

40<sup>th</sup> JUDICIAL DISTRICT COURT  
PARISH OF ST. JOHN THE BAPTIST  
STATE OF LOUISIANA

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The Descendants Project, Jocyntia Banner,  
and Joyceia Banner,

Civil Action: 77305

*Plaintiffs,*

v.

Division C

St. John the Baptist Parish, through its Chief  
Executive Officer, *et al*

*Defendants.*

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**PLAINTIFFS' REPLY IN SUPPORT OF THEIR  
CROSS-MOTION FOR SUMMARY JUDGMENT**

NOW INTO COURT, through undersigned counsel come Plaintiffs, The Descendants Project, Jocyntia Banner, and Joyceia Banner, who submit this reply brief in support of their Cross-Motion for Summary Judgment in accordance with La. Code of Civ. Proc. arts. 966-967:

**SUMMARY**

State and parish laws governing zoning require nullification of Ordinance 90-27. Greenfield attempts to avoid this inescapable conclusion by arguing that these laws do not apply to either the Parish or the Ordinance. This is simply wrong.

To begin with, Greenfield's argument that the Louisiana zoning law contained in La. R.S. 33:4721 *et seq.* only applies to municipalities and not parishes is confounding since its brief in support of its own motion for summary judgment cites a case from the Fifth Circuit Court of Appeal which grounds the zoning authority of a parish – indeed St. John the Baptist Parish – in the very same statute. And, as shown below, the Louisiana Supreme Court has applied these statutory provisions to parishes, as have courts of appeal. The Fifth Circuit Court of Appeal has done so on numerous occasions.

Defendant continues down this path, arguing that even the Parish's *own ordinances* detailing the procedures to be followed when enacting zoning changes cannot be applied here because they purportedly conflict with the Home Rule Charter's allowance of changes to proposed ordinances after opportunity for public comment. This same argument has been rejected by the Fourth Circuit Court of Appeal. The reason why is obvious - if accepted, Greenfield's argument would render the Parish's zoning procedures meaningless and allow for a

whole range of zoning changes to be pushed through at the last minute, which would also circumvent and negate state law as well.

Greenfield’s incorrect legal arguments and internal contradictions appear aimed at clouding what is otherwise a very clear, direct, and substantial violation of state and Parish law governing the enactment of Ordinance 90-27, with serious, real-life consequences for Parish residents: the last-minute introduction of an amendment to specify a 300-buffer zone between heavy industrial and residential zones that dramatically reduced a pre-existing 600-foot buffer zone, without the required referral to the Planning Commission, and public notice and hearings before both the Commission and the Council.

Ultimately, Greenfield is inviting this Court to accept an argument that *no* zoning law applies here – urging a kind of Bermuda Triangle where state and Parish laws intended to govern zoning and protect property, health and general welfare of parish residents, as well as the democratic process, are known to exist but can’t be found.

Plaintiffs urge this Court to reject this dangerous and baseless invitation as there could hardly be a clearer case for nullification.

### **REBUTTAL ARGUMENT**

#### **I. LA. R.S. 33:4721 ET SEQ APPLIES TO ST. JOHN THE BAPTIST PARISH.**

##### **A. Courts Have Applied La. R.S. 33:4721 et seq. to Parishes, Including St. John the Baptist.**

Louisiana courts have long applied the procedural requirements for enactment of zoning ordinances set out in La. R.S. 33:4721 et seq to parishes.<sup>1</sup> See, e.g., *King v. Caddo Par. Commn.*, 719 So. 2d 410, 416 (La. 1998) (noting that “Louisiana’s zoning enabling act, La. R.S. 33:4721 also confers upon local governments the authority to enact municipal zoning regulations” and describing Caddo Parish as “one example of a municipality where the planning commission also serves as the zoning commission”); *Morton v. Jefferson Par. Council*, 419 So. 2d 431, 435 (La. 1982) (majority and dissenting opinions referencing applicability of provisions of La. R.S. 33:4721 et seq. to parish ordinance); *St. Martin Par. Govt. v. Champagne*, 304 So. 3d 931, 942 and n. 1 (La. App. 3d Cir. 2020), writ denied, 303 So. 3d 1038 (La. 2020) (holding pursuant to La. R.S. 33:4728 that Parish was “proper party to institute an action to restrain or correct any

