

ST. TAMMANY PARISH COUNCIL

ORDINANCE

ORDINANCE CALENDAR NO: 5849

ORDINANCE COUNCIL SERIES NO: _____

COUNCIL SPONSOR: STEFANCIK

PROVIDED BY: COUNCIL ATTORNEYS

INTRODUCED BY: _____

SECONDED BY: _____

ON THE 3 DAY OF AUGUST , 2017

AN ORDINANCE ADOPTING AND ENACTING A NEW 2017 CODE OF ORDINANCES OF ST. TAMMANY PARISH, LOUISIANA; PROVIDING FOR THE REPEAL OF CERTAIN PROVISIONS NOT INCLUDED THEREIN; PROVIDING PENALTIES FOR THE VIOLATION THEREOF; PROVIDING FOR THE MANNER OF AMENDING SUCH CODE; AND PROVIDING WHEN SUCH CODE AND THIS ORDINANCE SHALL BECOME EFFECTIVE.

WHEREAS, in order to provide transparent and user friendly access to the laws and codes of St. Tammany Parish Government, including the Charter, Code of Ordinances and appendixes thereto, St. Tammany Parish Government partnered with Municipal Code Corporation (Municode) to reformat and organize the 1998 Code of Ordinances of St. Tammany Parish, As Amended; and

WHEREAS, by partnering with Municode, the Charter, Code of Ordinances and its appendixes will be available online in a searchable, user friendly format making access to the laws of St. Tammany Parish Government easier for the public, Parish employees and outside agencies; and

WHEREAS, no substantive changes were made to the Code of Ordinances beyond those required to eliminate conflicts within itself, correct references to the prior Police Jury form of government where appropriate, and formatting and organizational changes making the Code of Ordinances and appendixes more user friendly, intuitive and appropriate for an online database.

THE PARISH OF ST. TAMMANY HEREBY ORDAINS:

Section 1. The Code entitled the "Code of General Ordinances of St. Tammany Parish, Louisiana," published by Municipal Code Corporation, consisting of chapters 1 through 130, each inclusive, is adopted.

Section 2. All ordinances of a general and permanent nature enacted on or before this adoption date and not included in this Code or recognized and continued in force by reference therein, are repealed.

Section 3. The repeal provided for in section 2 hereof shall not be construed to revive any ordinance or part thereof that has been repealed by an ordinance that is repealed by this ordinance.

Section 4. Unless another penalty is expressly provided, every person convicted of a violation of any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished by a misdemeanor punishable by a term of imprisonment of up to 30 days in the Parish Jail or a fine of not less than \$ 300.00 nor more than \$ 500.00 or both. Each act of violation and each day upon which any such violation shall continue or occur shall constitute a separate offense. The penalty provided by this section, unless another penalty is expressly provided, shall apply to the amendment of any Code section, whether or not such penalty is reenacted in the amendatory ordinance. In addition to the penalty prescribed above, the Parish may pursue other remedies such as abatement of nuisances, injunctive relief and revocation of licenses or permits.

Section 5. Additions or amendments to this Code when passed in such form as to indicate the intention of the Parish to make the same a part of this Code shall be deemed to be incorporated in the Code, so that reference to the Code includes the additions and amendments.

Section 6. Ordinances adopted after this adoption date that amend or refer to ordinances that have been codified in this Code shall be construed as if they amend or refer to like provisions of the Code.

REPEAL: All ordinances or parts of Ordinances in conflict herewith are hereby repealed.

SEVERABILITY: If any provision of this Ordinance shall be held to be invalid, such invalidity shall not affect other provisions herein which can be given effect without the invalid provision and to this end the provisions of this Ordinance are hereby declared to be severable.

EFFECTIVE DATE: This Ordinance shall become effective fifteen (15) days after adoption.

MOVED FOR ADOPTION BY: _____SECONDED BY: _____

WHEREUPON THIS ORDINANCE WAS SUBMITTED TO A VOTE AND RESULTED IN THE FOLLOWING:

YEAS: _____

NAYS: _____

ABSTAIN: _____

ABSENT: _____

THIS ORDINANCE WAS DECLARED DULY ADOPTED AT A REGULAR MEETING OF THE PARISH COUNCIL ON THE 7 DAY OF SEPTEMBER , 2017 ; AND BECOMES ORDINANCE COUNCIL SERIES NO ____.

STEVE STEFANCIK, COUNCIL CHAIRMAN

ATTEST:

THERESA L. FORD, COUNCIL CLERK

PATRICIA P. BRISTER, PARISH PRESIDENT

Published Introduction: JULY 26 , 2017

Published Adoption: _____, 2017

Delivered to Parish President: _____, 2017 at _____

Returned to Council Clerk: _____, 2017 at _____

COUNCIL STAFF COMMENTS MUNICODE ADOPTING ORDINANCE

The attached “Pre-Press Copy” represents a draft, paper version of the Parish Code which will also appear on www.municode.com in a searchable online format. This “Pre-Press Copy” reflects changes made to address a change in the form of Parish Government (Police Jury to Parish Council/President) and to make the code more user friendly and compatible with an online format.

Since the printing of the “Pre-Press Copy”, the Council Attorneys have made an additional review and noted some necessary changes to the Parish Code. Ordinances adopted after March of 2017 that changed the Parish Code are not reflected in this copy (including new Council Rules), and the Personnel Policies in Appendix B do not reflect the most recent Personnel Policies. These corrections, in addition to any corrections requested by any Councilmember after reviewing these volumes, will be forwarded to Municode and will be reflected in the first supplement to the Parish Code. Supplements will occur regularly online and annually in print each time the Parish Council adopts an ordinance that amends the Parish Code.

Summary Changes for First Supplement:

- Bracket language will be removed in some locations.
- Article VII in Chap. 2 should be entitled “Parish Purchasing Procedures”
 - Sec. 2-273 should be old sec.2-110.00 (“A,B,C,D” and “X”s are typos).
 - Sec. 2-274 should be old sec. 2-007.00
 - Sec. 2-341 should be used for old sec. 2-110.02 thru 2-110.04
 - delete old sec. 2-110.01
- In Section 2-104, additional research will be done on whether administration should be added to this section.

**HOME RULE CHARTER
AND CODE OF ORDINANCES
PARISH OF
ST. TAMMANY, LOUISIANA**

VOLUME I

Published in 2017 by Order of the Parish Council

municode

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OFFICIALS
of the
PARISH OF
ST. TAMMANY, LOUISIANA
AT THE TIME OF THIS RECODIFICATION

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Parish President

Steve Stefancik, Chair, District 11
S. Michele Blanchard, Vice-Chair, District 13
Marty Dean, District 1
F. Dennis Sharp, District 2
James A. "Red" Thompson, District 3
Michael Lorino, Jr., District 4
Rykert O. Toledano, Jr., District 5
Richard E. Tanner, District 6
Jacob B. Groby, III, District 7
Chris Canulette, District 8
E.L. "Gene" Bellisario, District 9
Maureen "MO" O'Brien, District 10
Jerry Binder, District 12
Thomas J. "TJ" Smith, District 14
Parish Council

Donald C. Henderson, Jr.
Parish Council Administrator

Terrence J. Hand
Parish Council Attorney

Kelly M. Rabalais
Executive Counsel to the President

PREFACE

The Code of Ordinances contained herein constitutes a recodification of the general and permanent ordinances of St. Tammany Parish, Louisiana.

Source materials used in the preparation of the Code were the 1998 Code, and ordinances subsequently adopted by the parish council through March 2, 2017. The source of each section is included in the history note appearing in parentheses at the end thereof. The absence of such a note indicates that the section is new and was adopted for the first time with the adoption of the Code. By use of the comparative tables appearing in the back of this Code, the reader can locate any section of the 1998 Code, as updated, and any subsequent ordinance included herein.

The chapters of the Code have been conveniently arranged in alphabetical order, and the various sections within each chapter have been catchlined to facilitate usage. Notes which tie related sections of the Code together and which refer to relevant state law have been included. A table listing the state law citations and setting forth their location within the Code is included at the back of this Code.

Chapter and Section Numbering System

The chapter and section numbering system used in this Code is the same system used in many state and local government codes. Each section number consists of two parts separated by a dash. The figure before the dash refers to the chapter number, and the figure after the dash refers to the position of the section within the chapter. Thus, the second section of chapter 1 is numbered 1-2, and the first section of chapter 6 is 6-1. Under this system, each section is identified with its chapter, and at the same time new sections can be inserted in their proper place by using the decimal system for amendments. For example, if new material consisting of one section that would logically come between sections 6-1 and 6-2 is desired to be added, such new section would be numbered 6-1.5. New articles and new divisions may be included in the same way or, in the case of articles, may be placed at the end of the chapter embracing the subject, and, in the case of divisions, may be placed at the end of the article embracing the subject. The next successive number shall be assigned to the new article or division. New chapters may be included by using one of the reserved chapter numbers. Care should be taken that the alphabetical arrangement of chapters is maintained when including new chapters.

Page Numbering System

The page numbering system used in this Code is a prefix system. The letters to the left of the colon are an abbreviation which represents a certain portion of the volume. The number to the right of the colon represents the number of the page in that portion. In the case of a chapter of the Code, the number to the left of the colon indicates the number of the chapter. In the case of an appendix to the Code, the letter immediately to the left of the colon indicates the letter of the appendix. The following are typical parts of codes of ordinances, which may or may not appear in this Code at this time, and their corresponding prefixes:

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CHARTER COMPARATIVE TABLE	CHTCT:1
RELATED LAWS COMPARATIVE TABLE	RLCT:1
SPECIAL ACTS COMPARATIVE TABLE	SACT:1
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CODE APPENDIX	CDA:1
CODE COMPARATIVE TABLES	CCT:1
STATE LAW REFERENCE TABLE	SLT:1
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CODE INDEX	CDi:1

Indexes

The indexes have been prepared with the greatest of care. Each particular item has been placed under several headings, some of which are couched in lay phraseology, others in legal terminology, and still others in language generally used by local government officials and employees. There are numerous cross references within the indexes themselves which stand as guideposts to direct the user to the particular item in which the user is interested.

Looseleaf Supplements

A special feature of this publication is the looseleaf system of binding and supplemental servicing of the publication. With this system, the publication will be kept up to date. Subsequent amendatory legislation will be properly

edited, and the affected page or pages will be reprinted. These new pages will be distributed to holders of copies of the publication, with instructions for the manner of inserting the new pages and deleting the obsolete pages.

Keeping this publication up to date at all times will depend largely upon the holder of the publication. As revised pages are received, it will then become the responsibility of the holder to have the amendments inserted according to the attached instructions. It is strongly recommended by the publisher that all such amendments be inserted immediately upon receipt to avoid misplacing them and, in addition, that all deleted pages be saved and filed for historical reference purposes.

Acknowledgments

This publication was under the direct supervision of Jim Jenkins, Senior Code Attorney, and Nicole C. Fluitt, Editor, of the Municipal Code Corporation, Tallahassee, Florida. Credit is gratefully given to the other members of the publisher's staff for their sincere interest and able assistance throughout the project.

The publisher is most grateful to Mr. Michael Sevante for his cooperation and assistance during the progress of the work on this publication. It is hoped that his efforts and those of the publisher have resulted in a Code of Ordinances which will make the active law of the parish readily accessible to all citizens and which will be a valuable tool in the day-to-day administration of the parish's affairs.

Copyright

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PRE-PRESS COPY

HOME RULE CHARTER*

Article I. Incorporation, Form of Government, Boundaries, Powers

- Sec. 1-01. Home Rule Charter.
- Sec. 1-02. Form of government.
- Sec. 1-03. Boundaries.
- Sec. 1-04. General powers.
- Sec. 1-05. Special powers.
- Sec. 1-06. Joint cooperative agreements.

Article II. Parish Council

- Sec. 2-01. Composition, qualifications and election.
- Sec. 2-02. Reapportionment.
- Sec. 2-03. Forfeiture of office.
- Sec. 2-04. Vacancy in council office.
- Sec. 2-05. Compensation.
- Sec. 2-06. Prohibitions.
- Sec. 2-07. Council meetings and rules.
- Sec. 2-08. Investigations.
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- Sec. 2-11. Action requiring an ordinance.
- Sec. 2-12. Ordinances in general.
- Sec. 2-13. Submission of ordinances to the president.
- Sec. 2-14. Emergency ordinances.
- Sec. 2-15. Codes of technical regulations.
- Sec. 2-16. Authentication and recording of ordinances and resolutions; printing and distribution.
- Sec. 2-17. Power to levy taxes.
- Sec. 2-18. Powers of enforcement.

***Editor’s note**—The Home Rule Charter of St. Tammany Parish, Louisiana, was approved by the voters on October 3, 1998. Amendments are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original. In addition, any provisions regarding the repealer, jurat, affidavit or notice of publication, publication date, or the adoption or effective date of the ordinance or Act have been omitted. Obvious misspellings and punctuation errors have been corrected without notation. The style used for headings has been made uniform and consistent with those appearing in the Code. The same system of capitalization has been used as it appears in the Code of Ordinances. Additions made for clarity, such as consistent state statute citations and catchline modifications, are indicated by brackets [].

State constitution reference—Parish charters, art. VI, § 5.

State law reference—Parish charters, R.S. 33:1391.

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- Sec. 3-02. Election.
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Article IV. Administration

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- Sec. 4-02. Chief administrative officer.
- Sec. 4-03. Legal department.
- Sec. 4-04. Department of finance.
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HOME RULE CHARTER

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- Sec. 9-09. Schedule of transition.
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- Sec. 9-11. Required approval by electors.
- Sec. 9-12. Charter ballot.

PRE-PRESS COPY

A HOME RULE CHARTER FOR A PRESIDENT-COUNCIL GOVERNMENT FOR ST.
TAMMANY PARISH

Prepared by the St. Tammany Parish Home Rule Charter Commission May 4, 1998

Approved by the voters of St. Tammany Parish October 3, 1998

Amended by the voters of St. Tammany Parish November 21, 2015 (see Sec. 2-07 G below)

PREAMBLE

We, the people of St. Tammany Parish, in order to establish an elected and accountable government that is responsive to and representative of all the citizens of the parish; that recognizes and acknowledges all constitutional rights granted by federal and state sovereignty; that undertakes planning and policy making to preserve and enhance the quality of life and the environment for ourselves and future generations; and that provides services and leadership needed and desired by the citizens in an efficient and effective manner, do ordain this Charter in trust with God for St. Tammany Parish.

ARTICLE I. INCORPORATION, FORM OF GOVERNMENT, BOUNDARIES,
POWERS

Sec. 1-01. Home Rule Charter.

The St. Tammany Parish Home Rule Charter Commission has proposed and the electors have adopted this, their Home Rule Charter, hereinafter referred to as "Charter," under the authority of article VI, section 5 of the Louisiana Constitution of 1974, hereinafter referred to as "constitution." The St. Tammany Parish Government is therefore a local governmental subdivision which operates under a Home Rule Charter and, subject to said Charter, is authorized as hereinafter provided to exercise any power and perform any function necessary, requisite or proper for the management of its local affairs.

Sec. 1-02. Form of government.

The plan of government provided by this Home Rule Charter shall be known as the "president-council" form of government. It shall consist of an elected president who shall be the chief executive officer and head of the executive branch and an elected council which shall be called the St. Tammany Parish Council and shall constitute the legislative branch of the government.

Sec. 1-03. Boundaries.

The boundaries of St. Tammany Parish shall be those in effect as of the effective date of this Charter and shall be subject to change thereafter as provided by law.

Sec. 1-04. General powers.

A. Except as otherwise provided by this Charter the parish government shall continue to have all the powers, rights, privileges, immunities and authority heretofore possessed by St. Tammany Parish under the laws of the state. The government shall have and exercise such other powers, rights, privileges, immunities, authority and functions not inconsistent with this Charter as may be conferred on or granted to a local governmental subdivision by the constitution and general laws of the state, and more specifically, the government shall have and is hereby granted the right and authority to exercise any power and perform any function necessary, requisite or proper for the management of its affairs, not denied by this Charter, or by general state law, or inconsistent with the constitution.

B. The parish shall prepare, enact, enforce and maintain comprehensive plans for the development of the parish.

Sec. 1-05. Special powers.

The parish government shall have the right, power and authority to pass all ordinances requisite or necessary to promote, protect and preserve the general welfare, safety, health, peace and good order of the parish, including, but not by way of, limitation, the right, power and authority to pass ordinances on all subject matters necessary, requisite or proper for the management of its affairs, and all other subject matter without exception, subject only to the limitation that the same shall not be inconsistent with the constitution or expressly denied by general law applicable to parish government.

Sec. 1-06. Joint cooperative agreements.

The parish shall have the right, power and authority to enter into cooperative agreements and inter-governmental contracts with local governments and regional, state and federal authorities.

ARTICLE II. PARISH COUNCIL

Sec. 2-01. Composition, qualifications and election.

A. The legislative power of the parish government shall be vested in a council consisting of 14 members, or such other number of councilmembers as may be determined by the electorate, elected from single-member districts for four year terms, one from and by the qualified electors in each district as defined in the section "Election of Officials."

B. A councilmember shall be at least 18 years of age and a qualified elector of the district from which elected at the time of qualification.

C. A councilmember shall have been legally domiciled and shall have actually resided for at least one year immediately preceding the time established by law for qualifying for office in an area which, at the time of qualification, is within the district from which elected.

D. A councilmember shall continue to be legally domiciled and to actually reside within the district from which elected during the term of office. Should the legal domicile and/or actual residence of a councilmember change from the district from which elected, unless changed by reapportionment, the office shall automatically become vacant, which vacancy shall be filled as set out hereinafter.

Sec. 2-02. Reapportionment.

A. Following official publication of the ten year federal census by the United States Bureau of the Census and at least six months prior to the next election for councilmembers following publication of the census, the council by ordinance shall, if necessary, alter, change or rearrange council district boundaries so as to provide for population equality among the districts as near as reasonably practicable. To the extent possible council districts shall be compact and be composed of contiguous territory. If it is necessary to provide for a new apportionment plan it shall be in compliance with all federal and state law, including, but not limited to, section 2 of the Voting Rights Act of 1965 as coded and amended at 42 USC 1973, so long as the governing authority of this parish is required to comply with the provisions of this federal statute.

B. The reapportionment plan shall provide for a single member district for each member of the council.

Sec. 2-03. Forfeiture of office.

A councilmember shall forfeit the office if such member during the term of office:

- (1) Lacks any qualification for the office prescribed by this Charter; or
- (2) Is convicted of a state or federal felony.

Sec. 2-04. Vacancy in council office.

A. The office of a councilmember shall become vacant upon death, resignation, removal from office in any manner authorized by law, forfeiture of office, failure to take office, or as otherwise provided in this Charter and not inconsistent with state law.

B. A vacancy on the council shall be filled by appointment within 15 days after the vacancy occurs by a person meeting the qualifications for that office by the favorable vote of a majority of the remaining members of the council.

C. If one year or less of the unexpired term remains when the vacancy occurs, the appointee shall serve out the remainder of the term.

D. If the vacancy occurs more than one year before the expiration of the term, the appointee shall serve until the office is filled by the vote of the qualified electors voting in an election called by the council for that purpose and the person elected assumes the office. In such case, the council, within 15 days after the vacancy occurs, shall call an election to fill the vacancy. The election shall be held according to the timetable and procedures established by state law for the filling of vacancies in elected local offices.

Sec. 2-05. Compensation.

A. The salary of a councilmember shall be \$1,200.00 per month.

B. The council may, by ordinance, change the salary of councilmembers, provided that no ordinance increasing the salary shall be adopted during the last year of a term and provided further that a change shall not become effective during the current term of the councilmembers adopting the ordinance.

C. Councilmembers shall, upon presentation of properly documented receipts, be reimbursed for reasonable expenses incurred in carrying out official duties of the office in accordance with travel and expense policies established by the council by ordinance.

Sec. 2-06. Prohibitions.

A. A councilmember shall hold no other elected public office, nor be a compensated official or employee of the parish government during the term for which elected to the council. Nothing in this section shall prohibit a councilmember from serving as a member of a charter commission, constitutional convention or political party committee.

B. A councilmember shall not hold any compensated appointive parish government office or employment until two years after expiration of the term for which elected. Compensation means any thing of economic value which is paid, loaned, granted, given, donated, or transferred or to be paid, loaned, granted, given, donated, or transferred for or in consideration of personal services.

C. Except as specifically provided in this Charter, neither the council nor any of its members shall remove, direct or supervise any administrative officers or employees whom the president or any subordinates of the president are empowered to appoint. However, councilmembers shall have the authority to consult with and discuss problems and issues with administrative officials at the level of supervisor and above.

D. No councilmember shall serve on a board or commission of the parish government having administrative or policy making authority unless the ordinance or state law creating such board or commission specifies that one or more members of the council shall serve on such board or commission.

Sec. 2-07. Council meetings and rules.

A. At the first regular meeting of a newly elected council and annually thereafter, a chair and vice chair shall be elected by the council from among the councilmembers. The chair shall preside at meetings of the council, supervise or delegate supervision of council employees, and carry out such other duties as the council may authorize.

B. In the absence or disqualification of the chair, the vice chair shall preside. In the absence or disqualification of both the chair and vice chair, the council shall designate one of its other members as temporary presiding officer. The chair, vice chair and temporary presiding officer shall be voting members of the council.

C. The council shall meet regularly at least once a month at such times and places as the council may prescribe. Special meetings may be held on the call of the presiding officer of the council or a majority of the authorized membership of the council with such notice as may be required by state law. To meet a public emergency affecting life, health, property or public safety, the council may meet upon call of the president, the presiding officer of the council or a majority of the authorized membership of the council at whatever notice it shall be convenient to give. The call convening a special or emergency meeting of the council shall state the objects of the meeting. The power of the council to act at a special or emergency meeting shall be limited, under penalty of nullity, to the objects specifically enumerated in the call.

D. All meetings of the council and its committees shall be open to the public in accordance with the provisions of general state law.

E. The council shall determine by resolution its own rules and order of business and shall provide for keeping a record of its minutes and proceedings. All official actions of the council shall be published in the official journal within 30 days of the action taken.

F. At all regular meetings of the council, the council shall operate from an agenda which shall have been published at least two days, excluding Saturdays, Sundays and holidays, prior to the meeting. The agenda for special or emergency meetings shall be made available to the public as soon as practical prior to the meeting. Items not on the agenda may be considered upon approval by two-thirds of the authorized membership of the council.

G. The council shall provide by ordinance a procedure whereby interested persons shall be given an opportunity to be heard at council meetings on any matter relating to parish government [and on the meeting agenda].

H. All voting shall be by roll call, and the ayes and nays shall be recorded in the minutes of the council by the individual vote of each councilmember. Not less than a majority of the authorized membership of the council shall constitute a quorum to transact business, but if a quorum is lost during a meeting, a smaller number may recess from time to time and compel the attendance of absent members in the manner and subject to the penalties prescribed by council rules.

Sec. 2-08. Investigations.

The council may make investigations into the affairs of the parish government and the related conduct of any parish official, officer, employee, department, office or agency. For this purpose the council may subpoena witnesses, administer oaths, take testimony and require the production of evidence. Investigations shall be for a specified purpose submitted in writing and may be undertaken only by the affirmative vote of a majority of the authorized membership of the council. Any person who fails or refuses to obey any lawful order of the council may be cited for contempt. No councilmember shall vote on any matter under such investigation in which said councilmember has a conflict of interest.

Sec. 2-09. Independent audit.

The council shall provide for an annual independent post fiscal year audit, and such additional audits as it deems necessary, of the accounts and other evidence of financial transactions of the parish government, including those of all parish government departments, offices or agencies. Audits may be by the state or the council may designate an independent auditor to make such audits. The independent auditor shall be without personal interest in the affairs subject to audit, shall not participate in budget preparation and adoption, and shall be a certified public accountant or firm of such accountants. The audit report shall be submitted to the council at one of its regularly scheduled meetings and shall be a public record, and a summary thereof shall be published at least once in the official journal.

Sec. 2-10. Council employees.

A. The council shall, by vote of a majority of its authorized membership, appoint a clerk of the council who shall serve at the pleasure of the council. The clerk shall give notice of council meetings to its members and the public, keep the journal of its proceedings, be official secretary of the council and perform such other duties as are assigned to the position by this Charter or by the council.

B. The council may, by ordinance approved by two-thirds of its authorized membership, authorize the hiring of such other employees as may be necessary to assist the council in carrying out its duties and responsibilities. Such employees shall serve at the pleasure of the council.

C. The council shall, by ordinance approved by two-thirds of its authorized membership, fix the salaries of its employees.

Sec. 2-11. Action requiring an ordinance.

A. An act of the council having the force of law shall be by ordinance. An act requiring an ordinance shall include, but not be limited to, those which:

- (1) Adopt or amend an administrative code.

- (2) Provide a fine or other penalty or establish a rule or regulation for violation of which a fine or other penalty may be imposed.
- (3) Levy taxes, assessments and charges.
- (4) Adopt the operating budget and capital improvement budget and appropriate funds for the parish government.
- (5) Grant, renew or extend a franchise.
- (6) Provide for raising revenue.
- (7) Regulate the rate or other charges for service by the parish government.
- (8) Authorize the borrowing of money in any manner authorized by law.
- (9) Incur debt in any manner authorized by law.
- (10) Dispose of any real property owned by the parish government.
- (11) Convey or lease or authorize the conveyance or lease of any lands or property of the parish government.
- (12) Acquire real property on behalf of the parish government.
- (13) Adopt or modify the official map.
- (14) Adopt or modify regulations for review and approval of plats.
- (15) Adopt or modify subdivision controls or regulations.
- (16) Adopt or modify the zoning plan, maps and regulations.
- (17) Amend or repeal any ordinance previously adopted.
- (18) Propose amendments to this Charter.

B. All ordinances shall be codified in accordance with article VI, section 10 of the Constitution of the State of Louisiana.

C. An act of the council which is not to have the force of law may be enacted by resolution. A resolution may be used by the council for purposes such as a formal expression of will of the council; to authorize a person or persons to sign legal and financial documents for a project or purpose previously approved by ordinance; and as may be authorized by this Charter. The president's veto authority shall not apply to resolutions.

D. All ordinances and resolutions shall be passed by the favorable vote of at least a majority of the authorized membership of the council, except as otherwise provided in this Charter.

Sec. 2-12. Ordinances in general.

A. *Form.* Every proposed ordinance shall be introduced in writing and in the form required for final adoption. No ordinance shall contain more than one subject which shall be clearly expressed in its title. The enacting clause shall be "The Parish of St. Tammany hereby ordains..." Any ordinance which repeals or amends an existing ordinance or part of the parish code shall set out in full the ordinance, sections or subsections to be repealed or amended, and shall indicate matters to be omitted by enclosing it in brackets or by strikeout type and shall indicate new matters by underscoring or by italics.

B. *Procedure.* An ordinance may be introduced by any member at any regular or special meeting of the council. Upon introduction of an ordinance, the clerk shall distribute a copy to each councilmember and to the president, shall file a reasonable number of copies in the office of the clerk and such other public places as the council may designate within ten days after introduction. The clerk shall publish the ordinance by title, except that ordinances proposing amendments to the Charter shall be published in full, together with a notice setting out the time and place for a public hearing thereon and for its consideration by the council. The public hearing shall follow the publication by at least seven days, may be held separately or in connection with a regular or special council meeting and may be adjourned from time to time. All persons interested shall have an opportunity to be heard. After the hearing the council may adopt the ordinance with or without amendment or reject it. If the ordinance is amended as to any matter of substance, the council may not adopt it until the ordinance or its amended sections have been subjected to all the procedures herein required for a newly introduced ordinance, except that this procedure shall not apply to amendments to a bond sale ordinance.

C. *[Final approval.]* With the final approval of ordinances by the president, or the council in case of a veto by the president, such enacted ordinances shall be published in full or in summary at the council's discretion in the official journal by the clerk of the council within 15 days after adoption. Every enacted ordinance, unless it shall specify another date, shall become effective at the expiration of 15 days after final adoption.

Sec. 2-13. Submission of ordinances to the president.

A. Every ordinance adopted by the council shall be signed by the presiding officer or the clerk of the council. The clerk of the council shall certify to its passage, and it shall be presented to the president within ten days after adoption. The clerk of the council shall record upon the ordinance the date and hour of its delivery to the president.

B. Within ten days after the president's receipt of an ordinance, it shall be returned to the clerk of the council with the president's approval or with the president's veto. The clerk shall record upon the ordinance the date and hour of its receipt from the president. If the proposed

ordinance is not signed or vetoed by the president within ten days after receipt, it shall be considered adopted. If the ordinance has been adopted, it shall be considered finally enacted and become effective as provided in the section on "Ordinances in General."

C. If the ordinance is vetoed, the president shall submit to the council through the clerk a written statement of the reasons for the veto. The veto statement shall be published in full in the official journal by the clerk as soon as practical thereafter. All ordinances vetoed by the president shall be vetoed in full, except that the president shall have authority to veto individual appropriation items in the ordinances adopting the operating and capital improvement budgets and amendments thereto.

D. Ordinances vetoed by the president shall be submitted to the council by the clerk of the council no later than the next regular meeting held after publication of the veto statement. Should the council vote, not later than the second regular meeting held after publication of the vetoed ordinance, to override the president's veto of the ordinance by the favorable vote of at least two-thirds of its authorized membership, said ordinance shall be considered finally enacted in accordance with the section on "Ordinances in General" and become law irrespective of the veto by the president. The procedure for overriding vetoed ordinances shall apply to individual appropriation items in the operating and capital improvement budgets vetoed by the president.

E. The right of the president to veto as provided in this section shall apply to all ordinances adopted by the council, except ordinances for: plans for reapportionments; amendments to this Charter; establishing, altering or modifying council procedure; appropriating funds for auditing or investigating any part of the executive branch; or as may be otherwise provided by this Charter.

Sec. 2-14. Emergency ordinances.

A. To meet a public emergency affecting life, health, property or public safety, the council may adopt, upon a vote of a majority of the authorized membership, an emergency ordinance at the meeting at which it is introduced, provided that no such ordinance may be used to levy taxes or special assessments; grant or extend a franchise; incur debt, except as provided in the section on "Emergency Appropriations"; adopt or amend an official map, platting or subdivision controls or zoning regulations; or change rates, fees or charges adopted by the parish government. Each emergency ordinance shall contain a specific statement describing the emergency. After adoption, the ordinance shall be printed and published as soon as practical thereafter.

B. Notwithstanding the provisions of the section on "Submission of Ordinances to the President," an emergency ordinance adopted by the council shall be presented to the president within six hours after adoption. Within 12 hours after the president's receipt of an emergency ordinance, it shall be returned to the council with the president's approval, or with the

president's veto. If the proposed ordinance is not signed or vetoed by the president within 12 hours after receipt, it shall be considered adopted. If the emergency ordinance has been adopted, it shall become effective immediately. If the emergency ordinance is vetoed, the president shall submit to the council a written statement of the reasons for the veto. The clerk shall record upon the emergency ordinance the dates and hours of its delivery to and receipt from the president. Should the council vote, not later than 12 hours after receipt of the vetoed emergency ordinance from the president, to readopt the emergency ordinance by the favorable vote of at least two-thirds of its authorized membership, said emergency ordinance shall be considered finally adopted and become law immediately upon readoption, irrespective of the veto by the president. Upon final approval by the president, or the council in case of a veto by the president, such adopted emergency ordinance shall be published by title in the official journal as soon as practical thereafter.

C. Emergency ordinances shall be effective for no longer than 30 consecutive days after final adoption, except that the council, by the favorable vote of two-thirds vote of its authorized membership, may extend the life of the emergency ordinance for a period not to exceed an additional 30 consecutive days.

Sec. 2-15. Codes of technical regulations.

The council, by ordinance, may adopt any standard code of technical regulations by reference. The procedure and requirements governing the adopting of such codes shall be as prescribed for ordinances generally, except that a period of 60 days shall be allowed between the time of introduction and adoption of the ordinance. During this interim, copies of any proposed code shall be available for public review. A copy of each adopted code of technical regulations as well as the adopting ordinance shall be authenticated and recorded by the clerk of the council in the official records of the parish government. Such adopted codes of technical regulations shall be published by title or by reference in the official journal by the clerk as soon as practical following such final adoption.

Sec. 2-16. Authentication and recording of ordinances and resolutions; printing and distribution.

A. All finally enacted ordinances and resolutions shall be authenticated, numbered and recorded by the clerk of the council. All ordinances shall be indexed and codified in a book or books kept for this purpose. All resolutions shall be indexed and recorded in the minutes of the council meeting at which the resolution was approved.

B. The council shall cause each ordinance and each amendment to this Charter to be printed or otherwise reproduced promptly following enactment. Such printed or reproduced amendments and ordinances, including codes of technical regulations adopted by reference pursuant to the section on "Codes of Technical Regulations," shall be available in the office of the clerk of the council for review by any citizen. Copies may be distributed to the public at no cost or sold to the public at cost.

Sec. 2-17. Power to levy taxes.

A. The power to perform any service or provide any facility granted to the parish government by this Charter or by the constitution and general laws of the state shall in all cases carry with it the power to levy taxes and to borrow money within the limits and in accordance with procedures prescribed by the constitution and general laws of the state. The council shall have and is hereby granted all of the authority to levy and collect taxes, to incur debt, and to issue bonds and other evidences of indebtedness, as is now or hereafter conferred on governing authorities of local governments by the constitution and general laws of the state, or as may be hereafter specially conferred by the electors of the parish.

B. Any tax being levied by St. Tammany Parish on the effective date of this Home Rule Charter is ratified.

C. All proposals to levy property taxes in excess of that which the constitution authorizes to be levied without a vote of the people shall be submitted to the voters for approval in accordance with the election laws of the state.

D. All proposals to renew, levy a new or increase an existing sales and use tax shall be submitted to the voters for approval in accordance with the election laws of the state.

Sec. 2-18. Powers of enforcement.

For the purpose of carrying out the powers generally or specially conferred on the parish government, the council shall have the power to grant franchises, to require licenses and permits and fix the fees to be paid therefor, to charge compensation for any privilege or franchise granted or service rendered, and to provide penalties for the violation of any ordinance or regulation, as provided by law.

ARTICLE III. EXECUTIVE BRANCH**Sec. 3-01. Executive authority.**

The president shall be the chief executive officer of the parish government and shall exercise general executive and administrative authority over all departments, offices and agencies of the parish government, except as otherwise provided by this Charter.

Sec. 3-02. Election.

The president shall be elected at large by the qualified voters of the parish according to the election laws of the state for a four year term. A person who has served as president for more than two and one-half terms in three consecutive terms shall not be eligible to qualify as a candidate for president for the succeeding term.

Sec. 3-03. Qualifications.

A. The president shall be at least 18 years of age and a qualified elector of the parish at the time of qualification and shall have been legally domiciled and shall have actually resided within the parish for at least three years immediately preceding the time established by law for qualifying for office.

B. The president shall continue to be legally domiciled and to actually reside within the parish during the term of office. Should the legal domicile or actual residence of the president change from the parish, the office shall automatically become vacant, which vacancy shall be filled as set out hereinafter.

Sec. 3-04. Forfeiture of office.

The office of president shall be forfeited if during the term of office the officeholder: (1) lacks at any time any qualification for the office prescribed by this Charter, or (2) is convicted of a felony under state or federal law.

Sec. 3-05. Vacancy in office of president.

A. The office of president shall become vacant upon death, resignation, removal from office in any manner authorized by law, forfeiture of office, failure to take office, or as otherwise provided in this Charter and not inconsistent with state law.

B. A vacancy in the office of president shall be filled by appointment within 15 days after the vacancy occurs of a person meeting the qualifications for that office by the favorable vote of a majority of the authorized membership of the council.

C. If one year or less of the unexpired term remains when the vacancy occurs, the appointee shall serve out the remainder of the term.

D. If the vacancy occurs more than one year before the expiration of the term, the appointee shall serve until the office is filled by the vote of the qualified electors voting in an election called by the council for that purpose and the person elected assumes the office. The council, within 15 days after the vacancy occurs, shall call an election to fill the vacancy. The election shall be held according to the timetable and procedures established by state law for the filling of vacancies in elected local offices.

E. The person filling the vacancy shall receive the same compensation as the president.

Sec. 3-06. President's temporary absence.

A. When the president is absent from and unavailable to the parish for more than 24 hours, the powers and duties of the office of president shall be exercised by the chief administrative officer.

B. The president shall file with the clerk of the council the name of the department head designated to exercise the powers and duties of the office of the president in the event both the president and chief administrative officer are absent from and unavailable to the parish. The president may change the name of the department head so designated by filing with the clerk of the council a statement changing the name of the designated department head. In the absence of such a filing, the department head shall be designated by the chair of the council.

C. If a temporary absence of the president extends to more than 30 consecutive days, the office shall become vacant and shall be filled in accordance with the section on "Vacancy in Office of President," except that the council, by the favorable vote of a majority of its authorized membership, may authorize a longer absence.

D. If the president is temporarily absent from and unavailable to the parish for more than 60 days within a 12-month period, the council, upon the favorable votes of two-thirds of its authorized membership, may declare the office vacant.

Sec. 3-07. President's disability.

A. Disability of the president may be determined either by action of the president or by action of the council as follows:

- (1) Whenever the president transmits to the clerk of the council a written declaration stating inability to discharge the powers and duties of the office, and until the president transmits to the clerk of the council a written declaration to the contrary, the office of president shall be filled in the same manner as in the section on the "President's Temporary Absence."
- (2) Whenever a majority of a panel of three medical physicians, designated by resolution adopted by the favorable vote of at least a majority of the authorized membership of the council, transmits to the clerk of the council its written declaration that the president is unable to discharge the powers and duties of the office, the office of president shall be filled in the same manner as in the section on "President's Temporary Absence." The person filling the office shall serve until a panel of three medical physicians, designated by resolution adopted by the favorable vote of at least a majority of the authorized membership of the council, transmits to the clerk of the council its unanimous written declaration that the president's disability has ended. The medical physicians shall review the president's disability at least once every three months until such time as it has been determined that the disability has ended by a unanimous vote of the three medical physicians.

B. Should the president, due to disability, be unable to discharge the powers and duties of the office for a period exceeding six consecutive months, the council shall have the authority upon the favorable vote of at least a majority of its authorized membership to declare the office

of president vacant due to disability or to extend the disability for a period not to exceed an additional six consecutive months. Provided, however, that the council shall hold a public hearing on the issue before granting any such extension.

C. The person filling the office during the president's disability shall receive the same compensation as the president.

Sec. 3-08. Compensation.

A. At the beginning of each term of the president, the salary of the president shall be the average of the salaries of the St. Tammany Parish sheriff, assessor and clerk of court. The salary of the president shall be adjusted on January 1 of each year to the average of the salaries of the St. Tammany Parish sheriff, assessor and clerk of court.

B. The president shall be eligible for health and hospital insurance, retirement benefits and any other such benefits which are available to employees of the parish government and to three weeks of vacation each year.

C. The president shall, upon presentation of properly documented receipts, be reimbursed for reasonable expenses incurred in carrying out the official duties of the office.

D. The president, in carrying out the official duties of the office, shall have the option of using an automobile provided by the parish government or to use the president's personal automobile and to be reimbursed for mileage in accordance with mileage reimbursement authorized by the United States Internal Revenue Service.

Sec. 3-09. Powers and duties of the president.

A. The president as chief executive officer of the parish government shall have the following powers and duties:

- (1) See that all laws, provisions of this Charter and acts of the council, subject to the president's direction and supervision, are faithfully executed.
- (2) Appoint and suspend or remove for just cause all parish government employees and appointive administrative officers provided for by or under this Charter, except as otherwise provided by this Charter or other personnel rules adopted pursuant to this Charter. The president may authorize any administrative officer who is subject to the president's direction and supervision to exercise these powers with respect to subordinates in the officer's department, office or agency.
- (3) Direct and supervise the administration of all departments, offices and agencies of the parish government, except as otherwise provided by this Charter.
- (4) Prepare and submit the annual operating budget and five year capital improvement budget to the council.

- (5) Sign contracts for projects, equipment, professional services and materials and supplies specifically identified in the approved operating and capital improvement budgets or as specifically identified by ordinance. Contracts for projects, equipment, professional services or materials and supplies not so identified shall be submitted to the council for approval.
- (6) Submit to the council and make available to the public, within 90 days after the end of the fiscal year, a complete report on the finances and administrative activities of the parish government as of the end of the fiscal year.
- (7) Make such other reports as the council may reasonably request to enable the council to conduct its functions.
- (8) The president shall attend all meetings of the council and keep the council fully advised as to the financial condition and future needs of the parish government and make such recommendations to the council concerning the affairs of the parish government as deemed desirable.
- (9) Perform such other duties as are specified in this Charter or may be required by the council, not inconsistent with this Charter.

Sec. 3-10. Prohibitions.

A. The president shall be a fulltime official and shall hold no other elected public nor any other compensated appointive parish government office or employment during the term of office for which elected. The president shall not engage in any activity unrelated to parish government business that would interfere with or detract from the performance of duties as president.

B. The president shall not hold any compensated appointive parish government office or employment until two years after expiration of the term for which elected. Compensation means any thing of economic value which is paid, loaned, granted, given, donated, or transferred or to be paid, loaned, granted, given, donated, or transferred for or in consideration of personal services.

C. In the event a person is elected to the office of president while a participant in a contract with the parish government, either individually or with a firm, the contract shall be null and void upon the date the person is elected to the office of president.

ARTICLE IV. ADMINISTRATION

Sec. 4-01. General provisions.

A. Except as otherwise provided by this Charter, all departments, offices and agencies shall be under the direction and supervision of the president. The directors of all departments and agencies created by or under this Charter shall be appointed by the president, subject to council approval, and shall serve at the pleasure of the president, except as otherwise provided by this Charter.

B. The salaries of the chief administrative officer and directors of the departments and agencies appointed by the president shall be set by the president, subject to approval by the council.

Sec. 4-02. Chief administrative officer.

A. The president shall appoint a chief administrative officer who shall serve at the pleasure of the president. The chief administrative officer shall, subject to the direction of the president, supervise all departments, offices and agencies of the parish government under the direction and supervision of the president, except the legal department, and perform such other functions as may be directed by the president, including, but not limited to, maintenance and upkeep of the computer informational system, building maintenance, public access TV channel, building supervision and personnel administration.

B. The chief administrative officer at the time of appointment shall have a master's degree in public administration or a related field from an accredited college or university, and at least three years experience as a chief administrative officer or head of a major department, or higher, in a governmental organization.

Sec. 4-03. Legal department.

A. The district attorney of the judicial district serving St. Tammany Parish shall serve as legal adviser to the council, president and all departments, offices and agencies and represent the parish government in legal proceedings.

B. No special legal counsel shall be retained by the parish government, except by written contract for a specific purpose approved by the favorable vote of a majority of the authorized membership of the council. Such authorization shall specify the compensation, if any, to be paid for such services.

Sec. 4-04. Department of finance.

A. The director of the department of finance shall direct and be responsible for:

- (1) Collection (except where specifically otherwise provided for by law) and custody of all monies of the parish government from whatever source.
- (2) Assistance to the president in the preparation of the annual operating budget and the capital improvement budget.
- (3) Maintenance of a record of indebtedness and the payment of the principal and interest on such indebtedness.
- (4) Ascertaining that funds are available for payment of all contracts, purchase orders and any other documents which incur a financial obligation for the parish government, and that such documents are in accordance with established procedures.

- (5) Disbursement of parish funds.
- (6) Administration of a uniform central accounting system for all parish departments, offices and agencies.
- (7) Preparation of a monthly statement of revenues and expenditures which shall be completed and made available for public inspection not later than 30 days after the end of each month.
- (8) Procurement of all personal property, equipment, materials, supplies and services required by the parish government under a central purchasing system for all departments, offices and agencies in accordance with applicable state law, council policy and administrative requirements.
- (9) Investment of idle funds, as permitted by law.
- (10) Preparation of all intergovernmental grant applications on behalf of the parish government and informing departments, offices and agencies of all relevant local, state and federal programs.
- (11) Maintenance of an inventory of all parish real and personal property.
- (12) Administration of parish insurance programs and policies.
- (13) Other such activities as may be directed by the president.

Sec. 4-05. Department of public works.

A. The director of the department of public works shall direct and be responsible for:

- (1) Construction and maintenance performed by the parish government on roads, sidewalks, bridges and drainage facilities.
- (2) Monitoring all contract construction work.
- (3) Operation of facilities for the repair and maintenance of parish government vehicles and equipment.
- (4) Monitoring and regulating utility operations within parish rights-of-way.
- (5) Providing flood zone determination.
- (6) Other such activities as may be directed by the president.

Sec. 4-06. Department of engineering.

A. The director of the department of engineering shall direct and be responsible for:

- (1) Planning, designing and overseeing construction of certain public improvements.
- (2) Reviewing development of subdivisions.
- (3) Surveying and mapping.

- (4) Securing permits from the U.S. Army Corps of Engineers.
- (5) Reviewing requests for permission to enter parish rights-of-way.
- (6) Engineering services to all departments and agencies.
- (7) Applying for and overseeing the expenditure of state and federal grants for parish infrastructure improvements.
- (8) Other such activities as may be directed by the president.

Sec. 4-07. Department of development.

A. The director of the department of development shall direct and be responsible for:

- (1) Preparation and maintenance of a comprehensive long range plan for parish wide development, including an overall plan for land use by public, commercial and residential interests; traffic and transportation issues; economic and demographic growth; water and drainage concerns and such other items as may be directed by the parish council.
- (2) Airport administration.
- (3) Solid waste disposal.
- (4) Development of plans for economic growth of the parish, including transportation activities.
- (5) Community development block grants.
- (6) Other such activities as may be directed by the president.

B. The long range plan in item (1) above shall be presented by the director to both the parish council and the planning and zoning commissions in January of each year to ensure coordination of efforts and allow for public input.

Sec. 4-08. Department of planning and permits.

A. The director of the department of planning and permits shall direct and be responsible for:

- (1) Regulating land use and building and development of subdivisions within the unincorporated areas of the parish.
- (2) Interpretation of land use controls.
- (3) Maintaining and updating the St. Tammany Parish land use map.
- (4) Issuing building permits.
- (5) Enforcing building codes and zoning ordinances.
- (6) Other such activities as may be directed by the president.

Sec. 4-09. Department of community action.

A. The director of the department of community action shall direct and be responsible for:

- (1) Providing information and processing applications for community service programs, including, but not limited to, weatherization, mortgage and rental assistance, utility assistance and heat relief.
- (2) Developing homeless shelter assistance programs.
- (3) Administering food stamp office, food and commodities distributions and emergency food bank.
- (4) Other such activities as may be directed by the president.

Sec. 4-10. Personnel policies and procedures.

A. It shall be the policy of the parish government to employ those persons best qualified to perform the functions of the parish government and to foster effective career service in parish government. All appointments and promotions in the service of the parish government and of each of its departments, offices and agencies shall be made on the basis of merit and fitness.

B. The chief administrative officer shall serve as personnel officer until such time as the president, upon approval by the council, appoints a personnel director. If the position of chief administrative officer is vacant, the president shall designate a department head to serve as personnel officer. The personnel officer shall:

- (1) Administer personnel rules and regulations governing the classified service, including working hours, attendance regulations, leaves of absence, sick leave and vacation leave.
- (2) Maintain a uniform classification and pay plan for all positions in the classified service.
- (3) Administer an employee grievance procedure for dismissals, demotions and other disciplinary matters, subject to review by the personnel board.
- (4) Administer personnel policies for employees not a part of the classified service.
- (5) Perform such other duties and functions as may be directed by the president.

C. The administration of the classified service, including the classification and pay plans of the parish government, shall be governed by written rules and regulations to be known as "Personnel Policies."

D. The personnel policies and rules and position descriptions in effect in the parish government at the time this Charter becomes effective shall continue in effect until amended by the council by ordinance or as they may conflict with this Charter. Within six months after assuming office, the personnel officer shall propose to the president and the council changes necessary to cause the "Personnel Policies" and position descriptions to conform to the parish plan of government. Such changes shall be adopted by ordinance.

E. The following shall not be members of the classified personnel system of the parish government:

- (1) Elected officials of the parish government.
- (2) Employees hired on a temporary or contractual basis.
- (3) Chief administrative officer.
- (4) Executive secretary to the president.
- (5) Directors of departments and agencies.
- (6) Employees appointed directly by the council.

F. A personnel board of five members is hereby created. The board members shall be electors of the parish, hold no other public office or position in St. Tammany Parish government, have resided in the parish for at least two years, and shall receive no compensation. Four members shall be appointed by the council from nominees submitted from organizations listed below and the fifth member shall be appointed by the parish council.

G. The parish council shall appoint members of the personnel board as follows:

- (1) One from a list of three nominees submitted by the Greater Slidell Area Chamber of Commerce.
- (2) One from a list of three nominees submitted by the St. Tammany West Chamber of Commerce.
- (3) One from a list of three nominees submitted by the St. Tammany Bar Association.
- (4) One from a list of three nominees submitted by the East St. Tammany Ministerial Alliance.
- (5) One by the parish council.

The persons nominated do not have to be members of the nominating organization. If a named nominator ceases to exist, the parish council shall select an organization within the parish to be the nominator.

H. The terms of the first appointees shall be as follows:

- (1) The term of the appointee of the Greater Slidell Area Chamber of Commerce shall be one year.
- (2) The term of the appointee of the St. Tammany Bar Association shall be two years.
- (3) The term of the appointee of the East St. Tammany Ministerial Alliance shall be two years.
- (4) The term of the appointee of the St. Tammany West Chamber of Commerce shall be three years.

- (5) The term of the person appointed by the council shall be three years.

Thereafter all appointments will be for three years.

I. The nominated organizations shall make such nominations within 30 days after the effective date of this Charter, and the council shall make appointments within 30 days after the nominations are received. Should the council fail to make an appointment from the list submitted within the allotted 30 days, the first named nominee shall automatically become a member of the personnel board. Should an organization fail to make the nominations within 30 days, the council shall call a public hearing to discuss and develop the list of candidates. Whenever the term of a board member expires or there is a vacancy in an unexpired term, the council shall make an appointment in the same manner as that designated for that member being replaced.

A member of the personnel board may be removed by the parish council for cause after being served with written specifications of the charges and being afforded an opportunity for a public hearing thereon by the parish council.

J. The personnel board shall:

- (1) Serve as a review board for personnel policies and rules established by the parish council.
- (2) Hold hearings on dismissals, demotions and other disciplinary matters as may be provided in the rules. On appeal to the personnel board by an employee relative to the actions of the employer, the burden of proof shall be on the employee. The decisions of the personnel board in these matters shall be final, subject to judicial review.
- (3) Perform such other quasi-judicial duties as may be required under the rules developed pursuant to this section.

K. A fulltime employee of the parish government who has been employed by the parish at least one year prior to the time of adoption of this Charter shall continue to be an employee of the parish government and shall continue without competitive test or other method approved by the council, but shall be subject in all other respects to this section.

Sec. 4-11. Other departments.

Except as otherwise provided by this Charter, all parish government departments, offices and agencies and functions in existence on the effective date of this Charter, insofar as they do not conflict with this Charter, shall continue in existence as organized on that date until reorganized in accordance with the section on "Administration Reorganization."

Sec. 4-12. Administration reorganization.

A. The president may propose to the council the creation, change, alteration, consolidation or abolition of parish departments, offices and agencies and the reallocation of the functions, powers, duties and responsibilities of such departments, offices or agencies, including those provided for in this Charter.

B. Upon receipt of the president's proposed plan of reorganization, the presiding officer of the council shall cause to be introduced an ordinance to implement the proposed reorganization plan. The ordinance shall follow the same procedure as provided in the section on "Ordinances in General" of this Charter.

C. The reorganization plan submitted by the president shall become effective if the council fails to act on the proposed reorganization within 90 days of its submission to the council.

ARTICLE V. FINANCIAL PROCEDURES

Sec. 5-01. Fiscal year.

The fiscal year of the parish government shall be January 1 through December 31, subject to change by the council by ordinance.

Sec. 5-02. Operating budget preparation and adoption.

A. At least 90 days prior to the beginning of each fiscal year, the president shall submit to the council a proposed operating budget in the form required by this Charter. At the meeting of the council at which the operating budget is submitted, the council shall order a public hearing and shall cause to be published in the official journal, at least ten days prior to the date of such hearing, the time and place thereof, a general summary of the proposed budget and the times and places where copies of the proposed budget are available for public inspection. At the time and place so advertised, the council shall hold a public hearing on the budget as submitted. Changes in the proposed operating budget by the council shall be by the favorable vote of at least a majority of the authorized membership of the council. Upon final adoption, the budget shall be in effect for the budget year and copies shall be filed with the clerk of the council. The budget as finally adopted shall be reproduced and sufficient copies shall be made available for use by all offices, departments and agencies of the parish government. Copies shall be available for public use in the office of the clerk of the council. Additional copies may be purchased at cost by the public.

B. Upon failure of the council to adopt a budget before the end of the current fiscal year, the budget for the prior year shall continue in effect until amended by the council.

Sec. 5-03. The operating budget document.

The operating budget for the parish government shall present a complete financial plan for the ensuing fiscal year and shall consist of at least three parts as follows:

Part I shall contain: (1) a budget message, prepared by the president, which shall outline the proposed fiscal plan for the parish government and describe significant features of the budget for the forthcoming fiscal period; and (2) a general budget summary which, with supporting schedules, shall show the relationship between total proposed expenditures and total anticipated available funds for the forthcoming fiscal period and which shall compare these figures with corresponding actual figures for the last completed fiscal year and estimated figures for the year in progress.

Part II shall contain: (1) detailed estimates of all proposed expenditures, showing the corresponding estimated expenditures for each item for the current fiscal year and actual figures for the last preceding fiscal year with explanations of increases or decreases recommended related to performance standards or workload measurements, to the extent of availability of such information; (2) manning or organizational tables for each of the departments, agencies or programs; (3) detailed estimates of all anticipated revenues and other income available for appropriation, showing the corresponding estimated revenue or income for each item for the current fiscal year and actual figures of the last preceding fiscal year with explanations of increases or decreases; (4) delinquent taxes for current and preceding years, with the estimated percentage collectible; (5) statement of the indebtedness of the parish government, showing debt redemption and interest requirements, debt authorized and unissued, and conditions of the sinking funds; and (6) such other information as may be requested by the council. The total of proposed expenditures shall not exceed the total of estimated revenues and other funds legally available for expenditure.

Part III shall contain: a proposed complete draft of the appropriation ordinance. All appropriations shall be by department and/or program.

Sec. 5-04. Amendments to operating budget.

A. *Supplemental appropriations.* If during the fiscal year the president certifies that there are available for appropriation funds in excess of those estimated in the operating budget, the president may present a supplement to the budget for the disposition of such funds, and the council by ordinance may make supplemental appropriations for the year up to the amount of such excess in the same manner required for adoption of the budget.

B. *Emergency appropriations.* To meet a public emergency affecting life, health, property or the public peace, the council may make emergency appropriations. Such appropriations shall be made by emergency ordinance in accordance with the provisions of this Charter. To the extent that there are no available unappropriated funds to meet such appropriations, the council may

by such emergency ordinance borrow money in sums necessary to meet the emergency. The repayment of such sums shall be a fixed charge upon the revenues of the fiscal year next following the fiscal year in which the sums are borrowed.

C. *Reduction of appropriations.* If at any time during the fiscal year it appears to the president that the funds available will be insufficient to meet the amount appropriated, the president shall report to the council without delay, indicating the estimated amount of the deficit, any remedial action taken and recommendations as to any other steps to be taken. The council shall then take such further action as it deems necessary to prevent a deficit.

D. [*Reduction by ordinance.*] Subject to the limitations in subsection F of this section, the council may, by ordinance, reduce any appropriation at any time.

E. *Transfer of appropriations.* At any time during the fiscal year, the president may transfer part or all of any unencumbered appropriation within programs or departments. The president shall report to the council at its next meeting the transfers made. An unencumbered appropriation balance may be transferred from one department, office or agency to another or from one program to another only upon council action by ordinance.

F. *Limitations.* No appropriation for debt service may be reduced or transferred and no appropriation may be reduced below any amount required by law to be appropriated.

Sec. 5-05. Capital improvement budget.

A. Each year, no later than the time of submission of the operating budget for the ensuing fiscal year, the president shall prepare and submit to the council a capital improvement budget covering a period of at least five years. The capital improvement budget shall include new or expanded physical facilities that are relatively large, expensive and permanent. Capital improvements shall include, but not be limited to, major street, drainage, recreation and public building projects and other major construction or renovation projects. The amount indicated to be spent during the first year of the capital improvement budget shall be the capital improvement budget for that year.

B. The capital budget shall include:

- (1) A general summary of its contents.
- (2) A list of all capital improvements and acquisitions which are proposed to be undertaken for at least the five fiscal years next ensuing with appropriate supporting information as to the necessity for such improvements and acquisitions.
- (3) Cost estimates, method of financing and recommended time schedules for each such improvement or acquisition.
- (4) The estimated annual cost of operating and maintaining the capital improvement to be constructed or acquired.

The information shall be revised and extended each year with regard to capital improvements still pending or in process of construction or acquisition.

C. At the meeting of the council at which the capital improvement budget is submitted, the council shall order a public hearing on such capital improvement budget and shall cause to be published in the official journal, at least ten days prior to the date of such hearing, the time and place thereof, a general summary of the proposed capital improvement budget and the times and places where copies of the proposed capital improvement budget are available for public inspection. At the time and place so advertised, the council shall hold a public hearing on the capital improvement budget as submitted. Changes in the proposed capital improvement budget by the council shall be by the favorable vote of at least a majority of the authorized membership of the council. The capital improvement budget shall be finally adopted not later than the end of the fiscal year. The capital improvement budget as finally adopted shall be reproduced and sufficient copies shall be made available for use by all offices, departments and agencies of the parish government. Copies shall be available for public use in the office of the clerk of the council. Additional copies may be purchased at cost.

D. Amendments to the finally adopted capital improvement budget shall be by ordinance in accordance with provisions of this Charter relative to ordinances.

Sec. 5-06. Administration of operating and capital improvement budgets.

A. No payment shall be made or obligation incurred against any allotment or appropriation except in accordance with the approved operating budget and capital improvement budget and appropriations duly made and unless the president or the president's designee first certifies that there is a sufficient unencumbered balance in such allotment or appropriation and that sufficient funds therefrom are or will be available to cover the claim or meet the obligation when it becomes due and payable. However, this provision shall not limit the authority to borrow funds in anticipation of revenues as provided in the general laws of the state. Any authorization of payment or incurring of obligation in violation of the provisions of this Charter shall be void and any payment so made illegal; such action shall be cause for removal of any official, officer or employee who knowingly authorized or made such payment or incurred such obligation or who caused such payment to be authorized or made or obligation to be incurred. Such persons shall also be liable to the parish government for any amount so paid.

B. Nothing in this Charter shall be construed to prevent passage of any ordinance making or authorizing payments or making of contracts for capital improvements to be financed wholly or partly by the issuance of bonds or to prevent the making of any contract or lease providing for payments beyond the end of the fiscal year. Contracts for professional services not covered by the public bid law shall be for a period not to exceed the term for which the councilmembers and the president are elected.

C. Deficit spending is prohibited, except for emergencies as provided in the section on "Amendments to Operating Budget."

Sec. 5-07. Lapse of appropriations.

Every appropriation, except an appropriation for a capital expenditure, shall lapse at the close of the fiscal year to the extent that it has not been expended or encumbered. An appropriation for a capital expenditure shall continue in force until the purpose for which it was made has been accomplished or abandoned. The purpose of any such appropriations shall be deemed abandoned if three years pass without any disbursement from or encumbrance of the appropriation.

Sec. 5-08. Bonded debt.

The parish government is empowered to incur bonded debt in accordance with this Charter and the constitution and general laws of the state. When voter approval is required, no resolution shall be passed calling for an election to incur a bonded debt until an engineering and economic feasibility report shall have been made to the council and a summary thereof published in the official journal at least 45 days prior to the proposed date of the election, unless the council is required to call such an election pursuant to a petition as provided for under the general laws of this state.

Sec. 5-09. Facsimile and electronic signatures.

Facsimile and electronic signatures are authorized for negotiable instruments and multiple certificates of indebtedness in those cases where an official is required by law to sign.

ARTICLE VI. INITIATIVE AND REFERENDUM

Sec. 6-01. Initiative and referendum.

The electors of the St. Tammany Parish government shall have the power, except as herein restricted, to propose to the council passage, amendment or repeal of ordinances and to vote on the question if the council refuses action. This power shall not extend to the proposing or repealing of ordinances making or reducing the appropriation of money, to the repeal or reduction of any taxes, or to changing the salaries of the government's officers or employees. The initiative power shall be exercised in the following manner:

- (1) The person or persons proposing the exercise of this power shall submit the proposal to the council which shall specify within 30 days a form of petition for circulation in one or multiple copies as the proposer may desire. The petition shall contain the full text of the proposed ordinance.

- (2) Within 60 days after the form of the petition shall have been specified, the person or persons circulating the petition shall obtain the signatures of at least ten percent of the total registered voters of the parish. If the proposed ordinance pertains to an area which is less than parish wide, the number of signatures on the petition shall be 20 percent of the registered voters in the affected area. There shall be noted after each signature on the petition the date signed and the address of the signer. Each person circulating a copy of the petition shall attach a sworn affidavit to it stating the number of signers and the fact that each signature was made in the presence of the circulation of the petition.
- (3) The signed petition shall be filed with the council within 60 days of the specification of the form of the petition and, upon filing, the council shall order a canvass of the signatures through the office of the parish registrar of voters to determine their sufficiency and authenticity. The council's canvass shall be completed within 30 days. If the number of signatures is insufficient or the petition is deficient as to form or compliance with this section, the council shall notify the person or persons filing the petition of such sufficiency or deficiency and allow 30 days for filing of additional papers, at the end of which time the sufficiency and correctness of the petition shall be finally determined.
- (4) Within 30 days after a petition has been certified as sufficient and correct by the council, the council shall cause the proposed ordinance, and a summary thereof, to be published in the official journal of the parish government at least once together with a notice of the date, time and place when and where it will be given a public hearing, which notice shall appear at least seven days prior to the time advertised for the hearing. At the time and place so advertised the council shall hold a public hearing. No later than ten days after the public hearing, the council shall either:
 - a. Adopt the proposed ordinance submitted in an initiative petition, without substantive amendments, or effect the repeal referred to by such petition; or
 - b. Determine to submit the proposal to the electors.
- (5) If the council adopts an ordinance following the submission of an initiatory petition as provided above, it shall not amend or repeal the ordinance by its own action within one year following the date of submission of the petition proposing the ordinance, but it may submit proposals amending or repealing such ordinances to a vote of the electors. After the expiration of one year, the ordinance may be amended or repealed as any other ordinance.
- (6) If an initiative ordinance is submitted to a vote of the electors as provided above, the election shall take place at the first election already scheduled for other purposes or a special election which occurs at least 30 days after the date the council votes to submit the proposal to the electors. The results shall be determined by a majority vote of the electors voting on the proposal.

- (7) If a majority of the qualified electors voting on a proposed initiative ordinance vote in its favor, it shall be considered adopted upon certification of the election results. If conflicting ordinances are approved at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict.
- (8) If the proposed ordinance pertains to an area less than parish wide but has an impact parish wide, the proposed ordinance shall be considered adopted only if approved by the voters parish wide and by the voters in the area to be affected. No parish wide vote shall be required if the impact of the proposal and its costs are limited to the affected area. In such a case, the proposed ordinance shall be considered adopted if approved by the voters in the area to be affected.
- (9) An ordinance adopted by the electorate through the initiative process shall not be amended or repealed by council action for a period of one year after the election at which it was adopted, but it may be amended or repealed any time by a vote of the electorate. After one year, such ordinance may be amended or repealed in the same manner as any other ordinance.
- (10) Ordinances adopted through the initiative process shall not be subject to veto by the president.

ARTICLE VII. AMENDING OR REPEALING THE CHARTER

Sec. 7-01. Amending or repealing the Charter.

A. Proposals to amend or repeal this Charter may be made by a two-thirds vote of the authorized membership of the council or by petition signed by not less than 20 percent of the total number of registered voters of the parish. A petition shall contain the full text of the proposed amendment, amendments or repeal of the Charter. The procedures and time limits for filing such a petition shall be the same as for an initiative ordinance as provided in paragraphs (1), (2) and (3) of initiative and referendum.

B. Within 30 days after a petition shall have been certified as sufficient and correct by the council, the council shall cause the amendment, amendments or repeal provisions being proposed to be published in the official journal of the parish government.

C. Proposals to amend or repeal this Charter shall be submitted for ratification to the qualified electors of the parish at an election already authorized for other purposes or a special election which occurs at least 30 days after publication of the proposed amendments or repeal. The results shall be determined by a majority vote of the electors voting on any particular proposal.

D. Proposals by the council and by petition may be submitted to the voters at the same election and voters may, at their option, accept or reject any or all such proposals. Should conflicting proposals be approved at the same election, the one receiving the greater number of affirmative votes shall prevail to the extent of such conflict.

E. Upon passage or rejection of an amendment proposal by the voters, at least two years shall lapse before the same issue can again be submitted to the voters.

F. Except as provided in the section on "Severability," no proposal to amend this Charter shall be submitted during the first one year of operations under this Charter. No proposal to repeal this Charter shall be submitted during the first three years of operations under this Charter. No amendment or repeal shall shorten the term for which any incumbent official was elected or reduce the salary of office for that term.

ARTICLE VIII. GENERAL PROVISIONS

Sec. 8-01. Legal process.

[The] legal process against the parish government shall be served upon the president or in his absence, upon the presiding officer of the council.

Sec. 8-02. Code of ethics.

All officers, officials and employees of the parish government shall be subject to provisions of the state code of ethics pertaining to local governments and to ordinances relative to the code of ethics for the parish government insofar as they do not conflict with the state code of ethics or this Charter.

Sec. 8-03. Bonding of officers.

Parish government officers and employees designated by the council shall give bond in the amount and with the surety prescribed by the council. The premiums on such bonds shall be paid by the parish government.

Sec. 8-04. Oaths of office.

All elected officials of the parish government shall take the following oath of office to be administered by any qualified person:

"I, ..., do solemnly swear (or affirm) that I will support the constitution and laws of the United States and the constitution, laws of this state and the charter of this parish and that I will faithfully and impartially discharge and perform all the duties incumbent upon me as ..., according to the best of my ability and understanding, so help me God."

Sec. 8-05. Advisory boards and commissions.

A. The council, by resolution, and the president may appoint advisory boards and commissions to provide advice regarding the operations of the parish government. No such board or commission shall have administrative or legislative authority.

B. A member of an advisory board or commission shall receive no compensation for service and shall serve at the pleasure of the appointing authority.

C. Members of all existing advisory boards and commissions shall complete their terms of office, except as may be provided by this Charter or by action of the council.

D. All meetings of advisory boards and commissions shall be open to the public in accordance with state law.

E. This section shall not apply to a board or commission created by ordinance or in accordance with general state law.

Sec. 8-06. Administrative boards and commissions.

A. This section pertains to boards and commissions created by ordinance or in accordance with general state law.

B. The council and the president may appoint members to boards and commissions as provided in ordinances and general state laws creating such boards and commissions, provided that no board or commission shall be composed of an even number of members and the number of board or commission members shall not be the same as the number of councilmembers.

C. No such board or commission shall have legislative authority.

D. Members of all existing administrative boards and commissions shall complete their terms of office, except as may be provided by this Charter or by action of the council.

E. All meetings of administrative boards and commissions shall be open to the public in accordance with state law.

F. The council may, by ordinance, create, consolidate, merge, abolish or reorganize any administrative boards or commissions in existence at the date this Charter becomes effective or as may be created in the future.

Sec. 8-07. Reconstitution of government.

In the event of war or public disaster that incapacitates the president and/or a majority of the council, the remaining members of the council may act on an emergency basis and shall appoint such other officials as are necessary to reconstitute the parish government. It shall be the intent of this section that these emergency powers shall subsist only so long as an emergency exists and the regularly constituted elections shall be held as soon as it is judicially determined that conditions permit their being held.

Sec. 8-08. Control over local public agencies and special districts.

A. The parish council shall have general power over any local public agency heretofore created by the governing authority of St. Tammany Parish or hereafter created by the council including, without limitation, the power to abolish the agency and require prior approval of any charge, tax levy or bond issued by the agency.

B. The parish government may consolidate and merge into itself any special district or local public agency, except a school district, situated and having jurisdiction entirely within the boundaries of the parish. Upon the consolidation and merger, the parish government shall succeed to and be vested with all of the rights, revenues, resources, jurisdiction, authority and powers of the special district or local public agency. A consolidation and merger shall become effective only if approved by a majority of the electors voting thereon in the parish as a whole and by a majority of the electors voting thereon in the affected special district. A local public agency shall be consolidated and merged only if approved by a majority of the electors voting in the parish as a whole.

C. If the special district or local public agency which is consolidated and merged has outstanding indebtedness, the authority provided by this section shall not be exercised unless provision is made for the retirement or assumption of the indebtedness.

Sec. 8-09. Recall.

A. Any elected official of the parish government may be removed from office by the electors of the parish through a recall process. The recall procedure shall be the same as is provided in the general laws of the state.

B. If, in a recall election, the majority of those voting vote for recall, the official named in the recall petition shall be removed ipso facto from office, and the vacancy thereby created shall be filled as in the case of ordinary vacancies in accordance with this Charter. The person recalled shall not be eligible for appointment to fill the vacant position.

Sec. 8-10. Removal by suit.

Any elected official of the parish government may be removed from office by court suit as provided for in the constitution and general laws of the state.

ARTICLE IX. TRANSITIONAL PROVISIONS**Sec. 9-01. Continuation of actions.**

A. All writs, actions, suits, proceedings, civil or criminal liabilities, prosecutions, judgments, sentences, contracts, franchises, debt or other obligations due by St. Tammany Parish, rights or causes of action, claims, demands, titles and rights existing on the effective date of this Charter shall continue unaffected. All sentences for punishment for ordinance violations or for crime shall be executed according to their terms.

B. All actions, ordinances, and administrative rules and regulations of St. Tammany Parish in force prior to the effective date of this Charter shall, insofar as they are not inconsistent with this Charter, remain in full force and effect until amended or repealed by the council or until they expire by their own limitation.

Sec. 9-02. Special districts.

Any special district heretofore established and existing in St. Tammany Parish shall continue to exist to effectuate the purpose for which it was created, to complete any works begun or authorized therein, to pay the debts of the district and to levy taxes and other charges as may have been or may be legally authorized in the district.

Sec. 9-03. Fees, charges and tax levies.

A. Constitutional limitations on the maximum property tax millages that can be levied without voter approval shall continue to be applicable to St. Tammany Parish.

B. Special or local assessments on property for improvements are to be maintained and may be imposed on property owners in accordance with state.

C. All fees, charges and taxes levied by St. Tammany Parish shall continue to be levied by the parish government until changed by the council by ordinance or by a vote of the people when a vote is required for tax purposes.

D. Receipts from fees, charges, rentals and royalties, taxes, federal and state grants, and shared revenues and taxes applicable to special districts, which are less than parish wide geographically, shall be used only for services to be rendered in those geographic areas.

E. The levy of property tax millages above the constitutional maximum previously approved by the voters of St. Tammany Parish or a special district shall continue to be levied by the parish government and used for the approved purposes. Such levies may be renewed upon the favorable vote of the electors within the geographical area involved.

Sec. 9-04. Special legislative acts.

All special legislative acts pertaining to St. Tammany Parish insofar as they are in conflict with the provisions of this Charter, shall henceforth be inoperative and of no effect.

Sec. 9-05. Retirement systems.

No pension and retirement plans for employees of St. Tammany Parish in existence at the time this Charter is approved shall be affected in any way by this Charter. The plans shall remain in full force and effect and shall be carried out and regulated in accordance with applicable laws and procedures.

Sec. 9-06. Declaration of intent.

This Charter shall be liberally construed in aid of its declared intent which is to establish for the people of St. Tammany Parish effective home rule free from legislative interference as to the structure and organization of its local government, and with the power and authority to manage its local affairs, all as contemplated and intended by the provisions of article VI, sections 5 and 6 of the constitution.

Sec. 9-07. Severability.

If any provision of this Charter is declared invalid for any reason, that provision shall not affect the validity of this Charter or any other provisions thereof.

Sec. 9-08. Violation of Voting Rights Act.

In the event the Civil Rights Division of the United States Department of Justice or any court of competent jurisdiction declares any part of this Charter to be in violation of the Voting Rights Act prior to the date the Charter becomes effective, the St. Tammany Parish Charter Commission shall reconvene for a period not to exceed 90 days for the purpose of drafting and proposing amendments to the Charter to resolve the cited violations of the Voting Rights Act and submitting the amendments to the electors of St. Tammany Parish.

Sec. 9-09. Schedule of transition.

The provisions of this Charter pertaining to the election of parish government officials created hereunder shall become effective on the date this Charter is adopted. The remaining provisions of this Charter shall become effective on the date of taking of office of the newly elected officials provided for by this Charter, such date being established in the section on "Election of Officials."

Sec. 9-10. Election of officials.

A. The first election for officials under this Charter shall be held at the same time as the primary and general elections for the governor of Louisiana in 1999. Subsequent elections shall be held on corresponding dates every fourth year thereafter.

B. Officials elected under provisions of this Charter in the election of 1999 shall take office on the second Monday in January next following their election. Thereafter, officials elected under provisions of this Charter shall take office at noon on the second Monday in January next following their election.

C. All elected officials of the St. Tammany Parish government elected under provisions of the parish council system shall continue to hold their offices and discharge the duties thereof until the officials elected under provisions of the Charter take office. Thereafter, their offices shall cease to exist.

D. Districts for councilmembers shall be the same as those existing for parish councilmembers at the time the Charter is adopted or as may be changed by action of the Civil Rights Division of the United States Department of Justice, any court of competent jurisdiction, reapportionment or as the number of councilmembers may be changed by the electorate.

Sec. 9-11. Required approval by electors.

The Charter shall become effective only if approved by a majority of those voting on the Charter.

Sec. 9-12. Charter ballot.

The ballot form for the referendum on this proposed Charter shall be:

"Shall the Home Rule Charter and plan of government for St. Tammany Parish prepared and submitted by the duly yes constituted Charter Commission according to article VI, no section 5 of the Constitution of Louisiana and other applicable law, be adopted?"

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PART I
CODE OF ORDINANCES

Chapter 1

GENERAL PROVISIONS

- Sec. 1-1. How Code is designated and cited.
- Sec. 1-2. Rules of construction and definitions.
- Sec. 1-3. Redesignation of certain terms to conform to parish council as used in the Home Rule Charter from police jury.
- Sec. 1-4. Headings to sections, source notes, indexes and table of contents not part of law.
- Sec. 1-5. Effect of repeal of ordinances.
- Sec. 1-6. Severability of parts of Code.
- Sec. 1-7. Amendments to Code; effect of new ordinances; amendatory language.
- Sec. 1-8. Altering Code.
- Sec. 1-9. General penalty for violation of Code; separate offenses.
- Sec. 1-10. Officers, employees not liable to fine for failure to perform duties.
- Sec. 1-11. Jurisdiction.
- Sec. 1-12. Prior offenses, penalties and rights not affected by adoption of Code.
- Sec. 1-13. Supplementation of Code.
- Sec. 1-14. Ordinances not affected by adoption of Code.

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Sec. 1-1. How Code is designated and cited.

The ordinances embraced in the following chapters and sections shall constitute and be designated and cited as the "Code of Ordinances of St. Tammany Parish, Louisiana." This Code may also be cited as the "St. Tammany Parish Code."

(Code 1998, § 1-001.00)

Sec. 1-2. Rules of construction and definitions.

In the construction of this Code, and of all ordinances, the rules and definitions set out in this section shall be observed, unless such construction would be inconsistent with the manifest intent of the parish council. The rules of construction and definitions set out herein shall not be applied to any section of this Code which shall contain any express provisions excluding such construction, or where the subject matter or context of such section may be repugnant thereto.

C. C. The abbreviation "C.C." refers to the Louisiana Civil Code, as amended.

C. C. P. The abbreviation "C.C.P." refers to the Louisiana Code of Civil Procedure, as amended.

C. Cr. P. The abbreviation "C.Cr.P." refers to the Louisiana Code of Criminal Procedure, as amended.

Ch. C. The abbreviation "Ch.C." refers to the Louisiana Children's Code, as amended.

Charter. The term "the Charter," or "parish Charter" or "Charter" means the St. Tammany Parish Home Rule Charter, as amended.

Code. The term "Code" or "this Code" means the Code of Ordinances, Parish of St. Tammany, Louisiana, as designated in section 1-1.

Council, parish council or local governing authority. The terms "council," "councilmembers," "parish council" or "local governing authority" mean the St. Tammany Parish Council.

Computation of time. Whenever a notice is required to be given or an act to be done a certain length of time before any proceeding shall be had, the day on which such notice is given or such act is done shall not be counted in computing the time, but the day on which such proceeding is to be had shall be counted, unless it is a legal holiday, in which event the period runs until the end of the next day which is not a legal holiday. A half-holiday is considered as a legal holiday. A legal holiday is to be included in the computation of a period of time allowed or prescribed, except when:

- (1) It is expressly excluded;
- (2) It would otherwise be the last day of the period; or
- (3) The period is less than seven days.

State law reference—Similar provisions, La. C.C.P. art. 5059.

Delegation of authority. Whenever a provision of this Code requires the head of a department of the parish to do some act or perform some duty, it shall be construed to authorize the head of the department to designate, delegate and authorize subordinates to do the required act or perform the required duty unless the terms of the provision designate otherwise.

Gender. A term importing one gender only shall extend and be applied to other genders and to firms, partnerships and corporations as well.

Generally. All general provisions, terms, phrases and expressions contained in this Code shall be liberally construed in order that the true intent and meaning of the parish council may be fully carried out. In the interpretation and application of any provisions of this Code, they shall be held to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience and general welfare. Where any provision of the Code imposes greater restrictions upon the subject matter than another more general provision imposed by the Code or other law, the provision imposing the greater restriction or regulation shall be deemed to be controlling.

Joint authority. All terms giving a joint authority to three or more persons or officers shall be construed as giving such authority to a majority of such persons or officers.

May. The term "may" shall be construed as being permissive.

Month. The term "month" means a calendar month.

Must. The term "must" shall be construed as being mandatory. However see also "shall" as defined below.

Nontechnical and technical words. Terms and phrases shall be construed according to the common and approved usage of the language; but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.

Number. A term importing the singular number only may extend and be applied to several persons and things as well as to one person and thing.

Oath. The term "oath" shall be construed to include an affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the terms "swear" and "sworn" shall be equivalent to the terms "affirm" and "affirmed".

Officers, boards, commissions. Whenever reference is made to officers, boards or commissions by title only, such as "parish council" or "planning commission," such references shall be read as though followed by the words "of St. Tammany Parish, Louisiana."

Or, and. The term "or" may be read "and," and the term "and" may be read "or," if the sense requires it.

Parish. The term "the parish" or "this parish" means the Parish of St. Tammany, Louisiana.

Person. The term "person" shall extend and be applied to a number of persons and to associations, clubs, societies, firms, partnerships and bodies politic and corporate, as well as to individuals.

Property. The term "property" includes real and personal property.

R.S. The abbreviation "R.S." means the latest edition or supplement of the Louisiana Revised Statutes.

Shall. The word "shall" in its usual signification denotes a mandatory duty. However, words and phrases will be read with their context and will be construed according to the common and approved usage of the language. Technical words and phrases, and such others as may have acquired a peculiar and appropriate meaning in the law, will be construed and understood according to such peculiar and appropriate meaning. Except in those cases where the particular phrase or provision declares that the duty is mandatory, the determination of whether a requirement should be given mandatory or directory effect is to be based on a comparison of the results to which each such construction would lead. A mandatory provision generally prescribes, in addition to requiring the doing of the thing specified, the result that will follow if they are not done; whereas, if directory, their terms are limited to what is required to be done.

Signature or subscription. The term "signature" or "subscription" includes a mark when the person cannot write.

State. The term "the state" or "this state" shall be construed to mean the State of Louisiana.

Street. The term "street" shall be construed to embrace streets, avenues, boulevards, roads, alleys, lanes, viaducts and all other public highways in the parish.

Tense. Terms used in the past or present tense include the future as well as the past and present.

Week. The term "week" shall be construed to mean seven days.

Year. The term "year" means a calendar year.
(Code 1998, § 1-002.00)

State law reference—Similar provisions, R.S. 1:3 et seq., 47:2.

Sec. 1-3. Redesignation of certain terms to conform to parish council as used in the Home Rule Charter from police jury.

(a) Wherever and whenever in this Code the words and/or title "police jury" appears or is used, directly or indirectly, substituted therefor shall be the words and reference to the "parish council."

(b) And generally, wherever and whenever any other words, phrases, titles, offices, agencies, commissions, committees or departments are used or referred to under the former police jury form of government, substituted therefor shall be the counterpart thereof, or the office, agency,

commission, committee or department designated with the function thereof by the parish council, parish president, or parish administration consistent with the provisions of authority in the Home Rule Charter, and any reorganization of parish government made under the Charter.

(Code 1998, § 1-002.01; Ord. No. 84-60, 3-15-1984; Ord. No. 88-902, 1-21-1988)

Sec. 1-4. Headings to sections, source notes, indexes and table of contents not part of law.

The catchlines of the several sections of this Code, printed in boldface type, are intended as mere catchwords to indicate the contents of the sections and shall not be deemed or taken to be titles of such sections, or as any part of the sections, nor, unless expressly so provided, shall they be so deemed when any of such sections, including the catchlines, are amended or reenacted. The history notes appearing in parentheses after each section, the table of contents appearing at the beginning of the Code and each chapter, and the references and editor's notes scattered throughout the Code indicate the source of matter contained in the sections, are not intended to have any legal effect, but are merely intended for the convenience of the user of the Code.

(Code 1998, § 1-003.00)

Sec. 1-5. Effect of repeal of ordinances.

(a) The repeal of an ordinance shall not revive any ordinances 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, or any suit, prosecution or proceeding pending at the time of the repeal, for an offense committed under the ordinance repealed.

(Code 1998, § 1-004.00)

Sec. 1-6. Severability of parts of Code.

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, unenforceable or invalid by the valid judgment of any court of competent jurisdiction, such unconstitutionality, unenforceability or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Code, since the same would have been enacted by the parish council without the incorporation in this Code of any unconstitutional, unenforceable or invalid phrase, clause, sentence, paragraph or section.

Sec. 1-7. Amendments to Code; effect of new ordinances; amendatory language.

(a) All ordinances passed subsequent to this Code which amend, repeal or in any way affect this Code, 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, such repealed portions may be excluded from this Code by omission from

reprinted pages. The subsequent ordinances as numbered and printed, or omitted in the case of repeal, shall be prima facie evidence of such subsequent ordinances until such time as this Code and subsequent ordinances numbered or omitted are readopted as a new Code of Ordinances.

(b) Amendments to any of the provisions of this Code may be made by amending such provisions by specific reference to the section number of this Code in substantially the following language: "That section ____ of the Code of Ordinances of St. Tammany Parish is hereby amended to read as follows:...." The new provisions shall then be set out in full as desired.

(c) In the event a new section not heretofore existing in this Code is to be added, the following language may be used: "Code of Ordinances of St. Tammany Parish, Louisiana, is hereby amended by adding a section to be numbered ____, which said section reads as follows:...." The new section shall then be set out in full as desired.

(Code 1998, § 1-006.00)

Sec. 1-8. Altering Code.

It shall be unlawful for any person in the parish 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 such Code in any manner whatsoever which will cause the law of the parish to be misrepresented thereby. Any person violating this section shall be punished as provided in section 1-9.

(Code 1998, § 1-007.00)

Sec. 1-9. General penalty for violation of Code; separate offenses.

Whenever in this Code, or in any ordinance of the parish, any act or omission is prohibited or is made or declared to be unlawful or a misdemeanor, or whenever in said Code or ordinance the doing of any act or the failure to do any act is declared to be unlawful or a misdemeanor or is prohibited, and no specific penalty is provided therefor, and state law does not provide otherwise, or for a greater penalty, the violation of any such provision of this Code or any ordinance shall be a misdemeanor punishable by a term of imprisonment of up to 30 days in the parish jail or a fine of not less than \$300.00 nor more than \$500.00 or both. Unless specifically provided otherwise, or the context thereof so dictates, each day any violation of any provision of this Code or any ordinance shall continue shall constitute a separate offense.

(Code 1998, § 1-008.00; Ord. No. 80-100, 12-18-1980)

State law reference—Penalty for ordinance violations generally, R.S. 33:1236(25), 33:1243.

Sec. 1-10. Officers, employees not liable to fine for failure to perform duties.

No provision of this Code designating the duties of any parish officer or employee shall be construed so as to make such officer or employee liable for any fine or penalty provided in this

Code for a failure to perform such duty, unless the intention of the parish council to impose such a fine or penalty on such officer or employee is specifically and clearly expressed in the section creating the duty.

(Code 1998, § 1-009.00)

Sec. 1-11. Jurisdiction.

Except as otherwise provided, the provisions of this Code shall apply only in the unincorporated areas of the parish.

(Code 1998, § 1-010.00)

Sec. 1-12. Prior offenses, penalties and rights not affected by adoption of Code.

(a) Nothing in this Code or the ordinance adopting this Code shall affect any offense or act committed or done or any penalty of forfeiture incurred or any contract or right established or accruing before the effective date of this Code.

(b) Nothing contained in this chapter shall be construed as abating any action pending under or by virtue of any general ordinance of the parish repealed in this chapter, and all general ordinances contained in this Code shall be deemed to be continuing and not a new enactment of the same ordinance. This chapter shall not be deemed as discontinuing, abating, modifying or altering any penalty accrued or to accrue or as affecting the liability of any person or as waiving any right of the parish under any ordinance or section thereof in force at the time of the adoption of this Code.

Sec. 1-13. Supplementation of Code.

(a) By contract or by parish personnel, supplements to this Code shall be prepared and printed whenever authorized or directed by the parish council. A supplement to the Code shall include all substantive permanent and general parts of ordinances passed by the parish council or adopted by initiative and referendum during the period covered by the supplement and all changes made thereby in the Code. The pages of a supplement shall be so numbered that they will fit properly into the Code and will, where necessary, replace pages which have become obsolete or partially obsolete, and the new pages shall be so prepared that, when they have been inserted, the Code will be current through the date of the adoption of the latest ordinance included in the supplement.

(b) In preparing a supplement to this Code, all portions of the Code which have been repealed shall be excluded from the Code by omission thereof from reprinted pages.

(c) When preparing a supplement to this Code, the codifier (meaning the person, agency or organization authorized to prepare the supplement) may make formal, nonsubstantive changes in ordinances and parts of ordinances included in the supplement, insofar as it is necessary to do so to embody them into a unified Code. For example, the codifier may:

- (1) Organize the ordinance material into appropriate subdivisions;

- (2) Provide appropriate catchlines, headings and titles for articles, sections and other subdivisions of the Code printed in the supplement and make changes in such catchlines, headings and titles;
- (3) Assign appropriate numbers to articles, sections and other subdivisions to be inserted in the Code and, where necessary to accommodate new material, change existing article or section or other subdivision numbers;
- (4) Change the words "this ordinance" or words of the same meaning to "this chapter," "this article," "this section," "this subsection," etc., as the case may be; and
- (5) Make other nonsubstantive changes necessary to preserve the original meaning of ordinance articles or sections inserted into the Code; but, in no case, shall the codifier make any change in the meaning or effect of ordinance material included in the supplement or already embodied in the Code.

Sec. 1-14. Ordinances not affected by adoption of Code.

Nothing in this Code or the ordinance adopting this Code shall affect any ordinance or resolution:

- (1) Accepting, abandoning, naming, establishing, locating, relocating, paving or improving any road, public way or servitude in the parish;
- (2) Adopting or amending any budget or making any appropriations;
- (3) Levying annual taxes or imposing parish fees or service charges;
- (4) Relating to any special assessment or local improvement;
- (5) Authorizing or granting any contract;
- (6) Authorizing the execution of any document;
- (7) Promising or guaranteeing the payment of money by or to the parish, or authorizing the issuance of any bonds or other evidence of indebtedness;
- (8) Pertaining to any specific election, or the calling of regular or special elections, or promulgating the results of such elections;
- (9) Providing for the compensation of parish officers or employees;
- (10) Granting any franchise which has not expired;
- (11) Relating to zoning not codified in this Code;
- (12) Employing or regulating any employee or other personnel, or providing benefits;
- (13) Granting a franchise or approving a transfer of same;
- (14) Dedicating or accepting any plat or subdivision, or vacating such plat or subdivision;

- (15) Providing administrative actions, such as the fixing of salaries, the establishment of agencies, etc., not inconsistent with the provisions of this Code;
- (16) Prescribing traffic regulations at specific locations, such as through or stop streets, loading zones, speed limits, etc., not inconsistent with this Code;
- (17) Adopted for purposes which have been consummated;
- (18) Which is temporary, although general in effect;
- (19) Which is special, although permanent in effect.

And all such ordinances are hereby recognized as continuing in full force and effect to the same extent as if set out at length in this Code.

PRE-PRESS COPY

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ARTICLE I. IN GENERAL**Sec. 2-1. Saturday to be a holiday.**

All Saturdays shall be legal holidays and all Wednesdays shall be full working days, except when a legal holiday falls on Wednesday.

(Code 1998, § 2-001.00; Ord. No. 251, Bk. 4, P. 292)

State law reference—Similar provision, R.S. 1:55.

Sec. 2-2. Working of prisoners.

(a) Any prisoner serving a sentence in the parish jail who is willing to perform manual labor upon any of the public roads, streets, public buildings, public grounds, public works or public improvements, shall be placed in charge of the sheriff in order to perform whatever form of labor upon any of the above named projects as may be determined by the parish government.

(b) Any prisoner or prisoners that are worked outside of the prison as herein set forth shall be under the control and in charge of the sheriff, who shall be responsible for discipline and working conditions.

(c) Any prisoners who perform labor as herein set forth, shall be given credit on their respective sentences as provided by the judge who sentenced them to jail.

(Code 1998, § 2-002.00; Ord. No. 152, Bk. 2, P. 553)

Sec. 2-3. Reimbursement of expenses by inmates/prisoners.

(a) Reimbursement of medical, psychiatric and dental expenses, and for the expenses of prescription and nonprescription drugs:

- (1) In compliance with and under the authority of R.S. 15:705 and other applicable laws, an inmate's commissary or drawing account shall be debited for said inmates' medical, psychiatric or dental expenses, and prescription and over the counter medication expenses at the time the expenses are incurred or as soon thereafter as the inmate's commissary or drawing account has sufficient assets for reimbursement for medical, psychiatric and dental expenses, and prescription and over the counter medication expenses, and the parish government shall be reimbursed for its expenditures from such funds.
- (2) Except as provided for in subsection (3) of this section, reimbursements for medical, psychiatric and dental expenses, and prescription and over the counter medication expenses shall be made prior to any other withdrawal from an inmate's commissary or drawing account.
- (3) This section shall not prohibit the withdrawal of funds for the purpose of payments under the Crime Withdrawal Reparations Act, court costs as authorized by law, and other withdrawals specifically authorized by the sheriff, in that order.

- (4) Written rules and regulations shall provide for the collection of medical, psychiatric and dental expenses, and prescription and over the counter medication expenses and for freezing assets in an inmates' commissary or drawing account, as well as other matters consistent herewith. The commissary or drawing account may be frozen regardless of the source of the assets contained therein.
- (5) The medical, psychiatric and dental service and prescription and over the counter medication reimbursements shall be conditioned upon the following:
 - a. Inmates shall be informed of the reimbursements at the time a request for medical, psychiatric or dental services or prescription and over the counter medication is made; and
 - b. No inmate shall be refused medical, psychiatric or dental treatment or prescription or over the counter medication for lack of funds.
- (6) The amount of reimbursement from an inmate for his visits to doctors, hospitals, psychiatrists and dentists, and for receipt of prescription or nonprescription drugs, shall be the actual cost for the particular expense incurred. In addition, the following copayments shall be made by the inmates upon receiving medical or dental treatment:
 - a. If the inmate has private medical/hospital insurance coverage, the copayment shall be \$25.00 or the amount provided for by the insurer, whichever is greater.
 - b. If the inmate does not have private medical/hospital insurance coverage, the copayment shall be \$25.00 per visit.
- (7) Any inmate who is discharged or transferred to another facility shall remain liable for any reimbursement authorized by this section.
- (8) If at any time an inmate's commissary or drawing account does not have sufficient funds to reimburse the costs of medical, psychiatric or dental service expenses or prescription or over the counter medication expenses, the account shall carry a negative balance until such time as funds are deposited into that account. The account shall be frozen regardless of the source of the assets therein, and the inmate shall withdraw no amounts therefrom until all costs are paid. When funds become available, the medical, psychiatric and dental service and prescription and over the counter medication reimbursement shall be immediately deducted from the account.
- (9) If an inmate is discharged with a negative balance in the commissary or drawing account due to unpaid medical or dental expenses or prescription or over the counter medication expenses and that inmate is subsequently returned to any parish correctional facility, the unpaid balance shall immediately be collected from the new commissary or drawing account established upon entry to the correctional facility in accordance with the provisions outlined herein.

(10) Any inmate who is covered by a private medical, psychiatric, dental or health care insurer or any public medical, psychiatric or dental assistance program, shall file a claim for payment or reimbursement of any medical, psychiatric or dental services or prescription or over the counter medication provided while inmate is in any parish correctional facility.

(11) For purposes of the above provisions, the following are defined:

Commissary or drawing account means any account under the control of the correctional facility from which an inmate may withdraw funds.

Inmate means any person confined to a parish correctional facility, but shall not include inmates sentenced to the department of public safety and corrections who are in the custody of the sheriff.

Sheriff means the sheriff of the parish.

(b) In accordance with R.S. 15:705(A)(1)(B), any inmate incarcerated in the parish jail shall be responsible for reimbursement for the costs of room and board during his incarceration provided such reimbursement is approved by the judge who sentenced the inmate and provided the amount of such reimbursement is a uniform and reasonable amount established by the department of public safety and corrections by rule. The applicable collection of reimbursement provisions set forth in subsection (a) of this section, and for freezing assets in an inmates' commissary or drawing account, shall be applicable to the collection of reimbursement for the costs of room and board.

(c) The sheriff is authorized to obtain restitution from any inmate incarcerated in the parish jail, including any inmate sentenced to the department of public safety and corrections who is in the custody of the sheriff, who damages or destroys property.

- (1) The amount of restitution shall be the actual costs or any portion thereof of repairing or replacing the property.
- (2) The sheriff is authorized to freeze the assets in the inmate's drawing account and prohibit withdrawals therefrom until the expenses are paid. The drawing account may be frozen regardless of the source of the assets contained therein. This subsection shall not prohibit the withdrawal of funds for the purpose of payments under the Crime Victims Reparations Act, court costs as authorized by law, other payments required by the sentencing judge, and other withdrawals specifically authorized by the sheriff, in that order.
- (3) Any offender who is transferred to another facility or discharged shall remain liable for the restitution authorized under this subsection.

- (4) For purposes of this subsection, the assets of an inmate's drawing account shall not be reduced below \$5.00.

(Code 1998, § 2-002.01; Ord. No. 96-2535, 11-21-1996; Ord. No. 10-2315, 8-5-2010)

State law reference—Similar provision, R.S. 15:705.

Sec. 2-4. Parish prison; trespassing.

(a) No person shall remain on the grounds of the parish prison, and shall be deemed as trespassing, after being instructed to leave said property by any law enforcement officer or any other official prison personnel.

(b) This section shall not apply to any law enforcement officer nor to any individual who is transacting lawful prison, or judicial system, business.

(c) Any person found to be in violation of this section shall be subject to a fine of not more than \$100.00 and/or imprisonment for a period of not more than ten days.

(Code 1998, § 2-002.02; Ord. No. 02-0573, 11-7-2002)

Sec. 2-5. Voluntary work release program.

The purpose and intent of this section shall be to authorize the sheriff of the parish to establish a voluntary work release program for parish inmates sentenced to parish time sentences.

- (1) The sheriff shall establish written rules and regulations for the implementation and administration of the work release program consistent with the provisions of R.S. 15:711 and shall determine those inmates who may participate in the release program. The sheriff shall submit the program to the judges of the 22nd Judicial District Court for approval.
- (2) Any inmate sentenced to participate in a court-approved workday release program shall pay a fee to defray the cost of participation in the program. Any fee shall be established within the program and approved by the court.
- (3) Every inmate with work release privileges shall be liable for personal and living expenses, including the cost of his room, board, clothing and other necessary expenses incident to his employment or placement while not confined in jail.
- (4) The wages of any inmate so employed shall be collected by the sheriff, or by his designated agent, and the sheriff shall keep a ledger showing the financial status of each inmate on the program.
- (5) The wages of any such inmate shall be disbursed by the sheriff pursuant to the court-approved program for the purposes established in the program, including restitution to victims of crimes committed by the inmates.

- (6) The wages of an inmate so employed shall not be less than the customary wages for an employee performing similar services.
 - (7) Notwithstanding the provisions of this chapter, or state law to the contrary, any inmate who has been convicted and sentenced as an inmate assigned to the state department of corrections, shall be prohibited from participation in this parish's work release program.
 - (8) No inmate employed in the work release program shall be employed in a position which would necessitate his departure from the parish.
 - (9) The work, labor or job to be performed by an inmate shall not be determined by the governing authority of the parish.
- (Code 1998, § 2-003.00; Ord. No. 03-0704, 7-10-2003)

Sec. 2-6. GO-STAT (St. Tammany Area Transit) created.

(a) GO-STAT (St. Tammany Area Transit) is hereby established as the parish's new transit authority.

(b) The currently appointed members of the parish transit authority are vacated and the parish chief administrative officer is hereby appointed as the oversight administrator of GO-STAT.

(Code 1998, § 2-004.00; Ord. No. 1126, 3-13-1980; Ord. No. 09-2035, 4-2-2009)

Sec. 2-7. Parish journal.

The selection of the official parish journal of the parish shall be made at the regular meeting of the parish council for a term to coincide with the fiscal year of the parish.

(Code 1998, § 2-005.00; Ord. No. 80-07, 7-10-1980)

Sec. 2-8. Fee for delinquent special assessment payments.

(a) *Amount of fee.* The parish administration is authorized to charge special assessment property owners a delinquent fee. This fee shall be at a rate of one percent per month, not to exceed five percent per annum, on the sum total of principal and interest due for the billing period. The penalty fee shall be calculated starting 30 days after the due date on the invoice.

(b) *Due date of special assessment payment.* Unless otherwise stated in the special assessment ordinance, the parish administration will establish the due date as 30 calendar days prior to the payment date of the bond issue. The invoices shall be sent to the property owners 45 calendar days prior to the invoice due date.

(c) *Notification of parish council of properties delinquent more than two years.* The parish administration shall notify the parish council of special assessment properties that are delinquent more than two years. The parish council will then determine the action to be taken. (Code 1998, § 2-006.00; Ord. No. 81-197, 5-21-1981)

Sec. 2-9. Audits and minutes of meetings to be furnished to parish council.

(a) All departments, offices, agencies, boards and commissions under the jurisdiction of the parish council shall comply fully with the requirements of applicable federal, state or local law relative to the conduct of independent post-audits of their accounts and other evidences of financial transactions. Audits may be by the state, if applicable, or by private auditors who shall be without personal interest in the affairs subject to audit, shall not participate in budget preparation and adoption, and shall be by a certified public accountant or a firm of such accountants.

(b) One copy of all final audits conducted pursuant to requirements of this section and copies of any other audits that may be conducted by parish departments, offices, agencies, boards and commissions whether or not required by law, shall be submitted to the parish council at its first regularly scheduled meeting held after the release of said audit by the person or firm performing the audit and such audits shall thereafter be of public record.

(c) One copy of the minutes of each meeting of any parish agency, board or commission must be transmitted to the parish council within ten working days of the acceptance or adoption thereof by such body; said agency, board or commission shall designate one of its members with the responsibility for compliance.

(d) Responsibility for compliance with this section insofar as the audit provision is concerned shall rest with the chief financial officer of the particular department, office, agency, board or commission receiving the audit or having the audit performed.

(e) Wilful failure to timely comply with the requirements of this section shall constitute grounds for the recall of any or all appointees of the agency, board or commission by the parish council.

(f) All departments, offices, agencies, boards and commissions under the jurisdiction of the parish governing authority as defined under the Governmental Accounting Standards Board (GASB) Statement No. 34 shall be required to submit to the director of the department of finance two copies of their fiscal year end financial statements in the format so designated by the director of the department of finance. The statements must be submitted within 30 calendar days of the close of the organization's fiscal year. Failure to comply with these requirements shall subject the governing board to the provisions of subsection (e) of this section. (Code 1998, § 2-008.00; Ord. No. 82-341, 4-15-1982; Ord. No. 83-717, 11-17-1983)

Secs. 2-10—2-36. Reserved.

ARTICLE II. WARDS, PRECINCTS AND DISTRICTS**Sec. 2-37. Wards.**

The wards of the parish shall be as follows:

- (1) *Ward 1.* Beginning at the intersection of the centerline of the Tchefuncte River and the line between Ranges 9 and 10 east in section 30, Township 5 south; thence southeast on the centerline of the mainstream of the Tchefuncte River to the mouth of said river at the shore of Lake Pontchartrain to the line between Ranges 9 and 10 east in section 7, Township 8 south; thence north on said range line to the point of beginning.
- (2) *Ward 2.* Begin at the intersection of the centerline of the mainstream of the Tchefuncte River and the line dividing Townships 5 and 6 south; proceed in a northerly direction along the centerline of the mainstream of said river to the line dividing Washington and St. Tammany Parishes; thence east along said parish line to the Isabel Highway; thence follow the centerline of said Isabel Highway southerly to its intersection with the Old Military Road (now numbered LA Highway 1082); thence continue in a southerly direction along the centerline of Old Military Road to the township line dividing Townships 5 and 6 south; thence follow said township line west to the point of beginning.
- (3) *Ward 3.* Commencing at the junction of the Tchefuncte River and the Ponchitolawa Creek proceed northwest along the centerline of the mainstream of the Tchefuncte River to the line dividing Townships 5 and 6 south; thence follow said township line east to the quarter section line of section 1, Township 6 south, Range 11 east; thence follow said quarter section line south through sections 1, 12, 13, 24, 25 and 36 of Township 6 south, Range 11 east and section 1 of Township 7 south, Range 11 east to the south line of said section 1; thence east along said south section line to the range line dividing Ranges 11 and 12 east; thence south along said range line to its intersection with Ponchitolawa Creek; thence westerly along the centerline of the mainstream of said creek to its confluence with the Tchefuncte River; the point of beginning.
- (4) *Ward 4.* Commencing at the mouth of the Tchefuncte River, proceed northeast along the centerline of the mainstream of said river to its confluence with Ponchitolawa Creek; thence continue northeast along the centerline of the main stream of said creek to the line dividing Ranges 11 and 12 east; thence north on said range line to the northwest corner of section 7, Township 7 south, Range 12 east; thence east along the north line of sections 7, 8, 9 and 10, Township 7 south, Range 12 east to the northwest corner of section 10, Township 7 south, Range 12 east; thence south along the east line of sections 10, 15, 22, 27 and 34 of Township 7 south, Range 12 east, and sections 3, 10, 15, 22, 27 and 34 of Township 8 south, Range 12 east and sections 3, 10 and 15 of

Township 9 south, Range 12 east to the north shore of Lake Pontchartrain, thence northwest along the natural shoreline of Lake Pontchartrain to the mouth of the Tchefuncte River, the point of beginning.

- (5) *Ward 5.* Begin at the Isabel Highway and the line bounding St. Tammany Parish on the north, follow the centerline of said Isabel Highway southerly to its intersection with Old Military Road (now numbered LA Highway 1082); thence continue southerly along the centerline of Old Military Road to the line dividing Townships 5 and 6 south; thence follow said township line east to the Pearl River; thence follow the centerline of the mainstream of the Pearl River northerly to the line bounding St. Tammany Parish on the north; thence follow said parish boundary line west to Isabel Highway, the point of beginning.
- (6) *Ward 6.* Begin at the southwest corner of section 35, Township 7 south, Range 12 east and proceed north on the west section line of sections 35, 26, 14, 11 and 2 of Township 7 south, Range 12 east and sections 35, 26, 23, 14, 11 and 2, Township 6 south, Range 12 east, to the township line dividing Townships 6 and 5 south; thence follow said township line east to the centerline of the main stream of the Pearl River; thence meander southerly along the centerline of the mainstream of the Pearl River to the south line of section 27, Township 7 south, Range 15 east; thence west on the south lines of sections 27, 28, 29 and 30 of Township 7 south, Range 15 east to the range line divided by Ranges 15 and 14 east; continue south on said range line to the township line between Townships 7 and 8 south; thence west along said township line to the southwest corner of section 35, Township 7 south, Range 12 east; the point of beginning.
- (7) *Ward 7.* Begin at the north shoreline of Lake Pontchartrain and the line common to sections 14 and 15; Township 9 south, Range 12 east; thence north on the section lines of the western lines of sections 14, 11, and 2 of Township 9 south, Range 12 east and sections 35, 26, 48, 23, 14, 11 and 2 of Township 8 south, Range 12 east to the township line dividing Townships 8 and 7 south; thence along said township line east to the northeast corner of section 4, Township 8 south, Range 13 east; thence proceed south along the eastern section lines of sections 4, 9, 16, 21, 28 and 33 of Township 8 south, Range 13 east and sections 4, 9 and 16 of Township 9 south, Range 13 east to the north shoreline of Lake Pontchartrain; thence meandering westerly along the natural shoreline of Lake Pontchartrain as existing, to the point of beginning.
- (8) *Ward 8.* Commencing at the intersection of the centerline of the main-stream on the Pearl River at the mouth and the natural shoreline of Lake Pontchartrain, meander westerly along the natural shoreline of said lake to the centerline of Salt Bayou; thence follow the centerline of Salt Bayou northerly to its intersection with the centerline of LA Highway 433; thence follow LA Highway 433 northwest to its intersection with the line dividing sections 14 and 15, Township 9 south, Range 14 east; thence north along

the eastern lines of sections 15, 10 and 3 of Township 9 south, Range 14 east and sections 34, 27, 22 and 15 Township 8 south, Range 14 east, to the northeast corner of section 15, Township 8 south, Range 14 east; thence west along the south line of section 10, Township 8 south, Range 14 east, to the southwest corner of same section; thence north to the line dividing Townships 8 and 7 south, Range 14 east; thence east along said township line to the southwest corner of section 31, Township 7 south, Range 15 east; thence north along the west line of section 31, Township 7 south, Range 15 east; to the northwest corner of said section; thence continue east on the north lines of sections 31, 32, 33 and 34 to the centerline of the mainstream of the Pearl River; thence southerly along the centerline of the mainstream of the Pearl River meander to the mouth of said river, the point of beginning.

- (9) *Ward 9.* Begin at the intersection of the centerline of the mainstream of Salt Bayou and the natural shoreline of Lake Pontchartrain; thence proceed westerly along the natural shoreline of Lake Pontchartrain to the western line of section 22, Township 9 south, Range 13 east; thence north along the west line of sections 22, 15, 10 and 3 of Township 9 south, Range 13 east; and sections 34, 27, 22, 15, 10 and 3 of Township 8 south, Range 13 east to the township line dividing Townships 8 and 7 south, Range 13 east; thence east along said township line to the northeast corner of section 4, Township 8 south, Range 14 east; thence south on the east lines of sections 4 and 9 of Township 8 south, Range 14 east; to the northwest corner of section 15, Township 8 south, Range 14 east; thence east along the north line of said section 15 to the northeast corner of said section; thence south along the east line of sections 15, 22, 27, 34, 3, 10 and 15 to its intersection at LA Highway 433; thence follow the centerline of LA Highway 433 southeast to the Salt Bayou; thence follow the centerline of the mainstream of Salt Bayou southerly to Lake Pontchartrain, the point of beginning.

- (10) *Ward 10.* Commencing at the southeast corner of section 3, Township 7 south, Range 12 east, proceed west on the south line of sections 3, 4, 5 and 6 of Township 7 south, Range 12 east, to the quarter section line of section 1, Township 7 south, Range 11 east; thence proceed north on said quarter section line of section 1, Township 7 south, Range 11 east and sections 36, 25, 24, 13, 12 and 1 of Township 6 south, Range 11 east, to the line dividing Townships 5 and 6 south in Range 11 east; thence along said township line to the northeast corner of section 3, Township 6 south, Range 12 east; thence south along the eastern line of sections 3, 10, 15, 22, 27 and 34 of Township 6 south, Range 12 east, to the southeast corner of said section 3, the point of beginning.

(Code 1998, § 2-017.00)

Editor's note—The ward boundaries contained in this section were obtained by the parish engineering department from the legal ward maps as of April 5, 1978.

Sec. 2-38. Precincts.

The parish hereby ordains that it confirms and re-establishes the parish Code of Ordinances, Article II, Wards, Precincts and Districts, to provide for voting precincts in conjunction with redistricting and in accordance with the 2010 Federal Decennial Census; and as reflected by the precinct numbers and descriptions in the sections of this article.

(Code 1998, § 2-018.00; Ord. No. 84-21, 3-27-1978; Ord. No. 88-904, 1-21-1988; Ord. No. 98-2985, 12-17-1998; Ord. No. 01-0393, 11-15-2001; Ord. No. 01-0415, 12-20-2001; Ord. No. 02-0446, 2-7-2002; Ord. No. 07-1495, 1-4-2007; Ord. No. 11-2503, 4-20-2011)

Sec. 2-39. Precinct descriptions.

Precinct A01. Commence at the intersection of United Church Road and Lowe Davis Road, also the point of beginning; thence follow Lowe Davis Road northeast and east to its intersection with Allen Road; thence follow Allen Road southwest to its intersection with Highway 435; thence follow Highway 435 south, southwest to its intersection with Level Street; thence follow Level Street continuing west to its intersection with LA 36; thence follow Highway 36 west to its intersection with Dahlia Street; thence follow Dahlia Street north to its intersection with Progress Street; thence follow Progress Street west to its intersection with Rose Street; thence follow Rose Street north to its intersection with Emancipation Street; thence follow Emancipation Street west to its intersection with United Church Road; thence follow United Church Road north to its intersection with Lowe Davis Road, also the point of beginning.

Precinct A02. Commence at the intersection of Hoffman Road and Highway 59, also the point of beginning; thence follow Highway 59 north to its intersection with Harrison Road; thence follow Harrison Road west to its intersection with a canal leading into the southern branch of the Abita River; thence follow the canal north to its intersection with the southern branch of the Abita River; thence follow the southern branch of the Abita River east to its intersection with Highway 59; thence follow Highway 59 north into the Town of Abita Springs to its intersection with Level Street; thence follow Level Street east becoming Burvant Street; thence follow Burvant Street continuing east, then northeast and east to its intersection with Polaris Street; thence follow Polaris Street south and east to its intersection with Landry Lane; thence follow Landry Lane south, east, and south to its intersection with a branch of the Abita River; thence follow the branch of the Abita River west and northwest to its intersection with an unnamed road leading to Highway 36; thence follow the unnamed road southwest, southeast, and southwest to its intersection with Highway 36 (Hickory Highway); thence follow Highway 36 (Hickory Highway) northwest to its intersection with the southern branch of the Abita River; thence follow the southern branch of the Abita River southwest, west, and northwest to its intersection with the Tammany Trace; thence follow the Tammany Trace southwest to its intersection with Hoffman Road; thence follow Hoffman Road west to its intersection with Highway 59, also the point of beginning.

Precinct A03. Commence at the intersection of Allen Road and Lowe Davis Road, also the point of beginning; thence follow Lowe Davis Road northeast and east to its intersection with Beef Branch; thence follow Beef Branch southeast, south, southwest and south to its intersection with an unnamed stream north of Highway 435; thence follow the unnamed stream west and southwest to its intersection with McIntyre Road; thence follow McIntyre Road southeast crossing Highway 435 and becoming Keen Road; thence follow Keen Road continuing southeast to its intersection with Abita Creek; thence follow Abita Creek southwest to its intersection with the Abita River; thence follow the Abita River northeast and southeast to its intersection with an unnamed road north of Burvant Street; thence follow the unnamed road southwest and south to its intersection with Burvant Street; thence follow Burvant Street southwest and west to its intersection with Highway 435; thence follow Highway 435 north and northeast to its intersection with Allen Road; thence follow Allen Road northeast to its intersection with Lowe Davis Road, also the point of beginning.

Precinct A04. Commence at the intersection of Highway 36 and Level Street also the point of beginning; thence follow Level Street west to its intersection with Highway 59; thence follow Highway 59 south to its intersection with the Abita River; thence follow Abita River west, northwest to its intersection with a northwestern branch of said river; thence follow said northwestern branch of the Abita River north, northwest to its intersection with Highway 36; thence follow LA Highway 36 east and southeast to its intersection with Level Street and the point of beginning.

Precinct C01. Commence at the intersection of West 21st Avenue and Menetre Drive in the City of Covington, also the point of beginning; thence follow Menetre Drive southwest, south and southwest to its intersection with the Tchefuncte River; thence follow the Tchefuncte River west, northwest, west, north, northeast and north to its intersection with U.S. Street 190; thence follow U.S. Highway 190 east to its intersection with West 21st Avenue; thence follow West 21st Avenue southeast to its intersection with Menetre Drive, also the point of beginning.

Precinct C02. Commence at the intersection of Menetre Drive and West 15th Avenue in the City of Covington, also the point of beginning; thence follow West 15th Avenue southeast to its intersection with South Jefferson Avenue; thence follow South Jefferson Avenue southwest to its intersection with West 8th Avenue; thence follow West 8th Avenue northwest to its intersection with an unnamed creek northeast of the Tchefuncte River; thence follow the unnamed creek southeast and southwest to its intersection with the Tchefuncte River; thence follow the Tchefuncte River northwest, north, and northwest to its intersection with Menetre Drive; thence follow Menetre Drive northeast to its intersection with West 15th Avenue, also the point of beginning.

Precinct C03. Commence at the intersection of West 15th Avenue and Menetre Drive in the City of Covington, also the point of beginning; thence follow Menetre Drive north and northeast to its intersection with West 21st Avenue; thence follow West 21st Avenue southeast

to its intersection with North Jefferson Avenue; thence follow North Jefferson Avenue southwest to its intersection with West 15th Avenue; thence follow West 15th Avenue northwest to its intersection with Menetre Drive, also the point of beginning.

Precinct C04. Commence at the intersection of South Jefferson Avenue and West 21st Avenue in the City of Covington, also the point of beginning; thence follow West 21st Avenue southeast to its intersection with East Boston Street; thence follow East Boston Street continuing southeast, then northeast to its intersection with South Vermont Street; thence follow South Vermont Street south to its intersection with South Jahncke Avenue; thence follow South Jahncke Avenue southwest and southeast to its intersection with Old Landing Road; thence follow Old Landing Road southwest and south to its intersection with Riverview Drive; thence follow Riverview Drive east to its intersection with the Bogue Falaya River; thence follow the Bogue Falaya River southeast, south, and southwest to its intersection with the Tchefuncte River; thence follow the Tchefuncte River northwest, north, northeast, southeast, northeast, northwest, northeast and northwest to its intersection with an unnamed creek northeast of the Tchefuncte River; thence follow the unnamed creek northeast and northwest to its intersection with West 8th Avenue; thence follow West 8th Avenue southeast to its intersection with South Jefferson Avenue; thence follow South Jefferson Avenue northeast to its intersection with West 21st Avenue, also the point of beginning.

Precinct C05. Commence at the intersection of East Boston Street and South Vermont Street in the City of Covington, also the point of beginning; thence follow South Vermont Street south to its intersection with South Jahncke Avenue; thence follow South Jahncke Avenue southwest and southeast to its intersection with Old Landing Road; thence follow Old Landing Road southwest and south to its intersection with Riverview Drive; thence follow Riverview Drive east to its intersection with the Bogue Falaya River; thence follow the Bogue Falaya River north, northeast, northwest, north, northeast, north, east, northeast and north to its intersection with East Boston Street; thence follow East Boston Street southwest to its intersection with South Vermont Street, also the point of beginning.

Precinct C06. Commence at the intersection of West 23rd Avenue and North Tyler Street in the City of Covington, also the point of beginning; thence follow North Tyler Street northeast to its intersection with North Columbia Street; thence follow North Columbia Street northwest and north to its intersection with Highway 190; thence follow Highway 190 northwest becoming Highway 25; thence follow Highway 25 continuing northwest to its intersection with an electric power line northwest of Covington High School; thence follow the electric power line southwest to its intersection with Penn Mill Road; thence follow Penn Mill Road south a short distance to its intersection with Highway 190; thence follow Highway 190 east to its intersection with West 21st Street; thence follow West 21st Street southeast to its intersection with North Lincoln Street; thence follow North Lincoln Street northeast to its intersection with West 23rd Avenue; thence follow West 23rd Avenue southeast to its intersection with North Tyler Street, also the point of beginning.

Precinct C07. Commence at the intersection of West 23rd Avenue and North Tyler Street in the City of Covington, also the point of beginning; thence follow North Tyler Street northeast to its intersection with North Columbia Street; thence follow North Columbia Street southeast to its intersection with North Jefferson Avenue; thence follow North Jefferson Avenue southwest to its intersection with East 23rd Avenue; thence follow East 23rd Avenue northwest becoming West 23rd Avenue to its intersection with North Tyler Street, also the point of beginning.

Precinct C08. Commence at the intersection of East 33rd Avenue and North Columbia Street in the City of Covington, also the point of beginning; thence follow North Columbia Street southeast to its intersection with North Jefferson Avenue; thence follow North Jefferson Avenue southwest to its intersection with East Boston Avenue; thence follow East Boston Avenue southeast and northeast to its intersection with the Bogue Falaya River; thence follow the Bogue Falaya River northeast, north, northwest, northeast, and north to its intersection with the Little Bogue Falaya River; thence follow the Little Bogue Falaya River east, northeast, east, and northeast to its intersection with Holly Drive; thence follow Holly Drive northwest to its intersection with Dogwood Lane; thence follow Dogwood Lane north, northeast and north to its intersection with Johnsen Road; thence follow Johnsen Road west to its intersection with Highway 437 (Lee Road); thence follow Highway 437 (Lee Road) southwest to its intersection with East 33rd Avenue; thence follow East 33rd Avenue southwest to its intersection with North Columbia Street, also the point of beginning.

Precinct C09. Commence at the intersection of East 33rd Avenue and North Columbia Street in the City of Covington, also the point of beginning; thence follow North Columbia Street northwest and north to its intersection with Highway 190; thence follow Highway 190 northwest becoming Highway 25; thence follow Highway 25 continuing northwest to its intersection with River Road; thence follow River Road northeast, southeast, east, and southeast to its intersection with Hosmer Mill Road; thence follow Hosmer Mill Road northeast to its intersection with the Bogue Falaya River; thence follow the Bogue Falaya River southeast, south, east, northeast, southeast, east, southeast, east, south, southeast, southwest and southeast to its intersection with Highway 437 (Lee Road); thence follow Highway 437 (Lee Road) southwest to its intersection with East 33rd Avenue; thence follow East 33rd Avenue southwest to its intersection with North Columbia Street, also the point of beginning.

Precinct C10. Commence at the intersection of West 21st Avenue and Lincoln Street, also the point of beginning; thence follow Lincoln Street north to its intersection with West 23rd Street; thence follow West 23rd Street southeast to its intersection with North Jefferson Avenue; thence follow North Jefferson Avenue southwest to its intersection with West 21st Avenue; thence follow West 21st Avenue northwest to its intersection with Lincoln Street, also the point of beginning.

Precinct C11. Commence at the intersection of Highway 190 and the Tchefuncte River, also the point of beginning; thence follow the Tchefuncte River north, northeast, northwest to its intersection with Horse Branch; thence follow Horse Branch northeast to its intersection with an eastern branch of Horse Branch; thence follow said eastern branch of Horse Branch northeast to its intersection with Penn Mill Road; thence follow Penn Mill Road southeast and south to its intersection with Highway 190; thence follow Highway 190 west to its intersection with the Tchefuncte River, also the point of beginning.

Precinct F01. Commence at the intersection of Highway 40 (Uneedus Road) and Anthony Road, also the point of beginning; thence follow Anthony Road north to its intersection with Lee Settlement Road; thence follow Lee Settlement Road east to its intersection with Hay Hollow Road; thence follow Hay Hollow Road northwest, north, east, north, east, north and northeast to its intersection with Highway 25; thence follow Highway 25 southeast to its intersection with Verger Road; thence follow Verger Road east to its intersection with Varnado Road; thence follow Varnado Road north to its intersection with an unnamed road south of Dismal Branch; thence follow the unnamed road east, north, east and northwest to its intersection with Dismal Branch; thence follow Dismal Branch east to its intersection with the Bogue Falaya River; thence follow the Bogue Falaya River southeast, south, southwest, southeast, south and southeast to its intersection with Morgan Branch; thence follow Morgan Branch west, southwest, northwest, west, southwest, northwest and north to its intersection with Highway 40 (Uneedus Road); thence follow Highway 40 (Uneedus Road) southwest and west to its intersection with Anthony Road, also the point of beginning.

Precinct MD1. Commence at the intersection of the Tchefuncte River and Bayou De Zaire, also the point of beginning; thence follow Bayou De Zaire north, northwest, and west to its intersection with Highway 21; thence follow Highway 21 north and northeast to its intersection with Dummy Line Road; thence follow Dummy Line Road northwest to its intersection with Black River; thence follow Black River south, southwest, south, southeast and south to its intersection with the shore line of Lake Pontchartrain; thence follow the shore line of Lake Pontchartrain west, northwest, west and southwest to its intersection with the St. Tammany Parish/Tangipahoa Parish boundary line; thence follow the St. Tammany Parish/Tangipahoa Parish boundary line into Lake Pontchartrain to its intersection with the St. Tammany Parish/Jefferson Parish boundary line; thence follow the St. Tammany Parish/Jefferson Parish boundary line southeast to its intersection with a straight line extension leading into the Tchefuncte River; thence follow the straight line extension north to its intersection with the Tchefuncte River; thence follow the Tchefuncte River northeast, north, northwest, and north to its intersection with Bayou De Zaire, also the point of beginning.

Precinct M01. Commence at the intersection of the Lake Pontchartrain Causeway and the St. Tammany Parish/Jefferson Parish boundary line in Lake Pontchartrain, also the point of beginning; thence follow the St. Tammany Parish/Jefferson Parish boundary line northwest to its intersection with a straight line extension leading to the east bank of the Tchefuncte River;

thence follow the straight line extension north to its intersection with the east bank of the Tchefuncte River; thence follow the east bank of the Tchefuncte River northeast and east to its intersection with an unnamed canal which runs parallel with the shoreline of Lake Pontchartrain; thence follow the canal southeast, east, and southeast to its intersection with Bayou Chinchuba; thence follow Bayou Chinchuba northeast to its intersection with an unnamed road northwest of Lewisburg; thence follow the unnamed road northwest and north to its intersection with an electric power line; thence follow the electric power line southeast to its intersection with Skipper Drive; thence follow Skipper Drive northeast to its intersection with Live Oak Boulevard; thence follow Live Oak Boulevard northwest to its intersection with Chestnut Street; thence follow Chestnut Street northeast to its intersection with Weldon Park Drive; thence follow Weldon Park Drive southeast to its intersection with Hickory Street; thence follow Hickory Street northeast to its intersection with West Causeway Approach Highway; thence follow West Causeway Approach Highway southeast to its intersection with Bayou Chinchuba; thence follow Bayou Chinchuba northeast to its intersection with North Causeway Boulevard; thence follow North Causeway Boulevard southwest becoming the Lake Pontchartrain Causeway; thence follow the Lake Pontchartrain Causeway continuing southwest to its intersection with the St. Tammany Parish/Jefferson Parish boundary line, also the point of beginning.

Precinct M02. Commence at the intersection of North Causeway Boulevard and East Florida Street in the City of Mandeville, also the point of beginning; thence follow East Florida Street southeast to its intersection with Wilkinson Street; thence follow Wilkinson Street southwest to its intersection with Monroe Street; thence follow Monroe Street northwest to its intersection with North Causeway Boulevard; thence follow North Causeway Boulevard northeast to its intersection with East Florida Street, also the point of beginning.

Precinct M03. Commence at the intersection of North Causeway Boulevard and Monroe Street in the City of Mandeville, also the point of beginning; thence follow Monroe Street southeast to its intersection with Wilkinson Street; thence follow Wilkinson Street southwest to its intersection with Lakeshore Drive; thence follow Lakeshore Drive northwest to its intersection where Lakeshore Drive meets Lake Pontchartrain east of Sunset Point Park; thence follow a straight line extension into Lake Pontchartrain to its intersection with the St. Tammany Parish/Orleans Parish boundary line; thence follow the St. Tammany Parish/Orleans Parish boundary line northwest to its intersection with the St. Tammany Parish/Jefferson Parish boundary line; thence follow the St. Tammany Parish/Jefferson Parish boundary line continuing northwest to its intersection with the Lake Pontchartrain Causeway; thence follow the Lake Pontchartrain Causeway northeast becoming North Causeway Boulevard to its intersection with Monroe Street, also the point of beginning.

Precinct M04. Commence at the intersection of East Florida Street and Gerard Street in the City of Mandeville, also the point of beginning; thence follow Gerard Street southwest to its intersection with Lakeshore Drive; thence follow Lakeshore Drive southeast to its intersection

with Little Bayou Castine; thence follow Little Bayou Castine south to its intersection with the shoreline of Lake Pontchartrain; thence follow the shoreline of Lake Pontchartrain northwest to its intersection where the shoreline meets Lakeshore Drive east of Sunset Point Park; thence follow Lakeshore Drive southeast to its intersection with Wilkinson Street; thence follow Wilkinson Street northeast to its intersection with East Florida Street; thence follow East Florida Street southeast to its intersection with Gerard Street, also the point of beginning.

Precinct M05. Commence at the intersection of Gerard Street and East Florida Street in the City of Mandeville, also the point of beginning; thence follow East Florida Street southeast to its intersection with Atalin Street; thence follow Atalin Street southwest to its intersection with a canal leading into Bayou Castine; thence follow the canal east and south to its intersection with Bayou Castine; thence follow Bayou Castine southwest to its intersection where Bayou Castine flows into Lake Pontchartrain; thence follow a straight line extension into Lake Pontchartrain south to its intersection with the St. Tammany Parish/Orleans Parish boundary line; thence follow the St. Tammany Parish/Orleans Parish boundary line northwest to its intersection with a straight line extension leading to a point east of Sunset Point Park; thence follow the straight line extension north to its intersection with the shoreline of Lake Pontchartrain; thence follow the shoreline of Lake Pontchartrain southeast to its intersection with Little Bayou Castine; thence follow Little Bayou Castine north to its intersection with Lakeshore Drive; thence follow Lakeshore Drive northwest to its intersection with Gerard Street; thence follow Gerard Street northeast to its intersection with East Florida Street, also the point of beginning.

Precinct M06. Commence at the intersection of West Causeway Approach Highway and Highway 22, also the point of beginning; thence follow Highway 22 northwest to its intersection with Heavens Drive; thence follow Heavens Drive south, southeast, and south to its intersection with an electric power line south of Beau Rivage subdivision; thence follow the electric power line southeast to its intersection with Skipper Drive; thence follow Skipper Drive northeast to its intersection with Live Oak Boulevard; thence follow Live Oak Boulevard northwest to its intersection with Chestnut Street; thence follow Chestnut Street northeast to its intersection with Weldon Park Drive; thence follow Weldon Park Drive southeast to its intersection with Hickory Street; thence follow Hickory Street northeast to its intersection with West Causeway Approach Highway; thence follow West Causeway Approach Highway northwest to its intersection with Highway 22, also the point of beginning.

Precinct M07. Commence at the intersection of North Causeway Boulevard and Highway 190, also the point of beginning; thence follow Highway 190 north to its intersection with Ashbury Drive (a.k.a. LA Highway 3228); thence follow Ashbury Drive southeast to Emerald Drive also U.S. Highway 190; thence follow U.S. Highway 190 southeast its intersection with East Causeway Boulevard; thence follow East Causeway Boulevard northwest to its intersec-

tion with Florida Street; thence follow Florida Street northwest to North Causeway Boulevard; thence follow North Causeway Boulevard North to U.S. Highway 190, also the point of beginning.

Precinct M08. Commence at the intersection of Highway 22 and West Causeway Approach Highway, also the point of beginning; thence follow West Causeway Approach Highway southeast to its intersection with Bayou Chinchuba; thence follow Bayou Chinchuba northeast to its intersection with North Causeway Boulevard; thence follow North Causeway Boulevard north and northeast to its intersection with Highway 22; thence follow Highway 22 northwest to its intersection with West Causeway Approach Highway, also the point of beginning.

Precinct M09. Commence at the intersection of Florida Street (a.k.a. Highway 190) and Atalin Street, also the point of beginning, thence follow Atalin Street south to its intersection with Bayou Castine; thence follow the meanderings of Bayou Castine northeast to its intersection with Florida Street (a.k.a. Highway 190); thence follow Florida Street (a.k.a. Highway 190) northwest to its intersection with Atalin Street, also the point of beginning.

Precinct M10. Commence at the intersection of East Florida Street and Soult Street, also the point of beginning; thence follow Soult Street northeast to its intersection with a canal between Quail Creek South and New Canaan Hills subdivisions; thence follow the canal east, southeast, east, southeast, east, south and east to its intersection with Log Cabin Road; thence follow Log Cabin Road northeast to its intersection with Cane Bayou; thence follow Cane Bayou south, southwest, south, southwest and south to its intersection where Cane Bayou flows into Lake Pontchartrain; thence follow a straight line extension south into Lake Pontchartrain to its intersection with the St. Tammany Parish/Orleans Parish boundary line; thence follow the St. Tammany Parish/Orleans Parish boundary line northwest to its intersection with a straight line extension leading to Bayou Castine; thence follow the straight line extension north to its intersection with Bayou Castine; thence follow Bayou Castine northeast to its intersection with Florida Street (a.k.a. Highway 190); thence follow Florida Street (a.k.a. Highway 190) northwest to its intersection with Soult Street, also the point of beginning.

Precinct P01. Commence at the intersection of Hickory Street (Highway 41 Spur) and Highway 41, also the point of beginning; thence follow Highway 41 southwest, south and southeast becoming Watts Road; thence follow Watts Road continuing southeast, then east to its intersection with Highway 1090 (Military Road); thence follow Highway 1090 (Military Road) south and southeast to its intersection with the I-59 Service Road; thence follow the I-59 Service Road northeast, northwest, north and northeast to its intersection with Porter's River Road; thence follow Porter's River Road east, northeast and north to its intersection with a boat launch leading into Porter's River; thence follow Porter's River northeast, northwest and northeast to its intersection with the West Pearl River; thence follow the West Pearl River northwest to its intersection with I-59; thence follow I-59 southwest to its intersection with Gum Creek; thence follow Gum Creek northwest, west, northwest, west, south, southeast and

southwest to its intersection with Hickory Street (Highway 41 Spur); thence follow Hickory Street (Highway 41 Spur) northwest to its intersection with Highway 41, also the point of beginning.

Precinct S01. Commence at the intersection of Highway 11 (Front Street) and I-12, also the point of beginning; thence follow I-12 east and southeast to its intersection with Highway 1091 (Robert Boulevard); thence follow Highway 1091 (Robert Boulevard) southwest to its intersection with Pinewood Drive; thence follow Pinewood Drive west to its intersection with Driftwood Circle; thence follow Driftwood Circle south, west and northwest to its intersection with Ninth Street; thence follow Ninth Street southwest to its intersection with North Boulevard; thence follow North Boulevard west to its intersection with Highway 11 (Front Street); thence follow Highway 11 (Front Street) northeast to its intersection with I-12, also the point of beginning.

Precinct S02. Commence at the intersection of Pinewood Drive and Highway 1091 (Robert Boulevard), also the point of beginning; thence follow Highway 1091 (Robert Boulevard) southwest to its intersection with North Boulevard; thence follow North Boulevard northwest, west, northwest, and west to its intersection with Ninth Street; thence follow Ninth Street northeast to its intersection with Driftwood Circle; thence follow Driftwood Circle southeast, east, and north to its intersection with Pinewood Drive; thence follow Pinewood Drive east to its intersection with Highway 1091 (Robert Boulevard), also the point of beginning.

Precinct S03. Commence at the intersection of North Boulevard and Highway 1091 (Robert Boulevard), also the point of beginning; thence follow Highway 1091 (Robert Boulevard) southwest to its intersection with the W-14 Canal; thence follow the W-14 Canal northwest, west, northwest, and northeast to its intersection with North Boulevard; thence follow North Boulevard east, southeast, east, and southeast to its intersection with Highway 1091 (Robert Boulevard), also the point of beginning.

Precinct S04. Commence at the intersection of Highway 1091 (Robert Boulevard) and Timberlane Drive, also the point of beginning; thence follow Timberlane Drive south to its intersection with Cardinal Drive; thence follow Cardinal Drive west, south, and west to its intersection with Audubon Drive; thence follow Audubon Drive south to its intersection with the W-15, L-1 Canal; thence follow the W-15, L-1 Canal west to its intersection with the W-14 Canal; thence follow the W-14 Canal north to its intersection with Highway 1091 (Robert Boulevard); thence follow Highway 1091 (Robert Boulevard) northeast to its intersection with Timberlane Drive, also the point of beginning.

Precinct S05. Commence at the intersection of Timberlane Drive and Highway 1091 (Robert Boulevard), also the point of beginning; thence follow Highway 1091 (Robert Boulevard) northeast to its intersection with I-12; thence follow I-12 southeast to its intersection with I-10; thence follow I-10 southwest to its intersection with the W-15, L-1 Canal; thence follow the W-15, L-1 Canal west to its intersection with Audubon Drive; thence follow Audubon Drive

north to its intersection with Cardinal Drive; thence follow Cardinal Drive east, north, and east to its intersection with Timberlane Drive; thence follow Timberlane Drive north to its intersection with Highway 1091 (Robert Boulevard), also the point of beginning.

Precinct S06. Commence at the intersection of West Gause Boulevard (Highway 190) and Highway 11 (Front Street), also the point of beginning; thence follow Highway 11 (Front Street) southwest to its intersection with Bayou Pattasat; thence follow Bayou Pattasat northwest to its intersection with Bayou Bonfouca; thence follow Bayou Bonfouca southwest to its intersection with Bayou Liberty Road; thence follow Bayou Liberty Road northwest to its intersection with East Street; thence follow East Street north to its intersection with Sloat Road; thence follow Sloat Road east to its intersection with Vincent Road; thence follow Vincent Road northeast and north to its intersection with Salmen Street; thence follow Salmen Street east to its intersection with Sullivan Road; thence follow Sullivan Road northwest to its intersection with Forestwood Drive; thence follow Forestwood Drive north to its intersection with West Hall Avenue; thence follow West Hall Avenue east to its intersection with Kaycee Drive; thence follow Kaycee Drive north to its intersection with Twin Oaks Drive (Street Christopher Drive); thence follow Twin Oaks Drive (Street Christopher Drive) east to its intersection with Street Scholastica Drive; thence follow Street Scholastica Drive south, southeast, and south to its intersection with West Hall Avenue; thence follow West Hall Avenue east to its intersection with Bayou Vincent; thence follow Bayou Vincent northeast and north to its intersection with West Gause Boulevard (Highway 190); thence follow West Gause Boulevard (Highway 190) southeast to its intersection with Highway 11 (Front Street), also the point of beginning.

Precinct S07. Commence at the intersection of West Gause Boulevard (Highway 190) and Carroll Road, also the point of beginning; thence follow Carroll Road south and southwest to its intersection with Bayou Liberty Road; thence follow Bayou Liberty Road east and southeast to its intersection with East Street; thence follow East Street north to its intersection with Sloat Road; thence follow Sloat Road east to its intersection with Vincent Road; thence follow Vincent Road northeast to its intersection with Salmen Street; thence follow Salmen Street east to its intersection with Sullivan Road; thence follow Sullivan Road northwest to its intersection with Forestwood Drive; thence follow Forestwood Drive north to its intersection with West Hall Avenue; thence follow West Hall Avenue east to its intersection with Kaycee Drive; thence follow Kaycee Drive north to its intersection with Twin Oaks Drive (Street Christopher Drive); thence follow Twin Oaks Drive (Street Christopher Drive) east to its intersection with Street Scholastica Drive; thence follow Street Scholastica Drive south, southeast, and south to its intersection with West Hall Avenue; thence follow West Hall Avenue east to its intersection with Bayou Vincent; thence follow Bayou Vincent northeast and north to its intersection with West Gause Boulevard (Highway 190); thence follow West Gause Boulevard (Highway 190) north to its intersection with Carroll Road, also the point of beginning.

Precinct S08. Commence at the intersection of I-10 and Gause Boulevard, also the point of beginning; thence follow Gause Boulevard west to its intersection with Rue Rochelle; thence follow Rue Rochelle north to its intersection with Independence Drive; thence follow Independence Drive west to its intersection with the W-14 Canal; thence follow the W-14 Canal north to its intersection with the W-15, L-1 Canal; thence follow the W-15, L-1 Canal east to its intersection with I-10; thence follow I-10 southwest to its intersection with Gause Boulevard, also the point of beginning.

Precinct S09. Commence at the intersection of Gause Boulevard and Rue Rochelle, also the point of beginning; thence follow Rue Rochelle north to its intersection with Independence Drive; thence follow Independence Drive west to its intersection with the W-14 Canal; thence follow the W-14 Canal south to its intersection with Gause Boulevard; thence follow Gause Boulevard east to its intersection with Rue Rochelle, also the point of beginning.

Precinct S10. Commence at the intersection of Fremaux Avenue and Highway 11 (Front Street), also the point of beginning; thence follow Highway 11 (Front Street) northeast to its intersection with Indiana Street; thence follow Indiana Street east to its intersection with Ninth Street; thence follow Ninth Street south to its intersection with Stadium Drive; thence follow Stadium Drive east and south to its intersection with Tower Drive; thence follow Tower Drive east to its intersection with Robert Boulevard; thence follow Robert Boulevard south to its intersection with Gause Boulevard; thence follow Gause Boulevard east to its intersection with 14th Street; thence follow 14th Street south to its intersection with Florida Street; thence follow Florida Street east to its intersection with the W-14 Canal; thence follow the W-14 Canal south and southwest to its intersection with Fremaux Avenue; thence follow Fremaux Avenue west to its intersection with Highway 11 (Front Street), also the point of beginning.

Precinct S11. Commence at the intersection of Lakewood Avenue and Old Fremaux Avenue, also the point of beginning; thence follow Old Fremaux Avenue east to its intersection with Marsha Drive; thence follow Marsha Drive south to its intersection with Alice Avenue; thence follow Alice Avenue east to its intersection with McKinney Road; thence follow McKinney Road south to its intersection with Highway 190 Business (Fremaux Avenue or Shortcut Road); thence follow Highway 190 Business (Fremaux Avenue or Shortcut Road) northwest and west to its intersection with the W-14 Canal; thence follow the W-14 Canal northeast and north to its intersection with Florida Avenue; thence follow Florida Avenue east to its intersection with Lakewood Drive; thence follow Lakewood Drive south, southwest, and south to its intersection with Fremaux Avenue, also the point of beginning.

Precinct S12. Commence at the intersection of Highway 11 (Front Street) and Fremaux Avenue, also the point of beginning; thence follow Fremaux Avenue east to its intersection with 9th Street; thence follow 9th Street south to its intersection with the extension of Warren Street; thence follow the extension of and Warren Street west to its intersection with 5th Street; thence follow 5th Street south to its intersection with Erlanger Street; thence follow Erlanger Street

west to its intersection with 2nd Street; thence follow 2nd Street south to its intersection with Robert Street; thence follow Robert Street west to its intersection with 1st Street; thence follow 1st Street south to its intersection with Brakefield Street; thence follow Brakefield Street west to its intersection with Carey Street; thence follow Carey Street south to its intersection with a southern branch of Bayou Bonfouca; thence follow the branch of Bayou Bonfouca southeast to its intersection with Cleveland Street; thence follow Cleveland Street northwest to its intersection with Mary Street; thence follow Mary Street southwest to its intersection with Codifer Street; thence follow Codifer Street southeast to its intersection with Sargent Alfred Street; thence follow Sargent Alfred Street southwest to its intersection with Highway 433 (Old Spanish Trail); thence follow Highway 433 (Old Spanish Trail) northwest and west to its intersection with Pontchartrain Drive; thence follow Pontchartrain Drive northwest to its intersection with Highway 11 (Front Street); thence follow Highway 11 (Front Street) northeast to its intersection with Fremaux Avenue, also the point of beginning.

Precinct S13. Commence at the intersection of Highway 11 (Front Street) and Pontchartrain Drive, also the point of beginning; thence follow Pontchartrain Drive a short distance northwest to its intersection with the west tracks of the Illinois Central Gulf Railroad; thence follow the west tracks of the Illinois Central Gulf Railroad southwest to its intersection with Bayou Lasseigne; thence follow Bayou Lasseigne northwest to its intersection with Bayou Bonfouca; thence follow Bayou Bonfouca northeast, southeast, and northeast to its intersection with Bayou Pattasat; thence follow Bayou Pattasat southeast to its intersection with Highway 11 (Front Street); thence follow Highway 11 (Front Street) southwest to its intersection with Pontchartrain Drive, also the point of beginning.

Precinct S15. Commence at the intersection of Pontchartrain Drive and the west tracks of the Illinois Central Railroad, also the point of beginning; thence follow the west tracks of the Illinois Central Railroad southwest and southeast to its intersection with the Illinois Central Railroad; thence follow the Illinois Central Railroad southwest to its intersection with Schneider Canal; thence follow Schneider Canal southeast to its intersection with Pontchartrain Drive; thence follow Pontchartrain Drive northeast and northwest to its intersection with the west tracks of the Illinois Central Railroad, also the point of beginning.

Precinct S16. Commence at the intersection of Pontchartrain Drive and Old Spanish Trail, also the point of beginning; thence follow Old Spanish Trail southeast to its intersection with Lopez Street; thence follow Lopez Street west to its intersection with Hickory Drive; thence follow Hickory Drive northwest and west to its intersection with Broad Street; thence follow Broad Street northwest to its intersection with Pontchartrain Drive; thence follow Pontchartrain Drive northeast and northwest to its intersection with Old Spanish Trail, also the point of beginning.

Precinct S17. Commence at the intersection of Pontchartrain Drive and Schneider Canal, also the point of beginning; thence follow Schneider Canal east, south, east, and southeast to

its intersection with West Howze Beach; thence follow West Howze Beach northeast to its intersection with Old Spanish Trail; thence follow Old Spanish Trail northwest to its intersection with Lopez Street; thence follow Lopez Street west to its intersection with Hickory Drive; thence follow Hickory Drive northwest and west to its intersection with Broad Street; thence follow Broad Street northwest to its intersection with Pontchartrain Drive; thence follow Pontchartrain Drive southwest to its intersection with Schneider Canal, also the point of beginning.

Precinct S18. Commence at the intersection of Bayou Bonfouca and Bayou Lasseigne, also the point of beginning; thence follow Bayou Lasseigne southeast to its intersection with the west tracks of the Illinois Central Gulf Railroad; thence follow the west tracks of the Illinois Central Gulf Railroad southwest and southeast to its intersection with the Illinois Central Railroad; thence follow the Illinois Central Railroad continuing southwest to its intersection with Schneider Canal; thence follow Schneider Canal southeast to its intersection with Pontchartrain Drive (Highway 11); thence follow Pontchartrain Drive (Highway 11) southwest to its intersection with the St. Tammany Parish/Orleans Parish boundary line in Lake Pontchartrain; thence follow the St. Tammany Parish/Orleans Parish boundary line west and northwest to its intersection with a straight line extension from the point where Bayou Bonfouca flows into Lake Pontchartrain; thence follow the straight line extension north to its intersection with Bayou Bonfouca; thence follow Bayou Bonfouca northeast, south, southeast, north, east, southeast, east, northwest, northeast, east, northeast, east, and northeast to its intersection with Bayou Lasseigne, also the point of beginning.

