

NOTICE OF INTRODUCTION OF ORDINANCE

NOTICE IS HEREBY GIVEN that the following entitled ordinance was introduced in writing in the form required for adoption at a meeting of the Parish Council of the Parish of Livingston, State of Louisiana, on March 9, 2017, and laid over for publication of notice:

L.P. ORDINANCE 17-04

AN ORDINANCE REGULATING AND RESTRICTING THE HEIGHT OF STRUCTURES AND OBJECTS OF NATURAL GROWTH AND OTHERWISE REGULATING THE USE OF PROPERTY IN THE VICINITY OF THE LIVINGSTON REGIONAL AIRPORT BY CREATING THE APPROPRIATE ZONES AND ESTABLISHING THE BOUNDARIES THEREOF; PROVIDING FOR CHANGES IN THE RESTRICTIONS AND BOUNDARIES OF SUCH ZONES; DEFINING CERTAIN TERMS USED HEREIN; REFERRING TO THE LIVINGSTON REGIONAL AIRPORT HEIGHT LIMITATION AND ZONING DISTRICT MAP, WHICH IS INCORPORATED IN AND MADE A PART OF THIS CHAPTER; PROVIDING FOR ENFORCEMENT; ESTABLISHING A BOARD OF ADJUSTMENT; AND IMPOSING PENALTIES:

NOTICE IS HEREBY FURTHER GIVEN that the Parish Council of said Parish will meet on Thursday, April 13, 2017, at six (6:00) o'clock p.m., at the Parish Council Chambers, 20355 Government Boulevard, Livingston, Louisiana, at which time there will be a public hearing on the adoption of the aforesaid ordinance.

Sandy C. Teal, Council Clerk

Tracy Girlinghouse, Council Chair

(As per rules of the Council, copies of the proposed ordinance shall be made available for public inspection in the Office of the Livingston Parish Council.)

The following ordinance which was previously introduced in written form required for adoption at the regular meeting of the Livingston Parish Council on March 9, 2017, a summary thereof having been published in the Official Journal together with a notice of public hearing which was held in accordance with said public notice, was brought up for final passage on April 13, 2017, on Motion of Garry “Frog” Talbert and seconded Raymond “Bubba” Harris:

L.P. ORDINANCE 17-04

AN ORDINANCE REGULATING AND RESTRICTING THE HEIGHT OF STRUCTURES AND OBJECTS OF NATURAL GROWTH AND OTHERWISE REGULATING THE USE OF PROPERTY IN THE VICINITY OF THE LIVINGSTON REGIONAL AIRPORT BY CREATING THE APPROPRIATE ZONES AND ESTABLISHING THE BOUNDARIES THEREOF; PROVIDING FOR CHANGES IN THE RESTRICTIONS AND BOUNDARIES OF SUCH ZONES; DEFINING CERTAIN TERMS USED HEREIN; REFERRING TO THE LIVINGSTON REGIONAL AIRPORT HEIGHT LIMITATION AND ZONING DISTRICT MAP, WHICH IS INCORPORATED IN AND MADE A PART OF THIS CHAPTER; PROVIDING FOR ENFORCEMENT; ESTABLISHING A BOARD OF ADJUSTMENT; AND IMPOSING PENALTIES:

WHEREAS, it is recognized by the governing authority of Livingston Parish, Louisiana, the Livingston Parish Council, that it is necessary and proper to enact an ordinance regulating and restricting the height of structures and objects of natural growth, and otherwise regulating the use of property in the vicinity of the Livingston Regional Airport and providing for other matters related thereto; and

WHEREAS, this chapter is adopted pursuant to the authority conferred by Louisiana Revised Statutes L.R.S. 2:381, et. seq. and 33:4780.41, et. seq., and by Article 6, Section 17, of the Constitution of the State of Louisiana of 1974. It is hereby found that an obstruction has the potential for endangering the lives and property of users of the Livingston Regional Airport and property or occupants of land in its vicinity; that an obstruction may affect existing and future instrument approach minimums of the Livingston Regional Airport; and that an obstruction may reduce the size of areas available for the landing, takeoff and maneuvering of aircraft, thus tending to destroy or impair the utility of the Livingston Regional Airport and the public investment therein.

