

Regular Session, 2012

HOUSE BILL NO. 409

BY REPRESENTATIVE RICHARDSON

PRESCRIPTION: Changes the prescriptive period for the enforcement of zoning restrictions, building restrictions, subdivision regulations, and use regulations in the city of Central

1 AN ACT

2 To amend and reenact R.S. 9:5625(C), relative to the city of Central; to provide relative to
3 zoning restrictions, building restrictions, subdivision regulations, and use
4 regulations; to provide relative to the prescriptive period for bringing an action to
5 enforce any such regulation or restriction; and to provide for related matters.

6 Notice of intention to introduce this Act has been published
7 as provided by Article III, Section 13 of the Constitution of
8 Louisiana.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 9:5625(C) is hereby amended and reenacted to read as follows:
11 §5625. Violation of zoning restriction, building restriction, or subdivision regulation

12 * * *

13 C.(1) Notwithstanding the provisions of Subsection A of this Section, the
14 ~~following~~ provisions of this Paragraph shall be applicable only to the parishes of East
15 Baton Rouge and Jefferson or their instrumentalities. All actions, civil or criminal,
16 created by statute, ordinance, or otherwise, except those actions created for the
17 purpose of amortization of nonconforming signs and billboards enacted in
18 conformity with the provisions of R.S. 33:4722, which may be brought by such
19 parishes or their instrumentalities or by any person, firm, or corporation to require
20 enforcement of and compliance with any zoning restriction, building restriction, or

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

1 subdivision regulation, imposed by any such parish or their instrumentalities, and
 2 based upon the violation by any person, firm, or corporation of such restriction or
 3 regulation, must be brought within three years from the date such parish or its
 4 properly authorized instrumentality or agency, if such agency has been designated,
 5 received actual notice in writing of such violation, and except for violations of use
 6 regulations, all such actions, civil or criminal, must be brought within five years
 7 from the date of the first act constituting the commission of the violation. However,
 8 in the parish of East Baton Rouge, and municipalities included within such parish,
 9 all actions, civil or criminal, for violations of use regulations must be brought within
 10 five years from the date of the first act constituting the commission of the violation.

11 (2) Notwithstanding any other provision of law to the contrary, the
 12 provisions of this Paragraph shall be applicable to the city of Central. All actions
 13 civil or criminal, created by statute, ordinance, or otherwise, except those actions
 14 created for the purpose of amortization of nonconforming signs and billboards
 15 enacted in conformity with the provisions of R.S. 33:4722, which may be brought
 16 by the city or by any agency thereof or by any person, firm, or corporation to require
 17 enforcement of and compliance with any zoning restriction, building restriction,
 18 subdivision regulation, or use regulation imposed by the city or any agency thereof,
 19 and based upon a violation by any person, firm, or corporation of any such restriction
 20 or regulation, shall be brought within five years from the date the city or a properly
 21 authorized agency thereof, if such agency has been designated, first received actual
 22 notice in writing of any such violation.

23 * * *

24 Section 2. This Act shall become effective upon signature by the governor or, if not
 25 signed by the governor, upon expiration of the time for bills to become law without signature
 26 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
 27 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 28 effective on the day following such approval.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Richardson

HB No. 409

Abstract: Relative to the city of Central, changes the prescriptive period for the enforcement of zoning restrictions, building restrictions, subdivision regulations, or use regulations.

Present law generally requires parishes and municipalities and any person, firm, or corporation to bring all actions, civil or criminal, created by statute, ordinance, or otherwise relative to the enforcement of any zoning restriction, building restriction, or subdivision regulation, within five years from the first act constituting the commission of the violation.

Present law generally requires, with reference to violations of use regulations, that all such actions, civil or criminal, be brought within five years from the date the parish, municipality, and the properly authorized instrumentality or agency first had been actually notified in writing of such violation.

Proposed law retains present law.

Present law provides exceptions for the parishes of East Baton Rouge and Jefferson. Requires that all actions in such parishes, civil or criminal, created by statute, ordinance, or otherwise be brought within three years from the date the parish or its properly authorized instrumentality or agency received actual notice in writing of the violation. Additionally requires that except for violations of use regulations, all such actions, civil or criminal, must be brought within five years from the date of the first act constituting the commission of the violation. Present law further requires that in East Baton Rouge Parish and municipalities included within the parish, all actions, civil or criminal, for violations of use regulations be brought within five years from the date of the first act constituting the commission of the violation.

Proposed law retains present law but provides an exception for the city of Central. Requires that all actions in the city, civil or criminal, created by statute, ordinance, or otherwise relative to the enforcement of a zoning restriction, building restriction, subdivision regulation, or use regulation imposed by the city or any agency thereof, be brought within five years from the date the city or any agency thereof first received actual written notice of the violation.

Present law retains proposed law except certain nonconforming signs and billboards from such prescriptive periods.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 9:5625(C))