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<sup>1</sup> Greenfield also accuses Plaintiffs of attempting to mislead this Court by referring to the statute’s requirements for “local governments” rather than “municipalities” in their brief in support of their cross-motion. As seen in the parentheticals, the Louisiana Supreme Court that has referred to the authority of “local governments” over zoning pursuant to La. R.S. 33:4721. *King v. Caddo Par. Commn.*, 719 So. 2d 410, 416 (La. 1998). Greenfield’s accusations are uncalled-for and out of line.

ordinance violations” of La. R.S. 33:4721 through La. R.S. 33:4729); *Prescott v. Par. of Jefferson*, 694 So. 2d 468, 471 (La. App. 5th Cir. 1997) (conducting judicial review of variance granted by Parish’s zoning board pursuant to La. R.S. 33:4721); *Pierce v. Par. of Jefferson*, 668 So. 2d 1153, 1154 (La. App. 5th Cir. 1996) (noting Parish’s powers to impose and enforce zoning restrictions granted by, *inter alia*, La. R.S. 33:4721); *Barreca v. Par. of Jefferson*, 655 So. 2d 403, 404 (La. App. 5th Cir. 1995) (creation of Parish’s Zoning Appeals Board authorized by La. R.S. 33:4727); *Bayou Self Rd. Dev. v. Jefferson Par. Council*, 567 So. 2d 679, 680 (La. App. 5th Cir. 1990) (“LSA–R.S. 33:4721 et seq. authorizes the Jefferson Parish Council to enact and amend zoning regulations as part of its police powers.”); *Venture v. Par. of Jefferson*, CIV. A. 96-4070, 1997 WL 433493, at \*4 (E.D. La. July 31, 1997) (noting without question applicability of La. R.S. 33:4721 et seq. to Parish zoning decisions).

Indeed, in its briefing in support of its motion for summary judgment, Greenfield itself relied upon a decision from the Fifth Circuit Court of Appeal in which the court rooted the authority of St. John the Baptist Parish to amend, supplement, change, modify, or repeal existing ordinances in, *inter alia*, La. R.S. 33:4725. *See* Def. Br. in Support of Motion for Summary Judgment, at pp. 3, 13 *citing* *Save Our Neighborhoods v. St. John the Baptist Par.*, 592 So. 2d 908, 910, 914 (La. App. 5th Cir. 1991), *writ denied*, 594 So. 2d 892 (La. 1992).

Greenfield also failed to note that in 1972, the Louisiana Legislature expressly authorized some parishes, including St. John the Baptist Parish, to undertake zoning and planning.<sup>2</sup> La. R.S. 33:4877 was originally passed in 1972 to provide “any parish having a population of over twenty-three thousand in which there exists no municipality” the authority to “zone their territory, to create residential, commercial, and industrial districts, and to prohibit the establishment of places of business in residential districts.”<sup>3</sup> In 1970, St. John the Baptist Parish had a population of 23,813, and no municipalities, and thus was included in this category of parishes acknowledged to have zoning authority by the legislature.<sup>4</sup> Today, the Parish still does not contain any municipalities having their own local government structures. The statute was amended in 2011 to make it specific to St. John the Baptist Parish.<sup>5</sup> Virtually identical language

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<sup>2</sup> Act. 1972, No. 632 §1. Amended by Acts 2011, 1<sup>st</sup> Ex.Sess., No 20, §1.

<sup>3</sup> Solely for the Court’s convenience, a copy of the current law and amendment history is annexed hereto.

<sup>4</sup> According to United States Census data, in 1970 St. John the Baptist Parish had a population of 23,813. Official Census publication available at <https://www.census.gov/library/publications/1971/dec/pc-v1.html>.

<sup>5</sup> Currently, La. R.S. 33:4877 reads in full:

The governing authority of the parish of St. John the Baptist is authorized to zone its territory, to create residential, commercial, and industrial districts, and to prohibit the establishment of places of business in residential districts. No zoning ordinance or creation of districts pursuant to the authority

regarding Jefferson Parish was added by amendment in 1954 to the Louisiana Constitution of 1921.<sup>6</sup> As can be seen in the citations above, both Jefferson and St. John the Baptist, as well as other parishes, have been held subject to the procedural requirements for zoning set out in La. R.S. 33:4721 *et seq.*

Greenfield's argument that the statute does not apply to parishes is simply wrong.

