

SENATE BILL NO. 87

BY SENATOR ROBERT MILLS

1 AN ACT

2 To amend and reenact Act No. 558 of the 1956 Regular Session, relative to the Benton
3 Metropolitan Planning Commission; to provide for the expansion of the
4 jurisdictional boundaries of the metropolitan planning area under the jurisdiction of
5 the Benton Metropolitan Planning Commission; to provide with respect to the
6 municipality of Benton; to provide certain definitions, terms, procedures, conditions,
7 and effects; to provide relative to the creation, organization, and duties of the
8 planning commission; and to provide for related matters.

9 Notice of intention to introduce this Act has been published.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. Act No. 558 of the 1956 Regular Session is hereby amended and
12 reenacted to read as follows:

13 Article 1: Purposes and Authority

14 Section 1. General Purposes. That it is the purpose and intent of this Act to provide
15 for metropolitan planning in the ~~Village~~ municipality of Benton and that unincorporated
16 part of the parish of Bossier Parish lying ~~within five miles~~ outside of the ~~Village~~
17 municipality of Benton that is defined as the metropolitan planning area and the
18 creation, organization, powers, and duties of a metropolitan planning commission; for the
19 regulation of the subdivision of land in the metropolitan planning area, as defined herein; for
20 the making and adoption of an official map or maps to preserve the integrity of the major
21 street plan and other plans by the regulation of building in mapped streets; for the making
22 and adoption of a zoning plan and zoning ordinance or ordinances; for the adoption of
23 ordinances prescribing minimum construction, health, and sanitation standards to prevent
24 the spread of slums and to encourage and assist public and private agencies, corporations,
25 and individuals in the rehabilitation and redevelopment of blighted areas; and for the

1 adoption of other plans, ordinances, and measures to effectuate the purposes of this Act.

2 It is the intent of this Act to provide for the planning and the effectuation of plans for
 3 the orderly physical development of the metropolitan planning area as a whole. To this end
 4 provision is made for unified planning of the area with the ~~Village~~ municipality of Benton
 5 and the unincorporated area of the parish of Bossier Parish lying outside the ~~Village~~
 6 municipality of Benton ~~but within five miles of the Village of Benton~~ that is defined as the
 7 metropolitan planning area; and, further, provision is made for joint or correlated action
 8 by the ~~Village Council~~ council of the ~~Village~~ municipality of Benton and the ~~Police Jury~~
 9 police jury of the parish of Bossier Parish in the adoption of ordinances or other measures
 10 to effectuate such unified plans.

11 Section 2: Separate Actions by ~~Village~~ Municipality and Parish. Where joint or
 12 correlated legislative action is required, as above provided, it is contemplated in this Act that
 13 such joint or correlated legislative action will be taken within a reasonable time but in no
 14 case longer than ~~90~~ ninety days after the submission of such ordinances or other measures
 15 to the ~~Village Council~~ council or the ~~Police Jury~~ police jury by the planning commission.
 16 In the event such legislative action is not taken by either the ~~Village Council~~ council or the
 17 ~~Police Jury~~ police jury, nothing in this Act shall be construed to prohibit, prevent, or impair
 18 the other from taking such action unilaterally with respect to the territory within its lawful
 19 jurisdiction; provided that in such case either the ~~Village Council~~ council or ~~Police Jury~~ the
 20 police jury, as the case may be, that has failed to take such legislative action shall forfeit to
 21 the other all rights and privileges with respect to joint action, such as appointment of
 22 members of the board of zoning appeals, and such rights and privileges shall remain forfeit
 23 until such time as the joint or correlated action contemplated is taken.

24 Section 3. Conflict with Other Laws. Where other laws relating to the physical
 25 planning, zoning, airport zoning, effectuation of plans, platting, and other purposes of this
 26 Act are in conflict with the provisions of this Act, the provisions of this Act shall prevail;
 27 provided, however, that where such other laws or provisions thereof provide for other and
 28 additional duties, powers, authority, and responsibility, such other laws shall be applicable
 29 insofar as they are not in conflict with the provisions of this Act. Nothing in this Act shall
 30 affect existing planning, zoning, or other laws as they relate to that part of the parish of

1 Bossier Parish lying outside the metropolitan planning area as defined herein. It is distinctly
 2 recognized, however, that should either party herein authorized to do so fail to take
 3 advantage of or to use the instant legislation, this Act will in no way be construed to
 4 displace, amend, supersede or affect existing planning and/or zoning laws or statutes of the
 5 State of Louisiana or of either jurisdiction herein which are now in effect.

6 Section 4. Delegation of Authority. Where, for reasons of convenience, economy, or
 7 effectiveness in the administration of plans, ordinances, or other measures, such as zoning,
 8 it is desired that the ~~Village Council~~ **council** or ~~Police Jury~~ **the police jury** or department,
 9 bureau, or agent of either undertake the administration of such plans, ordinances, or other
 10 measures with respect to the territory of the other, the ~~Village Council~~ **council** and ~~Police~~
 11 ~~Jury~~ **the police jury** are hereby authorized and empowered to enter into such arrangement
 12 as may be mutually agreed upon for such administration and to provide compensation
 13 therefor to the governing body or department, bureau, or agent thereof, commensurate with
 14 the value and extent of the administration and work involved.

15 Nothing in this section shall be construed as authorizing the delegation by ~~Village~~
 16 ~~Council~~ **the council** or the ~~Police Jury~~ **police jury** to the other or to any department, bureau,
 17 or agent thereof, of the legislative authority vested by law in such governing body.

18 Section 5. Definitions. For the purposes of this Act, certain words and phrases used
 19 herein are defined as follows:

20 **(1) Municipal and Municipality relate to "Municipal" or "Municipality" means**
 21 ~~the Village~~ **municipality** of Benton and, where appropriate to the context, to that area lying
 22 within the corporate limits of ~~such village~~ **the municipality** as such corporate limits exist
 23 or may exist in the future.