THEREFORE, BE IT RESOLVED by the Livingston Parish Council:

- 1) That the creation or establishment of an obstruction has the potential of being a public nuisance and may injure the region served by the Livingston Regional Airport;
- 2) That it is necessary in the interest of the public health, public safety, morals and general welfare that the creation or establishment of obstructions that are a hazard to air navigation be prevented; and
- 3) That the prevention of these obstructions should be accomplished, to the extent legally possible, by the exercise of the police power without compensation.

BE IT FURTHER RESOLVED that the prevention of the creation or establishment of hazards to air navigation, the elimination, removal, alteration or mitigation of hazards to air navigation, or the marking and lighting of obstructions are public purposes for which a political subdivision may raise and expend public funds and acquire land or interests in land.

THEREFORE, BE IT ORDAINED AND ENACTED by the governing authority of the Parish of Livingston, Louisiana, the Livingston Parish Council: The Code of Ordinances of the Parish of Livingston, Louisiana, is hereby amended by adding a Chapter, to be numbered Chapter 2.5, and titled “Airport Regulations,” which chapter reads as follows:

Chapter 2.5

AIRPORT REGULATIONS

ARTICLE I. DEFINITIONS

Sec. 2.5-1. General definitions.

The following words and phrases, when used in this chapter, shall have the meanings given to them in this section unless the context clearly indicates otherwise:

AIRPORT. Refers to the Livingston Regional Airport.

AIRPORT ELEVATION. The highest point of an airport's usable landing area measured in feet from sea level.

AIRPORT HAZARD. Any structure or tree or use of land which obstructs the airspace required for, or is otherwise hazardous to, the flight of aircraft in landing or taking off at the airport; and any use of land which is hazardous to persons or property because of its proximity to the project.

APPROACH SURFACE. A surface longitudinally centered on the extended runway center line, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set forth in Section 2.5-3 of this ordinance. In plan the perimeter of the approach surface coincides with the perimeter of the approach zone.

APPROACH, TRANSITIONAL, HORIZONTAL AND CONICAL ZONES. These zones are set forth in Section 2.5-2 of this ordinance.

BOARD OF ADJUSTMENT. The board consisting of five (5) members appointed by the governing authority of Livingston Parish, the Livingston Parish Council, as provided in [LRS 4780.46](#).

CONICAL SURFACE. A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to one for a horizontal distance of 4,000 feet.

HAZARD TO AIR NAVIGATION. An obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.

HEIGHT. For the purpose of determining the height limits in all zones set forth in this ordinance and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.

HELIPORT PRIMARY SURFACE. The area of the primary surface coincides in size and shape with the designated takeoff and landing area of a heliport. This surface is a horizontal plane at the elevation of the established heliport elevation.

HORIZONTAL SURFACE. A horizontal plane 150 feet above the established airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal zone.

LARGER THAN UTILITY RUNWAY. A runway that is constructed for and intended to be used by propeller-driven aircraft of greater than 12,500 pounds maximum gross weight and jet powered aircraft.

NONCONFORMING USE. Any preexisting structure, object of natural growth, or use of land which is inconsistent with the provisions of this ordinance or an amendment thereto.

NONPRECISION INSTRUMENT RUNWAY. A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance or area type navigation equipment, for which a straight-in non-precision instrument approach procedure has been approved or planned.

OBSTRUCTION. Any structure, growth or other object, including a mobile object, which exceeds a limiting height set forth in Section 2.5-3 of this ordinance.

PERSON. An individual, firm, partnership, corporation, company, association, joint-stock association, or governmental entity; includes a trustee, a receiver, an assignee, or a similar representative of any of the above.

PRECISION INSTRUMENT RUNWAY. A runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS) or a Precision Approach Radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated on an approved airport layout plan or any other planning document.

