental damage, corrosion, leakage or vandalism, including spill containment and clean up procedures will be dealt with by the applicant and how any hazardous materials or wastes will be securely stored.

(Ord. No. 5-2008, § 4, 6-12-2008)

Sec. 40-51. Enforcement.

(a) *Civil.* This article may be enforced by suit for injunctive relief or any other appropriate relief.

(b) *Criminal.* Any person or entity found to be in violation of the article shall be fined not more than \$500.00 or imprisoned for six months, or both.

(Ord. No. 5-2008, § 5, 6-12-2008)

Secs. 40-52—40-75. Reserved.

ARTICLE III. SEWER SERVICE*

DIVISION 1. GENERALLY

Sec. 40-76. Definitions.

When used in this article, the following words and phrases have the meanings ascribed to them in this section, unless the context indicates a different meaning:

Approving authority means the mayor or his duly authorized representative.

BOD (Biochemical oxygen demand) means the quantity of oxygen by weight, expressed in milligrams per liter, utilized in the biochemical oxidation of organic matter under standard laboratory conditions for five days at a temperature of 20 degrees Centigrade.

Building sewer means the extension from the building drain to the public sewer or other place of disposal (also called house lateral and house connection).

COD (Chemical oxygen demand) means the measure of the oxygen consuming capacity of inorganic and organic matter present in the water or wastewater expressed in milligrams per liter as the amount of oxygen consumed from a chemical oxidant in a specific test, but not differentiating between stable and unstable organic matter and thus not necessarily correlating with biochemical oxygen demand.

Control manhole means a manhole giving access to a building sewer at some point before the building sewer discharge mixes with other discharges in the public sewer.

Control point means a point of access to a course of discharge before the discharge mixes with other discharges in the public sewer.

Garbage means animal and vegetable wastes and residue from the preparation, cooking, and dispensing of food; and from the handling, processing, storage and sale of food products and produce.

Industrial waste means waste resulting from any process of industry, manufacturing, trade, or business from the development of any natural resource, or any mixture of the waste with water or normal wastewater, or distinct from normal wastewater.

Industrial waste charge means the charge made on those persons who discharge industrial wastes into the town's sewage system.

Milligrams per liter (mg/l) means the same as parts per million and is a weight-to-volume ratio; the milligram-per-liter value multiplied by the factor 8.34 shall be equivalent to pounds per million gallons of water.

Natural outlet means any outlet into a watercourse, ditch, lake, or other body of surface water or groundwater.

***State law references**—Authority of municipality to create and maintain sewerage district, R.S. 33:3911 et seq.; municipal sewerage systems, R.S. 33:4001 et seq.

Normal domestic wastewater means wastewater excluding industrial wastewater discharged by a person into sanitary sewers and in which the average concentration of total suspended solids is not more than 250 milligrams per liter and BOD is not more than 250 milligrams per liter.

Overload means the imposition of organic or hydraulic loading on a treatment facility in excess of its engineered design capacity.

pH means the logarithm (base 10) of the reciprocal of the hydrogen ion concentration.

Public sewer means pipe or conduit carrying wastewater or unpolluted drainage in which owners of abutting properties shall have the use, subject to control by the town.

Sanitary sewer means a public sewer that conveys domestic wastewater or industrial wastes or a combination of both, and into which stormwater, surface water, groundwater, and other unpolluted wastes are not intentionally passed.

Slug means any discharge of water, wastewater, or industrial waste which in concentration of any given constituent or in quantity of flow, exceeds for any period of duration longer than 15 minutes more than five times the average 24-hour concentration or flows during normal operation.

Standard methods means the examination and analytical procedures set forth in the latest edition, at the time of analysis, of "Standard Methods for the Examination of Water and Wastewater," as prepared, approved, and published jointly by the American Public Health Association, the American Water Works Association, and the Water Environment Federation.

Storm sewer means a public sewer which carries stormwater and surface water and drainage and into which domestic wastewater or industrial wastes are not intentionally passed.

Stormwater means rainfall or any other forms of precipitation.

Superintendent means the wastewater superintendent of the town or his duly authorized deputy, agent or representative.

Suspended solids means solids measured in milligrams per liter that either float on the surface of, or are in suspension in, water, wastewater, or other liquids, and which are largely removable by a laboratory filtration device.

To discharge includes to deposit, conduct, drain, emit, throw, run, allow to seep, or otherwise release or dispose of, or to allow, permit, or suffer any of these acts or omissions.

Trap means a device designed to skim, settle, or otherwise remove grease, oil, sand, flammable wastes or other harmful substances.

Unpolluted wastewater means water containing:

- (1) No free or emulsified grease or oil;
- (2) No acids or alkalis;

- (3) No phenols or other substances producing taste or odor in receiving water;
- (4) No toxic or poisonous substances in suspension, colloidal state, or solution;
- (5) No noxious or otherwise obnoxious or odorous gases;
- (6) Not more than an insignificant amount in milligrams per liter each of suspended solids and BOD, as determined by the state department of health; and
- (7) Color not exceeding 50 units as measured by the Platinum-Cobalt method of determination as specified in standard methods.

Waste means rejected, unutilized or superfluous substances in liquid, gaseous, or solid form resulting from domestic, agricultural, or industrial activities.

Wastewater means a combination of the water-carried waste from residences, business buildings, institutions, and industrial establishments, together with any groundwater, surface water and stormwater that may be present.

Wastewater facilities includes all facilities for the collection, pumping, treating, and disposing of wastewater and industrial wastes.

Wastewater service charge means the charge on all users of the public sewer system whose wastes do not exceed in strength the concentration values established as representative of normal wastewater.

Wastewater treatment plant means any town-owned facilities, devices, and structures used for receiving, processing and treating wastewater, industrial waste, and sludges from the sanitary sewers.

Watercourse means a natural or manmade channel in which a flow of water occurs, either continuously or intermittently.

(Ord. No. 5-1978, § 4-8, 11-14-1978)

Sec. 40-77. Penalties.

(a) Any person violating any of the provisions of this article shall be punished according to the general penalties described in section 1-7, and shall be liable to the town for any expense, loss, or damage occasioned the town by reason of such violation.

(b) No person may continue discharging in violation of this article beyond the time limit provided in the notice.

(c) In addition to proceeding under authority of subsection (b) of this section, the town is entitled to pursue all other criminal and civil remedies to which it is entitled under authority of statutes or other ordinances against a person continuing prohibited discharges.

(d) The town may pursue all criminal and civil remedies to which it is entitled under authority of statutes and ordinances against a person negligently, willfully or maliciously causing loss by tampering with or destroying public sewers or treatment facilities.

(Ord. No. 2-1978, § 4-7, 4-11-1978; Ord. No. 5-1978, §§ 4-30, 4-31, 4-33, 11-14-1978)

Secs. 40-78—40-97. Reserved.

DIVISION 2. SERVICE POLICIES AND PROCEDURES

Sec. 40-98. Mandatory connections.

(a) The owner of all houses, buildings or properties used for human occupancy, situated within the town 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 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 division, within 365 days after date of official notice to do so, provided that said public sewer is within 300 feet of the property line.

(b) The owner of all houses, buildings or property used for human occupancy, placed or constructed on property after the date of the ordinance from which this division is derived, situated within the town 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 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 division, provided that said public sewer is within 300 feet of the property line.

(c) All septic tanks, cesspools, and similar disposals shall be destroyed, filled in with sand or removed after connection with the public sewerage system and before final inspection. (Ord. No. 2-1978, § 4-4, 4-11-1978)

State law reference—Compelling connection with sewerage system, R.S. 33:4041.

Sec. 40-99. Building sewers and connections.

(a) 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 plumbing inspector or his representative.

(b) All costs and expense incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the town from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

(c) 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, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as a multi-building sewer.

(d) All joints shall be tight and waterproof. Building sewers shall not be placed in the same trench with water service lines. If installed in filled or unstable ground, the building sewer shall be properly bedded as approved by the plumbing inspector.

(e) The size and slope of the building sewer shall be subject to the approval of the inspector, 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-fourth inch per foot. 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.

(f) All pipe joints shall be made in accordance with manufacturer's recommendations.

(g) The connection of the building sewer into the public sewer shall be made at the "Y" branch, if such branch is available at a suitable location. If no properly located "Y" branch is available, the owner shall at his own expense install a "Y" branch in the public sewer at the location specified by the plumbing inspector or his representative.

(h) 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 town.

(Ord. No. 2-1978, § 4-6, 4-11-1978)

Sec. 40-100. Prohibited discharges.

(a) No person may discharge to public sewers any waste which by itself or by interaction with other wastes may:

- (1) Injure or interfere with wastewater treatment processes or facilities;
- (2) Constitute a hazard to humans or animals; or
- (3) Create a hazard in receiving waters of the wastewater treatment plant effluent.

(b) All discharges shall conform to the requirements of this article.

(Ord. No. 5-1978, § 4-9, 11-14-1978)

Sec. 40-101. Chemical discharges.

(a) No discharge to public sewers may contain:

- (1) Cyanide greater than 1.0 milligrams per liter;
- (2) Fluoride other than that contained in the public water supply;
- (3) Chlorides in concentrations greater than 250 milligrams per liter;
- (4) Gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas; or
- (5) Substances causing an excessive chemical oxygen demand (COD).

(b) No waste or wastewater discharged to public waters may contain:

- (1) Strong acid, iron pickling wastes, or concentrated plating solutions whether neutralized or not;

- (2) Fats, wax, grease or oils, whether emulsified or not, in excess of 100 milligrams per liter or containing substances which may solidify or become viscous at temperatures between 32 and 150 degrees Fahrenheit (0 and 65 degrees Centigrade);
- (3) Objectionable or toxic substances, exerting an excessive chlorine requirement, to such degree that any such material received in the composite wastewater at the wastewater treatment works exceeds the limits established by the approving authority for such materials; or
- (4) Obnoxious, toxic, or poisonous solids, liquids, or gases in quantities sufficient to violate the provisions of section 40-100(a).

(c) No waste, wastewater, or other substance may be discharged into public sewers which has a pH lower than 5.5 or higher than 9.5, or any other corrosive property capable of causing damage or hazard to structures, equipment, and/or personnel at the wastewater facilities.

(d) All waste, wastewater, or other substance containing phenols, hydrogen sulfide, or other taste- and odor-producing substances, shall conform to concentration limits established by the approving authority. After treatment of the composite wastewater, concentration limits may not exceed the requirements established by state, federal, or other agencies with jurisdiction over discharges to receiving water.

(Ord. No. 5-1978, § 4-10, 11-14-1978)

Sec. 40-102. Heavy metals and toxic materials.

(a) No discharges may contain concentrations of heavy metals greater than amounts specified in subsection (b) of this section.

(b) The maximum allowable concentrations of heavy metals stated in terms of milligrams per liter (mg/l), determined on the basis of individual sampling in accordance with "standard methods" are:

<i>Heavy Metals</i>	<i>mg/l</i>
Arsenic	0.05
Barium	5.0
Boron	1.0
Cadmium	0.02
Chromium (total)	5.0
Copper	1.0
Lead	0.1
Manganese	1.0
Mercury	0.005
Nickel	1.0
Selenium	0.02
Silver	0.1
Zinc	5.0

(c) No other heavy metals or toxic materials may be discharged into public sewers without a permit from the approving authority specifying conditions of pretreatment, concentrations, volumes, and other applicable provisions.

(d) Prohibited heavy metals and toxic materials include, but are not limited to:

- (1) Antimony;
- (2) Beryllium;
- (3) Bismuth;
- (4) Cobalt;
- (5) Molybdenum;
- (6) Uranylion;
- (7) Rhenium;
- (8) Strontium;
- (9) Tellurium;
- (10) Herbicides;
- (11) Fungicides; and
- (12) Pesticides.

(Ord. No. 5-1978, § 4-11, 11-14-1978)

Sec. 40-103. Garbage.

(a) No person may discharge garbage into public sewers unless it is shredded to a degree that all particles can be readily transported by the flow conditions normally prevailing in public sewers. Particles greater than one-half inch in any dimension are prohibited.

(b) The approving authority is entitled to review and approve the installation and operation of any garbage grinder equipped with a motor of three-fourths horsepower (0.76 hp metric) or greater.

(Ord. No. 5-1978, § 4-12, 11-14-1978)

Sec. 40-104. Stormwater and other unpolluted drainage.

(a) No person may discharge to public sanitary sewers:

- (1) Unpolluted stormwater, surface water, groundwater, roof runoff or subsurface drainage;
- (2) Unpolluted cooling water;
- (3) Unpolluted industrial process water;
- (4) Other unpolluted drainage.

(b) The approving authority, in compliance with other statutes, may designate storm sewers and other watercourses into which unpolluted drainage described in subsection (a) of this section may be discharged.

(Ord. No. 5-1978, § 4-13, 11-14-1978)

Sec. 40-105. Temperature.

No person may discharge liquid or vapor having a temperature higher than 150 degrees Fahrenheit (65 degrees Centigrade), or any substance which causes the temperature of the total wastewater treatment plant influent to increase at a rate of ten degrees Fahrenheit or more per hour, or a combined total increase of plant influent temperature to 110 degrees Fahrenheit.

(Ord. No. 5-1978, § 4-14, 11-14-1978)

Sec. 40-106. Radioactive waste.

(a) No person may discharge radioactive wastes or isotopes into public sewers without the permission of the approving authority.

(b) The approving authority may establish, in compliance with applicable state and federal regulations, regulations for the discharge of radioactive wastes into public sewers.

(Ord. No. 5-1978, § 4-15, 11-14-1978)

Sec. 40-107. Impairment of facilities.

(a) No person may discharge into public sewers any substance capable of causing:

- (1) Obstruction to the flow in sewers;
- (2) Interference with the operation of treatment processes of facilities; or
- (3) Excessive loading of treatment facilities.

(b) Discharges prohibited by subsection (a) of this section include, but are not limited to, materials which exert or cause concentrations of:

- (1) Inert suspended solids greater than 250 mg/l including, but not limited to:
 - a. Fuller's earth;
 - b. Lime slurries; and
 - c. Lime residues;
- (2) Dissolved solids greater than 500 mg/l including, but not limited to:
 - a. Sodium chloride; and
 - b. Sodium sulfate;
- (3) Excessive discoloration including, but not limited to:
 - a. Dye wastes; and
 - b. Vegetable tanning solutions; or

- (4) BOD, COD, or chlorine demand in excess of normal plant capacity.
- (c) No person may discharge into public sewers any substance that may:
 - (1) Deposit grease or oil in the sewer lines in such a manner as to clog the sewers;
 - (2) Overload skimming and grease handling equipment;
 - (3) Pass to the receiving waters without being effectively treated by normal wastewater treatment processes due to the nonamenability of the substance to bacterial action; or
 - (4) Deleteriously affect the treatment process due to excessive quantities.
- (d) No person may discharge any substance into public sewers which:
 - (1) Is not amenable to treatment or reduction by the processes and facilities employed; or
 - (2) Is amenable to treatment only to such a degree that the treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.
- (e) The approving authority shall regulate the flow and concentration of slugs when they may:
 - (1) Impair the treatment process;
 - (2) Cause damage to collection facilities;
 - (3) Incur treatment costs exceeding those for normal wastewater; or
 - (4) Render the waste unfit for stream disposal or industrial use.
- (f) No person may discharge into public sewers solid or viscous substances which may violate subsection (a) of this section if present in sufficient quantity or size, including but not limited to:
 - (1) Ashes;
 - (2) Cinders;
 - (3) Sand;
 - (4) Mud;
 - (5) Straw;
 - (6) Shavings;
 - (7) Metal;
 - (8) Glass;
 - (9) Rags;
 - (10) Feathers;
 - (11) Tar;
 - (12) Plastics;

- (13) Wood;
 - (14) Unground garbage;
 - (15) Whole blood;
 - (16) Paunch manure;
 - (17) Hair and fleshings;
 - (18) Entrails;
 - (19) Paper products, either whole or ground by garbage grinders;
 - (20) Slops;
 - (21) Chemical residues;
 - (22) Paint residues; or
 - (23) Bulk solids.
- (Ord. No. 5-1978, § 4-16, 11-14-1978)

Sec. 40-108. Compliance with existing authority.

(a) Unless exception is granted by the approving authority, the public sanitary sewer system shall be used by all persons discharging:

- (1) Wastewater;
- (2) Industrial waste;
- (3) Polluted liquids.

(b) Unless authorized by the state health and human resources administration, no person may deposit or discharge any waste included in subsection (a) of this section on public or private property into or adjacent to any:

- (1) Natural outlet;
- (2) Watercourse;
- (3) Storm sewer;
- (4) Other area within the jurisdiction of the town.

(c) The approving authority shall verify, prior to discharge, that wastes authorized to be discharged will receive suitable treatment within the provisions of laws, regulations, ordinances, rules and orders of federal, state and local governments.

(Ord. No. 5-1978, § 4-17, 11-14-1978)

Secs. 40-109—40-129. Reserved.

DIVISION 3. ADMINISTRATION AND ENFORCEMENT

Sec. 40-130. Approving authority requirements.

(a) If discharges or proposed discharges to public sewers may:

- (1) Deleteriously affect wastewater facilities, processes, equipment, or receiving waters;
- (2) Create a hazard to life or health; or
- (3) Create a public nuisance;

the approving authority shall require pretreatment to an acceptable condition for discharge to the public sewers; control over the quantities and rates of discharge; and payment to cover the cost of handling and treating the wastes.

(b) The approving authority is entitled to determine whether a discharge or proposed discharge is included under subsection (a) of this section.

(c) The approving authority shall reject wastes when:

- (1) It determines that a discharge or proposed discharge is included under subsection (a) of this section; and
- (2) The discharger does not meet the requirements of subsection (a) of this section.

(Ord. No. 5-1978, § 4-18, 11-14-1978)

Sec. 40-131. Approving authority review and approval.

(a) If pretreatment or control is required, the approving authority shall review and approve design and installation of equipment and processes.

(b) The design and installation of equipment and processes must conform to all applicable statutes, codes, ordinances and other laws.

(c) Any person responsible for discharges requiring pretreatment, flow-equalizing, or other facilities shall provide and maintain the facilities in effective operating condition at his own expense.

(Ord. No. 5-1978, § 4-19, 11-14-1978)

Sec. 40-132. Requirements for traps.

(a) Discharges requiring traps include:

- (1) Grease or waste containing grease in excessive amounts;
- (2) Oil;
- (3) Sand;
- (4) Flammable wastes; and
- (5) Other harmful ingredients.

(b) Any person responsible for discharges requiring a trap shall, at his own expense and as required by the approving authority:

- (1) Provide equipment and facilities of a type and capacity approved by the approving authority;
 - (2) Locate the trap in a manner that provides ready and easy accessibility for cleaning and inspection; and
 - (3) Maintain the trap in effective operating condition.
- (Ord. No. 5-1978, § 4-20, 11-14-1978)

Sec. 40-133. Requirements for building sewers.

Any person responsible for discharges through a building sewer carrying industrial wastes shall, at his own expense and as required by the approving authority:

- (1) Install an accessible and safely located control manhole;
 - (2) Install meters and other appurtenances to facilitate observation sampling and measurement of the waste; and
 - (3) Maintain the equipment and facilities.
- (Ord. No. 5-1978, § 4-21, 11-14-1978)

Sec. 40-134. Sampling and testing.

(a) Sampling shall be conducted according to customary accepted methods, reflecting the effect of constituents upon the sewage works and determining the existence of hazards to health, life, limb, and property. The approving authority shall determine whether 24-hour composite samples from all outfalls of the premises are necessary or whether random grab samples will be sufficient for defining effluent characteristics.

(b) Examination and analyses of the waters and wastes required by this article shall be:

- (1) Conducted in accordance with the latest edition of "Standard Methods";
- (2) Determined from suitable samples taken at the control manhole provided or other control point authorized by the approving authority.

(c) BOD and suspended solids shall be determined from composite sampling, except to determine unauthorized discharges.

(d) The approving authority may at his discretion select an independent firm or laboratory to determine flow, BOD, suspended solids or other effluent characteristics he has determined are necessary.

(e) The approving authority shall develop the time schedule for obtaining samples at his sole discretion, so long as at least annual samples are taken.

(Ord. No. 5-1978, § 4-22, 11-14-1978)

Sec. 40-135. Payment and agreement.

(a) Persons making discharges of industrial wastes into the public sewer system shall pay a charge to defray the expenses the town incurs as a result of collecting and treating said industrial wastes.

(b) When discharges of industrial waste are approved by the approving authority, the town or its authorized representative shall enter into an agreement or arrangement providing for:

- (1) Terms of acceptance by the town; and
- (2) Payment by the person making the discharge.

(Ord. No. 5-1978, § 4-23, 11-14-1978)

Sec. 40-136. Sewer use cost system.

(a) Cost based on volume of wastewater contributed. Each user shall be equitable charged by the town for wastewater services received. This charge shall be approximately proportional to the volume of wastewater contributed by the user as compared to the total volume of wastewater loading of the treatment facilities, and shall be expressed as follows:

$$C_u = \frac{C_t}{V_t} V_u$$

Where:

C_u = User's charge for wastewater services received per unit of time.

C_t = Total operation and maintenance costs of treatment facilities per unit of time.

V_u = Volume contributed by user per unit of time.

V_t = Total volume processed by treatment facilities per unit of time.

(b) When the BOD, suspended solids and other pollutant concentrations from a user exceed the range of concentration of pollutants in normal domestic sewage, a surcharge may be levied and added to the charge as calculated in subsection (a) of this section. This surcharge shall be calculated as follows:

$$C_s = [B_c(B) + S_c(S) + P_c(P)] V_u$$

Where:

C_s = A surcharge for wastewaters of excessive strength.

B_c = Operation and maintenance cost for treatment of a unit of biochemical oxygen demand (BOD).

B = Concentration of BOD from a user above a base (domestic sewage) level.

S_c = Operation and maintenance cost for treatment of a unit of suspended solids.

S = Concentration of suspended solids from a user above a base (domestic sewage) level.

Pc = Operation and maintenance cost for treatment of a unit of any one or more particular pollutants.

P = Concentration of any one or more particular pollutants above a base (domestic sewage) level.

Vu = Volume contributed by user per unit of time.

(Ord. No. 5-1978, § 4-24, 11-14-1978)

Sec. 40-137. Grandfathered discharges.

A person discharging industrial wastes into public sewers prior to November 24, 1978, may continue without penalty so long as he:

- (1) Does not increase the quantity or quality of discharge, without permission of the approving authority;
- (2) Has discharged the industrial waste at least one month prior to November 24, 1978; and
- (3) Applies for and is granted a permit no later than 60 days after November 24, 1978.

(Ord. No. 5-1978, § 4-25, 11-14-1978)

Sec. 40-138. Conditions or permits.

(a) The town may grant a permit to discharge to persons meeting all requirements of the savings clause provided that the person:

- (1) Submit an application within 45 days after November 24, 1978, on forms supplied by the approving authority;
- (2) Secure approval by the approving authority of plans and specifications for pretreatment facilities when required; and
- (3) Has complied with all requirements for agreements or arrangements including, but not limited to, provisions for:
 - a. Payment of charges;
 - b. Installation and operation of pretreatment facilities;
 - c. Sampling and analysis to determine quantity and strength; and
- (4) Provides a sampling point subject to the provisions of this article and approval of the approving authority.

(b) A person applying for a new discharge shall:

- (1) Meet all conditions of subsection (a) of this section; and
- (2) Secure a permit prior to discharging any waste.

(Ord. No. 5-1978, § 4-26, 11-14-1978)

Sec. 40-139. Power to enter property.

(a) The superintendent and other duly authorized employees of the town bearing proper credentials and identification are entitled to enter any public or private property at any reasonable time for the purpose of enforcing this article.

(b) Anyone acting under this authority shall observe the establishment's rules and regulations concerning safety, internal security, and fire protection.

(c) Except when caused by negligence or failure of the company to maintain safe conditions, the town shall indemnify the company against loss or damage to its property by town employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the sampling operation.

(d) The superintendent and other duly authorized employees of the town bearing proper credentials and identification are entitled to enter all private properties through which the town holds a negotiated easement for the purposes of:

- (1) Inspection, observation, measurement, sampling, or repair;
- (2) Maintenance of any portion of the sewerage system lying within the easements; and
- (3) Conducting any other authorized activity. All activities shall be conducted in full accordance with the terms of the negotiated easement pertaining to the private property involved.

(e) No person acting under authority of this provision may inquire into any processes including metallurgical, chemical, oil refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the public sewers.

(Ord. No. 5-1978, § 4-27, 11-14-1978)

Sec. 40-140. Authority to disconnect service.

(a) The town may terminate wastewater disposal service and disconnect an industrial customer from the system when:

- (1) Acids or chemicals damaging to sewer lines or treatment process are released to the sewer causing rapid deterioration of these structures or interfering with proper conveyance and treatment of wastewater;
- (2) A governmental agency informs the town that the effluent from the wastewater treatment plant is no longer of a quality permitted for discharge to a watercourse, and it is found that the customer is delivering wastewater to the town system that cannot be sufficiently treated or requires treatment that is not provided by the town as normal domestic treatment; or
- (3) The industrial customer:
 - a. Discharges industrial waste or wastewater that is in violation of the permit issued by the approving authority;

- b. Discharges wastewater at an uncontrolled, variable rate in sufficient quantity to cause an imbalance in the wastewater treatment system;
 - c. Fails to pay monthly bills for sanitary sewer services when due; or
 - d. Repeats a discharge of prohibited wastes to public sewers.
- (b) If service is discontinued pursuant to subsection (a)(2) of this section, the town shall:
- (1) Disconnect the customer;
 - (2) Supply the customer with the governmental agency's report and provide the customer with all pertinent information; and
 - (3) Continue disconnection until such time as the industrial customer provides additional pretreatment or other facilities designed to remove the objectionable characteristics from his industrial wastes.
- (Ord. No. 5-1978, § 4-28, 11-14-1978)

Sec. 40-141. Notice.

The town shall serve persons discharging in violation of this article with written notice stating the nature of the violation and providing a reasonable time limit for satisfactory compliance.

(Ord. No. 5-1978, § 4-29, 11-14-1978)

Sec. 40-142. Failure to pay.

In addition to sanctions provided for by this article, the town is entitled to exercise sanctions provided for by the other ordinances of the town for failure to pay the bill for sanitary sewer service when due.

(Ord. No. 5-1978, § 4-32, 11-14-1978)

Chapter 41

TELECOMMUNICATIONS

Article I. Telecommunications Facilities/Towers

- Sec. 41-1. Purpose.
- Sec. 41-2. Background.
- Sec. 41-3. Submittal requirements.
- Sec. 41-4. General standards.
- Sec. 41-5. Location of wireless communications facilities.
- Sec. 41-6. Visual requirements.
- Sec. 41-7. Landscaping/vegetation of telecommunications towers.
- Sec. 41-8. Public safety.
- Sec. 41-9. Facade mounted stealth telecommunications facilities.
- Sec. 41-10. Roof-mounted telecommunications facilities.
- Sec. 41-11. Lattice and guy-wired telecommunication facilities.
- Sec. 41-12. Freestanding monopoles.
- Sec. 41-13. Co-location of telecommunications facilities.
- Sec. 41-14. Equipment structures.

ARTICLE I. TELECOMMUNICATIONS FACILITIES/TOWERS**Sec. 41-1. Purpose.**

The purpose and intent of this article is to provide a uniform and comprehensive set of standards for the orderly development of telecommunications facilities consistent with applicable federal standards. The standards contained in this article are designed to minimize adverse visual impacts and operational effects of these facilities using appropriate design, siting and screening techniques while providing for the personal communications needs of residents, local business and government.

(Ord. No. 3-2014, 3-11-2014)

Sec. 41-2. Background.

(a) In order to protect the public health, safety and welfare, it is necessary to insure that the siting of a telecommunications facility is compatible in scale and design with its locale and is sited so as to minimize adverse visual impacts on natural resources, neighborhoods, vistas, view corridors, architecture and structures.

(b) Location of telecommunications facilities on publicly owned sites is preferred because they already appear to be institutional or infrastructure uses. Telecommunications facilities may be more visually compatible with such facilities and may appear less noticeable than on other sites. Similarly, facilities on structures, which already have installations (co-location sites), appear less noticeable, up to the point where too many structures create visual clutter. Installations on commercial or industrial structures are also generally more compatible with and less noticeable than installations on residential structures due to the design, scale and location of such structures.

(c) Therefore, in order to protect the public health, safety and welfare, it is necessary to adopt the following regulations, which will avoid or minimize these impacts and will insure the proper design, location and scale of wireless telecommunications facilities.

(d) The zoning board must approve all telecommunications facilities as a conditional use. The board of aldermen must ratify zoning board approvals of telecommunications facilities in the unincorporated portion of the jurisdiction by an affirmative vote.

(Ord. No. 3-2014, 3-11-2014)

Sec. 41-3. Submittal requirements.

Application for approval of a telecommunications facility or tower shall be submitted in accordance with the requirements herein.

- (1) Application for a telecommunications facility shall be made upon a form to be provided by the zoning board. The zoning board may waive submittal requirements or require additional information based on project specific factors.

The initial submittal shall include:

- a. A site plan drawn to a measurable scale showing the metes and bounds and existing features of the site including existing structures, roads, trees, and other significant natural features.

- b. A map identifying the applicant's existing telecommunications facilities within the town limits, if any. The map shall include an illustration of the estimated coverage area for all existing and proposed antenna sites for the applicant and/or service provider.
 - c. A letter to the office of the zoning administrator/zoning board stating that the system, including the antennas and associated equipment, conforms to the radio-frequency radiation emission standards adopted by the FCC.
 - d. All applicable filing fees for processing and monitoring the application as established by the zoning board.
- (2) If warranted by the project (as determined by the zoning board), the applicant may also be asked to provide:
- a. A letter explaining the site selection process including information about other sites that were considered and reasons for their rejection. In addition, carriers may be asked to demonstrate that facilities have been designed to attain the minimum height required from a technological standpoint for the proposed site.
 - b. Visual impact demonstrations using photo-simulations, story poles, elevations or other visual or graphic illustrations to determine potential visual impact including proper coloration and blending of the facility with the proposed site (number of copies, if applicable, to be determined by the zoning administrator).
 - c. A landscape plan that shows existing vegetation, indicating any vegetation proposed for removal, and identifying proposed planting by type, size, and location.

(Ord. No. 3-2014, 3-11-2014)

Sec. 41-4. General standards.

- (a) All applications for a telecommunications facility require planning approval from the zoning board. A preliminary and a public hearing are required, unless indicated otherwise herein.
- (b) Modifications to existing wireless communications facilities shall be subject to the review and approval of the zoning board.
- (c) The applicant shall provide written notification to the director upon cessation of operations on the site exceeding a 90-day period. The applicant shall remove all obsolete or unused facilities from the site within 180 days of termination of its lease with the property owner or cessation of operations.
- (d) The applicant shall provide signage as required, including phone numbers of the utility provider, for use in case of an emergency. The signs shall be visibly posted at the communications equipment/structure.

- (e) Telecommunication facilities must meet the building setback and yard requirements set forth in this Code.

(Ord. No. 3-2014, 3-11-2014)

Sec. 41-5. Location of wireless communications facilities.

(a) Location preference for wireless communications facilities should be given to publicly owned structures, co-location sites and industrial or commercial sites. New wireless communications facilities should avoid sites located near residential areas unless the application includes information sufficient to demonstrate: the location and type of preferred sites which exist within the proposed or technically feasible coverage area; that good faith efforts and measures were taken by the carrier to secure the preferred location sites; specific reasons why such efforts and measures were unsuccessful; and why the location of the proposed facility site is essential to meet the service demands of the applicant.

(b) Preference shall also be given to locations for wireless communications facilities attached or sited adjacent to existing structures. Appropriate types of existing structures may include, but not be limited to buildings, water tanks, telephone and utility poles, signage and sign standards, traffic signals, light standards, and roadway overpasses.

(c) Facade and roof-mounted telecommunications facilities may be allowed in all zoning districts subject to zoning board approval upon compliance with established development standards. Lattice, guy-wired telecommunication facilities and freestanding monopoles are generally only permitted in business and industrial districts however, stealthed facilities, as defined in subsection (d), may be approved by the zoning board.

(d) A stealthed facility is any communications facility which is designed to blend into the surrounding environment and is visually unobtrusive. Examples of stealth facilities may include architecturally screened roof-mounted antennas, building-mounted antennas painted and treated as architectural elements to blend with the existing building, and location on a water tower, flag pole, light or existing utility structure. Also known as concealed telecommunications facilities.

(Ord. No. 3-2014, 3-11-2014)

Sec. 41-6. Visual requirements.

(a) All proposed telecommunications facilities shall be located so as to minimize their visual impact to the maximum extent feasible.

(b) All facade-mounted telecommunications facilities shall be sited and designed to appear as an integral part of the structure.

(c) Facade-mounted antennas shall be integrated architecturally with the style and character of the structure or otherwise made as unobtrusive as possible. If possible, antennas should be located entirely within an existing or newly created architectural feature so as to be

completely screened from view. To the extent feasible, facade-mounted antennas should not be located on the front or most prominent facade of a structure and should be located out of the pedestrian line-of-sight, unless stealthing techniques reasonably eliminate visual impacts.

(d) Whenever possible, equipment structures, back-up generators, and other equipment associated with building-mounted antennas should be installed within the existing building compound. If this is not feasible, the equipment shall be screened, fenced, or landscaped to minimize its appearance from off-site locations and to visually blend with the surrounding natural and built environment. Equipment buildings should be designed in an architectural style and constructed of exterior building materials that are consistent with surrounding development and/or land use setting (if applicable).

(e) Roof-mounted antennas and associated equipment shall be located as far back from the edge of the roof as technically possible to minimize visibility from street level locations. Where appropriate, construction of a rooftop parapet wall or other appropriate screening to hide the facility may be required.

(f) No advertising signage or identifying logos shall be displayed on any telecommunication facility, except for small identification plates used for emergency notification or hazardous or toxic materials warning.

(g) The applicants are encouraged to consider providing architectural treatments and to use "stealth techniques" to reduce potential visual impacts for all telecommunication facilities, and especially for those proposed in areas easily visible from a major traffic corridor, commercial center or residential area. Stealth techniques can be required as conditions of approval when determined to be necessary to mitigate adverse visual impacts.

(h) The colors and materials of telecommunications facilities shall be chosen to minimize the visual impact of the facilities.

(i) Landscaping, wherever appropriate, shall be used as screening to reduce the visual impacts of telecommunications facilities. Any proposed landscaping should be visually compatible with existing vegetation in the vicinity.

(j) The use of lighting shall not be allowed on telecommunication facilities unless required as a public safety measure by the Federal Aviation Agency.
(Ord. No. 3-2014, 3-11-2014)

Sec. 41-7. Landscaping/vegetation of telecommunications towers.

(a) Existing trees and other screening vegetation in the vicinity of the proposed facility and associated access ways shall be protected from damage both during and after construction. Submission of a tree protection plan may be required to ensure compliance with this requirement.

(b) The emphasis of the landscape plan shall be to visually screen the proposed facility and stabilize soils on sloping sites.

(c) Introduced vegetation shall be native, drought tolerant species compatible with the predominant natural setting of the project area.

(Ord. No. 3-2014, 3-11-2014)

Sec. 41-8. Public safety.

(a) In addition to providing visual screening, each telecommunications facility may require fencing, anti-climbing devices, electronic devices or other techniques to prevent unauthorized access and vandalism; however, the use of fencing shall not add to the visual impact of the facility, and the design of the fencing shall be subject to zoning board review and approval.

(b) All security fencing or walls shall be designed to be graffiti-resistant. The applicant shall be responsible for graffiti-free maintenance of all telecommunication facilities.

(c) The telecommunications facility should be sited so as to provide a minimum fall zone measured by a radius that is equal to the height of the facility. (Exception: The fall zone requirement may be waived if the applicant provides a statement from a Louisiana-licensed engineer attesting that any damage resulting from tower failure, wind, ice loading or other factors that could impact the tower structure would be wholly limited to property that is under lease or ownership control of the applicant.) A fall zone is an area within which no other structure or property or use can be located around a telecommunications facility. This provision shall apply unless a dedicated easement is provided by the affected adjacent property owner(s).

(Ord. No. 3-2014, 3-11-2014)

Sec. 41-9. Facade mounted stealth telecommunications facilities.

(a) Facade mounted telecommunications facilities may be allowed in all zoning districts subject to zoning board approval and must comply with the development standards included herein.

(b) Facade mounted antennas shall be camouflaged by incorporating the antennas as part of the dominant design element of the building.

(c) Facade mounted antennas shall be painted and textured to match the existing structure.

(d) Antennas and the associated mountings shall generally not project beyond a maximum of 18 inches from the face of the building.

(Ord. No. 3-2014, 3-11-2014)

Sec. 41-10. Roof-mounted telecommunications facilities.

(a) Roof-mounted telecommunications facilities may be allowed in all zoning districts subject to zoning board approval but must comply with the development standards included herein.

(b) Freestanding roof-mounted antennas shall not be allowed when they are located in the direct line of sight of significant view corridors or where they significantly affect scenic vistas. However, such facilities shall be allowed with incorporation of appropriate stealth techniques.

(c) The height of freestanding roof-mounted antennas including the support structure, shall not exceed the maximum height allowed for buildings in the zoning district in which the antenna is to be constructed, plus nine feet.

(d) All roof-mounted antennas shall be located in an area of the roof where the visual impact is minimized.

(e) All roof-mounted facilities shall be painted a non-reflective matte finish using an appropriated color that blends with the backdrop. The final choice of colors shall be determined by the zoning board on a case-by-case basis.

(f) The equipment cabinets, if located on the rooftop of buildings, shall be so located as to be minimally visible from public rights-of-way.

(Ord. No. 3-2014, 3-11-2014)

Sec. 41-11. Lattice and guy-wired telecommunication facilities.

(a) Lattice and guy-wired antennas are generally only permitted in residential-agricultural, business and industrial districts, subject to approval of the zoning board and must comply with the development standards included herein. However, lattice and guy-wired antennas may be approved by the zoning board in other districts if they are stealthed.

(b) Lattice and guy-wired telecommunications facilities shall generally not be allowed within 3,000 feet of an existing telecommunications facility, unless the zoning board can make a determination that the cumulative visual impacts are not significant. Factors taken into consideration in this determination include but are not limited to: the type, number, height and proximity of existing structures within the same line of sight as the proposed facility.

(c) Lattice and guy-wired antennas shall be no taller than 200 feet, including the height of the antennas. Any antenna higher than 200 feet requires a variance from the zoning board.

(d) Proposed lattice and guy-wired telecommunications facilities may require a visual analysis that includes photo simulations demonstrative of the appearance of the site prior to and after installation.

(e) Lattice and guy-wired telecommunication facilities shall be painted using non-reflective matte finish; the final choice of colors shall be determined on a case-by-case basis by the zoning board.

(f) Landscaping shall be used to minimize any visual impacts. All proposed vegetation shall be compatible with existing vegetation in the area and shall be drought tolerant.

(Ord. No. 3-2014, 3-11-2014)

Sec. 41-12. Freestanding monopoles.

(a) Monopoles are only allowed in residential-agricultural, business and industrial districts, subject to approval of the zoning board and must comply with the development standards included herein. However, freestanding monopole antennas may be approved by the zoning board in other districts if they are stealthed.

(b) Freestanding monopoles shall be located and designed to minimize visual impacts. Freestanding monopoles in high visibility locations as determined by the zoning board (as in some commercial areas), shall incorporate stealth techniques to camouflage them as a piece of art/sculpture, a clock tower, flag pole or other interesting, appropriate and compatible visual form.

(c) Monopoles may not be located within the required front yard setback of any property, unless appropriate architectural elements for a stealth facility are incorporated in the design of the monopole.

(d) Freestanding monopoles shall generally not be allowed within 1,000 feet of each other, except when the visual impacts are not significant.

(e) All monopoles shall be designed at the minimum functional height required.

(f) As a condition of approval for all freestanding monopoles, all telecommunications carriers proposing a monopole shall provide a written commitment to the zoning board that they shall allow other wireless carriers to co-locate antennas on the monopoles where technically and economically feasible.

(g) Minor modifications to the communications equipment design, location, elevations, and other elements of the above standards may be allowed, subject to the approval of the zoning board if such modifications are in keeping with the architectural statement and layout design of the original approval.

