

ORDINANCE NO. 4631

AN ORDINANCE AMENDING CHAPTER 1, SECTION 1-13, OF THE BOSSIER PARISH CODE OF ORDINANCES "GENERAL PENALTY; CONTINUING VIOLATIONS", TO ADD AND/OR AMEND CERTAIN SECTIONS OR SUBSECTIONS

BE IT ORDAINED by the Bossier Parish Police Jury in regular and legal session on this 5<sup>th</sup> day of October, 2016, that Chapter 1, Section 1-13 (a) and (b), be and are hereby amended to read as follows:

Section 1-13. Maximum penalty; continuing violations.

***Section 1-13 (a) is hereby amended to read as follows:***

- (a) It shall be unlawful for any person to violate or fail to comply with any provision of this Code or to commit any act which is declared to be a crime, a misdemeanor or unlawful, and where no specific penalty is provided therefor, any person who is found to be in violation of any provision of this Code shall be punished by a fine not exceeding \$500.00, or imprisonment for a term not exceeding 30 days, or by both such fine and imprisonment, within the discretion of the court. Each day any violation of this Code shall continue constitutes a separate offense.

***Section 1-13 (b) is hereby amended to read as follows:***

- (b) *Violations of Parish Permits or Regulatory Provisions.* It shall be a violation of this Code for any person to violate the terms of any permit granted under this Code, any condition imposed under such permit, or any regulatory provision of this Code (including but not limited to those under Parish Ordinance 4630). In addition to any other legal remedies provided in this Code or otherwise under law, the parish is authorized to take any one or more of the following actions to remedy such violation:
  - (1) Withhold any approvals or permits required by this Code.
  - (2) Issue stop orders against any work undertaken by an entity not having a proper approval or permit required by this Code, or operating in violation of any parish regulatory provision, including the immediate cessation of parish utility services.
  - (3) Issue stop orders against any previously approved actions in violation of this Code including the immediate cessation of parish utility services.
  - (4) Bring an action for temporary restraining order, temporary or permanent injunction, or any other judicial remedy (including, in appropriate cases, for mandamus) to prevent the violation and/or to prevent the occupancy or use of any site or structure involved in the violation, or otherwise to abate a violation. Any person subject to parish regulatory provision, and every permittee for the issuance of any parish permit, is placed on notice and agrees that a violation may be remedied, without limitation, by any such judicial remedy, without the necessity of the parish proving irreparable harm or furnishing bond or other security and with the parish, should it prevail in whole or in part, being entitled to recover reasonable attorney's fees and costs. Additionally, any forbearance by the parish of enforcement in any instance shall not constitute a waiver of parish authority to seek enforcement in any other instance.
  - (5) Prosecute the violation as a misdemeanor under subsection (a) hereof.

The ordinance was offered by Mr. Brotherton, seconded by Mr. Plummer. Upon unanimous vote, it was duly adopted on this 5<sup>th</sup> day of October, 2016.

RACHEL D. HAUSER  
PARISH SECRETARY

WANDA BENNETT, PRESIDENT  
BOSSIER PARISH POLICE JURY