PRIMARY SURFACE. A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway; for military runways or when the runway has no specially prepared hard surface or planned hard surface, the primary surface ends at each end of that runway. The width of the primary surface is set forth in Section 2.5-2 of this ordinance. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway center line.

RUNWAY. A defined area on an airport prepared for landing and takeoff of aircraft along its length. The runway includes any proposed new runway or runway extension shown on an airport layout plan or other planning document.

STRUCTURE. An object, including a mobile object, constructed or installed by man, including, but without limitation, buildings, towers, cranes, smokestacks, earth formations, and overhead transmission lines.

TRANSITIONAL SURFACES. These surfaces extend outward at 90° angles to the runway center line and the runway center line extended at a slope of seven feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces. Transitional surfaces for those portions of the precision approach surfaces which project through and beyond the limits of the conical surface extend a distance of 5,000 feet measured horizontally from the edge of the approach surface and at 90° angles to the extended runway center line.

TREE. Any object of natural growth.

UTILITY RUNWAY. A runway that is constructed for and intended to be used by propeller-driven aircraft of 12,500 pounds maximum gross weight and less.

VISUAL RUNWAY. A runway intended solely for the operation of aircraft using visual approach procedures.

ARTICLE II. AIRPORT ZONES AND HEIGHT LIMITATIONS

Sec. 2.5-2. Establishment and Definition.

To carry out the provisions of this chapter, there are hereby created and established certain Federal Aviation Administration Title 14 Code of Federal Regulations (14 CFR) Part 77 zones, which include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces, and conical surfaces as they apply to the Livingston Regional Airport. Such zones are visually depicted on the Airspace Drawing in the current FAA-approved Livingston Regional Airport Layout Plan Drawing Set. An area located in more than one of the following zones is considered to be only in the zone with the more restrictive height limitation. The various zones, which may apply to various stages of airport development, are hereby established and defined as follows:

- 1) Utility Runway Visual Approach Zone. The inner edge of this approach zone coincides with the width of the primary surface and is 250 feet wide. The approach zone expands outward uniformly to a width of 1,250 feet at a horizontal distance of 5,000 feet from the primary surface. Its center line is the continuation of the center line of the runway.
- 2) Utility Runway Non-precision Instrument Approach Zone. The inner edge of this approach zone coincides with the width of the primary surface and is 500 feet wide. The approach

- zone expands outward uniformly to a width of 2,000 feet at a horizontal distance 5,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
- 3) Runway Larger Than Utility Visual Approach Zone. The inner edge of this approach zone coincides with the width of the primary surface and is 500 feet wide. The approach zone expands outward uniformly to a width of 1,500 feet at a horizontal distance of 5,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
 - 4) Runway Larger Than Utility with a Visibility Minimum Greater Than Three-Fourths Mile Non-precision Instrument Approach Zone. The inner edge of this approach zone coincides with the width of the primary surface and is 500 feet wide. The approach zone expands outward uniformly to a width of 3,500 feet at a horizontal distance of 10,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
 - 5) Runway Larger Than Utility With a Visibility Minimum as Low as Three-Fourths Mile Non-precision Instrument Approach Zone. The inner edge of this approach zone coincides with the width of the primary surface and is 1,000 feet wide. The approach zone expands outward uniformly to a width of 4,000 feet at a horizontal distance of 10,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
 - 6) Precision Instrument Runway Approach Zone. The inner edge of this approach zone coincides with the width of the primary surface and is 1,000 feet wide. The approach zone expands outward uniformly to a width of 16,000 feet at a horizontal distance of 50,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
 - 7) Heliport Approach Zone. The inner edge of this approach zone coincides with the width of the primary surface. The minimum width is 1.5 times the overall length of the design helicopter. The approach zone expands outward uniformly to a width of 500 feet at a horizontal distance of 4,000 feet from the primary surface.
 - 8) Transitional Zones. The transitional zones are the areas beneath the transitional surfaces.
 - 9) Heliport Transitional Zones. These zones extend outward from the sides of the primary surface and the heliport approach zones a horizontal distance of 250 feet from the primary surface centerline and the heliport approach zone centerline.
 - 10) Horizontal Zone. The horizontal zone is established at 150 feet above the airport elevation and by swinging arcs of 5,000 radii for all runways designated utility or visual and 10,000 feet radii for all others from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The radius of the arcs for each end of the runway shall be the same. The radius used shall be the longest determined for either end. The horizontal zone does not include the approach and transitional zones.
 - 11) Conical Zone. The conical zone is established as the area that commences at the periphery of the horizontal zone and extends outward therefrom a horizontal distance of 4,000 feet.

