

**Topic:** Coastal Protection  
**Resource Type:** Regulations  
**State:** Louisiana  
**Jurisdiction Type:** Municipal  
**Municipality:** County of Calcasieu Parish  
**Year** (*adopted, written, etc.*): 1986  
**Community Type – applicable to:** Urban; Suburban; Rural  
**Title:** County of Calcasieu Parish Coastal Zone Management Regulations  
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### ***Abstract***

Officially adopted in 1986, this ordinance allows the parish to take over more control and monitoring of the natural resources of the gulf coast. Although the ordinance is based on a state program, the program is optional and the ordinance gives the parish flexibility in the specifics. According to Pam Sturrock of the Calcasieu Parish Office of Planning and Development, the ordinance has been effective and relatively simple to enforce (Personal communication, April 9, 2003).

### ***Resource***

Calcasieu Parish Police Jury Code of Ordinances  
Chapter 7.5 Coastal Zone Management Regulations  
Article 1 IN GENERAL

Sec. 7.5-1. Title.

This chapter shall hereafter be known, referred to, and cited as "The Coastal Zone Management Regulations of Calcasieu Parish" (hereinafter referred to as "parish").  
(Ord. No. 2862, § 1, 10-16-86)

Sec. 7.5-2. Purposes.

This chapter is hereby enacted for the purpose of:

- (1) Ensuring ecologically sound development in order to:
  - a. Preserve and enhance the resources of the coastal zone for the enjoyment of present and future generations;
  - b. Promote public safety, health, and welfare;
  - c. Protect wildlife, fisheries, aquatic life, estuarine, and other water resources;

- d. Preserve and protect the remaining scenic and historic resources of the coastal zone;
- e. To enhance opportunities for the use and enjoyment of the recreational values of the coastal zone; and
- f. To develop and implement a coastal resources management program which is based on consideration of our resources, the environment, the needs of the people of the state, the nation, and of state and local government.

(2) Promoting a balanced approach to development and conservation within the fragile ecosystem of the coastal zone, and support and encourage multiple use of coastal resources consistent with the maintenance and enhancement of renewable resource management.

(3) To employ procedures and practices that resolve conflicts among competing uses within the coastal zone in accordance with Louisiana Legislative Act 361 of 1978, and to simplify administrative procedures.

(4) To express certain regulatory and nonregulatory policies for the coastal zone management program. Regulatory policies are to form a basis for administrative decisions to approve or disapprove activities only to the extent that such policies are contained in the statutes of this state or regulations duly adopted and promulgated by the parish police jury. Other policies are nonregulatory. They are included in the coastal zone management plan to help set out priorities in administrative decisions and to inform the public and decision makers of a coherent state framework, but such policies are not binding on private parties.

(Ord. No. 2862, § 1.2, 10-16-86)

#### Sec. 7.5-3. Scope of coverage.

All provisions of this chapter apply only to uses of local concern as prescribed by Louisiana Revised Statutes, Title 49, section 213.1. All issues of state concern as prescribed by said Act will be directed to appropriate state agency by the permit agent as authorized by the police jury and as stated herein.

Furthermore, this chapter has been prepared to provide the legal means of enforcing the local coastal management plan. The policies in this plan will be used to regulate uses of local concern and to make recommendations on uses of state concern. However, the scope of both the plan and the chapter are limited as follows as to their affect on uses of state concern.

(1) The objectives, policies and guidelines outlined in the Calcasieu Parish local program which may directly or indirectly affect uses of state concern shall not be construed as being regulatory or binding on either the permit applicant or the coastal management division of the department of natural resources, but are for the purpose of submitting the parish's environmental review comments to the state on applications for uses of state concern.

(2) Any local policies which contain prohibitions, restrictions or performance standards beyond the scope of the coastal use guidelines shall be considered as advisory by this parish, the coastal management division, and the permit applicants.

(3) Parish comments to the coastal management division concerning proposed uses of state concern shall be based on the policies of the parish's coastal management program and may be inclusive of recommended project alternatives and conditions. Consideration of these recommendations will be given by the coastal management division based on the recommendations conformance with the coastal use guidelines.

(4) Recommendations from the parish concerning uses of state concern which reflect further detailing of the coastal use guidelines as they apply to the parish shall be given substantial consideration by the coastal management division with the objective of maximizing conformance with this program.