24 **(2) ~~Village Council~~ relates to "Council" means** the chief legislative body of the
 25 ~~Village of Benton~~ **municipality of Benton.**

26 **(3) Parish relates to "Parish" means the parish of** Bossier Parish as such parish
 27 exists today or may exist in the future.

28 **(4) Police Jury relates to "Police jury" means** the chief legislative body of **the**
 29 **parish of** Bossier Parish.

30 **(5) Planning Commission or Commission "Planning commission" or**

1 "commission" means the Benton-Parish Metropolitan Planning Commission, as provided
 2 for in Section 1 of Article 2 of this Act.

3 (6) Metropolitan planning area "Metropolitan planning area" means all of the
 4 land which is described as follows:

5 (a) All land located within the Village municipality of Benton.

6 (b) and all All unincorporated land lying within five miles outside of the Village
 7 municipality of Benton and within the parish of Bossier Parish as such Village the
 8 municipality and Parish the parish exists or may exist in the future.

9 (c) All land within the unincorporated area of the parish of Bossier that extends
 10 beyond the five-mile area that is provided in Subsection B of this Section to include all
 11 of Section 5, Township 19, Range 12; Section 6, Township 19, Range 12; Section 7,
 12 Township 19, Range 12; Section 8, Township 19, Range 12; Section 13, Township 19,
 13 Range 13; and Section 18, Township 19, Range 12 of Bossier Parish.

14 (7) Street or Streets "Street" or "streets" means, relates to, and includes streets,
 15 avenues, boulevards, roads, lanes, alleys and other ways.

16 (8) Subdivision "Subdivision" means the division of a tract or parcel of land into
 17 two or more lots, sites, or other divisions for the purpose, whether immediate or future, of
 18 sale or building development, and includes re-subdivision, and when appropriate to the
 19 context, relates to the process of subdividing, or to the land or area subdivided. For the
 20 purpose of this Act, the following shall not be deemed to be subdivisions provided that no
 21 new streets or roads are involved: divisions of land for agricultural purposes where the
 22 resulting parcels are three acres or larger in size, divisions of property by testamentary or
 23 intestate provisions or divisions of property by court order.

24 Section 6: Severability. The requirements and provisions of this Act are severable,
 25 and if any article, section, paragraph, sentence, or portion thereof, be declared by any court
 26 of competent jurisdiction to be void, invalid, inoperative, or otherwise inapplicable, the
 27 decision of the court shall not affect the validity or applicability of the act as a whole or of
 28 any part thereof other than the part so held to be void, invalid, inoperative, or
 29 otherwise inapplicable.

30 Article 2: Metropolitan Planning.

1 Section 1: Metropolitan Planning Commission: Creation and Appointment. The
 2 ~~Village Council~~ **council** of the ~~Village~~ **municipality** of Benton and the ~~Police Jury~~ **police**
 3 **jury** of ~~the parish of~~ **Bossier Parish** may create a commission, to be known as the Benton=
 4 ~~Parish~~ Metropolitan Planning Commission. The ~~Commission~~ **commission** shall consist of
 5 five members who shall be qualified voters residing in the metropolitan planning area and
 6 who shall hold no elective office. In addition the ~~President~~ **president** of the Bossier Parish
 7 Police Jury, the ~~President~~ **president** of the Bossier Parish School Board and the ~~Mayor~~
 8 **mayor** of the ~~Village~~ **municipality** of Benton shall be ~~ex officio~~ **ex officio** members of the
 9 commission in an advisory capacity without voting power. Two of the five citizen members
 10 shall be appointed by the ~~Village Council~~ **council**, two by the ~~Police Jury~~ **police jury**, and
 11 one elected by the joint action of the ~~Village Council~~ **council** and the ~~Police Jury~~ **police**
 12 **jury**. The term of each citizen member shall be six years, except that of the members first
 13 appointed, the terms of the two members appointed by the ~~Village Council~~ **council** shall be
 14 one and four years respectively, the terms of the two members appointed by the ~~Police Jury~~
 15 **police jury** shall be two and five years respectively and the term of the member elected by
 16 joint action shall be three years. Any vacancy shall be filled for the unexpired term by the
 17 appointing authority, which shall have also the power to remove any citizen member
 18 appointed by it for cause stated in writing and after public hearing. All members of the
 19 ~~Commission~~ **commission** shall serve without compensation.

20 Section 2: Organization, Rules, Staff. The commission shall elect its chairman from
 21 amongst its members. The term of the ~~Chairman~~ **chairman** shall be one year with eligibility
 22 for re-election. The commission shall adopt rules for the transaction of business and shall
 23 keep a record of its resolutions, transactions, findings, and determinations, which records
 24 shall be a public record. The commission may appoint such employees and staff as it may
 25 deem necessary for its work, and may contract with city planners and other consultants for
 26 such services as it may require.

27 Section 3: Budget. The commission shall prepare an annual budget of its operating
 28 expenses, the total amount of which, exclusive of gifts, shall be within the total amounts
 29 appropriated for that purpose by the ~~Village Council~~ **council** and the ~~Police Jury~~ **police jury**.
 30 The ~~Village~~ **municipality** of Benton shall act as fiscal agent for the commission.

1 Section 4: Area of Jurisdiction: The area of jurisdiction of the commission shall be
 2 the metropolitan planning area as defined herein. In its planning, the commission may take
 3 into consideration and may make plans for such other area as, in its judgment bears relation
 4 to the metropolitan planning area, but the plans for such other area shall not in themselves
 5 or by reason of this Act have any legal or official status.