**B. The Last-Minute Reduction of the Buffer Zone Violated Provisions of La. R.S. 33:4721 *et seq.***

Often referred to as Louisiana's zoning "enabling act," La. R.S. 33:4721 *et seq.* sets out the procedures required for enactment of zoning regulations and changes thereto by local governments. La. R.S. 33:4726(A) requires the involvement of planning commissions in the process and prohibits a local legislative body from "hold[ing] public hearings or tak[ing] action" on "any supplements, changes, or modifications" to "boundaries of various original districts as well as the restrictions and regulations to be enforce therein" until it has "received a final report of the zoning commission." Before the planning commission can recommend such changes to the Parish Council, it must also hold a public hearing, with notice of the time and place of the hearing published at least three times in an official journal with at least ten days elapsing before the first publication and the date of the hearing.<sup>7</sup>

The Parish Council's adoption of Ordinance 90-27 directly violated these provisions when the 300-foot buffer zone was added at the last minute and incorporated into the ordinance, circumventing the involvement of the Planning Commission in the process of altering or amending zoning restrictions, and without public notice and hearings.

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herein shall interfere with or hinder the operation of any existing public utility facilities, whether publicly or privately owned. The members of the governing authority attending zoning meetings shall be paid a twenty-five dollar per diem not to exceed eighteen meetings in any calendar year.

<sup>6</sup> Art. XIV, Sec. 29(a), of Louisiana Constitution of 1921, as amended by Acts 1954, No. 763, provides: "The Parish of Jefferson is authorized to zone its territory; to create residential, commercial and industrial districts, and to prohibit the establishment of places of business in residential districts." Available at: <https://lasc.libguides.com/c.php?g=967774&p=6992560>.

<sup>7</sup> For ease of reference and clarity, Plaintiffs repeat here the full text of La. R.S. 33:4726(A):

In order to avail itself of the powers conferred by R.S. 33:4721 through 4729, the legislative body of the municipality shall appoint a zoning commission whose function it shall be to recommend the ***boundaries of the various original districts as well as the restrictions and regulations to be enforced therein***, and any ***supplements, changes, or modifications*** thereof. Before making any recommendation to the legislative body of the municipality, the zoning commission shall hold a public hearing. Notice of the time and place of the hearing shall be published at least three times in the official journal of the municipality, or if there be none, in a paper of general circulation therein, and at least ten days shall elapse between the first publication and date of the hearing. After the hearing has been held by the zoning commission, it shall make a report of its findings and recommendations to the legislative body of the municipality. ***The legislative body shall not hold its public hearings or take action until it has received the final report of the zoning commission.*** (emphasis added).

Greenfield does agree that a prior ordinance, Ordinance 88-68, imposed the 600-foot buffer between these types of zones throughout the parish.<sup>8</sup> Greenfield argues, though, that this buffer zone was not intended to apply to future rezonings, only the zoning map as it existed at the time.<sup>9</sup> However, the aforementioned case cited by Greenfield in its own motion for summary judgment reveals that the buffer zone was intended to – and in fact did – apply to future rezonings. In *Save Our Neighborhoods v. St. John the Baptist Par.*, the Fifth Circuit Court of Appeal, reviewing the trial court record of the challenged rezoning, noted that the trial judge stated in his reasons for ruling that “...the language of Ordinance 88-68 is such that the 600 feet buffer zone is applicable to Ordinance 89-71 [the subsequent/future ordinance challenged in that matter] without being specifically mentioned therein.” 592 So. 2d 908, 914 (La. App. 5th Cir. 1991), *writ denied*, 594 So. 2d 892 (La. 1992). Likewise, the company that sought the rezoning in that case indicated at trial that it “interpret[ed] Ordinance 88-68 as providing the [600-foot buffer] zoning automatically.” *Id.* at 913.

The Fourth Circuit Court of Appeal, reviewing the purpose and intent of Louisiana’s constitutional and statutory requirements for zoning, as well as local law, has emphasized the mandatory nature of the requirement of planning commission involvement in all zoning amendments and alterations, noting that the drafters “intended for ***all zoning amendments*** to be adopted in conformity with ***orderly procedural restrictions providing uncontestably for review and comment from a planning commission.***” *Faubourg Marigny Imp. Ass’n, Inc. v. City of New Orleans*, 195 So. 3d 606, 620 (La. App. 4th Cir. 2016) (emphasis added). In *Fauberg*, the Fourth Circuit was commenting on an amendment introduced by the mayor of New Orleans through the City Council late in the process of developing a comprehensive zoning ordinance. The amendment would have affected building requirements for only one neighborhood. Significantly, the City Council issued public notice of the proposed ordinance with the amendment in question included and held a hearing on it two months later. The Fourth Circuit opined that this would not satisfy the requirements of La. R.S. 33:4725-26 because it omitted the referral to, and review and assessment by, the Planning Commission.