(Ord. No. 3-2014, 3-11-2014)

Sec. 41-13. Co-location of telecommunications facilities.

(a) Facilities should make available unutilized space for co-locations of other antennas and equipment.

(b) Second and third tier co-location antenna projects shall not require a preliminary hearing. The zoning administrator may approve the location through administrative review. He or she may also elect to forward the application to the zoning board for public hearing for additional review if warranted as determined by the executive director.

(c) All telecommunications carriers shall provide a letter to the executive director stating their willingness to allow other carriers to co-locate on their facilities wherever technically and economically feasible.

(d) The letter shall also state that the wireless telecommunications facility and his or her successors and assigns agree to:

- (1) Respond in a timely, comprehensive manner to a request for information from a potential co-location applicant, in exchange for a reasonable fee not in excess of the actual cost of preparing a response.
- (2) Negotiate in good faith for shared use of the wireless telecommunications facility by third parties.
- (3) Allow shared use of the wireless telecommunications facility if an applicant agrees in writing to pay reasonable charges for co-location.
- (4) Require no more than a reasonable charge for shared use, based on community rates and generally accepted accounting principles. This charge may include but is not limited to a pro rata share of the cost of site selection, planning project administration, land costs, site design, construction, financing, return on equity, depreciation, and all of the costs of adapting the tower or equipment to accommodate a shared user without causing electromagnetic interference. The amortization of the above costs by the facility owner shall be accomplished at a reasonable rate, over the useful life span of the facility.

(Ord. No. 3-2014, 3-11-2014)

Sec. 41-14. Equipment structures.

(a) Equipment structures shall be placed in areas so they are least visible from public rights-of-way and have minimal visual impacts. Wherever possible, equipment structures shall be located away from open spaces and required yard setbacks and shall be placed within the building envelope area. Any visible portion of an equipment structure shall be treated to be architecturally compatible with the surrounding structures and screened using appropriate techniques.

(b) Proposed equipment structures must be screened from public view. Screening techniques may include landscape treatment and/or architectural treatment to make it compatible with existing buildings.

(c) The equipment structure shall be the absolute minimum required to function. Any future additions to the equipment shall require zoning board approval.

(d) Additional acoustical baffling equipment or techniques may be required if the equipment structure exceeds acceptable noise levels.

(Ord. No. 3-2014, 3-11-2014)

Chapter 42

ZONING*

Article I. In General

- Sec. 42-1. Purpose and creation.
- Sec. 42-2. Definitions.
- Secs. 42-3—42-22. Reserved.

Article II. District Regulations

Division 1. Generally

- Sec. 42-23. Creation of districts.
- Sec. 42-24. Zoning map.
- Sec. 42-25. District boundaries.
- Sec. 42-26. Annexed territory.
- Sec. 42-27. Classification of new and unlisted uses.
- Sec. 42-28. Application of regulations; exception.
- Secs. 42-29—42-59. Reserved.

Division 2. Residential Districts

- Sec. 42-60. R-A districts, residence-agriculture districts.
- Sec. 42-61. R-1 districts, one-family residence districts.
- Sec. 42-62. R-2 districts, multiple-family districts.
- Sec. 42-63. R-3 MHP districts, residence-mobile home park districts.
- Sec. 42-64. R-4 districts, one-family residence district.
- Sec. 42-65. Manufactured homes.
- Secs. 42-66—42-86. Reserved.

Division 3. Business Districts

- Sec. 42-87. B-1 districts, transition business districts.
- Sec. 42-88. B-2 districts, neighborhood business district.
- Sec. 42-89. B-3 districts, community and central business districts.
- Secs. 42-90—42-106. Reserved.

Division 4. Industry Districts

- Sec. 42-107. I-1 districts, light industry districts.
- Sec. 42-108. I-2 districts, heavy industry districts.
- Secs. 42-109—42-129. Reserved.

***State law references**—Group Home for Handicapped Persons Act permits by right, community homes in all residential districts zoned for multiple-family dwellings, R.S. 28:475 et seq.; zoning by municipalities, R.S. 33:4721 et seq.; Uniform Standards Code for Manufactured Housing, R.S. 51:911.21 et seq.

HAUGHTON TOWN CODE

Article III. Supplementary Regulations

Division 1. Generally

Secs. 42-130—42-156. Reserved.

Division 2. Supplementary Use Regulations

- Sec. 42-157. Areas subject to inundation.
- Sec. 42-158. Drainage planning.
- Sec. 42-159. Natural production uses.
- Sec. 42-160. Illumination of uses.
- Sec. 42-161. Dwelling units in commercial or industry districts.
- Secs. 42-162—42-190. Reserved.

Division 3. Supplementary Area Regulations

- Sec. 42-191. Dwelling on small building site.
- Sec. 42-192. Building site not served by public water supply and sewage.
- Sec. 42-193. Visibility at intersections.
- Sec. 42-194. Home occupations and nameplates.
- Secs. 42-195—42-211. Reserved.

Division 4. Supplementary Height Regulations

- Sec. 42-212. Height exceptions.
- Sec. 42-213. Excess height.
- Secs. 42-214—42-234. Reserved.

Division 5. Yard Regulations

- Sec. 42-235. Front yard depth.
- Sec. 42-236. Side yard at abutting districts.
- Sec. 42-237. Minimum side yard widths.
- Sec. 42-238. Corner building site.
- Sec. 42-239. Projecting architectural features.
- Sec. 42-240. Accessory structures.
- Sec. 42-241. Mapped street lines.
- Sec. 42-242. Fences and walls.
- Secs. 42-243—42-262. Reserved.

Division 6. Protection Standards

- Sec. 42-263. Noise.
- Sec. 42-264. Heat, glare and vibration.
- Sec. 42-265. Dust, dirt, odors, gases, smoke, and radiation.
- Sec. 42-266. Hazard.
- Sec. 42-267. Wastes.
- Sec. 42-268. Business hours of operation.
- Secs. 42-269—42-299. Reserved.

ZONING

Article IV. Planned Building Groups and Residential Planned Unit Development

Division 1. Generally

- Sec. 42-300. Preapplication conference.
- Sec. 42-301. Application for approval.
- Sec. 42-302. Administrative review.
- Sec. 42-303. Final development plan.
- Sec. 42-304. Registration of special plan.
- Sec. 42-305. Failure to begin planned development.
- Sec. 42-306. Amendment or withdrawal of special plan.
- Sec. 42-307. Waivers.
- Sec. 42-308. Appeals.
- Secs. 42-309—42-334. Reserved.

Division 2. Planned Building Groups

Subdivision I. In General

- Sec. 42-335. Purpose.
- Sec. 42-336. Limitations.
- Secs. 42-337—42-360. Reserved.

Subdivision II. Conditions to Be Met by Special Plans

- Sec. 42-361. District regulations.
- Sec. 42-362. Site plan and improvements.
- Sec. 42-363. Building spacing and orientation.
- Secs. 42-364—42-384. Reserved.

Division 3. Residential Planned Unit Development

Subdivision I. In General

- Sec. 42-385. Purpose.
- Sec. 42-386. Limitations.
- Secs. 42-387—42-415. Reserved.

Subdivision II. Conditions to Be Met by Special Plans

- Sec. 42-416. District regulations.
- Sec. 42-417. Site plan improvements.
- Sec. 42-418. Minimum size.
- Sec. 42-419. Setbacks.
- Sec. 42-420. Yard requirements.
- Sec. 42-421. Density.
- Sec. 42-422. Building site area.
- Sec. 42-423. Streets.
- Sec. 42-424. Sidewalks.
- Sec. 42-425. Walls and fences.
- Secs. 42-426—42-448. Reserved.

HAUGHTON TOWN CODE

Article V. Off-Street Parking and Off-Street Truck Loading

Division 1. Generally

Secs. 42-449—42-479. Reserved.

Division 2. Off-Street Parking Requirements

- Sec. 42-480. Provision and maintenance.
- Sec. 42-481. Size and location.
- Sec. 42-482. Maintenance specifications.
- Sec. 42-483. Combined facilities.
- Sec. 42-484. Amounts of facilities required.
- Sec. 42-485. Special plan for location or sharing of facilities.
- Secs. 42-486—42-508. Reserved.

Division 3. Off-Street Truck Loading Facilities

- Sec. 42-509. Provisions and maintenance.
- Sec. 42-510. Size and location.
- Sec. 42-511. Maintenance specifications.
- Secs. 42-512—42-530. Reserved.

Article VI. Nonconforming Uses and Structure

Division 1. Generally

Secs. 42-531—42-553. Reserved.

Division 2. Nonconforming Uses

- Sec. 42-554. Continuance of nonconforming uses.
- Sec. 42-555. Expansion or enlargement of nonconforming uses.
- Sec. 42-556. Extension of nonconforming uses in structures.
- Sec. 42-557. Change in nonconforming uses.
- Sec. 42-558. Termination of nonconforming uses.
- Secs. 42-559—42-579. Reserved.

Division 3. Nonconforming Structures

- Sec. 42-580. Continuance of nonconforming structures.
- Sec. 42-581. Enlargement or extension of nonconforming structures.
- Sec. 42-582. Restoration of damaged nonconforming structures.
- Sec. 42-583. Restoration of obsolete nonconforming structures.
- Secs. 42-584—42-614. Reserved.

Article VII. Administration and Enforcement

Division 1. Generally

Sec. 42-615. Compliance.

ZONING

- Sec. 42-616. Permits and licenses.
- Sec. 42-617. Certificate of occupancy.
- Sec. 42-618. Plans required.
- Sec. 42-619. Prior building permits.
- Sec. 42-620. Offenses and liabilities preserved.
- Sec. 42-621. Violations.
- Secs. 42-622—42-645. Reserved.

Division 2. Office of Zoning Administration

- Sec. 42-646. Establishment.
- Sec. 42-647. Administration.
- Sec. 42-648. Enforcement.
- Secs. 42-649—42-669. Reserved.

Division 3. Board of Appeals

- Sec. 42-670. Establishment.
- Sec. 42-671. Rules of procedure.
- Sec. 42-672. Conduct of hearings.
- Sec. 42-673. Records.
- Sec. 42-674. Decisions.
- Sec. 42-675. Powers, limitations on powers.
- Secs. 42-676—42-693. Reserved.

Article VIII. Zoning Amendments

- Sec. 42-694. Reason for amendment.
- Sec. 42-695. Persons authorized to initiate.
- Sec. 42-696. Amendment application.
- Sec. 42-697. Administrative examination of amendment application.
- Sec. 42-698. Preliminary hearing by planning commission.
- Sec. 42-699. Public hearing by planning commission.
- Sec. 42-700. Legislative disposition.
- Sec. 42-701. Reconsideration.

ARTICLE I. IN GENERAL**Sec. 42-1. Purpose and creation.**

(a) Recently the citizens of the town became concerned about the rapid development of the area without benefit of planning, guidance or control.

(b) Creation of this zoning chapter (to promote orderly growth through regulation of land use) is one of the means the town planning commission has determined is necessary in producing an efficient, convenient and attractive community. Zoning is probably the most important land use technique available to the Haughton Metropolitan Planning Commission.

(c) The purpose of this chapter is to enhance the welfare of all citizens by serving as a guide to creating a better community environment by causing a desirable community pattern. The aim of this chapter is not to limit the freedoms of individuals, but to regulate and limit activities that would encroach on the liberties of others. This chapter, therefore, attempts to protect the public interest as well as individual private property rights.

(d) This chapter will add stability to the rapidly developing areas within the town city limits. It will, therefore, help to create a more stable environment for industrial, commercial and residential uses by providing protection from encroachment of incompatible uses.

(e) The provision for adequate open space, environmental concerns, energy conservation, jobs and housing are also concerns indirectly addressed by this chapter.

(f) This chapter and the zoning map divide the town into zoning districts, which allow related types of land use in each district and have different requirements for yards, height, parking, minimum lot size, etc.

(Ord. of 9- -1985, intro. ¶)

Sec. 42-2. Definitions.

For the purposes of this chapter, certain words and phrases used herein are defined as follows:

Accessory structure means a detached subordinate building located on the same building site with the main building, the use of which is incidental to that of the main building.

Accessory use means a use customarily incidental to the principal use of a building site or to a building, and located upon the same building site with the accessory use.

Alley means any public space or thoroughfare 20 feet or less in width which has been dedicated or deeded for public use.

Alteration means any structural change in the supporting or load-bearing members of a building, such as bearing walls, columns, beams, or girders.

Automobile wrecking or salvage yard means any collection or aggregation of two or more wrecked, junked, burned, salvaged or inoperative motor vehicles owned by either one person,

corporation, business firm or interest cannot add to the existing numbers of vehicles at the time of adoption of the ordinance from which this chapter is derived in a nonconforming automobile wrecking or salvage yard (need not be enclosed within a structure).

Boardinghouse means a building where, for compensation and by prearrangement, five or more persons other than occasional or transient customers are provided with meals and lodging.

Building means any covered structure intended for the shelter, housing, or enclosure of persons, animals, or chattels; the term "building" shall be construed to include the term "structures."

Building site means the land area occupied, or to be occupied, by a building and its accessory buildings, including such open spaces, yards, minimum area, off-street parking facilities and off-street truck loading facilities as are required by this section; every building site shall abut upon a street.

Building site boundary means any line separating a building site from a street, an alley, another building site, or any land not part of the building site.

Camper means a shelter designed to be mounted upon a motor vehicle and to provide facilities for human habitation or camping purposes.

Camper vehicle means a motor vehicle, such as a pick-up truck, to which a camper is temporarily attached.

Church means a building, together with its accessory buildings and uses, where persons regularly assemble for religious worship, and which building, together with its accessory buildings, and uses, is maintained and controlled by a religious body organized to sustain public worship.

Clinic, dental or medical, means a building in which one or more physicians, dentists, and allied professional assistants are engaged in carrying on their profession. The clinic may include a dental or medical laboratory, but it shall not include inpatient care or operating rooms for major surgery.

Commercial fishing camp means a privately owned fishing camp or business in which items are sold or rented, or fees charged for any activity related to fishing, or other water recreation.

Completely enclosed structure means a building enclosed by a permanent roof and by solid exterior walls pierced only by windows and customary entrance and exit doors.

Convalescent home means a building where three or more persons are provided with medical care, including room and board, under the supervision of one or more physicians. The term "convalescent home" shall not include operating rooms for major surgery.

Dwelling, multiple-family, means a detached building containing three or more dwelling units and used by three or more families living independently of each other; the term includes apartment houses.

Dwelling, one-family, means a detached building containing one dwelling unit and used exclusively by one family.

Dwelling, two-family, means a detached building containing two dwelling units and used by two families living independently of each other.

Dwelling unit means one or more rooms in the same structure, connected together and constituting a separate, independent housekeeping unit for permanent residential occupancy and with facilities for sleeping and cooking.

Family means one or more persons, including, not more than, four lodgers or boarders, living together as a single housekeeping unit.

Gross floor area means the sum of the gross horizontal areas of the several floors of a building, including interior balconies and mezzanines. All horizontal dimensions shall be measured between the exterior faces of walls, including the walls of roofed porches, having more than one wall. The gross floor area of a building shall include the floor area of accessory buildings on the same building site measured the same way.

Home occupation means an occupation for gain or support conducted only by members of a family residing in a dwelling and conducted entirely within the dwelling, provided that no article is sold or offered for sale except such as may be produced by members of the family residing in the dwelling, and further provided that the occupation is incidental to the residential use of the premises and does not utilize more than 25 percent of the floor area of the dwelling. Home occupations shall include in general, personal services when performed by the person occupying the building as his private dwelling, and not including the employment of any additional persons in the performance of such services.

Hospital means an institute providing health services, primarily for in-patients, and medical and surgical care of the sick or injured, including as an integral part of the institution, such related facilities as laboratories, out-patient departments, training facilities, central service facilities, and staff offices.

Hotel means a building containing guestrooms in which lodging is provided with or without meals for compensation, and which is open to transient or permanent guests, or both, and where no provision is made for cooking in any guestroom; the term includes "motel."

Inoperative motor vehicles means a motor vehicle which is unable to travel under its own power, and/or one which does not qualify for a current, valid state inspection sticker.

Liquor includes both low and high alcoholic content beverages.

Lot of record means a lot which is part of a subdivision, the plat of which has been recorded in the office of the clerk of court and recorder of the parish, or a lot described by metes and bounds, the description of which has been recorded in the office of the clerk of court and recorder of the parish, prior to the adoption of the ordinance from which this chapter is derived.

Manufactured home means a movable detached single-family dwelling unit with all of 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; (c) arrive at the site where it is to be occupied as a dwelling complete and ready for occupancy except for minor incidental unpacking and assembly operations, location or supports, connections to utilities, and like; and (d) not to be placed on a foundation as required for permanent structure. A travel trailer is not considered a mobile home when located in the Town of Haughton and not utilized as a single family dwelling, unless it is placed in an R-3 MHP District where travel trailers are authorized.

Mobile home park means a unified development of two or more mobile home sites, plots or stands arranged on a large tract usually under single ownership, meeting the area and yard requirements of this chapter, and designed to accommodate mobile homes for more or less permanent duration; may include travel trailer accommodations provided that no more than 25 percent of the park is used for this purpose.

Modular home means a dwelling unit using all of the same characteristics of a conventionally built home including the use of structural insulation panels (SIPS) and are classified as real property. They are not built on frames, instead are built using engineered lumber and (or) truss system designed to meet or exceed International Building Codes (IBC) as well as Louisiana State Building Codes. A modular home is to be delivered by a specifically designated trailer. Once the modular home structure has reached its destination, it is set in place by crane or rail system. The home can be set either on pier and beams, chain wall or slab. Since there is no tongue, axles or frame to remove, it is considered to be a permanent structure. A modular home can be built utilizing designs that are intended to reflect all characteristics of the neighborhood while providing for modest, high quality houses. The purchase, conveyance, and financing (or refinancing) of the property must be evidenced by a valid and enforceable first lien mortgage or deed of trust that is recorded in the parish immovable property and/or mortgage records and must represent a single real estate transaction under applicable state law.

Motor home means a motor vehicle originally designed, or permanently altered, and equipped for human habitation, or to which a camper has been permanently attached. A motor vehicle to which a camper has been temporarily attached is not a motor home. The term "motor home" includes within its meanings the terms "motor home," "house car," and "camp car" (with motor power).

Nonconforming structure means a building or part thereof, lawfully existing on the effective date of the ordinance from which this chapter is derived and which does not conform to all of the regulations of the district in which it is located.

Nonconforming use means a use which lawfully occupies a building or land on the effective date of the ordinance from which this chapter is derived and which does not conform to all of the regulations of the district in which it is located (to the use regulations of the district in which it is located).

Official map means the map established by the town board of aldermen and the parish police jury, pursuant to the provisions of Act 558 of the 1956 Legislature, showing the streets existing and established as public streets, and the lines of planned new streets or street extensions, widenings, narrowings, or vacations.

Overnight camp areas (public or private) means any area or tract of land when one or more camping sites are rented or leased, or held on rent or leased, or allocated by any other method to accommodate three or more tents, campers, recreation vehicles, other camping vehicles, or any other camping activity for human use.

Permitted structure means a structure meeting all the requirements established by this chapter for the district in which the structure is located.

Recreational vehicle means a motor vehicle originally designed or permanently altered, and equipped for human habitation, or to which a camper has been permanently or temporarily attached. The term "recreational vehicle" includes within its meanings the terms "recreational vehicle," "motor home," "house car," "camp car," "camper vehicles" and "campers."

Roominghouse means a building, other than a hotel, where for compensation and by pre-arrangement, five or more persons other than occasional or transient customers are provided with lodging.

Storage of trucks means an open or covered area, or a portion thereof, used for the storage of any motor vehicle designed, used, or maintained primarily for the transportation of property. The storage of trucks includes within its meaning the storage of trucks, motor trucks and truck tractors.

Street means a public right-of-way which provides vehicular and pedestrian access to adjacent properties.

(Ord. of 9- -1985, § I; Ord. No. 4-2012, 1-8-2013)

Secs. 42-3—42-22. Reserved.

ARTICLE II. DISTRICT REGULATIONS

DIVISION 1. GENERALLY

Sec. 42-23. Creation of districts.

For the purposes of this chapter, all the land within the corporate limits of the town is divided into the following districts:

R-A districts	Residence-agriculture districts
R-1 districts	One-family residence districts
R-2 districts	Multiple-family residence districts
R-3 MHP districts	Residence-mobile home park districts

R-4 districts	One-family residence districts
B-1 districts	Transition business districts
B-2 districts	Neighborhood business districts
B-3 districts	Community and central business districts
I-1 districts	Light industry districts
I-2 districts	Heavy industry districts

(Ord. of 9- -1985, § II(A)(1))

Sec. 42-24. Zoning map.

The zoning districts and the boundaries thereof are shown on the "Zoning Map of Haughton," which map is hereby made part of this chapter, and is on file in the office of the town planning commission.

(Ord. of 9- -1985, § II(A)(2))

Sec. 42-25. District boundaries.

Except where specifically shown by dimension or otherwise on the zoning map, the boundaries of districts are lot lines or other property lines, the centerlines of streets or alleys or such lines extended, railway right-of-way lines, natural boundary lines such as water-courses, and the municipal corporate limit lines, as they may exist from time to time. Questions concerning the exact location of any district boundary shall be decided by the board of appeals.

(Ord. of 9- -1985, § II(A)(3))

Sec. 42-26. Annexed territory.

Zoning district classification where territory, hereafter annexed to the town had prior to its annexation, a zoning classification corresponding to one of the classifications provided for herein, such annexed territory shall retain such classification until and unless changed in accordance with the amendment procedure set forth herein; where territory hereafter annexed to the town had, prior to its annexation, a zoning classification not corresponding to one of the classifications provided for herein or had no classification; such annexed territory shall be in the R-A district until and unless changed in accordance with the amendment procedure set forth herein.

(Ord. of 9- -1985, § II(A)(4))

Sec. 42-27. Classification of new and unlisted uses.

It is recognized that new types of land use will develop, and that forms of land use not anticipated will seek to locate in the parish. In order to provide for such changes and contingencies, a determination of the appropriate zoning classification of any new or unlisted form of land use shall be made as follows:

- (1) All questions concerning the classification of new or unlisted uses shall be referred to the planning commission for an interpretation of the zoning classification into which

the use shall be placed. The referral of the use interpretation question shall be accompanied by a statement of facts listing the nature of the use and whether it involves dwelling activity, sales, processing, type of product, storage, and amount and nature thereof, enclosed or open storage, anticipated employment, transportation requirements, nature and time of occupancy or operation on the premises, the amount of noise, odor, fumes, dust, toxic material and vibration likely to be generated and the requirements for public utilities, such as sanitary sewer and water.

- (2) The planning commission shall consider the nature and described performance of the proposed use and its compatibility with the uses permitted in the various districts and determine the zoning districts within which such use should be permitted.
 - (3) In accord with the amendment procedures set forth herein, the planning commission shall transmit its findings and recommendations for the zoning classification of any new or unlisted use to the board of aldermen for enactment as an amendment to the zoning ordinance.
- (Ord. of 9- -1985, § II(A)(5))

Sec. 42-28. Application of regulations; exception.

(a) No land shall be used or occupied, no structure shall be designed erected, altered, used or occupied, and no use shall be operated unless in conformity with the regulations herein prescribed for the district in which such structure or land is located.

(b) No structure shall be designed, erected, altered, used or occupied to exceed the height limits herein established, to have less building site area, or to have narrower or smaller front, side, and rear yards than herein prescribed for the district in which the structure is located.

(c) No part of a yard or other open space required about any structure for the purpose of complying with the provisions of this chapter shall be included as a part of the yard or other open space similarly required for another structure.

(d) No building site shall be so reduced or diminished that the building site area, yards or other open spaces shall be smaller than prescribed by this chapter.

(e) Every structure, other than an accessory structure, hereafter designed, erected, altered, used, or occupied shall have provided and continuously maintained for it a separate building site as herein defined.

(f) Every use, unless expressly exempted by this chapter, shall be operated entirely within a completely enclosed structure.

(Ord. of 9- -1985, § II(A)(6))

Secs. 42-29—42-59. Reserved.

DIVISION 2. RESIDENTIAL DISTRICTS

Sec. 42-60. R-A districts, residence-agriculture districts.

These districts are composed mainly of unsubdivided lands that are vacant or in agricultural or forestry uses, with some dwelling and some accessory uses. The regulations are designed to protect the essentially open character of the districts by prohibiting the establishment of scattered business, industrial, and other uses that are unrelated to any general plan of development and that might inhibit the best future urban utilization of the land. It is intended that land in these districts will be reclassified to its appropriate residential, commercial or industrial category in accordance with the amendment procedure set forth herein whenever such land is subdivided into urban building sites.

(1) *Permitted uses.* In R-A districts only, the following uses are permitted:

a. *Uses by right.* The uses listed below are permitted subject to the conditions specified:

Accessory use;

Dwelling, one-family;

Extraction of oil and gas;

Farming and truck gardening (need not be enclosed within structure);
 Golf course (but not including commercial miniature course or commercial driving range; need not be enclosed within structure);
 Home occupation;
 Modular home;
 Livestock and poultry raising (including dairy and horse raising exercise tract; need not be enclosed within structure);
 Nameplate (not to exceed one square foot);
 Race horse training facilities (not including commercial race track for pari-mutual betting).

- b. *Uses requiring planning approval.* The uses listed below are permitted upon approval of the location and site plan thereof by the planning commission as being appropriate with regard to transportation and access, water supply, waste disposal, fire and police protection, and other public facilities, as not causing undue traffic congestion or creating a traffic hazard, and as being in harmony with the orderly and appropriate development of the district in which the use is located:

Fire station;
 Outdoor general advertising structure (need not be enclosed within structure; in legally permitted areas);
 Pipeline or electric transmission line (need not be enclosed within structure);
 Park or playground (not including overnight camping);
 Extraction of other minerals (not including extraction by strip mining);
 Railroad right-of-way (not including shops, yards, and team tracks; need not be enclosed within structure);
 Riding academy;
 School, elementary and/or secondary (meeting all requirements of the compulsory education laws of the state university or college; nonprofit);
 Water storage (need not be enclosed within structure);
 Water or sewer pumping station.

- c. *Uses requiring board of appeals approval.* The uses listed below are subject to the same approval of the location and site plan as uses requiring planning approval; in addition, these uses are declared to possess such characteristics of unique or special form that each specific use shall be considered an individual case and shall be subject to approval of the board of appeals in accordance with the provisions of article VII of this chapter governing special exceptions:

Airport (need not be enclosed within structure);
 Airport and dusting service (need not be enclosed within structure);

Campgrounds, commercial and public owned (for overnight camping);
 Cemetery (need not be enclosed within structure);
 Church (including parish house, community house, and educational buildings);
 Correctional, detention, or penal institution;
 Electric substation (need not be enclosed within structure, but must be enclosed within a wall at least ten feet high and adequate to obstruct view, noise, and passage of persons);
 Golf driving range and miniature golf course (need not be enclosed within structure);
 Mobile home;
 Livestock auction market;
 Mobile home for single-family;
 Radio and television broadcasting transmitter (not including studio);
 Revival church (temporary; as a temporary use permit issued by the zoning administrator, such permit to be good for a period not exceeding one week and renewable for not more than three such periods);
 Sanitary landfill;
 Strip mining.

- (2) *Building site area.* Except as provided in article III of this chapter, the minimum building site area shall be:
- a. For a one-family dwelling: 6,000 square feet.
 - b. For any other permitted use: 10,000 square feet.
- (3) *Building height limit.* Except as provided in article III of this chapter, no structure shall be designed, erected, or altered to exceed 2½ stories or 35 feet.
- (4) *Yards required.* Except as provided in article III of this chapter, the minimum dimensions of yards shall be:
- a. Front yard: 30 feet.
 - b. Side yard: five feet.
 - c. Rear yard: 25 feet.
- (Ord. of 9- -1985, § II(B)(1))

Sec. 42-61. R-1 districts, one-family residence districts.

These districts are composed mainly of areas containing one-family dwellings and open areas where similar residential development seems likely to occur; few two-family and multiple-family dwellings are found in these areas. The district regulations are designed to protect the residential character of the areas by prohibiting all commercial activities; to

encourage a suitable neighborhood environment for family life by including among the permitted uses such facilities as schools and churches; and to preserve the openness of the areas by requiring certain minimum yard and area standards to be met.

(1) *Permitted uses.* In R-1 districts only, the following uses are permitted:

a. *Uses by right.* The uses listed below are permitted subject to the conditions specified:

Accessory use;

Dwelling, one-family;

Gardening (gardening is defined, as for personal use and consumption by owner only in R-1 districts. No commercial venture will be allowed, such as selling, bartering, or trading of garden products);

Home occupation;

Mobile home;

Nameplate (not exceeding one square foot in area; need not be enclosed within structure);

Park or playground (public; including recreation center; need not be enclosed within structure; not including overnight camping equipment).

b. *Uses requiring planning approval.* The uses listed below are permitted upon approval of the location and site plan thereof by the planning commission as being appropriate with regard to transportation and access, water supply, waste disposal, fire and police protection, and other public facilities, as not causing undue traffic congestion or creating a traffic hazard, and as being in harmony with the orderly and appropriate development of the district in which the use is located:

Fire station;

Golf course (not including commercial miniature course or commercial driving range; need not be enclosed within structure);

Library (public);

Pipeline or electric transmission line (under ground lines clearly marked);

Railroad right-of-way (not including shops, yards, and team tracks; need not be enclosed within structure);

Water storage (need not be enclosed within structure);

Water or sewer pumping station.

c. *Uses requiring board of appeals approval.* The uses listed below are subject to the same approval of location and site plan as uses requiring planning approval; in addition, these uses are declared to possess such characteristics of unique or

special form that each specific use shall be considered an individual case and shall be subject to approval of the board of appeals in accordance with the provisions of article VII of this chapter governing special exceptions:

Art gallery or museum;

Cemetery (need not be enclosed within structure);

Church (including parish house, community house, and educational buildings);

Correctional, detention, or penal institution;

Convalescent home or other institution for care of special groups;

Electric substation (need not be enclosed within structure; must be enclosed within a wall at least ten feet high and adequate to obstruct view, noise, and passage of persons);

Hospital or sanitarium;

School, elementary and/or secondary (meeting all requirements of the compulsory education laws of the state);

Mobile home;

Public overnight camping;

Telephone exchange (not including administrative offices, (non-profit) shops or garages;

University or college.

- (2) *Building site area.* Except as provided in article III of this chapter, the minimum building site area shall be:
- a. For a one-family dwelling: 6,000 square feet.
 - b. For any other permitted use: 10,000 square feet.
- (3) *Building height limit.* Except as provided in article III of this chapter, no structure shall be designed, erected, or altered to exceed 2½ stories or 35 feet.
- (4) *Yards, required.* Except as provided in article III of this chapter, the minimum dimensions of yards shall be:
- a. Front yard: 30 feet.
 - b. Side yard: five feet.
 - c. Rear yard: 25 feet.

(Ord. of 9- -1985, § II(B)(2); Ord. No. 1-1995, § 2, 1-10-1995)

Sec. 42-62. R-2 districts, multiple-family districts.

These districts are composed mainly of areas containing a mixture of one-family, two-family, and multiple-family dwellings. The district regulations are designed to protect the residential character of the areas by prohibiting all commercial activities; to encourage a suitable neighborhood environment for family life by including among the permitted uses such facilities

as schools and churches; to prevent overcrowding of the land by requiring certain minimum yard and other open spaces for all buildings, and to avoid excessive population density by requiring a certain minimum building site area for each dwelling unit.

- (1) *Permitted uses.* In R-2 districts only, the following uses are permitted:
 - a. *Uses by right.* The uses listed below are permitted subject to the condition specified:
 1. All uses by right permitted in R-1 districts;
 2. Dwelling, two-family;
 3. Dwelling, multiple-family.
 - b. *Uses requiring planning approval.* The uses listed below are permitted upon approval of the location and site plan thereof by the planning commission as being appropriate with regard to transportation and access, water supply, waste disposal, fire and police protection, and other public facilities, as not causing undue traffic congestion or creating a traffic hazard, and as being in harmony with the orderly and appropriate development if the district in which the use is located: All uses requiring planning approval permitted in R-1 districts.
 - c. *Uses requiring board of appeals approval.* The uses listed below are subject to the same approval of location and site plan as uses requiring planning approval; in addition, these uses are declared to possess such characteristics of unique or special form that each specified use shall be considered an individual case and shall be subject to approval of the board of appeals in accordance with the provisions of section VII governing special exceptions. All special exception uses permitted in R-1 districts: nursery, day care, or kindergarten.
- (2) *Building site area.* Except as provided in article III of this chapter, the minimum building site area shall be:
 - a. For a one-family dwelling: 6,000 square feet.
 - b. For a two-family dwelling: 8,000 square feet.
 - c. For a multiple-family dwelling:
 1. First two dwelling units: 8,000 square feet.
 2. Each additional dwelling unit: 2,000 square feet.
 3. For any other permitted use: 10,000 square feet.
- (3) *Building height limit.* Except as provided in article III of this chapter, no structure shall be designed, erected, or altered to exceed three stories or 45 feet.
- (4) *Yards required.* Except as provided in article III of this chapter, the minimum dimensions of yards shall be:
 - a. Front yard: 30 feet.
 - b. Side yard: five feet.

- c. Rear yard: 25 feet.
(Ord. of 9- -1985, § II(B)(3); Ord. No. 1-1995, 1-10-1995)

Sec. 42-63. R-3 MHP districts, residence-mobile home park districts.

These districts are composed mainly of areas containing mobile home sites arranged on a large tract, usually under single ownership and designed to accommodate mobile homes for more or less permanent duration along with other uses compatible to such parks which provide related services. Such areas shall be well suited for residential purposes, with commercial and office uses to be prohibited, to encourage a suitable living environment for family life, by including among the permitted uses such facilities as schools and churches, and to preserve the openness of the areas by requiring certain minimum yard and space standards to be met.

- (1) *Permitted uses.* In the R-MHP districts only, the following uses are permitted.
- a. *Uses by right.* The uses listed below are permitted subject to the conditions specified:
- Accessory use;
 - Dwelling, one-family;
 - Mobile home;
 - Nameplate (not exceeding one square foot in area; need not be enclosed within structure);
 - Park or playground (public; including recreation center; need not be enclosed within structure; not to include overnight camp facilities);
 - Travel trailer.
- b. *Uses requiring planning commission approval.* The uses listed below are permitted upon approval of the location and site plan thereof by the planning commission as being appropriate with regard to transportation and access, water supply, waste disposal, fire and police protection and other public facilities, as not causing undue traffic congestion or creating a traffic hazard, and as being in harmony with the orderly and appropriate development of the district in which the use is located:
- Fire station;
 - Golf course (not including commercial miniature course or commercial driving range; need not be enclosed within structure);
 - Library (public);
 - Pipeline or electric transmission line (need not be enclosed within structure);
 - Railroad right-of-way (not including shops, yards, and team tracks; need not be enclosed within structure);
 - Water storage (need not be enclosed within structure);
 - Water or sewage pumping station.

- c. *Uses requiring board of appeals approval.* The uses listed below are declared to possess such characteristics of unique or special form that each specific use shall be considered an individual case, and shall be subject to approval of the board of appeals in accordance with the provisions of article VII of this chapter governing special exceptions:

Art gallery or museum;

Church (including parish house, community house, and educational buildings);

Electric substation (need not be enclosed within structure, but must be enclosed within a wall at least ten feet high and adequate to obstruct view, noise, and passage of persons);

Nursery, day care, or kindergarten;

Public overnight camping;

School (elementary and/or secondary; meeting all requirements of the compulsory education laws of the State of Louisiana);

Telephone exchange (not including administrative offices shop or garages).

- (2) *Building site area.* Except as provided in article III of this chapter, the minimum building site area shall be:

- a. For a mobile home park, ten acres, except that a mobile home park may be approved for less than ten acres, provided that a minimum 5,000 square foot building site shall be required for each mobile home unit, and for mobile home parks of less than ten acres. No mobile home park shall be permitted on sites of less than three acres.
- b. For a mobile home subdivision, the minimum lot size is 6,000 square feet. For all other permitted uses, the minimum lot size is 10,000 square feet.

- (3) *Building height limit.* Except as provided in article III of this chapter, no structure shall be erected or altered to exceed 35 feet.

- (4) *Yards required.* Except as provided in article III of this chapter, the minimum dimensions of yards shall be:

- a. *For a mobile home park external boundaries.*

- 1. Front yard: 30 feet.
- 2. Side yard: five feet.*
- 3. Rear yard: 25 feet.*

*Except that where the rear of all trailers along any side or rear yard back to that yard and have no entrances to the rear of the trailer, the side and rear yard may be reduced to ten feet.

- b. *For each mobile home unit or accessory structure.* Mobile home site width:

- 1. *Front yard.*
 - (i) From dedicated internal street: 25 feet.

- (ii) From private driveway designed or used for access: ten feet.
 - (iii) Side yard: ten feet (or a minimum of 20 feet between units).
2. *Rear yard.*
- (i) If either unit contains a rear door: ten feet.
 - (ii) If neither unit contains a rear door: five feet.
 - (iii) In each case the total distance of 20 feet or ten feet may be applied.
- (5) *Special conditions.*
- a. *Sanitation, fire protection and utility services.* Sanitation, fire protection and utility services shall be provided to each building site in accordance with the requirements of the town and the state health departments.
 - b. *Plan of ingress and egress.* A plan of ingress and egress to the property shall be approved by the planning commission and the town engineer.
 - c. *Drainage and utility easement.* There shall be provided on the park property, adequate drainage and utility easements, approved by the parish engineer or town engineer.
 - d. *Solid waste and trash pickup and disposal.* The park owner shall provide for solid waste and trash pickup and disposal.
 - e. *Street standards.* Streets, public or private, shall meet the requirements of the subdivision regulations of the town.
 - f. *Screening fence.* There shall be constructed and properly maintained, a proper fence between park and adjoining residentially zoned property. As a minimum, fence may be chain link with slats, redwood or cedar, or masonry; not less than six feet in height.
 - g. *Tie-downs.* Every mobile home to be located in a mobile home park under provisions of this section shall be equipped with adequate foundations and tie-downs intended to secure such units against movement, settling and overturning, for the protection of life and property; and no certificate of occupancy shall be issued for any mobile home unit until tie-down requirements have been met.
- (6) *Number of tie-downs required.* All mobile home stands shall be provided with tie-downs as follows:

<i>Length of Frame (in feet)</i>	<i>Number of Ties (per side)</i>
Up to 30	2
30 to 50	3
50 to 70	4
Over 70	5

(7) *Ground anchors.*

- a. Anchors shall be bolted in concrete, screw auger or auger, anchor-driven, or any other type manufactured and approved for use.
- b. All anchors shall be galvanized, high-tensile steel, not less than five eighths inch-diameter, with a drop-forged, closed eye or any other approved method of anchorage. All anchors shall be not less than four feet in length, installed to full depth, according to manufacturer's recommendation, with only the eye protruding above grade for connecting the tie-down system.
- c. Connection to the mobile home I-beam frame shall be a five-eighths inch or larger drop-forged closed eye bolted through a hole drilled through the frame, or by any other approved and adequate wrap-around, hook or clamp method.
- d. Not less than five-eighths-inch drop-forged turnbuckles with closed eyes and screw pins shall be attached to the frame above and the ground anchor below and securely tightened in place. Steel straps or cables may be used in lieu of turnbuckles, if they are of equal or greater strength and are securely tightened in place with a tensioning tool and clamped.

- (8) *Tie-downs when concrete slabs, runner, or strips provided.* When concrete slabs, runners, or strips are provided, tie-downs may be set in the concrete slabs, strips or runners, provided that such strips or runners are a minimum of four inches in thickness and reinforced with not less than 28-gauge wire mesh. Such strips or runners shall be a minimum of 30 inches wide, and not less than the length of the mobile home unit if tie-downs are not to be set in the concrete slabs.

(Ord. of 9- -1985, § II(B)(4))

Sec. 42-64. R-4 districts, one-family residence district.