Precinct S19. Commence at the intersection of West Gause Boulevard and North Harrison Road, also the point of beginning; thence follow North Harrison Road northwest to its intersection with LaGrange Road; thence follow LaGrange Road northeast to its intersection with a drainage canal which flows into Bayou Vincent; thence follow the drainage canal southeast to its intersection with Bayou Vincent; thence follow Bayou Vincent northeast, northwest, north, and northeast to its intersection with the abandoned Illinois Central Railroad; thence follow the abandoned Illinois Central Railroad northwest to its intersection with Browns Village Road; thence follow Browns Village Road east to its intersection with Highway 11 (Front Street); thence follow Highway 11 (Front Street) southwest to its intersection with North Boulevard; thence follow North Boulevard east to its intersection with the W-14 Canal; thence follow the W-14 Canal southwest, south, southeast, east, northeast, southeast, south, southeast, and southwest to its intersection with Gause Boulevard; thence follow Gause Boulevard west to its intersection with Robert Boulevard; thence follow Robert Boulevard north to its intersection with Tower Drive; thence follow Tower Drive west to its intersection with Stadium Drive; thence follow Stadium Drive north and west to its intersection with Ninth Street; thence follow Ninth Street north to its intersection with Indiana Street; thence follow Indiana Street west to its intersection with Highway 11 (Front Street); thence follow Highway

11 (Front Street) southwest to its intersection with West Gause Boulevard; thence follow W. Gause Boulevard northwest to its intersection with North Harrison Road, also the point of beginning.

Precinct S21. Commence at the intersection of Highway 190 East and Brookter Road, also the point of beginning; thence follow Brookter Road south and southeast to its intersection with Kingspoint Road; thence follow Kingspoint Road southwest to its intersection with Windrift Drive; thence follow Windrift Drive northwest to its intersection with the W-14 Canal; thence follow the W-14 Canal continuing northwest, then southwest, west, northwest, north, northwest, north, and northeast to its intersection with Fremaux Avenue; thence follow Fremaux Avenue east becoming Highway 190 East; thence follow Highway 190 East continuing east, then southeast to its intersection with Brookter Road, also the point of beginning.

Precinct S22. Commence at the intersection of Eden Isles Boulevard and Oak Harbor Boulevard, also the point of beginning; thence follow Oak Harbor Boulevard east, northeast, west, southwest, north, and west to its intersection with Highway 11; thence follow Highway 11 northeast to its intersection with Schneider Canal; thence follow Schneider Canal east, southeast, east, and southeast to its intersection with West Howze Beach Road; thence follow West Howze Beach Road northeast to its intersection with Highway 433 (Old Spanish Trail); thence follow Highway 433 (Old Spanish Trail) northwest to its intersection with Terrance Avenue; thence follow Terrance Avenue northeast and north to its intersection with Ash Street; thence follow Ash Street west to its intersection with 10th Avenue; thence follow 10th Avenue north to its intersection with Daney Street; thence follow Daney Street east to its intersection with the W-14 Canal; thence follow the meanderings of the W-14 Canal southeast, east, and northeast to its intersection with 1-10; thence follow 1-10 southwest to its intersection with an unnamed stream; thence follow the unnamed stream northwest to its intersection with the 1-10 Service Road; thence follow the 1-10 Service Road northeast to its intersection with Eden Isles Boulevard; thence follow Eden Isles Boulevard northwest to its intersection with Oak Harbor Boulevard, also the point of beginning.

Precinct S23. Commence at the intersection of 1-10 and Gause Boulevard, also the point of beginning; thence follow Gause Boulevard west to its intersection with 14th Street; thence follow 14th Street south to its intersection with Florida Avenue, thence follow Florida Avenue east to its intersection with Lakewood Drive; thence follow Lakewood Drive south and west to its intersection with Old Fremaux Avenue; thence follow Old Fremaux Avenue east to its intersection with Marsha Drive, thence follow Marsha Drive south to its intersection with Alice Avenue, thence follow Alice Avenue east to its intersection with McKinney Road, thence follow McKinney Road south to Fremaux Avenue (Shortcut Road), thence follow Fremaux Avenue (Shortcut Road) southeast to 1-10; thence follow 1-10 northeast to its intersection with Gause Boulevard, also the point of beginning.

Precinct S24. Commence at the intersection of Sargent Alfred Street and Old Spanish Trail, also the point of beginning; thence follow Old Spanish Trail southeast to its intersection with Terrace Avenue; thence follow Terrace Avenue northeast and north to its intersection with Ash Street; thence follow Ash Street west to its intersection with 10th Street; thence follow 10th Street north to its intersection with Public Street; thence follow Public Street west to its intersection with 8th Street; thence follow 8th Street north to its intersection with Cleveland Street; thence follow Cleveland Street west, northwest, west, and northwest to its intersection with Mary Street; thence follow Mary Street south to its intersection with Codifer Street; thence follow Codifer Street southeast to its intersection with Sergeant Alfred Drive; thence follow Sergeant Alfred Drive southwest to its intersection with Old Spanish Trail, also the point of beginning.

Precinct S25. Commence at the intersection of 9th Street and Fremaux Avenue, also the point of beginning; thence follow Fremaux Avenue east to its intersection with the W-14 Canal; thence follow the W-14 Canal southwest, south, southeast, and south to its intersection with Daney Street; thence follow Daney Street west to its intersection with 10th Avenue; thence follow 10th Avenue south to its intersection with Public Street; thence follow Public Street west to its intersection with 8th Street; thence follow 8th Street north to its intersection with Cleveland Street; thence follow Cleveland Street west, northwest, west to its intersection with a southern branch of Bayou Bonfouca; thence follow said branch northwest to its intersection with Carey Street; thence follow Carey Street north to its intersection with Brakefield Street; thence follow Brakefield Street east to its intersection with 1st Street; thence follow 1st Street north to its intersection with Robert Street; thence follow Robert Street east to its intersection with 2nd Street; thence follow 2nd Street north to its intersection with Erlanger Street; thence follow Erlanger Street east to its intersection with 5th Street; thence follow 5th Street north to its intersection with Warren Street; thence follow Warren Street east to its intersection with 9th Street; thence follow 9th Street north to its intersection with Fremaux Avenue, also the point of beginning.

Precinct 101. Commence at the intersection of the St. Tammany Parish/Tangipahoa Parish boundary line and the Tchefuncte River, also the point of beginning; thence follow the Tchefuncte River southeast, south, southeast, south, and southeast to its intersection with Soap and Tallow Branch; thence follow Soap and Tallow Branch west, northwest, and southwest to its intersection with Rousseau Drive; thence follow Rousseau Drive southeast to its intersection with Highway 1085 (Bootlegger Road); thence follow Highway 1085 (Bootlegger Road) southwest and west to its intersection with Highway 1077; thence follow Highway 1077 southeast to its intersection with I-12; thence follow I-12 northwest to its intersection with the St. Tammany Parish/Tangipahoa Parish boundary line; thence follow the St. Tammany Parish/Tangipahoa Parish boundary line north to its intersection with the Tchefuncte River, also the point of beginning.

Precinct 102. Commence at the intersection of the St. Tammany Parish/Tangipahoa Parish boundary line and Highway 22, also the point of beginning; thence follow Highway 22 east and southeast to its intersection with Perrilloux Road; thence follow Perrilloux Road northeast, west, and north to its intersection with Brewster Road; thence follow Brewster Road east to its intersection with the Black River; thence follow the meanderings of the Black River in a general southerly direction to its intersection with the shoreline of Lake Pontchartrain; thence follow the shoreline and its meanderings west and southwest to its intersection with the St. Tammany Parish/Tangipahoa Parish boundary line; thence follow the St. Tammany Parish/Tangipahoa Parish boundary line north to its intersection with Highway 22, also the point of beginning.

Precinct 103. Commence at the intersection of I-12 and Highway 21, also the point of beginning; thence follow Highway 21 southwest and south to its intersection with Bayou De Zaire; thence follow Bayou De Zaire east and southeast to its intersection with the Tchefuncte River; thence follow the Tchefuncte River north, east, north, northwest, east, north, northwest, north, northeast, southeast, northeast, south, southeast, east, north, east, southeast, east, north, northeast, northwest, and northeast to its intersection with I-12; thence follow I-12 northwest to its intersection with Highway 21, also the point of beginning.

Precinct 104. Commence at the intersection of I-12 and Highway 1077, also the point of the beginning; thence follow Highway 1077 southeast to its intersection with Dummy Line Road; thence follow Dummy Line Road northwest to its intersection with the Black River; thence follow the meanderings of the Black River in a general northerly direction to its intersection with Brewster Road; thence follow Brewster Road east to its intersection with Perrilloux Road; thence follow Perrilloux Road north to its intersection with Highway 1085; thence follow Highway 1085 northeast to its intersection with I-12; thence follow I-12 southeast to its intersection with Highway 1077, also the point of beginning.

Precinct 105. Commence at the intersection of I-12 and the Tchefuncte River, also the point of beginning; thence follow the Tchefuncte River northeast, north, west, north, northeast, northwest, west, and northwest to its intersection with Soap and Tallow Branch; thence follow Soap and Tallow Branch west, northwest, and southwest to its intersection with Rousseau Drive; thence follow Rousseau Drive southeast to its intersection with Highway 1085 (Bootlegger Road); thence follow Highway 1085 (Bootlegger Road) southwest and west to its intersection with Highway 1077; thence follow Highway 1077 southeast to its intersection with I-12; thence follow I-12 southeast to its intersection with the Tchefuncte River, also the point of beginning.

Precinct 106. Commence at the intersection of the St. Tammany Parish/Tangipahoa Parish boundary line and I-12, also the point of beginning; thence follow I-12 southeast to its intersection with Highway 1085 (Bootlegger Road); thence follow Highway 1085 (Bootlegger Road) southwest to its intersection with Perrilloux Road; thence follow Perrilloux Road south, east, and southwest to its intersection with Highway 22; thence follow Highway 22 northwest

and west to its intersection with the St. Tammany Parish/Tangipahoa Parish boundary line; thence follow the St. Tammany Parish/Tangipahoa Parish boundary line north to its intersection with I-12, also the point of beginning.

Precinct 107. Commence at the intersection of Highway 1077 and I-12, also the point of beginning; thence follow I-12 southeast to its intersection with Highway 21; thence follow Highway 21 southwest to its intersection with Dummy Line Road; thence follow Dummy Line Road northwest to its intersection Highway 1077; thence follow Highway 1077 north and northwest to its intersection with I-12, also the point of beginning.

Precinct 201. Commence at the intersection of the St. Tammany Parish/Washington Parish boundary line and the Tchefuncte River, which is also the St. Tammany Parish/Tangipahoa Parish boundary line, also the point of beginning; thence follow the Tchefuncte River south, southeast, south, southeast, south, southwest, southeast, and south to its intersection with Highway 40 (Unedus Road); thence follow Highway 40 (Unedus Road) southeast and south to its intersection with Anthony Road; thence follow Anthony Road north to its intersection with Lee Settlement Road; thence follow Lee Settlement Road east to its intersection with Hay Hollow Road; thence follow Hay Hollow Road northwest, north, east, north, east, north, and northeast to its intersection with Highway 25; thence follow Highway 25 southeast to its intersection with Verger Road; thence follow Verger Road east to its intersection with Varnado Road; thence follow Varnado Road north to its intersection with an unnamed road south of Dismal Branch; thence follow the unnamed road east, north, east, and northwest to its intersection with Dismal Branch; thence follow Dismal Branch east to its intersection with the Bogue Falaya River; thence follow the Bogue Falaya River southeast, south, and southwest to its intersection with Highway 40 (Bush-Folsom Road); thence follow Highway 40 (Bush-Folsom Road) east to its intersection with Highway 1080 (a.k.a. Factory Road); thence follow Highway 1080 (a.k.a. Factory Road) north, east and north to its intersection with Highway 437; thence follow Highway 437 north to its intersection with the St. Tammany Parish/Washington Parish boundary line; thence follow said line northwest to its intersection with the St. Tammany Parish/Tangipahoa Parish boundary line and the Tchefuncte River, also the point of beginning.

Precinct 202. Commence at the intersection of Highway 40 (Unedus Road) and the Tchefuncte River, which is also the St. Tammany Parish/Tangipahoa Parish boundary line, also the point of beginning; thence follow the Tchefuncte River south, southwest, east, south, southeast, southwest, east, south, southwest, and southeast to its intersection with Highway 1077 and Highway 1078 (Bennett Bridge Road); thence follow Highway 1077 and Highway 1078 (Bennett Bridge Road) northeast, east, and southeast to its intersection with Highway 1077 (Savannah Road); thence follow Highway 1077 (Savannah Road) northeast to its intersection with Highway 1077 (Willie Road); thence follow Highway 1077 (Willie Road) southeast, east, southeast, and east to its intersection with Highway 25; thence follow Highway 25 southeast to its intersection with Million Dollar Road; thence follow Million Dollar Road east

to its intersection with the Bogue Falaya River; thence follow the Bogue Falaya River northeast, north, northwest, north, northeast, and north to its intersection with Simalusa Creek; thence follow Simalusa Creek northeast, southeast, and northeast to its intersection with an unnamed road connecting Bruhl Road and Jesse Hyatt Road; thence follow the unnamed road west to its intersection with Bruhl Road; thence follow Bruhl Road north, west, and southwest to its intersection with the Bogue Falaya River; thence follow the Bogue Falaya River northwest, north, northwest, north, and northwest to its intersection with Beason Creek; thence follow Beason Creek north northeast, north, and northeast to its intersection with Highway 40; thence follow Highway 40 west to its intersection with the Bogue Falaya River; thence follow the Bogue Falaya River southwest, southeast, south, and southeast to its intersection with Morgan Branch; thence follow Morgan Branch west, southwest, northwest, west, southwest, northwest, and north to its intersection with Highway 40 (Unneedus Road); thence follow Highway 40 (Unneedus Road) southwest, west, and north to its intersection with the Tchefuncte River, which is also the St. Tammany Parish/Tangipahoa Parish boundary line, also the point of beginning.

Precinct 203. Commence at the intersection of the St. Tammany Parish/Washington Parish boundary line and Highway 437 (Middle Road), also the point of beginning; thence follow Highway 437 (Middle Road) southwest, southeast, south, southwest, south, and southeast to its intersection with Bill's Creek; thence follow Bill's Creek southwest, west, southwest, south, southwest, south, southwest, and southeast to its intersection with Simalusa Creek; thence follow Simalusa Creek south, southwest, northwest, and southwest to its intersection with the Bogue Falaya River; thence follow the Bogue Falaya River south, southwest, south, southeast, south, and southwest to its intersection with Million Dollar Road; thence follow Million Dollar Road east, north, east, north, and east to its intersection with La Tice Branch; thence follow La Tice Branch northeast, east, and northeast to its intersection with Highway 40 (Bush-Folsom Road); thence follow Highway 40 (Bush-Folsom Road) northwest to its intersection with Jarrell Road; thence follow northeast, north, and east to its intersection with Highway 1129 (Lee Road); thence follow Highway 1129 (Lee Road) north and northwest to its intersection with Lee Road; thence follow Lee Road north, northeast, north, northwest, northeast, and north to its intersection with the St. Tammany Parish/Washington Parish boundary line; thence follow the St. Tammany Parish/Washington Parish boundary line northwest to its intersection with Highway 437 (Middle Road), also the point of beginning.

Precinct 204. Commence at the intersection of Highway 1080 (North Factory Road) and Highway 437 (Middle Road), also the point of beginning; thence follow Highway 437 (Middle Road) southwest, southeast, south, southwest, south, and southeast to its intersection with Bill's Creek; thence follow the meanderings of Bill's Creek southwest, west, southwest, south, southwest, south, southwest, and southeast to its intersection with Simalusa Creek; thence follow the meanderings of Simalusa Creek south and southwest to its intersection with an unnamed road connecting Bruhl Road and Jesse Hyatt Road; thence follow the unnamed road west to its intersection with Bruhl Road; thence follow Bruhl Road north, west, and southwest

to its intersection with the Bogue Falaya River; thence follow the meanderings of the Bogue Falaya River northwest, north, northwest, north, and northwest to its intersection with Beason Creek; thence follow the meanderings of Beason Creek north, northeast, north, northeast, north, and northeast to its intersection with Highway 40; thence follow Highway 40 west to its intersection with Highway 1080 (North Factory Road); thence follow Highway 1080 (North Factory Road) north, northeast, east, north, and northeast to its intersection with Highway 437 (Middle Road), also the point of beginning.

Precinct 205. Commence at the intersection of the St. Tammany Parish/Washington Parish boundary line and Lee Road, also the point of beginning; thence follow Lee Road south, southwest, southeast, south, southwest, and south to its intersection with Highway 1129 (Lee Road); thence follow Highway 1129 (Lee Road) southeast and south to its intersection with Fairhaven Road; thence follow Fairhaven Road east to its intersection with a Louisiana Gas pipeline and right-of-way; thence follow the Louisiana Gas pipeline and right-of-way south and southeast to its intersection with Highway 1081 (Stafford Road); thence follow Highway 1081 (Stafford Road) east and southeast to its intersection with Pat O'Brien Road; thence follow Pat O'Brien Road north, northwest, north, and east to its intersection with Highway 1082 (Old Military Road); thence follow Highway 1082 (Old Military Road) northeast, north, and northeast to its intersection with Highway 40 (Bush-Folsom Road); thence follow Highway 40 (Bush-Folsom Road) northwest to its intersection with Isabel Swamp Road; thence follow Isabel Swamp Road continuing northwest, then northeast, north, northwest, and northeast to its intersection with the St. Tammany Parish/Washington Parish boundary line; thence follow the St. Tammany Parish/Washington Parish boundary line northwest to its intersection with Lee Road, also the point of beginning.

Precinct 206. Commence at the intersection of La Tice Branch and Highway 40 (Bush-Folsom Road), also the point of beginning; thence follow Highway 40 (Bush-Folsom Road) northwest to its intersection with Jarrell Road; thence follow Jarrell Road northeast, north, and east to its intersection with Highway 1129 (Lee Road); thence follow Highway 1129 (Lee Road) north to its intersection with Fairhaven Road; thence follow Fairhaven Road east to its intersection with a Louisiana Gas pipeline and right-of-way; thence follow the Louisiana Gas pipeline and right-of-way south and southeast to its intersection with Highway 1081 (Stafford Road); thence follow Highway 1081 (Stafford Road) east and southeast to its intersection with Pat O'Brien Road; thence follow Pat O'Brien Road north, northwest, north, and east to its intersection with Highway 1082 (Old Military Road); thence follow Highway 1082 (Old Military Road) southwest to its intersection with a Louisiana Gas pipeline and right-of-way; thence follow the Louisiana Gas pipeline and right-of-way northwest to its intersection with an electric power line; thence follow the electric power line southwest to its intersection with North Fitzmorris Road; thence follow North Fitzmorris Road northwest and west to its intersection with La Tice Branch; thence follow La Tice Branch north, northeast, north, northeast, north, northwest, and northeast to its intersection with Highway 40 (Bush-Folsom Road), also the point of beginning.

Precinct 207. Commence at the intersection of Highway 25 and Highway 1078 (Bennett Bridge Road), also the point of beginning; thence follow Highway 1078 (Bennett Bridge Road) west and northwest to its intersection with Cowpen Branch; thence follow Cowpen Branch south and southwest to its intersection with the Tchefuncte River; thence follow the Tchefuncte River northwest, west, northwest, north, and northwest to its intersection with Highway 1077 and Highway 1078 (Bennett Bridge Road); thence follow Highway 1077 and Highway 1078 (Bennett Bridge Road) northeast, east, and southeast to its intersection with Highway 1077 (Savannah Road); thence follow Highway 1077 (Savannah Road) northeast to its intersection with Highway 1077 (Willie Road); thence follow Highway 1077 (Willie Road) southeast, east, southeast, and east to its intersection with Highway 25; thence follow Highway 25 southeast to its intersection with Highway 1078 (Bennett Bridge Road), also the point of beginning.

Precinct 301. Commence at the intersection of Highway 25 and Highway 1078 (Bennett Bridge Road), also the point of beginning; thence follow Highway 1078 (Bennett Bridge Road) west and northwest to its intersection with Cowpen Branch; thence follow Cowpen Branch south and southwest to its intersection with the Tchefuncte River; thence follow the Tchefuncte River southeast, south, southeast, south, and southeast to its intersection with Horse Branch; thence follow Horse Branch north, north, northeast to its intersection with an eastern branch of Horse Branch; thence follow said eastern branch of Horse Branch north, northeast to its intersection with Penn Mill Road; thence follow Penn Mill Road southeast, south, to its intersection with an electric power line; thence follow the electric power line northeast to its intersection with Highway 25; thence follow Highway 25 northwest to its intersection with Highway 1078 (Bennett Bridge Road), also the point of beginning.

Precinct 302. Commence at the intersection of La Tice Branch and Million Dollar Road, also the point of beginning; thence follow Million Dollar Road west, south, west, south, and west to its intersection with Highway 25; thence follow Highway 25 southeast to its intersection with River Road; thence follow River Road northeast, southeast, east, and southeast to its intersection with Hosmer Mill Road; thence follow Hosmer Mill Road northeast to its intersection with the Bogue Falaya River; thence follow the Bogue Falaya River southeast, south, east, northeast, southeast, east, southeast, east, south, southeast, southwest, and southeast to its intersection with Highway 437 (Lee Road); thence follow Highway 437 (Lee Road) northeast and north to its intersection with North Fitzmorris Road; thence follow North Fitzmorris Road northwest to its intersection with La Tice Branch; thence follow La Tice Branch north, northeast, north, northeast, and north to its intersection with Million Dollar Road, also the point of beginning.

Precinct 303. Commence at the intersection of Highway 21 (Military Road) and Highway 1082 (Old Military Road), also the point of beginning; thence follow Highway 1082 (Old Military Road) north and northeast to its intersection with a Louisiana Gas pipeline and right-of-way; thence follow the Louisiana Gas pipeline and right-of-way northwest to its intersection with an electric power line; thence follow the electric power line southwest to its

intersection with Highway 437 (Lee Road); thence follow Highway 437 (Lee Road) south and southwest to its intersection with Johnsen Road; thence follow Johnsen Road east to its intersection with Dogwood Lane; thence follow Dogwood Lane south, southwest, and south to its intersection with Holly Drive; thence follow Holly Drive southeast to its intersection with Highway 21 (Military Road); thence follow Highway 21 (Military Road) northeast to its intersection with Wilson Road; thence follow Wilson Road east to its intersection with Highway 59; thence follow Highway 59 north to its intersection with Highway 21 (Military Road); thence follow Highway 21 (Military Road) southwest to its intersection with Highway 1082 (Old Military Road), also the point of beginning.

Precinct 304. Commence at the intersection of Highway 59 and Wilson Road, also the point of beginning; thence follow Wilson Road west to its intersection with Highway 21 (Military Road); thence follow Highway 21 (Military Road) south and southwest to its intersection with Holly Drive; thence follow Holly Drive northwest to its intersection with the Little Bogue Falaya River; thence follow the Little Bogue Falaya River southwest, west, southwest, and west to its intersection with the Bogue Falaya River; thence follow the Bogue Falaya River south, southwest, southeast, south, and southwest to its intersection with Highway 190; thence follow Highway 190 northeast to its intersection with Highway 21 (Military Road); thence follow Highway 21 (Military Road) north and northeast to its intersection with Highway 36; thence follow Highway 36 east to its intersection with Dahlia Street; thence follow Dahlia Street north to its intersection with Progress Street; thence follow Progress Street west to its intersection with Rose Street; thence follow Rose Street north to its intersection with Emancipation Street; thence follow Emancipation Street west to its intersection with United Church Road; thence follow United Church Road north to its intersection with Lowe Davis Road; thence follow Lowe Davis Road northeast to its intersection with Highway 59; thence follow Highway 59 north to its intersection with Wilson Road, also the point of beginning.

Precinct 305. Commence at the intersection of Highway 36 and Highway 21 (Military Road), also the point of beginning; thence follow Highway 21 (Military Road) southwest and south to its intersection with Highway 190; thence follow Highway 190 southeast to its intersection with the Abita River; thence follow the Abita River east, northeast, east, northeast, east, and northeast to its intersection with an unnamed branch of the Abita River; thence follow the unnamed branch north and northwest to its intersection with Highway 36; thence follow Highway 36 west and southwest to its intersection with Highway 21 (Military Road), also the point of beginning.

Precinct 306. Commence at the intersection of Highway 190 and Ponchitalawa Creek, also the point of beginning; thence follow Ponchitalawa Creek west to its intersection with the Tchefuncte River; thence follow the Tchefuncte River northwest and northeast to its intersection with the Interstate 12; thence follow Interstate 12, southeast to its intersection with Highway 190; thence follow Highway 190 southwest to its intersection with Ponchitalawa Creek, also the point of beginning.

Precinct 307. Commence at the intersection of Highway 190 and Ninth Avenue, also the point of beginning; thence follow Ninth Avenue east to its intersection with K Street; thence follow K Street north to its intersection with Quincy Avenue; thence follow Quincy Avenue east to its intersection with Seventh Street; thence follow Seventh Street south to its intersection with Madison Avenue; thence follow Madison Avenue east to its intersection with Eleventh Street; thence follow Eleventh Street south to its intersection with Helenbirg Road; thence follow Helenbirg Road southwest to its intersection with an unnamed creek; thence follow the unnamed creek northwest to its intersection with a drainage canal; thence follow the drainage canal north, northeast, northwest, and north to its intersection with Crestwood Boulevard; thence follow Crestwood Boulevard west to its intersection with Highway 190; thence follow Highway 190 north to its intersection with Ninth Avenue, also the point of beginning.

Precinct 308. Commence at the intersection of Highway 190 and 2nd Avenue, also the point of beginning; thence follow 2nd Avenue east and northeast to its intersection with Harrison Avenue; thence follow Harrison Avenue east to its intersection with a canal leading into the southern branch of the Abita River; thence follow the canal north to its intersection with the southern branch of the Abita River; thence follow the southern branch of the Abita River west and northwest to its intersection with the Abita River; thence follow the Abita River west, southwest, west, southwest, and west to its intersection with Highway 190; thence follow Highway 190 southeast to its intersection with 2nd Avenue, also the point of beginning.

Precinct 309. Commence at the intersection of Highway 190 and Harrison Avenue, also the point of beginning; thence follow Harrison Avenue east, northeast, and east to its intersection with Sixth Street; thence follow Sixth Street south to its intersection with Quincy Avenue; thence follow Quincy Avenue west, south, and west to its intersection with Highway 190; thence follow Highway 190 north to its intersection with Harrison Avenue, also the point of beginning.

Precinct 310. Commence at the intersection of Highway 190 and Interstate 12, also the point of beginning; thence follow Interstate 12 west to its intersection with the Tchefuncte River; thence follow the Tchefuncte River northwest and northeast to its intersection with the Bogue Falaya River; thence follow the Bogue Falaya River continuing northeast, then north, northeast, northwest, north, northeast, north, east, northeast, north, and northeast to its intersection with Highway 190; thence follow Highway 190 northeast, south, southeast, and south to its intersection with Interstate 12, also the point of beginning.

Precinct 311. Commence at the intersection of Parker Drive and LA Highway 59, also the point of beginning; thence follow Parker Drive northwest to its intersection with Soell Drive; thence follow Soell Drive southwest to its intersection with 11th Avenue; thence follow 11th Avenue northwest to its intersection with North Street; thence follow North Street southwest to its intersection with Lincoln Street; thence follow Lincoln Street west to its intersection with 11th Street; thence follow 11th Street north to Washington Avenue; thence follow Washington Avenue east to Fuschia Street; thence follow Fuschia Street north to Harrison Avenue; thence follow Harrison Avenue east to its intersection with Highway 59 and the point of beginning.

Precinct 312. Commence at the intersection of Lincoln Street and Eleventh Street, also the point of beginning; thence follow Eleventh Street south to its intersection with Helenbirg Road; thence follow Helenbirg Road southwest to its intersection with an unnamed creek; thence follow the unnamed creek northwest to its intersection with a drainage canal; thence follow the drainage canal north, northeast, northwest, and north to its intersection with Crestwood Boulevard; thence follow Crestwood Boulevard west to its intersection with Highway 190; thence follow Highway 190 south to its intersection with the Ponchitalawa Creek; thence follow the meanderings of the Ponchitalawa Creek east and northeast to its intersection with Highway 59; thence follow Highway 59 north to its intersection with Parker Drive; thence follow Parker Drive northwest to its intersection with Soell Drive; thence follow Soell Drive northeast to its intersection with Eleventh Avenue; thence follow Eleventh Avenue northwest to its intersection with North Street; thence follow North Street southwest to its intersection with Lincoln Street; thence follow Lincoln Street west to its intersection with Eleventh Street, also the point of beginning.

Precinct 313. Commence at the intersection of Sixth Street and Harrison Avenue, also the point of beginning; thence follow Harrison Avenue east to its intersection with Fuchsia Street; thence follow Fuchsia Street south to its intersection with Washington Avenue; thence follow Washington Avenue west to its intersection with Eleventh Street; thence follow Eleventh Street south to its intersection with Madison Avenue; thence follow Madison Avenue west to its intersection with Seventh Street; thence follow Seventh Street north to its intersection with Quincy Avenue; thence follow Quincy Avenue west to its intersection with Sixth Street; thence follow Sixth Street north to its intersection with Harrison Avenue, also the point of beginning.

Precinct 401. Commence at the intersection of Highway 22 and the Tchefuncte River, also the point of beginning; thence follow the meanderings of the Tchefuncte River south, southwest, and south to its intersection with an unnamed canal which runs parallel with the shoreline of Lake Pontchartrain; thence follow the unnamed canal southeast, east, and southeast to its intersection with Bayou Chinchuba; thence follow Bayou Chinchuba northeast to its intersection with an unnamed creek northwest of Lewisburg; thence follow the unnamed creek northwest to its intersection with an unnamed road extension of Heavens Drive; thence follow along the extension north, northwest, and northeast to its intersection with an electric power line running to the northwest and southeast; thence follow the electric power line northwest approximately 1,050', thence continue north along said power line approximately 420' thence continue west along said power line approximately 700', thence continue northwest along said power line approximately 840' to its intersection with an electric power line that runs to the north; thence follow the north bound electric power line north approximately 570', thence continue northwest along said power line approximately 890' to a point approximately 230' east of Woodridge Boulevard, thence follow the power line as it runs parallel to Woodridge Boulevard approximately 4,000' to its intersection with Highway 22; thence follow Highway 22 west, southwest and west to its intersection with the Tchefuncte River, also the point of beginning.

Precinct 402. Commence at the intersection of Highway 22 and the Tchefuncte River, also the point of beginning; thence follow the Tchefuncte River north, east, north, northwest, east, north, northwest, north, northeast, southeast, northeast, and south to its intersection with a branch of the Tchefuncte River; thence follow the branch of the Tchefuncte River southwest to its intersection with the boat launch of Beau Chene Marina; thence follow the boat launch west, south, and east to its intersection with Marina Boulevard; thence follow Marina Boulevard southeast, southwest, southeast, and southwest to its intersection with Highway 22; thence follow Highway 22 northwest and southwest to its intersection with the Tchefuncte River, also the point of beginning.

Precinct 403. Commence at the intersection of Highway 190 and Greenleaves Boulevard, also the point of beginning; thence follow Greenleaves Boulevard northeast to its intersection with the retention pond between Chateau Loire Boulevard and Richard Drive West; thence follow the retention pond southeast and southwest to its intersection with a drainage ditch; thence follow the drainage ditch south and southeast to its intersection with Sandlewood Drive; thence follow Sandlewood Drive east to its intersection with Goldenwood Street; thence follow Goldenwood Street southwest to its intersection with Driftwood Street; thence follow Driftwood Street southeast to its intersection with Wilkinson Street; thence follow Wilkinson Street southwest to its intersection with America Street; thence follow America Street southeast to its intersection with the Tammany Trace; thence follow the Tammany Trace northeast to its intersection with Destin Street; thence follow Destin Street southeast to its intersection with Lamarque Street; thence follow Lamarque Street southwest to its intersection with East Florida Street; thence follow East Florida Street northwest to its intersection with Highway 190; thence follow Highway 190 north and northwest to its intersection with Greenleaves Boulevard, also the point of beginning.

Precinct 404. Commence at the intersection of Highway 190 and Country Club Drive, also the point of beginning; thence follow Country Club Drive west and northwest to its intersection where Country Club Drive meets the boat launch of Covington Country Club; thence follow the boat launch continuing northwest to its intersection with the Tchefuncte River; thence follow the Tchefuncte River southwest and south to its intersection with Bayou Tete L'Ours; thence follow Bayou Tete L'Ours southeast to its intersection with Highway 190; thence follow Highway 190 north to its intersection with Country Club Drive, also the point of beginning.

Precinct 405. Commence at the intersection of Highway 59 and Sharp Road, also the point of beginning; thence follow Sharp Road west, southwest, northwest, and west to its intersection with Westwood Drive; thence follow Westwood Drive northeast and north to its intersection with Dove Park Road; thence follow Dove Park Road east to its intersection with Buras Ranch Road; thence follow Buras Ranch Road north to its intersection with Little Ponchitalawa Creek; thence follow Little Ponchitalawa Creek west and northwest to its intersection with

Ponchitalawa Creek; thence follow Ponchitalawa Creek north to its intersection with I-12; thence follow I-12 southeast to its intersection with Highway 59; thence follow Highway 59 south and southwest to its intersection with Sharp Road, also the point of beginning.

Precinct 406. Commence at the intersection of Highway 1088 and Kipp Road, also the point of beginning; thence follow Kipp Road north and northeast to its intersection with Highway 36 (Hickory Highway); thence follow Highway 36 (Hickory Highway) northwest to its intersection with the southern branch of the Abita River; thence follow the southern branch of the Abita River southwest, west, and northwest to its intersection with the Tammany Trace; thence follow the Tammany Trace southwest to its intersection with Hoffman Road; thence follow Hoffman Road west to its intersection with Highway 59; thence follow Highway 59 south to its intersection with Ponchitalawa Creek; thence follow Ponchitalawa Creek east, southeast, south, southeast, southwest, southeast, east, and northeast to its intersection with an electric power line; thence follow the electric power line southeast to its intersection with another electric power line; thence follow this electric power line east and southeast to its intersection with Highway 1088; thence follow Highway 1088 northeast, east, and northeast to its intersection with Kipp Road, also the point of beginning.

Precinct 407. Commence at the intersection of Sharp Road and the Tammany Trace, also the point of beginning; thence follow the Tammany Trace south to its intersection with Bayou Chinchuba; thence follow Bayou Chinchuba southwest, south, and southwest to its intersection with Highway 190; thence follow Highway 190 northwest to its intersection with Meadowbrook Boulevard; thence follow Meadowbrook Boulevard east to its intersection with Meadowbrook Drive; thence follow Meadowbrook Drive north to its intersection with Clearwater Drive; thence follow Clearwater Drive northeast to its intersection with Springwater Drive; thence follow Springwater Drive northwest to its intersection with Ridge Way Drive; thence follow Ridge Way Drive northeast to its intersection with Spanish Moss Court; thence follow Spanish Moss Court northwest to its intersection with a drainage ditch leading into a retention pond; thence follow the drainage ditch north to its intersection with the retention pond; thence follow the retention pond northwest to its intersection where the northwest corner of the retention pond flows into a culvert; thence follow the culvert continuing northwest to its intersection with Sharp Road; thence follow Sharp Road east, southeast, northeast, and east to its intersection with the Tammany Trace, also the point of beginning.

Precinct 408. Commence at the intersection of Highway 1088 and Soult Street, also the point of beginning; thence follow Soult Street south and southwest to its intersection with Labarre Street; thence follow Labarre Street northwest to its intersection with Albert Street; thence follow Albert Street southwest to its intersection with Dupard Street; thence follow Dupard Street northwest to its intersection with Lamarque Street; thence follow Lamarque Street northeast to its intersection with Destin Street; thence follow Destin Street northwest to its

intersection with Highway 59; thence follow Highway 59 northeast and north to its intersection with Highway 1088; thence follow Highway 1088 northeast to its intersection with Soult Street, also the point of beginning.

Precinct 409. Commence at the intersection of Highway 1088 and I-12, also the point of beginning; thence follow I-12 southeast to its intersection with Log Cabin Road; thence follow Log Cabin Road southwest to its intersection with Cane Bayou; thence follow Cane Bayou south, southwest, and south to its intersection with Highway 190; thence follow Highway 190 southeast to its intersection with North Pontchartrain Drive; thence follow North Pontchartrain Drive north, northeast, east, and southeast to its intersection with Fish Hatchery Road; thence follow Fish Hatchery Road northeast, northwest, north, northeast, and north to its intersection with Beaver Ball Road; thence follow Beaver Ball Road northeast, north, northwest, north, and northwest to its intersection with Highway 1088; thence follow Highway 1088 southwest, west, and southwest to its intersection with I-12, also the point of beginning.

Precinct 410. Commence at the intersection of Lonesome Road and Greenleaves Boulevard, also the point of beginning; thence follow Greenleaves Boulevard southeast and southwest to its intersection with the retention pond between Chateau Loire Boulevard and Richard Drive West; thence follow the retention pond southeast and southwest to its intersection with a drainage ditch; thence follow the drainage ditch south and southeast to its intersection with Sandlewood Drive; thence follow Sandlewood Drive east to its intersection with Goldenwood Street; thence follow Goldenwood Street southwest to its intersection with Driftwood Street; thence follow Driftwood Street southeast to its intersection with Wilkinson Street; thence follow Wilkinson Street southwest to its intersection with America Street; thence follow America Street southeast to its intersection with the Tammany Trace; thence follow the Tammany Trace northeast to its intersection with Lonesome Road; thence follow Lonesome Road west and southwest to its intersection with Greenleaves Boulevard, also the point of beginning.

Precinct 411. Commence at the intersection of I-12 and Highway 59, also the point of beginning; thence follow Highway 59 south and southwest to its intersection with Highway 1088; thence follow Highway 1088 northeast to its intersection with Spring Boulevard; thence follow Spring Boulevard south to its intersection with Chestnut Oak Drive; thence follow Chestnut Oak Drive southwest, south, southeast, and northeast, then its extension east to its intersection with Soult Street; thence follow Soult Street north to its intersection with Highway 1088; thence follow Highway 1088 northeast to its intersection with I-12; thence follow I-12 northwest to its intersection with Highway 59, also the point of beginning.

Precinct 412. Commence at the intersection of Sycamore Street and Soult Street, also the point of beginning; thence follow Soult Street south to its intersection with a canal between Quail Creek South and New Canaan Hills subdivisions; thence follow the canal east, southeast, east, southeast, east, south, and east to its intersection with Log Cabin Road; thence follow Log

Cabin Road northeast to its intersection with I-12; thence follow I-12 northwest to its intersection with Highway 1088; thence follow Highway 1088 southwest to its intersection with Sycamore Street; thence follow Sycamore Street south and west to its intersection with Soult Street, also the point of beginning.

Precinct 413. Commence at the intersection of Highway 190 and Highway 22, also the point of beginning; thence follow Highway 22 northwest to its intersection with Beau Chene Boulevard; thence follow Beau Chene Boulevard northeast to its intersection with Beau Chene Drive; thence follow Beau Chene Drive southeast, east, and north to its intersection with North Beau Chene Drive; thence follow North Beau Chene Drive northwest and west to its intersection with Kiskatom Lane; thence follow Kiskatom Lane northwest and north to its intersection with Bayou Tete L'Ours; thence follow Bayou Tete L'Ours southeast to its intersection with Highway 190; thence follow Highway 190 southwest to its intersection with Highway 22, also the point of beginning.

Precinct 414. Commence at the intersection of Lonesome Road and Highway 190; follow Highway 190 northwest to its intersection with Bayou Chinchuba; thence follow the meanderings of Bayou Chinchuba northeast and east to its intersection with the Tammany Trace; thence follow the Tammany Trace southwest to its intersection with Lonesome Road; thence follow Lonesome Road northwest and southwest to its intersection with Highway 190, also the point of beginning.

Precinct 415. Commence at the intersection of Highway 190 and Lonesome Road, also the point of beginning; thence follow Lonesome Road northeast to its intersection with Greenleaves Boulevard; thence follow Greenleaves Boulevard southeast and southwest to its intersection with Highway 190; thence follow Highway 190 northwest to its intersection with Lonesome Road, also the point of beginning.

Precinct 416. Commence at the intersection of Ashbury Drive (a.k.a. Highway 3228), and Sharp Road, also the point of beginning; thence follow Ashbury Drive southwest and southeast to its intersection with Meadowbrook Boulevard; thence follow Meadowbrook Boulevard east to its intersection with Meadowbrook Drive; thence follow Meadowbrook Drive north to its intersection with Clearwater Drive; thence follow Clearwater Drive northeast to its intersection with Springwater Drive; thence follow Springwater Drive northwest to its intersection with Ridge Way Drive; thence follow Ridge Way Drive northeast to its intersection with Spanish Moss Court; thence follow Spanish Moss Court northwest to its intersection with a drainage ditch leading into a retention pond; thence follow the drainage ditch north to its intersection with the retention pond; thence follow the retention pond northwest to its intersection where the northwest corner of the retention pond flows into a culvert; thence follow the culvert continuing northwest to its intersection with Sharp Road; thence follow Sharp Road west and southwest to its intersection with Ashbury Drive (a.k.a. Highway 3228), also the point of beginning.

Precinct 417. Commence at the intersection of Sharp Road and Ashbury Drive, also the point of beginning; thence follow Sharp Road continuing northeast, then east to its intersection with Westwood Drive; thence follow Westwood Drive northeast and north to its intersection with Dove Park Road; thence follow Dove Park Road east to its intersection with Buras Ranch Road; thence follow Buras Ranch Road north to its intersection with Little Ponchitalawa Creek; thence follow Little Ponchitalawa Creek west and northwest to its intersection with Ponchitalawa Creek; thence follow Ponchitalawa Creek west, southwest, and west to its intersection with Highway 190; thence follow Highway 190 south and southwest to its intersection with Ashbury Drive (a.k.a. Highway 3228), thence follow Ashbury Drive (a.k.a. Highway 3228) southeast to its intersection with Sharp Road, also the point of beginning.

Precinct 418. Commence at the intersection of Highway 190 and Country Club Drive, also the point of beginning; thence follow Country Club Drive west and northwest to its intersection where Country Club Drive meets the boat launch of Covington Country Club; thence follow the boat launch continuing northwest to its intersection with the Tchefuncte River; thence follow the Tchefuncte River northeast to its intersection with Ponchitalawa Creek; thence follow Ponchitalawa Creek east to its intersection with Highway 190; thence follow Highway 190 south and southwest to its intersection with Country Club Drive, also the point of beginning.

Precinct 419. Commence at the intersection of Highway 22 and Beau Chene Boulevard, also the point of beginning; thence follow Beau Chene Boulevard northeast to its intersection with Beau Chene Drive; thence follow Beau Chene Drive southeast, east, and north to its intersection with North Beau Chene Drive; thence follow North Beau Chene Drive northwest and west to its intersection with Kiskatom Lane; thence follow Kiskatom Lane northwest and north to its intersection with Bayou Tete L'Ours; thence follow Bayou Tete L'Ours northwest to its intersection with the Tchefuncte River; thence follow the Tchefuncte River west, northwest, west, southwest, west, northwest, and north to its intersection with a branch of the Tchefuncte River; thence follow the branch of the Tchefuncte River southwest to its intersection with the boat launch of Beau Chene Marina; thence follow the boat launch west, south, and east to its intersection with Marina Boulevard; thence follow Marina Boulevard southeast, southwest, southeast, and southwest to its intersection with Highway 22; thence follow Highway 22 southeast to its intersection with Beau Chene Boulevard, also the point of beginning.

Precinct 420. Commence at the intersection of I-12 and Ponchitalawa Creek, also the point of beginning; thence follow Ponchitalawa Creek northwest, northeast, east, northwest, northeast, southeast, northeast, southeast, east, southeast, south, southeast, southwest, southeast, east, and northeast to its intersection with an electric power line; thence follow the electric power line southeast to its intersection with another electric power line; thence follow this electric power line east and southeast to its intersection with Highway 1088; thence follow Highway 1088 southwest to its intersection with I-12; thence follow I-12 northwest to its intersection with Ponchitalawa Creek, also the point of beginning.

Precinct 421. Commence at the intersection of Highway 22 and Heavens Drive, also the point of beginning, thence follow Heavens Drive south and southeast to its intersection with its unnamed road extension; thence follow along the extension south to its intersection with an electric power line running to the northwest and southeast; thence follow the electric power line northwest approximately 1,050', thence continue north along said power line approximately 420' thence continue west along said power line approximately 700', thence continue northwest along said power line approximately 840' to its intersection with an electric power line that runs to the north; thence follow the north bound electric power line north approximately 570', thence continue northwest along said power line approximately 890' to a point approximately 230' east of Woodridge Boulevard, thence follow the power line as it runs parallel to Woodridge Boulevard approximately 4,000' to its intersection with Highway 22; thence follow Highway 22 southeast to its intersection with Heavens Drive, also the point of beginning.

Precinct 422. Commence at the intersection of Highway 1088 and Soult Street, also the point of beginning; thence follow Soult Street south to its intersection with Sycamore Street; thence follow Sycamore Street east and north to its intersection with Highway 1088; thence follow Highway 1088 southwest to its intersection with Soult Street, also the point of beginning.

Precinct 423. Commence at the intersection of Desoto Street, and Highway 190, also the point of beginning; thence follow Desoto Street northeast to its intersection with Ashbury Drive (a.k.a. Highway 3228); thence follow Ashbury Drive (a.k.a. Highway 3228) northwest to its intersection with Highway 190; thence follow Highway 190 southwest to its intersection with Desoto Street, also the point of beginning.

Precinct 424. Commence at the intersection of Desoto Street and Highway 190, also the point of beginning; thence follow Highway 190 southwest to its intersection with Highway 22 (a.k.a. Emerald Street); thence follow Highway 22 (a.k.a. Emerald Street) southeast to its intersection with Ashbury Drive (a.k.a. Highway 3228); thence follow Ashbury Drive (a.k.a. Highway 3228) northwest to its intersection with Desoto Street; thence follow Desoto Street southwest to its intersection with Highway 190, also the point of beginning.

Precinct 426. Commence at the intersection of Soult Street and Labarre Street, also the point of beginning; thence follow Labarre Street northwest to its intersection with Albert Street; thence follow Albert Street southwest to its intersection with Dupard Street; thence follow Dupard Street northwest to its intersection with Lamarque Street; thence follow Lamarque Street southwest to its intersection with Florida Street (Highway 190); thence follow Florida Street (Highway 190) southeast to its intersection with Soult Street; thence follow Soult Street northeast to its intersection with Labarre Street, also the point of beginning.

Precinct 427. Commence at the intersection of the Tammany Trace and Sharp Road, also the point of beginning; thence follow Sharp Road east to its intersection with Highway 59; thence

follow Highway 59 southwest to its intersection with Destin Street; thence follow Destin Street northwest to its intersection with the Tammany Trace; thence follow the Tammany Trace northeast to its intersection with Sharp Road, also the point of beginning.

Precinct 501. Commence at the intersection of the St. Tammany Parish/Washington Parish boundary line and the Bogue Chitto River, also the point of beginning; thence follow the Bogue Chitto River southeast, east, northeast, south, southeast, east, southeast, east, northeast, southeast, east, southeast, east, south, and southwest to its intersection with Dobson Bayou; thence follow Dobson Bayou east, northeast, north, east, and southeast to its intersection with Hell's Gate Bayou; thence follow Hell's Gate Bayou east, northeast, and east to its intersection with the Pearl River, which is also the St. Tammany Parish boundary line at the Louisiana/Mississippi border; thence follow the Pearl River north, east, northeast, north, west, northwest, north, northeast, northwest, west, southwest, north, west, north, northeast, southeast, and north to its intersection with the St. Tammany Parish/Washington Parish boundary line; thence follow the St. Tammany Parish/Washington Parish boundary line west to its intersection with the Bogue Chitto River, also the point of beginning.

Precinct 502. Commence at the intersection of the St. Tammany Parish/Washington Parish boundary line and the Bogue Chitto River, also the point of beginning; thence follow the Bogue Chitto River southeast, east, northeast, south, southeast, east, southeast, east, northeast, and southeast to its intersection with Highway 21 (Military Road); thence follow Highway 21 (Military Road) south, southwest, west, and southwest to its intersection with Highway 1083 (Ben Williams Road); thence follow Highway 1083 (Ben Williams Road) north, northwest, north, northeast, north, northwest, and north to its intersection with Highway 40 (Bush-Folsom Road); thence follow Highway 40 (Bush-Folsom Road) northwest, west, and northwest to its intersection with Isabel Swamp Road; thence follow Isabel Swamp Road continuing northwest, then northeast, north, northwest, and northeast to its intersection with the St. Tammany Parish/Washington Parish boundary line; thence follow the St. Tammany Parish/Washington Parish boundary line northwest and west to its intersection with the Bogue Chitto River, also the point of beginning.

Precinct 503. Commence at the intersection of the Bogue Chitto River and Highway 21 (Military Road), also the point of beginning; thence follow Highway 21 (Military Road) south, southwest, west, and southwest to its intersection with Money Hill Parkway; thence follow Money Hill Parkway east, southeast, south, southwest, southeast, south, southeast, west, and southwest to its intersection with Highway 435 (Talisheek Highway); thence follow Highway 435 (Talisheek Highway) northeast, east, and northeast to its intersection with an unnamed gravel road; thence follow the unnamed gravel road north, northwest, northeast, and northwest to its intersection with Talisheek Creek; thence follow Talisheek Creek north and northeast to its intersection with the Gulf Mobile and Ohio Railroad; thence follow the Gulf Mobile and Ohio Railroad southeast to its intersection with LeBlanc Road; thence follow LeBlanc Road east to its intersection with Vernon Talley Road; thence follow Vernon Talley Road northeast

and east to its intersection with Highway 41 (Bogalusa Highway); thence follow Highway 41 (Bogalusa Highway) northeast and north to its intersection with Hickory Fields Road; thence follow Hickory Fields Road east, south, southwest, southeast, east, and southeast to its intersection with a boat launch leading into the Pearl River Canal; thence follow the boat launch east to its intersection with the Pearl River Canal; thence follow the Pearl River Canal southeast, south, and southeast to its intersection with a gas pipeline southeast of Meyers Road; thence follow the gas pipeline northeast to its intersection with the West Pearl River; thence follow the West Pearl River northwest, northeast, northwest, west, north, northwest, north, west, northwest, and north to its intersection with Wilson Slough; thence follow Wilson Slough northeast, east, southeast, and east to its intersection with the Pearl River which is also the St. Tammany Parish boundary line at the Louisiana/Mississippi border; thence follow the Pearl River northeast, northwest, southeast, north, northwest, west, northwest, east, northwest, north, northwest, southwest, and north to its intersection with Hell's Gate Bayou; thence follow Hell's Gate Bayou west, southwest, and west to its intersection with Dobson Bayou; thence follow Dobson Bayou northwest, west, south, southwest, and west to its intersection with the Bogue Chitto River; thence follow the Bogue Chitto River northeast, north, west, northwest, west, and northwest to its intersection with Highway 21 (Military Road), also the point of beginning.

Precinct 504. Commence at the intersection of Highway 1083 and Lowe Davis Road, also the point of beginning; thence follow Highway 1038 north to its intersection with LA Highway 21; thence follow LA Highway 21 northeast to its intersection with Money Hill Parkway; thence follow Money Hill Parkway south to its intersection with Highway 435 (Talisheek Highway); thence follow Highway 435 (Talisheek Highway) south and southwest to its intersection with McIntyre Road; thence follow McIntyre Road north to its intersection with a branch of the Abita River, thence follow said branch east and northeast and west, northwest to its intersection with Highway 1083 and Lowe Davis Road, also the point of beginning.

Precinct 505. Commence at the intersection of Highway 1082 (Old Military Road) and Highway 21 (Military Road), also the point of beginning; thence follow Highway 21 (Military Road) northeast to its intersection with Highway 59; thence follow Highway 59 south to its intersection with Lowe Davis Road; thence follow Lowe Davis Road northeast and east to its intersection with Highway 1083; thence follow Highway 1083 north and northwest to its intersection with Highway 21 (Military Road); thence follow Highway 21 (Military Road) northeast to its intersection with the northern part of Highway 1083; thence follow Highway 1083 north, northeast and northwest to its intersection with Highway 40 (Bush-Folsom Road); thence follow Highway 40 (Bush-Folsom Road) northwest and west to its intersection with Highway 1082 (Old Military Road); thence follow Highway 1082 (Old Military Road) south, southwest, and south to its intersection with Highway 21 (Military Road), also the point of beginning.

Precinct 601. Commence at the intersection of Highway 435 (Talisheek Highway) and Keen Road, also the point of beginning; thence follow Keen Road southeast to its intersection with Abita Creek; thence follow Abita Creek southwest to its intersection with the Abita River; thence follow the Abita River northeast and southeast to its intersection with an unnamed road north of Burvant Street; thence follow the unnamed road southwest and south to its intersection with Burvant Street; thence follow Burvant Street northeast and east to its intersection with Polaris Street; thence follow Polaris Street south and east to its intersection with Landry Lane; thence follow Landry Lane south, east, and south to its intersection with a branch of the Abita River; thence follow the branch of the Abita River west and northwest to its intersection with an unnamed road leading to Highway 36; thence follow the unnamed road southwest, southeast, and southwest to its intersection with Highway 36 (Hickory Highway); thence follow Highway 36 (Hickory Highway) southeast and east to its intersection with Pine Island Road; thence go northeast along Pine Island Road to its intersection with John Bennett Road; thence follow John Bennett Road northwest to its intersection with Peg Keller Road; thence follow Peg Keller Road southeast and northeast approximately 13,200 feet to its intersection with an unnamed gravel road; thence follow the unnamed gravel road northwest, north, northwest, west, and northwest to its intersection with Woodland Road; thence follow Woodland Road south to its intersection with an unnamed road connecting Woodland Road and Mule Bay; thence follow the unnamed road southwest and northwest crossing Mule Bay, then continue northwest, then southwest, north, northwest, east, northeast, north, northwest, and north to its intersection with Highway 435 (Talisheek Highway); thence follow Highway 435 (Talisheek Highway) southwest, west, southwest, west, and southwest to its intersection with Keen Road, also the point of beginning.

Precinct 602. Commence at the intersection of Wilson Slough and the Pearl River which is also the St. Tammany Parish boundary line at the Louisiana/Mississippi border, also the point of beginning; thence follow the meanderings of the Pearl River southwest, southeast, northwest, southeast, southwest, southeast, east, northeast, east, south, southwest, northwest, southwest, south, southeast, south, west, southwest, southeast, southwest, south, west, southeast, northeast, southwest, southeast, southwest, south, east, northeast, south, southwest, southeast, west, southwest, and southeast to its intersection with Holmes Bayou; thence follow the meanderings of Holmes Bayou south, west, south, southeast, south, southeast, southwest, southeast, and south to its intersection with the West Pearl River; thence follow the meanderings of the West Pearl River west, northwest, and southwest to its intersection with the Pearl River Canal; thence follow the meanderings of the Pearl River Canal west and northwest to its intersection with a boat launch leading to Lock No. 1 Road; thence follow the boat launch southwest to its intersection with Lock No. 1; thence follow Lock No. 1 Road west, northwest, and southwest to its intersection with Highway 41; thence follow Highway 41 northwest to its intersection with Firetower Road; thence follow Firetower Road southwest and northwest to its intersection with Peg Keller Road; thence follow Peg Keller Road west and southwest to its intersection with an unnamed gravel road; thence follow the unnamed gravel road north,

northwest, north, northwest, west, and northwest to its intersection with Woodland Road; thence follow Woodland Road south to its intersection with an unnamed road connecting Woodland Road and Mule Bay; thence follow the unnamed road southwest and northwest crossing Mule Bay, then continue northwest, then southwest, north, northwest, east, northeast, north, northwest, and north to its intersection with Highway 435 (Talisheek Highway); thence follow Highway 435 (Talisheek Highway) northeast to its intersection with an unnamed gravel road; thence follow the unnamed gravel road north, northwest, northeast, and northwest to its intersection with Talisheek Creek; thence follow the meanderings of Talisheek Creek north and northeast to its intersection with the Gulf Mobile and Ohio Railroad tracks; thence follow the Gulf Mobile and Ohio Railroad tracks southeast to its intersection with LeBlanc Lane; thence follow LeBlanc Lane southeast and east to its intersection with Vernon Talley Road; thence follow Vernon Talley Road northeast and east to its intersection with Highway 41 (Bogalusa Highway); thence follow Highway 41 (Bogalusa Highway) northeast and north to its intersection with Hickory Fields Road; thence follow Hickory Fields Road east, south, southwest, southeast, east, and southeast to its intersection with a boat launch leading into the Pearl River Canal; thence follow the boat launch east to its intersection with the Pearl River Canal; thence follow the meanderings of the Pearl River Canal southeast, south, and southeast to its intersection with a gas pipeline southeast of Meyers Road; thence follow the gas pipeline northeast to its intersection with the West Pearl River; thence follow the meanderings of the West Pearl River northwest, northeast, northwest, west, north, northwest, north, west, northwest, and north to its intersection with Wilson Slough; thence follow Wilson Slough northeast, east, southeast, and east to its intersection with the Pearl River which is also the St. Tammany Parish boundary line at the Louisiana/Mississippi border, also the point of beginning.

Precinct 603. Commence at the intersection of Highway 36 and Highway 41, also the point of beginning; thence follow Highway 41 southeast, south, southwest, and southeast to its intersection with Pine Street Extension; thence follow Pine Street Extension southwest, west, northwest, west, and southwest to its intersection with CC 19 Road; thence follow CC 19 Road northwest to its intersection with an electric power line; thence follow the electric power line continuing northwest and north to its intersection with Highway 36; thence follow Highway 36 southeast and east to its intersection with Highway 41, also the point of beginning.

Precinct 604. Commence at the intersection of I-59 and Old Highway 11, also the point of beginning; thence follow Old Highway 11 southeast, east, and northeast to its intersection with the Pearl River which is also the St. Tammany Parish boundary line at the Louisiana/Mississippi border; thence follow the Pearl River northwest, northeast, north, northwest, west, northwest, west, and southwest to its intersection with Holmes Bayou; thence follow Holmes Bayou south, west, south, southeast, south, southeast, southwest, southeast, and south to its intersection with the West Pearl River; thence follow the West Pearl River west, northwest, and southwest to its intersection with the Pearl River Canal; thence follow the Pearl River Canal west and northwest to its intersection with a boat launch leading to Lock No. 1 Road; thence

follow the boat launch southwest to its intersection with Lock No. 1 Road; thence follow Lock No. 1 Road west, northwest, and southwest to its intersection with Highway 41; thence follow Highway 41 southeast, southwest, south, southeast, and south to its intersection with Hickory Street; thence follow Hickory Street southeast to its intersection with Gum Creek; thence follow Gum Creek northeast, north, northwest, and east to its intersection with Old Channel; thence follow Old Channel southeast, east, south, southeast, and east to its intersection with 1-59; thence follow 1-59 northeast to its intersection with Old Highway 11, also the point of beginning.

Precinct 605. Commence at the intersection of Fish Hatchery Road and Beaver Ball Road, also the point of beginning; thence follow Beaver Ball Road northeast, north, northwest, north, and northwest to its intersection with Highway 1088; thence follow Highway 1088 southwest to its intersection with Kipp Road; thence follow Kipp Road north to its intersection with Highway 36; thence follow Highway 36 southeast to its intersection with an electric power line; thence follow the electric power line south to its intersection with Horse Shoe Island Road; thence follow Horse Shoe Island Road southwest to its intersection with Highway 434; thence follow Highway 434 north to its intersection with Bayou Lacombe; thence follow Bayou Lacombe south and southwest to its intersection with Krentel Road; thence follow Krentel Road northwest to its intersection with Fish Hatchery Road; thence follow Fish Hatchery Road Northeast to its intersection with Beaver Ball Road, also the point of beginning.

Precinct 606. Commence at the intersection of Highway 36 (Hickory Highway) and Highway 41 (Bogalusa Highway), also the point of beginning; thence follow Highway 41 (Bogalusa Highway) northwest, north, northeast, and northwest to its intersection with Firetower Road; thence follow Firetower Road southwest and northwest to its intersection with Peg Keller Road; thence follow Peg Keller Road west to its intersection with the Gulf Mobile and Ohio Railroad; thence follow the Gulf Mobile and Ohio Railroad southeast to its intersection with Highway 36 (Hickory Highway); thence follow Highway 36 (Hickory Highway) east to its intersection with Highway 41 (Bogalusa Highway), also the point of beginning.

Precinct 607. Commence at the intersection of Horseshoe Island Road and an electric powering, also the point of beginning; thence follow said powering south and southeast to its intersection with CC19 Road; thence follow CC19 Road northwest to its intersection with Dixie Ranch Road; thence follow Dixie Ranch Road south and southeast to its intersection with an electric power line; thence follow said electric power line west to its intersection with Bayou Lacombe; thence follow Bayou Lacombe north, north east to its intersection with Highway 434; thence follow Highway 434 south to its intersection with Horseshoe Island Road; thence follow Horseshoe Island Road northeast to its intersection with an electric power line, also the point of beginning.

Precinct 609. Commence at the intersection of Highway 36 and Pine Island Road; thence go northeast along Pine Island Road to its intersection with John Bennett Road; thence follow

John Bennett Road northwest to its intersection with Peg Keller Road; thence follow Peg Keller Road southeast and northeast to its intersection with the Gulf Mobile and Ohio Railroad; thence follow the Gulf Mobile and Ohio Railroad southeast to its intersection with Highway 36; thence follow Highway 36 northwest to its intersection with Pine Island Road, also the point of beginning.

Precinct 701. Commence at the intersection of Highway 434 and Highway 190, also the point of beginning; thence follow Highway 190 southwest, west, and northwest to its intersection with North Pontchartrain Drive; thence follow North Pontchartrain Drive north, northeast, east, and southeast to its intersection with Fish Hatchery Road; thence follow Fish Hatchery Road northeast, northwest, north, and northeast to its intersection with Krentel Road; thence follow Krentel Road southeast to its intersection with Bayou Lacombe; thence follow Bayou Lacombe southwest to its intersection with an electric power line; thence follow the electric power line southeast and east to its intersection with Highway 434; thence follow Highway 434 southwest, south, and southwest to its intersection with Highway 190, also the point of beginning.

Precinct 702. Commence at the intersection of Highway 190 and Highway 434, also the point of beginning; thence follow Highway 434 northeast, north, and northeast to its intersection with an electric power line; thence follow the electric power line northeast to Firetower Road; thence follow Firetower Road south to its intersection with Cypress Bayou; thence follow Cypress Bayou southwest and south to its intersection with Berry Todd Road; thence follow Berry Todd Road west, southwest, west, and southwest to its intersection with Mill Road; thence follow Mill Road south, west, southwest, northwest, and south to its intersection with Highway 190; thence follow Highway 190 northwest, west, and southwest to its intersection with Highway 434, also the point of beginning.

Precinct 703. Commence at the intersection of Highway 190 and Bayou Lacombe, also the point of beginning; thence follow Bayou Lacombe southeast, east, southeast, southwest, southeast, southwest, south, and southeast to its intersection where Bayou Lacombe flows into Lake Pontchartrain; thence follow a straight line extension south to its intersection with the St. Tammany Parish/Orleans Parish boundary line in Lake Pontchartrain; thence follow the St. Tammany Parish/Orleans Parish boundary line southeast, east, and northeast to its intersection with a straight line extension leading to Cane Bayou; thence follow the straight line extension north to its intersection with Cane Bayou; thence follow Cane Bayou continuing north, then northeast to its intersection with Highway 190; thence follow Highway 190 southeast and northeast to its intersection with Bayou Lacombe, also the point of beginning.

Precinct 704. Commence at the intersection of Highway 190 and Bayou Lacombe, also the point of beginning; thence follow Bayou Lacombe southeast, east, southeast, southwest, southeast, southwest, south, and southeast to its intersection with the shoreline of Lake Pontchartrain; thence follow the shoreline of Lake Pontchartrain east and southeast to its

intersection with a pipeline leading into Lake Pontchartrain; thence follow the pipeline northeast to its intersection with Bayou Paquet Road; thence follow Bayou Paquet Road east and southeast to its intersection with Transmitter Road; thence follow Transmitter Road north to its intersection with Highway 190; thence follow Highway 190 west, northwest, and southwest to its intersection with Bayou Lacombe, also the point of beginning.

Precinct 705. Commence at the intersection of Transmitter Road and the Tammany Trace, also the point of beginning; thence follow the Tammany Trace east to its intersection with Park Avenue; thence follow Park Avenue south and southwest to its intersection with Bayou Paquet; thence follow Bayou Paquet southeast and south to its intersection with Bayou Paquet Road; thence follow Bayou Paquet Road southeast to its intersection with Thompson Road; thence follow Thompson Road southwest and southeast to its intersection with Bayou Liberty; thence follow Bayou Liberty southwest, west, southwest, and southeast to its intersection with Bayou Bonfouca; thence follow Bayou Bonfouca southwest to its intersection with where Bayou Bonfouca flows into Lake Pontchartrain; thence follow a straight line extension south to its intersection with the St. Tammany Parish/Orleans Parish boundary line in Lake Pontchartrain; thence follow the St. Tammany Parish/Orleans Parish boundary line west and southwest to its intersection with a straight line extension leading to Bayou Lacombe; thence follow the straight line extension north to its intersection where Bayou Lacombe meets the shoreline of Lake Pontchartrain; thence follow the shoreline of Lake Pontchartrain east and southeast to its intersection with a pipeline leading into Lake Pontchartrain; thence follow the pipeline northeast to its intersection with Bayou Paquet Road; thence follow Bayou Paquet Road east and southeast to its intersection with Transmitter Road; thence follow Transmitter Road north to its intersection with the Tammany Trace, also the point of beginning.

Precinct 706. Commence at the intersection of Berry Todd Road and Cypress Bayou, also the point of beginning; thence follow Cypress Bayou south, west, and southwest to its intersection with Shannon Drive; thence follow Shannon Drive east to its intersection with North Tranquility Road; thence follow North Tranquility Road south to its intersection with Highway 190; thence follow Highway 190 northwest a short distance to its intersection with South Tranquility Road; thence follow South Tranquility Road south to its intersection with the Tammany Trace; thence follow the Tammany Trace west to its intersection with Transmitter Road; thence follow Transmitter Road north to its intersection with Highway 190; thence follow Highway 190 west and northwest to its intersection with Mill Road; thence follow Mill Road north, southeast, northeast, east, and north to its intersection with Berry Todd Road; thence follow Berry Todd Road northeast, east, northeast, and east to its intersection with Cypress Bayou, also the point of beginning.

Precinct 801. Commence at the intersection of 1-59 and Old Highway 11, also the point of beginning; thence follow Old Highway 11 southeast, east, and northeast to its intersection with the Pearl River which is also the St. Tammany Parish boundary line at the Louisiana/Mississippi border; thence follow the Pearl River southeast, southwest, and southeast to its

intersection with English Bayou; thence follow English Bayou southwest, west, and northwest to its intersection with Craddock Slough; thence follow Craddock Slough southwest, south, west, northwest, and south to its intersection with Otter Bayou; thence follow Otter Bayou southwest to its intersection with the West Pearl River; thence follow the West Pearl River southeast, south, and southwest to its intersection with Davis Landing boat launch; thence follow Davis Landing boat launch west and southwest to its intersection with Davis Landing Road; thence follow Davis Landing Road west, south, and west to its intersection with Highway 1090 (Military Road); thence follow Highway 1090 (Military Road) northwest, northeast, north, northwest, north, northeast, and northwest to its intersection with the 1-59 Service Road; thence follow the 1-59 Service Road northeast, northwest, north, and northeast to its intersection with Porter's River Road; thence follow Porter's River Road east, northeast, and north to its intersection with a boat launch leading into Porter's River; thence follow Porter's River northeast, northwest, and northeast to its intersection with the West Pearl River; thence follow the West Pearl River northwest to its intersection with 1-59; thence follow 1-59 northeast to its intersection with Old Highway 11, also the point of beginning.

Precinct 802. Commence at the intersection of I-12 and Highway 11, also the point of beginning; thence follow Highway 11 northeast to its intersection with Haas Road; thence follow Haas Road east to its intersection with Pebblebrook Drive; thence follow Pebblebrook Drive south to its intersection with Hunter's Creek Road; thence follow Hunter's Creek Road west to its intersection with Miller's Creek Lane; thence follow Miller's Creek Lane southwest to its intersection with Kelly Drive; thence follow Kelly Drive west to its intersection with Bluefield Drive; thence follow Bluefield Drive southeast and south to its intersection with Meredith Drive; thence follow Meredith Drive west to its intersection with Defiance Drive; thence follow Defiance Drive south to its intersection with Lenwood Drive; thence follow Lenwood Drive west to its intersection with Whisperwood Boulevard; thence follow Whisperwood Boulevard southwest, south, southeast, and south to its intersection with Brownswitch Road; thence follow Brownswitch Road east to its intersection with Highway 1091 (Robert Road); thence follow Highway 1091 (Robert Road) southwest to its intersection with I-12; thence follow I-12 northwest and west to its intersection with Highway 11, also the point of beginning.

Precinct 803. Commence at the intersection of Haas Road and Highway 1091, also the point of beginning; thence follow Highway 1091 south and southeast to its intersection with Dean Road; thence follow Dean Road and its extension northeast to its intersection with I-59; thence follow I-59 south and southwest to its intersection with I-12; thence follow I-12 northeast to its intersection with Highway 1091; thence follow Highway 1091 northeast to its intersection with Brownswitch Road; thence follow Brownswitch Road west to its intersection with Whisperwood Boulevard; thence follow Whisperwood Boulevard north, northwest, north, and northeast to its intersection with Lenwood Drive; thence follow Lenwood Drive east to its intersection with Defiance Drive; thence follow Defiance Drive north to its intersection with Meredith Drive; thence follow Meredith Drive east to its intersection with Bluefield Drive; thence follow

Bluefield Drive north and northwest to its intersection with Kelly Drive; thence follow Kelly Drive east to its intersection with Millers Creek Lane; thence follow Millers Creek Lane northeast to its intersection with Hunters Creek Road; thence follow Hunters Creek Road east to its intersection with Pebblebrook Drive; thence follow Pebblebrook Drive north to its intersection with Haas Road; thence follow Haas Road east to its intersection with Highway 1091, also the point of beginning.

Precinct 804. Commence at the intersection of I-59 and I-10, also the point of beginning; thence follow I-10 southeast, east, and northeast to its intersection with the Pearl River which is also the St. Tammany Parish boundary line at the Louisiana/Mississippi border; thence follow the Pearl River north, northeast, northwest, north, and northwest to its intersection with English Bayou; thence follow English Bayou southwest, west, and northwest to its intersection with Craddock Slough; thence follow Craddock Slough southwest, south, west, northwest, and south to its intersection with Otter Bayou; thence follow Otter Bayou southwest to its intersection with the West Pearl River; thence follow the West Pearl River southeast, south, and southwest to its intersection with Davis Landing boat launch; thence follow Davis Landing boat launch west and southwest to its intersection with Davis Landing Road; thence follow Davis Landing Road west, south, and west to its intersection with Highway 1090 (Military Road); thence follow Highway 1090 (Military Road) northwest, northeast, north, northwest, north, northeast, and northwest to its intersection with I-59; thence follow I-59 south and southwest to its intersection with I-10, also the point of beginning.

Precinct 805. Commence at the intersection of I-10 and Gause Boulevard, also the point of beginning; thence follow Gause Boulevard east and northeast to its intersection with Amber Street; thence follow Amber Street north to its intersection with Lake Village Boulevard; thence follow Lake Village Boulevard east and southeast to its intersection with Cross Gates Boulevard; thence follow Cross Gates Boulevard northeast to its intersection with Highway 1090 (North Military Road); thence follow Highway 1090 (North Military Road) northwest to its intersection with I-10; thence follow I-10 northwest and southwest to its intersection with Gause Boulevard, also the point of beginning.

Precinct 806. Commence at the intersection of Gause Boulevard East (Highway 190) and French Branch, also the point of beginning; thence follow the meanderings of French Branch southeast to its intersection with Highway 1090 (Military Road); thence follow Highway 1090 (Military Road) southwest to its intersection with Rue Esplanade; thence follow Rue Esplanade and its extension northwest to its intersection with Rue Holiday; thence follow Rue Holiday continuing northwest, then west to its intersection with Pearl Acres Road; thence follow Pearl Acres Road north to its intersection with Gause Boulevard East (Highway 190); thence follow Gause Boulevard East (Highway 190) northeast to its intersection with French Branch, also the point of beginning.

Precinct 807. Commence at the intersection of I-10 and Highway 1090 (Military Road), also the point of beginning; thence follow Highway 1090 (Military Road) southeast to its intersection with Herwig Bluff Road; thence follow Herwig Bluff Road and its extension east and northeast to a branch leading to the West Pearl River; thence follow the branch southeast to its intersection with the West Pearl River; thence follow the meanderings of the West Pearl River northwest to its intersection with I-10; thence follow I-10 west and northwest to its intersection with Highway 1090 (Military Road), also the point of beginning.

Precinct 808. Commence at the intersection of Doubloon Branch and Highway 1090 (Military Road), also the point of beginning; thence follow Highway 1090 (Military Road) northeast to its intersection with an electric power line; thence follow the electric power line northeast to its intersection with the West Pearl River; thence follow the West Pearl River southeast to its intersection with Doubloon Branch; thence follow Doubloon Branch west, southwest, and northwest to its intersection with Highway 1090 (Military Road), also the point of beginning.

Precinct 809. Commence at the intersection of Doubloon Branch and Highway 190 East, also the point of beginning; thence follow Highway 190 East northwest, west, and northwest to its intersection with Brookter Road; thence follow Brookter Road south and southeast to its intersection with Kingspoint Boulevard; thence follow Kingspoint Boulevard southwest to its intersection with Voters Road; thence follow Voters Road east to its intersection with Brookter Road; thence follow Brookter Road south to its intersection with the levee which encircles New Kingspoint subdivision; thence follow the levee east, south, and west to its intersection with the W-14 Canal via the pumping station; thence follow the W-14 Canal southeast to its intersection with Doubloon Branch; thence follow Doubloon Branch northeast, east, north, northwest, east, northeast, northwest, and northeast to its intersection with Highway 190 East, also the point of beginning.

Precinct 810. Commence at the intersection of Doubloon Branch and Highway 1090 (Military Road), also the point of beginning; thence follow Highway 1090 (Military Road) south to its intersection with Highway 190 East; thence follow Highway 190 East southeast and east to its intersection with Highway 90; thence follow Highway 90 northeast and east to its intersection with the Pearl River, which is also the St. Tammany Parish boundary line at the Louisiana/Mississippi border; thence follow the Pearl River north, northwest, north, east, north, northwest, north, northwest, west, north, northeast, and north to its intersection with I-10; thence follow I-10 southwest and west to its intersection with the West Pearl River; thence follow the West Pearl River southeast, south, and southeast to its intersection with Doubloon Branch; thence follow Doubloon Branch west, southwest, and northwest to its intersection with Highway 1090 (Military Road), also the point of beginning.

Precinct 811. Commence at the intersection of Highway 1090 (Military Road) and Gause Boulevard, also the point of beginning; thence follow Gause Boulevard southwest to its

intersection with French Branch; thence follow French Branch southeast to its intersection with Highway 1090 (Military Road); thence follow Highway 1090 (Military Road) north, northeast, and northwest to its intersection with Gause Boulevard, also the point of beginning.

Precinct 812. Commence at the intersection of Highway 1090 (Military Road) and Gause Boulevard, also the point of beginning; thence follow Gause Boulevard southwest to its intersection with Amber Street; thence follow Amber Street north to its intersection with Lake Village Boulevard; thence follow Lake Village Boulevard east and southeast to its intersection with Cross Gates Boulevard; thence follow Cross Gates Boulevard northeast to its intersection with Highway 1090 (Military Road); thence follow Highway 1090 (Military Road) southeast to its intersection with Gause Boulevard, also the point of beginning.

Precinct 813. Commence at the intersection of I-10 and Gause Boulevard, also the point of beginning; thence follow Gause Boulevard east and northeast to its intersection with Pearl Acres Road; thence follow Pearl Acres Road south to its intersection with Rue Holiday; thence follow Rue Holiday west to its intersection with North Holiday Drive; thence follow North Holiday Drive southwest and west to its intersection with an electric power line; thence follow the electric power line southeast to its intersection with Highway 190 East; thence follow Highway 190 East west and northwest becoming Highway 190 West; thence follow Highway 190 West continuing northwest to its intersection with I-10; thence follow I-10 northeast to its intersection with Gause Boulevard, also the point of beginning.

Precinct 814. Commence at the intersection of Voters Road and Brookter Road, also the point of beginning; thence follow Brookter Road south to its intersection with the levee which encircles New Kingspoint subdivision; thence follow the levee east, south, and west crossing the W-14 Canal via the pumping stations on each side; thence continue southwest, west, north, and northeast to its intersection with Kingspoint Boulevard; thence follow Kingspoint Boulevard northwest to its intersection with Voters Road; thence follow Voters Road east to its intersection with Brookter Street, also the point of beginning.

Precinct 815. Commence at the intersection of Dean Road and Highway 1091, also the point of beginning; thence follow Highway 1091 northwest, north, and northwest to its intersection with the Illinois Central Railroad tracks; thence follow the Illinois Central Railroad tracks northeast to its intersection with Watts Road; thence follow Watts Road southeast to its intersection with Highway 1090; thence follow Highway 1090 continuing southeast to its intersection with I-59; thence follow I-59 south to its intersection with the extension of Dean Road; thence follow the extension of Dean Road southwest to its intersection with Highway 1091, also the point of beginning.

Precinct 816. Commence at the intersection of Highway 1090 (Military Road) and Rue Esplanade, also the point of beginning; thence follow Rue Esplanade and its extension northwest to its intersection with Rue Holiday; thence follow Rue Holiday continuing northwest, then west to its intersection with North Holiday Drive; thence follow North Holiday

Drive southwest and west to its intersection with an electric power line; thence follow the electric power line southeast to its intersection with Highway 190 Business (Shortcut Highway); thence follow Highway 190 Business (Shortcut Highway) east and southeast to its intersection with Highway 1090 (Military Road); thence follow Highway 1090 (Military Road) north and northeast to its intersection with Rue Esplanade, also the point of beginning.

Precinct 817. Commence at the intersection of Highway 1090 (Military Road) and Herwig Bluff Road, also the point of beginning; thence follow Herwig Bluff Road and its extension east and northeast to a branch leading to the West Pearl River; thence follow the branch southeast to its intersection with the West Pearl River; thence follow the meanderings of the West Pearl River southeast and south to its intersection with an electric power line; thence follow the electric power line southwest to its intersection with Highway 1090 (Military Road); thence follow Highway 1090 (Military Road) north and northwest to its intersection with Herwig Bluff Road, also the point of beginning.

Precinct 901. Commence at the intersection of Highway 190 and the Tammany Trace, also the point of beginning; thence follow the Tammany Trace east to its intersection with Camp Villere Road; thence follow Camp Villere Road north to its intersection with I-12; thence follow I-12 northwest to its intersection with Bayou Liberty; thence follow Bayou Liberty north and northwest to its intersection with the west branch of Bayou Liberty; thence follow the west branch of Bayou Liberty west, northwest, north, and northwest to its intersection with CC19 Road; thence follow CC19 Road northwest and west to its intersection with Dixie Ranch Road; thence follow Dixie Ranch Road south, southeast, and south to its intersection with Cypress Bayou; thence follow Cypress Bayou west, southwest, south, west, and southwest to its intersection with Shannon Drive; thence follow Shannon Drive east to its intersection with North Tranquility Road; thence follow North Tranquility Road south to its intersection with Highway 190; thence follow Highway 190 northwest a short distance to its intersection with South Tranquility Road; thence follow South Tranquility Road south to its intersection with the Tammany Trace; thence follow the Tammany Trace east to its intersection with Thompson Road; thence follow Thompson Road northeast to its intersection with Highway 190; thence follow Highway 190 southeast, east, northeast, and southeast to its intersection with the Tammany Trace, also the point of beginning.

Precinct 902. Commence at the intersection of Camp Villere Road and I-12, also the point of beginning; thence follow I-12 east to its intersection with a drainage canal which flows into Bayou Vincent; thence follow the drainage canal southeast to its intersection with Bayou Vincent; thence follow Bayou Vincent northeast, northwest, north, and northeast to its intersection with the abandoned Illinois Central Railroad; thence follow the abandoned Illinois Central Railroad northwest to its intersection with Browns Village Road; thence follow Browns Village Road east to its intersection with Bayou Vincent; thence follow Bayou Vincent northeast, north, northeast, northwest, north, northeast, north, northwest, northeast, and north to its intersection with Receiving Station Road; thence follow Receiving Station Road west,

northwest, west, and northwest to its intersection with CC33 Road; thence follow CC33 Road southwest to its intersection with CC19 Road; thence follow CC19 Road southeast and south to its intersection with an unnamed gravel road north of Camp Villere; thence follow the unnamed gravel road west to its intersection with Camp Villere Road; thence follow Camp Villere Road southeast, southwest, and south to its intersection with I-12, also the point of beginning.

Precinct 903. Commence at the intersection of Receiving Station Road and CC33 Road, also the point of beginning; thence follow CC33 Road northeast and east to its intersection with Pine Street Extension; thence follow Pine Street Extension continuing east, then southeast, east, and northeast to its intersection with Watts Road; thence follow Watts Road southeast to its intersection with Gum Bayou; thence follow Gum Bayou south, southwest, and southeast to its intersection with Son Moore Road; thence follow Son Moore Road west, southeast, and east to its intersection with Gum Bayou; thence follow Gum Bayou southwest and southeast to its intersection with Highway 11; thence follow Highway 11 southwest to its intersection with 5th Avenue; thence follow 5th Avenue northwest to its intersection with 8th Street; thence follow 8th Street northeast to its intersection with Pearl River Street; thence follow Pearl River Street west to its intersection with 12th Street; thence follow 12th Street southwest to its intersection with 4th Avenue; thence follow 4th Avenue northwest to its intersection with 15th Street; thence follow 15th Street northeast and northwest to its intersection with Pearl River Street; thence follow Pearl River Street west to its intersection with 17th Street; thence follow 17th Street southwest to its intersection with 3rd Avenue; thence follow 3rd Avenue northwest and west to its intersection with Receiving Station Road; thence follow Receiving Station Road northwest, west, and northwest to its intersection with CC33 Road, also the point of beginning.

Precinct 904. Commence at the intersection of Bayou Liberty and Highway 190 (Gause Boulevard West), also the point of beginning; thence follow Highway 190 (Gause Boulevard West) east and southeast to its intersection with Carroll Road; thence follow Carroll Road south and southwest to its intersection with Liberty Drive; thence follow Liberty Drive west to its intersection with East Avenue; thence follow East Avenue south to its intersection with Garden Drive; thence follow Garden Drive and its extension northwest to its intersection with the W-12 L1 Canal; thence follow the W-12 L1 Canal southwest to its intersection with Bayou Liberty; thence follow the meanderings of Bayou Liberty northwest to its intersection with Highway 190 (Gause Boulevard West), also the point of beginning.

Precinct 905. Commence at the intersection of the Tammany Trace and Highway 433 (Thompson Road), also the point of beginning; thence follow Highway 433 (Thompson Road) southwest to its intersection with a Drainage Canal which encircles Ozone Woods subdivision; thence follow the meanderings of the Drainage Canal northwest and northeast encircling Ozone Woods subdivision to its intersection with the Tammany Trace; thence follow the Tammany Trace east to its intersection with Highway 433 (Thompson Road), also the point of beginning.

Precinct 906. Commence at the intersection of Thompson Road and Highway 190, also the point of beginning; thence follow Highway 190 east to its intersection with Bayou Liberty; thence follow Bayou Liberty south, southeast, south, southeast, and south to its intersection with Jefferson Avenue; thence follow Jefferson Avenue northeast and southeast to its intersection with Bayou Liberty Road; thence follow Bayou Liberty Road southwest to its intersection with Napoleon Avenue; thence follow Napoleon Avenue southeast to its intersection with Benjamin Road; thence follow Benjamin Road southwest and southeast to its intersection with Laurent Road; thence follow Laurent Road southwest, northwest, and southwest to its intersection with Nunez Road; thence follow Nunez Road north to its intersection with Bayou Liberty Road; thence follow Bayou Liberty Road west to its intersection with Thompson Road; thence follow Thompson Road northwest and northeast to its intersection with Highway 190, also the point of beginning.

Precinct 907. Commence at the intersection of Carroll Road and Bayou Liberty Road, also the point of beginning; thence follow Bayou Liberty Road southwest to its intersection with Jefferson Avenue; thence follow Jefferson Avenue northwest and southwest to its intersection with Bayou Liberty; thence follow Bayou Liberty north and northwest to its intersection with the W-12, L-1 Canal; thence follow the W-12, L-1 Canal northeast to its intersection with Garden Drive; thence follow Garden Drive east and southeast to its intersection with East Street; thence follow East Street northeast to its intersection with Liberty Drive; thence follow Liberty Drive east to its intersection with Carroll Road; thence follow Carroll Road southeast to its intersection with Bayou Liberty Road, also the point of beginning.

Precinct 908. Commence at the intersection of Bayou Bonfouca and Bayou Liberty, also the point of beginning; thence follow Bayou Liberty north, northwest, north, northeast, east, and northeast to its intersection with Thompson Road; thence follow Thompson Road southeast to its intersection with Bayou Liberty Road; thence follow Bayou Liberty Road east to its intersection with Nunez Road; thence follow Nunez Road south to its intersection with Laurent Road; thence follow Laurent Road northeast to its intersection with Baldwin Drive; thence follow Baldwin Drive southeast to its intersection with Ridgewood Drive; thence follow Ridgewood Drive southwest to its intersection with Dunbar Drive; thence follow Dunbar Drive southeast to its intersection with a gravel driveway into the Baldwin property; thence follow the gravel driveway continuing southeast, then east, southeast, and south to its intersection with a cleared path leading to a boat launch on the property leading into Bayou Bonfouca; thence follow the cleared path southeast and southwest to its intersection with a boat launch leading into Bayou Bonfouca; thence follow the boat launch south to its intersection with Bayou Bonfouca; thence follow Bayou Bonfouca west, southwest, west, south, west, and northwest to its intersection with Bayou Liberty, also the point of beginning.

Precinct 909. Commence at the intersection of the St. Tammany Parish/Orleans Parish boundary line in Lake Pontchartrain and I-10; thence follow I-10 northeast to its intersection with the extension of Windrift Drive; thence follow the extension of and Windrift Drive

southeast to its intersection with Kingspoint Boulevard; thence follow Kingspoint Boulevard southwest to its intersection with the levee which encircles New Kingspoint subdivision; thence follow the levee southwest, south, and east to its intersection with the W-14 canal via the pumping station; thence follow the W-14 canal southeast and southwest to its intersection with an unnamed waterway which leads into Big Branch Marsh National Wildlife Refuge; thence follow the unnamed waterway southeast and south through the Big Branch Marsh to its intersection with Salt Bayou; thence follow the meanderings of Salt Bayou east, northeast, east, southeast, and east to its intersection with the West Pearl River; thence follow the meanderings of the West Pearl River southeast, southwest, east, southwest, and south to its intersection with the St. Tammany Parish/Orleans Parish boundary line in the Rigolets; thence follow St. Tammany Parish/Orleans Parish boundary line northwest, west, southwest, west, northwest, and southwest into Lake Pontchartrain with its intersection with I-10, also the point of beginning.

Precinct 910. Commence at the intersection of Moonraker Drive and Eden Isles Boulevard, also the point of beginning; thence follow Eden Isles Boulevard southeast to its intersection with Howze Beach Road; thence follow Howze Beach Road southwest to its intersection with an unnamed stream; thence follow the unnamed stream southeast to its intersection with I-10; thence follow I-10 southwest to its intersection with the shoreline of Lake Pontchartrain; thence follow the shoreline of Lake Pontchartrain northwest to its intersection with the mouth of Grand Lagoon; thence follow Grand Lagoon northeast to its intersection with the Diversion Canal; thence follow the Diversion Canal northwest, northeast, and northwest to its intersection with the bridge on Moonraker Drive; thence follow Moonraker Drive northeast to its intersection with Eden Isles Boulevard, also the point of beginning.

Precinct 911. Commence at the intersection of Highway 11 and the St. Tammany Parish/Orleans Parish boundary line in Lake Pontchartrain, also the point of beginning; thence follow the St. Tammany Parish/Orleans Parish boundary line east and southeast to its intersection with I-10; thence follow I-10 northeast to its intersection with the shoreline of Lake Pontchartrain; thence follow the shoreline of Lake Pontchartrain northwest to its intersection with the mouth of Grand Lagoon; thence follow Grand Lagoon northeast to its intersection with the Diversion Canal; thence follow the Diversion Canal northwest, northeast, and northwest to its intersection with the bridge on Moonraker Drive; thence follow Moonraker Drive northeast to its intersection with Eden Isles Boulevard; thence follow Eden Isles Boulevard northwest to its intersection with Highway 11; thence follow Highway 11 southwest to its intersection with the St. Tammany Parish/Orleans Parish boundary line in Lake Pontchartrain, also the point of beginning.

Precinct 912. Commence at the intersection of Bayou Bonfouca and Bayou Liberty Road, also the point of beginning; thence follow Bayou Liberty Road northwest, west, and southwest to its intersection with Napoleon Avenue; thence follow Napoleon Avenue southeast to its intersection with Benjamin Road; thence follow Benjamin Road southwest and southeast to its

intersection with Laurent Road; thence follow Laurent Road southwest, northwest, and southwest to its intersection with Baldwin Drive; thence follow Baldwin Drive southeast to its intersection with Ridgewood Drive; thence follow Ridgewood Drive southwest to its intersection with Dunbar Drive; thence follow Dunbar Drive southeast to its intersection with a gravel driveway into the Baldwin property; thence follow the gravel driveway continuing southeast, then east, southeast, and south to its intersection with a cleared path leading to a boat launch on the property leading into Bayou Bonfouca; thence follow the cleared path southeast and southwest to its intersection with a boat launch leading into Bayou Bonfouca; thence follow the boat launch south to its intersection with Bayou Bonfouca; thence follow Bayou Bonfouca east, northeast, north, northeast, southeast, and northeast to its intersection with Bayou Liberty Road, also the point of beginning.

Precinct 913. Commence at the intersection of Journey Road and the west branch of Bayou Liberty, also the point of beginning; thence follow the west branch of Bayou Liberty southeast and east to its intersection with the east branch of Bayou Liberty south of Belair subdivision; thence follow the east branch of Bayou Liberty north, northeast, east, northeast, and north to its intersection with Journey Road; thence follow Journey Road northwest and west to its intersection with Bayou Liberty, also the point of beginning.

Precinct 914. Commence at the intersection of Browns Village Road and the Highway 11, also the point of beginning; thence follow Highway 11 northeast to its intersection with Haas Road; thence follow Haas Road east to its intersection with Highway 1091 (Robert Road); thence follow Highway 1091 (Robert Road) northwest, north, and northwest to its intersection with the Illinois Central Railroad; thence follow the Illinois Central Railroad northeast to its intersection with Watts Road; thence follow Watts Road northwest to its intersection with Gum Bayou; thence follow Gum Bayou south, southwest, and southeast to its intersection with Son Moore Road; thence follow Son Moore Road west, southeast, and east to its intersection with Gum Bayou; thence follow Gum Bayou southwest and southeast to its intersection with Highway 11; thence follow Highway 11 southwest to its intersection with 5th Avenue; thence follow 5th Avenue northwest to its intersection with 8th Street; thence follow 8th Street northeast to its intersection with Pearl River Street; thence follow Pearl River Street west to its intersection with 12th Street; thence follow 12th Street southwest to its intersection with 4th Avenue; thence follow 4th Avenue northwest to its intersection with 15th Street; thence follow 15th Street northeast and northwest to its intersection with Pearl River Street; thence follow Pearl River Street west to its intersection with 17th Street; thence follow 17th Street southwest to its intersection with 3rd Avenue; thence follow 3rd Avenue northwest and west to its intersection with Receiving Station Road; thence follow Receiving Station Road northwest and west to its intersection with Bayou Vincent; thence follow Bayou Vincent south, southwest, southeast, southwest, south, and southwest to its intersection with Browns Village Road; thence follow Browns Village Road east to its intersection with Highway 11, also the point of beginning.

Precinct 915. Commence at the intersection of I-12 and Bayou Liberty, also the point of beginning; thence follow Bayou Liberty northwest to its intersection with the east branch of Bayou Liberty south of Belair subdivision; thence follow the east branch of Bayou Liberty north, northeast, east, northeast, and north to its intersection with Journey Road; thence follow Journey Road northwest, west, and northwest to its intersection with the west branch of Bayou Liberty; thence follow the west branch of Bayou Liberty northwest, north, and northwest to its intersection with CC19 Road; thence follow CC19 Road southeast and south to its intersection with an unnamed gravel road north of Camp Villere; thence follow the unnamed gravel road west to its intersection with Camp Villere Road; thence follow Camp Villere Road southeast, southwest, and south to its intersection with I-12; thence follow I-12 west and northwest to its intersection with Bayou Liberty, also the point of beginning.

Precinct 916. Commence at the intersection of the Tammany Trace and Highway 190 (Gause Boulevard West), also the point of beginning; thence follow Highway 190 (Gause Boulevard West) southeast to its intersection with North Harrison Road; thence follow North Harrison Road northwest to its intersection with Lagrange Road; thence follow Lagrange Road northeast to its intersection with a drainage canal which flows into Bayou Vincent; thence follow the meanderings of the Bayou Vincent Drainage Canal northwest, north, and northwest to its intersection with I-12; thence follow I-12 west to its intersection with the extension of Camp Villere Road; thence follow the extension of and Camp Villere Road south to its intersection with the Tammany Trace; thence follow the Tammany Trace west to its intersection with Highway 190 (Gause Boulevard West); also the point of beginning.

Precinct 917. Commence at the intersection of Highway 433 (Thompson Road) and Bayou Paquet Road, also the point of beginning; thence follow Bayou Paquet Road northwest to its intersection with Bayou Paquet; thence follow the meanderings of Bayou Paquet in a general north and northwest direction to its intersection with Park Avenue; thence follow Park Avenue northeast and north to its intersection with the Tammany Trace; thence follow the Tammany Trace east to its intersection with a Drainage Canal which encircles Ozone Woods subdivision; thence follow the meanderings of the Drainage Canal southwest and southeast encircling Ozone Woods subdivision to its intersection with Highway 433 (Thompson Road); thence follow Highway 433 (Thompson Road) southwest to its intersection with Bayou Paquet Road, also the point of beginning.

Precinct 918. Commence at the intersection of Highway 190 Business (Shortcut Highway) and Doubloon Branch; thence follow the meanderings of Doubloon Branch south, southeast, southwest, west, northwest, south, southeast, west, and southwest to its intersection with the W-14 canal; thence follow the W-14 canal southeast and southwest to its intersection with and unnamed waterway which leads into Big Branch Marsh National Wildlife Refuge; thence follow the unnamed waterway southeast and south through the Big Branch Marsh to its intersection with Salt Bayou; thence follow the meanderings of Salt Bayou east, northeast, east, southeast, and east to its intersection with the West Pearl River; thence follow the meanderings

of the West Pearl River southeast, southwest, east, southwest, and south to its intersection with the St. Tammany Parish/Orleans Parish boundary line in the Rigolets; thence follow the St. Tammany Parish/Orleans Parish boundary line east and southeast to its intersection with the St. Tammany Parish/St. Bernard Parish boundary line; thence follow the St. Tammany Parish/St. Bernard Parish boundary line continuing southeast, then east and northeast through Lake Borgne to its intersection with the Pearl River, which is also the St. Tammany Parish boundary line at the Louisiana/Mississippi border; thence follow the meanderings of the Pearl River northwest, west, southwest, west, northwest, and north to its intersection with Highway 90; thence follow Highway 90 west and southwest to its intersection Highway 190 Business (Shortcut Highway); thence follow Highway 190 Business (Shortcut Highway) west and northwest to its intersection with Doubloon Branch, also the point of beginning.

Precinct 921. Commence at the intersection Highway 11 (Pontchartrain Drive) and Eden Isles Boulevard, also the point of beginning; thence follow Eden Isles Boulevard southeast to its intersection with Oak Harbor Boulevard; thence follow Oak Harbor Boulevard east, northeast, west, southwest, north, and west to its intersection with Highway 11 (Pontchartrain Drive); thence follow Highway 11 (Pontchartrain Drive) southwest to its intersection with Eden Isles Boulevard, also the point of beginning.

(Code 1998, § 2-018.00; Ord. No. 11-2503, 4-20-2011; Ord. No. 13-3054, 12-19-2013)

Sec. 2-40. Council districts—Established.

The reapportionment of the parish council is enacted, containing whole election precincts, with 14 single member representative districts which will become effective for voting purposes immediately upon final adoption, and will become effective for parish governing authority according to state law, at the end of the term of the incumbent parish councilmembers. The legal descriptive boundaries by precincts for these districts are adopted herewith.

(Code 1998, § 2-019.00; Ord. No. 01-0372, 10-4-2001; Ord. No. 01-0394, 11-15-2001; Ord. No. 01-0416, 12-20-2001; Ord. No. 11-2502, 4-20-2011)

Sec. 2-41. Same—Boundaries.

The council districts shall be as follows:

- (1) District 1 consists of precincts 103, 104, 105, 106, 107, 306, C01, C02, C03, C04 and C05.
- (2) District 2 consists of precincts 206, 302, 303, 304, 305, 307, 308, 309, 313, A04 and C09.
- (3) District 3 consists of precincts 101, 201, 202, 204, 207, 301, C06, C07, C08, C10, C11 and F01.
- (4) District 4 consists of precincts 102, 401, 402, 404, 413, 418, 419, 421, M01, M06 and MD1.

- (5) District 5 consists of precincts 310, 311, 312, 405, 407, 411, 416, 417, 420, 423, 424 and A02.
 - (6) District 6 consists of precincts 203, 205, 501, 502, 503, 504, 505, 601, 602, 604, 606, 609, A01 and A03.
 - (7) District 7 consists of precincts 406, 408, 409, 412, 422, 701, 702, 703, 704 and M10.
 - (8) District 8 consists of precincts 802, 803, 805, S01, S02, S03, S04, S05, S08 and S09.
 - (9) District 9 consists of precincts 801, 804, 807, 808, 812, 815, 817, 903 and P01.
 - (10) District 10 consists of precincts 403, 410, 414, 415, 426, 427, M02, M03, M04, M05, M07, M08 and M09.
 - (11) District 11 consists of precincts 603, 605, 607, 705, 706, 901, 905, 906, 913, 915, 916 and 917.
 - (12) District 12 consists of precincts 907, 912, 921, S06, S10, S11, S12, S13, S15, S16, S17 and S22.
 - (13) District 13 consists of precincts 806, 810, 811, 813, 816, 908, 909, 910, 911, 918 and S18.
 - (14) District 14 consists of precincts 809, 814, 902, 904, 914, S07, S19, S21, S23, S24 and S25.
- (Code 1998, § 2-020.00; Ord. No. 91-1440, 5-6-1991; Ord. No. 01-0372, 10-4-2001; Ord. No. 01-0394, 11-15-2001; Ord. No. 01-0416, 12-20-2001; Ord. No. 11-2502, 4-20-2011; Ord. No. 13-3054, 12-19-2013)

Secs. 2-42—2-70. Reserved.

ARTICLE III. PARISH COUNCIL

Sec. 2-71. Salaries.

(a) The 2011 monthly compensation to be received by all elected members of the parish council, pursuant to Ordinance C.S. No. 06-1464, adopted December 7, 2006, shall be \$2,300.00 per month. Monthly compensation for 2012 through 2015 shall remain at the 2011 level. On January 1, 2016, and every January 1 thereafter, council member salaries will increase by the average percentage increase of all parish government employees for that year as determined by the director of finance. Monthly compensation for subsequent years shall remain at this level unless amended by the council pursuant to parish Charter section 2-05(B).

(b) Reimbursements.

- (1) Councilmembers are entitled to reimbursement for reasonable expenses incurred in carrying out their official duties.

- (2) Reimbursement shall be authorized only upon submission of properly documented receipts.
- (3) Authorized items for reimbursement:
 - a. Mileage shall be reimbursed for the use of a personal vehicle for out-of-parish business-related travel. Mileage shall be based on the most current federal/state standard mileage rate. Reimbursement requests shall be documented from the vehicle's actual odometer reading or calculated using the recommended route of travel.
 - b. Expenses incurred for lodging and meals to attend out-of-parish government functions, when such lodging and meals are not prepaid by the parish.
- (c) Cellular phone stipend program.
 - (1) Councilmembers are entitled to a cellular phone stipend to cover the reasonable expenses incurred in the performance of their official duties.
 - (2) Stipends will be paid in accordance with a multi-tier program with each tier representing an allotment of minutes and features necessary for councilmembers to conduct business according to individual need.
 - (3) Councilmembers will each be placed in a tier level of stipend according to the number of minutes and features they require after consulting with the council administrator.
 - (4) The council administrator will review annually the tier level of stipend with each councilmember to confirm the appropriate amount of stipend is being paid according to actual minutes and features used during the previous year.
 - (5) Council staff members requiring a cellular phone as part of their duties will also participate in this stipend program.

(Code 1998, § 2-030.00; Ord. No. 09-2017, 3-5-2009; Ord. No. 11-2452, 2-3-2011; Ord. No. 14-3210, 10-2-2014)

Sec. 2-72. Officers.

- (a) A chairperson shall be elected yearly by a majority vote of the parish council. He shall preside over all meetings and be an ex-officio member of all committees. The chairperson shall not be elected any earlier than the November regular monthly meeting.
- (b) A vice-chairperson shall be elected yearly by a majority vote of the council. The vice-chairperson shall serve in the absence of the chairperson. The vice-chairperson shall not be elected any earlier than the November regular monthly meeting.
- (c) There shall be a sergeant-at-arms appointed yearly by the chairperson, whose duty is to keep order in the meetings.

(d) There shall be a parliamentarian appointed yearly by the chairperson of the council, whose job it is to keep a copy of Robert's Rules of Order and answer any procedure issues when called upon to do so.

(Code 1998, § 2-031.01; Ord. No. 80-01, 6-19-1980; Ord. No. 80-43, 9-11-1980; Ord. No. 81-252, 8-20-1981; Ord. No. 88-905, 1-21-1988; Ord. No. 88-983, 9-15-1988; Ord. No. 94-2066, 9-15-1994)

Sec. 2-73. Council committees.

(a) There shall be the following standing parish council committees:

(1) *Agenda review committee.*

- a. The committee will review the agenda for each regular council meeting and make recommendations to the full council on those agenda items it elects. The committee may also hear any other matter placed on its agenda by a committee member.
- b. The committee will be comprised of seven parish councilmembers appointed annually by the council chairperson.
- c. The council vice-chairperson will serve as one of the seven committee members and as the committee's chairperson. In the event that the vice-chairperson or other member of the committee cannot attend a meeting, the council chairperson or other councilmember not an appointed regular committee member may sit in his stead.
- d. Committee meetings will be held prior to all regular council meetings on the date, time and place determined by the council chairperson.
- e. Committee meeting notices will be posted at the parish government administrative complex and by other means as required by law.

(2) *Finance review committee.*

- a. The committee will review the parish budget and any amendments thereto, any financial item which it elects to place on its agenda and make recommendations to the full council regarding same.
- b. The committee will be comprised of seven parish councilmembers appointed by the council chairperson.
- c. The council chairperson will appoint one of the committee members to serve as the committee's chairperson. In the event that the committee chairperson or other member of the committee cannot attend a meeting, the council chairperson may designate another councilmember to sit in his stead.
- d. Committee meetings will be held at least quarterly prior to regular council meetings with the ability of the committee chairperson to call special meetings upon giving proper legal notice.

(b) In addition to the standing committees the council chairperson, or the council by resolution, may create special ad hoc committees and advisory workgroups.

- (1) Special ad hoc committees may be created to address a particular issue and make recommendations on that issue to the full council. They will be made up of no more than seven councilmembers. Meeting notices will not be required for ad hoc committee meetings.
- (2) Advisory workgroups may be created to make advisory recommendations to the parish council on any matter. They may be made up of no more than seven councilmembers and any number of parish staff and lay persons. Meeting notices will not be required for advisory workgroup meetings.

(Code 1998, § 2-031.03; Ord. No. 80-01, 6-19-1980; Ord. No. 80-43, 9-11-1980; Ord. No. 81-252, 8-20-1981; Ord. No. 88-905, 1-21-1988; Ord. No. 88-983, 9-15-1988; Ord. No. 94-2066, 9-15-1994; Ord. No. 02-0457, 3-7-2002; Ord. No. 06-1256, 3-2-2006; Ord. No. 06-1371, 9-7-2006; Ord. No. 12-2731, 5-3-2012)

Sec. 2-74. Agendas.

(a) Deadline. The Wednesday prior to the regular council meeting, at 9:00 a.m. shall be established as the regular agenda deadline. The Tuesday prior to committee meetings at 9:00 a.m. shall be established as the committee agenda deadline.

(b) Agenda of all meetings shall be posted at the government complex to give 24 hours notice to the public and shall be mailed to be received by councilmembers 24 hours prior to the meeting.

(c) Only those items on the meeting agenda can be voted on at that meeting.

(d) Any item not on the regular agenda can be considered with ten affirmative votes of the parish council; any items not on a committee agenda can be considered with a majority vote of committee members present.

(e) Any item on the agenda may be moved up with ten affirmative votes of the parish council; any item on the committee agendas can be moved up with a majority vote of committee members present.

(Code 1998, § 2-031.04; Ord. No. 80-01, 6-19-1980; Ord. No. 80-43, 9-11-1980; Ord. No. 81-252, 8-20-1981; Ord. No. 88-905, 1-21-1988; Ord. No. 88-983, 9-15-1988; Ord. No. 94-2066, 9-15-1994)

Sec. 2-75. Agenda format.

(a) Call to order, invocation, pledge of allegiance and roll call. The agenda shall include the call to order, an invocation, the pledge of allegiance and the roll call of those in attendance.

(b) Presentations. The agenda shall also include any presentations to be made during the meeting.

(c) Consent calendar.

- (1) *The minutes of the previous month's meetings.* Waiving of the reading of the minutes, adoption as presented and authorization to publish in the official journal.
- (2) *Ordinances for introduction.* Ordinances for introduction shall be introduced by title only, sponsored by a councilmember, shall not require public reading, and be presented in full written form when considered at committee meetings.
- (3) *Resolutions (except those of appointments).* Resolutions shall be sponsored by a councilmember and shall not require public reading.
- (4) *Licenses and permit applications.* Granting of licenses and permits subject to sheriff's office approval if applicable, and meeting all parish requirements.
- (5) *Removal of items.* Any item may be removed from the consent calendar for individual consideration prior to the adoption of the consent calendar. All items shall be removed together by one motion. Any items not removed shall be introduced/adopted on consent by one motion and vote.

(d) Remaining order of business. The remaining order of business shall be taken as follows:

(1) *Appearers.*

- a. All meetings of the parish council are open to the general public. Any person wishing to speak relative to an item on the agenda shall be allowed to do so upon consideration of that matter. A two-minute time limitation is established for each person wishing to speak for/against an item on the agenda.
- b. Appearers must be on the published agenda which shall state the purpose for which they are appearing; said purpose shall not relate to an item previously listed on the agenda.
- c. Appearers wishing to discuss items not listed on a meeting agenda shall be considered upon receiving a unanimous vote of councilmembers present. A three-minute time limitation is established for items not on the agenda.
- d. The council chairperson shall have the option of extending time limitations on issues when deemed necessary.

(e) Appeals of decisions of the planning/zoning commission. Appearers involved in the appeal process shall be allowed five minutes per side (for/against), with a two-minute rebuttal per side. Large groups shall be required to select one or more specific individuals to share the total time allocation.

(f) Ordinances for adoption and public hearing. All ordinances for adoption at the meeting must be on the agenda, unless qualifying as an emergency under section 2-14 of the Home Rule Charter.

- (1) The chairperson shall read the title of each ordinance prior to consideration.
- (2) Ordinances adopted shall state the members voting, members absent and the vote cast by each member.

(g) Resolution of nominations/appointments.

- (1) Appointments to parish-wide boards and commissions must lay over after nomination until the following council meeting, unless the rule is suspended by ten votes of the council.
- (2) Individual district nominations/appointments shall not require a lay over period.

(h) Award of bids.

(i) Matters for discussion.

(j) Executive session.

(k) Off-the-floor agenda.

- (1) *Deadline.* A deadline of 10:00 a.m. on the Wednesday prior to the regular council meeting shall be established as the deadline for the off-the-floor agenda.

- (2) *Format.* Items will be placed on the off-the-floor agenda in the order in which they are received in final form, and must each include an administrative comment stating the reasons for their placement on the agenda consistent with the following requirements:

- a. Involving an issue of public health, safety and welfare;
- b. Of a time sensitive nature; or
- c. Of an emergency nature.

- (3) *Sponsor.* All items off-the-floor must be sponsored by a councilmember who has been fully apprised of the subject matter of the item.

- (4) *Procedure.* Following the hearing of matters on the regular agenda, the council may open the off-the-floor agenda upon the unanimous vote of councilmembers present. The title of each item shall be read by the chairperson prior to consideration.

(l) Other matters.

- (1) Items received after agenda deadlines may be individually considered at the end of the meeting upon a unanimous vote of councilmembers present taken on each item after the sponsoring councilmember having read the title of the item and provided a description of the matter and the necessity for it being presented.

- (2) Ordinances presented by a councilmember at the end of the meeting must be in writing and in the form required for final adoption pursuant to Home Rule Charter section 2-12.

(Code 1998, § 2-031.05; Ord. No. 94-2066, 9-15-1994; Ord. No. 08-1927, 9-11-2008)

Sec. 2-76. Suspension of rules.

The suspension of parish council rules and procedures shall require ten affirmative votes of the parish council.

(Code 1998, § 2-031.06; Ord. No. 80-01, 6-19-1980; Ord. No. 80-43, 9-11-1980; Ord. No. 81-252, 8-20-1981; Ord. No. 88-905, 1-21-1988; Ord. No. 88-983, 9-15-1988; Ord. No. 94-2066, 9-15-1994)

Sec. 2-77. Recission of an appointee for failure to timely return oath.

(a) After 60 days from the date of appointment by the parish council to the membership of a political subdivision, it shall be cause for the recission of the subject appointment, and said appointment shall be rescinded whenever the appointee fails to timely and properly execute and return to the parish council for processing his oath of office, all in a manner which is set forth or otherwise contemplated by the provisions of this article.

(b) Whenever an appointment to the membership of a board of a political subdivision is rescinded in a manner as set forth in subsection (a) of this section, the parish council may restore the appointment or effect a replacement appointment thereto, all in a manner set forth in this article.

(c) The chief administrative officer is hereby authorized to effect any and all reasonable and practical procedures which may be necessary to implement the provisions set forth in this article, which shall include, but shall not be limited to, using the mailing address for the appointee which is on file with the registrar of voters for the parish for the purposes of notification.

(d) Term defined. For the purposes set forth in subsection (a) of this section and at the sole discretion of the parish council, the term "after 60 days from" may mean "if the parish council subsequent to."

(Code 1998, § 2-033.00; Ord. No. 96-2502, 9-19-1996)

Sec. 2-78. Candidates for elected or appointed positions.

The following shall apply to all potential, nominated and/or qualified candidates for local, state or federal elected and/or appointed positions:

- (1) Regular or special meetings of the council shall not be used as a forum for candidates or individuals seeking an elected office or a politically appointed position.

- (2) No individual shall be placed as an appearer on any parish council agenda for the purpose of announcing, promoting or campaigning for elected office or a political appointment.
- (3) No individual, in attendance at regular or special meetings, will be granted permission to publicly address the council or the audience for purposes of announcing, promoting or campaigning for an elected office or a political appointment.

(Code 1998, § 2-034.00; Ord. No. 00-0118, 2-17-2000)

Sec. 2-79. Council personnel.

(a) The council deems all staff positions listed in this section as necessary to assist it and its members in carrying out its duties and responsibilities.

(b) The parish council administrator oversees all council office staff and operations associated with the parish council. In conjunction with the clerk of council, assistant council administrator, assistant to the council, and the council secretary, the administrator:

- (1) Gives notice of council meetings to its members and the public;
- (2) Keeps the journal and records of council proceedings;
- (3) Prepares the annual budget for the parish council office and reviews all budget submissions from the parish president (executive branch) and administrative departments for briefing to parish council members;
- (4) Is the parish council liaison and works closely with parish departments and agencies;
- (5) Is responsible for working with federal and state agencies in furtherance of parish council responsibilities and objectives;
- (6) Is also the parish council's representative to the media, homeowner associations, professional associations and public interest groups;
- (7) Works with the parish council attorney and paralegals to address legal matters related to parish council business; and
- (8) Performs such other duties as are assigned by the parish council.

(c) The council shall appoint one or more attorneys as necessary council staff members and who shall serve at the pleasure of the council. The council attorney shall:

- (1) Serve as legal advisor to the council, respective staff members, and boards and commissions established by council, all as directed by the council;
- (2) Represent and/or direct representation for the council in conjunction with parish government in legal proceedings;
- (3) Represent boards and commissions established by the council and as directed by the council; and

(4) Co-administer parish litigation with parish president appointed attorneys and jointly represent the parish government with parish president attorneys.

(d) The council adopts a staff organizational chart. The organizational chart is attached to the ordinance from which this section is derived and is on file in the office of the parish council secretary.

(e) All employees shall serve at the pleasure of the council.

(f) The council staff shall function and operate at the direction of the parish president and is supervised by a council administrator and a council attorney as organizationally identified in this section and the organizational chart.

(g) The assigned duties and responsibilities of all staff members shall be reviewed by members of a personnel committee appointed by the chairman.

(Ord. No. 16-3576, § 2-035.00, 8-4-2016)

Secs. 2-80—2-103. Reserved.

ARTICLE IV. OFFICERS AND EMPLOYEES

DIVISION 1. GENERALLY

Sec. 2-104. Liability of parish for legal fees, judgments, etc., incurred by parish council members while acting in their official capacity.

(a) While the parish is not responsible for any judgment, compromise agreement or settlement, legal fee or cost incurred by the parish council or any of the members thereof who are sued, the parish shall pay the judgment, compromise agreement or settlement, legal fees and costs where litigation results from an act or failure to act by a council member in his official capacity, as defined herein, and under the conditions and exclusions listed below.

(b) The parish shall not be responsible for costs or legal fees incurred in the defense of the parish council or a parish council member where an insurer has undertaken the defense of same and has employed an attorney or attorneys to represent it or them; otherwise, the parish shall be responsible.

(c) Should the parish obtain appropriate insurance to protect against such claims and/or judgments which is inadequate to pay the entire amount of any judgment or compromise agreement or settlement, legal fees and costs, then the parish shall pay that excess amount.

(d) Nothing contained herein shall prohibit the parish from entering into a compromise settlement or agreement with the claimant prior to any judgment.

(e) The following acts are expressly excluded from the insurance and indemnity agreement:

- (1) Where the parish council or a parish council member is a defendant in a suit filed by the parish.
- (2) Where the parish council member is guilty of wilful misconduct or wrongdoing.
- (3) Where the parish council member is guilty of an intentional act of physical violence or threatened physical violence.
- (4) Where the parish council member is guilty of a grossly negligent act, or failure to act, which driving under the influence of intoxicating beverages, as defined in the state criminal code.

(Code 1998, § 2-046.00; Ord. No. 81-117, 2-5-1981)

Sec. 2-105. Federal funds and assistance.

Wherever the provisions of any law of the United States, or of any rule, order or regulation of any federal agency or authority, providing or administering federal funds for use in the state, either directly or indirectly or as a grant-in-aid, or to be matched or otherwise, impose other or higher merit standards or different classifications than are required by the provision of this article, the provision of the laws, classification, rules or regulations of the United States or any federal agency may be adopted by the parish council as rules and regulations of the parish and shall when so adopted govern the class of employment and employees affected thereby, regardless of anything in this article to the contrary.

(Code 1998, § 2-048.03; Ord. No. 81-201, 5-21-1988; Ord. No. 88-1002, 11-17-1988)

Secs. 2-106—2-123. Reserved.

DIVISION 2. CODE OF ETHICS

Sec. 2-124. Code of ethics for the government of the parish.

(a) The code of ethics which shall bind and apply to all officers, officials and employees of the parish, whether appointed or elected, paid or unpaid, except the judicial department, shall be the code of ethics of the state as is contained in R.S. title 42, ch. 15 (R.S. 42:1101 et seq.), as amended.

(b) In addition to the state code of ethics referenced hereinabove, the following provisions shall apply to all officers, officials and employees of the parish, whether appointed or elected, paid or unpaid, except the judicial department.

(Code 1998, § 2-050.00; Ord. No. 81-196, 5-21-1981; Ord. No. 90-1257, 4-19-1990)

Editor's note—Ordinance No. 90-1257 states in part that "it is the desire of this governing body to establish a more stringent code of ethics for the parish council than is currently

provided by R.S. title 42, ch. 15 and referenced in the Code of Ordinances" and further said ordinance states that "this ordinance shall become effective and be deemed enacted immediately upon publication."

Sec. 2-125. Selection of persons for professional services.

(a) Each person who is to be retained or employed to perform professional services for the parish or any of its departments, districts, boards or commissions shall be selected by the parish council from the list of those persons submitting statements of qualification and/or proposals.

(b) Any person submitting a statement of qualification and/or proposal shall submit to the parish council data concerning his experience, previous projects undertaken, present projects now being performed by him, scope and amount of work on hand, the names of key personnel who will be assigned to the project, and any other information that may be appropriate in selecting the person for the particular project under consideration. The parish council by resolution, may develop standard questionnaire forms to be used for submitting such data and may, from time to time, amend such forms by resolution to require additional information. The parish council shall not consider any person who does not submit a completed questionnaire forms.

(c) Any person submitting a statement of qualification and/or proposal shall also execute and submit an affidavit attesting:

- (1) That affiant has not and will not employ any person, corporation, firm, association or other organization, either directly or indirectly, to secure the public contract under which he is to receive payment, other than persons regularly employed by the affiant whose services in connection with the project or in securing the public contract are in the regular course of their duties for affiant;
- (2) That no part of the contract price was paid or will be paid to any person, corporation, firm, association or other organization for soliciting the contract, other than the payment of their normal compensation to persons regularly employed by the affiant whose services with the project are in the regular course of their duties for affiant; and
- (3) That the affiant shall state any and all campaign contributions he has made to elected officials of the parish council during the current term, and that he has not made any contributions to or in support of elected officials of the parish council through or in the name of another person either directly or indirectly.

(d) The parish council shall not consider any person who does not have the appropriate professional license and/or occupational license as required by law; nor shall the parish council consider any person who does not submit the questionnaire and affidavit required by this section or who submits an incomplete questionnaire or affidavit. Any false or misleading information on any questionnaire or affidavit shall be a basis for voiding the contract and prohibiting the affiant from being considered on any future project for a period of 24 months.

(e) The following guides, among other factors that the parish council deems appropriate, shall be used by the parish council in selecting persons for professional services:

- (1) Professional training and experience, both generally and in relation to the type and magnitude of work required for the particular project;
- (2) Capacity for timely completion of the work, taking into consideration the person's current and projected workload and professional and support manpower;
- (3) Past and current professional accomplishments, for which opinions of clients or former clients and information gathered by inspection of current or recent projects may be considered;
- (4) The nature, quantity and value of parish work previously performed and presently being performed by the person, it being generally desirable to allocate such work among persons who are desirous and qualified to perform such work;
- (5) Past performance by the person on public contracts, including any problems with time delays, cost overruns, and design inadequacies for which said person was held to be at fault, involved in prior projects as evidenced by documentation provided by the administration; and
- (6) An analysis of whether problems as indicated in subsection (5) of this section resulted in litigation between the public entity and the person performing professional services, particularly if he is currently involved in unsettled litigation with a public entity or has been involved in litigation with a public entity where the public entity prevailed.

(f) The parish council may, for each individual job or project, establish those qualifications and guidelines which it deems necessary to select the person to be retained or employed for such job or project.

(g) As used in this section:

Campaign contribution means a gift, conveyance, payment, deposit of money, and/or anything of economic value (including, but not limited to, tickets for fund raiser events) which was, is and shall be paid, loaned, granted, given, donated, transferred, and/or is the forgiveness of a loan or a debt by any person for the purpose of supporting, opposing, or otherwise influencing, directly or indirectly, the nomination or election of an individual elected to or seeking nomination to public office, whether or not such is made before or after the election.

Candidate means a candidate for public office as described in title 18 (Election Code) of the Louisiana Revised Statutes of 1950 as amended.

Elected official means all members of the parish council.

Individual means a human being of the male or female gender.

Person means an individual, partnership, association, labor union, political committee, corporation or other legal entity, including their subsidiaries and shall include the officers, directors and shareholders or any person owning and/or having a controlling interest therein. For the purpose of this section, the term "person" shall also include subcontractors, successors and assigns.

(h) If the person seeking to be retained or employed to perform professional services for the parish is owed money by an elected official of the parish council, he shall disclose said debts in the questionnaire and affidavit provided for in subsections (b) and (c) of this section.

(Code 1998, § 2-050.01; Ord. No. 90-1257, 4-19-1990)

Sec. 2-126. Extension of contracts.

The provisions of section 2-125(c) shall also be applicable to any person seeking parish council approval for the extension of an existing professional services contract, or otherwise seeking the exercise of any option clause which requires parish council approval.

(Code 1998, § 2-050.02; Ord. No. 90-1257, 4-19-1990)

Sec. 2-127. Recusal of certain elected officials from voting.

In addition to the recusal provisions of R.S. 42:1120, if any member of the parish council, in the discharge of an official duty of a legislative nature, would be required to vote on a matter involving a campaign contributor who contributes in excess of \$2,500.00 for such official's current term of office or candidacy therefor, or more than \$1,000.00 in any 12-month period, he shall recuse himself from voting, or if he does not recuse himself, he shall prepare a sworn statement describing the matter in question, the nature of the potential conflict, and the reasons why, despite the conflict, the member is able to cast a vote that is fair, objective and in the public interest. The member shall deliver this statement to the president of the parish council, or the vice-president, in his absence, who shall cause the statement to be recorded in the official journal or minutes of the parish council prior to a vote being taken on the matter in potential conflict. If there is insufficient time for the member to prepare such a statement, the conditions of this section may be met by the member reading the required information into such minutes immediately prior to the vote.

(Code 1998, § 2-050.03; Ord. No. 90-1257, 4-19-1990)

Sec. 2-128. Prohibited campaign contribution.

No elected official or candidate as defined under state law shall accept any campaign contributions from any person who has an interest in gaming/gambling enterprises including, but not limited to, the following persons:

- (1) Any applicant or holder of:
 - a. A casino operating contract;

- b. A riverboat gaming/gambling license;
 - c. A video poker truck stop, pari-mutuel or off-track wagering facility license; or
 - d. A manufacturer, distributor or owner of gaming devices.
- (2) Any owner, director, officer or key employee of any of the above; and
- (3) Spouses and minor children of those listed above.
- (Code 1998, § 2-050.04; Ord. No. 95-2290, 9-21-1995)

Sec. 2-129. Parish stationery.

The use of parish letterhead and assorted stationery items is hereby restricted to official parish business only.

(Code 1998, § 2-050.05; Res. No. 96-7621, 5-16-1996)

Secs. 2-130—2-156. Reserved.

DIVISION 3. NOTIFICATION OF CAPITAL IMPROVEMENTS, SPECIAL
PROGRAMS, ETC.

Sec. 2-157. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Capital improvement means the erection of any parish building structure or bridge, or the replacement or closing thereof or any portion thereof except as shown in routine maintenance; same shall also refer to parish road improvements requiring scarifying, or shaping of the base, or the overlay thereof of more than 25 feet or the pulling of ditches of more than 200 linear feet, the widening or deepening or cleaning of bayous or drainage canals to whatever extent shall constitute a capital improvement for the purposes hereof; the replacement of any culvert which is situated under any parish road and which replacement would require a delay or detour of vehicular traffic shall also constitute a capital improvement for the purposes hereof.

Detour means the rerouting of vehicular traffic to affect road, bridge or other repairs.

Routine maintenance means and includes the filling of potholes, the fixing of a bridge guardrail or patching the surface thereof or any overlay or shaping of a road/road base if less than 25 feet or the pulling of ditches of less than 200 linear feet.

Special programs, as used herein, mean any federal, state or local special program in which funds, food, commodities, produce, dairy products, building materials, insulation and the like

are distributed in whole or in part to individuals through an agency of the parish; the term "special programs" shall not include welfare, medicare, medicaid or veterans or unemployment programs and the like which are a matter of general classification and universal application. (Code 1998, § 2-051.00; Ord. No. 83-552, 3-17-1983)

Sec. 2-158. Notice required.

The administration shall designate a person thereby to be responsible for notice to the parish council members, or their successors in office, required hereunder. (Code 1998, § 2-052.00; Ord. No. 83-552, 3-17-1983)

Sec. 2-159. Parish council members to whom notices are to be transmitted.

For all capital improvements performed or authorized by the parish, the district parish council member, or his successor in office, in whose district the work is to be performed, shall be notified in writing of the capital improvement proposed to be undertaken at least 24 hours prior to the commencement of work; the written notice shall specify the approximate commencement time and the nature and extent of the capital improvement. (Code 1998, § 2-053.00; Ord. No. 83-552, 3-17-1983)

Sec. 2-160. Special programs.

In the event of special programs as defined in section 2-157 within the parish, the administration's designee shall notify all parish council members, or their successors in office, in writing thereof at least one calendar week prior to the distribution and the writing shall designate the nature of the program and the time, date and place of the distribution and which parish agency is involved in the distribution. (Code 1998, § 2-054.00; Ord. No. 83-552, 3-17-1983)

Sec. 2-161. Emergencies.

In the event of a bona fide emergency, that is, where life or property is imperiled due to an act of God or a natural or manmade catastrophe, or arising from conditions beyond the control of the parish, no written notice shall be required, if otherwise required herein; however the administration's designee shall make good faith effort to contact by telephone the parish council members required to be contacted hereunder. (Code 1998, § 2-055.00; Ord. No. 83-552, 3-17-1983)

Sec. 2-162. Improvements or programs under control of other than parish agency.

Should the capital improvements or special programs within the parish be under the total administration and control of other than a parish agency, no notice is required, unless the chief administrative officer or administration is made aware thereof, in which event the notices as required hereunder shall be transmitted to the required parish council members. (Code 1998, § 2-055.01; Ord. No. 83-552, 3-17-1983)

Sec. 2-163. Violation; penalties.

The willful failure of the administration's designee to issue the required notices hereunder, or failure by the administration to make such designation of a parish employee, shall constitute a violation hereof and the employee violating these provisions is subject to suspension from parish employment without pay for one week for the first offense; thereafter, if the violation again occurs by the same employee, it shall constitute cause for termination of employment. (Code 1998, § 2-056.00; Ord. No. 83-552, 3-17-1983)

Sec. 2-164. Utilization of parish approved bond counsel.

All boards and commissions under the governing authority of the parish council shall utilize the parish approved bond counsel of record for all projects requiring capital financing. (Code 1998, § 2-057.00; Ord. No. 96-2546, 11-21-1996)

Secs. 2-165—2-181. Reserved.**ARTICLE V. DEPARTMENTAL ORGANIZATION****Sec. 2-182. Establishment of departments.**

The parish administration shall be divided into specific offices and departments. The president hereby creates effective as per sections 2-12(C) or 4-12(C) of the Home Rule Charter, and to take effect immediately from the time of abolition of all prior parish governmental departments, agencies and/or offices, the following parish departments, offices and agencies, as per law and the Home Rule Charter. Each of the following departments shall be staffed by one or more directors as designated by the parish president according to the Home Rule Charter:

- (1) Office of the president;
- (2) Department of finance;
- (3) Department of public works;
- (4) Department of facilities management;
- (5) Department of environmental services;
- (6) Department of planning and development (all references in the Code of Ordinances to the department of planning shall mean the department of planning and development);
- (7) Department of human resources;
- (8) Legal department;
- (9) Department of technology;
- (10) Department of animal services;

- (11) Department of fire services;
 - (12) Department of homeland security and emergency operations;
 - (13) Department of health and human services;
 - (14) Department of public information;
 - (15) Department of grants;
 - (16) Department of culture, recreation and tourism;
 - (17) Department of economic development;
 - (18) Department of procurement;
 - (19) Department of inspections and enforcement.
- (Code 1998, § 2-091.00; Ord. No. 84-42, 3-15-1984; Ord. No. 84-141, 6-21-1984; Ord. No. 88-918, 2-21-1988; Ord. No. 94-1991, 6-16-1994; Ord. No. 95-2333, 12-14-1995; Ord. No. 97-2754, 10-23-1997; Ord. No. 00-0109, 2-17-2000; Ord. No. 00-0177, 7-6-2000; Ord. No. 12-2761, 7-12-2012; Ord. No. 13-2998, 8-1-2013; Ord. No. 14-3109, 3-6-2014; Ord. No. 15-3303, § 2-091.00, 4-2-2015; Ord. No. 16-3450, § 2-091.00, 1-14-2016)

Sec. 2-183. Duties of departments.

(a) The general duties and responsibilities of each office and/or department herein shall be as follows:

- (1) To perform such services as is necessary to carry out its legislative functions.
- (2) To ensure the safety, health and well-being of the citizens of this parish.
- (3) To be responsive and responsible to the needs of the citizens of the parish.
- (4) To perform other such activities not enumerated herein as directed by the Charter, the president, chief administrative officer and/or deputy chief administrative officer.

(b) The further duties of these offices, agencies and/or departments shall be as follows:

- (1) The office of the president shall include the parish president, chief administrative officer, one or more deputy chief administrative officers, chief financial officer, executive counsel, and such administrative assistants and clerical staff necessary to perform the charges mandated by the Charter and effectively govern the day-to-day affairs of parish government. The president shall also possess those powers outlined in the parish Charter, together with those inherent duties and powers not otherwise enumerated in the Charter as are necessary to operate the affairs of the parish. All duties previously listed for the parish manager shall now be transferred to the position of the chief administrative officer (CAO); the CAO is directly answerable to the president. The CAO shall have the authority to establish a hierarchy and/or chain of command between and among the departments and officers, except the legal department and

finance department, who shall answer directly to the president. The prior parish Code is amended accordingly. The office of the CAO shall include the legislative liaison and shall carry out intergovernmental relations.

- (2) The department of finance, under the direction of the chief financial officer, shall provide such administrative and technical support to ensure that the finances of the parish are maintained and fiscally sound. This department shall maintain all parish accounting, budgeting, collection of funds, financial reporting, investing and maintenance of indebtedness; distribution of parish funds shall be included in the powers and duties of this department. Custodian of securities for developmental obligations to this parish shall likewise be the responsibility of this department. Said duties shall include, but not be limited to, any and all actions necessary to carry out the functions of the department.
- (3) The department of public works shall include, but is not limited to, infrastructure maintenance, drainage maintenance, vehicle maintenance and Tammany Trace maintenance. This department shall be responsible for the scheduling, coordinating and administration of public works activities in this parish that involve or that in any way are related to the maintenance of all parish roads, bridges and/or drainage structures. This department shall also be responsible for administration of the district capital projects and the lighting districts. This department shall oversee all activities and maintain all documentation for parish road and/or drainage maintenance activity. Said duties shall include, but not be limited to, any and all actions necessary to carry out the functions of the department. This department shall include the sub-department of engineering which shall be supervised by a director who, in turn, is under the supervision of the director of the department of public works. The sub-department of engineering shall include, but is not limited to, the oversight and administration of major road, drainage and capital projects. Said duties shall include, but not be limited to, any and all actions necessary to carry out the functions of the department as provided for in this Code and any other applicable regulations. The director of public works shall be, at the time of his appointment, a professional engineer licensed by the state professional engineering and land surveying board and shall have been engaged in the practice of engineering for a period of five years.
- (4) The department of facilities management shall include, but is not limited to, the general upkeep, maintenance and repair of all parish-owned grounds, buildings and movables. Said duties shall include, but not be limited to, any and all actions necessary to carry out the functions of the department.
- (5) The department of environmental services shall provide control, monitoring and inspection of water and sewer services as well as regulatory authority over solid waste collection, hauling, transfer and disposal, septage, on-site wastewater treatment, individual water wells and litter enforcement and abatement. The department shall also

continue to implement the authorities of the former environmental services commission (R.S. 33:4064.1 et seq.) transferred to the parish by Act 146 of the First Extraordinary Session of the 2000 Louisiana Legislature, and operate and maintain parish-owned water and sewer utility systems. Said duties shall include, but not be limited to, any and all actions necessary to carry out the functions of the department.

- (6) The department of planning and development shall serve as a one-stop department for all permitting, planning, development, zoning and land use regulation within the parish. This department shall oversee the administration of all land use control and building permitting activities of the parish, including but not limited to permitting of land clearing and site development. Said duties shall include those outlined in R.S. 33:101—33:119 (Planning), 33:4780.40—33:4780.50, and/or this Code, as same may be amended, restated and/or recodified from time to time. Said duties shall include, but not be limited to, any and all actions necessary to carry out the functions of the department. All references in this Code to the department of planning shall mean the department of planning and development.
- (7) The department of human resources shall administer all payroll functions and general oversight of payroll; recruiting and staffing; employment and regulatory compliance; employee orientation, development and training; personnel rules and policy development and documentation; compensation and benefits administration; employee safety, welfare, wellness and health; records management; administration of employee grievance procedure for dismissals, demotions and other disciplinary matters; and employee services and counseling. Said duties shall include, but not be limited to, any and all actions necessary to carry out the functions of the department.
- (8) The legal department.
 - a. The president shall appoint an executive counsel who shall serve at the pleasure of the president. The executive counsel shall:
 - 1. Subject to the council's approval pursuant to Home Rule Charter section 4-01(A), be the director of the legal department;
 - 2. Direct the legal department and its respective staff members, including attorneys;
 - 3. Serve as legal adviser to the president, parish employees and all departments comprising parish administration, all as directed by the parish president;
 - 4. Represent and/or direct representation for the parish president and parish administration in conjunction with parish government in legal proceedings; and
 - 5. Co-administer with council attorneys all legal proceedings and litigation involving parish government and jointly represent the parish government with council attorneys in such proceedings.

- b. All attorneys in the legal department shall be parish president appointed attorneys subject to section 3-09 of the Home Rule Charter. The legal department shall include the office of risk management. Said duties shall include, but not be limited to, any and all actions necessary to carry out the functions of the department.
- c. Pursuant to Home Rule Charter section 4-03(A), the district attorney of the judicial district serving the parish shall, upon the request of the parish government:
 - 1. Serve as legal adviser to any departments, offices, and agencies of the parish government; and
 - 2. Represent the parish government in legal proceedings;
 provided, however, that the district attorney has no conflict of interest with respect to any such matter for which such a request is made.
- d. Nothing herein shall alter or change the procedure for retaining special legal counsel as set forth in Home Rule Charter section 4-03(B).
- (9) The department of technology shall provide technology systems and services, geographical information services and archive management to the parish. Said duties shall include, but not be limited to, any and all actions necessary to carry out the functions of the department.
- (10) The department of animal services shall pursue the health, safety and welfare needs of animals and citizens in the parish by protecting citizens from dangers and nuisances caused by uncontrolled animals, enforcing the legal protections of animals from mistreatment and by promoting, motivating and enforcing responsible pet ownership. Said duties shall include, but not be limited to, any and all actions necessary to carry out the functions of the department.
- (11) The department of fire services shall serve as liaison among the independent fire districts and the parish. The department shall assist the independent fire districts to provide the best available fire protection to their communities. The department shall assist the homeland security and emergency operations department in planning and preparing for emergencies. Said duties shall include, but not be limited to, any and all actions necessary to carry out the functions of the department.
- (12) The department of homeland security and emergency operations shall develop, manage, coordinate and maintain a comprehensive and effective preparation and response to all hazards that may occur or which pose a threat to property, health, safety and/or welfare of residents of the parish. Said duties shall include, but not be limited to, any and all actions necessary to carry out the functions of the department.
- (13) The department of health and human services shall include serving as liaison for community service and health care agencies, programs and facilities. The department shall coordinate emergency special needs shelters and coordinate with the department

of homeland security and emergency operations. The department shall coordinate outreach services to outlying areas of the parish to provide health and human services. This department shall be responsible to provide information and the processing of applications for community service programs and homeless shelter assistance programs. Said duties shall include, but not be limited to, any and all actions necessary to carry out the functions of the department.

- (14) The department of public information shall include the public information office and Access St. Tammany, the government access channels. The department shall be responsible for all related communications and information distribution functions as deemed necessary by the parish government. These offices shall provide such administrative and technical support as is necessary to service the needs of the parish, and its citizens. Said duties shall include, but not be limited to, media relations, Access St. Tammany production and programming, maintenance of the parish websites, responsibility for the parish's social media outlets and all other actions necessary to carry out the functions of the department.
- (15) The department of grants shall include the preparation of all intergovernmental grant applications on behalf of the parish; oversight, financial administration and general administration of and compliance with awarded grants; and informing departments, offices and agencies of all relevant local, state and federal grant programs. The department shall be responsible for administration of the transit program. Said duties shall include, but not be limited to, any and all actions necessary to carry out the functions of the department.
- (16) The department of culture, recreation and tourism shall be responsible for administration of programs and initiatives related to culture, recreation and/or tourism, such as arts programs, Camp Salmen, I-10 Twin Span Fishing Pier, Tammany Trace and other public recreation venues and programs. The department shall promote and encourage tourism in the parish. Said duties shall include, but not be limited to, any and all actions necessary to carry out the functions of the department.
- (17) The department of economic development shall be responsible for promoting the parish for attraction of business; increasing business investment; developing economic opportunity; retaining of existing businesses; and developing of business recruitment capabilities. Said duties shall include, but not be limited to, any and all actions necessary to carry out the functions of the department.
- (18) The department of procurement shall be responsible for all procurement, purchasing of goods, materials and services and contracting on behalf of the parish. Said duties shall include, but not be limited to, any and all actions necessary to carry out the functions of the department.

- (19) The department of inspections and enforcement shall be responsible for enforcing this Code and conducting inspections, under the direction of the parish chief building official, relative to land use regulations; permitting; building, electrical, mechanical, and plumbing codes; and fill ordinances. Said duties shall include, but not be limited to, any and all actions necessary to carry out the functions of the department.

(Code 1998, § 2-092.00; Ord. No. 84-42, 3-15-1984; Ord. No. 84-141, 6-21-1984; Ord. No. 88-918, 2-21-1988; Ord. No. 88-1002, 3-14-1988; Ord. No. 97-2754, 10-23-1997; Ord. No. 00-0109, 2-17-2000; Ord. No. 00-0177, 7-6-2000; Ord. No. 12-2761, 7-12-2012; Ord. No. 14-3109, 3-6-2014; Ord. No. 15-3303, § 2-092.00, 4-2-2015; Ord. No. 16-3450, § 2-092.00, 1-14-2016; Ord. No. 16-3582, 9-1-2016)

Sec. 2-184. Special project responsibilities.

Special project assignments shall reside with the chief administrative officer.

(Code 1998, § 2-092.01; Ord. No. 94-1991, 6-16-1994; Ord. No. 95-2333, 12-14-1995)

Secs. 2-185—2-206. Reserved.

ARTICLE VI. PARISH BUILDINGS

DIVISION 1. GENERALLY

Sec. 2-207. Parish buildings.

(a) The St. Tammany Parish Government is the owner in title to immovable properties throughout the parish, some which house governmental offices and public facilities to provide services and administer the daily operations of the parish.

(b) Any structure, or portion thereof, which is owned, leased, rented and/or otherwise occupied by a political subdivision of the state or the parish shall be subject to all or part of the provisions of this article upon adoption of a resolution by the governing authority of said political subdivision.

(Code 1998, § 2-101.01; Ord. No. 93-1804, 8-19-1993)

Sec. 2-208. Exemptions.

Exempt from the provisions of this article is that area of the Covington Administrative Complex which is leased and operated as an alcohol beverage establishment commonly known as "Tugy's".

(Code 1998, § 2-100.04; Ord. No. 93-1804, 8-19-1993)

Sec. 2-209. Violation; penalty.

(a) Violation of this section shall be punishable by a fine not to exceed \$50.00 or imprisonment for a term not to exceed 30 days, or both. Each violation hereof shall constitute a separate offense.

(b) No person shall remain on the grounds of the parish prison, and shall be deemed as trespassing, after being instructed to leave said property by any law enforcement officer or any other official prison personnel.

(c) This section shall not apply to any law enforcement officer nor to any individual who is transacting lawful prison, or judicial system, business.

(d) Any person found to be in violation of this section shall be subject to a fine of not more than \$100.00 and/or imprisonment for a period of not more than ten days.

(Code 1998, § 2-100.05; Ord. No. 93-1804, 8-19-1993)

Sec. 2-210. The parish justice center.

(a) The parish is the owner in title of immovable property at 701 North Columbia Street, and associated properties to same, to be known as the parish justice center, hereafter referred to as "Justice Center."

(b) This facility shall house governmental offices for the purpose of providing services to the public.

(c) All agencies and/or political subdivisions of the parish and the state, hereafter referred to as "agency or agencies," which occupy space in this facility shall do so under the law and guidelines established within this section, subject to their constitutional and statutory powers provided by state law.

(d) All persons using the building shall adhere to the law and guidelines established within this section.

(Code 1998, § 2-102.00; Ord. No. 03-0666, 5-1-2003)

Sec. 2-211. General building guidelines.

(a) The justice center building manager, hereafter called "building manager," shall oversee all operations of the justice center.

(b) No change shall be made to any physical characteristic of the justice center without prior approval of the building manager.

(Code 1998, § 2-102.01; Ord. No. 03-0666, 5-1-2003)

Sec. 2-212. Advisory committee.

(a) Under the direction of the building manager, an advisory committee shall be formed, consisting of the following members:

- (1) Building manager.
- (2) One representative from each agency.

(b) The advisory committee shall be charged with developing policies and procedures for the administration and operation of the justice center to ensure the following:

- (1) That the facility provides a safe and efficient operation to all users.
- (2) That the facility is maintained at a level of service which promotes continuity throughout the building.
- (3) That all agencies are kept abreast of problems, technical changes and building issues which could affect their operations.
- (4) That all agencies work together to develop the appropriate solution to any problem, technical change or building issue.

(c) All policies and procedures are subject to final approval of the CAO, or his designated representative.

(Code 1998, § 2-102.02; Ord. No. 03-0666, 5-1-2003)

Sec. 2-213. Nonsmoking facility.

(a) The smoking of cigarettes, cigars, pipes or use of other tobacco products shall be prohibited in all public buildings.

(b) The smoking of cigarettes, cigars, pipes or use of other tobacco products is permitted on the grounds of public buildings in the designated smoking areas only.

(Code 1998, § 2-102.03; Ord. No. 03-0666, 5-1-2003)

Sec. 2-214. Firearms.

Firearm carriage and use are prohibited inside the building, except by on duty law enforcement personnel wearing a Class A law enforcement uniform.

(Code 1998, § 2-102.04; Ord. No. 03-0666, 5-1-2003)

Sec. 2-215. Definitions.

The definitions set forth in R.S. 40:1300.253 (Louisiana Smokefree Air Act—Definitions), as amended, shall be effective as definitions of the words, terms and phrases used in this article. All words, terms and phrases used herein, other than those specifically defined elsewhere in this

article, shall have the respective meanings ascribed to them in R.S. 40:1300.253, as amended, and shall have the same scope and effect that the same words, terms and phrases have where used in R.S. 40:1300.253, as amended.

Secs. 2-216—2-238. Reserved.

DIVISION 2. SMOKEFREE BUILDINGS AND CONCESSION STANDS*

Sec. 2-239. Legislative findings.

The parish council finds that the regulation and control of smoking in enclosed public places is a matter of vital concern affecting the public health, safety and welfare of the citizens and visitors to the parish.

(Code 1998, § 2-100.00; Ord. No. 93-1804, 8-19-1993)

Sec. 2-240. Smoking regulations.

The smoking of cigarettes, cigars, pipes or other tobacco substances, shall be prohibited in all public buildings owned, operated or leased by or for the parish council. These smoking prohibitions are not limited to inhaling lighted tobacco devices, but also include loose or compressed tobacco or tobacco derivatives which are chewed, dipped, sniffed or ingested in any manner which may result in expectorates.

(Code 1998, § 2-100.02; Ord. No. 93-1804, 8-19-1993; Ord. No. 96-2529, 10-17-1996)

Sec. 2-241. Posting of signs.

"No Smoking" signs or the international "No smoking" symbol consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across shall be conspicuously placed by the owner, operator, manager, or other person in control on exterior doors and in strategic locations inside all public buildings, public places, and places of employment where smoking is prohibited and shall be clearly visible to the general public.

(Code 1998, § 2-100.03; Ord. No. 93-1804, 8-19-1993)

Sec. 2-242. Concession stands operated by blind/visually impaired in parish owned buildings.