Here, the Parish’s process ran even more afoul of the requirements of La. R.S. 33:4726(A). In *Fauberg*, the City Council at least issued notice of the amendment and held a

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<sup>8</sup> Def. Br. at p. 8.

<sup>9</sup> *Id.*

hearing two months later, though it left the Planning Commission out of the process. In this matter, the amendment was introduced at the last minute, also without referral to the planning commission, and without any notice and hearing,<sup>10</sup> and quickly adopted into and with Ordinance 90-27, at which point it dramatically reduced a buffer intended to provide more protection to residents from the harmful effects of heavy industry.

**II. PARISH ORDINANCES REQUIRE PLANNING COMMISSION REFERRAL AND REVIEW BEFORE ANY CHANGES ARE MADE TO THE ZONING REGULATIONS AND MAP.**

Greenfield also argues that the Parish's own procedural requirements for zoning changes are not applicable here. Sec. 113-76 of the Parish's Code of Ordinances provides that "*no amendment* [to the zoning regulations, including the official map] shall become effective unless it shall have been proposed by or shall first have been submitted to the planning commission for review and recommendation." (emphasis added). It further states that "the planning commission shall give public notice and hold a public hearing thereon as required herein." Sec. 113-78 governs the procedure for amendments particular to the official zoning map and sets out the requirements for action by the Planning Commission, including, notice, public hearing, and a report and recommendation. Sec. 113-78(8) specifically prohibits any action by the Parish Council with regard to zoning map changes until it has received a report from the Planning Commission. Sec. 113-77(b) of the Code of Ordinances provides that no zoning "amendment, or supplement, or change to the regulations, restrictions or boundaries" shall be made unless "unless it is determined by the planning commission that [such change] should be made, except as otherwise provided herein."

Greenfield suggests that all of these provisions are basically meaningless and irrelevant because Art. IV, Sec. B(3)(d) and (g) of the Home Rule Charter allows for amendments to a proposed ordinance after there has been an opportunity to be heard when the amendment does not "nullify its original purpose" or "accomplish an object not consistent with its original purpose."<sup>11</sup> However, this same argument has been considered and rejected by the Fourth Circuit Court of Appeal when reviewing provisions in the municipal code of the City of New Orleans containing very similar language.

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<sup>10</sup> Greenfield also suggests that a public hearing somehow took place in the narrow window between the time the amendment was introduced – at the end of a public hearing – and the moment it was adopted immediately thereafter. Def. Br. at 8. Even if this could be true, it wouldn't save the Ordinance with an amendment that had not been submitted to the Planning Commission, and that was not the subject of public notice, and a *noticed* public hearing.

<sup>11</sup> Def. Br. at 15.

Again in *Fauberg*, the City of New Orleans argued that the City Council had the “power to amend a pending zoning ordinance without first referring it to the Planning Commission” because of a provision in the code which provided that changes could be made to a proposed ordinance as long as they would not “nullify its original purpose” or “accomplish an object not germane to its original purpose.” *Faubourg Marigny Imp. Ass'n, Inc. v. City of New Orleans*, 195 So. 3d at 622-23. The Fourth Circuit noted that this provision was “of general scope and, as such, generally applicable to the enactment of all of the City’s legislation.” However, the court went on to note the “hornbook rule of statutory construction that laws ‘on the same subject matter must be interpreted in reference to each other’” and “where two statutes deal with the same subject matter, they should be harmonized if possible, but if there is a conflict, the statute specifically directed to the matter at issue must prevail as an exception to the statute more general in character.” *Id.* at 623.

