

ORDINANCE NO.: 75

March 13, 2002

BE IT RESOLVED, by the Mayor and Town Council of the Town of Madisonville that the "Code of Ordinance" of the Town of Madisonville Chapter 17, "General Provisions", be amended to add the following:

SECTION 17.8 APPEAL FROM THE DECISION OF THE BOARD OF ALDERMEN/TOWN COUNCIL

Should anyone be aggrieved by any decision of the Board of Aldermen/Town Council, the aggrieved person, firm, corporation, limited liability company and/or limited liability partnership, may present the same to the District Court for St. Tammany Parish, Louisiana, in the form of a verified petition, which petition shall set forth the original decision of the Board of Aldermen/Town Council, as well as the vote and decision and reasons of the Board of Aldermen/Town Council. Said appeal to the District Court shall set forth in detail the grounds stating why the Board of Aldermen/Town Council rendered an incorrect or erroneous decision.

Any such appeal shall be presented within thirty (30) days from the time when the resolution and/or Ordinance or action of the Board of Aldermen/Town Council shall become final. The Court shall hear the appeal as if it were a trial de novo and shall be allowed to take testimony and evidence according to the Code of Evidence of the Code of Civil Procedure.

I certify that the above Ordinance was adopted by the Town Council of the Town of Madisonville at its regular meeting held on Wednesday, March 13, 2002 at 7:30 p.m. on motion by Councilwoman Fruge and seconded by Councilman Ostendorf with the vote thereon as follows:

YEAS: Councilwoman Fruge, Councilman Badeaux, Councilman Lange,
Councilman Ostendorf, Councilman Tyrney

NAYS: None

ABSENT: None

Cynthia C. Phelps, Town Clerk

CHAPTER 17

General Provisions

Section 17.1 How code designated and cited.

The provisions embraced in the foregoing chapters and sections shall constitute and be designated the "Code of Ordinances, Town of Madisonville, Louisiana," and may be so cited.

Section 17.2 Catchlines of sections; citations.

The catchlines of sections in this code and citations included at the end of chapters are intended to indicate the contents of the section and original historical source respectively, and shall not be deemed or taken to be titles and official sources of the sections, nor as any part of the section, nor, unless expressly so provided, shall they be so deemed when any of the sections, including the catchlines, or citations, are amended or re-enacted.

Section 17.3 Effect of repeal of ordinances.

(a) The repeal of an ordinance shall not revive any ordinance in force before or at the time the ordinance repealed took effect.

(b) The repeal of an ordinance shall not affect any punishment or penalty incurred before the repeal took effect, nor any suit, prosecution or proceeding pending at the time of the repeal, for an offense committed under the ordinance repealed.

Section 17.4 Severability of parts of code.

It is hereby declared to be the intention of the board that the sections, paragraphs, sentences, clauses and phrases of this code are severable, and if any phrase, clause, sentence, paragraph, or section of this code shall be declared unconstitutional, illegal or otherwise invalid by the valid judgment or decree of a court of competent jurisdiction, the unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this code.

Section 17.5 Amendment to code; effect of new ordinances; amendatory language.

(a) All ordinances passed subsequent to this code or ordinance which amend, repeal or in any way affect this code of ordinances, may be numbered in accordance with the numbering system of this code and printed for inclusion therein. When subsequent ordinances repeal any

chapter, section or subsection or any portion thereof, the repealed portions may be excluded from this code by omission from reprinted pages

(b) Amendments to any of the provisions of this code shall be made by amending the provisions by specific reference to the section of this code in substantially the following language: "Be it ordained by the Mayor and Board of Aldermen of the Town of Madisonville, Louisiana, that section _____ of the code of ordinances of the Town of Madisonville, Louisiana is hereby amended to read as follows:" (Set out new provisions in full)

(c) When the board desires to enact an ordinance of a general and permanent nature on a subject not heretofore existing in the code, which the board desires to incorporate into the code, a section in substantially the following language shall be made part of this ordinance:

"Section _____ "Be it ordained by the Mayor and the Board of Aldermen of the Town of Madisonville, Louisiana, that the provisions of this ordinance shall become and be made a part of the code of ordinances of the Town of Madisonville, Louisiana, and the sections of this ordinance may be re-numbered to accomplish this intention."

(d) All sections, articles, chapters or provisions of this code desired to be repealed should be specifically repealed by section or chapter number, as the case may be.

Section 17.6 Altering code.

It is unlawful for any person to change or amend by additions or deletions any part or portion of this code, or to insert or delete pages or portions thereof, or to alter or tamper with this code in any manner whatsoever which will cause the law of the municipality, to be misrepresented thereby. Any person violating this section shall be punished as provided in Section 17.7 hereof.

Section 17.7 General penalty.

(a) Except as otherwise provided by state law, whenever in this code or in any ordinance of the municipality an act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or whenever in the code or ordinance the doing of any act is required or the failure to do any act is declared to be unlawful, where no specific penalty is provided therefor, the violation of any provision of this code or of any ordinance shall be punished by a fine of not exceeding \$100.00 or by imprisonment for not more than 30 days, or both such fine and imprisonment. Each day any violation of this code or of any ordinance shall continue shall constitute a separate offense.

(b) Any person who shall aid, abet or assist in the violation of any provision of this code or any other ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be punished as provided in this section.