(5) Recommendations concerning uses of state concern which are not in conformance with the coastal use guidelines shall not be considered by the coastal management division. (Ord. No. 2862, § 5, 10-16-86)

#### Sec. 7.5-4. Usage.

(a) For the purpose of this chapter, certain words, terms, numbers, and abbreviations used herein shall be used, interpreted and defined as set forth in section 7.5-5.

(b) Unless specifically defined in section 7.5-5, words or phrases used in this chapter shall be interpreted to give this chapter its most reasonable application.

(c) Words used in the present tense include the future tense; words used in the singular number include the plural, and the plural number includes the singular; the word "shall" is always mandatory; and the word "herein" means in this "in this chapter."

(Ord. No. 2862, § 2.1, 10-16-86)

#### Sec. 7.5-5. Words and terms defined.

Administrator shall mean the administrator of the coastal management section within the state department of natural resources.

Coastal use permit shall mean the permits required by Louisiana Revised Statutes, Title 49, section 213.11, and shall not mean or refer to, and shall be in addition to, any other permit or approval required or established pursuant to any other constitutional provisions or statute.

Coastal waters shall mean bays, lakes, inlets, estuaries, rivers, bayous, and other bodies of water within the boundaries of the coastal zone which have measurable seawater content (under normal weather conditions over a period of years).

Coastal zone shall mean the coastal waters and adjacent shorelands within the boundaries of the coastal zone established in Louisiana Revised Statutes, Title 49, section 213.4 or Act

361 of 1978, which are strongly influenced by each other, and in proximity of the shorelines and uses of which have a direct and significant impact on coastal waters.

Exempted use shall mean any use specifically listed in this chapter as a use not requiring a coastal use permit.

Existing as applied to any use, structure, or development, includes the words "existing on the effective date of this chapter.

Fastlands are lands surrounded by publicly-owned, maintained, or otherwise valid existing levees, or natural formations, as of the effective date of Act 361 or as may be lawfully constructed in the future; which levees or natural formations would normally prevent activities, not to include the pumping of water for drainage purposes, within the surrounding area from having direct and significant impacts on coastal waters.

Guidelines means those rules and regulations adopted pursuant to Louisiana Revised Statutes, Title 49, section 213.8, known as "Rules and procedures for the development, approval, modification, and periodic review of local coastal management programs."

Local government shall mean the Calcasieu Parish police jury.

Person shall mean any individual, partnership, association, trust, corporation, public, or authority, or state or local government body.

Planning commission shall mean the Calcasieu Parish planning commission which is the official planning and zoning body for the parish so designated by the Calcasieu Parish police jury.

Police jury shall mean the Calcasieu Parish Police Jury, which is the governing authority of Calcasieu Parish having general jurisdiction and operations at the parish level.

Public hearing, wherever required in this chapter, shall be a hearing announced to the public at least thirty (30) days in advance, and at which all interested persons shall be afforded a reasonable opportunity to submit data, views, or arguments orally or in writing. At the time of the announcement of the public hearing all materials pertinent to the hearing, including documents, studies, and other data in the possession of the party requesting a coastal use permit must be made available to the public for review and study. As similar materials are subsequently developed, they shall be made available to the public as they become available to the office of planning and development.

Secretary shall mean the secretary of the state department of natural resources.

Use shall mean any use or activity within the coastal zone which has a direct and significant impact on coastal waters.

(Ord. No. 2862, § 2.2, 10-16-86)

#### Sec. 7.5-6. Coastal zone boundary.

The Calcasieu Parish coastal zone boundary begins at the Louisiana-Texas border. The northern boundary follows the Intracoastal Waterway eastward until the waterway goes down into Cameron Parish. The southern boundary follows the Calcasieu-Cameron parish line eastward to the Intracoastal Waterway. Calcasieu Parish coastal zone is therefore all that property that falls between the Intracoastal Waterway, the Calcasieu-Cameron parish line, and the Texas border.