The court concluded that the zoning-related statutes (La. R.S. 33:4721 *et seq*) and city ordinances “are the more specific provisions which take preference over, and supersede” the provisions governing the passage of ordinances generally and that the “‘germaneness’ requirement cannot be utilized to circumvent otherwise clear procedural restrictions on the City’s enactment of zoning legislation.” *Id.*

Greenfield seeks to do here what the New Orleans City Council sought to do in *Fauberg*. As the Fourth Circuit noted, if this approach were allowed, it would circumvent and render meaningless the state and parish laws requiring clear procedural protections and for planning commission involvement. Relatedly, Greenfield also argues that planning commission referral, notice and hearing, were not required because the Parish Council can override a Planning Commission’s refusal to approve an amendment by affirmative vote of two-thirds of the Parish Council. Greenfield’s argument would again render the Planning Commission extraneous or optional in the process, when in fact it is mandatory. The Parish’s ordinances require and emphasize planning commission review and reporting on proposed zoning changes – whether the Parish Council accepts or rejects those recommendations is a separate matter.

Plaintiffs also incorporate by reference and stand by their arguments as to the other procedural departures from the Home Rule Charter discussed in their cross-motion – lack of confirmation of delivery to the Parish President and lack of authentication. Greenfield relies on cases that do not address zoning ordinances for the proposition that these procedural violations

are ministerial and should not negate the ordinance. As the Fifth Circuit Court of Appeal pointed out when denying Greenfield's motion for interlocutory appeal and with regard to lack of authentication, zoning ordinances require strict compliance with procedural prerequisites. *The Descendants Project v. St. John the Baptist Parish*, No. 22-C-264, p. 4 (La. App. 5 Cir. 6/29/22). Finally, Plaintiffs stand on their briefing as to the corruption of the Parish President. Either the confirmed corruption which gave rise to Ordinance 90-27 and depended upon its passage, infecting the entire process with illegality from the very beginning, matters or it doesn't.

### CONCLUSION

A "district judge may nullify zoning legislation if it is shown 'that the ordinance is clearly and palpably in contravention of the enabling act.'" *Fauberg Marigny Imp. Ass'n, Inc. v. City of New Orleans*, 15-1308 (La. App. 4 Cir. 5/25/16), 195 So.3d 606, 620, citing *Jameson v. St. Tammany Parish Police Jury*, 225 So.2d 720, 722 (La.App. 1st Cir.1969).

Courts consistently require strict compliance with the statutory procedures regulating enactment of zoning laws. *The Descendants Project v. St. John the Baptist Parish*, No. 22-C-264 (La. App. 5 Cir. 6/29/22) citing *Fauberg Marigny Imp. Ass'n, Inc. v. City of New Orleans*, 15-1308 (La. App. 4 Cir. 5/25/16), 195 So.3d 606, 620. See also, *Schmitt v. City of New Orleans*, 461 So.2d 574, 577 (La.App. 4th Cir.1984). "Failure to comply with such procedural restrictions, accordingly, is fatal to the validity of the zoning ordinance." *Faubourg Marigny Imp. Ass'n, Inc. v. City of New Orleans*, 195 So. 3d 606, 620 (La. App. 4th Cir. 2016).

Here, the dramatic reduction of the buffer zone between I-3 heavy industrial zones and residential areas was rushed through with Ordinance 90-27 at the last minute, without being referred to the Planning Commission, and without public notice and the required hearings and was thus "clearly and palpably" in contravention of Louisiana's zoning enabling act, *i.e.* La. R.S. 33:4721-26, and the Parish's own ordinances.

This fact alone warrants nullification. When combined with the other procedural irregularities and the deep corruption surrounding the introduction and enactment of Ordinance 90-27 set out in the Plaintiffs' briefing, there could hardly be a clearer, more palpable case for nullifying an ordinance.

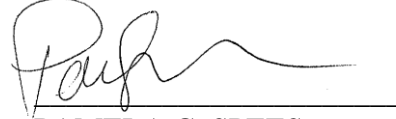


WHEREFORE, PLAINTIFFS pray that their Cross-Motion for Summary Judgment be granted, and for all other legal and equitable relief this Court deems appropriate.

Dated: May 3, 2023

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#### CERTIFICATE OF SERVICE

I hereby certify that a copy of the above and foregoing has been served upon all known counsel of record by electronic mail.