These districts are composed mainly of areas containing one-family dwellings and mobile homes where similar residential development seems likely to occur. The district regulations are designed to protect the residential character of the areas by prohibiting all commercial activities; to encourage a suitable neighborhood environment for family life by including such facilities as schools and churches; and to preserve the openness of the areas by requiring certain minimum yard and area standards to be met.

- (1) *Permitted use.* In R-4 districts only, the following uses are permitted:

- a. *Uses by right.* The uses listed below are permitted subject to the conditions specified:
 - Accessory use;
 - Dwelling, one-family;
 - Gardening (gardening is defined, as for personal use and consumption by owner only in R-4 districts. No commercial venture will be allowed, such as selling, bartering, or trading of garden products);
 - Home occupation;

Mobile home;

Nameplate (not exceeding one square foot);

Park or playground (public including recreation center; need not be enclosed within structure; not including overnight camping equipment).

- b. *Uses requiring planning approval.* The uses listed below are permitted upon approval of the location and site plan thereof by the planning commission as being appropriate with regard to transportation and access, water supply, waste disposal, fire and police protection, and other public facilities, as not causing undue traffic congestion or creating a traffic hazard, and as being in harmony with the orderly and appropriate development of the district in which the use is located:

Fire station;

Golf course (not including commercial miniature course or commercial driving range; need not be enclosed within structure);

Library (public);

Pipeline or electric transmission line (underground lines clearly marked);

Railroad right-of-way (not including shops, yards, and team tracks; need not be enclosed within structure);

Water or sewer pumping station.

- c. *Uses requiring board of appeals approval.* The uses listed below are subject to the same approval of location and site plan as uses requiring planning approval; in addition, these uses are declared to possess such characteristics of unique or special form that each specific use shall be considered an individual case and shall be subject to approval of the board of appeals in accordance with the provisions of article VII of this chapter governing special exceptions:

Art gallery or museum;

Cemetery (need not be enclosed within structure);

Church (including parish house, community house, and educational building);

Correctional, detention, or penal institution;

Convalescent home or other institution for care of special groups;

Electric substation (need not be enclosed within structure; must be enclosed within a wall at least ten feet high and adequate to obstruct view, noise and passage of persons);

Hospital or sanitarium;

Mobile home;

Public overnight camping;

School, elementary and/or secondary (meeting all requirements of the compulsory education laws of the state);

Telephone exchange (not including administrative offices, university or college (nonprofit) shops or garages).

- (2) *Building site area.* Except as provided in article III of this chapter, the minimum building site area shall be:

For a one-family dwelling: 6,000 square feet.

For any other permitted use: 10,000 square feet.

- (3) *Building height limit.* Except as provided in article III of this chapter, no structure shall be designed, erected, or altered to exceed 2½ stories or 35 feet.

- (4) *Yards required.* Except as provided in article III of this chapter, the minimum dimensions of yards shall be:

- a. Front yard: 30 feet.

- b. Side yard: five feet.

- c. Rear yard: 25 feet.

(Ord. of 9- -1985, § II(B)(5); Ord. No. 1-1995, § 5, 1-10-1995)

Sec. 42-65. Manufactured homes.

(a) *Prohibition.* Any further placement of manufactured homes, as defined by this section as amended, within the corporate limits of the Town of Haughton, except in R-3 MHP Districts, after the date of the adoption of this amendment to the zoning ordinance of the Town of Haughton is hereby prohibited.

(b) *Existing manufactured homes.* Manufactured homes presently located in the Town of Haughton at the time of the adoption of the amended ordinance are to be considered "non-conforming."

- (1) If moved, or if destroyed by natural causes may be replaced within six months of the initial date of loss. In such a case, if the manufactured home is not replaced within the final date of the six-month period the non-conforming use privilege will be lost. If after the non-conforming home has been removed for any reason or lost by natural causes, and the land is sold the non-conforming use privilege is invalid.

- (2) Any manufactured homes presently considered "non-conforming" will be required to provide a written statement to the Town of Haughton of the non-conforming manufactured home's removal date or, in the case of the home having been destroyed, provide the date of loss. This date will become record as the start date and will be the same date of the sixth month, that the use of the "non-conforming" privilege will be invalid.

(c) *Exceptions.* This section shall not apply:

- (1) To manufactured homes utilized on a temporary basis during periods of construction of authorized housing.

- (2) To exceptions granted by the zoning board and/or zoning board of appeals as per Ordinance No. 9-1985 in accordance with the provisions of article VII of chapter 42 governing special exceptions.

(Ord. No. 4-2012, 1-8-2013; Ord. No. 1-2014, 3-11-2014)

Secs. 42-66—42-86. Reserved.

DIVISION 3. BUSINESS DISTRICTS

Sec. 42-87. B-1 districts, transition business districts.

These districts are composed of land and structures occupied by or suitable for such uses as offices, studios, and public parking lots. Although usually located between residential areas and business areas, these districts are, in some instances, freestanding in residential areas. The district regulations are designed to protect and encourage the transitional character of the district by limiting the permitted uses to those of a semi-commercial nature and to protect the abutting and surrounding residential areas by requiring certain minimum yard and area standards to be met, standards that are comparable to those called for in the residence districts.

- (1) *Permitted uses.* In the B-1 districts only, the following uses are permitted:
- a. *Uses by right.* The uses listed below are permitted subject to the conditions specified:
 - Accessory use;
 - Antique store;
 - Apothecary (limited to the sale of pharmaceuticals and medical supplies);
 - Art gallery or museum;
 - Bookstore;
 - Church (including parish house, community house, and educational buildings);
 - Ceramic shop (sales only);

Club or lodge (private; not including the chief activity of which is a service customarily carried on as a business);

Convalescent home;

Distribution service (circulars, samples, etc.);

Electric substation (need not be enclosed within structure but must be enclosed with a wall at least ten feet high and adequate to obstruct view, noise, and passage of persons);

Fire station;

Floral shop (not including greenhouse);

Gift shop;

Interior decorating shop;

Library or reading shop;

Loan or finance office (no repossessed or acquired items or automobiles stored on premises);

Nameplate (not exceeding 32 square feet in area; need not be enclosed within structure four by eight or 32 square feet);

Nursery, day care, or kindergarten;

Office;

Park or playground (public; including recreation center; need not be enclosed within structure);

Parking lot;

Picture framing shop;

Pipeline or electric transmission line right-of-way;

Radio and television broadcasting studio (not including transmitter);

Railroad right-of-way (not including shops, yards, and team tracks; need not be enclosed within structure);

Roominghouse or boardinghouse;

Studio (for professional work or teaching of any form of fine arts, photography, music, drama, dance and health club);

Telephone exchange (not including administrative offices, shops, or garages);

Water storage (need not be enclosed within structure);

Water or sewer pumping station.

- b. *Uses requiring planning commission approval.* The uses listed below are permitted upon approval of the location and site plan thereof by the planning commission as being appropriate with regard to transportation and access, water supply, waste disposal, fire and police protection and other public facilities, as not

causing undue traffic congestion or creating a traffic hazard, and as being in harmony with the orderly and appropriate development of the district in which the use is located:

1. Residential uses.
 2. Club or lodge (private).
- c. *Uses requiring board of appeals approval.* The uses listed below are subject to the same approval of location and site plan as uses requiring planning approval; in addition, these uses are declared to possess such characteristics of unique or special form that each specific use shall be considered an individual case and shall be subject to approval of the board of appeals in accordance with the provisions of article VII of this chapter governing special exceptions:
1. Outdoor advertising structure (in legal area need not be enclosed in a structure).
 2. Clinic (medical or dental).
- (2) *Building site area.* There is no minimum required building site area.
- (3) *Building height limit.* Except as provided in article III of this chapter, no structure shall be designed, erected, or altered to exceed 2½ stories or 35 feet. Clinic, medical or dental.
- (4) *Yards required.* Except as provided in article III of this chapter, the minimum dimensions of yards shall be:
- a. Front yard: 25 feet.
 - b. Side yard: five feet.
 - c. Rear yard: 25 feet.
- (Ord. of 9- -1985, § II(C)(1))

Sec. 42-88. B-2 districts, neighborhood business district.

These districts are composed of land and structures occupied by or situated for furnishing the retail goods, such as groceries and drugs, and the services such as barbering and shoe repairing, to satisfy the daily household needs of the surrounding residential neighborhoods. Often located on one or more thoroughfares, these districts are small and are within convenient walking distance of most of the areas they will serve. The district regulations are designed to permit the development of the districts for their purpose and to protect the abutting and surrounding residential areas by requiring certain minimum yard and area standards to be met, standards that are comparable to those called for in residence districts. It is intended that additional neighborhood business districts will be created, in accordance with the amendment procedure set forth herein, as they are needed to serve new residential

areas. To ensure that such new districts are actually developed to supply the business needs of the neighborhoods, the amendment creating the district may set a time limit for its development.

(1) *Permitted uses.* In B-2 districts only, the following uses are permitted:

a. *Uses by right.* The uses listed below are permitted subject to the conditions specified:

Accessory use;

Antique store;

Apothecary;

Apparel and accessory store (including altering and repairing);

Appliance store;

Art gallery or museum;

Artificial limbs, manufacture and sales;

Automobile service station (where the primary function is the retail sale of gasoline, oil, grease, tires, batteries, and accessories, and where services are limited to installation of items sold, washing, polishing and greasing; fuel pumps need not be enclosed within structure; pump islands shall be located at least 15 feet from the property line; canopies anchored or supported in a pump island may extend to within five feet of the property line; canopies shall have a minimum height of ten feet above the driveway);

Auto parts store;

Bakery (retail);

Bank;

Barbershop or beauty shop;

Bookstore;

Business machines store or agency;

Camera and photographic supplies store;

Candy, nut and confectionery store;

Carpet store;

Catering shop;

Ceramic shop (sales only);

Clinic (dental or medical);

Convalescent home;

Dairy products sales;

Delicatessen;

Drugstore;

Dry cleaning plant (with non-inflammable cleaning agents; no outside steam);

Electric substation (need not be enclosed within structure, but must be enclosed within a wall at least ten feet high and adequate to obstruct view, noise, and passage of persons);

Exterminator service;

Fire station;

Fix-it shop;

Floral shop (including greenhouse);

Fruit store;

Garden supplies store (handling packaged fertilizer and no other types of fertilizer);

Gift shop;

Grocery store (retail);

Hardware store (retail);

Health club;

Hobby supply store;

Institution for children or the aged;

Interior decorating shop;

Jewelry store (including repairing of jewelry, watches and clocks);

Landscape garden sales (need not be enclosed within structure);

Laundry (self-service or laundromat);

Laundry and/or dry cleaning pick-up station;

Library or reading room;

Loan or finance office (no repossessed or acquired items or automobiles stored on premises);

Nursing home;

Nursery, day care, or kindergarten;

Office;

Optician;

Outdoor general advertising structure (need not be enclosed within structure);

Parking lot;

Picture framing shop;

Pipeline or electric transmission line right-of-way;

Post office;

Radio and television store and repair shop;

Radio and/or television broadcasting studio (not including transmitter);

Railroad right-of-way (not including shops, yards, and team tracks; need not be enclosed within structure);

Rent-all store;

Restaurant (where food, including beverages, is served and consumed inside the enclosed structure; the serving or consumption of foods or beverages is not allowed outside the enclosed structure);

Roominghouse or boardinghouse;

Shoe store (retail);

Sporting goods store (retail, excluding repair and testing of motors and outdoor boat display);

Studio (for professional work or teaching of any form of the fine arts, photography, music, drama, dance; not including commercial gymnasium);

Telephone exchange (not including administrative offices, shops or garages);

Theater (indoor);

Toy store;

Uniform sales and service (cleaning only with non-inflammable cleaning agents; no outside steam);

Variety store (limited to the sale of items which may be sold by any other use in this district);

Water storage (need not be enclosed within structure);

Water or sewage pumping station;

Wig shop (retail);

YMCA, YWCA; and similar institutions.

- b. *Uses requiring board of appeals approval.* The uses listed below are permitted upon approval of the location and site plan thereof by the planning commission as being appropriate with regard to transportation and access, water supply, waste disposal, fire and police protection, and other public facilities, as not causing undue traffic congestion or creating a traffic hazard, and as being in harmony with the orderly and appropriate development of the district in which the use is located: Restaurant (liquor sales for consumption on premises permitted only as a subordinate use to the principal use of food service with no separate bar for customers in legally permitted areas).
- (2) *Building site area.* There is no minimum required building site area.
- (3) *Building height limit.* Except as provided in article III of this chapter, no structure shall be designed, erected or altered to exceed 2½ stories or 35 feet.
- (4) *Yards required.* Except as provided in article III of this chapter, the minimum dimensions of yards shall be:
- a. Front yard: 25 feet.

- b. Side yard: None.
 - c. Rear yard: 25 feet.
- (Ord. of 9- -1985, § II(C)(2))

Sec. 42-89. B-3 districts, community and central business districts.

These districts are composed of land and structures used to furnish, in addition to the retail goods and services found in neighborhood business districts, the wider range of retail goods and services to satisfy all of the household and personal needs of the residents of the town and its trade area. Located at or near the convergence of principal throughfares and highways, these districts are centrally placed for the convenience of all of the people of the town. The district regulations are designed to permit the development of the districts for their purpose in an open spacious arrangement by requiring certain minimum yard and area standards to be met, standards that are comparable to those called for in residence districts. To protect the abutting and surrounding residential areas, certain restrictions are placed on uses. Although new districts of this type will not often be called for, such districts can be created in accordance with the amendment procedure set forth herein, if they are needed. To ensure that such districts are actually developed to supply the business needs of the groups of neighborhoods, the amendment creating the district may set a time limit for its development.

- (1) *Permitted uses.* In the B-3 districts only, the following uses are permitted:
- a. *Uses by right.* The uses listed below are permitted subject to the conditions specified:
 - Accessory use;
 - Air-conditioning sales and service;
 - Ambulance service;
 - Amusement (commercial), miniature golf course, and golf driving range (need not be enclosed within structure);
 - Animal clinic (no outside kennels);
 - Antique store;
 - Apothecary;
 - Apparel and accessory store;
 - Appliance store;
 - Armory;
 - Art gallery or museum;
 - Artificial limbs manufacture and/or sales;
 - Auditorium;
 - Automobile and truck sales and/or repair (not including commercial wrecking, dismantling, or auto salvage yard; need not be enclosed within structure, provided the unenclosed part shall comply with the requirements for the maintenance of off-street parking facilities, except the prohibition of sales);

Automobile service station and/or repair (where the primary function is the retail sale of gasoline, oil, grease, tires, batteries, and accessories, washing, polishing and greasing; fuel pumps need not be enclosed within structure; pump islands shall be located at least 15 feet from the property line; canopies anchored or supported in a pump island may extend to within five feet of the side property line; canopies shall have a minimum height of ten feet above driveway; not including commercial wrecking, dismantling, or auto salvage yard);

Automobile laundry, car wash (where the primary function is washing automobiles; not including trucks or trailers, and the retail sale of accessories is a secondary use only and must be operated within an enclosed structure; all wastes shall be discharged in compliance with parish ordinance);

Auto parts store;

Bait store: sales (live bait; need not be enclosed within structure);

Bakery (retail or wholesale);

Bank;

Barber and/or beauty school;

Barbershop and/or beauty shop;

Barber and/or beauty supplies and equipment sales;

Beverage manufacture (not including alcoholic);

Bicycle and/or lawn mower sales and repair;

Bindery, bookbinding;

Boat sales and repair, storage yard (need not be enclosed within structure);

Blueprinting and photostating;

Bookstore;

Bowling alley;

Brooms and brushes manufacture;

Building specialist's store;

Business college;

Business machines store or agency;

Cabinet or carpenter shop;

Camera and photographic supplies store;

Candy, nut and confectionery store;

Canvas products manufacture;

Carpet store;

Catering shop;

Ceramic shop, sales, equipment and supplies and manufacture;

Town hall, police station, courthouse or federal building;

Clinic (dental or medical);
Club or lodge (private);
Coffee roasting;
Commercial fishing camp;
Commercial overnight camping facility;
Convalescent home;
Copy service, reproduction, printing, etc.;
Correctional, detention or penal institution;
Cosmetics (compounding only);
Creamery;
Dairy equipment sales;
Dairy products sales;
Delicatessen;
Dental lab and supply;
Department store (limited to the sale of items which may be sold by any other use permitted in this district);
Driving range (need not be enclosed within structure);
Drugstore;
Drug compounding and manufacturing;
Dry cleaning plant (with non-inflammable cleaning agents only);
Dry goods store (retail or wholesale);
Electric repair shop;
Electric substation (need not be enclosed within structure, but must be enclosed within a wall at least ten feet high and adequate to obstruct view, noise, and passage of persons);
Elevator maintenance and service;
Exterminator service;
Farm equipment and supplies store;
Feed store;
Fire station;
Fix-it shop;
Fixture sales;
Floor covering sales;
Floral shop (including greenhouse);

- Food locker plant (renting only individual lockers for home and customer storage of food; cutting and packaging of meats and game permitted, but not including any slaughtering or eviscerating thereof);
- Food products (wholesale storage and sales);
- Fruit store (retail);
- Fruit and produce (wholesale);
- Funeral home, mortuary or undertaking establishment;
- Fury dyeing, finishing, storage (no tanning);
- Furniture repair and upholstering;
- Furniture store (retail or wholesale);
- Garden supplies store (handling packaged fertilizer and no other types of fertilizer);
- Gift shop;
- Glass store;
- Golf driving range and miniature golf (need not be enclosed within structure);
- Greenhouse (commercial);
- Grocery store (retail);
- Gymnasium (commercial);
- Hardware store (retail);
- Hardware (wholesale storage and sales);
- Hatchery;
- Health club;
- Hobby supply store;
- Hotel, motel, tourist home (all for transient occupancy except that not more than one-third of the gross floor area may be used for apartments for permanent occupancy);
- Ice cream manufacture;
- Ice cream store;
- Institution for children or the aged;
- Interior decorating shop;
- Janitorial service;
- Jewelry store (including repairing of jewelry, watches and clocks);
- Kennels (no outside kennels);
- Laboratory;
- Laboratory (dental or medical);
- Landscape garden sales (need not be enclosed within structure);

Laundry (self-service or laundromat);
Laundry and/or dry cleaning (with non-inflammable cleaning agents only);
Laundry and/or dry cleaning pick-up station;
Leather goods or luggage store;
Library or reading room;
Loan office;
Loan or finance office (no repossessed or acquired items or automobiles stored on premises);
Locksmith;
Machinery, tools, and construction equipment, sales and service;
Mail-order house;
Marine store;
Millinery manufacture;
Miniature golf course (need not be enclosed within structure);
Mobile home sale;
Motorcycle sales and service;
Moving and storage warehouse;
Music store;
Newsstand;
Novelty and souvenir manufacture;
Nursery, day care or kindergarten;
Nursery, day care, kindergarten (need not be enclosed within structure);
Nursing home;
Office;
Office equipment and supplies sales;
Optical goods (wholesale);
Optician;
Outboard motors, sales and repair;
Outdoor general advertising structure (need not be enclosed within structure);
Paint and wall paper store;
Painting and decorating contractor;
Paper supplies (wholesale);
Parking lot;
Passenger depot (railway or bus);
Pawnshop;
Pet store;

Photographic studio and/or processing;
Picture framing and/or mirror silvering;
Picture framing shop;
Pipeline or electric transmission line right-of-way;
Plumbing shop;
Police station;
Post office;
Pressing, altering and repairing of wearing apparel;
Printing, publishing and allied industries;
Radio and television broadcasting (studio and transmitter);
Radio and/or television broadcasting studio (not including transmitter);
Radio and television store and repair shop;
Railroad facilities (except shops; need not be enclosed within structure);
Railroad right-of-way (not including shops, yards, and team tracks; need not be enclosed within structure);
Recreation center (commercial);
Recreational vehicle (sales and service);
Rent-all store;
Restaurant;
Restaurant (drive-in);
Restaurant (where foods, including beverages, are served and consumed inside the enclosed structure; the serving or consumption of foods or beverages is not allowed outside the enclosed structure);
Restaurant supplies sales;
Riding academy (need not be enclosed within structure);
Roominghouse and boardinghouse;
Rug cleaning;
Seafood store (retail);
Seed store;
Shoe repair shop;
Shoe store (retail);
Shoe store (wholesale);
Sporting goods store (retail, excluding repair and testing of motors and outdoor boat display);
Studio (for professional work or teaching of any form of the fine arts, photography, music, drama, dance; not including commercial gymnasium);

- Telephone exchange (not including administrative offices, shops or garages);
- Theater (indoor);
- Toy store;
- Uniform sales and service (cleaning only with non-inflammable cleaning agents; no outside steam);
- Variety store (limited to the sale of items which may be sold by any other use in this district);
- Water storage (need not be enclosed within structure);
- Water or sewage pumping station;
- Wig shop (retail);
- YMCA, YWCA and similar institutions.

- b. *Uses requiring board of appeals approval.* The uses listed below are subject to the same approval of location and site plan as uses requiring planning approval; in addition, these uses are declared to possess such characteristics of unique or special form that each specific use shall be considered an individual case and shall be subject to approval of the board of appeals in accordance with the provisions of article VII of this chapter governing special exceptions:

- Liquor sales (in legally permitted areas);
- Drugstore, package liquor sales (in legally permitted areas as a subordinate use to drug sales);
- Liquor store (package sales only in legally permitted areas);
- Liquor for consumption on premises (in legally permitted areas).

- (2) *Building site area.* The minimum building site area shall be two acres unless adjacent to existing B-3 district.
- (3) *Building height limit.* Except as provided in article III of this chapter, no structure shall be designed, erected or altered to exceed 2½ stories or 35 feet.
- (4) *Yards required.* Except as provided in article III of this chapter, the minimum dimensions of yards shall be:
 - a. Front yard: 25 feet.
 - b. Side yard: None.
 - c. Rear yard: 25 feet.

(Ord. of 9- -1985, § II(C)(3))

Secs. 42-90—42-106. Reserved.

DIVISION 4. INDUSTRY DISTRICTS

Sec. 42-107. I-1 districts, light industry districts.

These districts are composed of land and structures used for light manufacturing or wholesaling, or suitable for such uses, where the use and its operation do not directly adversely affect nearby residential and business uses. These districts are usually separated from residential areas by business areas or by natural barriers. The district regulations are designed to allow a wide range of industrial activities subject to limitations designed to protect nearby residential and business districts.

(1) *Permitted uses.* In the I-1 districts only, the following uses are permitted:

a. *Generally.*

Sign shop;

Skating rinks;

Small animal clinic (no outside kennels);

Sporting goods store (retail);

Sporting goods store (wholesale);

Stone monument sales (retail; need not be enclosed within structure);

Studio for professional work or teaching of any form of fine arts, photography, music, drama and dance;

Surgical, medical, or dental supplies store;

Tailor shop;

Taxidermy shop;

Telephone exchange (not including shops and garage);

Theater (indoor);

Tile shop;

Tire store;

Tobacco store;

Toy store;

Trailer sales;

Uniform sales and service (cleaning only with non-inflammable cleaning agents);

Variety store;

Vegetable store;

Vending machine shop;

Venetian blind and metal awning (fabrication and cleaning);

Warehousing (including mini-warehousing);

Water distillation;

Water storage (need not be enclosed within structure);

Water or sewage pumping station;
 Wholesale and warehousing;
 Wig shop (retail);
 YMCA, YWCA, and similar institutions;
 X-ray apparatus.

- b. *Uses requiring planning commission approval.* The uses listed below are permitted upon approval of the location and site plan thereof by the planning commission as being appropriate with regard to transportation and access, water supply, waste disposal, fire and police protection, and other public facilities, as not causing undue traffic congestion or creating a traffic hazard, and as being in harmony with the orderly and appropriate development of the district in which it is located:

Dancehall and discotheques;
 Theatre (outdoor; need not be enclosed within structure).

- c. *Uses by right.* The uses listed below are permitted subject to the conditions specified:

Accessory use;
 Air conditioning sales and service;
 Airport (need not be enclosed within structure);
 Airport and dusting service (need not be enclosed within structure);
 Animal hospital or clinic (with outside kennels);
 Armory;
 Automobile and truck maintenance (shops and garages);
 Automobile and truck sales and/or repair (not including commercial wrecking, dismantling; need not be enclosed, provided the unenclosed part shall comply with the requirements for maintenance of off-street parking facilities, except the prohibition of sales);
 Automobile storage (commercial; need not be enclosed within structure);
 Automobile and truck body repair;
 Aviary (need not be enclosed within structure);
 Awning fabrication and cleaning;
 Bakery (wholesale);
 Barber and beauty supplies and equipment sales;
 Battery manufacture;
 Beverage manufacture (not including alcoholic);
 Boat manufacture;
 Boat sales and repair;

Brooms and brushes manufacture;

Burial vaults manufacture;

Canvas products manufacture;

Carnival or circus (as a temporary use on permit issued by the zoning administrator, such permit to be good for a period not exceeding three days and renewable for not more than three such periods; need not be enclosed within structure);

Carting, express, crating, hauling and storage;

Casket manufacture;

Clothing manufacture;

Coffee roasting;

Cold storage plant;

Commercial recreation center;

Concrete and concrete products manufacture (need not be enclosed within structure);

Contractor's storage yard for vehicles, equipment, materials, and/or supplies (need not be enclosed within structure);

Cosmetics (compounding only);

Creamery;

Dairy equipment sales;

Dog pound (need not be enclosed within structure);

Drug manufacture;

Dry cleaning;

Dry goods (wholesale);

Electric repair shop;

Electric substation (need not be enclosed within structure);

Electronic and communication equipment manufacture;

Electroplating;

Elevator maintenance and service and manufacture and sales;

Farm equipment and supplies sales;

Farming and truck gardening (need not be enclosed within structure);

Feed store;

Fiberglass fabricators;

Fire station;

Fixture sales;

Food locker plant (renting only individual lockers for home customer storage of food; cutting and packaging of meats and game permitted, but not including any slaughtering or eviscerating thereof);
Food products manufacture;
Food products (wholesale storage and sales);
Foundry;
Freight depot, railway, truck or bus;
Frozen food plant;
Fruit and produce (wholesale);
Glass products manufacture (from glass stock);
Greenhouse (commercial);
Hardware (wholesale storage and sales);
Hardware manufacture;
Hatchery;
Horse training facility;
Hosiery mill;
Ice cream manufacture;
Ice manufacture;
Janitorial service;
Kennels (boarding);
Laboratory;
Laundry, linen supply, or diaper service;
Lumberyard and building materials (need not be enclosed within structure);
Machine shop;
Machinery, tools, and construction equipment, sales and service;
Mail-order house;
Mattress manufacture and rebuilding;
Metal products fabrication;
Metal sharpening;
Millinery manufacture;
Millwork and similar wood products manufacture;
Mobile home manufacture;
Moving and storage warehouse;
Novelty and souvenir manufacture;
Nursery, landscape garden sales (need not be enclosed within structure);
Office;

Office equipment and supplies manufacture;
Oil well supplies and machinery (need not be enclosed within structure);
Optical goods (wholesale);
Outdoor general advertising structure (need not be enclosed within structure);
Packing and gasket manufacture;
Painting and decorating contractor;
Paper supplies (wholesale);
Parking lot;
Passenger depot (railway or bus);
Pipe storage (need not be enclosed within structure);
Pipeline or electric transmission line right-of-way;
Pipeline compressor station;
Playground equipment manufacture;
Plumbing shop;
Plumbing supplies (wholesale);
Pistol or rifle range (indoor);
Poultry (live) storage and/or dressing;
Printing, publishing, and allied industries;
Railroad facilities (except shops; need not be enclosed within structure);
Recreation center (commercial);
Restaurant supplies sales;
Revival church (temporary; as a temporary use on a permit issued by the zoning administrator, such permit to be good for a period not exceeding one week and renewable for not more than three such periods);
Riding academy (need no be enclosed within structure);
Roofing and sheet metal shop;
Rug cleaning;
Sand and gravel storage yard (need not be enclosed within structure);
Seafood store (retail and wholesale);
Seed store;
Shoe store (wholesale);
Shoe manufacture;
Sign shop;
Sporting goods store (wholesale);
Taxidermy;
Telephone exchange (including shops and garages);

- Toy manufacture;
- Trailer manufacture;
- Trailer sales (need not be enclosed within structure);
- Transit vehicle storage and servicing (need not be enclosed within structure);
- Trade school;
- Vending machine shop;
- Venetian blind and metal awning fabrication and cleaning;
- Vo-tech school;
- Vulcanizing shop;
- Water distillation;
- Water or sewage pumping station;
- Water storage (need not be enclosed within structure);
- Welding shop;
- Well drilling company;
- Wholesale and warehouse;
- Wig manufacture;
- X-ray apparatus and supplies.

d. *Uses requiring planning approval.* The uses listed below are permitted upon approval of the location and site plan thereof by the planning commission as being appropriate with regard to transportation and access, water supply, waste disposal, fire and police protection, and other public facilities as not causing undue traffic congestion or creating a traffic hazard, and as being in harmony with the orderly and appropriate development of the district in which the use is located:

- Quarter horse race track;
- Theater (outdoor; need not be enclosed within structure).

- (2) *Building site area.* The minimum site area shall be 10,000 square feet.
- (3) *Building height limit.* Except as provided in article III of this chapter, no structure shall be designed, erected, or altered to exceed three stories or 45 feet.
- (4) *Yards required.* Except as provided in article III of this chapter, the minimum dimensions of yards shall be:
 - a. Front yard: 25 feet.
 - b. Side yard: ten feet.
 - c. Rear yard: 25 feet.

(Ord. of 9- -1985, § II(D)(1))

Sec. 42-108. I-2 districts, heavy industry districts.

These districts are composed of land and structures used for heavy manufacturing and related activities or suitable for such uses. Located for convenient access from existing and future arterial thoroughfares and railway lines, these districts are in many instances separated from residential areas by business or light industry areas or by natural barriers; where they are adjacent to residential areas some type of artificial separation may be required. The district regulations are designed to permit the development of the district for almost any industrial use, subject to the minimum regulations necessary for the mutual protection of the uses.

- (1) *Permitted uses.* In the I-2 districts only the following uses are permitted:
 - a. *Uses by right.* The uses listed below are permitted subject to the conditions specified:
 - Abrasives manufacture;
 - Accessory use;
 - Acetylene gas manufacture and/or storage;
 - Air products manufacture;
 - Airport (need not be enclosed within structure);
 - Airport and dusting service (need not be enclosed within structure);
 - Alcohol distillation and/or storage;
 - Ammonia, bleaching powder, and chlorine manufacture;
 - Animal hospital or clinic (with outside kennels);
 - Armory;
 - Asbestos products manufacture;
 - Asphalt products manufacture;
 - Automobile manufacture;
 - Automobile storage (commercial; need not be enclosed within structure);
 - Automobile and truck body manufacture;
 - Automobile and truck maintenance shops and garages (not including commercial wrecking, dismantling or auto salvage yard);
 - Aviary (need not be enclosed within structure);
 - Battery manufacture;
 - Beverage manufacture;
 - Boat manufacture;
 - Boiler or tank works;
 - Brewery;
 - Burial vaults manufacture;
 - Canvas products manufacture;

Carnival or circus (as a temporary use on permit issued by the zoning administrator, such permit to be good for a period not exceeding three days and renewable for not more than three such periods; need not be enclosed within structure);

Carting, express creating, hauling and storage;

Casket manufacture;

Caustic soda manufacture;

Celluloid manufacture;

Chemicals (heavy or industrial), manufacture and/or processing;

Clothing manufacture;

Coffee roasting;

Cold storage plant;

Concrete and concrete products manufacture (need not be enclosed within structure);

Contractor's storage yard for vehicles, equipment, materials and/or supplies;

Cotton compress;

Cotton ginning and baling;

Diesel engine repair;

Dog pound (need not be enclosed within structure);

Drug manufacture;

Dyestuff manufacture;

Electric power generating plant;

Electric substation (need not be enclosed within structure);

Electroplating;

Farming and truck gardening (need not be enclosed within structure);

Felt manufacture;

Fiberglass fabricators;

Fire station;

Food products manufacture;

Food products manufacture (wholesale storage and sales);

Foundry;

Freight depot (railway, truck or bus);

Frozen food plant;

Fungicides manufacture;

Glass manufacture;

Glass products manufacture (from glass stock);

Grain drying or feed manufacture (from refuse, mash, or grain);

Grain milling (storage and elevators);
Graphite manufacture;
Hair products manufacture or processing;
Hardware manufacture;
Hosiery mill;
Ice manufacture;
Incinerator;
Insulation manufacture of fabrication;
Kennels (boarding);
Laboratory;
Linoleum manufacture;
Lumberyard and building materials (need not be enclosed within structure);
Machine shop;
Metal products fabrication;
Millwork and similar wood products manufacture;
Mobile home manufacture;
Office;
Office equipment and supplies manufacture;
Oil well supplies and machinery (need not be enclosed within structure);
Outdoor general advertising structure;
Packing and gasket manufacture;
Paints, pigments, enamels, Japan, lacquers, putty, varnishes whitening and wood filler manufacture or fabrication;
Parking lot;
Pipe storage (need not be enclosed within structure);
Pipeline or electric transmission line right-of-way (need not be enclosed within structure);
Pipeline compressor station;
Plastics manufacture;
Potash works;
Railroad facilities (need not be enclosed within structure);
Revival church (temporary; as a temporary use on a permit issued by the zoning administrator, such permit to be good for a period not exceeding one week and renewable for not more than three such periods);
Riding academy (need not be enclosed within structure);
Rock crusher (need not be enclosed within structure);

Roofing and sheet metal shop;
 Sand and gravel storage yard (need not be enclosed within structure);
 Sawmill or planning mill;
 Sewage disposal plant;
 Shoe manufacture;
 Shoe polish or stove polish manufacture;
 Soda and washing compound manufacture;
 Stonecutting;
 Sugars and starches manufacture;
 Syrup manufacture;
 Tar distillation or manufacture;
 Taxidermy;
 Telephone exchange (including shops and garages);
 Tool manufacture;
 Toy manufacture;
 Trailer manufacture;
 Transit vehicle storage and servicing (need not be enclosed within structure);
 Trade school;
 Vo-tech school;
 Vulcanizing shop;
 Water storage (need not be enclosed within structure);
 Water or sewage pumping station;
 Welding shop;
 Well drilling company;
 Wood preserving by creosote or other impregnation treatment (need not be enclosed within structure).

- b. *Uses requiring planning approval.* The uses listed below are permitted upon approval of the location and site plan thereof by the planning commission as being appropriate with regard to transportation and access, water supply, waste disposal, fire and police protection, and other public facilities, as not causing undue traffic congestion or creating a traffic hazard, and as being in harmony with the orderly and appropriate development of the district in which the use is located: None.
- c. *Uses requiring board of appeals approval.* The uses listed below are subject to the same approval of location and site plan as use requiring planning approval; in addition, these uses are declared to possess such characteristics of unique or

special form that each specific use shall be considered an individual case and shall be subject to approval of the board of appeals in accordance with provisions of article VII of this chapter governing special exceptions:

Acid manufacture (hydrochloric, nitric, picric, sulphuric, sulphurous, caarbollic);

Animal reduction;

Animal black, lampblack, or bone black manufacture;

Automobile or motorcycle race track;

Automobile wrecking, dismantling or salvage (need not be enclosed within structure but must be enclosed within a fence at least seven feet high and adequate to obstruct view, noise, and passage of persons; chainlink or similar fence will be permitted if screen planting is adequate to obstruct view and is provided and maintained);

Bones distillation;

Butane and other liquified petroleum gas products, storage and sales (need not be enclosed within structure);

Cement, lime, gypsum and plaster manufacture;

Clay and clay products manufacture (need not be enclosed within structure);

Explosives, fireworks and gunpowder manufacture and/or storage;

Fertilizers manufacture or processing;

Garbage dumping (need not be enclosed within structure);

Glue, size or gelatin manufacture;

Junkyard (including storage, baling or sale of rags, paper, iron or junk; need not be enclosed within structure, but must be enclosed within a fence at least seven feet high and adequate to obstruct view noise, and passage of persons; chainlink or similar fence will be permitted if screen planting is adequate to obstruct view is provided);

Outdoor concert (temporary use);

Paper products manufacture;

Paper, pulp, cellulose, and rayon manufacture;

Poultry (live), storage and/or dressing;

Matches manufacture;

Meat slaughtering and/or packing;

Metal ingots, pigs, casings, sheets or bars manufacture;

Petroleum and petroleum products manufacture, processing or storage;

Rubber or gutta-percha manufacture, processing or reclaiming;

Sanitary landfill (need not be enclosed within structure);

Stockyards (need not be enclosed with structure);

Tannery (including curing of hides);

Wrecking contractors building (need not be enclosed within structure, but must be enclosed within a fence at least seven feet high and adequate to obstruct view, noise and passage of persons.

- (2) *Building site area.* The minimum building site area shall be 10,000 square feet.
 - (3) *Building height limit.* Except as provided in article III of this chapter, no structure shall be designed, erected, or altered to exceed three stories or 45 feet.
 - (4) *Yards required.* Except as provided in article III of this chapter, the minimum dimensions of yards shall be:
 - a. Front yard: 25 feet.
 - b. Side yard: ten feet.
 - c. Rear yard: 25 feet.
- (Ord. of 9- -1985, § II(D)(2))

Secs. 42-109—42-129. Reserved.

ARTICLE III. SUPPLEMENTARY REGULATIONS

DIVISION 1. GENERALLY

Secs. 42-130—42-156. Reserved.

DIVISION 2. SUPPLEMENTARY USE REGULATIONS

Sec. 42-157. Areas subject to inundation.

Certain areas are subject to periodic inundation, making them unsafe and unfit for human habitation. No structure or portion thereof which is designed for dwelling use or as a place of public assembly shall be erected or altered for such uses where the land to be covered by such structure or portion thereof has been designated by the planning commission as uninhabitable, until the conditions making the land uninhabitable have been corrected and approved by the planning commission and town engineer. Land that is permitted to be used shall not be considered to be guaranteed by the town against flood or other hazard.

(Ord. of 9- -1985, § III(A)(1))

Sec. 42-158. Drainage planning.

Drainage for a building site shall be planned in such a manner that runoff is not increased onto adjacent property nor cause flooding downstream. Improvements in the public drainage system to provide adequate capacity for increased runoff from any site to be developed are to be provided at the expense of the developer.
(Ord. of 9- -1985, § III(A)(2))

Sec. 42-159. Natural production uses.

In any district except in the R-A district, the extraction of oil, gas or other natural mineral deposit may be permitted upon the approval of the board of appeals and subject to such terms and conditions as the board may fix for the protection of adjacent property and uses. The land must be restored to original condition after mining operations have ceased.
(Ord. of 9- -1985, § III(A)(3))

Sec. 42-160. Illumination of uses.

Lighting facilities used to illuminate signs, parking areas, or for other purposes shall be so arranged that the source of light is concealed from adjacent residence properties and does not interfere with traffic.
(Ord. of 9- -1985, § III(A)(4))

Sec. 42-161. Dwelling units in commercial or industry districts.

A dwelling unit may be permitted within a structure used for commercial or industrial purposes if occupied by an owner, management or security personnel as determined by the zoning administrator. The dwelling unit shall meet all building and health codes.
(Ord. of 9- -1985, § III(A)(5))

Secs. 42-162—42-190. Reserved.

DIVISION 3. SUPPLEMENTARY AREA REGULATIONS

Sec. 42-191. Dwelling on small building site.

Where a lot, located in a residence district, contains an area less than the required building site area for the district and on the effective date of the ordinance from which this chapter is derived was existing and of record and held in separate and different ownership from any lot immediately adjoining, such lot may be used as the building site for a one-family dwelling.
(Ord. of 9- -1985, § III(B)(1))

Sec. 42-192. Building site not served by public water supply and sewage.

For any dwelling use not served by a public or private sanitary sewerage system, a building permit will not be issued until the building is approved by the board of health.
(Ord. of 9- -1985, § III(B)(2))

Sec. 42-193. Visibility at intersections.

On a corner building site in any district in which a front yard is required, no fence, wall, hedge, or other structure or planting more than three feet in height shall be erected, placed, or maintained within the triangular area formed by the intersecting street lines and a straight line connecting such street lines at points 30 feet from the point of intersection measured along such street lines.

(Ord. of 9- -1985, § III(B)(3))

Sec. 42-194. Home occupations and nameplates.