(Ord. No. 2862, § 2.3, 10-16-86)

#### Sec. 7.5-7. Types of uses.

Uses in the coastal zone subject to the coastal use permitting program shall be of two (2) types:

(1) Uses of state concern: Those uses which directly and significantly affect coastal waters and which are in need of coastal management and which have impacts or greater than local significance or which significantly affect interests or regional, state, or national concern. Uses of state concern shall include, but not be limited to:

- a. Any dredge or fill activity which intersects with more than one water body.
- b. Projects involving use of state-owned lands or water bottoms.
- c. State publicly-funded projects.
- d. National interest projects.
- e. Projects occurring in more than one parish.
- f. All mineral activities, including exploration for, and production of, oil, gas, and other minerals, all dredge and fill uses associated therewith, and all other associated uses.
- g. All pipelines for the gathering, transportation, or transmission of oil, gas, and other minerals.
- h. Energy facility siting and development.
- i. Uses of local concern which may significantly affect interests of regional, state, or national concern.

(2) Uses of local concern: Those uses which directly and significantly affect coastal waters and are in need of coastal management, but are not uses of state concern, and which should be regulated by the police jury. Uses of local concern shall include, but not be limited to:

- a. Privately-funded projects which are not uses of state concern.
- b. Publicly-funded projects which are not uses of state concern.
- c. Maintenance of uses of local concern.
- d. Jetties or breakwaters.
- e. Dredge or fill projects not intersecting more than one water body.
- f. Bulkheads.
- g. Piers.
- h. Camps and cattlewalks.
- i. Maintenance dredging.
- j. Private water control structures of less than fifteen thousand dollars (\$15,000.00) in cost.
- k. Uses of cheniers, salt domes, or similar land forms.

(Ord. No. 2862, § 2.4, 10-16-86)

Sec. 7.5-8. Uses of greater than local benefit.

(a) No management policy of the parish coastal resources program shall be so restrictive as to exclude uses of greater than local benefit.

(b) Uses of state interest are found in section 7.5-7.

(c) Uses of regional benefit include:

- (1) Interstate natural gas transmission pipelines;
- (2) Major state or federal transportation facilities such as highways and expressways;
- (3) Major state or federal transportation facilities such as deep-water ports and navigation projects;
- (4) Public wildlife and fisheries management projects;
- (5) Public utility or cooperative energy generating plants; and
- (6) State parks and beaches and other state-owned recreational facilities.

Each permit application will be reviewed to determine whether it is local, regional, state or regional interest.

(Ord. No. 2862, § 2.5, 10-16-86)

Sec. 7.5-9. Exempted uses.

(a) The following activities normally do not have direct and significant impacts on coastal waters; hence, a coastal use permit is not required, except as set forth in the following section:

- (1) Agricultural, forestry, and aquaculture activities on lands consistently used in the past for such activities;
- (2) Hunting, fishing, trapping, and the preservation of scenic, historic, and scientific areas and wildlife preserves;
- (3) Normal maintenance or repair of existing structures including emergency repairs of damage caused by accident, by fire, or the elements;
- (4) Construction of single-family residences or camps used for noncommercial, nonprofit purposes;
- (5) Construction and modification of navigational aids such as channel markers and anchor buoys;
- (6) Activities which do not have a direct and significant impact on coastal waters.

(b) Activities occurring wholly on lands five (5) feet or more above sea level or within fastlands do not normally have a direct and significant impact on coastal waters; therefore, coastal use permits for such uses generally need not be applied for.

(c) However, if a proposed activity exempted from permitting in subsection (b), above, will result in discharges into coastal water, or significantly change existing water flow into

coastal waters, then the person proposing the activity shall notify the secretary and provide such information regarding the proposed activity as may be required by the secretary in deciding whether the activity is a use subject to a coastal permit.

(d) The exception described in subsection (b) hereof shall not refer to activities occurring on cheniers, salt domes, barrier islands, beaches, and similar isolated, raised land forms in the coastal zone. It does refer to natural ridges and levees.

(e) The construction of a residence or a camp shall not require a coastal use permit provided that:

(1) The terms shall refer solely to structures used for noncommercial and nonprofit purposes, and which are commonly referred to as single-family and not multiple-family dwelling, and

(2) The terms shall refer solely to the construction of one such structure by or for the owner of the land for the owner's use and not to practice involving the building, of more than one such structure as in subdividing, tracting development, speculative building, or recreational community development.