All departments, agencies, boards or commissions occupying buildings which are owned by the parish shall in all cases give preference in the operation of concession stands to blind persons under the administration of the state department of social services rehabilitation services program. No additional concession stands shall be permitted to operate on the same

*State law reference—Louisiana Smokefree Air Act, R.S. 40:1300.251 et seq.

premises. No blind person under this article shall be required to pay any fee, service charge or equivalent thereof, for the operation of concession stands, except those incurred while obtaining necessary state and parish operating permits

(Code 1998, § 2-101.00; Ord. No. 02-0571, 7-11-2002)

Sec. 2-243. Exclusions.

The provisions of this section shall not apply to the placement of vending machines in parish owned buildings, nor to the operation of concession stands on:

- (1) Parish property operated as recreational facilities;
- (2) Boat launch facilities;
- (3) Civic auditoriums, event centers and fairgrounds; and
- (4) The Tammany Trace.

(Code 1998, § 2-101.01; Ord. No. 02-0571, 7-11-2002)

Sec. 2-244. Desirability and proper operation.

Prior to the provisions of this section being applied on any parish property, there shall first be a determination by the department, agency, board or commission having control and custody of such property that a concession stand is desirable on the property and that a concession stand may be properly and satisfactorily operated on such property without undue interference with the use and needs thereof for public purposes.

(Code 1998, § 2-101.02; Ord. No. 02-0571, 7-11-2002)

Sec. 2-245. Contract provisions.

If there exists in a parish owned building a concession stand operated by those other than the blind and without the benefit of a contract, the provisions of this article shall apply and said concession stand will be required to terminate business. Those operating under contract shall terminate business upon expiration of their contract and any options to renew contained therein.

(Code 1998, § 2-101.03; Ord. No. 02-0571, 7-11-2002)

Sec. 2-246. Definitions.

For the purpose of this section, the following terms, words and phrases shall have the meanings ascribed to them in this section, unless the context clearly indicates a different meaning:

Blind or *visually impaired* means a person who is totally without the ability to see or one whose vision with prescription glasses or optical lenses is so defective as to prevent the performance of ordinary activity for which eyesight is essential without assistance.

Concession stand means a manned snack bar for the sale of food stuffs and nonalcoholic beverages which are not cooked, prepared or packaged on parish property.

Vending machine means a mechanical, unmanned device used for the dispensing of food stuffs and beverages.

(Code 1998, § 2-101.04; Ord. No. 02-0571, 7-11-2002)

Secs. 2-247—2-272. Reserved.

ARTICLE VII. PURCHASING PROCEDURES FOR PARISH BOARDS AND COMMISSIONS

Sec. 2-273. Purchasing procedures.

(a) The parish shall follow the purchasing procedures in accordance with R.S. 38:2181 et seq. (Public Contracts) and this section.

(b) The director of finance, purchasing supervisor and purchasing technician have the authority to issue, amend, administer and/or terminate purchase orders on behalf of the parish upon receipt of a properly authorized requisition or written notice of cancellation from a parish department. The director of finance will ensure that requisitions meeting the following criteria are reviewed and approved as indicated prior to initiating any contract action:

(1) *Materials, supplies and equipment.* The parish president shall review and approve requisitions that meet state law requirement for "advertisement for bids," not to exceed \$20,000.00. Those exceeding \$20,000.00 must be approved by the parish council, unless specifically identified in the capital outlay budget adopted by the council.

(2) *Contracts for professional services.*

a. *Establishment of professional service list.*

1. Each June, the purchasing department will advertise for the submission of request for qualifications from all interested professional service vendors.
2. Upon receipt, the purchasing department will separate the vendors into specific categories, prepare the official "Professional Service List" and shall make the list available to all parish departments.
3. Additional vendors may submit their qualifications during the year, at which time the purchasing department will revise the professional service list and distribute to all departments.

b. *Selection of vendor for professional service contract.*

1. The director of the awarding department shall identify the project and verify that same is an approved expense under the current year operating and capital budgets, if applicable.

2. The director of the awarding department shall select three vendors from the professional list, based upon the qualifications needed for the specific project, who in his opinion would be best suited to perform the tasks required.
 3. The director of the awarding department, through the purchasing department, shall issue a request for proposals to each of the three vendors for the specific project.
 4. Upon receipt and review of the RFPs, the director shall present his recommendation for the award of the professional service contract to the CAO.
 5. The CAO shall provide the council administrator with a copy of the recommendation upon which the council administrator shall notify the appropriate councilmembers and advise the CAO of any issues of concern.
 6. The CAO will then issue a contract and purchase order.
- (3) *Real property.* Purchase of land and buildings must be approved by the parish council.
- (4) *Public works contracts.* The term "public works contracts" are defined as the erection, construction, alteration, improvement or repair of any public facility or immovable property owned, used or leased by the parish must be approved as indicated:
- a. Public works projects (excluding roads and bridges) up to \$150,000.00 shall be approved by the parish president. Projects exceeding this amount must be approved by the parish council, unless specifically identified in the capital outlay budget adopted by the council.
 - b. Public works roads and bridges improvements (excluding minor repair) must be on the current capital improvement list as approved by the parish council.
- (5) *Notice of contract approval.*
- a. Upon approval of any professional services or public works contract as authorized by this section, written notice of the contract and its approval shall be provided to the parish council office.
 - b. Dividing or splitting purchase requirements in order to circumvent the monetary limitations imposed by state law and this section is strictly prohibited. The director of finance shall monitor and challenge such request and report any violations to the parish president for appropriate action.
 - c. The act of an employee who orders and/or accepts supplies and services prior to the submission of an approved requisition and in advance of a purchase order being issued is deemed as an unauthorized commitment. Such a commitment is not legal and does not obligate the parish to pay for the supplies or services rendered. A personal liability may be levied against the individual making the unauthorized commitment. The parish president has the authority to ratify

unauthorized commitments which do not require council approval, however, they will not be routinely approved. A review shall be implemented prior to determining the appropriate action.

- d. The parish president will appoint department heads and/or individuals having the authority to review, approve, or submit requisitions for supplies, materials and services in writing and assign monetary limitations of approval as appropriate. Those appointees will ensure that there is a valid requirement and that sufficient funding within their budget is available for requisitions that are submitted. Unfunded requirements must be approved in accordance with budgeting procedures within this Code.
- e. The parish president may implement internal controls, purchasing procedures, and amplify this section as deemed necessary to prevent fraud, waste, and abuse of public funds.

(Code 1998, § 2-007.00; Ord. No. 81-265, 9-22-1981; Ord. No. 97-2706, 7-25-1997; Ord. No. 98-2929, 8-20-1998; Ord. No. 03-0627, 3-6-2003; Ord. No. 03-0764, 10-2-2003; Ord. No. 09-2125, 9-3-2009)

Sec. 2-274. Purchasing procedure.

The established purchasing procedures for the parish shall be as follows:

- (1) Purchases under \$1,500.00 X.
- (2) Purchases \$1,500.00—\$4,999.00 X.
- (3) Purchases \$5,000.00—\$9,999.00 X.
- (4) Purchases exceeding \$10,000.00 X.
- (5) Purchases exceeding \$500.00, but less than \$1,500.00 shall require no competitive bidding, but three telephone quotes shall be obtained by the purchasing office, if time permits.
- (6) Purchases of \$1,500.00 or more, but less than \$5,000.00 shall be made by soliciting telephone or facsimile quotations lower than the accepted bidders by the purchasing office. If quotations lower than the accepted quotation are received, the rejection shall be recorded in the purchase file.
- (7) Purchases of \$5,000.00 or more, but less than \$10,000.00 shall be made by sending out written quotations for bids to at least five bona fide qualified bidders by the purchasing office. Additionally, the public entity may advertise at its discretion. If quotations lower than the accepted quotation are received, the reasons for their rejection shall be recorded in the purchase file.

- (8) Purchases in excess of \$10,000.00 will be forwarded to the purchasing office for public advisement.

(Code 1998, § 2-110.00; Ord. No. 95-2276, 9-21-1995)

Sec. 2-275. Approval required; review.

All said boards and commissions shall require the approval of the parish council for all capital construction and renovation projects with a cost in excess of \$10,000.00, and furthermore, the parish government may review purchasing procedures of said boards and commissions in order to:

- (1) Ensure compliance with this article; and
- (2) Ensure that procedures are in place which require a release from vendors, suppliers and/or subcontractors before final payment is issued.

(Code 1998, § 2-110.02; Ord. No. 95-2276, 9-21-1995)

Sec. 2-276. Violation.

Violation of the established purchasing procedures shall constitute "just cause" for the removal of one or all members appointed to a board or commission created by the parish council.

(Code 1998, § 2-110.03; Ord. No. 95-2276, 9-21-1995)

Sec. 2-277. Personal liability.

The willful or wanton misconduct on part of any board member or members in connection with directives of this article may result in personal liability for any damages sustained by the parish council as consequence thereof.

(Code 1998, § 2-110.04; Ord. No. 95-2276, 9-21-1995)

Secs. 2-278—2-304. Reserved.

ARTICLE VIII. FINANCE AUTHORITY OF ST. TAMMANY PARISH

Sec. 2-305. Authority.

Pursuant to the provisions of the public trust law, particularly R.S. 9:2341(A), the creation of the finance authority of the parish, under the terms of a trust indenture dated this date, is hereby expressly approved and the form, terms and provisions of said trust indenture be and the same are in all respects approved, a copy of said trust indenture being on file in the office of the clerk of this parish council.

(Code 1998, § 2-121.00; Ord. No. 06-1368, 9-7-2006)

Sec. 2-306. Beneficiary.

The parish council accepts the beneficial interest of said trust on behalf of the parish as beneficiary and does hereby empower, authorize and direct the parish president to execute an acceptance on behalf of the parish of the beneficial interest in the trust created by the foregoing trust indenture.

(Code 1998, § 2-121.01)

Sec. 2-307. Trustees; terms.

All trustees, after the initial term, shall serve for a term of three years upon their appointment. The successors to said trustees shall be appointed by this parish council as the governing authority of the parish, in accordance with the provisions of said trust indenture.

(Code 1998, § 2-121.02; Ord. No. 06-1368, 9-7-2006)

Sec. 2-308. Trust approval.

Application be and the same is hereby formally made to the state bond commission, Baton Rouge, Louisiana, for approval of said trust in accordance with the provisions of the trust indenture; and further, that a certified copy of this article and an executed copy of said trust indenture shall be forwarded to the state bond commission, together with a letter requesting the prompt consideration and approval of this application.

(Code 1998, § 2-121.03; Ord. No. 06-1368, 9-7-2006)

Sec. 2-309. Recordation.

Upon the execution of said trust indenture by the settlor and the trustees, an executed copy thereof, together with the written acceptance of the beneficial interest endorsed thereon, shall be recorded in the official records of the clerk of court of the parish, in accordance with the provisions of R.S. 9:2342(A).

(Code 1998, § 2-121.04; Ord. No. 06-1368, 9-7-2006)

Secs. 2-310—2-336. Reserved.**ARTICLE IX. BOARDS, PANELS, COMMITTEES AND COMMISSIONS****DIVISION 1. GENERALLY****Sec. 2-337. Members.**

(a) Unless otherwise provided under state law, the parish Charter, or this Code, all members of a parish board, panel and/or commission shall meet the following qualifications:

- (1) Be of the age of 18 years or older;

- (2) Be a resident and domiciled in the parish for a period of six consecutive months immediately prior to nomination;
- (3) Be of good moral character;
- (4) Be a registered voter of this parish;
- (5) Be subject to the code of governmental ethics at R.S. 42:1101 et seq., or as per law;
- (6) Unless otherwise authorized by law, shall not be paid compensation whatsoever for the privilege to serve hereunder.

(b) Members of all boards, panels, committees and commissions which are only concerned with certain areas of the parish (not parish wide) shall be nominated by the councilmember representing the affected district. In cases where the parish president is authorized to appoint a member, the appointment shall be made from the residents of the affected district.
(Code 1998, § 2-115.00; Ord. No. 00-0157, 6-1-2000)

Sec. 2-338. Appointments.

All positions on any board, panel, committee and commission to be nominated by the parish president, said nominee shall be unilaterally and exclusively appointed by the parish president and immediately confirmed without delay and shall not require further action from or by the parish council. Appointments to boards, panels, committees or commissions by the council shall be by resolution, or as per law.
(Code 1998, § 2-115.01; Ord. No. 00-0157, 6-1-2000)

Sec. 2-339. Terms.

Terms of office for all boards, panels, committees and commissions shall be those set out in the statute, ordinance and/or resolution originally creating each board, panel, committee and commission.
(Code 1998, § 2-115.02; Ord. No. 00-0157, 6-1-2000)

Sec. 2-340. Manual for parish boards and commissions.

(a) It is required that all members of parish boards and commissions appointed by the parish council and/or the parish president are to review the "Manual for St. Tammany Parish Boards and Commissions," as provided to them following appointment, and return the "Acknowledgement of Receipt" of the same within 60 days of its receipt to their respective appointing authority.

(b) Failure to return the "Acknowledgement of Receipt" in the time required may result in removal of any appointee from his respective board or commission, in accordance with this article, at the sole discretion of the appointing authority, or as otherwise provided.
(Ord. No. 16-3613, § 2-115.03, 10-6-2016)

Secs. 2-341—2-366. Reserved.

**DIVISION 2. 22ND JUDICIAL DISTRICT CHILDREN/YOUTH PLANNING
BOARD***

Sec. 2-367. Created.

(a) In accordance with R.S. 46:1941.1 et seq., there is hereby created the 22nd Judicial District children and youth planning board to be composed of members appointed by the governing authorities of the parish and Washington Parish.

(b) The sole responsibility of parish government herein is the establishment and appointment of the board and nothing contained in said statutes mandates that the parish is responsible for funding operational expenses of the board.

(Code 1998, § 2-116.00)

Sec. 2-368. Purpose and function of board.

(a) The purpose of the 22nd Judicial District children and youth planning board is to assist in the formulation of a comprehensive plan for the development, implementation, and operation of services and programs that address the needs of children and youth, including those at risk for, or identified with, social, emotional or developmental problems, including, but not limited to educational failure, abuse, neglect, exposure to violence, juvenile or parental mental illness, juvenile or parental substance abuse, poverty, developmental disabilities and delinquency.

(b) The board is intended to encourage collaborative efforts among local stakeholders for assessing the physical, social, behavioral and educational needs of children and youth in their respective communities and for assisting in the development of comprehensive plans to address such needs. The infrastructure for planning is intended to be data-driven in order to select appropriate evidence-based programs which will maximize available resources.

(Code 1998, § 2-116.01)

Sec. 2-369. Legislative authorization.

(a) The state legislature authorizes the establishment of children and youth planning boards to assist in development, implementation and operation of services which encourage positive development, diversion of children and youth from the criminal justice and the foster care system, reduction in the commitments of youth to state institutions, and providing community response to the growing rate of juvenile delinquency.

***State law reference**—Children and Youth Planning Boards Act, R.S. 46:1941.1 et seq.

(b) The coordination and implementation of services shall include, but are not limited to, prevention, early intervention, diversion, alternatives to home displacement, alternatives to incarceration and treatment services. Through such boards, the state intends to foster and promote a continuum of community-based services and systems reflecting service integration at the state and community or local levels.

(c) The state children's cabinet, a state agency within the office of the governor, shall facilitate the creation of children and youth planning boards by offering guidance and technical assistance to local communities and governing authorities, including resource identification, needs assessments, monitoring and performance evaluation, strategic planning and other forms of assistance and support.

(Code 1998, § 2-116.02)

Sec. 2-370. Board composition; terms; duties.

(a) The 22nd Judicial District children and youth planning board shall encompass the parishes of St. Tammany and Washington and consist of 14 members, ten appointed by the parish governing authority and four appointed by the Washington Parish governing authority.

(b) Those appointed shall include, but need not be limited to: members of the education community, criminal justice community, health care community, social services community, faith-based community, business and labor communities and parenting and youth organizations.

(c) Terms of all members shall be for a period of two years. Vacancies shall be filled by the original appointing authority in the same manner provided by state law.

(d) Board members representing the parish shall include eight appointed by the parish council and two appointed by the parish president.

(e) The duties and responsibilities of board members shall be as provided in R.S. 46:1941.8. (Code 1998, § 2-116.03; Ord. No. 05-1204, 10-6-2005)

Secs. 2-371—2-398. Reserved.

DIVISION 3. WATERWAY SAFETY COMMITTEE

Sec. 2-399. Creation and purpose.

The parish waterway safety committee was created for the purpose of reviewing and issuing recommendations to the parish governing authority on matters relative to traffic and general safety on the waterways of the parish.

(Code 1998, § 15-020.00; Res. No. 98-8756, 7-23-1998)

Sec. 2-400. Members.

Members of the committee shall consist of representatives from the parish sheriff's office, the state department of wildlife and fisheries, waterway user groups and waterfront homeowners groups.

(Code 1998, § 15-020.01)

Sec. 2-401. Board of commissioners.

The board shall be comprised of seven members that are residents of and domiciled within the parish. The office of the parish sheriff shall nominate and exclusively appoint one person domiciled within the parish. The state department of wildlife and fisheries shall nominate and exclusively appoint one person domiciled within the parish. The parish council shall have the authority to nominate and appoint four members. There shall be one member nominated and appointed by the parish president.

(Code 1998, § 15-020.02; Ord. No. 00-0157, 6-1-2000; Ord. No. 03-0694, 6-5-2003)

Secs. 2-402—2-430. Reserved.**ARTICLE X. ST. TAMMANY PARISH TOURIST COMMISSION*****Sec. 2-431. Created, purpose, name.**

There is hereby created the parish tourist and convention commission, being formed for the purpose of promoting conventions and tourism in the parish.

(Code 1998, § 2-061.00; Ord. No. 658; Ord. No. 85-516, 9-21-1985; Ord. No. 85-529, 12-9-1985; Ord. No. 90-1348, 10-18-1990; Ord. No. 02-0515, 8-1-2002)

Sec. 2-432. Powers of board of commissioners.

The board of commissioners of the tourist and convention commission created in this article shall have those powers as designated in R.S. 33:4574 through 33:4574.3.

(Code 1998, § 2-062.00; Ord. No. 658; Ord. No. 85-516, 9-21-1985; Ord. No. 85-529, 12-9-1985; Ord. No. 02-0515, 8-1-2002)

Sec. 2-433. Membership.

(a) The parish tourist and convention commission shall be composed of seven regular members who shall be known as commissioners; and two alternate members who shall serve when called upon to constitute a meeting quorum or other purpose necessary to commission function. The commissioners shall serve without compensation and shall be registered voters of the parish.

***State law reference**—Tourist commissions creation, purpose, directors and powers, R.S. 33:4574.

(b) Six regular commissioners shall be appointed by the parish council, one regular commissioner shall be appointed by the parish president.

(c) To the extent reasonably possible, there shall be equal representation of both the east side and west side of the parish in the make-up of the commission, based upon the individual domiciles of the commissioners.

(d) One commissioner shall be a member of the parish hotel/motel and campground association.

(e) The two alternate members shall be appointed by the parish council.

(f) Each commissioner and alternate member appointed by the parish council shall be appointed for a term of three years, pursuant to state law (R.S. 33:4574F(2)). Terms shall be staggered in order to enhance and promote continuity of service by the commission. The commissioner appointed by the parish president shall serve a one year term and be domiciled in Ward 8 or Ward 9 during every other term of office and shall be domiciled in the remainder of the parish during the alternate years.

(g) All commissioners appointed as outlined hereinabove may be selected from a list of names submitted to the parish council and president by the tourist commission nominating committee containing the nominees' resumes and verification of their interest in one or more aspects of the tourist industry. Alternate members shall be appointed directly by the parish council.

(h) Commission membership shall not be term limited. However, any incumbent commissioner seeking a third or higher term on the commission must participate in the nominating committee process prior to being considered for reappointment by the parish council.

(Code 1998, § 2-063.00; Ord. No. 02-0515, 8-1-2002; Ord. No. 02-0557, 10-10-2002; Ord. No. 08-1762, 3-6-2008; Ord. No. 11-2626, 11-3-2011)

Sec. 2-434. Tourist commission nominating committee; nomination and appointment procedures.

(a) There is hereby created a tourist commission nominating committee which shall serve as an advisory board to parish government for purposes of submitting nominations for appointment to the tourist and convention commission. It is the desire and intent of parish government to involve as many different elements of the parish community interested in the tourism industry as possible in the selection process for commissioners.

(b) The committee shall consist of 15 members comprised of the following:

(1) There shall be 11 members appointed by the following organizations with each organization having one appointment:

a. The parish hotel/motel and campground association;

- b. Northshore Chapter of the Louisiana Restaurant Association;
- c. The parish-East chamber of commerce;
- d. The parish-West chamber of commerce;
- e. The parish art association;
- f. The parish economic development foundation;
- g. Young men's business club of Slidell;
- h. Slidell heritage foundation;
- i. Northlake Nature Center, Inc.;
- j. The parish commission on cultural affairs;
- k. Tammany Trace Foundation.

The parish council may substitute member organizations at any time by ordinance.

- (2) There shall be three committee members nominated and appointed by the parish council. Nothing herein shall preclude councilmembers from being nominated for appointment.
- (3) There shall be one committee member nominated and appointed by the parish president. Nothing herein shall preclude the parish president or his designee from assuming the appointment.

(c) Neither a commissioner of the tourist and convention commission nor any commission staff may serve as a member of the nominating committee. An alternate member to the commission may also be a nominating committee member.

(d) Whenever a vacancy occurs or a new appointment is required for a parish council appointment to the tourist and convention commission, the parish council shall request the tourist commission nominating committee to convene and compile a list of not less than two nominations for submission for appointment to fill the vacancy. For purposes only of convening the committee, the representative of the parish hotel/motel and campground association or the state restaurant association shall serve as the contact member. Each time the committee meets, it shall elect a chairperson to conduct the meeting.

(e) Any individual, group or association in the parish that has an interest in one or more aspects of the tourist industry may submit to the nominating committee the names of potential commissioners together with a resume and verification of the individual's interest in the tourist industry. Thereafter, the committee shall screen the qualifications and may consider nominating the individual for appointment as a commissioner of the parish tourist and convention commission when a vacancy occurs.

(Code 1998, § 2-064.00; Ord. No. 02-0515, 8-1-2002; Ord. No. 11-2626, 11-3-2011)

Sec. 2-435. Officers of the tourist commission.

The commissioners so appointed shall elect from among themselves a chairperson who shall serve as such for one year. In addition to the chairperson, the commission shall elect from its membership a vice-chairperson, secretary and treasurer. The office of secretary and treasurer may be combined if the commission so elects.

(Code 1998, § 2-065.00; Ord. No. 658; Ord. No. 85-516, 9-21-1985; Ord. No. 85-529, 12-9-1985; Ord. No. 90-1348, 10-18-1990; Ord. No. 02-0515, 8-1-2002)

Sec. 2-436. The parish commission on cultural affairs.

The parish commission on cultural affairs is the official local art agency and humanities commission of the parish. As such, this commission is specifically authorized to seek any and all grants of any nature whatsoever. It shall be comprised of nine members with appointments parish wide. There shall be five members nominated and appointed by the parish council. There shall be four members nominated and appointed by the parish president.

(Code 1998, § 2-068.00; Ord. No. 00-0157, 6-1-2000; Ord. No. 03-0629, 3-6-2003; Ord. No. 08-1753, 2-14-2008)

Secs. 2-437—2-455. Reserved.**ARTICLE XI. SPECIAL DISTRICT BUDGETS****Sec. 2-456. Legislative intent.**

(a) Preparation and adoption of a budget by a special district in which the law requires that the parish council also approve such budget, shall fully comply with the provisions herein and any preparation and adoption of the budget by the special district contrary to any provisions of this article is hereby expressly prohibited.

(b) It is the intent of the parish council that this article shall apply to all special districts created pursuant to and under authority of section 19 of article VI of the state constitution of 1974; those special districts continued in existence and provided for in the transitional provisions of article XIV, section 16 of the state constitution of 1974; and any and all other special districts created by constitutional, state statutory or local ordinance authority or a combination of one or more authorities, when any law ordinance requires that the parish council approve the budget of the political special district or political subdivision.

(Code 1998, § 2-071.00; Ord. No. 84-64, 3-15-1984)

Sec. 2-457. Preparation; contents.

(a) The governing board or commission of each district shall cause to be prepared a comprehensive budget presenting a complete financial plan for the ensuing fiscal year.

(b) The chief executive or administrative officer of the political subdivision or, in the absence of such positions, other appropriate official, shall prepare the proposed budget.

(c) The budget document setting forth the proposed financial plan shall include the following:

- (1) A budget message signed by the budget preparer which shall include a summary description of the proposed financial plan, policies, and objectives, and a discussion of the most important features.
- (2) A consolidated statement for the ensuing fiscal year showing the estimated fund balances of the political subdivision at the beginning of the year, estimates of all revenues and receipts to be received, recommended expenditures for current expenses and permanent improvements and the estimated fund balances at the conclusion of the fiscal year.
- (3) Statements for the last completed fiscal year, estimates covering the entire current fiscal year, and projections for the ensuing fiscal year, as follows:
 - a. A statement of revenues and receipts, itemized by source. The revenue statement shall include any unexpected surpluses, delinquent taxes, and the estimated percentage of taxes collectable.
 - b. A statement of expenditures, itemized by agency, department, or organizational unit, showing the amounts for each major function, program or service, or both. The expenditure statement shall distinguish between ordinary recurring expenses of operation, unusual expenses, and capital outlay. There shall be narrative explanations of the spending agency, office, department, or other organizational unit as to its purpose and policies, increases and decreases in items, and other appropriate descriptive or qualitative data. Capital outlay items may be incorporated in a budget document containing both operating and capital outlay expenditures or in a separate capital budget document. There shall be a clear description of all capital improvements and acquisitions, estimates of costs, method of financing, recommended time for initiation and completion, and the estimated annual cost of operating and maintaining such capital improvements or acquisitions.
 - c. Statements of the general fund and each special or restricted fund, showing the resources available at the beginning of the fiscal year, revenues and receipts, expenditures, and the fund balances at the end of the fiscal year.
 - d. A statement of the total outstanding indebtedness, the amount of debt authorized but unissued, the annual debt redemption and interest requirements, and the condition of sinking funds or other assets held for redemption of debt. Any interim loans shall be identified.

(d) The total of proposed expenditures shall not exceed the total of estimated funds available for the ensuing fiscal year.

(e) A budget proposed for consideration of the governing authority of any district, political subdivision or special district shall be accompanied by complete and adopted appropriation ordinance or other legal instrument necessary to adopt and implement the budget. The instrument of adoption of the budget shall contain appropriate language and provisions to the effect that the budget is adopted by the board or commission subject to the final approval of the parish council before said budget is considered finally legally adopted and implemented and said instrument of adoption shall be signed by the chairperson of the board or commission and such other officials as may be required by law. The clerk or secretary of the board or commission shall certify that the legal instrument is official, true and correct and shall show on the face of said instrument, a roll call vote of the members voting on said instrument.

(Code 1998, § 2-072.00; Ord. No. 84-64, 3-15-1984)

Sec. 2-458. Completion and submission to governing authority of special district.

The proposed budget for political subdivisions of special districts shall be completed and submitted to the governing authority of that political subdivision or special district by the person or officer required by this article or other provision of law to prepare the budget at such time to allow for the budget to be made available for public inspection no later than 15 days prior to the date scheduled for the adoption by the board or commission of the political subdivision or special district. If the special district or political subdivision does not have a legal or official office, inspection shall be available only at the office of the parish council.

(Code 1998, § 2-073.00; Ord. No. 84-64, 3-15-1984)

Sec. 2-459. Notice; public hearing.

(a) Upon completion of the proposed budget and, if applicable, its submission to the governing authority of that political subdivision, the political subdivision shall cause to be published a notice stating that the proposed budget is available for public inspection. The notice shall also state that a public hearing on the proposed budget shall be held with the date, time and place of the hearing specified in the notice. Where applicable, publication shall be in the official journal of the political subdivision. Where there is no requirement that the political subdivision have an official journal, publication shall be in the official journal of the governing authority of the parish in which the political subdivision is located. In cases where the political subdivision is located within the boundaries of more than one parish, publication shall be in the official journal of the governing authority of each parish.

(b) No proposed budget shall be considered for adoption or otherwise finalized until at least one public hearing has been conducted on the proposal. Nothing herein shall prohibit one or more political subdivisions from conducting joint public hearings.

(c) No proposed budget shall be considered for adoption or otherwise finalized until a general summary indicative of the proposed budget has been published. The summary may be published in the same advertisement as the notice of availability of the proposed budget and the public hearing, but shall be published at least ten days prior to the date of the first public hearing and shall include the amount of estimated funds available and anticipated expenditures.

(Code 1998, § 2-074.00; Ord. No. 84-64, 3-15-1984)

Sec. 2-460. Public inspection.

The proposed budget of a political subdivision shall be available for public inspection at the legal office of the governing authority of the special district and at the office of the parish council for a minimum period of 15 days prior to its adoption by the political subdivision or district. If the special district or political subdivision does not have a legal or official office, or if the office is a private business or residence, public inspection shall be at the office of the parish council, Administrative Complex, in Covington, Louisiana, or other officially designated public place of the parish council.

(Code 1998, § 2-075.00; Ord. No. 84-64, 3-15-1984)

Sec. 2-461. Adoption.

(a) All action necessary to adopt and otherwise finalize and implement the budget for an ensuing fiscal year shall be taken prior to the end of the fiscal year in progress.

(b) Upon completion of all such action, all political subdivisions or special districts shall certify to the public that the budget has been adopted by publishing such notice in the same manner as herein provided for the notice on availability of the proposed budget and a public hearing.

(c) The adopted budget shall be balanced with approved expenditures not exceeding the total of estimated funds available.

(d) The adopted budget shall contain the same information as that required for the proposed budget according to section 2-457(c).

(Code 1998, § 2-076.00; Ord. No. 84-64, 3-15-1984)

Sec. 2-462. Appropriation ordinances.

Before the beginning of the fiscal year, the governing authority shall enact an ordinance or resolution making appropriations for the ensuing fiscal year. The amounts appropriated for the several offices, departments, boards, commissions and other spending agencies shall not exceed

the amounts fixed therefor in the budget adopted by the governing authority. Nothing contained in this section shall be construed to prohibit the governing authority from amending or making an appropriation to and for a contingent fund to be used in cases of emergency. (Code 1998, § 2-077.00; Ord. No. 84-64, 3-15-1984)

Sec. 2-463. Failure to make appropriation, budget; reappropriation.

(a) If, at the end of any fiscal year, the appropriations necessary for the support of the political subdivision for the ensuing fiscal year have not been made, then 50 percent of the amounts appropriated in the appropriation ordinance or resolution for the last completed fiscal year shall be deemed reappropriated for the several objects and purposes specified in such appropriation ordinance or resolution.

(b) If, at the end of any fiscal year, a political subdivision or special district has not adopted, in accordance with this article and other applicable law, a budget for the ensuing fiscal year with the necessary appropriations, then subject to subsection (a) of this section, those political subdivisions or special districts which are required by law to have their budgets approved by the parish council or parish governing authority shall within ten days thereof serve notice of their failure to adopt a budget for the ensuing fiscal year to the parish council, said notice to be by certified mail. Upon receipt of such notice, the parish council shall have the option of scheduling a joint public hearing with the board or commission of the political subdivision or special district to consider adoption of the budget whereat a majority vote of both bodies present shall prevail, or, the parish council president may return the matter to the political subdivision or special district which will suffice as a requirement that an acceptable budget must be adopted by said political subdivision or special district within 45 days from date of said letter.

(c) Under no circumstances shall a political subdivision or special district exceed a period of 90 days into any ensuing fiscal year without adopting a budget in compliance with law.

(d) Considering the application of subsection (a) of this section to those political subdivisions or special districts which have not adopted a current budget for the ensuing fiscal year, it is the intent of this article that until a budget is adopted in compliance with law, no expenditures or funding can occur for any objects or purposes under subsection (a) of this section other than for those objects or purposes identified and contained in the prior budget. Any attempt to expand the appropriations or funds to new objects and purposes is hereby expressly prohibited. (Code 1998, § 2-078.00; Ord. No. 84-64, 3-15-1984)

Sec. 2-464. Contracts.

(a) During the fiscal year, no office, department, board, commission or other spending agency shall expend or contract to expend any money, incur any liability, or enter into any contract which, by its terms, involves the expenditure of money for any of the purposes for

which provisions are made in the appropriation ordinance or resolution, in excess of the amounts appropriated in said ordinance or resolution for such office, department, board, commission, other expending agency, or purpose for such fiscal year. Any expenditure or contract, verbal or written, made in violation of this section shall be void and no monies belonging thereto shall be paid thereon.

(b) Any official of a political subdivision who knowingly authorized or made such payment or incurred such obligation or caused such payment or disbursement to be authorized or made such obligation to be incurred also shall be liable to the political subdivision for any amount so paid. However, no official of a political subdivision shall be held liable if the official has formally submitted a written memorandum to the governing authority of the political subdivision stating that approving such obligation will cause a violation to occur or will cause payment or disbursement to be authorized that exceeds the expenditures approved in the appropriation ordinance. For the purposes of this section, the term "official" shall mean any officer or employee of the political subdivision who is subordinate to the governing authority.

(c) The members of the governing authority shall not be personally liable for expenditures which are within the budget adopted in accordance with the provisions of this article, but which exceed revenue collections.

(d) Nothing contained in this section shall prevent the making of contracts for governmental services or for capital outlay for a period exceeding one year if such contracts are allowed otherwise by law. Any contract so made shall be executory only for the amounts agreed to be paid for such services to be rendered in succeeding fiscal years.

(e) All contracts for services, labor, public works or capital outlay shall be separately identified with certainty by contractor name and amount in the appropriation ordinance of the budget or in any amendments thereto provided however that nothing contained herein shall prohibit the political subdivision or special district from administering to emergencies as provided for in law and in section 2-467.

(Code 1998, § 2-079.00; Ord. No. 84-64, 3-15-1984)

Sec. 2-465. Filing.

(a) Upon the adopting of the budget, the governing authority of the political subdivision or special district shall cause a copy of such budget to be filed in the office of the legislative auditor within 30 days after commencement of the budget year or, within such other required time as law or the legislative auditor may require. Exemption from this requirement is allowed only in those cases where the political subdivision or special district files with the parish council a copy of a certification or letter from the legislative auditor at the time it submits its budget to the parish council, stating that the particular political subdivision or special district is not required by law or the legislative auditor's office to file its budget with the legislative auditor.

(b) It shall be the duty of the chairperson of any board or commission of any political subdivision or special district to report any communicated noncompliance found by the legislative auditor to the president of the parish council within 15 days of receipt of said communication attaching a copy of any alleged noncompliance to the report.
(Code 1998, § 2-080.00; Ord. No. 84-64, 3-15-1984)

Sec. 2-466. Approval by the parish council.

After receipt of the budget and appropriating instrument of the political subdivision or special district in the form and extent as required in this article, the clerk or secretary of the parish council shall cause the budget to be placed on the agenda of the next regular parish council meeting in compliance with law as to subject matter notice and posting of the agenda or at the next scheduled special meeting, whichever is earlier. The parish council shall review the entire budget and either accept it or reject it. Should the budget be rejected because of any objection to any part or parts therein, the budget shall be returned to the board or commission of the political subdivision or special district with suggestions or instructions of what must be corrected or accomplished in order to obtain parish council approval. Once the board or commission of the political subdivision or special district complies with these requirements, it shall resubmit the budget to the clerk or secretary of the parish council in accordance with the procedures for submitting initial budgets established in other provisions of this article; provided, however, that any reconsideration of the budget by the board or commission of a political subdivision or special district does not have to comply with the provisions of advertisement or public inspection. Minimal requirements of the open meetings law however will be required.
(Code 1998, § 2-081.00; Ord. No. 84-64, 3-15-1984)

Sec. 2-467. Amendments.

Where there is a governing body of the political subdivision, any amendment involving transfer of funds from one department, office, agency or other entity to another or from one program or function to another or increases in expenditures resulting from revenues exceeding amounts estimated, shall require the approval of the governing body.
(Code 1998, § 2-082.00; Ord. No. 84-64, 3-15-1984)

Sec. 2-468. Emergencies.

Nothing in this article shall prohibit the expenditure of funds in cases of an emergency. For purposes of this article, the term "emergency" means an unforeseen mischance bringing with it destruction or injury of life or property or the imminent threat of such destruction or injury.
(Code 1998, § 2-083.00; Ord. No. 84-64, 3-15-1984)

Sec. 2-469. Violations.

(a) Violations of this article may be enforced by legal proceedings seeking mandamus, injunction or declaratory relief to require compliance herewith.

(b) Noncompliance with any provisions of this article shall be grounds for removal of any member of any board or commission of the political subdivisions or special districts covered herein for any willful refusal, failure or negligence to perform any of the requirements or provisions herein. It shall also be grounds for removal from office of any member of any board or commission when any officer or employee under the employment and general supervision of the board or commission willfully refuses or fails to perform any duty established herein which has been assigned said officer or employee by the board or commission or by law, provided however, that it shall be a defense to the removal of any member of a board or commission that said employee or officer has been disciplined by the board or commission prior to the institution of or the notice of a removal hearing by the appointing authority of the board or commission members.

(c) The duties herein established are deemed lawful and mandatory duties and any willful refusal or failure to perform any of said duties may subject the violator of same to criminal malfeasance as provided for by law.

(Code 1998, § 2-084.00; Ord. No. 84-64, 3-15-1984)

Secs. 2-470—2-491. Reserved.**ARTICLE XII. COMMUNICATION DISTRICT AND EMERGENCY PHONE SYSTEM*****Sec. 2-492. Communication District No. 1.**

(a) *Established.* There is established a communication district entitled "St. Tammany Communication District No. 1," which shall comprise all of the territory lying wholly within the parish. The district shall be a political and legal subdivision of the state, with power to sue and be sued in its corporate name and to incur debt and issue bonds. The issuance of debt shall be as prescribed in R.S. 33:9101.

(b) *Purpose.* The purpose of the district is to shorten the time required for a citizen to request and receive emergency aid. The district is to establish the number 911 as the primary emergency telephone number for use by the district.

***State law reference**—Power of parish governing authority to create and maintain communication districts, R.S. 33:9101 et seq.

(c) *Appointment of board of commissioners.* The board of commissioners shall be comprised of seven members. There shall be six members nominated and appointed by the parish council. There shall be one member nominated and appointed by the parish president. Appointments shall be as follows:

- (1) One member representing the parish governing authority;
- (2) One member representing the parish sheriff's office;
- (3) One member representing parish hospitals;
- (4) Two members representing law enforcement agencies;
- (5) Two members representing fire protection districts.

(d) *Compensation.* The St. Tammany Communication District No. 1 commissioners may receive a per diem of \$75.00 for attendance at regular and special meetings of the commission for a maximum of 24 meetings per year payable from the funds of the district. Elected officials of parish government attending meetings as ex-officio members of the commission shall not be eligible for receipt of the per diem.

(e) *Powers; methods; funding.* The powers of the commission, methods available, and funding for the district shall be as prescribed in R.S. 33:9103—33:9106.

(f) All members must be qualified electors of the parish. Term shall be prescribed in R.S. 33:9103.

(Code 1998, § 2-010.00; Ord. No. 86-620, 5-15-1986; Ord. No. 96-2475, 7-18-1996; Ord. No. 98-2949, 9-24-1998; Ord. No. 00-0109, 2-17-2000; Ord. No. 00-0157, 6-1-2000)

Sec. 2-493. Misuse of 911 enhanced emergency phone system and penalty.

(a) It shall be unlawful for any adult person, without proper cause, to dial into and use the parish enhanced emergency phone system (911) for any purpose other than requesting police, fire or emergency medical service. Proper cause for use of the parish enhanced emergency system (911) shall be constituted when there is a legitimate and justified purpose for the presence of police, fire or emergency medical personnel at the location indicated by the 911 generated call. The automatic location identifier and the automatic number within the parish enhanced emergency phone system (911) shall constitute evidence of the location of a violation of this section.

(b) Any adult person violating the provisions of this section shall, upon conviction thereof by a court of law, be punished by a fine of not less than \$100.00, nor more than \$500.00, or by imprisonment of not more than 30 days in the parish jail or both.

(c) Any minor violating the provisions of this section shall be dealt with in accordance with juvenile court law and procedure as set out in the Louisiana Statutes Annotated Code of Juvenile Procedure.

(d) Any parent, guardian, or other adult person having the care and custody of a minor found guilty of violating this section shall be punished by a fine of not less than \$100.00, and not more than \$500.00.

(e) Each transmission of/and dialing of the parish enhanced emergency phone system telephone number (911) shall constitute a separate offense under the penalties provided for in this section.

(f) Presumption of violation. In any prosecution charging a violation of any law or regulation governing the use without proper cause of the parish enhanced emergency phone system (911), proof that the home from in which the call was placed that was in violation of any such law or regulation, together with proof that the defendant named in the complaint was, at the time of such violation, the registered owner of such home, shall be considered only presumptive evidence that the registered owner of such home was the person who placed such call without proper cause at the time such violation occurred.

(Code 1998, § 2-010.01; Ord. No. 90-1298, 6-21-1990)

Sec. 2-494. Fixed location charge (E-911).

The parish governing authority authorizes the parish Communications District No. 1 Board, pursuant to R.S. 33:9101 et seq., as amended by Act 1029 of the 1999 Louisiana Legislature, the emergency telephone service charge (911 service charge) paid by service users of a fixed location wire line (a.k.a. landline telephone exchange service line), whose service address is within the boundaries of the parish Communications District No. 1, to be converted to a flat fee of \$0.60 per access line per month for each residential service user and \$1.60 per access line per month for each business service user.

(Code 1998, § 2-010.02; Ord. No. 99-3189, 11-18-1999; Ord. No. C-0152, 8-3-2000)

Sec. 2-495. Wireless charge (E-911).

The parish governing authority authorizes the parish Communications District No. 1, pursuant to R.S. 33:9106, and Act 1029 of the 1999 Regular Session of the Louisiana Legislature, to begin collecting \$0.85 per month per subscriber per device from wireless service providers providing service within the district.

(Code 1998, § 2-010.03; Ord. No. 99-3190, 11-18-1999)

Secs. 2-496—2-513. Reserved.

ARTICLE XIII. ADJUDICATED PROPERTIES*

Sec. 2-514. Sale of adjudicated property.

(a) *Definition.* For the purposes of this section, adjudicated property shall be defined as property that has been procured through legal process that warrants the right of the parish governing authority to seek property for non-payment of property taxes or for any other reason relevant to lien, debts or donation as prescribed by state law.

***State law reference**—Authority of local governing authorities to dispose of adjudicated properties, R.S. 47:2121 et seq.

(b) *Sale of adjudicated property after expiration of redemption period.* After declaration of the council by ordinance that the property is deemed surplus, the office of the parish president may, after the expiration of period fixed by law for redemption of adjudicated property, sell the property in the manner specified within this section.

(c) *Advertising sale of adjudicated property after expiration of redemption period.* Any person desiring to be notified in the event specific immovable property will be subject to a post-adjudication sale may file a request for the notice in the mortgage records of the parish where the immovable property is located.

(d) *Appraisement of property.* The office of the parish president, at its option, may have any adjudicated property offered or solicited for sale, appraised by an appraiser licensed in the state to determine the fair market value of said property.

(e) *Minimum acceptable bid; adjudication to tax debtor or his representatives on payment of taxes and assessments.*

- (1) The property shall be adjudicated to the last and highest bidder for cash, payable in current money of the United States, at the time of the adjudication. If the office of the parish president elects to have the property appraised, no bid shall be accepted which is less than two-thirds of the appraised value. If no appraisal is requested by the governing body, the minimum bid shall be at least the total amount of statutory impositions, government liens and costs of sale.
- (2) At any moment before the actual adjudication takes place, whether the property was appraised or not, if the tax debtor, his heir, administrator, executor, assign, or successor, pays to the tax collector of the parish all taxes or charges imposed pursuant to R.S. 33:1236, or paving or other local improvements assessments due upon the property, including all interest, costs, penalties, taxes or charges imposed pursuant to R.S. 33:1236, or paving or local improvement assessments which have accrued since the date when the property was adjudicated to the parish to the tax debtor, his heirs, administrator, executor, assign, or successor, as the case may be, by preference over all other bidders, though they may bid larger sums.
- (3) The office of the parish president may elect to allow an adjoining landowner to purchase adjudicated property for the price of \$1.00; provided that the office of the parish president receives sufficient evidence, in its discretion, that the adjoining landowner has maintained the subject adjudicated property for at least one year prior to the sale as per R.S. 47:2202(B).

(f) *Act of sale.* The act of sale shall be without any warranty or recourse whatsoever (including warranty of title), even for the return or any reduction of the purchase price, but with subrogation to all rights and actions of warranty that the parish may have. These waivers of warranty shall be self-operative regardless of whether the waivers are contained in the act of

sale, regardless of whether they are clear and unambiguous, and regardless of whether they are brought to the attention of the acquiring person. The parish shall reserve all oil, gas and other mineral rights in and to the property to be conveyed, but shall convey the surface rights of the said property.

(Code 1998, § 2-007.01; Ord. No. 94-2040, 8-18-1994; Ord. No. 95-2161, 2-9-1995; Ord. No. 01-0315, 5-3-2001; Ord. No. 11-2537, 6-2-2011; Ord. No. 15-3382, § 2-007.01, 9-3-2015)

Sec. 2-515. Adjudicated real estate/immovable property.

(a) Any and all real estate and/or immovable property that is otherwise adjudicated in the future or previously has been adjudicated to the parish in any previous year will now be subject to the following program.

(b) The office of the parish president shall hereinafter be charged with the duty and responsibility to develop a program of reclamation of such property, including, but not limited to, identification of affected property, retention of necessary staff to place any program into effect, establishing a fee schedule, and oversight of all programs, together with advertisement, selling such properties where necessary and reasonable, all as per law.

(c) The office of the parish president is specifically authorized to establish such an administrative program to immediately address the magnitude of properties currently adjudicated to the parish since 1974. The office of the parish president is likewise exclusively vested with the power and authority to seek out and search all properties since 1974 and to formulate, in conjunction with the state land office, a plan of identification, redemption, listing, sale or whatever else is necessary to dispose of such property.

(d) The office of the parish president is authorized to negotiate terms and conditions of any sales, enter listing agreements, sign purchase agreements, and such other actions necessary to transfer the parish's interest in and to such properties, all as per law.

(e) Funds received from the sale of such properties shall be dedicated to the general fund.

(f) The office of the parish president shall adhere to the requirements of the parish Charter as to the sale of such properties.

(g) The office of the parish president shall have the option to exercise the method and/or procedure under this article necessary to dispose of such properties as per:

(1) The current parish ordinance; or

(2) That which is delineated in state law as to the sale of adjudicated property.

(Code 1998, § 2-007.02; Ord. No. 01-0315, 5-3-2001; Ord. No. 11-2537, 6-2-2011; Ord. No. 15-3382, § 2-007.02, 9-3-2015)

Sec. 2-516. Donation of adjudicated property authorized.

(a) Pursuant to the authority provided by the state constitution article VII, section 14(B) and (C), the parish hereby establishes a program to promote affordable, safe and decent workforce housing for low to moderate income individuals/families in partnership with Habitat for Humanity St. Tammany West in order to facilitate the donation of adjudicated properties to HFHSTW when a determination is made, by separate ordinance, that such property is available for donation by the parish in accordance with the stated purpose.

(b) The parish president is hereby authorized to execute a cooperative endeavor agreement with Habitat for Humanity St. Tammany West to ensure that the program serves only those individuals and/or families that are truly eligible, which shall include the following: Any property to be donated by the parish to HFHSTW will only be used for construction of single-family homes sold to qualifying individuals/families of low to moderate income at no profit and with no interest charged; qualifying individuals/families must have an income between 30 percent and 60 percent of area median income (AMI); the potential homeowner has to work and/or already live in the parish; the sale must include a "first buy-back option" clause that allows Habitat for Humanity St. Tammany West an opportunity to purchase the property before it can be offered for sale to any other party.

(Code 1998, § 2-007.03; Ord. No. 12-2757, 7-12-2012)

Secs. 2-517—2-540. Reserved.

ARTICLE XIV. CODE VIOLATIONS AND ADMINISTRATIVE ADJUDICATIONS**Sec. 2-541. Procedure for Code violations.**

(a) *Procedures.* Whenever a violation of this Code occurs or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the cause and basis thereof, shall be filed with the designated administrative department to administer and enforce this Code. He shall record properly such complaint, immediately investigate and take action thereon as provided by this Code. During the investigation, the following determination will be made and properly noted:

- (1) Whether the condition creating an emergency is a health or safety hazard;
- (2) Whether the condition is on private property or public property;
- (3) Whether the condition is a violation of this Code;
- (4) The specific section (chapter and section) of this Code which has been violated;
- (5) Whether the condition is a permit violation:
 - a. If the violation is a health or safety hazard, see subsection (f) of this section;
 - b. If the violation is a permit violation, see subsection (g) of this section.

(b) *Posting.* The director of permits and inspections, director of the departments of public works and/or development, and all persons appointed as acting inspectors of the parish are empowered to serve, personally, domiciliary or by registered mail, a citation and/or summons upon persons charged with violations of any provision of this Code for the parish or to post a notice of violation at the place of violation. The inspectors are not authorized to arrest or otherwise take a violator into custody. The designated administrative department shall enforce this Code.

- (1) If the reported condition is determined to be in violation during the investigation, the location of the violation shall be posted with a violations notice stating:
 - a. Nature of violation (description) not limited to possible penalties;
 - b. Date of posting; and
 - c. Inspector's signature.
- (2) For the record, the inspector should try to obtain as much of the following information as possible:
 - a. The description of the property where the violation has occurred, i.e., lot number and square;
 - b. The owner of the property, name and address;
 - c. Who or what caused or created the violation, name and address;
 - d. Names and addresses of witnesses or neighbors;
 - e. How long this condition has existed.

(c) *Review.* Once the posting has occurred, the inspector's supervisor will review the case, and a numbered file on each violation will be established. Also, an attempt will be made to communicate to the property owner or the person or firm responsible for the violation. The desired action will be to correct the violation within the next five working days. If the communication indicates that the violator will correct the violation and pay the required penalties, after the five working day period has expired and/or the required penalties have been paid, no further action will be required. An inspection will be made to ensure that the violation has been cleared.

(d) *Notification.* After the five working day period has expired and the violation continues to exist, the inspector's supervisor will notify the owner or creator of the violation by certified mail. The notice will include the following:

- (1) File number and date of letter;
- (2) Specific ordinance (chapter and section) that is in violation;
- (3) Written description of the violation;
- (4) Location of the violation;

- (5) Number of days to correct the violation before further action is taken;
- (6) Monetary penalties that exist will continue to mount on a daily basis (see subsection (h) of this section, penalties of this section);
- (7) Reimbursement costs may be collected (subsection (i) of this section, reimbursement of cost of this section).

(e) *Follow-up.* After the time has expired to correct the violation and no action has occurred to correct the violation and remit the penalties, the inspector's supervisor will submit copies of the numbered violation file to the district attorney's office for further legal action to accomplish the following:

- (1) Have the violation corrected.
- (2) Cause the violator to remit payment of the penalties and reimbursement costs.

(f) *Dangerous conditions.*

- (1) If a violation is determined to endanger the safety and/or health of adjacent residences, properties or the public, the inspector's supervisor will inform the director of the department of public works of the dangerous condition. If the director of the department of public works determines that the condition presents an imminent and substantial danger, he shall send a letter to the person responsible for the dangerous condition demanding that he cease and desist the use or activity that is determined to be a health or safety hazard and that he perform any remedial measures necessary immediately or that suit will be filed within 24 hours. This letter should also contain information concerning possible criminal penalties for violation of the parish ordinances.
- (2) The letter may be sent by certified mail or be hand delivered by an authorized administrative official. In the event the activity or use poses an immediate and apparent danger to human life, the cease-and-desist letter need not be sent and suit may be filed immediately.
- (3) If the prohibited activity has not ceased and remedial action has not taken place, the director of development, director of permits and inspections or the director of public works will request that the district court issue an order that the activity be enjoined and/or any other order necessary to abate, contain or remove the dangerous condition.

(g) *Permit violation.*

- (1) If during the field inspection it is determined that the violation is a building permit violation, the inspector will post the property with the following:
 - a. Immediately upon obtaining knowledge of such violation, the building inspector for the parish shall affix in a prominent place on the premises a yellow citation and/or summons briefly stating building permit requirements of the parish and

ordering the owner, lessor or tenant to immediately cease all construction on said premises until a fully issued building permit has been obtained from the parish department of permits and inspections.

- b. Said citation and/or summons shall also contain a statement that the department of permits and inspections shall not accept any application for a late permit without charging a mandatory \$50.00 per day late penalty for each day following the citation of said violation; however the maximum of aggregate late penalties shall not exceed \$2,000.00. Should such violation continue, it will be considered as a separate offense. Said penalty shall be non-waivable.
 - c. Said citation and/or summons shall be executed in triplicate with the original copy being affixed to the premises, duplicate copy being retained in the permanent records of the department of permits and inspections, and the triplicate copy being forwarded within ten days of the issuance to the district attorney's office.
 - d. Nothing herein shall interfere with the ability of the district attorney's office to obtain an injunction at any time in order to prevent further construction on the premises and/or proceed in a civil action to collect any late penalties.
 - e. If, after the end of a 90 day period from when the building inspector initially obtained knowledge that a building permit has not been obtained by the violator, the penalty provisions as stated in subsection (b) of this section shall be reinstated.
- (2) Furthermore, at the end of each 90 day period thereafter, the penalty provisions in subsection (b) of this section shall automatically be reinstated until a building permit has been obtained.
- (3) The owner or tenant of any building, structure, premises, or part thereof, any architect, builder, contractor, agent or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.
- (4) Nothing herein contained shall prevent the parish from taking such other lawful actions as is necessary to prevent or remedy any violation.
- (h) *Penalties.*
- (1) Whenever this Code is violated, penalties will be enforced. The purpose of these penalties is to deter the general public from violating this Code.
- (2) In order to accomplish the foregoing objective, the following are the monetary penalties adopted to enforce this Code:
- a. Any posting for violation \$50.00 for the first five working days of the posting.
 - b. After the initial five working days, and as long as the violation continues, \$25.00 per day.

c. In no case shall the total penalties be in excess of \$500.00.

(i) *Reimbursement of cost.* Whenever the parish expends funds and/or labor and/or material, the parish shall seek reimbursement from the violator.

(Code 1998, § 1-011.00; Ord. No. 85-521, 11-21-1985)

Sec. 2-542. Bureau of administrative adjudication.

Pursuant to the applicable provisions of R.S. 13:2575, the provisions of R.S. 13:2575.2, and all other applicable statutes, ordinances, rules and regulations, the bureau of administrative adjudication and position of administrative hearing officer is hereby established. Any agency or department of the parish having a responsibility for the enforcement of any public health, housing, fire code, environmental, and historic district ordinance, or any matters involving licensing and permit violations, and for any other ordinance violations that may be determined by the parish council, may seek to affect correction of the violation and the imposition of civil fines, civil penalties, fees and hearing costs for violations of such ordinances by the owners of movable and immovable property or their agents, tenants, representatives, licensees, permittees or any other interested party pursuant to the procedures for administrative adjudication established in the sections of this article.

(Code 1998, § 1-012.00; Ord. No. 04-1023, 12-2-2004; Ord. No. 05-1094, 4-7-2005)

Sec. 2-543. Definitions.

The following definitions shall apply in the interpretation of this article. Whenever applicable, the terms used herein may be used interchangeably. The intent and spirit of these definitions is to include everyone and everything that is related to these ordinances and the properties so affected:

Bureau means the office that heretofore has been created by ordinance.

Counsel to the parish president means the person who serves exclusively as the in-house, executive counsel to the office of the parish president.

Decision or *order* means an administrative act of the administrative hearing officer under authority of this article.

Director means the head of a parish agency or department which enforces any public health, housing, fire code, environmental regulation, historic district ordinance, any matters involving licensing and permit violations, and any other ordinance violations that have been determined by the designated administrative department.

He, him, her and *she* shall be deemed to be interchangeable; it is understood that the masculine and feminine of any word is likewise interchangeable.

Immovable property means any unimproved land, any improved land, and any buildings, structures or other things, of whatever nature or description, which are permanently attached to such land, and anything which is otherwise defined as immovable by law.

Interested person means and may be deemed to include any person with an interest in this process.

Licensee means and is deemed to include any person to whom a parish license or permit of any kind has been issued and/or sought by such person.

Movable property means property that is not defined as immovable, or property that is otherwise defined as movable by law.

Occupant means and may be deemed to include any person occupying immovable property by permission or accommodation of the owner, former owner, lessor, lessee, tenant or another occupant.

Officer means the administrative hearing officer.

Owner means and may be deemed to include any person who possesses an interest in immovable property located in this parish; such interest may or may not be recorded on the public records.

Parish means the parish, inclusive of the office of the parish president.

Parish attorney or counsel to the parish president means that person who serves exclusively as the in-house executive counsel to the office of the parish president.

Permittee means and may be deemed to include any person who has sought and/or been granted permission to act or take action and which is ordinarily derived from the granting of a permit.

Person means and may be deemed to include any individual, and any legal entity, with the power to sue or be sued, and any person or entity with the power to own, alienate and/or encumber immovable property; shall be deemed to include any individual, entity or being, capable of being sued or capable of bringing suit.

Property means movable and immovable property.

Registration and license is to be used interchangeably.

Respondent or alleged violator means any person or entity, including any landowner, occupant, tenant, lessee, lessor and/or the authorized representative of any such person or entity who had been given a notice of violation under this article.

Tenant means and be deemed to include any person who rents, uses or otherwise occupies a building, structure or property owned or leased by another.

Violation shall encompass all ordinances, including, but not limited to, building codes, zoning, planning, vegetation, housing, blighted properties, dangerous structures and nuisance ordinances.

Violator means a person who has been found liable for a violation or ordered to correct a violation in an order issued under this article.

(Code 1998, § 1-012.02; Ord. No. 04-1023, 12-2-2004; Ord. No. 05-1094, 4-7-2005)

Sec. 2-544. Inclusion and adoption of all existing sections and subsections of this Code.

It is the intention of the parish to adopt and include, interchangeably, all rules, regulations, fines and penalties of this Code, including, but not limited to, any amendments thereto and supplements, to the extent that the parish has the authority to initiate investigations, investigate, refer matters to additional agencies or departments and otherwise fully participate in any and all regulatory matters of the parish, including but not limited to:

- (1) Building Code (chapter 5, article 1, section 5-001.00 et seq., and as may be amended, and article II, section 5-051.00 et seq., and as may be amended as per law), together with the Supplemental Code, Appendix "D", as amended and revised, January, 2004.
- (2) Appendix "B"/Subdivision, Ordinance No. 499 (and as may be amended as per law).
- (3) Appendix "C"/Zoning/Land Use Ordinance No. 523 (and as may be amended as per law).
- (4) Blighted Property, Derelict and Dangerous Buildings, (article III, section 14-021.00 et seq., and as may be amended).
- (5) Animal Control (including, but not limited to, chapter 4, article III, section 023.00 et seq., article IV, section 070.00 et seq., article V, section 120.00 et seq., and as may be amended per law).
- (6) Adjudicated Properties.
- (7) Flooding and Fill Ordinance (article 1, section 7-001.00 et seq. and as may be amended as per law).
- (8) Litter Abatement (article 1, section 15-001.00 et seq. and as may be amended as per law).
- (9) Nuisance (article 1, section 14-001.00 et seq. and as may be amended as per law) and (article II, section 14-021.11 et seq. and as may be amended as per law).
- (10) Tammany Trace (article XVI, section 16-131.00 et seq. and as amended as per law).
- (11) Coastal Use and Management Ordinance Calendar Series 92-1607, and as amended, and including R.S. 49:214.36 and as amended.

- (12) Entering any Parish Rights-of-Way, including, but not limited to, Ordinance No. 2691, Series 96-2495, and as amended.
 - (13) Parish Housing Code.
 - (14) Alcohol (including, but not limited to, chapter 3, article V, section 101.00 et seq., article VI, section 116.00 et seq., article VII, section 154.00 et seq., article VIII, section 185.00 et seq., article IX, section 191.00 et seq., and as amended as per law).
 - (15) Such other ordinances now in effect or that may hereinafter adopted (including, but not limited to, article 1, section 1-001.00 et seq., and as may be amended as per law).
- (Code 1998, § 1.012.03; Ord. No. 05-1094, 4-7-2005)

Sec. 2-545. Referral for disposition.

The parish enforcement officers are specifically vested with the right to exclusively have the ability to refer matters to the office of the district attorney and/or the administrative hearing officer on a case-by-case basis as exclusively determined by the parish.

(Code 1998, § 1-012.03.1; Ord. No. 05-1094, 4-7-2005)

Sec. 2-546. Conflicts.

- (a) It is the intention and desire of the parish council to supercede and replace all such provisions where there exists any conflict.
 - (b) Where there exists any conflict, the more restrictive provision shall apply, all at the sole discretion and interpretation of the hearing officer.
- (Code 1998, § 1-012.03.2; Ord. No. 05-1094, 4-7-2005)

Sec. 2-547. Hearing officers.

- (a) Hearing officers shall be appointed by the office of the parish president, with confirmation by the parish council.
- (b) All hearing officers shall be sworn before the parish attorney to uphold the Constitution of the United States, the laws and constitution of the state, and the Charter and ordinances of the parish, and to abide by the provisions of the state code of governmental ethics before assuming office.
- (c) A hearing officer shall be an attorney licensed to practice law in the state.
- (d) A hearing officer shall be an attorney in good standing with any and all courts of this state.
- (e) A hearing officer shall have been licensed to practice law in the state for ten years.

(f) A hearing officer cannot have been employed by, nor been the legal representative of, nor done business with the parish or any of its departments or agencies within two years of employment as a hearing officer.

(g) A hearing officer cannot have practiced before the parish council within two years of employment as a hearing officer.

(h) Prohibitions as to a hearing officer shall also include the hearing officer's law firm or association of attorneys.
(Code 1998, § 1-012.04)

Sec. 2-548. Authority of hearing officer.

(a) Hearing officers who have been appointed and sworn in accordance with section 2-547 shall have the authority to hear and decide any alleged public health violation, housing violation, which shall also encompass the terms and applicable provisions of R.S. 14:107.3, building codes, zoning, vegetation and nuisance ordinances, fire code violation, violation of environmental regulations, historic district ordinance violations, any matters involving alleged licensing and permit violations, and any other ordinance violations that may be determined by the parish council.

(b) Adjudication authority of the hearing officer shall include, but not be limited to, violations of all chapters in this Code, together with any supplements or addenda as may be promulgated hereinafter.
(Code 1998, § 1-012.06; Ord. No. 04-1023, 12-2-2004)

Sec. 2-549. Authority to assess and levy.

(a) For violations under the below listed subject matter, the officer shall have the power and authority to take such action, and assess and levy all civil fines, penalties and costs that are authorized under, now exist, and are hereinafter created in this Code.

(b) Appendix "B"/Subdivision Ordinance No. 499 (and as may be amended as per law).

(c) Appendix "C"/Zoning/Land Use, Ordinance No. 523 (and as may be amended as per law).

(d) Animal Control (including but not limited to chapter 4, article III, section 023.00 et seq., article IV, section 070.00 et seq., article V, section 120.00 et seq., and as may be amended per law).

(e) Building Code (chapter 5, article 1, section 5-001.00 et seq. and as may be amended, and article II, section 5-051.00 et seq., and as may be amended), together with the Supplemental Code, Appendix "D", as amended and revised, January, 2004.

(f) Blighted Property, Derelict and Dangerous Buildings, and other Dangerous Structures (article III, section 14-021.00 et seq., and as may be amended).

(g) Adjudicated Properties.

(h) Flooding and Fill (article 1, section 7-001.00 et seq., and as may be amended as per law).

(i) Tammany Trace (article XVI, section 16-131.00 et seq., and as may be amended as per law).

(j) Litter and Litter Abatement (article 1, section 15-001.00 et seq., and as may be amended as per law).

(k) Nuisances (article 1, section 14-001.00 et seq. and as may be amended as per law) and related violations (article II, section 14-021.11 et seq., and as may be amended as per law).

(l) Coastal Use and Management Ordinance Calendar Series 92-1607, and as amended and including R.S. 49:214.36 and as amended.

(m) Entering any Parish Rights-of-Way, including, but not limited to, Ordinance No. 2691, Series 96-2495, and as amended.

(n) Parish Housing Code.

(o) Alcohol (including but not limited to chapter 3, article V, section 101.00 et seq., article VI, section 116.00 et seq., article VII, section 154.00 et seq., article VIII, section 185.00 et seq., article IX, section 191.00 et seq., and as amended as per law).

(p) Such other ordinances now in effect or that may hereinafter adopted (including, but not limited to, article 1, section 1-001.00 et seq., and as may be amended as per law).
(Code 1998, § 1-012.06.1; Ord. No. 05-1094, 4-7-2005)

Sec. 2-550. Repairs, remediation, restoration and correction.

Notwithstanding any provision herein to the contrary, the officer shall have the additional power and authority to order repair, restoration, remediation and/or correction of any violation.

(Code 1998, § 1-012.06.2)

Sec. 2-551. Costs, fines and penalties.

(a) The officer shall have the exclusive authority to assess and levy the following fines, penalties and administrative costs.

(b) Such costs, fines and penalties as may be assessed are separate and distinct from that which may be determined and assessed by any court of competent jurisdiction.

(c) Costs.

- (1) The officer shall assess costs of any proceeding when there is finding of a violation.
- (2) Administrative costs are mandatory and may not be waived or reduced by the officer when determined that the respondent has violated any section of the parish ordinances.
- (3) Administrative costs shall not be less than \$100.00, but may include the additional tabulation of reasonable out-of-pocket costs expended by the parish (i.e., postings or advertisement, postage, photographs, video, related office expenses, subpoena service charges, expert fees, consultant fees, professional service expenses, attorney fees and such other reasonably related expenses necessary to prosecute a matter.
- (4) Additional administrative costs may be assessed against the respondent by the officer to include reimbursement to the parish for employee time expended to prosecute a matter.

(d) Fines and penalties.

- (1) As to Building Code (chapter 5, article 1, section 5-001.00 et seq. and as may be amended, and article II, section 5-051.00 et seq. and as may be amended) violations, the officer shall be authorized to assess, levy and assign collection of costs, fines and penalties in the amount as more fully set out on schedule "A," attached hereto and made a part hereof and as may be amended hereinafter by this council, together with the Supplemental Code, Appendix "D", as amended and revised, January, 2004.
- (2) As to Blighted Property, Derelict and Dangerous Buildings, (article III, section 14-021.00 et seq. and as may be amended as per law) violations, the officer shall be authorized to assess, levy and assign collection of costs, fines and penalties in the amount as more fully set out on Schedule "B," attached hereto and made a part hereof and as may be amended hereinafter by this council.
- (3) As to Animal Control (including, but not limited to, chapter 4, article III, section 023.00 et seq., article IV, section 070.00 et seq., article V, section 120.00 et seq., and as may be amended per law) violations, the officer shall be authorized to assess, levy and assign collection of costs, fines and penalties in the amount as more fully set out on Schedule "C," attached hereto and made a part hereof and as may be amended hereinafter.
- (4) As to Appendix "B"/Subdivision Ordinance No. 499 (and as may be amended as per law) violations, the officer shall be authorized to assess, levy and assign collection of costs, fines and penalties in the amount as more fully set out on Schedule "D," attached hereto and made a part hereof and as may be amended hereinafter.

- (5) As to Appendix "C"/Zoning/Land Use Ordinance No. 523 (and as may be amended as per law) violations, the officer shall be authorized to assess, levy and assign collection of costs, fines and penalties in the amount as more fully set out on Schedule "E," attached hereto and made a part hereof and as amended hereinafter.
- (6) As to Adjudicated Property Code violations, the officer shall be authorized to assess, levy and assign collection of costs, fines and penalties in the amount as more fully set out on Schedule "F," attached hereto and made a part hereof and as may be amended hereinafter by this council.
- (7) As to Flooding and Fill Ordinance Code (article 1, section 7-001.00 et seq., and as may be amended as per law) violations, the officer shall be authorized to assess, levy and assign collection of costs, fines and penalties in the amount as more fully set out on Schedule "G," attached hereto and made a part hereof and as may be amended hereinafter by this council.
- (8) As to Litter Prevention and Litter Abatement Code (article 1, section 15-001.00 et seq., and as may be amended as per law) violations, the officer shall be authorized to assess, levy and assign collection of costs, fines and penalties in the amount as more fully set out on Schedule "H," attached hereto and made a part hereof and as may be amended hereinafter by this council.
- (9) As to Nuisance (article 1, section 14-001.00 et seq., and as may be amended as per law) and (article II, section 14-021.11 et seq., and as may be amended as per law) violations, the officer shall be authorized to assess, levy and assign collection of costs, fines and penalties in the amount as more fully set out on Schedule "I," attached hereto and made a part hereof and as may be amended hereinafter.
- (10) As to Tammany Trace (article XVI, section 16-131.00 et seq., and as may be amended as per law) violations, the officer shall be authorized to assess, levy and assign collection of costs, fines and penalties in the amount as more fully set out on Schedule "J," attached hereto and made a part hereof and as may be amended hereinafter by this council.
- (11) As to Coastal Use and Management Ordinance Calendar Series 92-1607, and as amended, and including R.S. 49:214.36 and as amended, the officer shall be authorized to assess, levy and assign collection of costs, fines and penalties in the amount as more fully set out on Schedule "K," attached hereto and made a part hereof and as may be amended hereinafter by this council.
- (12) As to entering any parish rights-of-way, including but not limited to Ordinance No. 2691, Series 96-2495, and as amended, the officer shall be authorized to assess, levy and assign collection of costs, fines and penalties in the amount as more fully set out on Schedule "L," attached hereto and made a part hereof and as may be amended hereinafter by this council.

- (13) As to the parish housing code, the officer shall be authorized to assess, levy and assign collection of costs, fines and penalties in the amount as more fully set out on Schedule "M," attached hereto and made a part hereof and as may be amended hereinafter by this council.
 - (14) As to Alcohol (including but not limited to chapter 3, article V, section 101.00 et seq., article VI, section 116.00 et seq., article VII, section 154.00 et seq., article VIII, section 185.00 et seq., article IX, section 191.00 et seq., and as amended as per law, the officer shall be authorized to assess, levy and assign collection of costs, fines and penalties in the amount as more fully set out on Schedule "M," attached hereto and made a part hereof and as may be amended hereinafter by this council.
 - (15) As to the parish housing code and as amended as per law, the officer shall be authorized to assess, levy and assign collection of costs, fines and penalties in the amount as more fully set out on Schedule "N," attached hereto and made a part hereof and as may be amended hereinafter by this council.
 - (16) As to any other parish ordinance (including, but not limited to, article 1, section 1-001.00 et seq., and as may be amended as per law) violations that are otherwise not specifically enumerated herein, the officer shall be authorized to assess, levy and assign collection of costs, fines and penalties in the amount as more fully set out on Schedule "O," attached hereto and made a part hereof and as may be amended hereinafter by this council.
 - (17) Such other ordinances now in effect or that may hereinafter adopted (including but not limited to article 1, section 1-001.00 et seq. and as amended as per law).
 - (18) The officer may assess and levy a daily late fee or charge against a respondent who fails to timely and properly tender sufficient funds to satisfy any order issued by the officer. Late fees and charges may be levied at any subsequent hearing after a determination has been made in the event respondent fails to timely pay.
 - (19) Unless otherwise precluded by state or federal law, there shall now be no limit on the aggregate of any assessment, fine or penalty.
 - (20) The officer shall have the authority to refer any matter to the office of the district attorney for the 22nd Judicial District Court for further handling, the United States Department of Justice, United States Corps of Engineers, the state or such other departments or agencies as needed and warranted under the circumstances.
- (Code 1998, § 1-012.06.3; Ord. No. 05-1094, 4-7-2005)

Sec. 2-552. Movable.

Where there exists a violation of any ordinance and the matter involves a movable susceptible of seizure, the officer shall have the authority to issue such seizure orders as are necessary to seize and take control of such movable property for safekeeping, retention purposes or disposal, all as permitted in law.

(Code 1998, § 1-012.06.4; Ord. No. 05-1094, 4-7-2005)

Sec. 2-553. Animals.

Where there exists a finding that a respondent has violated an ordinance as to any animal, the officer shall have the authority to detain and refer said animal to the office of animal services for proper disposition, as per law.

(Code 1998, § 1-012.06.5; Ord. No. 05-1094, 4-7-2005)

Sec. 2-554. Separate offense.

(a) It shall be the authority of the officer to assess and levy a separate fine and/or penalty to any respondent for each offense committed in violation of parish ordinances.

(b) For each day a violation occurs, the same shall constitute a separate offense regardless of whether such violation is of a continuing nature.

(c) Unless otherwise precluded by local, state or federal law, there shall now be no limit on the aggregate of any assessment, fine or penalty.

(Code 1998, § 1-012.06.6; Ord. No. 05-1094, 4-7-2005)

Sec. 2-555. Multiple/repeat offenses.

(a) Within one year of a final determination by the officer that a respondent has violated an ordinance that the respondent is cited for the same or similar violation of the parish ordinance, the officer is authorized to then assess and levy up to and including twice or double the fine and/or penalty.

(b) After the first year, and in the event of repeated violations thereafter, the officer may assess and levy triple or three times the fine and/or penalty.

(c) In the event that a respondent violates any ordinance more than three times within a three-year period, then the officer, in his discretion, may assess and levy such fines or penalties as may be warranted under the circumstances and allowed as per law.

(Code 1998, § 1-012.06.7; Ord. No. 05-1094, 4-7-2005)

Sec. 2-556. Authority to suspend, revoke, rescind applications and permits.

(a) The officer shall have the authority to suspend, revoke and/or rescind any permit issued by the parish for any reason.

(b) In the case of suspension of a permit, the officer shall have the authority to a respondent to comply with any and all ordinances so affected.

(c) The officer shall have the authority to rescind and revoke any application made to the parish.

(Code 1998, § 1-012.06.8; Ord. No. 05-1094, 4-7-2005)

Sec. 2-557. Exemptions.

There is not the intent to create nor are there any known exemptions to these violations, penalties, rules or regulations.

(Code 1998, § 1-012.06.9; Ord. No. 05-1094, 4-7-2005)

Sec. 2-558. Community service.

Where not precluded at law, the officer shall have the additional authority and power to order community service, at his discretion, commensurate with the penalties herein.

(Code 1998, § 1-012.06.10; Ord. No. 05-1094, 4-7-2005)

Sec. 2-559. Schedule of costs, fines, penalties.

The following schedules are those referenced in section 2-551:

Schedule A	
Building code	Up to \$500.00 per violation
Chapter 5, article 1, section 5-001.00 et seq., and as may be amended, and article II, section 5-051.00 et seq. and as may be amended	Up to \$500.00 per day for continuing violations together with the Supplemental Code, Appendix "D", as revised, January, 2004
Schedule B	
Blighted property, derelict and dangerous buildings, and other	Up to \$500.00 per violation
Dangerous structures blighted housing (article III, section 14-021.00 et seq., and as may be amended)	Up to \$500.00 per day for continuing violations
Schedule C	
Animal control (including but not limited to chapter 4, article III, section 023.00 et seq., article IV, section 070.00 et seq., article V, section 120.00 et seq., and as may be amended per law)	Up to \$500.00 per violation
Animal control	Up to \$500.00 per day for continuing violations

<i>Schedule D</i>	
Appendix B/Subdivision, Ordinance No. 499 (and as may be amended as per law)	Up to \$500.00 per violation; same per day for continuing violations
<i>Schedule E</i>	
Appendix C/Zoning/Land Use Ordinance No. 523 (and as may be amended as per law)	Up to \$500.00 per violation; same per day for continuing violations
<i>Schedule F</i>	
Adjudicated property	Up to \$500.00 per violation; same per day for continuing violations
<i>Schedule G</i>	
Flooding and fill ordinance (article 1, section 7-001.00 et seq., and as may be amended as per law)	Up to \$500.00 per violation; same per day for continuing violations
<i>Schedule H</i>	
Litter prevention and abatement (including article 1, section 15-001.00 et seq., and as may be amended as per law) continuing violations	Up to \$500.00 per violation; same per day for continuing violations
<i>Schedule I</i>	
Nuisances, including article 1, section 14-001.00 et seq.	Up to \$500.00 per violation; same per day for continuing violations and as may be amended as per law and article II, section 14-021.11 et seq. and as may be amended as per law
<i>Schedule J</i>	
Tammany Trace, including article XVI, section 16-131.00 et seq., as may be amended as per law	Up to \$500.00 per violation; same per day for continuing violations
<i>Schedule K</i>	
Coastal Use and Management Ordinance Calendar Series 92-1607, and as amended, and including R.S. 49:214.36 and as amended	Up to \$500.00 per violation; same per day for continuing violations
<i>Schedule L</i>	
Entering any parish rights-of-way, including, but not limited to, Ordinance Number 2691, Series 96-2495, and as amended	Up to \$500.00 per violation; same per day for continuing violations
<i>Schedule M</i>	

As to Alcohol (including, but not limited to, ch. 3, article V, section 101.00 et seq., article VI, section 116.00 et seq., article VII, section 154.00 et seq., article VIII, section 185.00 et seq., article IX, section 191.00 et seq., and as amended as per law	Up to \$500.00 per violation; same per day for continuing violations
<i>Schedule N</i>	
Parish Housing Code	Up to \$500.00 per violation; same per day for continuing violations
<i>Schedule O</i>	
Such other ordinances now in effect or that may hereinafter adopted (article 1, section 1-001.00 et seq., and as may be amended as per law)	Up to \$500.00 per violation; same per day for continuing violations

(Code 1998, § 1-012.07; Ord. No. 05-1094, 4-7-2005)

Sec. 2-560. Counsel to the parish president not to assist.

Legal counsel to the office of the parish president may not provide legal assistance to the hearing officer in the administration of this article.
(Code 1998, § 1-012.08)

Sec. 2-561. Powers of the hearing officer.

The hearing officer shall have all power and authority set forth in the applicable provisions of R.S. 13:2575, the provisions of R.S. 13:2575.2, the provisions of R.S. 14:107.3, all other applicable state laws and regulations, and the following nonexclusive powers to:

- (1) Administer oaths and affirmations.
- (2) Issue orders, including the declaration and certification set forth in R.S. 14:107.3, and/or administrative subpoenas compelling the attendance of witnesses, respondents and violators and the production of documents.
- (3) Levy fines, fees, penalties, and hearing costs including, but not limited to, the levying of fines and costs associated with the removal and/or securing of dangerous structures as authorized and provided for in R.S. 33:4754.
- (4) Order violators to correct violations within a stipulated time.
- (5) Take necessary and lawful measures to affect correction of the violation if the violator fails to do so within the time allocated by the hearing officer.

- (6) To place, or cause to be placed, liens against the immovable property located within the parish in or on which the violation occurred, if the violator fails to remit payment for any cost and/or fines, within 30 days of the levy of the same.
 - (7) Take such actions as are necessary to protect the safety, health and welfare of the citizens and property of this parish.
 - (8) Assume such inherent powers as are necessary to protect the safety, health and welfare of the citizens and property of this parish.
- (Code 1998, § 1-012.10)

Sec. 2-562. Hearing practice and procedures.

(a) Prior to holding an administrative hearing for any violation set forth herein, and any other ordinance violations that may be determined by the parish council, the parish agency or department having enforcement responsibility shall notify the property owner, if he is an alleged violator, or both the alleged violator and the owner of any property on which a violation is alleged, if the alleged violator is not the property owner, at least 15 days in advance of the date that such a hearing is scheduled. The notification shall state the time, date and location of the hearing, and state the alleged violations; and it shall be sent by certified or registered U.S. Mail to the owner or violator, or both, or personally served on the owner or violator, or both. The date of the postmark shall be deemed to be the date of delivery. Any notification so sent and returned by U.S. Post Office shall be considered as having fulfilled the notification requirement; provided, that in the case of such a returned notice, if the person to be notified has a telephone number listed in the parish phone directory at least one attempt shall be made to notify him by telephone. Proof of notification and attempts at service and telephone notice shall be entered in the record of each case prior to the hearing.

(b) In addition to the personal or mail service required by subsection (a) of this section, if a violation relates to immovable property, a copy of the notice shall be affixed in a prominent location on the property on which a violation is alleged, or if safe access to the property is not reasonably practicable, on some prominent fixture on the adjacent public right-of-way as near as possible to the property, at least five days in advance of the date of the hearing. It shall be unlawful for any person other than an agent of the parish to remove such notice posted on the public right-of-way prior to the commencement of the hearing.

(c) The notice of violation shall be, as much as possible, in laymen's language susceptible of understanding by a person of normal capacity, and shall, in large print, inform the person noticed of the need to appear at the hearing and the risk of penalties and liens which may be imposed.

(d) Failure of any person charged with a violation to appear at the hearing shall be considered an admission of liability for the charged violation; provided that the notice requirements established in subsections (a), (b) and (c) of this section have been satisfied, and

provided further that a hearing officer, in his sound discretion and for good cause shown, may vacate an order issued on the basis of such an admission and reopen the proceedings, and may do so when requested in writing by the violator or by the appropriate director.

- (1) In case of application for an administrative re-hearing by the violator, the violator shall timely notice the director within 15 days of the issuance of the notice of the final order of a request for a referring.
- (2) In such a request, the violator shall submit any and all proof that he deems necessary to demonstrate "good cause" for such a rehearing.
- (3) In such a case, the director shall have exclusive authority to recommend or not recommend a rehearing to the hearing office.
- (4) The director shall submit his recommendation to the hearing officer within 15 days.
- (5) The hearing officer shall deny or grant a rehearing within 15 days of receipt of the director's recommendation.
- (6) The Administrative Procedure Act (title 49) shall specifically not apply to this limited procedure of a request for a rehearing.

(e) Any order compelling the attendance of witnesses or the production of documents shall be enforced by the 22nd Judicial District Court for the parish or by any other court of competent jurisdiction, in the same manner as any subpoena in a civil matter.

(f) Complaints may be initiated by the public and violation notices will be issued upon the submission of affidavits and/or documentary evidence sufficient to prove the existence of health, housing, fire code, environmental or historic district ordinance violations, or any matters involving licensing and permits and any other ordinance violations that may be determined by the parish, as determined by the enforcement agency or department director.

(g) Any administrative adjudication hearing held under the provisions of this chapter shall be conducted in accordance with the rules of evidence of the Administrative Procedure Act, R.S. title 49, as may be amended from time to time. Testimony of any person shall be taken under oath and shall be recorded. The person charged with the ordinance violation may present any relevant evidence and testimony at such hearing and may be represented by an attorney at law. However, his physical presence shall not be required at the hearing, and a failure to appear shall not be deemed an admission under subsection (d) of this section, if documentary evidence, duly verified by such person, is submitted to the hearing officer prior to the date of the hearing.

(h) In determining the amount of any fine or penalty, the hearing officer shall consider the age, financial circumstances and physical and mental capacity of the violator and the degree of hardship which the fine or penalty will impose, shall weigh those factors against the degree of

culpability of the violator and the gravity of the offense, and the damage to the public health, safety, welfare and convenience and the cost to the parish or to others occasioned by the offense.

(i) Within five legal days of the close of the hearing, the hearing officer shall issue a final order stating whether or not the person charged is liable for the violation; the amount of any fine or costs assessed against him and a date by which the violation shall be corrected. Any order assessed against him and a date by which the violation shall be corrected. Any order assessing a fine, or costs and/or stipulating a correction date may be enforced by the courts of the parish. The final order shall be served in the same fashion as the original notice or, if the violator has counsel of record, by mailing or delivering the order to counsel. The final order shall notify the violator of his right of appeal and shall, so much as possible, conform to the stylistic and typographical requirements established for the notice of violation.

(j) The hearing officer may, for each separate violation, order the payment of fines and hearing costs, the total of which shall not exceed the maximum which may be imposed on a misdemeanor by the courts of this parish; provided, however, that no civil fines or hearing costs imposed may exceed those specified for the criminal violation of the same ordinance. All such fines and costs shall be paid into the general fund, unless it is otherwise provided by law.

(k) The hearing officer, for good cause, may suspend all or a portion of his final order and may make any suspension contingent on the fulfillment of some reasonable condition.

(l) The director of the department of finance shall have the authority, pursuant to the provisions of R.S. 33:4754, and any other applicable statutes, to sell, dispose and/or alienate such properties.

(m) Except as may otherwise be applicable, any criminal sanctions or other enforcement actions that may be brought, such as injunctive relief, are not affected by these provisions.
(Code 1998, § 1-012.12)

Sec. 2-563. Nonexclusivity of procedures.

The procedures and remedies established by this chapter shall not be deemed exclusive and may be employed in the civil enforcement of an ordinance before, during or after the employment of any other civil enforcement mechanism provided by law, or before, during or after the commencement or conclusion of enforcement action in a civil or criminal court, unless the civil courts have definitely exonerated the alleged violator of the violation charged.
(Code 1998, § 1-012.14)

Sec. 2-564. Liens.

(a) The hearing officer shall record or cause to be recorded a certified copy of an order imposing a fine or other charge in the public records of the parish after 30 days from the issuance of the final order. The costs of such recordation shall be assessed to the property in

question. The hearing officer may assess a reasonable fee for the costs of lien certificate preparation and title examination. Once recorded, the certified copy of this order shall constitute a lien against the land on which the violation exists.

(b) Any lien placed against such immovable property under this chapter shall be included in the next annual ad valorem tax bill and must be paid along with such taxes, subject, however, to any valid homestead exemption. Failure to pay the liens shall cause any parcel of immovable property which is not subject to a bona fide homestead exemption to be subject to the same provisions of law as govern tax sales of immovable property, except as may otherwise be authorized by statute, including the authority set for in the provisions of R.S. 33:4754. Except as may otherwise be provided, any lien placed against immovable property that has a legal homestead exemption from taxes will become payable 90 days after the death of the owner thereof or immediately upon transfer of title to a new owner, whichever comes first.

(c) Any fee or charge assessed by the assessor's office shall be added to the tax bill and thereafter paid to the assessor upon payment of such taxes.

(Code 1998, § 1-012.16)

Sec. 2-565. Appeals.

(a) Any person or persons jointly or severally aggrieved by any decision of the parish hearing officer may present a petition to the district court of the parish along with payment of such reasonable costs as may be required by the clerk. Such petition shall be duly verified, set forth that the decision is illegal, in whole or in part, and specify the grounds of the illegality. The petition shall be presented to the court within 30 days after the filing of the decision of the hearing officer.

(b) Upon the presentation of such petition, the court may allow a writ of certiorari directed to the hearing officer to review the decision of the hearing officer and there shall be prescribed therein the period of time within which a return may be made and served upon the relator's attorney. Such period shall be not less than ten days but may be extended by the court. The allowance of the writ shall not stay the proceedings upon the decision or any enforcement thereof unless the person who files the appeal for writ of certiorari furnishes security prior to filing notice of appeal with the agency of the parish designated by ordinance to accept such payments in the amount to be fixed by the hearing officer sufficient to assure satisfaction of the finding of the hearing officer relative to the fine, fee, penalty, costs of the hearing, and costs, if any, of correcting the violation.

(c) The parish hearing officer shall not be required to return the original papers acted upon by the hearing officer, but may return certified or sworn copies thereof or such portions thereof as may be called for by the writ. The return shall concisely set forth such other facts as may be pertinent and material to show the grounds of the decision appealed from and shall be verified.

(d) If, upon the hearing, it shall appear to the court that testimony is necessary for the proper disposition of the matter, the court may take additional evidence or appoint a referee to take such evidence as it may direct. Such referee shall report the same to the court with his findings of fact and conclusions of law and his report shall constitute a part of the proceedings upon which the determination of the court shall be made.

(e) The court may reverse or affirm, wholly or in part, or may modify the decision brought up for review. All issues in any proceedings under this section shall have preference over all other civil actions and proceedings. The appellant and the parish shall be parties in such civil action and proceeding; the parish hearing officer shall not be a party to such civil action and proceeding.

(Code 1998, § 1-012.18)

Sec. 2-566. Record requirements.

(a) At its commencement by notice to the alleged violator, every civil adjudication proceeding shall be assigned a docket number and a style in the form of "In the Matter of" or in the form of "Parish of St. Tammany versus" followed by the name of the alleged violator. The record pertaining to each proceeding shall be maintained as a separate file in a manner similar to the fashion in which the clerks or court maintain the records of civil cases.

(b) Each department or agency charged with the enforcement of an ordinance within the scope of this article shall maintain a log or index of all civil adjudication proceedings, which shall set forth information including but not limited to the following:

- (1) The style and docket number of the case and the date it was commenced;
- (2) The ordinance allegedly violated;
- (3) The date of the alleged violations;
- (4) The address or other description of the property on which the alleged violation occurred;
- (5) A statement as to whether any civil or criminal court proceedings pertaining to the alleged violations are or were pending, the dates of any hearings, trials, or continuances, and the dates of their commencement and/or termination and, if the case is terminated, of its final disposition;
- (6) A statement as to the dates of any hearing and of any final order in the case and as to whether and when any lien was filed;
- (7) A statement as to the date of filing and disposition of any appeal;
- (8) The hearing officer shall review this log or index regularly to ensure that no civil or criminal remedies of the parish are permitted to prescribe.

(Code 1998, § 1-012.20)

Sec. 2-567. Superceding ordinance.

When this article is applied, its provisions shall supercede all ordinances, or parts of ordinances, previously adopted and in conflict herewith.
(Code 1998, § 1-012.22)

Secs. 2-568—2-597. Reserved.

ARTICLE XV. REAL ESTATE TRANSFERS TO PARISH

Sec. 2-598. Title insurance required.

When a third party and/or any prospective transferor seeks to donate/dedicate/transfer/sell any interest in and to immovable property, including, but not limited to, real estate, rights-of-way and servitudes, said person or entity shall provide:

- (1) A title insurance policy in favor of the parish on the caption of the property to be dedicated, donated, transferred or sold.
- (2) Such dedication, donation, sale or transfer of any interest in and to immovable property shall be in the name of the parish.
- (3) Any such title insurance policy shall be in an amount to be mutually established between the transferor and the parish.
- (4) Transferor shall be responsible for all costs of any insurance policy premiums.
- (5) Transferor shall be responsible for all costs of any title examination and/or curative work.
- (6) Transferor shall pay for all recordation costs.
- (7) Transferor shall be deemed to include any person or entity that sells, dedicates, donates or transfers an interest of such property.
- (8) Transferor shall use the parish standard forms or documents and/or that which may be specifically approved by the office of the parish president.
- (9) The requirements of subsections (1) through (8) of this section shall not supercede any other the parish ordinance or regulation.

(Code 1998, § 1-020.00)

Sec. 2-599. Transfers in perpetuity.

Where such dedication/donation/sale/transfer is intended and/or needed in perpetuity, including, but not limited to, real estate, rights-of-way and servitudes as determined by the office of the parish president, the requirements of section 2-598 shall apply.
(Code 1998, § 1-020.01)

Sec. 2-600. Title; costs.

Where such dedication/donation/sale/transfer is not intended or is not needed in perpetuity, including, but not limited to, real estate, rights-of-way and servitudes, as determined by the office of the parish president, then:

- (1) Such dedication, donation, sale or transfer of any interest in and to immovable property shall be in the name of the parish.
 - (2) Transferor may be responsible for all costs of any title examination
 - (3) Transferor shall be responsible for all costs of curative work.
 - (4) Transferor may be required to pay for all recordation costs.
 - (5) Transferor shall be deemed to include any person or entity that sells, dedicates, donates or transfers an interest of such property.
 - (6) Transferor shall use the parish standard forms or documents and/or that which may be specifically approved by the office of the parish president.
 - (7) The requirements of subsections (1) through (6) of this section shall not supercede any other parish ordinance or regulation.
- (Code 1998, § 1-020.02; Ord. No. 05-1167, 8-4-2005)

Secs. 2-601—2-618. Reserved.**ARTICLE XVI. MORATORIUMS****Sec. 2-619. Definitions.**

As used in this article, the following terms shall have the meanings ascribed to them in this section, unless the context indicates a different meaning:

Advertised, as used herein, requires public notice of a public hearing in the official journal of the parish and, if appropriate so as to provide for wider notification, same shall be additionally published in a newspaper with greater circulation in the area which is the subject matter of the ordinance. Same shall be published one time, at least five and not more than ten days before the public hearing.

General nature, means more than one such structure and/or applicable to a defined portion or area within the unincorporated limits of the parish which encompasses more than one such structure.

Moratorium means the delay in the issuance, ceasing, halting, negating, recall or avoidance of building permits for the construction of dwellings, single-family or multifamily, townhouses,

condominiums, schools, libraries, commercial buildings, industrial construction or of any private or public buildings of whatsoever nature or kind, and accessory buildings and structures thereto.

Public hearing means a meeting at the place and time advertised, open to the general public. Same shall be conducted either by the governing body of the parish or by a committee of its members appointed and designated by the governing body. Such meeting shall be conducted under the normal and regular rules applicable to such hearings. Said public hearing may alternatively and/or be further conducted when the ordinance is considered for adoption. (Code 1998, § 5-051.00; Ord. No. 84-119, 6-21-1984)

Sec. 2-620. Declared only by ordinance.

No building moratorium or cessation of construction and/or the ceasing and desisting of the issuance of building permits of a general nature in any portion of the unincorporated limits of the parish shall be declared or mandated except by ordinance of the governing body of the parish.

(Code 1998, § 5-052.00; Ord. No. 84-119, 6-21-1984)

Sec. 2-621. Required time between introduction and adoption of ordinance.

A minimum lay-over period of 26 calendar days is required between the date and time of the introduction of the ordinance and the time of its adoption.

(Code 1998, § 5-053.00; Ord. No. 84-119, 6-21-1984; Ord. No. 03-0667, 5-1-2003)

Sec. 2-622. Individual building permit, land use, enforcement.

Nothing herein shall be construed to repeal or abrogate the administrative procedures and functions of building permit consideration or issuance by any proper agency or department of the parish for an individual building permit or land use; nor are the rights, powers, duties and functions of enforcement under the existing ordinance for building violations in any way repealed, abrogated or curtailed.

(Code 1998, § 5-054.00; Ord. No. 84-119, 6-21-1984)

Sec. 2-623. Emergency ordinances.

(a) Nothing herein shall be construed to preclude the parish council, should it determine that same is necessary under its police power because of imminent danger to health, safety or welfare, to impose by emergency ordinance a moratorium against the issuance of building permits in a specified and clearly defined area of the parish; provided that said emergency ordinance shall be adopted by a simple majority of the membership of the parish council or its successor in office; and provided further that said emergency ordinance shall remain valid, binding and enforceable for a period of time not to exceed 30 calendar days from the date of its adoption, or for such lesser time as may be imposed in the ordinance.

(b) Thereafter, the moratorium may be reimposed on a greater or more restricted specific defined area for successive periods of 30 calendar days by the adoption of successive emergency ordinances.

(c) Alternatively and including during any 30 period of an emergency ordinance, a regular ordinance may be introduced and thereafter adopted in due course imposing the moratorium as hereinabove recited for such time as the parish council may determine to be feasible and proper as is hereinabove recited.

(Code 1998, § 5-055.00; Ord. No. 84-119, 6-21-1984)

Sec. 2-624. Vacation.

A moratorium as herein imposed may be vacated, in whole or in part, either by resolution or ordinance of the governing body.

(Code 1998, § 5-056.00; Ord. No. 84-119, 6-21-1984)

Sec. 2-625. Parish-wide emergencies.

This article shall not be applicable in the event of a bona fide parish-wide emergency.

(Code 1998, § 5-057.00; Ord. No. 84-119, 6-21-1984)

Sec. 2-626. Judicial relief not denied.

Nothing herein shall be construed as to deny any person judicial relief if said person feels aggrieved thereby.

(Code 1998, § 5-058.00; Ord. No. 84-119, 6-21-1984)

Sec. 2-627. Violation; penalty.

After a moratorium is imposed as is herein provided, it shall be unlawful for any person in concert, to violate same by commencement or continuation of construction or by issuing a building permit, and said actions are prohibited. Violation shall constitute a misdemeanor, punishable under section 1-9. Each day of such violation constitutes a separate offense.

(Code 1998, § 5-059.00; Ord. No. 84-119, 6-21-1984)

Secs. 2-628—2-642. Reserved.

ARTICLE XVII. PARISH FEES

DIVISION 1. GENERALLY

Secs. 2-643—2-657. Reserved.

DIVISION 2. GENERAL GOVERNMENT

Sec. 2-658. Administrative documents.

The following are administrative documents:

- (1) Code of ordinances, per copy \$300.00.
- (2) Supplement to Code, per page \$0.50.
- (3) Photocopy of ordinances, resolutions, minutes, etc., per page \$0.50.
- (4) Certification, each \$1.50.
- (5) Mailout agenda/notices, per year \$210.00.
- (6) Public records request:
 - a. Copies—Black and white \$0.50 per page.
 - b. Copies—Color \$1.00 per page.
 - c. Preproduced/standardized maps—Non-GIS \$5.00; 8.5 by 11 paper \$7.00; 8.5 by 14 paper map \$10.00; 11 by 17 paper map \$35.00; 30 by 40 paper map \$15.00; map on CD \$20.00; map on DVD \$10.00; map on floppy disk.
 - d. Custom/nonstandardized maps \$5.00; 8.5 by 11 paper \$7.00; 8.5 by 14 paper \$10.00; 11 by 17 paper \$35.00; 30 by 40 paper \$15.00; map on CD \$20.00; map on DVD \$10.00; map on floppy disk.
 - e. CD/DVD reproduction \$15.00—One hour (non-GIS) \$20.00; one to two hours \$25.00; two to three hours \$30.00; three to five hours \$35.00; five to six hours a surcharge of \$250.00, in addition to duplication fees, will be charged for duplication of all parish tapes that have been archived with the secretary of state.
 - f. Document transcription \$250.00 deposit, at the then prevailing customary court reporter rate, plus any additional funds as needed.

(Code 1998, § 2-009.00(A)(1); Ord. No. 91-1436, 4-18-1991; Ord. No. 97-2689, 7-24-1997; Ord. No. 98-2915, 8-20-1998; Ord. No. 05-1161, 8-4-2005; Ord. No. 07-1649, 9-6-2007; Ord. No. 08-1874, 7-3-2008)

Sec. 2-659. Alcoholic beverage permit.

- (a) Alcoholic beverage permits (per year, except as otherwise listed):
 - (1) Retail dealer (first year) \$525.00;
 - (2) Retail dealer (high content), per year \$325.00;
 - (3) Dispenser's license, 4 years \$60.00;
 - (4) Class R (Restaurant), per year \$25.00; and

(5) Class LW (light wine), per year \$30.00.

(b) The amounts indicated in this section include a \$75.00 fee to be paid to the parish to cover administrative costs and processing.

(c) Restaurants/cafeterias selling Class A alcoholic beverages will also require a Class R permit; restaurants/cafeterias selling wine will require a Class LW permit.
(Code 1998, § 2-009.00(A)(2); Ord. No. 87-832, 7-16-1987; Ord. No. 91-1465, 7-18-1991; Ord. No. 94-1952, 4-21-1994)

Sec. 2-660. License fees.

The following are license fees:

- (1) Dance hall, per year \$100.00.
- (2) Amusement park, per year \$100.00.
- (3) Public swimming pool, per year \$25.00.
- (4) Circus show:
 - a. Wholesale (low content), per year \$125.00.
 - b. Class A retail (low content), per year \$72.00.
 - c. Class B retail (low content), per year \$60.00.
 - d. Wholesale (high content), per year \$525.00. Annual, per year \$2,400.00:
 1. Daily, per day \$500.00.
 2. Music festival:
 - (i) Annual, per year \$4,800.00.
 - (ii) Daily, per day \$100.00.
 - (iii) Application fee, each \$6.00.

(Code 1998, § 2-009.00(A)(3))

Sec. 2-661. Bingo license.

The following are fees for a bingo license:

- (1) Annual, per year \$100.00.
- (2) One-time, each \$25.00.
- (3) Bingo fees—Fixed flat rate of three percent of net proceeds after allowable expenses.
(Code 1998, § 2-009.00(A)(4); Ord. No. 91-1503, 9-19-1991)

Sec. 2-662. Other fees.

The following are other fees:

(1) Nonsufficient funds charge, each \$25.00.

(2) Bid packet fee is \$30.00.

(Code 1998, § 2-009.00(A)(5), (6); Ord. No. 93-1774, 7-15-1993; Ord. No. 97-2689, 7-24-1997)

Secs. 2-663—2-673. Reserved.

DIVISION 3. DEVELOPMENT

Subdivision I. In General

Sec. 2-674. Tree Bank Program fee.

The method for calculation for payments to the Tree Bank Program shall be based on the following formula: \$100.00 per caliper inch.

(Ord. No. 14-3234, § 2-009.00(B)V, 11-6-2014)

Secs. 2-675—2-682. Reserved.

Subdivision II. Building Permits; Registration and Associated Fees

Sec. 2-683. Building permits.

The following are types of building permits and their associated fees:

(1) Commercial plan review.

- a. Plan review \$150.00 base fee plus \$0.01 per square foot;
- b. Projects above \$2,000,000.00 may be subject to \$100.00 base fee and current Southern Building Code Review fees.

(2) Commercial.

- a. New \$140.00 plus \$0.21 per square foot;
- b. Additions \$100.00 plus \$0.21 per square foot;
- c. Remodel \$85.00 plus \$5.00 per 1,000 or fraction thereof.

(**Contract amount)

(3) Residential.

- a. New \$105.00 plus \$0.10 per square foot;
- b. Additions \$80.00 plus \$0.10 per square foot;

- c. Remodel \$75.00 plus \$5.00 per 1,000 or fraction thereof.
(**Contract amount/no contract plus \$0.50 per square foot)
 - (4) Mobile homes.
 - a. Mobile homes \$80.00 plus \$0.10 per square foot plus \$5.00 electrical connection;
 - b. Licensed parks \$25.00 plus \$5.00 electrical connection.
 - (5) Miscellaneous.
 - a. Seasonal retail (tents, temporary structures, prefab) \$140.00 plus \$21.00 per square foot;
 - b. Land clearing \$150.00;
 - c. Residential demolition \$20.00;
 - d. Commercial demolition \$40.00;
 - e. Tennis courts \$40.00;
 - f. Tanks \$40.00;
 - g. Tents \$40.00;
 - h. Towers (including, but not limited to: telecommunications, radio and digital) \$2,000.00;
 - i. Tower locations \$1,000.00;
 - j. Traffic impact fee analysis. This fee shall consist of a \$50.00 submittal fee plus \$50.00/mile of roadway to be studied plus \$50.00/intersection in study area plus \$50.00/proposed development in study area that have submitted a tentative plat or conditional use application.
- (Code 1998, § 2-009.00(B)I(1); Ord. No. 99-3001, 1-21-1999; Ord. No. 04-0971, 9-2-2004; Ord. No. 05-1163, 8-4-2006)

Sec. 2-684. Electrical permit fees.

The following are fees for electrical permits:

- (1) Commercial.
 - a. One percent of the electrical contract;
 - b. Minimum fee of \$40.00;
 - c. Electrical connection permit \$10.00.
- (2) Residential.
 - a. A \$40.00 base plus \$2.00 per circuit;
 - b. Minimum fee of \$40.00;

- c. Electrical connection permit \$5.00.

(3) Mobile home—Construction test meter \$25.00.
(Code 1998, § 2-009.00(B)I(2))

Sec. 2-685. Mechanical permit fees.

The following are fees for mechanical permits:

- (1) Commercial.
 - a. Two percent of the mechanical contract up to \$200,000.00 plus one percent over \$200,000.00;
 - b. Minimum fee is \$40.00.
- (2) Residential.
 - a. A \$40.00 base plus \$3.00 per ton of A.C.;
 - b. Minimum fee of \$40.00;
 - c. Change outs \$20.00 per unit/component.
- (3) Miscellaneous.
 - a. Elevators, builders' hoists and moving stairs are based on number of floors served: two to four floors \$40.00; five to ten floors \$75.00; over ten floors \$100.00;
 - b. Dumbwaiters \$40.00.

(Code 1998, § 2-009.00(B)I(3))

Sec. 2-686. Plumbing permit fees.

The following are fees for plumbing permits:

- (1) Commercial.
 - a. Two percent of the plumbing contract up to \$200,000.00 plus one percent over \$200,000.00;
 - b. Minimum fee \$40.00.
- (2) Residential.
 - a. A \$40.00 base plus \$1.00 per fixture;
 - b. Minimum fee \$40.00.

(Code 1998, § 2-009.00(B)I(4))

Sec. 2-687. Gas permit fees.

The following are fees for gas permits:

- (1) Commercial.
 - a. Two percent of the gas contract up to \$200,000.00 plus one percent over \$200,000.00;
 - b. Minimum fee \$40.00.
- (2) Residential.
 - a. A \$20.00 base plus \$1.00 per drop;
 - b. Minimum fee \$20.00.

(Code 1998, § 2-009.00(B)I(5))

Sec. 2-688. Reinspection fees.

(a) The following fees are for reinspections. In the event an application for a fifth reinspection is made, a citation for failure to comply with the building code shall be issued.

(b) Incomplete reinspection fees are \$50.00.

First reinspection	\$50.00
Second reinspection	\$100.00
Third reinspection	\$150.00
Fourth reinspection	\$200.00

(Code 1998, § 2-009.00(B)I(6); Ord. No. 02-0529, 9-5-2002)

Sec. 2-689. Special inspections.

The following fees are for special inspections:

- (1) Special inspections: \$50.00.
- (2) Special inspections conducted on holidays: \$75.00.

(Code 1998, § 2-009.00(B)I(7))

Sec. 2-690. Registration and renewal fees.

The following fees are for registration and renewals:

- (1) Building, electrical, mechanical and plumbing \$55.00.
- (2) Gas \$25.00.
- (3) Delinquent fees, starting January 1, \$10.00 per month.
- (4) Inactive registration \$10.00.

(Code 1998, § 2-009.00(B)I(8); Ord. No. 97-2598, 4-3-1997)

Secs. 2-691—2-708. Reserved.

Subdivision III. Zoning and Associated Fees

Sec. 2-709. Zoning changes.

The following are fees for zoning:

- (1) Existing developed single-family residential:
 - a. Per acre \$50.00;
 - b. Maximum acreage fee \$1,250.00.
- (2) Other zoning changes:
 - a. Per acre for first 25 acres \$100.00;
 - b. Per acre for remaining acres \$10.00;
 - c. Processing fee \$250.00;
 - d. Advertising fee \$75.00.

(Code 1998, § 2-009.00(B)II.A)

Sec. 2-710. Conditional uses and plan reviews for PUD, ID and nonconforming uses.

The following fees are for conditional uses and plan reviews for PUD, ID and nonconforming uses:

- (1) Single-family \$100.00.
- (2) Agricultural \$100.00.
- (3) Recreational \$100.00.
- (4) Ponds/excavations under three acres \$100.00.
- (5) Ponds/excavations three to five acres \$200.00.
- (6) Ponds/excavations five to ten acres \$300.00.
- (7) Ponds/excavations over ten acres \$400.00.
- (8) Institutional \$300.00.
- (9) Commercial, multifamily, industrial, utility \$500.00.
- (10) Traffic impact fee analysis. This fee shall consist of a \$50.00 submittal fee plus \$50.00/mile of roadway to be studied plus \$50.00/intersection in study area plus \$50.00/proposed development in study area that have submitted a tentative plat or conditional use application.

- (11) Miscellaneous; as determined by development. The above items under subsection (2) of this section will be assessed an advertising fee \$50.00. The above items under subsection (2) of this section will be assessed an acreage fee for every acre over five acres, except items 1—7 and item 10, \$10.00.

(Code 1998, § 2-009.00(B)II.B; Ord. No. 05-1163, 8-4-2006)

Sec. 2-711. Administrative/ADM conditional use.

The following fees are for administrative/ADM conditional uses:

- (1) Residential:
- a. Home office/occupation \$25.00;
 - b. Temporary use \$25.00;
 - c. Residential structure \$50.00;
 - d. Pond \$50.00.

- (2) Commercial, institutional, industrial or other \$100.00.

(Code 1998, § 2-009.00(B)II.C)

Sec. 2-712. PCO review.

The following fees are for PCO reviews:

- (1) Building, may include signage, \$50.00.
- (2) Signage only \$50.00.

(Code 1998, § 2-009.00(B)II.D)

Sec. 2-713. Board of adjustments.

The following fees are for the board of adjustments:

- (1) Variance \$200.00.
- (2) After the fact variance, \$500.00.
- (3) Interpretation \$200.00.
- (4) Appeals of zoning administration \$200.00.

(Code 1998, § 2-009.00(B)II.E; Ord. No. 97-2598, 4-3-1997)

Secs. 2-714—2-739. Reserved.

Subdivision IV. Subdivisions and Associated Fees

Sec. 2-740. Tentative subdivision stage.

The following fees are for tentative subdivision stages:

- (1) Lot fee, \$100.00 filing fee plus \$15.00 per lot.
- (2) Traffic impact fee analysis. This fee shall consist of a \$50.00 submittal fee plus \$50.00/mile of roadway to be studied plus \$50.00/intersection in study area plus \$50.00/proposed development in study area that have submitted a tentative plat of conditional use application.

(Code 1998, § 2-009.00(B)III.A; Ord. No. 05-1163, 8-4-2006)

Sec. 2-741. Preliminary subdivision stage.

The following fees are for the preliminary subdivision stages:

- (1) Lot fee \$30.00 per lot.
- (2) Sewerage and water review fee \$10.00 per lot.
- (3) Linear foot of water distribution pipe \$0.05 per linear foot.
- (4) Water supply facility \$30.00 per facility.
- (5) Linear foot of sewerage collection pipe \$0.10 per linear foot.
- (6) Collection/treatment facility \$30.00 per facility.

(Code 1998, § 2-009.00(B)III.B)

Sec. 2-742. Final subdivision stage.

The following fees are for the final subdivision stages:

- (1) Lot fee \$60.00 per lot.
- (2) Sewerage and water review fee \$15.00 per lot plus \$20.00.
- (3) Map recordation fees. Map recordation fees will be collected payable to the "St. Tammany Parish Clerk of Court" in the amount set by the clerk of court.

(Code 1998, § 2-009.00(B)III.C; Ord. No. 09-2059, 5-7-2009)

Sec. 2-743. Resubdivisions.

The following fees are for resubdivisions:

- (1) \$90.00 per acre of total land area to be resubdivided with a maximum fee of \$800.00 minimum fee of \$75.00, prorated after the first acre.

(2) Map recordation fees. Map recordation fees will be collected payable to the "St. Tammany Parish Clerk of Court" in the amount set by the clerk of court.
(Code 1998, § 2-009.00(B)III.D; Ord. No. 09-2059, 5-7-2009)

Sec. 2-744. Revocation process.

The fee for the revocation process for each application is \$300.00.
(Code 1998, § 2-009.00(B)III.E)

Sec. 2-745. Commercial shopping centers.

Fees for commercial shopping centers including commercial "strip" shopping centers where lots are not created shall be \$250.00 and \$100.00 per acre.
(Code 1998, § 2-009.00(B)III.F)

Sec. 2-746. Mobile home parks/RV campgrounds parks/licensing fees.

The following fees are for mobile home parks/RV campgrounds parks/licensing, where lots are not being sold:

(1) *Review fees.*

- a. \$100.00 per acre of land or fraction thereof;
- b. 25 percent of said amount shall be paid to the parish planning commission for those inspections and reviews which are equivalent to tentative approval;
- c. 75 percent of said amount be paid to the parish department of public works at the time of those inspection and reviews which are equivalent to preliminary approval; and
- d. The costs of laboratory testing and inspections for hard surfaced roads will be borne by the developer and will be invoiced through the testing laboratory selected to do the testing.

(2) *License; renewal; transfer fees.*

- a. Annual fee of \$5.00 per space for the first five spaces and \$2.00 per space for each additional space. The license is valid for the calendar year.
- b. Renewal: \$5.00 per space for the first five spaces and \$2.00 per space for each additional space.
- c. Transfer: \$5.00 per space for the first five spaces and \$2.00 per space for each additional space.
- d. Nonconforming license: \$5.00 per space for the first five spaces and \$2.00 per space for each additional space.

(Code 1998, § 2-009.00(B)III.G)

Sec. 2-747. Seismic exploratory permit.

The fees for a seismic exploratory permit, each, is \$100.00:

- (1) Exploratory inspection, each \$75.00;
 - (2) Exploratory penalty, each \$100.00.
- (Code 1998, § 2-009.00(B)III.H)

Sec. 2-748. Special construction.

Special construction requiring the review and inspection by the parish engineer and/or his designees shall have fees established by the administrative official in charge. Examples of special construction are as follows: Subdivisions requiring minimal construction and improvements, bulkheads, revetments, subsurface drainage, canals and water systems, miscellaneous construction involving the public health, welfare and safety, etc.

(Code 1998, § 2-009.00(B)III.I)

Sec. 2-749. Marinas.

The fees for marinas are as follows:

- (1) One to ten slips \$50.00.
 - (2) Eleven to 15 slips \$125.00.
 - (3) Twenty-six to 50 slips \$300.00.
 - (4) Over 50 slips \$300.00.
 - (5) Plus, per each slip over 50 \$10.00.
- (Code 1998, § 2-009.00(B)III.J; Ord. No. 96-2465; Ord. No. 97-2598, 4-3-1997; Ord. No. 99-3098, 6-17-1999)

Sec. 2-750. Minor subdivision.

The following are fees for minor subdivisions:

- (1) \$90.00 per acre (pro-rata after the first acre) up to a maximum of \$800.00. The fees are based on the total land area (all properties where lot lines will be adjusted) to be subdivided.
 - (2) An additional and separate fee shall be required for the recordation of the survey plat as per the fee schedule of the clerk of court.
- (Code 1998, § 2-009.00(B)III.K; Ord. No. 09-2059, 5-7-2009)

Secs. 2-751—2-768. Reserved.

*Subdivision V. Mandatory Impact Fees***Sec. 2-769. Short title, authority and application.**

(a) *Title.* This section shall be known and may be cited as the "St. Tammany Parish Impact Fee Ordinance."

(b) *Authority.* The parish council has the authority to adopt the ordinance codified herein pursuant to the parish Home Rule Charter and the state constitution of 1974.

(c) *Application.* The parish impact fee ordinance shall apply to all lands within the unincorporated portion of parish as follows:

- (1) Any property that is located south of the urban growth boundary line, which is the area hereinafter defined as the "service area."
- (2) In addition, this subdivision shall apply to any property located north of the urban growth boundary line and is zoned for nonresidential use or is zoned for an intensity of development of two dwelling units per acre or greater when said residential development requires the review and approval of the planning commission in accordance with the major subdivision process as defined in this section.

(Code 1998, § 2-009.00(B)IV.A; Ord. No. 04-0990, 11-4-2004; Ord. No. 05-1038, 1-6-2005; Ord. No. 05-1069, 3-3-2005; Ord. No. 06-1369, 9-7-2006; Ord. No. 13-2876, 1-3-2013)

Sec. 2-770. Purpose.

The establishment of a system or the imposition of road and drainage impact fees within the unincorporated area is intended to ensure that new development contributes its proportionate share of the cost of providing, and benefits from the provision of, improvements to the major road system and the major drainage system.

(Code 1998, § 2-009.00(B)IV.B; Ord. No. 04-0990, 11-4-2004; Ord. No. 05-1038, 1-6-2005; Ord. No. 05-1069, 3-3-2005; Ord. No. 06-1369, 9-7-2006; Ord. No. 13-2876, 1-3-2013)

Sec. 2-771. Definitions.

Certain words or phrases unique to this transportation impact fee ordinance shall be construed as herein set out unless it is apparent from the context that they have a different meaning.

Building permit means that permit required to be issued before any building or construction activity can be initiated on a parcel of land.

Commercial means retail, office or institutional uses as defined in this section.

Commencement of construction means scheduling of an on-site inspection by an employee of the parish for compliance with applicable development regulations. This status can be verified by a site visit as deemed necessary by the impact fee administrator.

Drainage capital improvement means an improvement to the major drainage system. It includes preliminary engineering, engineering design studies, land surveys, land acquisition, engineering, permitting, including use of mitigation bank projects, water quality permits, coastal and environmental projects, construction of all necessary features of regional stormwater systems, including regional retention and detention ponds and preservation of natural drainage systems, including land acquisition and wetland mitigation efforts that are part of a parish-wide environmental mitigation plan and/or ten-year capital plan. Improvements required to meet parish ordinance requirements for on-site retention or detention shall not be considered drainage capital improvements.

Drainage impact fee study means the drainage impact fee study prepared by Duncan Associates in July 2012.

Existing development means the most intense use of land within the 12 months prior to the time of commencement of impact-generating development.

Expansion of the capacity of a road includes any widening, intersection improvement, signalization or other capital improvement designed to increase the existing road's capacity to carry vehicles.

Fee payer means a person commencing impact-generating development who is obligated to pay a road or drainage impact fee in accordance with the terms of this impact fee subdivision.

Impact fee administrator means the parish employee primarily responsible for administering the provisions of this impact fee subdivision or his designee.

Impact-generating development is an approved development of land to permit a use of land that will contain or convert to more dwelling units or floor space than the most intense use of the land within the 12 months prior to the commencement of impact-generating development in a manner that increases the generation of vehicular traffic or creates additional impervious cover.

Impervious cover means manmade surfaces that are impenetrable by water and do not allow percolation into the underlying natural surface, including the footprint of buildings and paved surfaces such as roads, sidewalks, driveways and parking lots.

Industrial means manufacturing, warehousing or mini-warehouse uses as defined in this section.

Institutional means a governmental, quasi-public or institutional use, or a nonprofit recreational use, not located in a shopping center. Typical uses include elementary, secondary or higher educational establishments, day care centers, hospitals, mental institutions, nursing homes, assisted living facilities, fire stations, city halls, court houses, post offices, jails, libraries, museums, places of religious worship, military bases, airports, bus stations, fraternal lodges, parks and playgrounds.

Major drainage system means the system of regional stormwater detention and retention ponds, natural and manmade stormwater conveyance systems, wetlands and water quality elements within the parish for flood prevention and to ensure adequate water quality.

Major road system means the system of major roadways within the service area that is comprised of those roads identified in the road impact fee study and the attached major road system list, including those roadways that are subsequently included in the major road system list by resolution of the governing authority. The major road system excludes Interstates and U.S. highways.

Major subdivision process means the process required by the parish subdivision Ordinance No. 499 as outlined in sections 125-96 through 125-215, specifically being the approval process for subdivisions which requires a hearing, review and approval of the planning commission in accordance with R.S. 33:101—33:120.

Manufacturing means an establishment primarily engaged in the fabrication, assembly or processing of goods. Typical uses include manufacturing plants, welding shops, wholesale bakeries, dry cleaning plants and bottling works.

Miniwarehouse means an enclosed storage facility containing independent, fully enclosed bays that are leased to persons for storage of their household goods or personal property.

Mobile home park means an area developed or intended to be developed for occupancy by two or more mobile homes that are used for dwelling purposes, and spaces are rented individually to residents.

Multifamily means a dwelling unit that is connected to one or more other dwelling units.

Nonsite-related improvements means road capital improvements and right-of-way dedications for improvements to the major road system that are not site-related improvements.

Office means a building not located in a shopping center and exclusively containing establishments providing executive, management, administrative or professional services, and which may include ancillary services for office workers, such as a restaurant, coffee shop, newspaper or candy stand, or child care facilities. Typical uses include real estate, insurance, property management, investment, employment, travel, advertising, secretarial, data processing, telephone answering, telephone marketing, music, radio and television recording and broadcasting studios; professional or consulting services in the fields of law, architecture, design, engineering, accounting and similar professions; interior decorating consulting services; medical and dental offices and clinics, including veterinarian clinics and kennels; and business offices of private companies, utility companies, trade associations, unions and non-profit organizations.

Person means an individual, corporation, governmental agency or body, business trust, estate, trust, partnership, association, two or more persons having a joint or common interest, or any other entity.

Retail means establishments engaged in the selling or rental of goods, services or entertainment to the general public. Such uses include, but are not limited to, shopping centers, discount stores, supermarkets, home improvement stores, pharmacies, automobile sales and service, banks, movie theaters, amusement arcades, bowling alleys, barbershops, laundromats, funeral homes, vocational or technical schools, dance studios, health clubs and for-profit golf courses.

Road capacity means the maximum number of vehicles that have a reasonable expectation of passing over a given section of a road during an hour without exceeding level of service, expressed in terms of vehicles per hour.

Road capital improvement means a nonsite related improvement that expands the capacity of the major road system within the service area. It includes the transportation planning, preliminary engineering, engineering design studies, land surveys, alignment studies, right-of-way acquisition, engineering, permitting and construction of all necessary features undertaken to accommodate additional traffic resulting from new traffic-generating development, including, but not limited to:

- (1) Construction of new through lanes;
- (2) Construction of new bridges;
- (3) Construction of new drainage facilities in conjunction with new road construction;
- (4) Purchase and installation of traffic signals, including new and upgraded signalization;
- (5) Construction of curbs, gutters, sidewalks, medians and shoulders, landscaping and infrastructure to maintain the landscaping, and lighting of intersections, interchanges, and other roadway areas as determined necessary for safe use of the roadway, when undertaken in conjunction with capacity-expanding road improvements;
- (6) Relocating utilities to accommodate new road construction;
- (7) The construction and reconstruction of intersections to increase capacity;
- (8) The widening of existing roads;
- (9) Bus turnouts;
- (10) Acceleration and deceleration lanes;
- (11) Interchanges;
- (12) Traffic control devices;
- (13) Roundabouts, including lighting landscaping and signage related to roundabouts; and

- (14) Environmental mitigation of the impacts of road capital improvements, including land acquisition and wetland mitigation efforts that are part of a parish-wide environmental mitigation plan and/or payment of Army Corps of Engineers-mandated mitigation fees.

Road impact fee study means the road impact fee study prepared by Duncan Associates in July 2012.

Rural drainage impact fee means those fees paid in accordance with these regulations on any property located outside of the service area in accordance with section 2-769(c).

Rural road impact fee means those fees paid in accordance with these regulations on any property located outside of the service area in accordance with section 2-769(c).

Service area means the unincorporated area of the parish located south of the urban growth boundary line.

Single-family detached means a building arranged or designed to be occupied by one family, including mobile homes not located in a mobile home park, the structure having only one dwelling unit and not attached to any other dwelling unit.

Site-related improvements mean those road capital improvements and right-of-way dedications that provide direct access to the development. The term "direct access improvements" include, but are not limited to, the following:

- (1) Driveways and streets leading to and from the development;
- (2) Right- and left-turn lanes leading to those driveways and streets;
- (3) Traffic control measures for those driveways; and
- (4) Internal streets. Credit is not provided for site-related improvements.

Trip means a one-way movement of vehicular travel from an origin (one trip end) to a destination (the other trip end).

Urban growth boundary line means the line established by parish Ordinance No. 499, which is described as follows:

- (1) Beginning at the intersection of the Tangipahoa Parish line and the section corner common to sections 7 and 19, Township 6 south, Range 10 east, proceed east following the southern boundary of sections 7, 8, 9, 10, 11, 12, Township 6 south, Range 10 east and section 7, Township 6 south, Range 11 east, to the section corner common to sections 7, 8, 17, and 18, Township 6 south, Range 11 east;
- (2) Thence proceed in a southeasterly direction along the centerline of the Bogue Falaya River to the section corner common to sections 22, 27, and 45, Township 6 south, Range 11 east;

- (3) Thence proceed east, following the southern boundary of sections 22, 23, and 24, Township 6 south, Range 11 east and sections 19, 20, and 21, Township 6 south, Range 12 east to the section corner common to sections 21, 22, 27, and 28, Township 6 south, Range 12 east;
- (4) Thence proceed south to the section corner common to sections 27, 28, 33, and 34, Township 6 south, Range 12 east;
- (5) Thence proceed east following the southern boundary of sections 26 and 27, Township 6 south, Range 12 east to the section corner common to sections 25, 26, 35, and 36, Township 6 south, Range 12 east;
- (6) Thence proceed in a southerly direction along the common boundary of sections 35 and 36, Range 12 east, Township 6 south and subsequent section line boundaries to the intersection of said section lines and the centerline of Louisiana Highway 36;
- (7) Thence proceed in a southeasterly direction along the centerline of Louisiana Highway 36 to the intersection of Louisiana Highway 36 and the centerline of Louisiana Highway 41;
- (8) Thence proceed in a southeasterly direction along centerline of Louisiana Highway 41 to the intersection of Louisiana Highway 41 and the centerline of Louisiana Highway 41 Spur;
- (9) Thence proceed in a southeasterly direction along the centerline of Louisiana Highway 41 Spur to the point where Louisiana Highway 41 Spur intersects with Interstate 59;
- (10) Thence proceed in a northerly direction along the centerline of Interstate 59 to a point where it intersects with the old U.S. Highway 11 right-of-way;
- (11) Thence proceed in an easterly direction following the centerline of the old U.S. Highway 11 right-of-way to the intersection of said line and the Mississippi State Line.

Vehicle-Miles of Travel (VMT) means the product of the average number of vehicles traveling during the afternoon peak hour of adjacent street traffic on a weekday and the distance (in miles) that they travel on the major road system.

Warehouse means an establishment primarily engaged in the display, storage and sale of goods to other firms for resale, as well as activities involving significant movement and storage of products or equipment. Typical uses include wholesale distributors, storage warehouses, moving and storage firms, trucking and shipping operations and major mail processing centers. (Code 1998, § 2-009.00(B)IV.C; Ord. No. 04-0990, 11-4-2004; Ord. No. 05-1038, 1-6-2005; Ord. No. 05-1069, 3-3-2005; Ord. No. 06-1369, 9-7-2006; Ord. No. 13-2876, 1-3-2013)

Sec. 2-772. Time of fee obligation and payment.

(a) Any person or government body that causes the commencement of impact-generating development within the unincorporated parish in the service area, or outside the service area, but zoned for a residential density of two dwelling units per acre or more when said develop-

ment requires the review and approval of the planning commission in accordance with the major subdivision process as defined in this section or any nonresidential use, shall be obligated to pay a road and drainage impact fee, pursuant to the terms of this transportation impact fee subdivision. The fee shall be determined and paid in accordance with the impact fees schedule in effect at the time of the issuance of the final plat approval/building permit and the following schedule:

- (1) *Residential subdivisions.* At the time of final plat approval or within 90 days of recordation of final plat if the appropriate security is posted as approved by the director of public works and the director of finance. If deemed appropriate by the director of public works and the director of finance, a second, third or fourth 90-day period may be granted.
- (2) *Commercial subdivisions.* At the time of final plat approval if the size of the end user is known, else at the time of the issuance of a building permit. The payment at final plat approval may be deferred for a period of 90 days of recordation of final plat if the appropriate security is posted as approved by the director of public works and the director of finance. If deemed appropriate by the director of public works and the director of finance a second, third or fourth 90-day period may be granted. If the end user is unknown, or the square footage of the end user is altered, the balance of the fee shall be paid at the time of the issuance of a building permit.
- (3) *Individual commercial or residential structures.* At the time of issuance of a building permit for the development.

(b) If any credits are due pursuant to section 2-776, they shall also be determined at the time of payment. The fee shall be computed separately for the amount of construction activity covered by the permit, if the building permit is for less than the entire development. If the fee is imposed for an impact-generating development that increases road or drainage impacts because of a change in use, replacement or redevelopment of an existing building or use, the fee shall be determined by computing the difference in the fee schedule between the new impact-generating development and the existing development. The obligation to pay the impact fee shall run with the land.

(Code 1998, § 2-009.00(B)IV.D; Ord. No. 04-0990, 11-4-2004; Ord. No. 05-1038, 1-6-2005; Ord. No. 05-1069, 3-3-2005; Ord. No. 06-1369, 9-7-2006; Ord. No. 13-2876, 1-3-2013)

Sec. 2-773. Exemptions.

The following shall be exempt from the terms of this impact fee subdivision. An exemption must be claimed by the fee payer at the time of application for a building permit.

- (1) Alterations or expansion of an existing building where no additional dwelling units are created, the use is not changed and:
 - a. For the purpose of road impact fees, no additional vehicular trips will be produced over and above that produced by the existing use; or

- b. For the purpose of drainage impact fees, no additional impervious cover is created.
- (2) The construction of accessory buildings or structures which:
 - a. For the purpose of road impact fees, will not produce additional vehicular trips over and above that produced by the principal building or use of the land; or
 - b. For the purpose of drainage impact fees, will not result in additional impervious cover being created.
- (3) The replacement of a destroyed or partially destroyed building or structure with a new building or structure of the same size and use, provided that:
 - a. For the purpose of road impact fees, no additional trips will be produced over and above that produced by the original use of the land; or
 - b. For the purpose of drainage impact fees, no additional impervious cover will be created.
- (4) Any development for which a completed application for a building permit was submitted prior to January 1, 2005, provided that the construction proceeds according to the provisions of the permit and the permit does not expire prior to the completion of the construction.
- (5) Any conditional use, PUD-Planned Unit Development, or subdivision for which a public hearing has been held prior to January 1, 2005, provided that the construction proceeds according to the provisions of the conditional use or subdivision approval within specified time lines.
- (6) Any development which has an approved voluntary developmental agreement in place as of January 1, 2005.
- (7) Structures associated with uses recognized as agricultural by the state.
- (8) If a manifestly unreasonable financial hardship is demonstrated by an applicant for a single-family residential building permit, as determined by the impact fee administrator, the impact fees relative to roads and drainage may be waived, subject to the following parameters:
 - a. A manifestly unreasonable hardship shall be defined as a situation where the demonstrated income of the property owner falls within the parameters set by the most recent U.S. Department of Housing and Urban Development—Public Housing and Section 8 Income Limits for Very Low income (50 percent of regional median income).
 - b. Adequate financial documentation shall be presented to the impact fee administrator to determine qualifications for said waiver.
 - c. No individual may receive more than a single waiver of said fees.

(9) Procedure for exemption review.

- a. The determination of any exemption shall be undertaken through the submission of an application for exemption, which shall be submitted to the impact fee administrator.
- b. If the proposed application involves an exemption for any alteration, expansion or replacement of any existing structure, the following documentation must be provided:
 1. A site survey showing the existing structures and the improvements being proposed; and
 2. Documentation confirming no additional dwelling units are created, the use is not changed and no additional vehicular trips will be produced or impervious cover created over and above that produced by the existing use.
- c. If the proposed application involves another type of permitted exemption, the following documentation must be provided:
 1. Documents evidencing a completed building permit application being submitted prior to January 1, 2005, and completion of construction prior to expiration of the building permit issued; or
 2. Documentation evidencing an approved voluntary developmental agreement in place as of January 1, 2005.
- d. The impact fee administrator shall notify the parish council chair of any application for exemption agreement within three days of receipt of said application.
- e. Within ten days of receipt of the proposed application for exemption agreement, the impact fee administrator shall determine if the application is complete. If it is determined that the proposed agreement is not complete, the impact fee administrator shall send a written statement to the applicant outlining the deficiencies. The impact fee administrator shall take no further action on the proposed application for exemption agreement until all deficiencies have been corrected or otherwise settled.
- f. Once the impact fee administrator determines that the proposed application for exemption agreement is complete, it shall be reviewed within 30 days. The application for exemption agreement shall be approved if it complies with the standards in subsections (1) through (8) of this section.
- g. If the application for exemption agreement is approved by the impact fee administrator, an exemption agreement shall be prepared and signed by the applicant and the parish.

(10) Appeal of exemption decision. A fee payer affected by the decision of the impact fee administrator regarding an exemption may appeal such decision to the parish council by filing with the impact fee administrator, within ten days of the date of the written decision, a written notice stating and specifying briefly the grounds of the appeal. The impact fee administrator shall place such appeal on the council's agenda for the next regularly scheduled meeting. The parish council, after a hearing, shall affirm or reverse the decision of the impact fee administrator based on the standards in subsections (1) through (8) of this section. If the parish council reverses the decision, it shall direct the impact fee administrator to grant the exemption in accordance with its findings. The decision of the parish council shall be final.

(Code 1998, § 2-009.00(B)IV.E; Ord. No. 04-0990, 11-4-2004; Ord. No. 05-1038, 1-6-2005; Ord. No. 05-1069, 3-3-2005; Ord. No. 06-1369, 9-7-2006; Ord. No. 13-2876, 1-3-2013)

Sec. 2-774. Establishment of fee schedule.

(a) Any person who causes the commencement of impact-generating development, except those persons exempted or preparing an independent fee calculation study pursuant to section 2-775, shall pay a road and drainage impact fee in accordance with the following fee schedules. The definitions in this impact fee subdivision shall be used to determine the appropriate land use type.

(1) Road impact fee schedule—Revised schedule (effective January 4, 2013):

Single-family detached per dwelling unit	\$1,077.00
Multifamily per dwelling unit	\$598.00
Mobile home park per pad	\$361.00
Retail per 1,000 square foot	\$1,681.00
Office per 1,000 square foot	\$2,078.00
Institutional per 1,000 square foot	\$545.00
Manufacturing per 1,000 square foot	\$1,030.00
Warehousing per 1,000 square foot	\$444.00
Mini-storage per 1,000 square foot	\$201.00

(2) Drainage impact fee schedule—Revised schedule (Effective January 4, 2013):

Single-family detached per dwelling unit	\$1,114.00
Multifamily per dwelling unit	\$441.00
Mobile home park per pad	\$622.00
Commercial per 1,000 square foot	\$720.00
Industrial per 1,000 square foot	\$540.00

(b) For the purposes of applying the impact fee schedules to nonresidential development, square feet shall be interpreted as follows:

(1) In the road impact fee schedule, square feet refers to gross floor area, defined as the gross floor area of all buildings, measured from the outside surface of exterior walls, but excluding enclosed parking and loading areas.

- (2) In the drainage impact fee schedule, square feet refers to the ground floor area of all buildings, including enclosed parking structures, measured from the outside surface of exterior walls.

(c) If the type of impact-generating development for which a building permit is requested is not specified on the above fee schedule, the impact fee administrator shall determine the fee on the basis of the fee applicable to the most nearly comparable type of land use on the fee schedule.

(Code 1998, § 2-009.00(B)IV.F; Ord. No. 04-0990, 11-4-2004; Ord. No. 05-1038, 1-6-2005; Ord. No. 05-1069, 3-3-2005; Ord. No. 06-1369, 9-7-2006; Ord. No. 13-2876, 1-3-2013)

Sec. 2-775. Independent fee calculation study.

(a) The impact fee may be computed by the use of an independent fee calculation study at the election of the fee payer, or upon the request of the impact fee administrator, for any proposed land development activity interpreted as not one of those types listed on the fee schedule, or as one that is not comparable to any land use on the fee schedule, or for any proposed land development activity for which the impact fee administrator concludes the nature, timing or location of the proposed development makes it likely to generate impacts costing substantially more or less to mitigate than the amount of the fee that would be generated by the use of the fee schedule.

(b) The preparation of the independent fee calculation study shall be the sole responsibility and cost of the fee payer.

(c) Any person who requests to perform an independent fee calculation study shall pay an application fee for administrative costs associated with the review and decision on such study.

(d) The independent fee calculation study for the road impact fee shall be calculated by the use of the following applicable formula:

- (1) *Road impact fee formula.*

$$\text{Fee} = \text{VMT} \times \text{Net Cost/VMT.}$$

$$\text{VMT} = \text{PHT} \times \% \text{ New} \times \text{Length} \div 2.$$

PHT = Trip ends during the PM peak hour during an average weekday.

% New = The percent of trips that are primary trips, as opposed to passerby or diverted-link trips.

Length = The average length of a trip on the major roadway system.

÷ 2 = Avoids double-counting trips for origin and destination.

Net cost/VMT = Cost/VMT-Credit/VMT, calculated to be \$592.00 per daily peak hour vehicle-mile of travel on the major roadway system in the road impact fee study.

(2) *Drainage impact fee formula.*

$$\text{Fee} = \text{SF} \times \text{Net Cost/SF.}$$

SF = Square feet of impervious cover.

Net cost/SF = Cost/SF - Grant/SF - On-Site/SF - Rev/SF, calculated to be \$0.36 per square foot of impervious cover in the drainage impact fee study.

Cost/SF = Cost per square foot of impervious cover for regional drainage improvements that eliminate the need for on-site retention, calculated to be \$1.02 in the drainage impact fee study.

Grant/SF = Grant funding credit per square foot of impervious cover, calculated to be \$0.11 in the drainage impact fee study.

On-Site/SF = The cost per square foot of impervious cover for on-site retention, calculated to be \$0.58 in the drainage impact fee study.

Rev/SF = Revenue credit per square foot for drainage district or other taxes or fees used for improvements to the major drainage system, calculated as the net present value of future payments over a 20-year period.

(e) For the purpose of road impact fees, the fee calculation shall be based on data, information or assumptions contained in the road impact fee study or independent sources, provided that:

- (1) The fee calculation is based on the long-term impacts of the development, rather than the unique characteristics of the proposed initial occupant or user; and
- (2) The independent source is an accepted standard source of transportation engineering or planning data, or a local study on trip characteristics carried out by a qualified traffic planner or engineer pursuant to an accepted methodology of transportation planning or engineering.

(f) Procedure.

- (1) An independent fee calculation study shall be undertaken through the submission of an application for an independent fee calculation. A potential fee payer or the impact fee administrator may submit such an application.
- (2) Within ten days of receipt of an application for independent fee calculation study from a fee payer, the impact fee administrator shall determine if the application is complete. If the impact fee administrator determines that the application is not complete, a written statement specifying the deficiencies shall be sent by mail to the person submitting the application. The application shall be deemed complete if no deficiencies are specified. The impact fee administrator shall take no further action on the application until it is deemed complete.

- (3) When the impact fee administrator determines that the application is complete, the application shall be reviewed and the impact fee administrator shall render a written decision in 30 days on whether the fee should be modified and, if so, what the amount should be, based on the standards in subsection (g) of this section.

(g) Standards. If, on the basis of generally-recognized principles of impact analysis, it is determined that the data, information and assumptions used by the applicant to calculate the independent fee calculation study satisfy the requirements of this section, the fee determined in the independent fee calculation study shall be deemed the fee due and owing for the proposed impact-generating development. The adjustment shall be set forth in a fee agreement. If the independent fee calculation study fails to satisfy the requirements of this subsection, the fee applied shall be that fee established for the impact-generating development in section 2-774.

- (h) Appeal of decision.

- (1) A fee payer affected by the administrative decision of the impact fee administrator on an independent fee calculation study may appeal such decision to the parish council, by filing with the impact fee administrator within ten days of the date of the written decision a written notice stating and specifying briefly the grounds of the appeal. The impact fee administrator shall place the appeal on the council's agenda for the next regularly scheduled meeting.
- (2) The parish council, after hearing, shall have the power to affirm or reverse the decision of the impact fee administrator. In making its decision, the council shall specify the reasons for its decision and apply the standards in subsection (g) of this section. If the council reverses the decision of the impact fee administrator, it shall direct the administrator to recalculate the fee in accordance with its decision. In no case shall the council have the authority to negotiate the amount of the fee or waive the fee. The decision of the council shall be final and not subject to further administrative appeal.

(Code 1998, § 2-009.00(B)IV.G; Ord. No. 04-0990, 11-4-2004; Ord. No. 05-1038, 1-6-2005; Ord. No. 05-1069, 3-3-2005; Ord. No. 06-1369, 9-7-2006; Ord. No. 13-2876, 1-3-2013)

Sec. 2-776. Credits.

(a) Any person initiating impact-generating development may apply for credit against road or drainage impact fees otherwise due, up to, but not exceeding, the full obligation for impact fees proposed to be paid pursuant to the provisions of this impact fee subdivision, for any contributions, construction or dedication of land accepted or received by the parish for road capital improvements or drainage capital improvements, except as provided in subsection (c) of this section.

- (1) Credit for road capital improvements shall only be used to offset road impact fees otherwise due from the impact-generating development for which the improvement was made.

- (2) Credit for drainage capital improvements shall only be used to offset drainage impact fees otherwise due from the impact-generating development for which the improvement was made.
- (3) Credit may be given for road or drainage capital improvements that are not located in the immediate vicinity of the impact-generating development.
- (4) Credit may be given against drainage impact fees for wetland donation, preservation and/or improvements, addition of water quality elements, channel improvements, and other work that has a positive impact on the major drainage system.

(b) Credits for contributions, construction or dedication of land for road capital improvements or drainage capital improvements shall be transferable within the same development, but shall not be paid for other public facilities. The credit shall not exceed the amount of the applicable impact fees due and payable for the proposed impact-generating development.

(c) When deemed appropriate for the furtherance of necessary infrastructure improvements, the parish government may enter into development agreements, as authorized under R.S. 33:4780.21, as part of credit agreements established in accordance with this section, subject to all limitation of this section and the applicable statutes.

(d) Credit shall be in an amount equal to fair market value of the land dedicated for right-of-way at the time of dedication, the fair market value of the construction at the time of its completion, or the value of the contribution or payment at the time it is made for construction of a capital road improvement or a drainage capital improvement.

(e) Credits may include any dedication, construction, or contributions made by outside parties subject to the limitations of this section.

(f) Procedure for credit review.

- (1) The determination of any credit shall be undertaken through the submission of an application for credit agreement, which shall be submitted to the impact fee administrator.
- (2) If the proposed application involves a credit for any contribution, the following documentation must be provided:
 - a. A certified copy of the development approval in which the contribution was agreed;
 - b. If payment has been made, proof of payment; or
 - c. If payment has not been made, the proposed method of payment.
- (3) If the proposed application involves credit for the dedication of land:
 - a. A drawing and legal description of the land;

- b. The appraised fair market value of the land at the date a building permit is proposed to be issued for the impact-generating land development activity, prepared by a professional real estate appraiser who is a member of the member appraisal institute (MAI) or who is a member of senior residential appraisers (SRA), and if applicable, a certified copy of the development permit in which the land was agreed to be dedicated.
- (4) If the proposed application for credit agreement involves construction:
 - a. The proposed plan of the specific construction prepared and certified by a duly qualified and licensed Louisiana engineer or contractor;
 - b. The projected costs for the suggested improvement, which shall be based on local information for similar improvements, along with the construction timetable for the completion thereof. Such estimated cost shall include the cost of construction or reconstruction, the cost of all labor and materials, the cost of all lands, property, rights, easements and franchises acquired, financing charges, interest prior to and during construction and for one year after completion of construction, costs of plans and specifications, surveys of estimates of costs and of revenues, costs of professional services, and all other expenses necessary or incident to determining the feasibility or practicability of such construction or reconstruction.
- (5) The impact fee administrator shall notify the parish council chair of any application for credit agreement within three days of receipt of said application.
- (6) Within ten days of receipt of the proposed application for credit agreement, the impact fee administrator shall determine if the application is complete. If it is determined that the proposed agreement is not complete, the impact fee administrator shall send a written statement to the applicant outlining the deficiencies. The impact fee administrator shall take no further action on the proposed application for credit agreement until all deficiencies have been corrected or otherwise settled.
- (7) Once the impact fee administrator determines that the proposed application for credit agreement is complete, it shall be reviewed within 30 days. The application for credit agreement shall be approved if it complies with the standards in subsections (1) through (5) of this section.
- (8) If the application for credit agreement is approved by the impact fee administrator, a credit agreement shall be prepared and signed by the applicant and the parish. It shall specifically outline the contribution, payment, construction or land dedication, the time by which it shall be completed, dedicated or paid, and any extensions thereof and the dollar credit the applicant shall receive for the contribution, payment or construction.

(g) Appeal of credit decision. A fee payer affected by the decision of the impact fee administrator regarding credits may appeal such decision to the parish council by filing with the impact fee administrator, within ten days of the date of the written decision, a written notice stating and specifying briefly the grounds of the appeal. The impact fee administrator shall place such appeal on the council's agenda for the next regularly scheduled meeting. The parish council, after a hearing, shall affirm or reverse the decision of the impact fee administrator based on the standards in subsections (f)(1) through (5) of this section. If the parish council reverses the decision, it shall direct the impact fee administrator to readjust the credit in accordance with its findings. The decision of the parish council shall be final.

(h) Amendments to credit agreement. Any amendments to a credit agreement must meet all standards and conditions of this section including the procedure for credit review outlined in subsection (f)(6) of this section.

(Code 1998, § 2-009.00(B)IV.H; Ord. No. 04-0990, 11-4-2004; Ord. No. 05-1038, 1-6-2005; Ord. No. 05-1069, 3-3-2005; Ord. No. 06-1369, 9-7-2006; Ord. No. 13-2876, 1-3-2013)

Sec. 2-777. Fee expenditures.

(a) The parish shall establish the following impact fee accounts:

- (1) The parish shall establish the appropriate road impact fee escrow accounts, as deemed necessary by the director of finance, for the purpose of ensuring that fee payers receive sufficient benefit for road impact fees paid on projects in accordance with the standards of this section.
- (2) The parish shall establish the appropriate drainage impact fee escrow accounts, as deemed necessary by the director of finance, for the purpose of ensuring that fee payers receive sufficient benefit for drainage impact fees paid on projects in accordance with the standards of this section.