Sec. 2.5-3. Airport Zone Height Limitations.

Except as otherwise provided in this chapter, no structure shall be erected, altered or maintained and no tree shall be allowed to grow in any zone created by this ordinance to a height in excess of the applicable height limit herein established for such zone. Such applicable height limitations are hereby established for each of the zones in question as follows:

- 1) Utility Runway Visual Approach Zone. Slopes twenty (20) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway center line.
- 2) Utility Runway Non-precision Instrument Approach Zone. Slopes twenty (20) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline.
- 3) Runway Larger Than Utility Visual Approach Zone. Slopes twenty (20) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline.

- 4) Runway Larger Than Utility with a Visibility Minimum Greater Than Three-Fourths Mile Non-precision Instrument Approach Zone. Slopes thirty-four (34) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline.
- 5) Runway Larger Than Utility with a Visibility Minimum as Low as Three-Fourths Mile Non-precision Instrument Approach Zone. Slopes thirty-four (34) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline.
- 6) Precision Instrument Runway Approach zone. Slopes fifty (50) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline; thence slopes upward forty (40) feet horizontally for each foot vertically to an additional horizontal distance of 40,000 feet along the extended runway centerline.
- 7) Heliport Approach Zone. Slopes eight (8) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a distance of 4,000 feet along the heliport approach zone centerline.
- 8) Transitional Zones. Slope seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the primary surface and the approach surface, and extending to a height of 150 feet above the airport elevation. In addition to the foregoing, there are established height limits sloping seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the approach surface, and extending to where they intersect the conical surface. Where the precision instrument runway approach zone projects beyond the conical zone, there are established height limits sloping seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the approach surface, and extending a horizontal distance of 5,000 feet measured at 90 degree angles to the extended runway centerline.
- 9) Heliport Transitional Zones. Slope two (2) feet outward for each foot upward beginning at the sides of and at the same elevation as the primary surface and the heliport approach zones and extending a distance of 250 feet measured horizontally from and at 90 degree angles to the primary surface centerline and heliport approach zones centerline.
- 10) Horizontal Zone. Established at 150 feet above the airport elevation.
- 11) Conical Zone. Slopes twenty (20) feet outward for each foot upward beginning at the periphery of the horizontal zone and at 150 feet above the airport elevation and extending 4,000 feet to a height of 350 feet above the airport elevation.

In administering Title 14 of the Code of Federal Regulations (14 CFR) Part 77, the prime objectives of the FAA are to promote air safety and the efficient use of the navigable airspace. To accomplish this mission, aeronautical studies are conducted based on information provided by proponents on an FAA Form 7460-1, Notice of Proposed Construction or Alteration.

14 CFR Part 77.9 states that notice must be filed with the FAA if requested by the FAA or when anyone proposes any of the following types of construction or alteration, which are hereby established as the FAA notification criteria for the Livingston Regional Airport:

- Any construction or alteration exceeding 200 feet above ground level.
- Any construction or alteration that exceeds an imaginary surface extending outward and upward at any of the following slopes:
 - 100 to 1 for a horizontal distance of 20,000 ft. from the nearest point of the nearest runway of each airport described in 14 CFR 77.9(d) with its longest runway more than 3,200 ft. in actual length, excluding heliports.
 - 50 to 1 for a horizontal distance of 10,000 ft. from the nearest point of the nearest runway of each airport described in 14 CFR 77.9(d) with its longest runway no more than 3,200 ft. in actual length, excluding heliports.
 - 25 to 1 for a horizontal distance of 5,000 ft. from the nearest point of the nearest landing and takeoff area of each heliport described in 14 CFR 77.9(d)

- Any highway, railroad or other traverse way for mobile objects, of a height which, if adjusted upward as defined in 14 CFR 77.9(c) would exceed a standard of 14 CFR 77.9 (a) or (b).
- Any construction or alteration located on an airport described in 14 CFR 77.9(d).