For the purpose of providing required building site area, a home occupation or a nameplate shall be considered as being part of the use to which it is attached.

(Ord. of 9- -1985, § III(B)(4))

Secs. 42-195—42-211. Reserved.

DIVISION 4. SUPPLEMENTARY HEIGHT REGULATIONS

Sec. 42-212. Height exceptions.

The height limits for the various districts shall not apply to church spires, belfries, cupolas, penthouses, or domes not used for human habitation, nor to chimneys, ventilators, skylights, water tanks, parapet walls, cornices, or necessary mechanical appurtenances usually carried above the roof level, provided that such features are limited to that height necessary for their proper functioning.

(Ord. of 9- -1985, § III(C)(1))

Sec. 42-213. Excess height.

In any district any main structure may be erected or altered to a height in excess of that specified for the district in which the structure is located, provided that each required front, side and rear yard is increased one foot for each foot of such excess height; provided further, that where no front yard is required, the part of the structure exceeding the height specified for the district shall be set back from the vertical planes of all street lines one foot for each two feet of such excess height.

(Ord. of 9- -1985, § III(C)(2))

Secs. 42-214—42-234. Reserved.

DIVISION 5. YARD REGULATIONS

Sec. 42-235. Front yard depth.

In any residence district, any building site lying between two building sites adjacent thereto and having dwellings erected upon them on the effective date of the ordinance from which this

chapter is derived shall have a front yard equal in depth at least to the average depth of the front yards of the building sites adjacent thereto; provided however, that no front yard shall be less than 20 feet in depth, and no front yard shall be required to be more than 30 percent of the depth of the building site.

(Ord. of 9- -1985, § III(D)(1))

Sec. 42-236. Side yard at abutting districts.

Where the side line and rear line, in the case of a corner lot, of a building site in a business or an industry district, except the B-I district, abuts upon the side line of a building site lying in the business or industry district and adjacent to the residence district, a side yard and rear yard, in the case of a corner lot, not less than 40 feet in width.

(Ord. of 9- -1985, § III(D)(2))

Sec. 42-237. Minimum side yard widths.

In the B-2, B-3, and I-1 and I-2 districts, side yards are provided, such side yards shall have a minimum width of five feet.

(Ord. of 9- -1985, § III(D)(3))

Sec. 42-238. Corner building site.

(a) In R-1 and R-A districts a corner building site having to its rear a building site facing toward the intersection or side street shall have provided on the intersecting or side street, side of the corner building site a 30 foot side yard provided however, that this regulation shall not be applied to reduce the buildable width of the corner building site to less than 30 feet.

(b) In any other district a corner building site having to its rear a building site facing toward the intersecting or side street of the corner building site a 30 foot side yard having width equal at least to the depth of the front yard required for a structure on the building site to the rear of the corner building site; provided however, that this regulation shall not be applied to reduce the buildable width of the corner building site to less than 30 feet.

(Ord. of 9- -1985, § III(D)(4))

Sec. 42-239. Projecting architectural features.

Every part of a required yard shall be open and unobstructed from the ground to the sky except for permitted accessory structures and for the ordinary projections of sills, belt courses, cornices, buttresses, eaves, and similar architectural features, provided that such projections shall not extend more than two feet into any required yard. Open fire escapes may extend into any required yard not more than 3½ feet.

(Ord. of 9- -1985, § III(D)(5))

Sec. 42-240. Accessory structures.

In any business or industry district, no accessory structure shall occupy any part of a required rear yard; in any residence district, no accessory structure shall occupy more than 30 percent of a required rear yard; in no district shall an accessory structure occupy any part of a required front or side yard.

(1) *Side yard and rear yard requirements.* No separate accessory structure shall be erected or altered so that it is closer to any side or rear line than five feet. In districts where no side yard is required, the building must have a firewall as required by the southern building code or a five-foot side yard must be permitted.

(2) *Corner building site.* No accessory structure on a corner building site, having to its rear a building site facing toward the intersecting or side street, shall be erected or altered nearer to the intersecting or side street line, than the front building line to the observed by any structure on the building site to the rear of the corner building site.

(Ord. of 9- -1985, § III(D)(6))

Sec. 42-241. Mapped street lines.

Front yard depth and, in the case of a corner building site, a side yard width shall be measured from the future street right-of-way line where such line has been established on the official map to define a mapped street.

(Ord. of 9- -1985, § III(D)(7))

Sec. 42-242. Fences and walls.

No fence or wall, other than the wall of a permitted structure, shall be erected or altered in any front yard to exceed a height of four feet, and no fence or wall other than the wall of a permitted structure, shall be erected or altered in any side or rear yard to exceed a height of seven feet, except as provided for in section 42-193.

(Ord. of 9- -1985, § III(D)(8))

Secs. 42-243—42-262. Reserved.

DIVISION 6. PROTECTION STANDARDS

Sec. 42-263. Noise.

There shall be no production by any use of noise, which at any boundary of the building site is in excess of the average intensity of street and traffic noise at that boundary.

(Ord. of 9- -1985, § III(E)(1))

Sec. 42-264. Heat, glare and vibration.

There shall be no emission by any use of objectionable heat, glare, or vibration which is perceptible beyond any boundary of the building site on which the use is located.

(Ord. of 9- -1985, § III(E)(2))

Sec. 42-265. Dust, dirt, odors, gases, smoke, and radiation.

There shall be no emission by any use of dust, dirt, odors, gases, smoke, or radiation which is in any obnoxious or dangerous amount or degree beyond any boundary of the building site on which the use is located.

Sec. 42-266. Hazard.

There shall not be created or maintained by any use any unusual fire, explosion, or safety hazard beyond the boundary of the building site on which the use is located.

(Ord. of 9- -1985, § III(E)(3))

Sec. 42-267. Wastes.

No materials or waste shall be stored in such a manner that they may be transferred off the building site by natural forces or causes.

(Ord. of 9- -1985, § III(E)(4))

Sec. 42-268. Business hours of operation.

In any B-1 district, no store, shop or other commercial establishment shall be open for business before 7:00 a.m. or after 7:00 p.m.; in any B-2 district no store, shop or other commercial establishment shall be open for business before 7:00 a.m. or after 12:00 midnight.

(Ord. of 9- -1985, § III(E)(5))

Secs. 42-269—42-299. Reserved.**ARTICLE IV. PLANNED BUILDING GROUPS AND RESIDENTIAL PLANNED
UNIT DEVELOPMENT****DIVISION 1. GENERALLY****Sec. 42-300. Preapplication conference.**

Before submitting an application for a RPUD or planned building group, an applicant should confer with the planning department to obtain information and guidance before entering into binding commitments or incurring substantial expense in the preparation of plans, surveys and other data. Specifications: None.

(Ord. of 9- -1985, § IV(E)(1))

Sec. 42-301. Application for approval.

An application for approval of a planned building group or residential planned unit development shall be filed with the office of zoning administration and shall contain the following information:

- (1) *Interest and ownership.* The applicant's name, address and interest in the application, and the name, address and interest of every person, firm or corporation represented by the applicant in the application; the concurrence of the owner of the entire land area included in the special plan and all encumbrances of the designated land area, and actually intend to develop the designated area, and have both the means and ability to do so.
- (2) *Preliminary development plan requirements.*
 - a. Vicinity map: A diagram showing location of a special plan with relationship to major arteries.
 - b. Survey data: The boundary lines of the special plan with length and bearing of lines; section and township lines; contours with two-foot intervals.
 - c. Streets: The name, location, and right-of-way widths of all streets and passage-ways.
 - d. Easements: All existing and proposed easements.
 - e. Circulation system: Including curb cuts and driveways.
 - f. Parking and loading areas: Spaces must be numbered.
 - g. Recreation areas: Areas proposed for parks, parkways, playgrounds, school sites, public and semi-public uses and common areas.
 - h. Buildings: Approximate location of all buildings and structures.
 - i. Elevation and perspective drawings of proposed structures and Improvements: The drawings need not be the result of final architectural decisions and need not be in detail.
 - j. Development schedule: If development is to be in stages, a beginning and completion date of each stage should be given.
 - k. Lots: Lot lines with numbering shall be shown.
 - l. A draft of the protective covenants and/or agreements governing the use, maintenance and continued protection of the RPUD or planned building group.

(Ord. of 9- -1985, § IV(E)(2))

Sec. 42-302. Administrative review.

(a) Upon receipt of an application for approval of a planned building group or a residential planned unit development, properly and completely made out, the office of zoning administration shall promptly transmit the application to the planning commission. Within 45 days after the filing of an application, the planning commission shall:

- (1) For a planned building group, approve or disapprove the special plans, approval may establish conditions and limitations, which may include a performance bond;

(2) For a residential planned unit development, a public hearing shall be held and interested parties notified in the same manner as for a rezoning hearing.

(b) The planning commission shall then transmit its preliminary plan, approval or disapproval report to the applicant, including any conditions of approval, which may include a performance bond. If rezoning application is filed concurrently with the residential planned unit development application, the rezoning hearing may also serve as the required hearing for the RPUD application.

(Ord. of 9- -1985, § IV(E)(3))

Sec. 42-303. Final development plan.

Following approval of the preliminary plan the applicant shall prepare and file with the office of zoning administration a final development plan including all or any phase of the preliminary plan. Upon receipt of the final development plan, the office of zoning administration shall, within five days, transmit the final development plan to the planning commission for review and action.

(Ord. of 9- -1985, § IV(E)(4))

Sec. 42-304. Registration of special plan.

Upon approval of a special plan, a copy of such plans shall be registered among the records of the office of zoning administration and shall thereafter be binding upon the applicants, their heirs, successors, and assigns shall limit and control the issuance and validity of permits and certificates, and shall restrict and limit use and operation of all land and structure within area designated in such special plan to all conditions and limitations specified in such special plan and approval thereof.

(Ord. of 9- -1985, § IV(E)(5))

Sec. 42-305. Failure to begin planned development.

If no construction has begun, or no use established in the planned development within one year from the date of approval of the final development plan, the final development plan shall lapse and be of no further effect. In its discretion and for good cause, the planning commission may extend the period for beginning of construction or the establishment of a use.

(Ord. of 9- -1985, § IV(E)(6))

Sec. 42-306. Amendment or withdrawal of special plan.

Pursuant to the same procedure and subject to the same limitations and requirements by which the special plan was approved and registered, any special plan may be amended or withdrawn, with planning commission approval, either partially or completely, if all land and structures remaining under such special plan and all land and structures withdrawn from such special plan comply with all regulations established by this chapter and unrelated to the special plan.

(Ord. of 9- -1985, § IV(E)(7))

Sec. 42-307. Waivers.

Upon written appeal by any applicant citing the design or other exceptional characteristics of the proposed development justifying consideration, the planning commission may waive any of the standards set out in this section and related standards, such as density requirements, and may permit submission of an application for hearing and review in accordance with procedures set out in this section. In permitting waivers to these standards, the planning commission must find that the application fully meets the intent of this section and of the zoning chapter. If an applicant proposes increased density, the site plan must provide a minimum of 20 percent open area, exclusive of required parking and all parking and setback criteria must be met.

(Ord. of 9- -1985, § IV(E)(8))

Sec. 42-308. Appeals.

Any person aggrieved by a decision of the planning commission in approving or disapproving an application for a planned building group or residential planned unit development, may within 15 days from the date of such decision file an appeal to the board of aldermen. The board of aldermen may affirm, modify or reverse a decision of the planning commission except that the board of aldermen shall not grant a waiver of any standards set out in this section or other sections greater than those approved by the planning commission.

(Ord. of 9- -1985, § IV(E)(9))

Secs. 42-309—42-334. Reserved.

DIVISION 2. PLANNED BUILDING GROUPS

*Subdivision I. In General***Sec. 42-335. Purpose.**

Under the regulations prescribed by this chapter for the various districts, a separate building site is required for each structure other than an accessory structure. For the purpose of allowing and encouraging greater variety of design and flexibility of location for buildings comprising a planned group, the provisions of this section waive the requirement for a separate building site for each building and permit two or more buildings to be erected and maintained on the same building site when certain conditions hereinafter set forth are met. Examples of such building groups that might be erected under the provisions of this section are multiple-family dwelling projects and shopping centers.

(Ord. of 9- -1985, § IV(A)(1))

Sec. 42-336. Limitations.

The provisions of this section are applicable in all districts except the R-A districts.

(Ord. of 9- -1985, § IV(A)(2))

Secs. 42-337—42-360. Reserved.*Subdivision II. Conditions to Be Met by Special Plans***Sec. 42-361. District regulations.**

Every building group erected and maintained under the provisions of this section shall comply with all of the regulations established by this chapter for the district in which the building group is located, except the regulation requiring a separate building site to be provided and maintained for each principal structure; such building group may be considered as one building for the purpose of complying with the building site area, height, yard, and other regulations of this chapter.

(Ord. of 9- -1985, § IV(B)(1))

Sec. 42-362. Site plan and improvements.

A special plan for a building group shall show, and there shall be provided, the following:

- (1) *Drainage.* Adequate facilities for the drainage of surface water, including storm sewers, gutters, paving and the proper design of finished grades.
- (2) *Circulation.* Adequate facilities for the safe and convenient circulation of pedestrian and vehicular traffic including walks, driveways, off-street parking areas, off-street loading areas, and landscaped separation spaces between pedestrian and vehicular ways.
- (3) *Play areas.* In dwelling building groups, adequate and safely located play areas for small children.
- (4) *Protection of residence districts.* In business building groups near or adjoining residence districts, adequate provision (including fence walls, and planting) to screen and protect the residence district from parking lot illumination, headlights, fumes, heat, noise, blowing papers, and dust and the visual encroachment of commercial buildings, service areas, signs, and activity on the privacy and neighborhood character of the residential district.

(Ord. of 9- -1985, § IV(B)(2))

Sec. 42-363. Building spacing and orientation.

The following spacing between buildings shall be measured perpendicularly between exterior walls; it does not apply to corner-to-corner placement of buildings where walls do not overlap:

- (1) *Spacing of buildings.* A building wall shall be located no closer to another building than a distance equal to the height of the taller building of the two; provided, further, that for a building containing dwelling units such distance shall not be less than 50 feet in the case of a wall having windows and not less than 25 feet in the case of a wall having no windows.

- (2) *Orientation of buildings containing dwelling units.* In buildings containing dwelling units, walls having main window exposures shall be so oriented to ensure adequate light and air, to avoid exposures to highways and other high-volume buildings.
 - (3) *Access by emergency vehicles.* The buildings in a planned building group shall be so arranged that every inhabited building is accessible by emergency vehicles.
- (Ord. of 9- -1985, § IV(B)(3))

Secs. 42-364—42-384. Reserved.

DIVISION 3. RESIDENTIAL PLANNED UNIT DEVELOPMENT

Subdivision I. In General

Sec. 42-385. Purpose.

Under the regulations prescribed by this chapter, separate districts are established for various types of residential uses. To encourage more creative, efficient and aesthetically desirable design in urban development, the residential planned unit development provisions waive certain district requirements to permit large tracts of land to be developed as integral units for single-family, townhouse, cluster, condominium, multifamily, patio homes and other innovated residential developments.

(Ord. of 9- -1985, § IV(C)(1))

Sec. 42-386. Limitations.

The provisions of this section are applicable in all residential districts except the R-A district.

(Ord. of 9- -1985, § IV(C)(2))

Secs. 42-387—42-415. Reserved.

Subdivision II. Conditions to be Met by Special Plans

Sec. 42-416. District regulations.

- (a) Every residential planned unit development erected and maintained under the provisions of this section shall comply with all the regulations established in this chapter for the district in which the residential planned unit development is located except as provided for in this section.
- (b) Permitted uses.
 - (1) *Residential uses.* Dwelling units detached, semi-detached, attached, or multifamily structures, or any combination thereof are permitted in a residential planned unit development.

- (2) *Commercial uses.* Commercial uses shall be designed to serve primarily the residents of the RPUD and be compatible and harmonious with the unitary design of the RPUD. No commercial structure shall be built or established prior to the residential buildings or uses it is designed or intended to serve.
 - (3) *Other nonresidential uses.* Nonresidential uses of a cultural or recreational character are permitted in a RPUD provided that such uses are designed to serve primarily the residents of the RPUD and are compatibly and harmoniously incorporated into the unitary design of the RPUD.
- (Ord. of 9- -1985, § IV(D)(1))

Sec. 42-417. Site plan improvements.

- (a) *Drainage.* Adequate drainage shall be provided.
 - (b) *Circulation.* Adequate facilities for the safe and convenient circulation of pedestrian and vehicular traffic, including walks, driveways, off-street parking areas, off-street loading areas, and landscaped separation spaces between pedestrian and vehicular ways.
 - (c) *Play areas.* Adequate and safely located play or common open space areas for small children and other occupants of the development shall be provided.
 - (d) *Trees.* Because of their value in soil conservation, health, and community appearance trees shall be preserved wherever possible.
- (Ord. of 9- -1985, § IV(D)(2))

Sec. 42-418. Minimum size.

- (a) An RPUD tract: The minimum size tract shall be three acres.
 - (b) Minimum lot width: 20 feet.
 - (c) Minimum lot area: None.
- (Ord. of 9- -1985, § IV(D)(3))

Sec. 42-419. Setbacks.

- (a) All buildings and structures (except a wall or fence) shall be set back a minimum of 25 feet from all exterior boundary lines of the development.
 - (b) No building shall be located closer than the ten feet from any interior vehicular or pedestrian way, court, plaza, open parking lot or any other surfaced area reserved for public use.
 - (c) No garage or carport having straight-in access shall be located closer than 20 feet from any interior vehicular or pedestrian way, court, plaza, open parking lot or any other surfaced area reserved for public use.
 - (d) Spacing between the sides of buildings shall be at least ten feet.
- (Ord. of 9- -1985, § IV(D)(4))

Sec. 42-420. Yard requirements.

No minimum side, front and rear yards except for setbacks herein required.
(Ord. of 9- -1985, § IV(D)(5))

Sec. 42-421. Density.

Overall project density in a RPUD shall not exceed nine units per gross acre.
(Ord. of 9- -1985, § IV(D)(6))

Sec. 42-422. Building site area.

RPUDs may be permitted to vary building site area requirements that are established by the district regulations for individual building sites as long as the density limitations are met.
(Ord. of 9- -1985, § IV(D)(7))

Sec. 42-423. Streets.

All streets, whether public or private, shall meet the minimum street requirements of the subdivision regulations.
(Ord. of 9- -1985, § IV(D)(8))

Sec. 42-424. Sidewalks.

Sidewalks usually required within the street right-of-way may be omitted if adequate pedestrian sidewalks are provided elsewhere in the development linking living units to parking area, streets and all project facilities. Sidewalks shall also provide access to sidewalks in adjacent development.
(Ord. of 9- -1985, § IV(D)(9))

Sec. 42-425. Walls and fences.

A six-foot screening wall or fence shall be provided when there is no yard set back.
(Ord. of 9- -1985, § IV(D)(10))

Secs. 42-426—42-448. Reserved.

ARTICLE V. OFF-STREET PARKING AND OFF-STREET TRUCK LOADING

DIVISION 1. GENERALLY

Secs. 42-449—42-479. Reserved.

DIVISION 2. OFF-STREET PARKING REQUIREMENTS

Sec. 42-480. Provision and maintenance.

No land shall be used or occupied, no structure shall be designed, erected, altered, used or occupied, and no use shall be operated unless the off-street parking facilities herein required are provided in at least the amount and maintained in the manner herein set forth; provided, however, that off-street parking facilities in excess of the amounts heretofore required by law need be neither provided or maintained for land, structures, or uses actually used, occupied and operated on the effective date of the ordinance from which this chapter is derived, unless after the effective date of the ordinance from which this chapter is derived, such land, structures or uses are enlarged, expanded or changed, in which event, the land, structures and uses hereby excluded shall not be used, occupied or operated unless there is provided for the increment only of such land, structures and uses, and maintained as herein required, at least the amount of off-street parking facilities that would be required hereunder if the increment were a separate land, structure or use. The provisions and maintenance of the off-street parking facilities herein required shall be the joint and sole responsibility of the operator and owner of the use, and the operator and owner of the land on which, or the structure in which, is located the use for, or which off-street parking facilities are required to be provided and maintained.

(Ord. of 9- -1985, § V(A)(1))

Sec. 42-481. Size and location.

Each off-street parking space shall be an area of appropriate dimensions, of not less than 200 square feet net, exclusive of access or maneuvering area, ramps and other appurtenances. Except as otherwise permitted under a special plan for location or sharing of facilities, off-street parking facilities shall be located on the building site on which the use or structure for which they are provided is located; off-street parking facilities for dwelling uses shall not occupy any part of a required front yard.

(Ord. of 9- -1985, § V(A)(2))

Sec. 42-482. Maintenance specifications.

Off-street parking facilities shall be constructed, maintained and operated in accordance with the following specifications:

- (1) *Drainage and surfacing.* They shall be properly graded for drainage, surfaced with concrete, asphaltic concrete or asphalt and maintained in good condition, free of weeds, dust, trash and debris.
- (2) *Wheel guards.* They shall be provided with wheel guards or bumper guards, so located that no part of parked vehicles will extend beyond the parking space.
- (3) *Protective barriers.* They shall be provided with barriers of such dimensions that occupants of adjacent structures are not unreasonably disturbed, either by day or night, by the movement of vehicles.

- (4) *Lighting.* Facilities shall be so arranged that the source of light is concealed from public view and from adjacent residential properties and does not interfere with traffic.
- (5) *Entrances and exits.* They shall be provided with entrances and exits so located as to minimize traffic congestion.
- (6) *Prohibition of other uses.* They shall not be used for the sale, repair, dismantling or servicing of any vehicles, equipment, materials or supplies.
- (7) *Limitation of size of vehicles.* In the residence districts, except the R-A districts, they shall be used only by vehicles up to three-quarter-ton manufacturer's capacity rating and having wheels not to exceed 17 inches.

(Ord. of 9- -1985, § V(A)(3))

Sec. 42-483. Combined facilities.

The off-street parking facilities required of two or more uses having different standards for determining the amount of facilities required, the off-street parking facilities shall be adequate of area to provide the sum total of the facilities required of all such uses; provided further that where the facilities are combined and used jointly by two or more uses having the same standard for determining the amount of facilities required, all of such uses, for the purposes of this section, shall be considered as a single unit in determining the amount of off-street parking facilities required.

(Ord. of 9- -1985, § V(A)(4))

Sec. 42-484. Amounts of facilities required.

At least the following amounts of off-street parking facilities shall be provided. The classifications of uses shall be deemed to include and apply to all uses, and if the classification of any use for the purpose of determining the amount of off-street parking facilities to be provided is not readily determinable hereunder, the classification of the use shall be fixed by the office of zoning administration.

Dwelling, one-family	One space per dwelling unit
Dwelling, two-family and multiple-family	Two spaces per dwelling unit
Hotels, motels, roominghouses, tourist courts	One space per guest room
Mobile home courts	One space per trailer space
College fraternities and sororities	Two spaces per sleeping room
Hospitals and sanitariums	1.5 spaces per bed
Institutions for children aged, convalescent homes	One space per two beds

- (1) *Limitations on separation from use.* In any district, off-street parking facilities may be located on a separate site from the building site on which the use is located, provided such separate site is no farther from the building site of the use for which provided than 100 feet; all such distances shall be measured by a straight line form the nearest point of the building site on which the use is located to the nearest point of the separated off-street parking facilities.

- (2) *Limitations on sharing facilities.* No use shall be considered as individually having provided off-street parking facilities, which are shared with one or more other uses, unless the schedules of operation of all such uses are such that none of the uses sharing the facilities require the off-street parking facilities at the same time as any other use sharing them.
- (3) *Applications for approval of special plan.* An application for approval of a special plan hereunder shall be filed with the office of the zoning commission in town hall by the owner of the entire land area to be included within the special plan, the owner of all structures then existing on such land area, and all encumbrances of such land area and structures and, additionally, shall contain sufficient evidence to establish that the applicants are all the owners and encumbrances of the designated land area and structures. The application shall contain such information required by this chapter or deemed necessary by the office of zoning administration and shall include plans showing the location of the uses or structures for which off-street parking facilities are required and the location at which the off-street parking facilities are proposed to be located.
- (4) *Review of application.* Applications hereunder shall be reviewed by the office of zoning administration and either approved or disapproved; any approval may establish conditions and limitations.
- (5) *Registration of special plan.* Upon approval of a special plan, a copy of such plan shall be registered among the records of the office of zoning administration and shall thereafter be binding upon the applicants, their heirs, successors and assigns; shall limit and control the issuance and validity of permits and certificates and shall restrict and limit the use and operation of all land and structures included within such special plans to all conditions and limitations specified in such plans and the approvals thereof.
- (6) *Amendment or withdrawal of special plan.* Pursuant to the same procedure and subject to the same limitations and requirements by which the special plan was approved and registered, any special plan may be amended or withdrawn, either partially or completely, if all land and structures remaining under such special plan comply with all the conditions and limitations of the special plan and all land and structures withdrawn from such special plan comply with all regulations established by this chapter and unrelated to the special plan.

Theaters, auditoriums, gymnasiums, convention Halls	One space per three seats
Churches	One space per three seats
Funeral homes	One space per three seats in parlors and chapels
Schools, elementary	One space per classroom

Schools, secondary	Two spaces per classroom
High schools	20 spaces per classroom
Business colleges and trade schools	One space per four seats
Restaurants	One space per 100 square feet of gross floor area
General business, commercial and personal service establishments, commercial amusements, offices, filling stations, repair shops, medical and dental clinics	One space per 200 square feet of gross floor area
Libraries, museums, art galleries, clubs and lodges	One space per 300 square feet of gross floor area
Industrial and manufacturing establishments	One space for each two employees or one space for each 1,000 square feet of gross floor area, which ever is greater
Warehouse, (for any building which is arranged and intended for use as a warehouse or storage)	One space for each two employees or one space for each 1,000 square feet of gross floor area, which ever is greater

(Ord. of 9- -1985, § V(A)(5))

Sec. 42-485. Special plan for location or sharing of facilities.

Under the standard provision of this chapter, off-street parking facilities are required to be provided on the same building site as the use or structure for which the facilities are provided, and are required to be provided in an amount based on the listed requirement for the individual use or structure. Pursuant to the procedure hereinafter set forth, either part or all of the required off-street parking facilities may be located on another site than the one occupied; also, two or more uses may share the same off-street parking facilities, and each of such uses may be considered as having provided such shared space individually.

(Ord. of 9- -1985, § V(A)(6))

Secs. 42-486—42-508. Reserved.

DIVISION 3. OFF-STREET TRUCK LOADING FACILITIES

Sec. 42-509. Provisions and maintenance.

No structure shall be designed, erected, altered, used or occupied unless the off-street truck loading facilities herein required are provided, in at least the amount and maintained in the manner herein set forth; provided, however, that off-street truck loading facilities in excess of the amounts heretofore required by law need be neither provided nor maintained for

structures actually used, occupied, and operated on the effective date of the ordinance from which this chapter is derived unless, after the effective date of the ordinance from which this chapter is derived, such structures are enlarged, expanded or changed, in which event the structure hereby excluded shall not be used, occupied or operated unless there is provided for the increment only of such structures, and maintained as herein required, at least the amount of off-street truck loading facilities that would be required hereunder if the increment were a separate structure. The provision and maintenance of the off-street truck loading facilities are required to be provided and maintained.

(Ord. of 9- -1985, § V(B)(1))

Sec. 42-510. Size and location.

For the purposes of this chapter, there shall be considered to be two sizes of off-street truck loading spaces, "large" and "small." Each "large" space shall have an overhead clearance of at least 14 feet, shall be at least 12 feet wide, and shall be at least 50 feet long, exclusive of access or maneuvering area, platform and other appurtenances; each "small" space shall have an overhead clearance of at least ten feet, shall be at least eight feet wide, and shall be at least 20 feet long, exclusive of access or maneuvering area, platform and other appurtenances. Off-street truck loading facilities shall be located on the same building site on which the structure for which they are provided is located; provided, however, that facilities provided under a cooperative arrangement as hereinafter permitted may be located on another site not more than 300 feet from the structure for which they are provided.

(Ord. of 9- -1985, § V(B)(2))

Sec. 42-511. Maintenance specifications.

Off-street truck loading facilities shall be constructed, maintained and operated in accordance with the following specifications:

- (1) *Drainage and surfacing.* They shall be properly graded for drainage, surfaced with concrete, asphaltic concrete or asphalt and maintained in good condition, free of weeds, dust, trash and debris.
- (2) *Protective barriers.* They shall be provided with barriers of such dimensions that occupants of adjacent structures are not unreasonably disturbed, either by day or night, by movement of vehicles.
- (3) *Lighting.* Lighting facilities shall be so arranged that they neither unreasonably disturb occupants of adjacent residential properties nor interfere with traffic.
- (4) *Entrances and exits.* They shall be provided with entrances and exits so located as to minimize traffic congestion.
- (5) *Cooperative establishment and use of facilities.* Requirements for the provision of off-street truck loading facilities with respect to two or more structures may be satisfied by the permanent allocation of the requisite number of spaces for each use in a common truck loading facility, cooperatively established and operated; provided, however that the total number of spaces for each use in a common truck loading

facility, cooperatively established and operated; provided, however, that the total number of spaces designated is not less than the sum of the individual requirements unless, in the opinion of the zoning commission, a lesser number of spaces will be adequate, taking into account the respective times of usage of the truck loading facilities by the individual users, the character of the merchandise, and related factors. In order to eliminate a multiplicity of individual facilities to conserve space where space is at a premium, and to promote orderly development generally, the zoning commission is hereby authorized to plan and group off-street truck loading facilities cooperatively for a number of truck loading generators within close proximity to one another in a given area, and especially in the central business district, in such manner as to obtain a maximum of efficiency and capacity, provided consent thereto is obtained from the participants in the cooperative plan.

- (6) *Amounts of facilities required.* At least the following amounts of off-street truck loading facilities shall be provided for all structures containing uses devoted to commerce, business, industry, manufacturing, storage, warehousing, processing, offices, professional purposes, hotels, multiple-family dwellings, hospitals, airports, railroad terminals and similar purposes; provided, however, that structures required to provide and maintain less than five off-street parking spaces shall be exempt from these requirements:

<i>Gross Floor Area (in square feet)</i>	<i>Required Number of Spaces</i>
0 up to and including 12,500	One (small)
12,501 up to and including 25,000	Two (small)
25,001 up to and including 40,000	One (large)
40,001 up to and including 100,000	Two (large)
For each additional 80,000 over 100,000	One (large)

(Ord. of 9- -1985, § V(B)(3))

Secs. 42-512—42-530. Reserved.

ARTICLE VI. NONCONFORMING USES AND STRUCTURE

DIVISION 1. GENERALLY

Secs. 42-531—42-553. Reserved.

DIVISION 2. NONCONFORMING USES

Sec. 42-554. Continuance of nonconforming uses.

Except as hereinafter provided, the lawful operation of a nonconforming use, as such use existed on the effective date of the ordinance from which this chapter is derived or on the effective date of any amendment hereto by which the use became a nonconforming use, may be continued.

- (1) *Compliance with protection standards.* Within not more than three years from the effective date of the ordinance from which this chapter is derived, every nonconforming use shall comply with the protection standards established for the district in which such use is located.
- (2) *Maintenance of number of dwelling units.* The number of dwelling units in a nonconforming dwelling use shall not be increased over or exceed the number of dwelling units existing in the nonconforming use on the effective date of the ordinance from which this chapter is derived.

(Ord. of 9- -1985, § VI(A)(1))

Sec. 42-555. Expansion or enlargement of nonconforming uses.

The land area occupied by any nonconforming use on the effective date of the ordinance from which this chapter is derived, or on the effective date of any amendment hereto by which the use became a nonconforming use, shall not be increased except to provide open off-street loading space for the nonconforming use, such space to be maintained in accordance with the regulations herein established.

(Ord. of 9- -1985, § VI(A)(2))

Sec. 42-556. Extension of nonconforming uses in structures.

A nonconforming use in a structure may be extended throughout the structure provided no structural alterations, except those required by law or ordinance, are made therein.

(Ord. of 9- -1985, § VI(A)(3))

Sec. 42-557. Change in nonconforming uses.

The nonconforming use of a building may be changed to another nonconforming use that is in the same (or higher) use group as the previous nonconforming use until the building is removed; provided, however, that a certificate of occupancy must be obtained before the change is made.

(Ord. of 9- -1985, § VI(A)(4))

Sec. 42-558. Termination of nonconforming uses.

Except as hereinafter provided, a nonconforming use that has been abandoned or discontinued for a period of six months shall not thereafter be reestablished.

- (1) *Open land nonconforming uses.* A nonconforming use not conducted in a structure is incidental to the use of the land, shall, after three years from the effective date of the ordinance from which this chapter is derived, become a prohibited and unlawful use and shall be discontinued.

- (2) *Destruction, damage or obsolescence of structure.* The right to operate and maintain any nonconforming use shall terminate whenever the structure in which the nonconforming use is operated and maintained are damaged, destroyed, or become obsolete or substandard beyond the limits hereinafter established for the termination of nonconforming structures.

(Ord. of 9- -1985, § VI(A)(5))

Secs. 42-559—42-579. Reserved.

DIVISION 3. NONCONFORMING STRUCTURES

Sec. 42-580. Continuance of nonconforming structures.

Except as hereinafter provided, any nonconforming structure may be occupied and operated and maintained in a state of good repair.

(Ord. of 9- -1985, § VI(B)(1))

Sec. 42-581. Enlargement or extension of nonconforming structures.

A nonconforming structure in which a nonconforming use is operated shall not be enlarged or extended; a nonconforming structure in which only permitted uses are operated may be enlarged or extended if the enlargement or extension can be made in compliance with all of the provisions of this chapter established for structures in the district in which the nonconforming structure is located.

(Ord. of 9- -1985, § VI(B)(2))

Sec. 42-582. Restoration of damaged nonconforming structures.

A nonconforming structure damaged in any manner and from any cause whatsoever to the extent of not more than 60 percent of its replacement cost may be restored, provided restoration is begun within one year and completed within two years of the date of the damage; provided further, that any structure so restored shall conform to the height, building site area and yard requirements of the district in which it is located and to the off-street parking requirements and the off-street loading requirements of this chapter.

(Ord. of 9- -1985, § VI(B)(3))

Sec. 42-583. Restoration of obsolete nonconforming structures.

A nonconforming structure which becomes obsolete or substandard under any applicable regulations, and for which the cost of placing such structure in lawful compliance with the applicable regulations exceeds 60 percent of the replacement cost shall be removed.

(Ord. of 9- -1985, § VI(B)(4))

Secs. 42-584—42-614. Reserved.

ARTICLE VII. ADMINISTRATION AND ENFORCEMENT**DIVISION 1. GENERALLY****Sec. 42-615. Compliance.**

No land shall be used or occupied and no structure shall be erected, altered, used or occupied except in conformity with all regulations herein established and upon performance of all conditions herein set forth.

(Ord. of 9- -1985, § VII(A)(1))

Sec. 42-616. Permits and licenses.

(a) No building or other permit, license, or other document of approval, the use of which may be subject to the provisions of this chapter, shall be issued by any department, agency, or board of the parish until the office of zoning administrator shall have certified that the use to be made of the permit, license, or other document is in full compliance with the provisions of this chapter.

(b) Any building permit, license, or other document of approval shall be null and void if construction is not started on said project within 90 days of issue date. If construction is not completed within 180 days from date of issue of permit, the permit becomes void and a new permit will be required by applicant of original permit before completion of project can continue.

(c) The mayor, as chief executive officer, of the town has the authority to cancel any permit, license, or the document of approval, if the permit, license, or document of approval is issued in error, or is issued in violation this chapter. If the mayor exercises this authority, he shall notify the board of aldermen immediately in writing, and also shall notify applicant of permit, license, or document of approval in writing on the next day after cancellation. Stating the reason for cancellation of said permit, license, or document of approval, and informing the applicant of his right to appeal, using the proper proceedings set forth in this chapter.

(d) Notice will also be given to the zoning committee chairman and appeals board chairman in writing on the next day after cancellation of above said permit, license, or document of approval.

(Ord. of 9- -1985, § VII(A)(2); Ord. No. 1-1995, § VII, 1-10-1995)

Sec. 42-617. Certificate of occupancy.

Except as hereinafter provided, no structure or land shall be used, occupied, or changed in use until a certificate of occupancy shall have been issued therefor by the office of zoning administration, stating that the proposed use of land, or the structure and the proposed use thereof, is in full compliance with the provisions of this chapter.

- (1) *Structures.* Application for a certificate of occupancy for a new structure or for an existing structure to be altered, shall be made coincident with application for a

building permit, after erection or alteration of such structure, shall have been completed in compliance with the provisions of this chapter and within three clear legal days after written request is made to the office of zoning administration, the certificate of occupancy shall be issued.

- (2) *Land.* Application for a certificate of occupancy for the use of vacant land or for a change in the character of the use of land shall be made before any such land is occupied or used, and a certificate of occupancy shall be issued by the office of zoning administration within three clear legal days if such proposed use or change in the use is in compliance with the provisions of this chapter.

(Ord. of 9- -1985, § VII(A)(3))

Sec. 42-618. Plans required.

Each application for a certificate of occupancy for a new structure or for the alteration of an existing structure, shall be accompanied by a drawing or plat, in duplicate, showing the site plan, the location of the building on the site, accurate dimensions of the building and site, location of off-street parking and off-street loading spaces required, and such other information as may be necessary for the enforcement of these regulations.

(Ord. of 9- -1985, § VII(A)(4))

Sec. 42-619. Prior building permits.

Nothing herein contained shall require any change in the plans, construction or designated use of a structure for which a building permit has been heretofore legally issued and the construction of which shall have actually begun within 90 days of the date of this permit and which entire structure shall be completed, according to such plans as are filed, within two years after the effective date of the ordinance from which this chapter is derived; provided, however, that any permit which does not authorize the alteration or erection of a designated structure on the basis of complete plans and specifications shall not be deemed a building permit and shall not come within the foregoing exclusion.

(Ord. of 9- -1985, § VII(A)(5))

Sec. 42-620. Offenses and liabilities preserved.

All offenses committed and all liabilities incurred prior to the effective date of the ordinance from which this chapter is derived shall be treated as though all prior applicable zoning ordinances and amendments thereto were in full force and effect for the purpose of sustaining any proper suit, action or prosecution with respect to such offenses and liabilities.

(Ord. of 9- -1985, § VII(A)(6))

Sec. 42-621. Violations.

Any person, firm or corporation violating any provision of this chapter shall be fined, upon conviction, not less than \$50.00 nor more than \$100.00 or imprisoned for not more than ten days, or both, for each offense; each day that a violation is permitted to exist shall constitute

a separate offense. The imposition of any penalty hereunder shall not preclude the building inspector, zoning administration, board of alderman, or other appropriate authority of the town, or any adjacent or neighboring property owner who would be specifically damaged by such violation, from instituting injunction, mandamus, or other appropriate action or proceeding to prevent such lawful erection, construction, reconstruction, alteration, conversion, maintenance, or use, or to correct or abate such violation or to prevent the occupancy of such building, structure or land.

(Ord. of 9- -1985, § VII(A)(7))

Secs. 42-622—42-645. Reserved.

DIVISION 2. OFFICE OF ZONING ADMINISTRATION

Sec. 42-646. Establishment.

There is hereby established an office of zoning administration, hereinafter called the "office"; there is hereby vested in the office the duties of administering and enforcing this chapter and the power necessary for such administration and enforcement. The zoning administrator shall be the officer in charge of the office.

(Ord. of 9- -1985, § VII(B)(1))

Sec. 42-647. Administration.

In carrying out its administrative duties, the office shall:

- (1) *Building permits, certificates of occupancy, special plans.* Review all applications for building permits, certificates of occupancy, and approvals of special plans hereunder, approve or disapprove such applications as they relate to zoning and make the necessary certifications and approvals of special plans.
- (2) *Applications for amendment.* Receive all applications for amendments to this chapter, including the zoning map; refer such applications to the planning commission for examination and hearing, and submit to the board of aldermen all such applications together with the recommendations of the planning commission.
- (3) *Procedures.* Administer rules and regulations for proceedings with and within the office, together with the regular forms for such proceedings, and a schedule of fees for processing amendments, approving certificates and registering in its records those matters and things required by this chapter to be registered.
- (4) *Zoning map.* Maintain the zoning map, showing the current classification of all land.
- (5) *Records of actions.* Maintain records of all actions taken by the office under this chapter.
- (6) *Board of appeals.* Intervene for, and on behalf of, the town in all public hearings before the board of appeals, present facts and information to assist the board in reaching a

decision, resist and oppose any deviations from the standard provisions of this chapter and have decisions of the board reviewed in a court of proper jurisdiction, in the judgment of the mayor, such review is desirable.