6 Section 5: Master Plan: It shall be the function and duty of the ~~Commission~~
 7 commission to make and adopt a master plan for the physical development of the area
 8 within its jurisdiction. The master plan, consisting of maps, plats, charts, and descriptive and
 9 explanatory matter, shall show the commission's recommendations for such physical
 10 development, and may include among other things, the general location, character, and
 11 extent of streets, bridges, viaducts, parks, parkways, waterway and waterfront developments,
 12 playgrounds, airports and other public ways, grounds, places and spaces; the general location
 13 of public buildings, schools, and school sites, and other public property; the general location
 14 and extent of public utilities and terminals, whether publicly or privately owned, for water,
 15 power, heat, light, sanitation, transportation, communication, and other purposes; the
 16 acceptance, widening, removal, extension, relocation, narrowing, vacating, abandonment,
 17 or change of use of any of the foregoing public ways, grounds, places, spaces, buildings,
 18 properties, utilities, or terminals; a zoning plan for the regulation of the height, area, bulk,
 19 location, and use of private and public structures and premises, and extent of the
 20 ~~neighborhood~~ neighborhood units and communities or groups of neighbor units, of
 21 neighborhood and community centers; and the general character, extent, and layout of the
 22 replanting of blighted districts and slum areas. The commission may from time to time
 23 amend, extend, or add to the plan or carry any part or subject matter into greater detail.

24 Section 6: General Purpose of the Plan: In the preparation of the master plan, the
 25 commission shall make careful and comprehensive surveys and studies of the existing
 26 conditions and probable future growth of the ~~Village~~ council of the municipality of Benton
 27 and its environs. The plan shall be made with the general purpose of guiding and
 28 accomplishing a ~~co-ordinated~~ coordinated, adjusted and harmonious development of the
 29 metropolitan planning area which will, in accordance with existing and future needs, best
 30 promote public health, safety, morals, order, convenience, prosperity, or the general welfare,

1 as well as efficiency and economy in the process of development.

2 Section 7: Adoption of Master Plan: The commission may adopt the master plan as
 3 a whole by a single resolution, or, as the work of making the whole master plan progresses,
 4 may from time to time adopt a part or parts thereof, any such part to correspond generally
 5 with one or more of the functional subdivisions of the subject matter of the plan. The
 6 adoption of the plan or any part, amendment, or addition, shall be by resolution carried by
 7 the affirmative votes of not less than six members of the commission. The resolution shall
 8 refer expressly to the maps, descriptive matter, and other matters intended by the
 9 commission to form the whole or part of that plan, and the action taken shall be recorded on
 10 the adopted plan or part thereof by the identifying signature of the secretary of the
 11 commission, and a copy of the plan or part thereof shall be certified to each of the following:
 12 The ~~Village Council~~ **council** of the ~~Village~~ **municipality** of Benton, the ~~Police Jury~~ **police**
 13 **jury** of **the parish of** Bossier ~~Parish~~, the Bossier Parish School Board, and the ~~Clerk of~~
 14 ~~Court and Recorder~~ **clerk of court** of **the parish of** Bossier ~~Parish~~, who shall record such
 15 **the** plan or part thereof on the conveyance records of ~~Bossier Parish~~ **the parish of Bossier**.
 16 The plan or part thereof shall take effect forty-five days after the date of adoption unless,
 17 within such period, it shall have been disapproved by the ~~Village Council~~ **council**, in the
 18 case of its applicability to the ~~Village~~ **municipality** of Benton, by the ~~Police Jury~~ **police**
 19 **jury**, in the case of its applicability to unincorporated areas outside the ~~Village~~ **municipality**
 20 of Benton or by the **Bossier Parish** School Board, in the case of its applicability to schools
 21 and school sites.

22 Section 8: Miscellaneous Powers of the Commission: The commission may make
 23 reports and recommendations relating to the plan and development of the area within its
 24 jurisdiction to public officials and agencies, public utility companies, civic, educational,
 25 professional, and other organizations and citizens. It may recommend to the executive or
 26 legislative officials of the ~~Village~~ **municipality** of Benton and **the parish of** Bossier ~~Parish~~,
 27 and to other public or semi-public boards, commissions, agencies or other bodies, programs
 28 for public improvements and the financing thereof. All public officials shall, upon request,
 29 furnish to the commission, within a reasonable time, such available information as it may
 30 require for its work. The commission, its members and employees, in the performance of its

1 functions, may enter upon any land, make examinations and surveys, and place and maintain
 2 necessary monuments and marks thereon. In general, the commission shall have such powers
 3 as may be necessary to enable it to perform its functions and promote the planning of the
 4 area within its jurisdiction.

5 Section 9: Legal Status of Plan~~;~~. Whenever the commission shall have adopted the
 6 master plan or any part thereof, then and thenceforth no street, park, or any public way,
 7 ground place or space, no public building or structure, school or school site, or no public
 8 utility, whether publicly or privately owned, shall be constructed or authorized in the area
 9 of jurisdiction of the commission until and unless the location and extent thereof shall have
 10 been submitted to and approved by the planning commission~~;~~ ~~provided that in the case of~~
 11 ~~disapproval~~ **If the commission disapproves of the construction plan**, the commission shall
 12 communicate its reasons **for the disapproval** to the ~~Village Council~~ **council** or ~~Police Jury~~
 13 **the police jury**, as appropriate~~;~~ ~~and the Village Council~~ **The council** or ~~Police Jury~~ **the**
 14 **police jury**, by a vote of not less than two-thirds of its entire membership, shall have the
 15 power to overrule such disapproval and, upon such overruling, the ~~Village Council~~ **council**,
 16 ~~Police Jury~~ **the police jury**, or the appropriate board or officer shall have the power to
 17 proceed; provided, however, that if the public way, ground, place, space, building, structure,
 18 school or school site, or utility ~~be is~~ one the authorization or financing of which does not,
 19 under the law or charter provisions governing the same, fall within the province of the
 20 ~~Village Council~~ **council** or ~~Police Jury~~ **police jury** or other body or official of the ~~Village~~
 21 **municipality** of Benton or ~~parish of Bossier Parish~~, then the submission to the planning
 22 commission shall be by the board, or official having such jurisdiction, and the planning
 23 commission's disapproval may be overruled by such board by a vote of not less than two-
 24 thirds of its entire membership or by said official. The acceptance, widening, removal,
 25 extension, relocation, narrowing, vacating, abandonment, change of use, acquisition of land
 26 for, or sale or lease of any street or other public way, ground, place, property, or structure
 27 shall be subject to similar submission and approval, and the failure to approve may be
 28 similarly overruled. The failure of the commission to act within forty-five days from and
 29 after the date of official submission to it shall be deemed approval, unless a longer period
 30 ~~be is~~ granted by the ~~Village Council~~ **council**, ~~Police Jury~~ **the police jury**, or other submitting

1 agency or official.