(b) All road impact fees collected by the parish shall be immediately deposited into the appropriate road impact fee account. All drainage impact fees collected by the parish shall be immediately deposited into the appropriate drainage impact fee account.

(c) All proceeds in the road and drainage impact fee accounts not immediately necessary for expenditure shall be invested in an interest-bearing account. All income derived from these investments shall be retained in the applicable impact fee account. Records of the road and drainage impact fee accounts shall be available for public inspection.

(d) Each year, at the time the annual budget is reviewed, the impact fee administrator shall recommend appropriations to be spent from the impact fee accounts to the parish council. After review of the recommendation, the council shall approve or modify the recommended expenditures of the impact fee account monies. Amendments of the list of these projects during

the course of the fiscal year may be made by resolution of the council. Any amount not appropriated from the impact fee accounts, together with any interest earnings, shall be carried over to the following fiscal period.

- (1) Expenditures of the road impact fee fund shall be only for nonsite-related improvements to the major road system in the service area, provided that funds collected prior to January 4, 2013, may be spent anywhere in the parish in accordance with the provisions of the prior impact fee subdivision.
 - (2) Expenditures of the drainage impact fee fund shall be only for drainage capital improvements that benefit the service area, provided that funds collected prior to January 4, 2013, may be spent anywhere in the parish in accordance with the provisions of the prior impact fee subdivision.
 - (3) Expenditures shall be made from the rural road impact fee fund only for nonsite-related improvements to the major road system outside of the service area, but in such a manner as to address the road impacts of the development from which the funds were collected.
 - (4) Expenditures shall be made from the rural drainage impact fee fund for drainage capital improvements outside of the service area, but in such a manner as to address the drainage impacts of the development from which the funds were collected.
 - (e) Each year, the impact fee administrator shall prepare a report to the parish council identifying the expenditures of the previous year for the projects for which the council approved funds.
- (Code 1998, § 2-009.00(B)IV.I; Ord. No. 04-0990, 11-4-2004; Ord. No. 05-1038, 1-6-2005; Ord. No. 05-1069, 3-3-2005; Ord. No. 06-1369, 9-7-2006; Ord. No. 13-2876, 1-3-2013)

Sec. 2-778. Refunds.

(a) *Expiration of permit.* Effective January 4, 2013, if a building permit expires or is canceled without commencement of the construction, the fee payer shall be entitled to a refund, without interest, of the impact fee. The fee payer shall submit an application for the refund to the impact fee administrator within 90 days of the expiration of the permit. Failure to submit the application for refund within the time specified constitutes a waiver of any claim to such monies. Upon review of the completed application, the impact fee administrator shall issue the refund if it is clear the building permit has expired without the commencement of construction.

(b) *Refund of fees not spent.* Any fees collected may be returned to the fee payer or the fee payer's successor in interest if the fees have not been spent within ten years from the payment of the impact fee, along with interest of three percent a year. Fees shall be deemed to be spent on the basis of the first fee collected shall be the first fee spent. The refund shall be administered by the impact fee administrator, and shall be undertaken through the following process:

- (1) A refund application shall be submitted within one year following the end of the tenth year from the date on which the building permit was issued on the proposed development. The refund application shall include the following information:
 - a. A copy of the dated receipt issued for payment of the fee;
 - b. A copy of the building permit; and
 - c. Evidence that the applicant is the successor in interest to the fee payer.
- (2) Within ten days of receipt of the refund application, the impact fee administrator shall determine if it is complete. If the impact fee administrator determines that the application is not complete, a written statement specifying the deficiencies shall be forwarded by mail to the person submitting the application. Unless the deficiencies are corrected, the impact fee administrator shall take no further action on the refund application.
- (3) When the impact fee administrator determines that the refund application is complete, it shall be reviewed within 30 days, and shall be approved if it is determined that the fee payer or a successor in interest has paid a fee which has not been spent within the period of time permitted under this impact fee subdivision. The refund shall include the fee paid plus interest.

(c) *Appeal of refund decision.* A fee payer affected by a decision of the impact fee administrator may appeal such decision to the parish council by filing with the impact fee administrator, within ten days of the date of the written decision, a written notice stating and specifying briefly the grounds of the appeal. The impact fee administrator shall place such appeal on the council's agenda. The council, after a hearing, shall affirm or reverse the decision of the impact fee administrator based on the standards in this section. If the parish council reverses the decision of the impact fee administrator, it shall direct the administrator to readjust the refund in accordance with its findings. In no case shall the council have the authority to negotiate the amount of the refund. The decision of the parish council shall be final.

(Code 1998, § 2-009.00(B)IV.J; Ord. No. 04-0990, 11-4-2004; Ord. No. 05-1038, 1-6-2005; Ord. No. 05-1069, 3-3-2005; Ord. No. 06-1369, 9-7-2006; Ord. No. 13-2876, 1-3-2013)

Sec. 2-779. Periodic review.

At least once every five years, the impact fee administrator shall recommend to the parish council whether any changes should be made to the road impact fee study or the drainage impact fee study and the ordinance codified herein. The purpose of this review is to analyze the

effects of inflation on actual costs, to assess potential changes in needs, to assess any changes in the characteristics of land uses, and to ensure that the road and drainage impact fees will not exceed a proportionate share of the costs attributable to new development.

(Code 1998, § 2-009.00(B)IV.K; Ord. No. 04-0990, 11-4-2004; Ord. No. 05-1038, 1-6-2005; Ord. No. 05-1069, 3-3-2005; Ord. No. 06-1369, 9-7-2006; Ord. No. 13-2876, 1-3-2013)

Secs. 2-780—2-796. Reserved.

DIVISION 4. PUBLIC WORKS

Sec. 2-797. Acceptance fee, roads.

The acceptance fee, roads, per application is \$50.00.

(Code 1998, § 2-009.00(C)a; Ord. No. 88-975, 7-21-1988; Ord. No. 89-1026, 1-9-1989; Ord. No. 89-1101, 6-19-1989; Ord. No. 89-1160, 10-19-1989; Ord. No. 89-1175, 10-30-1989; Ord. No. 90-1369, 11-15-1990; Ord. No. 90-1388, 12-20-1990; Ord. No. 91-1530, 11-21-1991; Ord. No. 96-2405, 4-18-1996; Ord. No. 97-2689, 7-24-1997)

Sec. 2-798. Flood zone verification.

The fee for a flood zone verification is \$50.00.

(Code 1998, § 2-009.00(C)b; Ord. No. 88-975, 7-21-1988; Ord. No. 89-1026, 1-9-1989; Ord. No. 89-1101, 6-19-1989; Ord. No. 89-1160, 10-19-1989; Ord. No. 89-1175, 10-30-1989; Ord. No. 90-1369, 11-15-1990; Ord. No. 90-1388, 12-20-1990; Ord. No. 91-1530, 11-21-1991; Ord. No. 96-2405, 4-18-1996; Ord. No. 97-2689, 7-24-1997)

Sec. 2-799. Building permit applications.

The fees for building permit applications are exempt.

(Code 1998, § 2-009.00(C); Ord. No. 88-975, 7-21-1988; Ord. No. 89-1026, 1-9-1989; Ord. No. 89-1101, 6-19-1989; Ord. No. 89-1160, 10-19-1989; Ord. No. 89-1175, 10-30-1989; Ord. No. 90-1369, 11-15-1990; Ord. No. 90-1388, 12-20-1990; Ord. No. 91-1530, 11-21-1991; Ord. No. 96-2405, 4-18-1996; Ord. No. 97-2689, 7-24-1997)

Secs. 2-800—2-821. Reserved.

DIVISION 5. CULTURE AND RECREATION

Sec. 2-822. Library fines and fees

The late fines for library books and other fees are as follows:

- (1) Per day \$0.05.
- (2) Per book \$1.00.

- (3) Library card replacement, each \$1.00.
 - (4) Book damage, minimum \$0.50.
 - (5) Microfilm rental, per roll \$3.00.
- (Code 1998, § 2-009.00(D))

Secs. 2-823—2-852. Reserved.

DIVISION 6. GOVERNMENT ACCESS CHANNEL

Sec. 2-853. Generally.

(a) The parish government access channel (GAC-TV) provides duplication (dubbing) of master program tapes of regularly scheduled public meetings, special public meetings (if they are videotaped), and programs produced in-house. No program will be duplicated prior to being cablecast over the government access channels.

(b) No facilities will be made available for viewing master program tapes.

(c) Under no circumstance will master video tapes be permitted to leave the GAC-TV office.

(d) All dub requests must be in writing, and paid for in advance (no exceptions). Dubs will be completed in the order in which they are received in the GAC-TV office.

(e) The time given for completion of dubs is estimated and not guaranteed.

(f) Duplication (dubs) will be done only as duplicating equipment and staff are available during regular work hours (8:00 a.m.— 4:30 p.m.) Monday through Friday. Under no circumstance will overtime be incurred for duplication requests.

(g) GAC-TV fees for video tape duplication (straight VHS dubs only, no editing out segments):

- (1) Zero to one hour programs \$15.00;
- (2) One to two hour programs \$20.00;
- (3) Two to three hour programs \$25.00;
- (4) Three to five hour programs \$30.00;
- (5) Five to six hour programs \$35.00.

(h) Other charges. A surcharge of \$250.00, in addition to duplication fees, will be charged for duplication of all parish tapes that have been archived with the secretary of state.

(i) Delays/priority.

- (1) Requests by the parish staff will take priority over all dub requests and may cause a delay in completion time.

- (2) The parish staff will not be responsible for delays in completing dub requests caused by equipment and technical problems.
 - (3) The parish staff will not be held responsible for program tapes found damaged or missing from tape files, or tapes that have incurred technical problems, such as partial loss of audio and/or video during taping of programs.
- (Code 1998, § 2-009.00(E); Ord. No. 97-2689, 7-24-1997; Ord. No. 03-0798, 12-4-2003)

Secs. 2-854—2-884. Reserved.

DIVISION 7. SERVICE MONITORING FEE

Sec. 2-885. Uniform service monitoring fee.

A uniform service monitoring fee of two percent on gross sales derived from the unincorporated portions of the parish is hereby imposed on all municipally owned utility companies currently operating in the parish without a valid, written service agreement, on all renewed service agreements with municipal utility companies currently operating in the parish with a valid, written service agreement, and on all publicly owned utility companies that wish to establish a franchise service area in unincorporated portions of the parish in the future pursuant to R.S. 33:4361, said service agreement fee is being imposed to fund the monitoring of all activities associated with the placement and location of public utilities in parish rights-of-way.

(Code 1998, § 2-009.00(F)1; Ord. No. 97-2710, 8-21-1997)

Sec. 2-886. Service agreement fee computation.

The service agreement fee will be computed according to a two percent schedule and payable quarterly on or before April 15 for the first quarter, July 15 for the second quarter, October 15 for the third quarter, and January 15 for the fourth quarter. Attached to the payment of the franchise fee will be a statement showing the gross sales or revenue derived from the unincorporated portions of the parish for the months reported. Delinquent balances shall accrue interest at 12 percent per annum beginning on the first day following the due date of the payment.

(Code 1998, § 2-009.00(F)2; Ord. No. 97-2710, 8-21-1997)

Secs. 2-887—2-905. Reserved.

DIVISION 8. MANAGEMENT INFORMATION SERVICES

Subdivision I. In General

Secs. 2-906—2-928. Reserved.

Subdivision II. Geographic Information System

Sec. 2-929. Purpose.

The geographic information system provides for the preparation and sale of data whether in paper or digital format. This data is a compilation of data from various sources at various scales and accuracy's.
(Code 1998, § 2-009.00(G)1; Ord. No. 05-1161, 8-4-2005)

Sec. 2-930. Sale of GIS data.

The department of GIS or such other agency as the director of management information services (primarily known as MIS) shall designate, may develop, implement and maintain a geographic information system (GIS) primarily for the use of the various agencies of the parish and, if authorized by the director of MIS or a designee, for the limited use of other persons, or entities. The GIS, as the same may be further defined in writing by the director of MIS, shall be made up of digital data ("GIS data") electronically created, collected, formatted, manipulated or otherwise maintained by the parish.
(Code 1998, § 2-009.00(G)1.A; Ord. No. 05-1161, 8-4-2005)

Sec. 2-931. Procedures for requesting GIS data.

Parish department of MIS will not accept any GIS request by telephone. All GIS data/map request should use the data/map request form. All requests must be paid in advance. All requests, must be submitted by postal service, fax, email or in person.
(Code 1998, § 2-009.00(G)1.B; Ord. No. 05-1161, 8-4-2005)

Sec. 2-932. Fees for GIS data/maps.

(a) Fixed rate costs (previously formatted digital images).

Paper maps/paper maps on other media:	
30 by 40 paper	\$35.00
8.5 by 11 paper	\$5.00
8.5 by 14 paper	\$7.00
11 by 17 paper	\$10.00
Paper map on CD media	\$7.00
Paper map on DVD media	\$12.00
Paper map on floppy disk media	\$3.00

If multi-media is required, the first media will be at the price listed above. The additional media will be charged at an hourly rate of \$50.00 an hour (minimum quarter hour billing), plus cost of media.

(b) Layers (digital source data files - Shapefiles, imagery, coverage). The parish GIS information is organized into layers. Below is a list of the layers and their availability at this time. This is the most popular option for engineering, planning and architectural firms that need the source data in digital format for use in their own GIS or CAD software packages. The parish holds the right to change the contents of this list at any time without notice.

Note: The layers listed below may be requested for production on paper or paper map on media and will be charged at the fixed rate cost above and (if needed) the custom rate cost below.

<i>The Parish Coverage Layers</i>	<i>Available</i>	<i>Commercial</i>	<i>Noncommercial</i>
Parish boundary	Yes	\$500.00	\$250.00
Parish council districts	Yes	\$500.00	\$250.00
Voting precincts	Yes	\$500.00	\$250.00
Tax districts	Yes	\$500.00	\$250.00
Wards	Yes	\$500.00	\$250.00
School board districts	No	\$500.00	\$250.00
Sewerage districts	Yes	\$500.00	\$250.00
Water districts	Yes	\$500.00	\$250.00
State senate districts (St. Tammany only)	Yes	\$500.00	\$250.00
State house of representatives (St. Tammany only)	Yes	\$500.00	\$250.00
Lighting districts	Yes	\$500.00	\$250.00
Enterprise zones	Yes	\$500.00	\$250.00
Hospital districts	Yes	\$500.00	\$250.00
Drainage districts	Yes	\$500.00	\$250.00
Road districts	Yes	\$500.00	\$250.00
Zoning districts	Yes	\$500.00	\$250.00
Zoning linear features	Yes	\$500.00	\$250.00
6,500 foot photo grid	Yes	\$500.00	\$250.00
Flood zones (FEMA Q3 data)	Yes	\$500.00	\$250.00

<i>The Parish Coverage Layers (ND2025)</i>	<i>Available</i>	<i>Commercial</i>	<i>Noncommercial</i>
Existing land use	Yes	\$500.00	\$250.00
Future land use	Yes	\$500.00	\$250.00
STATSGO soils (detailed soils)	Yes	\$500.00	\$250.00
Hydric soils	Yes	\$500.00	\$250.00
Natural community habitats	Yes	\$500.00	\$250.00
Flood zones (FEMA Q3 data)	Yes	\$500.00	\$250.00
Public facilities	Yes	\$500.00	\$250.00

<i>Property Layers</i>	<i>Available</i>	<i>Commercial</i>	<i>Noncommercial</i>
Lots	Partial	\$500.00	\$250.00
Ownership hooks	No	\$500.00	\$250.00
Parcels	Partial	\$500.00	\$250.00
Village-owned parcels	Partial	\$500.00	\$250.00
<i>Survey-Related Layers</i>	<i>Available</i>	<i>Commercial</i>	<i>Noncommercial</i>
Township and range	Yes	\$500.00	\$250.00
Sections	Yes	\$500.00	\$250.00
Tammany Trace	Yes	\$500.00	\$250.00
<i>Reference Layers</i>	<i>Available</i>	<i>Commercial</i>	<i>Non-Commercial</i>
Centerline	Yes	\$500.00	\$250.00
Streets (line work and names)	Yes	\$500.00	\$250.00
Hydrology line	Yes	\$500.00	\$250.00
Hydrology poly	Yes	\$500.00	\$250.00
Major regional roads	Yes	\$500.00	\$250.00
Points of interest	Yes	\$500.00	\$250.00
Railroad tracks	Yes	\$500.00	\$250.00
Street edges	Yes	\$500.00	\$250.00
Municipal boundaries	Yes	\$500.00	\$250.00
Subdivisions	Yes	\$500.00	\$250.00
Schools	Yes	\$500.00	\$250.00
Parish barn sites	Yes	\$500.00	\$250.00
Parish barn areas	Yes	\$500.00	\$250.00
Watersheds	Yes	\$500.00	\$250.00
Zoning	Yes	\$500.00	\$250.00
<i>Recreation Layers</i>	<i>Available</i>	<i>Commercial</i>	<i>Noncommercial</i>
Recreation districts	Yes	\$500.00	\$250.00
Parks	Yes	\$500.00	\$250.00
<i>Fire Layers</i>	<i>Available</i>	<i>Commercial</i>	<i>Noncommercial</i>
Fire districts	Yes	\$500.00	\$250.00
911 address grids	Yes	\$500.00	\$250.00
Fire stations	Yes	\$500.00	\$250.00
<i>Census Layers</i>	<i>Available</i>	<i>Commercial</i>	<i>Noncommercial</i>
Census blocks 1990	Yes	\$500.00	\$250.00
Census blocks 2000	Yes	\$500.00	\$250.00
Census tracts	Yes	\$500.00	\$250.00
<i>Other</i>	<i>Available</i>	<i>Commercial</i>	<i>Noncommercial</i>
Contours Lydar (Atlas)	Yes	\$500.00	\$250.00

<i>Other</i>	<i>Available</i>	<i>Commercial</i>	<i>Noncommercial</i>
Spot Elevation Lydar (Atlas)	Yes	\$500.00	\$250.00
Building footprints	Yes	\$500.00	\$250.00
Address points	Yes	\$500.00	\$250.00
Cellular towers	No	\$500.00	\$250.00
Billboards	No	\$500.00	\$250.00
Zip codes	Yes	\$500.00	\$250.00
USGS quad coverage	Yes	\$500.00	\$250.00

<i>Aerials</i>	<i>Available</i>	<i>Commercial</i>	<i>Noncommercial</i>
2000/2001	Yes	\$120.00 p/tile*	\$60.00 p/tile*
*One tile of aerial is 6,500 feet by 6,500 feet.			

Due to an existing license agreement, the parish department of MIS is only authorized to provide copies of the centerline road file with the associated data to other government agencies.

- (c) Custom rate costs (any image that requires additional effort from staff other than simply running map generating programs). The cost of this data will be at an hourly rate of \$50.00 per hour (minimum quarter hour billing) plus media, as listed above.
- (d) Postage (if required) will be billed as follows: \$2.00 per package plus postage.
- (e) GIS data subscription. The parish department of MIS allows for public and private entities to receive regular updates of the GIS data through biannual or quarterly updates. The parish department of MIS charges a fee based on the subscription schedule identified in the table below:

<i>Government Agencies</i>	<i>Number of Updates</i>	<i>Annual Cost</i>
Quarterly subscription	4	\$2,500.00
Biannual subscription	2	\$1,250.00

<i>Private Sector</i>	<i>Number of Updates</i>	<i>Annual Cost</i>
Quarterly subscription	4	\$3,000.00
Bi-annual subscription	2	\$1,500.00

(Code 1998, § 2-009.00(G)1.C; Ord. No. 05-1161, 8-4-2005)

Sec. 2-933. License required for digital source data files.

The following information is an overview of information authorized and not authorized in the parish geographical data licensing agreement.

- (1) It shall be unlawful for any person or entity, other than another governmental entity, to acquire, maintain or use any application GIS data without first obtaining a mutual,

signed license agreement (hereinafter "license") issued by the director of MIS or designee and in a form prescribed by the same, under the conditions set forth in this section and upon the payment of a fee as also provided for in this section;

- (2) All GIS licenses issued pursuant to this section shall be executed by the person or entity requesting the GIS data ("licensee") and shall set forth the purposes for which the licensee intends to use the GIS data. The director of MIS or a designee shall either approve or deny the licensee's proposed use of the data and if such use is approved, the license shall be issued upon the agreement of the licensee that it acknowledges and will comply with the following expressed conditions and understandings;
- (3) The licensee will not copy, reproduce, disseminate, transmit, license, sublicense, assign, lease, release, publish, post on the internet, transfer, sell, allow the use of, permit access to, distribute, allow interactive rights to, or otherwise make the GIS data available to any other person or entity in any form whatsoever, except as specifically provided for in the license and authorized by the director of MIS;
- (4) The licensee will keep and maintain the GIS data in a secure manner, will keep a record of the location of the GIS data, and will return the GIS data to the parish or destroy the GIS data and inform the parish of the same upon the cessation of the use of the GIS data;
- (5) The licensee guarantees and has an ongoing and continual duty to notify any employees, agents, contractors or other individuals having access to the GIS data as a part of the licensee's authorized use of the GIS data of the restrictions set forth in this section and in the license, and to ensure that the employees, agents, contractors or other individuals comply with the same;
- (6) The licensee acknowledges and understands that the GIS data is not a legally recorded map, survey, or legal document and that the GIS data may contain errors; the GIS data is for reference only and the licensee will not use or rely upon the GIS data in any other way;
- (7) The licensee acknowledges and understands that the parish has provided the GIS data on an "AS IS" basis and makes no representations, guarantees, or warranties regarding this GIS data whatsoever, including but not limited to representations, guarantees or warranties that the GIS data is fit for any purpose or is accurate, complete or correct; and further that the parish expressly disclaims any and all liability of any nature whatsoever arising out of any use of the GIS data by the licensee or by any other person or entity; licensee specifically releases the parish from any claims or losses related hereto;
- (8) The licensee shall defend, release, indemnify and save and hold harmless the parish and its officers, agents and employees from any and all claims, damages, demands, liabilities, losses, actions, suits, costs, expenses, legal fees, judgments, causes of action or other

legal, equitable or administrative proceedings of any kind whatsoever, of or by anyone whomsoever, regardless of the legal theory(ies) upon which premised, which in any way result from, are connect with, or arise out of, directly or indirectly, the actions or omissions of the licensee in connection with any use of the GIS data obtained by the licensee or any other person or entity, including actions or omissions of the licensee's officers, employees, agents, representatives, invitees, licensees, sub-consultants, or any other individual obtaining access to the GIS data provided by the parish to the licensee;

- (9) The licensee will, upon request from the parish, use its best efforts to assist the parish in identifying any unauthorized use of the GIS data by any person or entity that may have gained possession of the GIS data provided by the parish to the licensee;
 - (10) The licensee understands that any person who violates the terms and conditions of this division by failing to pay or violating any portion of this division, shall be guilty of an infraction and may be fined \$25,000.00, plus a reasonable attorney fee, all parish administrative costs and court costs. In the event there are multiple violations, each violation will be deemed a separate offense;
 - (11) If any copying or reproduction of the GIS data is specifically provided for in the license and authorized by the director of MIS or designee, the licensee shall affix a copyright and limitation on use notice, in the form, manner and location as is specified in the license, to all copies or reproductions of the GIS data that the licensee guarantees.
- (Code 1998, § 2-009.00(G)1.D; Ord. No. 05-1161, 8-4-2005)

Sec. 2-934. Third party access.

If it is necessary for licensee to make the GIS data available to agents, contractors, consultants or other third parties for licensee's business purposes, licensee must obtain from each agent, contractor, consultant or other third party a signed copy of the parish government geographical data licensing agreement.

(Code 1998, § 2-009.00(G)1.E; Ord. No. 05-1161, 8-4-2005)

Sec. 2-935. Data sharing.

The following information is an overview of information authorized and not authorized in the attached the parish geographical data licensing sharing agreement.

- (1) When it is in the best interest of the parish government and other parties or entities to enter into an agreement to share data, a GIS sharing agreement will be required.
- (2) Licensee and the parish agrees to reformat, re-project and copy the digital maps, at no cost to the licensee, and to permit the licensee to use said digital maps for the purposes of maintaining and updating a digital GIS layer, provided that the licensee does not reformat or copy or distribute the digital maps and otherwise complies with the terms of this agreement.

- (3) The licensee agrees to update, maintain and provide at no cost to the parish government the digital GIS data developed using their GIS.
 - (4) The licensee agrees to update files and deliver to the parish in ArcView format (SHP) quarterly.
 - (5) The licensee agrees that the digital maps will not be reformatted or copied, nor be further reproduced, distributed or permitted to be used by any other person, firm, corporation, association or entity.
 - (6) Failure to fulfill the terms of the sharing agreement will result in payment in full for the cost of the layers provided, as part of the agreement.
- (Code 1998, § 2-009.00(G)1.F; Ord. No. 05-1161, 8-4-2005)

Sec. 2-936. Deposit of funds.

Parish government GIS department previously established the parish mapping fund. All fees collected under this division shall be deposited in this fund. All monies in the mapping fund shall be used to replenish supplies used to fill data request.

(Code 1998, § 2-009.00(G)1.G; Ord. No. 05-1161, 8-4-2005)

Sec. 2-937. Miscellaneous.

The digital maps provided by the parish shall remain the property of the parish, which shall retain all rights commensurate with ownership, including the right to sell, release, license, and use or provide the digital maps to others as it deems appropriate in its sole discretion.

(Code 1998, § 2-009.00(G)1.H; Ord. No. 05-1161, 8-4-2005)

Sec. 2-938. Venue.

In the event of a dispute, all claims shall be brought in the 22nd Judicial District Court.

(Code 1998, § 2-009.00(G)1.I; Ord. No. 05-1161, 8-4-2005; Ord. No. 09-2050, 5-7-2009)

Chapter 3

RESERVED

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Chapter 4

AIRPORTS AND AIRCRAFT*

Article I. In General

Secs. 4-1—4-18. Reserved.

Article II. Airport Zoning

- Sec. 4-19. Intergovernmental agreement.
- Sec. 4-20. Airport hazard ordinance.
- Sec. 4-21. Definitions.
- Sec. 4-22. Airport zones.
- Sec. 4-23. Airport zone height limitations.
- Sec. 4-24. Use restrictions.
- Sec. 4-25. Nonconforming uses.
- Sec. 4-26. Permits.
- Sec. 4-27. Enforcement.
- Sec. 4-28. Appeals.
- Sec. 4-29. Judicial review.
- Sec. 4-30. Conflicting regulations.
- Secs. 4-31—4-56. Reserved.

Article III. Air Traffic Control

- Sec. 4-57. Approaching aircraft.
- Sec. 4-58. Departing aircraft.
- Sec. 4-59. Traffic pattern altitude.
- Sec. 4-60. Taxi speeds.
- Sec. 4-61. Acrobatic flight; skydiving.
- Sec. 4-62. Runup.
- Sec. 4-63. Calm wind runway.
- Sec. 4-64. UNICOM.
- Sec. 4-65. Clearance.
- Sec. 4-66. Landing pattern.
- Sec. 4-67. Takeoff pattern.
- Sec. 4-68. Monitoring of implementation of provisions.
- Sec. 4-69. Authority to establish regulations.

***Editor's note**—This chapter was formerly referred to in the 1998 Parish Code as art. I—Airport Zoning of chapter 3—Airports and Aircraft, Alcoholic Beverages and Ambulances.

State law references—Uniform Airports Law, R.S. 2:131 et seq.; authority of parish to incur and refund debt and issue bonds in order to acquire, build, equip or maintain airports and landing fields, R.S. 2:181 et seq.; authority of parish to promulgate, administer and enforce airport zoning regulations, R.S. 2:381; Airport Authorities Law, R.S. 2:601 et seq.

ST. TAMMANY PARISH CODE

Sec. 4-70. Penalty for violation.
Secs. 4-71—4-98. Reserved.

Article IV. Airport Authority No. 2

Sec. 4-99. Created.

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ARTICLE I. IN GENERAL

Secs. 4-1—4-18. Reserved.

ARTICLE II. AIRPORT ZONING

Sec. 4-19. Intergovernmental agreement.

The parish council will enter into an intergovernmental agreement with the City of Slidell, subject to the following conditions:

- (1) There is not a transfer of ownership of land to the Slidell Airport;
- (2) That a long term lease for 99 years be established;
- (3) That the City of Slidell be allowed to annex the airport area;
- (4) That the City of Slidell be required to manage the airport directly;
- (5) That in the event the City of Slidell chooses to allow a third party lease, they will provide the parish with a six-month notice, and the parish will have the option to either approve such third party lease or return the management of the airport to the parish;
- (6) Additionally, the City of Slidell will annex Airport Road from the point which they own today north of Interstate 12 to the Slidell Airport; and
- (7) That the parish will continue to provide maintenance and police responsibility on said road.

(Code 1998, § 3-001.01; Ord. No. 90-1216, 1-18-1990)

Editor's note—By inter-governmental agreement dated January 25, 1990, management of the Slidell Airport was transferred to the City of Slidell. Said agreement recorded in COB 1411, folio 224 and MOB 1362, folio 880 of the official records of St. Tammany Parish, Louisiana.

Sec. 4-20. Airport hazard ordinance.

(a) To provide protection from the hazard created by structures or trees that in effect reduce the size of the area available for the landing, takeoff and maneuvering of aircraft, and in the interest of the public health, public safety and general welfare to prevent airport hazards to the extent legally possible, and by the exercise of its police power as the governing authority of the parish, the said parish council hereby designates this article as the "Airport Hazard Ordinance."

(b) It is further declared that both the prevention of the creation or establishment of airport hazards and the elimination, removal, alteration, mitigation, or marking and lighting of existing airport hazards are public purposes for which political subdivisions may raise and expend public funds and acquire land or interest in land.

(Code 1998, § 3-002.00; Ord. No. 91-1543, 12-19-1991; Ord. No. 10-2387, 11-4-2010)

Sec. 4-21. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, unless the context otherwise requires:

Airport (Abita) means the parish regional airport generally located south of the state Highway 36 approximately three miles southeast of Abita Springs, Louisiana.

Airport (Slidell) means the Slidell Municipal Airport generally located north of Interstate 12 at the northern end of Airport Road, Slidell, Louisiana.

Airport elevation means the highest point of an airport's usable landing area measured in feet from mean sea level.

Airport hazard means any structure or object of natural growth located on or in the vicinity of a public airport, or any use of land near such airport, which obstructs the airspace required for the flight of aircraft in landing or takeoff at such airport or is otherwise hazardous to such landing or takeoff of aircraft.

Airport manager (Abita) means the person appointed by the parish president to manage the day-to-day operation of the regional airport.

Airport manager (Slidell) means the person appointed by the mayor of Slidell to manage the day-to-day operation of the Slidell Airport.

Approach, transitional, horizontal, and conical zones. These zones apply to the area under the approach, transitional and conical surfaces defined in FAR part 77.

Federal Aviation Administration (FAA) means the agency of the United States Department of Transportation with authority to regulate and oversee all aspects of civil aviation in the United States.

Height means, for the purpose of determining the height limits in all zones set forth in this article and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.

Local governing authority means the entity with jurisdiction over building permits, zoning and other similar regulatory functions for the property in question.

Nonconformance use means any preexisting structure, object of natural growth, or use of land which is inconsistent with the provisions of this article or an amendment thereto.

Nonprecision instrument runway means a runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in nonprecision instrument approach procedure has been or planned, and for which no precision approach facilities are planned or indicated on an FAA planning document or military service's military airport planning document.

Person means an individual, firm, partnership, company, association, joint stock association or governmental entity. The term "person" also includes a trustee, receiver, assignee or similar representative of any of them.

Primary surface means a surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway; but when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The width of the primary surface of a runway will be that width prescribed in part 77 of the Federal Aviation Regulations (FAR) for the most precise approach existing or planned for either end of that runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

Runway means a defined area on an airport prepared for landing and takeoff of aircraft along its length.

Structure means an object constructed or installed by man, including, but without limitation to, buildings, towers, smokestacks, earth information and overhead transmission lines.

Tree means any object of natural growth.

Utility runway means a runway that is constructed for and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight and less.

Visual runway means a runway intended solely for the operation of aircraft using visual approach procedures with no straight-in instrument approach procedure and no instrument designation indicated on an FAA approved airport layout plan, a military service's approved military airport layout plan, or by any planning document submitted to the FAA by competent authority.

(Code 1998, § 3-002.03; Ord. No. 80-29, 8-21-1980; Ord. No. 91-1543, 12-19-1991; Ord. No. 10-2387, 11-4-2010)

Editor's note—Ord. No. 91-1543, 12-19-1991 consolidated sections 3-002.01—3-002.15 into section 3-002.03 entitled Definitions herein, renumbering said definitions as subsections 1—16 inclusive, added subparagraph (4) "Airport Manager", reinstated a Board of Adjustment changing the name to the "Airport Hazard Adjustment Board" in subparagraph (10) and omitted "and approved" from subparagraph 14. Ord. No. 10-2387, 11-4-2010 expanded definition of Airport Manager to add St. Tammany Regional Airport, abolished the Airport Hazard Adjustment Board, and added definitions 17 and 18.

Sec. 4-22. Airport zones.

In order to carry out the provisions of this article, there are hereby created and established certain zones which include all of the land lying within the approach zones, transitional zones, horizontal zones and conical zones as they apply to a particular airport.

- (1) Such zones are shown on Slidell Airport Hazard Zoning Map consisting of one sheet prepared by Hamilton, Meyer and Associates, and dated June 23, 1980, which is

attached to Ordinance No. 91-1543 and made apart hereof by reference. An area located in more than one of the following zones is considered to be only in the zone with the more restrictive height limitation. The various zones are hereby established and defined as follows:

- a. *Horizontal zone.* The horizontal zone is hereby established by swinging arcs of 10,000 feet radii from the center of each end of the primary surface of each runway, and connecting the adjacent arcs of drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.
 - b. *Conical zone.* The conical zone is hereby established as the area that commences at the periphery of the horizontal zone and extends outward therefrom a horizontal distance of 4,000 feet. The conical zone does not include the precision instrument approach zones and the transitional zones.
 - c. *Precision instrument runway approach zone.* The inner edge of this approach zone coincides with the width of the primary surface and is 1,000 feet wide. The approach zone expands outward uniformly to a width of 16,000 feet at a horizontal distance of 50,000 feet from the primary surface. Its centerline being the continuation of the centerline of the runway.
 - d. *Runway larger than utility with a visibility minimum as greater than three-fourths mile nonprecision instrument approach zone.* The inner edge of this approach zone coincides with the width of the primary surface and is 1,000 feet wide. The approach zone expands outward uniformly to a width of 3,500 feet at a horizontal distance of 10,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
- (2) Such zones are shown in the parish regional airport—Airport layout plan update—Airport airspace plan consisting of one sheet (being three of eight) prepared by Bucharth Horn, Inc. and dated June 4, 2008, and made apart hereof by reference. An area located in more than one of the following zones is considered to be only in the zone with the more restrictive height limitation. The various zones are hereby established and defined as follows:
- a. *Horizontal zone.* The horizontal zone is hereby established by swinging arcs of 10,000 feet radii from the center of each end of the primary surface of each runway, and connecting the adjacent arcs of drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.
 - b. *Conical zone.* The conical zone is hereby established as the area that commences at the periphery of the horizontal zone and extends outward therefrom a horizontal distance of 4,000 feet. The conical zone does not include the precision instrument approach zones and the transitional zones.

- c. *Precision instrument runway approach zone.* The inner edge of this approach zone coincides with the width of the primary surface and is 1,000 feet wide. The approach zone expands outward uniformly to a width of 16,000 feet at a horizontal distance of 50,000 feet from the primary surface. Its centerline being the continuation of the centerline of the runway.
- d. *Runway larger than utility with a visibility minimum as greater than three-fourths mile nonprecision instrument approach zone.* The inner edge of this approach zone coincides with the width of the primary surface and is 1,000 feet wide. The approach zone expands outward uniformly to a width of 3,500 feet at a horizontal distance of 10,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

(Code 1998, § 3-003.00; Ord. No. 80-29, 8-21-1980; Ord. No. 91-1543, 12-19-1991; Ord. No. 10-2387, 11-4-2010)

Sec. 4-23. Airport zone height limitations.

Except as otherwise provided in this article, no structure or tree shall be erected, altered, allowed to grow, or be maintained in any zone created by this article to a height in excess of the applicable height limit herein established for such zone. Such applicable height limitations are hereby established for each of the zones in question as follows:

- (1) *Transitional zones.* Slopes upward and outward seven feet horizontally for each foot vertically beginning at the sides of the same elevation as the primary surface and the approach zones, and extending to a height of 150 feet above the airport elevation which is 27 feet above mean sea level. In addition to the foregoing, there are established height limits sloping upward and outward seven feet horizontally for each foot vertically beginning at the sides of and at the same elevation as the approach zones and extending to where they intersect the conical surface. Where the precision instrument runway approach zone projects beyond the conical zone, height limits sloping upward and outward seven feet horizontally for each foot vertically shall be maintained beginning at the sides of and at the same elevation as precision instrument runway approach surface, and extending to a horizontal distance of 5,000 feet measured at 90 degree angles to the extended runway centerline.
- (2) *Horizontal zone.* Horizontal zones are 150 feet above the airport elevation or a height of 178 feet above mean sea level.
- (3) *Conical zone.* Slopes upward and outward 20 feet horizontally for each foot vertically beginning at the periphery of the horizontal zone and at 150 feet above the airport elevation and extending to a height of 350 feet above the airport elevation.
- (4) *Precision instrument runway approach zone.* Slopes upward 50 feet vertically beginning at the end of and at the same elevation as the primary surface and extending to a

horizontal distance of 10,000 feet along the extended runway centerline; thence slope upward 40 feet horizontally for each foot vertically to an additional horizontal distance of 40,000 feet along the extended runway centerline.

- (5) *Runway larger than utility with a visibility minimum greater than three-fourths mile nonprecision instrument approach zone.* Slopes upward 34 feet horizontally for each foot vertically beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline.
- (6) *Height limitations.* Nothing in this article shall be construed as prohibiting the growth, construction or maintenance of any tree or structure to a height up to 50 feet above the surface of the land. Where an area is covered by more than one height limitation, the more restrictive limitation shall prevail.

(Code 1998, § 3-004.00; Ord. No. 80-29, 8-21-1980; Ord. No. 91-1543, 12-19-1991)

Editor's note—Amendment by Ord. No. 91-1543, 12-19-1991 changed the numbering of subsections from A—F to (1)—(6) and added "¾" to the caption of subtitle (4).

Sec. 4-24. Use restrictions.

Notwithstanding any other provisions of this article, no use may be made of land or water within any zone established by this article in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport or otherwise in any way create a hazard or endanger the landing, takeoff or maneuvering of aircraft intending to use the airport.

(Code 1998, § 3-005.00; Ord. No. 80-29, 8-21-1980; Ord. No. 91-1543, 12-19-1991)

Sec. 4-25. Nonconforming uses.

(a) *Regulations not retroactive.* The regulations prescribed by this article shall not be construed to require the removal, lowering or other changes or alterations of any structure or tree not conforming to the regulations as of the effective date of the ordinance from which this article is derived, or otherwise interfere with the continuance of a nonconforming use. Nothing contained herein shall require any change in the construction, alteration or intended use of any structure, the construction or alteration of which was begun prior to the effective date of the ordinance from which this article is derived, and is diligently prosecuted.

(b) *Marking and lighting.* Notwithstanding the preceding provisions of this section, the owner of any existing nonconforming structure or tree is hereby required to permit the installation, operation and maintenance thereon of such markers and lights as shall be deemed

necessary by the airport manager to indicate to the operators of aircraft in the vicinity of the airport, the presence of such airport hazards. Such markers and lights shall be installed, operated and maintained at the expense of the local governing authority.

(Code 1998, § 3-006.00; Ord. No. 80-29, 8-21-1980; Ord. No. 91-1543, 12-19-1991; Ord. No. 10-2387, 11-4-2010)

Sec. 4-26. Permits.

(a) *Future uses.* No material change shall be made in the use of land and no structure or tree shall be erected, altered, planted or otherwise established in any zone hereby created unless a permit therefore shall have been applied for and granted.

- (1) However, a permit for a tree or structure of less than 75 feet of vertical height above the ground shall not be required in the horizontal distance of 4,200 feet from each end of the runway, except when such tree or structure, because of terrain, land contour or topographic features, would extend above the height limit prescribed for the respective zone.
- (2) Each application for a permit shall indicate the purpose for which the permit is desired with sufficient particulars to determine whether the resulting use, structure or tree would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted.

(b) *Existing uses.* No permit shall be granted that would allow the establishment or creation of an airport hazard or permit a conforming use, structure or tree to become a greater hazard to air navigation than it was on the effective date of the ordinance from which this article is derived or any amendments thereto or than it is when the application for a permit is made. Except as indicated, all applications for such a permit shall be granted.

(c) *Nonconforming uses abandoned or destroyed.* Whenever the airport manager determines that a nonconforming tree or structure, upon approval of parish building inspector, has been abandoned or more than 80 percent torn down, physically deteriorated or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations.

(d) *Variances.* Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use his property not in accordance with the regulations prescribed in this article, may apply to the airport manager for a variance from such regulations. Such variances shall be allowed where it is duly found that a literal application or enforcement of the regulations would result in practical difficulty or unnecessary hardship and relief granted would not be contrary to the public interest, but will do substantial justice and be in accordance with the spirit of this article, and as permissible by all applicable FAA regulation.

(e) *Hazard marking and lighting* Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this article and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to permit the local governing authority at its own expense, to install, operate and maintain thereon such markers and lights as may be necessary to indicate to pilots the presence of an airport hazard. (Code 1998, § 3-007.00; Ord. No. 80-29, 8-21-1980; Ord. No. 91-1543, 12-19-1991; Ord. No. 10-2387, 11-4-2010)

Editor's note—Amendment by Ord. No. 91-1543, 12-19-1991 changed the numbering of subsections from A—E to (1)—(5) and 1, 2 to (a), (b); in subparagraph (3) changed "Airport Authority No. 1 of St. Tammany Parish" to "Slidell Airport Manager", changed "finds" to "determines", changed "Airport Authority No. 1 of St. Tammany Parish" to "Slidell Airport Manager", inserted ", upon approval of [the] Parish Building Inspector,"; in subparagraph (4) added "Hazard"; in subparagraph (5) changed "Airport Authority No. 1 of St. Tammany Parish" to "City of Slidell."

Sec. 4-27. Enforcement.

(a) It shall be the duty of the director of the parish department of planning to identify the potential conflict between any proposed structure and these regulations and refer them to the airport manager for review.

(b) It shall be the duty of the airport manager to administer and cause the enforce of the regulations prescribed herein through the various enforcement agencies of the local governing authority. Applications for permits and variances shall be made to the airport manager upon a form furnished by him. Applications required by the article to be submitted to the airport manager shall be promptly considered and granted or denied by him.

(Code 1998, § 3-008.00; Ord. No. 80-29, 8-21-1980; Ord. No. 91-1543, 12-19-1991; Ord. No. 10-2387, 11-4-2010)

Editor's note—Amendment by Ord. No. 91-1543, 12-19-1991 changed "Public Works" to "Development" and added "Airport Hazard."

Sec. 4-28. Appeals.

(a) Any person aggrieved or any taxpayer affected by any decision of the airport manager made in his administration of this article, may appeal to board of adjustment of the local governing authority.

(b) All appeals hereunder must be taken within a reasonable time as provided by the rules of the board of adjustment, by filing with the staff of the board of adjustment a notice of appeal specifying the grounds thereof. The staff of the board of adjustment shall forthwith transmit to the board of adjustment all the papers constituting the record upon which the action appealed from was taken.

(c) An appeal shall stay all proceedings in furtherance of the action appealed from unless the airport manager certifies to the board of adjustment, after the notice of appeal has been filed with it, that by reason of the facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed except by order of the board of adjustment on notice to the airport manager and on due cause shown.

(d) The board of adjustment shall fix a reasonable time for hearing appeals, give public notice and due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing, any party may appear in person or by agent or by attorney.

(e) The board of adjustment may, in conformity with the provision of this article, reverse or affirm, in whole or in part, or modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination, as may be appropriate under the circumstances.

(Code 1998, § 3-010.00; Ord. No. 80-29, 8-21-1980; Ord. No. 91-1543, 12-19-1991; Ord. No. 10-2387, 11-4-2010)

Editor's note—Amendment by Ord. No. 91-1543, 12-19-1991, reorganized former subsections A—E to 1—5, in subparagraph 1 changed "this" to "his" and added "Hazard Adjustment" to each subparagraph.

Sec. 4-29. Judicial review.

Any person aggrieved, or any taxpayer affected, by any decision of the board of adjustment, may appeal to the court of proper jurisdiction as provided in R.S. 2:387 of the public laws of proper jurisdiction.

(Code 1998, § 3-011.00; Ord. No. 80-29, 8-21-1980; Ord. No. 91-1543, 12-19-1991; Ord. No. 10-2387, 11-4-2010)

Editor's note—Amendment by Ord. No. 91-1543, 12-19-1991, added "Hazard Adjustment."

Sec. 4-30. Conflicting regulations.

Where there exists a conflict between any of the regulations or limitations prescribed in this article and any other regulations applicable to the same area, whether the conflict be with respect to the height of structures or trees, the use of land or any other matter, the more stringent limitation or requirement shall govern and prevail.

(Code 1998, § 3-013.00; Ord. No. 80-29, 8-21-1980)

Secs. 4-31—4-56. Reserved.

ARTICLE III. AIR TRAFFIC CONTROL

Sec. 4-57. Approaching aircraft.

(a) All approaching aircraft will conform with the traffic for the active runway. The active runway will be determined by contacting Unicom (122.8) for field advisory and/or reference to the landing direction indicator (LDI).

(b) Approaching aircraft and local traffic will use standard left-hand patterns for both runways.

(c) Entry will be made at a 45 degree angle to the downwind leg.

(d) Entry may also be made at a 45 degree angle to the upwind leg for aircraft approaching from the right of the active runway.

(e) Aircraft making a straight-in approach will determine visually and by radio that such an approach will not interfere with any aircraft making a standard traffic pattern.

(f) Said aircraft making a straight-in approach will announce such intentions on the radio to other aircraft in the traffic pattern.

(Code 1998, § 3-021.00; Ord. No. 81-192, 5-7-1981)

Sec. 4-58. Departing aircraft.

(a) All departing aircraft shall use the active runway in use at the time.

(b) Departing aircraft remaining in the traffic pattern will make standard left-hand traffic pattern. For aircraft departing south, maintain a straight-out climb to 1,000 feet, then a left- or right-hand turn may be made.

(Code 1998, § 3-022.00; Ord. No. 81-192, 5-7-1981)

Sec. 4-59. Traffic pattern altitude.

Traffic pattern altitude will be 800 feet, except that high performance aircraft requiring a higher level will use 1,300 feet. The downwind leg for light aircraft will be one-half mile from runway; for high performance aircraft one mile from runway.

(Code 1998, § 3-023.00; Ord. No. 81-192, 5-7-1981)

Sec. 4-60. Taxi speeds.

Taxi speeds on the runway will be such that the aircraft can stop in 30 feet and ten feet on the ramp, approximately 15 miles per hour and five miles per hour, respectively. Pilots are reminded to exercise extreme caution while maneuvering in the ramp area due to other aircraft and vehicular traffic.

(Code 1998, § 3-024.00; Ord. No. 81-192, 5-7-1981)

Sec. 4-61. Acrobatic flight; skydiving.

Acrobatic flight as defined in FAR 91.71 and skydiving are prohibited within the airfield boundaries, except with Federal Aviation Administration (FAA) waiver in conjunction with an approved air show or demonstration.

(Code 1998, § 3-025.00; Ord. No. 81-192, 5-7-1981)

Sec. 4-62. Runup.

Runup will be done at a 45 degree angle to ramp, taxiway or runway with tail toward grass.
(Code 1998, § 3-026.00; Ord. No. 81-192, 5-7-1981)

Sec. 4-63. Calm wind runway.

The calm wind runway will be Runway 17.
(Code 1998, § 3-027.00; Ord. No. 81-192, 5-7-1981)

Sec. 4-64. UNICOM.

This airport has UNICOM (122.8 MHZ).
(Code 1998, § 3-028.00; Ord. No. 81-192, 5-7-1981)

Sec. 4-65. Clearance.

Pilots are reminded that an announcement of intent to depart or land is not clearance. Each pilot shall visually clear the area before takeoff or landing.
(Code 1998, § 3-029.00; Ord. No. 81-192, 5-7-1981)

Sec. 4-66. Landing pattern.

The altitude for high performance aircraft is 1,300 feet; all other aircraft, 800 feet.
(Code 1998, § 3-030.00; Ord. No. 81-192, 5-7-1981)

Editor's note—A copy of the approach pattern and angles of approach is on file with the secretary of the parish council.

Sec. 4-67. Takeoff pattern.

Aircraft departing shall use a left- or right-hand turnout after leaving 1,000 feet.
(Code 1998, § 3-031.00; Ord. No. 81-192, 5-7-1981)

Editor's note—A copy of the takeoff pattern and angles of turn is on file with the secretary of the parish council.

Sec. 4-68. Monitoring of implementation of provisions.

The monitoring of the implementation of this article is vested in the board of commissioners of Airport Authority No. 1.
(Code 1998, § 3-032.00; Ord. No. 81-192, 5-7-1981)

Sec. 4-69. Authority to establish regulations.

The parish council herewith delegates, authorizes and empowers the Board of Airport Authority No. 1 to establish and promulgate regulations consistent herewith.
(Code 1998, § 3-033.00; Ord. No. 81-192, 5-7-1981)

Sec. 4-70. Penalty for violation.

It shall be unlawful to violate any of the terms and provisions hereof and shall constitute a misdemeanor punishable as is contained in section 1-9.

(Code 1998, § 3-034.00; Ord. No. 81-192, 5-7-1981)

Secs. 4-71—4-98. Reserved.

ARTICLE IV. AIRPORT AUTHORITY NO. 2*

Sec. 4-99. Created.

Airport Authority No. 2, created by resolution by the authority of the provisions of section 602 of title 2 of the Louisiana Revised Statutes of 1950, comprises Wards 1, 2, 3, 4, and 10 of the parish.

(Code 1998, § 3-035.00; Res. No. 11-21-1963)

***Editor's note**—Airport Authority No. 2 is also known as the Greater St. Tammany Airport and was created by a Resolution on 11-21-1963.

Chapter 5

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Chapter 6

ALCOHOLIC BEVERAGES*

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- Sec. 6-1. Definitions.
- Sec. 6-2. Misrepresentation of age.
- Sec. 6-3. Unlawful use of license.
- Sec. 6-4. Violation; penalty.
- Sec. 6-5. Enforcement.
- Sec. 6-6. Tax.
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- Sec. 6-8. Sales tax certification.
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Article II. Permits

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- Sec. 6-30. Classes of permits.
- Sec. 6-31. Permit fees.
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- Sec. 6-34. Location restrictions.
- Sec. 6-35. Effect of multiple locations of business.
- Sec. 6-36. Display of permit.
- Sec. 6-37. Unauthorized sales.
- Sec. 6-38. Sales to minors.

***Editor's note**—This chapter was formerly referred to in the 1998 Parish Code as art. V—Alcoholic Beverages, In General of chapter 3—Airports and Aircraft, Alcoholic Beverages and Ambulances.

State law references—State alcoholic beverage permit required, R.S. 26:71; local alcoholic beverage permits, R.S. 26:74, 26:274; local taxation and regulation, R.S. 26:491 et seq.; local election on sale of alcoholic beverages, R.S. 26:581 et seq.; suspension or revocation of permits, R.S. 33:4785 et seq.; certain exemptions from municipal license tax, R.S. 47:360.

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- Sec. 6-39. Minors on premises.
- Sec. 6-40. Employment of minors.
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ALCOHOLIC BEVERAGES

- Sec. 6-157. License renewal.
- Sec. 6-158. Violations and penalties.

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ARTICLE I. IN GENERAL**Sec. 6-1. Definitions.**

The definitions set forth in R.S. 26:2 (Alcohol Beverage Control Law—Definitions) and R.S. 26:241 (Alcohol Beverage Control and Taxation—Definitions), as amended, shall be effective as definitions of the words, terms and phrases used in this chapter. All words, terms and phrases used herein, other than those specifically defined elsewhere in this chapter, shall have the respective meanings ascribed to them in R.S. 26:1 and R.S. 26:241, as amended, and shall have the same scope and effect that the same words, terms and phrases have where used in R.S. 26:2 and R.S. 26:241, as amended.

Sec. 6-2. Misrepresentation of age.

It shall be unlawful for any individual under the age of 21 years to present or offer written, printed, or photostatic evidence of age and identity which is false, fraudulent, or not actually his own for the purpose of obtaining or purchasing alcoholic beverages or attempting to enter a licensed establishment where the sale of alcoholic beverage constitutes the main business.

(Code 1998, § 3-101.01; Ord. No. 94-2070, 9-15-1994; Ord. No. 94-2124, 11-17-1994)

State law reference—Similar provision, R.S. 14:333.

Sec. 6-3. Unlawful use of license.

It shall be unlawful for any individual to:

- (1) Display, cause or permit to be displayed, or to have in one's possession any canceled, revoked, suspended or fictitious operator's or chauffeur's license, or an operator's or chauffeur's license which has been intentionally altered, or has been caused to be altered;
- (2) Lend one's operator's or chauffeur's license to any person or knowingly permit the use thereof by another;
- (3) Display or represent as one's own any operator's or chauffeur's license not issued to him.

(Code 1998, § 3-101.02; Ord. No. 94-2070, 9-15-1994; Ord. No. 94-2124, 11-17-1994)

State law reference—Similar provision, R.S. 32:414.1.

Sec. 6-4. Violation; penalty.

(a) The use of a false or fictitious name and/or identification by anyone under 21 years of age for purposes of obtaining and/or purchasing alcoholic beverages or attempting to enter a licensed alcoholic beverage outlet shall constitute a misdemeanor, punishable by one or more of the following in accordance with R.S. 14:333:

- (1) A fine not to exceed \$200.00;

- (2) An appropriate amount of community service not to exceed 30 hours;
- (3) Suspension of violator's driver's license for not more than 90 days;
- (4) Twenty-five dollars finder's fee as set forth herein;
- (5) All court and other costs of the proceeding.

(b) Each violation hereof shall constitute a separate offense punishable as outlined herein. The imposition of a fine/penalty for any one violation shall not excuse the violation nor shall it be permitted to continue.

(c) Nothing contained herein shall prevent the parish from taking such other lawful action deemed necessary by the district attorney to prevent or remedy violations.

(d) The term "licensed premises" shall mean an establishment licensed under title 26 of the Louisiana Revised Statutes of 1950, as amended, where the sale of alcoholic beverages is a part of its business.

(Code 1998, § 3-101.03; Ord. No. 94-2070, 9-15-1994; Ord. No. 94-2124, 11-17-1994)

State law reference—Similar provision, R.S. 14:333(B).

Sec. 6-5. Enforcement.

Upon determination, any owner, merchant, seller or operator of a duly licensed alcoholic beverage outlet shall confiscate and surrender every false or fictitious identification to an agency responsible for enforcement hereof. Such person shall be eligible for the \$25.00 finders fee upon conviction of the guilty party by a duly authorized court. Said finders fee shall be taxed as costs of the proceeding and will be paid by the parish council upon receipt from the parish sheriff's office.

(Code 1998, § 3-101.04; Ord. No. 94-2070, 9-15-1994; Ord. No. 94-2124, 11-17-1994)

Sec. 6-6. Tax.

(a) By virtue of authority granted by Act 190 of the Louisiana Legislature of 1946, there is hereby levied, in addition to all other excises, licenses or privilege taxes presently imposed, a tax on all beer, porter, ale, fruit juices and/or wine, having an alcoholic content of not less than one-half of one percent or more than six percent, by volume, of \$1.50 per standard barrel of 31 gallons, or any like rate of any other quantity, or for the fractional parts of such barrel sold for consumption in the parish, within the meaning and intent of the provisions of Act 190 of the Louisiana Legislature of 1946.

(b) The tax herein levied shall be collected by any and all state wholesale dealers from their vendees purchasing for consumption in the parish on each sale and shall be remitted by said wholesale dealers to the collector of revenue of the state, for each month, on or before the 20th

day of each succeeding month, respectively, all in accordance with rules and regulations promulgated by the collector of revenue and as provided by section 19 of Act 190 of 1946 and for the account of the parish.

(c) Failure of the wholesale dealer to collect and remit the tax levied, when due, or failure to pay the tax when due, by a purchaser for consumption in the parish, shall ipso facto, render them liable for the amount of taxes found to be due together with a penalty of 20 percent of the amount of tax due, plus an additional amount of ten percent of the tax and penalty, as attorney's fees if referred to an attorney for collection.

(Code 1998, § 3-102.00; Ord. No. 100, Bk. 2, P. 148, 10-21-1946)

State law reference—Similar provisions, R.S. 26:492, 26:493.

Sec. 6-7. Verification of tax payment.

No alcoholic beverage permit or occupational license will be issued or renewed by the parish council without verification that all parish sales taxes owed by the applicant are paid in full.

(Code 1998, § 3-102.01; Ord. No. 00-0225, 11-2-2000)

Sec. 6-8. Sales tax certification.

The parish department of planning or the parish sheriff as tax collector, when applicable, will provide a sales tax certification form to the applicant to be attached to the original or renewal application for occupational and liquor licenses. The sheriff's office shall certify that all sales taxes owed the parish are paid or shall indicate the extent of the delinquency prior to the issuance of any permit or license.

(Code 1998, § 3-102.02; Ord. No. 00-0225, 11-2-2000)

Sec. 6-9. Revocation of license.

(a) The parish council, after public hearing, may revoke the alcoholic beverage and/or occupational license of any establishment doing business within unincorporated areas of the parish and owing taxes and/or license fees to the parish, if said taxes and/or license fees are delinquent for 60 days. Said revocation is in addition to any other recourse against the delinquent taxpayer permitted by this Code or state law.

(b) The revocation may be suspended if a payment schedule is worked out with the approval of the tax collector and the parish administration. If for any reason, the current taxes or license fees become delinquent or a payment on the payment schedule becomes more than 30 days delinquent, the payment agreement will be null and void and the current license revoked.

(c) The parish council will be notified in writing through the council clerk of any arrangements or revocations made by the tax collector and the delinquent party.

(Code 1998, § 3-102.03; Ord. No. 00-0225, 11-2-2000)

Sec. 6-10. Sheriffs authorization.

The parish sheriff, as tax collector, is authorized and empowered to take any and all actions which it, in the exercise of its discretion, deems necessary to promulgate the provisions of this section.

(Code 1998, § 3-102.04; Ord. No. 00-0225, 11-2-2000)

Sec. 6-11. Hours of operation.

(a) *Closing.* All businesses, establishments, persons, firms or corporations who are licensed by the parish to sell or dispense alcoholic beverages at retail, pursuant to a Class "A" permit, shall close their doors to entry at 2:00 a.m. daily and shall remain closed until 6:00 a.m. daily. No such Class A permittee, licensed for the retail sale of alcoholic beverages for consumption on the premises shall sell alcohol between the hours of 2:00 a.m. and 6:00 a.m. daily.

(b) *Exceptions.*

- (1) The provisions of this section shall not apply on the following days: January 1; the Saturday and Monday preceding Mardi Gras Day; and Mardi Gras Day itself.
- (2) Restaurants and cafeterias, which derive 60 percent or more of their total business from the sale of food items, shall be exempt from the closure provisions of this section provided, however, that such restaurants or cafeterias shall be prohibited from selling or dispensing alcoholic beverages between the hours of 2:00 a.m. and 6:00 a.m. daily.
- (3) All businesses, establishments, persons, firms or corporations who are licensed by the parish to sell alcoholic beverages at retail for off-premises consumption, pursuant to a Class "B" permit, shall be exempt from the closure provisions; provided, however, that such retail outlets shall be prohibited from selling or dispensing alcoholic beverages between the hours of 2:00 a.m. and 6:00 a.m. daily.

(c) *Penalties.* Any person or permittee who violates any provisions of this section shall be fined not more than \$200.00 for the first offense; not more than \$500.00 for the second offense; and for a third or subsequent offense, not more than \$500.00 and/or suspension and/or revocation of the permit to sell or dispense alcoholic beverages, as provided by law.

(Code 1998, § 3-104.00; Ord. No. 85-463, 8-15-1985; Ord. No. 97-2580, 2-20-1997; Ord. No. 97-2687, 7-24-1997)

Sec. 6-12. Open containers.

(a) *Definitions.* The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alcoholic beverage means any of the following:

- (1) Beer, ale, porter, stout, and other similar fermented beverages, including sake or similar products, of any name or description containing one-half of one percent or more of alcohol by volume, brewed or produced from malt, wholly or in part, or from any substitute therefor.

- (2) Wine of not less than one-half of one percent of alcohol by volume.
- (3) Distilled spirits which is that substance known as ethyl alcohol, ethanol or spirits of wine in any form, including all dilutions and mixtures thereof from whatever source or by whatever process produced.

Motor vehicle means a vehicle driven or drawn by mechanical power and manufactured primarily for use on public highways, but does not include a vehicle operated exclusively on a rail or rails.

Open alcoholic beverage container means any bottle, can, or other receptacle that contains any amount of alcoholic beverage and to which any of the following is applicable:

- (1) It is open or has a broken seal.
- (2) Its contents have been partially removed.

The term "open alcoholic beverage container" shall not mean any bottle, can or other receptacle that contains a frozen alcoholic beverage unless the lid is removed, a straw protrudes therefrom, or the contents of the receptacle have been partially removed.

(b) *Open containers off-premises.*

- (1) No holder of a permit for the retail sale of alcoholic beverages shall knowingly permit any individual, whether patron, customer, employee or otherwise, to remove any alcoholic beverage from the premises in a container of any type, whether glass, bottle, can, paper or plastic cup, go-cup or otherwise, unless said container is unopened and sealed.
- (2) No person, whether patron, customer, employee or otherwise, shall remove any alcoholic beverage from the premises of a holder of a permit for the retail sale of alcoholic beverages in a container of any type, whether glass, bottle, can, paper or plastic cup, go-cup or otherwise, unless said container is unopened and sealed.
- (3) All holders of permits for the sale of alcoholic beverages shall post a conspicuous notice inside their premises, as well as by each exit, stating that it is illegal to remove any alcoholic beverages from the premises in any type of unsealed or open container of any kind, and that said violators shall be subject to fine and/or imprisonment as provided in parish ordinances.
- (4) Unopened and sealed container shall be defined as a container of any type, whether glass, bottle, can, paper or plastic cup, go-cup or other receptacle which has not been opened, or on which a seal or stamp has not been broken, or which a straw does not protrude.

(c) *Exceptions.* The provisions of subsection (b) of this section shall not apply to the Saturday and Monday proceeding Mardi Gras Day and Mardi Gras Day itself.

(d) *Penalties.* Whoever violates any provision of subsection (b) of this section shall be fined not more than \$200.00 for each offense.

(e) *Possession of alcoholic beverages in motor vehicles.*

- (1) It shall be unlawful for the operator of a motor vehicle or the passenger in or on a motor vehicle, while the motor vehicle is operated on a public highway or right-of-way, to possess an open alcoholic beverage container, or to consume an alcoholic beverage, in the passenger area of a motor vehicle.
- (2) The term "passenger area" means the area designed to seat the driver and passengers while the motor vehicle is in operation and any area that is readily accessible to the driver or a passenger while in their seating positions, including the glove compartment. It shall not mean a locked glove compartment or behind the last upright seat, or any area not normally occupied by the driver or a passenger in a motor vehicle that is not equipped with a trunk.
- (3) The term "public highway or right-of-way" means the entire width between and immediately adjacent to the boundary lines of publicly maintained highways or roads when any part thereof is open to the use of the public.
- (4) Whoever violates the provisions of subsection (e) of this section shall not be taken into custody by the arresting officer, but instead shall be required either to deposit his driver's license with the arresting officer or give his written promise to appear. Furthermore, a violation of the provisions of this section shall not be included in the records kept by the commissioner required in R.S. 32:393.1.
- (5) Whoever violates the provisions of subsection (e) of this section shall be fined not more than \$500.00. Court costs shall be assessed in addition to the fine authorized by this subsection.
- (6) For purposes of enforcement of subsection (e) of this section, the observance of a glass, cup or other container that, on its face, does not indicate that the container contains an alcoholic beverage, shall not, absent other circumstances, constitute probable cause for a law enforcement officer to stop and question a person.
- (7) The provisions of subsection (e) of this section shall not apply to the following persons or in the following areas:
 - a. Any person operating or occupying a motor vehicle who, as a condition of his employment and while acting in the course and scope of such employment, is required to carry open alcoholic beverage containers, provided that the operator or passenger does not consume the alcoholic beverages.
 - b. Any paid fare passenger on a common or contract carrier vehicle, as defined in R.S. 45:162.

- c. Any paid fare passenger on a public carrier vehicle, as defined in R.S. 45:200.2.
- d. Any passenger in a courtesy vehicle which is operated as a courtesy vehicle.
- e. Any passenger of a self-contained motor home which is in excess of 21 feet in length.
- f. Possession of an open container of alcoholic beverage in the trunk of a motor vehicle.
- g. If the motor vehicle is not equipped with a trunk, possession of an open container or alcoholic beverages in any of the following areas:
 - 1. In a locked glove or utility compartment.
 - 2. In an area of the vehicle not normally occupied by, and not readily accessible, to the driver or passengers.
- h. Passengers and crew members riding on a parade float.
- i. Any passenger in a privately owned limousine the driver of which possesses a Class D commercial driver's license.

(Code 1998, § 3-105.00; Ord. No. 97-2581, 2-20-1997; Ord. No. 12-2872, 12-6-2012)

State law reference—Possession of alcoholic beverages in motor vehicles, R.S. 32:300.

Sec. 6-13. Scope.

The provisions of this article shall apply in all wards.

(Code 1998, § 3-154.00; Ord. No. 89-1147, 9-21-1989; Ord. No. 12-2706, 4-5-2012)

Sec. 6-14. Private club.

The term "private club" means any establishment which engages in the dispensing of alcoholic beverages of low or high content directly or indirectly through the sale of alcohol, containers, ice or nonalcoholic beverages intended for consumption in conjunction with alcoholic beverages. Also included in this definition is any establishment which permits patrons to introduce alcoholic beverages from external sources to the premises.

(Code 1998, § 3-155.07; Ord. No. 84-269, 11-15-1984)

Sec. 6-15. Violations; penalties.

(a) Any person convicted of violations of provisions of this chapter shall be guilty of a misdemeanor, and said conviction shall be grounds for revocation or suspension of a violator's permit, which permit may be revoked according to the laws of the parish and the state.

(b) In addition and/or in lieu of the above penalty, any alcohol beverage permit holder who is charged within the previous 12 months for violations hereof shall be subject to the following penalties:

- (1) Three violations: \$500.00 fine and 30-day suspension.

- (2) Four to six violations: \$1,000.00 fine and 60-day suspension.
 - (3) Seven or more violations: Revocation of license.
- (Code 1998, § 3-179.00; Ord. No. 94-2042, 8-18-1994)

Sec. 6-16. Prohibited acts.

No person in any ward of the parish holding a retail dealer's permit and no agent, associate, employer, servant or representative of any such person shall do or permit any of the following acts to be done on or about the licensed premises:

- (1) Permit or allow any individual to illegally carry a weapon or dangerous instrumentality upon licensed premises pursuant to R.S. 14:95 and/or to illegally use such weapons or dangerous instrumentalities in violation of R.S. 14:95 or any municipal ordinance.
 - (2) Illegally sell, offer for sale, distribute, possess, possess with intent to distribute or permit the use or consumption on or about the licensed premises of any kind or type of controlled dangerous substance as defined in R.S. 40:961 et seq.
 - (3) Permit or allow playing of live or recorded music and/or permit or allow any loud noise or nuisance, in violation of chapter 26, Nuisances.
 - (4) Permit or allow licensed premises to be in violation of any rules or regulations of the fire marshal or of any rules or regulations of any health or sanitation agency or department.
 - (5) Permit, allow or aid any person, whether on foot or in a motor vehicle, to visit or loiter in or about the licensed premises in such a manner as to obstruct any public road or highway, or to impede, restrict or otherwise interfere with an individual's access or right-of-way to any public road or highway.
 - (6) Intentionally or knowingly permit, allow or aid any person to violate any state, federal or municipal law in or about the licensed premises.
- (Code 1998, § 3-179.01; Ord. No. 89-1147, 9-21-1989)

Sec. 6-17. Violations; penalties.

Any person convicted of violations of provisions of this article shall be guilty of a misdemeanor, and said conviction shall be grounds for revocation or suspension of a violator's permit, which permit may be revoked according to the laws of this state.

(Code 1998, § 3-179.02; Ord. No. 89-1147, 9-21-1989)

Secs. 6-18—6-28. Reserved.

ARTICLE II. PERMITS**DIVISION 1. GENERALLY****Sec. 6-29. Permits required.**

(a) No private club or business shall permit the consumption of alcoholic beverages without the proper permit authorizing same by the parish and without the proper state permit.

(b) No permit will be issued for a shorter period than six months, beginning January 1 and July 1 of each year. All permits shall be paid for in advance, and shall be obtained before the beginning of the period for which same is issued.

(c) All applications for permits shall be filed in writing on a form and in the manner required by the designated administrative department, which application shall be passed upon and approved by the designated administrative department, or a majority thereof, applications for renewals of any permit at the time of its expiration shall be filed as hereinabove recited and shall be considered as an original application.

(Code 1998, § 3-156.00; Ord. No. 72, Bk. 1, P. 603; Ord. No. 84-269, 11-15-1984)

State law references—Power of parish to require permits from dealers of beverages of high alcoholic content, R.S. 26:74; power of parish to require permit from dealers of beverages of low alcoholic content, R.S. 26:274.

Sec. 6-30. Classes of permits.

(a) There shall be two classes of permits for the sale of beverages of high alcoholic content as follows:

- (1) *Wholesale permit.* For those selling such beverages at wholesale; and
- (2) *Retail permit.* For those selling such beverages at retail.

(b) There shall be five classes of permits for the sale of beverages of low alcoholic content as follows:

- (1) *Wholesale permit.* For those selling such beverages at wholesale;
- (2) *Class A retail dealer.* For those selling such beverages for consumption on or off the licensed premises;
- (3) *Class B retail dealer.* For those selling such beverages in sealed containers prepared for transportation and consumption off the licensed premises;

- (4) *Class R restaurant.* For those selling light wine for consumption in a restaurant/cafeteria. For the purpose herein, a Class R restaurant shall be defined as an establishment:
 - a. Which operates a place of business whose purpose and primary function is to take orders for and serve food and food items;
 - b. Which serves alcoholic beverages in conjunction with meals;
 - c. Which serves food on all days of operation;
 - d. Which grosses 60 percent of its average monthly revenue from the sale of food, food items and nonalcoholic beverages;
 - e. Which maintains separate sales figures for alcoholic beverages; and
 - f. Which operates a fully equipped kitchen used for the preparation of uncooked foods for service and consumption of such foods on the premises.
- (5) *Class LW light wine; restaurants and cafeterias.*
 - a. Before the operator of any restaurant and cafeteria where food or drink is legally sold, in which light wine is legally sold for consumption on the premises in connection with the consumption of food, shall engage in the business of handling such light wine, he shall obtain annually from the parish, before commencing such business, a permit to conduct such retail business, and for each such permit.
 - b. Nothing in this section is to be construed to take the place of any license or permit now or to be hereafter issued by the state or any municipality nor any fee or fees collected thereof.
 - c. As used in this section, the term "light wine" means any noneffervescent alcoholic beverage, known as still wine, derived from the juice of any fruit or synthesis thereof, of an alcoholic content of not more than 14 percent by volume.
 - d. The provisions of this section shall apply only to restaurants holding Class R permits.
- (c) Restaurants/cafeterias selling Class A alcoholic beverages will also require a Class R permit; restaurants/cafeterias selling wine will require a Class R and Class LW permit.
- (d) Special events permit.
 - (1) Special events are events open to the general public where alcoholic beverages are sold, or included as part of a general admission or other type of fee. Special events do not include private parties where no sales are made or a fee is charged.
 - (2) For special events, the parish will issue a special, temporary retail alcoholic beverage permit, or permit letter, through the Department of planning and development for the duration of up to three consecutive days only. A wholesaler can deliver beverages only

to the place listed on the permit and only on the days allowed by the permit. A maximum of 12 special event permits may be issued to any one person, partnership, corporation, or entity within a single calendar year. Multiple permits may be applied for and issued for a consecutive period of dates not to exceed 12 days total. Special event permits will not be required to pay an annual permit fee required by section 6-31.

- (3) All special event permits or permit letters issued by the parish, regardless of type, are retail alcoholic beverage permits. As such, and in accordance with the provisions of R.S. 26:85 and 26:273, any individual or organization engaged in business as a producer, manufacturer or wholesaler of alcoholic beverages or any organization whose membership is composed of persons engaged in business as a manufacturer or wholesaler of alcoholic beverages does not qualify for a special event permit, unless allowed an exception under state law.
- (4) Application for a parish special event permit or permit letter shall be made by submission of a completed and signed copy of the state office of alcohol and tobacco control (OATC) special event application form, to be filed with that office, to the parish department of planning and development no less than 12 days prior to the start date of the special event and an application fee of \$25.00.
- (5) Upon submission and approval of the above required documents and fee by the parish department of planning and development, a permit or permit letter will be provided to the applicant granting permission to sell or otherwise provide alcoholic beverages at the special event, subject to issuance of a state permit for the special event issued by the state OATC.
- (6) Once received, it is required of the applicant to provide a copy of the state OATC permit to the department of planning and development prior to the start date of the special event. Failure to provide a copy of the state OATC permit to the parish may result in an immediate revocation of the parish permit and the disallowance of the sale or other provision of alcoholic beverages at the special event.
- (7) A special event occurring on parish property must also comply with any requirements applicable to the use of parish property in addition to these provisions for the sale or inclusion of alcoholic beverages at the special event.

(Code 1998, § 3-157.00; Ord. No. 72, Bk. 1, P. 603; Ord. No. 94-1952, 4-21-1994; Ord. No. 14-3166, 7-10-2014)

Sec. 6-31. Permit fees.

- (a) The annual fee for permit to sell beverages of high alcoholic content, shall be as follows:
 - (1) Wholesale dealer, per year \$525.00.
 - (2) Retail dealer, first year \$525.00.

- (3) Retail dealer, renewal \$325.00 (plus \$100.00 if previous year's gross sales were at least \$50,000.00); or plus \$200.00 if previous year's gross sales were at least \$100,000.00.

(b) The annual fee for permit to sell beverages of low alcoholic content shall be as follows:

- (1) Wholesale, per year \$125.00.
- (2) Class A Retail, per year \$72.00.
- (3) Class B Retail, per year \$60.00.
- (4) Class R Restaurant, per year \$25.00.
- (5) Class LW Light Wine, per year \$30.00.

(c) The fees required by the provisions of this section shall be paid to the sheriff and ex-officio tax collector of the parish.

(Code 1998, § 3-158.00; Ord. No. 72, Bk. 1, P. 603; Ord. No. 85-340, 2-28-1985; Ord. No. 87-830, 7-16-1987; Ord. No. 87-832, 7-16-1987; Ord. No. 94-1952, 4-21-1994)

Sec. 6-32. Permit applications generally.

All applications for permits required by this article shall be filed with the parish council. All applications for renewal of permits shall be filed with the parish sheriff on or before October 1. A copy of the renewal application shall be sent to the parish alcohol beverage control committee.

(Code 1998, § 3-159.00; Ord. No. 80-64, 10-23-1980; Ord. No. 89-1147, 9-21-1989; Ord. No. 89-1177, 10-19-1989)

Sec. 6-33. Probation of permit fee.

In the event a business shall commence prior to July 1 of any year, a whole year's permit fee shall be paid and collected, and if said business shall commence subsequent to July 1 of any year, one-half of the annual permit fee shall be paid and collected.

(Code 1998, § 3-160.00; Ord. No. 72, Bk. 1, P. 603)

Sec. 6-34. Location restrictions.

No permit required by the provisions of this article shall be granted for any premises situated within 500 feet or less distance of a public playground or of a building occupied exclusively as a church or synagogue, public library, school, full-time day care center as defined in R.S. 17:405(A)(4), or a correctional facility housing inmates, including, but not limited to, a halfway house. In the areas of the parish which are divided into subdivisions with streets, blocks and sidewalks, this distance shall be measured as a person walks using the sidewalk from the nearest point of the property line of the church or synagogue, public library, public playground, school, full-time day care center, or correctional facility housing inmates, including, but not limited to, a halfway house to the nearest point of the premises to be licensed as described in the

application, provided, however, that these restrictions shall not apply to any premises which are maintained as a bona fide hotel or fraternal organization. In the areas of the parish which are not divided into subdivisions with streets, blocks or sidewalks, the location restriction is extended to a distance of 500 feet of the church, synagogue, public library, school, full-time day care center, playground or a correctional facility housing inmates. In undeveloped rural areas of the parish which are not divided into subdivisions with streets, blocks or sidewalks, the distance shall be measured in a straight line from the nearest point to the nearest point of the respective premises or grounds. The restrictions contained in this section do not apply to a premises which are maintained as a bona fide hotel fraternal organization, nor to any premises which were licensed to deal in alcoholic beverages for a period of one year prior to January 21, 1943.

(Code 1998, § 3-164.00)

State law reference—Similar provisions, R.S. 26:81, 26:281.

Sec. 6-35. Effect of multiple locations of business.

(a) Any retail liquor dealer making delivery of spirits, wine, beer or other malt liquors, or any retail dealer in malt liquors making delivery of beer or other malt liquors, at places other than places of business specified on permit, except pursuant to prior specific orders received at such place of business, is subject to separate tax as retail liquor dealer, or retail dealer in fermented malt liquor, as the case may be, at such place where sales are made.

(b) Each such dealer who has paid the tax at one place of business does not incur further tax for the sales of beer or other malt liquors to another such dealer holding a proper tax stamp if the sales are consummated at the place of business where the latter's tax stamp is held.

(Code 1998, § 3-165.00; Ord. No. 72, Bk. 1, P. 603)

Sec. 6-36. Display of permit.

The permit required by the provisions of this article shall be prominently displayed by the licensee in his place of business so as to be easily seen and read by the public.

(Code 1998, § 3-168.00)

State law reference—Similar provisions, R.S. 26:76, 26:276.

Sec. 6-37. Unauthorized sales.

No person holding a retail dealer's permit, and no servant, agent or employee of the permittee shall sell, offer for sale, possess or permit the consumption on the licensed premises of any kind or type of beverages, the sale or possession of which is not authorized under his permit issued pursuant to this article.

(Code 1998, § 3-169.00)

State law reference—Similar provisions, R.S. 26:90, 26:286.

Sec. 6-38. Sales to minors.

(a) No person holding a retail dealer's permit and no servant, agent, representative or employee of the permittee shall, upon the licensed premises, sell or serve alcoholic beverages to any person under the age of 21 years, unless such person submits any one of the following:

- (1) A valid, current, state driver's license which contains a photograph of the person presenting the driver's license.
- (2) A valid, current, driver's license of another state which contains a photograph of the person and birth date of the person submitting the driver's license.
- (3) A valid, current, special identification card issued by the state pursuant to R.S. 40:1321 containing a photograph of the person submitting the identification card.
- (4) A valid, current, passport or visa issued by the federal government or another country or nation, that contains a permanently attached photograph of the person and the date of birth of the person submitting the passport or visa.
- (5) A valid, current, military or federal identification card issued by the federal government containing a photograph of the person and date of birth of the person submitting the identification card.

(b) Each form of identification listed in subsection (a) of this section must on its face establish the age of the person as 21 years or older, and there must be no reason to doubt the authenticity or correctness of the identification. No form of identification mentioned above shall be accepted as proof of age if it is expired, defaced, mutilated or altered. If the state identification card or lawful identification submitted is a duplicate, the person shall submit additional identification which contains the name, date of birth and photograph of the person. A duplicate driver's license shall be considered lawful identification for the purposes of this subsection, and a person shall not be required to submit additional information containing the name, date of birth and picture of the person. In addition, an educational institution identification card, check cashing identification card, or employee identification card shall not be considered as lawful identification for the purposes of this subsection.

(Code 1998, § 3-170.00)

Sec. 6-39. Minors on premises.

No person holding a retail dealer's permit and no servant, agent or employee of the permittee shall intentionally entice, aid or permit any person under the age of 18 years to visit or loiter in or about any place where alcoholic beverages or beer are the principal commodity sold, handled or given away.

(Code 1998, § 3-171.00)

Sec. 6-40. Employment of minors.

No person holding a retail dealer's permit and no servant, agent or employee of the permittee shall upon the licensed premises employ anyone under 18 years of age when the sale of alcoholic beverages constitutes the main business. If alcoholic beverages do not constitute the main business, anyone under the age of 18 may be employed as long as the minor's employment does not involve the sale, mixing, dispensing or serving of alcoholic beverages for consumption on the premises. If the sale or handling of alcoholic beverages does not constitute the main business and alcoholic beverages are not sold for consumption on the premises, an employee under the age of 18 years may be permitted to participate in the sale of packaged alcoholic beverages to collect the price and taxes and issue receipts therefor, or may be permitted to bag packaged alcoholic beverages, or both, where immediate supervision is provided.

(Code 1998, § 3-172.00)

Sec. 6-41. Sale to intoxicated persons.

No person holding a retail dealer's permit and no servant, agent or employee of the permittee shall upon the licensed premises sell or serve beverages of either low or high alcoholic content to any intoxicated person.

(Code 1998, § 3-173.00)

Sec. 6-42. Prostitutes on premises.

No person holding a retail dealer's permit and no servant, agent or employee of the permittee shall permit any prostitute to frequent the licensed premises, or to solicit patrons for prostitution on the licensed premises.

(Code 1998, § 3-174.00)

Sec. 6-43. B-drinkers.

No person holding a retail dealer's permit and no servant, agent or employee of the permittee shall employ or permit females, commonly known as B-drinkers to frequent the premises and solicit patrons for drinks or to accept drinks from patrons and receive therefor any commission or any enumeration in any other way.

(Code 1998, § 3-175.00)

Sec. 6-44. Disturbing the peace.

No person holding a retail dealer's permit and no servant, agent or employee of the permittee shall, upon the licensed premises, permit any disturbance of the peace or obscenity, or any lewd, immoral or improper entertainment, conduct or practices on the licensed premises.

(Code 1998, § 3-176.00)

Sec. 6-45. Lewd, immoral or improper conduct.

(a) No person holding a retail dealer's permit, and no servant, agent or employee of permittee shall permit any disturbance of the peace or obscenity, or any lewd, immoral or improper entertainment, conduct or practices on the licensed premises.

(b) The following acts or conduct on licensed premises are deemed to constitute lewd, immoral or improper entertainment as prohibited by this section and therefore no on-sale permit for beverages of low alcoholic content or high alcoholic content shall be held at any premises where such conduct or acts are permitted:

- (1) Employment or use of any person in the sale or service of alcoholic beverages in or upon the licensed premises while such person is unclothed or in such attire, costume or clothing as to expose to view any portion of the female breast below the top of the areola or of any portion of the pubic hair, anus, cleft of the buttocks, vulva or genitals.
- (2) Employment or use of the services of any hostess or other person to mingle with the patrons while such hostess or other person is unclothed or in such attire, costume or clothing as described in subsection (1) of this section.
- (3) Encouraging or permitting any person on the licensed premises to touch, caress or fondle the breasts, buttocks, anus, or genitals of any other person.
- (4) Permitting any employee or person to wear or use any device or covering, exposed to view, which simulates the breast, genitals, anus, pubic hair or any portion thereof.

(c) Acts or conduct on licensed premises in violation of this section are deemed to constitute lewd, immoral or improper entertainment as prohibited by this section and therefore no on-sale permit for beverages of low alcoholic content or high alcoholic content shall be held at any premises where such conduct and acts are permitted.

(d) Live entertainment is permitted on any licensed premises, except that no permittee shall permit any person to perform acts of or acts which simulate:

- (1) Sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts which are prohibited by law.
- (2) The touching, caressing or fondling of the breast, buttocks, anus or genitals.
- (3) The displaying of the pubic hair, anus, vulva, genitals or nipple of the female breast.

(e) Subject to the provisions of subsection (c) of this section, entertainers whose breasts or buttocks are exposed to view shall perform only upon a stage at least 18 inches above the immediate floor level and removed at least three feet from the nearest patron.

(f) No permittee shall permit any person to use artificial devices or inanimate objects to depict any of the prohibited activities described above.

(g) The following acts or conduct on licensed premises are deemed to constitute lewd, immoral, or improper entertainment as prohibited by this section and therefore no on-sale permit for beverages of low alcoholic content or high alcoholic content shall be held at any premises where such conduct or acts are permitted, including the showing of film, still pictures, electronic reproduction or other visual reproductions depicting:

- (1) Acts or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts which are prohibited by law.
 - (2) Any person being touched, caressed or fondled on the breast, buttocks, anus or genitals.
 - (3) Scenes wherein a person displays the vulva or the anus or the genitals.
 - (4) Scenes wherein artificial devices or inanimate objects are employed to depict, or drawings are employed to portray, any of the prohibited activities described above.
- (Code 1998, § 3-176.01; Ord. No. 91-1535, 12-19-1991)

Sec. 6-46. Gambling.

No person holding a retail dealer's permit, and no servant, agent or employee of the permittee shall intentionally conduct illegal gambling, as defined by law, on the premises described in the application for the required permit.
(Code 1998, § 3-177.00)

Sec. 6-47. Billiards.

No person holding a retail dealer's permit and no servant, agent or employee of the permittee shall upon the licensed premises permit the playing of pool or billiards by any person under 18 years of age, or permit such a person to frequent the licensed premises operating a pool or billiard hall, except in a structure where the position of the pool or billiards playing area is separate and distinct from the area where alcoholic beverages are dispensed to patrons.
(Code 1998, § 3-178.00)

Secs. 6-48—6-67. Reserved.

DIVISION 2. QUALIFICATIONS AND APPLICATIONS

Sec. 6-68. Qualifications of applicants for permits generally.

(a) Applicants for state and local permits of all kinds which are within the scope of this article shall meet the following qualifications and conditions:

- (1) Is a person of good character and reputation and over 18 years of age. In considering a person's good character or reputation, the parish may consider a person's arrests in determining suitability.

- (2) Is a citizen of the United States and of the state and a resident of the state continuously for a period of not less than two years next preceding the date of the filing of the application.
- (3) Is the owner of the premises, have a bona fide written lease therefor, or be a commercial lessor or a noncommercial lessor licensed pursuant to R.S. 4:701 et seq., exclusively for the sole purpose of conducting charitable gaming.
- (4) Has not been convicted of a felony under the laws of the United States, the state or any other state.
- (5) Has not been convicted in this or any other state or by the United States of soliciting for prostitution, pandering, letting premises for prostitution, contributing to the delinquency of juveniles, keeping a disorderly place or illegal dealing in controlled dangerous substances.
- (6) Has not had revoked a license or permit to sell or deal in alcoholic beverages issued by the United States or any other state for two years prior to the application, or been convicted or had judgment against him involving alcoholic beverages by this state or any other state or the United States for two years prior to the application.
- (7) Has not been convicted of violating any of the provisions of the state laws regulating the sale of alcoholic beverages.
- (8) Has not been convicted of violation of the provisions of this article; if so, the granting or denial of a permit is within the discretion of the council.
- (9) Is not the spouse of a person whose application has been denied or whose permit has been revoked, unless judicially separated or divorced.
- (10) Have not been convicted of distributing or possessing with the intent to distribute any controlled dangerous substance classified in Schedule I of R.S. 40:964, on any premises licensed pursuant to this title, where the applicant held or holds an interest in the licensed business. The prohibition provided for in this subsection shall be for the lifetime of the offender.
- (11) If also applying for a video gaming license under the provisions of ch. 6 of title 27 of the Louisiana Revised Statutes of 1950, have not been convicted in this or in any other state or by the United States or any other country of theft or any crime involving false statements or declarations, or gambling as defined by the laws and ordinances of any municipality, any parish, any state, or the United States.
- (12) Not be the spouse of a person who does not meet the requirements of subsections (1) and (3) through (11) of this section; however, in such cases the age of the ineligible spouse shall be immaterial.

- (13) Not be the spouse of a person who does not meet the requirements of subsections (1) and (3) through (11) of this section; however, in such cases the age of the ineligible spouse shall be immaterial. For purposes of this subsection, the term "spouse" shall also include persons who are considered married outside of the United States, persons who ordinarily hold themselves out as husband and wife, or persons who file their state and federal income tax returns as either "married filing jointly" or "married filing separate."

(b) If the applicant is a partnership recognized by state law or anyone in partnership with or financed by another, all members of the partnership or all persons furnishing the money shall also possess all the qualifications required by the applicant. The application shall name all partners or financial backers and furnish their social security numbers and proper addresses. If a partner of a partnership applying for retail or manufacturer's permits is a corporation or limited liability company, the requirement as to citizenship and residency does not apply to officers, directors, stockholders and stockholders of the corporation or members of the limited liability company. The corporation or limited liability company shall either be organized under the laws of the state or qualified to do business within the state.

(c) If the applicant, or any other person required to have the same qualifications, does not possess the required qualifications, the permit shall be denied.

(d) If the applicant is a corporation or a limited liability company, all officers and directors and all stockholders or members owning in the aggregate more than five percent of the stock or of the membership interest in a limited liability company and the person or persons who shall conduct or manage the business shall possess the qualifications required of an applicant, to be shown by the affidavit of each accompanying the application. Each affidavit shall include the signatory's state department of revenue business account number, his social security number, and his correct home address.

- (1) The requirements as to citizenship and residence do not apply to officers, directors or stockholders of corporations or members of limited liability companies applying for retail permits; to officers, directors or stockholders or members of a manufacturer; or to officers, directors or stockholders of any corporation which on January 31, 2003, had held a wholesale dealer permit continuously for at least the past three years. The provisions of this subsection apply only to a corporation, limited liability company, partnership or any other legal business entity either organized under the laws of the state or qualified to do business within the state.
- (2) Notwithstanding any other provisions of law to the contrary, the parish may accept from a publicly traded or other corporation or entity, other than any gaming entity regulated pursuant to the provisions of R.S. 27:20 et seq., 27:41 et seq., or 27:301 et

seq., the necessary documentation of those persons described in subsection (e) of this section and three officers of the corporation in full satisfaction of the requirements of this section.

(e) If the applicant's business is to be conducted wholly or partly by one or more managers, agents, servants, employees or other representatives, those persons shall also possess the qualifications required of the applicant and shall furnish verification of suitability in accordance with R.S. 26:80(H)(6) (Qualifications of applicants for permits—Submission of spouses fingerprints to the office of alcohol and tobacco control); however, convicted felons may be employed by an applicant if, in the applicant's business, alcoholic beverages are not the principal commodities sold, handled or given away.

(f) If the applicant, or any other person required to have the same qualifications, does not possess the required qualifications, the permit may be denied; however, if a sales tax clearance is not issued, the permit shall be denied. Nevertheless, if the sales tax clearance request is not processed within the time limitations provided in R.S. 26:78, the permit shall be issued if all other qualifications are met by the applicant.

(g) Notwithstanding the provisions of subsections (a) and (b) of this section, a permit may be granted by the parish if the applicant has been pardoned, has had any misdemeanor conviction discharged or dismissed, or the applicant's civil rights have been restored, or, if the applicant is a firm, association, partnership, trust, domestic or foreign corporation, or other legal entity, the applicant has terminated its relationship with the person or persons whose action directly contributed to the applicant's conviction. The provisions of subsection (a) of this section shall not apply to any applicant who is also applying for a video gaming license under the provisions of ch. 6 of title 27 of the Louisiana Revised Statutes of 1950. In the granting of a permit, a conviction or plea of guilty or nolo contendere by the applicant shall not constitute an automatic disqualification of the applicant as otherwise required pursuant to the provisions of subsections (a), (d) and (e) of this section, if all of the following criteria are met:

- (1) The felony for which the applicant was convicted is not a crime of violence as defined in R.S. 14:2(B).
- (2) Ten years or more have elapsed between the date of application and the successful completion of any sentence, deferred adjudication or period of probation or parole and the final discharge of the defendant.

(h) All licensees and persons required to be qualified pursuant to the provisions of this chapter shall have a continuing duty to inform the parish of any action which they believe would constitute a violation of this chapter. No person who so informs the parish shall be discriminated against by an applicant or licensee because of supplying such information.

(i) All licensees and any other persons who have been found suitable in accordance with the provisions of this section shall maintain suitability throughout the term of the license.
(Code 1998, § 3-161.00; Ord. No. 72, Bk. 1, P. 603; Ord. No. 12-2706, 4-5-2012)

Sec. 6-69. Misstatements or suppression of facts in permit application.

Any misstatement or suppression of fact in an application or accompanying affidavit for a permit required by this article is a ground for denial or cancellation of the permit.
(Code 1998, § 3-162.00)

State law reference—Similar provision, R.S. 26:84, 26:282.

Sec. 6-70. Expiration assignment, etc., of permit.

(a) Permits issued under this article are not assignable or heritable and are good only from the time of issuance to December 31 of the year for which issued, unless sooner suspended or revoked.

(b) Where the location of the business is changed, the change shall be noted on the permit by the issuing authority.
(Code 1998, § 3-166.00; Ord. No. 72, Bk. 1, P. 603)

Sec. 6-71. Penalty for late renewal application; denial for same.

(a) Should any retail dealer or wholesale dealer in beverages of high alcoholic content fails to file his application for renewal of the parish permit required by this article for any ensuing year on or before October 1 of each year, a penalty shall be imposed of five percent of the amount due for the permit applied for during the month of November, or an additional five percent for each additional 30 days or fraction thereof during which the failure continues.

(b) Should any retail dealer or wholesale dealer in beverages of low alcoholic content fails to file his application for renewal of the parish permit required by this article for any ensuing year on or before October 1 of each year, a penalty shall be imposed of 25 percent over and above the regular fee.

(c) No renewal application shall be received or accepted after December 31 of each year for the ensuing year and if application for renewal has not been filed before December 31 the establishment is prohibited, and it shall be unlawful for the licensee to sell or dispense alcoholic beverages therein until a new application for permit is filed with the parish department of development, division of permits and issuance is authorized by the parish council.
(Code 1998, § 3-167.00; Ord. No. 80-64, 10-23-1980; Ord. No. 94-1952, 4-21-1994)

State law reference—Similar provisions, R.S. 26:88, 26:285.

Secs. 6-72—6-100. Reserved.

DIVISION 3. APPROVAL, DENIAL, SUSPENSION AND REVOCATION

Sec. 6-101. Additional grounds for denial of permits.

In addition to any other causes enumerated in this article, the parish council may deny or cancel any permit required by this article for any one of the following causes:

- (1) If the holder of a permit to sell alcoholic beverages, or any of the persons who must possess the same qualifications fails to possess the qualifications required in section 6-68.
- (2) If the permit was granted to any person who is or has been engaged in an alcoholic beverage business with a person whose application for a permit has been denied or whose permit has been revoked.
- (3) If there was any misstatement or suppression of fact in the application for the permit.
- (4) If the holder of any permit has been convicted by any court of competent jurisdiction of any one of the following offenses:
 - a. Violation of the Sunday closing law;
 - b. Violation of any municipal or parish ordinance providing for closing hours.
- (5) If, without a proper license, a retailer allows any person to consume any alcoholic beverage on the licensed premises or on any parking lot or open or closed space within or contiguous to the licensed premises.
- (6) If any dealer or any person described in section 6-68(b) violates or has violated any provision of this article.
- (7) If any dealer fails to pay any excise taxes due by any regulated business to the state or to any parish or municipality.

(Code 1998, § 3-163.00; Ord. No. 80-64, 10-23-1980)

Sec. 6-102. Suspension, revocation of permits; hearing.

(a) Wherever the terms "cancel" or "cancellation" of a permit are used in this article, same shall be construed to mean and allow for either a suspension of a permit or the revocation thereof.

(b) For the purposes hereof, the term "suspension of a license" is meant as temporary cessation of sales of alcoholic beverages as imposed by the parish council or the proper agency of the state on the licensee after hearing for a time certain. No alcoholic beverage may be sold or dispensed at the licensed location during the period from the commencement of the period of suspension to its expiration as determined by the parish council or appropriate state agency.

(c) For the purposes hereof, the term "revocation of a license" is meant and construed as a prohibition against the licensee and also against the licensed premises from selling or dispensing alcoholic beverages for a period of one year. A revocation shall be imposed for a violation of the provisions of this article, as determined by the parish council or the proper hearing agency of the state.

(d) The term "hearing" shall be an administrative, public proceeding conducted by the parish council under rules of procedure established in this section and duly promulgated. Said proceeding may be instituted by either the parish law enforcement authority, any other law enforcement authority, the district attorney's office or by any citizen who have resided in the parish for six or more months prior to filing a complaint, where a violation of any provision of this chapter is alleged.

(e) Upon receipt of the citizen complaint, the secretary of the alcohol beverage control committee shall conduct a preliminary investigation to determine whether or not sufficient facts exist to justify conducting a hearing.
(Code 1998, § 3-180.00; Ord. No. 81-113, 2-5-1981; Ord. No. 89-1147, 9-21-1989)

Sec. 6-103. Authority.

(a) The parish department of development, division of permits, is authorized to approve applications for permits and issuance of alcoholic beverage licenses.

(b) The parish council shall be the authority to determine whether a parish permit is suspended or revoked under the provisions of this chapter.

(c) Nothing herein shall be construed, nor meant to contravene or usurp any power or authority granted to board of tax appeals, state or state office of alcoholic beverage control, department of public safety.

(Code 1998, § 3-185.00; Ord. No. 81-114, 2-5-1981; Ord. No. 94-1952, 4-21-1994)

Sec. 6-104. Determination to issue or withhold permit.

The right to determine what persons shall or shall not be licensed this chapter shall be exercised in the manner as provided by the sections under this article.

(Code 1998, § 3-185.01)

Sec. 6-105. Notice.

Whenever the parish council is to hold a hearing pursuant hereto, it shall issue a written summons or notice to the applicant for issuance or renewal, or the permittee as the case may be, directing him to show cause why the application should not be refused, or why the permit should not be suspended or revoked. The notice or summons shall state the time, place and hour of the hearing, which shall be not less than ten nor more than 30 calendar days from the date of the notice. The notice or summons shall enumerate the cause alleged for refusing the

application or for suspending or revoking the permit. When a petition has been filed opposing the issuance of the permit or asking for its suspension or revocation, a copy of the petition shall accompany the notice or summons.

(Code 1998, § 3-186.00)

Sec. 6-106. Location; open to the public.

(a) Hearings by the parish council shall be at the parish courthouse, Covington, or such other place within the parish as the parish council directs. The conduct of said hearings shall be open to the public.

(b) The parish council delegates all its authority to conduct hearings to the alcohol beverage control committee, sometimes hereinafter referred to as ABCC.

(Code 1998, § 3-186.01; Ord. No. 81-114, § 5, 2-5-1981; Ord. No. 89-1147, 9-21-1989)

Sec. 6-107. Failure of permittee or applicant to appear; continuances.

If a permittee or applicant who has been notified of a hearing does not appear, the hearing may proceed and the alcohol beverage control committee may consider and dispose of the case; however, in all cases, upon application or its own initiation, the parish council may grant continuances from time to time. If the continuance be to a fixed future date by written consent or is granted in the presence of the applicant, permittee or his counsel, no further notice of the hearing date need be given.

(Code 1998, § 3-187.02; Ord. No. 81-114, 2-5-1981; Ord. No. 89-1147, 9-21-1989)

Sec. 6-108. Failure to comply with subpoena.

If any person fails to comply with a subpoena issued by the alcohol beverage control committee or a witness refuses to testify in any matter which he may be lawfully interrogated, the alcohol beverage control committee, by majority vote of those present, shall adjudge him guilty of contempt and may fine him not more than \$100.00 or imprison him for not more than 30 days in the parish prison, or both. The parish sheriff shall execute the judgment of contempt.

(Code 1998, § 3-188.00; Ord. No. 81-114, 2-5-1981; Ord. No. 89-1147, 9-21-1989)

Sec. 6-109. Reopened cases.

When the alcohol beverage control committee withholds, suspends or revokes a permit, it shall retain jurisdiction to reopen the case at anytime upon petition or upon its own motion, and for good cause shown it may modify, revise or reverse its former findings, and all such reopened cases shall be heard and determined under the same rules or procedures as the original hearings.

(Code 1998, § 3-188.01; Ord. No. 81-114, 2-5-1981; Ord. No. 89-1147, 9-21-1989)

Sec. 6-110. Causes for withholding, suspending or revoking permits.

No permit shall be withheld, suspended or revoked, except for the causes specified in this chapter. However, if a person holds more than one permit and only one of them is withheld, suspended or revoked, the alcohol beverage control committee may withhold, suspend or revoke all of his permits.

(Code 1998, § 3-188.02; Ord. No. 81-114, 2-5-1981; Ord. No. 89-1147, 9-21-1989)

Sec. 6-111. Conviction of violation of alcoholic beverage ordinances upon refusal; suspension or revocation permits.

Conviction by a court of violation of the provisions of the parish alcoholic beverage ordinances is not a condition precedent to the refusal, suspension or a revocation by the alcohol beverage control committee. The alcohol beverage control committee may withhold, suspend or revoke permits for violations regardless of any prosecution in the court or of the result of any such prosecution.

(Code 1998, § 3-189.00; Ord. No. 81-114, 2-5-1981; Ord. No. 89-1147, 9-21-1989)

Sec. 6-112. Effect of revocation or suspension of permit upon other penalty.

The revocation or suspension of a permit is in addition to and not in lieu of or a limitation of any other penalty imposed by law.

(Code 1998, § 3-189.01; Ord. No. 81-114, 2-5-1981)

Sec. 6-113. Reissuance of permit after revocation.

When a permit is revoked for any legal cause, the alcohol beverage control committee may, at the same time, order that no local permit shall be issued covering the same premises until one year after the date of revocation.

(Code 1998, § 3-189.02; Ord. No. 81-114, 2-5-1981; Ord. No. 89-1147, 9-21-1989)

Secs. 6-114—6-148. Reserved.**ARTICLE III. DISPENSERS CERTIFICATE****Sec. 6-149. Required.**

No person or manager or supervisor of any person shall dispense beverages of any alcoholic content in any business licensed under this article without having been certified or qualified to do so by the sheriff of the parish and without having complied with the provisions of this article.

(Code 1998, § 3-191.00; Ord. No. 329, Bk. 5, P. 269; Ord. No. 81-302, 12-17-1981; Ord. No. 2015, 6-16-1994; Ord. No. 94-2042, 8-18-1994)

Sec. 6-150. Application; certificate.

(a) Each applicant desiring a certificate of qualification to dispense alcoholic beverages shall be photographed and fingerprinted by the sheriff's department of this parish.

(b) Each applicant shall pay, at the time of applying for a certificate to dispense alcoholic beverages, the following:

- (1) A processing fee as provided in R.S. 15:587 in the form of a cashiers check or money order made payable to the "Louisiana Department of Public Safety."
- (2) A license fee of \$30.00 payable to the sheriff of the parish. The sheriff shall determine and provide a uniform and consistent application for a dispensers license; and he shall determine the size and content of the license or certificate to dispense, he being herewith authorized, empowered and directed to do so.

(c) The application shall be sworn in writing and include a statement that the applicant possesses the qualifications required herein.

(Code 1998, § 3-192.00; Ord. No. 329, Bk. 5, P. 269; Ord. No. 652, Bk. 8, P. 39; Ord. No. 81-302, 12-17-1981; Ord. No. 85-509, 10-17-1985; Ord. No. 88-982, 9-15-1988; Ord. No. 94-2015, 6-16-1994; Ord. No. 94-2042, 8-18-1994)

State law reference—Processing fee for information provided as part of any regulatory or licensing scheme, R.S. 15:587.

Sec. 6-151. Qualifications.

Each applicant for a certificate of qualification to dispense alcoholic beverages shall possess the following qualifications:

- (1) Is a person of good character and reputation and 21 years of age to dispense and/or sell alcohol in any businesses establishment having a valid Class A parish liquor license;
- (2) Is a citizen of the United States and of this state or a resident alien, and a resident of the state continuously for a period of not less than one year next proceeding the date of the filing of the application, for those individuals employed in restaurants serving alcoholic beverages holding Class R parish liquor licenses when the principal business activity is the catering and/or serving of food with a minimum of 60 percent of said business gross revenue being generated from the sale of food items and nonalcoholic beverages. These individuals will not be required to meet the state citizenship and residency requirement. However, they must be 18 years of age and hold a special Class BR license. Any individual who is over the age of 18, and who is otherwise eligible for a special Class BR license, or who has already obtained such a license, may utilize such special license for the purpose of being employed at a country club or fraternal organization, provided it caters and/or serves food as an ordinary part of its business.

- a. *Investigation of applications.* The parish sheriff shall investigate all applications filed with the parish for issuance of licenses, and the applications for renewals filed

with that department under the delegation given him by the parish council, shall notify the department of development, division of permits, that the application has been approved or disapproved for issuance by him or that an application for renewal should be rejected. The decision to withhold a parish permit shall be made by the division of permits within two days after notice of the recommendation to that effect has been received from the sheriff. Within that period, the division of permits shall notify the applicant in writing by certified mail given to the address shown in the application, or by service through the sheriff's department thereof, of the sheriff's recommendation to withhold and the reasons assigned therefor. When so addressed and mailed, or served as the case may be, the notice shall be conclusively presumed to have been received by the applicant.

- b. *Opposition to issuance or renewal of permit.* Any person who has been a citizen of this parish for at least six consecutive months prior to the filing of the application may oppose the issuance of a permit or any renewal thereof at any time prior to its issuance, by filing a sworn petition of opposition with the parish council. The person must state in his affidavit of opposition that he, together with witnesses if any, will appear at a hearing to be conducted by the parish council to establish the allegations of the opposition and the particular cause or causes alleged as grounds for withholding or not reissuing the permit. In such event, the parish license shall be withheld pending the determination by the parish council at a hearing set for that purpose.
- c. *Examination of business by sheriff's department.* The sheriff's department shall make periodic examinations of the business of all persons holding permits from the parish. The parish sheriff, or any member of his department observing any violation of the provisions of this chapter shall prepare and file, upon information and belief based upon what has been observed, a petition for withholding, suspending or revoking of a permit, setting forth the facts and circumstances of the violations and asking that the parish council set a date, place and time as to when the applicant or permittee should appear and show cause why the permit should not be withheld, suspended or revoked.
- d. *Citizens.* A hearing may be initiated on the sworn petition of any citizen meeting the residency requirements as shown in section 6-104.
- e. *District attorney's office and any other law enforcement authority.* The district attorney's office and any other law enforcement authority, or any member of their respective departments observing any violation of the provision of this chapter may prepare and file, upon information and belief based upon what has been observed, a petition for withholding, suspending or revoking of a permit, setting forth the facts and circumstances of the violations and asking that the parish council set a date, place and time as to when the applicant or permittee should

appear and show cause why the permits should not be withheld, suspended or revoked. The notice or summons shall state the time, place and hour of the hearing, which shall be not less than ten nor more than 20 work days from the date of the notice. The notice or summons shall enumerate the cause or causes alleged for refusing the application or for suspending or revoking the permit. When a citizen's petition has been filed, a copy thereof shall accompany the notice or summons.

- f. *Service.* Service of the notice or summons shall be by registered mail or through the sheriff's department to the applicant or permittee at the address shown on the application or permit and when so addressed and mailed or service made, same shall be conclusively presumed to have been received.
1. Hearings shall be conducted by the alcohol beverage control committee of the parish council, which is comprised of seven members of the parish council to be appointed by the parish council president at a meeting, regular or special, at which meeting a simple majority of the parish council is present.
 2. The party seeking the withholding, suspension or revocation bears the burden of proof and shall present the case first.
 3. The parties to the hearing are entitled to be represented by an attorney-at-law of their choice and at their expense. The district attorney's office may represent the party seeking the withholding, suspension or revocation.
 4. Generally, the civil rules of evidence and procedure of the 22nd Judicial District Court shall be followed; however, the hearing is administrative in nature and is therefore informal, and it shall be so conducted as to afford all parties a fair, impartial and equitable opportunity to be heard.
 5. Any exceptions to the jurisdiction or to the complaint must be filed in writing prior to the hearing. Same shall be argued before commencement of the hearing and may be disposed of by the parish council at that time or referred to the merits of the hearing.
 6. The ABCC may issue subpoenas for documents or persons and it shall examine witnesses and receive testimony at the hearing. A notary public or proper party shall administer oaths to those testifying.
 7. A request for issuance of subpoenas, for persons or documents must be filed with the secretary of the ABCC by the party seeking production thereof at least five work days before the date of the hearing. The secretary of the ABCC shall issue such subpoena to the person or persons whose attendance is sought, with documents, through the sheriff's department to the address shown on the request. No transcript is required, nor is it necessary that the

testimony received be reduced to writing. Any party desiring same shall make prior arrangements with the ABCC secretary who shall select a court reporter to transcribe the proceedings at the expense of the party seeking the transcript.

8. The ABCC secretary shall receive and number all exhibits and shall retain them for not more than six months after the hearing is completed.
9. Issuance of all subpoenas shall be at the expense of the person requesting same, as shall be the witness fee, if any.
 - (i) While the hearing shall be conducted in a manner open to the public, the deliberations of the ABCC at the conclusion of the hearing are not; the ABCC may conclude to grant or deny the relief sought, and in the case a revocation only is sought, may issue an order of suspension.
 - (ii) The ABCC shall decide the issue by a majority vote of the majority present and its decision shall be announced in an open meeting by the presiding officer.
 - (iii) Alternatively, it may take any matter under advisement and issue a written decision, provided that the signatures of the majority and dissenting ABCC members, if any are affixed to the decision.
10. The decisions of the alcohol beverage control committee in withholding, suspending or revoking permits are final and binding on all parties unless appealed in the manner provided in R.S. 26:104 and finally reversed by the courts.
11. In accordance therewith, any party aggrieved by a decision of the alcohol beverage control committee may, within ten days of receipt of the ABCC's decision, take a devolutive appeal to the 22nd Judicial District Court.
12. Such appeals shall be filed in said district court in the same manner as original suits are instituted therein. The appeals shall be tried de novo. Either party may amend and supplement his pleadings and additional witnesses may be called and heard.
13. When there has been a previous criminal prosecution for the same or a similar act upon which the refusal, suspension or revocation of a permit is being considered, evidence of an acquittal in a court of competent jurisdiction is admissible in the trial of the appeal.
14. The proceeding in the district court arising hereunder shall be heard summarily by the court, without a jury, and shall take precedence over other civil cases; however, no action can be filed therein until the matter of refusal to

issue, suspension or revocation has been heard by the alcohol beverage control committee because otherwise the administrative remedy afforded shall not have been exhausted.

15. Within ten calendar days after the signing of the judgment by the district court, the alcohol beverage control committee or the applicant for a permit or permittee, as the case may be, may devolutively appeal the judgment to the appellate court of proper jurisdiction. These appeals shall be perfected in the manner provided for in civil cases and shall be devolutive only.
 16. Should district court determine the decision of the alcohol beverage control committee in withholding, suspending or revoking the permit was in error, the decision of the alcohol beverage control committee shall not be voided if the alcohol beverage control committee takes an appeal to the court of appeals within the time provided for suspensive appeals.
- (3) Has not been convicted of a felony under the laws of the United States, the state or any other state or country.
 - (4) Has not been convicted in this or any other state or by the United States or any other country of soliciting for prostitution, pandering, letting premises for prostitution, contributing to the delinquency of juveniles, keeping a disorderly place or illegal dealing in narcotics.
 - (5) Has not had a license or permit to sell or deal in alcoholic beverages by the United States, any state or by a political subdivision of any state authorized to issue permits for licenses revoked within one year prior to application, or been notified or had a judgment of court rendered against him involving alcoholic beverages by this or any other state or by the United States for one year prior to the application.
 - (6) Has not been adjudged by the state alcohol bureau control commission or convicted by any court of violation of the provisions of title 26 of the Louisiana Revised Statutes.
 - (7) Has not been convicted of violating any municipal or parish ordinances adopted pursuant to the provisions of R.S. 26:494.
 - (8) Has not had a certification of qualification to dispense alcoholic beverages issued by any other parish, municipality or state suspended or revoked.
 - (9) Must have completed the parish sheriff's course entitled "Responsible Alcohol Service" or the state office of alcohol and tobacco control "Approved Provider Responsible Vendor Program." Renewal applicants must have completed the parish sheriff's course entitled "Responsible Alcohol Service" or the state office of alcohol and tobacco control "Responsible Alcohol Service Course."
- (Code 1998, § 3-193.00; Ord. No. 329, Bk. 5, P. 269; Ord. No. 652, Bk. 9, P. 39; Ord. No. 81-114, 2-5-1981; Ord. No. 89-1093, 5-18-1989; Ord. No. 1147, 9-21-1989; Ord. No. 89-1212, 12-21-1989; Ord. No. 94-1952, 4-21-1994; Ord. No. 94-2015, 6-16-1994; Ord. No. 94-2042, 8-18-1994; Ord. No. 99-3095, 6-17-1999; Ord. No. 05-1141, 7-7-2005; Ord. No. 10-2271, 5-6-2010)

Sec. 6-152. Issuance.

The sheriff may refuse to issue a certificate of qualification to dispense alcoholic beverages to any person who lacks any of the qualifications set forth herein or in the interest of the public health, safety and morals.

(Code 1998, § 3-194.00; Ord. No. 329, Bk. 5, P. 269; Ord. No. 81-302, 12-17-1981)

Sec. 6-153. Right of permittee to sell without certificate.

The holder of a permit to sell alcoholic beverages at a particular establishment issued pursuant to the provisions of this article may dispense alcoholic beverages at that establishment without having a certification of qualification.

(Code 1998, § 3-195.00; Ord. No. 329, Bk. 5, P. 269)

Sec. 6-154. Hiring person who does not possess certificate prohibited.

Any holder of a permit to sell alcoholic beverages who employs a person to dispense alcoholic beverages without that person having a certificate of qualification to do so issued by the sheriff shall be guilty of a misdemeanor.

(Code 1998, § 3-197.00; Ord. No. 329, Bk. 5, P. 269; Ord. No. 440, Bk. 6, P. 236; Ord. No. 81-302, 12-17-1981)

Sec. 6-155. Revocation or suspension.

Any act or failure of act by any person certified to be qualified to dispense alcoholic beverages under the provisions of this article, which is a violation of this article, shall subject such person to have his certificate to dispense alcoholic beverages suspended or revoked by the sheriff.

(Code 1998, § 3-198.00; Ord. No. 329, Bk. 5, P. 269; Ord. No. 81-302, 12-17-1981)

Sec. 6-156. Appeals.

Any person aggrieved by the decision of the sheriff to refuse to issue or to suspend or revoke a certificate of qualification may take a devolutive appeal therefrom to the parish council within 15 days of written notification of said decision. The appeal must be taken by submitting a written request therefor to the secretary of the parish council, and the parish council shall hear said appeal within 20 days of receipt of said notice of appeal by the secretary of the parish council. The decision of the sheriff shall be final unless appealed within the time and in the manner set forth above.

(Code 1998, § 3-199.00; Ord. No. 329, Bk. 5, P. 269; Ord. No. 81-302, 12-17-1981)

Sec. 6-157. License renewal.

The dispenser's certificate shall be valid for a period of two years from the date it is first issued; and shall be renewed for a like period within 90 days of the expiration date, in the same manner as the application for an original certificate.

(Code 1998, § 3-200.00; Ord. No. 85-509, 10-17-1985; Ord. No. 88-982, 9-15-1988; Ord. No. 94-2015, 6-16-1994; Ord. No. 94-2042, 8-18-1994)

Sec. 6-158. Violations and penalties.

Any person certified to be qualified to dispense alcoholic beverages under the provisions of this article found in violation of section 6-38 (Sale to Minors) by a court of appropriate jurisdiction shall be subject to the following penalties:

- (1) First offense: \$100.00 fine and five-day suspension.
 - (2) Second offense: \$250.00 fine and 30-day suspension.
 - (3) Third offense: \$500.00 fine and revocation of dispenser's certificate.
- (Code 1998, § 3-201.00; Ord. No. 94-2042, 8-18-1994)

Chapter 7

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Chapter 8

AMBULANCES AND EMERGENCY MEDICAL SERVICE*

- Sec. 8-1. Definitions.
- Sec. 8-2. Adoption of state law concerning emergency medical services.
- Sec. 8-3. Parish standards for service providers.
- Sec. 8-4. Parish qualifications to operate ambulances; equipment; penalty.
- Sec. 8-5. EMT vehicle staffing requirements.
- Sec. 8-6. Medical society criteria to be met.
- Sec. 8-7. Required insurance coverage.
- Sec. 8-8. Permit required; penalty.
- Sec. 8-9. Annual permit fee.
- Sec. 8-10. Permit not transferable.
- Sec. 8-11. Suspension for violators.

***Editor's note**—This chapter was formerly referred to in the 1998 Parish Code as art. XII—Ambulance, Emergency Medical Service of chapter 3—Airports and Aircraft, Alcoholic Beverages and Ambulances.

State law references—General parish powers as to ambulances, R.S. 33:1236(32), (48); regulation of private ambulance services, R.S. 33:4791 et seq.; authority of Caddo Parish to grant a franchise for emergency ambulance operations within the parish, R.S. 33:4791B; emergency medical services generally, R.S. 40:1231 et seq.

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Sec. 8-1. Definitions.

When used in this chapter, the following words and phrases have the meanings ascribed to them in this section, unless the context indicates a different meaning:

Air ambulance means any aircraft, either fixed-wing or rotary-winged, designed and operated as a part of a regular course of conduct or business to transport a sick or injured individual or which is advertised or otherwise held out to the public as such.

Air ambulance service means any person, firm, association or government entity owning, controlling or operating any business or service which furnishes, operates, conducts, maintains, advertises, engages in, proposes to engage in, or professes to engage in, the business or service of transporting, in air ambulances, individuals who may need medical attention during transport.

Ambulance and medical transportation vehicle means any authorized emergency vehicle, equipped with warning devices, designed and operated as a part of a regular course of conduct or business to transport a sick or injured individual; or which is advertised or otherwise held out to the public as such, and includes any medical transportation vehicle, which means any private or publically owned land, air or water vehicle that is designed, constructed, reconstructed, maintained, equipped or operated, or used for, or intended to be used for air, land or water medical transportation or persons who are sick, injured or otherwise helpless, for the purposes of obtaining medical care. The term "ambulance and medical transportation vehicle" shall not be construed to apply to vehicles operated for ambulatory patients on a regularly scheduled or nonemergency basis. The term "ambulance and medical transportation vehicle" shall include any medical transportation vehicle equipped or operated as an ambulance; said vehicle must be equipped with emergency lights, emergency siren and patient care equipment in accordance with the department of transportation (DOT) KKK specifications for ambulances. It shall meet title XIX certification criteria as established under the state department of health and hospitals. The term "ambulance and medical transportation vehicle" shall not mean a hearse or other funeral home vehicle utilized for the transportation of the dead.

Ambulance service or *ambulance provider* means any person, firm, association or government entity owning, controlling or operating any business or service which furnishes, operates, conducts, maintains, advertises, engages in, proposes to engage in, or professes to engage in, the business or service of transporting, in ambulances, individuals who may need medical attention during transport. However, the terms "ambulance service" or "ambulance provider" shall not include any of the following:

- (1) An agency of the federal government.
- (2) A volunteer nonprofit organization or municipal nonprofit organization operating an invalid coach or coaches.

- (3) An entity rendering assistance to a licensed ambulance or ambulances in the case of a major disaster.
- (4) A licensed hospital providing nonstretcher, nonemergency, noncritical interhospital transfer and patient transportation for diagnostic and therapeutic purposes when such transportation originates at a licensed hospital.
- (5) An entity operating an ambulance or ambulances from a location outside of the state to transport patients from a location outside of the state to a location inside the parish or to transport a patient or patients from a medical facility inside of the parish to a location outside of the state.
- (6) An entity providing transportation to employees who become sick or injured during the course of their employment from a job site to the nearest appropriate medical facility.

Auto-injector means a spring-loaded needle and syringe with a single dose of epinephrine that will automatically release and inject the medicine.

Bureau means the department of health and hospitals, office of public health, bureau of emergency medical services.

Commission means the state emergency medical services certification commission.

Department means the department of health and hospitals.

Emergency medical response vehicle means a marked emergency vehicle with fully visual and audible warning signals operated by a certified ambulance service, the primary purpose of which is to respond to the scene of a medical emergency to provide emergency medical stabilization or support, or command, control and communications, but which is not an ambulance designed or intended for the purpose of transporting a victim from the scene to a medical facility regardless of its designation. The term "emergency medical response vehicle" includes such vehicles referred to, but not limited to, the designation as a "sprint car", "quick response vehicle," "special response vehicle," "triage trucks," "staff cars," "supervisor units" and other similar designations. The term "emergency medical response vehicle" shall not include fire apparatus and law enforcement patrol vehicles which carry first aid or emergency medical supplies and which respond to medical emergencies as part of their routine duties.

Emergency medical services or *EMS* means a system that represents the combined efforts of several professionals and agencies to provide prehospital emergency care to the sick and injured.

Emergency medical technician means any person who possesses a national registry emergency medical technician certificate and a state certificate approved by the bureau of emergency medical services of the state, department of health and hospitals, office of public health, bureau of emergency medical services.

EMS medical director means a physician licensed by the state board of medical examiners who has responsibility and authority to ensure quality of care and provide guidance for all medical aspects of the EMS.

EMS practitioner means an individual who is a licensed emergency medical responder, licensed emergency medical technician, licensed advanced emergency medical technician or a licensed paramedic.

EMS task force means the emergency medical services task force, composed of individuals appointed by the assistant secretary of the office of public health, subject to the approval of the secretary of the department, which advises and makes recommendations to the office and the department on matters related to emergency medical services.

First aid certificate means a certificate in the emergency response course issued by the American Red Cross or other certificate in a first aid course approved by the bureau and issued to any individual who has successfully completed the required training and met the established standards of such organizations.

Industrial ambulance means any vehicle owned and operated by an industrial facility and used for transporting any employee who becomes sick, injured or otherwise incapacitated in the course and scope of his employment from a job site to an appropriate medical facility.

Licensed emergency medical responder means any individual who has successfully completed an emergency medical responder education program based on national EMS education standards approved by the bureau and who is licensed by the bureau.

Licensed emergency medical services practitioner means an individual who is a licensed emergency medical responder or who is nationally registered, who has successfully completed an emergency medical services practitioner education program based on national EMS education standards and who is licensed as any one of the following:

- (1) A licensed emergency medical technician.
- (2) A licensed advanced emergency medical technician.
- (3) A licensed paramedic.

Moral turpitude means an act of baseness, vileness or depravity in the duties which one person owes another, or to society in general, which is contrary to the usual, accepted and customary rule of right and duty, which a person should follow.

Municipal nonprofit organization means an organization owned by a parish, municipality or entity of a parish or municipality which, in its regular course of business, responds to a call for help and renders medical treatment and whose attendants are emergency medical personnel, a registered nurse or a physician.

Physician means a physician licensed to practice medicine by the state board of medical examiners.

Volunteer nonprofit organization means an organization which, in its regular course of business, responds to a call for help and renders medical treatment and whose attendants are emergency medical personnel, a registered nurse or a physician and which is chartered as a nonprofit organization under section 501c of the United States Internal Revenue Code, as a volunteer fire department by the state fire marshal's office, or as a nonprofit organization by the state secretary of state.

(Code 1998, § 3-401.00; Ord. No. 06-1331, 7-6-2006)

Sec. 8-2. Adoption of state law concerning emergency medical services.

Pursuant to the authority provided by R.S. 33:1236(32), 33:4791.1, and all other applicable authority, and in accordance with the provisions set forth in this chapter, the parish regulates emergency medical services, ambulance services and aspects attendant to ambulance services and operations.

- (1) The parish hereby finds and declares the following:
 - a. The provision of consistently high quality emergency medical care and any and all aspects attendant to ambulance operation to be provided within a medically acceptable response time is essential to the health, safety and welfare of the parish and its people.
 - b. Privately operated ambulance services providing patient transportation service or emergency medical services fulfill a vital health and safety need within the parish.
 - c. The economic viability and stability of such privately operated ambulance services are a matter of statewide and local importance.
 - d. The policy of this parish is to promote medically acceptable and reliable, privately operated ambulance services, the furnishing of emergency medical services and any and all aspects attendant to ambulance operations in order to provide the benefits of that service to its citizens. In furtherance of this policy, the parish recognizes and affirms that the regulation of such privately operated ambulance service is an essential governmental function.
- (2) The parish will protect the public health, safety and welfare by licensing, controlling and regulating privately operated ambulance services, the furnishing of emergency medical services and any and all aspects attendant to ambulance operations within its jurisdiction by regulating the following:
 - a. Entry into the business of providing ambulance service, including emergency medical services, within the jurisdiction of the parish.

- b. Rates charged for the provision of ambulance services, in accordance with federal law relative to medical reimbursement, including emergency medical services.
 - c. Establishment of safety and insurance requirements.
 - d. Any other requirement adopted to ensure safe, reliable and responsive ambulance service, even if such requirement is anticompetitive in effect.
 - e. Limited or exclusive access by such ambulance service for the provision of emergency medical services to the 9-1-1 or other emergency communications dispatch of the local governing authority.
 - f. The establishment of safety and insurance requirements even if such requirements reduce the number of such private ambulance services that otherwise would operate within the jurisdiction of the parish.
- (3) The provisions of this section are being carried out as acts of government on behalf of the state as sovereign and, to the extent the parish deems necessary or appropriate, it may displace competition and provide a monopoly public service. All immunity of the state from liability under antitrust law has been extended to any governing authority acting within the scope of authority contained in R.S. 33:4791.1 and, when so acting, the local governing authority shall be presumed to be acting in furtherance of state policy.
- (4) Whenever the parish governing authority has adopted an ordinance, authorizing a contract between the parish and a specific provider of emergency and nonemergency ambulance services within the parish, and such contract has been duly executed in accordance with the enabling ordinance, a permit to operate emergency and/or nonemergency ambulance services in the parish shall not be issued, during the term of any such contract, or any extension thereof, to any other person or business applying for a permit to provide emergency and/or nonemergency ambulance services within the parish.
- (5) Nothing in this chapter shall be construed to authorize the regulation of ambulance services, emergency medical services or ambulance operations which are located on the site of any manufacturing facility solely for use thereon.
- (Code 1998, § 3-400.00; Ord. No. 06-1331, 7-6-2006)

Sec. 8-3. Parish standards for service providers.

No provider of emergency and/or nonemergency ambulance service shall be granted the right to respond on 9-1-1 emergency calls, unless they are duly authorized and permitted by the parish.

- (1) Certification of emergency medical personnel. All emergency medical personnel must meet and possess the following certification requirements:
 - a. Completion of the state's required approved educational program.

- b. Documentation that the applicant meets the qualifications and requirements as established by the department of health and hospitals, office of public health, bureau of emergency medical services.
 - (2) In lieu of the evidence required by subsection (1) of this section, an applicant may submit evidence that he has been duly licensed or certified in another state, territory or country or has received military training and certification as emergency medical personnel as defined in R.S. 40:1231, and meets the qualifications and requirements established by the department of health and hospitals, office of public health, bureau of emergency medical services.
 - (3) The certificate shall be renewed every two years provided the applicant seeking renewal completes the application and meets the requirements for renewal established by the department of health and hospitals, office of public health, bureau of emergency medical services, prior to the expiration date on his current certificate. An individual whose certificate expires by his failure to renew, as provided, may be reinstated provided the applicant submits a completed application and meets any additional requirements established by the bureau for an individual who has failed to timely renew his certificate.
- (Code 1998, § 3-400.01)

Sec. 8-4. Parish qualifications to operate ambulances; equipment; penalty.

- (a) *Qualifications to operate an ambulance.*
- (1) No person or individual shall conduct, maintain or operate an ambulance on any street, alley or public way or place in the parish, unless the ambulance is staffed with a minimum of two persons, one of whom shall be a certified emergency medical technician.
- (2) No person or individual:
 - a. Shall provide services in any capacity on any ambulance, unless he is a licensed emergency medical responder, a licensed emergency medical technician, a licensed advance emergency medical technician, a licensed paramedic, a licensed respiratory therapist, a licensed nurse practitioner, a licensed physician assistant, a licensed occupational therapist, a licensed registered or practical nurse, or a physician.
 - b. Except as provided in R.S. 40:1235.2(A), no individual shall transport any ill or injured person on a stretcher in a vehicle that is not staffed, equipped, insured and licensed as an ambulance under this chapter or the state laws.
 - c. Shall provide services in any capacity on any ambulance unless he holds an American Heart Association Health Care Provider, or American Red Cross Professional Rescuer, or the equivalent cardiopulmonary resuscitation certification that has been approved by the department of health and hospitals.

- d. Shall transport any ill or injured person by ambulance unless the sick or injured person is attended by a licensed emergency medical technician, a licensed advance emergency medical technician, a licensed paramedic, a registered nurse, or a physician in the patient compartment.
- (3) The department of health and hospitals has promulgated rules and regulations establishing a list of required medical and safety equipment which shall be carried as part of the regular equipment of every ambulance. No person shall conduct, maintain or operate an ambulance which does not carry with it, in fully operational condition, all of the equipment included in the list, which shall be consistent with the scope of practice for emergency medical technicians established in R.S. 40:1234 and which shall be based upon the recommendations of an advisory committee known as the ambulance standards committee.
- (4) Nothing herein shall prohibit the transportation of an injured or ill person in an ambulance or industrial ambulance staffed by persons with less than the required qualifications in an emergency situation where there is no reasonable expectation of the prompt response by an ambulance staffed by persons with the required qualifications.
- (5) Nothing herein shall prohibit a firefighter, law enforcement officer or good Samaritan from assisting an ambulance at the scene of an emergency or while transporting a patient to a medical facility at the request of the emergency medical technician.
- (6) Nothing herein shall prohibit an individual without the required qualifications from riding in an ambulance for the purpose of training, observation or continuing education.
- (b) *Transportation of an injured or ill individual.* Nothing herein shall be construed to prohibit the transportation of an injured or ill individual in an invalid coach in an emergency situation where there is no reasonable expectation of the prompt response of an ambulance or industrial ambulance.
- (c) *Exceptions.*
 - (1) The provisions of this section shall not apply:
 - a. To ambulances operated by a federal agency of the United States government.
 - b. To ambulances which are rendering mutual aid assistance to licensed ambulances in the case of a major disaster, be it natural or manmade, in which the licensed ambulances are insufficient or otherwise not capable of coping.
 - c. To ambulances which are operated from a location outside of the state to transport patients from a location outside of the state to a location inside the parish or to transport patients from a medical facility inside the parish to a point

outside the state, but no such ambulance shall transport any patient point to point within the parish, unless it has been issued a permit by the parish, except in the case of disaster as outlined in this section.

- (2) This provision shall not apply to individuals who are employed to function on licensed air ambulances solely to act as pilots.
- (3) The provisions of this section shall not apply to industrial ambulances providing transportation to employees who become sick or injured during the course of their employment from a job site to the nearest appropriate medical facility.
- (4) Whoever violates this section shall be guilty of a misdemeanor and upon conviction shall be fined not more than \$500.00 or imprisoned for not more than 30 days or both. The penalty prescribed by this section shall be doubled for any subsequent offense.
(Code 1998, § 3-400.02)

Sec. 8-5. EMT vehicle staffing requirements.

(a) *Vehicle requirements.* Any vehicle operated as an ambulance or medical transportation vehicle for transportation within the parish on an emergency basis or dispatched through 9-1-1 operations center or called by a private individual shall meet all criteria established for emergency calls. The ambulance or medical transportation vehicle must be staffed with a minimum of two persons, one of whom shall be a licensed emergency medical technician.

(b) *Requirements of staff.*

- (1) No person or individual shall provide services in any capacity on any ambulance unless he is a licensed emergency medical responder, a licensed emergency medical technician, a licensed advance emergency medical technician, a licensed paramedic, a licensed respiratory therapist, a licensed nurse practitioner, a licensed physician assistant, a licensed occupational therapist, a licensed registered or practical nurse, or a physician.
- (2) Except as provided in subsection (b)(1) of this section, no individual shall transport any ill or injured person on a stretcher in a vehicle that is not staffed, equipped, insured and licensed as an ambulance under this subpart.
- (3) No individual shall provide services in any capacity on any ambulance without holding an American Heart Association Health Care Provider or American Red Cross Professional Rescuer or the equivalent cardiopulmonary resuscitation certification that has been approved by the department of health and hospitals.
- (4) No individual shall transport any ill or injured person by ambulance unless the sick or injured person is attended by a licensed emergency medical technician, a licensed advance emergency medical technician, a licensed paramedic, a registered nurse or a physician in the patient compartment.

(Code 1998, § 3-402.00)

Sec. 8-6. Medical society criteria to be met.

Any ambulance operating in the parish shall meet criteria established by the state as to the minimum equipment, supplies, drug lists and standardized run form.
(Code 1998, § 3-403.00)

Sec. 8-7. Required insurance coverage.

(a) Each ambulance provider, as defined in this chapter, shall continuously have in effect the following minimum amounts of insurance:

- (1) Medical malpractice liability insurance in the amount of \$500,000.00.
- (2) Automobile liability insurance in the amount of \$500,000.00 in combined single limits and \$500,000.00 in the aggregate.
- (3) General liability insurance in the amount of \$500,000.00 per occurrence and \$500,000.00 in the aggregate.

(b) At the time of filing a permit application, each ambulance provider shall submit a certificate of insurance issued by its insurance carrier as proof of the minimum insurance coverage required by this section. Each ambulance provider shall also be required to notify the parish in writing at least 30 days prior to any material change in or cancellation of such coverage.

(c) For purposes of this section, the term "ambulance provider" means any entity owning, controlling or operating any business or service which, as a substantial portion of its business, furnishes, operates, conducts, maintains, advertises, engages in, proposes to engage in, or professes to engage in, the business or service of transporting persons who may need medical attention during transport. However, the term "ambulance provider" shall not include:

- (1) Agencies of the federal government;
- (2) Volunteer nonprofit organizations or municipal nonprofit organizations operating invalid coaches, as defined in R.S. 40:1231(7);
- (3) Entities rendering assistance to licensed ambulances in the case of a major disaster;
- (4) Licensed hospitals providing nonstretcher, nonemergency, noncritical interhospital transfer and patient transportation for diagnostic and therapeutic purposes when such transportation originates at a licensed hospital;
- (5) Entities operating ambulances from a location outside of the state to transport patients from a location outside of the state to a location inside the state or to transport patients from a medical facility inside to a point outside of the state; or
- (6) Entities providing transportation to employees who become sick or injured during the course of their employment from a job site to the nearest appropriate medical facility.

(Code 1998, § 3-404.00; Ord. No. 06-1331, 7-6-2006)

Sec. 8-8. Permit required; penalty.

(a) A permit shall be an authorization to operate an emergency and/or nonemergency ambulance for transportation services within the parish. A permit shall be required for any services in which point of origination and destination are within the parish. It shall be granted to qualified providers who meet all of the requirements of this chapter, except that no permit shall be issued in the following circumstances: whenever the parish governing authority has adopted an ordinance, authorizing a contract between the parish and a specific provider of emergency and nonemergency ambulance services within the parish, and such contract has been duly executed in accordance with the enabling ordinance, a permit to operate emergency and/or nonemergency ambulance services in the parish shall not be issued, during the term of any such contract, or any extension thereof, to any other person or business applying for a permit to provide emergency and/or nonemergency ambulance services within the parish.

(b) No person, either as owner, agent or otherwise, shall furnish, operate, conduct, maintain, advertise or otherwise engage in or profess to engage in providing emergency and/or nonemergency ambulance services in this parish, including medical transportation vehicle services, unless that person holds a currently valid permit to do so as issued by the governing authority of the parish.

(c) No permit shall be issued prior to obtaining a letter from the 9-1-1 board, certifying that all of the requirements and conditions of this article have been met. Additionally, a needs assessment performed by the 9-1-1 board, which documents the need for any additional service, shall be required whenever a specific provider contract and ordinance do not currently exist or has otherwise expired.

(d) Whoever violates this section shall be guilty of a misdemeanor and upon conviction shall be fined not more than \$500.00 or imprisoned for not more than 30 days or both. The penalty prescribed by this section shall be doubled for any subsequent offense.

(Code 1998, § 3-405.00; Ord. No. 06-1331, 7-6-2006)

Sec. 8-9. Annual permit fee.

An annual fee of \$50.00 for each permit issued shall be collected by the parish permit office. (Code 1998, § 3-405.01; Ord. No. 91-1488, 9-19-1991; Ord. No. 96-2400, 3-21-1996)

Sec. 8-10. Permit not transferable.

No certificated, provisional certification, permit, temporary permit, license or temporary permit, license or temporary license issued under this section shall be assignable or transferable by the person to whom it is issued. It may be transferable only upon approval by the governing authority of the parish.

(Code 1998, § 3-405.02; Ord. No. 91-1488, 9-19-1991; Ord. No. 96-2400, 3-21-1996; Ord. No. 06-1331, 7-6-2006)

Sec. 8-11. Suspension for violators.

(a) In the event of an existing specific provider contract, the provisions of the contract shall govern any violations by the specific provider.

(b) Except in the case of a specific provider contract, a violation of any of the above sections by a permittee shall be cause for a suspension of said permit for a period of 30 days. A second or subsequent violation within a three-year period would be cause for said permit to be suspended for a period of up to 90 days. In the event of a reported violation by a permittee, the permittee shall be provided written notice of the first violation, via certified mail, notifying the permittee that unless the violation is corrected within 30 days of said notice, or a hearing is requested before the parish quality assurance panel, the 30 day suspension shall become effective at the expiration of the 30 day notice or upon the decision of the panel. In the event of a subsequent violation within a three-year period, the permittee shall be notified to appear before the parish quality assurance panel, which shall have the authority to suspend a permit for a period of up to 90 days.

(Code 1998, § 3-405.03; Ord. No. 06-1331, 7-6-2006)

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Chapter 9

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Chapter 10

ANIMALS, FOWL AND REPTILES*

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***State law references**—Regulation of dogs by local authorities, R.S. 3:2731 et seq.; local regulation of livestock on public highways, R.S. 3:3001 et seq.; authority to regulate animals at large, R.S. 33:1236(5); rabies control law, R.S. 40:1275.

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Division 6. Pineland Park Subdivision

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ANIMALS, FOWL AND REPTILES

Sec. 10-330. Signs.
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Division 12. Forest Park Estates Subdivision

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Division 13. Flowers Estates Subdivision

Sec. 10-376. Boundaries.
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Division 14. Lacombe Harbor Subdivision

Sec. 10-400. Boundaries.
Sec. 10-401. Prohibited acts, exceptions; encouraged treatment of birds and wildlife.
Sec. 10-402. Signs.
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Division 15. Du Bois Plantation Subdivision

Sec. 10-433. Boundaries.
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Sec. 10-435. Signs.
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Division 16. Helenbirg Subdivision

Sec. 10-454. Boundaries.
Sec. 10-455. Prohibited acts, exceptions; encouraged treatment of birds and wildlife.
Sec. 10-456. Signs.
Secs. 10-457—10-480. Reserved.

Division 17. Cross Gates, Quail Ridge, Turtle Creek

Sec. 10-481. Boundaries.
Sec. 10-482. Prohibited acts, exceptions; encouraged treatment of birds and wildlife.
Secs. 10-483—10-502. Reserved.

Division 18. Hidden Acres and Penn Chapel Acres

Sec. 10-503. Boundaries.
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Secs. 10-505—10-531. Reserved.

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- Sec. 10-533. Prohibited acts, exceptions; encouraged treatment of birds.
- Secs. 10-534—10-559. Reserved.

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- Sec. 10-560. Boundaries.
- Sec. 10-561. Prohibited acts, exceptions; encouraged treatment of birds.
- Secs. 10-562—10-585. Reserved.

Division 21. Chinchuba Gardens/Fern Creek Estates

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ANIMALS, FOWL AND REPTILES

- Sec. 10-660. Requirements for harboring potentially dangerous and dangerous animals.
- Sec. 10-661. Notice of designation as potentially dangerous or dangerous animal.
- Sec. 10-662. Hearing.
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- Sec. 10-665. Appeal of vicious animal designation; notice.
- Sec. 10-666. Hearing.
- Sec. 10-667. Animal establishment permits.
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Article V. Reptiles

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ARTICLE I. IN GENERAL**Sec. 10-1. Hunting with dogs.**

In the following areas, which are hereby designated as heavily populated areas, the hunting of deer with dogs is prohibited at all times:

- (1) *Area No. 4-1.* Begin at the crossing of Ponchitolawa Creek by state Highway 59; thence follow the centerline of said Highway 59 southerly to its intersection with state Highway 1088; thence follow the centerline of Highway 1088 northeasterly to the section line between sections 5 and 6, Township 8 south, Range 12 east; thence follow the said section line and its extension south to Bayou Castine, southwesterly to its crossing by U.S. Highway 190; thence follow the centerline of U.S. Highway 190 northwesterly and northerly to its crossing of Ponchitolawa Creek; thence follow the meanderings of Ponchitolawa Creek northeasterly to the point of beginning.
 - (2) *Area No. 4-2.* Begin at the crossing of Cane Bayou by U.S. Highway 190; thence following the meanderings of Cane Bayou northeasterly to the east boundary of section 42, Township 8 south, Range 12 east; thence follow the east boundary of section 42 northeasterly to the north boundary of section 15, Township 8 south, Range 12 east; thence follow said section line easterly to the east boundary of section 15, Township 8 south, Range 12 east; thence follow the east boundary of sections 15, 22, Township 8 south, Range 12 east and the extension thereof southerly to the center of U.S. Highway 190; thence follow the centerline of U.S. Highway 190 northwesterly to the point of beginning.
- (Code 1998, § 4-001.00; Ord. No. 527, Bk. 7, P. 94)

Secs. 10-2—10-20. Reserved.

ARTICLE II. LIVESTOCK***Sec. 10-21. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Livestock means as set forth in R.S. 3:3002 (Local Regulation of Livestock on Public Highways—Definitions), as amended, shall be effective as the definition of that term as used in this article, and shall have the same scope and effect that the term has when used in R.S. 3:3002, as amended.

Parish is defined and shown in section 2-37.

***State law references**—Stock laws, R.S. 3:2801 et seq.; local regulation of livestock, R.S. 3:2531 et seq., 3:3001 et seq.; general authority to regulate cattle, R.S. 33:1236(5).

Rove means unfenced, untethered or unattended and whereby livestock or animals roam free and unsupervised off the property of the owner or custodian thereof.

(Code 1998, § 4-023.00; Ord. No. 221; Ord. No. 231; Ord. No. 542; Ord. No. 637; Ord. No. 83-527; Ord. No. 83-528; Ord. No. 83-726; Ord. No. 84-78; Ord. No. 85-359, 3-21-1985)

Sec. 10-22. Livestock prohibited to rove.

It shall be unlawful for any owner or any other person to whom the care, custody or control of the following described livestock or animals is entrusted to allow same to rove within the boundaries of the parish. The livestock or animals prohibited to rove include, but are not limited to, any of the following species; cattle, cows, buffalo, oxen, beefalo, sheep, hogs, goats, mules, horses and asses.

(Code 1998, § 4-024.00; Ord. No. 221; Ord. No. 231; Ord. No. 542; Ord. No. 637; Ord. No. 83-527; Ord. No. 83-528; Ord. No. 83-726; Ord. No. 84-78; Ord. No. 85-359, 3-21-1985)

Sec. 10-23. Enforcement.

(a) *Impoundment.* It shall be the duty of the sheriff of the parish to round up or collect any such livestock or animals allowed to rove, or found roving, in the parish. The sheriff shall transport same to a central corral or holding station which is under his control and/or supervision and shall hold same for reclaiming by the owner thereof for a period not to exceed 30 calendar days.

(b) *Notification of owner; reclamation.* The sheriff shall attempt to notify the owner thereof of the impoundment provided there is any brand or identification on the animal, or if the sheriff or any of his deputies have knowledge of the identity of the owner, however he is not obligated to make a search for the owner beyond that recited. If the owner is not known or cannot be found, the sheriff shall give notice by advertising in a newspaper of general circulation within the parish setting forth the name and address of the person taking up the livestock, the fact and location of the taking of possession and the place where the livestock is impounded, a description of the livestock as to kind, sex, marks, brand, color, and apparent age, the amount of the charges due for feeding and caring for the livestock, the amount of the fee for taking the livestock, and that the owner is unknown, or if known, that he cannot be located. This advertisement shall notify any person claiming to be the owner of such livestock to appear before the sheriff at a place named in the advertisement within 15 days from the date of the notice to prove such claim or ownership. If the owner appears and proves to the satisfaction of the sheriff that he is the owner of the stock impounded, the sheriff shall require the owner to pay the fees and costs provided for in subsection (c) of this section, together with the costs of advertisement.