- (7) *Initiation of amendments.* Propose and recommend the enactment of such amendments to this chapter, including the zoning map, as are made desirable or necessary because of changing conditions, or because of judicial or administrative proceedings, or for the purpose of improving administration and enforcement, all in accordance with the procedure for amendment set forth herein.

(Ord. of 9- -1985, § VII(B)(2))

Sec. 42-648. Enforcement.

In carrying out its enforcement duties, the office shall:

- (1) *Investigation and surveys.* Conduct investigations and surveys to determine compliance or noncompliance with the provisions of this chapter. Incidental to such surveys and investigations, an authorized representative of the office may enter into and upon a land or structure, other than a dwelling, to be inspected or examined.
- (2) *Orders requiring compliance.* Issue written orders requiring compliance with the provisions of this chapter. Such orders shall be served personally or by registered mail upon the person, firm or corporation deemed by the office to be violating the provisions of this chapter; provided, however, that if such person, firm or corporation is not the owner of the land on, or the structure in which the violation is deemed to exist or to have occurred, a copy of the order shall be sent by registered mail to the owner of such land or structure. The date of receiving shall be deemed the date of service of any order served by registered mail.
- (3) *Legal proceedings.* Institute, in courts of proper jurisdiction, proceedings for the enforcement of the provisions of this chapter and administrative orders and determinations made hereunder when in the judgment of the zoning administrator and with the approval of the mayor, such measures are desirable.
- (4) *Appeals from orders and decisions.* Any person aggrieved or any officer or department may appeal to the board of appeals from any order or decision of the office.
- (5) *Procedure.* Such appeal shall be taken by filing with the office and with the board of appeals, within the time provided by the rules of the board, a notice of appeal specifying the particular grounds upon which the appeal is taken. Upon receipt of a notice of appeal, the office shall transmit to the board of appeals all of the original documents and materials, or true copies thereof, constituting the record upon which the order of decision appealed from was based.
- (6) *Effect of appeal.* An appeal from the office to the board of appeals shall stay all proceedings, unless the zoning administrator certifies that by reason of the facts stated

in the certificate is filed, proceedings shall not be stayed except by a restraining order granted, after due notice to the office, by the board of appeals or a court of proper jurisdiction.

(Ord. of 9- -1985, § VII(B)(3))

Secs. 42-649—42-669. Reserved.

DIVISION 3. BOARD OF APPEALS

Sec. 42-670. Establishment.

A board of appeals is hereby established in accordance with Act 558 of the Regular Session of the Legislature of Louisiana, 1956.

(Ord. of 9- -1985, § VII(C)(1))

Sec. 42-671. Rules of procedure.

The board of appeals shall elect its chairman from among its members and shall adopt rules of procedure in accordance with the provisions of this chapter.

(Ord. of 9- -1985, § VII(C)(2))

Sec. 42-672. Conduct of hearings.

The board shall fix a reasonable time for the hearing of an appeal, which hearing shall be open to the public. Public notice of the hearing shall be given, and notice shall be given to the appellant or applicant and to the department of zoning administration. The chairman or acting chairman may administer oaths. The board shall not be bound by legal rules of evidence.

(Ord. of 9- -1985, § VII(C)(3))

Sec. 42-673. Records.

The board shall prepare a record of its proceedings for each case or matter heard. The record shall show the grounds for each decision and the vote of each member upon each question, or if absent or failing to vote, shall indicate such fact. The record of proceedings shall be filed in the office of the board and shall be a public record. Any interested person may have testimony of such proceedings transcribed at his own expense.

(Ord. of 9- -1985, § VII(C)(4))

Sec. 42-674. Decisions.

The concurring vote of three of the five members of the board shall be necessary to reverse any order, requirement, decision or determination of any administrative official or to decide in favor of the applicant on any matter upon which the board is required to pass under this chapter or to allow any variance. Except as otherwise provided by Act 558 of the Regular Session of the Legislature, 1956 the enumerated conditions required to exist on any matter upon which the board is required to pass under this chapter, or to allow any variance shall be

construed as limitations on the power of the board to act. Except as is provided in Act 558 of the Regular Session of the Legislature, 1956, and also except as may be necessary to carry out the powers of the board granted by said legislative act and by the terms of this chapter, nothing herein contained shall be construed to empower the board to change the terms of this chapter to effect changes in the zoning map, or to add to the specific uses permitted in any district; and to that end, the powers of the board shall be so construed as to carry out the purposes and intent of this chapter and the zoning map.

(Ord. of 9- -1985, § VII(C)(5))

Sec. 42-675. Powers, limitations on powers.

Subject to the limitations enumerated herein, the board shall have and exercise the following powers. In the exercise of its powers, the board may reverse or affirm, in whole or in part, or may modify the order, requirement, decision, or determination appealed from any, may make such order, requirement, decision, or determination as ought to be made, and to that end shall have all of the powers of the officer or department from whom the appeal is taken:

- (1) *Administrative review.* To hear and decide appeals where it is alleged there is error in any other, requirement, decision or determination made by an administrative official in the administration or enforcement of this chapter.
- (2) *Interpretation.* To hear and decide questions of interpretations of the zoning map where request for such interpretation is made.
- (3) *Special exceptions.* To authorize, in specific cases where this chapter calls for review and determination by the board, such special exceptions as will permit the construction and use of a building or building group or the use of land in accordance with a definite site plan. Special exceptions shall be subject to such terms and conditions as may be fixed by the board.
- (4) *Variances.* Where, by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the enactment of this chapter, or by reason of exceptional topographic conditions or other extraordinary and exceptional characteristics of such piece of property, the strict application of any regulation of this chapter would result in peculiar and exceptional practical difficulties to, or exceptional or undue hardship upon the owner of such property, then in such event the board of appeals is hereby empowered, upon an appeal relating to such property, to authorize a variance from such strict application so as to relieve such a difficulties or hardship, provided such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this chapter. Variance shall be subject to such terms and conditions as may be fixed by the board.
- (5) *Appeals from the board.* Any person aggrieved by a decision of the board of appeals, may within ten days from date of such decision, file a written request with the board of aldermen for a review of said decision by said board of appeals, and thereupon the

said board of aldermen shall proceed to review said decision. After said review, the board of aldermen shall either affirm, modify or reverse the decision rendered by said board of appeals.

(Ord. of 9- -1985, § VII(C)(6))

State law reference—Municipal board of adjustment and appeals, R.S. 33:4727.

Secs. 42-676—42-693. Reserved.

ARTICLE VIII. ZONING AMENDMENTS

Sec. 42-694. Reason for amendment.

This chapter, including the zoning map, is based on comprehensive planning studies and is intended to carry out the objective of a sound, stable and desirable development. It is recognized that casual change or amendment to the chapter would be detrimental to the achievement of that objective, and it is therefore declared to be the public policy to amend this chapter only when one or more of the following conditions prevail:

- (1) *Error.* There is a manifest error in the chapter.
- (2) *Change in conditions.* Changed or changing conditions in a particular area, or in the metropolitan area generally, make a change in the chapter necessary and desirable.
- (3) *Increase in need for sites for business or industry.* Increased or increasing needs for business or industrial sites, in addition to sites that are available, make it necessary and desirable to rezone an area or to extend the boundaries of an existing district.
- (4) *Subdivision of land.* The subdivision or imminent subdivision of open land into urban building sites makes reclassification necessary and desirable.

(Ord. of 9- -1985, § VIII(A)(1))

Sec. 42-695. Persons authorized to initiate.

Amendments to this chapter may be initiated by the board of aldermen on its own motion, or by the planning commission. Amendments may also be initiated by any person, firm or corporation by filing a written application therefor with the office of zoning administration.

(Ord. of 9- -1985, § VIII(A)(2))

Sec. 42-696. Amendment application.

An application for amendment to this chapter shall contain at least the following:

- (1) *Interest and ownership.* The applicant's name, address, and interest in the application, and the name, address and interest of every person, firm or corporation represented by the applicant in the application, the concurrence of the owner of the entire land area to be included within the proposed district, the owner of all structures then existing thereon, and all encumbrances of such land area and structures, and additionally

sufficient evidence to establish that the applicants are all the owners and encumbrances of the designated land area and structures, intend to actually develop the designated area, and have both the means and ability to do so.

- (2) *Plat.* If the proposed amendment would require a change in the zoning map, a plat is required showing the land area which would be affected, the present zoning classification of the area, the land area of all abutting districts and the present zoning classification thereof, public right-of-way and easements bounding and intersecting the designated area and the abutting districts, the locations of all existing and proposed structures with supporting open facilities, and the specific ground area to be provided and continuously maintained for the proposed structure.
- (3) *Development schedule.* The time schedule for the beginning and completion of development planned by the applicant in the area, if the development is planned in stages, the time schedule shall indicate the successive stages and the development planned for each stage.
- (4) *Market information.* If the proposed amendment would require a change in the zoning map by rezoning an area from an existing residential district to a freestanding business district, would require more than double the area of an existing business district entirely surrounded by residential districts, or would enlarge the area of an existing business district by more than eight acres, the applicant shall furnish a written description of the market area to be served by the development, the population thereof, the effective demand for the proposed facilities and any other information describing the relationship of the proposed development to the needs of the applicable area.
- (5) *Public need.* The changed or changing conditions in the applicable area, or in the metropolitan area generally, that makes the proposed amendment necessary and desirable for the promotion of the public health, safety or general welfare.
- (6) *Effect of amendment.* A report giving the nature, description and effect of the proposed amendment, if the proposed amendment would require a change in the zoning map, with a description of the probable effect of the surrounding land uses and properties.
- (7) *Error.* The error in this chapter that would be corrected by the proposed amendment.
- (8) *Legal description.* A written legal description of land area involved in amendment to the zoning map.
- (9) *Owners of surrounding property.* If the proposed amendment would require a change in the zoning map, furnish the commission with the name, description of property owned and the mailing address of each owner of property lying within a distance of 300 feet radius of any property line, the classification of which is sought to be changed, such distance to be measured along the property lines of the streets on which such property is located and along any other streets crossing the same and leading therefrom. In the case of a corner lot, the rear corner on the side street shall be considered a fronting corner.

(10) *Fee.* A deposit of \$150.00 with the planning commission to cover the cost of advertising and processing the amendment.

(Ord. of 9- -1985, § VIII(A)(3))

Sec. 42-697. Administrative examination of amendment application.

Upon receipt of an application for amendment, properly and completely made out, the office of zoning administration shall examine the application and shall make such investigation as is necessary. Within 30 days of the receipt of complete application, the office of zoning administration shall transmit the application, together with its report and recommendation, to the planning commission.

(Ord. of 9- -1985, § VIII(A)(4))

Sec. 42-698. Preliminary hearing by planning commission.

The planning commission shall hold a preliminary hearing on each application for amendment to this chapter and shall notify the applicant and the office of zoning administration of the time and place of such preliminary hearing. After holding a preliminary hearing, the commission shall notify the applicant of the time and place of such public hearing. Within ten days after such notification the applicant shall provide additional information: Furnish the commission with such additional information as it may request.

(Ord. of 9- -1985, § VIII(A)(5))

Sec. 42-699. Public hearing by planning commission.

The planning commission shall fix a reasonable time for a public hearing and shall give public notice thereof, as required by law, as well as notice to the applicant and to the office of zoning administration. If it deems necessary, the commission may also notify the owners of surrounding property by mail as the names and addresses of such owners have been furnished by the applicant and may post a notice of such hearing on the property included within the proposed district. The commission shall prepare a record of its proceedings for each case showing the grounds of its recommendation. The record of proceedings shall be filed in the office of the commission and shall be a public record. A certified copy of the record of proceedings shall be transmitted to the board of aldermen.

(Ord. of 9- -1985, § VIII(A)(6))

Sec. 42-700. Legislative disposition.

(a) The board of aldermen shall examine all such applications and reports submitted to it, and shall take such further action as it deems necessary and desirable. Before enacting any amendment, the council shall hold a public hearing thereon and shall give public notice thereof, as required by law.

(b) Conditions. If an application for an amendment to the zoning map contains representations that a specified area will be developed in accordance with a given plan and time schedule, and if the area is rezoned substantially as proposed in the application, the board of

aldermen shall fix conditions, which conditions may include a performance bond, in the amendment so as to require performance of the development in accordance with such plan and time schedule. Such conditions, among other things, shall provide that upon a failure to develop the area within the specified time and in accordance with the conditions fixed, no permit for the construction of any structures within the area shall be issued until the area has been examined and zoned or rezoned for its most appropriate use. Conditions fixed in amendments relating to rezoning shall run with the land in the area involved and shall be binding upon applicants for amendments, their heirs, successors and assigns.

(Ord. of 9- -1985, § VIII(A)(7))

Sec. 42-701. Reconsideration.

(a) No land for which an application for reclassification has been denied by the board of aldermen shall be considered again by the planning commission for at least six months from the date such application was denied.

(b) In all cases where property is rezoned and is not used for the purpose for which it was rezoned within a period of one year from the date of rezoning, the planning commission shall, upon its own notice, call a public hearing for the purpose of considering changing the zoning classification to that which existed at the time of the original application.

(Ord. of 9- -1985, § VIII(A)(8))

Appendix A

TRAFFIC OFFENSES FINE SCHEDULE*

- Sec. 7-1. Traffic offenses.
Sec. 7-2. Criminal offenses.

***Editor's note**—Printed herein is the Traffic Offenses Fine Schedule, as adopted by the town council on April 13, 1993 in Ordinance No. 2-1993. Amendments are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original. Obvious misspellings and punctuation errors have been corrected without notation. The style used for headings and catchlines has been made uniform, and the same system of capitalization as appears in the Code of Ordinances has been used. Additions made for purposes of clarity are indicated by brackets.

ORDINANCE # 1, 1999

AN ORDINANCE TO AMEND ORDINANCE #2, 1993

TO ESTABLISH FINES FOR TRAFFIC OFFENSES AND CRIMINAL OFFENSES

Whereas, the mayor and the board of aldermen of the Town of Haughton seek to protect the safety and welfare of the residents of the Town of Haughton,

Now therefore, be it ordained by the mayor and board of aldermen that this ordinance be and the same is hereby adopted by the Town of Haughton to set fines for traffic and criminal offenses in violation of the Code of Ordinances of the Town of Haughton, and superseding all previous fine schedules.

Sec. 7-1. Traffic offenses.

<i>Offenses</i>	<i>Fine</i>	<i>Jail Time</i>
Unsafe vehicle—32:1301v—(also 32:53)	\$167.00	10 days
Three-wheeler on highway—32:1301—(also 32:53)	125.00	5 days
Inspection sticker expired over 90 days—32:1304	172.00	10 days
Inspection sticker expired over 30 days—32:1304e	137.00	5 days
Inspection sticker switched—32:1308	272.00	15 days
Reckless operation of vehicle—1st offense	250.00	10 days
Reckless operation of vehicle, 2nd offense	550.00	30 days
Careless operation of vehicle, 1st offense	250.00	10 days
Careless operation of vehicle, 2nd offense	550.00	30 days
Motorcycle, passing between lanes (191.1c)	130.00	5 days
Motorcycle, two abreast in one lane (191.1d)	130.00	5 days
Motorcycle, footrest required for pass. (191.3a)	130.00	5 days
Motorcycle, handles maximum 15" above seat (191.3b)	130.00	5 days
Speeding:		
Minimum, up to 5 miles above posted speed limits	127.00	5 days
6-11 miles above posted speed limit, each mile	+2.00	5 days
12 miles over above posted speed limit, each mile	+3.00	5 days
Entering traffic, from parked position	130.00	5 days
Turn signal req. 100' prior to turning (32:104b)	137.00	5 days
Failure to yield, to vehicle already in intersection	142.00	5 days
Improper left turn	135.00	5 days
Failure to stop (32:123b)	152.00	5 days
Failure to yield (32:123c)	152.00	5 days
Failure to yield to emergency vehicles	162.00	5 days
Railroad crossings, obedience to signals	152.00	5 days
Railroad crossings, school bus & tankers	162.00	5 days

<i>Offenses</i>	<i>Fine</i>	<i>Jail Time</i>
Motorcycle, safety helmets required	130.00	5 days
Motorcycle, operator's eye protection (32:190.1)	130.00	5 days
Motorcycle, riding while having restrictions	130.00	5 days
Failure to stop at red light	167.00	10 days
Flashing red & yellow signals (32:234a)	152.00	5 days
Improper backing	150.00	5 days
Obstruction of driver's view	130.00	5 days
Opening doors into traffic lanes	130.00	5 days
Riding on fenders, running boards, etc. (32:284b)	130.00	5 days
Following emergency vehicles	170.00	10 days
Child seat restraints	50.00	5 days
Seat belts not used (32:295.1)	50.00	5 days
Lights, not having when required	160.00	10 days
Headlights, two required on all vehicles	150.00	5 days
Tail lights, number req., visible 1,000 ft.	137.00	5 days
Stop lights and turn signals, two required	137.00	5 days
Lights, additional required for trucks & buses	137.00	5 days
Light or flag, required on rear projection	137.00	5 days
Headlights, must dim 200 ft. behind vehicles	137.00	5 days
Failure to dim headlights	137.00	5 days
Driving with parking lights only (32:326c)	137.00	5 days
Exhaust systems, modification of	152.00	5 days
Windshields, illegal tint, view obscured	130.00	5 days
Warning devices, vehicle disabled on roadway	130.00	5 days
Leaving scene of accident	250.00	10 days
Driver's licenses—motorcycle endorsement	137.00	5 days
Driver's license not on person (32:411.d)	142.00	5 days
Driver's license, expired	142.00	5 days
Driver's license, fraudulent use of (32:414.1)	272.00	15 days
Driver's license, suspension/revocation of	410.00	30 days
Allowing unlicensed minor to drive	142.00	5 days
License plate, none	202.00	10 days
Driver's license, none	202.00	10 days
Proper equip. required on all vehicles	167.00	10 days
Mvi sticker, none	200.00	10 days
Failure to obey officer's signals	152.00	5 days
Failure to obey traffic control	152.00	5 days
Impeding flow of traffic	130.00	5 days
Racing on public roadways	310.00	15 days
Driving to left of center	172.00	10 days
Passing prohibited on shoulder	172.00	10 days

<i>Offenses</i>	<i>Fine</i>	<i>Jail Time</i>
Passing on left	167.00	10 days
Passing within 100 ft. of intersection	172.00	10 days
Passing in marked no passing zone	172.00	10 days
Wrong way on one-way street	167.00	10 days
Improper lane use	167.00	10 days
Passing stopped school bus	550.00	30 days
Following too close	167.00	10 days
No auto insurance (or proof of)	200.00	10 days
Failure to register vehicle	152.00	5 days
Registration, failure to carry	152.00	5 days
License plate, expired (47:508c)	152.00	5 days
License plate, improper display of	272.00	10 days
License plate, switched (47:536.8)	272.00	10 days
Illegal parking (32:473)	97.00	5 days
Required turning at intersection (32:101c)	179.00	10 days
Property damage	200.00	10 days
Remaining after being forbidden	250.00	10 days
Improper lighting on vehicle (32:327)	137.00	5 days
Unsafe load (32:54)	225.00	10 days
Unsafe load, 2nd offense (32:54)	550.00	30 days
License plates misused (47:519)	167.00	10 days

(Ord. No. 2-1993, § 7.1, 4-13-1993; Ord. No. 1-1999, § 7.1, 4-13-1999; Ord. No. 3-2007, § 7.1, 5-8-2007)

Sec. 7-2. Criminal offenses.

<i>Offenses</i>	<i>Fine</i>	<i>Minimum Jail Time</i>
Selling alcohol to minors ordinance	\$300.00	90 days
No street parking, ordinance	97.00	5 days
Disturbing the peace, ordinance 2-89	150.00	5 days
Disorderly conduct	150.00	5 days
Prohibit discharge of firearms in town city limits	250.00	30 days
Minor in possession of alcohol (14:93.12)	100.00	5 days
Animal control ordinance—1st offense	70.00	5 days
Animal control ordinance—2nd offense	100.00	5 days
Animal control ordinance—3rd offense	150.00	5 days
Open container—1st offense (5-91)	200.00	15 days
Open container—2nd offense (5-91)	400.00	60 days
Open container—on school property	250.00	10 days
Theft of utilities, town ordinance	150.00	5 days
Public drunk	150.00	10 days

HAUGHTON TOWN CODE

<i>Offenses</i>	<i>Fine</i>	<i>Minimum Jail Time</i>
Town ordinance (3-81), farm animals 1st offense	100.00	5 days
Town ordinance (3-81), farm animals 2nd offense	150.00	5 days

(Ord. No. 2-1993, § 7.2, 4-13-1993; Ord. No. 1-1999, § 7.2, 4-13-1999; Ord. No. 3-2007, § 7.2, 5-8-2007)

The above ordinance, having been read and considered by sections at a public meeting of the mayor and board of aldermen, upon motion by Elbert Winnfield, seconded by Carlton Anderson, to adopt this ordinance on this 13th day of April, 1999.

Appendix B

TRAFFIC SCHEDULE*

***Editor's note**—Printed herein is the provision appearing as section 5-1(D) of the 1976 Town of Haughton Code of Ordinances. Due to the editor's inability to differentiate between amending ordinances that only modified street names or speed limits in this schedule as opposed to amending ordinances that modified another unrelated subsection within section 5-1, the parenthetical history note following this schedule indicates all ordinances which amended any and/or all of the subsections appearing in section 5-1 of the 1976 Town of Haughton Code of Ordinances. Obvious misspellings and punctuation errors have been corrected without notation. The style used for headings and street names has been made uniform, and the same system of capitalization that appears in the Code of Ordinances has been used. Additions made for purposes of clarity are indicated by brackets.

APPENDIX B—TRAFFIC SCHEDULE

The speed limit for motor vehicles on the following streets, or portions thereof, shall be set in the following schedule and it shall be unlawful for any person to drive or operate a motor vehicle at a speed in excess of such limit:

<i>Street</i>	<i>Speed Limit (mph)</i>
Alex Way	15
Alford Road	45
Amberwood	15
Boulder Drive	15
Breitling Road	15
Brunswick Gardens	15
Buccaneer Lane	15
Camden Hill	15
Camp Street	15
Camp Zion Road	35
Cedar Street	25
Cherry Oak Lane	15
Cornerstone Blvd.	15
Cross Drive	15
Davis Street	25
Debbie Street	25
Erwin Street	25
East Jackson Street	15
East Jackson Street Ext.	15
East McKinley Street (as set by state)	35
East Jefferson Street	15
East Madison Street	35
East Taylor Street	35
East Washington Street	25
Fitzwilliam Street	15
Fox Chase Drive	15
Fox Creek Street	15
Freedom Street	35
Galilee Street	15
Hwy 3227 (as set by state)	55
J's Lane	10
Jade Circle	15
Johnson Street	15
Jones Road	25
Lincoln Street	35
Maplewood Street	15
Monroe Street	15

HAUGHTON TOWN CODE

<i>Street</i>	<i>Speed Limit (mph)</i>
Mountain Ash Street	15
North Cherry Street	15
North Elm Street (as set by state)	45
North Hampton Street	15
North Hazel Street	25
North Hazel Street Ext.	35
North Hickory Street	15
North Laurel Street	15
North Maple Street	15
North Myrtle Street	25
North Oak Street	10
Oakwood Street	15
Oliver Road	35
Opal Circle	15
Park Circle	15
Peach Street	15
Pebble Drive	15
Pecan Street	15
Pinetree Lane	25
Polk Street	15
Poplar Street	15
Quail Creek Lane	15
Red Oak Lane	15
Rimstone Drive	15
Sedgewick Ave.	15
Shadetree Street	15
Shadywood Lane	25
Slate Circle	15
South Cherry Street	15
South Elm Street (as set by state)	45
South Hazel Street	25
South Hickory Street	25
South Laurel Street	15
South Maple Street	15
South Myrtle Street	25
South Oak Street	15
Turkey Creek Circle	15
Tuscany Blvd.	15
West Jackson Street	35
West Jefferson Street	15

APPENDIX B—TRAFFIC SCHEDULE

<i>Street</i>	<i>Speed Limit (mph)</i>
West Madison Street	15
West McKinley Street (as set by state)	35
West Taylor Street	35
West Washington Street	15
Village Manor Blvd.	10

(Ord. No. 5-1977, §§ D, E, 5-10-1977; Ord. No. 3-1989, §§ D, E, 5-9-1989; Ord. No. 1-1993, §§ D, E, 4-13-1993; Ord. No. 1-2000, §§ D, E, 3-14-2000; Ord. No. 4-2007, § D, 5-8-2007; Ord. No. 5-2014, § D, 3-11-2014)

CODE COMPARATIVE TABLE

1976 CODE

This table gives the location within this Code of those sections of the 1976 Code, as updated through October 14, 2008, which are included herein. Sections of the 1976 Code, as updated, not listed herein have been omitted as repealed, superseded, obsolete or not of a general and permanent nature. For the location of ordinances adopted subsequent thereto, see the table immediately following this table.

1976 Code Section	Section this Code
1-1	1-1
1-2—1-6	1-3—1-7
2-1—2-4	2-19—2-22
2-6—2-11	2-23—2-28
3-5	40-27
5-1	38-22
6-1	22-1
	26-1
8-1	36-351
8-11	36-352
9-1	8-28
9-3	8-50
10-1—10-4	18-1—18-4

CODE COMPARATIVE TABLE

ORDINANCES

This table gives the location within this Code of those ordinances adopted since the 1976 Code, as updated through October 14, 2008, which are included herein. This table contains some ordinances which precede October 14, 2008, but which were never included in the 1976 Code, for various reasons. Ordinances adopted since October 14, 2008, and not listed herein, have been omitted as repealed, superseded or not of a general and permanent nature.

Ordinance Number	Date	Section	Section this Code
2-1968	7- 9-1968	1	24-172
		2	24-171
2-1971	5-11-1971	101	24-151
3-1975	5-19-1975		8-28
			8-50
1-1976	2-10-1976	1—3	2-26—2-28
2-1977	4-12-1977	5-6	38-23
9-1977	4-25-1977	5-1	40-27
5-1977	5-10-1977	D—E	38-22
			App. B
	8- 9-1977(Res.)		40-28
3-1977	9-13-1977	3-5-D	40-27
4-1977	9-13-1977	5-7	38-24
3-1978	1- 1-1978	12-1	8-4
		12-2	8-51
1-1978	2-14-1978		8-28
2-1978	4-11-1978	4-4	40-98
		4-6	40-99
		4-7	40-77
5-1978	11-14-1978	4-8	40-76
		4-9—4-17	40-100—40-108
		4-18—4-29	40-130—40-141
		4-30, 4-31	40-77
		4-32	40-142
		4-33	40-77
			40-4
9-1979	7-24-1979		40-4
	5-13-1980(Ord.)	1	36-19
		2.01—2.02	36-44
		2.03—2.06	36-45—36-48
		3.01—3.02	36-49
		4.04, 4.05	36-72, 36-73
		4.11	36-74
		5.01, 5.02	36-92, 36-93
		7.01—7.04	36-115—36-118
		7.06—7.08	36-119—36-121

HAUGHTON TOWN CODE

Ordinance Number	Date	Section	Section this Code
		8.01	36-141
		9.03, 9.04	36-166, 36-167
		9.06—9.12	36-168—36-174
		9.14—9.19	36-175—36-180
		9.22—9.24	36-181—36-183
		10.03—10.06	36-205—36-208
		11.02—11.04	36-240—36-242
		12.01—12.11	36-264—36-274
		12.13	36-263
		13.01—13.03	36-297
		14.01	36-298
2-1980	1980	1.1—1.5	32-62—32-66
3-1980	7- 8-1980		2-85
4-1980	8-12-1980		40-1
		2—4	40-27
5-1980	9- 9-1980	1	26-2
6-1980	11-11-1980	1—8	20-19—20-26
		10, 11	20-27, 20-28
3-1981	11-10-1981		6-1
4-1981	11-10-1981	8-1	36-351
	11-10-1981(Ord.)		36-351
2-1983	10-11-1983		34-1
		I—V	34-2—34-6
2-1984	10- 9-1984	1—3	4-3—4-5
		5—9	4-6—4-10
		11	4-11
		13	4-12
		14	4-2
3-1984	11- -1984	1-1—1-7	28-19—28-25
4-1984	11-13-1984		24-98
	9- 1985(Ord.)	intro. ¶	42-1
		I	42-2
		II(A)(1)—II(A)(6)	42-23—42-28
		II(B)(1)—II(B)(5)	42-60—42-64
		II(C)(1)—II(C)(3)	42-87—42-89
		II(D)(1, II(D)(2	42-107, 42-108
		III(A)(1)—	42-157—42-161
		III(A)(5)	
		III(B)(1)—	42-191—42-194
		III(B)(4)	
		III(C)(1),	42-212, 42-213
		III(C)(2)	
		III(D)(1)—	42-235—42-242
		III(D)(8)	
		III(E)(1),	42-263, 42-264
		III(E)(2)	

CODE COMPARATIVE TABLE

Ordinance Number	Date	Section	Section this Code
		III(E)(3)—	42-266—42-268
		III(E)(5)	
		IV(A)(1), IV(A)(2)	42-335, 42-336
		IV(B)(1)—	42-361—42-363
		IV(B)(3)	
		IV(C)(1), IV(C)(2)	42-385, 42-386
		IV(D)(1—IV(D)(10)	42-416—42-425
		IV(E)(1)—	42-300—42-308
		IV(E)(9)	
		V(A)(1)—V(A)(6)	42-480—42-485
		V(B)(1)—V(B)(3)	42-509—42-511
		VI(A)(1)—	42-554—42-558
		VI(A)(5)	
		VI(B)(1)—	42-580—42-583
		VI(B)(4)	
		VII(A)(1)—	42-615—42-619
		VII(A)(5)	
		VII(A)(6)	42-619
		VII(A)(7)	42-621
		VII(B)(1)—	42-646—42-648
		VII(B)(3)	
		VII(C)(1)—	42-670—42-675
		VII(C)(6)	
		VIII(A)(1)—	42-694—42-701
		VIII(A)(8)	
4-1985	12-17-1985	4.1	2-63
3-1986	4- 8-1986		40-3
4-1986	7- 8-1986	1—10	30-1—30-10
1-1987	4-14-1987	8-1	36-351
2-1987	5-12-1987		36-331
5-1987	12- 8-1987		2-27
1-1988	7-12-1988		36-352
2-1989	11- 7-1988		40-2
1-1989	1-10-1989		4-6
2-1989	4-11-1989		26-1
3-1989	5- 9-1989	D—E	38-22
			App. B
5-1989	10-10-1989	1—3	32-42—32-44
7-1989	12-12-1989	9.03	36-166
8-1989	12-12-1989		36-72—36-74
1-1990	2-13-1990		12-2
2-1990	1990		38-25
3-1990	5- 8-1990		36-330
4-1991	8-13-1991		40-1
6-1991	12-19-1991		2-26
1-1992	2-11-1992		2-27
1-1993	4-13-1993	D—E	38-22

HAUGHTON TOWN CODE

Ordinance Number	Date	Section	Section this Code
2-1993	4-13-1993	7.1, 7.2	App. B App. A, § 7-1, App. A, § 7-2
3-1993	4-13-1993		22-1
4-1993	4-13-1993		32-19
6-1993	12-14-1993		4-8
1-1994	2- 8-1994	1-1	24-125
3-1994	4-12-1994	I	12-1
1-1995	1-10-1995		42-62
		2	42-61
		5	42-64
		VII	42-616
2-1995	3-14-1995		4-8
3-1995	5- 9-1995		4-13
4-1995	5- 9-1995		2-62
4-1996	5-14-1996		2-114, 2-115
5-1997	10-14-1997		2-61
1-1999	4-13-1999	7.1, 7.2	App. A, § 7-1, App. A, § 7-2
6-1999	12-14-1999		36-352
1-2000	3-14-2000	D—E	38-22
			App. B
2-2000	7-11-2000		2-27
3-2000	7-11-2000	1	2-26
5-2000	10-10-2000		36-352
1-2001	5- 8-2001		36-353
2-2001	5- 8-2001	8-1	36-351
06-2001	2001	I	24-40
		III	24-42
	5-10-2001		36-353
1-2003	3-11-2003	3-5	40-27
		5-1	40-29
1-2004	2-10-2004	(a1)	24-40
		(a2)	24-73
		(b1)	24-41
		(b2)	24-74
		(c1)	24-42
		(c2)	24-75
		(d), (e)	24-76, 24-77
3-2006	3-14-2006	I	24-172
		II	24-171
		III, IV	24-173, 24-174
6-2006	12-12-2006	1	8-1
		2	8-50
		3—5	8-28—8-30
		6, 7	8-2, 8-3
1-2007	2-13-2007		8-27

CODE COMPARATIVE TABLE

Ordinance Number	Date	Section	Section this Code
3-2007	5- 8-2007	7.1, 7.2	App. A, § 7-1, App. A, § 7-2
4-2007	5- 8-2007	D	38-22 App. B
5-2007	7- 9-2007		38-26
6-2007	11-13-2007	6-60.1—6-60.3 29-60.2, 29-60.3	10-19 10-20—10-22 10-93, 10-94
7-2007	11-13-2007	6-60.1—6-60.3 6-60.4—6-60.23	10-19 10-20—10-22 10-48—10-67
1-2008	3-11-2008	5-5 5-8	6-2 6-3
2-2008	3-11-2008	21-3	6-4
5-2008	6-12-2008	1—5	40-47—40-51
7-2008	7- 7-2008	art. 1, § A— art. 1, § D art. 2 art. 3, § A— art. 3, § G art. 4, § A— art. 4, § D art. 5, § A— art. 5, § G	16-1—16-4 16-5 16-29—16-35 16-59—16-62 16-83—16-89
8-2008	8-12-2008	11-1—11-9	14-21—14-29
9-2008	8-12-2008	I—III IV	26-23—26-25 26-25
10-2008	8-12-2008	a—d	10-146—10-149
11-2008	8-12-2008	I—V	10-167—10-171
12-2008	10-14-2008		32-91—32-94
4-2010	6-11-2010	I	33-1
6-2010	8-10-2010		8-29(4)
1-2011	7-12-2011		14-21 14-25(b), (1)(4) 14-28(b) 14-29(b)
5-2011	12-13-2011		Added 14-24(i)
1-A-2012	9-11-2012		Added 26-3—26-5
1-B-2012	9-11-2012		Added 26-40, 26-41
4-2012	1- 8-2013		42-2 Added 42-65 42-65(c)(2)
1-2014	3-11-2014		Added 41-1—41-14
3-2014	3-11-2014		Added 26-6
4-2014	3-11-2014		38-22(d), (e)
5-2014	3-11-2014	D, E F	Added 38-22(f) Rnbd 38-22(f)

HAUGHTON TOWN CODE

Ordinance Number	Date	Section	Section this Code
			as 38-22(g)
		D	App. B
6-2014	9- 9-2014		Added 14-30
1-2015	2-10-2015		Added 40-5
2-2015	5-12-2015	1—13	Added 8-5

STATE LAW REFERENCE TABLE

This table shows the location within the Code, either in the text or notes following the text, of references to Louisiana state law.