2 Section 10: Effective Date. In adopting such ordinances as are necessary to effect the
 3 purposes of this Article, the ~~Village Council~~ **council** of the ~~Village~~ **municipality** of Benton
 4 and ~~the Police Jury~~ **police jury** of ~~the parish of~~ **Bossier Parish** shall, by mutual agreement,
 5 designate the date upon which the powers, duties, and authority of the **Benton** Metropolitan
 6 Planning Commission shall take effect; provided, however, that such date shall be not less
 7 than ~~90~~ **ninety** days nor more than one year after the adoption of such ordinances. During
 8 this period the ~~Village Planning Commission~~ **planning commission** of the ~~Village~~
 9 **municipality** of Benton and the ~~Parish Planning Commission~~ **planning commission** of ~~the~~
 10 **parish of** ~~Bossier Parish~~ shall continue to exist with all the powers and duties theretofore
 11 held; and, by the expiration of such period the ~~Village Planning Commission~~ **planning**
 12 **commission of the municipality** and the ~~Parish Planning Commission~~ **planning**
 13 **commission of the parish of Bossier** shall have turned over to the **Benton** Metropolitan
 14 Planning Commission all of their records, plans, studies, or other instruments of their work
 15 and planning as they pertain to the metropolitan planning area as herein defined. Upon the
 16 attachment of the jurisdiction of the **Benton** Metropolitan Planning Commission, the ~~Village~~
 17 ~~Planning Commission~~ **planning commission of the municipality** shall cease to exist and
 18 the ~~Parish Planning Commission~~ **parish planning commission** shall have no further
 19 authority in the metropolitan planning area; provided, however, that such plans or parts
 20 thereof as have been lawfully adopted by such commissions, including but not limited to the
 21 subdivision regulations, major street plan, and zoning plan, shall continue in effect and shall
 22 be administered by the **Benton** Metropolitan Planning Commission until repealed or
 23 replaced by such commission in accordance with this Article.

24 Article 3: Subdivision Regulation

25 Section 1. Planning Commission As Planning Authority. From and after the time
 26 when the ~~Benton Parish~~ **Metropolitan** Planning Commission shall have adopted a master
 27 plan which includes at least a major street plan or shall have progressed in its master
 28 planning to the stage of the making and adoption of a major street plan and shall have filed
 29 a certified copy of such major street plan in the office of the ~~Clerk of Court and Recorder~~
 30 **clerk of court** of ~~the parish of~~ **Bossier Parish**, no plat of a subdivision of land lying within

1 the metropolitan planning area shall be filed or recorded until it shall have been submitted
 2 to and approved by the commission and such approval entered in writing on the plat by the
 3 secretary of the commission. The ~~Clerk of Court and Recorder~~ **clerk of court** shall not file
 4 or record a plat of a subdivision without the approval of the planning commission as required
 5 by this Article; the filing or recording of a plat of a subdivision without the approval of the
 6 planning commission as required by this Article shall be void.

7 Section 2. Subdivision Regulations. In exercising the powers granted to it by this
 8 Article, the planning commission shall adopt regulations governing the subdivision of land
 9 within the metropolitan planning area. Such regulations may provide for the harmonious
 10 development of the metropolitan planning area; for the coordination of streets within
 11 subdivisions with other existing or planned streets or with other features of the master plan
 12 or official map of the metropolitan planning area; for adequate open spaces for traffic,
 13 recreation, light, and air; and for a distribution of population and traffic which will tend to
 14 create conditions favorable to health, safety, convenience, or prosperity.

15 Such regulations may include requirements as to the extent to which and the manner
 16 in which streets shall be ~~grade~~ **graded** and improved and water, sewer and other utility
 17 mains, piping, connections, or other facilities shall be installed as a condition precedent to
 18 the approval of the plat. The regulations or practice of the ~~Commission~~ **commission** may
 19 provide for the tentative approval of the plat previous to such improvement and installation;
 20 but any such tentative approval shall not be entered on the plat.

21 Such regulations may provide that, in lieu of the completion of such work and
 22 installation previous to the final approval of a plat, the commission may accept a bond, in
 23 an amount and with surety and conditions satisfactory to it, providing for and securing to the
 24 ~~Village~~ **municipality** of Benton or to ~~the parish of Bossier Parish~~, as appropriate, the actual
 25 construction and installation of such improvements and utilities within a period specified by
 26 the commission and expressed in the bond; and the ~~Village Council~~ **council** of the ~~Village~~
 27 **municipality** of Benton and the ~~Police Jury~~ **police jury** of ~~the parish of Bossier Parish~~ are
 28 hereby granted the power to enforce such bonds by all appropriate legal and equitable
 29 remedies. Such regulations may provide, in lieu of the completion of such work and
 30 installations previous to the final approval of a plat, for an assessment or other method

1 whereby the ~~Village~~ **municipality** of Benton or ~~the parish of Bossier Parish~~, as appropriate,
2 is put in an assured position to do such work and make such installations at the cost of the
3 owners of the property within the subdivision.

4 Before adopting its subdivision regulations or any amendment thereto, the
5 commission shall hold a public hearing thereon, at least ten days notice of the time and place
6 of which shall be published in a newspaper of general circulation in the municipality and
7 parish.

8 Section 3: Procedure on Plats. The ~~Commission~~ **commission** shall approve or
9 disapprove a plat within forty-five days after the submission thereof; otherwise such plat
10 shall be deemed to have been approved and a certificate to that effect shall be issued by the
11 commission on demand; provided, however, that the applicant for the commission's approval
12 may waive this requirement and consent to the extension of such period. The ground of
13 disapproval of any plat shall be stated upon the records of the commission. No plat shall be
14 disapproved by the commission without affording a hearing thereon.