(f) The exemption shall apply only to the construction of the structure and appurtenances such as septic fields, out-buildings, walkways, gazebos, small wharves, landings, boathouses, private driveways, and similar works, but not to any bulkheading or any dredging or filling activity except for small amount of fill necessary for the structure itself, and for the installation and maintenance of septic or sewerage facilities.

(g) The construction and modification of navigational aids shall not require a coastal use permit.

(h) The term shall include channel markers, buoys, marker piles, dolphins, piling, pile cluster, etc; provided that the exemption does not apply to associated dredge or fill uses or the construction of mooring structures, advertising signs, platforms, or similar structures associated with such facilities. All navigational aids constructed pursuant to this section shall conform to United State Coast Guard Standards and requirements.

(i) Agricultural, forestry, and aquacultural activities on lands consistently used in the past for such activities shall not require a coastal use permit provided that:

(1) The activity is located on lands or in waters which have been used on an ongoing basis for such purposes, consistent with normal practices, prior to the effective date of the Act;

(2) The activity is consistent with good management practices for the particular agricultural, forestry, or aquacultural use to which the land has been put;

(3) The activity is conducted or carried out in such a manner as to minimize adverse impacts on the coastal water environment; and

(4) The activity is not intended to, or will it result in, changing the type of agricultural, forestry, or aquacultural use to which the land has been consistently used for in the past.

(j) Included in the exception are normal agricultural, forestry, and aquacultural activities such as plowing; seeding; grazing; cultivating; insect control; fence building and repair; thinning; harvesting for the production of food, fiber, and forest products; maintenance and drainage of existing farm, stock, or fish ponds; digging of small drainage ditches; or maintenance of existing drainage ditches and farm or forest roads carried out in accordance with good management practices.

(k) No use or activity shall require a coastal use permit if:

(1) The use or activity was lawfully commenced or established prior to the implementation of the coastal use permit process; or

(2) The administrator determines that it does not have a direct or significant impact.

#### Sec. 7.5-10. Variance.

When the permit agent finds that hardships may result from the strict compliance of these regulations, he/she may recommend to the police jury that a variance of the regulations be granted so that substantial justice may be done, and so that public interest is secured. However, be it provided that such variation will not have the affect of nullifying the intent and purposes of these regulations. Applications for such a variance shall proceed through the same notification and public hearing process as all other applications of local concern, with notification to be given to the secretary of any variance granted. This variance procedure shall only exist for coastal uses of local concern over which the police jury has jurisdiction.

(Ord. No. 2862, § 6, 10-16-86)

Secs. 7.5-11--7.5-25. Reserved.

## ARTICLE II. ADMINISTRATION AND ENFORCEMENT

### Sec. 7.5-26. Designation and powers of the police jury.

The police jury, in conjunction with the office of parish planning and development (permit agent) shall exercise jurisdiction within the coastal zone consistently with the terms of this chapter. The powers and responsibilities of the police jury 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 chapter;

(2) To issue, deny, or modify permits;

(3) To adopt any rules and regulations, subject to secretary approval, which are consistent with the general law, and which it finds reasonable and necessary to carry out the purposes of this chapter;



(4) To conduct any investigation it deems necessary to comply with the purposes of this chapter;

(5) To submit to the secretary an annual report on the activities of the Calcasieu Parish local coastal management program which shall include:

a. The number, type, and characteristics of the applications for coastal use and other permits;

b. The number, type, and characteristics of coastal use and other permits granted, conditioned, denied and withdrawn;

c. The number, type, and characteristics of permits appealed to the coastal commission of the courts;

d. Results of any appeals;

e. A record of any enforcement actions taken;

f. A record of all variances granted;

g. A description of any problem areas within the state or local program and proposed solutions to any such problems;

h. Proposed changes in the state or local program.

(Ord. No. 2862, § 3.1, 10-16-86)

Sec. 7.5-27. Multi-parish considerations.

(a) All plans concerning Calcasieu Parish, whether regional, state, or federal, shall be reviewed by the permitting agent's office.

(b) Should it become necessary, the permitting agent and the parish police jury shall coordinate meetings with other parishes which are involved in multi-parish plans along with Calcasieu Parish. The parish will also coordinate meetings with appropriate state and federal agencies as needed.

(Ord. No. 2862, § 3.2, 10-16-86)

Sec. 7.5-28. Coastal use permit--Requirements.