Lake Charles, Louisiana, this 3<sup>rd</sup> day of May, 2023



Pamela C. Spees

Appendix

Copy of La. R.S. 33:4877 and Amendment History

West's Louisiana Statutes Annotated  
Louisiana Revised Statutes  
Title 33. Municipalities and Parishes (Refs & Annos)  
Chapter 14. Exercise of Police Power  
Part VI. Miscellaneous Powers (Refs & Annos)

LSA-R.S. 33:4877

§ 4877. Parish zoning ordinances; St. John the Baptist Parish

Effective: June 12, 2011

[Currentness](#)

The governing authority of the parish of St. John the Baptist is authorized to zone its territory, to create residential, commercial, and industrial districts, and to prohibit the establishment of places of business in residential districts. No zoning ordinance or creation of districts pursuant to the authority herein shall interfere with or hinder the operation of any existing public utility facilities, whether publicly or privately owned. The members of the governing authority attending zoning meetings shall be paid a twenty-five dollar per diem not to exceed eighteen meetings in any calendar year.

**Credits**

Added by Acts 1972, No. 632, § 1. Amended by [Acts 2011, 1st Ex.Sess., No. 20, § 1](#).

[Notes of Decisions \(1\)](#)

LSA-R.S. 33:4877, LA R.S. 33:4877

The Revised Statutes and the Codes are current through the 2023 First Extraordinary Session.

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2011 La. Sess. Law Serv. 1st Ex. Sess. Act 20 (H.B. 26) (WEST)

LOUISIANA 2011 SESSION LAW SERVICE

2011 First Extraordinary Session

Additions are indicated by **Text**; deletions by  
~~\*\*\*~~ or by ~~Text~~ .

Vetoed material is indicated by ~~Text~~ ;  
 stricken material by ~~Text~~ .

ACT NO. 20

H.B. No. 26

TITLE 33 (MUNICIPALITIES AND PARISHES) OF THE LOUISIANA REVISED STATUTES  
 OF 1950 WHICH ARE LIMITED IN APPLICABILITY TO CERTAIN POLITICAL  
 SUBDIVISIONS OR LOCAL AREAS BASED UPON POPULATION CLASSIFICATIONS

BY REPRESENTATIVE BARROW

AN ACT to amend and reenact R.S. 33:103(C)(1)(j)(introductory paragraph) and (l), 112(C)(1)(a), 121, the heading of Subpart B–32 of Part IV of Chapter 1 of Title 33 of the Louisiana Revised Statutes of 1950, 130.601(4), 130.602(A)(1) and (7), the heading of Subpart B–36 of Part IV of Chapter 1 of Title 33 of the Louisiana Revised Statutes of 1950, 130.721(A), the heading of Subpart L of Part IV of Chapter 1 of Title 33 of the Louisiana Revised Statutes of 1950, 140.181, 151, 172(F)(1), 365, 423.11, 423.14, 423.20, 423.21, 441.30, 447.2, 1236(60), (62)(a), and (63)(a), 1236.5, 1236.20(A)(1)(introductory paragraph) and (C)(3)(a), 1243(A)(1) and (B)(1), 1324(9), 1415(G), 1429.1, 1448(G)(1), 1521(introductory paragraph), 1573, 1967(C), 1976(introductory paragraph), 1992(A)(introductory paragraph) and (D), 2213(H), 2423(A), 2536.3(introductory paragraph), 2569, 2582(A)(1) and (2), 2584(B), 2586, 2711(B) and (D)(1), 2711.7(A), 2711.16(A), 2717.18, 2721.7(A)(1), 2721.14, 2737.52(A), 2737.56(A), 2737.66(A) and (C)(1), 2737.71(A), 2737.73(A), 2737.74(A) and (B), 2738.84(A)(2) and (3), 2738.85(A)(1), 2740.18(A)(1), 2740.18.1(A), 2740.34(A), 2740.35(A)(1), 2740.36(B), 2740.37(B)(1), 2740.61, 3892(A), the heading of Part IV of Chapter 9 of Title 33 of the Louisiana Revised Statutes of 1950, 4159.10(B)(introductory paragraph), 4169(C), 4175(B)(1), 4305(B)(2), the heading of Subpart F of Part I of Chapter 10 of Title 33 of the Louisiana Revised Statutes of 1950, 4311, 4546.2(D), 4561.1, 4562.1(A) and (B), 4562.2(A) and (B), 4564(D), 4570.11(A) and (B)(1)(a) through (d), 4574(B)(40) and (F)(1)(b)(iii), 4574.1.1(A)(40), (42), and (45), (N)(1), (Q), and (R), 4574.2(D), 4574.19, 4579(A), 4709.21(A), 4712.15, 4717(B), 4720.161(Q)(7), 4722(B)(introductory paragraph) and (C), 4780.51(A), 4785(B), 4790, 4877, 4879(B) and (C), 5062(A), 7551, 7602(4), (8)(a), (9), (10), and (11), 7603(14), 7604(A), 9033.3(A) and (N), 9036(B), 9037.1, 9038.31(3), 9038.41(A) and (B)(introductory paragraph), 9038.55, 9038.61(A), 9053.1(A), 9073.1(A), 9076(A), and 9611(A) and to repeal Subpart B–31 of Part IV of Chapter 1 of Title 33 of the Louisiana Revised Statutes of 1950, comprised of R.S. 33:130.591 through 130.599, R.S. 33:130.601(5), Subpart B–41 of Part IV of Chapter 1 of Title 33 of the Louisiana Revised Statutes of 1950, comprised of R.S. 33:130.781, and R.S. 33:1221(B), 1415(F), 1521.1(D), 1992(A)(11), 2213(I), 2625, 2740.48, and 7603(20), relative to Title 33 (Municipalities and Parishes) of the Louisiana Revised Statutes of 1950 which are limited in applicability to certain political subdivisions or local areas based upon population classifications; to specify applicability to one or more political subdivisions or local areas; to adjust population categories to retain applicability; to repeal provisions that are outdated or obsolete; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 33:103(C)(1)(j)(introductory paragraph) and (l), 112(C)(1)(a), 121, the heading of Subpart B–32 of Part IV of Chapter 1 of Title 33 of the Louisiana Revised Statutes of 1950, 130.601(4), 130.602(A)(1) and (7), the heading of Subpart