(c) *Fees.* The sheriff shall be entitled to a fee of up to \$50.00 for the rounding up and transportation to the site of impoundment for each animal impounded. Additionally, the sheriff is entitled to receive up to \$10.00 per day per animal for the feeding of each animal, together with such additional sums as may be required to reimburse the sheriff for veterinary or medical care, including any expenses related thereto.

(d) *Sale at public auction.* In the event that the owner cannot be notified, or the owner does not claim the animal impounded and pay the fees provided for herein, the sheriff shall advertise the impounded animals for sale in a newspaper of general circulation in the parish where the sale is to take place, the fact of said sale, the date, and the place of the sale. The place of the sale shall be at some place open to the general public within the parish of impoundment or the nearest sale or auction barn to the place of impoundment, either in the parish of impoundment or in the parish adjoining parish of impoundment, and the sale shall take place within ten days after publication of one notice of said sale. The impounded livestock shall be auctioned to the last and highest bidder for cash.

(e) *Sales expenses.* From the price of the said sale shall be paid the sale expenses, including any commissions due to the auction agent and expenses set out in subsection (c) of this section and the balance of any funds shall be paid to the general fund of the parish sheriff's department.

(Code 1998, § 4-025.00; Ord. No. 221; Ord. No. 231; Ord. No. 542; Ord. No. 637; Ord. No. 83-527; Ord. No. 83-528; Ord. No. 83-726; Ord. No. 84-78; Ord. No. 85-359, 3-21-1985; Ord. No. 88-909, 2-18-1988)

Sec. 10-24. Liability.

Neither the sheriff nor his deputies, agents, servants and employees, nor any person shall be liable for any injury which any such livestock or animal may receive while it is being taken up or maintained in custody pending reclaiming or from the sale thereof after advertisement.

(Code 1998, § 4-026.00; Ord. No. 221; Ord. No. 231; Ord. No. 542; Ord. No. 637; Ord. No. 83-527; Ord. No. 83-528; Ord. No. 83-726; Ord. No. 84-78; Ord. No. 85-359, 3-21-1985)

Sec. 10-25. Violations.

(a) It shall constitute a misdemeanor for the owner or person to whom the care, custody and control of livestock or animals governed by the provisions of this article is entrusted to allow same to rove within the boundaries of the parish.

(b) It shall be a misdemeanor for any person to interfere with the enforcement of this article.

(c) Additionally, the owner or custodian thereof may be civilly liable for any damage caused or done by roving animals or livestock to the person or property of another.

(Code 1998, § 4-027.00; Ord. No. 85-359, 3-21-1985)

Sec. 10-26. Defense to charge of violation.

It shall be a defense to the charge of violation of this article if the roving of animals or livestock is not due to the fault of the owner or custodian thereof, for example, should a fence

be broken and the animals escape by an act of God or by vandalism of others and same could not be reasonably detected nor repaired; however, neglect or deterioration thereof shall not be a defense.

(Code 1998, § 4-028.00; Ord. No. 85-359, 3-21-1985)

Secs. 10-27—10-55. Reserved.

ARTICLE III. BIRD AND WILDLIFE SANCTUARIES

DIVISION 1. GENERALLY

Secs. 10-56—10-83. Reserved.

DIVISION 2. LAKE VILLAGE SUBDIVISION

Sec. 10-84. Boundaries.

There is herewith created a St. Tammany Parish Bird Sanctuary within the boundaries hereinafter described:

- (1) *Lake Village Subdivision.* All that certain parcel of land being situated in section 36, Township 8 south, Range 14 east, section 31, Township 8 south, Range 15 east, section 1, Township 9 south, Range 14 east, St. Tammany Parish, Louisiana, being more fully described as follows:

From the section corner common to section 36, Township 8 south, Range 14 east; section 31, Township 8 south, Range 14 east; section 1, Township 9 south, Range 14 east, and section 6, Township 9 south, Range 15 east, also the point of beginning, go south 00 degrees, 17 minutes, 12 seconds east 607.16 feet to a point; thence go south 89 degrees, 48 minutes, 23 seconds west 170.7-0 feet to a point; thence go north 00 degrees, 11 minutes, 37 seconds west 78.30 feet to a point; thence go south 89 degrees, 48 minutes, 23 seconds west 70.00 feet to a point; thence go north 00 degrees, 11 minutes, 37 seconds west 120.00 feet to a point; thence go south 89 degrees, 48 minutes, 23 seconds west 960.00 feet to a point; thence go south 00 degrees, 11 minutes, 37 seconds east 30.00 feet to a point; thence go south 89 degrees, 48 minutes, 23 seconds west 120.00 feet to a point; thence go north 00 degrees, 11 minutes, 37 seconds west 152.92 feet to a point in a curve to the right, whose radius is 70.00 feet; thence go along said curve, whose arc is 89.67 feet to the point of tangency; thence go north 00 degrees, 11 minutes, 37 seconds west 220.00 feet to a point; thence go south 89 degrees, 48 minutes, 23 seconds west 452.05 feet to a point; thence go north 18 degrees, 01 minute, 53 seconds east 29.72 feet to a point; thence go north 30 degrees, 25 minutes, 11 seconds east 60.16 feet to a point, thence go north 89 degrees, 48 minutes, 23 seconds east 580.12 feet to the

point of curvature of a curve to the left, whose radius is 492.86 feet; thence go along said curve, whose arc is 112.36 feet to a point in said curve; thence go north 13 degrees, 14 minutes, 20 seconds west 119.79 feet to a point; thence go north 74 degrees, 50 minutes, 19 seconds east 1543.63 feet to a point in a curve to the right, whose radius is 393.57 feet; thence go along said curve, whose arc is 50.66 feet to the point of tangency; thence go east 170.00 feet to a point; thence go south 29.75 feet to a point; thence go south 15 degrees, 09 minutes, 41 seconds east 96.44 feet to a point in a curve to the left, whose radius is 941.676 feet; thence go along said curve, whose arc is 3.79 feet to the point of tangency; thence go south 74 degrees 50 minutes, 19 seconds west 45.31 feet to a point; thence go south 15 degrees, 09 minutes, 41 seconds east 200.00 feet to a point; thence go north 74 degrees, 50 minutes, 19 seconds east 21.81 feet to a point; thence go south 338.04 feet to a point; thence go west 588.00 feet back to the point of beginning. Containing in all 31.991 acres of land, more or less.

- (2) *Lake Village Subdivision, phase two.* All that certain parcel of land being situated in section 1, Township 9 south, Range 14 east, St. Tammany Parish, Louisiana, being more fully described as follows:

From the section corner common to section 36, Township 8 south, Range 14 east; section 31, Township 8 south, Range 15 east; section 1, Township 9 south, Range 14 east, and section 6, Township 9 south, Range 15 east, go south 00 degrees, 07 minutes 12 seconds east 607.16 feet to the point of beginning. Thence from the point of beginning go south 89 degrees, 48 minutes, 23 seconds west 170.70 feet to a point; thence go north 00 degrees, 11 minutes, 37 seconds west 78.30 feet to a point; thence go south 89 degrees, 48 minutes, 23 seconds west 70.00 feet to a point; thence go north 00 degrees, 11 minutes, 37 seconds west 120.00 feet to a point; thence go south 89 degrees, 48 minutes, 23 seconds west 960.00 feet to a point; thence go south 00 degrees, 11 minutes, 37 seconds east 30.00 feet to a point; thence go south 89 degrees, 48 minutes, 23 seconds west 120.00 feet to a point; thence go south 00 degrees, 11 minutes, 37 seconds east 222.71 feet to a point; thence go south 89 degrees, 47 minutes, 46 seconds east 9.85 feet to a point; thence go south 00 degrees, 18 minutes, 18 seconds west 617.25 feet to point; thence go north 89 degrees, 48 minutes 23 seconds east 1315.36 feet to point; thence go north 00 degrees, 07 minutes, 12 seconds west 671.70 feet back to the point of beginning. Containing in all 25.217 acres of land, more or less.

- (3) *Lake Village Subdivision, phase three.* All that certain parcel of land being situated in section 31, Township 8 south, Range 15 east, St. Tammany Parish, Louisiana, being more fully described as follows:

From the section corner common to section 36, Township 8 south, Range 14 east; section 31, Township 8 south, Range 15 east, section 1, Township 9 south, Range 14 east, and section 6, Township 9 south, Range 15 east, go east 588.00 feet to the point of beginning. Thence from the point of beginning go north 338.04 feet to a point; thence

go south 74 degrees, 50 minutes, 19 seconds west 21.81 feet to a point; thence go north 15 degrees, 09 minutes, 41 seconds west 200.00 feet to a point; thence go north 74 degrees, 50 minutes, 19 seconds east 45.31 feet to the point of curvature of a curve to the right, whose radius is 941.68 feet; thence go along said curve whose arc is 3.79 feet to a point in said curve; thence go north 15 degrees, 09 minutes, 41 seconds west 96.44 feet to a point; thence go north 29.75 feet to a point; thence go west 170.00 feet to the point of curvature of a curve to the left, whose radius is 393.57 feet; thence go along said curve whose arc is 50.66 feet to a point in said curve; thence go south 74 degrees, 50 minutes, 19 seconds west 127.70 feet to a point; thence go north 710.49 feet to a point; thence go north 88 degrees, 50 minutes, 36 seconds east 931.74 feet to a point; thence go north 00 degrees, 50 minutes, 39 seconds west 15.59 feet to the southerly right-of-way line of Interstate 10; thence go along said right-of-way line south 83 degrees, 52 minutes, 23 seconds east 230.00 feet to a point; thence go south 727.46 feet to a point; thence go east 50.00 feet to a point; thence go south 210.00 feet to a point; thence go west 32.81 feet to a point; thence go south 360.00 feet to a point; thence go west 836.00 feet back to the point of beginning. Containing in all 30.3397 acres of land, more or less.

- (4) *Lake Village Subdivision, phase four.* All that certain parcel of land being situated in section 31, Township 8 south, Range 15 east, St. Tammany Parish, Louisiana, being more fully described as follows:

From the section corner common to section 36, Township 8 south, Range 14 east; section 31, Township 8 south, Range 14 east, section 1, Township 9 south, Range 15 east, and section 6, Township 9 south, Range 14 east, go east 1424.00 feet to the point of beginning. Thence from the point of beginning go north 360.00 feet to a point; thence go east 32.81 feet to a point; thence go north 210.00 feet to a point; thence go west 50.00 feet to a point; thence go north 727.46 feet to the southerly right-of-way line of Interstate 10; thence go along said right-of-way line in three courses: south 83 degrees, 52 minutes, 23 seconds east 104.26 feet; north 86 degrees, 47 minutes, 23 seconds east 551.30 feet; and south 71 degrees, 56 minutes, 48 seconds east 227.08 feet; thence go south 676.83 feet to a point; thence go east 290.00 feet to a point; thence go south 570.00 feet to a point; thence go west 1142.81 feet back to the point of beginning. Containing 29.2898 acres of land, more or less.

- (5) *Lake Village Subdivision, phase five.* All that certain parcel of land being situated in section 31, Township 8 south, Range 15 east, St. Tammany Parish, Louisiana, begin more fully described as follows:

From the section corner common to section 31, Township 8 south, Range 15 east; section 38, Township 8 south, Range 15 east, section 38, Township 9 south, Range 15 east and section 6, Township 9 south, Range 15 east, also the point of beginning, go west 1449.84 feet to a point; thence go north 570.00 feet to a point; thence go west 290.00 feet to a point; thence go north 676.83 feet to the southerly right-of-way line of

Interstate 10; thence go along said right-of-way line in three courses: south 71 degrees, 56 minutes, 48 seconds east 278.08 feet; south 71 degrees, 56 minutes, 20 seconds east 902.00 feet; and south 71 degrees, 57 minutes, 21 seconds east 805.01 feet; thence go south 31 degrees, 10 minutes, 11 seconds east along the westerly right-of-way line of Military Road a distance of 390.39 feet to a point; thence go south 49 degrees, 35 minutes, 25 seconds west 459.11 feet back to the point of beginning. Containing in all 37.859 acres of land, more or less.

- (6) *Lake Village Subdivision, phase six.* All that certain parcel of land being situated in section 36, Township 8 south, Range 14 east, St. Tammany Parish, Louisiana, being more fully described as follows:

- a. From the section corner common to section 36 in above said township and range and section 31, Township 8 south, Range 15 east and section 1, Township 9 south, Range 14 east and section 6, Township 9 south, Range 14 east and section 6, Township 9 south, Range 15 east go south 00 degrees, 07 minutes, 12 seconds east 607.16 feet; thence south 89 degrees, 48 minutes, 23 seconds west 170.70 feet; thence north 00 degrees, 11 minutes, 37 seconds west 78.30 feet; thence south 89 degrees, 48 minutes, 23 seconds west 70.00 feet; thence north 00 degrees, 11 minutes 37 seconds west 120.00 feet; thence south 89 degrees, 48 minutes, 23 seconds west 960.00 feet; thence south 00 degrees, 11 minutes, 37 seconds east 30.00 feet; thence south 89 degrees, 48 minutes, 23 seconds west 120.00 feet; thence north 00 degrees 11 minutes, 37 seconds west 152.92 feet to a point in a curve on the southerly right-of-way of Lake Michigan Drive; thence north-westerly along said curve to the right, having a radius of 70.00 feet, an arc distance of 89.67 feet to the point of tangent on the westerly right-of-way of said Lake Michigan Drive; thence north 00 degrees, 11 minutes, 37 seconds west 220.00 feet to a point on the southerly right-of-way of Lake Village Boulevard; thence along said southerly right-of-way south 89 degrees, 48 minutes, 23 seconds west 452.05 feet to a point on the easterly right-of-way of and Interstate-10 Service Road; thence along said easterly right-of-way in two courses: north 18 degrees, 01 minute, 53 seconds east 29.72 feet and north 30 degrees, 25 minutes, 11 seconds east 60.16 feet to a point on the northerly right-of-way of Lake Village Boulevard; thence along said northerly right-of-way north 89 degrees, 48 minutes, 23 seconds east 184.47 feet, more or less, to the point of beginning.
- b. Thence from the point of beginning go north 00 degrees, 11 minutes, 37 seconds west 120.00 feet; thence north 89 degrees, 48 minutes, 23 seconds east 420.00 feet to a point; thence south 00 degrees, 11 minutes, 37 seconds east 119.40 feet to a point on the northerly right-of-way of Lake Village Boulevard; thence along said northerly right-of-way along a curve to the right whose radius is 492.86 feet and

arc distance is 24.36 feet; thence continue along said right-of-way south 89 degrees, 48 minutes, 23 seconds west 395.65 feet, more or less, back to the point of beginning. Containing in all 1.157 acres of land, more or less.

- (7) *Lake Village Subdivision, phase seven.* All that certain parcel of land being situated in section 36, Township 8 south, Range 14 east and section 31, Township 8 south, Range 15 east, St. Tammany Parish, Louisiana, being more fully described as follows:

Commencing at the southeast corner of section 36, Township 8 south, Range 14 east and the southwest corner of section 31, Township 8 south, Range 15 east, thence east 443.00 feet to a point on the centerline of Pearl Street; thence due north along said centerline of Pearl Street 422.07 feet to a point; thence north 15 degrees, 09 minutes, 41 seconds west 195.73 feet to a point; thence due north along said centerline of Pearl Street 678.55 feet to a point; thence south 88 degrees, 50 minutes, 36 seconds west 145.03 feet to the point of beginning. Thence from the point of beginning south 00 degrees, 00 minutes, 00 seconds east 710.49 feet to a point; thence south 74 degrees, 50 minutes 19 seconds west 1,453.83 feet to a point; thence south 89 degrees, 48 minutes 23 seconds west 556.91 feet to a point; thence north 30 degrees, 25 minutes, 11 seconds east 443.44 feet to a point; thence north 40 degrees, 39 minutes, 28 seconds east 217.41 feet to a point on the south edge of a Lake; thence along the said south edge south 89 degrees, 08 minutes, 33 seconds east 483.43 feet to a point; thence continue along said south edge south 89 degrees, 22 minutes, 11 seconds east 823.64 feet to a point on the east edge of said lake; thence along said east edge north 02 degrees, 26 minutes, 57 seconds east 255.23 feet to a point; thence continue along said east edge due north 301.01 feet to a point; thence north 88 degrees, 50 minutes, 36 seconds east 276.15 feet back to the point of beginning. Containing in all 19.53 acres of land, more or less.

(Code 1998, § 4-070.00; Ord. No. 82-312, 1-21-1982)

Sec. 10-85. Prohibited acts, exceptions; encouraged treatment of birds.

It shall be unlawful and a violation of this article for any person to hunt, trap, shoot, snare, cage, intimidate or molest any bird, or to rob the nests of any wild bird within the above described area; provided however, that same shall not apply to any bird kept and maintained as a house pet and sold for such purpose by any bona fide pet store, nor to any birds which constitute a nuisance to property and/or health.

(Code 1998, § 4-071.00; Ord. No. 82-312, 1-21-1982)

Sec. 10-86. Signs.

It shall be the sole obligation and expense of the homeowners residing therein to obtain and place appropriate signs indicating that said area is a "St. Tammany Parish Bird Sanctuary," permission is herewith granted to place said signs on parish roads or rights-of-way, provided written approval therefor is first had and obtained from the department of public works.

(Code 1998, § 4-073.00; Ord. No. 82-312, 1-21-1982)

Sec. 10-87. Handguns prohibited.

Discharge of handguns, pistols, revolvers, rifles, shotguns or muskets of any caliber, machine gun, pellet gun, BB gun or other mechanism which launches a bullet or any other type of projectile by means of igniting gunpowder, compressed air or gas in Lake Village Subdivision, phases one through seven, designated a parish bird and wildlife sanctuary.

- (1) *Prohibited.* It shall be unlawful for any person to discharge any firearm, gun or other weapon by which a bullet or projectile is launched by means of igniting gunpowder, compressed air, or gas, within a 400-foot perimeter zone of any designated parish bird and wildlife sanctuary.
- (2) *Definitions.* For the purpose of this section, the following terms, words and phrases shall have the meanings ascribed to them in this subsection, unless the context clearly indicates different:

Firearms mean any handgun, pistol, revolver, rifle, shotgun, or musket of any caliber, machine gun, pellet gun, BB gun or other mechanism which launches a bullet or any other type of projectile by means of igniting gunpowder, compressed air or gas.

Parish bird and wildlife sanctuary means those portions or parcels of ground located in the unincorporated area of the parish specifically declared and designated to be parish bird and wildlife sanctuaries.

Perimeter means that area surrounding and incorporating all boundaries of Lake Village Subdivision, phases one through seven (measured in a straight line outward a distance of 400 feet from the front, rear and two side lines, as shown on the subdivision plot), and being designated as parish bird and wildlife sanctuaries.

- (3) *Exemption.* Exempt herefrom are any law enforcement officers or agents and officials of state and federal agencies engaged in the pursuit of their duties, or any citizen lawfully discharging a weapon for the purpose of defending his life or property.
- (4) *Violation; penalty.* Any violation of this section shall constitute a misdemeanor punishable in accordance with section 1-9.

(Code 1998, § 4-074.00; Ord. No. 92-1601, 5-21-1992)

Secs. 10-88—10-117. Reserved.**DIVISION 3. MAGNOLIA FOREST SUBDIVISION****Sec. 10-118. Boundaries.**

There is herewith created a St. Tammany Parish Bird Sanctuary within the boundaries hereinafter described: All that certain portion of property located in sections 19 and 30, Township 8 south, Range 15 east, St. Tammany Parish, Louisiana, more commonly known as Magnolia Forest Subdivision and more fully described as follows:

<i>Lot Numbers</i>	<i>Phase</i>	<i>Recorded Plat Number</i>	<i>Acres</i>
1—3	One	472-B	19.22
14—23	Two	479-A	17.636
24—48	Three	486-B	34.74
49—67	Four	503-B	28.17
68—85	Five	515-B	21.275
86—99	Six	529-A	18.50
100—121	Seven	532-A	25.943
122—146	Eight	682-B	28.97
147—157	Nine-A	675-B	11.78
158—168	Nine-C	708-B	12.426
169—180-B	Nine-B	700-B	13.74
181—195	Ten	541-A	18.37
196—223	Eleven	547-B	34.32
224—260	Twelve	560-B	44.48
261—282	Thirteen	557-B	26.445
283—306	Fourteen	579-B	30.783
307—339	Fifteen	571-A	38.306

(Code 1998, § 4-075.00; Ord. No. 82-347, 4-15-1982)

Sec. 10-119. Prohibited acts, exceptions; encouraged treatment of birds.

(a) It shall be unlawful and a violation of this division for any person to hunt, trap, shoot, snare, cage, intimidate or molest any bird, or to rob the nests of any wild bird within the above described area; provided, however, that same shall not apply to any bird kept and maintained as a house pet and sold for such purpose by any bona fide pet store, not to any birds which constitute a nuisance to property and/or health.

(b) The feeding and care of birds is permitted and encouraged.

(Code 1998, § 4-076.00; Ord. No. 82-347, 4-15-1982)

Sec. 10-120. Signs.

It shall be the sole obligation and expense of the homeowners residing therein to obtain and place appropriate signs indicating that said area is a St. Tammany Parish Bird Sanctuary; permission is herewith granted to place said signs on parish roads or rights-of-way, provided written approval therefor is first had and obtained from the department of public works.

(Code 1998, § 4-077.00; Ord. No. 82-346, 4-15-1982)

Secs. 10-121—10-138. Reserved.

DIVISION 4. THE WOODS

Sec. 10-139. Boundaries.

There is herewith created a St. Tammany Parish Bird Sanctuary within the boundaries hereinafter described:

- (1) The following described property situated in section 42, Township 9 south, Range 13 east, St. Tammany Parish, Louisiana:

From the headlight corner between section 39 and section 42, on Bayou Paquet, Township 9 south, Range 13 east, St. Tammany Parish, Louisiana measure south 39 degrees 54 minutes east, 2,865.6 feet to the point of beginning. From the point of beginning measure south 37 degrees 54 minutes east, 1,197.3 feet; south 52 degrees 06 minutes west, 525.4 feet; south 37 degrees 54 minutes east, 1,166.8 feet; south 52 degrees 04 minutes west, 420.0 feet to the centerline of a 60-foot-wide easement for a future road; thence with said centerline north 37 degrees 54 minutes west, 500.0 feet; north 21 degrees 12 minutes west, 5,22.1 feet; north 61 degrees 06 minutes west, 380.7 feet; north 07 degrees 18 minutes east, 591.9 feet; north 37 degrees 54 minutes west, 597.5 feet; thence leaving said easement north 52 degrees 06 minutes east, 525.4 feet to the point of beginning. This tract contains 28.0 acres. Being the same property identified in that certain Act of Correction with respect to the partition by and between Ambal Corporation, et al, dated July 19, 1976, recorded in COB 793, folio 769, of the records of St. Tammany Parish, Louisiana, and being identified as Parcel No. Two of description B.

- (2) A certain tract or parcel of land lying and being situated in section 42, Township 9 south, Range 13 east, Greensburg Land District, near Slidell, St. Tammany Parish, Louisiana, being more particularly described as follows:

From the corner common to sections 39, and 42, Township 9 south, Range 13 east on the east bank of Bayou Paquet, run south 37 degrees 54 minutes east, 2,872.2 feet along the section line to the northwest corner of Parcel No. Two; thence continue south 37 degrees 54 minutes east, 690.70 feet to the point of beginning of the property herein described. From the point of beginning, continue south 37 degrees 54 minutes 00 seconds east, 500.00 feet to an iron; thence south 52 degrees 08 minutes 30 seconds west, 525.67 feet to an iron; thence north 37 degrees 54 minutes 00 seconds west, 500.00 feet to a point; thence north 52 degrees 08 minutes 30 seconds east 525.67 feet to the point of beginning; containing 6.03 acres, all being more particularly shown on sketch by Albert A. Lovell, Louisiana Registered Land Surveyor No. 4302, dated July 13, 1981.

(Code 1998, § 4-079.00; Ord. No. 82-346, 4-15-1982)

Sec. 10-140. Prohibited acts, exceptions; encouraged treatment of birds.

(a) It shall be unlawful and a violation of this division for any person to hunt, trap, shoot, snare, cage, intimidate or molest any bird, or to rob the nests of any wild bird within the above described area; provided, however, that same shall not apply to any bird kept and maintained as a house pet and sold for such purpose by any bona fide pet store, not to any birds which constitute a nuisance to property and/or health.

(b) The feeding and care of birds is permitted and encouraged.
(Code 1998, § 4-080.00; Ord. No. 82-346, 4-15-1982)

Sec. 10-141. Signs.

It shall be the sole obligation and expense of the homeowners residing therein to obtain and place appropriate signs indicating that said area is a St. Tammany Parish Bird Sanctuary; permission is herewith granted to place said signs on parish roads or rights-of-way, provided written approval therefor is first had and obtained from the department of public works.
(Code 1998, § 4-081.00; Ord. No. 82-346, 4-15-1982)

Secs. 10-142—10-165. Reserved.

DIVISION 5. BRIER LAKE SUBDIVISION

Sec. 10-166. Boundaries.

There is herewith created a parish bird and wildlife sanctuary within the boundaries of Brier Lake Subdivision, phases one through nine and an additional portion respectively as same have received final subdivision approval, except for the additional portion from the governing body of the parish, and as said subdivision plans for said phases have been duly recorded in the office of the clerk of court, all as more fully described hereafter:

- (1) Being located in sections 27 and 28, Township 8 south, Range 13 east, St. Tammany Parish, Louisiana.
- (2) From the section corner common to sections 27, 28, 33 and 34, Township 8 south, Range 13 east, St. Tammany Parish, Louisiana, this being the point of beginning.
- (3) From the point of beginning run along the section line common to sections 28 and 33, north 89 degrees 33 minutes west, 2,642.8 feet to a point; thence south 89 degrees 59 minutes west, 460.0 feet to a point; thence north 00 degrees 39 minutes east, 1,659.6 feet to a point; thence along the north line of Lot 190, south 89 degrees 47 minutes east, 260 feet to a point on the east right-of-way of Timberbend Drive; thence along said right-of-way, north 00 degrees 39 minutes east, 200.7 feet to a point; thence with a curve to the right having a radius of 78.44 feet and an arc of 80.4 feet to a point; thence continue along said right-of-way in the following two courses north 59 degrees 37 minutes east, 493.0 feet to a point; thence north 01 degrees 24 minutes east, 320.0 feet to intersect the north right-of-way of Erin Drive; thence continue along said right-of-way, south 88 degrees 36 minutes east, 105.8 feet to a point; thence with a curve to the right having a radius of 250.07 feet and an arc of 242.2 feet to a point; thence south 33 degrees 05 minutes east, 282.7 feet to a point; thence with a curve to the left having a radius of 129.1 feet and an arc of 125.6 feet to a point; thence south 88 degrees 49 minutes east, 253.13 feet to a point; thence with a curve to the left having a radius of

139.39 feet and an arc of 161.07 feet to a point; thence north 24 degrees 58 minutes east, 305.28 feet to a point; thence with a curve to the right having a radius of 498.53 feet and an arc of 223.54 feet to a point; thence north 50 degrees 40 minutes east, 201.57 feet to a point; thence with a curve to the right having a radius of 204.85 feet and an arc of 160.9 feet to a point; thence south 84 degrees 20 minutes east, 21.42 feet to a point; thence with a curve to the right having a radius of 204.85 feet and an arc of 160.9 feet to a point; thence south 39 degrees 20 minutes east, 40.0 feet to a point; thence north 50 degrees 40 minutes east, 607.5 feet to a point; thence east, 153.88 feet to a point; thence north 00 degrees 39 minutes east, 200.0 feet to a point; thence east, 200.0 feet to a point on the west right-of-way of Queen Anne Drive; thence continue along the west right-of-way of Queen Anne Drive in a northerly and northeasterly direction to intersect the east right-of-way of Brittany Drive; thence continue along said right-of-way, south 00 degrees 20 minutes west to intersect the north line of Lot 130, thence along said lot line, south 89 degrees 40 minutes east, 200.0 feet to a point; thence south 00 degrees 20 minutes west, 2,460.0 feet to a point on the bank of Cypress Bayou; thence south 89 degrees 46 minutes east, 1,331.7 feet to a point; thence south 00 degrees 28 minutes west, 1,345.5 feet to a point; thence north 89 degrees 48 minutes west, 2,646.1 feet more or less to a point on the section line common to sections 27 and 28 of the above Township and Range; thence along said line, south 00 degrees 47 minutes west, 1,341.1 feet back to the point of beginning.

This property comprises Brier Lake Subdivision, Brier Lake Subdivision phases one through nine and also a portion of the south half (S ½) of the southeast quarter (SE ¼) of section 28, Township 8 south, Range 13 east, St. Tammany Parish, Louisiana.

(Code 1998, § 4-082.00; Ord. No. 82-413, 7-15-1982)

Sec. 10-167. Prohibited acts, exceptions; encouraged treatment of birds and wildlife.

(a) It shall be unlawful and a violation of this division for any person to hunt, trap, shoot, snare, cage, intimidate or molest any bird and wildlife or to rob the nests of any wild bird or lairs of wildlife within the above described area; provided, however, that same shall not apply to any bird or animal kept and maintained as a house pet and sold for such purpose by any bona fide pet store, nor to any birds or animals which constitute a nuisance to property and/or health.

(b) The feeding and care of birds and wildlife is permitted and encouraged.
(Code 1998, § 4-083.00; Ord. No. 82-413, 7-15-1982)

Sec. 10-168. Signs.

It shall be the sole obligation and expense of the homeowners residing therein to obtain and place appropriate signs indicating that said area is a St. Tammany Parish Bird and Wildlife

Sanctuary; permission is herewith granted to place said signs on parish roads or rights-of-way, provided written approval therefor is first had and obtained from the department of public works.

(Code 1998, § 4-084.00; Ord. No. 82-413, 7-15-1982)

Secs. 10-169—10-189. Reserved.

DIVISION 6. PINELAND PARK SUBDIVISION

Sec. 10-190. Boundaries.

There is herewith created a parish bird and wildlife sanctuary within the boundaries of Pineland Park Subdivision, all phases as same have received final subdivision approval from the governing body of the parish, and as said subdivision plans for said phases have been duly recorded in the office of the clerk of court, all as more fully described hereafter:

A certain parcel of land located in section 54, Township 7 south, Range 11 east, St. Helena Meridian, St. Tammany Parish, Louisiana, more particularly described as follows, to-wit: Commence at a point described as being south 25 degrees 15 minutes west, 1,077.10 feet; thence north 69 degrees 00 minutes west, 8,308.13 feet; thence south 641.5 feet from the corner common to sections 33, 37 and 54, Township 7 south, Range 11 east, said point being the point of beginning, and measure; south 1,975.2 feet; thence south 78 degrees 24 minutes west, 1,475.2 feet; thence north 00 degrees 23 minutes west, 2,556.9 feet; thence south 59 degrees 29 minutes east, 11.5 feet; thence north 09 degrees 56 minutes east, 264.9 feet; thence south 69 degrees 00 minutes east, 1,506.5 feet, to the point of beginning, containing 80.0 acres.

(Code 1998, § 4-091.00; Ord. No. 83-725, 11-17-1983)

Sec. 10-191. Prohibited acts, exceptions; encouraged treatment of birds and wildlife.

(a) It shall be unlawful and a violation of this division for any person to hunt, trap, shoot, snare, cage, intimidate or molest any bird and wildlife or to rob the nests of any wild bird or lairs of wildlife within the above described area; provided, however, that same shall not apply to any bird or animal kept and maintained as a house pet and sold for such purpose by any bona fide pet store, nor to any birds or animals which constitute a nuisance to property and/or health.

(b) The feeding and care of birds and wildlife is permitted and encouraged.

(c) It shall be unlawful to discharge firearms and/or hunt with firearms or bow and arrows in and around Lewisburg, Penn's Chapel Road and Marine Del Ray.

(Code 1998, § 4-092.00; Ord. No. 83-725, 11-17-1983; Ord. No. 94-2122, 11-17-1994)

Editor's note—There is a map of said property on file at the Parish Council Complex in Covington, Louisiana.

Sec. 10-192. Signs.

It shall be the sole obligation and expense of the homeowners residing therein to obtain and place appropriate signs indicating that said area is a "St. Tammany Parish Bird and Wildlife Sanctuary"; permission is herewith granted to place said signs on parish roads or rights-of-way, provided written approval therefor is first had and obtained from the department of public works.

(Code 1998, § 4-093.00; Ord. No. 83-725, 11-17-1983)

Secs. 10-193—10-222. Reserved.

DIVISION 7. GREENLEAVES SUBDIVISION

Sec. 10-223. Boundaries.

There is herewith created a parish bird and wildlife sanctuary within the boundaries of Greenleaves Subdivision (all phases) as per subdivision plans for the subdivision as duly recorded in the office of the clerk of court, all as more fully described as follows:

- (1) Parcel No. 1. A certain parcel of land situated in section 40, Township 8 south, Range 11 east, St. Tammany Parish, Louisiana, and more fully described as follows:
 - a. From the section corner common to sections 35, 36 and 41, Township 7 south, Range 11 east, run north 67 degrees 12 minutes west, 654.3 feet; thence south 08 degrees, 53 minutes 28 seconds east, 1,820.35 feet; thence south 71 degrees 10 minutes 12 seconds west, 665.64 feet; thence south 57 degrees 36 minutes west, 50.0 feet; thence south 30 degrees 00 minutes east, 500.79 feet; thence south 23 degrees 05 minutes west, 1364.68 feet; thence south 60 degrees 00 minutes west, 1,605.0 feet; thence south 31 degrees 55 minutes west, 1,075.0 feet; thence south 85 degrees 25 minutes west, 1,110.0 feet to the point of beginning.
 - b. From the point of beginning, run south 74 degrees 31 minutes 05 seconds west, 1,904.49 feet; thence north 12 degrees 54 minutes 41 seconds west, 430.37 feet; thence north 74 degrees 31 minutes 05 seconds east, 1,818.35 feet; thence north 13 degrees 50 minutes 47 seconds west, 239.74 feet; thence north 73 degrees 50 minutes 33 seconds east, 60.0 feet; thence south 15 degrees 28 seconds east, 670.29 feet to the point of beginning. Said parcel contains 19.051 acres.
- (2) Parcel No. 2. A certain parcel of land situated in sections 40 and 47, Township 8 south, Range 11 east, St. Tammany Parish, Louisiana, and more fully described as follows:
 - a. From the section corner common to sections 35, 36 and 41, Township 7 south, Range 11 east, run north 67 degrees 12 minutes west, 654.3 feet; thence south 08 degrees 53 minutes 28 seconds east, 1,820.35 feet; thence south 71 degrees 10 minutes 12 seconds west, 665.64 feet; south 57 degrees 36 minutes west, 50.0 feet;

thence south 30 degrees 00 minutes east 500.79 feet; thence south 23 degrees 05 minutes west, 1364.68 feet; thence south 60 degrees 00 minutes west, 1,605.0 feet; thence 31 degrees 55 minutes west, 1,075.0 feet; thence south 85 degrees 25 minutes west, 1,110.0 feet to the point of beginning.

- b. From the point of beginning, run south 20 degrees 11 minutes 08 seconds east, 630.16 feet; thence south 30 degrees 18 minutes 21 seconds west, 917.43 feet; thence north 62 degrees 59 minutes 08 seconds west, 1765.78 feet; thence north 12 degrees 54 minutes 41 seconds west, 75.0 feet; thence north 74 degrees 31 minutes 05 seconds east, 1904.49 feet to the point of beginning. Said parcel contains 34.00 acres.
- (3) Parcel No. 3. A certain parcel of land situated in section 40, Township 8 south, Range 11 east, St. Tammany Parish, Louisiana, and more fully described as follows:
- a. From the section corner common to sections 35, 36 and 41, Township 7 south, Range 11 east, run north 67 degrees 12 minutes west, 654.3 feet; thence south 08 degrees 53 minutes 28 seconds east, 1,820.35 feet; thence south 71 degrees 10 minutes 12 seconds west, 665.64 feet; thence south 57 degrees 36 minutes west, 50.0 feet; thence south 30 degrees 00 minutes east, 500.79 feet; thence south 23 degrees 05 minutes west, 1,364.68 feet; thence south 60 degrees 00 minutes west, 1,605.0 feet to the point of beginning.
 - b. From the point of beginning, run south 31 degrees 55 minutes west 1,075.0 feet; thence south 85 degrees 25 minutes west, 1,110.0 feet; thence north 15 degrees 28 minutes 55 seconds west, 670.29 feet; thence north 73 degrees 50 minutes 33 seconds east, 70.47 feet; thence north 58 degrees 45 minutes 48 seconds east, 141.92 feet; thence north 51 degrees 55 minutes east, 805.0 feet; thence north 45 degrees 42 minutes east, 375.6 feet; thence north 36 degrees 30 minutes 30 seconds east, 451.7 feet; thence south 29 degrees 51 minutes 05 seconds east, 991.46 feet to the point of beginning. Said parcel contains 42.786 acres.
- (4) Parcel No. 4. A certain parcel of land situated in sections 39 and 40, Township 8 south, Range 11 east, St. Tammany Parish, Louisiana, and more fully described as follows:

From the section corner common to sections 35, 36 and 41, Township 7 south, Range 11 east, run north 67 degrees 12 minutes west, 654.3 feet; thence south 08 degrees 53 minutes 28 seconds east, 1,820.35 feet; thence south 30 degrees 00 minutes east, 500.79 feet; thence south 23 degrees 05 minutes west, 1,364.68 feet; thence south 60 degrees 00 minutes west, 1,546.33 feet to the point of beginning. From the point of beginning, run south 59 degrees 57 minutes 27 seconds east, 980.27 feet; thence south 30 degrees 18 minutes 21 seconds west, 2,165.87 feet; thence north 59 degrees 41 minutes 39 seconds west, 1,463.85 feet; thence north 20 degrees 11 minutes 08 seconds west, 630.16 feet;

thence north 85 degrees 25 minutes east 1,110.0 feet; thence north 31 degrees 55 seconds east, 1,075.0 feet; thence north 60 degrees 00 seconds east 58.67 feet to the point of beginning. Said parcel contains 63.984 acres.

- (5) Parcel No. 5. A certain parcel of land situated in sections 39, 40, and 47, Township 8 south, Range 11 east, St. Tammany Parish, Louisiana and more fully described as follows:
- a. From the section corner common to sections 35, 36, and 41, Township 7 south, Range 11 east, run north 67 degrees 12 minutes west, 654.3 feet; thence south 08 degrees 53 minutes 28 seconds east, 1,820.35 feet; thence south 71 degrees 10 minutes 12 seconds west, 665.64 feet; thence south 57 degrees 36 minutes west, 50.0 feet; thence south 30 degrees 00 minutes east, 500.79 feet; thence south 23 degrees 05 minutes west, 1,364.68 feet; thence south 60 degrees 00 minutes west, 1,546.33 feet; thence south 59 degrees 57 minutes 27 seconds east, 980.27 feet; thence south 30 degrees 18 minutes 21 seconds west, 2,165.87 feet to the point of beginning.
 - b. From the point of beginning, run south 30 degrees 18 minutes 21 seconds west, 1,200.0 feet; thence north 59 degrees 40 minutes 08 seconds west, 998.10 feet; thence north 24 degrees 59 minutes 30 seconds east, 289.79 feet; thence north 60 degrees 31 minutes 57 seconds west, 438.96 feet; thence north 30 degrees 18 minutes 21 seconds east, 917.43 feet; thence south 59 degrees 41 minutes 39 seconds east, 1,463.85 feet to the point of beginning. Said parcel contains 37.353 acres.
- (6) Parcel No. 6. A certain parcel of ground situated in section 40, Township 8 south, Range 11 east, St. Tammany Parish, Louisiana, and more fully described as follows:
- a. From the section corner common to sections 35, 36 and 41, run north 67 degrees 12 minutes west, 654.3 feet; thence south 08 degrees 53 minutes 28 seconds east, 1,820.35 feet; thence south 71 degrees 10 minutes 12 seconds west, 665.64 feet; thence south 57 degrees 36 seconds west, 326.82 feet; thence south 48 degrees 19 minutes 04 seconds west, 350.70 feet; thence south 65 degrees 22 minutes 43 seconds west, 396.80 feet; thence south 64 degrees 50 minutes west, 764.60 feet; thence south 54 degrees 55 minutes 50 seconds west, 256.6 feet; thence south 47 degrees 23 minutes 57 seconds 257.5 feet to the point of beginning.
 - b. From the point of beginning, run south 30 degrees 00 minutes east, 1,260.66 feet; thence south 60 degrees 00 minutes west, 412.24 feet; thence north 29 degrees 51 minutes 05 seconds west, 991.46 feet; thence north 26 degrees 41 minutes 22 seconds east, 490.2 feet to the point of beginning. Said parcel contains 10.619 acres.

- (7) Parcel No. 7. A certain parcel of land situated in sections 39 and 40, Township 8 south, Range 11 east, St. Tammany Parish, Louisiana, and more fully described as follows:
- a. From the section corner common to sections 35, 36 and 41, Township 7 south, Range 11 east, run north 67 degrees 12 minutes west, 654.3 feet; thence south 08 degrees 53 minutes 28 seconds east, 1,820.35 feet; thence south 71 degrees 10 minutes 12 seconds west, 665.64 feet; thence south 57 degrees 36 minutes west, 50.0 feet; thence south 30 degrees 00 minutes east, 500.79 feet; thence south 23 degrees 05 minutes west, 1,364.68 feet; thence south 60 degrees 00 minutes west, 120.0 feet to the point of beginning.
 - b. From the point of beginning, run south 60 degrees 00 minutes west, 1,072.76 feet; thence north 30 degrees 00 minutes west, 1,260.66 feet; thence north 47 degrees 23 minutes 57 seconds east, 257.5 feet; thence north 54 degrees 55 minutes 50 seconds east, 256.6 feet; thence north 64 degrees 50 minutes east, 657.89 feet; thence south 30 degrees 00 minutes east, 1,291.66 feet to the point of beginning. Said parcel contains 32.318 acres.
- (8) Parcel No. 8. A certain parcel of ground situated in section 39, Township 8 south, Range 11 east, St. Tammany Parish, Louisiana, and more fully described as follows:
- a. From the section corner common to sections 35, 36 and 41, Township 7 south, Range 11 east, run north 67 degrees 12 minutes west, 654.3 feet; thence south 08 degrees 53 minutes 28 seconds east, 1,820.35 feet; thence south 71 degrees 10 minutes 12 seconds west, 665.64 feet; thence south 57 degrees 36 minutes west, 50.0 feet; thence 30 degrees 00 minutes east, 500.79 feet; thence south 23 degrees 05 minutes west, 1,364.68 feet to the point of beginning.
 - b. From the point of beginning, run south 31 degrees 33 minutes 26 seconds east, 925.26 feet; thence south 60 degrees 00 minutes west, 1,038.39 feet; thence north 59 degrees 57 minutes 27 seconds west, 1,067.55 feet; thence north 60 degrees 00 minutes east, 1,546.33 feet to the point of beginning. Said parcel contains 27.441 acres.
- (9) Parcel No. 9 A-4. A certain parcel of ground situated in section 39, Township 8 south, Range 11 east, St. Tammany Parish, Louisiana, and more fully described as follows:
- a. From the section corner common to sections 35, 36 and 41, Township 7 south, Range 11 east, run north 67 degrees 12 minutes west, 654.3 feet; thence south 08 degrees 53 minutes 28 seconds east, 1,820.35 feet; thence south 20 degrees 09 minutes 03 seconds east, 1,844.99 feet; thence south 30 degrees 00 minutes west, 1,409.0 feet to the point of beginning.
 - b. From the point of beginning, run south 30 degrees 00 minutes west, 900.0 feet; thence north 59 degrees 57 minutes 27 seconds west, 985.39 feet; thence north 60 degrees 00 minutes east, 1,038.39 feet; thence south 60 degrees 00 minutes east, 466.19 feet to the point of beginning. Said parcel contains 14.992 acres.

- (10) Parcel No. 10. A certain parcel of land situated in sections 40 and 41, Township 7 south, Range 11 east, and sections 39 and 40, Township 8 south, Range 11 east, St. Tammany Parish, Louisiana, and more fully described as follows:
- a. From the section corner common to sections 35, 36 and 41, Township 7 south, Range 11 east, run north 67 degrees 12 minutes west, 654.3 feet; thence south 08 degrees 53 minutes 28 seconds east, 1,820.35 feet; thence south 71 degrees 10 minutes 12 seconds west, 665.64 feet; thence south 57 degrees 36 minutes west, 50.0 feet to the point of beginning.
 - b. From the point of beginning, run south 30 degrees 00 minutes east, 500.79 feet; thence south 23 degrees 05 minutes west, 1,364.68 feet; thence south 60 degrees 00 minutes west, 120.0 feet; thence north 30 degrees 00 minutes west, 1,291.66 feet; thence north 64 degrees 50 minutes east, 196.71 feet; thence north 65 degrees 22 minutes 43 seconds east, 396.80 feet; thence north 48 degrees 19 minutes 04 seconds east, 350.70 feet; thence north 57 degrees 36 minutes east, 276.82 feet to the point of beginning. Said parcel contains 25.292 acres.
- (11) Parcel No. 11. A certain parcel of ground situated in section 39, Township 8 south, Range 11 east, St. Tammany Parish, Louisiana, and more fully described as follows:
- a. From the section corner common to sections 35, 36, and 41, Township 7 south, Range 11 east, run north 67 degrees 12 minutes west, 654.3 feet; thence south 08 degrees 53 minutes 28 seconds east, 1,820.35 feet to the point of beginning.
 - b. From the point of beginning, run south 20 degrees 09 minutes 03 seconds east, 1,844.99 feet; thence south 30 degrees 00 minutes west, 1,409.0 feet; thence north 59 degrees 57 minutes 27 seconds west, 300.0 feet; thence north 31 degrees 33 minutes 26 seconds west, 925.26 feet; thence north 23 degrees 05 minutes east, 1,364.68 feet; thence north 30 degrees 00 minutes west 500.79 feet; thence north 57 degrees 36 minutes east, 50.0 feet; thence north 71 degrees ten minutes 12 seconds east, 665.64 feet to the point of beginning. Said parcel contains 62.228 acres.
- (12) Parcel No. 12. A certain parcel of land situated in sections 40 and 41, Township 7 south, Range 11 east, St. Tammany Parish, Louisiana, and more fully described as follows:
- a. From the section corner common to sections 35, 36, and 41, Township 7 south, Range 11 east, run north 67 degrees 12 minutes west, 654.3 feet to an iron rod and the point of beginning.
 - b. From the point of beginning, run south 08 degrees 53 minutes 28 seconds east, 1,768.92 feet to an iron pipe on the western edge of Hotsy Totsy Road; thence along Hotsy Totsy Road south 71 degrees ten minutes 12 seconds west, 677.78 feet to an iron rod; thence continue along Hotsy Totsy Road south 57 degrees 36 minutes west, 340.67 feet to an iron rod; thence continue along Hotsy Totsy road south 48 degrees 19 minutes 04 seconds west, 346.29 feet to an iron pipe; thence

continue along Hotsy Totsy Road south 65 degrees 22 minutes 43 seconds west, 391.29 feet to an iron rod; thence north 69 degrees 12 minutes 55 seconds west, 2,344.23 feet to a concrete monument; thence north 30 degrees 13 minutes 08 seconds east, 3,185.99 feet to a railroad spike in Sharp Road; thence south 66 degrees 57 minutes 17 seconds east, 2,095.95 feet to an iron pipe; thence south 21 degrees 07 minutes 52 seconds west, 232.10 feet to an iron rod; thence south 67 degrees 12 minutes east, 14.40 feet to an iron rod and the point of beginning. Said parcel contains 191.460 acres.

(Code 1998, § 4-094.00; Ord. No. 85-346, 3-21-1985)

Sec. 10-224. Prohibited acts, exceptions; encouraged treatment of birds and wildlife.

(a) It shall be unlawful and a violation of this division for any person to hunt, trap, shoot, snare, cage, intimidate or molest any bird and wildlife or to rob the nests of any wild bird or lairs of wildlife within the above described area; provided, however, that same shall not apply to any bird or animal kept and maintained as a house pet and sold for such purpose by any bona fide pet store, nor to any birds or animals which constitute a nuisance to property and/or health.

(b) The feeding and care of birds and wildlife is permitted and encouraged.

(Code 1998, § 4-095.00; Ord. No. 85-346, 3-21-1985)

Sec. 10-225. Signs.

It shall be the sole obligation and expense of the homeowners residing therein to obtain and place appropriate signs indicating that said area is a "St. Tammany Parish Bird and Wildlife Sanctuary"; permission is herewith granted to place said signs on parish roads or rights-of-way, provided written approval therefor is first had and obtained from the department of public works.

(Code 1998, § 4-096.00; Ord. No. 85-346, 3-21-1985)

Secs. 10-226—10-243. Reserved.

DIVISION 8. ELYSIAN ACRES SUBDIVISION

Sec. 10-244. Boundaries.

There is herewith created a St. Tammany Parish Bird Sanctuary within the boundaries of Elysian Acres Subdivision (all phases) as per subdivision plans for the subdivision as duly recorded in the office of the clerk of court, all as more fully described as follows:

Units 1 and 2 of Elysian Acres Subdivision located in sections 39 and 42, Township 9 south, Range 13 east, St. Tammany Parish, Louisiana, and more fully described as follows: From the section corner common to sections 39 and 42 of said township and range on the west bank of Bayou Liberty, go north 10 degrees west, 3,129.72 feet to a point; thence north 37

degrees 54 minutes west, 907.33 feet to the south corner of Lot 1 of Unit 1 on the west right-of-way line of LA 433 (Thompson Road) and the point of beginning; thence, north 19 degrees 20 minutes ten seconds east, 734.68 feet along the west right-of-way line to the east corner of Lot 23; thence north 39 degrees 57 minutes 28 seconds west, 2,402.87 feet along the north boundary of Unit 1 to the north corner common to Lots 13 and 14; thence south 40 degrees 04 minutes 05 seconds west, 543.46 feet along the west boundary of Unit 1 to the west corner common to Lots 13 and 12; thence south 37 degrees 54 minutes east, 606.26 feet along the south boundary of Unit 1 to the corner common to Lots 11 and 10 and Lot 200 of Unit 2; thence south 52 degrees 06 minutes west, 525.36 feet along the west boundary of Unit 2 to the west corner of Lot 201; thence south 37 degrees 54 minutes east, 2,409.2 feet along the south boundary of Unit 2 to the south corner of Lot 101 on the west right-of-way line of LA 433; thence north 19 degrees 15 minutes east, 608.05 feet along the west right-of-way to the corner common to Lot 100 of Unit 2 and Lot 1 of Unit 1 and the point of beginning; containing 60.96 acres of land more or less.
(Code 1998, § 4-097.00; Ord. No. 85-379, 4-18-1985)

Sec. 10-245. Prohibited acts, exceptions; encouraged treatment of birds.

(a) It shall be unlawful and a violation of this division for any person to hunt, trap, shoot, snare, cage, intimidate or molest any bird or to rob the nests of any wild bird within the above described area; provided, however, that same shall not apply to any bird kept and maintained as a house pet and sold for such purpose by any bona fide pet store, nor to any birds which constitute a nuisance to property and/or health.

(b) The feeding and care of birds is permitted and encouraged.
(Code 1998, § 4-098.00; Ord. No. 85-379, 4-18-1985)

Sec. 10-246. Signs.

It shall be the sole obligation and expense of the homeowners residing therein to obtain and place appropriate signs indicating that said area is a "St. Tammany Parish Bird Sanctuary"; permission is herewith granted to place said signs on parish roads or rights-of-way, provided written approval therefor is first had and obtained from the department of public works.
(Code 1998, § 4-099.00; Ord. No. 85-379, 4-18-1985)

Secs. 10-247—10-270. Reserved.

DIVISION 9. DEL OAKS SUBDIVISION

Sec. 10-271. Boundaries.

There is herewith created a parish bird and wildlife sanctuary within the boundaries of Del Oaks Subdivision, all phases, as same have received final subdivision approval from the governing body of the parish, and as said subdivision plans for said phases have been duly recorded in the office of the clerk of court, all as more fully described as follows:

Del Oaks Subdivision, situated in section 54, Township 7 south, Range 11 east, Ward 4, St. Tammany Parish, Louisiana: Commencing at the corner common to sections 54, 37 and 33; thence north 71 degrees 15 minutes west, a distance of 12,400 feet; thence north 29 degrees 15 minutes east, a distance of 8.56 feet to the point of beginning; thence north 70 degrees 39 minutes 53 seconds west, a distance of 157.45 feet; thence south 89 degrees 52 minutes 06 seconds west, a distance of 208.05 feet; thence north 84 degrees 41 minutes 54 seconds west a distance of 71.06 feet; thence north 15 degrees 13 minutes 06 seconds east, a distance of 79.84 feet; thence north 70 degrees 27 minutes 54 seconds west, a distance of 235.00 feet; thence north 29 degrees 00 minutes 72 seconds east, a distance of 149.82 feet; thence north 17 degrees 52 minutes 15 seconds east, a distance of 56.17 feet; thence north 68 degrees 37 minutes 15 seconds west, a distance of 268.31 feet; thence north 13 degrees 24 minutes 30 seconds east, a distance of 110.94 feet; thence north 77 degrees 35 minutes 09 seconds west, a distance of 494.4 feet to the bank of the Tchefuncte River; thence north 21 degrees 49 minutes 51 seconds east, along the bank of the Tchefuncte River a distance of 23.3 feet; thence north 10 degrees 09 minutes 51 seconds east, a distance of 202.00 feet; thence north 19 degrees 20 minutes 09 seconds west, a distance of 215.8 feet; thence north 10 degrees 31 minutes 08 seconds west, a distance of 91.88 feet; thence along the south property line of August Perez north 84 degrees 14 minutes 38 seconds east, a distance of 352.00 feet; thence north 33 degrees 42 minutes east, a distance of 70.01 feet; thence north 03 degrees 20 minutes 56 seconds west a distance of 436.45 feet; thence north 77 degrees 36 minutes 18 seconds west, a distance of 81.40 feet; thence south 89 degrees 53 minutes 42 seconds west, a distance of 162.7 feet; thence south 44 degrees 00 minutes 42 seconds west, a distance of 60.44 feet; thence south 69 degrees 18 minutes 42 seconds west, a distance of 72.8 feet; thence south 47 degrees 40 minutes 42 seconds west, a distance of 46.1 feet; thence south 82 degrees 38 minutes 42 seconds west, a distance of 62.9 feet; thence south 50 degrees 26 minutes 42 seconds west, a distance of 54.3 feet; thence south 00 degrees 48 minutes 42 seconds west, a distance of 80.5 feet; thence south 58 degrees 47 minutes 22 seconds west, a distance of 94.33 feet to the bank of the Tchefuncte River; thence north 07 degrees 45 minutes 00 seconds west, a distance of 199.74 feet; thence north 62 degrees 20 minutes 26 seconds east, a distance of 527.37 feet; thence north 38 degrees 15 minutes 00 seconds east, a distance of 135.32 feet; thence north 17 degrees 45 minutes 00 seconds west, a distance of 483.66 feet; thence north 72 degrees 15 minutes 00 seconds east, a distance of 906.82 feet; thence north 79 degrees 15

minutes 00 seconds east, a distance of 555.58 feet; thence south 59 degrees 00 minutes 00 seconds east, a distance of 243.13 feet; thence south 17 degrees 15 minutes 00 seconds east, a distance of 334.74 feet; thence south 56 degrees 15 minutes 00 seconds east, a distance of 345.02 feet; thence north 77 degrees 45 minutes 00 seconds east, a distance of 472.48 feet; thence south 29 degrees 45 minutes 00 seconds west, a distance of 2709.49 feet to the point of beginning; containing 102.07 acres.

(Code 1998, § 4-100.00; Ord. No. 85-513, 10-17-1985)

Sec. 10-272. Prohibited acts, exceptions; encouraged treatment of birds and wildlife.

(a) It shall be unlawful and a violation of this division for any person to hunt, trap, shoot, snare, cage, intimidate or molest any bird and wildlife or to rob the nests of any wild bird or lairs of wildlife within the above described area; provided, however, that same shall not apply to any bird or animal kept and maintained as a house pet and sold for such purpose by any bona fide pet store, nor to any birds or animals which constitute a nuisance to property and/or health.

(b) The feeding and care of birds and wildlife is permitted and encouraged.

(Code 1998, § 4-101.00; Ord. No. 85-513, 10-17-1985)

Sec. 10-273. Signs.

It shall be the sole obligation and expense of the homeowners residing therein to obtain and place appropriate signs indicating that said area is a "St. Tammany Parish Bird and Wildlife Sanctuary"; permission is herewith granted to place said signs on parish roads or rights-of-way, provided written approval therefor is first had and obtained from the department of public works.

(Code 1998, § 4-102.00; Ord. No. 85-513, 10-17-1985)

Secs. 10-274—10-294. Reserved.

DIVISION 10. CHINCHUBA SUBDIVISION

Sec. 10-295. Boundaries.

There is herewith created a St. Tammany Parish Bird and Wildlife Sanctuary within the boundaries of Chinchuba Subdivision as same have received final subdivision approval from the governing body of the parish, and as said subdivision plans for said subdivision have been duly recorded in the office of the clerk of court, all as more fully described as follows:

A certain parcel of land situated in Ward 4, Townships 7 and 8 south, Range 11 east, St. Tammany Parish, Louisiana and more fully described as follows: Commencing at the centerline of Interstate 12 and U.S. 190, said point being the point of beginning; thence go south along the centerline of U.S. 190 and old Highway 190 to the corporate limits of Mandeville; thence east, south, and southwest along the corporate limits back to Highway

190; thence follow the centerline of Highway 190 south to the corporate limits of Mandeville; thence follow the corporate limits, southeast, south, southeast to the centerline of LA 59; thence follow the centerline of LA 59 north to its intersection with the centerline of I-12; thence follow I-12 north, northwest, to its intersection with Highway 190 back to the point of beginning.

(Code 1998, § 4-103.00; Ord. No. 86-706, 9-18-1986)

Sec. 10-296. Prohibited acts, exceptions; encouraged treatment of birds and wildlife.

(a) It shall be unlawful and a violation of this division for any person to hunt, trap, shoot, snare, cage, intimidate or molest any bird and wildlife or to rob the nests of any wild bird or lairs of wildlife within the above described area; provided, however, that same shall not apply to any bird or animal kept and maintained as a house pet and sold for such purpose by any bona fide pet store, nor to any birds or animals which constitute a nuisance to property and/or health.

(b) The feeding and care of birds and wildlife is permitted and encouraged.

(Code 1998, § 4-104.00; Ord. No. 86-706, 9-18-1986)

Sec. 10-297. Signs.

It shall be the sole obligation and expense of the homeowners residing therein to obtain and place appropriate signs indicating that said area is a "St. Tammany Parish Bird and Wildlife Sanctuary"; permission is herewith granted to place said signs on parish roads or rights-of-way, provided written approval therefor is first had and obtained from the department of public works.

(Code 1998, § 4-105.00; Ord. No. 86-706, 9-18-1986)

Secs. 10-298—10-327. Reserved.

DIVISION 11. WALDHEIM ESTATES SUBDIVISION

Sec. 10-328. Boundaries.

There is herewith created a parish bird and wildlife sanctuary within the boundaries of Waldheim Estates Subdivision as same has received final subdivision approval from the governing body of the parish, and as said subdivision plans for said subdivision has been duly recorded in the office of the clerk of court, all as more fully described as follows:

A certain piece or portion of ground situated in section 8, Township 6 south, Range 12 east, St. Tammany Parish, Louisiana and more fully described as follows: From the quarter section corner common to sections 8 and 9, Township 6 south, Range 12 east, go south 88 degrees 15 minutes 33 seconds west, 40.81 feet to an eight-inch fencepost located on the westerly right-of-way line of Louisiana Highway 1083 (Allen Road), and the point of beginning. From the point of beginning go north 00 degrees 05 minutes 25 seconds east,

1,188.37 feet along the westerly right-of-way line of said highway to a concrete highway monument; thence north 45 degrees 33 minutes 24 seconds west, 116.47 feet to a point located on the southerly edge of Cleland Road (blacktop) (public); thence go along the southerly edge of said road south 89 degrees 58 minutes 52 seconds west, 2,161.05 feet to a point; thence south 00 degrees 01 minutes 25 seconds east, 1,277.54 feet to a five-eighths-inch iron rod; thence south 89 degrees 40 minutes 20 seconds east, 962.58 feet to a five-eighths-inch iron rod; thence north 89 degrees 22 minutes 24 seconds east, 1,279.33 feet to an eight-inch fencepost located on the westerly right-of-way line of Louisiana Highway 1083 (Allen Road) and the point of beginning. Said property contains 65.75 acres.
(Code 1998, § 4-106.00; Ord. No. 87-860, 9-17-1987)

Sec. 10-329. Prohibited acts, exceptions; encouraged treatment of birds and wildlife.

(a) It shall be unlawful and a violation of this division for any person to hunt, trap, shoot, snare, cage, intimidate or molest any bird and wildlife or to rob the nests of any wild bird or lairs of wildlife within the above described area; provided, however, that same shall not apply to any bird or animal kept and maintained as a house pet and sold for such purpose by any bona fide pet store, nor to any birds or animals which constitute a nuisance to property and/or health.

(b) The feeding and care of birds and wildlife is permitted and encouraged.
(Code 1998, § 4-106.01; Ord. No. 87-860, 9-17-1987)

Sec. 10-330. Signs.

It shall be the sole obligation and expense of the homeowners residing therein to obtain and place appropriate signs indicating that said area is a "St. Tammany Parish Bird and Wildlife Sanctuary"; permission is herewith granted to place said signs on parish roads or rights-of-way, provided written approval therefor is first had and obtained from the department of public works.

(Code 1998, § 4-106.02; Ord. No. 87-860, 9-17-1987)

Secs. 10-331—10-348. Reserved.

DIVISION 12. FOREST PARK ESTATES SUBDIVISION

Sec. 10-349. Boundaries.

There is herewith created a St. Tammany Parish Bird and Wildlife Sanctuary within the boundaries of Forest Park Estates Subdivision as same has received final subdivision approval from the governing body of the parish, and as said subdivision plans for said subdivision has been duly recorded in the office of the clerk of court, all as more fully described as follows:

A subdivision located in section 38, Township 7 south, Range 11 east, and section 42, Township 8 south, Range 11 east; said subdivision being more fully described as follows:

Commencing at the section corner common to sections 41, 42 and 46, Township 8 south, Range 11 east, also the point of beginning; thence north 23 degrees east, 2,218.5 feet to the northeast corner of Lot 31 of said subdivision; thence north 67 degrees 15 minutes west, 2,075.0 feet; thence north 68 degrees 45 minutes west approximately 215 feet to a point on the eastern right-of-way of north Causeway Approach; thence south 08 degrees 48 minutes west approximately 2,383.4 feet along said right-of-way to the southwest corner of Lot 81 of said subdivision; thence south 67 degrees east 580.0 feet; thence south 09 degrees west 1,216.0 feet; thence north 58 degrees east 1,579.7 feet to the point of beginning.
(Code 1998, § 4-107.00; Ord. No. 87-861, 9-17-1987)

Sec. 10-350. Prohibited acts, exceptions; encouraged treatment of birds and wildlife.

(a) It shall be unlawful and a violation of this division for any person to hunt, trap, shoot, snare, cage, intimidate or molest any bird and wildlife or to rob the nests of any wild bird or lairs of wildlife within the above described area; provided, however, that same shall not apply to any bird or animal kept and maintained as a house pet and sold for such purpose by any bona fide pet store, nor to any birds or animals which constitute a nuisance to property and/or health.

(b) The feeding and care of birds and wildlife is permitted and encouraged.
(Code 1998, § 4-107.01; Ord. No. 87-861, 9-17-1987)

Sec. 10-351. Signs.

It shall be the sole obligation and expense of the homeowners residing therein to obtain and place appropriate signs indicating that said area is a "St. Tammany Parish Bird and Wildlife Sanctuary"; permission is herewith granted to place said signs on parish roads or rights-of-way, provided written approval therefor is first had and obtained from the department of public works.
(Code 1998, § 4-107.02; Ord. No. 87-861, 9-17-1987)

Secs. 10-352—10-375. Reserved.

DIVISION 13. FLOWERS ESTATES SUBDIVISION

Sec. 10-376. Boundaries.

There is herewith created a St. Tammany Parish Bird and Wildlife Sanctuary within the boundaries of Flowers Estates Subdivision as same has received final subdivision approval from the governing body of the parish, and as said subdivision plans for said subdivision has been duly recorded in the office of the clerk of court, all as more fully described as follows:

- (1) From the northwest corner of section 46, Township 7 south, Range 10 east, St. Tammany Parish, Louisiana, measure along the west boundary of said section 46, south 00 degrees 45 minutes west, 3,680.9 feet to a point; thence 89 degrees 44 minutes

east, 1,817.9 feet to an iron post, the southwest corner of Lot 417, Section "A", Flowers Estates Subdivision, said post being in the southeasterly right-of-way line of Louisiana State Highway No. 21; thence continuing south 89 degrees 44 minutes west, 7,067.35 feet to an iron post on the right bank of the Tchefuncte River, to the point of beginning.

- (2) From the point of beginning measure north 89 degrees 44 minutes west, 7,067.35 feet to an iron post in the southeasterly right-of-way line of Louisiana State Highway No. 21; thence with said line northeasterly and easterly to the intersection with the north boundary of section 47, Township 7 south, Range 11 east, St. Tammany Parish, Louisiana; thence along said boundary, 89 degrees 22 minutes east, 1,010.2 feet to a point; thence south 00 degrees 02 minutes west, 229.1 feet to an iron post; thence south 89 degrees 02 minutes east, 1,005.5 feet to an iron post; thence north 21.8 feet to an iron post; thence south 89 degrees 28 minutes east, 1,232.2 feet to a point on the right bank of the Tchefuncte River; thence with said bank, downstream to the point of beginning.

This tract contains 502 acres, more or less.

(Code 1998, § 4-108.00; Ord. No. 87-876, 11-19-1987)

Sec. 10-377. Prohibited acts, exceptions; encouraged treatment of birds and wildlife.

(a) It shall be unlawful and a violation of this division for any person to hunt, trap, shoot, snare, cage, intimidate or molest any bird and wildlife or to rob the nests of any wild bird or lairs of wildlife within the above described area; provided, however, that same shall not apply to any bird or animal kept and maintained as a house pet and sold for such purpose by any bona fide pet store, nor to any birds or animals which constitute a nuisance to property and/or health.

(b) The feeding and care of birds and wildlife is permitted and encouraged.

(Code 1998, § 4-108.01; Ord. No. 87-876, 11-19-1987)

Sec. 10-378. Signs.

It shall be the sole obligation and expense of the homeowners residing therein to obtain and place appropriate signs indicating that said area is a "St. Tammany Parish Bird and Wildlife Sanctuary"; permission is herewith granted to place said signs on parish roads or rights-of-way, provided written approval therefor is first had and obtained from the department of public works.

(Code 1998, § 4-108.02; Ord. No. 87-876, 11-19-1987)

Secs. 10-379—10-399. Reserved.

DIVISION 14. LACOMBE HARBOR SUBDIVISION

Sec. 10-400. Boundaries.

There is herewith created a St. Tammany Parish Bird and Wildlife Sanctuary within the boundaries of Lacombe Harbor Subdivision as same have received final subdivision approval from the governing body of the parish, and as said subdivision plans for said subdivision has been duly recorded in the office of the clerk of court, all as more fully described as follows:

All of the phases of Lacombe Harbor Subdivision as recorded in the St. Tammany Clerk of Courts records under map file numbers: File Number 308-A, 309-A, 89-B Lacombe Subdivision; File Number 373-B Lacombe Harbor Subdivision Addition 1; File Number 85-B Lacombe Harbor Subdivision Addition 2; File Number 87-C Lacombe Harbor Subdivision Addition 3; File Number 84-B Lacombe Harbor Subdivision Addition 4; File Number 377-B Lacombe Harbor Subdivision Addition 5; File Number 87-B Lacombe Harbor Subdivision Addition 6; File Number 360-B Lacombe Harbor Subdivision Addition 8; File Number 362-A Lacombe Harbor Subdivision Addition 9; less and except Lots 98, 99, 100, 101, 102-A, 103-A, 103-B, 104-A, 104-B, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, and 125 of Lacombe Harbor Subdivision; and also including that parcel of land along the eastern boundary of Lacombe Harbor Subdivision between Lots 74 and 82 of said subdivision with the eastern and southern boundary of said parcel fronting on Lot 81E of said subdivision, Perch Bay and Cypress Bayou. (Code 1998, § 4-109.00; Ord. No. 87-885, 11-19-1987)

Sec. 10-401. Prohibited acts, exceptions; encouraged treatment of birds and wildlife.

(a) It shall be unlawful and a violation of this division for any person to hunt, trap, shoot, snare, cage, intimidate or molest any bird and wildlife or to rob the nests of any wild birds or lairs of wildlife within the above described area; provided, however, that same shall not apply to any bird or animal kept and maintained as a house pet and sold for such purpose by any bona fide pet store, nor to any birds or animals which constitute a nuisance to property and/or health.

(b) The feeding and care of birds and wildlife is permitted and encouraged. (Code 1998, § 4-109.01; Ord. No. 87-885, 11-19-1987)

Sec. 10-402. Signs.

It shall be the sole obligation and expense of the homeowners residing therein to obtain and place appropriate signs indicating that said area is a "St. Tammany Parish Bird and Wildlife Sanctuary"; permission is herewith granted to place said signs on parish roads or rights-of-way, provided written approval therefor is first had and obtained from the department of public works.

(Code 1998, § 4-109.02; Ord. No. 87-885, 11-19-1987)

Secs. 10-403—10-432. Reserved.

DIVISION 15. DU BOIS PLANTATION SUBDIVISION*

Sec. 10-433. Boundaries.

There is herewith created a St. Tammany Parish Bird and Wildlife Sanctuary within the boundaries of Du Bois Plantation Subdivision as same has received final subdivision approval from the governing body of the parish, and as said subdivision plans for said subdivision have been duly recorded in the office of the clerk of court, all as more fully described as follows:

All that certain parcel of land, together with all buildings and improvements thereon, and all rights, ways, means, privileges and appurtenances thereunto belonging or in anywise appertaining thereto, situated in section 27, Township 6 south, Range 10 east, St. Tammany Parish, Louisiana, being more fully described as follows, to-wit:

From the section corner common to sections 27, 26, 34 and 35, Township 6 south, Range 10 east, go south 89 degrees 50 minutes 00 seconds west 500.0 feet to a point; thence continue south 89 degrees 50 minutes 00 seconds west 418.0 feet to the point of beginning. From the point of beginning continue south 89 degrees 50 minutes west 417.8 feet to a point; thence north 00 degrees, 09 minutes west 2093.40 feet to a point on the southerly right-of-way line of U.S. Highway 190; thence south 85 degrees, 30 minutes east 419.18 feet along the southerly right-of-way line of U.S. Highway 190 to a point; thence south 00 degrees, 09 minutes west 2,059.30 feet back to the point of beginning. All as shown on plan by S. K. Landry, Registered Land Surveyor, dated August 10, 1983, containing in all 19.915 acres of land, more or less.

(Code 1998, § 4-110.00; Ord. No. 90-1315, 7-19-1990)

Sec. 10-434. Prohibited acts, exceptions; encouraged treatment of birds and wildlife.

(a) It shall be unlawful and a violation of this division for any person to hunt, trap, shoot, snare, cage, intimidate or molest any bird and wildlife or to rob the nests of any wild birds or lairs of wildlife within the above described area; provided, however, that same shall not apply to any bird or animal kept and maintained as a house pet and sold for such purpose by any bona fide pet store, nor to any birds or animals which constitute a nuisance to property and/or health.

(b) The feeding and care of birds and wildlife is permitted and encouraged.
(Code 1998, § 4-110.01; Ord. No. 90-1315, 7-19-1990)

***Editor's note**—New Division 15 and following sections are hereby added under the authority of Ordinance No. 91-1315.

Sec. 10-435. Signs.

It shall be the sole obligation and expense of the homeowners residing therein to obtain and place appropriate signs indicating that said area is a "St. Tammany Parish Bird and Wildlife Sanctuary"; permission is herewith granted to place said signs on parish roads or rights-of-way, provided written approval therefor is first had and obtained from the department of parish engineering.

(Code 1998, § 4-110.02; Ord. No. 90-1315, 7-19-1990)

Secs. 10-436—10-453. Reserved.

DIVISION 16. HELENBIRG SUBDIVISION

Sec. 10-454. Boundaries.

There is herewith created a St. Tammany Parish Bird and Wildlife Sanctuary within the boundaries of Helenbirg Subdivision as same has received final subdivision approval from the governing body of the parish, and as said subdivision plans for said subdivision have been duly recorded in the office of the clerk of court, all as more fully described as follows:

Lots 1, 2, 3, 4, 5 and 6 and Parcels A and B of Block 1, Helenbirg Subdivision, southern division, situated in section 22, Township 7 south, Range 11 east, more fully described as follows, to-wit:

From the intersection of the southerly line of 1st Avenue and the westerly line of Helenbirg Boulevard, go southerly along the western edge of Helenbirg Boulevard, 690.0 feet to a one-inch iron pipe and the point of beginning. From the point of beginning, continue southerly along the western edge of Helenbirg Boulevard, 280.6 feet to a five-eighths-inch iron rod located on the right descending bank of the Ponchitolawa Creek; thence continue southerly to the centerline of Ponchitolawa Creek; thence recommencing at the point of beginning, go westerly and at a right angle to Helenbirg Road, 280.0 feet to a one-half-inch brass pipe located on the eastern edge of North Street, 456.0 feet to a one-half-inch square iron rod located on the right descending bank of the Ponchitolawa Creek; thence continue southerly to the centerline of Ponchitolawa Creek; thence go along the centerline of Ponchitolawa Creek upstream 360 feet, more or less, to the point heretofore established, all in accordance with survey by Edward L. Jones, dated May 16, 1990, attached to Ordinance No. 91-1435.

(Code 1998, § 4-111.00; Ord. No. 91-1435, 4-18-1991)

Sec. 10-455. Prohibited acts, exceptions; encouraged treatment of birds and wildlife.

(a) It shall be unlawful and a violation of this division for any person to hunt, trap, shoot, snare, cage, intimidate or molest any bird and wildlife or to rob the nests of any wild birds or lairs of wildlife within the above described area; provided, however, that same shall not apply to

any bird or animal kept and maintained as a house pet and sold for such purpose by any bona fide pet store, nor to any birds or animals which constitute a nuisance to property and/or health.

(b) The feeding and care of birds and wildlife is permitted and encouraged.
(Code 1998, § 4-111.01; Ord. No. 91-1435, 4-18-1991)

Sec. 10-456. Signs.

It shall be the sole obligation and expense of the homeowners residing therein to obtain and place appropriate signs indicating that said area is a "St. Tammany Parish Bird and Wildlife Sanctuary"; permission is herewith granted to place said signs on parish roads or rights-of-way, provided written approval therefor is first had and obtained from the department of parish engineering.

(Code 1998, § 4-111.02; Ord. No. 91-1435, 4-18-1991)

Secs. 10-457—10-480. Reserved.

DIVISION 17. CROSS GATES, QUAIL RIDGE, TURTLE CREEK

Sec. 10-481. Boundaries.

There are herewith created St. Tammany Parish Bird and Wildlife Sanctuaries within the boundaries of Cross Gates Subdivision (all phases), Quail Ridge Subdivision (phase six), and Turtle Creek Subdivision (all phases as developed), all more fully described as follows:

(1) *Cross Gates Subdivision.*

a. *Cross Gates east phases one and two.* All that certain parcel of land, being situated in section 38, Township 9 south, Range 15 east, St. Tammany Parish, Louisiana, being more fully described as follows:

1. From the section corner common to sections 31 and 38, Township 8 south, Range 15 east, and sections 6 and 38, Township 9 south, Range 15 east, go south 66 degrees, 55 minutes 23 seconds east 3,531.10 feet to the point of beginning.
2. Thence from the point of beginning, go north 50 degrees 05 minutes, 31 seconds east 4,16.99 feet to a point; thence go south 39 degrees, 40 minutes, 30 seconds east 818.90 feet to a point; thence go south 40 degrees, 08 minutes 11 seconds east 66.719 feet to a point; thence go south 49 degrees, 51 minutes 49 seconds west 20.00 feet to a point; thence go south 40 degrees, 08 minutes, 11 seconds east 410.00 feet to a point; thence go north 49 degrees, 51 minutes, 49 seconds east 20.00 feet to a point; thence go south 40 degrees, 08 minutes 11 seconds east 634.442 feet to a point; thence go south 50 degrees, 10 minutes 20 seconds west 126.49 feet to the northerly right-of-way line being

south 87 degrees, 55 minutes, 10 seconds west 366.44 feet to a point; thence go north 39 degrees, 58 minutes, 50 seconds west 1705.34 feet back to the point of beginning. Containing 17.43 acres, more or less.

b. *Cross Gates phase two, parcel D.*

1. From the section corner common to sections 7, 37 and 38, Township 9 south, Range 15 east, St. Tammany Parish, Louisiana, go north 49 degrees, 17 minutes, 17 seconds east 2,082.43 feet to a point; thence north 7 degrees, 41 minutes, 10 seconds west 1,068.46 feet to a point; thence north 13 degrees, 18 minutes, 10 seconds west 374.62 feet to a point; thence north 19 degrees, 00 minutes 10 seconds west 629.23 feet to a point; thence north 18 degrees, 09 minutes west 111.73 feet to a point; thence north 45 degrees, 13 minutes, 41 seconds east 44.62 feet to a point; thence north 87 degrees, 25 minutes, 18 seconds east 1,397.24 feet to a point; thence north 02 degrees, 34 minutes, 42 seconds west 140.0 feet to an iron, which is the point of beginning.
2. Thence from the point of beginning, go north 02 degrees, 34 minutes, 42 seconds west 680.0 feet to an iron; thence north 14 degrees, 47 minutes 10 seconds west 110.86 feet to an iron; thence north 25 degrees, 04 minutes, 30 seconds west 140.81 feet to an iron; thence north 39 degrees, 52 minutes west 340.0 feet to an iron; thence north 50 degrees, 07 minutes east 414.14 feet to an iron; thence south 39 degrees 55 minutes 33 seconds east 467.92 feet to an iron; thence south 39 degrees, 58 minutes, 50 seconds east 1,344.50 feet to an iron; thence south 87 degrees, 25 minutes, 18 seconds west 1,146.76 feet to the point of beginning. Containing 21.68 acres, more or less.

c. *Cross Gates, phase three.* All that certain parcel of land, being situated in section 38, Township 9 south, Range 15 east, St. Tammany Parish, Louisiana, being more fully described as follows:

1. From the section corner common to sections 7, 37 and 38 in said township and range, go north 49 degrees, 17 minutes, 17 seconds east 2,130.14 feet to the point of beginning.
2. Thence from the point of beginning, go north 49 degrees, 17 minutes, 17 seconds east 1,641.87 feet; thence go north 40 degrees, 42 minutes, 43 seconds west 440.09 feet; thence go north 02 degrees, 34 minutes, 42 seconds west 243.73 feet; thence go north 87 degrees, 25 minutes, 18 seconds east 420.00 feet; thence go north 02 degrees, 34 minutes, 42 seconds west 340.00 feet; thence go south 87 degrees, 25 minutes, 18 seconds west 420 feet; thence go south 02 degrees, 34 minutes, 42 seconds east 140.00 feet; thence go south 87 degrees, 25 minutes, 18 seconds west 360.00 feet; thence go north 02 degrees, 34 minutes, 42 seconds west 140.00 feet; thence go south 87 degrees, 25 minutes, 18 seconds west 555.18 feet; thence go south 23 degrees, 13

minutes, 52 seconds east 410.88 feet; thence go south 66 degrees, 48 minutes, 25 seconds west 439.36 feet; thence go south 13 degrees, 18 minutes, ten seconds east 3,68.81 feet; thence go south 07 degrees, 41 minutes, ten seconds east 1,046.36 feet back to the point of beginning. Containing 40.45 acres, more or less.

d. *Cross Gates, phase 4-A.* All that certain parcel of land being situated in section 38, Township 8 south, Range 15 east, and section 38, Township 9 south, Range 15 east, St. Tammany Parish, Louisiana, being more fully described as follows:

1. From the section corner common to sections 7, 37 and 38, Township 9 south, Range 15 east, go east 1,410.88 feet to a point; thence go north 4,484.12 feet to the point of beginning.
2. Thence from the point of beginning, go south 50 degrees, 07 minutes west 584.07 feet along the westerly right-of-way line of Steele Road to a point; thence go north 16 degrees, 30 minutes west 373.74 feet along the easterly right-of-way line of Military Road to a point; thence go north 16 degrees, 30 minutes, 50 seconds west 813.26 feet along said right-of-way line to a point; thence go north 21 degrees, 04 minutes, 10 seconds west 490.29 feet along said right-of-way line to a point; thence north 64 degrees, 32 minutes, 01 second east 200 feet to a point; thence south 21 degrees, 04 minutes, 10 seconds east 505.923 feet to a point; thence south 16 degrees, 30 minutes, 50 seconds east 170.881 feet to a point; thence south 19 degrees, 08 minutes, 44 seconds east 665.00 feet to a point; thence south 39 degrees, 53 minutes, 00 seconds east 140.00 feet back to the point of beginning.
3. From the point of beginning, go north 50 degrees, 07 minutes, 00 seconds east 1,274.04 feet along the westerly right-of-way of Steele Road, thence north 39 degrees, 53 minutes, 00 seconds west 140.00 feet to a point; thence north 50 degrees, 07 minutes, 00 seconds east 838.973 feet to a point; thence along a curve which is the southerly right-of-way of Interstate 10 an arc length of 175.884 feet in an easterly direction to the westerly right-of-way of Steele Road; thence south 50 degrees, 07 minutes, 00 seconds west 945.43 feet to a point; thence continue south 50 degrees, 07 minutes, 00 seconds west 1,274.04 feet back to the point of beginning. Containing 14.41 acres, more or less.

e. *Cross Gates, phase 4-B.* All that certain lot or parcel of land being situated in section 38, Township 8 south, Range 15 east, and section 38, Township 9 south, Range 15 east, St. Tammany Parish, Louisiana, more fully described as follows:

1. From the section corner common to sections 7, 37 and 38, Township 9 south, Range 15 east, go east 1,410.88 feet; thence north 4,484.12 feet; thence north 39 degrees 53 minutes west 140.00 feet to the point of beginning.

2. From the point of beginning, go north 19 degrees, 08 minutes, 44 seconds west 665.00 feet; thence south 73 degrees, 23 minutes, 26 seconds west 7.678 feet; thence south 64 degrees, 32 minutes, 01 second west 200.00 feet to the easterly right-of-way of Military Road; thence along said right-of-way in two courses: north 25 degrees, 27 minutes, 29 seconds west 586.51 feet and north 19 degrees, 55 minutes, 54 seconds west 433.74 feet; thence south 71 degrees, 39 minutes, 20 seconds east 228.24 feet; thence north 15 degrees, 20 minutes, 40 seconds east 205.00 feet to the southerly right-of-way of Interstate 10; thence along said right-of way in two courses: south 71 degrees, 39 minutes, 20 seconds east 769.911 feet and along a curve to the left whose radius is 11,609.16 feet an arc distance of 580.189 feet; thence south 15 degrees, 21 minutes, 5 seconds west 434.652 feet; thence south 74 degrees, 38 minutes, 45 seconds east 140.00 feet; thence south 68 degrees, 42 minutes, 32 seconds east 60.323 feet; thence south 57 degrees, 07 minutes, 43 seconds east 162.537 feet; thence south 38 degrees, 03 minutes, 18 seconds west 186.234 feet; thence south 13 degrees, 27 minutes, 24 seconds east 229.788 feet; thence south 39 degrees, 53 minutes, 00 seconds east 200.00 feet; thence south 50 degrees, 07 minutes, 00 seconds west 360.00 feet; thence south 39 degrees, 53 minutes, 00 seconds east 140.00 feet; thence south 50 degrees, 07 minutes, 00 seconds west 500.00 feet back to the point of beginning. Containing 43.94 acres, more or less.
- f. *Cross Gates, phase 4-C.* All that certain lot or parcel of land being situated in section 38, Township 9 south, Range 15 east, St. Tammany Parish, Louisiana, more fully described as follows:
 1. From the section corner common to sections 7, 37 and 38, Township 9 south, Range 15 east, go east 1,410.88 feet; thence north 4,844.12 feet; thence north 50 degrees, 07 minutes, 00 seconds east 860.00 feet; thence north 39 degrees 53 minutes, 00 seconds west 140.00 feet to the point of beginning.
 2. From the point of beginning, go north 39 degrees, 53 minutes, 00 seconds west 340.00 feet; thence north 13 degrees, 27 minutes, 24 seconds west 229.778 feet; thence 38 degrees, 03 minutes, 18 seconds east 186.234 feet; thence north 57 degrees, 07 minutes, 43 seconds west 162.537 feet; thence north 68 degrees, 42 minutes, 37 seconds west 60.323 feet; thence 74 degrees, 38 minutes, 45 seconds west 140.00 feet; thence north 15 degrees, 21 minutes, 15 seconds east 434.752 feet to the southerly right-of-way of Interstate 10; thence along a curve to the left whose radius is 11,609.16 feet an arc distance of 1,388.46 feet; thence 50 degrees, 07 minutes, 00 seconds west 1,253.013 feet back to the point of beginning. Containing 22.22 acres, more or less.

- g. *Cross Gates, phase 5-A-1.* All that certain lot or parcel of land being situated in section 38, Township 9 south, Range 15 east, St. Tammany Parish, Louisiana, more fully described as follows:
1. Commencing at the northwest section corner common to sections 6 and 38 of said township and range, go north 50 degrees, ten minutes, 00 seconds east 2,553.61 feet; thence south 39 degrees, 50 minutes east 141.72 feet; thence south five degrees, ten minutes west 20.00 feet to the point of beginning.
 2. From the point of beginning go south 84 degrees, 50 minutes east 140.00 feet; thence south 78 degrees, 44 minutes, 07 seconds east 60.34 feet; thence south 84 degrees, 46 minutes, 19 seconds east 53.95 feet; thence north 50 degrees, 10 minutes east 827.35 feet; thence south 9 degrees 15 minutes, 43 seconds east 29.24 feet; thence south 25 degrees, 30 minutes, 47 seconds east 532.62 feet; thence north 64 degrees, 32 minutes, 01 second east 560.00 feet; thence south 25 degrees 30 minutes, 47 seconds east 77.31 feet; thence south 21 degrees, 04 minutes, 10 seconds east 2.85 feet; thence south 64 degrees, 32 minutes, 01 second west 209.81 feet; thence south 25 degrees, 30 seconds, 47 seconds east 89.49 feet; thence south 64 degrees, 29 minutes, 16 seconds west 140.00 feet; thence south 30 degrees, 14 minutes, 02 seconds west 72.14 feet; thence south 64 degrees, 32 minutes, 01 second west 366.83 feet; thence south 50 degrees, 10 minutes west 751.27 feet; thence north 84 degrees, 50 minutes west 390.35 feet; thence north 5 degrees, 10 minutes east 1,40.00 feet; thence north 36 degrees, 15 minutes, 56 seconds west 106.21 feet; thence north 3 degrees, 23 minutes, 19 seconds east 140.21 feet; thence north 84 degrees, 50 minutes west 45.18 feet; thence north 5 degrees, 10 minutes east 380.00 feet back to the point of beginning. Containing 22.3013 acres, more or less.
- h. *Cross Gates, phase 5-A-2.* All that certain lot or parcel of land lying and being situated in section 38, Township 9 south, Range 15 east, St. Tammany Parish, Louisiana, more fully described as follows:
1. Commencing at the northwest section corner common to sections 6 and 38 of said township and range, go north 50 degrees, 10 minutes, 00 seconds east 2,553.61 feet to the point of beginning.
 2. From the point of beginning go south 39 degrees 50 minutes east 141.72 feet; thence south 5 degrees, 10 minutes west 20.00 feet; thence south 84 degrees, 50 minutes east 140.00 feet; thence south 78 degrees, 44 minutes, 07 seconds east 60.34 feet; thence south 84 degrees, 46 minutes, 19 seconds east 53.95 feet; thence north 50 degrees, 10 minutes east 827.35 feet; thence south 9 degrees, 15 minutes, 43 seconds east 29.42 feet; thence south 25 degrees, 30 minutes, 47 seconds east 532.73 feet; thence north 64 degrees, 32 minutes, 01 second east 360.00 feet; thence north 25 degrees, 30 minutes, 47 seconds west

481.37 feet; thence north 9 degrees, 15 minutes, 43 seconds west 273.50 feet; thence north 40 degrees, 17 minutes, 10 seconds west 270.14 feet; thence south 49 degrees, 52 minutes, 50 seconds west 319.11 feet; thence south 50 degrees, 10 minutes west 1127.30 feet back to the point of beginning. Containing 16.0508 acres, more or less.

- i. *Cross Gates, phase 5-B.* All that certain lot or parcel of land lying and being situated in section 38, Township 9 south, Range 15 east, St. Tammany Parish, Louisiana, more fully described as follows:
 1. Commencing at the northwest section corner common to sections 6 and 38 of said township and range, go south 39 degrees, 58 minutes east 1,938.88 feet to the northerly right-of-way of Gause Boulevard; thence along said right-of-way north 72 degrees, 08 minutes east 454.27 feet to the point of beginning.
 2. From the point of beginning go north 17 degrees, 52 minutes west 358.83 feet; thence along a curve to the left whose radius is 260.00 feet a distance of 100.29 feet; thence north 39 degrees, 50 minutes west 557.18 feet; thence along a curve to the right whose radius is 290.00 feet a distance of 253.77 feet; thence south 84 degrees, 50 minutes east 80.00 feet; thence along a curve to the left whose radius is 210.00 feet a distance of 85.42 feet; thence north 71 degrees, 26 minutes, 34 seconds east 134.21 feet; thence south 39 degrees, 58 minutes east 444.85 feet; thence south 50 degrees, 02 minutes west 140.00 feet; thence south 39 degrees, 58 minutes east 141.41 feet; thence along a curve to the right whose radius is 340.00 feet a distance of 58.93 feet; thence north 50 degrees, 02 minutes east 159.36 feet; thence south 17 degrees, 52 minutes east 205.50 feet; thence south 72 degrees, 08 minutes 140.00 feet; thence south 17 degrees, 52 minutes east 285.00 feet; thence south 72 degrees, 08 minutes west 80.00 feet back to the point of beginning. Containing 3.823 acres, more or less.
- j. *Cross Gates, phase 5-B-1.* All that certain lot or parcel of land lying and being situated in section 38, Township 9 south, Range 15 east, St. Tammany Parish, Louisiana, more fully described as follows:
 1. Commencing at the northwest section corner common to sections 6 and 38 of said Township and Range, go south 39 degrees, 58 minutes east 1,938.88 feet to the northerly right-of-way of Gause Boulevard; thence along said right-of-way north 72 degrees, 08 minutes east 454.27 feet: thence go north 17 degrees, 52 minutes west 358.83 feet; thence along a curve to the left whose radius is 260.00 a distance of 100.29 feet; thence north 39 degrees, 58 minutes west 557.18 feet; thence along a curve to the right whose radius is 290.00 a distance of 228.44 feet to the point of beginning.

2. From the point of beginning go south 86 degrees, 36 minutes, 15 seconds west 142.70 feet; thence north 5 degrees, 10 minutes east 501.21 feet; thence north 12 degrees, 41 minutes, 05 seconds west 173.91 feet; thence north 50 degrees, 10 minutes east 1221.80 feet; thence south 84 degrees 50 minutes 164.73 feet; thence south 3 degrees, 23 minutes, 19 seconds west 140.21 feet; thence south 36 degrees, 15 minutes, 56 seconds east 106.52 feet; thence south 5 degrees, 10 minutes west 140.00 feet; thence north 84 degrees, 50 minutes west 90.49 feet; thence south 50 degrees, 10 minutes west 848.17 feet; thence south 5 degrees, 10 minutes west 553.50 feet; thence south 71 degrees, 26 minutes, 34 seconds west 134.21 feet; thence in an arc to the right, whose radius is 210.00 feet a distance of 85.42 feet; thence north 84 degrees, 50 minutes west 80.00 feet; thence in an arc to the left, whose radius is 290.00 feet a distance of 25.33 feet back to the point of beginning. Containing 14.680 acres, more or less.
- k. *Cross Gates, phase 5-C.* All that certain lot or parcel of land lying and being situated in section 38, Township 9 south, Range 15 east, St. Tammany Parish, Louisiana, more fully described as follows:
 1. Commencing at the northwest section corner common to sections 6 and 38 of said township and range, go north 50 degrees, ten minutes east 1,444.42 feet to the point of beginning.
 2. From the point of beginning go north 50 degrees, 10 minutes east 1109.20 feet; thence south 39 degrees, 50 minutes east 141.72 feet; thence south 5 degrees, 10 minutes west 400.00 feet; thence north 84 degrees, 50 minutes west 119.58 feet; thence south 50 degrees, 10 minutes west 711.80 feet; thence north 39 degrees, 50 minutes west 140.00 feet; thence north 66 degrees, 23 minutes, 49 seconds west 67.089 feet; thence north 39 degrees, 50 minutes west 140.00 back to the point of beginning. Containing 8.254 acres, more or less.
- l. *Cross Gates, phase 5-C-1.* All that certain lot or parcel of land lying and being situated in section 38, Township 9 south, Range 15 east, St. Tammany Parish, Louisiana, more fully described as follows:
 1. Commencing at the northwest corner of section 38, common to section 6 of said township and range, go north 50 degrees, ten minutes, 00 seconds east 503.00 feet to the point of beginning.
 2. From the point of beginning continue north 50 degrees, 10 minutes, 00 seconds east 941.42 feet; thence south 39 degrees, 50 minutes, 00 seconds east 140.00 feet; thence south 66 degrees, 23 minutes, 49 seconds east 67.09 feet; thence south 39 degrees, 50 minutes, 00 seconds east 140.00 feet; thence south 50 degrees, 10 minutes, 00 seconds west 510.00 feet; thence south 12

degrees, 41 minutes, 05 seconds east 173.91 feet; thence south 5 degrees, 10 minutes, 00 seconds west 501.21 feet; thence south 50 degrees, 02 minutes, 00 seconds west 151.94 feet; thence north 39 degrees, 58 minutes, 00 seconds west 140.00 feet; thence north 55 degrees, 12 minutes, 30 seconds west 62.19 feet; thence north 39 degrees, 58 minutes, 00 seconds west 41.66 feet; thence north 5 degrees, 10 minutes, 00 seconds east 140.00 feet; thence south 34 degrees 38 minutes, 20 seconds west 78.10 feet; thence north 5 degrees 10 minutes 00 seconds east 170.00 feet; thence south 76 degrees, 32 minutes, 48 seconds west 94.97 feet; thence north 39 degrees, 50 minutes, 00 seconds west 268.71 feet back to the point of beginning.

- m. *Cross Gates, phase 5-C-2.* All that certain lot or parcel of land lying and being situated in section 38, Township 9 south, Range 15 east, St. Tammany Parish, Louisiana, more fully described as follows:

1. Commencing at the northwest corner of section 38, common to section 6 of said township and range, go north 50 degrees, 10 minutes, 00 seconds east 210.00 feet to the point of beginning.
2. From the point of beginning continue north 50 degrees, 10 minutes, 00 seconds east 293.00 feet; thence south 39 degrees, 50 minutes, 00 seconds east 268.71 feet; thence north 76 degrees, 32 minutes, 48 seconds east, 94.97 feet; thence south 5 degrees, 10 minutes, 00 seconds west 170.00 feet; thence south 34 degrees, 38 minutes, 20 seconds east 78.10 feet; thence south 5 degrees, 10 minutes, 00 seconds west 140.00 feet; thence south 39 degrees, 58 minutes, 00 seconds east 41.66 feet; thence south 55 degrees, 12 minutes, 30 seconds east 62.19 feet; thence south 39 degrees, 58 minutes, 00 seconds east 140.00 feet; thence south 50 degrees, 02 minutes, 00 seconds west 376.74 feet; thence north 39 degrees, 58 minutes, 00 seconds west 600.40 feet; thence north 00 degrees, 07 minutes, 07 seconds east 326.12 feet back to the point of beginning.

- n. *Quail Ridge, phase 6.* All that certain parcel of land being situated in sections 9 and 39, Township 9 south, Range 15 east, St. Tammany Parish, Louisiana, Ward 8, being more fully described as follows:

1. From the section corner common to sections 9, 16 and 39 in the above township and range, go north 89 degrees, 49 minutes east 1,320.19 feet; thence north 33 degrees west 2,418.82 feet to the point of beginning.
2. Thence from the point of beginning go north 33 degrees west 579.00 feet; thence north 50 degrees east 3,302.76 feet to the westerly bank of the west Pearl River; thence along said river in seven courses: south 23 degrees, 27 minutes, 22 seconds east 216.32 feet; south 18 degrees, 34 minutes, 31 seconds east 226.06 feet; south 10 degrees, 54 minutes, 11 seconds east 342.53 feet;

south 26 degrees, 28 minutes, 55 seconds east 286.93 feet; south 39 degrees, 32 minutes, 14 seconds east 146.85 feet; south 43 degrees, 40 minutes, 31 seconds east 234.13 feet; and south 29 degrees, 09 minutes, 18 seconds east 29.33 feet along said westerly bank; thence south 65 degrees, 37 minutes, 17 seconds west 822.53 feet; thence north 24 degrees, 22 minutes, 43 seconds west 35.00 feet; thence south 82 degrees, 20 minutes, 40 seconds west 20.00 feet; thence south 44 degrees, 03 minutes, 11 seconds west 277.30 feet; thence south 21 degrees west 571.50 feet; thence south 36 degrees, 30 minutes west 110.00 feet; thence north 66 degrees, 15 minutes west 265.00 feet; thence south 87 degrees, 15 minutes, 54 seconds west 463.12 feet; thence north 27 degrees, 35 minutes west 25.86 feet to a point in a curve having a radius of 371.01 feet; thence along said curve to the right an arc distance of 42.21 feet; thence south 65 degrees, 37 minutes, 17 seconds west 631.61 feet; thence north 33 degrees west 111.39 feet; thence south 57 degrees west 260.0 feet back to the point of beginning. Containing 80.170 acres, more or less.

(2) *Turtle Creek Subdivision.*

a. *Turtle Creek, phase 1.* All that certain parcel of land lying and being situated in section 37, Township 9 south, Range 15 east, St. Tammany Parish, Louisiana, more fully described as follows:

1. Commencing at the section corner common to sections 7, 37 and 38 of said township and range go north 49 degrees, 25 minutes, 33 seconds east 2,131.67 feet; thence north 49 degrees, 17 minutes, 17 seconds east 239.52 feet to the point of beginning.
2. From the point of beginning go along the southerly boundary north 49 degrees, 17 minutes, 17 seconds east 1,992.33 feet; thence south 40 degrees 42 minutes, 43 seconds east 280.00 feet; thence south 30 degrees, 06 minutes, 33 seconds west 243.52 feet; thence south 49 degrees, 17 minutes, 17 seconds east 1,722.37 feet; thence south 82 degrees, 19 minutes, 15 seconds west 231.47 feet; thence north 7 degrees, 19 minutes, 32 seconds west 288.03 feet back to the point of beginning. Containing 16.83 acres, more or less.

(Code 1998, § 4-111.10; Ord. No. 92-1602, 5-21-1992)

Sec. 10-482. Prohibited acts, exceptions; encouraged treatment of birds and wildlife.

(a) *Prohibited.* It shall be unlawful and a violation of this division for any person to hunt, trap, shoot, snare, cage, intimidate or molest any bird or wildlife, or to rob the nests of any wild bird or lairs of any wildlife within the above described areas; provided however, that same shall not apply to any bird or animal kept and maintained as a house pet and sold for such purpose by any bona fide pet store, nor to any birds or animals which constitute a nuisance to property and/or health. Accepted is the feeding and care of birds and wildlife is permitted and

encouraged. It shall be unlawful for any person to discharge any firearm, gun or other weapon by which a bullet or projectile is launched by means of igniting gunpowder, compressed air, or gas, within a 400 feet perimeter zone of any designated parish bird and wildlife sanctuary.

(b) *Definitions.* For the purpose of this section, the following terms, words and phrases shall have the meanings ascribed to them in this subsection, unless the context clearly indicates different:

Firearms mean any handgun, pistol, revolver, rifle, shotgun, or musket of any caliber, machine gun, pellet gun, BB gun, or other mechanism which launches a bullet or any other type of projectile by means of igniting gunpowder, compressed air or gas.

Parish bird and wildlife sanctuary means those portions or parcels of ground located in the unincorporated area of the parish specifically declared and designated to be parish bird and wildlife sanctuaries as described herein.

Perimeter means that area surrounding and incorporating all boundaries of Cross Gates Subdivision (all phases), Quail Ridge Subdivision, phase 6, and Turtle Creek Subdivision (all phases as developed), measured in a straight line outward a distance of 400 feet from the front, rear and two side lines, as shown on the subdivision plot, and being designated as parish bird and wildlife sanctuaries.

(c) *Signs.* It shall be the sole obligation and expense of the homeowners residing in the above referenced subdivisions to obtain and place appropriate signs indicating said areas "St. Tammany Parish Bird and Wildlife Sanctuary". Permission is herewith granted to place said signs on parish roads or rights-of-way, provided written approval therefor is first had and obtained from the department of public works.

(d) *Exemption.* Exempt herefrom are any law enforcement officers or agents and officials of state and federal agencies engaged in the pursuit of their duties, or any citizen lawfully discharging a weapon for the purpose of defending his life or property.

(e) *Violation; penalty.* Any violation of this section shall constitute a misdemeanor punishable in accordance with section 1-9.

(Code 1998, § 4-111.11; Ord. No. 92-1602, 5-21-1992)

Secs. 10-483—10-502. Reserved.

DIVISION 18. HIDDEN ACRES AND PENN CHAPEL ACRES

Sec. 10-503. Boundaries.

There are hereby created St. Tammany Parish Bird and Wildlife Sanctuaries within the boundaries of Hidden Acres Subdivision and Penn Chapel Acres Subdivision as more fully described as follows:

(1) *Hidden Acres.*

- a. From a point described as being 500 degrees 20 degrees 20 east, 2,514.6; north 89 degrees 40 east, 1,716.0 from the intersection of the Range line between Range 10 east and Range 11 east and the southerly R.O.W. of LA 21, in accordance with a plan of survey by J.J. Krebs and Sons, dated October 28, 1959, also the point of beginning and measure north 05 degrees 30 east, 1,522.5; thence 558 degrees 30 east, 1,181.8; thence 500 degrees 20 east, 891.2; thence 589 degrees 40 west 1,158.8 to the point of beginning.
- b. There shall be a rear yard having a depth of not less than 20 percent of the depth of the lot provided, however that the required rear yard shall not be less than 25.0 and no more than 50.0.

- (2) *Penn Chapel Acres.* Commence at a point described as being 500 degrees 20 east, 2,514.6; north 89 degrees 40 east, 1,716.0; north 05 degrees 30 east, 1,522.4 from the intersection of the range line between Range 10 east and Range 11 east and the southerly right-of-way at LA Highway 22 in accordance with a plan of survey by J.J. Krebs and Sons, dated October 28, 1959, also the point of beginning; thence north 05 degrees 30 east, 424.92; 558 degrees 30 east, 1,131.0; 500 degrees 20 east, 449.53; north 58 degrees 30 west, 1,181.83 to the point of beginning.

(Code 1998, § 4-112.00)

Editor's note—The above property descriptions and maps are located in the parish council office.

Sec. 10-504. Prohibited acts, exceptions; encouraged treatment of birds.

(a) *Prohibited.*

- (1) It shall be unlawful and a violation of this division for any person to hunt, trap, shoot, snare, cage, intimidate or molest any bird or wildlife, or to rob the nests of any wild bird or lairs of any wildlife within the above described areas; provided however, that same shall not apply to any bird or animal kept and maintained as a house pet and sold for such purpose by any bona fide pet store, nor to any birds or animals which constitute a nuisance to property and/or health. The feeding and care of birds and wildlife is permitted and encouraged.

- (2) It shall be unlawful for any person to discharge any firearm, gun or other weapon by which a bullet or projectile that is launched by means of igniting gunpowder, compressed air, or gas, within a 400 feet perimeter zone of any designated parish bird and wildlife sanctuary.

(b) *Definitions.* For the purpose of this section, the following terms, words and phrases shall have the meanings ascribed to them in this subsection, unless the context clearly indicates different:

Firearms mean any handgun, pistol, revolver, rifle, shotgun, or musket of any caliber, machine gun, pellet gun, BB gun, or other mechanism which launches a bullet or any other type of projectile by means of igniting gunpowder, compressed air or gas.

Parish bird and wildlife sanctuary means that portion or parcel of ground located in the unincorporated area of the parish specifically declared and designated to be parish bird and wildlife sanctuary as described herein.

Perimeter means that area surrounding and incorporating all boundaries of Hidden Acres Subdivision and Penn Chapel Acres Subdivision (present and future phases as developed), measured in a straight line outward a distance of 400 feet from the front, rear and two side lines, as shown on the subdivision plot, and being designated as parish bird and wildlife sanctuaries.

(c) *Signs.* It shall be the sole obligation and expense of the homeowners residing in the above referenced subdivisions to obtain and place appropriate signs indicating said area is a "St. Tammany Parish Bird and Wildlife Sanctuary". Permission is herewith granted to place said signs on parish roads or rights-of-way, provided written approval therefor is first had and obtained from the department of public works.

(d) *Exemption.* Exempt herefrom are any law enforcement officers or agents and officials of state and federal agencies engaged in the pursuit of their duties, or any citizen lawfully discharging a weapon for the purpose of defending his life or property.

(e) *Violation; penalty.* Any violation of this section shall constitute a misdemeanor punishable in accordance with section 1-9.

(Code 1998, § 4-112.01; Ord. No. 94-1940, 3-17-1994)

Secs. 10-505—10-531. Reserved.

DIVISION 19. WHIPPOORWILL GROVE ON MONEY HILL SUBDIVISION

Sec. 10-532. Boundaries.

There are hereby created St. Tammany Parish Bird and Wildlife Sanctuaries within the boundaries of Whippoorwill Grove Subdivision (present and future phases as developed) in sections 22, 23 and 26, Township 5 south, Range 12 east, as more fully described as follows:

- (1) *Whippoorwill Grove, phase I.* From the section corner common to sections 13, 14, 23 and 26, Township 5 south, Range 12 east, St. Tammany Parish, Louisiana run south 01

degrees, 09 east, 2668.66 to the one-fourth section corner common to sections 23 and 24; thence south 01 degrees, 17 east, 176.42 to a point on the west right-of-way of LA Highway 21; thence along said right-of-way, south 38 degrees, 43 west, 1,619.0 to the point of beginning. From the point of beginning continue south 38 degrees 45' west, 1,800.06 along said right-of-way to a point at the intersection of said right-of-way with the north right-of-way of Fairgrounds Drive; thence run along said right-of-way in the next 5 courses: north 51 degrees 35 west, 2348.23; thence with a curve to the right having a radius of 1,365.31 and an arc of 336.65 to a point; thence north 37 degrees, 27 west, 213.12 to a point; thence with a curve to the left having a radius of 1,911.91 and an arc of 1005.71 to a point; thence north 67 degrees, 36 west, 1,274.72 to a point; thence depart said right-of-way and run north 37 degrees 48 east, 605.29 to point "A" on the 133 contour and the shore of Egret Pond; thence follow the meanderings of said shore generally northeastward to point "B" on the 133 contour and the shore of Egret Pond. Point "B" bears north 51 degrees, 46 31" east, 537.84. From Point "A" from Point "B" continue south 19 degrees, 39 east, 6.87; north 70 degrees, 21 east, 60.0; north 19 degrees, 39 west, 164.03 to point "C" on the 125 contour and the shore of Crane Lake; thence follow the meanderings of said shore generally eastward to point "D" on the 125 contour and the shore of Crane Lake. Point "D" bears north 87 degrees, 18 46" east, 4,059.35; from point "C". From point "D" continue south 04 degrees, 58 east, 17.96; north 85 degrees, 02 east, 40.00; south 21 degrees, 06 east, 204.44 to a point on the north right-of-way of Hoot Owl Road; thence along said right-of-way in the following four courses: north 81 degrees, 28 east, 110.95; thence 249.81 along the arc of a non-tangent curve to the right having a radius of 50.00 and a chord which bears south 08 degrees, 32 26" east, 60.00; thence south 81 degrees, 28 west, 110.95; thence with a curve to the left having a radius of 166.53 and an arc of 49.05 to a point; thence south 28 degrees, 58 east, 478.64 to a point; thence south 14 degrees, 20 west, 440.00 to a point on the north right-of-way of Morning Dove Drive; thence 203.44 along said right-of-way along the arc of a nontangent curve to the right having a radius of 50.00 and a chord which bears south 06 degrees, 03 10" west, 89.44 to a point; thence continue south 69 degrees, 29 west along said right-of-way, 71.51 to a point; thence south 02 degrees, 12 east, 430.34 to a point; thence north 87 degrees, 48 east, 40.00 to a point; thence south 02 degrees, 12 east, 873.07 to a point; thence south 51 degrees, 17 east, 242.44 to a point; thence north 38 degrees, 43 east, 30.00 to a point; thence south 51 degrees, 17 east, 60.00 back to the point of beginning.

(2) *Whippoorwill Grove, phase II.*

- a. Being located in section 23, Township 5 south, Range 12 east, St. Tammany Parish Louisiana, District 5, Ward 5.
- b. From the section corner common to sections 13, 14, 23, and 26, Township 5 south, Range 12 east, St. Tammany Parish, Louisiana, run south 01 degrees 09 minutes east, 434.69 feet to the point of beginning.

- c. From the point of beginning continue south 01 degrees 09 minutes east, 130.92 feet to a point; thence south 88 degrees 51 minutes west, 52.10 feet to a point "E" on the 108 feet contour and the shore of Lake Cormorant; thence follow the meanderings of said shore; generally southwesterly to point "F" on the 108 foot contour; point "F" bears south 14 degrees 47 minutes 42 seconds west, 2,371.55 feet from point "E", from point "F" continue south 67 degrees 00 minutes east, 560.70 feet to the west right-of-way of Louisiana Highway 21; thence along said right-of-way, south 38 degrees 43 minutes west, 1,319.00 feet to a point; thence north 51 degrees 17 minutes west, 60.0 feet to a point; thence south 38 degrees 43 minutes west, 30.0 feet to a point; thence north 51 degrees 17 minutes west, 242.44 feet to a point; thence north 02 degrees 12 minutes west, 873.07 feet to a point; thence south 87 degrees 48 minutes west, 40.0 feet to a point; thence north 02 degrees 12 minutes west, 430.34 feet to a point; thence north 69 degrees 29 minutes east, 71.51 feet along the south right-of-way of Morning Dove Drive to a point; thence 203.45 feet along the arc of a nontangent curve to the left having a radius of 50.0 feet and a chord which bears north 06 degrees 03 minutes east, 89.44 feet to a point; thence north 14 degrees 20 minutes east, 400.0 feet to a point; thence north 28 degrees 58 minutes west, 472.64 feet to a point on the south right-of-way of Hoot Owl Drive; thence with a curve to the right having a radius of 166.53 feet and an arc of 49.05 feet to a point; thence 249.82 feet along the arc of a non-tangent curve to the left having a radius of 50.0 feet to a point; thence south 81 degrees 28 minutes west, 110.95 feet to a point; thence north 21 degrees 06 minutes west, 204.44 feet to a point; thence north 85 degrees 02 minutes east, 40.00 feet to a point; thence north 04 degrees 58 minutes west, 761.43 feet to a point "G"; thence along the shoreline and the 108 feet contour of Lake Cormorant easterly and northerly to a point "H"; thence north 45 degrees 05 minutes west, 77.4 feet to a point; thence north 13 degrees 47 minutes east, 140.00 feet to a point; thence south 76 degrees 13 minutes east, 826.82 feet back to the point of beginning.
- (3) *Whippoorwill Grove, phase III.* From the one-fourth corner common to sections 15 and 16, Township 5 south, Range 12 east, St. Tammany, Louisiana run 500 degrees 44' east, 443.5; north 83 degrees 18 east, 592.4; north 85 degrees, 43 east, 200.7; south 589 degrees 14 east, 112.9; south 84 degrees 23 east, 116.7; south 82 degrees, 08 east, 385.4; south 82 degrees, 50 east, 618.3; south 82 degrees, 01 east, 697.6; south 07 degrees, 20 east, 1633.8 to the point of the beginning. From the point of the beginning run north 07 degrees 43 02" west, 80; thence north 84 degrees, 56 33" east, 100.00; thence north 88 degrees 25 03" east, 173.06; north 82 degrees, 43 18" east, 2825.00; thence with a curve to the right having a radius of 182.83 and an arc of 152.51; thence north 82 degrees, 43 east, 529.45; thence south 41 degrees, 00 east, 320.05; thence north 63 degrees, 00 east, 537.2; thence south 41 degrees, 00 east, 338.40; thence with a curve to the right having a radius of 323.81 and an arc of 305.70; thence south 77 degrees, 51 east, 108.08; thence

with a curve to the right having a radius of 653.96 and arc of 308.89; thence with a curve to the left having a radius of 2,742.43 and an arc of 296.79; thence with a curve to the left having a radius of 2,060.07 and an arc of 265.61; thence south 64 degrees, 23 east, 232.54; thence south 19 degrees 07 west, 315.75 to point on the 125 contour and the shore of Crane Lake; thence follow the meanderings of said shore to Point "A" on the 125 contour and also the shore of Crane Lake; thence north 18 degrees, 59 west, 135.40; thence south 70 degrees 49 east, 60.0 to point "B" on the shore of Egret Pond; thence follow the meanderings of said shore generally north westward to point "C"; thence north 23 degrees, 48 east, 108.24; thence north 51 degrees, 16 west, 47.58 to point "D"; thence follow the meandering of Loon Pond to point "E"; thence north 08 degrees 43 west, 251.36, thence south 82 degrees, 43 18" west, 769.06; thence south 07 degrees, 43 02" east, 9.50; thence south 85 degrees, 19 33" west, 272.25 back to the point of the beginning.

- (4) *Whippoorwill Grove, phase IV.* From the one-fourth corner common to sections 15 and 16, Township 5 south, Range 12 east, St. Tammany Parish, Louisiana run south 00 degrees 44 minutes east, 443.5 feet; thence north 83 degrees 18 minutes east, 592.4 feet; thence north 85 degrees 43 minutes east, 200.7 feet; thence south 89 degrees 14 minutes east, 112.9 feet; thence south 84 degrees 23 minutes east, 116.7 feet; thence south 82 degrees 08 minutes east, 385.4 feet; thence south 82 degrees 50 minutes east, 618.3 feet; thence south 82 degrees 01 minutes east, 697.6 feet; thence south 07 degrees 20 minutes east, 1633.8 feet; thence north 85 degrees 19 minutes 33 seconds east, 272.25 feet; thence north 07 degrees 43 minutes 02 seconds west, 9.5 feet to the point of beginning. From the point of beginning run north 82 degrees 43 minutes 18 seconds east, 769.06 feet; thence south 00 degrees 44 minutes 51 seconds east, 201.23 feet; thence south 23 degrees 16 minutes 38 seconds east, 110.00 feet; thence 02 degrees 30 minutes 26 seconds west, 101.15 feet; thence south 05 degrees 16 minutes 45 seconds east, 148.35 feet; thence south 02 degrees 20 minutes 39 seconds east, 187.30 feet; thence south 17 degrees 41 minutes 52 seconds east, 142.30 feet; thence south 01 degrees 48 minutes 40 seconds east, 39.35 feet; thence south 72 degrees 28 minutes 40 seconds east, 46.95 feet; thence north 78 degrees 19 minutes 20 seconds east, 90.04 feet; thence south 32 degrees 25 minutes 32 seconds east, 212.66 feet; thence south 22 degrees 212 minutes 30 seconds east, 285.58 feet; thence south 16 degrees 40 minutes 33 seconds west, 267.38 feet; thence south 67 degrees 57 minutes 37 seconds east, 77.65 feet; thence south 42 degrees 23 minutes 16 seconds east, 320.66 feet; thence south 37 degrees 56 minutes 18 seconds east, 309.17 feet; thence south 00 degrees 08 minutes 12 seconds west, 22750 feet; thence south 04 degrees 12 minutes 58 seconds west, 131.11 feet; thence south 37 degrees 47 minutes 56 seconds west, 595.80 feet; thence north 67 degrees 35 minutes 30 seconds west, 799.03 feet; thence with a curve to the right having a radius of 240.66 feet and an arc of 170.22 feet; thence with a curve to the left having a radius of 2936.93 feet and an arc of 159.79 feet; thence north 31 degrees 10 minutes 10 seconds west, 148.07 feet;

thence with a curve to the right having a radius of 1,501.11 feet and an arc of 366.06 feet; thence north 17 degrees 11 minutes 50 seconds west, 133.45 feet; thence with a curve to the left having a radius of 1,230.74 feet and an arc of 375.04 feet; thence north 34 degrees 39 minutes 25 seconds west, 222.94 feet; thence with a curve to the left having a radius of 756.20 feet and an arc of 482.65 feet; thence north 07 degrees 40 minutes 51 seconds west, 537.43 feet; thence north 84 degrees 56 minutes 33 seconds east, 272.25 feet; thence north 07 degrees 43 minutes 02 seconds west, 160.00 feet back to the point of beginning.

(5) *Whippoorwill Grove, phase V.*

- a. From the one-fourth corner common to sections 15 and 16, Township 5 south, Range 12 east, St. Tammany Parish, Louisiana run south 00 degrees 44 minutes east, 443.5 feet; thence north 83 degrees 18 minutes east, 592.4 feet; thence north 85 degrees 43 minutes east 200.07 feet; thence south 89 degrees 14 minutes east, 112.9 feet; thence south 84 degrees 23 minutes east, 116.7 feet; thence south 82 degrees 08 minutes east, 385.4 feet; thence south 82 degrees 50 minutes east, 618.3 feet; thence south 82 degrees 01 minutes east, 697.6 feet; thence south 07 degrees 20 minutes east, 1633.8 feet; thence north 07 degrees 43 minutes 02 seconds west, 80 feet to the point of beginning.
- b. From the point of beginning run north 07 degrees 56 minutes 34 seconds west, 360.62 feet; thence north 82 degree 15 minutes 05 seconds east, 1,380.60 feet; thence north 82 degrees 43 minutes 18 seconds east, 561.17 feet; thence south 78 degrees 08 minutes 35 seconds east, 784.96 feet; thence south 07 degrees 16 minutes 42 seconds east, 135.67 feet; thence south 82 degrees 43 minutes 18 seconds west, 2,407.01 feet; thence south 88 degrees 25 minutes 03 seconds west, 173.06 feet; thence south 84 degrees 56 minutes 33 seconds west, 100.0 feet back to the point of beginning.

- (6) *Whippoorwill Grove, phase VI.* From the one-fourth corner between sections 23 and 24, Township 5 south, Range 12 east, St. Tammany Parish, Louisiana this being the point of beginning. From the point of beginning run south 01 degrees 17 minutes 16 seconds east, 176.42 feet to a point on the north right-of-way of LA Highway 21; thence run along said right-of-way, south 38 degrees 43 minutes 21 seconds west, 300.00 feet; thence north 67 degrees 00 minutes 00 seconds west, 560.70 feet to point F on the 108 contour and the shore of Lake Cormorant; thence follow the 108 contour and the shore of Lake Cormorant in an northeasterly direction to point I; thence north 88 degrees 51 minutes 08 seconds east, 335.72 feet; thence south 01 degrees 08 minutes 52 seconds east, 710.56 feet; thence south 88 degrees 51 minutes 08 seconds west, 5.00 feet; thence south 01 degrees 08 minutes 52 seconds east, 200.20 feet; thence north 88 degrees 51 minutes 08 seconds east, 5.00 feet; thence south 01 degrees 08 minutes 52 seconds east, 525.29 feet back to the point of beginning.

(7) *Whippoorwill Grove, phase VII.*

- a. From the one-fourth corner between sections 14 and 15, Township 5 south, Range 12 east, St. Tammany Parish, Louisiana this being the point of beginning.
- b. From the point of beginning run north 88 degrees 30 minutes 45 seconds east, 375.00 feet; thence south 20 degrees 39 minutes 59 seconds west, 251.53 feet; thence south 88 degrees 43 minutes 56 seconds west, 680.16 feet; thence south 02 degrees 04 minutes 01 seconds east, 222.00 feet; thence south 03 degrees 57 minutes 47 seconds west, 449.71 feet; thence north 76 degrees 50 minutes 04 seconds east 75.00 feet; thence south 85 degrees 14 minutes 58 seconds east, 238.00 feet; thence south 37 degrees 9 minutes 11 seconds east, 518.85 feet; thence south 04 degrees 17 minutes 28 seconds east, 392.85 feet; thence north 78 degrees 08 minutes 35 seconds west, 753.49 feet; thence south 49 degrees 36 minutes 50 seconds west, 72.62 feet; thence south 73 degrees 37 minutes 23 seconds west, 316.31 feet; thence north 72 degrees 38 minutes 35 seconds west, 239.60 feet; thence north 07 degrees 39 minutes 37 seconds, west, 946.62 feet; thence south 82 degrees 14 minutes 23 seconds west, 157.70 feet; thence north 07 degrees 39 minutes 37 seconds, west, 363.60 feet; thence north 82 degrees 14 minutes 22 seconds east, 252.10 feet; thence north 07 degrees 47 minutes 07 seconds west, 738.08 feet; thence south 82 degrees 14 minutes 16 seconds west, 300.00 feet; thence north 19 degrees 59 minutes 59 seconds east, 1,090.01 feet; thence north 34 degrees 48 minutes 34 seconds east, 844.53 feet; thence north 01 degrees 33 minutes 46 seconds west, 533.88 feet; thence north 88 degrees 26 minutes 09 seconds east, 654.99 feet; thence south 01 degrees 33 minutes 51 seconds east, 2634.10 feet back to the point of beginning.

(Code 1998, § 4-113.00; Ord. No. 94-1953, 4-21-1994)

Sec. 10-533. Prohibited acts, exceptions; encouraged treatment of birds.(a) *Prohibited.*

- (1) It shall be unlawful and a violation of this division for any person to hunt, trap, shoot, snare, cage, intimidate or molest any bird or wildlife, or to rob the nests of any wild bird or lairs of any wildlife within the above described areas; provided however, that same shall not apply to any bird or animal kept and maintained as a house pet and sold for such purpose by any bona fide pet store, nor to any birds or animals which constitute a nuisance to property and/or health. The feeding and care of birds and wildlife is permitted and encouraged.
- (2) It shall be unlawful for any person to discharge any firearm, gun or other weapon by which a bullet or projectile is launched by means of igniting gunpowder, compressed air, or gas, within a 400 feet perimeter zone of any designated parish bird and wildlife sanctuary.

(b) *Definitions.* For the purpose of this section, the following terms, words and phrases shall have the meanings ascribed to them in this subsection, unless the context clearly indicates different:

Firearms mean any handgun, pistol, revolver, rifle, shotgun, or musket of any caliber, machine gun, pellet gun, BB gun, or other mechanism which launches a bullet or any other type of projectile by means of igniting gunpowder, compressed air or gas.

Parish bird and wildlife sanctuary means that portion or parcels of ground located in the unincorporated area of the parish specifically declared and designated to be parish bird and wildlife sanctuary as described herein.

Perimeter means that area surrounding and incorporating all boundaries of Money Hill Subdivision (present and future phases as developed), measured in a straight line outward a distance of 400 feet from the front, rear and two side lines, as shown on the subdivision plot, and being designated as parish bird and wildlife sanctuary.

(c) *Signs.* It shall be the sole obligation and expense of the homeowners residing in the above referenced subdivisions to obtain and place appropriate signs indicating said area is a "St. Tammany Parish Bird and Wildlife Sanctuary". Permission is herewith granted to place said signs on parish roads or rights-of-way, provided written approval therefor is first had and obtained from the department of public works.

(d) *Exemption.* Exempt herefrom are any law enforcement officers or agents and officials of state and federal agencies engaged in the pursuit of their duties, or any citizen lawfully discharging a weapon for the purpose of defending his life or property.

(e) *Violation; penalty.* Any violation of this section shall constitute a misdemeanor punishable in accordance with section 1-9.

(Code 1998, § 4-113.01; Ord. No. 94-1953, 4-21-1994)

Secs. 10-534—10-559. Reserved.

DIVISION 20. KINGS FOREST SUBDIVISION

Sec. 10-560. Boundaries.

Kings Forest Subdivision located in section 15, Township 7 south, Range 11 east and the land immediately to the east of approximately 11 acres owned by a member and resident Allan C. Breslin, being described as from the corner common to sections 14, 15, 22. and 23, Township 7 south, Range 11 east, St. Tammany Parish, Louisiana, measure north 0 degrees, 18 feet west, 1,360.3 feet to an iron post and the point of beginning. From the point of beginning measure north 00 degrees 18 minutes west 256.85 feet to an iron post; thence east 100.0 feet to an iron post; thence north 00 degrees 18 minutes west 150.00 feet to an iron post; thence west 50.0 feet

to an iron post; thence north 00 degrees 18 minutes west 75.0 feet to an iron post; thence 50.00 feet to an iron post; thence north 00 degrees 18 minutes west 232.1 feet to an iron post; thence north 89 degrees 47 minutes east 864.4 feet to an iron post southwesterly right-of-way line of Third Avenue; thence with said right-of-way line south 39 degrees 27 minutes east 194.0 feet to an iron post at the northwest corner of the intersection of Third Avenue and North Street; thence with the northwest right-of-way line of North Street south 50 degrees 21 minutes west 880.2 feet to an iron post; thence south 89 degrees 00 degrees west 306.0 feet to the point of beginning, containing 11.09 acres. A portion of this land was previously owned by the Kings Forest Utility, Inc., which sold said land to Mr. Breslin prior to dissolution.
(Code 1998, § 4-114.00)

Sec. 10-561. Prohibited acts, exceptions; encouraged treatment of birds.

(a) *Prohibited.*

- (1) It shall be unlawful and a violation of this division for any person to hunt, trap, shoot, snare, cage, intimidate or molest any bird or wildlife, or to rob the nests of any wild bird or lairs of any wildlife within the above described areas; provided however, that same shall not apply to any bird or animal kept and maintained as a house pet and sold for such purpose by any bona fide pet store, nor to any birds or animals which constitute a nuisance to property and/or health. The feeding and care of birds and wildlife is permitted and encouraged.
- (2) It shall be unlawful for any person to discharge any firearm, gun or other weapon by which a bullet or projectile is launched by means of igniting gunpowder, compressed air, or gas, within a 400-foot perimeter zone of any designated parish bird and wildlife sanctuary.

(b) *Definitions.* For the purpose of this section, the following terms, words and phrases shall have the meanings ascribed to them in this subsection, unless the context clearly indicates different:

Firearms mean any handgun, pistol, revolver, rifle, shotgun, or musket of any caliber, machine gun, pellet gun, BB gun, or other mechanism which launches a bullet or any other type of projectile by means of igniting gunpowder, compressed air or gas.

Parish bird and wildlife sanctuary means those portions or parcel of ground located in the unincorporated area of the parish specifically declared and designated to be parish bird and wildlife sanctuary as described herein.

Perimeter means that area surrounding and incorporating all boundaries of Kings Forest Subdivision (present and future phases as developed), measured in a straight line outward a distance of 400 feet from the front, rear and two side lines, as shown on the subdivision plot, and being designated as parish bird and wildlife sanctuary.

(c) *Signs.* It shall be the sole obligation and expense of homeowners residing in the referenced subdivisions to obtain and place appropriate signs indicating a "St. Tammany Parish Bird and Wildlife Sanctuary". Permission is granted to place said signs on parish roads or rights-of-way, provided written approval therefor is first had and obtained from the department of public works.

(d) *Exemption.* Exempt herefrom are any law enforcement officers or agents and officials of state and federal agencies engaged in the pursuit of their duties, or any citizen lawfully discharging a weapon for the purpose of defending his life or property.

(e) *Violation; penalty.* Any violation of this section shall constitute a misdemeanor punishable in accordance with section 1-9.

(Code 1998, § 4-114.01; Ord. No. 94-2038, 8-18-1994)

Secs. 10-562—10-585. Reserved.

DIVISION 21. CHINCHUBA GARDENS/FERN CREEK ESTATES

Sec. 10-586. Boundaries.

There is herewith created a parish bird and wildlife sanctuary within the boundaries of Chinchuba Gardens Subdivision and Fern Creek Estates Subdivision as same have received final subdivision approval from the governing authority of the parish, and as subdivision plans for said subdivisions have been duly recorded in the office of the clerk of court, all as more fully described as follows:

- (1) *Chinchuba Gardens.* A subdivision located within section 39, Township 7 south, Range 11 east, and section 41, Township 8 south, Range 11 east; said subdivision being generally bounded by Bayou Chinchuba to the south, Old Highway 190 to the east, City of Mandeville corporate limits to the north, and to the west by Forest Park Estates Subdivision; and as further identified by subdivision plat attached as "Exhibit A."
- (2) *Fern Creek Estates.* A subdivision located within sections 41 and 42, Township 8 south, Range 11 east; said subdivision being generally bounded by Golden Glen Subdivision to the south, Old Highway 190 to the east, Chinchuba Gardens Subdivision to the north, and to the west by Forest Park Estates Subdivision; and as further identified by subdivision plat attached as "Exhibit B."

(Code 1998, § 4-115.00)

Sec. 10-587. Prohibited acts, exceptions; encouraged treatment of birds prohibited.

(a) *Prohibited.* It shall be unlawful and a violation of this article for any person to hunt, trap, shoot, snare, cage, intimidate or molest any bird or wildlife, or to rob the nests of any wild bird or lairs of any wildlife, within the above described areas; provided however, that same shall not

apply to any bird or animal kept and maintained as a house pet or sold for such purpose by any bona fide pet store, nor to any birds or animals which constitute a nuisance to property and/or health.

(b) *Accepted.* The feeding and care of birds and wildlife is permitted and encouraged. It shall be unlawful for any person to discharge any firearm or other weapon by which a bullet or projectile is launched by means of igniting gunpowder, compressed air, or gas, within a 400-foot perimeter zone of any designated parish bird and wildlife sanctuary.

(c) *Definitions.* For the purpose of this section, the following terms, words and phrases shall have the meanings ascribed to them in this subsection, unless the context clearly indicates different:

Firearms mean any handgun, pistol, revolver, rifle, shotgun, or musket of any caliber, machine gun, pellet gun, BB gun, or other mechanism which launches a bullet or any other type of projectile by means of igniting gunpowder, compressed air or gas.

Parish bird and wildlife sanctuary means those portions or parcels of ground located in the unincorporated areas of the parish specifically declared and designated to be parish bird and wildlife sanctuaries as described in the attached exhibits.

Perimeter means that area surrounding and incorporating all boundaries of Chinchuba Gardens Subdivision and Fern Creek Estates Subdivision, measured in a straight line outward a distance of 400 feet from the front, rear and two side lines, as shown on the subdivision plat, and being designated as parish bird and wildlife sanctuaries.

(d) *Signs.* It shall be the sole obligation and expense of the homeowners residing in the above referenced subdivisions to obtain and place appropriate signs indicating said area is a "St. Tammany Parish Bird and Wildlife Sanctuary". Permission is herewith granted to place said signs on parish roads or rights-of-way, provided written approval is first had and obtained from the department of public works.

(e) *Exemption.* Exempt herefrom are any parish law enforcement officers or agents and officials of state and federal agencies engaged in the pursuit of their duties, or any citizen lawfully discharging a weapon for the purpose of defending his life or property.

(f) *Violation; penalty.* Any violation of this section shall constitute a misdemeanor punishable in accordance with section 1-9.

(Code 1998, § 4-115.01; Ord. No. 02-0574, 11-7-2002)

Secs. 10-588—10-607. Reserved.

DIVISION 22. NO HUNTING - FONTAINEBLEAU STATE PARK

Sec. 10-608. Boundaries.

The boundaries include the area of Fontainebleau State Park from Cane Bayou on the east to Bayou Castine, and on the west, and south of U.S. Highway 190 to the shores of Lake Pontchartrain.

(Code 1998, § 4-119.00)

Sec. 10-609. Prohibited.

It shall be prohibited for any person to discharge firearms and/or hunt with firearms or bow and arrow in the area described in this division and section 10-586.

(Code 1998, § 4-119.01)

Sec. 10-610. Enforcement.

Enforcement hereof shall be the duty of officers and agents of the parish sheriff's department and the state department of wildlife and fisheries.

(Code 1998, § 4-119.02)

Sec. 10-611. Exemption.

Exempt herefrom are law enforcement officers engaged in the pursuit of duties, or any citizen lawfully discharging a firearm for the purpose of defending his life or property.

(Code 1998, § 4-119.03; Ord. No. 98-2804, 2-18-1998)

Secs. 10-612—10-640. Reserved.

ARTICLE IV. ANIMAL CONTROL AND WELFARE

Sec. 10-641. Applicability.

This article shall be known as the St. Tammany Parish Animal Control and Welfare Ordinance. The provisions of this article shall be in force throughout the unincorporated areas of the parish.

(Code 1998, § 4-120.00; Ord. No. 01-0296, 5-3-2001; Ord. No. 03-0689, 6-5-2003; Ord. No. 09-2000, 2-5-2009; Ord. No. 16-3515, exh. A(4-120.00), 6-2-2016)

Sec. 10-642. Definitions.

For the purpose of this article, the following terms, phrases, words, and derivations shall have the meaning given herein, unless it shall be apparent from the context that a different meaning is intended:

Abandon means to completely forsake and desert an animal previously under the custody or possession of a person without making reasonable arrangements for its proper care, sustenance, and shelter.

State law reference—Similar provision, R.S. 14:102(2).

Administrative hearing means a hearing before the administrative hearing officer of the bureau of administrative adjudication, section 2-542.

Animal means any living creature except human beings, including, but not limited to, mammals, birds, fowls, reptiles and fish, except when referring specifically to the control of rabies when the term "animal" shall mean only mammals.

Animal control officer means an employee of the parish with enforcement authority as set forth in section 10-643.

Animal establishment means a facility operated as a pet shop, grooming shop, commercial, public, or private kennel, boarding or training animals for any purpose. Animal shelters operated by public authorities or veterinary medical facilities, accredited zoos or accredited institutions of higher learning are exempt from this definition. Animal establishments must be in compliance with all applicable zoning, land use and permit regulations, and must obtain a permit pursuant to section 10-667.

Animal shelter means the parish shelter that is operated by the parish department of animal services, as designated by the parish council.

At large. An animal shall be deemed to be at large when:

- (1) The animal is off the premises of its owner or keeper and not under the immediate control of a responsible person; or
- (2) The animal is left unattended while outdoors and upon unenclosed land.

Bite means any abrasion, puncture, tear or piercing of the skin actually or suspected of being caused by an animal.

Breeder means a person who breeds specific animals. An individual who breeds or raises, on his own premises, not more than a single litter of pups or kittens per year shall not be considered to be a commercial breeder for the purposes of this article.

Cat means any member of the *Felis catus* classification of the *Felidae* species (i.e., any domestic member of the feline family).

Commercial kennel/breeder means any person, partnership, or corporation engaged in the commercial breeding of animals for sale individually or in litter lots, or in the boarding, training, sale or hire of animals for compensation, or operation of a guard dog service. Animal hospitals operated by licensed veterinarians as a part of the practice of veterinary medicine, shelters operated by public authorities, and tax-exempt humane organizations shall not be considered commercial kennels. Commercial kennels/breeders must be in compliance with all applicable zoning, land use and permit regulations, and must obtain a permit pursuant to section 10-667.

Commercial livery stable means any stable where a charge is made for the use of any animal or where instructions in riding or the use of equine species are given for a fee. Commercial livery stables must be in compliance with all applicable zoning, land use and permit regulations.

Commercial stable means any stable where any charges are made to accommodate equine species. Commercial stables must be in compliance with all applicable zoning, land use and permit regulations.

Companion animal means an animal that is commonly considered a pet, or is considered by the owner to be a pet, including canines and felines.

Cruelty means every act or failure to act whereby unjustifiable physical pain or suffering is caused or permitted.

State law reference—Similar provision, R.S. 3:2462(2).

Dangerous animal means any animal that has been classified as a dangerous animal in accordance with the requirements and procedures set forth in the dangerous animal section of this article.

Dealer means any person, not a public entity, who, as a business, sells, exchanges, or donates or offers to sell, exchange, or donate animals to any person, including another dealer, pet shop, research facility or corporation.

Department means the parish department of animal services.

Dog means any member of the *Canis familiaris* classification of the *Canidae* species (i.e., any domestic member of the canine family).

Enclosure, except in the case of a primary enclosure or a secure enclosure or pen required for dangerous animals, means a fence or structure, whether or not it is located along the boundary of the property, that is constructed in such a manner as to:

- (1) Prevent any unattended animal, while outdoors and upon the premises of its owner or keeper, from going beyond or outside of the boundaries of the property; and
- (2) Not allow ready and unobstructed access to the animal by the general public.

Enclosure for dangerous animals; secure enclosure means a securely enclosed and locked pen or structure that must be designed and constructed to prevent the dangerous animal from escaping and from coming into contact with either a human being, other than the owner or keeper, or any other animal. The materials used to construct the enclosure or pen must prevent the animal from escaping by digging out, going over and going through the enclosure. The enclosure or pen shall provide a humane existence for the animal, protection from the elements, provide adequate exercise room, light and ventilation and shall be kept in a clean and sanitary condition. Additionally, in the case of a dangerous animal, the pen or structure must have minimum dimensions that measure four feet wide, ten feet long and six feet high. Such pen or structure shall have sides that are securely embedded in concrete, a secure top, and a bottom or floor that is permanently attached to the sides.

Enclosure, primary, means any structure used to immediately restrict an animal to a limited amount of space, such as a room, pen, run, cage, compartment or hutch.

Euthanasia means the humane destruction of an animal accomplished by a method that involves instantaneous unconsciousness and immediate death or by a method that involves anesthesia, produced by an agent which produces painless loss of consciousness, and subsequent death during such loss of consciousness.

Excessive animal noise means excessive or untimely barking, howling, yelping, or other animal noise that is unreasonably loud and intrusive or disturbing and which essentially interferes with the right of privacy within one's home or unreasonably interferes with the use of one's residential property, which is defined to include single-family, duplex or multifamily dwellings, nursing homes, outpatient surgical facilities and similar facilities.

Excessive odor means all obnoxious odors and stench of such unreasonable intensity and duration that it prevents or essentially interferes with a person's ability to use or enjoy his property.

Exposed to rabies. An animal has been exposed to rabies if it has been bitten by a known rabid animal or if it has been in contact with any animal known or suspected of being infected with rabies.

Grooming shop means a commercial establishment where animals are bathed, clipped, plucked or otherwise groomed. Grooming shops must be in compliance with all applicable zoning, land use and permit regulations, and must obtain a permit.

Impounded means taken into the custody of the parish department of animal services.

Livestock means cattle, buffalo, bison, oxen, and other bovine; horses, mules, donkeys, and other equine; sheep; goats; swine; domestic rabbits; fish, turtles, and other animals identified with aquaculture that are located in artificial reservoirs or enclosures that are both on privately owned property and constructed so as to prevent, at all times, the ingress and egress of fish life from public waters; imported exotic deer and antelope, elk, farm-raised white-tailed deer,

farm-raised ratites, and other farm-raised exotic animals; chickens, turkeys, and other poultry; and animals placed under the jurisdiction of the commissioner of agriculture and forestry and any hybrid, mixture, or mutation of any such animal.

Owner means any person, partnership, business, corporation, firm, investment stock company, association or other legal entity owning, keeping or harboring any animal or having in his care an animal on or about his premises.

Pet means a domesticated animal kept for companionship rather than primarily being kept for utility; for the purposes of this article, livestock shall not be included in the classification of pet.

Pet shop means any person or entity that sells at retail, animals bred by others or by a commercial breeder whether as owner, agent or on consignment, and that sells or offers to sell such animals to the general public at retail. Pet shops must be in compliance with all applicable zoning, land use and permit regulations, and must obtain a permit.

Police service dog or any dog affiliated with police service means any dog which is owned, or the service of which is used, by any law enforcement agency for the purpose of aiding in the detection of criminal activity, enforcement of laws, apprehension of offenders, or the location of missing individuals.

Private kennel means any person who maintains, within or adjoining his residence, a kennel housing more than five animals over four months of age, which animals are for that person's personal or recreational use or for exhibition in conformation shows, or field or obedience trials, and where the sale of offspring is not the primary purpose or function of the kennel. Private kennels must be in compliance with all applicable zoning, land use and permit regulations, and must obtain a permit.

Private stable means any stable operated by or for a private owner where no charge is made or other compensation is made for the use of facilities. Private stables must be in compliance with all applicable zoning, land use and permit regulations.

Proper food means providing each animal with daily food of sufficient quality and quantity to prevent unnecessary or unjustifiable suffering by the animal.

State law reference—Similar provision, R.S. 14:102(3).

Proper shelter means providing each animal with adequate shelter from the elements as required to prevent unnecessary or unjustifiable suffering by the animal. In the case of a pet or companion animal that is kept outdoors, a shelter must have a minimum of three sides, a waterproof roof and a dry floor. Such shelter shall provide proper protection from the sun, rain, cold and the wind. Housing for animals shall be structurally sound and maintained in

good repair. Housing for the animal shall allow, as a minimum, enough room for the animal to stand, sit and to turn around comfortably. Proper housing shall always remain easily accessible to the animal at all times.

State law reference—Similar provision, R.S. 14:102(5).

Proper veterinary care means providing each animal with veterinary care sufficient to prevent unnecessary or unjustifiable physical pain or suffering by the animal. An animal exhibiting symptoms such as persistent vomiting or diarrhea should be afforded veterinary care. An animal shall be afforded veterinary care if known or suspected to have suffered an injury, accidental or deliberate, and exhibits such signs as shock, swelling, broken bones, open wounds, blistering, partial or total paralysis, bleeding or other such signs, or animals who are debilitated and weakened or those exhibiting symptoms of bloat or other life-threatening illnesses. An animal who has exhibited signs of severe parasitic infestation or disease such as infection, discharge, weight loss, abnormal skin condition or hair loss, tremors, inability to bear weight on a limb or lameness or any other such sign over a period of 24 hours or more must be afforded veterinary care within 24 hours. This does not apply to conditions that are chronic or permanent and that have previously been diagnosed and treated or are under veterinary care.

State law reference—Similar provision, R.S. 14:102(6).

Proper water means providing each animal with daily supply of clean, fresh, potable water in a sanitary manner and in a sufficient quantity to prevent unnecessary or unjustifiable suffering by the animal.

State law reference—Similar provision, R.S. 14:102(4).

Public auction means any place or location where animals are sold at auction to the highest bidder regardless of whether such animals are offered as individuals, as a group or by weight.

Public kennel means a place or establishment other than the parish animal shelter, where animals not owned by the proprietor are sheltered, fed and watered in return for a fee as a business and is of access to the public. Public kennels must be in compliance with all applicable zoning, land use and permit regulations, and must obtain a permit.

Running loose, free or at large means not under the immediate control of a competent person and restrained by a substantial chain or leash. Electronic leashes utilizing an electrical charge as a means of restraint shall not serve as a replacement for a tangible chain or leash.

Serious bodily injury means bodily injury which involves unconsciousness, extreme physical pain or protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ or mental faculty, or a substantial risk of death.

Service animal means any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Tasks performed can include, among other things, pulling a wheelchair, retrieving dropped items, alerting a person to a sound, reminding a person to take medication, or pressing an elevator button. Emotional support animals, comfort animals, and

therapy dogs are not service animals under Title II and Title III of the ADA. Other species of animals, whether wild or domestic, trained or untrained, are not considered service animals either. The work or tasks performed by a service animal must be directly related to the individual's disability. It does not matter if a person has a note from a doctor that states that the person has a disability and needs to have the animal for emotional support. A doctor's letter does not turn an animal into a service animal.

Severely injured means any animal which because of major trauma, broken bones, blood loss or other easily apparent life-threatening condition, will not be expected to live and is in severe pain or suffering.