15 Section 4. Effect of Plat Approval on Status of Dedication. The approval of a plat by
16 the planning commission shall not be deemed to constitute or effect an acceptance by the
17 municipality or parish or public of the dedication of any street or other ground shown upon
18 the plat.

19 Section 5: Penalties for Transferring Lots in Unapproved Subdivisions. Whoever,
20 being the owner or the agent of the owner of any land located within the metropolitan
21 planning area, transfers or sells or agrees to sell or negotiates to sell such land by reference
22 to or exhibition of or by other use of a plat of subdivision of such land before such plat has
23 been approved by such commission and recorded in the office of the ~~Clerk of Court and~~
24 ~~Recorder~~ **clerk of court** of ~~the parish of Bossier Parish~~, shall forfeit and pay a penalty of
25 one hundred dollars for each lot so transferred or sold or agreed or negotiated to be sold; and
26 the description by metes and bounds in the instrument of transfer or other document used in
27 the process of selling or transferring shall not exempt the transaction from such penalties.
28 The ~~village~~ **municipality** or the parish, as appropriate, through its solicitor or other
29 designated official, may enjoin such transfer or sale or agreement by action for injunction
30 or may recover the penalty by civil action.

1 Section 6. Acceptance of and Improvements in Unapproved Streets. From and after
 2 the time when the platting jurisdiction of the planning commission shall have attached by
 3 virtue of the adoption of a major street plan as provided in Section 1 of this Article, the
 4 ~~village~~ **municipality** or parish or other public body shall not accept, lay out, open, improve,
 5 grade, pave, or light any street within the metropolitan planning area unless such street shall
 6 have been accepted or opened as, or shall have otherwise received the legal status of, a
 7 public street prior to such attachment of the commission's platting jurisdiction or unless such
 8 street corresponds in its location and lines with a street shown on a subdivision plat approved
 9 by such commission or on a street plat made by and adopted by such commission; provided,
 10 however, that the ~~Village Council~~ **council** or, in the case of a street outside of the ~~village~~
 11 **municipality**, the ~~Police Jury~~ **police jury** may locate and ~~construct*~~ **construct** or may
 12 accept any other street if the ordinance or other measure for such location and construction
 13 or for such acceptance be first submitted to such commission for its approval, and, if
 14 disapproved by the commission, be passed by not less than two-thirds of the entire
 15 membership of the ~~Village Council~~ **council** or ~~Police Jury~~ **police jury** as appropriate; and
 16 a street approved by the commission upon such submission, or constructed or accepted by
 17 ~~such two-thirds~~ **a two-thirds** vote after disapproval by the commission, shall have the status
 18 of an approved street as fully as though it had been originally shown on a subdivision plat
 19 approved by the commission or on a plat made and adopted by the commission.

20 Section 7. Erection of Buildings: From and after the time when the platting
 21 jurisdiction of the planning commission shall have attached by reason of the adoption of a
 22 major street plan as provided in Section 1 of this Article, no building permit shall be issued
 23 for and no building shall be erected upon any lot within the metropolitan planning area
 24 unless the street giving access to the lot upon which such building is proposed to be placed
 25 shall be accepted or opened as, or shall have otherwise received the legal status of a public
 26 street prior to that time, or unless such street corresponds in its location and lines with a
 27 street shown on a subdivision plat approved by such commission or on a street plat made and
 28 adopted by such commission, or with a street located or accepted by the ~~Village Council~~
 29 **council** of the ~~Village~~ **municipality** of Benton, or, in the case of territory outside of the
 30 ~~village~~ **municipality**, the ~~Police Jury~~ **police jury**, after submission to such commission and,

1 in case of such commission's disapproval, by the favorable vote required in Section 6 of this
 2 Article. Any building in violation of this section shall be deemed an unlawful structure, and
 3 the building inspector or solicitor or other designated official of the municipality or parish,
 4 as appropriate, may bring action to enjoin such erection or cause it to be vacated or removed.

5 Article 4: Mapped Streets:

6 Section 1: Platting of Streets Lines by Planning Commission: From and after the
 7 time when the planning commission shall have adopted a master plan which includes at least
 8 a major street plan or shall have progressed in its master planning to the stage of the making
 9 and adoption of a major street plan, such commission shall have the power to make or cause
 10 to be made, from time to time, plats on which are indicated the locations of the lines
 11 recommended by the commission as the planned or mapped lines of future streets, street
 12 extensions, street widenings, or street narrowings. The making or certifying of a plat by the
 13 commission shall not in and of itself constitute or be deemed to constitute the opening or
 14 establishment of any street or the taking or acceptance of any land for street purposes.

15 Section 2: Establishment of Official Map. From and after the time when the planning
 16 commission shall have adopted a master plan which includes at least a major street plan or
 17 shall have progressed in its master planning to the stage of the making and adoption of a
 18 major street plan, and shall have certified a copy of such major street plan to the ~~Village~~
 19 ~~Council~~ **council** and one to the ~~Police Jury~~ **police jury**, the ~~Village Council~~ **council** and the
 20 ~~Police Jury~~ **police jury** may establish an official map of the ~~village~~ **municipality**, in the case
 21 of the ~~Council~~ **council**, and that part of ~~Bossier Parish~~ **the parish of Bossier** within the
 22 metropolitan planning area but outside the **municipality** of Benton, in the case of the ~~Police~~
 23 ~~Jury~~ **police jury**. The official map shall show the location of the streets theretofore existing
 24 and established by law as public streets. Such official map may also show the location of the
 25 lines of streets on plats of subdivisions which shall have been approved by the planning
 26 commission. The ~~Council~~ **council** and the ~~Police Jury~~ **police jury** shall certify the fact of the
 27 establishment of the official map to the Clerk of Court and Recorder of Bossier Parish.