Any person seeking to commence any use not specifically exempted by section 7.5-9, within the Calcasieu Parish coastal zone must first obtain a coastal use permit from either the police jury or from the state department of natural resources.

(Ord. No. 2862, § 3.3, 10-16-86)

Sec. 7.5-29. Same--Procedure--Formal requirements.

(a) All applications shall be made on the form(s) prescribed by the secretary.

(b) Applications shall be submitted either to the permit agent in the parish office of planning and development, or to the administrator.

(c) All applications shall be accompanied by all of the information currently required by the coastal management section of the department of natural resources, which includes:

(1) Maps showing the actual location, size and dimensions of the real property to be used;

- (2) Plans showing the exact location, size, and height of the buildings or structures to be developed;
- (3) A list of all applications, approvals, and/or denials already made concerning the development to/by federal, state, or local agencies; and
- (4) If the development involves dredging, a description of:
  - a. The type, composition, and quantity of the material to be dredged;
  - b. The method of dredging; and
  - c. The site of the plans for the disposal of the dredged material.
- (d) Applications of local concern shall also be accompanied by an application fee. This fee shall be applied as follows:

TABLE INSET:

Estimated Cost of Development Permit Fee

\$0 to \$5,000.00 \$ 50.00

\$5,000.00 to \$50,000.00 \$100.00 over \$50,000.00 \$100.00 plus .1% of development cost

(Ord. No. 2862, § 3.4, 10-16-86)

Sec. 7.5-30. Same--Same--Administrative action.

- (a) When an application for a permit is received, the permit agent shall immediately assign it a number for identification, acknowledge receipt thereof, and advise the applicant of the number assigned to it.
- (b) Application processing will begin when an application that is apparently complete is accepted by the agent.
- (c) Within two (2) working days of receipt of a complete application, a copy of the application and all attachments, and the decision as to whether the use is one of state or local concern shall be sent to the state administrator or parish permit agent, depending upon the location of submittal.
- (d) If the proposed activity is of local concern, the parish permit agent shall arrange for the parish police jury to discuss the application at its next regularly scheduled meeting following the end of the 25-day review period.
- (e) Public notice of all applications for coastal use permits, which must be issued within ten (10) days of the filing of the application, shall be given by:
  - (1) Mailing a brief description of the application, along with a statement indicating where a copy of the application may be inspected, to any person who has filed a request to be notified of such permit applications and to all affected governmental bodies;
  - (2) By posting a copy of the application at the location of the proposed site;
  - (3) By sending notice of the application to the news media in Calcasieu Parish; and
  - (4) By causing publication of notice of the application in the official journal of the parish.

(f) The notice shall set forth that any comments on the application shall be submitted to the office of parish planning and development within twenty-five (25) days from the date of official journal publication of the notice.

(g) Comments received will be made a part of the official file on the application. If comments received relate to matters within the special expertise of another government body, the permit agent may seek the advice of the agency.

(h) The parish permit agent shall present the application and all comments received in response to the public notice concerning the application to the police jury. The police jury shall consider all of the comments received; and will give the applicant the opportunity to explain the proposed coastal use, and rebut any objections or adverse comments during the public meeting.

(i) After reviewing the application and hearing all comments at the public meeting, the police jury will make a decision to either grant, deny, grant with modification, or hold an official public hearing on the application. This decision will be announced at the meeting.

(j) If the police jury decides that an official public hearing needs to be held, public notice will be given at least (30) days in advance of the public hearing. The notice shall contain the time, place, and nature of the hearing; and the location of materials available for public inspection.

(k) The official public hearing shall be held by the parish planning commission. During the public hearing they shall hear and review all comments and evidence presented to them. The meeting shall be conducted in an orderly but expeditious manner with any person being allowed to submit either an oral or written statement. Cross-examination shall not be allowed. All comments and evidence presented shall be made part of the hearing file. After considering all information presented concerning the application in question, the planning commission shall make a recommendation to either approve, approve with modification, or deny the application. This recommendation shall be announced at the public hearing, be made part of the hearing file, and be given to the police jury for their consideration when they take final action. It shall be announced at the public hearing that there will be a comment period, following the hearing, during which written comments or other material pertinent to the application may be submitted; that after this comment period the police jury will make a final decision concerning the application; and the date of the meeting at which the police jury shall make its final decision on the application.