Stable includes any building, barn, or other premises whatsoever at which equine species are kept or from where they are let out for hire, working, training or riding, or from which equine species are provided and used to give instruction in riding, or where equine species are boarded. The term "stable" includes existing stables as well as new construction. Stables must be in compliance with all applicable zoning, land use and permit regulations.

Terminally ill means any animal that, because of apparent sickness or condition, is not expected to live and is in dire physical distress.

Unenclosed land means any occupied or unoccupied lot or parcel of land that does not have a fence or structure that meets the above definition of enclosure.

Vaccination means inoculation with a recognized anti-rabies vaccine, approved by the state department of health and hospitals (DHH).

Vicious animal means any animal previously classified as a dangerous animal, in accordance with the dangerous animal section of this article, and which is subsequently classified as a vicious animal in accordance with the requirements and procedures set forth in the vicious animal section of this article.

Wild or exotic animal means any live monkey, primate, raccoon, skunk, wolf, wolf-hybrid, squirrel, fox, fox-hybrid, coyote, coyote-hybrid, leopard, panther, tiger, lion, lynx or any other warm-blooded animal, bird, venomous snake, reptile, amphibian, or spider, which can normally be found in the wild state, or any crocodilian including, but not limited to, alligators, crocodiles, caimans and gavials. Ferrets, non-venomous snakes with a length not greater than six feet, rabbits, rodents and birds which have been bred and raised in captivity and which have never known the wild shall be excluded from this definition.

(Code 1998, § 4-121.00; Ord. No. 01-0296, 5-3-2001; Ord. No. 03-0689, 6-5-2003; Ord. No. 09-2000, 2-5-2009; Ord. No. 11-2616, 11-03-2011; Ord. No. 16-3515, exh. A(4-121.00), 6-2-2016)

Sec. 10-643. Enforcement authority.*(a) Animal control officers.*

- (1) The animal control officers of the parish department of animal services (DAS) are employees of the parish who are authorized and empowered to administer and enforce the provisions of this article.
- (2) Any animal control officer is empowered to administer and enforce the provisions of this article that are within the jurisdiction of the bureau of administrative adjudication, and may seek the enforcement of any criminal violation of this article through the office of the district attorney of the 22nd Judicial District.
- (3) Any animal control officer who, if P.O.S.T. certified, shall exercise regular police powers of the state granted to law enforcement officers and shall be empowered to enforce all animal-related crimes defined by this article or state law including but not limited to animals at large, animal cruelty, dogfighting, animal theft, or any law or ordinance governing animal disease control. Any officer who has met the qualifications of P.O.S.T. and was P.O.S.T. certified on or after January 1, 2000, and has maintained firearm qualifications and worked continuously for a parish animal control agency shall be deemed to be P.O.S.T. certified (R.S. 3:2501).

(b) Sheriff of the parish. Nothing contained herein is intended to or shall abrogate or supersede the general police authority vested in the parish sheriff. The authority granted to P.O.S.T. certified employees of the parish department of animal services shall exist and be exercised concurrently with the general police authority vested in the sheriff. Said concurrent authority shall include enforcement of all sections of this article and the issuance of citations for violations.

(c) Interference with enforcement.

- (1) It shall be unlawful for any person to knowingly hinder, resist or oppose any animal control officer or employee in the performance of his duties.
- (2) It shall be unlawful for any person to knowingly interfere with or damage any animal trap owned or used by the animal control center or to molest or release an animal caught therein.

(Code 1998, § 4-122.00; Ord. No. 01-0296, 5-3-2001; Ord. No. 03-0689, 6-5-2003; Ord. No. 09-2000, 2-5-2009; Ord. No. 16-3515, exh. A(4-122.00), 6-2-2016)

State law reference—Animal control agency officers generally, R.S. 14:2501 et seq.

Sec. 10-644. Offenses, procedures and penalties strictly governed by state law.

(a) Aggravated cruelty to animals. The crime of aggravated cruelty to animals shall be enforced in accordance with the authority, definitions, provisions and procedures that are currently set forth in R.S. 14:102 and 14:102.1 through 14:102.4, and any subsequent amendments thereto.

(b) *Dogfighting*. The crime of dogfighting shall be enforced in accordance with the authority, definitions, provisions and procedures that are currently set forth in R.S. 14:102.5 through 14:102.7, and any subsequent amendments thereto.

(c) *Injuring or killing of a police animal*. The crime of injuring or killing a police animal shall be enforced in accordance with the authority, definitions, provisions and procedures that are currently set forth in R.S. 14:102.8, and any subsequent amendments thereto.

(d) *Cockfighting*. The crime of cockfighting shall be enforced in accordance with the authority, definitions, provisions and procedures that are currently set forth in R.S. 14:102.23, and any subsequent amendments thereto.

(Code 1998, § 4-123.00; Ord. No. 01-0296, 5-3-2001; Ord. No. 03-0689, 6-5-2003; Ord. No. 09-2000, 2-5-2009; Ord. No. 16-3515, exh. A(4-123.00), 6-2-2016)

Sec. 10-645. General duties of all animal owners.

(a) It shall be the duty of every owner of any animal or anyone having any animal in his possession or custody to exercise reasonable care and to take all necessary steps and precautions to protect other people, property, and animals from injuries or damage which might result from their animals' behavior, regardless of whether such behavior is motivated by mischievousness, playfulness, or ferocity.

(b) It shall be the duty of every owner of any animal or anyone having any animal in his possession or custody to care for said animal in a humane fashion and provide it with proper water, proper food, proper shelter, proper veterinary care and safe surroundings.

(c) In the event that the owner or keeper of any animal is a minor, the parent or guardian of such minor shall be responsible to ensure that all provisions of this article are complied with. (Code 1998, § 4-124.00; Ord. No. 01-0296, 5-3-2001; Ord. No. 03-0689, 6-5-2003; Ord. No. 09-2000, 2-5-2009; Ord. No. 16-3515, exh. A(4-124.00), 6-2-2016)

Sec. 10-646. Public nuisance.

Every owner or keeper of animals shall exercise proper care and control of such animals so as to prevent them from creating or becoming a public nuisance. A violation of any of the following provisions shall constitute a public nuisance and is strictly prohibited:

- (1) *Excessive noises*. Excessive or untimely barking, howling, yelping, or other animal noise that is unreasonably loud and intrusive or disturbing and which essentially interferes with the right of privacy within one's home or unreasonably interferes with the use of one's residential property, which is defined to include single-family, duplex or multifamily dwellings, nursing homes, outpatient surgical facilities and similar facilities.
- (2) *Attack*. Attacking or molesting a person or animal or chasing vehicles.

- (3) *Animals at large.* No person shall suffer or permit any animal in his possession, or kept by him about his premises, to run loose, free or at-large on any street, sidewalk, alleyway, highway, common or public square, or upon any unenclosed land, or trespass upon any enclosed or unenclosed lands of another. The term "running loose, free or at large" means not under the immediate control of a competent person and restrained by a substantial chain or leash. Nothing in this part is intended to prevent any citizen of this state from lawfully hunting with a dog, provided the dog is accompanied by the owner or keeper.
- (4) *Enticing or releasing animals.* It shall constitute a violation of this article for any person to release any animal from, or to entice any animal to leave, the property of the owner or keeper of such animal.
- (5) *Scratching on or digging into or urinating or defecating upon lawns, shrubs, buildings or any property, either public or private, other than property of the owner or keeper.* In the case of nuisance by defecation, whether such nuisance shall take place in the presence of the owner or keeper or not, the owner or keeper must promptly remove all feces and dispose of them in a sanitary manner or be considered to be in violation of the provisions of this article.
- (6) *Premises maintained.* Premises on which animals, including fowl, are kept shall be maintained so as to prevent all obnoxious odors and stench of such unreasonable intensity and duration that it prevents or essentially interferes with a person's ability to use or enjoy his property, or the presence or breeding of flies, mosquitoes and other pests. Provisions shall be made for the removal and disposal of animal and food wastes, bedding, dead animals and debris. Disposal facilities shall be so provided and operated as to minimize vermin infestation, odors and disease hazards.
- (7) *Animals in heat.* Every female dog or cat in heat shall be confined so that the animal cannot come into contact with an un-neutered male, except for planned breeding.
- (8) *Cleanliness of containment areas.* All animal containment areas shall be maintained in order that excessive fecal matter and urine does not build up and create unsuitable living conditions for the animal and humans who enter the containment area; and does not create a health hazard and/or excessive odor. All animal containment areas should remain free of excessive water buildup and/or excessive flooding or continuous standing water.
- (9) *Dogs on school grounds.* Owners shall not permit their dogs on any school ground when school is in session, unless specifically authorized by the school board or principal.
- (10) *Animals in restaurants.* Dogs or other animals shall not be permitted in restaurants or other places serving food, establishments selling food or edible products, or in any place of business when prohibited by the owner of the business. This provision shall not apply to service animals.

- (11) *Animals as prizes.* Giving live animals as prizes is strictly prohibited and it shall be unlawful for any person to give away an animal as an advertising device, or as a game prize at any fair, festival or charity event. Raffling or auctioning an animal shall be permitted provided monetary consideration is given in exchange for a chance of winning the animal. For the purposes of this section, an animal shall include, but is not limited to, fish, rabbits, birds, cats and dogs.
- (12) *Animals restricted from parades and other public events.* Pets, animals or reptiles, other than those that have been authorized to participate in a parade or other public event by the organizer thereof, are prohibited from being within 150 feet of the parade route or the site of such public events for the duration of the parade or event.
- a. This prohibition shall apply to any pet, animal or reptile that is not within an enclosure on the property of the owner or keeper, even if it is under the immediate control of the owner or keeper by means of a leash, cage or hutch, for example.
 - b. In the case of a parade route, the distance is measured from the outer edge of the sidewalk or hard surface of the road or street (i.e., the concrete or asphalt) of the designated route.
 - c. In the case of the site of a public event, the distance is measured from the fence surrounding the site of the event or, if there is no fence, the boundary line of the property where the event is being held.
 - d. For the purposes of this prohibition, the duration of the parade or event shall include a two-hour period of time before the scheduled commencement of the parade or event and a two-hour period of time after the parade or event has ended.
- (13) *Prohibited.* No person shall sell, exchange, barter, trade, lease, rent, give away, or display for such purposes any live animal on any roadside, public right-of-way, parkway, median, park, playground, or other recreational area, flea market, commercial or retail parking lot, or property adjacent to such locations, that is generally accessible to the public, regardless of whether such access is authorized or not. Exception: This section shall not apply to humane societies, animal welfare groups, animal control agencies or non-profit organizations sponsoring animal adoption events.
- (14) *Penalties and enforcement for violating this section.*
- a. *Misdemeanor enforcement.* Whoever violates any provision of this section, or fails or neglects to perform any duty imposed by it, shall be fined not less than \$25.00 nor more than \$500.00, or imprisoned for not more than 30 days, or both. Additionally, upon conviction, such person shall be required to pay all court costs and the court may, in its discretion, order the payment of any reasonable costs incurred in the enforcement thereof, including the costs of boarding the animal and necessary medical care.

- b. *Administrative enforcement.* In lieu of, or in addition to, enforcement under the misdemeanor provisions of subsection (14)a of this section, whoever violates any provision of this section, or fails or neglects to perform any duty imposed by it, may be served with notice to appear before the parish administrative hearing officer in accordance with the provisions governing the bureau of administrative adjudication, section 2-542. If a particular section of this article provides for notice and hearing, the notice and hearing shall be governed by those provisions. In all cases where an animal is impounded, the hearing officer may order the payment of the costs of boarding and necessary medical care in addition to any other order.

(Code 1998, § 4-125.00; Ord. No. 01-0296, 5-3-2001; Ord. No. 03-0689, 6-5-2003; Ord. No. 09-2000, 2-5-2009; Ord. No. 09-2163, 11-5-2009; Ord. No. 16-3515, exh. A(4-125.00), 6-2-2016)

Sec. 10-647. Animals at large; leash law.

It shall be unlawful for any person to suffer or permit any animal in his possession, or kept by him about his premises, to run loose, free or at-large on any street, sidewalk, alleyway, highway, common or public square, or upon any unenclosed land, or trespass upon any enclosed or unenclosed lands of another. The term "running loose, free or at large" means not under the immediate control of a competent person and restrained by a substantial chain or leash. Electronic leashes utilizing an electrical charge as a means of restraint shall not serve as a replacement for a tangible chain or leash.

(1) *Confinement by owner.*

- a. *Enclosure.* When not confined within the owner or keeper's dwelling or being exercised or transported outside the owner or keeper's premises, all animals owned or kept in the unincorporated portions of St. Tammany Parish shall be confined within an enclosure, which means a fence or structure, whether or not it is located along the boundary of the property, that is constructed in such a manner as to:
1. Prevent any unattended animal, while outdoors and upon the premises of its owner or keeper, from going beyond or outside of the boundaries of the property; and
 2. Not allow ready and unobstructed access to the animal by the general public. Electronic fences, incorporating the use of electrical charges as a means of restraint of an animal within a yard-like perimeter, may only be used as a secondary means of restraint and not as a replacement for actual fencing material or an enclosure.
- b. *Tethering of animals.* An owner or keeper of an animal, other than one deemed dangerous or vicious, may tether said animal only in a fashion conforming to the method indicated below:
1. Tethering shall only be used as a secondary means of restraint and shall not serve as an alternative to the enclosure requirements.

2. Tethering must occur only on a type configuration which permits the animal to move freely in all directions.
 3. Tethering must occur only with a lead rope, chain or cable at least 12 feet in length.
 4. Tethering must occur in an open area free of any choking hazards such as trees, bushes, poles, or other obstructions, with the exception of the object to which the lead is joined.
 5. Tethering by means of a lead rope, chain or cable that weighs more than one-eighth of the total body weight of the animal is strictly prohibited.
- (2) *Seizure and impoundment.* Any citizen may, or the sheriff, constable, or animal control officer shall seize any animal found to be at large. Any such animal may be turned over to the parish department of animal services. Animals found at large by the department of animal services may be seized and impounded; or as an alternative, the animal may be seized and returned to the owner or keeper and a notice of violation of this section may be issued to the owner or keeper.
- (3) *Penalties and enforcement for violating this section.*
- a. *Misdemeanor enforcement.* Whoever violates any provision of this section, or fails or neglects to perform any duty imposed by it, shall be fined not less than \$25.00 nor more than \$500.00, or imprisoned for not more than 30 days, or both. Additionally, upon conviction, such person shall be required to pay all court costs and the court may, in its discretion, order the payment of any reasonable costs incurred in the enforcement thereof, including the costs of boarding the animal and necessary medical care.
 - b. *Administrative enforcement.* In lieu of, or in addition to, enforcement under the misdemeanor provisions of subsection (3)a of this section, whoever violates any provision of this section, or fails or neglects to perform any duty imposed by it, may be served with notice to appear before the parish administrative hearing officer as set forth in section 2-542. The fine shall be not less than \$25.00 nor more than \$500.00 and the payment of any reasonable costs incurred in the enforcement thereof, including the costs of boarding the animal and necessary medical care.
- (4) *Escaped dogs and cats.* Should any dog or cat while at large be captured, or is sought to be captured, by officers of the department of animal services, and such dog or cat escapes said officers by entering the premises of the owner or keeper, the penalty and enforcement provisions of subsection (3) of this section shall be applicable. Should such dog or cat escape by entering the premises of a person other than the owner or keeper, and the person refuses to deliver such dog or cat to the animal control officer of

the department of animal services, the refusal shall be a violation of this article and such person shall be subject to administrative enforcement and the civil penalties provided for in subsection (3)b of this section.

- (5) *Redemption of impounded dogs or cats found at large.* The disposition and processing of any dog or cat found at large shall be in accordance with the provisions set forth in section 10-649(b).
- (6) *Dangerous and vicious animals.* Owners or keepers of dangerous and vicious animals shall be subject to the provisions and requirements set forth in sections 10-659 and 10-664.
- (7) *Exceptions.* Nothing in this section is intended to prevent any citizen of this state from lawfully hunting with a dog, provided the dog is accompanied by the owner or keeper, including recognizable breeds of hunting dogs when in the process of tracking or retrieving of game, during a properly supervised hunt, said breeds being hounds, retrievers, spaniels, setters and pointers.

(Code 1998, § 4-126.00; Ord. No. 01-0296, 5-3-2001; Ord. No. 03-0689, 6-5-2003; Ord. No. 09-2000, 2-5-2009; Ord. No. 16-3515, exh. A(4-126.00), 6-2-2016)

Sec. 10-648. Licensing; registration; vaccination and tags.

(a) *License required; tag.* It shall be the duty of the owner or keeper of every dog, cat and ferret over three months old to register same with the parish department of animal services by the purchase of a license tag. Such license tag shall be dated and indicate the number of the license tag issued for the animal at the time it is vaccinated by a licensed veterinary or licensed veterinary technologist with appropriate anti-rabies vaccine at the owner's expense. The license tag shall indicate the current calendar year. The license tag shall be fastened to the animal's collar or harness and worn at all times. The license must be renewed annually and no animal shall be vaccinated without the issuance of a license or licensed without a current rabies vaccination.

(b) *Fees.* The annual fee for registration, licensing and issuance of tags shall be \$8.00 for each sterilized animal and \$20.00 for each non-sterilized animal. In the event a license tag is lost, a duplicate tag may be issued for a replacement fee of \$1.00 upon presentation of the original license receipt to the issuing agency. Veterinarians collecting such annual fees are entitled to retain \$2.00 from the fees collected for each tag issued to defray the administrative costs. At the beginning of each calendar year, the department of animal services shall be authorized to adjust the current fees, which adjustment shall be based on the actual cost to board, sterilize, vaccinate and microchip the animals as demonstrated by the costs incurred during the prior calendar year. The department of animal services shall annually post the current fees on the parish website, as well as in the public waiting area at the shelter.

(c) *Exemptions.* Fee-exempt registrations may be issued for the following:

- (1) Police, sheriff's department or other law enforcement dogs.
- (2) Service animals.
- (3) Licensed veterinary, vet or clinic animals in conduct of business.
- (4) Any person or entity that has a current animal establishment permit.

(d) *Hunting and show animals.* Animals used for hunting, on exhibition at American Kennel Club or other approved shows engaged in a specific "animal club" sponsored race or trial, or such animals while being transported to and from such events need not wear their collars nor their tags.

(e) *Counterfeiting and unauthorized use of tags prohibited.* Any person who counterfeits or imitates the license tag as provided by the parish department of animal services, or any person who shall put on an animal any such counterfeit or imitation tag, or who shall use a license tag on an animal for which it was not issued, shall be subject to the penalties provided for in subsection (g)(2) of this section.

(f) *Financial responsibility.* The department of animal services shall be responsible for the procurement, distribution and registration of license tags and shall have responsibility for the collection, accounting, administration and reporting of all fees, fines and penalties collected under the provisions of this article, excluding court assessed costs, fees and penalties.

(g) *Penalty for violating this section or disturbing dog's collar or tag.*

- (1) Except as otherwise provided in subsection (g)(2) of this section, whoever violates any provision of this section, or fails or neglects to perform any duty imposed by it, shall be fined not less than \$25.00 nor more than \$100.00 and the costs of prosecution or enforcement, or imprisoned for not more than 30 days, or both.
- (2) Any person who counterfeits, imitates or alters the license tag provided by the department of animal services, or any person who removes a license tag from any dog properly registered as herein provided for, or uses a license tag on an animal for which it was not issued, shall be fined not more than \$100.00 and the costs of prosecution or enforcement, or imprisoned for not more than 30 days, or both. Each counterfeit, imitation, alteration, removal or unauthorized use of a license tag shall constitute a separate violation.

(h) *Administrative hearing authorized.* In lieu of, or in addition to, enforcement of the criminal penalties as set forth in subsection (g) of this section, a violation of the provisions of this section may be enforced through the administrative hearing process of the bureau of administrative adjudication. Any civil fine imposed for a violation of this section shall be in accordance with the fine and costs set forth in subsections (g)(1) and (2) of this section.

(Code 1998, § 4-127.00; Ord. No. 01-0296, 5-3-2001; Ord. No. 03-0689, 6-5-2003; Ord. No. 09-2000, 2-5-2009; Ord. No. 16-3515, exh. A(4-127.00), 6-2-2016)

Sec. 10-649. Policies and procedures; adoptions; animals in the custody of the department of animal services.

(a) *Definitions.* As used in this section the following words shall have the following meanings ascribed to them:

Adopter means a person who is legally competent to enter into a contract and who is adopting an animal from the releasing agency.

Adult animal means any animal that has reached the age of 180 days or more.

Out-of-parish releasing agency means any humane society, animal shelter and animal rescue organization or group, whether or not a duly created legal entity, which brings animals from outside the parish or state into unincorporated St. Tammany Parish for the purpose of having such animals adopted. The term "out-of-parish releasing agency" does not include any humane society, animal shelter or animal rescue organization or group that is located in, domiciled in or has its principal place of business in the parish.

Releasing agency means the department of animal services. The term "releasing agency" does not include an individual who occasionally renders humane assistance or shelter in the individual's home to an animal.

Sterilization means the surgical removal of the reproductive organs of an animal in order to render the animal unable to reproduce.

(b) *Animals brought to the department of animal services (DAS).*

(1) *Unwanted animals.* Owners of unwanted animals may relinquish (i.e., sign over) ownership of such animal to the department of animal services at no cost to the owner. Any unwanted animal will immediately be put up for adoption, provided it has been deemed adoptable by the department of animal services. Animals that are put up for adoption will be held as long as possible. However, if the animal is deemed not to be adoptable, or the animal is terminally ill or severely injured when brought in, the animal may be euthanized.

(2) *Found at large.* Any animal found unaccompanied by its owner or keeper and running at large on any road, street, or other public place, or upon any unenclosed land, or trespassing upon any enclosed or unenclosed lands of another, and which is brought into the DAS shelter, will be processed in the following manner:

- a. If the animal is not wearing a collar bearing a tag showing the name and address of its owner or keeper or other identification in which to readily identify the owner or keeper, including, but not limited to, an electronic chip, the animal will be held for at least five days (not to include Saturdays, Sundays and holidays) to give the owner time to search for and claim it. If the animal is reclaimed, the owner shall be responsible to pay the reclaim fee and costs of necessary medical care.

- b. If the animal has identification of its owner, the owner shall be provided written notice that the animal must be claimed, and the owner reclaim fee paid, within seven days of receipt of said notice. If the animal is sick or injured and required immediate medical attention, the owner shall be responsible for the costs of such care and treatment.
 - c. If the animal is not claimed, and the requisite fees paid, within the applicable time set forth above, or the owner voluntarily relinquishes (i.e., signs over) ownership to the department of animal services, the animal will immediately be put up for adoption, provided it has been deemed adoptable by the department of animal services. Animals that are put up for adoption will be held as long as possible. However, if the animal is deemed not to be adoptable, or the animal is terminally ill or severely injured when brought in, the animal may be euthanized.
 - d. Livestock will be held according to state law and the livestock ordinance.
 - e. The provisions of this section shall not apply to potentially dangerous, dangerous, or vicious animals, which shall be governed by the provisions of sections 10-659 and 10-664.
 - f. The department is authorized to waive the owner reclaim fee set forth in subsection (4) of this section, if the owner reclaiming an animal agrees to sterilization of the animal.
- (3) *Adoption procedure.* The animal must be free to be adopted (i.e., held the required period or was signed over by the owner) and may be adopted in accordance with the following requirements:
- a. All animals must be sterilized, vaccinated and receive a microchip identification prior to the adoption. The department of animal services is authorized to perform the sterilization, vaccination and microchip procedures.
 - b. After picking out the animal to be adopted, the adopter will be required to sign an adoption agreement containing the following:
 - 1. The date of the agreement.
 - 2. The name, address and signature of the releasing agency and the adopter.
 - 3. A statement that the releasing agency does not guarantee the health or temperament of the animal, and if an animal is adopted and proves to be sick or diseased, the adopter can return the animal and pick another.
 - 4. A statement, printed in conspicuous bold print, that sterilization of the animal has been performed.
 - 5. A statement that the adopter guarantees that the animal will receive a health examination, heartworm check, general disease vaccinations and rabies vaccinations.

6. A statement that the releasing agency agrees to give title, possession and control of the animal only upon the adopter's compliance with the terms and conditions of the adoption agreement; the adopter agrees to return the animal, upon demand, if the adopter fails to comply with any provision of the agreement.
- c. Failure to comply with any of the adoption provisions shall be a violation of this article. If the person signing the adoption agreement fails to comply with any of the provisions of the adoption agreement, the director of animal services is authorized to institute an administrative hearing for the return of the animal and the imposition of a civil penalty not to exceed \$100.00.
- d. The sterilization requirements do not apply to an animal that is claimed from the releasing agency by a person who already owns the animal.
- e. The provisions of this section shall not apply to animals released to the United States armed forces, police or other law enforcement agencies, licensed veterinary facilities, or to licensed medical facilities.
- f. The adoption procedures, except for the sterilization and vaccination requirements, may be waived for recognized animal rescue groups.
- (4) *Fees.*

Adoption fee—Dog	\$65.00 (sterilization, vaccine and microchip)
Adoption fee—Cat	\$40.00 (sterilization, vaccine and microchip)
Owner first-time reclaim fee	\$25.00, plus \$5.00/day boarding fee
Owner second-time reclaim fee	\$50.00, plus \$5.00/day boarding fee
Owner third-time reclaim fee	\$100.00, plus \$5.00/day boarding fee
Rabies quarantine (bite cases)	\$150.00
Animal brought in by non-parish resident	\$15.00 per animal
Parish tag	\$8.00 per year for each sterilized animal
	\$20.00 for each non-sterilized animal

- a. If a dog or cat in the custody of the department of animal services is sick or injured and requires immediate medical attention, the owner shall be responsible for the costs of such care and treatment.
- b. At the beginning of each calendar year, the department of animal services shall be authorized to adjust the current fees, which adjustment shall be based on the actual cost to board, sterilize, vaccinate and microchip the animals as demonstrated by the costs incurred during the prior calendar year. The updated animal service fees shall be posted on the parish website, as well as in the public waiting area at the shelter.

- (5) *Euthanasia procedures.* The method of euthanasia utilized at the DAS shall be injection of sodium pentobarbital. Only staff members that are certified animal euthanasia technicians (CAET) through the state will be allowed to perform the procedure. Continuing training and support will be provided to the staff in euthanasia techniques. Fractious and feral animals will be sedated when necessary before being euthanized. Before being euthanized, animals will be double-checked by the staff to be sure that they have been held for the required amount of time, that all means to reach the owner have been used, and that there are no other holds on the animal.

(c) *Animals brought into unincorporated St. Tammany Parish by out-of-parish releasing agency.* It shall be prohibited for any out-of-parish releasing agency to bring any animals from outside of the state or parish and into unincorporated St. Tammany Parish for the purpose of having such animals adopted in unincorporated St. Tammany Parish, unless the following requirements are met:

- (1) The out-of-parish releasing agency has registered with the department of animal services, and has provided the department with:
 - a. The name, address and telephone number of the person, individually or as representative of the agency, who shall be responsible for the animal to be adopted.
 - b. The proper name of the releasing agency.
 - c. If an out-of-state agency, proof of registration with the Louisiana Secretary of State to conduct business in Louisiana.
 - d. Certification to act on behalf of the agency.
 - e. Listing of the animals to be adopted.
 - f. Copy of the adoption agreement to be used, if it is not the one utilized by STPDAS.
 - g. Certification that the animals have been sterilized prior to their adoption.
 - h. Certification that the animals have not been deemed potentially dangerous, dangerous, or vicious by any agency or jurisdiction.
- (2) The responsible person and/or representative signs an agreement to comply with the adoption procedures set forth in subsection (b)(3) of this section and to provide the department with a copy of each of the adoption agreements within ten days of the agreement being signed.

Failure to register or timely provide a copy of the required adoption agreement shall constitute a separate violation of this article and shall be subject to the imposition of a civil penalty of not less than \$100.00 nor more than \$300.00 for each violation.

(Code 1998, § 4-128.00; Ord. No. 01-0296, 5-3-2001; Ord. No. 03-0689, 6-5-2003; Ord. No. 09-2000, 2-5-2009; Ord. No. 16-3515, exh. A(4-128.00), 6-2-2016)

Editor's note—The original policies and procedures for the parish department of animal services were enacted per Resolution P.J.S. No. 99-9132, March 18, 1999, in accordance with the recommendations of the animal control committee.

Sec. 10-650. Simple cruelty to animals; minimum care standards.

Any person who intentionally or with criminal negligence commits any of the following acts or omissions shall be guilty of simple cruelty to animals:

- (1) Overdrives, overloads, drives when overloaded, or overworks a living animal.
- (2) Torments, cruelly beats or unjustifiably injures any living animal, whether belonging to himself or another.
- (3) Having charge, custody, or possession of any animal, either as owner or otherwise, unjustifiably fails to provide it with proper food, proper drink, proper shelter, or proper veterinary care as set forth hereinbelow:
 - a. Fresh water for drinking shall be available to all species at all times. Each animal shall be provided with daily supply of clean, fresh, potable water in a sanitary manner and in a sufficient quantity to prevent unnecessary or unjustifiable suffering by the animal. Containers shall remain clean, free of fecal matter, urine and other debris and shall always remain easily accessible to the animal.
 - b. All animals shall be provided with daily food of sufficient quality and quantity to prevent unnecessary or unjustifiable suffering by the animal. All animals shall be fed in clean containers, free from contamination, which shall be easily accessible to the animal.
 - c. All animals shall be provided with adequate shelter from the elements as required to prevent unnecessary or unjustifiable suffering by the animal. In the case of a pet or companion animal that is kept outdoors, a shelter must have a minimum of three sides, a waterproof roof and a dry floor. Such shelter shall provide proper protection from the sun, rain, cold and the wind. Housing for animals shall be structurally sound and maintained in good repair. Housing for the animal shall allow, as a minimum, enough room for the animal to stand, sit and to turn around comfortably. Proper housing shall always remain easily accessible to the animal at all times.
 - d. Every animal shall be provided with veterinary care sufficient to prevent unnecessary or unjustifiable physical pain or suffering by the animal. An animal

exhibiting symptoms such as persistent vomiting or diarrhea should be afforded veterinary care. An animal shall be afforded veterinary care if known or suspected to have suffered an injury, accidental or deliberate, and exhibits such signs as shock, swelling, broken bones, open wounds, blistering, partial or total paralysis, bleeding or other such signs, or animals who are debilitated and weakened or those exhibiting symptoms of bloat or other life-threatening illnesses. An animal who has exhibited signs of severe parasitic infestation or disease such as infection, discharge, weight loss, abnormal skin condition or hair loss, tremors, inability to bear weight on a limb or lameness or any other such sign over a period of 24 hours or more must be afforded veterinary care within 24 hours. This does not apply to conditions that are chronic or permanent and that have previously been diagnosed and treated or are under veterinary care.

- (4) Abandons any animal. A person shall not be considered to have abandoned an animal if he delivers the animal to an animal control center. Owners of unwanted animals may bring and release such animals to the parish animal services center at no cost to the owner to be made available for adoption or other disposition at the discretion of the parish department of animal services.
 - (5) Impounds, confines or causes to be impounded or confined in a pound or other place, a living animal and fails to supply it during such confinement with proper food, proper drink, proper shelter or proper veterinary care.
 - (6) Carries, or causes to be carried, a living animal in or upon a vehicle or otherwise, in a cruel or inhumane manner. No animal shall be left unattended in a vehicle under conditions which cause unnecessary and unjustifiable suffering by the animal.
 - (7) Unjustifiably administers any poisonous or noxious drug or substance to any domestic animal or unjustifiably exposes an animal to any such drug or substance, whether mixed with food or not, with intent that the same shall be taken or swallowed by any domestic animal.
 - (8) Unjustifiably injures any animal belonging to another person.
 - (9) Mistreats any living animal by any act or omission whereby unnecessary or unjustifiable physical pain, suffering, or death is caused to or permitted upon the animal.
 - (10) Causes or procures to be done by any person any act enumerated in this section.
 - (11) An animal found running at large and brought to the animal services center will be processed in accordance with section 10-647.
- (Code 1998, § 4-129.00; Ord. No. 01-0296, 5-3-2001; Ord. No. 03-0689, 6-5-2003; Ord. No. 09-2000, 2-5-2009; Ord. No. 16-3515, exh. A(4-129.00), 6-2-2016)

Sec. 10-651. Seizure and disposition of animals cruelly treated.

(a) When a person is charged with cruelty to animals, said person's animal may be seized by the arresting officer and held pursuant to this section.

(b) (1) The seizing officer shall notify the owner of the seized animal of the provisions of this section by posting written notice at the location where the animal was seized or by leaving it with a person of suitable age and discretion residing at that location within 24 hours of the seizure.

(2) The seizing officer shall photograph the animal within 15 days after providing notice of seizure and shall cause an affidavit to be prepared in order to document its condition in accordance with this section and R.S. 15:436.2.

(3) The seizing officer shall appoint a licensed veterinarian or other suitable custodian to care for any such animal. The custodian shall retain custody of the animal in accordance with this section. The department of animal services is a suitable custodian.

(4) The seized animal shall be held by the custodian provided for in subsection (b)(3) of this section for a period of 15 consecutive days, including weekends and holidays, after such notice of seizure is given. Thereafter, if a person who claims an interest in such animal has not posted bond in accordance with subsection (c) of this section, the animal may be humanely disposed of by sale, adoption, or euthanasia.

(c) A person claiming an interest in any animal seized pursuant to this section may prevent the disposition of the animal as provided for in subsection (b)(4) of this section by posting a bond with the court within 15 days after receiving notice of such seizure in an amount sufficient to secure payment for all reasonable costs incurred in the boarding and treatment for any seized animal for a 30-day period commencing on the date of initial seizure. Such bond shall not prevent the department, agency, humane society, or other custodian of the animal from disposing of the animal in accordance with subsection (b)(4) of this section at the end of the 30-day period covered by the bond, unless the person claiming an interest posts an additional bond for such reasonable expenses for an additional 30-day period. In addition, such bond shall not prevent disposition of the animal for humane purposes at any time, in accordance with subsection (e) of this section. The amount of the bond shall be determined by the department, agency, humane society or other custodian of the animal as authorized by the court in accordance with the current rate for board and on the condition of the animal after examination by a licensed veterinarian.

(d) Upon a person's conviction of cruelty to animals, it shall be proper for the court, in its discretion, to order the forfeiture and final determination of the custody of any animal found to be cruelly treated in accordance with this section and the forfeiture of the bond posted pursuant to subsection (c) of this section as part of the sentence. The court may, in its discretion, order the payment of any reasonable or additional costs incurred in the boarding or

veterinary treatment of any seized animal prior to its disposition, whether or not a bond was posted by the defendant. In the event of the acquittal or final discharge without conviction of the accused, the court shall, on demand, direct the delivery of any animal held in custody to the owner thereof and order the return of any bond posted pursuant to subsection (c) of this section, less reasonable administrative costs.

(e) Nothing in this section shall prevent the euthanasia of any seized animal, at any time, whether or not any bond was posted, if a licensed veterinarian determines that the animal is not likely to survive and is suffering, as a result of any physical condition. In such instances, the court, in its discretion, may order the return of any bond posted, less reasonable costs, at the time of trial.

(Code 1998, § 4-129.01; Ord. No. 01-0296, 5-3-2001; Ord. No. 03-0689, 6-5-2003; Ord. No. 09-2000, 2-5-2009; Ord. No. 16-3515, exh. A(4-129.01), 6-2-2016)

State law reference—Similar provision, R.S. 14:102.2.

Sec. 10-652. Search warrant; animal cruelty offenses.

If the complaint is made, by affidavit, to any magistrate authorized to issue search warrants in criminal cases, that the complainant has reason to believe that an animal has been or is being cruelly treated in violation of section 10-650, in any building or place, such magistrate, if satisfied that there is reasonable cause for such belief, shall issue a search warrant to any law enforcement officer authorized by law to make arrests for such offenses, authorizing any such officer to make a search of said building or place, and to arrest any person found violating section 10-650. Said warrant may also authorize said officer to seize any animal believed to be cruelly treated and to take custody thereof. This section shall not be construed as a limitation on the power of law enforcement officers to seize animals as evidence at the time of the arrest. (Code 1998, § 4-129.02; Ord. No. 01-0296, 5-3-2001; Ord. No. 03-0689, 6-5-2003; Ord. No. 09-2000, 2-5-2009; Ord. No. 16-3515, exh. A(4-129.02), 6-2-2016)

State law reference—Similar provision, R.S. 14:102.3.

Sec. 10-653. Confined animals; necessary food and water.

When a living animal is impounded or confined in violation of section 10-650(a)(1)e, and continues without necessary food and water for more than 24 consecutive hours, any law enforcement officer may, as often as is necessary, enter any place in which the animal is impounded or confined and supply it with necessary food and water so long as it shall remain impounded or confined.

(Code 1998, § 4-129.03; Ord. No. 01-0296, 5-3-2001; Ord. No. 03-0689, 6-5-2003; Ord. No. 09-2000, 2-5-2009; Ord. No. 16-3515, exh. A(4-129.03), 6-2-2016)

State law reference—Similar provision, R.S. 14:102.4.

Sec. 10-654. Animals left unattended in a vehicle.

(a) Any law enforcement officer who finds an animal left unattended in a vehicle, in a cruel or inhumane manner so as to violate the provisions of section 10-650(a)(1)f, shall be permitted to use all reasonable means, including breaking a window, in order to free a suffering animal, provided that all of which following additional conditions have been met:

- (1) The animal shows physical signs of heat exhaustion, convulsions, or other near death symptoms which require immediate action by the law enforcement officer in order to save the animal's life.
- (2) All reasonable attempts to contact the owner or driver of the vehicle must have been thoroughly exhausted.

(b) If all of the conditions of this section are met, the law enforcement officer and the parish shall be deemed not liable for any reasonable property damage resulting from the taking of such action to save the animal and the damage to the personal property was limited to what was absolutely necessary.

(Code 1998, § 4-129.04; Ord. No. 09-2000, 2-5-2009; Ord. No. 16-3515, exh. A(4-129.04), 6-2-2016)

Sec. 10-655. Simple cruelty; criminal penalties.

(a) Whoever commits the crime of simple cruelty to animals shall be fined not more than \$1,000.00, or imprisoned for not more than six months, or both.

(b) In addition to any other penalty imposed, a person who commits the crime of cruelty to animals shall be ordered to perform five eight-hour days of court-approved community service. The community service requirement shall not be suspended.

(Code 1998, § 4-129.05; Ord. No. 01-0296, 5-3-2001; Ord. No. 03-0689, 6-5-2003; Ord. No. 09-2000, 2-5-2009; Ord. No. 16-3515, exh. A(4-129.05), 6-2-2016)

State law reference—Similar provision, R.S. 14:102.1.

Sec. 10-656. Simple cruelty; administrative hearings.

(a) Administrative enforcement of a violation of sections 10-650, 10-653 and 10-654 may only be instituted and/or the administrative hearing proceed in those cases where a person has not been arrested or charged with a criminal violation of this section or R.S. 14:102 et seq. In such case, whenever an animal control officer has reasonable cause to believe that a violation of any provision of section 10-650, 10-653 or 10-654 has occurred, or currently exists, the animal control officer is authorized to institute civil enforcement of such violation, and the abatement thereof, through the administrative hearing process.

(b) Nothing in this section shall prevent the euthanasia of any animal in the custody of the department of animal services, at any time, if a licensed veterinarian determines that the animal is not likely to survive and is suffering, as a result of any physical condition.

(c) The administrative hearing process shall be commenced by serving a notice of animal cruelty violation. The notice shall be dated and may be served by personal service on the owner or keeper, by posting the notice in a conspicuous place at the location of the violation, or by leaving it with a person of suitable age and discretion residing at that location. Notice may be served by certified or registered U.S. mail to the owner or keeper, or both. In case of notice by U.S. mail, the date of the postmark shall be deemed the date of delivery. Any notification so sent and returned by the U.S. Post Office shall be considered as having fulfilled the notification requirement; provided that, in the case of such returned notice, if the person to be notified has a telephone number listed in the parish phone directory at least one attempt shall be made to notify the person by telephone.

- (1) The notice shall be, as much as possible, in laymen's language susceptible of understanding by a person of normal capacity, and shall, in large print, inform the person noticed of the alleged animal cruelty violation and the civil penalty.
- (2) If an administrative hearing is to be instituted by the department of animal services, whether or not the animal is in the custody of the department, the notice shall, in large print, inform the person of the date, time and location of the administrative hearing, that the person has a right to appear at the hearing to dispute the alleged violation, and of his right to present evidence and witnesses on his behalf. If the animal is in the custody of the department of animal services, the notice shall inform the person that the animal will be held for a period of 15 consecutive days, including weekends and holidays, or pending the administrative hearing.
- (3) If the animal is in the custody of the department of animal services and the violation is one that may be abated, and the animal returned to the owner or keeper without endangering the animal, the notice of violation shall inform the owner or keeper of the following:
 - a. The owner or keeper may reclaim the animal upon payment of the applicable costs and fees and verification that the conditions giving rise to the violation have been abated. Written notice of voluntary compliance by the owner or keeper is required, and may be provided by signing below the "Voluntary Compliance" section of the notice of violation. Written notice of voluntary compliance must be received by the department within 15 days of the date of the notice of violation.
 - b. The owner may appeal the department's determination that the animal has been cruelly treated by appealing the determination, in writing, within 15 days of the

date of the notice of violation. The appeal may be made by signing below the "Appeal—Request for Administrative Hearing" section on the notice of violation and returning same to the department within 15 days of the date of the notice.

- c. The notice shall inform the owner or keeper that the animal will be held for 15 days from the date of notice, unless the department receives written notice that he is appealing the determination or is willing to voluntarily comply with the requirements necessary to abate the conditions giving rise to the alleged violation. If such notice is not timely provided, the animal may be put up for adoption or may be humanely euthanized.

(d) If the administrative hearing officer, at the conclusion of the hearing conducted in accordance with the provisions of section 2-542, determines that a violation did not occur, or that the violation has since been abated and that the animal may be returned to the owner or keeper without endangering the animal, the hearing officer shall, on demand, direct the delivery of any animal held in custody to the owner thereof. If the hearing officer is satisfied that the person did violate any provision of section 10-650, 10-653 or 10-654, he may order any of the following, which shall be non-exclusive:

- (1) If the owner or keeper of an animal has not voluntarily surrendered the animal to the department of animal services, the hearing officer is satisfied that the animal is not presently in need of veterinary care, that the conditions giving rise to the violation have been corrected, that the animal is not likely to be cruelly treated thereafter, and that there is compliance with all other applicable provisions of this article (i.e., license, sterilization and vaccinations, for example), the hearing officer may impose any other reasonable condition deemed necessary for the protection of the animal and the public health, safety and welfare. Additionally, a civil penalty not to exceed \$500.00 may be imposed for each violation.
- (2) If the animal has not been taken into the custody of the department of animal services, and the hearing officer is not satisfied that all of the conditions referred to in subsection (d)(1) of this section have been met, the hearing officer may order that the violator immediately surrender the animal to the custody of the department of animal services, pending compliance with all of the aforementioned conditions or the delays for appealing the decision to a court of competent jurisdiction, or he may order that the person retain custody of the animal subject to meeting said conditions, within the time specified in the order, which must be verified in writing by the department of animal services. A civil penalty not to exceed \$500.00 may be imposed for each violation plus costs.

(e) Any person aggrieved by a decision of the parish hearing officer may appeal that decision to the 22nd Judicial District Court. Notwithstanding the provisions of section 2-565, if the animal is in the custody of the department of animal services, such appeal shall be perfected

within ten calendar days from the rendition of the order and shall be made returnable to the 22nd Judicial District Court in not more than 15 calendar days from the rendition of the order. The hearing officer may order the person to post an amount sufficient to cover the cost of boarding and caring for the animal for a period of time not to exceed 15 days. If the animal is not in the custody of the department, an appeal of the decision shall be in accordance with the provisions set forth in section 2-565.

(Code 1998, § 4-129.06; Ord. No. 01-0296, 5-3-2001; Ord. No. 03-0689, 6-5-2003; Ord. No. 09-2000, 2-5-2009; Ord. No. 16-3515, exh. A(4-129.06), 6-2-2016)

Sec. 10-657. Minimum animal housing standards.

(a) The following are the minimum requirements for housing all pets in kennels, cages, tanks or other enclosures:

<i>Species</i>	<i>Weight or Age</i>	<i>Minimum Housing Dimensions</i>			<i>Number of Animals</i>
		<i>Width</i>	<i>Depth</i>	<i>Height</i>	
Adult dogs in cages	0—35 lbs.	36" (A)	36" (A)	30" (A)	1
		60" (A)	60" (A)	30" (A)	2
		90" (A)	90" (A)	30" (A)	3 max.
	36—65 lbs.	36" (A)	72" (A)	36" (A)	1
		72" (A)	72" (A)	36" (A)	2 max.
	66 lbs. and over	72" (A)	72" (A)	48" (A)	1 max.
Puppies in cages	0—15 lbs.	30"	30"	24"	1
		30"	30"	24"	2
		36"	36"	24"	3
		48"	48"	24"	5 max.
Adult cats in cages	Any size	24"	24"	24"	1
		36"	36"	24"	2 max.
Kittens in cages	Up to 4 mos.	24"	24"	24"	1
		24"	24"	24"	2
		36"	36"	24"	3
		48"	48"	24"	4
		60"	60"	24"	5 max.
Rabbits and guinea pigs in cages	Any size	24"	24"	24"	2 max.
		36"	36"	24"	3
		48"	48"	24"	5 max.
		60"	36"	24"	6 max.
Hamsters	Any size	24"	12"	12"	8 max.

<i>Species</i>	<i>Weight or Age</i>	<i>Minimum Housing Dimensions</i>			<i>Number of Animals</i>
		<i>Width</i>	<i>Depth</i>	<i>Height</i>	
Adult dogs in runs	Any size	48"	72"	(Min. 12" higher than dog)	1
		48"	108"	(Min. 12" higher than dog)	2
		48"	120"	(Min. 12" higher than dog)	3 max.
Finches	Any size	19½"	10"	12"	4 max.
Canaries	Any size	19½"	14"	16"	3 max.
Parakeets	Any size	18"	18"	18"	3 max.
Cockatiels	Any size	20"	20"	18"	2 max.
Larger breed birds	Any size	24"	24"	58"	2 max.

(b) These dimensions may require modification to conform to the body sizes of certain breeds. In no case shall the cage height be less than six inches, plus the height of the dog at the withers, nor shall the width or depth be less than six inches, plus the length of the dog from the tip of the nose to the base of the tail.

(c) All animal rooms, cages, kennels, shipping containers and runs shall be of sufficient size to provide adequate and proper accommodations and protection from the weather for the animals kept therein. As a minimum, sufficient space must be provided for each and every animal in a single enclosure to, separately and together, stand up, lie down and turn around in a natural position.

(d) All confined or restrained animals shall be given exercise proper for the individual animal under the particular conditions. Dog kennel runs, if made of concrete, shall provide adequate draining for proper sanitation. Droppings must be disposed of and the runs periodically treated with an effective disinfectant.

(e) All caged birds must have enough room to move with ease. A caged bird shall be able to flap its wings without touching the sides of the cages.

(f) Reptiles. In addition to requirements for this section, each enclosure shall be provided with an environment or devices that allow for temperature regulation necessary to ensure the well-being of the species. The environment or devices shall be non-injurious, and may include, but are not limited to ambient temperature, hot rocks, artificial lights, natural sunlight and heat strips. Each enclosure shall be provided with a non-injurious substrate, including but not limited to gravel, newspaper, processed wood shavings, rocks, sand, or indoor-outdoor carpet.

Arboreal species of snakes or lizards shall be provided with a perch of sufficient height to allow for such specimen to perch or bask without any portion of its body or tail touching the floor, sides or roof of the enclosure. Enclosure sizes for all snakes or lizards shall be based on the total length of the longest specimen in the enclosure.

(1) *Snakes and glass lizards.*

- a. Snakes, except as otherwise provided, and glass lizards: For up to two specimens, a cage or enclosure having a perimeter equal to the length of the longest specimen, the width of the cage shall be ten inches or not less than 30 percent of the length of the longest specimen whichever is greater, and enclosure shall not be required to exceed 3 feet. For each additional specimen, increase perimeter by ten percent.
- b. Blood pythons or large constrictors that exceed 12 feet upon maturity: boas, pythons, or anacondas.
 1. Specimens up to five feet in length. For up to two specimens, a cage or enclosure 2.5 feet by one foot. For each additional specimen increase perimeter by ten percent. Constrictors of this size possessed for exhibition or sale are exempt from this minimum cage requirement but shall meet the requirements as indicated for snakes and glass lizards.
 2. Specimens five feet to 12 feet in length. For up to two specimens, a cage or enclosure with a perimeter equal to 1.25 times the length of the longest specimen. The width of the cage shall not be less than 30 percent of the length of the longest specimen and shall not be required to exceed three feet. For each additional specimen, increase perimeter by ten percent.
 3. Specimens greater than 12 feet in length. For up to two specimens, a cage or enclosure with a perimeter equal to the length of the longest specimen. The width of the cage shall not be required to exceed three feet. For each additional specimen, increase perimeter by ten percent.

(2) *Lizards (other than glass lizards).*

- a. Lizards up to six inches in length. For one or two lizards, a cage or enclosure 12 inches by eight inches, six inches high. For each additional lizard, increase enclosure size by one inch in length and width.
- b. Lizards seven to 12 inches in length. For one or two lizards, a cage or enclosure 20 inches by ten inches, 12 inches high. For each additional lizard, increase size by two inches in length and width.
- c. Lizards 13 to 24 inches in length. For one or two lizards, a cage or enclosure 30 inches by 12 inches, 12 inches high. For each additional lizard, increase size by three inches in length and width.

- d. Lizards 25 to 36 inches in length. For one or two lizards, a cage or enclosure 48 inches by 16 inches, 20 inches high. For each additional lizard, increase size by ten inches or 25 percent in length and width.
 - e. Lizards 37 inches to six feet in length. For one or two lizards, a cage or enclosure six feet by three feet, four feet high. For each additional lizard, increase size by 25 percent of the original floor area.
 - f. Lizards over six feet in length. For one or two lizards, a cage or enclosure nine feet by six feet, 4.5 feet high. For each additional lizard, increase the size by 25 percent of original floor area.
- (3) *Turtles, tortoises and box turtles.* Each enclosure for turtles, tortoises and box turtles shall have a pool of water. The pool area shall equal no less than two times the shell width by two times the shell length. For turtles, other than tortoises and box turtles, such pool shall allow submersion of the largest turtle. For soft-shelled turtles, a non-abrasive pool bottom is required. Enclosure and pool sizes for all turtles, tortoises and box turtles shall be based upon the size of the largest specimen in the enclosure.
- a. Turtles (other than tortoises and box turtles): For one or two turtles, an enclosure with an area at least five times the shell length by two times the shell width of the largest turtle. The pool area shall equal no less than two times the shell width, by two times the shell length of the largest turtle. A dry resting area equal to the size of the shell of the largest turtle shall be provided. For each additional specimen, increase original floor area and pool area by ten percent.
 - b. Tortoises and box turtles: For one or two tortoises or box turtles, an enclosure with a floor area ten times the shell size of the largest specimen in the enclosure. For additional specimens, the combined area covered by all their bodies shall not exceed 50 percent of enclosure area.
- (Code 1998, § 4-130.00; Ord. No. 01-0296, 5-3-2001; Ord. No. 03-0689, 6-5-2003; Ord. No. 09-2000, 2-5-2009; Ord. No. 16-3515, exh. A(4-130.00), 6-2-2016)

Sec. 10-658. Rabies control and attack (bite) cases.

All dogs and cats shall be inoculated by a licensed veterinarian for rabies in accordance with the Louisiana Sanitary Code title 51 and shall wear the metal rabies inoculation tag given by the veterinarian at all times.

- (1) Should a dog or any other animal bite a person or be reported to have bitten a person within the limits of the parish, it shall be the duty of the owner, or the person having the same in his possession or under his control, immediately to notify the parish department of animal services, and surrender said dog or animal to any representative of the parish department of animal services, who is herewith authorized and empowered to enter the premises in order to make any inspection or examination of said dog or

animal as may be deemed necessary by the parish department of animal services. In those cases where the parish sheriff's office is notified that a dog or any other animal has bitten a person, the sheriff's office shall promptly notify the parish department of animal services. It shall be the duty of the parish department of animal services to impound, or cause to be impounded, any such dog or animal for a period of ten days for observation either in the hospital facilities of a licensed veterinarian or at the parish animal services center, or require such animal to be confined securely for a period of ten days by the person owning the same or having possession thereof in such manner and on such premises as may be designated by the parish department of animal services, or the parish department of animal services may order the destruction of such animal and send its head to the bureau of laboratories of the state department of health for a rabies laboratory test.

- (2) Home confinement shall be allowed only if the following conditions are met:
 - a. Current vaccination with an approved rabies vaccine;
 - b. Approval of the director of the parish department of animal services, or their designee;
 - c. Approval of exposed party; and
 - d. Agreement to the confinement conditions by the animal owner.
- (3) If the director of the parish department of animal services determines that such animal may be confined under the control or custody of the owner or person having control over it, said owner or person shall notify the parish department of animal services immediately if the animal shows any symptoms of sickness, or abnormal behavior, or escapes, and if such animal dies during confinement, such person having custody thereof shall surrender the carcass to the parish department of animal services. This section shall not apply, except in the discretion of the parish department of animal services, to such small caged pets as mice, rats, gerbils, hamsters or guinea pigs and any other animal that may be specifically excluded by the parish department of animal services.
- (4) Should any animal undergoing the ten days observation for having bitten a person show indication of rabies, it shall be the duty of the parish department of animal services to destroy such animal after confirmation of the diagnosis by a licensed veterinarian. The parish department of animal services and/or designated agency shall send the head of any such animal, and also the head of any animal which dies during the rabies quarantine, to the bureau of laboratories of the state department of health for a rabies laboratory test.
- (5) It shall be the duty of every veterinarian having an animal quarantined for a bite incident to submit a report to the parish department of animal services as to the condition of said quarantined animal on the initial day of observation and the tenth day immediately following the date of said bite incident.

- (6) If the bite case involves allegations of either a potentially dangerous animal, or a dangerous animal, and provided that all of the applicable requirements of the dangerous animal section have been met, any animal impounded or confined for rabies quarantine may be released upon completion of the ten days' observation period only upon authorization of the parish department of animal services or their authorized representative. Any such animal must have a valid license and vaccination before it may be released.
- (7) Animals exposed to rabies. If any animal is suspected of having been exposed to rabies, all persons having knowledge of such condition or event shall forthwith surrender such animal to the parish department of animal services or their representative, shall fully advise same of all the facts and circumstances involved. Such animal may be quarantined, confined, humanely destroyed, or released under the direction and supervision of the parish department of animal services as it deems advisable in rabies control.
- (8) It shall be unlawful to harbor or conceal an animal which has bitten or inflicted serious bodily injury on a human when a person knows or has reason to know that an animal has bitten or inflicted serious bodily injury on a human and the person intentionally harbors or conceals the animal from any law enforcement or animal control agency investigator or agent. (See R.S. 14:102.22.)
- a. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:
- Animal control agency* means the department of animal services.
- Serious bodily injury* means bodily injury which involves unconsciousness, extreme physical pain or protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ, or mental faculty, or a substantial risk of death.
- b. Whoever commits the crime of harboring or concealing an animal which has bitten or inflicted serious bodily injury on a human shall be fined not more than \$1,000.00 or imprisoned with or without hard labor, for not more than two years, or both.
- c. Any health care provider, as provided in R.S. 40:1299.41, who examines or treats any person who has been bitten by an animal or upon whom an animal has inflicted serious bodily injury shall report such bite or injury to the law enforcement or animal control agency for the location where the bite or injury occurred. Such report shall be made immediately, if possible, and in any event shall be made within 24 hours. The report shall include as much of the following information as is available:
1. The patient's name, date of birth, sex, and current home and work addresses.

2. The nature of the bite or injury that is the subject of the report.
 3. Any information about the location of the biting animal and the name and address of any known owner.
 4. The name and address of the health care provider.
- (9) Any person having possession of or responsibility for any quarantined or confined animal shall immediately notify the parish department of animal services if such animal escapes, or becomes or appears to become sick or dies; and in case of death of the animal while under quarantine or confinement shall immediately surrender the dead body to the parish department of animal services for diagnostic purposes.
- (Code 1998, § 4-131.00; Ord. No. 01-0296, 5-3-2001; Ord. No. 03-0689, 6-5-2003; Ord. No. 09-2000, 2-5-2009; Ord. No. 16-3515, exh. A(4-131.00), 6-2-2016)

Sec. 10-659. Dangerous animals.

- (a) As used in this section, the term "dangerous animal" means:
- (1) Any animal which, when unprovoked, on two separate occasions within the prior 36-month period, engages in any behavior that requires a defensive action by any person to prevent bodily injury that occurs when the person and the animal are off the property of the owner or keeper of the animal;
 - (2) Any animal which, when unprovoked, bites a person causing an injury and is capable of causing serious bodily injury;
 - (3) Any animal which, when unprovoked, on two separate occasions within the prior 36-month period, has killed, seriously bitten, inflicted injury, or otherwise caused injury to a domestic animal off the property of the owner of the animal; or
 - (4) Any animal that has been deemed dangerous by another jurisdiction (i.e., another state, county, parish or municipality).
- (b) For the purposes of this section, the term "potentially dangerous animal" means:
- (1) Any animal which, when unprovoked, has killed, seriously bitten, inflicted injury, or otherwise caused injury to a domestic animal off the property of the owner or keeper of the animal.
 - (2) Any animal which, when unprovoked, engages in any behavior that requires a defensive action by any person to prevent bodily injury when the person and the animal are off the property of the owner of the animal.
- (c) The provisions of this section shall not apply to:
- (1) Any animal which is owned, or the service of which is employed, by any state or local law enforcement agency for the principal purpose of aiding in the detection of criminal activity, enforcement of laws, or apprehension of offenders.

- (2) Any animal trained in accordance with the standards of a national or regional search and rescue association to respond to instructions from its handler in the search and rescue of lost or missing individuals and which animal, together with its handler, is prepared to render search and rescue services at the request of law enforcement.
- (3) Proprietors of animal hospitals, to veterinarians, zoological gardens, theatrical exhibit, or a circus, provided that such animal hospital, veterinarian, zoological garden, theatrical exhibit, or circus possesses all permits required by the laws of this parish and state and complies with all other regulations concerning the keeping and maintaining of such animals.

(d) No animal shall be declared dangerous or potentially dangerous if at the hearing authorized by this section the evidence presented is sufficient to establish any of the following:

- (1) The person taking defensive action to prevent bodily injury had provoked the animal by teasing, tormenting, abusing, or assaulting the animal.
- (2) Any injury or damage is sustained by a person who, at the time the injury or damage was sustained, was committing a crime upon the property of the owner of the animal.
- (3) Any injury or damage is sustained by a person who, at the time the injury or damage was sustained, was teasing, tormenting, abusing or assaulting the animal.
- (4) Any injury or damage is sustained by a domestic animal which, at the time the injury or damage was sustained, was teasing, tormenting, abusing or assaulting the animal.
- (5) If the animal was protecting or defending a person within the immediate vicinity of the animal from an unjustified attack or assault.
- (6) If the injury or damage to a domestic animal was sustained while the animal was working as a hunting dog, herding dog, or predator control dog on the property of, or under the control of, its owner, and the damage or injury was to a species or type of domestic animal appropriate to the work of the dog.

(e) It shall be unlawful for any person to own, possess, keep or harbor a dangerous or potentially dangerous animal without properly restraining or confining the animal and complying with all other applicable requirements including, but not limited to, the requirement of registering the animal with the department of animal services and complying with the licensing requirements of this section.

(f) Impoundment.

- (1) Any law enforcement officer making an arrest for violation of this section may lawfully take possession of all animals on the premises where the arrest is made or in the immediate possession or control of the person being arrested.

- (2) In the event that an animal control officer or law enforcement officer has probable cause to believe that an animal is potentially dangerous or dangerous, and the animal is found to be at large, the animal shall be immediately impounded.
- (3) It shall be unlawful to harbor or conceal an animal which has bitten or inflicted serious bodily injury on a human when a person knows or has reason to know that an animal has bitten or inflicted serious bodily injury on a human and the person intentionally harbors or conceals the animal from any law enforcement or animal control agency investigator or agent. Any law enforcement officer or animal control officer may take possession of any animal that bites a person or is reported to have bitten a person within the limits of the parish. In such cases, the provisions of section 10-658 shall also be applicable.
- (g) Release from impoundment; hearing and voluntary compliance.
 - (1) Any animal impounded under the provisions of this section may be held pending the outcome of a hearing held in accordance with this section or until verification of voluntary compliance with the requirements applicable to the designation of the animal as potentially dangerous or dangerous.
 - (2) A notice of hearing shall be provided at the time of the notice of designation as a potentially dangerous or dangerous animal.
 - (3) Any owner aggrieved by a determination to designate his animal as potentially dangerous or dangerous may appeal that determination by requesting an administrative hearing on the form designating the animal as potentially dangerous or dangerous. In such case, the department of animal services shall institute the administrative hearing and provide notice thereof.
 - (4) A hearing shall not be required if the owner consents to voluntarily comply with all of the ordinance requirements applicable to the particular designation and signs a declaration of voluntary compliance. The animal may be held until the owner's compliance with the ordinance requirements applicable to the particular designation of the animal has been verified by the department of animal services.

(h) Destruction. Any animal control officer or law enforcement officer may kill any dangerous or vicious animal which cannot be safely taken up or impounded and no animal control officer or law enforcement officer shall be liable for damages by reason of such killing. (R.S. 3:2773D.)

(Code 1998, § 4-132.00; Ord. No. 01-0296, 5-3-2001; Ord. No. 03-0689, 6-5-2003; Ord. No. 09-2000, 2-5-2009; Ord. No. 16-3515, exh. A(4-132.00), 6-2-2016)

Sec. 10-660. Requirements for harboring potentially dangerous and dangerous animals.

(a) *Potentially dangerous animal.* The owner or keeper of an animal that has been designated as potentially dangerous shall meet the following requirements. If the animal is not under the control of the department of animal services, the proof of compliance must be submitted to the

department within 30 days of the date of the signature for voluntary compliance, or the date of an order by the hearing officer, unless a shorter period is stated in the order by the hearing officer. Compliance with all requirements must be verified by the department of animal services prior to the animal being released to the owner or keeper.

- (1) The owner and/or keeper shall secure a permit from the department of animal services, renewable each year from the anniversary date of such issue.
- (2) The owner and/or keeper shall provide two color photographs of the animal that clearly depicts the color, approximate size, and facial characteristics of the animal.
- (3) The owner and/or keeper shall provide satisfactory proof that the animal has been vaccinated and has received a microchip identification tag.
- (4) The property of the owner and/or keeper is enclosed by means of a fence or structure, whether or not it is located along the boundary of the property, that is constructed in such a manner as to:
 - a. Prevent any unattended animal while outdoors and upon the premises of its owner or keeper, from going beyond or outside of the boundaries of the property; and
 - b. Not allow ready and unobstructed access to the animal by the general public.
- (5) If the property of the owner and/or keeper is not enclosed by means of a fence or structure as provided for in subsection (4) of this section, it is permissible for the owner and/or keeper to sign a declaration agreeing that:
 - a. The animal will not be allowed outside of the owner and/or keeper's dwelling unless the animal is restrained or in a cage or pen. Dogs must be restrained on a leash and collar having a minimum tensile strength of 300 pounds and not exceeding six feet in length; and
 - b. The animal shall be kept under the direct control and supervision of its owner and/or keeper at all times.
 1. The requirements for the maintenance of physical control over the animal shall not be satisfied by the mere chaining, roping, leashing, or similar restraining of the animal to inanimate objects such as stakes, trees, posts or buildings.
 2. Tethering of the animal is strictly prohibited.
- (6) The owner and/or keeper signs a declaration acknowledging that he is required to immediately notify the department of animal services whenever the animal is on the loose, is unconfined, has bitten a domestic animal or person, has died, been sold, or given away or has been relocated.

- (7) If the animal has died, been sold, transferred, or given away, or has been relocated, the owner and/or keeper shall provide written notice of the event to the department of animal services within two days thereof. The notice shall state that the animal has been sold, transferred, or given away, or has been relocated, and provide the name, address, and phone number of the new owner, or the new location of the animal. Additionally, at the time the animal is sold, transferred, or given away, the owner shall give written notice to purchaser, transferee or donee that the animal has been designated as a potentially dangerous animal by the parish department of animal services.

(b) *Requirements for harboring a dangerous animal.* The owner or keeper of an animal that has been designated as dangerous shall meet the following requirements. If the animal is not under the control of the department of animal services, the proof of compliance must be submitted to the department within 30 days of the date of the signature for voluntary compliance, or the date of an order by the hearing officer, unless a shorter period is stated in the order by the hearing officer. Compliance with all requirements must be verified by the department of animal services prior to the animal being released to the owner or keeper:

- (1) The owner and/or keeper shall secure a permit from the department of animal services, renewable each year from the anniversary date of such issue.
- (2) The owner and/or keeper shall provide two color photographs of the animal that clearly depicts the color, approximate size, and facial characteristics of the animal.
- (3) The owner and/or keeper shall provide satisfactory proof that the animal has been vaccinated and has received a microchip identification tag.
- (4) The animal shall be spayed or neutered, at the owner's expense.
- (5) The owner and the animal must complete a course of animal obedience training approved by the department of animal services.
- (6) The owner must procure and maintain in effect a policy of liability insurance, including coverage of claims arising from the conduct of the owner's animal, in an amount not less than \$200,000.00. Proof of insurance must be submitted to the department of animal services prior to the animal's release and annually thereafter upon renewal of the required permit. If the animal is not under the control of the department of animal services, the proof of insurance must be submitted to the department within 30 days of the date of the signature for voluntary compliance, or the date of an order by the hearing officer, unless a shorter period is stated in the order by the hearing officer.
- (7) While on the property of the owner or keeper, a dangerous animal shall, at all times, be kept indoors, unless the animal is being restrained in accordance with the below requirements or the animal is in a secure enclosure meeting the requirements set forth immediately below:
 - a. The term "secure enclosure" means a securely enclosed and locked pen or structure that must be designed and constructed to prevent the dangerous animal from

escaping and from coming into contact with either a human being, other than the owner or keeper, or any other animal. The materials used to construct the enclosure or pen must prevent the animal from escaping by digging out, going over and going through the enclosure. The enclosure or pen shall provide a humane existence for the animal, protection from the elements, provide adequate exercise room, light and ventilation and shall be kept in a clean and sanitary condition. Additionally, in the case of a dangerous dog, the pen or structure must have minimum dimensions that measure four feet wide, ten feet long and six feet high. Such pen or structure shall have sides that are securely embedded in concrete, a secure top, and a bottom or floor that is permanently attached to the sides.

- b. The term "restrained" means that whenever the dangerous animal is not indoors or in a secure enclosure on the property of the owner or keeper, for whatever reason, the animal shall be restrained in accordance with the following:
 - 1. A dangerous dog must be restrained on a leash and collar having a minimum tensile strength of 300 pounds and not exceeding six feet in length; and
 - 2. The animal shall be kept under the direct control and supervision of its owner and/or keeper at all times.

The requirement of restraining and being under the direct control of the owner or keeper shall not be satisfied by the mere chaining, roping, or leashing of the animal to inanimate objects such as stakes, trees, posts, or buildings. Tethering of a dangerous animal is strictly prohibited.

- (8) Whenever a dangerous animal is taken off of the property of the owner or keeper, for whatever reason, the animal must wear a muzzle that prevents it from biting a person or an animal. Further, it shall be unlawful to exercise, or walk, a dangerous animal upon the public streets, sidewalks, rights-of-way, parks and property of the parish.
- (9) The owner and/or keeper of a dangerous animal shall post and maintain signs on the property, and on the secure enclosure, which must be sufficient to warn the general public, including young children, that a dangerous animal is being kept on the property. At a minimum, the signs shall be placed on the secure enclosure and at each normal point of ingress and egress. The signs shall be so placed as to be readily visible to any person approaching the property and secure enclosure. The location where the signs must be displayed shall be determined by the department of animal services, and the department shall provide the signs to the owner and/or keeper at his expense.
- (10) The owner and/or keeper signs a declaration acknowledging that he is required to immediately notify the department of animal services whenever the animal is on the loose, is unconfined, has bitten a domestic animal or person, has died, been sold, or given away, or has been relocated.

- (11) If the animal has died, been sold, transferred, or given away, or has been relocated, the owner and/or keeper shall provide written notice of the event to the department of animal services within two days thereof. The notice shall state that the animal has been sold, transferred, or given away, or has been relocated, and provide the name, address, and phone number of the new owner, or the new location of the animal. Additionally, at the time the animal is sold, transferred, or given away, the owner shall give written notice to purchaser, transferee or donee that the animal has been designated as a dangerous animal by the parish department of animal services.

(Code 1998, § 4-132.01; Ord. No. 01-0296, 5-3-2001; Ord. No. 03-0689, 6-5-2003; Ord. No. 09-2000, 2-5-2009; Ord. No. 16-3515, exh. A(4-132.01), 6-2-2016)

Sec. 10-661. Notice of designation as potentially dangerous or dangerous animal.

The director of the department of animal services is authorized to institute the administrative hearing process, which shall be commenced by serving a "Notice of Designation" as potentially dangerous or dangerous animal. The notice shall be dated and may be served by personal service on the owner or keeper, by posting the notice in a conspicuous place at the owner's or keeper's residence, or by leaving it with a person of suitable age and discretion residing at the owner's or keeper's place of residence. Notice may also be served by certified or registered U.S. mail to the owner or keeper, or both. In case of notice by U.S. mail, the date of the postmark shall be deemed the date of delivery. Any notification so sent and returned by the U.S. Post Office shall be considered as having fulfilled the notification requirement; provided that, in the case of such returned notice, if the person to be notified has a telephone number listed in the parish phone directory, at least one attempt shall be made to notify the person by telephone.

- (1) The notice of designation shall be, as much as possible, in laymen's language susceptible of understanding by a person of normal capacity, and shall, in large print, inform the person noticed of the determination to designate the animal as potentially dangerous or dangerous.
- (2) The notice of designation shall, in large print, also inform the person of the date, time and location of the administrative hearing, that the person has a right to appear at the hearing to dispute the dangerous or potentially dangerous designation, and of his right to present evidence and witnesses on his behalf. If the animal is in the custody of the department of animal services, the notice shall inform the person that the animal will be held for a period of 15 consecutive days, including weekends and holidays, or pending the administrative hearing.
- (3) If an administrative hearing is not to be instituted by the department, and the animal is in the custody of the department of animal services, the notice of designation shall inform the owner or keeper of the following:
 - a. The owner or keeper may reclaim the animal upon payment of the applicable costs and fees and upon the department's verification of compliance with all of the

requirements that are applicable to the particular designation. Written notice of voluntary compliance by the owner or keeper is required, and may be provided by signing below the "Voluntary Compliance" section of the notice of designation. Written notice of voluntary compliance must be received by the department within 15 days of the date of the notice of designation.

- b. The owner may appeal the department's designation of the animal as potentially dangerous or dangerous by appealing that determination, in writing, within 15 days of the date of the notice of designation. The appeal may be made by signing below the "Appeal—Request for Administrative Hearing" section on the notice of designation and returning same to the department within 15 days of the date of the notice.
- c. The notice shall inform the owner or keeper that the animal will be held for 15 days from the date of notice, unless the department receives written notice that he is appealing the determination or is willing to voluntarily comply with the requirements necessary to abate the conditions giving rise to the alleged violation. If such notice is not timely provided, the animal may be euthanized.

(Code 1998, § 4-132.02; Ord. No. 01-0296, 5-3-2001; Ord. No. 03-0689, 6-5-2003; Ord. No. 09-2000, 2-5-2009; Ord. No. 16-3515, exh. A(4-132.02), 6-2-2016)

Sec. 10-662. Hearing.

(a) Upon the showing made by the parties at the hearing on the designation of the animal, the hearing officer shall determine whether the animal is a potentially dangerous animal or a dangerous animal. If the hearing officer determines that the animal is not potentially dangerous or dangerous, he shall order the designation rescinded and, if the animal is in the custody of the department, shall order the animal to be returned to the owner on demand. The owner shall not be charged a fee to reclaim the animal.

(b) In every case where the animal is established to be a potentially dangerous or dangerous animal, the court shall enter an order declaring the animal to be a potentially dangerous or dangerous animal and shall direct the owner of the animal to comply with the requirements established for the restraint and confinement of the animal as provided by law and all other requirements applicable to the particular designation. Unless a shorter time is stated in the order, the owner must comply with all requirements within 30 days from the date of the order. If the animal is in the custody of the department, they shall retain the animal until the owner has complied with the court's order. The owner shall be responsible for all reclaim fees, boarding fees, and/or medical fees incurred by the department for housing the animal, all of which must be paid before the animal is released. Whoever violates the provisions of the dangerous animal section shall be fined not more than \$300.00 and shall be ordered to pay all costs and expenses of keeping the animal and all costs and expenses required for compliance.

(c) Any person who fails to restrain and confine a potentially dangerous or dangerous animal as ordered by the hearing officer, or fails to comply with the requirements established for the restraint and confinement of the dog as provided by law and all other requirements applicable to the particular designation, shall be in violation of the order and shall be fined not less than \$100.00 nor more than \$500.00. Each day that the violation continues shall be a separate violation. Additionally, the hearing officer may enter any other order he deems reasonable for the protection of the public health, safety and welfare.

(d) An animal determined by the hearing officer to be a dangerous animal may be humanely euthanized if it is determined that the animal poses an immediate threat to public health and safety. The order shall require that the animal not be humanely euthanized prior to the expiration of the time for appeal to the district court or such other time as he deems reasonable. (Code 1998, § 4-132.03; Ord. No. 01-0296, 5-3-2001; Ord. No. 03-0689, 6-5-2003; Ord. No. 09-2000, 2-5-2009; Ord. No. 16-3515, exh. A(4-132.03), 6-2-2016)

Sec. 10-663. Appeal.

The owner of the animal may appeal to the court of competent jurisdiction an order of the hearing officer determining the animal to be potentially dangerous or dangerous. Notwithstanding the provisions of section 2-565, such appeal shall be perfected within five calendar days from the rendition of the order and shall be made returnable to the 22nd Judicial District Court in not more than 15 calendar days from the rendition of the order. The hearing officer may order the person to post an amount sufficient to cover the cost of boarding the animal for a period of time not to exceed 30 days.

(Code 1998, § 4-132.04; Ord. No. 01-0296, 5-3-2001; Ord. No. 03-0689, 6-5-2003; Ord. No. 09-2000, 2-5-2009; Ord. No. 16-3515, exh. A(4-132.04), 6-2-2016)

Sec. 10-664. Vicious animals.

(a) For the purposes of this section, the term "vicious animal" means any animal which, when unprovoked, in an aggressive manner, inflicts serious bodily injury on or kills a human being and was previously determined to be a dangerous animal under the criteria set forth in section 10-659(a).

- (1) It shall be unlawful for any person to own a vicious animal.
 - (2) Whoever violates the provisions of subsection (c) of this section shall be fined not more than \$500.00 or imprisoned for not more than six months, or both.
- (b) The provisions of this section shall not apply to:
- (1) Any animal which is owned, or the service of which is employed, by any state or local law enforcement agency for the principal purpose of aiding in the detection of criminal activity, enforcement of laws, or apprehension of offenders.

- (2) Any animal trained in accordance with the standards of a national or regional search and rescue association to respond to instructions from its handler in the search and rescue of lost or missing individuals and which animal, together with its handler, is prepared to render search and rescue services at the request of law enforcement.
- (3) Proprietors of animal hospitals, to veterinarians, zoological gardens, theatrical exhibit, or a circus, provided that such animal hospital, veterinarian, zoological garden, theatrical exhibit, or circus possesses all permits required by the laws of this parish and state and complies with all other regulations concerning the keeping and maintaining of such animals.

(c) Impoundment.

- (1) Any law enforcement officer making an arrest for violation of this section may lawfully take possession of all animals on the premises where the arrest is made or in the immediate possession or control of the person being arrested.
- (2) In the event that an animal control officer or law enforcement officer has probable cause to believe that an animal is vicious, and the animal is found to be at large, the animal shall be immediately impounded.
- (3) Any law enforcement officer or animal control officer may take possession of any animal that bites a person or is reported to have bitten a person within the limits of the parish. In such cases, the provisions of section 10-658 shall also be applicable.

(Code 1998, § 4-133.00; Ord. No. 01-0296, 5-3-2001; Ord. No. 03-0689, 6-5-2003; Ord. No. 09-2000, 2-5-2009; Ord. No. 16-3515, exh. A(4-133.00), 6-2-2016)

Sec. 10-665. Appeal of vicious animal designation; notice.

(a) The notice of designation shall be, as much as possible, in laymen's language susceptible of understanding by a person of normal capacity, and shall, in large print, inform the person noticed of the determination to designate the animal as vicious.

(b) The notice shall be dated and may be served by personal service on the owner or keeper, by posting the notice in a conspicuous place at the owner's or keeper's residence, or by leaving it with a person of suitable age and discretion residing at that location. Notice may also be served by certified or registered U.S. mail to the owner or keeper, or both. In case of notice by U.S. mail, the date of the postmark shall be deemed the date of delivery. Any notification so sent and returned by the U.S. Post Office shall be considered as having fulfilled the notification requirement; provided that, in the case of such returned notice, if the person to be notified has a telephone number listed in the parish phone directory, at least one attempt shall be made to notify the person by telephone.

(c) The notice shall, in large print, inform the person noticed that he may appeal the department's designation of the animal as vicious by appealing that determination, in writing, within 15 days of the date of the notice of designation. The appeal may be made by signing below the "Appeal—Request for Administrative Hearing" section on the notice of designation and returning same to the department within 15 days of the date of the notice.

(d) The notice shall inform the owner or keeper that the animal will be held for 15 days from the date of notice, unless the department receives written notice that he is appealing the determination. If such notice is not timely provided, the animal may be humanely euthanized. (Code 1998, § 4-133.01; Ord. No. 01-0296, 5-3-2001; Ord. No. 03-0689, 6-5-2003; Ord. No. 09-2000, 2-5-2009; Ord. No. 16-3515, exh. A(4-133.01), 6-2-2016)

Sec. 10-666. Hearing.

(a) Upon the showing made by the parties at the hearing on the designation of the animal, the hearing officer shall determine whether the animal is a vicious dog if the hearing officer determines that the animal is not a vicious animal, he shall order the designation rescinded and, if the animal is in the custody of the department of animal services, shall order the animal to be returned to the owner on demand. The owner shall not be charged a fee to reclaim the animal.

(b) In every case where the animal is established to be a vicious animal, the hearing officer shall enter an order declaring the animal to be a vicious animal and ordering the animal to be humanely euthanized. If the animal is not in the custody of the department of animal services, the hearing officer shall order that the animal be immediately surrendered to the custody of the department. The order shall require that the animal not be humanely euthanized prior to the expiration of the time for appeal to the district court or such other time as he deems reasonable.

(c) The owner of the animal may appeal to the court of competent jurisdiction an order of the hearing officer determining the animal to be vicious. Notwithstanding the provisions of section 2-565, such appeal shall be perfected within five calendar days from the rendition of the order and shall be made returnable to the 22nd Judicial District Court in not more than 15 calendar days from the rendition of the order. The hearing officer may order the person to post an amount sufficient to cover the cost of boarding the animal for a period of time not to exceed 30 days.

(Code 1998, § 4-133.02; Ord. No. 09-2000, 2-5-2009; Ord. No. 16-3515, exh. A(4-133.02), 6-2-2016)

Sec. 10-667. Animal establishment permits.

(a) *Permits.*

(1) No person shall operate an animal establishment without first obtaining a permit from the parish department of animal services.

- (2) The applicant of an animal establishment permit shall abide by all parish animal establishment regulations. The animal control director may adopt animal establishment regulations such as those set forth in title 9 (Animal and Animal Products), chapter 1 (Animal and Plant Health Services), United States Department of Agriculture Animal Welfare Act of 1970 (Public Law 91579) or revisions thereto, or statutes of the state, or may promulgate and use any such nutritional or environmental standards which may be considered applicable and standard husbandry practices by expert opinion or literature, or by such organizations as the American Veterinary Medical Association (AVMA), the Humane Society of the United States (HSUS), the American Association of Zoological Parks and Aquariums (AAZP&A), or a qualified veterinarian.
 - (3) The department of animal services will provide a copy of the standards adopted, as provided in subsection (a)(2) of this section, to applicants with application for a permit. The applicant shall acknowledge receipt of the standards in the application.
 - (4) The permit period shall begin on the day the permit application is approved by the director. All applications for renewal of a permit for the ensuing year shall be filed with the department of animal services no later than the day of the annual inspection and a remittance therefor in cash, cashier's check or money order, in the proper amount as set forth hereinafter, payable to the department of animal services.
 - (5) Any person who maintains or operates an animal establishment shall pay an annual permit fee as provided hereinafter. If any person shall own or operate more than one facility, he shall be required to have a permit for each facility.
 - (6) The annual permit fee shall be \$200.00.
 - (7) A permit shall be required for all commercial kennels/breeders, public kennels, private kennels, pet shop, grooming shop, or where an owner has more than five animals, excluding livestock, over four months of age.
- (b) *Issuance and revocation of animal establishment permits.*
- (1) Parish animal control officers shall be required to conduct all inspections of animal establishments, and the department of animal services shall issue permits in compliance with this part and revoke permits for establishments not in compliance with this part.
 - (2) The department of animal services shall have the right of entry, at reasonable hours, on premises affected by this title and into all areas where animals are kept and maintained, for inspection to ascertain if the permittee is in compliance with the standards as set forth in subsection (a)(2) of this section. Failure of the owner to comply with the

standards as stated therein shall be cause for the revocation of the permit, a hearing before the bureau of administrative adjudication, and/or a misdemeanor summons to be issued.

- (3) If the parish department of animal services, after inspection, determines that the permittee is in violation of this part, it shall advise the permittee in writing of the violations and shall further inform the permittee that its failure to comply with the standards as provided in subsection (a)(2) of this section shall be cause for the removal of animals from such premises or areas, a hearing before the bureau of administrative adjudication, and/or a misdemeanor summons may be issued. The department of animal services shall give the permittee 14 days from receipt of the written notice to comply with the standards. Extended periods may be granted for good cause shown. If it shall be necessary for the department of animal services to remove or cause to be removed any animals as provided herein, it shall return the animals to the permittee upon their compliance with this part and the permittee's compensation to the department of animal services at a reasonable daily rate per animal.
- (4) Any person aggrieved by the decision of the department of animal services regarding violations of this part and its decision to suspend or revoke the permit upon the failure of the permittee to comply with this part, may take an appeal to a parish hearing officer with 15 days of receipt of written notification. The appeal is taken by filing a written notice of the aggrieved person's intent to appeal with the department of animal services.
 - a. The decision of the department of animal services shall be final unless appealed within the time and in the manner as set forth above. If it was necessary for the department of animal services to remove or cause to be removed any animals as provided herein, and the permittee has failed to comply and has not timely appealed to the parish hearing officer, the animals may be put up for adoption or humanely euthanized.
 - b. If an aggrieved person timely appeals to the parish hearing officer, and the hearing officer determines, based upon the evidence submitted, that the person was not in violation, or has subsequently come into compliance with this part, he may rescind the suspension or revocation of the permit and order the animals returned upon compensating the department of animal services or boarder at a reasonable daily rate per animal.
 - c. Should the hearing officer determine, based upon the evidence, that the person violated the provisions of this part and has not come into compliance, he may order any of the following, which shall be non-exclusive and shall become final upon expiration of the ten-day period for appeal to the 22nd Judicial District Court:
 1. That the animals be put up for adoption or be humanely euthanized;

2. That the violator pay a fine of not less than \$25.00 nor more than \$500.00;
 3. That the violator pay the costs of enforcement and all reasonable costs for the care and boarding of the animals.
- d. Any person aggrieved by a decision of the parish hearing officer may appeal that decision to the 22nd Judicial District Court. If any animal is in the custody of the department of animal services, such appeal shall be perfected within ten calendar days from the rendition of the order and shall be made returnable to the 22nd Judicial District Court in not more than 15 calendar days from the rendition of the order. The hearing officer may order the person to post an amount sufficient to cover the cost of boarding and caring for the animal for a period of time not to exceed 30 days. If the animal is not in the custody of the department, an appeal of the decision shall be in accordance with the provisions set forth in section 2-565.
- (5) If an applicant is shown to have withheld or falsified any material information on its application, the department of animal services may refuse to issue a permit or license or may revoke a permit or license.
 - (6) A person denied a permit may not reapply for a permit until after a period of 30 days has elapsed from the date of the denial. Each application shall disclose any previous denial or revocation and shall be accompanied by a fee as set forth in this part.
 - (7) The animal establishment permit shall be displayed in a conspicuous place, so as to be plainly visible to any member of the general public.
 - (8) Any animal establishment selling avians, reptiles, amphibians, rodents, rabbits or other small animals must make a substantial effort to educate the prospective owner on the environmental and dietary requirements of each species being considered. Written materials regarding environmental and dietary requirements of said species and general counseling shall be considered as adequate educational tools.
 - (9) The sale, possession or ownership of any venomous snakes in the parish, except by an institution of higher education, zoo, or governmental agency, is prohibited.
 - (10) The department of animal services director shall be empowered to inspect and issue temporary permits that shall be valid, unless revoked, until the annual inspection occurs.
 - (11) It shall be unlawful for any animal establishment to offer for sale or trade any animal that is known or suspected to be ill, sick, injured, diseased or the carrier of a disease.
 - (12) Animal establishments shall keep all sick, injured, or diseased animals in a separate area away from healthy animals until they become healthy or are destroyed.
- (Code 1998, § 4-134.00; Ord. No. 01-0296, 5-3-2001; Ord. No. 03-0689, 6-5-2003; Ord. No. 09-2000, 2-5-2009; Ord. No. 16-3515, exh. A(4-134.00), 6-2-2016)

Sec. 10-668. Wild or exotic animal.

(a) No person may own, possess, or have custody of any wild or exotic animal unless that person first obtains a permit from the director or is exempted from obtaining such a permit as set forth herein.

(b) No person shall keep or permit to be kept on his or any other premises any wild or exotic animal for display or for exhibition purposes, whether gratuitously or for a fee, including by way of example, but not limited to, traveling or stationary reptile shows. This section shall not apply to zoological parks accredited by the American Association of Zoological Parks and Aquariums, circuses or veterinary clinics, performing animal exhibitions or governmental institutions.

(c) No person may sponsor, promote, or train a wild or exotic animal in, or attend as a spectator, any activity or event in which any wild or exotic animal engages in unnatural behavior or is wrestled, fought, mentally or physically harassed or displayed in such a way that the animal is abused or mentally or physically stressed or has the potential to injure a human being. This prohibition applies to events and activities taking place in either public or private facilities or property, and applies regardless of the purpose of the event, whether gratuitous or fiscal.

(d) No person shall own, keep or harbor any venomous snake in the parish, except institutions of higher learning, zoos or governmental agencies.

(e) No person shall allow a wild or exotic animal to escape.

(f) Permits. All applicants shall complete and submit an application form prior to licensing.

(1) *Exemptions; standards for issuing permits.*

a. The following persons are exempt from the permit requirement of this section:

1. A person possessing or having temporary custody of a sick, orphaned or injured wild animal solely for the purpose of temporarily keeping or transporting the animal to a licensed veterinarian or permitted wildlife rehabilitator or animal shelter, or to a federal, state, or local governmental official with authority to handle the animal.
2. Licensed veterinarians tending to injured or sick wild and/or exotic animals.
3. Any "research facility" within the meaning of section 2(d) of the Federal Animal Welfare Act, 7 USC 2132(e), licensed by the Secretary of Agriculture of the United States pursuant to that act.
4. The department of animal services or any agent or official thereof, acting in an official capacity.
5. Any agency or official of the federal, state, or local government, acting in an official capacity.

6. A zoo that is an accredited member of the American Association of Zoological Parks and Aquariums.
 7. State universities or other state agencies working with wild or exotic animals.
 8. Circuses.
 9. Agricultural operations as defined in R.S. 3:3602.
 - b. Persons applying for permits must demonstrate to the director:
 1. That the facility is not in a recognized subdivision in the parish.
 2. That the proposed ownership, possession or custody of the wild or exotic animal will enhance the species in question.
 3. That the applicant possesses the scientific and animal husbandry credentials and material resources to implement the proposed species enhancement program.
 4. That the applicant will be able to comply with the minimum care standards.
 5. That the wild animal or exotic will not be kept as a pet.
 6. That the applicant will be able to comply with any other applicable federal, state, local or municipal laws, titles or regulations, including those issued by the director under authority of this chapter.
 7. That the wild or exotic animal in question will not be used, directly or indirectly, in activities or events prohibited by this section.
 8. That the applicant can comply with all other terms, conditions and requirements as set forth by the director.
 9. That every animal be inspected by a licensed veterinarian every year that upon a determination that the animal is in good health, shall issue a health certificate and shall forward said certificate to the department of animal services.
 10. That the animal will not endanger the public health and safety and will be housed in a manner to prevent escape and to enable species-typical activities.
- (2) *Requisite provisions of the permit.*
- a. Any permit issued shall be consistent with the purpose and other provisions of this title.
 - b. The permit must specify:
 1. The number, species and exact identification of the individual animals authorized to be owned, possessed or held by the permit.
 2. The location where each animal will be kept.
 - c. The director may promulgate by rule any additional conditions or restrictions to be contained in permits consistent with the purpose and provisions of this title.

(3) *Application procedure.*

- a. *Application.* Each applicant for a permit shall submit a written application to the director, prior to possessing any animals in the parish.
- b. *Duration of permit.* The permit shall authorize the applicant to own, possess, or have custody of all animals specified in the permit for a period of one year or for a shorter period if deemed necessary by the director and specified on the permit.
- c. *Renewal of permits.* The director may renew a permit annually, after inspection, upon the applicant showing that the applicant continues to comply with all the requirements of this title.
- d. *Fees.* The fee per permit is \$200.00 annually.
- e. *Modification or revocation of permit.*
 1. The director shall have the power to modify or revoke any permit issued pursuant to this section for any of the following reasons:
 - (i) In order to make the permit conform to any regulation promulgated by the director.
 - (ii) In any case where the terms and conditions of the permit are violated.
 - (iii) Where a wild or exotic animal owned or possessed pursuant to a valid permit is found in the custody, care, possession or control of any person other than the permit holder or his agent or other persons specified on the permit, except when such animals are involved in formal breeding or propagation, loan agreements between zoological parks, aquariums, private breeders or rehabilitators with proper permits.
 - (iv) In any case where the permit holder or other person with possession or custody of the animals is found not to meet the minimum care standards or has violated any provisions of R.S. 14:102.
 - (v) When the number of animals listed on the permit changes, except in regard to animals that have given birth or have died; and these changes must be reported to the animal control center within one month of the event.
 - (vi) In any case where the permit holder or his agents denies the director or his agents access for inspection.
 - (vii) For nonpayment of any fees due under the provisions of this article.
 2. If the director revokes the permit, the animal shall be permanently removed from the custody of the permit holder and forfeited to the director to be disposed of accordingly.
 3. The director's decision to revoke the permit can be appealed to the parish adjudication within 15 days after the revocation.

- (4) *Grandfather clause.* Any wild or exotic animal which is housed or kept in the parish prior to this title becoming law, must meet all requirements of this title and be inspected and permitted or denied a permit by the director within six months of the effective date of the ordinance from which this article is derived.
- (5) *Liability insurance for wild or exotic animals.* The owner or keeper shall present to the director of the animal control center proof that the owner or keeper has procured liability insurance in the amount of at least \$200,000.00, covering any damage or injury which may be caused by such animal during the 12-month period for which licensing is sought, which policy shall contain a provision requiring the parish to be named as an additional insured and the parish shall be notified by the owner or keeper of any cancellation, termination or expiration of the liability insurance policy.

(Code 1998, § 4-135.00; Ord. No. 01-0296, 5-3-2001; Ord. No. 03-0689, 6-5-2003; Ord. No. 09-2000, 2-5-2009; Ord. No. 16-3515, exh. A(4-135.00), 6-2-2016)

Secs. 10-669—10-692. Reserved.

ARTICLE V. REPTILES

Sec. 10-693. Feeding alligators prohibited.

- (a) It shall be unlawful for any person to feed an alligator within 500 feet of a residence.
- (b) For the purposes of this section, the term "residence" shall mean a structure used as a dwelling place or abode, and shall also include camps which are inhabited on an occasional basis.
- (c) Exempt from this section are duly authorized personnel of local, state and federal wildlife agencies, licensed alligator farmers and licensed alligator exhibits.
- (d) Any violation of this section shall constitute a misdemeanor and shall be punishable by a fine of not less than \$300.00 and not more than \$500.00 or a term of imprisonment of up to 30 days in the parish jail, or both. Each day that a violation shall continue shall constitute a separate offense.
- (e) Enforcement of this section shall be by the parish sheriff, duly authorized agents of the state wildlife and fisheries and the U.S. Department of Fish and Wildlife.

(Code 1998, § 4-200.00; Ord. No. 03-0743, 9-4-2003)

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Chapter 11

RESERVED

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Chapter 12

EMERGENCY MANAGEMENT*

- Sec. 12-1. Adoption of the National Incident Management System (NIMS).
- Sec. 12-2. Created.
- Sec. 12-3. Director.

***State law reference**—Parish office of homeland security and emergency preparedness, R.S. 29:727 et seq.

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Sec. 12-1. Adoption of the National Incident Management System (NIMS).

The parish council formally recognizes the National Incident Management System (NIMS) and adopts NIMS principles and policies.

(Res. of 2006)

Sec. 12-2. Created.

There is hereby created an office of homeland security and emergency preparedness.
(Code 1998, § 6-016.00; Ord. No. 166, Bk. 2, P. 49)

Sec. 12-3. Director.

(a) The local organization for homeland security and emergency preparedness shall have a director who shall be appointed as provided by law, and who shall have direct responsibility for the organization, administration and operation of a homeland security and emergency preparedness subject to the direction and control of the parish council and the appropriate state agency.

(b) The director shall have and may exercise such powers and duties as the parish president shall delegate to him, and as prescribed under state law.
(Code 1998, § 6-017.00; Ord. No. 166, Bk. 2, P. 49)

PRE-PRESS COPY

Chapter 13

RESERVED

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Chapter 14

FIRE PREVENTION AND PROTECTION

Article I. In General

- Sec. 14-1. Burning restrictions/safety precautions during periods of drought.
- Sec. 14-2. Reimbursement of costs by fire protection districts.
- Sec. 14-3. Technical codes adopted.
- Secs. 14-4—14-22. Reserved.

Article II. Fire Departments

- Sec. 14-23. Members to have special police powers.
- Sec. 14-24. Chief and other police officers to enforce.
- Sec. 14-25. Power of chief to make inspections and serve notice to abate fire hazards.
- Sec. 14-26. Exceptions.
- Sec. 14-27. Compliance with notice to abate fire hazard required.
- Sec. 14-28. False fire alarms.
- Sec. 14-29. Vehicles to have right-of-way.
- Sec. 14-30. Driving over fire hose.
- Sec. 14-31. Parking near or obstructing fire stations or hydrants.
- Sec. 14-32. Following fire apparatus; parking near fire.
- Secs. 14-33—14-52. Reserved.

Article III. Fire Protection Districts

- Sec. 14-53. Fire Protection District No. 1—Created; boundaries.
- Sec. 14-54. Same—Appointments.
- Sec. 14-55. Fire Protection District No. 2—Boundaries.
- Sec. 14-56. Same—Board of commissioners.
- Sec. 14-57. Fire Protection District No. 3—Created; boundaries.
- Sec. 14-58. Same—Board of commissioners.
- Sec. 14-59. Fire Protection District No. 4—Created; boundaries.
- Sec. 14-60. Same—Board of commissioners.
- Sec. 14-61. Fire Protection District No. 5—Created; boundaries.
- Sec. 14-62. Same—Board of commissioners.
- Sec. 14-63. Fire Protection District No. 6—Created; boundaries.
- Sec. 14-64. Same—Board of commissioners.
- Sec. 14-65. Fire Protection District No. 7—Created; boundaries.
- Sec. 14-66. Same—Board of commissioners.
- Sec. 14-67. Fire Protection District No. 8—Created; boundaries.
- Sec. 14-68. Same—Board of commissioners.
- Sec. 14-69. Fire Protection District No. 9—Created; boundaries.
- Sec. 14-70. Same—Board of commissioners.
- Sec. 14-71. Fire Protection District No. 10—Redistricting.
- Sec. 14-72. Same—Board of commissioners.

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- Sec. 14-73. Fire Protection District No. 11—Created.
- Sec. 14-74. Same—Clarification of boundaries.
- Sec. 14-75. Same—Name, status and powers.
- Sec. 14-76. Same—Board of commissioners.
- Sec. 14-77. Fire Protection District No. 12—Created; boundaries.
- Sec. 14-78. Same—Amended boundaries.
- Sec. 14-79. Same—Name, status and powers.
- Sec. 14-80. Same—Board of commissioners.
- Sec. 14-81. Fire Protection District No. 13—Created; boundaries.
- Sec. 14-82. Same—Board of commissioners.

PRE-PRESS COPY

ARTICLE I. IN GENERAL**Sec. 14-1. Burning restrictions/safety precautions during periods of drought.**

(a) The authority to impose restrictions on any activities conducted within unincorporated areas of the parish as a result of drought conditions shall rest with the parish president.

(b) Restrictions shall be placed only when the parish president agrees that existing drought conditions warrant said restrictions.

(c) Restrictions shall be considered after informal consultation by the parish president with officials located within the state and/or parish and experienced in matters of climatology, meteorology, forestry, fire and/or public safety.

(d) Restrictions which may be placed by the parish president include, but are not limited to, outdoor burning activities, fireworks, water usage and measures to ensure citizen health and safety. Restrictions may be placed parish wide or limited to certain wards within the parish.

(e) Restrictions shall be imposed and established by a written "Notice of Restrictions due to Existing Drought Conditions" signed by the parish president; and which describes the conditions necessitating the restrictions, the type of restrictions imposed, the effective date of the restrictions, the length of time said restrictions are to remain in effect, not to exceed 30 days, and the areas of the parish covered by the restrictions. Subsequent notices extending the restrictions may be executed without limitation.

(f) A "Notice of Restrictions" shall cease to be effective and thus revoked upon expiration of its term, or by written declaration by the parish president with reasons for the revocation. (Code 1998, § 8-014.00)

Sec. 14-2. Reimbursement of costs by fire protection districts.

(a) Any fire protection district and any volunteer fire department shall have the authority to charge any person causing or contributing to a discharge of a hazardous or nonhazardous material or substance the extraordinary expenses of undertaking any remedial actions necessary to contain, abate, clean up, restore or remove the discharge.

(b) The governing authority of any fire protection district assessing charges for remedial costs for actions taken in the cleaning up of any discharge of hazardous or nonhazardous material or substance as provided in this section shall also have the authority to use any reasonable means to collect and enforce the collection of such costs.

(c) The governing authority of any fire protection district shall be entitled to recover the amount of said costs, together with all costs of court and reasonable attorney fees incurred in the enforcement of collection.

(Code 1998, § 8-015.00; Ord. No. 91-1537, 12-19-1991)

State law reference—Similar provisions, R.S. 33:1974.

Sec. 14-3. Technical codes adopted.

The parish hereby ordains that it adopts the most current edition of the National Fire Protection Association Life Safety Code (NFPA 101) and the National Fire Protection Agency Fire Code (NFPA 1) within the boundaries of St. Tammany Fire District No. 1, St. Tammany Fire District No. 4, St. Tammany Fire District No. 5, St. Tammany Fire District No. 8, St. Tammany Fire District No. 9, St. Tammany Fire District No. 11, St. Tammany Fire District No. 12 and St. Tammany Fire District No. 13 and permits St. Tammany Fire District No. 1, St. Tammany Fire District No. 4, St. Tammany Fire District No. 5, St. Tammany Fire District No. 8, St. Tammany Fire District No. 9, St. Tammany Fire District No. 11, St. Tammany Fire District No. 12 and St. Tammany Fire District No. 13 to adopt and enforce, through the creation of fire prevention bureaus, the most current editions of NFPA 101 and NFPA 1. (Ord. No. 17-3689, 3-2-2017)

Secs. 14-4—14-22. Reserved.

ARTICLE II. FIRE DEPARTMENTS**Sec. 14-23. Members to have special police powers.**

All regularly appointed members of the fire departments are hereby given the necessary special police powers for the purpose of enforcing the provisions of this article. (Code 1998, § 8-016.00; Ord. No. 226, Bk. 4, P. 5; Ord. No. 246, Bk. 4, P. 232; Ord. No. 248, Bk. 4, P. 244)

Sec. 14-24. Chief and other police officers to enforce.

It is hereby made the special duty of the chief of the appropriate fire departments, constables and other peace officers, who may be on duty and available for fire duty to respond to all fire alarms and assist fire departments in the protection of life and property, in regulating traffic, maintaining order and in enforcing observance of all sections of this article. (Code 1998, § 8-017.00; Ord. No. 226, Bk. 4, P. 5; Ord. No. 246, Bk. 4, P. 232; Ord. No. 248, Bk. 4, P. 244)

Sec. 14-25. Power of chief to make inspections and serve notice to abate fire hazards.

The chief or acting chief of any fire protection district or duly authorized volunteer fire department shall have authority to enter any and all buildings and premises within their respective jurisdictions at any reasonable hour for the purpose of making inspections and to serve notice upon the owner or occupant to abate, within a specified time, any and all fire hazards that may be found. (Code 1998, § 8-018.00; Ord. No. 226, Bk. 4, P. 5; Ord. No. 246, Bk. 4, P. 232; Ord. No. 248, Bk. 4, P. 244)

Sec. 14-26. Exceptions.

(a) A controlled fire or open burning of leaves, trash and yard debris, such as pine needles, pine cones, shrubs, brush and cut timber in the parish shall not be a violation of this chapter if the following guidelines are adhered to:

- (1) The fire area shall not be greater than eight feet in diameter;
- (2) The height of burning materials shall not be greater than four feet;
- (3) Burning shall only occur between sunrise and one hour before sunset;
- (4) The fire site shall not be unattended;
- (5) A functional water hose shall be located next to the fire site;
- (6) The fire site shall be located at least ten feet from the nearest property line;
- (7) There shall be no more than one fire site per home-site or parcel of land; and
- (8) The fire site shall be located at least 50 feet from any structure, if nearer than 50 feet from a structure, a container must be used.

(b) Notwithstanding this section, a violation of any of the above restrictions may result in the fire site being considered a fire hazard under this chapter.

(Code 1998, § 8-018.01; Ord. No. 91-1415, 3-21-1991)

Editor's note—New section 8-018.01 added to the Code of Ordinances under the authority of Ordinance No. 91-1415, 3-21-1991.

Sec. 14-27. Compliance with notice to abate fire hazard required.

Any person served with a notice to abate a fire hazard shall comply therewith promptly and inform the appropriate fire chief of such compliance.

(Code 1998, § 8-019.00; Ord. No. 226, Bk. 4, P. 5; Ord. No. 246, Bk. 4, P. 232; Ord. No. 248, Bk. 4, P. 244)

Sec. 14-28. False fire alarms.

No person shall maliciously turn in, or cause to be turned in, a false fire alarm.

(Code 1998, § 8-020.00; Ord. No. 226, Bk. 4, P. 5; Ord. No. 246, Bk. 4, P. 232; Ord. No. 248, Bk. 4, P. 244)

Sec. 14-29. Vehicles to have right-of-way.

All motorized fire equipment and all personal cars of fire department members shall have the right-of-way over all other traffic when responding to a fire alarm.

(Code 1998, § 8-021.00; Ord. No. 226, Bk. 4, P. 5; Ord. No. 246, Bk. 4, P. 232; Ord. No. 248, Bk. 4, P. 244)

State law reference—Similar provisions, R.S. 32:125.

Sec. 14-30. Driving over fire hose.

No person may drive any vehicle over a fire hose, except upon specific orders from the appropriate fire chief, or from such other officer in charge, where the hose is being used.

(Code 1998, § 8-022.00; Ord. No. 226, Bk. 4, P. 5; Ord. No. 246, Bk. 4, P. 232; Ord. No. 248, Bk. 4, P. 244)

State law reference—Similar provisions, R.S. 32:287.

Sec. 14-31. Parking near or obstructing fire stations or hydrants.

No person shall park any vehicle or otherwise cause any obstruction to be placed within 50 feet of the entrance to any fire station or other place where fire apparatus is stored or within ten feet of any fire hydrant or cistern.

(Code 1998, § 8-023.00; Ord. No. 226, Bk. 4, P. 5; Ord. No. 246, Bk. 4, P. 232; Ord. No. 248, Bk. 4, P. 244)

State law reference—Similar provisions, R.S. 32:143.

Sec. 14-32. Following fire apparatus; parking near fire.

No unauthorized person with any vehicle shall follow, within 600 feet, of any apparatus belonging to a fire department or park any vehicle within 300 feet of a fire.

(Code 1998, § 8-024.00; Ord. No. 226, Bk. 4, P. 5; Ord. No. 246, Bk. 4, P. 232; Ord. No. 248, Bk. 4, P. 244)

State law reference—Similar provisions, R.S. 32:286.

Secs. 14-33—14-52. Reserved.

ARTICLE III. FIRE PROTECTION DISTRICTS*

Sec. 14-53. Fire Protection District No. 1—Created; boundaries.

There is hereby created a fire protection district to be known as "Fire Protection District No. 1, St. Tammany Parish, Louisiana," which shall comprise and embrace all of the territory within the boundaries of Wards 8 and 9 of the parish as they existed on February 17, 1977, excluding that portion of land included in Fire Protection District No. 11 of said date.

- (1) By virtue of the authority of part I, ch. 7, title 40 of the Louisiana Revised Statutes of 1950, as amended, and other constitutional and statutory authority, the boundaries of Fire Protection District No. 1 of the parish, are hereby amended to exclude the following described area from its boundaries, to-wit:

Commence at the intersection of the centerline of the west mouth of West Pearl River with the northerly shoreline of the Rigolets, the point of beginning. Thence from the

***State law reference**—Fire protection districts, R.S. 40:1491 et seq.

point of beginning, proceed northerly along the centerline of the west mouth of West Pearl River to the intersection of the centerline of West Pearl River; thence proceed northerly along the centerline of West Pearl River to the intersection of the centerline of Salt Bayou; thence proceed west to the intersection of the centerline of Highway 433; thence proceed southeasterly to the northernmost intersection centerline of Highway 433 and centerline of Highway 90; thence proceed northeasterly along Highway 90 to a point approximately 5,000 feet north of the intersection of Highway 433 and Highway 90; thence proceed along a line to its intersection with the centerline of the Geohegan Canal; thence proceed southwesterly along the centerline of the Geohegan Canal to its intersection with the northernmost shore of the Rigolets; thence proceed easterly along said shore to the point of beginning.

- (2) The district has constituted since its creation (January 17, 1952), and shall continue to constitute, a public corporation and political subdivision of the state, and has had since its creation, and shall continue, to have all rights, powers and privileges granted by and conferred by the constitution and statutes of the state to fire protection districts, including the authority to incur debt, issue bonds and levy taxes.
(Code 1998, § 8-036.00; Ord. No. 632, Bk. 7, P. 547; Ord. No. 690, 2-17-1977; Ord. No. 92-1551, 1-16-1992)

Editor's note—New subsections 8-036.00(a) and (b) added to the Code of Ordinances under the authority of Ordinance No. 92-1551, 1-16-1992.

Sec. 14-54. Same—Appointments.

The district geographically encompasses Wards 8 and 9. There shall be two appointments by the parish. The two members shall consist of persons that are residents of and domiciled within the jurisdictional boundaries of Wards 8 and 9. The councilpersons of Wards 8 and 9 geographical boundaries shall have the authority to nominate one member for appointment by the parish council; there shall be one member nominated and appointed by the parish president.

(Code 1998, § 8-036.01; Ord. No. 632, Bk. 7, P. 547; Ord. No. 690, 2-17-1977; Ord. No. 88-972, 07-21-1988; Ord. No. 00-0157, 6-1-2000)

Sec. 14-55. Fire Protection District No. 2—Boundaries.

The parish council does hereby redistrict Fire Protection District No. 2 by altering and changing the existing boundaries; the boundaries of Fire Protection District No. 2 new shall be south of Interstate 12, including the Town of Madisonville and Flower Estates Subdivision, which is North of Interstate 12, and to read as follows:

Commencing at the intersection of the south right-of-way of 1-12 and the west boundary of the parish and Ward 1, also being the point of beginning; thence south along the west boundary of the parish and Ward 1 to the intersection with the north shoreline of Lake

Pontchartrain; thence east along said north shoreline to its intersection with the mouth of the Tchefuncte River; thence follow the meanderings of said river upstream to the northeast corner of Flowers Estates Subdivision; thence north 89 degrees 28 minutes west, 1,232.2 feet; thence south 21.8 feet; thence north 89 degrees 02 minutes west, 1,005.5 feet; thence north 00 degrees 02 minutes east, 229.1 feet to the north boundary of section 47, Township 7 south, Range 11 east. Thence along said north boundary north 89 degrees 22 minutes west, 1,010.2 feet to the intersection with the southeast right-of-way of state Highway 21; thence southwest along said southeast right-of-way to its intersection with the south right-of-way of Interstate 12; thence along said south right-of-way in a northwest direction to the west boundary of the parish and Ward 1, also the point of beginning.

(Code 1998, § 8-037.00; Ord. No. 623-A, Bk. 7, P. 519; Ord. No. 88-949, 6-16-1988)

Editor's note—Fire Protection District No. 2 as originally created by Ordinance No. 683-A encompassed the entire Ward 1 of St. Tammany Parish. Ordinance No. 88-949 redistricted and divided Fire Protection District No. 2 into two fire districts being Fire Protection District No. 2 (southerly) and Fire Protection District No. 13 (northerly). See section 8-037.00 for the new boundaries for Fire Protection District No. 2 and section 8-048.00 for boundaries of the new Fire Protection District No. 13.

Sec. 14-56. Same—Board of commissioners.

The parish is authorized to appoint two members. There shall be one member nominated and appointed by the parish council. There shall be one member nominated by joint concurrence of the parish president and the councilmembers from the districts protected by said fire protection district, and thereafter appointed by the parish council.

(Code 1998, § 8-037.01; Ord. No. 00-0157, 6-1-2000)

Sec. 14-57. Fire Protection District No. 3—Created; boundaries.

There is hereby created a fire protection district to be known as "Fire Protection District No. 3 of the Parish of St. Tammany, Louisiana," whose boundaries shall be the same of the 7th Ward as it existed on April 15, 1954.

(Code 1998, § 8-038.00; Res. No. 4-15-1954)

Sec. 14-58. Same—Board of commissioners.

The board of commissioners shall be comprised of five members. There shall be four members nominated and appointed by the parish council. There shall be one member nominated and appointed by the parish president.

(Code 1998, § 8-038.01; Ord. No. 00-0157, 6-1-2000)

Sec. 14-59. Fire Protection District No. 4—Created; boundaries.

There is hereby created a fire protection district to be known as "St. Tammany Fire Protection District No. 4," whose boundaries shall coincide with the boundaries of Ward 4 as

it existed on January 16, 1958, including the Town of Mandeville. (Created by Resolution dated 01/14/58) Boundaries amended to include the following described area, commonly known as River Oaks Subdivision, to-wit:

- (1) River Oaks Subdivision. Commencing at the intersection of Bayou Monga and the Tchefuncte River, thence go upstream along the meanderings of Bayou Monga to I-12, thence go east on I-12 to U.S. Highway 190, thence go south on U.S. Highway 190 to Ponchitolawa Creek, thence follow the meanderings of Ponchitolawa Creek downstream to the Tchefuncte River, thence follow the meanderings of the Tchefuncte River upstream to Bayou Monga and the point of beginning.
- (2) The boundaries are amended to include the following area: Commencing at the intersection of the section line common to sections 26 and 27, Township 7 south, Range 12 east and Highway 1088; thence go north along the section line common to sections 26 and 27 of said township and range to the northwest corner of section 26 of said township and range; thence go east along the north section line of section 26 of said township and range east to the northeast corner of section 26 of said township and range, thence go south along the east line of section 26 of said township and range south to its intersection with Highway 1088; thence follow Highway 1088 southwest to its intersection with the section line common to sections 26 and 27, Township 7 south, Range 12 east and the point of beginning.

(Code 1998, § 8-039.00; Res. of 4-15-1954; Res. of 1-14-1958; Ord. No. 02-0559, 10-10-2002; Ord. No. 13-3062, 12-19-2013)

Sec. 14-60. Same—Board of commissioners.

The board of commissioners shall be comprised of five members. The parish is authorized to appoint two members. There shall be one member nominated and appointed by the parish council. There shall be one member nominated by joint concurrence of the parish president and the councilmembers from the districts protected by said fire protection district, and thereafter appointed by the parish council. There shall be two members appointed by the Town of Mandeville Council. Once appointed, the four members shall select an individual to serve as the final member and board chairperson.

(Code 1998, § 8-039.01; Ord. No. 00-0157, 6-1-2000)

Sec. 14-61. Fire Protection District No. 5—Created; boundaries.

There is hereby created a fire protection district to be known as "St. Tammany Parish Fire Protection District No. 5," whose boundaries shall be as follows:

Beginning at the northwest corner of the parish, being the corner common to the parish, Washington and Tangipahoa Parishes, measure southeasterly along the boundary line between Washington and St. Tammany Parishes to the line between sections 19 and 20, Township 4 south, Range 11 east, St. Tammany Parish; thence measure southerly along the

section line between sections 19 and 20, sections 29 and 30, and sections 31 and 32, Township 4 south, Range 11 east; and continue southerly along the section line between sections 5 and 6, Township 5 south, Range 11 east, to its intersection with Pigeon Roost Creek, thence following the meanderings of Pigeon Roost Creek and Simalousa Creek to the intersection with the south line of section 36, Township 6 South, Range 11 east, thence measure westerly with the line between sections 36 and 18, Township 6 south, Range 11 east; and continue westerly with the line between sections 2 and 35, 3 and 34, 4 and 33, and 5 and 32, Township 6 south, Range 10 east, to the Tchefuncte River; thence measure northerly along the meandering of the center of the Tchefuncte River to the point of beginning.

(Code 1998, § 8-040.00; Ord. No. 504, Bk. 6, P. 517; Ord. No. 701, 3-24-1977)

Sec. 14-62. Same—Board of commissioners.

The board of commissioners shall be comprised of five members. The parish is authorized to appoint two members. There shall be one member nominated and appointed by the parish council. There shall be one member nominated by joint concurrence of the parish president and the councilmembers from the districts protected by said fire protection district, and thereafter appointed by the parish council. There shall be two members appointed by the Village of Folsom. Once appointed, the four members shall select an individual to serve as the final member and board chairperson.

(Code 1998, § 8-040.01; Ord. No. 00-0157, 6-1-2000)

Sec. 14-63. Fire Protection District No. 6—Created; boundaries.

There is hereby created a fire protection district to be known as "Fire Protection District No. 6 of the Parish of St. Tammany, Louisiana," the boundaries of which shall be as follows:

Beginning at the intersection of the boundary line between Washington and St. Tammany Parishes and the section line between sections 19 and 20, Township 4 south, Range 11 east, St. Tammany Parish, Louisiana, measure southeasterly along the said boundary line between Washington and St. Tammany Parishes to the line dividing Wards 2 and 5 of St. Tammany Parish in section 2, Township 4 south, Range 11 East; thence follow southeasterly the meanderings of the Second Ward Line to its intersection with the line dividing Wards 2 and 3 in section 31, Township 5 south, Range 11 east; thence west along said dividing line to the Simalousa Creek in section 36, Township 5 south, Range 10 east; thence north along the meanderings of Simalousa Creek and Pigeon Roost Creek to the section line between sections 5 and 6, Township 4 south, Range 10 east; thence, north along the section line dividing sections 31 and 32, 29 and 30, and 19 and 20, Township 4 south, Range 11 east, to the point of beginning.

(Code 1998, § 8-041.00; Ord. No. 505, Bk. 6, P. 518, 9-17-1970)

Sec. 14-64. Same—Board of commissioners.

The board shall be comprised of five members. There shall be four members nominated and appointed by the parish council. There shall be one member nominated and appointed by the parish president.

(Code 1998, § 8-041.01; Ord. No. 00-0157, 6-1-2000)

Sec. 14-65. Fire Protection District No. 7—Created; boundaries.

There is hereby created a fire protection district to be known as "Fire Protection District No. 7 of the Parish of St. Tammany, Louisiana," whose boundaries shall be the entire 6th Ward of the parish as it exists on the adoption date of the ordinance from which this section is derived. The boundaries are amended to exclude the following area:

Commencing at the intersection of the section line common to sections 26 and 27, Township 7 south, Range 12 east and Highway 1088; thence go north along the section line common to sections 26 and 27 of said township and range to the northwest corner of section 26 of said township and range; thence go east along the north section line of section 26 of said township and range east to the northeast corner of section 26 of said township and range, thence go south along the east line of section 26 of said township and range south to its intersection with Highway 1088; thence follow Highway 1088 southwest to its intersection with the section line common to sections 26 and 27, Township 7 south, Range 12 east and the point of beginning.

(Code 1998, § 8-042.00; Ord. No. 535, Bk. 7, P. 135; Ord. No. 13-3062, 12-19-2013)

Sec. 14-66. Same—Board of commissioners.

The board shall be comprised of five members. There shall be four members nominated and appointed by the parish council. There shall be one member nominated and appointed by the parish president.

(Code 1998, § 8-042.01; Ord. No. 00-0157, 6-1-2000)

Sec. 14-67. Fire Protection District No. 8—Created; boundaries.

There is hereby created a fire protection district to be known as "St. Tammany Fire Protection District No. 8," whose boundaries shall coincide with the boundaries of Ward 10 as said ward existed on May 7, 1974.

(Code 1998, § 8-043.00; Ord. No. 594, Bk. 7, P. 399)

Sec. 14-68. Same—Board of commissioners.

The board shall be comprised of five members. The parish is authorized to appoint two members. There shall be one member nominated and appointed by the parish council. There shall be one member nominated by joint concurrence of the parish president and the

councilmembers from the districts protected by said fire protection district, and thereafter appointed by the parish council. There shall be two members appointed by the Town of Abita Springs. Once appointed, the four members shall select an individual to serve as the final member and board chairperson.

(Code 1998, § 8-043.01; Ord. No. 00-0157, 6-1-2000)

Sec. 14-69. Fire Protection District No. 9—Created; boundaries.

The "St. Tammany Parish Fire Protection District No. 9" is hereby reconstituted and reestablished and the boundaries shall be as follows:

The boundaries of the parish Fire Protection District No. 9 shall coincide with the boundaries of Ward 5 as it existed on the adoption date of Resolution C.S. No. C-2720, 10-1-2009. (Code 1998, § 8-044.00; Ord. No. 675, 11-18-1976; Ord. No. 09-2161, 11-5-2009)

Sec. 14-70. Same—Board of commissioners.

The board shall be comprised of five members. The parish is authorized to appoint two members. There shall be one member nominated and appointed by the parish council. There shall be one member nominated by joint concurrence of the parish president and the councilmembers from the districts protected by said fire protection district, and thereafter appointed by the parish council. There shall be two members appointed by the Town of Sun Aldermen. Once appointed, the four members shall select an individual to serve as the final member and board chairperson.

(Code 1998, § 8-044.01; Ord. No. 00-0157, 6-1-2000; Ord. No. 09-2161, 11-5-2009)

Sec. 14-71. Fire Protection District No. 10—Redistricting.

(a) This article shall finalize the redistricting, merger and consolidation of the parish Fire Protection District No. 9 and the parish Fire Protection District No. 10. The redistricting, merger and consolidation shall become effective upon the installation of the board of commissioners of the parish Fire Protection District No. 9 as reconstituted and reestablished herein and hereby.

(b) Upon the installation of the board of commissioners of the parish Fire Protection District No. 9 as reconstituted and reestablished herein and hereby, the parish Fire Protection District No. 10 shall be merged and consolidated into and with the parish Fire Protection District No. 9 as reconstituted and reestablished by this article.

(c) In accordance herewith, and upon the installation of the board of commissioners of the parish Fire Protection District No. 9 as reconstituted and reestablished herein and hereby, all of the rights and obligations of the parish Fire Protection District No. 10 shall be vested in the parish Fire Protection District No. 9.

(d) Nothing herein shall be construed to change the amount of property taxes authorized by the voters of the respective districts. The taxes authorized to be levied in the respective districts shall continue to be levied for the duration of the term approved by the voters of the respective districts.

(Code 1998, § 8-045.00; Ord. No. 681, Bk. 8, P. 220, 12-16-1976; Ord. No. 09-2161, 11-5-2009)

Sec. 14-72. Same—Board of commissioners.

(a) Upon the installation of the board of commissioners of the parish Fire Protection District No. 9 as reconstituted and reestablished herein and hereby, the parish Fire Protection District No. 10 shall be merged and consolidated into and with the parish Fire Protection District No. 9 as reconstituted and reestablished by this article.

(b) In accordance herewith, and upon the installation of the board of commissioners of the parish Fire Protection District No. 9 as reconstituted and reestablished herein and hereby, all of the rights and obligations of the parish Fire Protection District No. 10 shall be vested in the parish Fire Protection District No. 9.

(Code 1998, § 8-045.01; Ord. No. 00-0157, 6-1-2000; Ord. No. 09-2161, 11-5-2009)

Sec. 14-73. Fire Protection District No. 11—Created.

There is hereby created a fire protection district to be known as "St. Tammany Fire Protection District No. 11."

(Code 1998, § 8-046.00; Ord. No. 81-266, 9-17-1981)

Sec. 14-74. Same—Clarification of boundaries.

(a) By virtue of the authority conferred by part I, ch. 7, title 40 of the Louisiana Revised Statutes of 1950 and other constitutional and statutory authority supplemental thereto, the boundaries of Fire Protection District No. 11 of the parish are hereby clarified to comprise and embrace within its boundaries that area of the parish, (including the municipality of Pearl River), within the following described boundaries, to-wit:

Commencing at the section common to sections 13 and 42, T8S, R14E and sections 18 and 37, T8S, R15E, thence go due east to the west bank of the Pearl River; thence follow the meanderings of the west bank of the Pearl River upstream to its intersection with the south boundary of Ward 6; thence go along the south boundary of Ward 6 in a westerly direction to its intersection with the Illinois Central and Gulf Railroad; thence follow the Illinois Central and Gulf Railroad southeast to its intersection with the section line common to sections 16 and 17, T8S, R14E; thence go east to the point of beginning.

(b) All as set forth on a map in the Office of Development, St. Tammany Parish Administrative Complex, 428 East Boston Street, Covington, Louisiana.

(Code 1998, § 8-046.01; Ord. No. 95-2190, 4-20-1995)

Sec. 14-75. Same—Name, status and powers.

The Fire Protection District No. 11 has constituted since February 17, 1977, and shall continue to have all rights, powers and privileges granted by and conferred by the constitution and statutes of the state to such corporations, including the authority to incur debt, issue bonds and levy taxes.

(Code 1998, § 8-046.02; Ord. No. 95-2190, 4-20-1995)

Sec. 14-76. Same—Board of commissioners.

The board shall be comprised of five members. The parish is authorized to appoint two members. There shall be one member nominated and appointed by the parish council. There shall be one member nominated by joint concurrence of the parish president and the councilmembers from the districts protected by said fire protection district, and thereafter appointed by the parish council. There shall be two members appointed by the Town of Pearl River. Once appointed, the four members shall select an individual to serve as the final member and board chairperson.

(Code 1998, § 8-046.03; Ord. No. 00-0157, 6-1-2000)

Sec. 14-77. Fire Protection District No. 12—Created; boundaries.

There is hereby created a fire protection district to be known as "St. Tammany Fire Protection District No. 12," whose boundaries shall be the entire 3rd Ward of the parish as it existed on April 28, 1977, including the City of Covington, Louisiana.

(Code 1998, § 8-047.00; Ord. No. 706, 4-28-1977)

Sec. 14-78. Same—Amended boundaries.

(a) In compliance with the provisions of part I, ch. 7, title 40 of the Louisiana Revised Statutes of 1950, and other constitutional and statutory authority supplemental thereto, the boundaries of the parish Fire Protection District No. 12, created by Ordinance No. 706 adopted by this parish council on April 28, 1977, be and the same are hereby changed and altered so as to include in the corporate boundaries of said fire protection district the following described area, to-wit:

All of Ward 3 of the parish as presently constituted, but excluding all areas included within the present corporate limits of the City of Covington.

(b) Boundaries also amended to exclude the following described area, commonly known as River Oaks Subdivision, to-wit:

Commencing at the intersection of Bayou Monga and the Tchefuncte River, thence go upstream along the meanderings of Bayou Monga to I-12, thence go east on I-12 to U.S. Highway 190, thence go south on U.S. Highway 190 to Ponchitolawa Creek, thence follow

the meanderings of Ponchitolawa Creek downstream to the Tchefuncte River, thence follow the meanderings of the Tchefuncte River upstream to Bayou Monga and the point of beginning.

(Code 1998, § 8-047.01; Ord. No. 84-62, 3-15-1984; Ord. No. 02-0559, 10-10-2002)

Sec. 14-79. Same—Name, status and powers.

The said fire protection district shall continue to be known and designated as "St. Tammany Fire Protection District No. 12," and shall continue to constitute a public corporation and political subdivision of the state, and as such, shall have all the powers incidental thereto as granted by the constitution and statutes of the state, including the authority to incur debt, to issue bonds and to levy taxes and assessments.

(Code 1998, § 8-047.02; Ord. No. 84-62, 3-15-1984)

Sec. 14-80. Same—Board of commissioners.

The board of commissioners shall be comprised of five members. There shall be four members nominated and appointed by the parish council. There shall be one member nominated and appointed by the parish president.

(Code 1998, § 8-047.03; Ord. No. 84-62, 3-15-1984; Ord. No. 00-0157, 6-1-2000)

Sec. 14-81. Fire Protection District No. 13—Created; boundaries.

The parish council does hereby redistrict Fire Protection District No. 2 by altering and changing the existing boundaries. Now created from the redistricting is Fire Protection District No. 13 which boundaries shall be north of Interstate 12, including all of Interstate 12 and excluding Flower Estates Subdivision, and to read as follows:

Commencing at the intersection of the south right-of-way of Interstate 12 and the west boundary of the Parish and Ward 1 also the point of beginning; thence southeast along said right-of-way to its intersection with the southeast right-of-way of state Highway 21; thence along said southeast right-of-way in a northeasterly direction to the north boundary of section 47, Township 7 south, Range 11 east, also being the northwest corner of Flower Estates Subdivision; thence along said north boundary south 89 degrees 02 minutes east, 1,010.2 feet; thence south 00 degrees 02 minutes west, 229.1 feet; thence south 89 degrees 02 minutes east, 1,005.5 feet; thence north 21.8 feet; thence south 89 degrees 28 minutes east, 1,232.2 feet to the Tchefuncte River, also being the northeast corner of Flower Estates Subdivision; thence meandering upstream to its intersection with the west boundary of the parish, also being the northwest corner of Ward 1; thence south along said west boundary of the parish and Ward 1 to its intersection with the south right-of-way of Interstate 12, also the point of beginning.

(Code 1998, § 8-048.00; Ord. No. 88-949, 6-16-1988)

Editor's note—Fire Protection District No. 2 as originally created by Ordinance No. 683-A encompassed the entire Ward 1 of the parish. Ordinance No. 88-949 redistricted and divided

Fire Protection District No. 2 into two fire districts being Fire Protection District No. 2 (southerly) and Fire Protection District No. 13 (northerly). See section 8-037.00 for the new boundaries for Fire Protection District No. 2 and section 8-048.00 for boundaries of the new Fire Protection District No. 13.

Sec. 14-82. Same—Board of commissioners.

The board of commissioners shall be comprised of five members. There shall be four members nominated and appointed by the parish council. There shall be one member nominated and appointed by the parish president.

(Code 1998, § 8-048.01; Ord. No. 00-0157, 6-1-2000)

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Chapter 15

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Chapter 16

GAS*

Article I. In General

Secs. 16-1—16-18. Reserved.

Article II. Gas Utility District No. 1

- Sec. 16-19. Created; boundaries.
- Sec. 16-20. Name and powers.
- Sec. 16-21. Domicile.

***State law references**—Gravity drainage districts generally, R.S. 38:1751 et seq.; power of parish governing authority to create gas utility districts, R.S. 33:4301 et seq.

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ARTICLE I. IN GENERAL

Secs. 16-1—16-18. Reserved.

ARTICLE II. GAS UTILITY DISTRICT NO. 1

Sec. 16-19. Created; boundaries.

There is hereby created a gas utility district within the parish which shall comprise and embrace all of that territory included within the boundaries of the 2nd, 3rd, 5th, 6th and 10th Wards of the parish with the exception of that territory included within the municipalities of Covington, Folsom and Abita Springs, as said boundaries are constituted on October 15, 1964. (Code 1998, § 10-016.00; Ord. No. 352, Bk. 5, P. 486; Ord. No. 369, Bk. 5, P. 501)

Sec. 16-20. Name and powers.

The gas utility district created herein shall be known and designated as the parish "Gas Utility District No. 1," and as thus created shall constitute a public corporation and shall have all of the powers granted by the constitution and laws of this state to such public corporations. (Code 1998, § 10-017.00; Ord. No. 352, Bk. 5, P. 486)

Sec. 16-21. Domicile.

The domicile of the parish "Gas Utility District No. 1" to be and the same is hereby designated at the Town Hall, St. Tammany Parish, Louisiana," which domicile is within the corporate limits of the said district. (Code 1998, § 10-018.00; Ord. No. 352, Bk. 5, P. 486)

Publication annotation—The St. Tammany Gas Utility Service District cannot serve areas already served by franchised gas companies without permission of such company. The District does have the right, however, to refuse such company the right to serve areas not served by it at the time of the District's creation. *La. Gas Service Co. v. St. Tammany Gas Utility Service Dist.*, 189 So 2d 304 (1st. Cir. La. 1966).

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Chapter 17

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Chapter 18

HEALTH AND SANITATION

Article I. In General

- Sec. 18-1. Food service operator to have permit from parish health unit; permit to be prerequisite to occupational license or alcoholic beverage permit.
- Sec. 18-2. Parish to have jurisdiction over enforcement of health and sanitation ordinances.
- Sec. 18-3. Disposal of unhealthful materials.
- Sec. 18-4. Failure to comply with provisions is a misdemeanor.
- Sec. 18-5. Appointed and acting inspectors empowered.
- Sec. 18-6. Citation defined.
- Secs. 18-7—18-30. Reserved.

Article II. St. Tammany Parish Mosquito Abatement District

- Sec. 18-31. Mosquito abatement district; boundaries.
- Sec. 18-32. Domicile.
- Sec. 18-33. Board of commissioners.
- Sec. 18-34. Powers.
- Sec. 18-35. Tower/structure height restrictions.
- Secs. 18-36—18-58. Reserved.

Article III. Hazardous Substances and Wastes

Division 1. Generally

- Sec. 18-59. Definitions.
- Sec. 18-60. Administration and enforcement.
- Sec. 18-61. Use, storage of hazardous substances.
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- Sec. 18-63. Violations; penalty; civil remedy.
- Sec. 18-64. Hazardous/nonhazardous materials, fire protection districts to recover costs.
- Secs. 18-65—18-86. Reserved.

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- Sec. 18-91. Exemptions.
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- Sec. 18-115. Definitions.
- Sec. 18-116. Regulated areas.
- Sec. 18-117. Administration and enforcement.
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- Sec. 18-150. Prohibited.
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- Sec. 18-153. Violations; penalties.
- Secs. 18-154—18-174. Reserved.

Article IV. Discharge of Sewage into Water Bodies or Within Floodprone Areas

- Sec. 18-175. Definitions.
- Sec. 18-176. Discharge of untreated sewerage prohibited.
- Sec. 18-177. Sewage system required.
- Sec. 18-178. Permits.
- Sec. 18-179. Maintenance and operation.
- Sec. 18-180. Enforcement.
- Sec. 18-181. Penalties.
- Secs. 18-182—18-200. Reserved.

Article V. Pain Management Clinics

- Sec. 18-201. Definitions.
- Sec. 18-202. License required; process to obtain license.
- Sec. 18-203. Operation without valid occupational license unlawful.
- Sec. 18-204. License and certificate of occupancy to be kept on file in clinic.

ARTICLE I. IN GENERAL**Sec. 18-1. Food service operator to have permit from parish health unit; permit to be prerequisite to occupational license or alcoholic beverage permit.**

(a) The term "food service operator," as used in this section, shall mean any person who manufactures, prepares, serves or offers for sale any food or beverage product to the public.

(b) The term "food service operation," as used herein, shall mean any building, place or mobile unit used for the purpose of manufacture, preparation or service of any food product or beverage to the public.

(c) It shall be unlawful for any food service operator to be issued or sold an occupational license or alcoholic beverage license, unless and until, such food service operator provides the issuing or selling parish agency, with valid proof of a permit from the parish health unit to operate at the same address for which license is being requested.

(d) It shall be unlawful for any food service establishment to be operated without a valid permit from the parish health unit.

(e) It shall be unlawful for any food service operator to continue the food service operation for which the permit from the parish health unit has been revoked. Either verbal or written notification of permit revocation shall be considered as sufficient notification.

(f) It shall be the duty of the sheriff to immediately close any food service establishment found to be operating without a permit from the parish health unit or who continues to operate after their permit for such food service operation has been revoked by the director of the health unit, or his authorized representative, and to prefer charges against the food service operator responsible for such unlawful operation.

(Code 1998, § 11-001.00; Ord. No. 517, Bk. 7, P. 6)

Sec. 18-2. Parish to have jurisdiction over enforcement of health and sanitation ordinances.

The parish, through its officers, agents or employees, shall have exclusive jurisdiction, civil and criminal, over the enforcement of all parish ordinances which regulate health and sanitation within the parish unless otherwise specially provided for in the regulatory ordinance.

(Code 1998, § 11-002.00; Ord. No. 1143, 4-24-1980)

Sec. 18-3. Disposal of unhealthful materials.

(a) It shall be unlawful for the owner of any lot, place or area located on Lake Pontchartrain, or any waterway which has a current flow and is designated as a river or bayou on any official map of the state or any other body of water, depression or bed, whether or not there is a current flow present or water present within its bank, when such stream is identifiable on any official map of the state and the directional course of said stream indicates a discharge of water into

Lake Pontchartrain, to deposit or place, or to permit the deposition or placement on such lot, place or area, or upon any river bank or seashore, adjoining owner's lot, place or area any fill material comprised, either entirely or partly, of asphaltic and/or asbestos roofing shingles.

(b) The parish council, or its duly authorized representative, is hereby authorized and empowered to notify, in writing, the owner of any lot, place or area within the parish, or the agent of such owner, to remove any fill material, comprised in whole, or in part of asphaltic and/or asbestos roofing shingles deposited or placed on such owner's lot, place or area, or upon any river bank or seashore adjoining owner's lot, place or area located on Lake Pontchartrain, or any waterway which has a current flow and is designated as a river or bayou on any official map of the state or any other body of water, depression or bed, whether or not there is a current flow present or water present within its bank, when such stream is identifiable on any official map of the state and the directional course of said stream indicates a discharge of water into Lake Pontchartrain; provided that such written notice shall be by registered mail, addressed to said owner, or agent of said owner, at his last known address.

(c) Upon failure, neglect or refusal of any such owner, or agent of such owner to remove any fill material, comprised in whole or in part of asphaltic and/or asbestos roofing shingles deposited or placed on such owner's lot, place or area, or upon any river bank or seashore adjoining owner's lot, place or area located on Lake Pontchartrain or any waterway which has a current flow and is designated as a river or bayou on any official map of the state or any other body of water, depression or bed, whether or not there is a current flow present or water present within its bank, when such stream is identifiable on any official map of the state and the directional course of said stream indicates a discharge of water into Lake Pontchartrain, within ten days after receipt of the written notice provided for in subsection (b) of this section, or within ten days after the date of such notice, in the event the same is returned to the parish council by the post office department because of its inability to make delivery thereof, provided the same was properly addressed to the last known address of such owner, or agent, the parish council, or its duly authorized representative, is hereby authorized and empowered to order by parish forces or by contract and to pay for the removal of any fill material comprised in whole, or in part of asphaltic and/or asbestos roofing shingles.

(d) Whenever the parish council, or its duly authorized representative, has paid for removing any fill material, comprised in whole, or in part of asphaltic and/or asbestos roofing shingles as set forth in subsection (c) of this section, the actual cost thereof, plus accrued interest at the rate of eight percent per annum from the date of the completion of said work, shall be charged to the owner of such property on the next regular tax bill forwarded to such owner by the sheriff and ex-officio tax collector for the parish, if not paid by such owner prior thereto, which said charge shall be due and payable by said owner at the time of payment of such tax bill.

(e) If the full amount due the parish is not paid by such owner within ten days after the removing of any fill material, comprised in whole, or in part of asphaltic and/or asbestos roofing shingles as set forth in subsections (c) and (d) of this section; then, and in that case, the parish council, or its authorized representative, shall cause to be recorded in the mortgage office of the parish, a sworn statement showing the cost and expense incurred for the work and the date, place or property on which said work was done, and the recordation of such sworn statement shall constitute a lien and privilege on the property, and shall remain in full force and effect for the amount due in principal and interest, plus costs of court, if any, for collection, until final payment has been made. Said costs and expenses shall be collected in the manner fixed by law for the collection of taxes, and, further, shall be subject to a delinquent penalty of ten percent in the event same is not paid in full on or before the date the tax bill upon which said charge appears becomes delinquent, sworn statements recorded in accordance with the provisions hereof shall be prima facie evidence that all legal formalities have been complied with and that the work has been properly and satisfactorily done, and shall be full notice to every person concerned that the amount of that statement, plus interest, constitutes a charge against the property designated or described in the statement and that the same is due and collectible as provided by law.

(Code 1998, § 11-003.00; Ord. No. 87-824, 6-18-1987; Ord. No. 88-992, 10-20-1988; Ord. No. 90-1290, 6-21-1990)

Sec. 18-4. Failure to comply with provisions is a misdemeanor.

In addition to the above remedies, violations of the provisions of this section, or failure to comply with any of its requirements, shall constitute a misdemeanor. Any person who violates this section or fails to comply with any of its requirements shall upon conviction therefore be fined not less than \$50.00 per day, and in addition, shall pay all cost and expenses involved in the case; however, the maximum of aggregated fines are not to exceed \$500.00. Each day such violation continues shall be considered as a separate offense all in accordance with section 1-9.

(Code 1998, § 11-003.01; Ord. No. 88-992, 10-20-1988)

Sec. 18-5. Appointed and acting inspectors empowered.

The director of permits and inspections, the director of development and all persons appointed as acting inspectors of the parish are empowered to serve a citation upon persons charged with violations of any provision contained in this chapter or to post a notice of violation at the place of violation.

(Code 1998, § 11-003.02; Ord. No. 88-992, 10-20-1988)

Sec. 18-6. Citation defined.

As used in this section, the term "citation" means a written or printed notice served upon the person charged with a violation. Such citation shall include, but may not be limited to, the following information:

- (1) The name of the person creating the violation, or the owner or person in charge of the premises at which the violation occurs.
 - (2) The date and place of violation.
 - (3) A short description of the violation followed by the number and section of the Code of Ordinances of the parish or supplements thereto and/or the number and section of the ordinance provision violated.
 - (4) The date and place at which the person shall appear and a notice that if the person does not respond to the citation, a warrant shall be issued for such person's arrest.
 - (5) A notice that the person charged may be represented by counsel, that he may plead guilty or not guilty, and that he has a right to a court hearing.
- (Code 1998, § 11-003.03; Ord. No. 88-992, 10-20-1988)

Secs. 18-7—18-30. Reserved.**ARTICLE II. ST. TAMMANY PARISH MOSQUITO ABATEMENT DISTRICT*****Sec. 18-31. Mosquito abatement district; boundaries.**

The boundaries of the mosquito abatement district are hereby expanded to be coextensive with the boundaries of the parish and to comprise and embrace all of the area within the parish. (Code 1998, § 11-016.00; Ord. No. 86-726, 10-16-1986; Ord. No. 93-1851, 10-21-1993; Ord. No. 99-3217, 12-16-1999; Ord. No. 01-0254, 2-1-2001; Ord. No. 01-0401, 12-6-2001)

Sec. 18-32. Domicile.

The mosquito abatement district herein created is hereby named and shall be known as the "St. Tammany Parish Mosquito Abatement District." Its corporate domicile shall be Slidell, Louisiana, at which domicile it may be sued and serviced of citation made on the chairperson, and in his absence, upon the director.

(Code 1998, § 11-017.00; Ord. No. 462, Bk. 6, P. 284; Ord. No. 08-1824, 5-1-2008)

***State law reference**—Authority of parish to create mosquito abatement districts, R.S. 33:7721 et seq.

Sec. 18-33. Board of commissioners.

The mosquito abatement district herein shall be governed by a board of five members to be known as commissioners, who shall be qualified electors in the district. There shall be four appointments by the parish council. There shall be one member nominated and appointed by the parish president. Terms of office of the commissioners shall run concurrent with those of the appointing authorities.

(Code 1998, § 11-018.00; Ord. No. 462, Bk. 6, P. 284; Ord. No. 00-0157, 6-1-2000; Ord. No. 01-0254, 2-1-2001; Ord. No. 08-1824, 5-1-2008)

Sec. 18-34. Powers.

The mosquito abatement district herein created shall have and enjoy all of the powers, privileges and rights conferred upon such districts by the constitution and laws of the state and the parish.

(Code 1998, § 11-019.00; Ord. No. 462, Bk. 6, P. 284; Ord. No. 08-1824, 5-1-2008)

Sec. 18-35. Tower/structure height restrictions.

(a) Any tower/structure within the parish mosquito abatement district and measuring more than 165 feet in height shall be required to install a light atop said structure in order to identify its location and ensure the safety of all aircraft.

(b) On new structures, a grace period of 30 days, from the date construction is completed, will be allowed for compliance with the lighting requirement.

(c) The term "light" means an electric device equivalent to a beacon or similar apparatus to provide sufficient illumination, from dusk to dawn, for aircraft pilots to identify the location and height of such structures.

(Code 1998, § 11-020.00; Ord. No. 97-2711, 8-21-1997; Ord. No. 08-1824, 5-1-2008)

Secs. 18-36—18-58. Reserved.**ARTICLE III. HAZARDOUS SUBSTANCES AND WASTES*****DIVISION 1. GENERALLY****Sec. 18-59. Definitions.**

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Close proximity means a distance of 1,000 feet from the waterline or watermark of any herein designated stream, river or lake, at its highest recorded floodstage or tide, provided further, that

***State law reference**—Louisiana Hazardous Waste Control Law, R.S. 30:2171 et seq.

any such facility designated in section hereof shall be prohibited where upon certification by the parish engineer, any spill or runoff from such facility can or will gravitate at any time in the future to a stream, river or lake without regard to the distance to be traveled or the anticipated concentration or strength of the substance once it mixes with or enters the waters of any stream, river or lake.

Hazardous, dangerous and/or toxic substances mean those substances, chemicals, compositions or agents which are identified as any one or combination of the following substances:

- (1) Pesticides including insecticides, herbicides, fungicides and rodenticide;
- (2) Phenolic compounds;
- (3) Polynuclear aromatic hydrocarbons (PAH);
- (4) Elements limited to arsenic, cadmium, chromium, lead, mercury, selenium and thallium.

Any such substance which is identified by a trade name, common name or names used to identify a category of such substances, chemicals or agents shall apply to all such substances which have a substantial likeness or similarity in nature and use.

Lake, river, stream. The term "lake" means any body of water designated or named as a lake on any official maps of the state. The term "river" means any stream or body of water which has a current flow and designated as a river or bayou on any official map of the state. The term "stream" means any body of water, depression or bed whether or not there is a current flow present or water present within its banks, when such stream is identifiable on any official map of the state and the directional course of said stream indicates a discharge of water into any river as defined above or into tributaries of any river.

Storage facility means any facility or part of a facility wherein any hazardous, dangerous or toxic substance as herein described comprises or accounts for a substantial part of the business or use of said facility regardless of whether the substance is marketed individually or incorporated into another product.

(Code 1998, § 11-031.00; Ord. No. 81-269, 9-17-1981)

Sec. 18-60. Administration and enforcement.

(a) To ensure effective enforcement of the herein provisions the parish department of public works shall have all administrative jurisdiction over the enforcement of this article regarding review of all plans submitted by applicants and certification thereof.