R.S.	Section this Code	R.S.	Section this Code
1:7, 1:8	1-2	30:2151 et seq.	Ch. 30
1:10	1-2	32:1	38-1
1:13	1-8	32:1 et seq.	Ch. 38
1:15	1-3		38-56
3:1 et seq.	Ch. 6	32:1—32:399	38-24
13:4611	26-6	32:41	Ch. 38, Art. III
13:4711 et seq.	Ch. 24	32:42	Ch. 38
14:1 et seq.	Ch. 26	32:57.1	26-6
14:41-43.5	10-21	32:235	Ch. 38, Art. III
14:56	26-3	32:236	38-58
14:59	26-4	32:399	38-24
14:59A(2), (5)	12-1	33:1 et seq.	Ch. 2
14:63	26-5	33:101 et seq.	Ch. 28
14:67	26-40		28-19
14:67.6	40-3		28-22
14:67.10	26-41		28-25
14:80-81.2	10-21		Ch. 34
14:82-86	10-21	33:362(A)(2)(b)	1-7
14:94	26-2	33:386	2-25
14:104-6.1	10-21	33:404(A)(3)	2-63
14:126.1	12-1	33:405	2-19
14:143	Ch. 26	33:406	2-24
	40-3	33:476—33:4768	24-126
14:230	10-21	33:1236(20)	Ch. 34
14:281-284	10-21	33:1236(20),	
tit. 22, ch. I	36-352	(38)(a)	Ch. 28
22:1061 et seq.	36-352	33:1236(25)	1-7
22:1076	36-352	33:1236(30)	Ch. 24, Art. VI
26:1	4-1	33:1361—	
26:1 et seq.	Ch. 4	33:1363	1-1
26:241	4-1	33:1368	Ch. 8
	4-3		18-1
26:241 et seq.	Ch. 4	33:2711 et seq.	Ch. 36, Art. II
26:274	4-8	33:2845	10-21
26:276	4-4	33:2955	2-114
26:279	4-4	33:2955(A)(1)(b)(iii)	2-114
26:285, 26:286	4-9	33:3301 et seq.	Ch. 32
26:492	4-10	33:3911 et seq.	Ch. 40, Art. III
26:493	Ch. 4	33:4001 et seq.	Ch. 40, Art. III
26:521	4-2	33:4041	40-98
27:301 et seq.	Ch. 10	33:4161 et seq.	Ch. 40
27:314	36-353	33:4169.1	Ch. 30
28:475 et seq.	Ch. 42	33:4721 et seq.	Ch. 42
30:2001 et seq.	Ch. 30	33:4726	28-23
		33:4727	42-675

HAUGHTON TOWN CODE

R.S.	Section this Code	R.S.	Section this Code
33:4741 et seq.	Ch. 14	47:337.63,	Ch. 36, Art. II,
33:4744	Ch. 8	47:337.64	Div. 9
33:4761	24-126	47:337.69	36-182
33:4761 et seq.	Ch. 24, Art. IV	47:337.70	36-177
33:4781 et seq.	Ch. 10	47:337.71	36-183
	Ch. 36, Art. III	47:337.72,	
33:4787,		47:337.73	36-167
33:4788	4-9	47:341 et seq.	Ch. 36, Art. III
33:4791	Ch. 12	47:341—47:363	36-351
33:4791.1	Ch. 12	47:343, 47:344	36-351
33:4876	Ch. 24, Art. VI	47:360	36-351
33:5062	Ch. 24, Art. III	47:462	36-44
33:9040 et seq.	Ch. 12	47:1601	36-166
38:84	Ch. 16		36-352
40:4	Ch. 24	47:1602	36-166
40:4 et seq.	18-1	51:911.21 et seq.	Ch. 42
	30-9	51:912.21 et seq.	8-5
40:971 et seq.	10-21	51:2601 et seq.	Ch. 20, Art. II
40:1605	Ch. 30	51:2603	20-20
40:1730.21 et seq.	Ch. 8	51:2606(A)(3)	20-21
	8-5		
	8-50		
40:1749.14	40-2		
40:1749.19	40-2		
40:1749.11—			
40:1749.22	40-2		
42:801 et seq.	36-352		
42:821 et seq.	36-352		
45:1361—			
45:1378	32-91		
45:1374	32-91		
47:301	36-19		
47:301—47:317	36-331		
47:304	36-47		
47:337.1 et seq.	36-20		
47:337.4	36-20		
47:337.9 et seq.	36-49		
47:337.20	36-141		
47:337.20.1	36-141		
47:337.28	36-167		
47:337.29	36-115		
47:337.36	36-178		
47:337.37	36-115		
47:337.40—			
47:337.42	36-172		
47:337.46	36-181		
47:337.49	Ch. 36, Art. II, Div. 9		
47:337.53	36-179		

CODE INDEX

	Section
A	
ABATEMENT	
Junked vehicles	
Removal or disposal	24-173
Weeds and yard vegetation	
Removal of weeds, high grass, etc.; costs.....	24-98
ABUTTING DISTRICTS	
Zoning	
Yard regulations	
Side yard at abutting districts	42-236
ACCESS	
Subdivisions	
General requirements for subdivision of land	
Streets	
Marginal access streets	34-4(b)(5)
ACCESSORY BUILDINGS, STRUCTURES AND USES	
Zoning	
R-3 MHP districts, residence-mobile home park districts	
Yards required	42-63(4)b
Yard regulations	42-240
ACTIONS. See: SUITS, ACTIONS AND OTHER PROCEEDINGS	
ADMINISTRATION	
Boards, commissions and committees	2-85
Finances	2-114, 2-115
Legislative body	2-19 et seq.
See: LEGISLATIVE BODY	
Officers and employees	2-60 et seq.
See: OFFICERS AND EMPLOYEES	
ADULT ORIENTED BUSINESSES. See: SEXUALLY ORIENTED BUSINESSES	
AFFIRMATION. See: OATH, AFFIRMATION, SWEAR OR SWORN	
AGENCIES. See: DEPARTMENTS AND OTHER AGENCIES	
AGENTS	
Itinerant vendors	
Agent; bond.....	10-169
AGREEMENTS. See: CONTRACTS AND AGREEMENTS	
AGRICULTURAL CONCERNS	
Zoning	42-60 et seq.
See: ZONING	
AH ZONES	
Floods and flooding	

HAUGHTON TOWN CODE

	Section
AH ZONES (Cont'd.)	
Flood hazard reduction, provisions for Areas of shallow flooding (AO/AH zones), standards for	16-86
AIRPORTS AND AIRCRAFT	
Sales and use tax Remedies for collection, including interest and penalties Transportation companies; rule to show cause.....	36-171
ALCOHOL BEVERAGES	
Closing hours	4-12
Definitions	4-1
Facilities and business required location of business limited	4-6
Incompetents, sale to	4-11
Open container in public prohibited.....	4-13
Operation without permit prohibited	4-3
Penalties.....	4-2
Permit	
Application	
Provisions re	4-4
Submission	4-5
Fees	4-8
Renewal.....	4-7
Revocation	4-9
Suspension.....	4-9
Tax on beverages of low alcoholic content	4-10
ALTERATIONS	
Ordinances not affected by Code	1-11(a)(10)
AMENDMENTS	
Code, amendments to; effect of new ordinances; amendatory language.....	1-5
Ordinances not affected by Code	1-11
Zoning	42-306 et seq.
See: ZONING	
AMPLIFIERS	
Noise.....	24-73 et seq.
See: NOISE	
AMUSEMENTS AND ENTERTAINMENTS	
Country festival committee designated as tourist promotion agency	2-85
Occupational license taxes	
Video draw poker devices, levied on operation of	36-353
Sexually oriented businesses.....	10-19 et seq.
See: SEXUALLY ORIENTED BUSINESSES	
ANIMALS	
Hog pens prohibited.....	6-4

CODE INDEX

	Section
ANIMALS (Cont'd.)	
Noise	
Unnecessary and excessive noise	
Nonexclusive enumeration of prohibited acts	24-41(4)
Penalties.....	6-3
Poultry and fowl running at large within town city limits prohibited	6-2
Swine, hogs, or pigs, prohibiting raising, producing or keeping of, within corporate limits	6-1
ANNEXATIONS	
Ordinances not affected by Code	1-11(a)(9)
Zoning	
District regulations	
Annexed territory	42-26
AO ZONES	
Floods and flooding	
Flood hazard reduction, provisions for	
Areas of shallow flooding (AO/AH zones), standards for	16-86
APPEALS	
Sales and use tax	
Remedies of dealer	
Protest, hearing, security and appeals to court	36-242
Sexually oriented businesses	
Licensing and regulation	
Hearing; denial, revocation, and suspension; appeal	10-55
Issuance of license or employee card	
Appeal from notice of intent to deny.....	10-49(e)
Zoning	42-60 et seq.
See: ZONING	
APPLICATIONS	
Alcohol beverages	
Permit.....	4-4, 4-5
Buildings and building regulations	
Permits and certification of compliance	
Permit	
Application; contents	8-29
Technical codes	
Plumbing	
Permits	
Application for plumbing permit.....	8-51(b)(3)
Sales and use tax	
Remedies for collection, including interest and penalties	
Application to court for orders	36-173
Secondhand dealers	
License required; application; exemptions	10-147
Streets, sidewalks and other public places	
Excavations	
Permit	32-63

HAUGHTON TOWN CODE

	Section
APPLICATIONS (Cont'd.)	
Zoning	42-301 et seq.
See: ZONING	
APPOINTMENTS	
Legislative body	
Appointment of committees.....	2-23
Appointment of treasurer	2-25
Officers and employees	
Appointment, suspension, and dismissal.....	2-63
Appointments with confirmation from mayor and board of aldermen.....	2-61
Planning commission	
Membership; appointment	28-20
APPROPRIATIONS	
Ordinances not affected by Code	1-11(a)(3)
ARCHITECTURAL CONCERNS	
Zoning	
Yard regulations	
Projecting architectural features	42-239
AREA	
Zoning	42-60 et seq.
See: ZONING	
ASSESSMENTS	
Sales and use tax.....	36-166 et seq.
See: SALES AND USE TAX	
AUDITS	
Sales and use tax	
Records and inspection	36-118
Remedies for collection, including interest and penalties	
Audit authority; assessment	36-178
AUTHORITY	
Buildings and building regulations	
Plumbing inspector	8-4(b)
Sales and use tax.....	36-48 et seq.
See: SALES AND USE TAX	
Sewer service	40-108 et seq.
See: SEWER SERVICE	
Unfit buildings and structures.....	24-125
AUTHORIZATION, AUTHORIZED	
Floods and flooding	
Statutory authorization	16-1
Sales and use tax	
Refunds and reimbursements	
Authorization for repayment.....	36-207

CODE INDEX

	Section
AUTHORIZATION, AUTHORIZED (Cont'd.)	
Zoning	
Zoning amendments	
Persons authorized to initiate.....	42-695
B	
B-1 DISTRICTS, TRANSITION BUSINESS DISTRICTS	
Zoning	42-87 et seq.
See: ZONING	
B-2 DISTRICTS, NEIGHBORHOOD BUSINESS DISTRICT	
Zoning	42-88 et seq.
See: ZONING	
B-3 DISTRICTS, COMMUNITY AND CENTRAL BUSINESS DISTRICTS	
Zoning	42-89 et seq.
See: ZONING	
BANKRUPTCY	
Sales and use tax	
Remedies for collection, including interest and penalties	
Liability shall be personal debt; lien, bankruptcy, insolvency, or otherwise	36-175
BARRIERS	
Zoning	
Off-street parking and loading	
Off-street parking requirements	
Maintenance specifications	
Protective barriers	42-482(3)
BEER. See: ALCOHOL BEVERAGES	
BENEFITS	
Ordinances not affected by Code	1-11(a)(14)
BEVERAGES	
Alcohol beverages	4-1 et seq.
See: ALCOHOL BEVERAGES	
BOARD OF ALDERMEN	
Legislative body	2-19 et seq.
See: LEGISLATIVE BODY	
Officers and employees	
Appointments with confirmation from mayor and board of aldermen	2-61
Rules of construction and definitions	1-2
BOARD OF APPEALS	
Zoning	42-60 et seq.
See: ZONING	

HAUGHTON TOWN CODE

	Section
BOARDS, COMMISSIONS AND COMMITTEES	
Country festival committee designated as tourist promotion agency	2-85
Planning commission	28-19 et seq.
See: PLANNING COMMISSION	
Rules of construction and definitions	1-2
Sales and use tax	
Imposition of tax	
Collection in name of taxing authority.....	36-48
Zoning	42-60 et seq.
See: ZONING	
BOATS, DOCKS AND WATERWAYS	
Sales and use tax	
Remedies for collection, including interest and penalties	
Transportation companies; rule to show cause.....	36-171
BONDS, SURETY OR PERFORMANCE	
Itinerant vendors	
Agent; bond.....	10-169
Ordinances not affected by Code	1-11(a)(1), 1-11(a)(12)
Sales and use tax	
Remedies for collection, including interest and penalties	
Authority to require bond or security.....	36-176
Remedies of dealer	
Protest, hearing, security and appeals to court.....	36-242
Subdivisions	
General requirements for subdivision of land	
Parish only; compliance with requirements of parish engineer	
Performance bond.....	34-4(g)(2)
BOUNDARIES	
Zoning	
District regulations	42-25
R-3 MHP districts, residence-mobile home park districts	
Yards required	
Mobile home park external boundaries.....	42-63(4)a
BRAKES	
Traffic and vehicles	
Jake Brakes, use of.....	38-26
BROKERAGE SERVICES	
Fair housing	20-24
BRUSH. See: WEEDS AND BRUSH	
BUDGET	
Ordinances not affected by Code	1-11(a)(3)
BUFFERS	
Subdivisions	

CODE INDEX

	Section
BUFFERS (Cont'd.)	
General requirements for subdivision of land	
General principles of acceptability	
Buffer park strips	34-4(a)(4)
BUILDING HEIGHT LIMIT	
Zoning	42-60 et seq.
See: ZONING	
BUILDING OFFICIALS	
Buildings and building regulations.....	8-3
BUILDING PERMITS	
Zoning	
Administration and enforcement	
Prior building permits	42-619
BUILDING SITE AREA	
Zoning	42-60 et seq.
See: ZONING	
BUILDINGS AND BUILDING REGULATIONS	
Building code	8-5
Adoption of state uniform construction codes.....	8-5(c)
Certificate of occupancy	8-5(j)
Construction documents.....	8-5(f)
Creation of enforcement agency	8-5(b)
Definitions	8-5(a)
Duties and powers of the building official.....	8-5(d)
Fees	8-5(h)
Inspections.....	8-5(i)
Permits.....	8-5(e)
Service utilities.....	8-5(k)
Stop work order	8-5(m)
Temporary structures and uses	8-5(g)
Violations	8-5(l)
Building officials.....	8-3
Codes	
Enforcement of construction code.....	8-2
Technical codes. See herein that subject	
Definitions.....	8-1
Drinking water protection.....	40-47 et seq.
See: DRINKING WATER PROTECTION	
Emergency services and management	12-1 et seq.
See: EMERGENCY SERVICES AND MANAGEMENT	
Enforcement of construction code.....	8-2
Fire department	14-1 et seq.
See: FIRE DEPARTMENT	
Fire prevention and protection.....	14-1 et seq.
See: FIRE PREVENTION AND PROTECTION	
Floods.....	16-1 et seq.
See: FLOODS AND FLOODING	

HAUGHTON TOWN CODE

	Section
BUILDINGS AND BUILDING REGULATIONS (Cont'd.)	
Licenses and permits	
Permits and certification of compliance. See herein that subject	
Technical codes	
Plumbing	8-51(b)
Noise	
Unnecessary and excessive noise	
Nonexclusive enumeration of prohibited acts	
Construction and repairing of buildings.....	24-41(8)
Permits and certification of compliance	
Certification of compliance.....	8-30
Permit	
Application; contents	8-29
Fees	8-27
Provisions re	8-28
Planning.....	28-1 et seq.
See: PLANNING AND DEVELOPMENT	
Planning commission	28-19 et seq.
See: PLANNING COMMISSION	
Plumbing inspector.....	
Authority.....	8-4
Authority.....	8-4(b)
Copies of notices and certificates to mayor's office	8-4(e)
Creation.....	8-4(a)
Duties	8-4(c)
Notifications	8-4(d)
Sewer service	
See: SEWER SERVICE	40-76 et seq.
Solid waste	
See: SOLID WASTE	30-1 et seq.
Subdivisions.....	
See: SUBDIVISIONS	34-1 et seq.
Technical codes	
Definitions	8-49
Plumbing.....	8-51
Definitions.....	8-51(a)
Permits	8-51(b)
Application for plumbing permit	8-51(b)(3)
Necessary plans	8-51(b)(4)
Plumbing work, permit for.....	8-51(b)(2)
Property owner permit	8-51(b)(1)
State uniform construction code, adoption of	8-50
Town buildings.....	32-19
Unfit buildings and structures.....	24-125, 24-126
Utilities.....	40-1 et seq.
See: UTILITIES	
Water service	
See: WATER SERVICE	40-27 et seq.
Zoning	
See: ZONING	42-1 et seq.

CODE INDEX

	Section
BUSES	
Ordinances not affected by Code.....	1-11(a)(19)
BUSINESSES	
Alcohol beverages	4-1 et seq.
See: ALCOHOL BEVERAGES	
Itinerant vendors.....	10-167 et seq.
See: ITINERANT VENDORS	
Occupational license taxes	36-351 et seq.
See: OCCUPATIONAL LICENSE TAXES	
Secondhand dealers	10-146 et seq.
See: SECONDHAND DEALERS	
Sexually oriented businesses.....	10-19 et seq.
See: SEXUALLY ORIENTED BUSINESSES	

CODE INDEX

	Section
BUSINESSES (Cont'd.)	
Solid waste	
Businesses and other commercial activities	30-6
Containers for establishments serving customers outside building; duty to pick up litter	30-3
Streets, sidewalks and other public places	32-91 et seq.
See: STREETS, SIDEWALKS AND OTHER PUBLIC PLACES	
Zoning	42-87 et seq.
See: ZONING	

C

CANVASSERS. See: **PEDDLERS, CANVASSERS AND SOLICITORS**

CASSETTE PLAYERS. See: **RADIOS, STEREOS, ETC.**

C.C.

 Rules of construction and definitions 1-2

C.C.P.

 Rules of construction and definitions 1-2

C.CR.P.

 Rules of construction and definitions 1-2

CERTIFICATES, CERTIFICATION

 Buildings and building regulations

 Permits and certification of compliance 8-30

 Plumbing inspector

 Copies of notices and certificates to mayor's office 8-4(e)

 Sales and use tax

 Collection of tax by dealer

 Registration; certificate 36-72

 Sexually oriented businesses

 Zoning

 Locational requirements

 Issuance of certificate of occupancy 10-94(f)

 Zoning

 Administration and enforcement

 Certificate of occupancy 42-617

 Zoning administration, office of

 Administration

 Building permits, certificates of occupancy, special
 plans 42-647(1)

CH.C.

 Rules of construction and definitions 1-2

CHEMICALS

 Sewer service

 Service policies and procedures

 Chemical discharges 40-101

HAUGHTON TOWN CODE

	Section
CHURCHES	
Noise	
Unnecessary and excessive noise	
Nonexclusive enumeration of prohibited acts	24-41(9)
CIVIL EMERGENCIES	
Emergency services and management	12-1 et seq.
See: EMERGENCY SERVICES AND MANAGEMENT	
CLEARING	
Subdivisions	
General requirements for subdivision of land	
Improvements	
Street clearing and grubbing	34-4(f)(1)
CLOSINGS	
Alcohol beverages	
Closing hours	4-12
Ordinances not affected by Code	1-11(a)(5)
CODE OF ORDINANCES*	
Altering Code	1-6
Amendments to Code; effect of new ordinances; amendatory language	1-5
Catchlines of sections; history notes; references to Code	1-8
Designation and citation of Code	1-1
Effect of repeal of ordinances	1-3
Ordinances not affected by Code	1-11
Penalty, general	1-7
Prior offenses, rights, etc., Code does not affect	1-10
Rules of construction and definitions	1-2
Severability of parts of Code	1-4
Supplementation of Code	1-9
CODES	
Buildings and building regulations	8-2 et seq.
See: BUILDINGS AND BUILDING REGULATIONS	
Health and sanitation	
Enforcement of state sanitary code	18-2
State sanitary code adopted	18-1
Sales and use tax	
Local sales tax code, adoption of	36-20
COERCION	
Fair housing	20-26
COMMERCIAL CONCERNS	
Solid waste	
Businesses and other commercial activities	30-6

***Note**—The adoption, amendment, repeal, omissions, effective date, explanation of numbering system and other matters pertaining to the use, construction and interpretation of this Code are contained in the adopting ordinance and preface which are to be found in the preliminary pages of this volume.

CODE INDEX

	Section
COMMERCIAL CONCERNS (Cont'd.)	
Subdivisions	
General requirements for subdivision of land	
Blocks	
Industrial or commercial use	34-4(c)(2)
Zoning	42-87 et seq.
See: ZONING	
COMMISSIONS AND COMMITTEES. See: BOARDS, COMMISSIONS AND COMMITTEES	
COMPENSATION, SALARIES, ETC.	
Legislative body	2-26 et seq.
See: LEGISLATIVE BODY	
Officers and employees	
Fulltime salaried employees required to reside within incorporated town city limits	2-62
Ordinances not affected by Code	1-11(a)(14)
Sales and use tax	
Collection of tax by dealer	
Dealer compensation	36-74
COMPREHENSIVE PLAN	
Ordinances not affected by Code	1-11(a)(17)
COMPUTATION OF TIME	
Rules of construction and definitions	1-2
CONDITIONS	
Sewer service	
Administration and enforcement	
Conditions or permits	40-138
Zoning	42-63 et seq.
See: ZONING	
CONFIDENTIALITY	
Sales and use tax	
Records and inspection	
Confidential and privileged records	36-120
Sexually oriented businesses	
Licensing and regulation	
License or employee card required	
Confidentiality of information	10-48(d)
CONSTITUTIONS	
Sales and use tax	
Remedies of dealer	
Interstate commerce burden, constitutional violation ...	36-241
CONSTRUCTION	
Buildings and building regulations	
Enforcement of construction code	8-2
Technical codes	
State uniform construction code, adoption of	8-50

HAUGHTON TOWN CODE

	Section
CONSTRUCTION (Cont'd.)	
Floods and flooding	
Flood hazard reduction, provisions for	
Specific standards	
Nonresidential construction	16-84(2)
Residential construction.....	16-84(1)
Noise	
Unnecessary and excessive noise	
Nonexclusive enumeration of prohibited acts	
Construction and repairing of buildings.....	24-41(8)
Ordinances not affected by Code	1-11(a)(13)
CONTINUANCE	
Zoning	
Nonconforming uses and structure	
Nonconforming structures.....	42-580
Nonconforming uses.....	42-554
CONTRACTS AND AGREEMENTS	
Ordinances not affected by Code	1-11(a)(1)
Sales and use tax	
Disposition of tax proceeds and revenues	
Contracting collector	36-298
Sewer service	
Administration and enforcement	
Payment and agreement.....	40-135
CONTROLLED SUBSTANCES	
Drug free zones.....	32-42 et seq.
See: DRUG FREE ZONES	
CORPORATIONS	
Sales and use tax	
Remedies for collection, including interest and penalties .	36-181
COURTS	
Noise	
Unnecessary and excessive noise	
Nonexclusive enumeration of prohibited acts	24-41(9)
Sales and use tax	
Remedies for collection, including interest and penalties	
Application to court for orders	36-173
Remedies of dealer	
Protest, hearing, security and appeals to court	36-242
CREDIT	
Sales and use tax	
Refunds and reimbursements	
Credit memo	36-205
CRYING. See: YELLING, SHOUTING, ETC.	
CULTURAL FEATURES	
Subdivisions	

CODE INDEX

	Section
CULTURAL FEATURES (Cont'd.)	
General requirements for subdivision of land	
Public spaces.....	34-4(e)(2)
CURFEW	
Minors	26-23 et seq.
See: MINORS	
D	
D-2 DISTRICT	
Sexually oriented businesses	
Zoning	
Locational requirements	
Allowed in D-2 district	10-94(c)
DAMAGE, DEFACEMENT, DESTRUCTION, INJURY, ETC.	
Emergency medical service.....	12-2 et seq.
See: EMERGENCY MEDICAL SERVICE	
Emergency services and management	12-1 et seq.
See: EMERGENCY SERVICES AND MANAGEMENT	
Fire department	14-1 et seq.
See: FIRE DEPARTMENT	
Fire prevention and protection.....	14-1 et seq.
See: FIRE PREVENTION AND PROTECTION	
Floods.....	16-1 et seq.
See: FLOODS AND FLOODING	
Streets, sidewalks and other public places	
Excavations	
Backfilling, resurfacing and repairing of damaged public utilities	32-65
Traffic control devices	
Damaging or removing	38-59
Zoning	
Nonconforming uses and structure	
Nonconforming structures	
Restoration of damaged nonconforming structures ...	42-582
Nonconforming uses	
Termination of nonconforming uses.....	42-558(2)
DEDICATIONS	
Ordinances not affected by Code	1-11(a)(5)
DEFACEMENT. See: DAMAGE, DEFACEMENT, DESTRUCTION, INJURY, ETC.	
DEFECTS	
Noise	
Unnecessary and excessive noise	
Nonexclusive enumeration of prohibited acts	
Defect in vehicle or load.....	24-41(5)

HAUGHTON TOWN CODE

	Section
DEMOLITION	
Ordinances not affected by Code	1-11(a)(10)
DENSITY	
Zoning	
Planned building groups and residential planned unit development	
Residential planned unit development	
Conditions to be met by special plans	42-421
DEPARTMENTS AND OTHER AGENCIES	
Boards, commissions and committees	2-85
Fire department	14-1 et seq.
See: FIRE DEPARTMENT	
Legislative body	2-19 et seq.
See: LEGISLATIVE BODY	
Planning commission	28-19 et seq.
See: PLANNING COMMISSION	
Zoning	42-60 et seq.
See: ZONING	
DESTRUCTION. See: DAMAGE, DEFACEMENT, DESTRUCTION, INJURY, ETC.	
DEVELOPMENT. See: PLANNING AND DEVELOPMENT	
DIRT	
Zoning	
Protection standards	42-265
DISASTERS	
Emergency services and management	12-1 et seq.
See: EMERGENCY SERVICES AND MANAGEMENT	
Floods	16-1 et seq.
See: FLOODS AND FLOODING	
Sales and use tax	
Refunds and reimbursements	
Natural disaster	36-208
DISCLAIMERS	
Floods and flooding	
Procedures	
Warning and disclaimer or liability	16-35
DISCRIMINATION (Race, religion, sex, ethnic background, etc.)	
Fair housing	20-19 et seq.
See: FAIR HOUSING	
DISK PLAYERS. See: RADIOS, STEREOS, ETC.	
DISORDERLY PERSONS, DISORDERLY CONDUCT	
Disturbing the peace; penalty	26-1
Offenses and miscellaneous provisions	26-1 et seq.
See: OFFENSES AND MISCELLANEOUS PROVISIONS	

CODE INDEX

	Section
DISORDERLY PERSONS, DISORDERLY CONDUCT (Cont'd.)	
Sexually oriented businesses.....	10-19 et seq.
See: SEXUALLY ORIENTED BUSINESSES	
DISSOLUTIONS	
Sales and use tax	
Remedies for collection, including interest and penalties .	36-181
DISTRICTS	
Sexually oriented businesses	
Zoning	
Locational requirements	
Residential zoning district	10-94(b)
Zoning	42-23 et seq.
See: ZONING	
DOCKS. See: BOATS, DOCKS AND WATERWAYS	
DRAINAGE	
Sewer service	
Service policies and procedures	
Stormwater and other unpolluted drainage	40-104
Subdivisions	
General requirements for subdivision of land	
Improvements.....	34-4(f)(3)
Zoning	42-63 et seq.
See: ZONING	
DRINKING WATER PROTECTION	
Definitions	40-49
Enforcement	40-51
Civil	40-51(a)
Criminal	40-51(b)
Established.....	40-47
Exceptions.....	40-50
Prohibited uses	40-48
DRUG FREE ZONES	
Definitions	32-43
Established.....	32-42
Map adopted; published	32-44
DRUGS. See: CONTROLLED SUBSTANCES	
DRUMS	
Noise	
Unnecessary and excessive noise	
Nonexclusive enumeration of prohibited acts	24-41(11)
DUST	
Zoning	
Protection standards.....	42-265

HAUGHTON TOWN CODE

	Section
DUTIES	
Buildings and building regulations	
Plumbing inspector	8-4(c)
Fire department	
Chief, duties of	14-24
Floods and flooding	
Administration	
Floodplain administrator	16-60
Solid waste	
Containers for establishments serving customers outside building; duty to pick up litter	30-3
Duty to keep sidewalks clean; littering prohibited	30-4
E	
EASEMENTS	
Subdivisions	
General requirements for subdivision of land	
Public spaces	
Utility easements	34-4(e)(3)
Zoning	
R-3 MHP districts, residence-mobile home park districts	
Special conditions	
Drainage and utility easement	42-63(5)c
EGRESS. See: INGRESS AND EGRESS	
ELECTIONS	
Ordinances not affected by Code	1-11(a)(16)
ELECTRICITY	
Ordinances not affected by Code	1-11(a)(13)
EMERGENCIES	
Emergency medical service	12-2 et seq.
See: EMERGENCY MEDICAL SERVICE	
Emergency services and management	12-1 et seq.
See: EMERGENCY SERVICES AND MANAGEMENT	
Fire prevention and protection	14-1 et seq.
See: FIRE PREVENTION AND PROTECTION	
EMERGENCY MEDICAL SERVICE	
Primary provider	12-2(a)
Rates	12-2(b)
Responsibility	12-2(d)
Third party billing	12-2(c)
EMERGENCY SERVICES AND MANAGEMENT	
Emergency medical service	12-2 et seq.
See: EMERGENCY MEDICAL SERVICE	
Unauthorized use of 911 system	12-1
EMPLOYEES. See: OFFICERS AND EMPLOYEES	

CODE INDEX

	Section
ENCLOSURES. See: FENCES, WALLS, HEDGES AND ENCLOSURES	
ENGINEERING	
Subdivisions	
General requirements for subdivision of land	
Parish only; compliance with requirements of parish engineer	34-4(g)
Procedure	
Final plat	
Contact of engineer prior to submission.....	34-3(f)
ENLARGEMENT	
Zoning	
Nonconforming uses and structure	
Nonconforming structures.....	42-581
Nonconforming uses.....	42-555
ENTERTAINMENTS. See: AMUSEMENTS AND ENTERTAINMENTS	
ENTRANCES AND EXITS	
Zoning	
Off-street parking and loading	
Off-street loading facilities	
Maintenance specifications	42-511(4)
Off-street parking requirements	
Maintenance specifications	42-482(5)
ENTRY	
Sewer service	
Administration and enforcement	
Power to enter property	40-139
EQUIPMENT	
Fire department	14-26
ESTABLISHED, ESTABLISHMENT	
Drinking water protection.....	40-47
Drug free zones.....	32-42
Fire department	
Establishment of fire department.....	14-21
Floods and flooding	
Procedures	
Basis for establishing areas of special flood hazard	16-30
Establishment of development permit	16-31
Ordinances not affected by Code.....	1-11
Zoning	42-511 et seq.
See: ZONING	
ETHNIC BACKGROUND, DISCRIMINATION BECAUSE OF.	
See: DISCRIMINATION	

HAUGHTON TOWN CODE

	Section
EXCAVATIONS	
Streets, sidewalks and other public places	32-62 et seq.
See: STREETS, SIDEWALKS AND OTHER PUBLIC PLACES	
EXCEPTIONS	
Drinking water protection	40-50
Itinerant vendors	10-170
Noise	
Excessive noise resulting from amplified sound	
Radios, stereos, television sets, phonographs, cassette and disk players and similar devices.....	24-75(c)
Unnecessary and excessive noise	24-42
Sexually oriented businesses	
Licensing and regulation	
Inspection	10-51(b)
Subdivisions	
General requirements for subdivision of land	
General principles of acceptability	34-4(a)(8)
Zoning	42-28 et seq.
See: ZONING	
EXCLUSIONS	
Sales and use tax	
Imposition of tax	
Exemptions and exclusions from tax	36-49
EXEMPTIONS	
Fair housing	20-25
Sales and use tax	
Imposition of tax	
Exemptions and exclusions from tax	36-49
Secondhand dealers	
License required; application; exemptions	10-147
EXHAUSTS	
Noise	
Unnecessary and excessive noise	
Nonexclusive enumeration of prohibited acts	24-41(7)
EXITS. See: ENTRANCES AND EXITS	
EXPANSIONS	
Zoning	
Nonconforming uses and structure	
Nonconforming uses.....	42-555
EXTENSIONS	
Zoning	
Nonconforming uses and structure	
Nonconforming structures.....	42-581
Nonconforming uses.....	42-556

CODE INDEX

	Section
F	
FAIR HOUSING	
Application of prohibitions	20-21
Brokerage services	20-24
Definitions.....	20-20
Enforcement	20-28
Exemption.....	20-25
Financing.....	20-23
Interference, coercion or intimidation.....	20-26
Penalty	20-27
Policy	20-19
Sale or rental of housing	20-22
FENCES, WALLS, HEDGES AND ENCLOSURES	
Floods and flooding	
Flood hazard reduction, provisions for	
Specific standards	16-84(3)
Zoning	42-63 et seq.
See: ZONING	
FESTIVALS	
Country festival committee designated as tourist promotion agency	2-85
FINANCES	
Fair housing	20-23
Investment of public funds	2-114
Law enforcement	
Annual fiscal reporting requirement.....	22-3
Legislative body	
Appointment of treasurer	2-25
Occupational license taxes	36-351 et seq.
See: OCCUPATIONAL LICENSE TAXES	
Ordinances not affected by Code.....	1-11(a)(3)
Reporting requirements	2-115
Sales and use tax.....	36-19 et seq.
See: SALES AND USE TAX	
Sewer service	
Administration and enforcement	
Sewer use cost system	40-136
Taxation	36-1 et seq.
See: TAXATION	
Weeds and yard vegetation	
Removal of weeds, high grass, etc.; costs.....	24-98
FINES, FORFEITURES AND OTHER PENALTIES	
General penalty.....	1-7
FINGERPRINTING	
Sexually oriented businesses	
Licensing and regulation	
License or employee card required	10-48(c)

HAUGHTON TOWN CODE

	Section
FIRE DEPARTMENT	
Duties of chief	14-24
Enforcement	14-28
Equipment	14-26
Establishment of	14-21
General regulations	14-27
Governing body	14-22
Haughton Fire Department Standard Operating Guidelines	14-30
Authority.....	14-30(c)
Purpose	14-30(a)
Scope	14-30(b)
Membership.....	14-25
Officers.....	14-23
Policy and procedures manual adopted	14-1
Special officers	14-29
FIRE PREVENTION AND PROTECTION	
Fire department	14-1 et seq.
See: FIRE DEPARTMENT	
Zoning	
R-3 MHP districts, residence-mobile home park districts	
Special conditions	
Sanitation, fire protection and utility services.....	42-63(5)a
FIREARMS AND WEAPONS	
Firearm, discharge of, prohibited.....	26-2
Town buildings	
Security for town hall; possession of weapons in town hall prohibited	32-19
FLOODS AND FLOODING	
Administration	
Floodplain administrator	
Duties and responsibilities	16-60
Provisions re	16-59
Permit procedures	16-61
Variance procedures	16-62
Definitions.....	16-5
Findings of fact.....	16-2
Flood hazard reduction, provisions for	
Areas of shallow flooding (AO/AH zones), standards for ..	16-86
Floodways.....	16-87
Penalties for noncompliance	16-89
Requirements.....	16-83
Severability.....	16-88
Specific standards.....	16-84
Enclosures.....	16-84(3)
Manufactured homes.....	16-84(4)
Nonresidential construction	16-84(2)
Recreational vehicles.....	16-84(5)
Residential construction	16-84(1)

CODE INDEX

	Section
FLOODS AND FLOODING (Cont'd.)	
Subdivision proposals, standards for	16-85
Methods of reducing flood losses.....	16-4
Procedures	
Abrogation and greater restrictions.....	16-33

CODE INDEX

	Section
FLOODS AND FLOODING (Cont'd.)	
Basis for establishing areas of special flood hazard.....	16-30
Compliance	16-32
Establishment of development permit.....	16-31
Interpretation	16-34
Lands to which this article applies	16-29
Warning and disclaimer or liability.....	16-35
Purpose, statement of.....	16-3
Statutory authorization.....	16-1
FOOD AND FOOD SERVICES	
Alcohol beverages	4-1 et seq.
See: ALCOHOL BEVERAGES	
FORFEITURES. See: FINES, FORFEITURES AND OTHER PENALTIES	
FRANCHISES	
Ordinances not affected by Code	1-11(a)(4)
G	
GAMBLING	
Occupational license taxes	
Video draw poker devices, levied on operation of	36-353
GAMES	
Occupational license taxes	
Video draw poker devices, levied on operation of	36-353
GARBAGE. See: SOLID WASTE	
GASES	
Zoning	
Protection standards.....	42-265
GENDER	
Rules of construction and definitions	1-2
GLARE. See: HEAT, GLARE AND VIBRATION	
GOVERNING AUTHORITY, GOVERNING BODY	
Rules of construction and definitions	1-2
GRADES, GRADING	
Ordinances not affected by Code	1-11(a)(6)
GRANDFATHERING	
Sewer service	
Administration and enforcement	
Grandfathered discharges	40-137
GRASS	
Solid waste	
Deposit of grass, leaves, branches, other rubbish in public streets	30-2

HAUGHTON TOWN CODE

	Section
GRUBBING	
Subdivisions	
General requirements for subdivision of land	
Improvements	
Street clearing and grubbing	34-4(f)(1)
H	
HAUGHTON, TOWN OF. See: TOWN	
HAWKERS. See: PEDDLERS, CANVASSERS AND SOLICITORS	
HAZARDS	
Emergency medical service	12-2 et seq.
See: EMERGENCY MEDICAL SERVICE	
Emergency services and management	12-1 et seq.
See: EMERGENCY SERVICES AND MANAGEMENT	
Fire department	14-1 et seq.
See: FIRE DEPARTMENT	
Fire prevention and protection	14-1 et seq.
See: FIRE PREVENTION AND PROTECTION	
Zoning	
Protection standards	42-266
HEALTH AND SANITATION	
Animals	6-1 et seq.
See: ANIMALS	
Drinking water protection	40-47 et seq.
See: DRINKING WATER PROTECTION	
Drug free zones	32-42 et seq.
See: DRUG FREE ZONES	
Emergency medical service	12-2 et seq.
See: EMERGENCY MEDICAL SERVICE	
Enforcement of state sanitary code	18-2
Refuse on town streets	18-3
Scrap metal or parts, storage or sale of	18-4
Sewer service	40-76 et seq.
See: SEWER SERVICE	
Solid waste	30-1 et seq.
See: SOLID WASTE	
State sanitary code adopted	18-1
Subdivisions	
General requirements for subdivision of land	
Improvements	34-4(f)
Utilities	40-1 et seq.
See: UTILITIES	
Water service	40-27 et seq.
See: WATER SERVICE	
Zoning	
R-3 MHP districts, residence-mobile home park districts	

CODE INDEX

	Section
HEALTH AND SANITATION (Cont'd.)	
Special conditions	
Sanitation, fire protection and utility services	42-63(5)a
HEARINGS	
Sales and use tax.....	36-172 et seq.
See: SALES AND USE TAX	
Sexually oriented businesses	
Licensing and regulation	
Hearing; denial, revocation, and suspension; appeal....	10-55
Subdivisions	
Procedure	
Final plat.....	34-3(h)
Zoning	42-672 et seq.
See: ZONING	
HEAT, GLARE AND VIBRATION	
Zoning	
Protection standards.....	42-264
HEAVY METALS	
Sewer service	
Service policies and procedures	40-102
HEDGES. See: FENCES, WALLS, HEDGES AND ENCLOSURES	
HEIGHT	
Zoning	42-60 et seq.
See: ZONING	
HOME OCCUPATIONS	
Zoning	
Area regulations	
Home occupations and nameplates.....	42-194
HOOTING. See: YELLING, SHOUTING, ETC.	
HORNS	
Noise	
Unnecessary and excessive noise	
Nonexclusive enumeration of prohibited acts	24-41(1)
HOSPITALS	
Noise	
Unnecessary and excessive noise	
Nonexclusive enumeration of prohibited acts	24-41(9)
HOURS	
Alcohol beverages	
Closing hours.....	4-12
Secondhand dealers	
Hours of business	10-148

HAUGHTON TOWN CODE

	Section
HOURS (Cont'd.)	
Sexually oriented businesses	
Licensing and regulation	
Hours of operation	10-57
Zoning	
Protection standards	
Business hours of operation	42-268
HOUSING	
Fair housing	20-19 et seq.
See: FAIR HOUSING	
Floods and flooding	
Flood hazard reduction, provisions for	
Specific standards	
Manufactured homes	16-84(4)
HUMAN RELATIONS	
Fair housing	20-19 et seq.
See: FAIR HOUSING	
I	
I-1 DISTRICTS, LIGHT INDUSTRY DISTRICTS	
Zoning	42-107 et seq.
See: ZONING	
IDENTIFICATION	
Sexually oriented businesses	10-48 et seq.
See: SEXUALLY ORIENTED BUSINESSES	
ILLUMINATION OF USES	
Zoning	
Use regulations	42-160
IMPORTED GOODS	
Sales and use tax	36-141 et seq.
See: SALES AND USE TAX	
IMPROVEMENTS. See: PUBLIC WORKS AND IMPROVEMENTS	
INDECENCY AND OBSCENITY	
Sexually oriented businesses	10-19 et seq.
See: SEXUALLY ORIENTED BUSINESSES	
INDUSTRIAL CONCERNS	
Subdivisions	
General requirements for subdivision of land	
Blocks	
Industrial or commercial use	34-4(c)(2)
Zoning	42-107 et seq.
See: ZONING	
INGRESS AND EGRESS	
Zoning	

CODE INDEX

	Section
INGRESS AND EGRESS (Cont'd.)	
R-3 MHP districts, residence-mobile home park districts	
Special conditions	
Plan of ingress and egress	42-63(5)b
INJURY. See: DAMAGE, DEFACEMENT, DESTRUCTION, INJURY, ETC.	
INSOLVENCY	
Sales and use tax	
Remedies for collection, including interest and penalties	
Liability shall be personal debt; lien, bankruptcy, insol- vency, or otherwise	36-175
INSPECTIONS	
Buildings and building regulations	
Plumbing inspector	8-4
Sales and use tax.....	36-115 et seq.
See: SALES AND USE TAX	
Sexually oriented businesses	
Licensing and regulation.....	10-51
Streets, sidewalks and other public places	
Excavations	
Inspections required; fee.....	32-66
Subdivisions	
General requirements for subdivision of land	
Parish only; compliance with requirements of parish engineer	34-4(g)(1)
INSURANCE	
Occupational license taxes	
Insurance business/insurance license tax	36-352
INTERFERENCE	
Fair housing	20-26
INTERSTATE COMMERCE	
Sales and use tax	
Remedies of dealer	
Interstate commerce burden, constitutional violation...	36-241
INTIMIDATION	
Fair housing	20-26
INTOXICATING BEVERAGES. See: ALCOHOL BEVER- AGES	
INTOXICATION	
Alcohol beverages	4-1 et seq.
See: ALCOHOL BEVERAGES	
INVESTIGATIONS	
Zoning	
Zoning administration, office of	

HAUGHTON TOWN CODE

	Section
INVESTIGATIONS (Cont'd.)	
Enforcement	
Investigation and surveys.....	42-648(1)
ITINERANT VENDORS	
Agent; bond	10-169
Definitions	10-168
Exceptions.....	10-170
Penalty	10-171
Purpose.....	10-167
J	
JAKE BRAKES	
Traffic and vehicles	
Use of Jake Brakes	38-26
JOBBERS	
Sales and use tax	
Records and inspection.....	36-117
JOINT AUTHORITY	
Rules of construction and definitions	1-2
JUNK	
Vehicles.....	24-171 et seq.
See: JUNKED VEHICLES	
JUNKED VEHICLES	
Definitions	24-171
Penalty	24-174
Prohibited conduct	24-172
Removal or disposal.....	24-173
L	
LAW ENFORCEMENT	
Annual fiscal reporting requirement.....	22-3
Police department policy and procedures manual adopted ..	22-2
Witness fees.....	22-1
LEASES, LEASING	
Sales and use tax	
Remedies for collection, including interest and penalties	
Lease or rental; assessment.....	36-170
Transportation companies; rule to show cause.....	36-171
LEAVES	
Solid waste	
Deposit of grass, leaves, branches, other rubbish in public streets	30-2
LEGAL ACTIONS, LEGAL PROCEEDINGS. See: SUITS, ACTIONS AND OTHER PROCEEDINGS	