28 Section 3: Official Map: Additions and Changes: The ~~Council~~ **council** and the ~~Police~~
 29 ~~Jury~~ **police jury** may add to the official map, each in its own jurisdiction, by placing thereon
 30 from time to time, the lines of streets in accordance with the plat of any subdivision which

1 shall have been approved by the planning commission. The ~~Council~~ **council** and the ~~Police~~
 2 ~~Jury~~ **police jury** may make, from time to time, other additions to or modifications of the
 3 official map by placing thereon the lines of planned new streets or street extensions,
 4 widenings, narrowings, or vacating; provided, however, that before taking any such action
 5 the ~~Council~~ **council** or the ~~Police Jury~~ **police jury**, as appropriate, shall hold a public hearing
 6 thereon, notice of the time and place of which shall be given not less than ten days previous
 7 to the time fixed therefor, by one publication in a newspaper of general circulation in the
 8 ~~village~~ **municipality** or in the parish, as the case may be; and provided further that such
 9 proposed addition to or modification of the official map shall be submitted to the planning
 10 commission for its approval, and, in the event of such commission's disapproval, such
 11 addition or modification shall require the favorable vote of not less than two-thirds of the
 12 entire membership of the ~~Council~~ **council** or ~~Police Jury~~ **police jury**, as appropriate. Any
 13 street line location certified by the planning commission to the council, as authorized by
 14 Section 1 of this Article, shall be deemed approved by the commission without further
 15 submission thereof to such commission. The placing of any street or street line upon the
 16 official map shall not in and of itself constitute or be deemed to constitute the opening or
 17 establishment of any street or the taking or acceptance of any land for street purposes.

18 Section 4: Regulation of Buildings in Bed of Mapped Streets~~;~~. For the purpose of
 19 preserving the integrity of the official map, the ~~Council~~ **council** and the ~~Police Jury~~ **police**
 20 **jury** may provide by general ordinances or other legislative action that no permit shall be
 21 issued for any building or structure or part thereof on any land located between the mapped
 22 lines of any street as shown on the official map. Any such ordinance or legislative act shall
 23 provide that the board of appeals, as provided in Article 5 of this Act, shall have the power,
 24 upon an appeal filed with it by the owner of any such land, to authorize the grant of a permit
 25 for a building or structure or part thereof within any such mapped street location in any case
 26 in which such board finds, upon the evidence and arguments presented to it upon such appeal
 27 (a) that the property of the appellant of which such mapped street location forms a part will
 28 not yield a reasonable return to the owner unless such permit be granted, or (b) that,
 29 balancing the interest of the ~~village~~ **municipality** or parish in preserving the integrity of the
 30 official map and the interest of the owner in the use and benefits of his property, the grant

1 of such permit is required by consideration of justice and equity. Before taking any such
 2 action, the board of appeals shall hold a hearing thereon, at least ten days notice of the time
 3 and place of which shall be given to the appellant by mail at the address specified by the
 4 appellant in his appeal petition.

5 In the event that the board of appeals decides to authorize a building permit, it shall
 6 have the power to specify the exact location, ground area, height, and other details and
 7 conditions of extent and character, and also the duration of the building, structure, or part
 8 thereof to be permitted.

9 Section 5: Municipal Improvements in Streets; Buildings Not on Mapped Streets.
 10 Except in streets existing and established by law as public streets at the date of the
 11 establishment of the official map, no public water facilities, sewer, or other public utility or
 12 improvement shall be constructed after such date in any street until such street is duly placed
 13 on the official map. The ~~Village Council~~ **council** and the ~~Police Jury~~ **police jury** may
 14 provide by ordinance that no permit for the erection of any building shall be issued unless
 15 a street giving access to such proposed building existed and was established by law as a
 16 public street at the time of the establishment of the official map or shall have been duly
 17 placed on the official map in accordance with the provisions of Sections 2 and 3 of this
 18 Article; provided, however, that such ordinance shall contain provisions whereby the
 19 applicant for such permit may appeal to the board of appeals. Hearing upon the appeal and
 20 notice of hearing shall be held and given as provided in Section 3 of this Article and such
 21 board shall have the authority to authorize such a permit, subject to such conditions as the
 22 board may impose, where the circumstances of the case do not require the proposed building
 23 to be related to existing streets or to streets as shown on the official map and where the
 24 permit would not tend to distort or increase the difficulty of carrying out the official map or
 25 master plan of the ~~village~~ **municipality**.

26 Article 5: Zoning

27 Section 1. Grant of Power; For the purposes of promoting the public health, safety,
 28 morals, convenience, order, prosperity and general welfare, ~~The the Village Council~~ **council**
 29 of the ~~Village~~ **municipality** of Benton and the ~~Police Jury~~ **police jury** of **the parish of**
 30 Bossier ~~Parish~~ are hereby empowered, in accordance with the conditions and the procedures

1 specified in this Article, to regulate the location, height, bulk, number of stories and size of
 2 buildings and other structures, the percentage of the lot which may be occupied, the size of
 3 yards, courts or other open spaces, the density of population, and the uses of buildings,
 4 structures and land for trade, industry, residence, recreation, civic activities, and other
 5 purposes, within the ~~village~~ municipality, in the case of the ~~Village~~ municipality of Benton,
 6 and within that part of ~~Bossier Parish~~ the parish of Bossier within the metropolitan planning
 7 area but outside the ~~Village~~ municipality of Benton, in the case of the parish of Bossier
 8 ~~Parish~~; provided, however, that such regulations may be adopted with respect only to such
 9 portion of the metropolitan planning area outside of the ~~Village~~ municipality of Benton, as,
 10 in the judgment of the ~~Police Jury~~ police jury, is deemed necessary.