(b) Any person, firm, company or corporation desiring to construct, use or maintain any facility described herein, where any of the identified chemicals, agents, compositions or substances are to be used, stored or transported within the parish, shall make application to department of public works for review and should said department decide that the facility is in

an area which will not allow any spill or runoff from such facility to gravitate hazardous, dangerous or toxic substances into any designated stream, river or lake, the engineer shall so certify and upon certification, such facility can be commenced in construction or use provided same complies with all other laws. All applications for such certification shall be accompanied by a true and accurate plan of the facility together with a map showing the exact geographical location of the proposed facility and said map shall show all ditches, drains, canals, streams, rivers and lakes within the vicinity of the proposed facility.

(Code 1998, § 11-032.00; Ord. No. 81-269, 9-17-1981)

Sec. 18-61. Use, storage of hazardous substances.

It shall be unlawful for any person, company or corporation to construct, maintain or operate any storage facility, processing plant or facility, wood preservation facility or transportation terminal wherein any hazardous, dangerous and/or toxic substances are to be used as a manufactured substance or chemical, or as a processing or preserving agent in said facilities, or wherein hazardous, dangerous and/or toxic substances are to be stored or transferred, in, upon or in close proximity to any herein designated waterway within the parish.

(Code 1998, § 11-033.00; Ord. No. 81-269, 9-17-1981)

Sec. 18-62. Construction of pipeline to transport hazardous substances prohibited.

It shall be unlawful to construct any pipeline within the area defined in section 18-59 wherein said pipeline is intended to transfer or transport any prohibited hazardous, dangerous and/or toxic substance as designated herein through any area as defined herein.

(Code 1998, § 11-034.00; Ord. No. 81-269, 9-17-1981)

Sec. 18-63. Violations; penalty; civil remedy.

(a) A violation of any of the provisions of this article shall constitute a misdemeanor and shall be punishable under section 1-9. For each day a violation occurs, the same shall constitute a separate offense regardless of whether said violation is of a continuing nature.

(b) There is also established herein a civil remedy at law separate and apart from any criminal violations herein for the removal of any facility constructed in violation of this article. The parish may petition any court of competent jurisdiction to have any such facility removed at the expense and costs of the owner thereof and any such petition shall not effect nor penalize any prosecution of criminal charges hereunder.

(Code 1998, § 11-035.00; Ord. No. 81-269, 9-17-1981)

Sec. 18-64. Hazardous/nonhazardous materials, fire protection districts to recover costs.

(a) Any fire protection district and any volunteer fire department shall have the authority to charge any person causing or contributing to a discharge of a hazardous or nonhazardous material or substance the extraordinary expenses of undertaking any remedial actions necessary to contain, abate, clean up, restore or remove the discharge.

(b) The governing authority of any fire protection district assessing charges for remedial costs for actions taken in the cleaning up of any discharge of hazardous or nonhazardous material or substance as provided in this section shall also have the authority to use any reasonable means to collect and enforce the collection of such costs.

(c) The governing authority of any fire protection district shall be entitled to recover the amount of said costs, together with all costs of court and reasonable attorney fees incurred in the enforcement of collection.

(Code 1998, § 11-050.00; Ord. No. 91-1537, 12-19-1991)

State law reference—Similar provisions, R.S. 33:1974.

Secs. 18-65—18-86. Reserved.

DIVISION 2. DISPOSAL

Sec. 18-87. Findings.

(a) The parish council finds that the surreptitious disposal of hazardous materials, at other than an established site established by the parish therefor to be regulated by the department of natural resources constitutes a real danger to the life, health, property and public safety of the citizens of the parish.

(b) The parish council recognizes the exclusive jurisdiction of the state department of natural resources, or its successor, over the generation, transportation and/or disposal of hazardous wastes and that it has pre-empted the field pursuant to the state Hazardous Waste Control Law (R.S. 30:2171 et seq.).

(Code 1998, § 11-051.00; Ord. No. 82-502, 12-16-1982)

Sec. 18-88. Wastes designated as hazardous.

(a) Hazardous wastes for the purpose hereof shall be any waste or combination of wastes, which because of its quantity, concentration, physical, chemical or infectious character may:

- (1) Cause or significantly contribute to the mortality or an increase in serious irreversible or incapacitating reversible illness; or
- (2) Pose a substantial present or potential hazard to human health or the environment.

(b) Same shall include, but are not necessarily limited to, containers of phosphorous, chlorine, nerve gas, bacterial or germ canisters, armed forces material designed for military purposes, including mines, bombs, tear gas in quantity, incendiaries, chemicals designed and stored for weed kills, fish kills or which, if inadvertently deposited in water wells, water systems,

rivers, streams or bayous would be dangerous to health or environment, and any others which may be listed presently or from time to time added to the list or register of hazardous wastes or byproducts of the state department of natural resources.

(Code 1998, § 11-052.00; Ord. No. 82-502, 12-16-1982)

Sec. 18-89. Authority of parish to create site; no site created.

Pursuant to R.S. 33:1236(31) the parish council is vested with the jurisdiction over the initial siting of facilities for the disposal of hazardous wastes and accordingly it is herewith ordained and declared that presently no such site exists under parish ordinance and further that none shall be created hereunder, unless by parish ordinance and after public hearing.

(Code 1998, § 11-053.00; Ord. No. 82-502, 12-16-1982)

Sec. 18-90. Burning, releasing into air or water declared illegal.

It shall be illegal for any entity, corporation, firm, association or individual to burn or release into the air or water of the parish any of such hazardous wastes or byproducts.

(Code 1998, § 11-054.00; Ord. No. 82-502, 12-16-1982)

Sec. 18-91. Exemptions.

Exempted herefrom shall be any military reservation or National Guard site within the parish when the storage or use of such products is consonant with the military training and necessary for such training.

(Code 1998, § 11-055.00; Ord. No. 82-502, 12-16-1982)

Sec. 18-92. Emergencies.

In an emergency, the consent and written approval of the sheriff of the parish and the director of the parish office of civil defense, or the parish office of emergency preparedness, as the case may be, must be first had and obtained so as to provide proper notice and alert to the citizens of the parish.

(Code 1998, § 11-056.00; Ord. No. 82-502, 12-16-1982)

Sec. 18-93. Violation; penalty.

Any violation hereof shall constitute a misdemeanor and shall be punishable as is provided in section 1-9.

(Code 1998, § 11-057.00; Ord. No. 82-502, 12-16-1982)

Secs. 18-94—18-114. Reserved.

DIVISION 3. REGULATION OF POLYCHLORINATED BIPHENYLS

Sec. 18-115. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Area of special concern means a school, day care center, nursing home, grain elevator, public building or auditorium, hospital, church or theater.

Area of special environmental concern means a flood hazard area or floodplain, wetland, surface or subsurface drinking water source in the parish. All land below the ten-foot contour line shall be presumed to be a flood hazard area or wetland.

Disposal means the discharge, deposit, injection, dumping, spilling, leaking or placing of a material into or on any land or water so that such material, or any constituent thereof, may enter the environment or be emitted into the air or discharged into any waters, including groundwaters; or the incineration of any material so that such material is emitted into the air.

Polychlorinated Biphenyls (PCB and PCB's) are defined, for the purpose of this division, as any chemical substance that is limited to the biphenyl molecule that has been chlorinated to varying degrees, or any combination of substances which contain such substances. The term "polychlorinated biphenyls" refer to any chemical substances and combinations of substances that contain greater than 50 ppm (on a dry weight basis) or greater of PCBs and any container, piece of electrical equipment, item or other device or material which either deliberately or unintentionally contains, includes as a part of it, or has been in direct contact with any PCB or PCBs at a concentration of 50 ppm or greater. Any chemical substances and combination of substances that contain less than 50 ppm of PCBs because of any dilution shall be included as PCB and PCBs. Substances that are regulated by this division include, but are not limited to, dielectric fluids, contaminated solvents, oils, waste oils, heat transfer fluids, hydraulic fluids, paints, sludges, slurries, dredge spoils, soils, materials contaminated as a result of spills, other chemical substances or combinations of substances, including impurities and byproducts, capacitors, transformers, contaminated containers and any other contaminated item, device or material.

Storage means the containment of any material on a temporary basis.

Treatment means any method, technique or process, including neutralization, designed to change the physical, chemical or biological character or composition of any material, so as to neutralize such material or render it nonhazardous or nontoxic, safer for transport, amenable for recovery or storage or reduced in volume. The term "treatment" includes any activity or processing designed to change the physical form or chemical composition of material, to render it nonhazardous or nontoxic.

(Code 1998, § 11-061.00; Ord. No. 85-381, 4-18-1985)

Sec. 18-116. Regulated areas.

(a) No facility for the treatment, storage or disposal of polychlorinated biphenyls may be located in an area of special environmental concern.

(b) No facility for the treatment, storage or disposal of PCBs may be located within one mile of an area of special concern.

(c) Any facility for the treatment, storage or disposal of PCBs located over an area of special environmental concern must be isolated from such area by a concrete slab two feet or more thick with a vertical permeability of less than one by ten minus eight centimeters/second.

(d) Any facility for the treatment, storage or disposal of PCBs shall meet all local regulations and ordinances applicable to the size and type of structure and the procedures conducted therein, as well as all applicable federal and state laws and regulations in addition to the provisions of this division.

(Code 1998, § 11-062.00; Ord. No. 85-381, 4-18-1985)

Sec. 18-117. Administration and enforcement.

(a) To ensure effective enforcement of the provisions of this division, the engineer shall have all administrative jurisdiction over the enforcement of this division regarding review of all plans submitted by applicants and certification thereof.

(b) Any person, firm, company or corporation desiring to construct, use or maintain any facility described herein, wherein any of the identified chemicals, agents, compositions or substances are to be used, stored or transported within the parish shall make application to the engineer for review and should such department decide that the facility is in an area which will not allow any spill or runoff from such facility to gravitate hazardous, dangerous or toxic substances into any herein designated stream, river or lake, the engineer shall so certify; and upon certification, such facility can be commenced in construction or use provided that the same complies with all other laws. All applications for such certification shall be accompanied by a true and accurate plan of the facility, together with a map showing the exact geographical location of the proposed facility; and the map shall show all ditches, drains, canals, streams, rivers and lakes within the vicinity of the proposed facility.

(Code 1998, § 11-063.00; Ord. No. 85-381, 4-18-1985)

Sec. 18-118. Violations and penalties.

Any person found by a court of competent jurisdiction to be in violation of this division shall be fined not more than \$500.00 and/or imprisoned for not more than six months for each violation. Any corporation, partnership or other legal entity found by a court of competent jurisdiction to be in violation of this division shall be fined not more than \$500.00 per violation, and any officers of such a legal entity found by a court of competent jurisdiction to be

knowingly in violation of this division shall be fined not more than \$500.00 and/or imprisoned for not more than six months for each violation. Each day's violation shall be construed as a separate offense.

(Code 1998, § 11-064.00; Ord. No. 85-381, 4-18-1985)

Secs. 18-119—18-149. Reserved.

DIVISION 4. HERBICIDES

Sec. 18-150. Prohibited.

It shall be unlawful for any person, group, company, corporation or organization to apply, use or incorporate the use of any herbicide, including, but not limited to, those registered with and/or approved by the U.S. Environmental Protection Agency or the state department of agriculture and forestry, for the management, control, eradication or maintenance of weeds, grass, trees, shrubs, foliage, vegetation or other natural growth in any parish right-of-way, ditch, servitude, drainage area, roadside, road shoulder, green area, buffer zone, waterway, neutral ground or median in the unincorporated areas of the parish.

(Code 1998, § 11-066.00; Ord. No. 93-1789, 8-19-1993)

Sec. 18-151. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Herbicide means any substance, chemical, toxic, element or composition thereof, commonly or professionally known, identified as, or used, for the purpose of destroying, eradicating, eliminating, killing, stunting or preventing weeds or the growth thereof.

Parish rights-of-way, etc.

Ditch means a natural or dedicated area which provides for the containment or flow of water from rain or adjacent drainage areas or waterways such as streams, creeks, ponds, lakes or rivers.

Drainage area means an area maintained for the purpose of channeling or preventing accumulation of water from surrounding land.

Easement means a designated right to use the property of another for specific purpose, i.e., drainage, utility easement.

Median/neutral ground means the area dividing or separating a roadway and not used for right of passage.

Right-of-way means any public way, street, road, alley, easement, servitude or access, which was dedicated to or acquired by the parish to provide means of access to abutting properties; whether paved, improved or unimproved, including those areas dedicated for proposed or future uses.

Roadside/road shoulder means natural or dedicated areas which are parallel, contiguous to, abut, adjoin, border, edge, connect or approach any public right-of-way, street or highway.

Servitude means a right-of-way through or across property belonging to another.
(Code 1998, § 11-066.01; Ord. No. 93-1832, 10-21-1993)

Sec. 18-152. Exemptions.

Exempt herefrom are hand held manual pump sprayers up to a maximum three-gallon capacity.
(Code 1998, § 11-066.02; Ord. No. 93-1832, 10-21-1993)

Sec. 18-153. Violations; penalties.

A violation of the provisions of this division shall constitute a misdemeanor and shall be punishable under section 1-9. For each day a violation occurs, the same shall constitute a separate offense regardless of whether said violation is of a continuing nature.
(Code 1998, § 11-066.03; Ord. No. 93-1832, 10-21-1993)

Secs. 18-154—18-174. Reserved.

**ARTICLE IV. DISCHARGE OF SEWAGE INTO WATER BODIES OR WITHIN
FLOODPRONE AREAS**

Sec. 18-175. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Camp means any structure, floating or foundation-secured, used temporarily or occasionally as a dwelling; not used as a residence.

Floodprone means any area which is regularly subject to flooding, as determined by the United States Geological Survey or the Corps of Engineers.

Individual mechanical plant means any individual sewage system which employs aerobic bacterial action which is maintained by mechanical aeration.

Individual sewage system means any system of piping (excluding building plumbing), treatment device or other facility that conveys, stores, treats or disposes of sewage on the property where it originates and which utilizes the individual sewage system technology as prescribed in section 18-178.

Marine sanitation device (MSD) means any device designed for the handling, storage and/or disposal of domestic waste (sewage) generated aboard a vessel or camp.

Permit means a written document issued by the state health officer which authorizes the installation, construction and operation of an individual mechanical plant, individual sewage system or marine sanitation device or a modification of the existing system which affects the performance of the system.

Residence means any structure occupied customarily or most of the time as a dwelling, a place of primary residence.

Secondary treatment standard means a sewage affluent water quality standard which prescribes a maximum 30-day average concentration of biological oxygen demand (five-day) of 30 milligrams per liter, a maximum seven-day average concentration of biological oxygen demand (five-day) of 45 milligrams per liter, and a maximum daily average concentration of biological oxygen demand (five-day) of 60 milligrams per liter. The daily average concentration shall be based on at least three affluent portions collected at time intervals no shorter than one hour each and combined in a flow-weighted composite. The 30 day average, seven-day average, and the daily average are the arithmetic means of the values for all effluent samples collected in each period.

Septic tank system means any individual sewage system which consists of a septic tank flowed by an acceptable method of septic tank effluent treatment or disposal. A conventional septic tank system is a septic tank followed by a subsurface absorption field.

Sewage means human or domestic waste, except household consumer refuse, including conveying liquid from residences, buildings, industrial establishments, or other places, together with such groundwater, surface water, stormwater and other wastes as may be present.

Sewage system means any or all of the various components, including piping, plumbing, pumping and treatment facilities comprising a system designed for the collection and/or treatment and/or disposal of sewage.

(Code 1998, § 11-070.00; Ord. No. 84-209, 9-20-1984)

Sec. 18-176. Discharge of untreated sewerage prohibited.

All individuals who own, rent, lease, operate or manage any occupied premises, public or private, where people live, work or congregate in a floodprone area shall provide for sewage disposal in compliance with this article. The contents or effluent from any water closet, sink, lavatory, bathtub, shower drain, kitchen fixture and/or appliance, laundry fixture and/or

appliance, vault, privy, leaching pit, chemical toilet or any personal hygiene fixture or appliance not aforementioned, or septic tank, or from any portion of any individual sewage system shall not be discharged directly or indirectly into any street, gutter, ditch, watercourse, water shed, slough, body of water, or onto the surface of the ground, except where appropriate permits have been obtained.

(Code 1998, § 11-071.00; Ord. No. 84-209, 9-20-1984)

Sec. 18-177. Sewage system required.

(a) The owner of any property which is situated in a marsh or swamp, or on, over, or contiguous to any river, stream, bayou, lake or other waterway within or bordering the unincorporated portion of the parish, and on which there is located a residence, camp or any other structure which is occupied customarily or occasionally as a dwelling, must connect the toilet facilities and other plumbing fixtures within the said residence, camp or structure to a community-type sewage system where available, or to an individual sewage system specifically approved for the premises by the state health officer after determining that connection to a community-type sewage system is not feasible and that the installation and operation of an individual sewage system will not create a nuisance or public health hazard.

(b) Violation of this section shall constitute a misdemeanor and shall be punishable in accordance with the provisions of section 1-9.

(c) Enforcement of this section shall be effected only by employees or agents of the water services commission of the parish pursuant to the authority provided in R.S. 33:4064.1 et seq.

(d) For any existing residence, camp or other structure subject to the provisions of subsection (a) of this section, the effective date for enforcement of said provisions shall be July 1, 1993. (Code 1998, § 11-071.01; Ord. No. 92-1676, 11-19-1992)

Sec. 18-178. Permits.

(a) *Camps.* No person shall install, cause to be installed, materially alter, or operate an individual sewage system of any kind without first having obtained a permit from the state health officer. No person shall install, cause to be installed, or materially alter an individual sewage system of any kind except in accordance with the plans and specifications for the installation which have been approved as a part of a permit issued by the state health officer prior to the start of the installation or alteration. Any such permit shall be in writing and shall be issued only for marine sanitation devices. Detailed plans and specifications for each installation of an individual sewage system for which a permit is requested shall be submitted in advance for approval to the state health officer.

(b) *Residences.* No person shall install, cause to be installed, materially alter, or operate an individual sewage system of any kind without first having obtained a permit from the state health officer. No person shall install, cause to be installed, or materially alter an individual

sewage system of any kind except in accordance with the plans and specifications for the installation which have been approved as a part of a permit issued by the state health officer prior to the start of the installation or alteration. Any such permit shall be in writing and shall not be issued until the property and its surroundings have been inspected and it has been determined that connection to community-type sewage systems is not feasible, and that the condition of the soil, the natural drainage, the estimated population density, and other related factors are such that the construction and use of properly designed individual sewage facilities are not likely to create a nuisance or public health hazard. All permits for residences shall be for secondary sewage treatment only. Detailed plans and specifications for each installation of an individual sewage system for which a permit is requested shall be submitted in advance for approval to the state health officer.

(Code 1998, § 11-072.00; Ord. No. 84-209, 9-20-1984)

Sec. 18-179. Maintenance and operation.

Individual sewage systems shall be kept in service and in a serviceable condition sufficient to ensure compliance with the secondary treatment standard and to avoid creating or contributing to a nuisance to the public.

(Code 1998, § 11-073.00; Ord. No. 84-209, 9-20-1984)

Sec. 18-180. Enforcement.

Enforcement of this article shall be the responsibility of the parish engineering in conjunction with the state department of health and human resources, the state department of environmental quality and the parish health unit as supportive enforcement activists.

(Code 1998, § 11-074.00; Ord. No. 84-209, 9-20-1984)

Sec. 18-181. Penalties.

Any individual, owner of premises and/or installer of sewage system shall both be responsible for violations of this article and subject to the following penalty provisions:

- (1) First offense: \$100.00 fine and 30-day abatement notice.
- (2) Second offense and each offense thereafter: \$500.00 fine and mandatory 30-day sentence. Failure to abate within the 30-day notice shall subject offenders to second offense penalties.

(Code 1998, § 11-075.00; Ord. No. 84-209, 9-20-1984)

Secs. 18-182—18-200. Reserved.

ARTICLE V. PAIN MANAGEMENT CLINICS**Sec. 18-201. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Department means the department of health and hospitals.

Pain management clinic.

- (1) The term "pain management clinic" means a publicly or privately owned facility which primarily engages in the treatment of pain by prescribing narcotic medications.
- (2) A pain management clinic operating on or before June 15, 2005, means a pain management clinic operating pursuant to an occupational license or certificate of operation which has not been suspended or revoked.

Primarily engaged means the majority of patients, 51 percent or more of the patients seen on any day a clinic is in operation, are issued a narcotic prescription for the treatment of chronic non-malignant pain. A physician who, in the course of his practice, treats patients with chronic pain, shall not be considered primarily engaged in the treatment of chronic non-malignant pain by prescribing narcotic medications provided that the physician:

- (1) Treats patients within their areas of specialty and who utilizes other treatment modalities in conjunction with narcotic medications;
- (2) Is certified by a member board of the American Board of Medical Specialties, or is eligible for certification based upon his completion of an ACGME (Accreditation Council for Graduate Medical Education) certified residency training program; and
- (3) Currently holds medical staff privileges that are in good standing at a hospital in the state.

(Ord. No. 14-3137, § 11-001.01(A), 5-1-2014)

Sec. 18-202. License required; process to obtain license.

A pain management clinic shall be required to obtain an occupational license in accordance with the parish license tax regulations and as provided as follows:

- (1) A pain management clinic that is required to be licensed by the department shall obtain a zoning approval verification from the parish department of development prior to applying for an occupational license with the parish tax collector.
- (2) The required zoning approval verification shall be submitted to the parish tax collector with the department's license application and occupational license application.

(3) Following the issuance of a pain management clinic license by the department of health and hospitals, the license holder shall file a copy of the license with the parish tax collector prior to commencing operations as a pain management clinic.
(Ord. No. 14-3137, § 11-001.01(B), 5-1-2014)

Sec. 18-203. Operation without valid occupational license unlawful.

It shall be unlawful for any pain management clinic to be operated without a valid occupational license.
(Ord. No. 14-3137, § 11-001.01(C), 5-1-2014)

Sec. 18-204. License and certificate of occupancy to be kept on file in clinic.

A valid occupational license and certificate of occupancy must be kept on file in the pain management clinic.
(Ord. No. 14-3137, § 11-001.01(D), 5-1-2014)

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Chapter 19

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Chapter 20

HUMAN RELATIONS*

Article I. In General

Secs. 20-1—20-18. Reserved.

Article II. Discrimination and Fair Housing

- Sec. 20-19. Policy.
- Sec. 20-20. Definitions.
- Sec. 20-21. Application of prohibitions.
- Sec. 20-22. Discrimination in the sale or rental of housing.
- Sec. 20-23. Discrimination in the financing of housing.
- Sec. 20-24. Discrimination in the provision of brokerage services.
- Sec. 20-25. Exemptions.
- Sec. 20-26. Interference, coercion, intimidation.
- Sec. 20-27. Penalty.
- Secs. 20-28—20-59. Reserved.

Article III. Discrimination in Employment

- Sec. 20-60. Applicability.
- Sec. 20-61. Equal employment opportunity policy.
- Sec. 20-62. Equal employment opportunity officer.
- Sec. 20-63. Dissemination and publicity of EEO policy.
- Sec. 20-64. Assessment of work force structure and personnel practices.
- Sec. 20-65. Goals and time tables.
- Sec. 20-66. Recruitment and recruitment advertising.
- Sec. 20-67. Personnel actions.
- Sec. 20-68. EEO counseling and complaint procedures.
- Sec. 20-69. Records and reports.
- Sec. 20-70. Purpose for adoption of plan.

***State law references**—Investigations of real estate brokers, real estate salespersons, etc., R.S. 37:1453; Louisiana Equal Housing Opportunity Act, R.S. 51:2601 et seq.

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ARTICLE I. IN GENERAL

Secs. 20-1—20-18. Reserved.

ARTICLE II. DISCRIMINATION AND FAIR HOUSING**Sec. 20-19. Policy.**

It is the policy of the parish to provide, within constitutional limitations, for fair housing throughout the parish.

(Code 1998, § 6-021.00; Ord. No. 80-69A, 11-6-1980; Ord. No. 96-2377, 2-15-1996)

Sec. 20-20. Definitions.

The definitions set forth in R.S. 51:2603 (Louisiana Equal Housing Opportunity Act—Definitions), as amended, shall be effective as definitions of the words, terms and phrases used in this chapter. All words, terms and phrases used herein, other than those specifically defined elsewhere in this chapter, shall have the respective meanings ascribed to them in R.S. 51:2603, as amended, and shall have the same scope and effect that the same words, terms and phrases have where used in R.S. 51:2603, as amended.

(Code 1998, § 6-022.00; Ord. No. 80-69A, 11-6-1980; Ord. No. 96-2377, 2-15-1996)

Sec. 20-21. Application of prohibitions.

(a) Subject to the provisions of subsection (b) of this section and section 20-25, the prohibitions against discrimination in the sale or rental of housing set forth in section 20-22 shall apply to all dwellings, except as exempted by subsection (b) of this section.

(b) Nothing in section 20-22 (other than subsection 20-22(3)) shall apply to any single-family house sold or rented by an owner; provided, that such private individual owner does not own more than three such single-family houses at any one time; provided, further, that in the case of the sale of any such single-family house by a private individual owner not residing in such house at the time of such sale or who was not the most recent resident of such house prior to such sale, the exemption granted by this subsection shall apply only with respect to one such sale within any 24-month period; provided, further, that such bona fide private individual owner does not own any interest in, nor is there owned or reserved on his behalf, under any express or voluntary agreement, title to or any right to all or a portion of the proceeds from the sale or rental of more than three such single-family houses at any one time; provided further that the sale or rental of any such single-family house shall be exempted from the application of this title only if such house is sold or rented:

- (1) Without the use in any manner of the sales or rental facilities or the sales or rental services of any real estate broker, agent or salesman or of such facilities or services of any person in the business of selling or renting dwellings or of any employee or agent of any such broker, agent, salesman or person; and

- (2) Without the publication, posting or mailing, after notice of any advertisement or written notice in violation of section 20-22(3), but nothing in this provision shall prohibit the use of attorneys, escrow agents, abstracters, title companies and other such professional assistance necessary to perfect or transfer the title.

(c) Rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four families living independently of each other, if the owner actually maintains and occupies one of such living quarters as his residence.

(d) For the purpose of subsection (b) of this section, a person shall be deemed to be in the business of selling or renting dwellings if:

- (1) He has, within the preceding 12 months, participated as principal in three or more transactions involving the sale or rental of any dwelling or any interest therein;
- (2) He has, within the preceding 12 months, participated as agent, other than in the sale of his own personal residence in providing sales or rental facilities or sales or rental services in two or more transactions involving the sale or rental of any dwelling or any interest therein; or
- (3) He is the owner of any dwelling designed or intended for occupancy by, or occupied by, five or more families.

(Code 1998, § 6-023.00; Ord. No. 80-69A, 11-6-1980; Ord. No. 96-2377, 2-15-1996)

Sec. 20-22. Discrimination in the sale or rental of housing.

As made applicable by section 20-21 and, except as exempted by section 20-21(b) and section 20-25, it shall be unlawful:

- (1) To refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, color, religion, sex, familial status or national origin.
- (2) To discriminate against any person in the terms, conditions or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, color, religion, sex, familial status or national origin.
- (3) To make, print or publish, or cause to be made, printed or published any notice, statement or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation or discrimination based on race, color, religion, sex, handicap, familial status or national origin, or an intention to make any such preference, limitation or discrimination.
- (4) To represent to any person because of race, color, religion, sex, handicap, familial status or national origin that any dwelling is not available for inspection, sale or rental when such dwelling is in fact so available.

- (5) For profit, to induce or attempt to induce any person to sell or rent any dwelling by representation regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, religion, sex, handicap, familial status or national origin.
 - (6) To discriminate in the sale or rental, or to otherwise make unavailable or deny, a dwelling to any buyer or renter because of a handicap of:
 - a. That buyer or renter;
 - b. A person residing in or intending to reside in that dwelling after it is so sold, rented or made available; or
 - c. Any person associated with that buyer or renter.
 - (7) To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection with such dwelling because of a handicap of:
 - a. That person;
 - b. A person residing in or intending to reside in that dwelling after it is so sold, rented, or made available; or
 - c. Any person associated with that person.
- (Code 1998, § 6-024.00; Ord. No. 80-69A, 11-6-1980; Ord. No. 96-2377, 2-15-1996)

Sec. 20-23. Discrimination in the financing of housing.

It shall be unlawful for any bank, building and loan association, insurance company or other corporation, association, firm or enterprise whose business consists in whole or in part in the making of commercial real estate loans, to deny a loan or other financial assistance to a person applying therefor for the purpose of purchasing, constructing, improving, repairing or maintaining a dwelling, or to discriminate against him in the fixing of the amount, interest rate, duration or other terms or conditions of such loan or other financial assistance, because of the race, color, religion, sex, handicap, familial status or national origin of such person or of any person associated with him in connection with such loan or other financial assistance or the purposes of such loan or other financial assistance, or of the present or prospective owners, lessees, tenants or occupants of the dwelling or dwellings in relation to which such loan or other financial assistance is to be made or given; provided, that nothing contained in this section shall impair the scope or effectiveness of the exception contained in section 20-21(b).

(Code 1998, § 6-025.00; Ord. No. 80-69A, 11-6-1980; Ord. No. 96-2377, 2-15-1996)

Sec. 20-24. Discrimination in the provision of brokerage services.

It shall be unlawful to deny any person access to or membership or participation in any multiple listing service, real estate brokers organization or other service, organization or facility

relating to the business of selling or renting dwellings, or to discriminate against him in the terms or conditions of such access, membership or participation, on account of race, color, religion, sex, handicap, familial status or national origin.

(Code 1998, § 6-026.00; Ord. No. 80-69A, 11-6-1980; Ord. No. 96-2377, 2-15-1996)

Sec. 20-25. Exemptions.

Nothing in this title shall prohibit a religious organization, association or society or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association or society, from limiting the sale, rental or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons, unless membership in such religion is restricted on account of race, color or national origin. Nor shall anything in this title prohibit a private club not in fact open to the public, which as an incident to its primary purpose or purposes provides lodgings which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodgings to its members or from giving preference to its members.

(Code 1998, § 6-027.00; Ord. No. 80-69A, 11-6-1980; Ord. No. 96-2377, 2-15-1996)

State law reference—Similar provision, R.S. 51:2605.

Sec. 20-26. Interference, coercion, intimidation.

It shall be unlawful to coerce, intimidate, threaten or interfere with any person in the exercise or enjoyment of, or on account of his having exercised or enjoyed, or on account of his having aided or encouraged any other person in the exercise or enjoyment of any right granted or protected by sections 20-21 through 20-24.

(Code 1998, § 6-028.00; Ord. No. 80-69A, 11-6-1980; Ord. No. 96-2377, 2-15-1996)

Sec. 20-27. Penalty.

Any person violating any of the provisions of this article shall be guilty of a misdemeanor, and upon conviction shall be subject to a fine not to exceed \$200.00 or imprisonment not to exceed 30 days, or both, as specified under section 1-9. Discrimination complaints may be filed with HUD.

(Code 1998, § 6-030.00; Ord. No. 80-69A, 11-6-1980; Ord. No. 96-2377, 2-15-1996)

Secs. 20-28—20-59. Reserved.

ARTICLE III. DISCRIMINATION IN EMPLOYMENT**Sec. 20-60. Applicability.**

The parish through the parish council adopts and will implement this plan to fulfill federal highway administration/the state department of transportation and development requirements, supplementing existing plans of similar nature.
(Code 1998, § 6-041.00; Ord. No. 81-178, 4-2-1981)

Sec. 20-61. Equal employment opportunity policy.

The parish council hereby adopts attachment E as its official policy statement on equal employment opportunity.
(Code 1998, § 6-042.00; Ord. No. 81-178, 4-2-1981)

Sec. 20-62. Equal employment opportunity officer.

(a) The parish government will designate an individual (for purposes of this plan, referred to hereinafter as the EEO officer) who will have the responsibility for, and is capable of effectively administering and promoting an active program of equal employment opportunity and is assigned adequate authority and responsibility to do so.

(b) The designated EEO officer is responsible and accountable to the following official(s): the parish president and the chief administrative officer.

(c) The EEO officer is responsible for: Equal Employment Opportunity and title VI, Civil Rights Act.

(d) Pertinent information relative to the designated EEO officer is provided in attachment E.
(Code 1998, § 6-043.00; Ord. No. 81-178, 4-2-1981)

Sec. 20-63. Dissemination and publicity of EEO policy.

(a) The parish president will in such manner and from he elects, convey his support of the EEO policy and affirmative action plan to key officials, managers and supervisors throughout the jurisdiction, charging each to cooperate with and assist the EEO officer and holding each responsible and accountable for effective EEO implementation within their respective area of operation.

(b) All members of the parish staff and work force who are authorized to hire, supervise, promote, recommend training, reassign, demote, discharge or otherwise recommend, cause or are substantially involved in any change in an employee's status, will be made fully aware of the jurisdiction's EEO policy, this affirmative action plan, and the jurisdiction's contractual

obligations and made accountable for effective implementation within the operational area each such person is assigned or involved in. To ensure that this commitment is carried out and met, the following actions will be taken, as a minimum:

- (1) Periodic meetings of supervisory and personnel office employees will be conducted, beginning within 45 days of adoption of this plan and thereafter no less often than once each year, at which times the jurisdiction's EEO policy and implementing procedures will be reviewed, explained and discussed. Such meetings will be conducted by the EEO officer or other knowledgeable official.
 - (2) Newly hired supervisory and personnel office employees will be given a thorough indoctrination by the EEO officer or other knowledgeable official covering all aspects of the jurisdiction's equal employment opportunity obligations and procedures within 30 days of their reporting for employment duties.
 - (3) Personnel engaged in direct recruitment activities will be instructed by the EEO officer or other knowledgeable official in the jurisdiction's procedures for locating and hiring minorities, females or other groups of persons under represented in the jurisdiction's work force.
 - (4) Documentation of meetings and other actions taken in fulfillment of subsections (b)(1) through (3) of this section will be maintained and available for review by federal highway administration, the state department of transportation and development authorities, upon request.
- (c) In order to make the parish's equal employment opportunity policy known to all employees, prospective employees and potential sources of employees, e.g., schools, employment agencies, labor unions (where appropriate), college placement offices, community organizations, etc., the parish will take the following actions:
- (1) Notices and/or posters setting forth the parish's equal employment opportunity policy will be placed in areas readily accessible to employees, applicants for employment and potential employees. Where actual posting or placing of notices and posters is beyond the authority and control of the parish, as may be the case in the properties of potential recruitment sources listed, information on the parish's EEO policy will be furnished such sources together with information on employment opportunities and how prospective employees may make application for employment.
 - (2) The parish's equal employment opportunity policy and the procedures utilized to implement the policy will be brought to the attention of employees by means of meetings, newsletters, employee handbooks or other appropriate and innovative means. Paramount effort will be made to ensure that every employee at all times knows the

name of the parish's EEO officer and the means by which to reach him promptly to discuss any matter relating to equal employment opportunity without fear of intimidation or retaliation.

(Code 1998, § 6-044.00; Ord. No. 81-178, 4-2-1981)

Sec. 20-64. Assessment of work force structure and personnel practices.

The parish has conducted, or if not, will conduct within 60 days of adoption of this plan, a thorough analysis and assessment of its organizational structure, work force composition and personnel practices, to include:

- (1) A classification plan review to correct inaccurate position descriptions and to ensure that positions are allocated to the appropriate classifications and further, that qualification requirements are closely job-related.
- (2) Efforts to restructure jobs and establish entry level and trainee positions to facilitate and encourage advancement within skill and occupational areas.
- (3) Efforts to eliminate "dead-end" positions and/or provide paths for lateral and upward mobility.
- (4) Through analysis of current work force composition by organizational units and by job groupings to determine if minorities, women or other groupings of personnel are under represented or disproportionately distributed, i.e., confined to certain areas of skill and responsibility or to certain pay levels only.
- (5) Identification of training needs and/or other barriers to progressive development and advancement of employees.

(Code 1998, § 6-045.00; Ord. No. 81-178, 4-2-1981)

Sec. 20-65. Goals and time tables.

(a) The parish will set specific, measurable and attainable hiring, placement and promotion goals, with reasonable target dates for attainment, in each area of underutilization of qualified employees or applicants for employment, particularly minorities and females.

(b) Goals and time tables will also be set for any other efforts and actions deemed necessary and effective to overcome deficiencies or remove barriers to employee development and advancement revealed by the assessment made in accordance with this section.

(c) Goals and time tables will be made known to all officials, managers and supervisors and each such person will be made responsible and accountable for their efforts to assist the jurisdiction toward attainment of the goals.

(d) The goals and time tables established by the parish are designed for use as a practical management tool and guide to the jurisdiction in its efforts to achieve its equal employment opportunity objectives. Such goals and time tables are not construed to be contractual

commitments to federal highway administration or the state department of transportation and development, nor will failure to attain any goals imply noncompliance with contractual requirements and/or agreements. Failure to establish goals and time tables will be viewed as a breach of contractual agreement, however.

(e) Notwithstanding the provisions of the preceding subsection, the parish will furnish federal highway administration/the state department of transportation and development a copy of current goals and time tables, if requested, and in any event, make them available for review by authorized officials of federal highway administration/the state department of transportation and development as evidence of the jurisdiction's affirmative action.

(Code 1998, § 6-046.00; Ord. No. 81-178, 4-2-1981)

Sec. 20-66. Recruitment and recruitment advertising.

(a) Consistent with personnel needs (i.e., vacancies, turnover rate, shortage of applicants and/or employees in certain skill areas, etc.) and unless precluded by a valid bargaining agreement, the parish will conduct systematic and direct recruitment through public and private employee referral sources likely to yield qualified minority, female and other underrepresented group applicants. Such referral sources may include, but not be limited to, state employment agencies, schools, colleges, trade and professional organizations and minority group organizations. To meet this requirement, the parish will identify and most importantly, establish effective referral procedures with a sufficient number of such sources to ensure an adequate representation of minorities and females among applicants referred.

(b) In the event the parish has a valid bargaining agreement providing for exclusive referrals or a bargaining agreement providing that current employees who are union members be given preferential consideration, the parish will observe that agreement to the extent that the system permits the jurisdiction to comply with its equal employment opportunity contractual obligations. It has been held by various authorities that where adherence to such agreements has the effect of excluding or discriminating against minorities and/or women or obligates an employer to do so, adherence to such agreement violates federal financial assistance requirements.

(c) The parish will encourage present employees to refer minority group and female applicants for employment by posting appropriate notices or bulletins in areas accessible to such employees. In addition, information and procedures with regard to referring applicants will be discussed with employees.

(d) When advertising for employees through public media, the parish will include in all such advertisements the notation, "An Equal Opportunity Employer." All such advertisements will be published and/or broadcast in media having a known large readership and/or listening/viewing audience among minority groups within the area from which the jurisdiction's work force is normally derived.

(Code 1998, § 6-047.00; Ord. No. 81-178, 4-2-1981)

Sec. 20-67. Personnel actions.

Wages, working conditions and employee benefits will be established and administered, and personnel actions of every type including hiring, placement, upgrading, promotion, training, transfer, demotion, layoff and termination, shall be made without regard to race, color, religion, sex, national origin or to handicap of an employee except where job-related factors or reasonable accommodation for the handicapped person warrants. The following actions, as a minimum, will be taken:

- (1) The EEO officer will conduct periodic inspections of the jurisdiction's buildings and other properties where employees work to ensure that working conditions and employee facilities do not indicate discriminatory treatment.
- (2) The EEO officer will periodically evaluate payrolls and pay scales to determine any evidence of discriminatory wage practices.
- (3) The EEO officer will periodically review selected personnel actions (e.g., all new hires during a selected period, or all promotions, demotions, terminations, etc., again for a selected period) to determine whether there is evidence of discrimination as when a disparate number of minorities and/or women appear to be affected by the particular personnel action under review. Where such evidence is found, the EEO officer will promptly initiate appropriate corrective action. If the review indicates that the discrimination may extend beyond the particular action reviewed, such corrective action will include all affected persons.

(Code 1998, § 6-048.00; Ord. No. 81-178, 4-2-1981)

Sec. 20-68. EEO counseling and complaint procedures.

The parish, through its personnel policy, will establish effective procedures for counseling of employees on equal employment opportunity matters and for the receipt, investigation and resolution of complaints filed by employees.

(Code 1998, § 6-049.00; Ord. No. 81-178, 4-2-1981)

Sec. 20-69. Records and reports.

(a) The parish will keep such records as are necessary to determine compliance with equal employment opportunity contractual obligations. The records kept will be designed to show:

- (1) The number of minority and nonminority group members and women employed in each work classification;
- (2) The efforts and progress being made in locating, hiring, training, qualifying and upgrading minority and female employees;
- (3) The efforts and progress being made in cooperation with unions to increase employment opportunities for minorities and women, if applicable;

- (4) Contracts made with applicant referral sources and results obtained therefrom;
- (5) Equal employment opportunity complaints and/or charges of discrimination by employees.

(b) Adequate documentation will be maintained to show actions taken by the EEO officer and/or others in fulfillment of specific commitments of this plan (e.g., prescribed meetings, periodic reviews of personnel actions, etc.).

(c) All such records will be retained for a period of three years following termination of contractual agreement between the jurisdiction and the state department of transportation and development and/or federal highway administration, and such records will be available at reasonable times and places for inspection by authorized representatives of the state department of transportation and development and federal highway administration.

(d) The parish will provide such reports relative to its equal employment opportunity program and implementation as may be requested by the state department of transportation and development and/or federal highway administration.
(Code 1998, § 6-050.00; Ord. No. 81-178, 4-2-1981)

Sec. 20-70. Purpose for adoption of plan.

The foregoing plan has been adopted by the parish council to comply with the requirement of the state department of transportation and development for participation in the off-system bridge replacement and rehabilitation program.
(Code 1998, § 6-051.00; Ord. No. 81-178, 4-2-1981)

Chapter 21

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Chapter 22

LICENSES, TAXATION AND REGULATIONS*

Article I. In General

- Sec. 22-1. Acreage tax.
- Sec. 22-2. Permits for seismographic exploratory work.
- Sec. 22-3. Contractors/subcontractors required to register with sheriff.
- Secs. 22-4—22-24. Reserved.

Article II. Occupational License Tax

- Sec. 22-25. Short title.
- Sec. 22-26. Adoption of state law.
- Sec. 22-27. General definitions.
- Sec. 22-28. Payment of tax.
- Sec. 22-29. New business; license required before commencing.
- Sec. 22-30. Change of ownership or lessee.
- Sec. 22-31. Separate license required for each location.
- Sec. 22-32. Class of business.
- Sec. 22-33. Period used where gross receipts is the measure of the license.
- Sec. 22-34. Taxpayers to keep records; tax collectors to keep strict confidentiality.
- Sec. 22-35. Application for licenses.
- Sec. 22-36. Failure to pay tax; judgment prohibiting further pursuit of business.
- Sec. 22-37. Collector authorized to make rules and regulations.
- Sec. 22-38. Records to be kept by collector.
- Sec. 22-39. Withholding of costs of collection.
- Sec. 22-40. Disposition of collections.
- Sec. 22-41. Retail dealers in merchandise, services and rentals.
- Sec. 22-42. Wholesale dealers in merchandise, service and rentals; retail dealers to institutional consumers; shipbuilders; and contractors.
- Sec. 22-43. Business of lending/dealing in notes secured by chattel mortgages or liens.
- Sec. 22-44. Brokerage and commission agents.
- Sec. 22-45. Public utilities.
- Sec. 22-46. Businesses where license is based on flat fees.
- Sec. 22-47. Exemptions.
- Sec. 22-48. Deductions.
- Sec. 22-49. Special provisions.
- Sec. 22-50. Failure to obtain license when required; penalty.
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PRE-PRESS COPY

ARTICLE I. IN GENERAL

Sec. 22-1. Acreage tax.

There is hereby levied an annual acreage tax of \$0.02 per acre on all forest lands and cut over potential forest lands situated in all areas of the parish, except lands classified as marsh or swamp land subject to overflow. Said tax shall be assessed, collected, remitted and administered as provided by law.

(Code 1998, § 12-001.00; Ord. No. 103, Bk. 2, P. 164)

Sec. 22-2. Permits for seismographic exploratory work.

(a) *Required, fee, term, renewal.* A seismic exploratory permit from the parish government is hereby required of all parties engaging in seismic exploratory activities within the boundaries of the parish (excluding activities totally confined to state owned or controlled lands and water bodies). The seismic exploratory permit shall bear the signature of the parish president or authorized designee, and approval signature of the director of the department of permits and inspections or head of the department of public works. The fee for a seismic exploratory permit shall be established as \$100.00. Permits shall be valid for a period of six months and are subject to renewal for not more than two 90-day periods at the discretion of the parish president and the director of the department of permits and inspections or head of the department of public works.

(b) *Application information required.* All applications for seismic exploratory permits shall be submitted to the department of development - permits office ten days prior to the issuance of a permit. All applications shall contain the following information:

- (1) The name of the applicant (agent/representative and corporation);
- (2) Address of applicant;
- (3) Phone number;
- (4) Description of proposed work;
- (5) Location of proposed work;
- (6) Name of contractor;
- (7) Address of contractor; and
- (8) Phone number of contractor.

(c) *Additional information required.* The following information shall accompany and be attached to all applications for seismic exploratory permits:

- (1) A certificate of proof of current liability insurance, included therein shall be identification of the carrier, representative and claims telephone number;

- (2) Copies, including permit numbers, of all applicable state and federal agency permits, i.e., wildlife and fisheries commission, state mineral board, department of transportation, department of public safety, division of state police, and U.S. Corps of Engineers.

(d) *Public recordation.* It shall be the responsibility of the department of development - permits to record all applications for seismic exploratory permits with the parish clerk of court at the time of issuance. The fees for said recordation are to be borne by the applicant at the time of permit issuance.

(e) *Financial guarantee.* Upon the issuance of a seismic exploratory permit, the applicant/recipient shall provide a letter of credit in the sum of \$25,000.00 to the parish to ensure compliance with subsection (f) of this section.

(f) *Restoration of lands.* All operators conducting seismic activities shall exercise due and reasonable caution when traversing public rights-of-way and public lands and water bodies as to minimize disturbance to same. All public rights-of-way, public properties, existing and recognized natural drainage and engineered drainage shall be restored to its preexisting condition if damaged by work crews and/or equipment associated with the exploratory activity.

(g) *Monitoring.* It shall be the responsibility of the department of public works to review and inspect the seismic exploratory site prior to the commencement of any activity and upon the cessation of activity and vacation of the operator to ensure compliance with subsection (f) of this section. The operator shall be assessed a fee of \$75.00 for each such inspection to cover the costs of the department of public works of the parish.

(h) *Penalties for noncompliance.* Any person, firm or corporation violating any of the provisions or requirements of this section shall be deemed guilty of a misdemeanor and upon conviction shall be assessed a fine of not less than \$100.00 or be imprisoned for not more than 30 days, or both at the discretion of the court. Each day's violation shall be considered a separate offense.

(Code 1998, § 12-002.00; Ord. No. 1087, 12-11-1979; Ord. No. 84-91, 5-17-1984)

Sec. 22-3. Contractors/subcontractors required to register with sheriff.

(a) To the end that the parish, and the political subdivisions thereof may receive all taxes due in every instance, contractors and subcontractors desiring to engage in, prosecute, follow or carry on the business of contracting shall register with the parish sheriff as collector of sales and use tax for the parish, for each contract where the total contract price or compensation to be received amounts to more than \$20,000.00. The sheriff shall charge a fee for such registration in the amount of \$10.00 for each such contract.

(b) The term "contractor" is synonymous with the term "builder" and means a person, firm, partnership, corporation, association or other organization, or a combination of them, which undertakes to or offers to undertake to, or purports to have the capacity to undertake to, or

submits a bid to, or does himself or by or through others, construct, alter, repair, add to, subtract from, improve, move, wreck or demolish any building, highway, road, railroad, excavation or other structure, project, development or improvement or to do any part thereof, including the erection of scaffolding or other structure or works in connection therewith, and includes subcontractors and specialty contractors. As such, the term "contractor" shall include oil field service contractors, which shall consist of those contractors performing general oil well servicing, maintenance and construction when conducted as a single company unit. The term "general oil well servicing" shall include welding, pipe coating, pipe inspection, wireline service, automation, workover, logging, analysis, seismograph, installing and servicing equipment, packing, platform work, perforating and completion.

(c) No parish entity charged with the responsibility of issuing any permit, license or certificate necessary for the lawful commencement of any construction contract shall issue such permit, license or certificate to a contractor, until sufficient evidence is presented by the applicant that he has registered with the sheriff, as collector of sales and use tax in compliance with this section.

(d) The sheriff shall promulgate such rules and regulations and may have printed such forms as are necessary to effectuate the provisions of this section.

(e) Nothing herein shall be constructed so as to affect the licensing requirements of this chapter.

(Code 1998, § 12-004.00; Ord. No. 87-850, 8-20-1987; Ord. No. 87-882, 11-19-1987; Ord. No. 88-999, 11-17-1988)

Secs. 22-4—22-24. Reserved.

ARTICLE II. OCCUPATIONAL LICENSE TAX*

Sec. 22-25. Short title.

This article may be cited and otherwise referred to as the "St. Tammany Parish License Tax." (Code 1998, § 12-016.10; Ord. No. 608, Art. IX, Bk. 7, P. 452; Ord. No. 87-815, 6-18-1987; Ord. No. 87-871, 10-15-1987)

Sec. 22-26. Adoption of state law.

The amount of license tax levied in each case is hereby fixed, determined and ordained to be the same as the fixed, levied and collectable by the governing authority under, and shall be

*State law reference—Occupational license tax generally, R.S. 47:341 et seq.

granted in accordance with, the provisions of Louisiana State Revised Statutes, title 47, Art. 3, (R.S. 47:341—47:363) both inclusive as amended, and all other applicable laws, all of which for all purposes of this article are made a part hereof by reference as if written herein in extenso. (Code 1998, § 12-016.17; Ord. No. 608, Art. IX, Bk. 7, P. 452; Ord. No. 87-815, 6-18-1987; Ord. No. 87-871, 10-15-1987)

Sec. 22-27. General definitions.

For the purposes of this article, unless the context clearly otherwise requires or unless otherwise defined in specific portions of this article, the following words shall have the respective meanings ascribed to each in this section:

Business includes any business, trade, profession, occupation, vocation or calling.

Collector, for the purpose of this article, means the tax collector, finance office, treasurer or any other officer whose duty is to receive and collect the taxes and money due to this parish.

Contractor is synonymous with the term "builder" and means a person, firm, partnership, corporation, association or other organization, or a combination of them, which undertakes to or offers to undertake to, or purports to have the capacity to undertake to, or submits a bid to, or does himself or by or through others, construct, alter, repair, add to, subtract from, improve, move, wreck or demolish any building, highway, road, railroad, excavation or other structure, project, development or improvement, or to do any part thereof, including the erection of scaffolding or other structure or works in connection therewith and includes subcontractors and specialty contractors. As such, the term "contractor" includes oil field service contractors, which shall consist of those contractors performing general oil well servicing, maintenance and construction when conducted as a single company unit. The term "general oil well servicing" includes welding, pipe coating, pipe inspection, wireline service, automation, work-over, logging, analysis, seismograph, installing and servicing equipment, packing, platform work, perforating and completion.

Contractor's gross receipts, for the purpose of computing the license fee provided for in this article, means a contractor's gross receipts are determined the same for all contractors, whether or not they have a lump sum contract or a cost-plus contract. The gross receipts for a lump sum contract are based on the actual amount of the contract, whereas, the gross receipts for a cost plus contract are based on the actual cost of the contract to the owner, including the amount added thereto as a fee.

Fixed location, for the purpose of this chapter, means any permanent structure which is used to provide goods or services to consumers.

Gross commissions for travel agencies, for carrying on each business of travel agency, the license tax shall be based on gross commissions. The term "gross commissions for travel agencies" is defined as fees earned on the sales of tickets and provision of other services and shall not include actual ticket prices.

Gross income for real estate broker means, for carrying on each business of real estate broker, the license tax shall be based on gross income. The term "gross income for real estate brokers" is also defined as those fees from any source deposited into the real estate broker's agency's general fund account less escrow deposits, and less fees paid to cooperating real estate brokers. Notwithstanding any provisions herein to the contrary, the maximum amount paid by a real estate broker shall be \$2,200.00.

Peddler, for the purpose of this article, means any person who, for himself, or any other person, goes from house to house, or place to place, or store to store, exposing and selling merchandise which he carries with him and delivering the same at the time of or immediately after the sale or without returning to the base of business operation between the taking of the order and the delivery of the goods; however, any person who uses the same vehicle or a combination of one or more vehicles for the purpose of taking orders and delivering merchandise, regardless of the fact that the vehicle returns to the base of operations between the taking of the order and the delivery of the merchandise shall be deemed a peddler, unless such person can show that the merchandise delivered is accompanied by an invoice or delivery ticket prepared at the base of operations and which conforms to the original order and that the person delivering the merchandise has permitted no deviation from the original order by allowing the purchaser to reject, cancel, increase or decrease the quantity at the time of delivery or to offset against such quantity any merchandise delivered at a prior time which is being returned. The extension of the meaning of the term "peddler" shall not be interpreted so as to prevent rejection or cancellation of bona fide orders or the return of inferior merchandise, but shall be construed so as to prevent persons peddling merchandise from escaping their tax liability by subterfuge through means of so-called "standing order" or blanket advance orders, increase and decrease in quantities at the time of delivery, arbitrary rejections and cancellations, and offset of merchandise returned by reason of nonsale rather than obligation of warranty, all of which are hereby declared to be mere devices to prevent normal methods of operations so as to disguise the business of a peddler as an ordinary wholesale business. The term "peddler" also includes, but is not limited to, hawkers, itinerant vendors and any retail dealers not having a fixed place of business.

Person includes an individual, firm, corporation, partnership, association or other legal entity.

Retail dealers to institutional consumers, for the purpose of this article, means a retail dealer to institutional consumers, including all businesses selling, at retail from a fixed place of business, merchandise to dairymen, cattlemen or farmers, to federal, state, parish or municipal governments or institutions, to educational or charitable institutions, to hospitals, manufacturers, public utility companies, processors, refiners, fabricators, contractors, surveyors of natural resources, carriers of freight or passengers, pipelines, hotels and restaurants, provided that such sales constitute the major portion of the business.

Separate location, as used in this article, means a separate location exists, unless a similar or associated type of business is operated as a unit under a single roof or on the same contiguous tract of land.

Wholesale dealer, for the purpose of this article, except as specifically provided in this article, means any person who sells to other dealers, who in turn, resell.

(Code 1998, § 12-016.18; Ord. No. 608, Art. IX, Bk. 7, P. 452; Ord. No. 87-815, 6-18-1987; Ord. No. 87-871, 10-15-1987)

Sec. 22-28. Payment of tax.

(a) Except as otherwise expressly provided, the first license tax herein authorized to be levied shall be due and payable to the tax collector as follows: In the case of any business which is subject to license under this article, commencing on or after the effective date of the ordinance from which this article is derived, the license tax shall be due and payable on such date of commencement.

(b) Annually thereafter, all license taxes levied hereunder shall be due and payable on January 1 of each calendar year for which the license is due, except that for a new business commencing after January 1 of any calendar year, the first license shall be due and payable on the date the business commenced.

- (1) All licenses unpaid after the last day of February of the calendar year for which they are due shall be deemed delinquent and subject to the payment of delinquent interest and penalty. Delinquent interest and penalty shall be computed from March 1 of the calendar year for which they are due.
- (2) All licenses of new businesses unpaid on the date such business is commenced shall be deemed delinquent and subject to the payment of delinquent interest and penalty. Delinquent interest and penalty for such new businesses shall be computed from the date such business is commenced.

(c) Interest shall be collected at the rate of 18 percent per annum, or fractional part thereof, to be computed from the first date the license is delinquent, until it is paid; and in addition to the interest that may be so due, there shall also be collected a penalty equivalent to five percent for each 30 days, or fraction thereof, of delinquency, not to exceed 25 percent in aggregate of the license tax due.

(Code 1998, § 12-016.19; Ord. No. 608, Art. IX, Bk. 7, P. 452; Ord. No. 87-815, 6-18-1987; Ord. No. 87-871, 10-15-1987)

Sec. 22-29. New business; license required before commencing.

No person shall commence any business within the jurisdictional boundaries of the parish under the governance of the parish council without first paying a tentative license tax. Within 40 days after commencing the business, each person shall compute in the manner provided by

section 22-33, the balance of the license tax, if any, owed for the year in which the business started and pay such tax balance. When the business is begun prior to July 1 of any year, the tentative tax shall be the minimum annual rate for the particular class of business in cases in which the tax is based on gross receipts, sales, fees, premiums or commissions, or the full annual rate in cases in which the tax is based on a specific amount per unit. When the business is begun on or after July 1 of any year, the tentative tax shall be one-half of the minimum annual rate or the specific amount per unit, as the case may be.

(Code 1998, § 12-016.20; Ord. No. 608, Art. IX, Bk. 7, P. 452; Ord. No. 87-815, 6-18-1987; Ord. No. 87-871, 10-15-1987)

Sec. 22-30. Change of ownership or lessee.

(a) The license is issued in the name of the person making application and paying the initial fee and is not transferrable or assignable. If at any time during the license year a change of ownership takes place, the license period is from January 1, to the date of sale or change of lessee. A change of ownership occurs when a business is sold or leased, and does not include changes in partnership or corporate shares.

(b) The new owner or lessee shall obtain another business license, as the license issued to the former owner or lessee is not transferrable or assignable. The license period for the new owner or lessee covers the date of transfer of ownership or lease to December 31 of the license year. The collector shall be notified within ten days when a change is effected.

(Code 1998, § 12-016.21; Ord. No. 608, Art. IX, Bk. 7, P. 452; Ord. No. 87-815, 6-18-1987; Ord. No. 87-871, 10-15-1987)

Sec. 22-31. Separate license required for each location.

Only one license shall be required for each place of business, and the license shall be based upon the classification of business which constitutes the major portion of the taxable annual gross sales and receipts. However, any person operating coin vending or weighing machines shall obtain only one license, regardless of the locations of the machines. However, a separate license shall be required for hotels, motels, roominghouses and boardinghouses. Such license shall be in addition to the license required if other classes of business are operated in conjunction with the hotel, motel, roominghouse or boardinghouse.

(Code 1998, § 12-016.22; Ord. No. 608, Art. IX, Bk. 7, P. 452; Ord. No. 87-815, 6-18-1987; Ord. No. 87-871, 10-15-1987)

Sec. 22-32. Class of business.

In order to calculate the license fee for a business location at which business activities are carried on that fall under more than one tax basis schedule, gross receipts, fees or commissions for each group of activities falling under each schedule must be compared. The rate for the schedule which constitutes the major portion of the gross receipts, fees or commissions will be

used. However, the total gross receipts, fees or commissions for all business activities carried on at the business location, minus any applicable deductions, are applied to the schedule to compute the fee.

(Code 1998, § 12-016.23; Ord. No. 608, Art. IX, Bk. 7, P. 452; Ord. No. 87-815, 6-18-1987; Ord. No. 87-871, 10-15-1987)

Sec. 22-33. Period used where gross receipts is the measure of the license.

(a) The basis for determining the amount of the annual licenses provided by this article, where the license is measured by gross receipts shall be as follows:

- (1) If the business has been conducted previously by the same party, the annual gross receipts, gross fees or gross commissions earned, whether received or accrued, during the preceding calendar year for which the license is issued shall be the basis for determining the amount of the annual license.
- (2) If the business is begun during the calendar year for which the license is issued, the license for the year of commencement shall be based on the gross receipts, gross sales, premiums, gross fees or gross commissions earned, regardless of whether received or accrued, during the first 30 days of business, multiplied by the number of months, or major fraction thereof, remaining in the calendar year; however, any business which opens after June 30 of the year in question whose estimated gross receipts for the remainder of the year is less than one-half of the maximum gross receipts allowed in the minimum rate under the classification of the particular business, shall pay for the remainder of the year at one-half the minimum rate.
- (3) If the business is begun less than 30 days before the end of the calendar year for which the license is to be issued, the tax shall be based on the gross receipts, gross sales, gross premiums, gross fees or gross commissions earned, regardless of whether received or accrued, during the calendar year; however, one-half of the annual rate shall apply to such business whose gross receipts for the period operated during the calendar year is less than one-half of the maximum gross revenue allowed in the minimum rate under the classification of the particular business.
- (4) The license tax of the business for the calendar year following that of commencement shall be based on the gross receipts, gross sales, gross premiums, gross fees or gross commissions earned, regardless of whether received or accrued, during the previous year, divided by the number of days in operation during the year of commencement, and multiplied by 365.

(b) The date of beginning business for the purposes of this section shall depend upon the type of business involved, and shall be governed by regulations promulgated by the collector of revenue according to law.

(Code 1998, § 12-016.24; Ord. No. 608, Art. IX, Bk. 7, P. 452; Ord. No. 87-815, 6-18-1987; Ord. No. 87-871, 10-15-1987)

Sec. 22-34. Taxpayers to keep records; tax collectors to keep strict confidentiality.

(a) In general each person shall keep a reasonable record of his gross receipts, gross fees or commissions or loans made. This record shall be kept separately for each place of business, and shall be subject to examination and inspection by the collector or his duly authorized assistants.

(b) Except as otherwise provided by law, the records and files of the collector or the records and files maintained pursuant to a tax ordinance, excluding ad valorem property taxes and ad valorem property tax assessment rolls, of any political subdivision are confidential and privileged; and no person shall divulge or disclose any information obtained from such records and files, except in the administration and enforcement of the tax laws of this state or of a political subdivision of this state.

(c) No person shall divulge or disclose any information obtained from any examination or inspection of the premises or property of any person in connection with the administration and enforcement of the tax laws of this state or a political subdivision of this state, except to the taxing jurisdiction of his employment or, in the case of an already existing independent contractor arrangement, to the contracting taxing jurisdiction.

(d) Neither the collector nor any employee engaged in the administration or charged with the custody of any such records or files shall be required to produce any of them for inspection or use in any action or proceeding, except in an action or proceeding in the administration or enforcement of the tax laws of this state or of a political subdivision.

(e) Any officer, employee, or agent or any former officer, employee or agent of any political subdivision of the state who unlawfully discloses any information obtained from a return of a taxpayer or records and files of the collector, contrary to the provisions of this section, shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$10,000.00 or be imprisoned for not more than two years, or both.

(f) Nothing contained in this section shall be construed to prevent such persons from disclosing a return of a taxpayer or the records of the secretary as authorized by law in any judicial proceeding in which the state or any political subdivision thereof is a party.

(Code 1998, § 12-016.25; Ord. No. 608, Art. IX, Bk. 7, P. 452; Ord. No. 87-815, 6-18-1987; Ord. No. 87-871, 10-15-1987)

Sec. 22-35. Application for licenses.

(a) Every person subject to a license tax levied by this article shall apply to the collector for a license before the same becomes delinquent, as provided in this article. The application shall state all facts necessary to determine the amount of taxes due under this article.

(b) If the collector is not satisfied with the facts set forth in the application or for any reason desires to audit the books and records of the taxpayer, the collector or any of his authorized assistants may audit and inspect all records of the taxpayer that would have any bearing upon the amount of taxes due under this article.

(c) If an individual is an applicant for a license required by this article the applications must be signed by him; if a partnership or an association of persons, by a member of the firm; and if a corporation, by the proper officer thereof.

(d) Any intentional false statement as to any material facts in the application for a license under this article shall constitute a misdemeanor, and any person convicted thereof shall be fined not more than \$200.00 or imprisoned for not more than six months, or both.

(Code 1998, § 12-016.26; Ord. No. 608, Art. IX, Bk. 7, P. 452; Ord. No. 87-815, 6-18-1987; Ord. No. 87-871, 10-15-1987)

Sec. 22-36. Failure to pay tax; judgment prohibiting further pursuit of business.

Failure to pay the tax levied by this article shall ipso facto, without demand or putting in default, cause the tax, interest, penalties, and costs to become immediately delinquent, and the collector is hereby vested with authority, on motion in a court of competent jurisdiction, to take a rule on the delinquent taxpayer to show cause in not less than two or more than ten days, exclusive of holidays, why the delinquent taxpayer should not be ordered to pay the total amount due and owing under this article. This rule may be tried out of term and in chambers and shall always be tried by preference. If the rule is made absolute, the order therein rendered shall be considered a judgment in favor of the parish.

(Code 1998, § 12-016.27; Ord. No. 608, Art. IX, Bk. 7, P. 452; Ord. No. 87-815, 6-18-1987; Ord. No. 87-871, 10-15-1987)

Sec. 22-37. Collector authorized to make rules and regulations.

(a) The collector shall make and enforce all rules and regulations necessary for the proper, complete and equitable collection of the tax levied by this article. He may adopt different rules and regulations and forms for different classes or kinds of businesses, uniform as to each class, if by so doing, the collection of the full amount of taxes due under this article may be simplified and made more certain.

(b) The collector may make and publish reasonable rules and regulations, not inconsistent with law, for the enforcement of the provisions of this article and collection of the revenue hereunder.

(Code 1998, § 12-016.28; Ord. No. 608, Art. IX, Bk. 7, P. 452; Ord. No. 87-815, 6-18-1987; Ord. No. 87-871, 10-15-1987)

Sec. 22-38. Records to be kept by collector.

The collector shall keep an accurate record showing the names of every person paying taxes under this article, together with the business pursued, the amount of the license, and the date of the collection and the payment thereof.

(Code 1998, § 12-016.29; Ord. No. 608, Art. IX, Bk. 7, P. 452; Ord. No. 87-815, 6-18-1987; Ord. No. 87-871, 10-15-1987)

Sec. 22-39. Withholding of costs of collection.

The collector is authorized to withhold from the collection under this article not more than the percentage for collection of taxes as approved by the parish council and authorized by the state legislature.

(Code 1998, § 12-016.30; Ord. No. 608, 6-1, Bk. 7, P. 452; Ord. No. 87-815, 6-18-1987; Ord. No. 87-871, 10-15-1987)

Sec. 22-40. Disposition of collections.

All taxes collected under the provisions of this article, and all penalties, interest and costs, pertaining thereto, shall be paid to the tax collector. All monies collected, less allowable deductions and refunds, shall be paid to the parish government on or before the tenth day of the month following the month in which the taxes are collected, and shall be credited to the parish general fund.

(Code 1998, § 12-016.31; Ord. No. 608, 6-1, Bk. 7, P. 452; Ord. No. 87-815, 6-18-1987; Ord. No. 87-871, 10-15-1987)

Sec. 22-41. Retail dealers in merchandise, services and rentals.

(a) For every fixed location retail dealer in merchandise, services and rentals, including, but not limited to, all businesses enumerated in this section, the license shall be based on the total business activity and shall be based on the table below:

(1) If gross sales are:

<i>The Annual As Much As</i>	<i>But Less Than</i>	<i>License Shall Be</i>
	\$50,000.00	\$50.00
\$50,000.00	\$75,000.00	\$60.00
\$75,000.00	\$100,000.00	\$90.00
\$100,000.00	\$150,000.00	\$120.00
\$150,000.00	\$200,000.00	\$180.00
\$200,000.00	\$250,000.00	\$250.00
\$250,000.00	\$300,000.00	\$300.00
\$300,000.00	\$400,000.00	\$360.00
\$400,000.00	\$500,000.00	\$500.00
\$500,000.00	\$600,000.00	\$650.00
\$600,000.00	\$750,000.00	\$800.00
\$750,000.00	\$1,000,000.00	\$900.00
\$1,000,000.00	\$1,500,000.00	\$1,200.00
\$1,500,000.00	\$2,000,000.00	\$1,800.00
\$2,000,000.00	\$2,500,000.00	\$2,400.00
\$2,500,000.00	\$3,000,000.00	\$3,000.00
\$3,000,000.00	\$3,500,000.00	\$3,600.00

<i>The Annual As Much As</i>	<i>But Less Than</i>	<i>License Shall Be</i>
\$3,500,000.00	\$4,000,000.00	\$4,200.00
\$4,000,000.00	\$4,500,000.00	\$4,800.00
\$4,500,000.00	\$5,000,000.00	\$5,400.00
\$5,000,000.00	\$5,500,000.00	\$6,000.00
\$5,500,000.00		\$6,200.00

- (2) This schedule includes, but is not limited to, the following businesses:
- a. Abstractors;
 - b. Advertising agencies;
 - c. Ambulance services;
 - d. Amusement parks;
 - e. Appraisers;
 - f. Barbershops;
 - g. Beauty salons;
 - h. Boats or barge carriers of freight or passengers;
 - i. Bonding companies, surety companies or bondsmen;
 - j. Business, professional or instructional schools;
 - k. Businesses engaged in leasing, renting or licensing the use of movable property;
 - l. Cable television businesses;
 - m. Carpet and rug cleaning businesses;
 - n. Cold storage plants or refrigerated lockers;
 - o. Collecting agencies;
 - p. Commercial reporting or rating agencies;
 - q. Credit bureaus;
 - r. Decorators;
 - s. Detective agencies;
 - t. Elevator repair, service and maintenance businesses;
 - u. Employment agencies;
 - v. Engravers;
 - w. Ferry boats;
 - x. Flea market participants;
 - y. Health or recreational clubs;
 - z. Insurance adjusters;

- aa. Jewelers;
- bb. Medical transportation services;
- cc. Miniature golf links;
- dd. Motor vehicle carriers of freight or passengers;
- ee. Motor vehicle rentals;
- ff. Motor vehicle repair and repainting shops;
- gg. Motor vehicle storage businesses;
- hh. Operators of coin vending and weighing machines;
- ii. Packing houses for meats and fish;
- jj. Parking lots;
- kk. Photographers;
- ll. Railroad carriers of freight or passengers;
- mm. Repair businesses;
- nn. Restaurants, coffee houses or other eating establishments;
- oo. Retail dealers in boats;
- pp. Retail dealers in merchandise;
- qq. Retail dealers in motor vehicles;
- rr. Service businesses;
- ss. Sign painting;
- tt. Skating rinks;
- uu. Steam cleaning, steam dyeing or steam pressing businesses;
- vv. Steam or electric laundering businesses;
- ww. Storage businesses;
- xx. Storage rooms or landings;
- yy. Taxicab service;
- zz. Theaters;
- aaa. Tourist camps;
- bbb. Towboat or tugboat businesses;
- ccc. Trackless trolleys or buses;
- ddd. Transportation businesses;
- eee. Undertakers and funeral directors;
- fff. Warehouses;

- ggg. Washaterias or laundromats;
- hhh. Watchman agencies; and
- iii. Wreckers and tow truck services.

(b) For every dealer in merchandise, service and rentals not otherwise provided for by this article or by special laws, whether conducted as principal, agent or commission, or otherwise, the license tax shall be based on the amount of gross sales and receipts, at the rate set above. After a business has operated for at least one full calendar year, if the annual gross sales and receipts for the previous year are less than \$2,500.00, no license tax shall be due under this section for the current year.

(c) For every pawnbroker, or person keeping a loan office and engaged in lending money on articles pawned or pledged and for each and every money broker, money lender or person lending money on, or purchasing time, wages or salaries of laborers, clerks or other wage earners or other persons, whether the same be earned or unearned, and whether the business is conducted in an office or otherwise, the license tax shall be based on the amount of gross sales and receipts from any retail sales plus the amount of loans made by the business. However, the minimum license tax paid by pawnbrokers licensed under the provisions of this subsection shall be \$300.00.

- (1) The term "amount of loans made," for the purposes of this subsection, shall mean the total of all amounts of funds or goods advanced to borrowers and the amounts paid for notes or other similar evidences of indebtedness purchased or otherwise acquired from others.
- (2) In the case of a new business, the basis for the first year's license shall be provided for in R.S. 47:344 and 47:348, except that the "amount of the loans made" shall be substituted for "gross revenue."
- (3) Notwithstanding the provisions of subsection (b) of this section, the maximum license tax paid by dealers in mobile home sales, rentals or mobile home repairs licensed under the provisions of this section shall be \$800.00.

(Code 1998, § 12-016.32; Ord. No. 87-815, 6-18-1987; Ord. No. 87-871, 10-15-1987)

Sec. 22-42. Wholesale dealers in merchandise, service and rentals; retail dealers to institutional consumers; shipbuilders; and contractors.

(a) For every fixed location wholesale dealer in merchandise, service and rentals, retail dealers to institutional consumers, shipbuilders and contractors, including, but not limited to, all businesses enumerated in this section, the license shall be based on the total business activity and the amount of said license shall be as shown in the following table:

- (1) If the gross sales are:

<i>The Annual As Much As</i>	<i>But Less Than</i>	<i>License Shall Be</i>
	\$100,000.00	\$50.00
\$100,000.00	\$150,000.00	\$75.00
\$150,000.00	\$250,000.00	\$100.00
\$250,000.00	\$500,000.00	\$150.00
\$500,000.00	\$600,000.00	\$200.00
\$600,000.00	\$800,000.00	\$250.00
\$800,000.00	\$1,000,000.00	\$300.00
\$1,000,000.00	\$1,500,000.00	\$400.00
\$1,500,000.00	\$2,000,000.00	\$500.00
\$2,000,000.00	\$2,500,000.00	\$700.00
\$2,500,000.00	\$3,000,000.00	\$900.00
\$3,000,000.00	\$4,000,000.00	\$1,000.00
\$4,000,000.00	\$5,000,000.00	\$1,250.00
\$5,000,000.00	\$5,500,000.00	\$1,800.00
\$5,500,000.00	\$6,000,000.00	\$2,400.00
\$6,000,000.00	\$6,500,000.00	\$3,000.00
\$6,500,000.00	\$7,000,000.00	\$3,600.00
\$7,000,000.00	\$7,500,000.00	\$4,200.00
\$7,500,000.00	\$8,000,000.00	\$4,800.00
\$8,000,000.00	\$9,000,000.00	\$5,200.00
\$9,000,000.00	\$10,000,000.00	\$5,600.00
\$10,000,000.00	\$11,000,000.00	\$6,000.00
\$11,000,000.00	\$12,000,000.00	\$6,400.00
\$12,000,000.00	\$13,000,000.00	\$6,800.00
\$13,000,000.00	\$14,000,000.00	\$7,200.00
\$14,000,000.00		\$7,500.00

- (2) This schedule includes, but is not limited to, the following businesses:
- a. Wholesale dealers in merchandise, service, and/or rentals;

b. Retail or wholesale dealers in building materials;

c. Retail dealers to farmers or institutions;

d. Shipbuilders;

e. Contractors, both lump sum and cost plus; and

f. Businesses engaged in renting, leasing, or licensing of immovable property.
- (b) The maximum license tax paid by a retail dealer of building materials shall not exceed \$6,200.00. After a business has operated for at least one full calendar year, if the annual gross sales and receipts for the previous year are less than \$2,500.00, no license tax shall be due under this section for the current year.
- (Code 1998, § 12-016.32.1; Ord. No. 87-815, 6-18-1987; Ord. No. 87-871, 10-15-1987)

Sec. 22-43. Business of lending/dealing in notes secured by chattel mortgages or liens.

(a) For every person, firm, corporation or association or persons engaged in the business of purchasing, selling, trading in or lending on unsecured notes or on notes secured by chattel mortgages, or other statutory lines, being commonly known as finance or securities companies, a license based on the amount of loans made by the business shall be required. The license shall be based on the amount of loans made by the business and the amount of said license shall be as shown in the following table:

If the amount of loans made is:

<i>The Annual As Much As</i>	<i>But Less Than</i>	<i>License Shall Be</i>
	\$250,000.00	\$50.00
\$250,000.00	\$500,000.00	\$100.00
\$500,000.00	\$750,000.00	\$150.00
\$750,000.00	\$1,000,000.00	\$200.00
\$1,000,000.00	\$1,250,000.00	\$250.00
\$1,250,000.00	\$1,500,000.00	\$300.00
\$1,500,000.00	\$1,750,000.00	\$350.00
\$1,750,000.00	\$2,000,000.00	\$400.00
\$2,000,000.00	\$2,250,000.00	\$450.00
\$2,250,000.00	\$2,500,000.00	\$500.00
\$2,500,000.00	\$3,000,000.00	\$550.00
\$3,000,000.00	\$3,500,000.00	\$600.00
\$3,500,000.00	\$4,000,000.00	\$650.00
\$4,000,000.00	\$4,500,000.00	\$700.00
\$4,500,000.00	\$5,000,000.00	\$750.00
\$5,000,000.00	\$5,500,000.00	\$800.00
\$5,500,000.00	\$6,000,000.00	\$850.00
\$6,000,000.00	\$6,500,000.00	\$900.00
\$6,500,000.00	\$7,000,000.00	\$950.00
\$7,000,000.00	\$7,500,000.00	\$1,000.00
\$7,500,000.00	\$8,000,000.00	\$1,050.00
\$8,000,000.00	\$8,500,000.00	\$1,100.00
\$8,500,000.00	\$9,000,000.00	\$1,150.00
\$9,000,000.00	\$9,500,000.00	\$1,200.00
\$9,500,000.00	\$10,000,000.00	\$1,250.00
\$10,000,000.00	\$11,000,000.00	\$1,350.00
\$11,000,000.00	\$12,000,000.00	\$1,450.00
\$12,000,000.00	\$13,000,000.00	\$1,550.00
\$13,000,000.00	\$14,000,000.00	\$1,650.00
\$14,000,000.00	\$15,000,000.00	\$1,750.00

<i>The Annual As Much As</i>	<i>But Less Than</i>	<i>License Shall Be</i>
\$15,000,000.00	\$16,000,000.00	\$1,850.00
\$16,000,000.00	\$17,000,000.00	\$1,950.00
\$17,000,000.00	\$18,000,000.00	\$2,050.00
\$18,000,000.00	\$19,000,000.00	\$2,150.00
\$19,000,000.00	\$20,000,000.00	\$2,250.00
\$20,000,000.00	\$25,000,000.00	\$2,500.00
\$25,000,000.00	\$30,000,000.00	\$3,000.00
\$30,000,000.00	\$35,000,000.00	\$3,500.00
\$35,000,000.00		\$3,700.00

(b) The term "amount of loans made," for the purposes of this section, shall mean the total of all amounts of funds or goods advanced to borrowers and the amounts paid for notes or other similar evidences of indebtedness purchased or otherwise acquired from others.

(c) In the case of a new business, the basis for the first year's license shall be provided for in section 22-29 and section 22-33, except that the "amount of the loans made" shall be substituted for "gross revenue."
(Code 1998, § 12-016.32.2; Ord. No. 87-815, 6-18-1987; Ord. No. 87-871, 10-15-1987)

Sec. 22-44. Brokerage and commission agents.

(a) For every factorage, commission, or brokerage business; dealers in stocks or bonds as principal; stocks, bonds or cotton factories; commission or brokerage business, whether or not the principal or party solicited is within or without the state, including, but not limited to, all businesses enumerated in this section, the license shall be based on gross annual commissions and brokerages earned on sales and purchases. The amount of the license shall be as shown in the table below and shall be subject to applicable deductions:

(1) If the gross annual commission and brokerage are:

<i>The Annual As Much As</i>	<i>But Less Than</i>	<i>License Shall Be</i>
	\$15,000.00	\$50.00
\$15,000.00	\$20,000.00	\$70.00
\$20,000.00	\$25,000.00	\$90.00
\$25,000.00	\$30,000.00	\$112.00
\$30,000.00	\$40,000.00	\$137.00
\$40,000.00	\$50,000.00	\$180.00
\$50,000.00	\$65,000.00	\$225.00
\$65,000.00	\$80,000.00	\$300.00
\$80,000.00	\$100,000.00	\$360.00
\$100,000.00	\$125,000.00	\$450.00
\$125,000.00	\$150,000.00	\$600.00

<i>The Annual As Much As</i>	<i>But Less Than</i>	<i>License Shall Be</i>
\$150,000.00	\$175,000.00	\$675.00
\$175,000.00	\$200,000.00	\$750.00
\$200,000.00	\$250,000.00	\$900.00
\$250,000.00	\$300,000.00	\$1,050.00
\$300,000.00	\$350,000.00	\$1,200.00
\$350,000.00	\$400,000.00	\$1,400.00
\$400,000.00	\$450,000.00	\$1,600.00
\$450,000.00	\$500,000.00	\$1,800.00
\$500,000.00	\$550,000.00	\$2,000.00
\$550,000.00	\$600,000.00	\$2,200.00
\$600,000.00	\$650,000.00	\$2,400.00
\$650,000.00	\$700,000.00	\$2,600.00
\$700,000.00	\$750,000.00	\$2,800.00
\$750,000.00	\$800,000.00	\$3,000.00
\$800,000.00	\$850,000.00	\$3,200.00
\$850,000.00	\$900,000.00	\$3,400.00
\$900,000.00	\$950,000.00	\$3,600.00
\$950,000.00		\$3,700.00

- (2) This schedule includes, but is not limited to:
- a. Brokerages in money, produce or sugar;
 - b. Cotton compress businesses;
 - c. Cotton factor and commission businesses;
 - d. Cotton future brokerages;
 - e. Cotton pickeries;
 - f. Distillers of alcohol;
 - g. Grain and product commission houses;
 - h. Businesses engaged in leasing, renting, or licensing the use of immovable property;
 - i. Livestock auctions;
 - j. Manufacturers agents;
 - k. Operators of office buildings;
 - l. Owners or lessees of toll bridges or ferries;
 - m. Real estate brokers;
 - n. Slaughterhouses;
 - o. Steamboat or steamship agencies;

- p. Stock or bonds brokerages; and
- q. Sugar factories.

(b) For carrying on each business of dealing in or buying and selling stocks or bonds, as principal, the license shall be based on gross annual profits; however, where no gross annual profit is realized, the minimum tax under the above schedule shall be paid.
(Code 1998, § 12-016.32.3; Ord. No. 87-815, 6-18-1987; Ord. No. 87-871, 10-15-1987)

Sec. 22-45. Public utilities.

(a) For carrying on each business of gas, light, heat or power, electric light, heat or power; waterworks, and for each telephone, telegraph or express business, the license shall be based on gross annual revenue from all business activities as shown in the following table:

If the gross annual receipts are:

<i>The Annual As Much As</i>	<i>But Less Than</i>	<i>License Shall Be</i>
	\$20,000.00	\$50.00
\$20,000.00	\$25,000.00	\$60.00
\$25,000.00	\$37,500.00	\$75.00
\$37,500.00	\$50,000.00	\$115.00
\$50,000.00	\$75,000.00	\$150.00
\$75,000.00	\$100,000.00	\$200.00
\$100,000.00	\$150,000.00	\$300.00
\$150,000.00	\$200,000.00	\$450.00
\$200,000.00	\$250,000.00	\$650.00
\$250,000.00	\$500,000.00	\$750.00
\$500,000.00	\$750,000.00	\$1,500.00
\$750,000.00	\$1,000,000.00	\$2,250.00
\$1,000,000.00	\$1,250,000.00	\$3,000.00
\$1,250,000.00	\$1,500,000.00	\$3,750.00
\$1,500,000.00	\$1,750,000.00	\$4,500.00
\$1,750,000.00	\$2,000,000.00	\$5,250.00
\$2,000,000.00	\$2,250,000.00	\$6,000.00
\$2,250,000.00	\$2,500,000.00	\$6,900.00
\$2,500,000.00		\$7,500.00

(b) Persons engaged in the business of selling electricity or gas in more than one municipality, locality or community shall be deemed to have a place of business or business location in each such municipality and a license tax imposed by any municipality on such person shall be based on gross annual revenue derived by such person from the territorial jurisdiction of the taxing municipality only.

(c) A person engaged in the business of providing local exchange telephone service in more than one municipality or parish shall be deemed to have, but one place of business or business location in each such municipality or parish and a license tax imposed by any municipality or parish on such person shall be based on gross annual revenue derived by such person from the territorial jurisdiction of the taxing municipality or parish only.

(Code 1998, § 12-016.32.4; Ord. No. 87-815, 6-18-1987; Ord. No. 87-871, 10-15-1987)

Sec. 22-46. Businesses where license is based on flat fees.

The following types of businesses shall obtain an annual license based on the flat fee designated hereafter. For the purposes of this section, the minimum tax noted in section 22-29 for most new businesses for the first year of commencement or fractional part thereof does not apply.

(1) *Private banking or investment banking businesses.*

- a. For each business of carrying on a private banking house, business or agency, investment banking house, business or agency, a license based on a flat fee of \$500.00 shall be required.
- b. The term "investment banking" means a business that is carried on through the purchase or underwriting of security issues and their subsequent sale to investors.

(2) *Peddlers and itinerant vendors.*

- a. All peddlers, hawkers, itinerant vendors and every person who displays samples, models, goods, wares or merchandise on a temporary basis in any hotels, motels, store, storehouse, house, vehicle or any other place, for the purpose of securing orders for the retail sale of such goods, wares, or the like kind or quality, either for immediate or future delivery shall obtain a license based on a flat fee not to exceed \$200.00, provided that an itinerant vendor of agricultural products purchased directly from farmers or an itinerant vendor of seafood products who has either harvested the seafood himself or has purchased the seafood directly from commercial fishermen or shrimpers shall obtain a license based on a flat fee not to exceed \$100.00. A single event license may be obtained for a 72-hour time period at a fee of \$10.00.
- b. This section does not apply to the following classes: those persons making house to house or personal calls displaying samples and taking orders for shipment directly from the manufacturer; those persons making a business call or visit upon the verbal or written invitation of the inhabitant of the premises; those persons, or their representatives, engaged in the business of selling at wholesale, from a fixed place of business in this state, to licensed retail dealers; and vendors, or their

agents or representatives, in the sale or delivery of petroleum products when drawn, conveyed, and distributed from a stock maintained at a warehouse, distributing station, or established place of business.

- c. Parochial and municipal officers shall require all peddlers to exhibit their occupational license. The license shall indicate thereon the motor vehicle license number. They shall seize the merchandise and any vehicle or other conveyance used by the peddler to peddle the same, if the peddler fails or refuses to exhibit his license. All property seized shall be turned over to a court of competent jurisdiction, to be sold according to law, to satisfy the license due and enforce the privilege therefor. The rights of the holder of a chattel mortgage note or any vehicle seized shall not be affected or prejudiced as a result of the seizure.
 - d. Whoever shall sell goods, wares, and merchandise as a peddler without first obtaining the license herein required shall be guilty of a misdemeanor and upon conviction shall be fined not less than \$500.00 or shall be imprisoned not more than 60 days or both.
- (3) *Mechanical or electronic amusement machines or devices.*
- a. Every person engaged in the business of operating any coin-operated mechanical or electronic device, or who permits to be operated in his place of business, any coin-operated mechanical or electronic device to which a certificate of tax payment is not affixed or displayed as provided in subsection (e) of this section, shall pay a license tax of \$20.00 for each such machine or device, except that the license tax for each electronic pinball machine, flipper machine, video game or similar device shall be \$50.00 for each such device.
 - b. The provisions of this subsection shall not apply in cases where the person engaged in the business of operating such mechanical devices is operating same under a written contract with and is solely sponsored by a nonprofit corporation for the purpose of conducting a fair, festival, or trade show which has as one of its objectives the promotion of agricultural and agri-industrial products. For the purposes of this subsection, the term "nonprofit corporation" shall be construed to mean only a nonprofit corporation which:
 - 1. Was organized under the provisions of ch. 2 of title 12 of the Louisiana Revised Statutes of 1950 prior to January 1, 1969; and
 - 2. Holds membership in good standing in an association organized for the purpose of promoting fairs, festivals and trade shows in the state.
 - c. For the purpose of this subsection, a "coin-operated mechanical amusement device" is any machine or device operated by depositing a coin, token, slug or similar object for the placing of the device in readiness of play. This definition

includes, but is not limited to, the following devices: video games, merry-go-rounds, mechanical hobby horses, jukeboxes, pool tables, domino tables, bowling alleys, blood pressure monitors and pulse rate monitors.

- d. All such mechanical amusement devices subject to tax under this article and which do not return to the operator or player thereof anything but free additional games or plays, or, through the exercise of the skill of the operator or player, a merchandise prize, shall not be deemed to be classed as gambling devices, and neither this section nor any other act shall be construed to prohibit same. Payment of the tax imposed by this article shall not be held to legalize the operation of any machine or device defined herein which is prohibited by law. This article shall not be held to repeal any provisions of any law prohibiting the operation, possession, or use of any such machine or device.
- (4) *Evidence of payment.* The payment of the taxes levied by this section shall be evidenced by a certificate of tax payment, or a stamp, or similar evidence of tax payment which shall be issued by the collector. The certificate of payment shall be securely affixed or attached to each machine or other device with respect to which a tax has been paid, or if such certificate cannot be affixed, shall be prominently posted in the place in which the machine or device is located and near to such machine or device. If a machine or device is replaced by another, such other machine or device shall not be considered an additional device service. Certificates of tax payment or stamps are not transferable from one taxing jurisdiction to another.
- (5) *Enforcement.* The penalties and procedures of this article relating to the enforcement and collection of the taxes levied under the authority of this article shall apply to any person who has in his possession, control or custody any machine or device on which the license tax is imposed by this section and which is being operated without having a certificate of payment issued by the collector, as provided in subsection (5) of this section, affixed or attached thereto, or prominently posted in the place in which the machine or device is located and near to such machine or device. However, the penalties and procedures provided by this article shall not apply to lessees of such machines or devices, provided that the lessee can furnish the collector with adequate information regarding the name, address and business location of the lessor, against whom the penalties and procedures of this article shall apply.
- (6) *Professional sports.* For each person owning or carrying on a business known as "professional sports," a license based on a flat fee of \$1,000.00 shall be required. By way of extension and not of limitation, the business of professional sports shall include football, basketball and baseball games, where the individual participants are paid for their services. Sporting events that are provided for by special laws are exempt under this section.

- (7) *Circuses, concerts, carnivals and special events.* For each person operating a circus, carnival or other traveling show, and for each person or organization sponsoring a concert or other special event, including, but not limited to, gun shows, arts and crafts fairs, and antique shows, a license based on a flat fee of \$250.00 shall be required. This license shall be issued by the parish or municipality in which the event is located and shall be good for a period of ten days. Should the person or organization move the circus, concert, or other event to another jurisdiction in the state, a new license shall be required by that jurisdiction.
 - (8) *Hotels, motels, roominghouses, boardinghouses.* Any person operating a hotel, motel, roominghouse, boardinghouse, or nursing home shall pay an annual license tax of \$2.00 for each sleeping room contained in it; provided that any person operating a nursing home shall pay, in lieu of the additional license tax required of hotels in section 22-31 (separate license required for each location), a license tax in accordance with the provisions of section 22-41 (retail dealers in merchandise, services, and rentals) based on one-third of the total gross receipts of the nursing home.
 - (9) *All other businesses.* For all businesses not otherwise covered by or specifically exempted under this article, including, but not limited to, printers, lithographers, attorneys-at-law, accountants, oculists, physicians, osteopaths, dentists, chiropracists, bacteriologists, veterinarians, chemists, architects and civil, mechanical, chemical or electrical engineers engaged in the practice of their profession as an individual, or as a firm, partnership or corporation, the license shall be one-tenth of one percent of the annual gross receipts for professional fees for services rendered by the taxpayer, with minimum tax of \$50.00 and a maximum tax of \$2,000.00. The tax levied herein shall be levied only on the business and not separately on any individual who is employed by or is a member of the taxpayer which conducts its business as a firm, partnership or corporation.
 - (10) *Pharmacy.* For each business licensed by the state board of pharmacy as a pharmacy and 80 percent of gross revenues of the business comes from the filling of prescription drugs, the license shall be one-tenth of one percent of the gross annual sales of the total business activity, with a minimum tax of \$50.00 and a maximum tax of \$2,000.00. The tax levied herein shall be levied only on the business and not separately on any individual who is employed by or is a member of the taxpayer which conducts its business as a firm, partnership or corporation.
- (Code 1998, § 12-016.32.5; Ord. No. 87-815, 6-18-1987; Ord. No. 87-871, 10-15-1987; Ord. No. 88-925, 3-17-1988; Ord. No. 91-1493, 9-19-1991)

Editor's note—This section amended by Ordinance No. 88-925, 3-17-1988 to change subsection (c)(1) to provide for a single event license for peddlers and itinerant vendors.

State law reference—R.S. 47:359, House Bill No. 283 (1991 session) authorizing parish governing authority to levy an occupational license tax on the operation of video draw poker devices in amount not to exceed \$50.00 per device.

Sec. 22-47. Exemptions.

(a) *Blind persons and their widows or orphans.* License taxes levied by this article shall not apply to blind persons who are exempted from license taxes by R.S. 23:3031 through 23:3033. The exemption provided by this subsection shall apply only where the business is conducted by a blind person exclusively for his own support or the support of his family.

(b) *Artists and craftsmen.* Any occupational license tax imposed on retail dealers not having a fixed place of business shall not apply to state artists and craftsmen who display their own original art and handicraft for sale at functions sponsored by nonprofit organizations.

(c) *Nonprofit organizations.* The occupational license tax required by this article shall not apply to those qualified nonprofit organizations which are exempt from the collection of sales and use taxes under the provisions of R.S. 47:305.14 or from the payment of federal income taxes under the applicable provisions of the Internal Revenue Code.

(d) *Specifically not exempt.* This subsection shall not be construed to exempt museums, menageries, circuses or other traveling shows from the license required by section 22-46(8), unless all of the proceeds from such shows are used for charitable, educational or religious purposes of the sponsoring qualified nonprofit organizations. It is the intention of this subsection to exempt such traveling shows where its entire proceeds, except for necessary expenses connected therewith, are used for the charitable, educational, and religious purposes of the sponsoring qualified nonprofit organizations.

(e) *Wholesale dealers in certain alcoholic beverages.* There shall be no license tax imposed, assessed or collected under the provisions of this article, on any person engaged in the business of selling at wholesale, malt, vinous, spirituous, alcoholic or intoxicating liquor containing more than six percent of alcohol by volume and beer, porter, ale, fruit juices and wine containing more than one-half of one percent of alcohol by volume.

(f) *Other exempted businesses.* Banks, homestead and building and loan associations, editors, cooperative-owned bank service companies, over-the-air broadcasters, as defined by the federal communications commission, publishers, clerks, laborers, ministers of religion, school teachers, graduated trained nurses, those engaged in agricultural or horticultural pursuits, those operating saw mills, and corporations organized and operated for the purpose of lending money to farmers for production purposes, the stock of which is owned by farmer members and employees of such corporations, shall be exempted from any provisions of this article. For purposes of this subsection, the term "bank service company" shall mean either of the following:

- (1) Any corporation which is organized to perform services authorized by 12 USC 1861 et seq., and all of the capital stock of which is owned by one or more insured banks.
- (2) Any limited liability company which is organized to perform services authorized by 12 USC 1861 et seq., and all of the members of which are one or more insured banks.

(g) *Manufacturers.* Manufacturers shall be exempted from any provisions of this article; however, manufacturers who sell their manufactured articles at retail shall be subject to the payment of a license tax on such retail sales as fixed by this article.

(h) *Disabled persons.* There shall be no license tax imposed, assessed, or collected under the provisions of this article on any person who is disabled to the extent that he is home-bound, confined to a bed or wheelchair, requires the aid and attendance of another person, and is unable to enter the normal work force.

(Code 1998, § 12-016.33; Ord. No. 87-815, 6-18-1987; Ord. No. 87-871, 10-15-1987)

Sec. 22-48. Deductions.

(a) *Petroleum taxes.* In calculating the gross sales at bulk or distributing plants engaged in the storage and sale of petroleum products, the taxpayer shall exclude therefrom that part of the purchase price paid by him for gasoline and motor fuels or lubricating oils as shall equal the manufacturer's or dealer's license, privilege or excise tax levied by federal or state statutes on the manufacturing, handling, storing, selling or consuming of gasoline, motor fuels or lubricating oils.

(b) *Undertaking and funeral directing.* The term "gross annual receipts," as used in this article, shall cover all of the receipts of the person carrying on the business of undertaking and funeral directing, except that deduction shall be allowed for collections made by one undertaker and funeral director for the account of another undertaker and funeral director, as shown by the books of both parties at interest.

(c) *Stocks and bonds, interstate sales.* In determining the amount of gross annual commissions and brokerage to be subject to the tax, each commission business operating on exchanges located outside the state shall deduct therefrom 40 percent in the case of purchases and sales of stocks and bonds consummated on exchanges located outside the state and 55 percent of purchases and sales of commodities consummated on exchanges located outside the state.

(d) *Retail or wholesale sales of motor vehicles and boats.* In determining the amount of gross sales and receipts to be subject to the tax for retail or wholesale dealers in motor vehicles, automobiles, motor trucks, motor busses, motorcycles, motor bicycles, motor scooters, motor tractors, motor propelled road machinery, farm implements, and equipment designed for use with tractors and other motor propelled equipment, trailers, semitrailers, aircraft or other motor propelled land vehicles and pleasure or commercial boats, the license shall be computed on the total gross sales from all sales, including, but not limited to, sales of parts and accessories, receipts from repair shops and sales and rental of motor vehicles; however, the gross sales and receipts of the above listed dealers shall not exceed \$700,000.00.

(Code 1998, § 12-016.34; Ord. No. 87-815, 6-18-1987; Ord. No. 87-871, 10-15-1987)

Sec. 22-49. Special provisions.

(a) No municipality or parish shall levy a license tax upon any person engaged in the business of contractor, who holds a license issued by the state licensing board for contractors, as defined in this article, either upon a cost-plus basis or upon other than a cost-plus basis, except the governing authority of the municipality or parish in which is located the principal place of business of such contractor within the state, as designated by the contractor. The maximum license tax paid by contractors licensed as required by this subsection shall not exceed \$750.00.

(b) The tax shall be computed on the basis of the schedules contained in this article according to the physical location of each place of business without regard to the location where the actual sale takes place or where a product or service is delivered or performed.

(c) For lessors with a place of business in this state, the tax shall be computed on the basis of the schedules contained in this article according to the physical location of such business without regard to the location where the leased property is situated within this state.

(d) A person engaged in the business of operating a railroad for the transportation of freight or passengers shall be deemed to be carrying on, but one business, and to have only one place of business which shall be the place where the general office within the state as designated by such person is located.

(e) Nothing in this article is intended to levy a tax on those receipts subject to the tax under the provisions of R.S. 22:833.

(f) Under the provisions of this article, no occupational license tax totaling more than \$50.00 levied against a small business will increase more than 25 percent in the first year over the occupational license tax it paid under the schedules of classifications used in 1985. The term "small business" shall be defined as any person who employs 15 full-time persons or less per business establishment and which has \$2,000,000.00 or less in gross annual sales or receipts. Any person not paying an occupational license tax in 1985 shall pay according to the appropriate schedule or classification in this article.

(g) In imposing the tax set forth in this article, any municipality or parish may grant such exemptions or deductions as it deems necessary.

(Code 1998, § 12-016.35; Ord. No. 87-815, 6-18-1987; Ord. No. 87-871, 10-15-1987)

Sec. 22-50. Failure to obtain license when required; penalty.

It is strictly prohibited for any person who is required to obtain a license under the provisions of sections 22-25 through 22-50 to conduct any business or activity governed by the provisions

thereof, prior to obtaining the required license. A violation of this requirement shall constitute a misdemeanor, and any person convicted thereof shall be fined not more than \$200.00 per day for each day the violation continues or imprisoned for not more than 30 days, or both.
(Code 1998, § 12-016.39; Ord. No. 05-1215, 12-1-2005)

Secs. 22-51—22-75. Reserved.

ARTICLE III. CHAIN STORE TAX*

Sec. 22-76. Scope.

The license herein authorized shall be in addition to ad valorem taxes and any other licenses prescribed or authorized under laws of this state or the ordinances of this parish. However, this tax shall not be imposed or collected on a chain store located within any municipality of this parish.
(Code 1998, § 12-020.10; Ord. No. 653, Bk. 8, P. 51)

Sec. 22-77. Levied.

There is hereby levied an annual chain store tax upon each person engaged in the business of operating or maintaining, as part of a group or chain, any store or stores within their respective boundaries, where goods, wares, merchandise or commodities of every description whatsoever are sold or offered for sale at retail under the same general management, supervision, ownership and control, and who are commonly recognized as a member of a chain and as a branch store.
(Code 1998, § 12-020.20)

Sec. 22-78. Amount.

(a) The license tax for the businesses described in this article shall be based on the number of stores or merchandise establishments included under the same general management, supervision, ownership and control, whether within the parish or not and whether within this state or not; the maximum license for each store or establishment shall be as follows:

<i>Number of Stores in Group</i>		
<i>At Least</i>	<i>But Not More Than</i>	<i>License</i>
2	10	\$10.00
11	35	\$15.00
36	50	\$20.00
51	75	\$25.00
76	100	\$30.00

***State law reference**—Authority of parish to levy chain store tax, R.S. 47:10.

<i>Number of Stores in Group</i>		
<i>At Least</i>	<i>But Not More Than</i>	<i>License</i>
101	125	\$50.00
126	150	\$100.00
151	175	\$150.00
176	200	\$200.00
201	225	\$250.00
226	250	\$300.00
251	275	\$350.00
276	300	\$400.00
301	400	\$450.00
401	500	\$500.00
501	and over	\$550.00

(b) The tax for any store opened after June 30 of any year shall not exceed one-half of the annual amount.

(Code 1998, § 12-020.48; Ord. No. 653, Bk. 8, P. 51)

Sec. 22-79. Reports.

Every person engaged in a chain store business in this parish shall, on or before February 1 of each year, render to the parish tax collector a report containing a true and complete statement showing the number of stores or establishments operated or maintained in the parish, and the name, location and street address of each store, the total number of such stores whether in this state or not, as of the report date, and such other information as may be required by the parish tax collector. Whenever a new store is opened which was not included in the above mentioned report, a supplemental report setting forth the required information shall be filed prior to the expiration of 30 days after the date of opening.

(Code 1998, § 12-020.49; Ord. No. 653, Bk. 8, P. 51)

Sec. 22-80. Payment; separate licenses required; posting.

Payment of licenses authorized and levied hereunder shall accompany the report required per section 22-79 and become delinquent if not paid when due. Interest and penalties shall be assessed and collected together with all taxes due in the same manner as other taxes due the parish. A separate license shall be issued for each store for which the tax has been paid, as herein provided, and it shall be the duty of the licensee to post the license in a conspicuous place in each store.

(Code 1998, § 12-020.50; Ord. No. 653, Bk. 8, P. 51)

Sec. 22-81. Posting of license.

A person holding a license issued pursuant to the provisions of this article shall post such license in a conspicuous place in each store.

(Code 1998, § 12-020.51; Ord. No. 653, Bk. 8, P. 51)

Sec. 22-82. Due date, interest and penalties.

All taxes levied herein shall be due and payable on January 1 of each year and shall become delinquent March 1 of each year, and shall, after becoming delinquent, bear interest at the rate of one percent per month plus ten percent additional on both principal and interest as attorney fees in all cases where an attorney is called on to assist in the collection of such licenses. In addition, a penalty of five percent of the tax due for each 30 days or fraction thereof from the due date until the tax is paid, shall also be imposed, but is limited to a maximum of 25 percent.

(Code 1998, § 12-020.52; Ord. No. 653, Bk. 8, P. 51)

Sec. 22-83. Applicability of state law.

There is hereby incorporated into this section by reference all of the applicable provisions of state law relating to the assessments, collections, enforcement, interest, penalties and costs, and all other provisions, as amended.

(Code 1998, § 12-020.53; Ord. No. 653, Bk. 8, P. 51)

Sec. 22-84. Application for license.

(a) Every person subject to a chain store tax levied by this article shall apply to the tax collector in and for the parish for a license before the same becomes delinquent, as provided in this article. The application shall state all facts necessary to determine the amount of taxes due under this article.

(b) If the tax collector is not satisfied with the facts set forth in the application, or for any reason desired to audit the books and records of the taxpayer, the tax collector, or any of his authorized assistants, may audit and inspect all records of the taxpayer that would have any bearing upon the amount of taxes due under this article.

(c) Where an individual is an applicant for a license, required by this article, the application must be signed by him; there a partnership or an association of persons, by a member of the firm; and where a corporation, by the proper officer thereof.

(d) Any intentional false statement as to any material facts in the application for a license under this article shall constitute a misdemeanor, and any person convicted thereof shall be punished as provided in section 1-9.

(Code 1998, § 12-020.54; Ord. No. 653, Bk. 8, P. 51)

Sec. 22-85. Costs of collection.

The collector is authorized to withhold from the collections under this article not more than the percentage for collection of taxes as approved by the parish council and authorized by the state legislature.

(Code 1998, § 12-020.55; Ord. No. 653, Bk. 8, P. 51)

Sec. 22-86. Disposition of collections.

All taxes collected under the provisions of this article, and all penalties, interest and costs, pertaining thereto, shall be paid to the tax collector of the parish; all moneys collected less allowable deductions and refunds, shall be paid to the parish treasurer on or before the tenth day of the month following the month in which the taxes are collected, and shall be credited to the parish general fund.

(Code 1998, § 12-020.56; Ord. No. 653, Bk. 8, P. 51)

Secs. 22-87—22-115. Reserved.

ARTICLE IV. HOTEL TAX*

Sec. 22-116. Definitions.

As used in this article, the following words, terms and phrases have the meanings ascribed to them in this section, except when the context clearly indicates a different meaning:

Collector means the person or agency designated by the parish council as the collector of the tax imposed herein and includes any employees and duly authorized assistants.

Commission means the parish tourist and convention commission, comprising the entire parish and including its appointed members to the board of directors.

Hotel, as used herein, means and include any establishment, both public and private, engaged in the business of furnishing or providing rooms and overnight camping facilities intended or designed for dwelling, lodging or sleeping purposes to transient guests where such establishment consists of two or more guest rooms and does not encompass any hospital, convalescent or nursing home or sanitarium, or any hotel-like facility operated by or in connection with a hospital or medical clinic providing rooms exclusively for patients and their families. Motels and tourist camps and overnight camping facilities are included within the definition in this subsection and shall specifically include establishments providing campgrounds and hook-ups or connection facilities for transient or overnight campers who travel or

***State law references**—Authority of parish to levy tax upon the occupancy of hotel rooms, motel rooms and overnight camping facilities, R.S. 33:4574.1; authority of the parish tourist and convention commission to levy tax upon the occupancy of hotel rooms, motel rooms and overnight camping facilities, R.S. 33:4574.1.1(A)(29).

provide their own camping equipment but pay fees and consideration for the location and placement and various services for such campers. The term "hotel" used herein shall not include camp and retreat facilities owned and operated by nonprofit organizations exempt from federal income tax under section 501(a) of the Internal Revenue Code as an organization described in section 501(c)(3) of the Internal Revenue Code provided that the net revenue derived from the organization's property is devoted wholly to the nonprofit organization's purposes.

Person, as used herein, shall have the same definition and meaning as that contained in R.S. 47:301(8) and shall include any individual, firm, copartnership, joint adventure, association, corporation, estate, trust, business trust, receiver, syndicate, this state, any parish, municipality, district or other political subdivision thereof or any board, agency, instrumentality or other group or combination acting as a unit, and the plural as well as the singular number.
(Code 1998, § 12-023.70; Ord. No. 674, Bk. 8, P. 197)

Sec. 22-117. Imposition and levy of tax.

(a) There is hereby levied and imposed within both the incorporated and unincorporated areas of the parish a tax upon the occupancy of hotel rooms, motel rooms and overnight camping facilities, including campgrounds, within the parish for the operations of the commission.

(b) The tax levied and imposed hereby is fixed at the rate of three percent of the rental or fee charged for such occupancy as defined and described in this article.
(Code 1998, § 12-023.72; Ord. No. 674, Bk. 8, P. 197; Ord. No. 93-1788, 8-19-1993; Ord. No. 95-2275, 9-21-1995)

Editor's note—By the authority of Ordinance No. 95-2275, 9-21-1995, the authority to levy the three percent hotel occupancy tax is transferred to the parish tourist and convention commission.

State law reference—Authority of St. Tammany parish council to levy and collect tax upon the occupancy of hotel rooms, motel rooms and overnight camping facilities not to exceed three percent of the rent or fee charged for such occupancy, R.S. 33:4574.1(M).

Sec. 22-118. Exemption.

The tax imposed by the provisions of this article shall not apply to the rent for hotel rooms rented to the same occupant for a period of 30 or more calendar days, or those hotel rooms rented on an annual contractual basis for consecutive or nonconsecutive days.
(Code 1998, § 12-023.73; Ord. No. 674, Bk. 8, P. 197)

Sec. 22-119. Collection from occupants; exemption.

The tax levied and imposed by this article shall be paid by the person who exercises or are entitled to occupancy of the hotel room, motel room, overnight camping facility or campground and shall be paid at the time the rent or fee of occupancy is paid.
(Code 1998, § 12-023.74; Ord. No. 674, Bk. 8, P. 197)

Sec. 22-120. Collection from dealers or operators.

The tax levied and imposed by this article shall be collectible from all persons engaged in as dealers or operators of the facilities for which this occupancy tax is imposed.

(Code 1998, § 12-023.75; Ord. No. 674, Bk. 8, P. 197)

Sec. 22-121. Payment in accordance with sales and use tax imposed by school board.

The taxes levied and imposed hereunder shall be due and shall be payable monthly at the same time and on the same dates as the sales and use tax imposed by the parish school board is due and payable.

(Code 1998, § 12-023.76; Ord. No. 674, Bk. 8, P. 197)

Sec. 22-122. Other collection provisions.

The parish council shall, as circumstances and necessity dictate, employ or arrange for a collector for the collection of and accounting for the tax imposed hereby. The parish president is hereby authorized to execute on behalf of the parish council an agreement with the sheriff to collect the aforesaid tax on behalf of the parish council and shall allow the sheriff to retain a percentage of the taxes collected to cover the cost and fair compensation for the services rendered in collecting, enforcing and remitting the tax to the parish tourist and convention commission.

(Code 1998, § 12-023.77; Ord. No. 674, Bk. 8, P. 197)

Sec. 22-123. Disbursement.

The proceeds of the tax levied herein, less a reasonable sum to be retained by the governing authority or authorities for a collection fee, shall be appropriated to the parish tourist and convention commission, and shall be used by the commission for the purpose of attracting conventions and tourists into the area of the jurisdiction of the commission or any other purpose authorized by law.

(Code 1998, § 12-023.78; Ord. No. 674, Bk. 8, P. 197)

Sec. 22-124. Budget, borrowing money; audit.

(a) The commission shall annually submit to the parish council a budget for its operations during the ensuing year, and the parish council shall have the right to approve or disapprove such budget. Upon approval of the budget by the parish council, the commission shall proceed to act thereunder.

(b) The commission may borrow money to pay its obligations that cannot be paid at maturity out of current revenue from the tax authorized herein but shall not borrow a sum greater than can be repaid out of the revenue received by the commission during the year in which the money is borrowed.

(c) The books of the commission shall be audited by an independent certified public accountant annually and said accountant shall make a written report of his audit to the parish council and the commission. Such report shall be furnished to the parish council not less than 30 days prior to the submission by the commission of its proposed budget to the parish council as provided by subsection (b) of this section.

(Code 1998, § 12-023.79; Ord. No. 674, Bk. 8, P. 197)

Sec. 22-125. Failure to pay tax—Court action.

Failure to pay any tax due as provided in this article shall ipso facto, without demand or putting in default, cause said tax, interest, penalties and costs to become immediately delinquent, and the parish council is hereby vested with authority, on motion in a court of competent jurisdiction, to take a rule on the said dealers or operators of the facilities for which this occupancy tax is imposed to show cause in not less than two or more than ten days, exclusive of holidays, after the service thereof, which may be tried out of term and in chambers, and shall always be tried by preference, why said dealer or person should not be ordered to cease from further pursuit of business as a dealer, and in case said rule is made absolute, the order thereon rendered shall be considered a judgment in favor of the governing authority, prohibiting such dealer from the further pursuit of said business until such time as he has paid the said delinquent tax, interest, penalties and costs, and every violation of the injunction shall be considered as a contempt of court, and punished according to law.

(Code 1998, § 12-023.80; Ord. No. 82-384, 6-17-1982)

Sec. 22-126. Same—Interest and penalties.

If the amount of tax due by the person or dealer is not paid on or before the 20th day of the month next following the month for which the tax is due, there shall be collected, with said tax, interest upon said unpaid amount, at the rate of 18 percent per annum, or fractional part thereof, to be computed from the first day of the month next following the month for which the tax is due until it is paid; and in addition to the interest that may be so due there shall also be collected a penalty equivalent to five percent for each 30 days, or fraction thereof, of delinquency, not to exceed 25 percent in aggregate, of the tax due, when such tax is not paid within 30 days of the date the tax first becomes due and payable, and in the event of suit, attorney's fees at the rate of 25 percent of the aggregate of tax, interest and penalty.

(Code 1998, § 12-023.81; Ord. No. 82-384, 6-17-1982)

Sec. 22-127. Same—Failure to make report; estimate of tax by collector.

(a) In the event any person or dealer fails to make a report and pay the tax as provided by this article, or in case the dealer or person makes a grossly incorrect report, or a report that is false or fraudulent, it shall be the duty of the collector to make an estimate for the taxable period of the occupancy of the facility and an estimate of the cost price of the occupancy and

assess and collect the tax and interest, plus penalty, if such have accrued, on the basis of such assessment, which shall be considered prima facie correct, and the burden to show the contrary shall rest upon the person or dealer. In the event such estimate and assessment requires an examination of books, records or documents, or an audit thereof, then the collector shall add to the assessment the cost of such examination, together with any penalties accruing thereon. Such costs and penalties when collected shall be placed in an account in the same manner as are the taxes collected under this article.

(b) If any person or dealer fails to make any return required by this article or makes an incorrect return, and the circumstances indicate willful negligence or intentional disregard of rules and regulations, but not intent to defraud, there shall be imposed, in addition to any other penalties provided herein, a specific penalty of five percent of the tax or deficiency found to be due or \$10.00, whichever is greater. This specific penalty shall be an obligation to be collected and accounted for in the same manner as if it were a part of the tax due and can be enforced either in a separate action or in the same action for the collection of the tax.
(Code 1998, § 12-023.82; Ord. No. 82-384, 6-17-1982)

Sec. 22-128. Selling or quitting of business.

If a person or dealer liable for any tax, interest or penalty hereunder shall sell his business or shall sell out his business or quit business; he shall make a final return and payment within 15 days after the date of selling or quitting business. His successor, successors, or assigns, if any, shall withhold sufficient purchase money to cover the amount of such taxes, interest and penalties due and unpaid until such time as the former owner shall produce a receipt from the collector showing that they have been paid, or certificate stating that no taxes, interest, or penalties are due. If the purchaser of a business fails to withhold purchase money as provided, he shall be personally liable for payment of taxes, interest and penalties accrued and unpaid on account of the operation of the business by any former owner, owners, or assignors.
(Code 1998, § 12-023.83; Ord. No. 82-384, 6-17-1982)

Secs. 22-129—22-154. Reserved.

ARTICLE V. CHARITABLE RAFFLES, BINGO, KENO AND PULL-TAB GAMES*

DIVISION 1. GENERALLY

Sec. 22-155. Legalized.

(a) Except as otherwise provided in subsection (b) of this section, it shall be legal, and charitable raffles, bingo, keno and pull-tab games shall be permitted within the parish subject to the provisions of this article.

*State law reference—Charitable raffles, bingo and keno licensing law, R.S. 4:701 et seq.

(b) Based on the authority set forth in R.S. 4:718(F), 4:724(1), 4:706(B), (C)(1), 4:713(A) and 4:735(B), and all other applicable authority, it shall be prohibited in the unincorporated areas of the parish for any person, association, organization or corporation to hold, operate or conduct the specific game of chance identified in R.S. 4:707(A)(4) as electronic video bingo as provided for in R.S. 4:724. It shall be prohibited for any office, agency, department or employee of the parish to issue any license or permit to any person, association, organization or corporation to hold, operate or conduct the specific game of chance identified in R.S. 4:707(A)(4) as electronic video bingo as provided for in R.S. 4:724.

(Code 1998, § 12-025.10; Ord. No. 85-328, 1-17-1985; Ord. No. 85-546, 12-19-1985; Ord. No. 09-2078, 6-4-2009)

Sec. 22-156. Supervision and control.

The parish council or its designee shall have and exercise control of such supervision of all games of chance conducted under a license issued in accordance with the provisions of this article, and the provisions of R.S. 33:4861.1—33:4861.17 governing the holding, operating and conduct of the same; and the parish council shall have the power and authority to suspend any license issued by the parish council and to revoke the same, after hearing, for any violation of any such provisions, and shall by its officers and agents have the right of entry at all times into any premises where any such game of chance is being held, operated and conducted, or where it is intended that any game of chance shall be held, operated and conducted, or where any equipment being used or intended to be used in the conduct thereof is found, for the purpose of inspecting the same.

(Code 1998, § 12-025.12; Ord. No. 85-328, 1-17-1985; Ord. No. 85-546, 12-19-1985)

Sec. 22-157. Number of games per month.

No game or games of chance shall be conducted under any license issued under the provisions of this article no more often than 15 sessions per month or three sessions per week per bingo facility. The number of bingo sessions shall be limited to one session per day for each bingo facility. No session shall be held between the hours of 12:00 midnight and 12:00 noon, nor shall any sessions be held for more than two consecutive days.

(Code 1998, § 12-025.13; Ord. No. 85-328, 1-17-1985; Ord. No. 85-546, 12-19-1985; Ord. No. 91-1410, 2-21-1991)

Sec. 22-158. Unlawful acts.

(a) No person shall hold, operate or conduct or assist in holding, operating or conducting any game of chance under any license issued under this article, except an active member of the organization or association to which the license is issued. No such game of chance shall be conducted with any equipment, except such as shall be owned absolutely or used without payment of any compensation therefor by the licensee. No item of expense shall be incurred or

paid in connection with the holding, operating or conducting of any game of chance, held, operated or conducted pursuant to any license issued under this article, except such as are bona fide items of expense for goods, wares and merchandise furnished which are reasonably necessary to be purchased or furnished for the holding, operating or conducting of such game. No commission, salary, compensation, required or recompense whatever shall be paid or given, directly or indirectly, to any person holding, operating or conducting, or assisting in the holding, operation or conduct of any games of chance so held, operated or conducted.

(b) Bingo halls (lessor), their agents nor any of their subsidiaries shall not lease, rent or sell any bingo equipment or related materials and supplies for the operation of these games of chance (bingo). Bingo halls in violation of the provisions of this article shall lose their authorization to operate.

(Code 1998, § 12-025.14; Ord. No. 85-328, 1-17-1985; Ord. No. 85-546, 12-19-1985)

Secs. 22-159—22-184. Reserved.

DIVISION 2. LICENSES

Sec. 22-185. Authority to issue.

It shall be lawful for any bona fide nonprofit veterans charitable, educational or religious or fraternal, civic, service clubs or Mardi Gras Carnival organization that has received a permit to parade from a municipality or public governing authority which is domiciled in the parish to hold and operate the specific kind of game of chance commonly known as bingo, raffle, keno and pull-tab games, played for prizes with cards bearing numbers or other designations, five or more than one line, the holder covering numbers, as objects, similarly numbered, are drawn from a receptacle and the game being won by the person who first covers a previously designated arrangements of numbers on such a card; and the game of chance commonly known as pull-tabs played for prizes with cards or tickets and as defined in R.S. 33:4861.2; by selling shares or tickets or rights to participate in such games, and by conducting the games accordingly when the entire net proceeds of such games are to be devoted entirely to educational, charitable, patriotic, religious or public spirited uses within the state, whose officers are residents of the parish as evidenced through the voter registration rolls of the parish registrar of voters. It is herewith required that all bona fide local organizations provide the parish with a copy of a valid permit issued by the state. Should an applicant not currently possess a valid permit issued by the state, the applicant shall be eligible for a 90-day permit to conduct games of chance allowable under the provisions of this division, provided that all net proceeds are escrowed with the parish. Should such permit be denied by the state, all proceeds shall be forfeited to the parish for the benefit of nonprofit community service organizations. In the event such permit is approved by the state, such funds shall be released to the organization conducting such games.

(Code 1998, § 12-026.00; Ord. No. 85-328, 1-17-1985; Ord. No. 85-546, 12-19-1985; Ord. No. 91-1450, 5-16-1991)

Sec. 22-186. Pull-tab games.

(a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Pull-tabs means single or banded tickets or cards each with its face covered to conceal one or more numbers or symbols, where one or more card or ticket in each set has been designated in advance as a winner.

(b) *Regulated.* No organization, distributor or manufacturer or any representative thereof, either with knowledge or in circumstances whereunder he reasonably should have known, shall possess, display, put out for play, sell or otherwise furnish to any person any deal of pull-tabs:

- (1) In which the winning pull-tabs have not been completely and randomly distributed and mixed among all other pull-tabs in the deal;
- (2) In which the location or approximate location of any of the winning pull-tabs can be determined in advance of opening the pull-tabs in any manner or by any device, including, but not limited to, any pattern in the manufacture, assembly or packaging of pull-tabs by the manufacturer, by any markings on the pull-tabs or container, or by the use of a light; or
- (3) Which does not conform in any respect to these requirements as to manufacturer, assembly or packaging.

(c) *Purchase.* A distributor shall not purchase or be furnished any deal of pull-tabs from a manufacturer of pull-tabs, unless all of the following conditions are met:

- (1) The manufacturer's label or trademark has been registered with the office of state police.
- (2) Each individual pull-tab manufactured has conspicuously set forth on it the name of the manufacturer or a label or trademark which identifies its manufacturer.
- (3) The pull-tab is of a type approved by the office of charitable gaming for use in the state. (Code 1998, § 12-026.01; Ord. No. 85-546, 12-19-1985)

Sec. 22-187. Exemptions.

A bona fide senior citizen recreation club, upon application to the parish shall be exempt from the licensing and reporting provisions of divisions 2 and 3 of this article. A bona fide senior citizen's recreation club for the purpose of this division shall be defined as an organization which is recognized and sanctioned by the local council on aging, composed wholly of members, age 60 years or greater, whose only function is to provide amusement and diversion for its membership exclusively.

(Code 1998, § 12-026.02; Ord. No. 85-328, 1-17-1985; Ord. No. 85-546, 12-19-1985)

Sec. 22-188. Application.

(a) Each applicant for a license under this division shall file with the parish council, or its designee, a written application therefor in the form prescribed by the parish council, duly executed and verified, in which shall be stated:

- (1) The name and address of the bona fide nonprofit organization or association;
- (2) The names and addresses of its officers;
- (3) The specific kind of game or games of chance intended to be held, operated and conducted by the applicant, and the place or places where, the date and the time when such game or games of chance are intended to be conducted by the applicant under the license applied for;
- (4) The items of expense intended to be incurred or paid in connection with the holding, operating and conducting of such game or games of chance and the names and addresses of the persons to whom, and the purposes for which, they are to be paid;
- (5) The specific purposes to which the entire net proceeds of such game or games of chance are to be devoted and in what manner;
- (6) Except as provided in R.S. 4:715, that no commission, salary, compensation, reward or recompense will be paid to any person for holding, operating or conducting, or assisting in the holding, operating or conducting of such games of chance;
- (7) A description of all prizes to be offered and given in all such games of chance to be held, operated and conducted under such license; and
- (8) A list containing the names and addresses of all of its officers and members. The lone exception to this provision would be in the case of churches, which are required to submit the names of those persons responsible for the operation of the game of chance, along with the names of all persons who would be working in conjunction therewith.

(b) In each application, there shall be designated an active member of the applicant under whom the game of chance described in application are to be held, operated and conducted; and, to the application shall be appended a statement executed by the applicant and by member so designated that he or they will be responsible for holding, operating and conducting of such game of chance in accordance with the terms of such license.

(Code 1998, § 12-026.03; Ord. No. 85-328, 1-17-1985; Ord. No. 85-546, 12-19-1985; Ord. No. 91-1450, 5-16-1991)

Sec. 22-189. Investigation.

Upon application for a permit, the state shall make, or cause to be made, an investigation of the qualifications of each applicant and the merits of the application, with due expedition after the filing of the application. The state shall determine whether the applicant is duly qualified to

hold, operate and conduct games of chance; whether the member of the applicant designated in the application to hold, operate, conduct or assist in holding, operating or conducting the game of chance are bona fide active members of the applicant, persons of good moral character and have never been convicted of crime. Upon the applicant's approval by the state, no investigation shall be made by the parish.

(Code 1998, § 12-026.04; Ord. No. 85-328, 1-17-1985; Ord. No. 85-546, 12-19-1985; Ord. No. 91-1450, 5-16-1991)

Sec. 22-190. License fee.

Each organization applying for a bingo license shall pay an annual fee in the amount of \$100.00. The fee shall be used by the parish council staff or any other permanent department deemed necessary by the parish council to handle the correspondence and/or supervision of bingo. An organization desiring a "one event" license shall submit an application in compliance with the provisions of this division. Such organization shall submit a \$25.00 fee for each such "one event" application. No more than four such "one event" applications shall be accepted from any one organization.

(Code 1998, § 12-026.05; Ord. No. 85-328, 1-17-1985; Ord. No. 85-546, 12-19-1985)

Sec. 22-191. Hearing; amendment of license.

(a) No application for the issuance of a license shall be refused by the parish council until after a hearing is held on due notice to the applicant, at which the applicant shall be entitled to be heard upon the qualifications of the applicant and the merits of the applications.

(b) Any license issued pursuant to the provisions of this division may be amended upon application made to the parish council if the subject matter of the proposed amendment could lawfully have been included in the original license.

(Code 1998, § 12-026.06; Ord. No. 85-328, 1-17-1985; Ord. No. 85-546, 12-19-1985)

Sec. 22-192. Revocation or suspension.

(a) The parish council shall have the power to revoke or suspend a license immediately upon the notification of an alleged violation of any provision of this division. The designated administrative department would then be compelled to call a public hearing on the alleged violation within 30 days of the suspension to determine whether or not the permit should be permanently revoked. The parish council may grant a temporary operating permit for the interim operation of the games pending the hearing, provided necessary safe-guards can be implemented compelling the organization to deposit all proceeds of the games into a special escrow account pending determination of the violation. Once a permit has been revoked, the organization is ineligible to apply for another permit for one calendar year.

(b) No organization which has had a permit previously revoked for violations of the terms of this division shall be eligible for a new license under this division, until a public hearing is held on its qualifications and there is a showing by the applicant of just cause as to why a permit should be issued.

(Code 1998, § 12-026.07; Ord. No. 85-328, 1-17-1985; Ord. No. 85-546, 12-19-1985)

Sec. 22-193. Form of license; display.

Each license granted by the designated administrative department pursuant hereto shall be in such form as the designated administrative department shall require or deem necessary and shall contain a description of the kind of game of chance authorized to be held, operated and conducted thereunder, a statement of the name and address of the licensee, of the names and addresses of the member or members of the applicant under whom such game of chance will be held, operated and conducted, of the number of times, or the hours during which, such game of chance are authorized to be conducted and the place where and of the specific purposes of which the entire net proceeds of such game of chance are to be devoted and any other information which may be required by the rules and regulations to be contained therein; and each license issued for the conduct of any game of chance shall be conspicuously displayed at the place where any game is to be conducted thereunder at all times during the conduct thereof.

(Code 1998, § 12-026.08; Ord. No. 85-328, 1-17-1985; Ord. No. 85-546, 12-19-1985)

Sec. 22-194. Calendar year.

Bingo permits shall be issued for the calendar year of July 1 to June 30.

(Code 1998, § 12-026.09; Ord. No. 91-1450, 5-16-1991)

Secs. 22-195—22-211. Reserved.

**DIVISION 3. REQUIRED STATEMENTS OF RECEIPTS, EXPENSES, PROFITS,
FEES AND RECORDS**

Sec. 22-212. Statement.

(a) No later than 15 days after the end of the calendar month in which a game of chance licensed under this article was held, operated or conducted, the organization or association which held, operated or conducted the game and its or members who were in charge thereof shall furnish to the designated administrative department a duly verified statement showing:

- (1) The amount of the gross receipts derived from each such game of chance, which shall include receipts from the sale of shares, tickets or rights in any manner connected with participation in the game or the right to participate therein;

- (2) Each item of expense incurred, or paid, and each item of expenditure made or to be made, including the name and address of each person to whom each such item has been, or is to be paid, with a detailed description of the merchandise purchased or the services rendered therefor;

(3) The net profit derived from each such game of chance, and the uses to which such net profit has been or is to be applied; and

(4) A list of prizes offered or given, with the respective values thereof.
- (b) It shall be the duty of each licensee to maintain and keep such books and records as may be necessary to substantiate the particulars of each such report.
- (c) It is herewith required of all organizations which are issued licenses to operate games of chance under this article to submit to the parish council quarterly reports (on the last working day of the month following that quarter) consolidating the monthly reports as follows:

<i>Covering Calendar Months of</i>	<i>Due</i>
January, February, March	April 15
April, May, June	July 15
July, August, September	October 15
October, November, December	December 31

(Code 1998, § 12-027.00; Ord. No. 85-328, 1-17-1985; Ord. No. 85-546, 12-19-1985; Ord. No. 89-1092, 5-18-1989)

Sec. 22-213. Designated administrative department empowered to examine records.

The designated administrative department shall have the power to examine or to cause to be examined the books and records of any organization or association to which a license is issued under this division, so far as they may relate to any transactions connected with the holding and conducting of any game of chance thereunder, and further, to examine any manager, officer, director, agent, member or employee thereof under oath in relation to the conduct of any such game of chance under any such license. Any information so received shall not be disclosed, except so far as may be necessary for the purpose of carrying out the provisions of this division. (Code 1998, § 12-027.01; Ord. No. 85-328, 1-17-1985; Ord. No. 85-546, 12-19-1985)

Sec. 22-214. Examination of records and audit fees.

(a) Additionally, all organizations which are issued licenses under the provisions of this division shall remit a fee to the parish government to provide for the examination and administration of records and audit fees based on a flat fixed rate of three percent of net proceeds (gross proceeds after allowable expenses) for each quarterly filing.

(b) All charitable organizations holding licenses under this division shall be given advance written notice of any proposed amendments in the future.

(Code 1998, § 12-027.02; Ord. No. 86-328, 1-17-1985; Ord. No. 91-1424, 3-21-1991; Ord. No. 91-1485, 9-19-1991)

Sec. 22-215. Immunity.

No persons, associations or corporation:

- (1) Possessing, selling or in any manner disposing of in the parish, any shares, tickets or rights to participate in any game or games of chance conducted or to be conducted under any license lawfully issued pursuant to this division;
- (2) Lawfully conducting or participating in the conduct of any such game of chance; or
- (3) Permitting the conduct of any such game of chance upon premises owned by him or it of any game of chance conducted or to be conducted under any license lawfully issued pursuant to this division shall be liable to prosecution or conviction for violation of any provision of R.S. 14:90; however, this immunity shall not extend to any person or corporation knowingly conducting or participating in the conduct of any game of chance under any license obtained by any false pretense or statement made in any application for such license or otherwise, possessing, selling or disposing of shares, tickets or rights to participate in, or permitting the conduct upon any premises owned by him or it of any game of chance conducted under any license known to him or it to have been obtained by any such false or fraudulent pretense or statement.

(Code 1998, § 12-027.03; Ord. No. 85-328, 1-17-1985; Ord. No. 85-546, 12-19-1985)

Sec. 22-216. Violations.

Any person who or which shall make any false statement in any application for a license under this division or shall fail to keep such books and records as shall fully and truly record all transactions connected with the holding, operating or conducting of games of chance under any such license or shall falsify or make any false entry in any books or records so far as they relate to any transaction connected with the holding, operating and conducting of any game of chance under any such license or shall falsify or make any false entry in any books or record so far as they relate to any transaction connected with the holding, operating and conducting of any game of chance under any such license or shall violate any of the provisions of this division or of any terms of such license shall be a disorderly person and if convicted as such shall, in addition to suffering any other penalties which may be imposed forfeit any license issued to it under this division and shall be ineligible to apply for a license under this division for one year thereafter.

(Code 1998, § 12-027.04; Ord. No. 85-328, 1-17-1985; Ord. No. 85-546, 12-19-1985)

Secs. 22-217—22-240. Reserved.

ARTICLE VI. PLACES OF PUBLIC AMUSEMENT

Sec. 22-241. Definitions.

As used in this article, the following terms shall mean as indicated below, unless the context otherwise requires:

License means the license required by the provisions of this article.

Licensee means a person holding a license required by the provisions of this article.

Places of public amusement. This term shall include the following:

Amusement park means any place commonly known as an amusement park, amusement ground or amusement center where swimming, dancing, games, exhibits or shows are carried on, conducted or allowed whether an admission fee is charged or not; provided that beer, wine or liquor is not sold, kept, provided or given away in connection with such amusement park.

Circus show means and includes all side-shows, circuses, traveling shows, animal shows, traveling carnivals, traveling or moving tent shows, exhibitions, temporary theaters or itinerant playhouses, excepting, however, motion picture theaters, playhouses being operated in a permanent structure, or the annual parish fair.

Dance hall means any place wherein dances are given, operated, conducted or permitted as a business enterprise, occupation or amusement whether or not music is provided by paid or amateur performers or by prerecorded means. It shall not mean dances conducted by any nonprofit or charitable organization; provided that the net profit from any dance does not accrue to the private profit of any person.

Music festivals mean and include any outdoor festival, carnival, dance or like musical activity, whether or not music is provided by paid or amateur performers or by prerecorded means, which is of a periodic nature and to which members of the public are admitted for a charge, whether or not said charge is directly or indirectly made.

Public swimming pool means a swimming pool to which members of the public are admitted for a charge, whether or not said charge is made directly or indirectly. The term shall not mean those swimming pools constructed on the business premises of motels, which pools serve exclusively the registered guests of said motel, or swimming pools operated by or for any municipality or recreation district.

(Code 1998, § 12-030.00; Ord. No. 628, Bk. 7, P. 537)

Sec. 22-242. Hours of operation.

All public amusements which are subject to license under this article shall close and cease operation continuously between the hours of 1:00 a.m. and 6:00 a.m. of each day.

(Code 1998, § 12-030.01; Ord. No. 628, Bk. 7, P. 537)

Sec. 22-243. License required.

Any person wishing to operate, maintain or conduct a place of public amusement shall first obtain a license to do so. No license shall be issued, however, until all conditions required have been met and fulfilled.

(Code 1998, § 12-030.02; Ord. No. 628, Bk. 7, P. 537)

Sec. 22-244. License application.

Any person desiring to operate or conduct a place of public amusement shall file a written application (consisting of an original and five copies) with the parish council, which shall contain the following facts and information:

- (1) The name, age, residence and mailing address of the person making said application. If the application is made by a partnership the names and addresses of the partners must appear. Where the applicant is a corporation, the application must be signed by the president, vice-president and secretary thereof and must contain the address of said corporate officers; and a certified copy of the articles of incorporation shall be submitted with the application.
- (2) A statement of the kind, character or type of place of public amusement, which the applicant proposes to conduct, operate or carry on.
- (3) The addresses or legal description of the place or premises where the proposed public amusement is to be conducted, operated or carried on, to include the following:
 - a. The applicant must submit proof of ownership of the place where the public amusement is to be conducted or a statement signed by the owner of the premises indicating his consent that the site be used for the proposed amusement.
 - b. The applicant must submit statement from the parish department of development, verifying that location of said public amusement is in compliance with the requirements as set forth in the parish zoning Ordinance No. 523, appendix C.
 - c. The number of days for which the license is sought.
 - d. An estimate of the number of customers, spectators, participants and other persons expected to attend the public amusement for each day it is conducted.

(Code 1998, § 12-030.03; Ord. No. 628, Bk. 7, P. 537; Ord. No. 86-660, 7-17-1986)

Sec. 22-245. License filing fee.

The clerk of court shall collect from the license applicant a filing fee of \$25.00 which shall be nonrefundable.

(Code 1998, § 12-030.04; Ord. No. 628, Bk. 7, P. 537; Ord. No. 86-628, 6-19-1986)

Sec. 22-246. Transmission of application; hearing.

(a) Upon receipt of the license application, the clerk of court shall file the original application and distribute one copy thereof to the sheriff, the parish health officer, the director of the department of public works, and the district attorney. These parish department heads shall thereupon cause an investigation of the application.

(b) The council clerk shall set the matter for public hearing at a regular meeting of the council, which shall be not later than 60 days from the date of the filing of the application. Ten days written notice of the date of such hearing shall be given to the applicant and to the parish departments receiving a copy of the application.

(c) The parish council shall, based upon the reports of the interested parish departments and on the testimony of witnesses and evidence presented at said hearing, grant the application, deny the application, or set conditions which must be met before a license may be granted.

(d) Where conditions are imposed pertaining to section 22-255, the parish clerk must certify to the tax collector that all conditions have been met before a license may be issued. The clerk shall require written notice from parish departments charged with responsibility under said section, that conditions have been met before issuing its certification.

(e) When the clerk of court certifies that conditions have been met, the tax collector shall immediately issue a license specifying the name and address of the licensee, the premises licensed and the number of days operation authorized.

(Code 1998, § 12-030.05; Ord. No. 628, Bk. 7, P. 537)

Sec. 22-247. Grounds for denial of license; notice.

(a) After holding the required public hearing, the parish council may deny issuance of a license if it finds any of the following:

- (1) That the applicant fails to meet the conditions imposed in this article.
- (2) That the proposed public amusement will be conducted in a manner and/or location not meeting the health or safety standards established by the ordinances of the parish or the laws of the state.
- (3) That the applicant has knowingly made a false, misleading or fraudulent statement of material fact in the application for license, or in any other document required by this article.
- (4) That the applicant, his employee, agent or any person connected or associated with the applicant as partner, director, officer, stockholder, associate or manager, has previously conducted the type of public amusement being applied for which resulted in the creation of a public or private nuisance.

- (5) That the applicant, his employee, agent or any person associated with applicant as partner, director, officer, stockholder, associate or manager has been convicted in a court of competent jurisdiction, by final judgment of:
 - a. An offense involving the presentation, exhibition, or performance of an obscene production, motion picture or play; or of selling obscene matter;
 - b. An offense involving lewd conduct;
 - c. An offense involving the use of force and violence upon the person of another; or
 - d. An offense involving misconduct with children.

(b) Where the application is denied, the secretary of the parish council shall mail to the applicant written notice of denial within 14 days of said action, which notice shall include a statement of the reasons the application was denied.

(Code 1998, § 12-030.06; Ord. No. 628, Bk. 7, P. 537)

Sec. 22-248. License fee.

A person desiring a license shall pay the appropriate fee indicated below:

- (1) For a dance hall, the sum of \$100.00 per year, payable in four equal quarterly installments in advance.
- (2) For an amusement park, the sum of \$100.00 per year, payable in four equal quarterly installments in advance.
- (3) For a public swimming pool, the sum of \$25.00 per year, payable in four quarterly installments in advance.
- (4) For a circus show, the sum of \$2,400.00 per year, payable in four equal quarterly installments in advance; provided, however, that a license may be issued on a daily basis, a fee for which is hereby set at \$50.00 per day of operation.
- (5) For a music festival, the sum of \$4,800.00 per year, payable in four equal quarterly installments in advance; provided, however, a license may be issued on a daily basis, a fee for which is hereby set at \$100.00 per day of operation.
- (6) A neighborhood or community benefit organization, organized for charitable or religious purposes, shall be exempt from paying the license fee provided in this section; provided net proceeds from such activity does not accrue to benefit any private person.

(Code 1998, § 12-030.07; Ord. No. 628, Bk. 7, P. 537)

Sec. 22-249. License term and renewal.

A license authorizes the conduct of a public amusement for a maximum of 356 days and shall be thereafter renewed. A license may be renewed upon the same terms, conditions and pursuant to the same procedures required herein for the issuance of an initial license.

(Code 1998, § 12-030.08; Ord. No. 628, Bk. 7, P. 537)

Sec. 22-250. Posting of license.

A licensee shall keep his license posted in a conspicuous place upon the premises at which the public amusement is conducted.

(Code 1998, § 12-030.09; Ord. No. 628, Bk. 7, P. 537)

Sec. 22-251. Grounds for revocation of license.

The parish council shall have the power to revoke any license, or to revoke and reinstate any license upon suitable conditions, when the following causes exist:

- (1) The licensee fails, neglects or refuses to pay to the tax collector the fee prescribed by this article.
- (2) The licensee, his employee or agent, fails, neglects or refuses to fulfill any or all of the conditions imposed with reference to this article.
- (3) The public amusement violates any law or regulations established by the ordinances of the parish or the laws of the state.
- (4) The licensee allows the public amusement to be conducted in a disorderly manner or knowingly allows any person to remain on the premises of the meeting while under the influence of intoxicating liquor, or any narcotic or dangerous drug.
- (5) The licensee, his employee or agent, is convicted of any of the offenses enumerated under section 22-255.

(Code 1998, § 12-030.10; Ord. No. 628, Bk. 7, P. 537)

Sec. 22-252. Revocation complaints.

Any person may file a complaint with the secretary of the parish council or may petition the parish council to conduct a hearing concerning the revocation of the license of any licensee. The council clerk shall give notice of the petition for hearing in accordance with the provisions of this article.

(Code 1998, § 12-030.11; Ord. No. 628, Bk. 7, P. 537)

Sec. 22-253. Notice of intent to revoke; hearing.

Notice of intent to revoke any license shall be given and the licensee shall be entitled to a hearing. The council clerk shall give notice, setting forth the causes for revocation and shall state the time and place at which the matter of revocation will be heard before the parish council. Said notice shall be mailed no later than ten days prior to the date set for hearing. The parish council shall hear all interested parties and may revoke a license only for one or more causes enumerated by section 22-255.

(Code 1998, § 12-030.12; Ord. No. 628, Bk. 7, P. 537)

Sec. 22-254. License conditions.

(a) At the hearing required under section 22-255 hereof, the parish council may establish conditions which must be met prior to the issuance of any license under this article, except that the parish council may take a matter under submission before determining which conditions shall be imposed. Where the council takes a matter under submission, written notice of any conditions imposed as prerequisite to the issuance of a license must be mailed to the applicant within 15 days of the original hearing.

(b) The conditions which may be imposed by the parish council regarding the parish's general police power for the protection of health, safety and property of local residents and persons attending such public amusements in the parish, are as follows:

- (1) *Police protection.* Every licensee shall employ at his own expense at least one private patrolman or guard, approved by the sheriff whose duty shall be the preservation of order and protection of property in and around the place of public amusement.
 - a. In the case of public amusements expected to attract large numbers of persons, provision for additional private patrolmen and security guards may be required. One patrolman or security guard for every 300 persons expected to be in attendance may be required.
 - b. Said patrolmen may be required to be licensed and to be in attendance, wearing uniforms, at all times the public amusement is in operation. Where the sheriff authorizes the employment of off-duty peace officers to meet the requirements of this article, said peace officers shall be under the direction and control of the sheriff. The sheriff must be satisfied that the requisite number of private patrolmen or guards will be provided at all times of operation, before a license is issued. Submittal by the applicant of a written agreement between said applicant and a licensed private patrol agency may be required.
- (2) *Water facilities.* Every licensee shall provide an ample supply of water for drinking and sanitation purposes on the premises of the public amusement. Quality and quantity of water and location of facilities must be approved by the parish health officer prior to the issuance of a license. In the case of outdoor public amusements, a supply of ten gallons of water for each person expected to be in attendance may be required. All water shall meet U.S. Public Health Service Standards. Public and/or private lavatories and drinking facilities may be required. Drainage and sewage systems relating to such facilities shall be adequate to the satisfaction of the parish health officer and shall be subject to his prior approval.
- (3) *Food concessions.* In case of public amusements proposed to be held in areas located a substantial distance from markets, restaurants or like eating establishments, applicant may be required to demonstrate that food will be available at the premises for each day of operation to adequately feed the number of persons expected to be in attendance.

Concessionaires must be licensed pursuant to local regulation and state laws. Quality and quantity of food and location of concessions must be approved by the parish health officer prior to the issuance of any license.