ARTICLE III. LAND USE

Sec. 2.5-4. Use Restrictions.

Notwithstanding any other provisions of this ordinance, no use may be made of land or water within any zone established by this ordinance in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards, or otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport.

Sec. 2.5-5. Nonconforming Uses.

- 1) Regulations not retroactive. The regulations prescribed by this chapter shall not be construed to require the removal, lowering, or other change or alteration of any structure or tree not conforming to the regulations as of the effective date of this ordinance, or otherwise interfere with the continuance of any nonconforming use. Nothing contained herein shall require any change in the construction, alteration or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this chapter and is diligently prosecuted.
- 2) Marking and lighting. Notwithstanding the preceding provision of this section, the owner of any existing nonconforming structure or tree is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the Livingston Parish Airport District to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport obstruction. Such markers and lights shall be installed, operated and maintained at the expense of the Owner.

Sec. 2.5-6. Permits and Variances.

- 1) **Future uses.** Except as specifically provided in a, b and c hereunder, no material change shall be made in the use of land, no structure shall be erected or otherwise established, and no tree shall be planted in any zone hereby created unless a permit therefor shall have been applied for and granted. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use, structure or tree would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted. No permit for a use inconsistent with the provisions of this chapter shall be granted unless a variance has been approved in accordance with Paragraph four (4) of this Section.
 - a. In the area lying within the limits of the horizontal zone and conical zone, no permit shall be required for any tree or structure less than 75 feet of vertical height above the ground, except when, because of terrain, land contour, or topographic features, such tree or structure would extend above the height limits prescribed for such zones.
 - b. In areas lying within the limits of the approach zones, but at a horizontal distance of not less than 4,200 feet from each end of the runway, no permit shall be required for any tree or structure less than 75 feet of vertical height above the ground, except when

such tree or structure would extend above the height limit prescribed for such approach zones.

- c. In the areas lying within the limits of the transition zones beyond the perimeter of the horizontal zone, no permit shall be required for any tree or structure less than 75 feet of vertical height above the ground, except when such tree or structure, because of terrain, land contour, or topographic feature, would extend above the height limit prescribed for such transition zones.
- 2) **Existing uses.** No permit shall be granted that would allow the establishment or creation of an obstruction or permit a nonconforming use, structure, or tree to become a greater hazard to air navigation than it was on the effective date of this ordinance or any amendments thereto or than it is when the application for a permit is made. Except as indicated, all applications for such a permit shall be granted.
 - 3) **Nonconforming uses abandoned or destroyed.** Whenever the Planning and Zoning Commission determines that a nonconforming tree or structure has been abandoned or more than 80% torn down, physically deteriorated or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations.
 - 4) **Variances.** Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use property not in accordance with the regulations prescribed in this ordinance, may apply to the Board of Adjustment for a variance from such regulations. The application for variance shall be accompanied by a determination from the Federal Aviation Administration as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. Such variances shall be allowed where it is duly found that a literal application or enforcement of the regulations will result in unnecessary hardship and, relief granted, will not be contrary to the public interest, will not create a hazard to air navigation, will do substantial justice and will be in accordance with the spirit of this ordinance. Additionally, no application for variance to the requirements of this ordinance may be considered by the Board of Adjustment unless a copy of the application has been furnished to the Livingston Parish Airport District for advice as to the aeronautical effects of the variance. If the Livingston Parish Airport District does not respond to the application within 45 days after receipt, the Board of Adjustment may act on its own to grant or deny said application.
 - 5) **Obstruction Marking and Lighting.** Any permit or variance granted may if such action is deemed advisable to effectuate the purpose of this ordinance and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to install, operate and maintain, at the owner's expense, such markings and lights as may be necessary. If deemed proper by the Board of Adjustment, this condition may be modified to require the owner to permit the Parish of Livingston at its own expense to install, operate and maintain the necessary markings and lights.