CODE INDEX

	Section
LEGAL PROCESSES. See: WRITS, WARRANTS AND OTHER PROCESSES	
LEGISLATIVE BODY	
Appointment of committees	2-23
Appointment of treasurer.....	2-25
Meetings	
Date of regular meetings.....	2-19
Order of business	2-22
Presiding officer.....	2-20
Quorum	2-21
Publication of ordinances; minutes	2-24
Salary	
Aldermen	2-27
Marshal	2-28
Mayor	2-26
LIABILITY	
Floods and flooding	
Procedures	
Warning and disclaimer or liability	16-35
Ordinances not affected by Code	1-11(a)(15)
Sales and use tax	
Remedies for collection, including interest and penalties	
Liability shall be personal debt; lien, bankruptcy, insolvency, or otherwise	36-175
Third party liability; delinquent dealers.....	36-168
Sexually oriented businesses	
Licensing and regulation	
Proof of violation or business licensee liability.....	10-64
Zoning	
Administration and enforcement	
Offenses and liabilities preserved	42-620
LICENSES AND PERMITS	
Alcohol beverages	4-4 et seq.
See: ALCOHOL BEVERAGES	
Buildings and building regulations.....	8-27 et seq.
See: BUILDINGS AND BUILDING REGULATIONS	
Floods and flooding	
Administration	
Permit procedures	16-61
Procedures	
Establishment of development permit	16-31
Occupational license taxes	36-351 et seq.
See: OCCUPATIONAL LICENSE TAXES	
Sales and use tax	
Imported goods permits	36-141
Secondhand dealers	
License required; application; exemptions	10-147

HAUGHTON TOWN CODE

	Section
LICENSES AND PERMITS (Cont'd.)	
Sewer service	
Administration and enforcement	
Conditions or permits	40-138
Sexually oriented businesses	10-48 et seq.
See: SEXUALLY ORIENTED BUSINESSES	
Streets, sidewalks and other public places	32-62 et seq.
See: STREETS, SIDEWALKS AND OTHER PUBLIC PLACES	
Zoning	42-616 et seq.
See: ZONING	
LIENS	
Sales and use tax	
Remedies for collection, including interest and penalties	
Liability shall be personal debt; lien, bankruptcy, insolvency, or otherwise	36-175
LIGHTING, LIGHTS	
Sexually oriented businesses	
Licensing and regulation	
Loitering and exterior lighting and monitoring requirements	10-59
Subdivisions	
General requirements for subdivision of land	
Improvements	
Street lighting; town only	34-4(f)(8)
Zoning	42-160 et seq.
See: ZONING	
LIQUOR. See: ALCOHOL BEVERAGES	
LITTERING	
Containers for establishments serving customers outside building; duty to pick up litter	30-3
Duty to keep sidewalks clean; littering prohibited	30-4
Prohibited	24-151
LOADING AND UNLOADING	
Noise	
Unnecessary and excessive noise	
Nonexclusive enumeration of prohibited acts	24-41(10)
Zoning	42-449 et seq.
See: ZONING	
LOADS	
Noise	
Unnecessary and excessive noise	
Nonexclusive enumeration of prohibited acts	
Defect in vehicle or load.....	24-41(5)
LOCAL IMPROVEMENTS. See: PUBLIC WORKS AND IMPROVEMENTS	

CODE INDEX

	Section
LOCATING	
Ordinances not affected by Code	1-11(a)(5)
LOCATIONS	
Alcohol beverages	
Facilities and business required location of business limited	4-6
Ordinances not affected by Code	1-11(a)(19)
Sexually oriented businesses	
Licensing and regulation	
Locations; measurements	10-66
Zoning	
Locational requirements	10-94
Zoning	42-481 et seq.
See: ZONING	
LOITERING	
Sexually oriented businesses	
Licensing and regulation	
Loitering and exterior lighting and monitoring requirements	10-59
LOTS	
Subdivisions	
General requirements for subdivision of land	34-4(d)
LOUD NOISE. See: NOISE	
LOUDSPEAKERS	
Noise	
Unnecessary and excessive noise	
Nonexclusive enumeration of prohibited acts	24-41(11)
LOUISIANA, STATE OF. See: STATE	

M

MAINTENANCE	
Traffic control devices	
Implementation; installation and maintenance	38-56
Zoning	42-480 et seq.
See: ZONING	
MANUFACTURED HOMES AND MANUFACTURED HOME PARKS	
Floods and flooding	
Flood hazard reduction, provisions for	
Specific standards	16-84(4)
Subdivisions	
Administration and effective date	
Mobile home subdivisions	34-6(d)
Zoning	42-63 et seq.
See: ZONING	

HAUGHTON TOWN CODE

	Section
MAPS. See: SURVEYS, MAPS AND PLATS	
MARSHAL	
Legislative body	
Salary	2-28
MAY	
Rules of construction and definitions	1-2
MAYOR	
Buildings and building regulations	
Plumbing inspector	
Copies of notices and certificates to mayor's office	8-4(e)
Legislative body	2-19 et seq.
See: LEGISLATIVE BODY	
Officers and employees	
Appointments with confirmation from mayor and board of aldermen	2-61
Rules of construction and definitions	1-2
MEASURES. See: WEIGHTS AND MEASURES	
MEDICAL SERVICES	
Emergency medical service	12-2 et seq.
See: EMERGENCY MEDICAL SERVICE	
MEETINGS	
Legislative body	2-19 et seq.
See: LEGISLATIVE BODY	
Planning commission	
Selection of chairman; meetings	28-21
MERGERS	
Sales and use tax	
Remedies for collection, including interest and penalties .	36-181
MINORS (Juveniles, children, etc.)	
Curfew	
Penalty	26-25
Permitting by parent for minor to break curfew	26-24
Provisions re.....	26-23
MINUTES	
Legislative body	
Publication of ordinances; minutes	2-24
MOBILE HOMES AND MOBILE HOME PARKS. See: MAN- UFACTURED HOMES AND MANUFACTURED HOME PARKS	
MONTH	
Rules of construction and definitions	1-2
MOTOR VEHICLES. See: TRAFFIC AND VEHICLES	

CODE INDEX

	Section
MOVING BUILDINGS OR OTHER STRUCTURES	
Ordinances not affected by Code	1-11(a)(10)
MULTIPLE-FAMILY DISTRICTS	
Zoning	42-62 et seq.
See: ZONING	
MUSICAL INSTRUMENTS	
Noise	
Unnecessary and excessive noise	
Nonexclusive enumeration of prohibited acts	24-41(2)
MUST	
Rules of construction and definitions	1-2
N	
NAMEPLATES	
Zoning	
Area regulations	
Home occupations and nameplates.....	42-194
NAMES, NAMING	
Ordinances not affected by Code	1-11(a)(5)
Subdivisions	
General requirements for subdivision of land	
Public spaces.....	34-4(e)(4)
NATURAL DISASTERS	
Emergency services and management	12-1 et seq.
See: EMERGENCY SERVICES AND MANAGEMENT	
Floods.....	16-1 et seq.
See: FLOODS AND FLOODING	
Sales and use tax	
Refunds and reimbursements	36-208
NATURAL FEATURES	
Subdivisions	
General requirements for subdivision of land	
Public spaces.....	34-4(e)(2)
NATURAL PRODUCTION USES	
Zoning	
Use regulations	42-159
NOISE	
Amplifiers	
Excessive noise resulting from amplified sound. See herein that subject	
Excessive noise resulting from amplified sound	
Definitions	24-73
Maximum permissible sound levels.....	24-76

HAUGHTON TOWN CODE

	Section
NOISE (Cont'd.)	
Radios, stereos, television sets, phonographs, cassette and disk players and similar devices	24-75
Exception	24-75(c)
Prima facie violation	24-75(b)
Regulations	24-74
Use restricted	24-75(a)
Vehicles, excessive noise from	24-77
Unnecessary and excessive noise	
Exceptions	24-42
Nonexclusive enumeration of prohibited acts	24-41
Animals, birds, etc.	24-41(4)
Construction and repairing of buildings	24-41(8)
Defect in vehicle or load	24-41(5)
Drums, loudspeakers	24-41(11)
Exhausts	24-41(7)
Hawkers, peddlers and vendors	24-41(12)
Horns or signal devices	24-41(1)
Loading, unloading	24-41(10)
Radio, phonograph or any musical instrument	24-41(2)
Schools, courts, churches, hospitals	24-41(9)
Steam whistles	24-41(6)
Yelling, shouting, hooting, etc.	24-41(3)
Prohibited	24-40
Zoning	
Protection standards	42-263
NONCONFORMITIES	
Sexually oriented businesses	
Zoning	
Locational requirements	10-94(e)
Zoning	42-531 et seq.
See: ZONING	
NONRESIDENTIAL CONCERNS	
Floods and flooding	
Flood hazard reduction, provisions for	
Specific standards	
Nonresidential construction	16-84(2)
NONTECHNICAL AND TECHNICAL WORDS	
Rules of construction and definitions	1-2
NOTICES, NOTIFICATION	
Buildings and building regulations	
Plumbing inspector	8-4(d)
Sales and use tax	
Other administrative provisions	36-271
Remedies for collection, including interest and penalties	
Fifteen-day notice; additional penalty	36-180
Sewer service	
Administration and enforcement	40-141

CODE INDEX

	Section
NOTICES, NOTIFICATION (Cont'd.)	
Sexually oriented businesses	
Licensing and regulation	
Issuance of license or employee card	
Appeal from notice of intent to deny.....	10-49(e)
NUDITY	
Sexually oriented businesses.....	10-19 et seq.
See: SEXUALLY ORIENTED BUSINESSES	
NUISANCES	
Animals.....	6-1 et seq.
See: ANIMALS	
Junked vehicles.....	24-171 et seq.
See: JUNKED VEHICLES	
Littering.....	24-151
Noise.....	24-19 et seq.
See: NOISE	
Offenses and miscellaneous provisions.....	26-1 et seq.
See: OFFENSES AND MISCELLANEOUS PROVISIONS	
Sexually oriented businesses.....	10-19 et seq.
See: SEXUALLY ORIENTED BUSINESSES	
Unfit buildings and structures.....	24-125, 24-126
Weeds and yard vegetation.....	24-98
NUMBERING, NUMBERS	
Rules of construction and definitions	1-2
Zoning	
Nonconforming uses and structure	
Nonconforming uses	
Continuance of nonconforming uses	
Maintenance of number of dwelling units	42-554(2)
R-3 MHP districts, residence-mobile home park districts	
Tie-downs, number of, required.....	42-63(6)
O	
OATH, AFFIRMATION, SWEAR OR SWORN	
Rules of construction and definitions	1-2
Sales and use tax	
Other administrative provisions	
Written oath	36-269
OBSCENITY. See: INDECENCY AND OBSCENITY	
OBSOLESCENCE	
Zoning	
Nonconforming uses and structure	
Nonconforming structures	
Restoration of obsolete nonconforming structures	42-583
Nonconforming uses	
Termination of nonconforming uses.....	42-558(2)

HAUGHTON TOWN CODE

	Section
OCCUPATIONAL LICENSE TAXES	
Insurance business/insurance license tax.....	36-352
Provisions re	36-351
Video draw poker devices, levied on operation of.....	36-353
ODORS	
Zoning	
Protection standards.....	42-265
OFFENSES AND MISCELLANEOUS PROVISIONS	
Criminal offense fines. See: TRAFFIC OFFENSES FINE SCHEDULE (Appendix A)	
Criminal offenses, generally	
Criminal mischief.....	26-4
Criminal trespass	26-5
Simple criminal damage to property.....	26-3
Disturbing the peace; penalty.....	26-1
Firearm, discharge of, prohibited.....	26-2
Minors	26-23 et seq.
See: MINORS	
Prior offenses, rights, etc., Code does not affect.....	1-10
Stealing	
Theft.....	26-40
Theft of goods	26-41
Traffic offense fines. See: TRAFFIC OFFENSES FINE SCHEDULE (Appendix A)	
Zoning	
Administration and enforcement	
Offenses and liabilities preserved	42-620
OFFICERS AND EMPLOYEES	
Appointment, suspension, and dismissal	2-63
Appointments with confirmation from mayor and board of aldermen	2-61
Boards, commissions and committees.....	2-85
Buildings and building regulations	
Building officials	8-3
Plumbing inspector	8-4
Fire department	14-1 et seq.
See: FIRE DEPARTMENT	
Floods and flooding	
Administration	
Floodplain administrator	16-59, 16-60
Fulltime salaried employees required to reside within incorporated town city limits	2-62
Legislative body	2-19 et seq.
See: LEGISLATIVE BODY	
Ordinances not affected by Code.....	1-11(a)(14)
Planning commission	28-19 et seq.
See: PLANNING COMMISSION	
Rules of construction and definitions	1-2

CODE INDEX

	Section
OFFICERS AND EMPLOYEES (Cont'd.)	
Sales and use tax.....	36-119 et seq.
See: SALES AND USE TAX	
Solid waste	
Enforcing officers designated	30-10
Town employee handbook adopted	2-60
Zoning	42-646 et seq.
See: ZONING	

CODE INDEX

	Section
OFFICES	
Buildings and building regulations	
Plumbing inspector	
Copies of notices and certificates to mayor's office	8-4(e)
Zoning	42-646 et seq.
See: ZONING	
OFF-STREET PARKING AND LOADING	
Zoning	42-449 et seq.
See: ZONING	
OPEN SPACES. See: YARDS AND OPEN SPACES	
OPENINGS	
Ordinances not affected by Code	1-11(a)(5)
OR, AND	
Rules of construction and definitions	1-2
ORDERS. See: WRITS, WARRANTS AND OTHER PROCESSES	
ORDINANCES, RESOLUTIONS, ETC.	
Buildings and building regulations	
Technical codes	
State uniform construction code, adoption of.....	8-50
Code of Ordinances.....	1-1 et seq.
See: CODE OF ORDINANCES	
Drug free zones	
Map adopted; published.....	32-44
Fire department	
Policy and procedures manual adopted.....	14-1
Health and sanitation	
State sanitary code adopted	18-1
Law enforcement	
Police department policy and procedures manual adopted	22-2
Legislative body	
Publication of ordinances; minutes	2-24
Officers and employees	
Town employee handbook adopted	2-60
Sales and use tax	
Local sales tax code, adoption of	36-20
Traffic and vehicles	
State highway regulatory act adopted.....	38-24
Unfit buildings and structures	
State procedures adopted	24-126
OWNERS	
Buildings and building regulations	
Technical codes	
Plumbing	
Permits	
Property owner permit.....	8-51(b)(1)

HAUGHTON TOWN CODE

	Section
OWNERS (Cont'd.)	
Zoning	
Zoning amendments	
Application	
Owners of surrounding property	42-696(9)
OWNERSHIP	
Zoning	
Planned building groups and residential planned unit development	
Application for approval	
Interest and ownership	42-301(1)
Zoning amendments	
Application	
Interest and ownership	42-696(1)
P	
PARENT OR GUARDIAN. See: MINORS	
PARISH	
Rules of construction and definitions	1-2
PARKING	
Ordinances not affected by Code	1-11(a)(19)
Prohibitions on parking	38-23
Zoning	42-449 et seq.
See: ZONING	
PARKS AND RECREATION	
Floods and flooding	
Flood hazard reduction, provisions for	
Specific standards	
Recreational vehicles	16-84(5)
Subdivisions	
General requirements for subdivision of land	
General principles of acceptability	
Buffer park strips	34-4(a)(4)
Public spaces	34-4(e)(1)
PARTICULATE MATTER	
Zoning	
Protection standards	
Dust, dirt, odors, gases, smoke, and radiation	42-265
PAVING	
Ordinances not affected by Code	1-11(a)(5)
PEDDLERS, CANVASSERS AND SOLICITORS	
Itinerant vendors	10-167 et seq.
See: ITINERANT VENDORS	
Noise	
Unnecessary and excessive noise	
Nonexclusive enumeration of prohibited acts	24-41(12)

CODE INDEX

	Section
PENALTIES. See: FINES, FORFEITURES AND OTHER PENALTIES	
PERFORMANCE BONDS. See: BONDS, SURETY OR PERFORMANCE	
PERFORMANCE STANDARDS	
Zoning	42-263 et seq.
See: ZONING	
PERMITS. See: LICENSES AND PERMITS	
PERMITTED USES	
Zoning	42-60 et seq.
See: ZONING	
PERSON	
Rules of construction and definitions	1-2
PHONOGRAPHS. See: RADIOS, STEREOS, ETC.	
PLANNED BUILDING GROUPS AND RESIDENTIAL PLANNED UNIT DEVELOPMENT	
Zoning	42-300 et seq.
See: ZONING	
PLANNED UNIT DEVELOPMENT	
Subdivisions	
Administration and effective date.....	34-6(b)
Zoning	42-300 et seq.
See: ZONING	
PLANNING AND DEVELOPMENT	
Buildings and building regulations.....	8-1 et seq.
See: BUILDINGS AND BUILDING REGULATIONS	
Floods.....	16-1 et seq.
See: FLOODS AND FLOODING	
Planning commission	28-19 et seq.
See: PLANNING COMMISSION	
Subdivisions.....	34-1 et seq.
See: SUBDIVISIONS	
Zoning	42-1 et seq.
See: ZONING	
PLANNING COMMISSION	
Created	28-19
Membership; appointment.....	28-20
Powers	28-22
Selection of chairman; meetings	28-21
Zoning	42-1 et seq.
See: ZONING	
Zoning commission	
Officers.....	28-24
Powers	28-25
Provisions re.....	28-23

HAUGHTON TOWN CODE

	Section
PLATS. See: SURVEYS, MAPS AND PLATS	
PLAYGROUNDS	
Subdivisions	
General requirements for subdivision of land	
Public spaces	
Parks and playgrounds.....	34-4(e)(1)
PLUMBING	
Buildings and building regulations	
Plumbing inspector	8-4
Technical codes.....	8-51
POLICE DEPARTMENT	
Policy and procedures manual adopted.....	22-2
POLLUTION	
Drinking water protection.....	40-47 et seq.
See: DRINKING WATER PROTECTION	
Zoning	42-263 et seq.
See: ZONING	
POWERS	
Planning commission	
Provisions re.....	28-22
Zoning commission.....	28-25
Sewer service	
Administration and enforcement	
Enter property, power to.....	40-139
Zoning	
Board of appeals	
Powers, limitations on powers	42-675
PROCEEDINGS. See: SUITS, ACTIONS AND OTHER PROCEEDINGS	
PROCESSES. See: WRITS, WARRANTS AND OTHER PROCESSES	
PROHIBITED USES	
Drinking water protection.....	40-48
PROJECTIONS	
Zoning	
Yard regulations	
Projecting architectural features	42-239
PROPERTY	
Buildings and building regulations.....	8-1 et seq.
See: BUILDINGS AND BUILDING REGULATIONS	
Drinking water protection.....	40-47 et seq.
See: DRINKING WATER PROTECTION	
Emergency services and management	12-1 et seq.
See: EMERGENCY SERVICES AND MANAGEMENT	

CODE INDEX

	Section
PROPERTY (Cont'd.)	
Fair housing	20-19 et seq.
See: FAIR HOUSING	
Fire department	14-1 et seq.
See: FIRE DEPARTMENT	
Fire prevention and protection.....	14-1 et seq.
See: FIRE PREVENTION AND PROTECTION	
Floods.....	16-1 et seq.
See: FLOODS AND FLOODING	
Noise.....	24-19 et seq.
See: NOISE	
Nuisances	24-1 et seq.
See: NUISANCES	
Ordinances not affected by Code	1-11
Rules of construction and definitions	1-2
Sales and use tax.....	36-19 et seq.
See: SALES AND USE TAX	
Sewer service	40-76 et seq.
See: SEWER SERVICE	
Solid waste	30-1 et seq.
See: SOLID WASTE	
Streets, sidewalks and other public places	32-1 et seq.
See: STREETS, SIDEWALKS AND OTHER PUBLIC PLACES	
Subdivisions.....	34-1 et seq.
See: SUBDIVISIONS	
Taxation	36-1 et seq.
See: TAXATION	
Utilities.....	40-1 et seq.
See: UTILITIES	
Water service	40-27 et seq.
See: WATER SERVICE	
Zoning	42-1 et seq.
See: ZONING	
PROTECTION STANDARDS	
Zoning	42-263 et seq.
See: ZONING	
PUBLIC PLACES. See: STREETS, SIDEWALKS AND OTHER PUBLIC PLACES	
PUBLIC WORKS AND IMPROVEMENTS	
Ordinances not affected by Code	1-11(a)(7)
Subdivisions	
General requirements for subdivision of land	34-4(f)
Zoning	
Planned building groups and residential planned unit development	
Planned building groups	

HAUGHTON TOWN CODE

	Section
PUBLIC WORKS AND IMPROVEMENTS (Cont'd.)	
Conditions to be met by special plans	
Site plan and improvements	42-362
Residential planned unit development	
Conditions to be met by special plans	
Site plan improvements	42-417
PUBLICATIONS	
Legislative body	
Publication of ordinances; minutes	2-24
PUBLISHED, PUBLISHING	
Drug free zones	
Map adopted; published.....	32-44
Q	
QUORUM	
Legislative body	
Meetings	2-21
R	
R-1 DISTRICTS, ONE-FAMILY RESIDENCE DISTRICTS	
Zoning	42-61 et seq.
See: ZONING	
R-2 DISTRICTS, MULTIPLE-FAMILY DISTRICTS	
Zoning	42-62 et seq.
See: ZONING	
R-3 MHP DISTRICTS, RESIDENCE-MOBILE HOME PARK DISTRICTS	
Zoning	42-63 et seq.
See: ZONING	
R-4 DISTRICTS, ONE-FAMILY RESIDENCE DISTRICT	
Zoning	42-64 et seq.
See: ZONING	
R-A DISTRICTS, RESIDENCE-AGRICULTURE DISTRICTS	
Zoning	42-60 et seq.
See: ZONING	
RACE, DISCRIMINATION BECAUSE OF. See: DISCRIMINATION	
RADIATION	
Zoning	
Protection standards.....	42-265
RADIOACTIVE WASTE	
Sewer service	
Service policies and procedures	40-106

CODE INDEX

	Section
RADIOS, STEREOS, ETC.	
Noise	
Excessive noise resulting from amplified sound.....	24-75
Unnecessary and excessive noise	
Nonexclusive enumeration of prohibited acts	24-41(2)
REAL ESTATE	
Fair housing	20-19 et seq.
See: FAIR HOUSING	
RECORDS AND REPORTS	
Finances	
Reporting requirements	2-115
Law enforcement	
Annual fiscal reporting requirement.....	22-3
Legislative body	
Publication of ordinances; minutes	2-24
Sales and use tax.....	36-115 et seq.
See: SALES AND USE TAX	
Zoning	
Board of appeals	42-673
Zoning administration, office of	
Administration	
Records of actions.....	42-647(5)
RECREATION. See: PARKS AND RECREATION	
RECREATIONAL VEHICLES	
Floods and flooding	
Flood hazard reduction, provisions for	
Specific standards	16-84(5)
REFUSE. See: SOLID WASTE	
REGISTRATION	
Sales and use tax	
Collection of tax by dealer	
Registration; certificate.....	36-72
Zoning	
Off-street parking and loading	
Off-street parking requirements	
Amounts of facilities required	
Registration of special plan	42-484(5)
Planned building groups and residential planned unit development	
Registration of special plan	42-304
RELIGION, DISCRIMINATION BECAUSE OF. See: DISCRIMINATION	
RELIGIOUS INSTITUTIONS	
Noise	
Unnecessary and excessive noise	

HAUGHTON TOWN CODE

	Section
RELIGIOUS INSTITUTIONS (Cont'd.)	
Nonexclusive enumeration of prohibited acts	
Schools, courts, churches, hospitals.....	24-41(9)
RELOCATING	
Ordinances not affected by Code	1-11(a)(5)
RENTALS	
Fair housing	20-22
Sales and use tax	
Remedies for collection, including interest and penalties	
Lease or rental; assessment.....	36-170
Transportation companies; rule to show cause.....	36-171
REORGANIZATIONS	
Sales and use tax	
Remedies for collection, including interest and penalties .	36-181
REPAIRS	
Noise	
Unnecessary and excessive noise	
Nonexclusive enumeration of prohibited acts	
Construction and repairing of buildings.....	24-41(8)
Ordinances not affected by Code	1-11(a)(10)
Streets, sidewalks and other public places	
Excavations	
Backfilling, resurfacing and repairing of damaged public utilities	32-65
REPORTS. See: RECORDS AND REPORTS	
RESIDENTIAL CONCERNS	
Floods and flooding	
Flood hazard reduction, provisions for	
Specific standards	
Manufactured homes	16-84(4)
Residential construction.....	16-84(1)
Sexually oriented businesses	
Zoning	
Locational requirements	
Residential zoning district	10-94(b)
Zoning	42-60 et seq.
See: ZONING	
RESOLUTIONS. See: ORDINANCES, RESOLUTIONS, ETC.	
RESPONSIBILITIES	
Emergency medical service.....	12-2(d)
Floods and flooding	
Administration	
Floodplain administrator	16-60
Sales and use tax	
Collection of tax by dealer	
Wholesaler's responsibility	36-73

CODE INDEX

	Section
RESPONSIBILITIES (Cont'd.)	
Streets, sidewalks and other public places	
Excavations	
Deposit required; responsibility for safety of public	32-64
RESTORATION	
Zoning	
Nonconforming uses and structure	
Nonconforming structures	
Damaged nonconforming structures, restoration of...	42-582
Obsolete nonconforming structures, restoration of....	42-583
RESTRICTIONS	
Floods and flooding	
Procedures	
Abrogation and greater restrictions	16-33
Noise	
Excessive noise resulting from amplified sound	
Radios, stereos, television sets, phonographs, cassette and disk players and similar devices	
Use restricted	24-75(a)
REVIEWS	
Sewer service	
Administration and enforcement	
Approving authority review and approval	40-131
Zoning	
Board of appeals	
Powers, limitations on powers	
Administrative review	42-675(1)
Off-street parking and loading	
Off-street parking requirements	
Amounts of facilities required	
Review of application	42-484(4)
REZONING	
Ordinances not affected by Code	1-11(a)(11)
RIGHTS	
Ordinances not affected by Code	1-11(a)(4)
Prior offenses, rights, etc., Code does not affect	1-10
Zoning	42-60 et seq.
See: ZONING	
R.S.	
Rules of construction and definitions	1-2
RUBBISH. See: SOLID WASTE	
RULES	
Ordinances not affected by Code	1-11(a)(2), 1-11(a)(13)
Sales and use tax	
Other administrative provisions	

HAUGHTON TOWN CODE

	Section
RULES (Cont'd.)	
Administrator's authority	
Rules and regulations	36-265
Remedies for collection, including interest and penalties	
Transportation companies; rule to show cause.....	36-171
Zoning	
Board of appeals	
Rules of procedure.....	42-671
RUNNING AT LARGE	
Animals	
Poultry and fowl running at large within town city limits prohibited	6-2
S	
SAFETY	
Emergency medical service.....	12-2 et seq.
See: EMERGENCY MEDICAL SERVICE	
Emergency services and management	12-1 et seq.
See: EMERGENCY SERVICES AND MANAGEMENT	
Fire department	14-1 et seq.
See: FIRE DEPARTMENT	
Fire prevention and protection.....	14-1 et seq.
See: FIRE PREVENTION AND PROTECTION	
Floods.....	16-1 et seq.
See: FLOODS AND FLOODING	
Streets, sidewalks and other public places	
Excavations	
Deposit required; responsibility for safety of public	32-64
SALARIES. See: COMPENSATION, SALARIES, ETC.	
SALES	
Fair housing	20-22
Health and sanitation	
Scrap metal or parts, storage or sale of.....	18-4
Sales and use tax.....	36-19 et seq.
See: SALES AND USE TAX	
SALES AND USE TAX	
Additional taxes imposed	
One percent tax, additional, imposed.....	36-331
One-half of one percent, additional, tax imposed.....	36-330
Assessments	
Remedies for collection, including interest and penalties.	
See herein that subject	
Authority	
Imported goods permits	
Authority to issue permits	36-141
Imposition of tax	
Collection in name of taxing authority.....	36-48

CODE INDEX

	Section
SALES AND USE TAX (Cont'd.)	
Other administrative provisions	
Administrator's authority	36-264, 36-265
Remedies for collection, including interest and penalties.	
See herein that subject	
Collection of tax by dealer	36-74
Dealer compensation	36-72
Registration; certificate	36-73
Wholesaler's responsibility.....	
Collection of tax from dealer	36-92
Tax collectible	36-93
Use tax collections	36-19
Definitions	
Disposition of tax proceeds and revenues	36-298
Contracting collector.....	36-297
Daily deposit of revenues; administrative expenses	
Hearings	36-270
Other administrative provisions	
Remedies for collection, including interest and penalties	36-172
Authority to require hearing.....	
Remedies of dealer	36-242
Protest, hearing, security and appeals to court.....	
Imported goods	36-141
Permits.....	
Remedies for collection, including interest and penalties	36-174
Authority to seize vehicle and imported property	36-169
Imports; assessment	
Imported goods permits	36-141
Authority to issue permits	
Imposition of tax	36-48
Collection in name of taxing authority	36-45
Collection of tax.....	36-49
Exemptions and exclusions from tax	36-46
Levy in addition to all other taxes.....	36-44
Levy of tax.....	36-47
Rate schedules prescribed by state	
Inspections	
Records and inspection. See herein that subject	36-20
Local sales tax code, adoption of.....	
Officers and employees	
Other administrative provisions. See herein that subject	
Records and inspection	36-119
Acts of administrator, records of.....	
Other administrative provisions	
Administrator's authority	36-264
Enforcement generally.....	36-265
Rules and regulations.....	36-273
Division does not affect other remedies	36-268
Effective date, sales prior to.....	

HAUGHTON TOWN CODE

	Section
SALES AND USE TAX (Cont'd.)	
Forms	
Costs	36-267
Preparation; availability	36-266
Hearings	36-270
Levied in addition to all other taxes	36-274
Notices	36-271
Records of administrator	36-272
Short title	36-263
Written oath	36-269
Records and inspection	
Acts of administrator, records of	36-119
Audits	36-118
Confidential and privileged records	36-120
Dealer required to keep records	36-115
Provisos and limitations	36-121
Retention and inspection of records	36-116
Wholesalers and jobbers	36-117
Records and reports	
Other administrative provisions	
Administrator, records of	36-272
Records and inspection. See herein that subject	
Remedies for collection, including interest and penalties	
Failure to file; estimate and assessment	
Provisions re	36-167
Three-year limit	36-177
Refunds and reimbursements	
Authorization for repayment	36-207
Credit memo	36-205
Erroneous, illegal, or mistaken collections	36-206
Natural disaster	36-208
Remedies for collection, including interest and penalties	
Application to court for orders	36-173
Audit authority; assessment	36-178
Authority to require bond or security	36-176
Authority to require hearing	36-172
Authority to seize vehicle and imported property	36-174
Corporation; dissolution, merger, reorganization, etc.	36-181
Failure to file; estimate and assessment	
Provisions re	36-167
Three-year limit	36-177
Fifteen-day notice; additional penalty	36-180
Imports; assessment	36-169
Interest and penalties	36-166, 36-182
Lease or rental; assessment	36-170
Liability shall be personal debt; lien, bankruptcy, insolvency, or otherwise	36-175
Quick departure; arbitrary assessment	36-179
Third party liability; delinquent dealers	36-168
Transportation companies; rule to show cause	36-171

CODE INDEX

	Section
SALES AND USE TAX (Cont'd.)	
Waiver of penalty	36-183
Remedies of dealer	
Interstate commerce burden, constitutional violation	36-241
Legal remedy	36-240
Protest, hearing, security and appeals to court	36-242
SANITATION. See: HEALTH AND SANITATION	
SCHOOLS	
Noise	
Unnecessary and excessive noise	
Nonexclusive enumeration of prohibited acts	24-41(9)
SCRAP METAL OR PARTS	
Health and sanitation	
Storage or sale of scrap metal or parts	18-4
SCREENING	
Zoning	
R-3 MHP districts, residence-mobile home park districts	
Special conditions	
Screening fence.....	42-63(5)f
SECONDHAND DEALERS	
Definitions.....	10-146
Failure to comply; penalty.....	10-149
Hours of business	10-148
License required; application; exemptions.....	10-147
SECONDHAND GOODS	
Secondhand dealers	10-146 et seq.
See: SECONDHAND DEALERS	
SECONDHAND GOODS DEALERS. See: SECONDHAND DEALERS	
SECURITY	
Town buildings	
Security for town hall; possession of weapons in town hall prohibited	32-19
SECURITY GATES AND LIMITED ACCESS GATES	
Provisions, re	33-1
SEIZURES	
Sales and use tax	
Remedies for collection, including interest and penalties	
Authority to seize vehicle and imported property	36-174
SEMI-NUDITY	
Sexually oriented businesses.....	10-19 et seq.
See: SEXUALLY ORIENTED BUSINESSES	

HAUGHTON TOWN CODE

	Section
SETBACKS	
Zoning	
Planned building groups and residential planned unit development	
Residential planned unit development	
Conditions to be met by special plans	42-419
SEWER SERVICE	
Administration and enforcement	
Approving authority requirements.....	40-130
Approving authority review and approval	40-131
Building sewers, requirements for	40-133
Conditions or permits	40-138
Disconnect service, authority to.....	40-140
Enter property, power to	40-139
Failure to pay	40-142
Grandfathered discharges.....	40-137
Notice	40-141
Payment and agreement	40-135
Sampling and testing.....	40-134
Sewer use cost system.....	40-136
Traps, requirements for	40-132
Authority	
Administration and enforcement	
Approving authority requirements	40-130
Approving authority review and approval.....	40-131
Service policies and procedures	
Compliance with existing authority	40-108
Definitions.....	40-76
Penalties.....	40-77
Service policies and procedures	
Building sewers and connections.....	40-99
Chemical discharges.....	40-101
Compliance with existing authority	40-108
Garbage.....	40-103
Heavy metals and toxic materials	40-102
Impairment of facilities	40-107
Mandatory connections.....	40-98
Prohibited discharges.....	40-100
Radioactive waste.....	40-106
Stormwater and other unpolluted drainage	40-104
Temperature.....	40-105
SEWERS	
Ordinances not affected by Code.....	1-11(a)(13)
Sewer service	40-76 et seq.
See: SEWER SERVICE	
Subdivisions	
General requirements for subdivision of land	
Improvements.....	34-4(f)(6)

CODE INDEX

	Section
SEWERS (Cont'd.)	
Utilities.....	40-1 et seq.
See: UTILITIES	
Zoning	
Area regulations	
Building site not served by public water supply and sewage.....	42-192
SEX, DISCRIMINATION BECAUSE OF. See: DISCRIMINATION	
SEXUALLY ORIENTED BUSINESSES	
Classification.....	10-22
Definitions	10-21
Identification	
Licensing and regulation. See herein that subject	
Licensing and regulation	
Dual purpose businesses	10-63
Exhibition of sexually explicit films or videos	10-58
Existing businesses and employees, applicability to	10-65
Fees	10-50
Business license	10-50(a)
Employee card	10-50(b)
Hearing; denial, revocation, and suspension; appeal	10-55
Hours of operation.....	10-57
Inspection.....	10-51
Exception	10-51(b)
While open for business	10-51(a)
Issuance of license or employee card	10-49
Appeal from notice of intent to deny	10-49(e)
Business license	10-49(a)
Effect of failure to act.....	10-49(d)
Employee card	10-49(b)
Issuance of license or card	10-49(c)
Temporary employee card	10-49(f)
License or employee card required.....	10-48
Business license	10-48(a)
Confidentiality of information	10-48(d)
Employee card	10-48(b)
Fingerprinting	10-48(c)
Live public nudity	10-62
Locations; measurements	10-66
Loitering and exterior lighting and monitoring requirements.....	10-59
Penalties and enforcement.....	10-60
Prohibited acts on premises generally.....	10-61
Proof of violation or business licensee liability	10-64
Revocation	10-54
Severability.....	10-67
Suspension; fines.....	10-53

HAUGHTON TOWN CODE

	Section
SEXUALLY ORIENTED BUSINESSES (Cont'd.)	
Term; renewal	10-52
Business license	10-52(a)
Employee card	10-52(b)
Transfer of license	10-56
Purpose and findings	10-20
Findings.....	10-20(b)
Purpose	10-20(a)
Secondary effects	10-19
Documented evidence.....	10-19(a)
Intent, not, to condone or legitimize distribution of obscene materials.....	10-19(b)
Zoning	
Classification	10-93
Locational requirements	10-94
Certificate of occupancy, issuance of	10-94(f)
D-2 district, allowed in	10-94(c)
Distance; not to operate within 1,000 feet.....	10-94(a)
Measurement	10-94(d)
Nonconforming.....	10-94(e)
Residential zoning district.....	10-94(b)
SHALL	
Rules of construction and definitions	1-2
SHOUTING. See: YELLING, SHOUTING, ETC.	
SHRUBBERY. See: TREES AND SHRUBBERY	
SIDEWALKS. See: STREETS, SIDEWALKS AND OTHER PUBLIC PLACES	
SIGNAL DEVICES	
Noise	
Unnecessary and excessive noise	
Nonexclusive enumeration of prohibited acts	24-41(1)
SIGNATURE OR SUBSCRIPTION	
Rules of construction and definitions	1-2
SIGNS	
Traffic control devices	
Unauthorized signs, signals, display of.....	38-58
SINGING. See: YELLING, SHOUTING, ETC.	
SMOKE	
Zoning	
Protection standards.....	42-265
SOLICITORS. See: PEDDLERS, CANVASSERS AND SOLICITORS	
SOLID WASTE	
Businesses and other commercial activities	30-6

CODE INDEX

	Section
SOLID WASTE (Cont'd.)	
Collection and disposal charge	30-8
Containers.....	30-5
Containers for establishments serving customers outside building; duty to pick up litter	30-3
Definitions	30-1
Deposit of grass, leaves, branches, other rubbish in public streets	30-2
Duty to keep sidewalks clean; littering prohibited	30-4
Enforcing officers designated	30-10
Littering	24-151
Provisions declared additional to state regulations.....	30-9
Sewer service	
Service policies and procedures	40-103
Town streets, refuse on	18-3
Unauthorized use of another's garbage or trash container ..	30-7
Zoning	
R-3 MHP districts, residence-mobile home park districts Special conditions Solid waste and trash pickup and disposal	42-63(5)d
SOUND. See: NOISE	
SPECIAL ASSESSMENTS	
Ordinances not affected by Code	1-11(a)(7)
SPECIAL CONDITIONS	
Zoning	
R-3 MHP districts, residence-mobile home park districts .	42-63(5)
SPECIAL EXCEPTIONS	
Zoning	
Board of appeals	
Powers, limitations on powers	42-675(3)
SPEED LIMITS	
Traffic and vehicles.....	38-22
STATE	
Rules of construction and definitions	1-2
STATE ACTS. See: STATE LAWS	
STATE CODES. See: STATE LAWS	
STATE CONCERNS	
Sales and use tax	
Imposition of tax	
Rate schedules prescribed by state	36-47
STATE HIGHWAYS	
Traffic and vehicles	
State highway regulatory act adopted.....	38-24

HAUGHTON TOWN CODE

	Section
STATE LAWS	
Buildings and building regulations	
Technical codes	
State uniform construction code, adoption of.....	8-50
Health and sanitation	
Enforcement of state sanitary code	18-2
State sanitary code adopted	18-1
Solid waste	
Provisions declared additional to state regulations	30-9
Traffic and vehicles	
State highway regulatory act adopted.....	38-24
Utilities	
Town not included in state act	40-2
STATE PROCEDURES	
Unfit buildings and structures	
State procedures adopted	24-126
STATUTORY CONCERNS	
Floods and flooding	
Statutory authorization	16-1
STEALING, STOLEN PROPERTY	
Utilities	
Theft of utilities and penalties for violation thereof	40-3
STEAM WHISTLES	
Noise	
Unnecessary and excessive noise	
Nonexclusive enumeration of prohibited acts	24-41(6)
STEREOS. See: RADIOS, STEREOS, ETC.	
STORAGE	
Health and sanitation	
Scrap metal or parts, storage or sale of	18-4
STORMWATER DRAINAGE AND MANAGEMENT	
Sewer service	
Service policies and procedures	
Stormwater and other unpolluted drainage	40-104
STREETS, SIDEWALKS AND OTHER PUBLIC PLACES	
Alcohol beverages	
Open container in public prohibited	4-13
Business operations permit	
Findings.....	32-92
Purpose	32-91
Required	32-93
Standards.....	32-94
Drug free zones	32-42 et seq.
See: DRUG FREE ZONES	

