

ST. TAMMANY PARISH COUNCIL

ORDINANCE

ORDINANCE CALENDAR NO: 4510

ORDINANCE COUNCIL SERIES NO: \_\_\_\_\_

COUNCIL SPONSOR: MR. BELLISARIO

PROVIDED BY: COUNCIL ATTORNEY

INTRODUCED BY: MR. STEFANCIK

SECONDED BY: MR. BURKHALTER

ON THE 3 DAY OF FEBRUARY, 2011

ORDINANCE AMENDING ST. TAMMANY PARISH CODE OF ORDINANCES, ARTICLE I GENERAL PROVISIONS, SECTION 1-002.00, RULES OF CONSTRUCTION AND DEFINITIONS TO PROVIDE WITH RESPECT TO MANDATORY AMENDMENTS TO APPENDIX C OF THE CODE OF ORDINANCES, THE UNIFIED DEVELOPMENT CODE VOLUME 1 (ZONING) AND TO OTHERWISE PROVIDE WITH RESPECT THERETO.

WHEREAS, recognizing that there may be particular land uses, currently or in the future, that are not specifically listed as permitted or conditional uses within the various zoning district classifications of the Unified Development Code, Volume I (Zoning), it is necessary to require that the Unified Development Code be amended to include such uses, prior to the issuance approvals or permits therefore, in order for the Parish Council to ensure that the appropriate standards, criteria and regulations are in place to govern the use activity.

THE PARISH OF ST. TAMMANY HEREBY ORDAINS: that it amends the St. Tammany Parish Code of Ordinances, Article I General Provisions, Section 1-002.00 Rules of Construction and Definitions, which shall read as follows:

Article I - General Provisions

Sec. 1-002.00 Rules of Construction and Definitions

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 Police Jury St. Tammany Parish Council as Governing Authority of St. Tammany Parish. 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.

**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 Police Jury may be fully carried out.

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 deemed to be controlling.

When the Governing Authority has not designated a particular land use as a permitted or conditional use in the various zoning districts of the Unified Development Code Volume 1 (Zoning), Appendix "C" of this Code, it shall be mandatory to amend the Unified Development Code Volume 1 (Zoning) in order to define said use and to specifically designate the appropriate zoning district where such use is to be allowed as a permitted or conditional use. Prior to providing for such amendment, it shall be prohibited for any parish department to approve, authorize or issue any permit for a land use that is not expressly provided for in the Unified Development Code Volume 1 (Zoning). Amendments may be initiated as provided for in Article 3 of the Unified Development Code. When initiated by the Planning Director, the Director shall provide his/her recommendations as to the definition of said use activity and the proposed criteria, standards and regulations governing said use.

**Computation of time.** Whenever a notice is required to be given or an act to be done a certain length of time before any proceeding shall be had, the day on which such notice is given or such act is done shall not be counted in computing the time, but the day on which such proceeding is to be had shall be counted.

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

**Joint authority.** All words giving a joint authority to three (3) or more persons or officers shall be construed as giving such authority to a majority of such persons or officers.

**Month.** The word "month" shall mean a calendar month.

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

**Oath.** The word "oath" shall be construed to include an affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words "swear" and "sworn" shall be equivalent to the words "affirm" and "affirmed".

**Officers, Boards, Commissions.** Whenever reference is made to officers, boards or commissions by title only, such as "Police Jury" or "Planning Commission", such references shall be read as though followed by the words "of St. Tammany Parish, Louisiana".

**Or, and.** "Or" may be read "and", and "and" may be read "or", if the sense requires it.

**Parish.** The words "the Parish" or "this Parish" shall mean the Parish of St. Tammany, Louisiana.

**Person.** The word "person" shall extend and be applied to a number of persons and to associations, clubs, societies, firms, partnerships, and bodies politic and corporate, as well as to individuals.

**Property.** The word "property" shall include real and personal property.

**Shall.** The word "shall" is mandatory. The word "shall" in its usual signification denotes a mandatory duty. However, words and phrases shall be read with their context and shall be construed according to the common and approved usage of the language. Technical words and phrases, and such others as may have acquired a peculiar and appropriate meaning in the law, shall be construed and understood according to such peculiar and appropriate meaning. Except in those cases where the particular phrase or provision declares that the duty is mandatory, the determination of whether a requirement should be given mandatory or directory effect is to be based on a comparison of the results to which each such construction would lead. A mandatory provision generally prescribes, in addition to requiring the doing of the thing specified, the result that will follow if they are not done; whereas, if directory, their terms are limited to what is required to be done.

**Signature or subscription.** Includes a mark when the person cannot write.

**State.** The words "the State" or "this State" shall be construed to mean the State of Louisiana.

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**Street.** The word "street" shall be construed to embrace streets, avenues, boulevards, roads, alleys, lanes, viaducts, and all other public highways in the Parish.

**Tense.** Words used in the past or present tense include the future as well as the past and present.

**Unified Development Code Volume 1 (Zoning).** Wherever and whenever in this Code of Ordinances of St. Tammany Parish, Louisiana, the words and/or title Appendix "C", Land Use Zoning Ordinance 523 appears or is used, directly or indirectly, substituted therefor shall be the words and reference to Appendix "C", Unified Development Code Volume I (Zoning).

**Week.** The word "week" shall be construed to mean seven (7) days.

**Year.** The word "year" shall mean a calendar year.

**REPEAL:** All ordinances or parts of Ordinances in conflict herewith are hereby repealed.

**SEVERABILITY:** If any provision of this Ordinance shall be held to be invalid, such invalidity shall not affect other provisions herein which can be given effect without the invalid provision and to this end the provisions of this Ordinance are hereby declared to be severable.

**EFFECTIVE DATE:** This Ordinance shall become effective fifteen (15) days after adoption.

**MOVED FOR ADOPTION BY:** \_\_\_\_\_ **SECONDED BY:** \_\_\_\_\_

**WHEREUPON THIS ORDINANCE WAS SUBMITTED TO A VOTE AND RESULTED IN THE FOLLOWING:**

**YEAS:** \_\_\_\_\_

**NAYS:** \_\_\_\_\_

**ABSTAIN:** \_\_\_\_\_

**ABSENT:** \_\_\_\_\_

**THIS ORDINANCE WAS DECLARED DULY ADOPTED AT A REGULAR MEETING OF THE PARISH COUNCIL ON THE 3 DAY OF March, 2011; AND BECOMES ORDINANCE COUNCIL SERIES NO \_\_\_\_\_.**

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MARTIN W. GOULD, JR., COUNCIL CHAIRMAN

**ATTEST:**

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THERESA L. FORD, COUNCIL CLERK

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KEVIN DAVIS, PARISH PRESIDENT

Published Introduction: January 27, 2011

Published Adoption: \_\_\_\_\_, 2011

Delivered to Parish President: \_\_\_\_\_, 2011 at \_\_\_\_\_

Returned to Council Clerk: \_\_\_\_\_, 2011 at \_\_\_\_\_