(l) Following the public hearing held by the planning commission, the hearing file shall remain open for a period of at least ten (10) days. Written statements or any other information concerning the application may be presented any time prior to the time of closing of the file.

(m) The police jury, at their regularly scheduled meeting following the close of the 10-day comment period, shall take final action on the permit application. Their decision of approval or denial shall be based on the recommendation of the planning commission and on all comments received during the 10-day comment period. The decision of the police jury to approve, approve with modification, or deny the application will be made known at the meeting.

(n) Written notification of the final decision made by the police jury will be sent to the applicant within thirty (30) days of the giving of public notice or within fifteen (15) days after the closing of the record of the public hearing, if held, whichever is later.

(o) If the final decision is to issue a permit, the parish permit agent shall have the applicant sign two (2) copies of the draft permit, thereby accepting the conditions of the permit, along with the finding on the application. The permit agent will then sign and date both copies of the permit.

(p) The permit agent will issue a monthly list of permits issued or denied during the previous month. This list will be distributed to all persons who received the public notices. (Ord. No. 2862, § 3.5, 10-16-86)

Sec. 7.5-31. Same--Criteria for approval.

Coastal use permits of local concern will be approved by the police jury only after:

(1) It is determined that the probable impact of any phase of the project will not be detrimental to the coastal zone and the people of the parish;

(2) It is determined that the permit's use conforms to the guidelines and regulations as outlined in the coastal zone management plan for Calcasieu Parish; and

(3) Full and fair consideration is given of all information.

(Ord. No. 2862, § 3.6, 10-16-86)

Sec. 7.5-32. Same--Term.

(a) Permits issued under this section shall remain in effect for a period of a year from the date of issuance.

(b) A coastal use permit may be renewed if the police jury is satisfied that substantial progress has been made on said project or that the permittee has been precluded from acting by non-self-induced litigation, material shortages, labor problems, or other events beyond the permittee's control.

(Ord. No. 2862, § 3.7, 10-16-86)

Sec. 7.5-33. Same--Conditions.

(a) By accepting the permit the applicant agrees to:

(1) Carry out or perform the use in accordance with plans and specifications approved by the police jury;

(2) Comply with any permit conditions imposed by the police jury;

(3) Adjust, alter, or remove any structure or other physical evidence of the permitted use if, in the opinion of the police jury, it proves to be beyond the scope of the use as approved or is abandoned;

(4) Provide, if required by the police jury, an acceptable surety bond in an appropriate amount to ensure adjustment, alteration, or removal should the permitting body determine it necessary;

(5) Hold and save the State of Louisiana, the local government, the department, and their officers and employees harmless from any damage to persons or property which might result from work, activity or structure permitted; and

(6) Certify that any permitted construction has been completed in an acceptable and satisfactory manner and in accordance with the plans and specifications approved by the permitting body. The police jury may, when appropriate, require such certification be given by a registered professional engineer.

(b) The police jury shall place such other conditions on the permit as are appropriate to ensure compliance with the coastal management program.

(Ord. No. 2862, § 3.8, 10-16-86)

#### Sec. 7.5-34. Same--Appeals.

Any interested person may appeal the decision of the parish police jury to issue a permit or not to issue a permit to the administrator and/or district court. Said appeal must be filed in writing within thirty (30) days of public notice of the police jury's final decision on the permit application.

(Ord. No. 2862, § 3.9, 10-16-86)

#### Sec. 7.5-35. Same--Modification.

(a) The terms and conditions of a permit may be modified to allow changes in the permitted use, in the plans and specifications for that use, in the methods by which the use is being implemented, or to assure that the permitted use will be in conformity with the coastal management program. Changes which would significantly increase the scope of a permitted activity shall be processed as a new application for permits, not as modifications.

(b) A permit may be modified upon request of the permittee:

(1) If mutual agreement between the permittee and police jury can be reached on a modification; or

(2) If mutual agreement between the permittee and the police jury cannot be reached, a permittee's request for a modification shall be considered denied.

(Ord. No. 2862, § 3.10, 10-16-86)

#### Sec. 7.5-36. Monitoring.

The office of planning and development will be responsible for monitoring progress of all permitted uses and compliance with regulations accompanying permit approval. This will include onsite inspections to verify compliance, and follow-up reports for each permitted project.