CODE INDEX

	Section
STREETS, SIDEWALKS AND OTHER PUBLIC PLACES	
(Cont'd.)	
Excavations	
Backfilling, resurfacing and repairing of damaged public utilities.....	32-65
Deposit required; responsibility for safety of public	32-64
Inspections required; fee	32-66
Permit	
Application	32-63
Required.....	32-62
Health and sanitation	
Refuse on town streets	18-3
Licenses and permits	
Business operations permit. See herein that subject	
Excavations.....	32-62, 32-63
Ordinances not affected by Code	1-11(a)(5), 1-11(a)(6)
Rules of construction and definitions	1-2
Solid waste	
Deposit of grass, leaves, branches, other rubbish in public streets	30-2
Subdivisions	
General requirements for subdivision of land	34-4
Procedure	
Final plat	
Approval of final plat and acceptance of public areas	34-3(j)
Town buildings	
Security for town hall; possession of weapons in town hall prohibited.....	32-19
Traffic and vehicles.....	38-1 et seq.
See: TRAFFIC AND VEHICLES	
Traffic offense fines. See: TRAFFIC OFFENSES FINE SCHEDULE (Appendix A)	
Traffic schedule. See Appendix B	
Weeds and yard vegetation.....	24-98
Zoning	42-63 et seq.
See: ZONING	
SUBDIVISIONS	
Administration and effective date	34-6
Administration	34-6(a)
Mobile home subdivisions.....	34-6(d)
Planned unit development	34-6(b)
Violations	34-6(c)
Definitions	34-2
Documents required.....	34-5
Attendant items.....	34-5(d)
Final plat	34-5(b)
Preliminary layout.....	34-5(a)
Size of plat.....	34-5(c)

HAUGHTON TOWN CODE

	Section
SUBDIVISIONS (Cont'd.)	
Floods and flooding	
Flood hazard reduction, provisions for	
Standards for subdivision proposals.....	16-85
General requirements for subdivision of land.....	34-4
Blocks	34-4(c)
Industrial or commercial use.....	34-4(c)(2)
Length	34-4(c)(1)
Major thoroughfares	34-4(c)(3)
Shape	34-4(c)(4)
General principles of acceptability.....	34-4(a)
Adjacent lands	34-4(a)(10)
Buffer park strips	34-4(a)(4)
Future subdivision, provisions for	34-4(a)(2)
Master plan	34-4(a)(1)
Neighborhood plan	34-4(a)(6)
Reserved strips prohibited	34-4(a)(3)
Trees	34-4(a)(5)
Uninhabitable land.....	34-4(a)(7)
Unsubdivided portion of tract.....	34-4(a)(9)
Variations and exceptions	34-4(a)(8)
Improvements	34-4(f)
Drainage.....	34-4(f)(3)
Roadways.....	34-4(f)(2)
Sanitary sewerage.....	34-4(f)(6)
Sidewalks	34-4(f)(4)
Street clearing and grubbing.....	34-4(f)(1)
Street lighting; town only	34-4(f)(8)
Utility lines	34-4(f)(7)
Water supply.....	34-4(f)(5)
Lots.....	34-4(d)
Abut on street	34-4(d)(2)
Building lines	34-4(d)(8)
Corner lots	34-4(d)(3)
Double frontage.....	34-4(d)(7)
Minimum width and area	34-4(d)(1)
Property line at corners	34-4(d)(4)
Shape	34-4(d)(6)
Side lines.....	34-4(d)(5)
Parish only; compliance with requirements of parish engineer.....	34-4(g)
Assurance of completion	34-4(g)(3)
Inspection	34-4(g)(1)
Performance bond	34-4(g)(2)
Public spaces	34-4(e)
Names	34-4(e)(4)
Natural and cultural features.....	34-4(e)(2)
Parks and playgrounds	34-4(e)(1)
Utility easements.....	34-4(e)(3)

CODE INDEX

	Section
SUBDIVISIONS (Cont'd.)	
Streets.....	34-4(b)
Alignment; minimum standards.....	34-4(b)(11)
Alleys.....	34-4(b)(6)
Circulation.....	34-4(b)(2)
Culs-de-sac.....	34-4(b)(8)
Existing streets.....	34-4(b)(3)
Half streets.....	34-4(b)(7)
Intersections.....	34-4(b)(4)
Major thoroughfares.....	34-4(b)(1)
Marginal access streets.....	34-4(b)(5)
Right-of-way widths.....	34-4(b)(9)
Roadway widths.....	34-4(b)(10)
Introduction and summary.....	34-1
Introduction.....	34-1(a)
Summary of procedure.....	34-1(b)
Ordinances not affected by Code.....	1-11(a)(8)
Planning.....	28-1 et seq.
See: PLANNING AND DEVELOPMENT	
Procedure.....	34-3
Final plat	
Action.....	34-3(i)
Approval of final plat and acceptance of public areas...	34-3(j)
Contact of engineer prior to submission.....	34-3(f)
Effective period.....	34-3(k)
Hearing.....	34-3(h)
Submission.....	34-3(g)
Preapplication procedure.....	34-3(a)
Preliminary layout	
Action.....	34-3(d)
Conditional approval, effective period of.....	34-3(e)
Consideration.....	34-3(c)
Submission.....	34-3(b)
Zoning	
Zoning amendments	
Reason for amendment	
Subdivision of land.....	42-694(4)
SUITS, ACTIONS AND OTHER PROCEEDINGS	
Zoning	
Zoning administration, office of	
Enforcement.....	42-648(3)
SURETY BONDS. See: BONDS, SURETY OR PERFORMANCE	
SURVEYS, MAPS AND PLATS	
Drug free zones	
Map adopted; published.....	32-44
Ordinances not affected by Code.....	1-11(a)(8), 1-11(a)(11)

HAUGHTON TOWN CODE

Section

SURVEYS, MAPS AND PLATS (Cont'd.)

- Subdivisions..... 34-1 et seq.
- See: SUBDIVISIONS
- Zoning 42-24 et seq.
- See: ZONING

SWEAR OR SWORN. See: OATH, AFFIRMATION, SWEAR OR SWORN

T

TAPE PLAYERS. See: RADIOS, STEREOS, ETC.

TAXATION

- Alcohol beverages
 - Tax on beverages of low alcoholic content..... 4-10
- Occupational license taxes 36-351 et seq.
- See: OCCUPATIONAL LICENSE TAXES
- Ordinances not affected by Code..... 1-11(a)(7),
1-11(a)(18)
- Sales and use tax..... 36-19 et seq.
- See: SALES AND USE TAX

TELECOMMUNICATIONS

- Telecommunications facilities/towers
 - Background..... 41-2
 - Co-location of telecommunications facilities 41-13
 - Equipment structures 41-14
 - Facade mounted stealth telecommunications facilities 41-9
 - Freestanding monopoles 41-12
 - General standards 41-4
 - Landscaping/vegetation of telecommunications towers 41-7
 - Lattice and guy-wired telecommunication facilities..... 41-11
 - Location of wireless communications facilities 41-5
 - Manufactured homes 42-65
 - Exceptions..... 42-65(c)
 - Existing manufactured homes 42-65(b)
 - Prohibition 42-65(a)
 - Public safety..... 41-8
 - Purpose 41-1
 - Roof-mounted telecommunications facilities 41-10
 - Submittal requirements..... 41-3
 - Visual requirements 41-6

TELEVISIONS. See: RADIOS, STEREOS, ETC.

TEMPERATURE

- Sewer service
 - Service policies and procedures 40-105

TENSE

- Rules of construction and definitions 1-2

CODE INDEX

	Section
TESTING, TESTS	
Sewer service	
Administration and enforcement	
Sampling and testing	40-134
THEFT	
Stealing.....	26-40 et seq.
See: OFFENSES AND MISCELLANEOUS PROVISIONS	
Utilities	
Theft of utilities and penalties for violation thereof	40-3
TOURISM	
Country festival committee designated as tourist promotion agency	2-85
TOWN	
Rules of construction and definitions	1-2
TOWN HALL	
Security for town hall; possession of weapons in town hall prohibited	32-19
TOXIC MATERIALS	
Sewer service	
Service policies and procedures	40-102
TRAFFIC AND VEHICLES	
Definitions.....	38-1
Floods and flooding	
Flood hazard reduction, provisions for	
Specific standards	
Recreational vehicles	16-84(5)
Jake Brakes, use of	38-26
Junked vehicles.....	24-171 et seq.
See: JUNKED VEHICLES	
Noise	
Excessive noise resulting from amplified sound	
Vehicles, excessive noise from.....	24-77
Unnecessary and excessive noise	
Nonexclusive enumeration of prohibited acts	
Defect in vehicle or load.....	24-41(5)
Ordinances not affected by Code.....	1-11(a)
Parking, prohibitions on	38-23
Sales and use tax	
Remedies for collection, including interest and penalties	
Authority to seize vehicle and imported property	36-174
Transportation companies; rule to show cause.....	36-171
Speed limits	38-22
State highway regulatory act adopted	38-24
Traffic control devices	
Damaging or removing	38-59
Implementation; installation and maintenance	38-56
Obedience to devices.....	38-57

HAUGHTON TOWN CODE

	Section
TRAFFIC AND VEHICLES (Cont'd.)	
Unauthorized signs, signals, display of.....	38-58
Traffic offense fines. See: TRAFFIC OFFENSES FINE SCHEDULE (Appendix A)	
Traffic schedule. See Appendix B	
Weight limits established on town streets.....	38-25
Zoning	42-193 et seq.
See: ZONING	
TRAFFIC OFFENSES FINE SCHEDULE (Appendix A)	
(Note—Citations contained herein refer to sections found within Appendix A, Traffic Offenses Fine Schedule)	
Criminal offenses	7-2
Traffic offenses	7-1
TRAFFIC SCHEDULE. See Appendix B	
TRAILERS AND TRAILER PARKS. See: MANUFACTURED HOMES AND MANUFACTURED HOME PARKS	
TRANSFERS	
Sexually oriented businesses	
Licensing and regulation.....	10-56
TRANSPORTATION COMPANIES	
Sales and use tax	
Remedies for collection, including interest and penalties	
Transportation companies; rule to show cause.....	36-171
TRASH. See: SOLID WASTE	
TREASURER	
Legislative body	
Appointment of treasurer	2-25
TREES AND SHRUBBERY	
Solid waste	
Deposit of grass, leaves, branches, other rubbish in public streets.....	30-2
Subdivisions	
General requirements for subdivision of land	
General principles of acceptability	34-4(a)(5)
TRUCK LOADING AND UNLOADING. See: LOADING AND UNLOADING	

U

UNAUTHORIZED SIGNS, SIGNALS	
Traffic control devices	
Display of unauthorized signs, signals	38-58
UNAUTHORIZED USES	
Solid waste	
Unauthorized use of another's garbage or trash container	30-7

CODE INDEX

	Section
UNFIT BUILDINGS AND STRUCTURES	
Authority	24-125
State procedures adopted.....	24-126
UNINHABITABLE LAND	
Subdivisions	
General requirements for subdivision of land	
General principles of acceptability	34-4(a)(7)
UNLOADING. See: LOADING AND UNLOADING	
USED GOODS. See: SECONDHAND GOODS	
USED GOODS DEALERS. See: SECONDHAND DEALERS	
USES BY RIGHT	
Zoning	42-60 et seq.
See: ZONING	
USES REQUIRING BOARD OF APPEALS APPROVAL	
Zoning	42-60 et seq.
See: ZONING	
USES REQUIRING PLANNING APPROVAL	
Zoning	42-60 et seq.
See: ZONING	
UTILITIES	
Citizens of town must use town water system	40-4
Drinking water protection.....	40-47 et seq.
See: DRINKING WATER PROTECTION	
Reconnect fee charge.....	40-1
Sewer service	40-76 et seq.
See: SEWER SERVICE	
Streets, sidewalks and other public places	
Excavations	
Backfilling, resurfacing and repairing of damaged public utilities	32-65
Subdivisions	
General requirements for subdivision of land	
Improvements	
Utility lines.....	34-4(f)(7)
Public spaces	
Utility easements	34-4(e)(3)
Theft of utilities and penalties for violation thereof.....	40-3
Town not included in state act.....	40-2
Water and wastewater capital improvements assessment fees.....	40-5
Water service	40-27 et seq.
See: WATER SERVICE	
Zoning	
R-3 MHP districts, residence-mobile home park districts	
Special conditions	
Drainage and utility easement	42-63(5)c

HAUGHTON TOWN CODE

	Section
UTILITIES (Cont'd.)	
Sanitation, fire protection and utility services.....	42-63(5)a

V

VACATING	
Ordinances not affected by Code.....	1-11(a)(5)
VARIANCES	
Floods and flooding	
Administration	
Variance procedures.....	16-62
Zoning	
Board of appeals	
Powers, limitations on powers	42-675(4)
VEGETATION	
Solid waste	
Deposit of grass, leaves, branches, other rubbish in public streets	30-2
Subdivisions	
General requirements for subdivision of land	
General principles of acceptability	34-4(a)(5)
Weeds and yard vegetation.....	24-98

VEHICLES. See: TRAFFIC AND VEHICLES

VENDORS. See: PEDDLERS, CANVASSERS AND SOLICITORS

VIBRATION. See: HEAT, GLARE AND VIBRATION

VIDEO DRAW POKER DEVICES

Occupational license taxes	
Levied on operation of video draw poker devices.....	36-353

VISIBILITY

Zoning	
Area regulations	
Intersections, visibility at	42-193

W

WAIVERS

Sales and use tax	
Remedies for collection, including interest and penalties	
Waiver of penalty.....	36-183
Zoning	
Planned building groups and residential planned unit development	42-307

WALLS. See: FENCES, WALLS, HEDGES AND ENCLOSURES

CODE INDEX

	Section
WARNINGS	
Floods and flooding	
Procedures	
Warning and disclaimer or liability	16-35
WARRANTS. See: WRITS, WARRANTS AND OTHER PROCESSES	
WASTE	
Refuse on town streets.....	18-3
Scrap metal or parts, storage or sale of.....	18-4
Sewer service	40-76 et seq.
See: SEWER SERVICE	
Solid waste	30-1 et seq.
See: SOLID WASTE	
Zoning	
Protection standards.....	42-267
WATER	
Drinking water protection.....	40-47 et seq.
See: DRINKING WATER PROTECTION	
Ordinances not affected by Code.....	1-11(a)(13)
Subdivisions	
General requirements for subdivision of land	
Improvements.....	34-4(f)(5)
Utilities.....	40-1 et seq.
See: UTILITIES	

CODE INDEX

	Section
WATER (Cont'd.)	
Water service	40-27 et seq.
See: WATER SERVICE	
Zoning	
Area regulations	
Building site not served by public water supply and sewage	42-192
WATER SERVICE	
Drinking water protection	40-47 et seq.
See: DRINKING WATER PROTECTION	
Extension of waterlines outside town city limits	40-28
Rates	40-29
Town water system	40-27
WATERWAYS. See: BOATS, DOCKS AND WATERWAYS	
WEAPONS. See: FIREARMS AND WEAPONS	
WEEDS AND BRUSH	
Weeds and yard vegetation	24-98
WEEDS AND YARD VEGETATION	
Removal of weeds, high grass, etc.; costs	24-98
WEEK	
Rules of construction and definitions	1-2
WEIGHTS AND MEASURES	
Buildings and building regulations	8-1 et seq.
See: BUILDINGS AND BUILDING REGULATIONS	
Noise	
Excessive noise resulting from amplified sound	
Maximum permissible sound levels	24-76
Planning	28-1 et seq.
See: PLANNING AND DEVELOPMENT	
Sexually oriented businesses	
Licensing and regulation	
Locations; measurements	10-66
Zoning	
Locational requirements	10-94
Subdivisions	34-1 et seq.
See: SUBDIVISIONS	
Traffic and vehicles	
Weight limits established on town streets	38-25
Zoning	42-1 et seq.
See: ZONING	
WHISTLES	
Noise	
Unnecessary and excessive noise	
Nonexclusive enumeration of prohibited acts	
Steam whistles	24-41(6)

HAUGHTON TOWN CODE

Section

WHISTLING. See: YELLING, SHOUTING, ETC.

WHOLESALERS

- Sales and use tax
 - Collection of tax by dealer
 - Wholesaler's responsibility 36-73
 - Records and inspection 36-117

WINE. See: ALCOHOL BEVERAGES

WRITS, WARRANTS AND OTHER PROCESSES

- Sales and use tax
 - Remedies for collection, including interest and penalties
 - Application to court for orders 36-173
- Zoning
 - Zoning administration, office of
 - Enforcement
 - Appeals from orders and decisions 42-648(4)
 - Orders requiring compliance 42-648(2)

Y

YARDS AND OPEN SPACES

- Solid waste
 - Deposit of grass, leaves, branches, other rubbish in public
 - streets 30-2
 - Weeds and yard vegetation 24-98
 - Zoning 42-60 et seq.
 - See: ZONING

YEAR

- Rules of construction and definitions 1-2

YELLING, SHOUTING, ETC.

- Noise
 - Unnecessary and excessive noise
 - Nonexclusive enumeration of prohibited acts 24-41(3)

Z

ZONES

- Drug free zones 32-42 et seq.
 - See: DRUG FREE ZONES
- Floods and flooding
 - Flood hazard reduction, provisions for
 - Areas of shallow flooding (AO/AH zones), standards for 16-86

ZONING ADMINISTRATION, OFFICE OF

- Zoning 42-646 et seq.
 - See: ZONING

ZONING COMMISSION

- Planning commission 28-23 et seq.
 - See: PLANNING COMMISSION

CODE INDEX

	Section
ZONING (Generally)	
Ordinances not affected by Code	1-11(a)(11)
Planning.....	28-1 et seq.
See: PLANNING AND DEVELOPMENT	
Sexually oriented businesses.....	10-93 et seq.
See: SEXUALLY ORIENTED BUSINESSES	
ZONING (Chapter 42)	
Administration and enforcement	
Board of appeals. See herein that subject	
Certificate of occupancy	42-617
Land	42-617(2)
Structures	42-617(1)
Compliance	42-615
Offenses and liabilities preserved	42-620
Permits and licenses.....	42-616
Plans required.....	42-618
Prior building permits.....	42-619
Violations	42-621
Zoning administration, office of. See herein that subject	
Agricultural concerns	
R-A districts, residence-agriculture districts. See herein that subject	
Amendments	
Off-street parking and loading	
Off-street parking requirements	
Amounts of facilities required	
Amendment or withdrawal of special plan	42-484(6)
Planned building groups and residential planned unit development	
Amendment or withdrawal of special plan	42-306
Zoning administration, office of	
Administration	
Applications for amendment.....	42-647(2)
Zoning amendments. See herein that subject	
Appeals	
Board of appeals. See herein that subject	
Planned building groups and residential planned unit development	42-308
Uses requiring board of appeals approval. See herein that subject	
Zoning administration, office of. See herein that subject	
Applications	
Off-street parking and loading	
Off-street parking requirements	
Amounts of facilities required	
Review of application	42-484(4)
Special plan, applications for approval of.....	42-484(3)

HAUGHTON TOWN CODE

	Section
ZONING (Chapter 42) (Cont'd.)	
Planned building groups and residential planned unit development	
Approval, application for	42-301
Zoning administration, office of Administration	
Amendment, applications for	42-647(2)
Zoning amendments	
Administrative examination of amendment application	42-697
Provisions re	42-696
Area regulations	
Building site area. See herein that subject	
Building site not served by public water supply and sewage	42-192
Dwelling on small building site	42-191
Home occupations and nameplates	42-194
Visibility at intersections	42-193
B-1 districts, transition business districts	42-87
Building height limit	42-87(3)
Building site area	42-87(2)
Permitted uses	42-87(1)
Uses by right.....	42-87(1)a
Uses requiring board of appeals approval	42-87(1)c
Uses requiring planning commission approval.....	42-87(1)b
Yards required.....	42-87(4)
B-2 districts, neighborhood business district.....	42-88
Building height limit	42-88(3)
Building site area	42-88(2)
Permitted uses	42-88(1)
Uses by right.....	42-88(1)a
Uses requiring board of appeals approval	42-88(1)b
Yards required.....	42-88(4)
B-3 districts, community and central business districts	42-89
Building height limit	42-89(3)
Building site area	42-89(2)
Permitted uses	42-89(1)
Uses by right.....	42-89(1)a
Uses requiring board of appeals approval	42-89(1)b
Yards required.....	42-89(4)
Board of appeals	
Conduct of hearings	42-672
Decisions	42-674
Establishment	42-670
Powers, limitations on powers	42-675
Administrative review	42-675(1)
Appeals from board	42-675(5)
Interpretation.....	42-675(2)
Special exceptions	42-675(3)
Variances	42-675(4)
Records.....	42-673

CODE INDEX

	Section
ZONING (Chapter 42) (Cont'd.)	
Rules of procedure	42-671
Uses requiring board of appeals approval. See herein that subject	
Zoning administration, office of	
Administration	42-647(6)
Boards, commissions and committees	
Appeals, board of. See herein: Board of Appeals	
Uses requiring board of appeals approval. See herein that subject	
Zoning administration, office of. See herein that subject	
Building height limit	
B-1 districts, transition business districts	42-87(3)
B-2 districts, neighborhood business district	42-88(3)
B-3 districts, community and central business districts...	42-89(3)
I-1 districts, light industry districts	42-107(3)
I-2 districts, heavy industry districts	42-108(3)
R-1 districts, one-family residence districts	42-61(3)
R-2 districts, multiple-family districts	42-62(3)
R-3 MHP districts, residence-mobile home park districts .	42-63(3)
R-4 districts, one-family residence district	42-64(3)
R-A districts, residence-agriculture districts	42-60(3)
Building site area	
B-1 districts, transition business districts	42-87(2)
B-2 districts, neighborhood business district	42-88(2)
B-3 districts, community and central business districts...	42-89(2)
I-1 districts, light industry districts	42-107(2)
I-2 districts, heavy industry districts	42-108(2)
Planned building groups and residential planned unit development	
Residential planned unit development	
Conditions to be met by special plans	42-422
R-1 districts, one-family residence districts	42-61(2)
R-2 districts, multiple-family districts	42-62(2)
R-3 MHP districts, residence-mobile home park districts .	42-63(2)
R-4 districts, one-family residence district	42-64(2)
R-A districts, residence-agriculture districts	42-60(2)
Businesses	
Business districts. See herein also specific districts	
Dwelling units in commercial or industry districts	42-161
Protection standards. See herein that subject	
Zoning amendments	
Reason for amendment	
Increase in need for sites for business or industry....	42-694(3)
Commercial concerns	
Business districts. See herein also specific districts	
Dwelling units in commercial or industry districts	42-161
Protection standards. See herein that subject	

HAUGHTON TOWN CODE

	Section
ZONING (Chapter 42) (Cont'd.)	
Conditions	
Planned building groups and residential planned unit development. See herein that subject	
R-3 MHP districts, residence-mobile home park districts	
Special conditions	42-63(5)
Zoning amendments	
Reason for amendment	
Change in conditions	42-694(2)
Definitions	42-2
Departments and other agencies	
Appeals, board of. See herein: Board of Appeals	
Uses requiring board of appeals approval. See herein that subject	
Zoning administration, office of. See herein that subject	
District regulations. See herein also specific districts	
Annexed territory	42-26
Application of regulations; exception	42-28
Boundaries	42-25
Business districts	42-87 et seq.
Classification of new and unlisted uses	42-27
Creation of districts	42-23
Industry districts	42-107 et seq.
Planned building groups and residential planned unit development	
Planned building groups	
Conditions to be met by special plans	42-361
Residential planned unit development	
Conditions to be met by special plans	42-416
Residential districts	42-60 et seq.
Zoning map	42-24
Drainage	
Off-street parking and loading	
Off-street loading facilities	
Maintenance specifications	
Drainage and surfacing	42-511(1)
Off-street parking requirements	
Maintenance specifications	
Drainage and surfacing	42-482(1)
R-3 MHP districts, residence-mobile home park districts	
Special conditions	
Drainage and utility easement	42-63(5)c
Established, establishment	
Board of appeals	42-670
Off-street parking and loading	
Off-street loading facilities	
Maintenance specifications	
Cooperative establishment and use of facilities	42-511(5)
Zoning administration, office of	42-646

CODE INDEX

	Section
ZONING (Chapter 42) (Cont'd.)	
Exceptions	
Board of appeals	
Powers, limitations on powers	
Special exceptions	42-675(3)
District regulations	
Application of regulations; exception	42-28
Height regulations	42-212
Fences, walls, hedges and enclosures	
Planned building groups and residential planned unit development	
Residential planned unit development	
Conditions to be met by special plans	42-425
R-3 MHP districts, residence-mobile home park districts	
Special conditions	
Screening fence	42-63(5)f
Yard regulations	42-242
Hearings	
Board of appeals	
Conduct of hearings	42-672
Zoning amendments	
Preliminary hearing by planning commission	42-698
Public hearing by planning commission	42-699
Height regulations	
Building height limit. See herein that subject	
Exceptions	42-212
Excess height	42-213
I-1 districts, light industry districts	42-107
Building height limit	42-107(3)
Building site area	42-107(2)
Permitted uses	42-107(1)
Generally	42-107(1)a
Uses by right	42-107(1)c
Uses requiring planning approval	42-107(1)b, 42-107(1)d
Yards required	42-107(4)
I-2 districts, heavy industry districts	42-108
Building height limit	42-108(3)
Building site area	42-108(2)
Permitted uses	42-108(1)
Uses by right	42-108(1)a
Uses requiring board of appeals approval	42-108(1)c
Uses requiring planning approval	42-108(1)b
Yards required	42-108(4)
Industrial concerns	
Industry districts. See herein also specific districts	
Dwelling units in commercial or industry districts	42-161
Protection standards. See herein that subject	

HAUGHTON TOWN CODE

	Section
ZONING (Chapter 42) (Cont'd.)	
Zoning amendments	
Reason for amendment	
Increase in need for sites for business or industry....	42-694(3)
Licenses and permits	
Administration and enforcement	
Prior building permits	42-619
Provisions re	42-616
Zoning administration, office of	
Administration	
Building permits, certificates of occupancy, special plans.....	42-647(1)
Lighting	
Off-street parking and loading	
Off-street loading facilities	
Maintenance specifications	42-511(3)
Off-street parking requirements	
Maintenance specifications	42-482(4)
Use regulations	42-160
Loading and unloading	
Off-street parking and loading. See herein that subject	
Locations	
Off-street parking and loading	
Off-street loading facilities	
Size and location.....	42-510
Off-street parking requirements	
Size and location.....	42-481
Special plan for location or sharing of facilities	42-485
Maintenance	
Nonconforming uses and structure	
Nonconforming uses	
Continuance of nonconforming uses	
Maintenance of number of dwelling units	42-554(2)
Off-street parking and loading. See herein that subject	
Manufactured homes and manufactured home parks	
R-3 MHP districts, residence-mobile home park districts.	
See herein that subject	
Nonconforming uses and structure	
Nonconforming structures	
Continuance of nonconforming structures.....	42-580
Enlargement or extension of nonconforming structures	42-581
Restoration of damaged nonconforming structures.....	42-582
Restoration of obsolete nonconforming structures	42-583
Nonconforming uses	
Change in nonconforming uses	42-557
Continuance of nonconforming uses.....	42-554
Compliance with protection standards	42-554(1)
Maintenance of number of dwelling units.....	42-554(2)
Expansion or enlargement of nonconforming uses	42-555
Extension of nonconforming uses in structures.....	42-556

CODE INDEX

	Section
ZONING (Chapter 42) (Cont'd.)	
Termination of nonconforming uses	42-558
Destruction, damage or obsolescence of structure.....	42-558(2)
Open land nonconforming uses.....	42-558(1)
Nonconformities	
Nonconforming uses and structure. See herein that subject	
ject	
Officers and employees	
Appeals, board of. See herein: Board of Appeals	
Zoning administration, office of. See herein that subject	
Offices	
Zoning administration, office of. See herein that subject	
Off-street parking and loading	
Maintenance	
Off-street loading facilities	
Maintenance specifications	42-511
Provisions and maintenance.....	42-509
Off-street parking requirements	
Maintenance specifications	42-482
Provision and maintenance.....	42-480
Off-street loading facilities	
Maintenance specifications.....	42-511
Amounts of facilities required	42-511(6)
Cooperative establishment and use of facilities	42-511(5)
Drainage and surfacing	42-511(1)
Entrances and exits	42-511(4)
Lighting.....	42-511(3)
Protective barriers.....	42-511(2)
Provisions and maintenance	42-509
Size and location	42-510
Off-street parking requirements	
Amounts of facilities required.....	42-484
Amendment or withdrawal of special plan.....	42-484(6)
Applications for approval of special plan.....	42-484(3)
Limitations on separation from use.....	42-484(1)
Limitations on sharing facilities	42-484(2)
Registration of special plan.....	42-484(5)
Review of application.....	42-484(4)
Combined facilities.....	42-483
Maintenance specifications.....	42-482
Drainage and surfacing	42-482(1)
Entrances and exits	42-482(5)
Lighting.....	42-482(4)
Limitation of size of vehicles	42-482(7)
Prohibition of other uses.....	42-482(6)
Protective barriers.....	42-482(3)
Wheel guards.....	42-482(2)
Provision and maintenance	42-480
Size and location	42-481
Special plan for location or sharing of facilities.....	42-485

HAUGHTON TOWN CODE

	Section
ZONING (Chapter 42) (Cont'd.)	
Parking	
Off-street parking and loading. See herein that subject	
Performance standards	
Protection standards. See herein that subject	
Permitted uses	
B-1 districts, transition business districts	42-87(1)
B-2 districts, neighborhood business district	42-88(1)
B-3 districts, community and central business districts...	42-89(1)
I-1 districts, light industry districts	42-107(1)
I-2 districts, heavy industry districts	42-108(1)
R-1 districts, one-family residence districts	42-61(1)
R-2 districts, multiple-family districts	42-62(1)
R-3 MHP districts, residence-mobile home park districts .	42-63(1)
R-4 districts, one-family residence district	42-64(1)
R-A districts, residence-agriculture districts	42-60(1)
Planned building groups and residential planned unit development	
Administrative review	42-302
Amendment or withdrawal of special plan	42-306
Appeals	42-308
Application for approval	42-301
Interest and ownership	42-301(1)
Preliminary development plan requirements	42-301(2)
Conditions	
Planned building groups. See within this subheading that subject	
Residential planned unit development. See within this subheading that subject	
Failure to begin planned development	42-305
Final development plan	42-303
Planned building groups	
Conditions to be met by special plans	
Building spacing and orientation	42-363
District regulations	42-361
Site plan and improvements	42-362
Limitations	42-336
Purpose	42-335
Preapplication conference	42-300
Registration of special plan	42-304
Residential planned unit development	
Conditions to be met by special plans	
Building site area	42-422
Density	42-421
District regulations	42-416
Setbacks	42-419
Sidewalks	42-424
Site plan improvements	42-417
Size, minimum	42-418
Streets	42-423

CODE INDEX

	Section
ZONING (Chapter 42) (Cont'd.)	
Walls and fences	42-425
Yard requirements	42-420
Limitations	42-386
Purpose	42-385
Waivers	42-307
Planned unit development	
Planned building groups and residential planned unit development. See herein that subject	
Pollution	
Protection standards. See herein that subject	
Protection standards	
Business hours of operation	42-268
Dust, dirt, odors, gases, smoke, and radiation	42-265
Hazard	42-266
Heat, glare and vibration	42-264
Noise	42-263
Nonconforming uses and structure	
Nonconforming uses	
Continuance of nonconforming uses	
Compliance with protection standards	42-554(1)
Wastes	42-267
Purpose and creation	42-1
R-1 districts, one-family residence districts	42-61
Building height limit	42-61(3)
Building site area	42-61(2)
Permitted uses	42-61(1)
Uses by right	42-61(1)a
Uses requiring board of appeals approval	42-61(1)c
Uses requiring planning approval	42-61(1)b
Yards, required	42-61(4)
R-2 districts, multiple-family districts	42-62
Building height limit	42-62(3)
Building site area	42-62(2)
Permitted uses	42-62(1)
Uses by right	42-62(1)a
Uses requiring board of appeals approval	42-62(1)c
Uses requiring planning approval	42-62(1)b
Yards required	42-62(4)
R-3 MHP districts, residence-mobile home park districts ...	42-63
Building height limit	42-63(3)
Building site area	42-63(2)
Ground anchors	42-63(7)
Permitted uses	42-63(1)
Uses by right	42-63(1)a
Uses requiring board of appeals approval	42-63(1)c
Uses requiring planning commission approval	42-63(1)b
Special conditions	42-63(5)
Drainage and utility easement	42-63(5)c
Ingress and egress, plan of	42-63(5)b

HAUGHTON TOWN CODE

	Section
ZONING (Chapter 42) (Cont'd.)	
Sanitation, fire protection and utility services	42-63(5)a
Screening fence	42-63(5)f
Solid waste and trash pickup and disposal	42-63(5)d
Street standards	42-63(5)e
Tie-downs	42-63(5)g
Tie-downs, number of, required	42-63(6)
Tie-downs when concrete slabs, runner, or strips provided	42-63(8)
Yards required	42-63(4)
Each mobile home unit or accessory structure	42-63(4)b
Front yard	42-63(4)b.1
Rear yard	42-63(4)b.2
Mobile home park external boundaries	42-63(4)a
R-4 districts, one-family residence district	42-64
Building height limit	42-64(3)
Building site area	42-64(2)
Permitted use	42-64(1)
Uses by right	42-64(1)a
Uses requiring board of appeals approval	42-64(1)c
Uses requiring planning approval	42-64(1)b
Yards required	42-64(4)
R-A districts, residence-agriculture districts	42-60
Building height limit	42-60(3)
Building site area	42-60(2)
Permitted uses	42-60(1)
Uses by right	42-60(1)a
Uses requiring board of appeals approval	42-60(1)c
Uses requiring planning approval	42-60(1)b
Yards required	42-60(4)
Residential concerns	
Districts. See herein specific districts	
Planned building groups and residential planned unit development. See herein that subject	
Rights	
Uses by right. See herein that subject	
Streets, sidewalks and other public places	
Planned building groups and residential planned unit development	
Residential planned unit development	
Conditions to be met by special plans	
Sidewalks	42-424
Streets	42-423
R-3 MHP districts, residence-mobile home park districts	
Special conditions	
Street standards	42-63(5)e
Yard regulations	
Mapped street lines	42-241
Supplementary regulations. See herein specific subjects	

CODE INDEX

	Section
ZONING (Chapter 42) (Cont'd.)	
Surveys, maps and plats	
District regulations	42-24
Zoning map	
Yard regulations	42-241
Mapped street lines	
Zoning administration, office of	
Administration	42-647(4)
Zoning map	
Enforcement	42-648(1)
Investigation and surveys.....	
Zoning amendments	
Application	42-696(2)
Plat	
Traffic and vehicles	
Area regulations	42-193
Visibility at intersections	
Off-street parking and loading. See herein that subject	
Use regulations	42-157
Areas subject to inundation.....	42-158
Drainage planning.....	42-161
Dwelling units in commercial or industry districts	42-160
Illumination of uses	42-159
Natural production uses	
Uses by right	42-87(1)a
B-1 districts, transition business districts	42-88(1)a
B-2 districts, neighborhood business district	42-89(1)a
B-3 districts, community and central business districts...	42-107(1)c
I-1 districts, light industry districts	42-108(1)a
I-2 districts, heavy industry districts	42-61(1)a
R-1 districts, one-family residence districts.....	42-62(1)a
R-2 districts, multiple-family districts.....	42-63(1)a
R-3 MHP districts, residence-mobile home park districts .	42-64(1)a
R-4 districts, one-family residence district.....	42-60(1)a
R-A districts, residence-agriculture districts.....	
Uses requiring board of appeals approval	42-87(1)c
B-1 districts, transition business districts	42-88(1)b
B-2 districts, neighborhood business district	42-89(1)b
B-3 districts, community and central business districts...	42-108(1)c
I-2 districts, heavy industry districts	42-61(1)c
R-1 districts, one-family residence districts.....	42-62(1)c
R-2 districts, multiple-family districts.....	42-63(1)c
R-3 MHP districts, residence-mobile home park districts .	42-64(1)c
R-4 districts, one-family residence district.....	42-60(1)c
R-A districts, residence-agriculture districts.....	
Uses requiring planning approval	42-87(1)b
B-1 districts, transition business districts	42-107(1)b, 42-
I-1 districts, light industry districts	107(1)d
I-2 districts, heavy industry districts	42-108(1)b

HAUGHTON TOWN CODE

	Section
ZONING (Chapter 42) (Cont'd.)	
R-1 districts, one-family residence districts.....	42-61(1)b
R-2 districts, multiple-family districts.....	42-62(1)b
R-3 MHP districts, residence-mobile home park districts .	42-63(1)b
R-4 districts, one-family residence district.....	42-64(1)b
R-A districts, residence-agriculture districts.....	42-60(1)b
Yard regulations	
Accessory structures.....	42-240
Corner building site.....	42-240(2)
Rear yard requirements.....	42-240(1)
Side yard requirements.....	42-240(1)
B-1 districts, transition business districts.....	42-87(4)
B-2 districts, neighborhood business district.....	42-88(4)
B-3 districts, community and central business districts...	42-89(4)
Corner building site.....	42-238
Fences and walls.....	42-242
Front yard depth.....	42-235
I-1 districts, light industry districts.....	42-107(4)
I-2 districts, heavy industry districts.....	42-108(4)
Mapped street lines.....	42-241
Planned building groups and residential planned unit development	
Residential planned unit development	
Conditions to be met by special plans.....	42-420
Projecting architectural features.....	42-239
R-1 districts, one-family residence districts.....	42-61(4)
R-2 districts, multiple-family districts.....	42-62(4)
R-3 MHP districts, residence-mobile home park districts .	42-63(4)
R-4 districts, one-family residence district.....	42-64(4)
R-A districts, residence-agriculture districts.....	42-60(4)
Side yard at abutting districts.....	42-236
Side yard widths, minimum.....	42-237
Zoning administration, office of	
Administration.....	42-647
Applications for amendment.....	42-647(2)
Board of appeals.....	42-647(6)
Building permits, certificates of occupancy, special plans	42-647(1)
Initiation of amendments.....	42-647(7)
Procedures.....	42-647(3)
Records of actions.....	42-647(5)
Zoning map.....	42-647(4)
Appeals	
Administration	
Board of appeals.....	42-647(6)
Enforcement	
Appeals from orders and decisions.....	42-648(4)
Effect of appeal.....	42-648(6)
Enforcement	
Appeals from orders and decisions.....	42-648(4)
Effect of appeal.....	42-648(6)

CODE INDEX

	Section
ZONING (Chapter 42) (Cont'd.)	
Investigation and surveys	42-648(1)
Legal proceedings	42-648(3)
Orders requiring compliance	42-648(2)
Procedure.....	42-648(5)
Establishment	42-646
Zoning amendments	
Administrative examination of amendment	42-697
Application.....	42-696
Development schedule	42-696(3)
Effect of amendment.....	42-696(6)
Error	42-696(7)
Fee	42-696(10)
Interest and ownership	42-696(1)
Legal description	42-696(8)
Market information	42-696(4)
Owners of surrounding property.....	42-696(9)
Plat	42-696(2)
Public need.....	42-696(5)
Legislative disposition.....	42-700
Persons authorized to initiate	42-695
Preliminary hearing by planning commission	42-698
Public hearing by planning commission.....	42-699
Reason for amendment.....	42-694
Change in conditions.....	42-694(2)
Error	42-694(1)
Increase in need for sites for business or industry	42-694(3)
Subdivision of land.....	42-694(4)
Reconsideration	42-701