11 Section 2. The Zoning Plan: Whenever the planning commission makes and certifies
 12 to the ~~Village Council~~ council of the ~~Village~~ municipality of Benton and to the ~~Police Jury~~
 13 police jury of ~~Bossier Parish~~ the parish of Bossier a zoning plan, including both the full
 14 text of a zoning ordinance and the map or maps, representing the recommendations of the
 15 Planning Commission for the regulation by districts or zones of the location, height, bulk,
 16 number of stories, and size of buildings and other structures, the percentage of the lot which
 17 may be occupied, the size of yards, courts and other open spaces, the density of population,
 18 and the uses of buildings, structures, and land for trade, industry, residence, recreation, civic
 19 activities, and other purposes, then the ~~Village Council~~ council and the ~~Police Jury~~ police
 20 jury may exercise the powers granted and for the purposes mentioned in Section 1 of this
 21 Article and may divide the ~~village~~ municipality or that part of the parish within the
 22 metropolitan planning area but outside the ~~Village~~ municipality of Benton, as the case may
 23 be, into districts or zones of such number, shape and area as it may determine, and, for such
 24 purposes may regulate the erection, construction, reconstruction, conversion, alteration, and
 25 uses of buildings and structures and the uses of land. All such regulations shall be uniform
 26 for each class or kind of building throughout each district, but the regulations in one district
 27 may differ from those in other districts.

28 Section 3: Method of Procedure: Before enacting the zoning ordinance or any
 29 amendment thereof, the ~~Village Council~~ council or the ~~Police Jury~~ police jury, as the case
 30 may be, shall hold a public hearing thereon, at least ten days notice of the time and place of

1 which shall be published in a newspaper of general circulation in the ~~village~~ municipality
 2 or in the parish as the case may be. No change in or departure from the text or maps as
 3 certified by the planning commission shall be made, unless such change or departure be first
 4 submitted to the planning commission and approved by it, or if disapproved, receive the
 5 favorable vote of not less than two-thirds of the entire membership of the ~~Village Council~~
 6 council or the ~~Police Jury~~ police jury, as the case may be.

7 Section 4. Amendments: The zoning ordinance, including the map or maps, may
 8 from time to time be amended; but no amendment shall become effective unless it be first
 9 submitted to and approved by the planning commission, or, if disapproved, shall receive the
 10 favorable vote of not less than two-thirds of the entire membership of the ~~Village Council~~
 11 council or the ~~Police Jury~~ police jury, as the case may be.

12 Section 5: Non-Conforming Uses: The lawful use of a building or premises exactly
 13 as such use existed at the time of the enactment of any regulation affecting it may be
 14 continued although such use does not conform with the provisions of such regulation. The
 15 ~~Village Council~~ council or the ~~Police Jury~~ police jury, as appropriate, may provide for the
 16 termination of non-conforming uses either by specifying the period or periods within which
 17 they shall be required to cease or by providing a formula or formulas whereby the
 18 compulsory termination of non-conforming use shall be so fixed as to allow a reasonable
 19 period for the recovery or amortization of the investment in the non-conforming use of
 20 buildings or premises. The ~~Village Council~~ council or the ~~Police Jury~~ police jury, as
 21 appropriate, may in its discretion provide by ordinance for the resumption, restoration,
 22 reconstruction, extension, or substitution of non-conforming uses upon such terms and
 23 conditions as may be set forth in the ordinance.

24 Section 6: Board of Appeals. The zoning ordinance shall provide for a board of
 25 appeals of five members and two alternate members, each to be appointed for a term of five
 26 years. Three members and one alternate member shall be appointed by the ~~Village Council~~
 27 council of the ~~Village~~ municipality of Benton, two members and one alternate member shall
 28 be appointed by the ~~Police Jury~~ police jury of the parish of Bossier ~~Parish~~. Of the members
 29 first appointed by the ~~Village Council~~ council, one shall be appointed for a term of five
 30 years, and one for a term of four years, and one for a term of three years; of the members

1 first appointed by the ~~Police Jury~~ **police jury**, one shall be appointed for a term of two years
2 and one for a term of one year. The alternate member appointed by the ~~Village Council~~
3 **council** shall be appointed for a term of five years and the alternate member appointed by
4 the ~~Police Jury~~ **police jury** shall be appointed for a term of three years.

5 Members and alternate members shall serve without compensation. Any vacancy
6 shall be filled for the unexpired term by the appointing authority, which shall have also the
7 authority to remove any member for cause stated in writing and after public hearing.

8 Alternate members shall serve only when called upon by the chairman or acting
9 chairman to form a quorum, and when so serving shall have all the powers and duties of full
10 members.

11 The zoning ordinance may provide and specify general rules to govern the
12 organization and procedure of such board of appeals, which rules shall not be inconsistent
13 with the provisions of this Article; and the board of appeals may adopt supplemental rules
14 of procedure not inconsistent with this Article or such general rules.

15 The zoning ordinance may provide that the board of appeals may permit special
16 exceptions to the zoning regulations in the classes or cases or situations and in accordance
17 with the principles, conditions, safeguards, and procedure specified in the ordinance. The
18 ordinance may also authorize the board of appeals to interpret the zoning maps and pass
19 upon disputed questions of lot lines, or district boundary lines or similar questions as they
20 arise in the administration of the zoning regulations.

21 Appeals to the board of appeals may be taken by any person aggrieved or by any
22 officer, department, board or bureau of the ~~Village~~ **municipality** or ~~Parish~~ **parish** affected
23 by any grant or refusal of a building permit or other act of decision, of the building inspector
24 or permit and zoning clerk of the ~~village~~ **municipality** or parish or other administrative
25 official, based in whole or in part upon the provisions of any ordinance enacted under this
26 Article.

27 The board of appeals shall have the following powers:

28 (1) To hear and decide appeals where it is alleged by the appellant that there is error
29 in any order, requirement, permit, decision, or refusal made by the building inspector or
30 permit and zoning clerk of the ~~village~~ **municipality** or parish or any other administrative

1 official in the carrying out or enforcement of any provision of any ordinance enacted
2 pursuant to this Article.

3 (2) To hear and decide, in accordance with the provisions of any such ordinances,
4 requests for special exceptions or for interpretation of the map or for decisions upon other
5 special questions upon which such board is authorized by any such ordinance to pass.