(Ord. No. 2862, § 3.11, 10-16-86)

#### Sec. 7.5-37. Emergency permits.

(a) Emergency permits will be issued by the permitting agent when actions are immediately required for the protection of lives, property or the environment. Emergency situations are those brought about by natural or manmade causes, such as storms, floods,

fires, wrecks, explosions, or spills, which would result in hazard to life, property, or the environment if not immediately corrected.

(b) The department of natural resources will be notified of such emergency as soon as possible, and be given a brief description of the situation and the necessity for carrying out the emergency action.

(Ord. No. 2862, § 3.12, 10-16-86)

#### Sec. 7.5-38. Suspensions of permit.

(a) The police jury may suspend a permit upon a finding that:

(1) The permittee has failed or refused to comply with the terms and conditions of the permit or any modifications thereof;

(2) The permittee has submitted false or incomplete information in his application or otherwise; or

(3) The permittee has failed or refused to comply with any lawful order or request of the police jury or the permit agent.

(b) The police jury shall notify the permittee in writing that the permit has been suspended and the reasons therefor and order the permittee to cease immediately all previously authorized activities. The notice shall also advise the permittee that he will be given, upon request made within ten (10) days of receipt of the notice, an opportunity to respond to the reasons given for the suspension.

(c) After consideration of the permittee's response, or if none is received within a 30-day period after issuance of the notice, the police jury shall take action to reinstate, modify, or revoke the permit and shall notify the permittee of the action taken.

(Ord. No. 2862, § 3.13, 10-16-86)

#### Sec. 7.5-39. Revocation of permit.

If, after compliance with the suspension procedures in section 7.5-38, above, the police jury determines that revocation or modification of the permit is warranted, written notice of the revocation or modification shall be given to the permittee.

(Ord. No. 2862, § 3.14, 10-16-86)

#### Sec. 7.5-40. Enforcement.

If the permittee fails to comply with a cease and desist order or the suspension or revocation of a permit, the police jury shall seek appropriate civil and criminal relief as provided by Louisiana Revised Statutes, Title 49, section 213.17.

(Ord. No. 2862, § 3.15, 10-16-86)

#### Sec. 7.5-41. Penalty.

Violation or failure to comply with the provisions of this chapter or the terms of conditions of any coastal use permit shall be punishable by a fine of not less than one hundred dollars (\$100.00) not more than five hundred dollars (\$500.00) or ninety (90) days imprisonment, or both.

(Ord. No. 2862, § 3.16, 10-16-86)

Sec. 7.5-42--7.5-50. Reserved.

### ARTICLE III. NONCONFORMING USE AND MAINTENANCE

Sec. 7.5-51. Definition and classification.

(a) Individual specific uses legally commenced or established prior to the effective date of the coastal use permit program shall not require a coastal use permit.

(b) Normal repairs and the rehabilitation, replacement or maintenance of existing structures shall not require a coastal use permit, provided that:

(1) The structure or work was lawfully in existence, currently serviceable, and in active use during the year preceding the repair, replacement, or maintenance;

(2) The repair or maintenance does not result in an encroachment into a wetland area greater than that of the previous structure or work;

(3) The repair or maintenance does not result in a structure or facility that is significantly different in magnitude or function from the original.

(c) This exemption shall not apply to the repair or maintenance of any structure or facility built or maintained in violation of the coastal management program.

(d) Coastal use permits will normally authorize periodic maintenance, including maintenance dredging. All maintenance activities authorized by coastal use permits shall be conducted pursuant to the conditions established for that permit. Where maintenance is performed which is not described in an applicable coastal permit, it shall conform to this section.

(Ord. No. 2862, § 4.1, 10-16-86)

Sec. 7.5-52. General coastal use permits.

General coastal use permits may be issued by the police jury, subject to approval by the secretary. Such a permit is an authorization to prospective users to perform specific uses within a prescribed area without the necessity for a complete independent review of each proposed use. The applicant shall go through the same procedure as if applying for a regular coastal use permit, however, the several proposed uses within a specific area will be considered together instead of individually.

(Ord. No. 2862, § 4.2, 10-16-86)