

# **ISLAND ORDINANCE ST. MAARTEN**

## **AB2000, No. 03**

THE ISLAND COUNCIL OF THE ISLAND TERRITORY OF SINT MAARTEN

*Considering:*

That it is desirable to extend the period that the subdivision procedure as an interim regulation in the St Maarten Development Planning Ordinance (AB 1993, 13) applies, to include a temporary regulation in the mentioned Ordinance for the preservation of the current use and securing the expected use of areas, as well as to make certain other amendments;

Having regard to Article 7, paragraph one of the National Ordinance Development Planning Framework (PB 1976, 195) and Article III, paragraph two of the National Implementation Ordinance Code of Criminal Procedure (PB 1997, 237);

*Has decided:*

To decree the following Island Ordinance:

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### **ARTICLE I**

The St Maarten Development Planning Ordinance is amended as follows:

- A. In Article 6, second paragraph, "Article 5, paragraph seven" is replaced by: Article 5, paragraph eight.
- B. In Article 12, paragraph nine, "Article 5, paragraph five" is replaced with "Article 5, paragraph six" and "Article 5, paragraph six" with "Article 5, paragraph seven".
- C. In Article 18, paragraph three, "Article 5, paragraph five" is replaced with "Article 5, paragraph six".
- D. In Article 20, paragraph four, "Article 8 of the Code of Criminal Procedure of the Netherlands Antilles" is replaced by: Article 185 of the Code of Criminal Procedure.
- E. In Article 21, "five years", is replaced by: ten years.
- F. After Article 28 a Section is added, as follows:

Section XI A

Temporary Procedure Drastic Work

Article 28

- 1. Until January 8, 2004, for areas for which no preparatory decision as meant in Article 16 has been made, no draft development plan has been made available for public review or no development plan has been determined, prior written permission from the Executive Committee's is required for the following works:
  - (a) digging, raising or leveling the ground;
  - (b) placing roads and other hardening of terrain;
  - (c) works that can influence the water management and ground water level;

- (d) uprooting trees or pruning that leads to uprooting of other shrubbery;
  - (e) demolishing of structures;
  - (f) filling-in of water.
2. The request for permission as meant in the first paragraph is submitted in writing to the Executive Committee. Articles 23, second to sixth paragraphs and 24 apply, in the understanding that instead of draft subdivision plan is read: the request. The person making the request is obliged to provide all information and submit all documents that are necessary in order to be able to decide on the request.
  3. The Executive Committee can withhold its decision regarding the request if the proposed works would create a serious objection from the perspective of the general interest:
    - (a) due to non repairable damage to nature, the environment or the current use of the ground and surrounding grounds, or
    - (b) due to non repairable infringement of the expected development of the ground and the surrounding grounds.
  4. The Executive Committee can base its permission on conditions, with the purpose of preventing the consequences as meant in paragraph three.
  5. The permission can be retracted on the grounds mentioned in Article 12, paragraph eleven.

## **ARTICLE II**

This Ordinance comes into effect as per the date after that of its proclamation and works retroactively until and including January 8, 1999.

As decided in the public meeting of December 21, 1999.

The Secretary,  
R.A. Boasman

The Chairman,  
D.L. Richardson

I proclaim this Island Ordinance on this day, January 5, 2000.

The Lieutenant Governor,  
D.L. Richardson