ARTICLE IV. ENFORCEMENT.

It shall be the duty of the Planning and Zoning Commission to administer and enforce the regulations prescribed herein. Applications for permits and variances shall be made to the Planning and Zoning Commission upon a form published for that purpose. Applications required by this chapter to be submitted to the Planning and Zoning Commission shall be promptly considered and granted or denied. Application for action by the Board of Adjustment shall be forthwith transmitted by the Livingston Parish Airport District.

ARTICLE V. BOARD OF ADJUSTMENT.

The Board of Adjustment shall be the Board of Adjustment of Livingston Parish which shall follow its Rules and Regulations as defined by the Livingston Parish Government.

ARTICLE VI. APPEALS

- 1) Appeals to the Board of Adjustment may be taken by any person aggrieved or by any officer, department, board, or bureau of the parish affected by any decision of the administrative officer. An appeal shall be taken within thirty days, as provided by the rules of the board, by filing with the officer from whom the appeal is taken and with the Board of Adjustment a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the board all the papers constituting the record upon which the action appealed from was taken.
- 2) An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board of Adjustment after the notice of appeal shall have been filed with him that, by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril of life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order that may be granted by the Board of Adjustment or by a court of record on application or notice to the officer from whom the appeal is taken and on due cause shown.
- 3) The Board of Adjustment shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the interested parties, and decide the appeal within a reasonable time. Any party may appear in person or by agent or by attorney at the hearing.
- 4) The Board of Adjustment may, in conformity with the provisions of this chapter, reverse or affirm, in whole or in part, or modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as may be appropriate under the circumstances.

ARTICLE VII. JUDICIAL REVIEW

Any person aggrieved, or any taxpayer affected, by any decision of the Board of Adjustment may appeal to the Court of jurisdiction as provided by law.

ARTICLE VIII. PENALTIES

Each violation of this ordinance or of any regulation, order, or ruling promulgated hereunder, shall constitute a misdemeanor and shall be punishable by a fine as defined in the Rules and Regulations of the Livingston Parish Government in rules promulgated for the Livingston Parish Planning and Zoning Commission and Board of Adjustment; and each day a violation continues to exist shall constitute a separate offense.

ARTICLE IX. CONFLICTING REGULATIONS

Where there exists a conflict between any of the regulations or limitations prescribed in this ordinance and any other regulations applicable to the same area, whether the conflict be with respect to the height of structures or trees, and the use of land, or any other matter, the more stringent limitation or requirement shall govern and prevail.

ARTICLE X. SEVERABILITY

If any of the provisions of this ordinance or the application thereof to any person or circumstances are held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this ordinance are declared to be severable.

ARTICLE XI. EFFECTIVE DATE

The effective date of this ordinance shall be as prescribed by law.

The above and foregoing addition to the Code of the Parish of Livingston, having been properly introduced and published by title, was thereupon submitted to a vote; the vote thereon was as follows:

YEAS: MR. ARD, MR. WASCOM, MR. GIRLINGHOUSE, MR. KEEN, MR. HARRIS, MR. TALBERT, MR. MACK, MR. AVERETT, MR. LOBELL

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

And the ordinance was declared adopted on the 13th day of April 2017.

Tracy Girlinghouse, Council Chairman

ATTEST:

Sandy Teal, Council Clerk

INTRODUCED _____ ADOPTED _____

DELIVERED TO PRESIDENT _____, _____ o'clock ____ .M.

APPROVED BY PRESIDENT _____
Layton Ricks Date

VETOED BY PRESIDENT _____
Layton Ricks Date

RECEIVED FROM PRESIDENT _____, _____ o'clock ____ .M.