6 (3) Where, by reason of exceptional narrowness, shallowness, or shape of a specific
7 piece of property at the time of enactment of the zoning regulation, or by reason of
8 exceptional topographic conditions or other extraordinary and exceptional characteristics of
9 such piece of property, the strict application of any regulation enacted under this Article
10 would result in peculiar and exceptional practical difficulties to or exceptional or undue
11 hardship upon the owner of such property, to authorize, upon an appeal relating to such
12 property, a variance from such strict application so as to relieve such difficulties or hardship,
13 provided such relief may be granted without substantial detriment to the public good and
14 without substantially impairing the intent and purpose of the zoning plan and zoning
15 ordinance.

16 Section 7: Enforcement and Remedies. The ~~Village Council~~ **council** and the ~~Police~~
17 ~~Jury~~ **police jury** may provide for the enforcement of any ordinance enacted under this
18 Article. A violation of any such ordinance is hereby declared a misdemeanor. In case any
19 building or structure is or is proposed to be erected, constructed, reconstructed, altered,
20 converted, or maintained, or any building, structure, or land is or is proposed to be used in
21 violation of any ordinances enacted under this Article, the building inspector, permit and
22 zoning clerk, municipal or parish counsel, or other appropriate authority of the ~~village~~
23 **municipality** or of the parish, or any adjacent or neighboring property owner who would be
24 especially damaged by such violation, may, in addition to other remedies, institute
25 injunction, mandamus, or other appropriate action or proceeding to prevent such unlawful
26 erection, construction, reconstruction, alteration, conversion, maintenance, or use, or to
27 correct or abate such violation, or to prevent the occupancy of such building, structure,
28 or land.

29 Section 8: Conflict With Other Laws. Whenever the regulations made under **the**
30 authority of this Article require a greater width or size of yards, courts, or other open spaces,

1 or require a lower height of buildings or less number of stories, or require a greater
 2 percentage of lot to be left unoccupied, or impose other higher standards than are required
 3 in any other statute, the provisions of the regulations made under authority of this Article
 4 shall govern. Whenever the provisions of any other statute require a greater width or size of
 5 yards, courts, or other open spaces, or require a greater percentage of lot to be left
 6 unoccupied, or impose higher standards than are required by the regulations made under
 7 authority of this Article, the provisions of such statute shall govern.

8 Section 9: Existing Zoning Ordinances. Existing zoning ordinances of the ~~Village~~
 9 council of Benton shall continue in effect until repealed or replaced by ordinances enacted
 10 under the authority of this Article.

11 Article 6: Housing and Building Codes: Rehabilitation.

12 Section 1: Grant of Power. For the purposes of promoting the public health, safety,
 13 morals, convenience, order, prosperity, and general welfare, the ~~Village Council~~ council of
 14 the ~~Village~~ municipality of Benton and the ~~Police Jury~~ police jury of ~~Bossier Parish~~ the
 15 parish of Bossier are hereby empowered, in accordance with the conditions and procedures
 16 specified in this Article, to adopt housing codes prescribing minimum standards for the area,
 17 volume, light, air, ventilation, illumination, occupancy and density of occupancy and
 18 sanitation of dwelling places; to adopt building codes, plumbing codes, electrical codes and
 19 related measures to regulate the construction, reconstruction, alteration, extension,
 20 conversion, or maintenance of buildings; to regulate ~~by~~ building and housing codes or other
 21 measures or ordinances as to the conditions of sanitation, including requirements for water
 22 supply and sewerage disposal and drainage; and to adopt such other ordinances, regulations
 23 and plans as, in their judgment, are necessary to effect the rehabilitation of sub-standard
 24 dwellings and blighted areas within the ~~village~~ municipality, in the case of the ~~Village~~
 25 municipality of Benton, and within that part of the parish of ~~Bossier Parish~~ within the
 26 metropolitan planning area but outside the ~~Village~~ municipality of Benton, in the case of
 27 the parish of ~~Bossier Parish~~; provided, however, that such codes, ordinances, plans or other
 28 measures may be adopted with respect only to such portion of the metropolitan planning area
 29 outside the ~~Village~~ municipality of Benton, as in the judgment of the ~~Police Jury~~ police
 30 jury, is deemed necessary.

1 Section 2: Planning Commission. The planning commission may prepare and
 2 recommend to the ~~Village Council~~ **council** and the ~~Police Jury~~ **police jury** for adoption such
 3 codes, ordinances, plans, or other measures as, in its judgment, may be necessary to
 4 accomplish the purposes of this Article.

5 Section 3: Method of Procedure. Before adopting any code, ordinance, plan, or other
 6 measures pursuant to this Article, the ~~Village Council~~ **council** or the ~~Police Jury~~ **police jury**,
 7 as the case may be, shall hold a public hearing thereon, at least ten days notice of the time
 8 and place of which shall be published in a newspaper of general circulation in the ~~village~~
 9 **municipality** or in the parish, as the case may be.

10 Section 4: Enforcement and Remedies. The ~~Village Council~~ **municipality** and the
 11 ~~Police Jury~~ **police jury** may provide, in their respective jurisdictions, for the enforcement
 12 of any code, ordinance, or other measure enacted under this Article. A violation of any such
 13 code, ordinance, or other measure is hereby declared a misdemeanor. In case any building
 14 or structure is or is proposed to be constructed, reconstructed, altered, extended, converted,
 15 or maintained in violation of any code or ordinance enacted under this article the building
 16 inspector, permit and zoning clerk, municipal or parish counsel, or other appropriate
 17 authority of the ~~village~~ **municipality** or of the parish, or any adjacent or neighboring
 18 property owner who would be specifically damaged by such violation, may, in addition to
 19 other remedies, institute injunction, mandamus, or other appropriate action or proceedings
 20 to prevent such unlawful construction, reconstruction, alteration, extension, conversion,
 21 maintenance, or use, or to correct or abate such violation or to prevent the occupancy of
 22 such building.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____