

DEPARTMENT OF SAFETY AND PERMITS
CITY OF NEW ORLEANS

LATOYA CANTRELL
MAYOR

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DIRECTOR

ZONING INTERPRETATION MEMORANDUM
Memorandum Z-21-03

DATE: **June 10, 2021**

FROM: **Tammie Jackson, Director**



BY: Nicholas Kindel, Zoning Administrator

RE: Application of Prescription Regulations on Non-Conforming Uses

The Louisiana Revised Statutes (La R.S. 9:5625) limit the amount of time that municipalities have to enforce their zoning, building, and subdivision regulations. If the City does not bring a violation and try to enforce these regulations within that period, then the violation will be treated the same as a nonconformity.

La R.S. 9:5625 is relevant to the Zoning Division's enforcement of potential zoning violations and in determining if a nonconforming use has been attained. CZO 25.3.A.4 specifically addresses this rule, stating that "Nonconforming uses that have not been established pursuant to this article shall not be validated except as provided in the applicable provisions of La. R.S. 9:5625."

The time and the trigger for the prescription period depends on the location of the property as well as if it is a use violation or another type of zoning violation. This is summarized below:

	Zoning Violation	Use Violation
Non-Local Historic District or Properties not Individually Landmarked	5 years from first act constituting violation	5 years from actual written notice of violation.
HDLC District or Individual Landmarks	10 years from first act constituting violation	10 years from actual written notice of violation
VCC	10 years from actual written notice of violation	10 years from actual written notice of violation



Given this, it is not enough for a party seeking to confirm a non-conforming use on a property to prove that violation has been there for 5 or 10 years. If the City continuously seeks to enforce the laws being violated, that may interrupt the prescription period, and the relevant period can go longer than five/ten years (i.e. if the City keeps citing the property, takes the property owner to adjudication, and they refuse to abate the violation). However, if the City cites them and then takes no further action, that is generally not enough to reset the prescription period.

The complete prescription regulations in La R.S. 9:5625 are available at this link:
<https://legis.la.gov/Legis/Law.aspx?d=108283>