boards **The board** shall be governed by the provisions of the Administrative Procedure Act unless the procedure is specifically established by R.S. 33:4787 or ~~33: 4788~~.

\* \* \* \* \*

<< LA R.S. 33:4790 >>

**§ 4790. Bicycle regulation in municipalities of over 400,000 ~~the city of New Orleans~~**

The governing authorities of all municipalities in this State with a population in excess of 400,000 are **authority of the city of New Orleans is** hereby authorized and empowered to adopt ordinances regulating the business of purchasing, selling, transferring, exchanging, repairing, or storing of new and/or used bicycles, parts and accessories for bicycles, at wholesale or retail, and to provide for the registration of description and ownership of bicycles.

\* \* \* \* \*

<< LA R.S. 33:4877 >>

**§ 4877. Parish zoning ordinances; ~~St. John the Baptist Parish~~**

The governing authority of any parish having a population of over twenty-three thousand in which there exists no municipality **the parish of St. John the Baptist** is authorized to zone their territory, to create residential, commercial, and industrial districts, and to prohibit the establishment of places of business in residential districts. No zoning ordinance or creation of districts pursuant to the authority herein shall interfere with or hinder the operation of any existing public utility facilities, whether publicly or privately owned. The members of the governing authority attending zoning meetings shall be paid a twenty-five dollar per diem not to exceed eighteen meetings in any calendar year.

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<< LA R.S. 33:4879 >>

**§ 4879. Purpose; firearms buyback program; authorization; ~~city of New Orleans~~**

\* \* \* \* \*

B. Any municipality with a population in excess of four hundred twenty-five thousand **The city of New Orleans** may institute a firearms buyback program. Funding for the buyback program shall be acquired from cash donations from private businesses and may be acquired from the municipality's **city's** assets seizures and forfeiture fund if the municipality **city** possesses such a fund. The firearms buyback program shall exist for not more than a thirty-day period in any calendar year or shall exist until the funds acquired or received for the purchase of the firearms are exhausted.

C. A municipality participating in a firearms buyback program **The city** shall promulgate rules of procedure governing the acquisition and disposal of firearms purchased through the program. Such weapons shall either be destroyed or delivered to law enforcement agencies of the municipality **city** for departmental use. In no case shall such weapon be given to any individual, except that a stolen weapon shall be returned to its rightful owner on proof of ownership.

\* \* \* \* \*

<< LA R.S. 33:5062 >>

**§ 5062. Weed cutting in municipalities with a population of less than four hundred thousand ; abutting owner's liability; notice; waiver of notice**