- (4) *Sanitation facilities.* Every licensee shall provide at least one closed toilet facility marked "Men" and one such facility marked "Women" on the premises of a public amusement. If large crowds are expected, a toilet for each 40 males and for each 40 females expected to be in attendance may be required.
 - a. Chemical toilets must be emptied at licensee's expense as necessary and according to procedures established by the parish health officer.
 - b. Every licensee shall be required to furnish at least one trash can with 32 gallons capacity for every 25 persons expected to be in attendance. Proof that the requisite quantity of trash and refuse receptacles will be available must be made to the parish health officer. Trash and refuse shall be emptied at licensee's expense as necessary and pursuant to procedures established by the parish health officer.
- (5) *Medical facilities.* Where a proposed public amusement is expected to attract large numbers of persons and is planned for a site which is located a substantial distance from existing medical treatment facilities, the applicant may be required to provide emergency medical treatment facilities on the premises of the public amusements. The location of such facilities, number of doctors, psychiatrists, psychologists, nurses and other aids needed to staff said facilities and the quantity of medical supplies, drugs, ambulances and other equipment that must be on the site, must be approved by the parish health officer prior to the issuance of any license under this article. The parish health officer shall calculate the need for medical service, based on the number of person expected to attend a public amusement, their expected age group, the duration of events planned and the possibility of exposure to inclement weather and outdoor elements.
- (6) *Parking areas.* Persons desiring to operate or conduct public amusements may be called upon to provide a separate parking space for every two persons expected to attend the public amusement by motor vehicle. Such individual parking spaces shall be clearly marked and shall be not less than nine feet wide and 20 feet long. The sheriff or his designated agent must approve an applicant's "parking plan" before a license shall be issued.
- (7) *Access and parking control.* Every licensee shall provide adequate entrance and exit to his public amusement premises and parking areas therefor. Necessary roads, driveways and entrance ways shall exist to ensure orderly flow of traffic into the premises from a highway or road which is a part of the parish system of highways or which is a highway maintained by the state. The sheriff must approve the licensee's plan for entrance and

exit before a license shall be issued. Additionally, any applicant may be required to show that traffic guards are under his employ to ensure orderly traffic movement and relieve traffic congestion in the vicinity of the public amusement area.

- (8) *Illumination.* Every licensee planning to conduct a public amusement after dark, or planning to allow persons who attend the public amusement to remain on the premises after dark, shall provide electrical illumination to ensure that those areas which are occupied are lighted at all times. The sheriff, or his designated agent, must approve an applicant's lighting plan as a prerequisite to issuance of a license hereunder. A licensee may be required to illuminate specific areas on the premises in accordance with the following scale of lighting intensity:

	<i>Footcandles</i>
Open area reserved for spectators	5 to 10
State areas	75 to 100
Parking and overnight areas	1 to 5
Restroom and concession areas	20 to 50

- (9) *Overnight camping facilities.* Every licensee authorized to allow persons who attend the public amusement to remain on the premises overnight shall provide camping facilities and overnight areas. Such areas and facilities must be approved by the parish health officer and department of permits and inspections prior to the issuance of any license.
- (10) *Bonds.* Any licensee may be called upon to post an indemnity bond and/or a performance bond in favor of the parish in connection with the operation of a public amusement. Bonds required by this article must be approved by the district attorney prior to issuance of a license.
- a. An applicant may be required to submit a surety bond written by a corporate bonding company authorized to do business in the state by the department of insurance, in an amount determined by the parish government. Said bond shall indemnify the parish, its agents, officers, servants, employees and the parish government against any and all loss, injury and damage of any nature whatsoever arising out of, or in any way connected with, said public amusement and shall indemnify against loss, injury and damage to both person and property.
- b. Additionally, the parish may demand that applicant provide a corporate surety bond written by a corporate bonding company authorized to do business in the state, indemnifying the parish and the owners of property adjoining the public amusement site for any costs necessitated for cleaning up and/or removing debris, trash, or other waste from, in and around the premises. Said bond shall be in an amount determined by the parish.

- (11) *Miscellaneous.* Any applicant may be required to meet any other condition prior to receiving a license to conduct a public amusement which is reasonably calculated as necessary to protect the health, welfare and property of local residents and persons attending a public amusement.

(Code 1998, § 12-030.13; Ord. No. 628, Bk. 7, P. 537)

Sec. 22-255. Violations; remedies of parish.

(a) It shall be unlawful for any person acting alone or in concert with another person to do any of the following:

- (1) Operate a public amusement, as herein defined, without first procuring license to do so.
- (2) Advertise, or otherwise publicly announce, that a public amusement will be held in the parish without a license first having been received for the conduct thereof.
- (3) Provide entertainment at a public amusement whether or not compensation is paid for the performance of said entertainment, with the knowledge that a license has not been obtained.
- (4) Operate, conduct or carry on any public amusement in such a manner as to create a public or private nuisance.
- (5) Exhibit, show or conduct within said place of public amusement any obscene, indecent, vulgar or lewd exhibition, show, play, entertainment or exhibit, no matter by what names designated.

(b) Any of the above enumerated violations shall constitute a criminal act and shall be punishable pursuant to ordinances of the parish and the laws of the state. It is provided however, that the parish retains any and all civil remedies, including the right of civil injunction for the prevention of said violations and for the recovery of money damage therefor.

(Code 1998, § 12-030.14; Ord. No. 628, Bk. 7, P. 537)

Secs. 22-256—22-273. Reserved.

ARTICLE VII. HEALTH SPAS; RECREATIONAL, ATHLETIC CLUBS; WEIGHT REDUCING CENTERS

Sec. 22-274. Definitions.

For the purposes hereof and unless the context indicates a different meaning, the words and/or phrases hereinafter listed for establishments selling memberships for such purpose shall mean:

Athletic club means any facility which is designed for, and provides athletic equipment, a gymnasium, track, basketball, handball and/or volleyball, tennis and racquetball courts, steam

rooms, weight lifting equipment; which provides for the teaching of any of the foregoing or any of the martial arts, etc.; which holds itself out to the public for such purpose or any combination of the foregoing purposes.

Commencement of business means, for a new business, the date of the first subscription or sale of membership or the date the establishment opens for business, whichever comes first. For an existing business, commencement of business shall mean the date of any new membership or the opening of any additional establishment or location.

Health spa means any facility which provides sauna baths, suntan lamps, exercises and/or exercise equipment, massages, steam baths, diet regimens and the like for group or individual sessions, and which holds itself out to the public for such uses or any combination of the foregoing.

Recreational club means any facility which provides pool tables, tennis courts, racquetball and/or handball courts, swimming pool and the like for the purpose of providing recreation and recreational facilities and which holds itself out to the public for such purpose or any combination of the foregoing.

Selling memberships mean the sale for cash or on terms to any person of a membership which extends more than 12 consecutive months or which exceeds in amount the sum of \$125.00, including interest for a shorter duration.

Weight reducing center means any facility which is designed for and provides equipment for weight control and/or muscle tone; which provides diets, dietary supplements, and the like; which holds itself out to the public for such purpose or any combination of the foregoing.
(Code 1998, § 12-037.00; Ord. No. 81-306, 12-17-1981)

Sec. 22-275. Applicability.

(a) Said establishments shall not be permitted to sell memberships for lump sums of cash which exceed a time period of 12 months or which exceeds in amount the sum of \$125.00, including interest, for a shorter duration if financed by the facility.

(b) Nothing contained herein shall be interpreted to restrict or impair in any way any obligation or contract in existence prior to the enactment of this article. Prior contracts of membership shall not be affected by the article. All contracts of membership to be entered into after the effective date of the ordinance from which this article is derived shall be governed by the provisions herein.

(Code 1998, § 12-037.01; Ord. No. 81-306, 12-17-1981)

Sec. 22-276. Restrictions on contracts for membership.

Contracts for membership in said establishment shall not be binding until 72 hours, excluding holidays and weekends, after both parties have executed said contract. During the

first 72 hours after the contract has been signed, either party to the contract shall have the uncontested right to cancel said contract. Financial contracts for memberships shall be owned and maintained by the establishment selling the memberships. It shall be a violation of this article to sell or otherwise transfer or pledge ownership of said notes and/or financial contracts to any other agency or institution.

(Code 1998, § 12-037.02; Ord. No. 81-306, 12-17-1981)

Sec. 22-277. Licensing.

(a) Before commencement of business, the owners thereof shall apply to the sheriff of the parish for a commercial license, in addition to an occupational license and they shall make an affidavit listing name and addresses of the owner, the name and addresses of the establishment, the cost of membership therein, the names and addresses of the operator thereof, if different from the owner; attached thereto will be the membership contract or contracts to be used; the affidavit will include the fact that the owners are citizens of the United States and that they have not been convicted of a felony, or pleaded guilty thereto, within the five years immediately preceding the application.

(b) In the event the owner or operator is a corporation, those holding more than ten percent each of the issued shares must each execute such an affidavit.

(c) If the establishment or facility is leased, a copy of the lease must be attached to the application.

(d) After processing the application, the sheriff shall forward same to the parish department of development - permits indicating that he has no objection thereto.

(e) The parish department of development - permits shall thereafter, at the first parish council meeting immediately following the receipt thereof, place same before the parish council for issuance or rejection of the license.

(f) The facility shall not be open for business until after the parish license is actually received and also a permit is received from DHHR or appropriate health agency, if the latter is required.

(g) The license shall be posted within the facility at a conspicuous place and readily available for inspection.

(h) The fee for the application for the parish license shall be \$50.00 payable to the sheriff's department.

(i) Once issued, the license need not be reissued, however the occupational license must be paid to the parish, unless:

- (1) The ownership changes; or
- (2) The license is revoked for cause.

(Code 1998, § 12-037.03; Ord. No. 81-306, 12-17-1981)

Sec. 22-278. Bond required.

Said establishments shall be bonded with a state firm on the sum of \$25,000.00 or in total amount of their prepaid yearly memberships whichever is higher. Said establishment shall supply proof to the sheriff's department of said bond at the time of application and thereafter of the total number of prepaid yearly memberships when their occupational licenses are renewed.

(Code 1998, § 12-037.04; Ord. No. 81-306, 12-17-1981)

Sec. 22-279. Exemptions.

The provisions of this article shall not apply to:

- (1) Such establishments as are already in operation; however, it shall apply if and when there is a change in ownership, in whole or in part.
 - (2) To any such establishments which are nonprofit and conducted as an adjunct to a school, church, synagogue, governmental agency or bona fide homeowners association or private club.
 - (3) To any establishment which does not sell or finance memberships, i.e., which operates on a noncontract basis wherein the customer pays only on "per visit" or "per each use".
- (Code 1998, § 12-037.05; Ord. No. 81-306, 12-17-1981)

Sec. 22-280. Penalty for violation.

(a) Any violation hereof shall constitute a misdemeanor punishable as is contained in section 1-9; should said violations continue, each day thereof will be a separate offense.

(b) Additionally or alternatively the parish council may suspend or revoke the license after an administrative hearing brought on the complaint of any agency or law enforcement officer of this parish.

(Code 1998, § 12-037.06; Ord. No. 81-306, 12-17-1981)

Secs. 22-281—22-308. Reserved.

ARTICLE VIII. SALES AND USE TAX*

DIVISION 1. GENERALLY

Sec. 22-309. Purposes.

The proceeds of the tax shall be used as authorized by law.

***State law references**—Sales taxes generally, R.S. 33:2711 et seq.; Uniform Local Sales Tax Code, R.S. 47:337.1 et seq.

Sec. 22-310. Adoption of uniform local sales tax code.

Pursuant to the authority conferred by R.S. 47:337.4 (Levy of sales and use tax), the provisions of R.S. 47:337.1 et seq., as amended, commonly referred to as the "Uniform Local Sales Tax Code," are hereby adopted by reference and incorporated herein as if set out fully and shall apply in the assessment, collection, administration and enforcement of the tax imposed herein.

Sec. 22-311. Definitions.

The definitions set forth in R.S. 47:301 (Sales Tax—Definitions), as amended, shall be effective as definitions of the words, terms and phrases used in this article. All words, terms and phrases used herein, other than those specifically defined elsewhere in this article, shall have the respective meanings ascribed to them in R.S. 47:301, as amended, and shall have the same scope and effect that the same words, terms and phrases have where used in R.S. 47:301, as amended. As used in this article, the following words, terms and phrases have the meaning ascribed to each in this section, unless the contents clearly indicate a different meaning:

Collector means the sheriff and ex officio tax collector for the parish, and includes his duly authorized assistants.

District means the parish council, whose boundaries are coterminous, without limitation or restriction, with the boundaries of the parish council.
(Code 1998, § 12-170.20; Ord. No. 86-730, 11-20-1986; Ord. No. 92-1666, 11-19-1992; Ord. No. 02-0590, 12-5-2002)

Sec. 22-312. Imposition of tax.

(a) There is hereby levied a tax upon the sale at retail, the use, the consumption, the distribution and the storage for use or consumption in this district, of each item or article of tangible personal property, as defined herein, the levy of said taxes to be as follows:

- (1) At the rate of two percent of the sales price of each item or article of tangible personal property when sold at retail in this district; the tax to be computed on gross sales for the purpose of remitting the amount of tax due the district, and to include each and every retail sale.
- (2) At the rate of two percent of the cost price of each item or article of tangible personal property when the same is not sold but is used, consumed, distributed or stored for use or consumption in this district; provided there shall be no duplication of the tax.
- (3) At the rate of two percent of gross proceeds derived from the lease or rental of tangible personal property, as defined herein, where the lease or rental of such property is an established business or part of an established business, or the same is incidental or germane to the said business.

- (4) At the rate of two percent of the monthly lease or rental price paid by the lessee or renter, or contracted or agreed to be paid by lessee or renter to the owner of tangible personal property.
 - (5) There is hereby levied a tax upon all sales of services, as herein defined, in this state, at the rate of two percent of the amounts paid or charged for such services.
 - a. Notwithstanding any provision of law to the contrary, effective on April 1, 2016, the tax levied by this section shall not apply to the furnishing of interstate telecommunications services or international telecommunications services reflected on bills submitted by telecommunications service providers to their customers which are dated on and after that date, regardless of when such services are provided.
 - b. The tax levied in this section shall be collected from the dealer, as defined herein, shall be paid at the time and in the manner hereinafter provided, and shall be in addition to all other taxes, whether levied in the form of excise, license, or privilege taxes, and shall be in addition to taxes levied under the provisions of R.S. 47:341 et seq.
 - (6) At the rate of two percent of the gross proceeds derived from a transfer of mass-produced advertising items by an advertising business which manufactures the items itself to a client for the client's use, which transfer involves the furnishing of minimal services other than manufacturing service by the advertising business, however, notwithstanding any other provision of law to the contrary, no sales or use tax of any taxing authority shall be levied on any advertising service rendered by an advertising business, including but not limited to advertising agencies, design firms, and print and broadcast media, or any member, agent, or employee thereof, to any client whether or not such service also involves a transfer to the client of tangible personal property; provided that in no event shall tax be levied on charges for creative services which are separately invoiced.
- (b) The tax shall remain in effect without limit as to term or duration.
 (Code 1998, § 12-170.25; Ord. No. 86-730, 11-20-1986; Ord. No. 92-1666, 11-19-1992)

Sec. 22-313. Imported goods, permits (licenses) required.

In order to prevent the illegal importation into the district of tangible personal property which is subject to the tax, and to strengthen and make more effective the manner and method of enforcing payment of the tax imposed by this article, the collector is hereby authorized and empowered to put into operation a system of permits whereby any person, or dealer, may import tangible personal property by truck, automobile, or other means of transportation other than a common carrier, without having said truck, automobile or other means of transportation seized and subjected to legal proceedings for its forfeiture. Such system of

permits shall require the person, or dealer, who desires to import tangible personal property into the district, which property is subject to tax imposed by this article, to apply to the collector for a sales tax registration certificate. The dealer may make as many copies of the certificate as necessary in order to ensure that one copy is displayed in every vehicle of the dealer which operated or may operate within the boundaries of the district.

(Code 1998, § 12-170.90; Ord. No. 86-730, 11-20-1986; Ord. No. 92-1666, 11-19-1992)

Sec. 22-314. Taxes paid prior to merger, dissolution, etc.

No corporation organized under the laws of this state shall hereafter be dissolved, or effect a merger, reorganization or consolidation under any law of this state; by the action of the stockholders or by the decree of any court, until all taxes, fees, penalties and interest imposed on the corporation in accordance with provisions of this article shall have been paid in full. No foreign corporation which has obtained authority from this state to transact business in this parish may surrender such authority and withdraw from this state until all taxes, fees, penalties, interest, and other charges imposed upon said corporation in accordance with the provisions of this article shall have been fully paid.

(Code 1998, § 12-170.116; Ord. No. 86-730, 11-20-1986; Ord. No. 92-1666, 11-19-1992)

Sec. 22-315. Not the intention to deprive dealer or governing body of legal remedy.

Nothing in this article shall be construed to deprive the dealer of any remedy in the review of any tax, or in any proceedings to collect the tax given such dealer by any other law, or to deprive the collector of any remedy for the enforcement of this article through any procedure or remedies expressly provided in this article imposing the tax herein levied or in any other law, nor shall this article be construed as repealing or altering any such laws, ordinances or resolutions.

(Code 1998, § 12-170.154; Ord. No. 86-730, 11-20-1986; Ord. No. 92-1666, 11-19-1992)

Sec. 22-316. Tax in addition to all other taxes.

The tax levied herein is declared to be supplemental and in addition to all other taxes levied by and under the authority of the governing body of any kind or nature.

(Code 1998, § 12-170.156; Ord. No. 86-730, 11-20-1986; Ord. No. 92-1666, 11-19-1992)

Sec. 22-317. Disposition of tax proceeds and revenues.

All taxes, revenues, funds, assessments, moneys, penalties, fees or other income which may be collected or come into the possession of the collector under any provision or provisions of this article shall be promptly deposited by the collector for the account of the parish government, which fund shall be reasonably identifiable and calculable; provided, however, any amount which is paid under protest or which is subject to litigation may be transferred to another account established by the collector pending final determination of the protest or litigation.

(Code 1998, § 12-170.160; Ord. No. 86-730, 11-20-1986; Ord. No. 92-1666, 11-19-1992)

Sec. 22-318. Disposition of funds by collector.

Out of the funds received as a result of this article, the collector shall first deduct the costs of collecting the tax levied hereby and administering the provisions of this article as well as the various administrative procedures established herein.

(Code 1998, § 12-170.161; Ord. No. 86-730, 11-20-1986; Ord. No. 92-1666, 11-19-1992)

Sec. 22-319. General sales and use tax; effective date.

This article shall be effective upon approval of the parish president. Amended ordinance to adopt the rules and regulations of the parish general sales and use tax are incorporated herein to be in full force and effect.

(Code 1998, § 12-170.177; Ord. No. 86-730, 11-20-1986; Ord. No. 92-1666, 11-19-1992)

Editor's note—A special election was held on November 4, 1986, authorizing and approving said tax by a majority of the qualified electors as required. General Sales Tax Bond Ordinance No. 87-873, 11-19-1987; First Supplemental Sales Tax Bond Ordinance No. 88-937, 5-19-1998; Application No. L88-188 approved by the state bond commission signed by the secretary on 5-18-1988. Ord. No. 89-1121, 7-29-1989 entitled "A Second Supplemental Sales Tax Bond Ordinance" of file with Bonding Ordinances of the parish council.

Sec. 22-320. Businesses subject to provisions.

All businesses covered by the sales tax enhancement plan shall be subject to the following additional collection provisions:

- (1) The tax collector may require that a business or contractor file a use tax return on purchases rather than payment of sales tax directly to the vendor. The tax collector is authorized to issue exemption certificates or such other documents that might be necessary to implement this procedure.
- (2) The tax collector may require that applicants for building permits complete a registration and use tax application form prior to issuance of the building permit.
- (3) The tax collector may require that all use tax be paid on a construction project or that a bond be filed in lieu thereof prior to issuance of an occupancy permit.
- (4) For buildings and stores in the developments referred to in the sales tax enhancement plan as Northshore Limited Partnership (NLP); manufacturers retail outlet (MRO), and undeveloped commercial properties (UCP), tax collections will be done as follows:
 - a. *Northshore limited partnership (NLP)*. The city, as agent for the parish tax collector, will collect the tax from the contractors and all stores in this development. The city shall retain the full tax until \$556,119.00 has been paid to the city. At the conclusion of that event, the tax collector for Sales Tax District No. 3 will collect one percent Sales Tax District No. 3 sales tax from the contractors and all stores in this development. The parish, as agent for the parish tax collector, will

collect one percent sales tax from the contractors and all stores in this development. The entire net tax collected by the tax collector for Sales Tax District No. 3 will be sent to the parish government.

- b. *Manufacturers retail outlet (MRO)*. The city, as agent for the parish tax collector, will collect the tax from the contractor and all stores in this development. The parish will retain the full tax until it recoups its costs of extending utility lines limited to a maximum of \$800,000.00. At the conclusion of that event, the tax collector for Sales Tax District No. 3 will collect one percent Sales Tax District No. 3 sales tax from the contractors and all stores in this development. The city, as agent for the parish tax collector, will collect one percent sales tax from the contractors and all stores in this development. The entire net tax collected by the tax collector for Sales Tax District No. 3 will be sent to the parish government.
- c. *Undeveloped commercial properties (UCP)*. The tax collector for Sales Tax District No. 3 will collect one percent Sales Tax District No. 3 sales tax from the contractors and all stores in these geographical areas. The city, as agent for the parish tax collector, will collect one percent sales tax from the contractors and all stores in these geographical areas. The entire net tax collected by the tax collector for Sales Tax District No. 3 will be sent to the parish government.

(Code 1998, § 12-180.01; Ord. No. 89-1063, 3-16-1989; Ord. No. 89-1149, 9-21-1989)

Secs. 22-321—22-347. Reserved.

DIVISION 2. SPECIAL TAX DISTRICT NO. 1*

Sec. 22-348. Created.

In accordance with the provisions of Act 1011 of the Regular Session of the Louisiana Legislature for the year 1985, and other constitutional and statutory authority, there is hereby created a special taxing district within the parish, containing all of that portion of Ward 8 as follows, excluding that portion contained within the present corporate boundaries of any municipality:

All that certain piece or parcel of land, together with all the buildings and improvements thereon, and all the rights, ways, privileges, servitudes, appurtenances and advantages there unto belonging or in anyway appertaining, and being situated in Ward 8 are more fully described as follows:

Commencing at the intersection of Interstate 10 and LA 1090 (Military Road), go south to the intersection of Gause Road; thence go southwest along Gause Road to the section line common to sections 1 and 6; thence south along said section line to U.S.

*State law reference—Parish authorized to create sales tax district, R.S. 47:338.48.

190; thence in a southeasterly direction along U.S. 190 to its intersection with U.S. 90; thence in a northeasterly direction go along U.S. 90 to the bank of the West Pearl River; thence follow the meanderings of the main stream of the West Pearl River to its intersection with I-10; thence along I-10 in a northwesterly direction to the intersection of LA 1090 (Military Road), the point of beginning.

(Code 1998, § 12-054.00; Ord. No. 85-471, 8-15-1985)

Sec. 22-349. Title; seal; governing authority; domicile; officers.

The special taxing district created by this article shall be known and is hereby designated as "Special Tax District No. 1 (Parish Council District No. 13) of the Parish of St. Tammany, State of Louisiana" (the "district"), and the seal of the parish is hereby adopted as the seal of the district. The governing authority of the district shall be the parish council, the domicile shall be the regular meeting place of the parish council, and the officers of the parish council shall be the officers of the district.

(Code 1998, § 12-055.00; Ord. No. 85-471, 8-15-1985)

Sec. 22-350. Powers.

The district shall have all powers granted to it under state law, including the power to levy an ad valorem tax in accordance with Act 1011 of the regular session of the state legislature of 1985, and other constitutional and statutory authority.

(Code 1998, § 12-056.00; Ord. No. 85-471, 8-15-1985)

Secs. 22-351—22-373. Reserved.

DIVISION 3. SALES TAX DISTRICT NO. 3*

Sec. 22-374. Created with bonding authority.

In accordance with the provisions of article VI, section 29 of the Constitution of the State of Louisiana of 1974 and other constitutional and statutory authority and under the guidelines of R.S. 47:301 through 47:317, there is hereby created Sales Tax District No. 3 of the parish comprising all of the parish, less and except those portions within the present corporate boundaries of any incorporated municipality (the "district"), hereby authorized to levy and collect a tax of two percent (the "tax") upon the sale at retail, the use, the lease or rental, the consumption, and the storage for use or consumption, of tangible personal property and on

*State law reference—Parish authorized to create sales tax district, R.S. 47:338.48.

sales of services in the district for a period of 20 years from the date of the first levy of the tax, with the net proceeds of the tax (after paying the reasonable and necessary expenses of collecting and administering the tax) to be deducted and used for the following purposes:

- (1) Constructing, overlaying and improving Priority I and Priority II roads, streets and bridges in the district (as designated by Ordinance No. 86-693, 9-4-1986).
- (2) Repairing and maintaining roads, streets and bridges in the district, including the acquisition of all equipment and materials and payment of all salaries directly in connection therewith; and, further, the district shall be authorized to fund the proceeds of the tax into bonds to be issued in series from time to time for the purpose of constructing, overlaying and improving Priority I and Priority II roads, streets and bridges in the district, to the extent and in the manner permitted by the laws of the state, including particularly subpart F, part III, ch. 4, title 39 of the Louisiana Revised Statutes of 1950, as amended.

(Code 1998, § 12-170.00; Res. No. 86-2494, 9-4-1986; Res. No. 86-2478, 9-18-1986; Spec. Elec. of 11-4-1986; Res. No. 86-2618, 11-20-1986)

Editor's note—Sales Tax District No. 3 created by special election approved by a majority of the voters as canvassed and declared by the parish council on 11-20-1986 and further by Ordinance No. 86-693, 9-4-1986 and Ordinance No. 86-730, 11-20-1986.

Sec. 22-375. Priority roads defined.

(a) Priority I roads shall be connector routes between state and federal highways and other main arteries, or as specifically designated and described in exhibit A to Ordinance No. 86-693 on file with the secretary of the parish council.

(b) Priority II roads shall be school bus routes, or state and federal highways and other main arteries, or as specifically designated and described in exhibit A to Ordinance No. 86-693 on file with the council clerk.

(c) Priority III roads shall be all other parish roads, streets and bridges or as specifically designated and described in exhibit A to Ordinance No. 86-693 on file with the council clerk.

(d) Sub-road districts shall be reimbursed for any costs incurred by said districts as a result of the constructing, overlaying and/or improving of Priority I and/or Priority II roads, streets and bridges in the district, set forth as specifically designated and described in exhibit A to Ordinance No. 86-693 on file with the council clerk, to the amount of \$12.00 per linear foot or the cost of such construction, overlay and/or improvement, whichever is less, pursuant to appropriate intergovernmental agreement.

(e) Upon duly providing for the constructing, overlaying and/or improving of all Priority I and Priority II roads, streets and bridges as specifically designated and described in exhibit A to Ordinance No. 86-693 on file with the council clerk, the parish council can then expand the lists

of roads, streets and bridges designated as Priority I or Priority II roads, streets and bridges by subsequent ordinance, and the parish council shall have the authority to use proceeds of the sales tax for the constructing, overlaying and improvement thereof.

(Code 1998, § 12-170.01; Ord. No. 86-693, 9-4-1986)

Sec. 22-376. Bonding of sales tax.

The parish council shall, to the extent permitted by law and as necessary to construct, overlay and improve Priority I and Priority II roads, streets and bridges, fund the net proceeds of the sales tax into sales tax bonds, and it is the intent of the parish council to fund said proceeds into such bonds as quickly as possible and to complete the improvements to be financed by the proceeds of such bonds within two years of the sale, issuance and delivery thereof.

(Code 1998, § 12-170.15; Ord. No. 86-693, 9-4-1986)

Sec. 22-377. Agreement; tax collector for Sales Tax District No. 3 and for City of Slidell.

The tax collector for Sales Tax District No. 3 is hereby authorized to enter into an administrative agreement with the tax collector for the City of Slidell concerning the collection of sales taxes from businesses subject to the sales tax enhancement plan.

(Code 1998, § 12-180.00)

Secs. 22-378—22-397. Reserved.

DIVISION 4. COLLECTION OF TAX AND EXEMPTIONS

Sec. 22-398. Exemptions and exclusions from tax.

No exemption from this tax shall be granted unless the state exemption specifically provides that it applies to this district sales and use tax levies. In the absence of any such specific application of the state exemption of sales and use tax levies of any local governmental subdivision or school board, any state exemption granted pursuant to R.S. 47:337.9 et seq., as amended, shall be applicable only to the levy and collection of the state sales and use tax.

(Code 1998, § 12-170.35; Ord. No. 86-730, 11-20-1986; Ord. No. 92-1666, 11-19-1992)

Sec. 22-399. Certificate (license) required.

In order to aid in administration and enforcement of provisions hereof, and collect all taxes imposed herein within three days after commencement or opening, every dealer purchasing or importing tangible personal property for resale shall file with the collector an application for registration certificate in a form prescribed by him. The collector shall issue without charge to each dealer who purchases or imports for resale, a registration certificate empowering such dealer to collect tax from the purchaser. A separate application must be submitted for each additional place of business of such dealer. Each certificate shall state the place of business to

which it is applicable. Such registration certificate shall be prominently displayed in all places of business of the dealer. A dealer who has no regular place of business shall attach such certificate to his cart, stand, truck, or other merchandising devise. Such certificate shall be nonassignable and non-transferrable and be surrendered immediately to collector upon dealer's ceasing to do business therein named.

(Code 1998, § 12-170.48; Ord. No. 86-730, 11-20-1986; Ord. No. 92-1666, 11-19-1992)

Sec. 22-400. Manufacturer, wholesaler, dealer, etc.

A manufacturer, wholesaler dealer, jobber or supplier shall refuse to accept a certificate that any property upon which a tax is imposed by this division is purchased for resale, and shall collect the tax imposed by this division, unless the purchaser shall have a registration certificate to collect the tax imposed by this division; provided, however, that the payment of the tax by such purchaser shall not relieve the purchaser of the duty herein imposed upon such purchaser to collect the tax upon any resale made by him.

(Code 1998, § 12-170.49; Ord. No. 86-730, 11-20-1986; Ord. No. 92-1666, 11-19-1992)

Sec. 22-401. Cost of accounting and remitting tax.

For the purpose of compensating the dealer in accounting for and remitting the tax levied by this division, each dealer shall be allowed 1.1 percent of the amount of tax due and accounted for remitted to the collector in the form of a deduction in submitting his report and paying the amount due by him. If the amount due was not delinquent at the time of payment.

(Code 1998, § 12-170.54; Ord. No. 86-730, 11-20-1986; Ord. No. 92-1666, 11-19-1992)

Sec. 22-402. Collection of tax from dealer.

The tax imposed by this division shall be collected by the collector on behalf of the district from all persons engaged in business.

- (1) The collector is duly authorized and empowered to carry into effect the provisions of this division, and in pursuance thereof to make and enforce such rules as he may deem necessary. Such regulations when promulgated shall have the full force and effect of law. Promulgation shall be accomplished by publication at least one time in the official journal of the parish.
- (2) The collector may employ such personnel, including legal counsel on a fee or salary basis, as are necessary to assist in the collection of the taxes imposed hereunder.
- (3) Any duly authorized representative or deputy of the collector, when acting under his authority and direction, shall have the same power as is conferred upon the collector by this division.

- (4) The collector may conduct hearings and administer oaths, and examine under oath, any dealer and the directors, officers, agents and employees of any dealer, and any other witness relative to the business of such dealer in respect to any matter incident to the administration of this division.

(Code 1998, § 12-170.60; Ord. No. 86-730, 11-20-1986; Ord. No. 92-1666, 11-19-1992)

Secs. 22-403—22-425. Reserved.

DIVISION 5. RECORDS

Sec. 22-426. Records and inspection further defined.

Each dealer shall secure, maintain and keep, for a period of three years, a complete record of sales of services and tangible personal property received, used, sold at retail, distributed, or stored, leased or rented within this authority by said dealer, together with invoices, bills of lading, and other pertinent records and papers as may be required by the collector for the reasonable administration of this division, and all such records shall be open for inspection to the collector at all reasonable hours.

(Code 1998, § 12-170.81; Ord. No. 86-730, 11-20-1986)

State law reference—Similar provision, R.S. 47:337.29.

Sec. 22-427. Wholesale dealers and jobbers required to keep records.

In order to aid in the administration and enforcement of the provisions of this division and to collect all of the tax imposed by this division, all wholesale dealers and jobbers in this district are hereby required to keep a record of all sales of tangible personal property made in this district, whether such sales be for cash or on terms of credit. The record required to be kept by all wholesale dealers and jobbers shall contain and include the name and address of the purchaser, the date of the purchase, the article or articles purchased and the price at which the article is sold to the purchaser. These records shall be kept until the taxes to which they relate have prescribed and be open to inspection of the collector or his duly authorized assistants or deputies at all reasonable hours.

(Code 1998, § 12-170.82; Ord. No. 86-730, 11-20-1986; Ord. No. 92-1666, 11-19-1992)

Sec. 22-428. Collector to keep records.

The collector shall keep a record of all of the official acts and shall preserve copies of all rules, decisions and orders made by him. Copies of such rules, decisions or orders and of any paper or papers filed in any office maintained by him in the administration of this division may be authenticated under his official signature and when so authenticated shall be evidence in all courts of the state of the same weight and force as the original thereof.

(Code 1998, § 12-170.85; Ord. No. 86-730, 11-20-1986; Ord. No. 92-1666, 11-19-1992)

State law reference—Similar provision, R.S. 47:1506.

Sec. 22-429. Records of collector confidential.

Except as otherwise provided by law, the records and files of general sales and use tax ordinance, of this district are confidential and privileged, and no person shall divulge or disclose any information obtained from such records and files except in the administration and enforcement of the tax laws of this district, or of another political subdivision of this state.

- (1) No person shall divulge or disclose any information obtained from any examination or inspection of the premises or property of any person in connection with administration and enforcement of the general sales and use tax laws of this district, except to the collector.
 - (2) Neither the collector nor any employee engaged in the administration or charged with the custody of such records or files shall be required to produce any of them for inspection or use in any action or proceeding, except in an action or proceeding in the administration or enforcement of the tax laws of this state or of a political subdivision.
- (Code 1998, § 12-170.86)

State law reference—Similar provision, R.S. 47:1508.

Sec. 22-430. Permitted uses of records of collector.

Nothing herein contained shall be construed to prevent the delivery, use, furnishing or publication of the records and files maintained pursuant to this division in any manner or method as prescribed under state law.

(Code 1998, § 12-170.87; Ord. No. 86-730, 11-20-1986; Ord. No. 92-1666, 11-19-1992)

Sec. 22-431. Sentences for divulging information.

Whoever violates any provisions of this division by divulging information shall be punished by imprisonment for not more than two years or fined not more than \$10,000.00.

(Code 1998, § 12-170.88; Ord. No. 92-1666, 11-19-1992)

State law reference—Collection from interstate and foreign transportation dealers, R.S. 47:337.20, 47:337.20.1.

Secs. 22-432—22-455. Reserved.

DIVISION 6. REFUNDS, REIMBURSEMENTS, AND REMEDIES

Sec. 22-456. Interest on tax.

If the amount of tax due by the dealer is not paid on or before the 20th day of the month next following the month for which the tax is due, there shall be collected, with said tax, interest upon said unpaid amount, at the rate of interest as provided for in R.S. 47:1601 (Interest and penalties—Interest on unpaid taxes), as amended, to be computed from the first day of the month next following the month for which the tax is due until it is paid; and in addition to the

interest that may be so due there shall also be collected a penalty in an amount equal to and applied in the same manner as set forth in R.S. 47:1602 (Interest and penalties—Penalty for failure to make timely return), as amended.

(Code 1998, § 12-170.97; Ord. No. 86-730, 11-20-1986; Ord. No. 92-1666, 11-19-1992)

Sec. 22-457. Assessment by collector if report deemed fraudulent.

(a) In the event any dealer fails to make a report and pay the tax as provided by this division, or in case the dealer makes a grossly incorrect report, or a report that is false or fraudulent, it shall be the duty of the collector to make an estimate for the taxable period of the retail sales, or sales of services, of such dealer, or of the gross proceeds from rentals or leases of tangible personal property by the dealer, and an estimate of the cost price of all articles of tangible personal property imported by the dealer for use or consumption or distribution or storage to be used or consumed in this district and assess and collect the tax and interest, plus penalty, if such have accrued, on the basis of such assessment, which shall be considered prima facie correct, and the burden to show the contrary shall rest upon the dealer. In the event such estimate and assessment requires an examination of books, records, or documents, or an audit thereof, then the collector shall add to the assessment the cost of such examination, together with any penalties accruing thereon.

(b) If any dealer fails to make any return required by this article or makes an incorrect return, and the circumstances indicate willful negligence or intentional disregard of rules and regulations, but no intent to defraud, there shall be imposed in addition to any other penalties provided herein, a specific penalty of five percent of the tax or, deficiency found to be due, or \$10.00, whichever is greater. This specific penalty shall be an obligation to be collected and accounted for in the same manner as if it were a part of the tax due and can be enforced either in a separate action or in the same action for the collection of the tax.

(Code 1998, § 12-170.98; Ord. No. 86-730, 11-20-1986; Ord. No. 92-1666, 11-19-1992)

State law reference—Similar provisions, R.S. 47:337.28, 47:337.72, 47:337.73.

Sec. 22-458. Collector to notify debtors of delinquent dealer.

In the event that any dealer is delinquent in the payment of the tax herein provided for, the collector may give notice of the amount of such delinquency by registered mail to all persons having in their possession, or under their control, any credits or other personal property belonging to such dealer, or owing any debts to such dealer at the time of receipt by them of such notice and thereafter any person so notified shall neither transfer nor make any other disposition of such credits, other personal property, or debts until the collector shall have consented to a transfer or disposition, or until 30 days shall have elapsed from and after the receipt of such notice. All persons so notified must, within five days after receipt of such notice, advise the collector of any and all such credits, other personal property, or debts, in their possession, under their control or owing by them, as the case may be.

(Code 1998, § 12-170.100; Ord. No. 86-730, 11-20-1986; Ord. No. 92-1666, 11-19-1992)

Sec. 22-459. Collector; authority to compel examination of books, records and invoices.

If any dealer, subject to make and file a return required by any of the provisions of this division, fails to render such return within the time required, or renders a return which is false or fraudulent, in that it contains statements which differ from the true gross sales, purchases, leases or rentals or other transactions, taxable under this division, or otherwise fails to comply with the provisions of this division, for the taxable period for which said return is made, the collector shall give such dealer 15 days' notice, in writing, requiring such dealer to appear before him or his assistant, with such books, records and papers as he may require, relating to the business of such dealer, for such taxable period; and said collector may require such dealer, or other agents or employees of such dealer, to give testimony or to answer interrogatories, under oath administered by the collector or his assistants, respecting the sale at retail, the use or consumption, or distribution, or storage for use or consumption, in this district or lease or rental of tangible personal property, or other transactions, subject to tax, or the failure to make report thereof, as provided in this division.

(Code 1998, § 12-170.104; Ord. No. 86-730, 11-20-1986; Ord. No. 92-1666, 11-19-1992)

State law reference—Similar provisions, R.S. 47:337.40—47:337.42.

Sec. 22-460. Dealer must submit to investigation.

If any dealer fails to make a return, or refuses to permit an examination of his, the dealer's, books, records, or papers, or to appear and answer questions within the scope of such investigation relating to the sale, use, consumption, distribution, storage, lease or rental of tangible personal property or sale of services, the collector may apply to any court of competent jurisdiction, for an order requiring such dealer to make such return or requiring the dealer, or his agents or employees, to appear and to answer any such questions or permit such examination, and the court or any judge thereof, shall thereupon issue an order, upon such reasonable notice as shall be prescribed therein, to be served upon said dealer or the agents or employees of such dealer, directing him or them to so appear and testify, and to produce such books, records, and papers as may be required. Any person, or any member of any firm, copartnership, joint venture, association, or corporation, or any agent or employee thereof, failing to comply with any such order shall be guilty of contempt, and shall be punished as provided by law in cases of contempt.

(Code 1998, § 12-170.105; Ord. No. 86-730, 11-20-1986; Ord. No. 92-1666, 11-19-1992)

Sec. 22-461. Penalty for importation without permit.

The importation into this district of tangible personal property which is subject to tax, by truck, automobile, or other means of transportation other than a common carrier, without having first obtained a permit as described in this chapter (if the tax imposed by this division on said tangible personal property has not been paid), shall be construed as an attempt to evade payment of said tax and the same is hereby prohibited, and the said truck, automobile, or

means of transportation other than a common carrier, and said taxable property may be seized by the collector in order to secure the same as evidence in a trial and the same shall be subject to forfeiture and sale in the manner provided for in this division.

(Code 1998, § 12-170.106; Ord. No. 86-730, 11-20-1986; Ord. No. 92-1666, 11-19-1992)

Sec. 22-462. Additional penalties imposed; remedies of the governing body and collector.

(a) The failure of any dealer who imports tangible personal property from outside the district into the district for use or consumption or distribution or storage to be used or consumed in this district, or who imports for lease or rental any tangible personal property subject to the provisions of this division, shall ipso facto make the said tax, interest, penalties, and costs delinquent and shall be construed as an attempt to avoid the payment of same which shall be sufficient grounds for attachment of such tangible personal property wherever the same may be located or found, whether said delinquent dealer be a resident or non-resident of this parish, and whether said tangible personal property is in the possession of said delinquent dealer or in the possession of other persons, firms, corporations, or association of persons; provided that it is the intention of this division to prevent the disposition of the said tangible personal property in order to ensure payment of the tax imposed by this division, together with interest, penalties, and costs, and authority to attach is hereby specifically authorized and granted to the collector.

(b) In addition to the penalties prescribed in this and the preceding section (section 22-492), any person, or dealer, who shall violate the provisions thereof, upon conviction shall be fined in a sum of not more than \$100.00 or imprisonment in jail for a period of not more than 90 days or by both such fine and imprisonment, in the discretion of the court. And, each importation or shipment by truck, automobile or other means of transportation, other than a common carrier, found to be in violation of the provisions of these sections shall constitute a separate offense.

(Code 1998, § 12-170.107; Ord. No. 86-730, 11-20-1986; Ord. No. 92-1666, 11-19-1992)

Sec. 22-463. Further remedies for collection; corporate officers personally liable for tax.

The liability of any person or dealer arising from any tax, interest and penalty, or any of them, imposed by this division, from the time they are due, shall be a personal debt of such person, or dealer to the collector recoverable in any court of competent jurisdiction in an action at law by the collector. Such debts, whether sued upon or not, shall be a lien on all the property of such delinquent person, or dealer, except as against an innocent purchaser for value without notice in the actual course of business, and shall have preference in any distribution of the assets of the person, or dealer, whether in bankruptcy, insolvency, or otherwise. The proceeds of any judgment or order obtained hereunder shall be paid to the collector.

(Code 1998, § 12-170.108; Ord. No. 86-730, 11-20-1986; Ord. No. 92-1666, 11-19-1992)

State law reference—Similar provision, R.S. 47:337.46.

Sec. 22-464. Security or bond may be required.

The collector may require a bond or other security satisfactory to him for the payment of any taxes, fees, interest and penalties, or any of them, imposed pursuant to this division when he shall find that the collection thereof may be prejudiced without such security.

(Code 1998, § 12-170.109; Ord. No. 86-730, 11-20-1986; Ord. No. 92-1666, 11-19-1992)

Sec. 22-465. Collector; three years before prescription of debt.

If any person, or dealer, shall fail to make a return or report as required by this division, the collector, after the last day on which the omitted report could have been filed without penalty, may make an estimate of the amount of taxes such person, or dealer, is liable to pay under the terms of this division, from any information he is able to conveniently obtain, and according to such estimate so made by him, assess the taxes, fees, penalties and interest due the collector from such person, or dealer, give notice of such assessment to such person, or dealer, and must make demand upon him for payment, or otherwise the said claim shall prescribe.

(Code 1998, § 12-170.110; Ord. No. 86-730, 11-20-1986; Ord. No. 92-1666, 11-19-1992)

State law reference—Similar provisions, R.S. 47:337.48.

Sec. 22-466. Collector; may increase tax requirement payable after examination of return.

After a return or report is filed under the provisions of this division, the collector shall cause to be examined and make such further audit or investigation as he may deem necessary, and if therefrom, he shall determine that there is a deficiency with respect to the payment of any tax due under this division, he shall assess the additional amount of tax, and any penalties and interest, or either of them due the collector from such person, or dealer and make demand upon him for payment.

(Code 1998, § 12-170.111; Ord. No. 86-730, 11-20-1986; Ord. No. 92-1666, 11-19-1992)

Sec. 22-467. Collector; seizure and sale of any property.

If any dealer against whom taxes have been assessed under the provisions of this division shall refuse or neglect to pay such taxes within the time prescribed in this division, it shall be lawful for the collector, or his duly authorized representative, who is charged with the enforcement of collection of such taxes, to enforce collection of such taxes, together with such interest and other additional amounts as are added by law, by distraint and sale of any property or rights to property belonging to the delinquent dealer.

(Code 1998, § 12-170.113; Ord. No. 86-730, 11-20-1986; Ord. No. 92-1666, 11-19-1992)

Sec. 22-468. Collector to certify refund.

When, to secure compliance with any of the provisions of this division any moneys shall have been deposited with the collector by any dealer, and shall have been paid over to the collector and the collector shall be satisfied that such dealer has fully complied with all such provisions,

the collector shall so certify and authorize repayment from any appropriations available for such purpose to such dealer of such moneys, or such part thereof as the collector shall certify has not been applied by him to the satisfaction of any indebtedness arising under this division. (Code 1998, § 12-170.129; Ord. No. 86-730, 11-20-1986; Ord. No. 92-1666, 11-19-1992)

Sec. 22-469. Legal remedy concerning interstate commerce or other act of Congress.

This section shall be construed to provide a legal remedy in the state, city, or federal courts, by action of law, in case such taxes are claimed to be an unlawful burden upon interstate commerce, or the collection thereof, in violation of any act of Congress or the United States Constitution, or in any case where jurisdiction is vested in any of the courts of the United States; provided that upon written request of the dealer and upon proper showing by such dealer that the principle of law involved in an additional assessment is already pending before the courts for judicial determination, the said dealer, upon agreement to abide by the decision of the courts may pay the additional assessment under protest, but need not file an additional suit. In such cases the tax so paid under protest shall be segregated and held by the collector until the question of law involved has been determined by the courts and shall then be disposed of as therein provided.

(Code 1998, § 12-170.137; Ord. No. 86-730, 11-20-1986; Ord. No. 92-1666, 11-19-1992)

Secs. 22-470—22-487. Reserved.

DIVISION 7. COLLECTOR'S POWERS

Sec. 22-488. Other administrative provisions.

The collector is empowered to carry into effect the provisions of this division and in pursuance thereof to make and enforce such rules as he may deem necessary in administering the provisions of this division and other policies or procedures established by his office.

(Code 1998, § 12-170.145; Ord. No. 86-730, 11-20-1986; Ord. No. 92-1666, 11-19-1992)

Sec. 22-489. Collector granted power to make rules.

The collector shall have the power to make and publish reasonable rules and regulations, not inconsistent with this division or the laws and the constitution of this state or of the United States, for the enforcement of the provisions of this division and the collection of the revenues and penalties imposed by this division.

(Code 1998, § 12-170.146; Ord. No. 86-730, 11-20-1986; Ord. No. 92-1666, 11-19-1992)

Sec. 22-490. Collector to design forms, dealer's responsibility.

The collector shall design, prepare, print, and furnish to all dealers or make available to said dealers, all necessary forms for filing returns, and instructions to ensure a full collection from

dealers and an accounting for the taxes due, but failure of any dealer to secure such forms shall not relieve such dealer from the payment of said taxes at the time and in the manner herein provided.

(Code 1998, § 12-170.147; Ord. No. 86-730, 11-20-1986; Ord. No. 92-1666, 11-19-1992)

Sec. 22-491. Cost of collection borne by collector.

The cost of preparing and distributing the report forms and paraphernalia for the collection of said tax, and of the inspection and enforcement duties required herein, shall be borne by the collector.

(Code 1998, § 12-170.148; Ord. No. 86-730, 11-20-1986; Ord. No. 92-1666, 11-19-1992)

Sec. 22-492. Authority to administer oaths, take dispositions, etc., collector for administration.

It shall be lawful for the collector, or any deputy by him duly designated, to receive the written oath of any person signing any application, disposition, statement or report required by the collector in the administration of this division.

(Code 1998, § 12-170.150; Ord. No. 86-730, 11-20-1986; Ord. No. 92-1666, 11-19-1992)

Sec. 22-493. Authority to conduct hearings, etc., given to collector for administration.

The collector, or any deputy by him duly designated, or his legal counsel, may conduct hearings and have administered and examined under oath, any dealer and the directors, officers, agents and employees of any dealer, and any other witnesses, relative to the business of such dealer in respect to any matter incident to the administration of this division. Such examinations or hearings shall be at a time convenient to the dealer within 14 days after requested by the collector in writing.

(Code 1998, § 12-170.151; Ord. No. 86-730, 11-20-1986; Ord. No. 92-1666, 11-19-1992)

Sec. 22-494. Notice by personal service or U.S. mail; mail presumptive of receipt.

Any notice required to be given by the collector pursuant to this division, may be given by personal service on the dealer for whom it is intended, or be mailed to the dealer for whom it is intended, addressed to such dealer at the address given in the last report filed by him pursuant to the provisions of this division, or if no report has been filed, then to such address as may be obtainable. The mailing of such notice shall be presumptive evidence of its receipt by the dealer to whom it is addressed.

(Code 1998, § 12-170.152; Ord. No. 86-730, 11-20-1986; Ord. No. 92-1666, 11-19-1992)

Sec. 22-495. Collector authorized to authenticate documents.

The collector shall maintain official copies of this division, which may be authenticated under his official signature, and when so authenticated, shall be evidence in all courts of the state of the same weight and force as the original thereof. For authenticating of any such copy, he shall be paid a fee of \$5.00.

(Code 1998, § 12-170.153; Ord. No. 86-730, 11-20-1986; Ord. No. 92-1666, 11-19-1992)

Secs. 22-496—22-525. Reserved.**ARTICLE IX. OFF-TRACK WAGERING FACILITIES*****Sec. 22-526. License fee of two percent imposed.**

Under the provisions of Act 203 of the Louisiana Legislature for the year 1987 (ch. 4 of title 4 of the Louisiana Revised Statutes of 1950), and other constitutional and statutory authority supplemental thereto, and under the provisions of a special election held in the parish on Saturday, November 21, 1987, authorizing the state racing commission to license off-track wagering facilities therein, all as set forth in the proposition attached thereto as duly approved by a majority of the qualified electors voting in said election by Resolution 87-3158 adopted 9-17-1987 and further under Resolution No. 87-3313 adopted 12-17-1987 approving the site for the facility the parish council for the parish herein imposes a fee of two percent of the total amount wagered at the off-track wagering facilities located in the parish as permitted by said special election.

(Code 1998, § 12-160.00; Ord. No. 88-903, 1-21-1988)

Sec. 22-527. Fee collected from moneys wagered.

The license fee imposed by this article (the "fee") shall be collected by the licensee from the moneys wagered at the off-track wagering facilities operated by such licensee within the boundaries of the parish.

(Code 1998, § 12-160.01; Ord. No. 88-903, 1-21-1988)

Sec. 22-528. Licensee shall remit to finance director.

Said licensee shall remit the fee to the finance director of the parish (the "director") monthly on the first day of each month.

(Code 1998, § 12-160.02; Ord. No. 88-903, 1-21-1988)

*State law reference—Off-track wagering generally, R.S. 4:211 et seq.

Sec. 22-529. Monthly reports required of licensee.

For the purpose of ascertaining the amount of fee payable under this article, it shall be the duty of the licensee to furnish to the director on or before the 20th day of each month, commencing the month that such wagering facilities become operational, a report showing the total amount wagered in the preceding month at the off-track wagering facilities operated by said licensee in the parish.

(Code 1998, § 12-160.03; Ord. No. 88-903, 1-21-1988)

Sec. 22-530. Failure to comply.

If a licensee fails to comply with the provisions of this article, the district attorney for the 22nd Judicial District Court, acting for and on behalf of the parish, is hereby authorized to take any and all actions against such licensee allowed under the statutes of the state to ensure compliance with the provisions of this article.

(Code 1998, § 12-160.04; Ord. No. 88-903, 1-21-1988)

Secs. 22-531—22-550. Reserved.

ARTICLE X. CIGARETTE PAPER TAX*

Sec. 22-551. Tax established and defined.

(a) Pursuant to R.S. 47:338.261(B)(1), there shall be levied a sales tax of not more than \$1.25 per pack on the sale at retail, sales from distributors, sales from manufacturers, and sales from wholesalers that sell for resale of cigarette papers in the parish.

(b) R.S. 47:338.261(B)(3) provides that \$0.50 of the tax on the sale of each pack of cigarette papers collected by the parish shall be dedicated to the Drug Abuse Resistance Education (D.A.R.E.) program and the remainder of the monies collected shall be dedicated to recreational purposes in the parish.

(Code 1998, § 12-190.00; Ord. No. 89-1048, 2-23-1989; Ord. No. 89-1075, 5-18-1989; Ord. No. 92-1645, 9-17-1992; Res. No. 96-7903, 11-21-1996)

Secs. 22-552—22-577. Reserved.

ARTICLE XI. ESSENTIAL UTILITY FRANCHISE FEE

Sec. 22-578. Fee for franchises on essential utilities.

A uniform annual franchise fee of two percent, as evidenced by the attached table and fee schedule, shall be imposed on all new and renewed franchises established and hereinafter to be

***State law reference**—St. Tammany Parish authorized to levy tax on sale at retail of cigarette papers that are not packaged with tobacco, R.S. 47:338.261(B)(1).

granted and/or established by the parish council pursuant to R.S. 33:4361(A)(1), (2), (3) and (4); said franchise fee is being imposed due to financial emergency that exists in the parish general fund as a result of state mandated costs; said franchise fee of two percent shall be computed on the gross sales or revenue derived from that portion of the parish being, lying and situated outside the corporate limits of any village, town or municipality.
(Code 1998, § 12-200.00; Ord. No. 89-1207, 12-21-1989)

Sec. 22-579. Quarterly payments of fee.

The franchise fee shall be payable quarterly on or before April 15 for the first quarter, July 15 for the second quarter, October 15 for the third quarter, and January 15 for the fourth quarter. Attached to the payment of the franchise fee will be a statement showing the gross sales or revenue derived from the unincorporated portions of the parish for the months reported. Delinquent balances shall accrue interest at 12 percent per annum beginning on the first day following the due date of the payment of said franchise fee.
(Code 1998, § 12-200.01; Ord. No. 89-1207, 12-21-1989)

Sec. 22-580. Duty of franchisee.

(a) It shall be the duty of every franchisee required to make a report and pay any fee under this article to keep and preserve suitable records of the gross sales or revenue subject to this article, and such other books of account as may be necessary to determine the amount of tax due hereunder, and other information as may be required by the parish treasurer; and it shall be the duty of every such franchisee, moreover, to keep and preserve for a period of three calendar years, in addition to the current year, all records of gross sales or revenue subject to this article; and all such books or other records shall be open to examination at all reasonable hours by the parish treasurer or any of his authorized agents.

(b) Any information required during the conduct of the audit shall be furnished to the parish treasurer or his duly authorized agent without cost. Such information may include, but is not limited to, specialized reports accumulating data from electronic data processing records.
(Code 1998, § 12-200.02)

Sec. 22-581. Failure to report.

In the event any franchisee fails to make a report and pay the franchise fee as provided by this article, or in case the franchisee makes a grossly incorrect report or a report that is false or fraudulent, it shall be the duty of the parish treasurer to make an estimate for the delinquent reporting period of gross sales or revenue of such franchisee and assess and collect the fee and interest, plus penalty, if such have accrued, on the basis of such assessment, which shall be considered prima facie correct, and the burden to show the contrary shall rest upon the franchisee.

(Code 1998, § 12-200.03; Ord. No. 89-1207, 12-21-1989)

Sec. 22-582. Fraudulent return of franchisee.

Any franchisee, its agent or employee, required to make, render, sign or verify any return as aforesaid, who makes a false or fraudulent return with intent to evade a fee hereby imposed, or fails to comply with any provision of this article shall be guilty of a misdemeanor, and upon conviction shall be fined not more than \$200.00, or be imprisoned in jail for not more than 60 days, or shall be punished by both fine and imprisonment, at the discretion of the court.
(Code 1998, § 12-200.04; Ord. No. 89-1207, 12-21-1989)

Sec. 22-583. Authority of parish treasurer.

The parish treasurer shall be authorized to enter into a formal installment payment agreement with a taxpayer for the collection of past due fee, penalty and interest, when in his opinion it is in the best interest of the parish to do so.
(Code 1998, § 12-200.05; Ord. No. 89-1207, 12-21-1989)

Sec. 22-584. Exemption defined.

Any public or governmental entity supported by tax dollars is hereby exempt from this annual fee.
(Code 1998, § 12-200.06; Ord. No. 89-1207, 12-21-1989)

Sec. 22-585. Schedule of franchise fees.

<i>If Amount of Gross Receipts are As Much As</i>	<i>But Less Than</i>	<i>The Annual Fee Shall Be</i>
	\$50,000.00	\$1,000.00
\$50,000.00	\$100,000.00	\$2,000.00
\$100,000.00	\$150,000.00	\$3,000.00
\$150,000.00	\$200,000.00	\$4,000.00
\$200,000.00	\$250,000.00	\$5,000.00
\$250,000.00	\$500,000.00	\$10,000.00
\$500,000.00	\$750,000.00	\$15,000.00
\$750,000.00	\$1,000,000.00	\$20,000.00
\$1,000,000.00	\$1,250,000.00	\$25,000.00
\$1,250,000.00	\$1,500,000.00	\$30,000.00
\$1,500,000.00	\$1,750,000.00	\$35,000.00
\$1,750,000.00	\$2,000,000.00	\$40,000.00
\$2,000,000.00	\$2,250,000.00	\$45,000.00
\$2,250,000.00	\$2,500,000.00	\$50,000.00
\$2,500,000.00	\$3,000,000.00	\$60,000.00
\$3,000,000.00	\$3,500,000.00	\$70,000.00
\$3,500,000.00	\$4,000,000.00	\$80,000.00

<i>If Amount of Gross Receipts are As Much As</i>	<i>But Less Than</i>	<i>The Annual Fee Shall Be</i>
\$4,000,000.00	\$4,500,000.00	\$90,000.00
\$4,500,000.00	\$5,000,000.00	\$100,000.00
\$5,000,000.00	\$5,500,000.00	\$110,000.00
\$5,500,000.00	\$6,000,000.00	\$120,000.00
\$6,000,000.00	\$6,500,000.00	\$130,000.00
\$6,500,000.00	\$7,000,000.00	\$140,000.00
\$7,000,000.00	\$7,500,000.00	\$150,000.00
\$7,500,000.00	\$8,000,000.00	\$160,000.00
\$8,000,000.00	\$8,500,000.00	\$170,000.00
\$8,500,000.00	\$9,000,000.00	\$180,000.00
\$9,000,000.00	\$9,500,000.00	\$190,000.00
\$9,500,000.00	\$10,000,000.00	\$200,000.00
\$10,000,000.00	\$11,000,000.00	\$220,000.00
\$11,000,000.00	\$12,000,000.00	\$240,000.00
\$12,000,000.00	\$13,000,000.00	\$260,000.00
\$13,000,000.00	\$14,000,000.00	\$280,000.00
\$14,000,000.00	\$15,000,000.00	\$300,000.00
\$15,000,000.00	\$15,000,000.00	\$320,000.00
\$16,000,000.00	\$16,000,000.00	\$340,000.00
\$17,000,000.00	\$17,000,000.00	\$360,000.00
\$18,000,000.00	\$19,000,000.00	\$380,000.00

(Code 1998, § 12-200.08; Ord. No. 89-1207, 12-21-1989)

Sec. 22-586. Service monitoring fee.

(a) A uniform service monitoring fee of two percent on gross sales derived from the unincorporated portions of the parish is hereby imposed on all municipally owned utility companies currently operating in the parish without a valid, written service agreement, on all renewed service agreements with municipal utility companies currently operating in the parish with a valid, written service agreement, and on all publicly owned utility companies that wish to establish a franchise service area in unincorporated portions of the parish in the future pursuant to R.S. 33:4361, said service agreement fee is being imposed to fund the monitoring of all activities associated with the placement and location of public utilities in parish rights-of-way.

(b) The service agreement fee will be computed according to the two percent schedule listed in section 22-627 and payable quarterly on or before April 15 for the first quarter, July 15 for the second quarter, October 15 for the third quarter, and January 15 for the fourth quarter. Attached to the payment of the franchise fee will be a statement showing the gross sales or

revenue derived from the unincorporated portions of the parish for the months reported. Delinquent balances shall accrue interest at 12 percent per annum beginning on the first day following the due date of the payment.

(Code 1998, § 12-201.00; Ord. No. 97-2710, 8-21-1997)

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Chapter 24

MOTOR VEHICLES AND TRAFFIC*

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***State law references**—Highway Regulatory Act, R.S. 32:1 et seq.; general authority of parish to regulate traffic, R.S. 32:41, 32:42, 33:1236(28).

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- Sec. 24-446. Area covered.
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- Sec. 24-451. Area covered.
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- Sec. 24-515. Exemptions; exceptions.

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ARTICLE I. IN GENERAL**Sec. 24-1. Definitions.**

The definitions set forth in R.S. 32:1 (Louisiana Highway Regulatory Act—Definitions), as amended, shall be effective as definitions of the words, terms and phrases used in this chapter. All words, terms and phrases used herein, other than those specifically defined elsewhere in this chapter, shall have the respective meanings ascribed to them in R.S. 32:1, as amended, and shall have the same scope and effect that the same words, terms and phrases have where used in R.S. 32:1, as amended. The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Public levee means a levee that is publicly owned or maintained by the parish or is under the jurisdiction and control of a political subdivision thereof.

Sec. 24-2. Louisiana Highway Regulatory Act adopted.

Pursuant to the authority conferred by R.S. 32:42, the provisions of R.S. 32:1—32:399, commonly referred to as the Louisiana Highway Regulatory Act, and all regulations of the state department of transportation and development and the secretary of the state department of public safety adopted pursuant thereto, which govern the operation of motor vehicles, traffic and streets, are hereby adopted and made applicable to the operation of motor vehicles, traffic and streets within the parish, other than on state-maintained highways and outside of the incorporated municipalities, except as such are in conflict or inconsistent with the provisions of this chapter and as are inapplicable by their nature.

Sec. 24-3. Violation and penalty.

Unless a specific penalty is provided elsewhere in this chapter, any violation of a provision under this chapter shall constitute a misdemeanor punishable pursuant to section 1-9.

Secs. 24-4—24-24. Reserved.**ARTICLE II. OPERATION****Sec. 24-25. Driving vehicles across ditches.**

It shall be unlawful for any person to drive any vehicle across any ditch, except on a parish bridge or crossing.

(Code 1998, § 13-001.00; Ord. of 11-17-1915; Ord. of 4-11-1922)

Sec. 24-26. Motor vehicles prohibited on levees.

(a) *Prohibited.* The following actions are prohibited:

- (1) No person shall operate a motor vehicle upon any public levee that is located in unincorporated parish.
- (2) No person shall operate a motor vehicle upon any levee that is privately owned and maintained after having been forbidden to do so, either orally or in writing, including by means of any sign hereinafter described, by any owner, lessee, or custodian of the property or by any other authorized person. For the purposes of this section, the above-mentioned sign means a sign posted on the immovable property, or part, portion or area thereof, at a place or places where such sign may be reasonably expected to be seen. Such sign shall be on a white background with large block letters, no less than four inches high, which read, "Motor Vehicles Prohibited on Levee."

(b) *Penalty.* Whoever violates the provisions of this section shall be guilty of a misdemeanor. The following penalties shall be imposed for a violation of this section:

- (1) For the first offense, the fine shall be \$200.00 or imprisonment for not more than 30 days, or both.
- (2) For the second offense, the fine shall be \$350.00 or imprisonment for not more than 30 days, or both.
- (3) For the third offense and all subsequent offenses, the fine shall be \$500.00 or imprisonment for not more than 30 days, or both.

(c) *Exemption.* The following persons may be exempt from the provisions of this section:

- (1) A duly commissioned law enforcement officer in the performance of his duties.
- (2) Any firefighter, whether or not a member of a volunteer or other fire department and any employee or agent of the state department of agriculture and forestry engaged in locating and suppressing a fire.
- (3) Emergency medical personnel engaged in the rendering of medical assistance to an individual.
- (4) Any federal, state or local government employee, public utility employee or agent engaged in suppressing or dealing with an emergency that presents an imminent danger to human safety or health or to the environment.
- (5) Any federal, state, public utility employee or agent, or local government employee, including employees of the parish department of engineering, department of public works and levee or drainage district, in the performance of duty in inspecting, guarding, maintaining or repairing the levees.

- (6) In the case of a levee that is privately owned and maintained, an employee of the owner, lessee or custodian of the immovable property while performing his duties, functions and responsibilities in the course and scope of his employment.
- (7) A professional land surveyor or his authorized personnel, engaged in the "Practice of Land Surveying," as defined in R.S. 37:682.
- (8) Any person authorized by the owner of the levee or by a court of law.
- (9) Any person exercising the mere rite of passage to an enclosed estate, as otherwise provided by law.
- (10) Nothing in this section shall interfere with the crossing over any public levees, at ramps, crossings or inclines established under plans and specifications of the department of public works.

(Code 1998, § 13-001.01; Ord. No. 09-2011, 3-5-2009)

Editor's note—New section 24-26 was created under the authority of Ordinance No. C.S. 09-2011, 3-5-2009, which provides that all ordinances or parts of ordinances in conflict herewith are hereby repealed. To the extent that any provision of section 15-718.00 may be inconsistent with, or in conflict with, the provisions of this section, the provisions of this section shall govern.

Sec. 24-27. Vehicles prohibited around Meadow Lake Detention Pond.

(a) *Prohibited.* A "No Motorized Vehicles" zone is hereby established around Meadow Lake Detention Pond.

(b) *Exemptions.* Exempt herefrom are any law enforcement officials engaged in the pursuit of his duties, or individuals contracted by or representing the parish in connection with the maintenance or preservation of such detention pond.

(Code 1998, § 13-001.01.1; Ord. No. 02-0499, 7-11-2002)

Sec. 24-28. No trespassing in parish detention ponds and on levees.

(a) *Prohibited.* It shall be unlawful for any person to be upon, within or around any parish owned detention pond or levee.

(b) *Exemptions.* Exempt herefrom are any law enforcement officials engaged in the pursuit of their duties and parish personnel or authorized contractors in connection with the maintenance of said levees and detention ponds.

(Code 1998, § 13-001.02; Ord. No. 02-0541, 9-5-2002)

Sec. 24-29. Parking for over 48 hours.

(a) It shall be unlawful for any person or entity to park or abandon a vehicle on any public street, highway or roadway for longer than 48 consecutive hours.

(b) Vehicles parked or abandoned in excess of 48 consecutive hours shall be removed from the street, highway or roadway by authorized personnel of the parish or the sheriff's office and stored in accordance with the provisions of ch. 16 of title 32 of the Louisiana Revised Statutes (Louisiana Towing and Storage Act—R.S. 32:1711 et seq.).

(c) Violators of this section shall be notified by the sheriff's office according to state law.

(d) The parish shall provide suitable serially numbered forms in triplicate for notifying violators to appear in answer to charges of violating this section, said forms to be given to the sheriff's office, which shall make the notification.

(e) The disposition of any vehicle which may be impounded pursuant to the provisions of this section shall be in accordance with the applicable provisions of ch. 1 and ch. 16 of title 32 of the Louisiana Revised Statutes.

(Code 1998, § 13-002.00; Ord. No. 382, Bk. 5, P. 553; Ord. No. 82-385, 6-17-1982; Ord. No. 85-461, 8-15-1985; Ord. No. 96-2423, 5-16-1996)

State law references—Authority of parish to adopt ordinances to prohibit, regulate, seize, remove and dispose of automobiles or other vehicles abandoned on parish streets and public or private property, R.S. 32:471 et seq.; Louisiana Towing and Storage Act, R.S. 32:1711 et seq.

Sec. 24-30. Parking for over 24 hours within parish council districts (district 13).

(a) It shall be unlawful for any person or entity to park or abandon boats with trailers, trailers of any kind, motor homes and/or vehicles in excess of six feet in width for a period of over 24 hours.

(b) It shall be unlawful for any person or entity to park any vehicle in a roadway or parish right-of-way that hampers the flow of traffic or creates a traffic hazard whereby a moving vehicle must enter the oncoming traffic lane in order to pass; or in any way obstructs the vision of moving traffic or sight triangle of an intersection.

(c) Exemptions. Exempt herefrom are:

- (1) Disabled vehicles that must be moved within a reasonable period of time, but no longer than one hour;
- (2) Construction and utility vehicles in use for a specific job, in which case such construction and utility vehicles required to be in the roadway and obstructing the flow of traffic must be clearly marked, have warning signs appropriately posted and have yellow or amber warning lights on and a flagman when necessary; and
- (3) Law enforcement, fire and medical emergency vehicles.

(d) Vehicles found parked or abandoned for a period of time in excess of 24 consecutive hours shall be removed from the street, highway, roadway or right-of-way by authorized personnel of the sheriff's office and stored where designated.

(e) Violators of this section, whose vehicles are impounded, shall be notified by the sheriff's office according to state law.

(f) The parish shall provide suitable serially numbered forms in triplicate for notifying violators to appear in answer to charges of violating this section, said forms to be given to the sheriff's office, which shall make the notifications.

(g) Impounded vehicles will be surrendered to the duly identified owners upon payment of towing charges plus any storage fees to the agency or company contracted by the sheriff providing the towing and storage of these vehicles.

(h) The following parish council districts, roads and/or subdivisions are to be included: all of parish council district 13 as follows:

(1) *Subdivisions.*

- a. Abney Country Aire.
- b. Avery Estates.
- c. Bell Acres.
- d. Cross Gates.
- e. Doubloon Bayou.
- f. Eden Isles.
- g. Fox Hollow.
- h. French Branch.
- i. Frenchman's Estates.
- j. Harmony Heights.
- k. Holiday Acres.
- l. Howzie Beach.
- m. Kingspoint.
- n. Lake Gardens.
- o. Lindberg Glen.
- p. Northshore.
- q. Northshore Beach.
- r. Oak Harbor.
- s. Pine Shadows.
- t. Pine Villa.
- u. Quail Ridge.
- v. River Oaks.

- w. Robert Park.
- x. Snug Harbor.
- y. Village Acadian.
- z. Willow Wood.

(2) *Roads.*

- a. Apple Pie Ridge.
- b. Carr Drive.
- c. East Howze Beach.
- d. Home Lane.
- e. Indian Village.
- f. Northshore Drive.
- g. Old River Road.
- h. River Crest.
- i. Salt Bayou.

(3) *Voters.* West Howze Beach.

(Code 1998, § 13-002.01; Ord. No. 90-1299, 6-21-1990)

Editor's note—New section 24-30 is hereby created under the authority of Ordinance No. 90-1299, 6-21-1990.

Sec. 24-31. No parking in designated fire zones and/or designated handicap parking spaces.

(a) *Off-street designated handicap parking spaces.* It shall be unlawful for any vehicle to park in an off-street designated handicap parking space, unless a valid handicap vehicle license or permit which is easily identified or openly displayed, has been issued by the state.

(b) *Off-street fire safety zone.* It shall be unlawful for any vehicle to park in an off-street fire safety zone around a commercial structure as designated by the state.

(c) *Issuance of citation.* A sheriff's deputy or any bona fide or deputized police officer shall have the right to issue a traffic citation to any driver or operator of any motorized vehicle which is parking in established off-street parking space or fire zone who is in violation of subsections (a) or (b) of this section.

(Code 1998, § 13-002.02; Ord. No. 96-2498, 9-19-1996)

Sec. 24-32. No parking zones.

Parking on parish roadways in general is prohibited by sections of this Code. Any regulation required for a specific roadway or area of roadway shall be implemented by ordinance of the

governing authority, however, same shall not be included within the Code of Ordinances. Records of all "No Parking Zones" or variations thereof, shall be retained by the department of public works.

(Code 1998, § 13-002.03; Ord. No. 98-2910, 7-23-1998)

Sec. 24-33. Traffic signs, signals, etc., ratified.

All signs, signals, markings and devices regulating traffic on roads and bridges which are part of the parish road system, including, but not limited to, speed limit signs, parking signs, stop signs, yield signs and weight limit signs, which are in place on the adoption date of the ordinance from which this Code is derived are hereby ratified and confirmed, and such signs shall be deemed to have been authorized by the parish council.

(Code 1998, § 13-003.00)

Sec. 24-34. No thru trucks.

Regulations of the "No Thru" operation of trucks and/or vehicles on parish roadways (or portions thereof) shall be implemented by ordinance of the governing authority, however, same shall not be included within this Code. Records of all "No Thru" zones or variations thereof, shall be retained by the department of public works.

(Code 1998, § 13-004.00; Ord. No. 98-2910, 7-23-1998)

Sec. 24-35. Defacing, removing, etc., traffic signs.

No person shall deface, destroy, remove, interfere with, tamper with, or have in their possession, any traffic-control signs, signals, devices or markings.

(Code 1998, § 13-005.00; Ord. No. 177, Bk. 3, P. 118; Ord. No. 425, Bk. 7, P. 198; Ord. No. 88-947, 5-19-1988)

Sec. 24-36. Allowing contents of vehicle/mud from tires to fall onto roadway prohibited; closing of violator's business; other penalties.

(a) No person, firm or corporation shall operate any truck or other vehicle on any parish road in such a manner or condition that the contents can blow or fall out of such vehicle or that mud from its tires can fall upon the roadway.

(b) If any person, firm or corporation owns and/or operates any business or enterprise within the parish from which vehicles are operating and entering onto parish roads, whereon mud or other debris is being deposited by any such vehicle, said business is subject to being closed at the direction of the parish legislative body by means of an injunction in any court of competent jurisdiction.

(c) In addition to any civil remedy available to the parish, any person, firm or corporation who shall be guilty of operating or allowing any person, firm or corporation to operate any vehicle in violation of this section shall be punished by a fine of not more than \$500.00 or imprisonment for not more than 30 days, or by both such fine and imprisonment. For second and subsequent offenses, the punishment shall be by fine of not more than \$500.00 or imprisonment for not more than 30 days, or by both such fine and imprisonment.
(Code 1998, § 13-006.00; Ord. No. 1128, 3-20-1980; Ord. No. 97-2634, 4-17-1994)

Sec. 24-37. Speed limits in general.

Except as otherwise provided herein, no person shall operate or drive a vehicle or automobile upon any highway, road, street and/or bridge situated within the unincorporated limits of this parish (federal and state highways excepted) at a speed greater than the following:

- (1) *Hard surface or concrete highways, roads, streets and/or bridges.* The speed limit for hard surface or concrete highways, roads, streets and/or bridges is 25 miles per hour, unless otherwise posted.
- (2) *All other highways, roads, streets and/or bridges.* The speed limit for all other highways, roads, streets and/or bridges is 25 miles per hour.
- (3) *Speed to be governed by existing conditions.* That no person shall operate or drive a vehicle or automobile upon the highways, streets, roads and/or bridges within this parish at a speed greater than is reasonable and prudent under the circumstances, conditions and potential hazards then existing, having due regard for traffic thereon, surface conditions, the width thereof and the condition of the weather. Whoever violates this subsection shall be guilty of prima facie speeding.
- (4) *Department of engineering to determine speed limits.* The parish department of engineering is herewith vested and delegated with the power, authority and discretion in application and furtherance of sound engineering and transportation principles and caution, to establish and designate a lower speed limit on any portion or all of any parish highways, streets, roads and/or bridges than is hereinabove shown; it shall also similarly have the power and authority to regulate the speed limits and to establish and designate same at a greater speed limit than that above shown, except that in no event shall said greater speed limit exceed 55 miles per hour on hard surface or concrete parish highways, roads, streets and/or bridges, nor 45 miles per hour on parish highways, streets, roads and/or bridges otherwise surfaced. It shall be the responsibility of the parish department of public works to post the appropriate speed limit signs established by the department of engineering.
- (5) *Speed to be governed by signs.* No person shall operate or drive any vehicle or automobile upon any highway, street, road and/or bridge in this parish (state and federal highways excepted) at a speed greater than is posted thereon.

- (6) *Authority to establish different speed limits for different vehicles.* The parish department of engineering shall have the authority to legally establish and post speed limits differing with the type of vehicle traversing the surface.
 - (7) *Authority to establish and post traffic control devices.* The parish department of engineering is herewith vested with the authority to establish and post traffic-controls; e.g., stop, yield or slow signs, rumble bumps or any such other controls and postings as it deems necessary. It shall be the responsibility of the parish department of public works to post the appropriate traffic control signs/measures established by the department of engineering.
 - (8) *Violation; penalties.* Whoever shall violate any provision of this section shall be fined not more than \$100.00 or serve not more than 30 days in the parish jail, or both. For second and subsequent convictions, the violator shall be fined not more than \$500.00 or serve not more than 90 days in the parish jail, or both.
- (Code 1998, § 13-007.00; Ord. No. 1103, 1-17-1980; Ord. No. 80-70, 11-6-1980; Ord. No. 88-945, 5-19-1988; Ord. No. 97-2730, 9-25-1997; Ord. No. 98-2910, 7-23-1998)

Sec. 24-38. Dangerous, distracting or unreasonably loud noises from a motor vehicle.

It shall be unlawful to operate any motor vehicle while emitting therefrom any unreasonably loud noises which may distract the operator of such vehicle, which may impair the ability of the operator to hear and respond to emergency vehicles or to the warning sounds of a horn from another vehicle, which may distract the operators of other vehicles or which may distract pedestrians. The operator of a motor vehicle is prohibited from operating a vehicle with a device or source that is actually emitting such unreasonably loud noises, which shall include, but are not limited to, radios, stereos or any other sound systems or devices, including those that are commonly referred to as "boom boxes," and any vehicle that is not equipped with a muffler that is in good working order, or any vehicle being operated with a muffler that has been rendered inoperative. The owner and/or occupants of any parked vehicle that is emitting therefrom any unreasonably loud noise while the vehicle is not being operated upon the roadway, shall be subject to all applicable nuisance provisions set forth in chapter 14, including section 26-1(4) and (5), section 26-2(5) and (6), and section 26-111.

(Code 1998, § 13-008.00; Ord. No. 04-0984, 10-7-2004)

Sec. 24-39. Compression engine brakes.

(a) *Use of unmuffled compression engine brakes prohibited.* No person shall use motor vehicle brakes which are in any way activated or operated by the compression of the engine exhaust of such motor vehicle or any unit or part thereof within the unincorporated areas of the parish, unless such braking system is equipped with a functional muffler. Such prohibition shall not apply if an emergency situation exists, and the use of unmuffled compression engine brakes is necessary for the protection of persons or property.

(b) *Use of muffled compression brakes prohibited in certain areas.* No person shall use motor vehicle brakes which are in any way activated or operated by the compression of the engine exhaust of such motor vehicle or any unit or part thereof, regardless of the presence of a muffling device on said compression brakes, within the following described areas of unincorporated parish. Such prohibition shall not apply if an emergency situation exists and the use of compression engine brakes is necessary for the protection of persons or property:

- (1) Barker's corner; specifically, the areas within one-half mile of the intersections of Million Dollar Road and Highway 1081 (a.k.a. Stafford Road) with Highway 437; within one-half mile of both intersections of Highway 40 with Highway 1129; and on Highway 437 beginning one-half mile south of the intersection of Million Dollar Road and Highway 437, extending to Highway 1129 one-half mile north of the intersection Highway 40 and Highway 1129.
- (2) On Highway 1077 (a.k.a. Turnpike Road) and on Highway 1078 (a.k.a. Bennett Bridge Road) within one-half mile of the intersection of Highway 1077 and Highway 1078.
- (3) On Highway 437 between River Road and Hwy 1081 (a.k.a. Stafford Road).

(c) *Definition of brake.* The term "brake" means any device used for slowing, halting or stopping the movement of any vehicle.

(d) *Definition of compression engine brake.* The term "compression engine brake" means any motor vehicle brake that is operated by the compression of the engine exhaust of the motor vehicle or any unit or part thereof. A compression engine brake is also commonly known and referred to as a "jake brake."

(e) *Posting.* Signs identifying those areas where use of muffled compression brakes is prohibited shall read "Use of Engine Brakes Prohibited, St. Tammany Parish Code section 13-009.00". The parish department of public works is authorized and directed to post appropriate signs on parish roads consistent with the provisions of this section. Placements of signs on state highways shall first receive approval by the state department of transportation and development and the department of public safety.

(Code 1998, § 13-009.00; Ord. No. 09-2074, 6-4-2009; Ord. No. 092146, 10-1-2009; Ord. No. 12-2747, 6-7-2012; Ord. No. 13-2960, 6-6-2013)

Secs. 24-40—24-66. Reserved.

ARTICLE III. OPERATION ON PRIVATE ROADS AND SUBDIVISIONS**DIVISION 1. GENERALLY****Sec. 24-67. Traffic controls.**

The following traffic controls shall be applicable to the subdivisions described in this article:

- (1) Preferential right-of-way at an intersection may be indicated by stop signs or yield signs.
- (2) Except when directed to proceed by a police officer or traffic control signal, every driver and operator of a vehicle approaching a stop intersection indicated by a stop sign shall stop before entering the crosswalk on the near side at a clearly marked stop line, but if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection. After having stopped, the driver shall yield the right-of-way to all vehicles which have entered the intersection from another highway or which are approaching so closely on said highway as to constitute an immediate hazard.
- (3) The driver or operator of a vehicle approaching a yield sign shall slow down to a speed reasonable for the existing conditions, or shall stop if necessary, before entering the crosswalk on the near side of the intersection or, in the event there is no crosswalk, at a clearly marked stop line, but if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway. Having slowed or stopped in this manner, the driver shall yield the right-of-way to any pedestrian legally crossing the roadway on which he is driving, and to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard.

Sec. 24-68. Violations.

Whoever violates the provisions of this article shall be guilty of a misdemeanor and shall be fined not more than \$100.00 or imprisoned for not more than 30 days, or both, in the discretion of the court.

Sec. 24-69. Enforcement.

Any sheriff's deputy or bona fide or deputized police officer is herewith authorized and empowered to halt any motorized vehicle operating on the roadways, streets, and subdivisions streets described in this article if the vehicle is exceeding the speed limit, has failed to obey a stop or yield sign, has parked in a designated "No Parking" zone or for the purpose of determining whether or not the operator thereof has in his possession a valid and current state operator's license, or for any other violation of motor vehicle laws or ordinances and to issue citation therefor.

Sec. 24-70. Maintenance and indemnification.

The homeowners' associations of the subdivisions described in this article shall be responsible for maintaining and keeping up the roads within said subdivision, and maintaining and keeping up the various stop signs, speed limit signs and other traffic signs within the subdivision. The homeowners' associations of the subdivisions described in this article agree to hold harmless and indemnify the parish and the parish sheriff from any and all damages that may occur from the placement of any such signs, and from authorizing the sheriff to enforce the speed limit, stop signs and other traffic controls within said private development.

(Ord. No. 00-0235, 12-7-2000; Ord. No. 02-0431, 2-7-2002; Ord. No. 02-0474, 5-2-2002; Ord. No. 05-1103, 5-5-2005; Ord. No. 06-1345, 8-3-2006; Ord. No. 07-1678, 10-4-2007; Ord. No. 08-1843, 6-5-2008; Ord. No. 09-2110, 8-6-2009; Ord. No. 10-2261, 5-6-2010; Ord. No. 11-2625, 11-3-2011; Ord. No. 12-2818, 9-10-2012)

Secs. 24-71—24-98. Reserved.**DIVISION 2. MISCELLANEOUS ROADS AND SUBDIVISIONS****Sec. 24-99. Speed limit for Brier Lake Estates Subdivision.**

It shall be unlawful for any person to operate or drive a motor vehicle at a rate of speed in excess of 35 miles per hour upon Brier Lake Drive from its intersection with U.S. Highway 190 to the Cypress Bayou Bridge.

(Code 1998, § 13-017.00; Ord. No. 88-947, 5-19-1988)

Sec. 24-100. Additional speed restrictions.

It shall be unlawful for any person to operate or drive a motor vehicle at a rate of speed in excess of 25 miles per hour upon Brier Lake Drive from the Cypress Bayou Bridge to its intersection with St. John Drive, and upon all other streets and roads in Brier Lake Estates Subdivision, whether now constructed or constructed in the future.

(Code 1998, § 13-017.00.1; Ord. No. 88-947, 5-19-1988)

Sec. 24-101. Operation of motorized vehicles within Tchefuncta Club Estates Subdivision.

(a) It shall be unlawful for any person to operate or drive a motor vehicle upon certain roads of the parish hereinafter named outside of incorporated municipalities and exclusive of state highways at a rate of speed in excess of 25 miles per hour.

(b) The speed limit for all motorized vehicles traversing said streets shall be 25 miles per hour.

(c) The roads covered by this division shall be all streets and roads in Tchefuncta Club Estates Subdivision, Ward 1, St. Tammany Parish, Louisiana.

- (1) *Proper license required.* It shall be unlawful for any person to operate any motorized vehicle or conveyance on any street within the boundaries of the Tchefuncta Club Estates Subdivision unless the operator or driver thereof having in his possession a current state operator's license.
- (2) *Use of sidewalks other than for pedestrian traffic prohibited.* It shall be unlawful to operate or drive any motorized vehicle on any sidewalk within Tchefuncta Club Estates Subdivision even if the driver is duly licensed to operate the vehicle.
 - a. *Streets within the subdivision.* Tchefuncta Club Estates Subdivision is all of that portion or parcel of land therein, for which final subdivision approval was granted by the governing body of the parish and as duly recorded in the office of the clerk of court for this parish. The streets within said subdivision have been dedicated to the parish, and the parish has never maintained said streets. The streets were constructed at the expense of an on property owned by Tchefuncta Club Estates, Inc. The streets within said subdivision are thus privately owned by Tchefuncta Club Estates, Inc.
 - b. *Exemptions.* Exempted from the provisions hereof are bicycles which are self-propelled, roller skates and skate boards and any other form of conveyance which is not motorized. For the purposes hereof, driveways, driveway aprons, any sidewalk to or from other construction which provides ingress and egress to dwellings and as same may cross the sidewalks which parallel the streets are exempted from the provisions hereof.
 - c. *Issuance of citation.* Said sheriff's deputy or any bona fide or deputized police officer in addition to any other traffic citation shall have the right to issue a traffic citation to any driver or operator of any motorized vehicle traversing the streets or sidewalks of said subdivision who is operating a vehicle traveling in excess of the speed limit, or who has failed to obey a stop sign, or who does not have in his possession a valid and current state operator's license.

(Code 1998, § 13-017.01; Ord. No. 602, 8-15-1974; Ord. No. 83-592, 5-19-1983; Ord. No. 01-0305, 5-3-2001)

Sec. 24-102. Meadowbrook Subdivision regulations.

(a) Pursuant to R.S. 32:42 and 32:41(A)(9), the speed limit for the subdivision known as "Meadowbrook" shall be as posted. In addition, the parish department of public works is directed to post any required speed limit signs upon payment of cost of materials and labor by the Meadowbrook Homeowner's Association.

(b) Stop signs shall be placed at certain intersections that the parish department of public works determines to be appropriate and stop signs placed thereafter the material and labor costs are paid by the Meadowbrook Homeowner's Association.

(Code 1998, §§ 13-017.02, 13-017.02.1; Ord. No. 96-2394, 3-21-1996)

Sec. 24-103. The Lakes Subdivision regulations.

(a) Pursuant to R.S. 32:42 and 32:41(A)(9), the speed limit for the subdivision known as "The Lakes Subdivision" shall be as posted. In addition, the parish department of public works is directed to post any required speed limit signs upon payment of cost of materials and labor by The Lakes Homeowner's Association.

(b) Stop signs shall be placed at certain intersections that the parish department of public works determines to be appropriate and stop signs placed thereafter the material and labor costs are paid by The Lakes Homeowner's Association.

(Code 1998, §§ 13-017.03, 13-017.031.1; Ord. No. 96-2393, 3-21-1996)

Sec. 24-104. Audubon Lakes Subdivision regulations.

(a) Pursuant to R.S. 32:42 and 32:41(A)(9), the speed limit for the subdivision known as Audubon Lakes Subdivision shall be as posted. In addition, the parish department of public works is directed to post any required speed limit signs upon payment of cost of materials and labor by Audubon Lakes Homeowner's Association.

(b) Stop signs shall be placed at certain intersections that the parish department of engineering determines to be appropriate and stop signs placed there and said stop signs placed thereafter the material and labor costs are paid by Audubon Lakes Homeowner's Association.

(Code 1998, §§ 13-018.00, 13-018.01; Ord. No. 99-3094, 6-17-1999)

Sec. 24-105. Tammany Mobile Home Park.

(a) Pursuant to R.S. 32:42 and 32:41(A)(9), the speed limit for the development known as "Tammany Mobile Home Park" shall be established and posted at 15 miles per hour. In addition, the parish department of public works is directed to post any required speed limit signs upon payment of cost of materials and labor by Tammany Mobile Home Park.

(b) Stop signs shall be placed at certain intersections that the parish department of engineering determines to be appropriate and the material and labor costs for stop signs placed thereafter shall be paid by Tammany Mobile Home Park.

(Code 1998, §§ 13-019.00, 13-019.01)

Secs. 24-106—24-135. Reserved.

DIVISION 3. CLIPPER ESTATES SUBDIVISION

Sec. 24-136. Area covered.

Clipper Estates Subdivision is all of that portion or parcel of land therein, for which final subdivision approval was granted by the governing body of the parish and as duly recorded in the office of the clerk of court for this parish. The streets within said subdivision have never been dedicated to the parish and the parish has never maintained said streets. The streets were constructed at the expense of the developer of Clipper Estates and are thus privately owned by Clipper Estates Homeowners' Association.

(Code 1998, § 13-019.04.1)

Sec. 24-137. Speed limits/traffic controls.

It shall be unlawful for any person to operate or drive a motor vehicle upon streets within Clipper Estates Subdivision at a rate of speed in excess of 25 miles per hour.

(Code 1998, § 13-019.04.2)

Secs. 24-138—24-157. Reserved.

DIVISION 4. BEAU CHENE/MARINA BEAU CHENE

Sec. 24-158. Area covered.

Beau Chene Subdivision and Marina Beau Chene consists of all those portions or parcels of land therein, for which final subdivision approval was granted by the governing body of the parish and as duly recorded in the office of the clerk of court for this parish. The streets within said subdivisions have never been dedicated to the parish, and the parish has never maintained said streets. The streets were constructed at the expense of the developers of Beau Chene Subdivision and Marina Beau Chene and are thus privately owned by the homeowners' association.

(Code 1998, § 13-019.05.1)

Sec. 24-159. Speed limits/traffic controls.

It shall be unlawful for any person to operate or drive a motor vehicle upon streets within Beau Chene Subdivision and/or Marina Beau Chene at a rate of speed in excess of 25 miles per hour.

(Code 1998, § 13-019.05.2)

Secs. 24-160—24-192. Reserved.

DIVISION 5. NORTHPARK SUBDIVISION, PHASE III

Sec. 24-193. Area covered.

Northpark Subdivision, Phase III consists of all those portions or parcels of land therein, for which final subdivision approval was granted by the governing body of the parish and as duly recorded in the office of the clerk of court for this parish. The streets within said subdivisions have never been dedicated to the parish, and the parish has never maintained said streets. The streets were constructed at the expense of the developers of Northpark Subdivision, Phase III and are thus privately owned by the Estates of Northpark Homeowners' Association, Inc.

(Code 1998, § 13-019.06.1)

Sec. 24-194. Speed limits/traffic controls.

It shall be unlawful for any person to operate or drive a motor vehicle upon streets within Northpark Subdivision, Phase III at a rate of speed in excess of 25 miles per hour.

(Code 1998, § 13-019.06.2)

Secs. 24-195—24-204. Reserved.

DIVISION 6. OAK HARBOR SUBDIVISION

Sec. 24-205. Area covered.

Oak Harbor Subdivision is all of that portion or parcel of land zoned as a Planned Unit Development ("PUD") by the parish Ordinance P.J.S. No. 88-938, which subdivision is shown on the maps attached to said ordinance, and for which final subdivision approval was granted by the governing body of the parish and as duly recorded in the office of the clerk of court for this parish. The streets within said subdivision that were constructed by the developers of Oak Harbor, with the exception of Oak Harbor Boulevard and Landmark Drive, have never been dedicated to the parish and the parish has never maintained said streets. The streets were constructed at the expense of the developer of Oak Harbor and privately owned by the Oak Harbor Property Owners' Association, Inc.

(Code 1998, § 13-019.07.1)

Sec. 24-206. Speed limits/traffic controls.

It shall be unlawful for any person to operate or drive a motor vehicle upon the private streets within Oak Harbor Subdivision at a rate of speed in excess of 25 miles per hour.

(Code 1998, § 13-019.07.2)

Secs. 24-207—24-223. Reserved.

DIVISION 7. MEADOWBROOK SUBDIVISION

Sec. 24-224. Area covered.

Meadowbrook Subdivision consists of all those portions or parcels of land therein, for which final subdivision approval was granted by the governing body of the parish and as duly recorded in the office of the clerk of court for this parish. The streets within said subdivision have never been dedicated to the parish, and the parish has never maintained said streets. The streets were constructed at the expense of the developer of Meadowbrook Subdivision and are thus privately owned by Meadowbrook Homeowners' Association, Inc.

(Code 1998, § 13-019.08.1)

Sec. 24-225. Speed limits/traffic controls.

It shall be unlawful for any person to operate or drive a motor vehicle upon streets within Meadowbrook Subdivision at a rate of speed in excess of 25 miles per hour.

(Code 1998, § 13-019.08.2)

Secs. 24-226—24-249. Reserved.

DIVISION 8. LAKE RAMSEY DEVELOPMENT

Sec. 24-250. Area covered.

Lake Ramsey Development is a residential subdivision located within an unincorporated area of the parish consisting of phases 1 through 4 and other phases to be developed in the future, and for which final subdivision approval was granted by the governing body of the parish and as duly recorded in the office of the clerk of court for this parish. The streets within said subdivision that were constructed by the developers of Lake Ramsey Development, have never been dedicated to the parish and the parish has never maintained said streets. The streets were constructed at the expense of the developer of Lake Ramsey Development and privately owned by the Homeowners' Association of Lake Ramsey, Inc.

(Code 1998, § 13-019.09.1)

Sec. 24-251. Speed limits/traffic controls.

It shall be unlawful for any person to operate or drive a motor vehicle upon the private streets within Lake Ramsey Development at a rate of speed in excess of 25 miles per hour.

Secs. 24-252—24-271. Reserved.

DIVISION 9. THE RESERVE SUBDIVISION

Sec. 24-272. Area covered.

The Reserve Subdivision is a residential subdivision located within an unincorporated area of the parish and for which final subdivision approval was granted by the governing body of the parish and as duly recorded in the office of the clerk of court for this parish. The streets within said subdivision that were constructed by the developer have never been dedicated to the parish and the parish has never maintained said streets. The streets were constructed at the expense of the developer of The Reserve Subdivision and privately owned by The Reserve Owners Association, Inc.

(Code 1998, § 13-019.10.1)

Sec. 24-273. Speed limits/traffic controls.

It shall be unlawful for any person to operate or drive a motor vehicle upon the private streets within The Reserve Subdivision at a rate of speed in excess of 20 miles per hour.

(Code 1998, § 13-019.10.2)

Secs. 24-274—24-297. Reserved.

DIVISION 10. ESTATES AT THE RESERVE SUBDIVISION

Sec. 24-298. Area covered.

Estates at The Reserve Subdivision is a residential subdivision located within an unincorporated area of the parish and for which final subdivision approval was granted by the governing body of the parish and as duly recorded in the office of the clerk of court for this parish. The streets within said subdivision that were constructed by the developer have never been dedicated to the parish and the parish has never maintained said streets. The streets were constructed at the expense of the developer of the Estates at The Reserve Subdivision and privately owned by The Reserve Owners Association, Inc.

(Code 1998, § 13-019.11.1)

Sec. 24-299. Speed limits/traffic controls.

It shall be unlawful for any person to operate or drive a motor vehicle upon the private streets within the Estates at The Reserve Subdivision at a rate of speed in excess of 20 miles per hour.

(Code 1998, § 13-019.11.2)

Secs. 24-300—24-319. Reserved.

DIVISION 11. THE HIGHLANDS SUBDIVISION

Sec. 24-320. Area covered.

The Highlands is a residential subdivision located within an unincorporated area of the parish and for which final subdivision approval was granted by the governing body of the parish and as duly recorded in the office of the clerk of court for this parish. The streets within said subdivision that were constructed by the developers of The Highlands, have never been dedicated to the parish and the parish has never maintained said streets. The streets were constructed at the expense of the developer of The Highlands and privately owned by The Highlands Homeowners' Association of St. Tammany, Inc.

(Code 1998, § 13-019.12.1)

Sec. 24-321. Speed limits/traffic controls.

It shall be unlawful for any person to operate or drive a motor vehicle upon the private streets within The Highlands at a rate of speed in excess of 25 miles per hour.

(Code 1998, § 13-019.12.2)

Secs. 24-322—24-351. Reserved.

DIVISION 12. FOX BRANCH ESTATES

Sec. 24-352. Area covered.

Fox Branch Estates Subdivision is a residential subdivision located within an unincorporated area of the parish and for which final subdivision approval was granted by the governing body of the parish and as duly recorded in the office of the clerk of court for this parish. The streets within said subdivision that were constructed by the developers of Fox Branch Estates have never been dedicated to the parish and the parish has never maintained said streets. The streets were constructed at the expense of the developers of Fox Branch Estates and privately owned by the Fox Branch Homeowners' Association, Inc.

(Code 1998, § 13-019.13.1)

Sec. 24-353. Speed limits/traffic controls.

It shall be unlawful for any person to operate or drive a motor vehicle upon the private streets within Fox Branch Estates at a rate of speed in excess of 20 miles per hour.

(Code 1998, § 13-019.13.2)

Secs. 24-354—24-373. Reserved.

DIVISION 13. BROOKSTONE SUBDIVISION

Sec. 24-374. Area covered.

Brookstone Subdivision is a residential subdivision located within an unincorporated area of the parish and for which final subdivision approval was granted by the governing body of the parish and as duly recorded in the office of the clerk of court for this parish. The streets within said subdivision that were constructed by the developers of Brookstone have never been dedicated to the parish and the parish has never maintained said streets. The streets were constructed at the expense of the developers of Brookstone and privately owned by the Brookstone Property Owners Association, Inc.

(Code 1998, § 13-019.14.1)

Sec. 24-375. Speed limits/traffic controls.

It shall be unlawful for any person to operate or drive a motor vehicle upon the private streets within Brookstone Subdivision at a rate of speed in excess of 20 miles per hour.

(Code 1998, § 13-019.14.2)

Secs. 24-376—24-405. Reserved.

DIVISION 14. ARBOR WALK SUBDIVISION

Sec. 24-406. Area covered.

Arbor Walk Subdivision is a residential subdivision located within an unincorporated area of the parish and for which final subdivision approval was granted by the governing body of the parish and as duly recorded in the office of the clerk of court for this parish. The streets within said subdivision that were constructed by the developers of Arbor Walk have never been dedicated to the parish and the parish has never maintained said streets. The streets were constructed at the expense of the developers of Arbor Walk and privately owned by the Arbor Walk Property Owners Association, Inc.

(Code 1998, § 13-019.15.1; Ord. No. 11-2625, 11-3-2011)

Sec. 24-407. Speed limits/traffic controls.

It shall be unlawful for any person to operate or drive a motor vehicle upon the private streets within Arbor Walk Subdivision at a rate of speed in excess of 20 miles per hour.

(Code 1998, § 13-019.15.2; Ord. No. 11-2625, 11-3-2011)

Secs. 24-408—24-427. Reserved.

DIVISION 15. LAKESHORE ESTATES SUBDIVISION

Sec. 24-428. Area covered.

Lakeshore Estates Subdivision is a residential subdivision located within an unincorporated area of the parish and for which final subdivision approval was granted by the governing body of the parish and as duly recorded in the office of the clerk of court for this parish. The streets within said subdivision that were constructed by the developers of Lakeshore Estates have never been dedicated to the parish and the parish has never maintained said streets. The streets were constructed at the expense of the developers of Lakeshore Estates and privately owned by Tammany Holding Company, LLC.

(Code 1998, § 13-019.16.1; Ord. No. 12-2818, 9-10-2012)

Sec. 24-429. Speed limits/traffic controls.

It shall be unlawful for any person to operate or drive a motor vehicle upon the private streets within Lakeshore Estates Subdivision at a rate of speed in excess of 25 miles per hour.

(Code 1998, § 13-019.16.2; Ord. No. 12-2818, 9-10-2012)

Secs. 24-430—24-435. Reserved.

DIVISION 16. COQUILLE SUBDIVISION

Sec. 24-436. Area covered.

Coquille Subdivision is a residential subdivision located within an unincorporated area of the parish and for which final subdivision approval for two certain phases was granted by the governing body of the parish and as duly recorded in the office of the clerk of court for this parish. The streets within said subdivision that were or will be constructed by the developers of Coquille Subdivision have never been dedicated nor will they be dedicated to the parish and the parish has never maintained said streets. The streets were constructed at the expense of the developers of Coquille Subdivision and privately owned by Forest Lake Estates LLC but at completion of all phases will be conveyed to an association of owners to be formed at a later date upon all phases being completed, accepted, and resolved.

(Ord. No. 15-3381, § 13-019.18.1, 9-3-2015)

Sec. 24-437. Speed limits/traffic controls.

It shall be unlawful for any person to operate or drive a motor vehicle upon the private streets within Coquille Subdivision at a rate of speed in excess of 20 miles per hour.

(Ord. No. 15-3381, § 13-019.18.2, 9-3-2015)

Secs. 24-438—24-440. Reserved.

DIVISION 17. MAISON DU LAC SUBDIVISION

Sec. 24-441. Area covered.

Maison du Lac Subdivision is a residential subdivision located within an unincorporated area of the parish and for which final subdivision approval was granted by the governing body of the parish and was duly recorded in the office of the clerk of court for the parish. The streets within said subdivision that were constructed by the developers of Maison du Lac have never been dedicated to the parish and the parish has never maintained said streets. The streets were constructed at the expense of the developers of Maison du Lac and privately owned by the Maison du Lac Homeowners' Association, Inc.

(Ord. No. 16-3468, 13-019.19.1, 2-4-2016)

Sec. 24-442. Speed limits/traffic controls.

It shall be unlawful for any person to operate or drive a motor vehicle upon the private streets within Maison du Lac Subdivision at a rate of speed in excess of 20 miles per hour.

(Ord. No. 16-3468, 13-019.19.2, 2-4-2016)

Secs. 24-443—24-445. Reserved.

DIVISION 18. EMERALD OAKS CONDOMINIUM ASSOCIATION

Sec. 24-446. Area covered.

Emerald Oaks Condominium Association is a residential subdivision located within an unincorporated area of the parish and for which final subdivision approval was granted by the governing body of the parish and as duly recorded in the office of the clerk of court for the parish. The streets within said subdivision that were or will be constructed by the developers of Emerald Oaks Condominium Association have never been dedicated to the parish and the parish has never maintained said streets. The streets were constructed at the expense of the developers of Emerald Oaks Condominium Association and privately owned by Emerald Oaks Condominium Association, Inc.

(Ord. No. 16-3558, § 13-019.18.1, 8-4-2016)

Sec. 24-447. Speed limits/traffic controls.

It shall be unlawful for any person to operate or drive a motor vehicle upon the private streets within Emerald Oaks Condominium Association at a rate of speed in excess of 20 miles per hour.

(Ord. No. 16-3558, § 13-019.18.2, 8-4-2016)

Secs. 24-448—24-450. Reserved.

DIVISION 19. BEDICO CREEK PRESERVE

Sec. 24-451. Area covered.

Bedico Creek Preserve is a residential subdivision located within an unincorporated area of the parish and for which final subdivision approval was granted by the governing body of the parish and as duly recorded in the office of the clerk of court for this parish. The streets within said subdivision that were constructed by the developers of Bedico Creek Preserve have never been dedicated to the parish, nor will they be dedicated to the parish, and the parish has never maintained said streets. The streets were constructed at the expense of the developers of Bedico Creek Preserve and privately owned by Bedico Creek Preserve Owners Association.
(Ord. No. 17-3695, § 13-019.21.1, 3-2-2017)

Sec. 24-452. Speed limits/traffic controls.

It shall be unlawful for any person to operate or drive a motor vehicle upon the private streets within Bedico Creek Preserve at a rate of speed in excess of 20 miles per hour.
(Ord. No. 17-3695, § 13-019.21.2, 3-2-2017)

Secs. 24-453—24-455. Reserved.

DIVISION 20. PORT LOUIS SUBDIVISION

Sec. 24-456. Area covered.

Port Louis Subdivision is a residential subdivision located within an unincorporated area of the parish and for which final subdivision approval was granted by the governing body of the parish and as duly recorded in the office of the clerk of court for this parish. The streets within said subdivision that were or will be constructed by the developers of Port Louis Subdivision have never been dedicated nor will they be dedicated to the parish and the parish has never maintained said streets. The streets were constructed at the expense of the developers of Port Louis Subdivision and privately owned by Guste Island Estates Property Owners Association, Inc.
(Ord. No. 17-3690, § 13-019.22.1, 3-2-2017)

Sec. 24-457. Speed limits/traffic controls.

It shall be unlawful for any person to operate or drive a motor vehicle upon the private streets within Port Louis Subdivision at a rate of speed in excess of 20 miles per hour.
(Ord. No. 17-3690, § 13-019.22.2, 3-2-2017)

Secs. 24-458, 24-459. Reserved.

ARTICLE IV. VEHICULAR SIZE LIMITATIONS

Sec. 24-460. Limitation for Indian Mound Lane.

(a) To provide for the health and safety of the residents of this parish, more specifically those of Indian Mound Lane (8-P-008), Ward 8, District 13, it shall be unlawful for any person to operate any bus or truck having in excess of two axles on Indian Mound Lane.

- (1) *Enforcement.* Enforcement shall be directed and empowered to the sheriff's department of the parish and any other authorized agent of the parish having jurisdiction.
- (2) *Signs.* Signs shall be the responsibility of the department of public works to post and maintain the appropriate signs.

(b) It shall be unlawful for any commercial bus or similar multipassenger commercial conveyance of 35 or more passenger capacity to have access to or traverse Indian Village Road or Indian Mound Lane in the parish.

(c) Exemptions. Exempted from the provisions hereof are commercial taxicabs, limousines, police, law enforcement and emergency vehicles.

(Code 1998, § 13-020.00; Ord. No. 90-1317, 7-19-1990; Ord. No. 90-1384, 12-20-1990)

Sec. 24-461. Load limits and permits.

(a) There is hereby established, as a maximum load limit on all hard-surfaced parish roads, a gross weight of 12 tons or eight tons per axle unless posted otherwise. There is established as a maximum load limit on all parish bridges a maximum gross weight of five tons or eight tons per axle, unless posted otherwise.

(b) Overload operations exceeding these maximum load limits require a permit to exceed these limits for a specified number of trips or days as required by the director of the department of public works or parish engineer. Such a permit shall be issued only if good cause and need is justified. All permits shall stipulate the roads to be traveled.

(c) In order to obtain a permit it will be necessary to provide a bond in the form of a certified check or other surety satisfactory to the department of public works to ensure that any damage caused by such overloading will be repaired by the parties responsible for overload operation.

(d) The amount of the bond will not exceed the actual estimated cost of repairing and/or resealing the bituminous surfaced roads to be used by overloaded vehicles or in the actual estimated cost of repairing the bridges to be used by the overloaded vehicles.

(e) The bonds will be returned at the end of the overload operations after an inspection by personnel from the department of public works and after repairs, if any are required, have been completed to the satisfaction of the director of public works.

(f) In the event the permit holder does not make the repairs, if any are required, within 30 days after the expiration of the permit, the surety will be used to make the repairs by personnel employed by the parish and any balance returned to the permit holder.

(Code 1998, § 13-021.00; Ord. No. 524, Bk. 7, P. 85; Ord. No. 626, Bk. 7, P. 528; Ord. No. 740, 7-28-1977)

State law reference—Special permits for oversize, etc., vehicles, R.S. 32:387.

Secs. 24-462—24-478. Reserved.

ARTICLE V. FOR-HIRE VEHICLES CERTIFICATE OF PUBLIC NECESSITY AND CONVENIENCE (CPNC)*

Sec. 24-479. Purpose.

The purpose of this article is to ensure safe and reliable passenger transportation by licensing, controlling, and regulating each privately operated for-hire vehicle in the unincorporated areas of the parish.

(Code 1998, § 13-030.00; Ord. No. 93-1737, 5-20-1993)

Sec. 24-480. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

For-hire vehicles mean any privately operated motor or power driven vehicle providing transportation service for which compensation is charged per capita, per mile or per destination. As used in this article, the following shall refer to forms of for-hire vehicles:

Dray means any vehicle drawn by an animal.

Limousines mean any vehicle carrying from six to nine passengers.

Taxicabs mean any vehicle carrying six passengers or less, including the driver or operator.

Vans/buses mean any vehicle carrying 12 or less passengers.

(Code 1998, § 13-030.01; Ord. No. 93-1737, 5-20-1993; Ord. No. 99-3075, 5-20-1999)

Sec. 24-481. Certificate of public necessity and convenience (CPNC) required by operators of for-hire vehicles.

(a) Any person, corporation, partnership or association in the business of operating for-hire vehicles as a common or contract carrier of persons or property for compensation on roads in the unincorporated areas of the parish will be required to obtain a certificate of public necessity and convenience (CPNC) if the point of origin is in unincorporated St. Tammany Parish.

***State law reference**—The Public Passenger Motor Vehicle Responsibility Law, R.S. 45:200.1—45:200.17.

(b) It shall be unlawful for any person to operate or permit any other person to operate a for-hire vehicle, or to transport or offer to transport passengers for hire in any vehicle from another parish, without having first applied for and received the appropriate CPNC in the manner provided herein, providing that the fare originates in unincorporated St. Tammany Parish.

(Code 1998, § 13-030.02; Ord. No. 93-1737, 5-20-1993)

Sec. 24-482. Application for CPNC.

(a) Each individual seeking to obtain a CPNC license for a for-hire vehicle as well as to operate a for-hire vehicle shall make written application to the designated administrative department for same, shall meet the requirements as established by law, and shall certify that all requirements have been properly satisfied. No license shall be granted if the applicant fails to meet the requirements or if the applicant provides false, misleading or incomplete information. Licenses issued on the basis of false, misleading or incomplete information furnished by the applicant may be revoked by the designated administrative department.

(b) If the applicant is a corporation, association or partnership, all of the partners or the principal officers of the organization and the persons actually exercising the executive direction of the organization shall be listed on the applications. All of the provisions applicable to individuals shall apply to and be required of such principal partners or officers, and the failure of any of them to meet such requirements shall be grounds to deny the application of such corporation, association or partnership.

(c) All changes of such partners or officers who have submitted applications shall be reported to the designated administrative department within ten working days of such change, and such new officers, partners or other executive managing personnel shall individually file applications within that time. The failure to certify within such time or to possess the qualifications required of individuals under this article shall be cause for the suspension of all permits held by such corporation, association or partnership.

(Code 1998, § 13-030.03; Ord. No. 93-1737, 5-20-1993)

Sec. 24-483. Requirements.

(a) *LPSC authority.* Any applicant for a CPNC on a bus, van or limousine must possess a current LPSC authority issued by the state public service commission.

(b) *U.S. Coast Guard inspection/license.* Any motor driven watercraft carrying five or more passengers must possess proper inspection issued by the U.S. Coast Guard and all operators of such for-hire motor driven watercraft must possess a proper Coast Guard license (copy of license to be retained on file by parish).

(c) *Age and literacy.* Applicants for CPNCs must be 21 years of age and must be able to read and write English. In the case of a partnership or corporation, said provisions must be satisfied by the qualification of principal partners or duly registered officers.

(d) *Citizenship and residency.*

(1) *Citizenship.* An applicant for any CPNC license must be a citizen of the United States. Proof of citizenship shall be submitted by the applicant at the time the application is made.

(2) *Residency.* An applicant for a CPNC from a contiguous parish must have or designate an agent for service of process and provide same to the designated administrative department.

(3) *Organizations.* If the applicant is a corporation or partnership, the above requirements for a CPNC shall be satisfied by the qualification of all duly registered officers of the corporation or principal partners of the partnership. Copies of articles of incorporation or partnership agreement must be furnished.

(e) *Occupational license.* Applicants for CPNCs must obtain a parish occupational license in accordance with chapter 12 of this Code, and the same must be prominently displayed in the vehicle at all times.

(f) *Proof of ownership and for-hire registration.* Applicants for CPNCs must submit proper proof of ownership for all vehicles to be licensed (title, bill of sale, purchase agreement or lease agreement for not less than two years), as well as a "For-Hire Vehicle" registration certificate to be prominently displayed in the vehicle.

(g) *Operator's license.* All owners and operators of CPNC licensed road vehicles shall be required to possess a current state chauffeurs drivers license, CDL or proper LPSC. All owners/drivers of for-hire road vehicles shall provide the designated administrative department with the names, addresses and driver's license numbers of all persons permitted to drive any such vehicle. Likewise, the designated administrative department must be notified in writing within five working days after the employment of any new driver or the termination of any driver, with the actual employment or termination date being provided in said notice.

(h) *Background record check.* All CPNC applicants must submit to a police background check to be conducted by the parish sheriff's department. One felony conviction or more than three misdemeanor convictions over the past five years will automatically disqualify the applicant from receiving a CPNC. Further, any conviction of driving while intoxicated, reckless operation of a motor vehicle, and/or hit-and-run driving within the past three years will be considered automatic disqualification from obtaining a CPNC operator license from the type of vehicle for which the offense occurred.

(i) *Drug testing.* All CPNC applicants must submit to urinalysis screening for drug and/or alcohol abuse. Testing shall be done in such a manner as to ensure privacy and screening will be performed by an approved testing laboratory which adheres to N.I.D.A. guidelines. All test results and relevant information will be strictly confidential. The presence or detection of any alcohol, drugs or controlled dangerous substance as defined under state law, without valid prescription for the applicant or used in excess of prescribed dosages, will be considered automatic disqualification.

(j) *Insurance prerequisite.* All CPNC vehicle applicants shall submit proof of insurance or ability to be insured by an admitted company licensed to do business in the state, or a surplus line company licensed in the state with a rating in the A.M. Best Guide of at least A, Class IX.

- (1) Applicants must submit to the parish a certificate of insurance or an actual policy of insurance providing for personal injury and property damage liability coverage for each vehicle to be licensed. Property damage must be separated from liability coverage. Combined single limits will not be accepted.
- (2) No for-hire vehicle shall be permitted to operate on streets and roads in the unincorporated areas of the parish until the applicant has furnished sufficient proof of insurance coverage with the parish in the amounts of \$100,000.00, \$300,000.00 and \$500,000.00.

(Code 1998, § 13-030.03; Ord. No. 93-1737, 5-20-1993; Ord. No. 99-3075, 5-20-1999)

Sec. 24-484. Issuance of CPNCs.

The director of the department of permits shall investigate all applicants for a CPNC and the merits of each application. A written report of the findings and recommendations from the investigation shall be submitted to the designated administrative department. The designated administrative department shall determine whether or not any CPNC will be granted or denied. No application shall be denied without a hearing being held thereon, unless granting of a CPNC would cause the licensed motor vehicles in the parish to exceed the specified limit. Existing CPNC holders and other interested parties may appear as intervenors in such hearings.

- (1) *CPNCs generally.* In determining whether a CPNC should be issued, the director of the department of permits shall consider the following:
 - a. Whether the requirements of the certificate of public necessity and convenience can be met and complied with only by the issuance of additional certificates of public necessity and convenience;
 - b. The resulting effect of an issuance upon the business of existing certificate holders and upon the existing agencies of mass transportation;
 - c. The effect upon traffic congestion and safety of the public using the streets and said for-hire vehicles;

- d. The effect upon working conditions, wages or other compensation paid to drivers of taxicabs or other motor vehicles being operated under existing CPNCs;
 - e. In the case of a new CPNC company, the applicant must establish the fact that the service to be provided is not and/or cannot be adequately provided by existing CPNC companies; or
 - f. Any other facts which the director may deem relevant.
- (2) *CPNCs for taxicabs.* In determining whether a certificate of public necessity and convenience shall be granted to an applicant to operate a taxicab from a contiguous parish to pick up passengers or property in the parish, the director of permits shall take into consideration the number of vehicles licensed. No more than 20 certificates of public necessity and convenience to operate a taxicab in the parish shall be issued by the director of permits.
- (3) *Limousines.* In the case of new limousine companies, the applicant must have proof of title or leasing agreements for at least two, seven or nine passenger limousines and the limousines must not be more than five years old. No more than 20 certificates of public necessity and convenience to operate limousines in the parish shall be issued by the director of permits.
- (4) *Vans, buses.* All applicants for certificates of public necessity and convenience for vans or buses must provide proof of title, leasing agreement or proof of purchase and the required insurance coverage dependent upon passenger capacity.
- (Code 1998, § 13-030.04; Ord. No. 93-1737, 5-20-1993; Ord. No. 99-3075, 5-20-1999)

Sec. 24-485. Denial; revocation; suspension.

The designated administrative department shall have the sole authority to deny, revoke or suspend any certificate of public necessity and convenience.

(Code 1998, § 13-030.05; Ord. No. 93-1737, 5-20-1993)

Sec. 24-486. Permanent disqualification for certain offenses.

(a) Applicants for a driver's permit or CPNC shall never have been convicted anywhere under the laws of this state or any other state or of the United States of the offense or offenses equivalent thereto of homicide, negligent homicide, aggravated rape, aggravated battery, simple rape, aggravated kidnapping, aggravated burglary, armed robbery, attempted aggravated battery, attempted aggravated rape, attempted aggravated robbery, aggravated assault or sale of narcotics.

(b) Applicants for a driver's permit or CPNC shall never have been convicted of multiple felony offenses or multiple traffic offenses involving injury or death.

(Code 1998, § 13-030.05.1; Ord. No. 93-1737, 5-20-1993)

Sec. 24-487. Prescription of certain offenses.

(a) Applicants for a driver's permit or CPNC shall not have been convicted of any felony other than those listed in section 24-486, or pandering, prostitution, soliciting for prostitution or illegal possession or use of narcotics within five years of the date of filing an application; nor shall the applicant have served any part of a sentence therefore within five years before the date of filing such application.

(b) An applicant who is otherwise qualified to obtain a driver's permit or CPNC who has been convicted of a disqualifying offense under this section may appeal to the parish council within ten working days from the notice of disqualification by the department, provided that the applicant has received a pardon for said offense or committed said offense while a minor or where extenuating or mitigating circumstances are present.

(Code 1998, § 13-030.05.2; Ord. No. 93-1737, 5-20-1993)

Sec. 24-488. Specific causes for suspension or revocation.

(a) The parish council, or its duly designated representative, is authorized to suspend, for a period not exceeding 90 days, or revoke, pursuant to the applicable procedure, any driver's permit or CPNC for due cause whenever said party has to his discredit one of the following:

- (1) Conviction in any court for violating any of the disqualifying provisions of this article;
- (2) Finding, after administrative hearings as set out hereinafter, that the holder of the permit or CPNC has failed to comply with the provisions of this chapter;
- (3) A combination of convictions in any court and/or suspensions totaling five within one year;
- (4) Operation of a vehicle regulated by the provisions of this article when the operator's permit is under suspension; or
- (5) Investigation by the director of the department of permits revealing that the permit holder falsified or concealed information which would have disqualified said applicant as a recipient of a permit under this article.

(b) A driver's permit for a road vehicle shall also be suspended or revoked for due cause whenever the party has to his discredit one of the following:

- (1) Conviction in any court for driving while intoxicated, while impaired or while under the influence of alcohol, drugs or any controlled dangerous substance; or
- (2) Five or more moving violation convictions or three or more convictions of moving violations period of 12 months.

(Code 1998, § 13-030.05.3; Ord. No. 93-1737, 5-20-1993)

Sec. 24-489. No addiction to intoxicating drugs.

The applicant for a driver's permit or CPNC shall not be addicted to the use of intoxicating liquors and shall not use any alcohol, drugs or controlled dangerous substance as defined under state law, without valid prescription for the applicant from a licensed physician or used in excess of prescribed dosages. The physician shall have stated in writing that the applicant's ability to operate a vehicle will not be impaired by use of the drug.

(Code 1998, § 13-030.05.4; Ord. No. 93-1737, 5-20-1993)

Sec. 24-490. Narcotics tests and mandatory revocation for use of narcotics.

(a) Each applicant shall furnish a written certificate or statement from the coroner of the parish that he has been examined within ten days of applying for such permit by the coroner or by a competent person under his discretion or an approved testing laboratory and found not to use any alcohol, drugs or controlled dangerous substance as defined under state law, without valid prescription for the applicant from a licensed physician or used in excess of prescribed dosages.

(b) The parish council, chief administrative officer, or director of permits may, pursuant to notice in writing, periodically require the holder of any CPNC or driver's permit issued under this article to take additional tests by the coroner of the parish, or by an approved testing laboratory, acting under the direction of said officer, to determine if such holder uses any alcohol, drugs or controlled dangerous substance as defined under state law, without valid prescription for the applicant from a licensed physician or used in excess of prescribed dosages. It shall be the right of the parish council or its designated representative to revoke, pursuant to the applicable administrative procedure, the CPNC or driver's permit should the coroner or approved testing laboratory certify in writing at any time that an examination shows that such holder does use any of the narcotic drugs or any barbituric acid derivatives or central nervous system stimulant as defined herein.

(Code 1998, § 13-030.05.5; Ord. No. 93-1737, 5-20-1993)

Sec. 24-491. Police record check.

All applicants for driver's permits or CPNCs shall submit to a police record check through the sheriff's department, and a copy of the report shall be attached to the application and kept on file by the department of permits.

(Code 1998, § 13-030.05.6; Ord. No. 93-1737, 5-20-1993)

Sec. 24-492. Provisions for hearing/appeal of denial/revocation of driver's permit or CPNC.

(a) The parish council or its designated representative may deny or revoke the issuance of a driver's permit or a CPNC whenever, in the exercise of reasonable and sound discretion and after giving notice and affording the applicant or holder a hearing thereon, it has been

determined that the applicant or holder is in violation of this article. The parish council shall conduct a hearing in accordance with the provisions of R.S. 49:951 et seq. (Rules of Administrative Procedure).

(b) In the event the hearing results in the denial or revocation of a CPNC, the party involved may thereafter appeal to the parish council within ten working days of such ruling to determine if said ruling is justified in the exercise of reasonable and sound discretion.

(Code 1998, § 13-030.05.7; Ord. No. 93-1737, 5-20-1993)

Sec. 24-493. Suspension hearing.

(a) The director of the department of permits or a duly designated agent shall have the authority to suspend for not more than 90 days the CPNC or driver's permit of a holder in violation of any section of this article, provided that the party shall be first afforded notice of a hearing at which the holder will be permitted to present a defense, the convocation of such a hearing in the parish council chambers, and the written reasons for the suspension by the parish council in the event of a decision of suspension.

(b) In the event that the hearing results in the suspension of a CPNC or driver's permit, the party involved may appeal to the 22nd Judicial District Court.

(Code 1998, § 13-030.05.8; Ord. No. 93-1737, 5-20-1993)

Sec. 24-494. One-year prohibition against application after revocation.

No person whose CPNC or permit has been revoked, pursuant to the procedure required by this article, shall be permitted to file an application for a new permit or CPNC within a period of 12 months after such revocation. If after such period application is made, the applicant shall be required to meet all the requirements and qualifications provided in this article for original applicants. The director of permits has the discretion to issue a probationary license or permit at an established fee for a period of 12 months. Such probationary license or permit shall be subject to administrative review and revocable by the director of permits in the exercise of sound discretion for any violation of the law.

(Code 1998, § 13-030.05.9; Ord. No. 93-1737, 5-20-1993)

Sec. 24-495. Corporate officers subject to penal provisions.

Whenever a corporation, partnership or association shall violate any of the penal provisions of this article, such violation shall also be deemed to be that of the individual officers, directors, partners or agents of such corporation who had personally authorized, ordered or perpetuated such violation. Any such officer, director, partner or agent shall be punished in the same manner and to the same extent as herein provided for an individual.

(Code 1998, § 13-030.06; Ord. No. 93-1737, 5-20-1993)

Sec. 24-496. General or attempted noncompliance; penal provisions.

The noncompliance with any mandatory or prohibitory provision of this article shall constitute an offense and a violation hereof. Any person charged with a violation of this article and found guilty of an offense thereof shall be subject to punishment by a fine and/or imprisonment at the discretion of the 22nd Judicial District Court not to exceed the maximum penalty provisions as defined in section 1-9. Any person convicted of an attempt to violate the provisions of this article shall be sentenced to not more than one-half the maximum fine and/or imprisonment as defined in section 1-9.

(Code 1998, § 13-030.07; Ord. No. 93-1737, 5-20-1993)

Sec. 24-497. Liability coverage for-hire vehicles.

All applicants and/or individuals holding CPNCs are required to have in full force and effect separate policies of liability insurance coverage for personal injury and property damage. Proof of insurance must be furnished to the parish.

(Code 1998, § 13-030.08; Ord. No. 93-1737, 5-20-1993)

Sec. 24-498. Liability for certificate holders.

Such persons to whom CPNCs have been issued in accordance with the provisions of this article shall be liable and answerable in damages for all injuries or damages whatsoever caused directly or indirectly by the use or operation of the CPNC holder's for-hire vehicles, whether at the time of the injury or damages such for-hire passenger vehicles were being used or operated by owner, agent, servant or employee or other persons not agents, servants or employees of the holder, unless proof is shown that the vehicle was stolen.

(Code 1998, § 13-030.08.1; Ord. No. 93-1737, 5-20-1993)

Sec. 24-499. Temporary CPNC for special events.

The director of the department of permits is hereby authorized to issue temporary CPNCs for special events and special needs subject to the following restrictions:

- (1) The temporary CPNC will be valid beginning at 12:00 noon on the day prior to the special event and will end at 12:00 noon the day following the special event.
- (2) No certificate shall be issued to other than a holder of a current group tour and special sightseeing, limousine, or a per capita sightseeing CPNC.
- (3) Certificates shall only be issued for vehicles which qualify for a CPNC by being properly licensed, registered and insured.
- (4) Operators of such licensed vehicles shall themselves be licensed by the state to drive said vehicle; said license being a valid state chauffeur driver's license.

- (5) All fees and charges for temporary certificates issued under this section shall be as outlined in this article.
- (6) There shall be compliance with all applicable provisions of this Code for the parish prior to the issuance of the temporary CPNC for special events.
(Code 1998, § 13-030.09; Ord. No. 93-1737, 5-20-1993; Ord. No. 99-3075, 5-20-1999)

Sec. 24-500. Liability coverage required.

No for-hire vehicle subject to the provisions of this article shall be permitted to operate on streets or roads in the unincorporated areas of the parish by any owner and/or operator until such party shall have first provided personal injury and property damage liability coverage for each such vehicle in the manner and in the amount specified hereinafter. The department of permits shall maintain a continuous check of the liability coverage of each taxicab and for-hire vehicle specified in this article and shall not permit any such vehicle to operate without the required coverage.

(Code 1998, § 13-030.08.2; Ord. No. 93-1737, 5-20-1993; Ord. No. 99-3075, 5-20-1999)

Sec. 24-501. Coverage by insurance policy.

No insurance policy to provide coverage shall be accepted, unless the same shall be written by a public insurance company authorized to do business in the state; shall be issued to such person, persons, firm or corporation; shall be in the amounts specified and shall conform to all requirements of this article; and shall stipulate that any person or persons, firm or corporation, who may sustain damage to their person or property resulting from such negligent operation of such vehicles, shall have their right of action on said policy as fully and to the same extent as if said policy were made and executed directly in favor of the claimant for such damages. No policy will be accepted for a shorter period than six months. Such insurance written under this section may be in either an "admitted" company or a "surplus line" company certified to do business in this state, provided that if same be written in a surplus line company, such company shall have a minimum rating with A.M. Best Company of A, Class IX. However, if the insurance written under these provisions is for a nonmotorized (i.e., animal drawn) vehicle and is written in a surplus line company, such company shall have a minimum rating with A.M. Best Company of B+, Class VII. It shall be incumbent on the CPNC holder to inform the parish if and when insurance is no longer in effect.

(Code 1998, § 13-030.08.3; Ord. No. 93-1737, 5-20-1993)

Sec. 24-502. Effectiveness of certificate.

The certificate for any and all for-hire vehicles of an owner thereof shall be effective and operation shall be permitted thereunder only so long as the insurance requirements as to such vehicle shall remain in force as therein provided.

(Code 1998, § 13-030.08.4; Ord. No. 93-1737, 5-20-1993)

Sec. 24-503. Enforcement.

The provisions of this section may be enforced by appropriate civil remedy in any court of competent jurisdiction by governmental authority or by any person having an interest affected, directly or indirectly, by any violation thereof.

(Code 1998, § 13-030.08.5; Ord. No. 93-1737, 5-20-1993)

Sec. 24-504. Revocation of for-hire vehicle license for failure to provide liability coverage.

Unless the CPNC holder furnishes the parish department of permits with satisfactory evidence of required legal liability coverage prior to the expiration of the first seven days of the ten-day notice specified in this article, or upon the third notice of cancellation within a 12-month period, the CPNC shall be subject to revocation after a hearing held by the parish council as set forth herein.

(Code 1998, § 13-030.08.6; Ord. No. 93-1737, 5-20-1993)

Sec. 24-505. Required liability coverage for all for-hire vehicles.

The liability coverage for all for-hire vehicles shall be represented by a policy of liability insurance issued by an insurance company for payment of a sum of not less than \$100,000.00 to satisfy all claims for damages by reason of bodily injury to, or death of, any one person resulting from any one accident, and, subject to said limit for one person, for payment of a sum not less than \$300,000.00 to satisfy all claims for damages by reason of bodily injury to, or death of, two or more persons, resulting from any one accident; and for payment of a sum not less than \$50,000.00 to satisfy all claims for damage to property resulting from any one accident, by reason of the ownership, operation, maintenance or use of such vehicle upon any street or road the unincorporated areas of the parish.

(Code 1998, § 13-030.08.7; Ord. No. 93-1737, 5-20-1993; Ord. No. 99-3075, 5-20-1999)

Sec. 24-506. Bus and limousine CPNC applications.

A CPNC shall be issued for buses or limousines only after a written application is filed with the department of permits, a public hearing is convened, due notice is given to applicant, as well as to all competing companies, stating they might appear as interveners, and finding is reached by the director of permits that public convenience and necessity require the issuance of a certificate to said applicant.

(Code 1998, § 13-030.10; Ord. No. 93-1737, 5-20-1993)

Sec. 24-507. Regulation of vehicles.

(a) Road vehicles must be in good mechanical condition and display a current state inspection certificate. Vehicles purchased for the express use of serving as taxicabs within the parish shall be no older than five years. Said vehicles may remain in service indefinitely as long as they comply with the safety standards of the state and the other provisions of this article.

(b) All CPNC vehicles must be registered in the owner's name with the parish, giving the class, type, seating capacity, make, manufacturer, motor number and serial number, design and color scheme and any lettering and marks to be used thereon. The owner is required to pay a fee of \$25.00 for each registration. The registration certificate must be prominently displayed in the vehicle at all times.

(c) Change of ownership of or title to any CPNC vehicle for the operation of which a registration certificate has been issued shall automatically revoke such certificate unless the parish is notified of such a change and transfers the unexpired portion of said certificate to the new owner or to a substitute vehicle in case of destruction or replacement of vehicle for which the original permit was issued.

(Code 1998, § 13-030.11; Ord. No. 93-1737, 5-20-1993)

Sec. 24-508. Vehicle inspections.

No person shall operate a vehicle that does not have the appropriate vehicle inspection sticker required by state law or federal regulations.

(Code 1998, § 13-030.12; Ord. No. 93-1737, 5-20-1993)

Sec. 24-509. Operation of for-hire vehicle.

Every motor vehicle used in the business of transporting passengers for-hire shall use the streets or roads in the unincorporated areas of the parish subject to all traffic rules and regulations that may from time to time be issued by the state police, the sheriff and/or the parish council, and shall at all times be operated in a manner consistent with public welfare and safety.

(Code 1998, § 13-030.13; Ord. No. 93-1737, 5-20-1993; Ord. No. 99-3075, 5-20-1999)

Sec. 24-510. Police to regulate operation, parking.

(a) Operators of CPNC vehicles must obey all parish ordinances regarding traffic, parking, vehicular safety requirements, and all other regulatory laws governing vehicle operation applicable in the parish.

(b) It shall be the duty of the sheriff, the state police, or duly authorized law enforcement officers, to regulate the operation and parking of every vehicle operated as a public taxi or vehicle for hire hereunder on the streets in the unincorporated areas of the parish; which parking shall be regulated in a manner which will prohibit the undue blocking of traffic or the undue use of particular sections of streets for parking purposes by taxicabs and vehicles for hire, and all operators of the same are forbidden from posting any sign, poster or placard which in any manner restricts parking privileges of the general public unless signs are specifically authorized by order of the parish council.

(Code 1998, § 13-030.13.1; Ord. No. 93-1737, 5-20-1993)

Sec. 24-511. Restricted fares.

(a) It shall be unlawful for any person operating a for-hire vehicle, who is not licensed in the parish, to provide pickup service for seven citizens in the unincorporated areas of the parish.

(b) For-hire vehicle operators licensed in another parish are prohibited from accepting fares originating in the unincorporated areas of this parish, unless they possess a CPNC issued by the parish council.

(c) Exempt herefrom are licensed for-hire vehicles, i.e., limousines and buses, which provide charter services or contract services for weddings and funerals. Operators of such vehicles will be required to furnish a "Round-Trip Contract" to perform such services.

(Code 1998, § 13-030.14; Ord. No. 93-1737, 5-20-1993)

Sec. 24-512. CPNC schedule of fees.

The fee to be paid to the parish council for issuance of a certificate of public necessity and convenience (CPNC) or operator's license for a CPNC vehicle is hereby fixed as follows:

Taxicab/vehicles of six or less passengers	\$25.00
Limousines/vehicles six to nine passengers	\$25.00
Vans/buses/vehicles 12 or less passengers	\$25.00
Group tours/special sightseeing	\$25.00
Per capita sightseeing	\$25.00
Special events/charter	\$25.00
Temporary license—Per day, per vehicle	\$10.00

(Code 1998, § 13-030.15; Ord. No. 93-1737, 5-20-1993; Ord. No. 99-3075, 5-20-1999)

Sec. 24-513. Duration; renewal.

Every permit issued hereunder shall be for a period of five years and may be revoked by the parish council at any time for any violation of the provisions of this article, and must be renewed by every operator of taxicabs or other vehicles for-hire each and every year from date of the issuance of the original permit, it being the intention of this article that no for-hire vehicle be operated for carrying passengers unless it be expressly authorized by the parish council, after compliance with all regulations contained in this article.

(Code 1998, § 13-030.15.1; Ord. No. 93-1737, 5-20-1993)

Sec. 24-514. Applicant to pay all license fees.

Each applicant, upon issuance of a CPNC hereunder by the parish council to conduct the business provided for herein, shall pay promptly all license fees required by the laws of the state and by the ordinances of this parish, and shall at all times while operating the said business pay all licenses and fees promptly when due.

(Code 1998, § 13-030.15.2; Ord. No. 93-1737, 5-20-1993)

Sec. 24-515. Exemptions; exceptions.

(a) Exempt from requirements established herein are educational, religious and nonprofit groups/organizations using for-hire vehicles in connection with field trips, scholastic or athletic events, church related activities, senior citizens activities and charitable events.

(b) Any person, corporation or partnership in possession of a valid occupational license issued by the parish municipality to operate a for-hire road vehicle shall be exempt from the provisions and requirements hereof, provided said license was issued prior to the enactment of this chapter.

(Code 1998, § 13-030.16; Ord. No. 93-1737, 5-20-1993; Ord. No. 99-3075, 5-20-1999)

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Chapter 25

RESERVED

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Chapter 26

NUISANCES*

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***State law references**—Authority of parish health to abate nuisances through enforcement of health and sanitary ordinances, R.S. 40:14; maintenance of property and liens for removal and securing of dangerous structures, R.S. 33:1236.28.

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- Sec. 26-85. Standards and definitions.
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ARTICLE I. IN GENERAL

Sec. 26-1. Purpose and definition.

The purpose of these articles is to define and prohibit conduct that constitutes a "nuisance." Conduct that is defined as a nuisance is expressly prohibited and shall constitute a misdemeanor punishable according to the penalties and provisions set forth in section 26-9, which shall apply to all nuisances, unless a separate penalty is otherwise provided. In this regard, conduct that is a "nuisance" is hereby defined as any unlawful act or omission, or suffering or permitting any condition or thing to be or exist, which act, omission, condition or thing either:

- (1) Injures or endangers the health, safety or well-being of others;
- (2) Essentially interferes with, obstructs or tends to obstruct or renders dangerous for passage any public or private street, highway, sidewalk, stream, ditch or drainage;
- (3) Injures, damages, threatens to damage or tends to depreciate the value of any public or private property;
- (4) Essentially interferes with the right of privacy within ones home or unreasonably interferes with the use of ones residential property, including sounds and noises as enumerated in section 26-2(5); or
- (5) Actually causes, or imminently threatens to cause, material and substantial disruption within the community or is an invasion of the rights of others, including sounds and noises as enumerated in section 26-2(6).

(Code 1998, § 14-001.00; Ord. No. 04-0943, 8-5-2004)

Sec. 26-2. Illustrative enumeration.

The following acts and/or omissions and the maintaining, using, placing, depositing, leaving or permitting to be or remain on any public or private property of any of the following items, conditions or actions are hereby declared to be and constitute a nuisance; provided, however, these enumerations shall not be deemed nor construed to be conclusive, limiting or restrictive:

- (1) Noxious weeds and other rank vegetation.
- (2) Accumulation of rubbish, trash, refuse, junk discarded or abandoned major appliances, such as refrigerators, freezers, ranges or other machinery, metal, tin and/or other discarded or abandoned materials, metals, lumber or other things, on any vacant lot or any portion of any occupied lot, neutral ground, street, sidewalk, drainageway or any public or private right-of-way.
- (3) Any condition which provides harborage for rats, mice, snakes and other vermin.

- (4) Any building or other structure which is in such a dilapidated condition that it is unfit for human habitation, or kept in such an unsanitary condition that it is a menace to the health of people residing in the vicinity thereof, or presents a more than ordinarily dangerous fire hazard in the vicinity where it is located.
- (5) All noises and sounds, including animal noises, that are unreasonably loud and intrusive, raucous, jarring or disturbing and which essentially interfere with the right of privacy within ones home or unreasonably interfere with the use of ones residential property, which is defined to include single-family, duplex or multifamily dwellings, nursing homes, outpatient surgical facilities and similar facilities.
- (6) All noises or sounds that are unreasonably loud and intrusive, raucous, jarring or disturbing and which actually cause, or imminently threaten to cause, material and substantial disruption of the activities of such places as schools, courts, churches or businesses.
- (7) All obnoxious and/or dangerous odors and stenchs, as well as the conditions, substances or other causes which give rise to the emission or generation of such odors and stenchs.
- (8) The carcasses of animals or fowl not disposed of within a reasonable time after death.
- (9) The pollution of any public well or cistern, stream, lake, canal or body of water by sewage, dead animals, creamery, industrial wastes or other substances.
- (10) Any building, structure or other place or location where any activity which is in violation of local, state or federal law is conducted, performed or maintained.
- (11) Any accumulation of stagnant water permitted or maintained on any lot or piece of ground.
- (12) Dense smoke, noxious fumes, gas, soot or cinders in unreasonable quantities.
- (13) Contractor's rubble, defined for the purposes hereof as the residue from construction, building demolition or razing of parts or the whole of structures and the residue of "do it yourself" repairs or other like operations, including excavation.
- (14) Building debris which is defined for the purposes hereof as plaster, roofing, concrete, brickbats, sand, discarded electrical wiring, lumber, pipes and fixtures resulting from construction repair, renovation or remodeling of any building, structure or appurtenance thereto.
- (15) Camps, buildings and structures determined to be unsafe or dangerous by the parish chief building official.
- (16) The placing of fill material comprised in whole or in part of asphaltic and/or asbestos roofing shingles on any lot, place or area situated on Lake Pontchartrain or any water-way which has a current flow and is designated as a river or bayou on any official

map of the state or any other body of water, depression or bed, whether or not there is a current flow present or water present within its bank, when such stream is identifiable on any official map of the state and the directional course of said stream indicates a discharge of water into Lake Pontchartrain, to deposit or place, or to permit the deposition or placement on such lot, place or area, or upon any river bank or seashore said lot, place or area any fill material comprised, either entirely or partly, of asphaltic and/or asbestos roofing shingles.

- (17) Tree cuttings and other associated debris in public or private drainageways, drainage servitudes, ditches or natural or manmade canals.
- (18) The placing, throwing, sweeping, depositing or blowing of grass clippings, pine needles, pine cones, shrubs, brush, cut timber, the trimmings or clippings from hedges, shrubs and/or other landscaping plants or trees, or any other yard debris, onto a public road or into any natural or manmade drainage channel, canal, easement or roadside ditch. Any individual and/or company that is engaged in the business or regular activity that is commonly referred to as a landscape maintenance or grass cutting business shall be responsible to collect and properly dispose of all clippings, trimmings and/or other yard debris, rather than causing it, or allowing it to become, deposited on the roadway or into the drainage channel, canal, easement or roadside ditch.

(Code 1998, § 14-002.00; Ord. No. 04-0943, 8-5-2004; Ord. No. 05-1175, 8-4-2005)

Sec. 26-3. Fires for yard debris.

(a) Except as provided in subsection (d) of this section, the burning of leaves and yard debris, such as pine needles, pine cones, shrubs, brush and cut timber shall not be a violation of this chapter, provided that:

- (1) The fire area shall not be greater than eight feet in diameter;
- (2) The height of burning materials shall not be greater than four feet;
- (3) Burning shall only occur between sunrise and one hour before sunset;
- (4) The fire site shall not be unattended;
- (5) A functional water hose shall be located next to the fire site;
- (6) The fire site shall be located at least ten feet from the nearest property line;
- (7) There shall be no more than one fire site per homesite or parcel of land;
- (8) The fire site shall be located at least 50 feet from any structure, if nearer than 50 feet from a structure, a container must be used;
- (9) The fire shall not emit dense smoke, noxious fumes, gas, soot or cinders in unreasonable quantities so as to violate section 26-1.

A violation of any of the above restrictions may result in the fire site being considered a nuisance under this chapter.

(b) The restrictions listed in subsection (a) of this section that are set forth in subsections (a)(1) through (8) of this section shall not apply in the event that the controlled fire or open burning of leaves and yard debris, as stated herein, is located a distance of 1,000 feet or more from the nearest dwelling. However, such controlled fire or open burning of leaves shall not present a fire hazard and, as provided in subsection (a)(9) of this section, shall not emit dense smoke, noxious fumes, gas, soot or cinders in unreasonable quantities so as to violate section 26-1.

(c) The provisions of this section are not intended nor shall they lessen the responsibility of all persons to abide by other ordinances of this parish, and laws of this state governing the matters herein addressed.

(d) Prohibited:

- (1) Notwithstanding the provisions of subsection (a) of this section, the provisions of section 14-26 or any other provision, the burning of leaves and yard debris, such as pine needles, pine cones, shrubs, brush and cut timber in the following areas is strictly prohibited to-wit:
 - a. Those areas of Council District 4 that are located east of the Tchefuncte River. Accordingly and for clarification, those areas of Council District 4 situated west of the Tchefuncte River, which areas are currently within the boundaries of voting precincts MD1 and 102, are not included within the prohibition.
 - b. The area bounded on the north by Interstate 12, on the south by the north bank of Ponchitolawa Creek, on the west by the eastern bank of the Tchefuncte River and on the east by the western right-of-way of U.S. Highway 190, which area was formerly within the boundaries of Council District 4 and comprises the area within the current boundaries of voting precinct 306.
- (2) Notwithstanding the provisions of subsection (a) of this section, the provisions of section 14-26 or any other provision, the burning of leaves and yard debris, such as pine needles, pine cones, shrubs, brush and cut timber on any lot or parcel of land less than 12,600 square feet in size within any parish approved subdivision is strictly prohibited. (Code 1998, § 14-003.00; Ord. No. 04-0943, 8-5-2004; Ord. No. 05-1213, 12-1-2005; Ord. No. 08-1826, 6-5-2008; Ord. No. 09-2128, 9-3-2009; Ord. No. 11-2614, 10-6-2011)

State law reference—Authority of parish to enact ordinances prohibiting and regulating the burning of leaves, limbs, branches or yard debris as public nuisances, R.S. 33:1236(31).

Sec. 26-4. Notice to abate.

Whenever a nuisance is found to exist within the parish, the sheriff, enforcement officers of the parish department of planning and permits, the parish health officer and the chief of the

applicable fire protection district, or any of their duly designated representatives, shall have the authority to give written notice to abate the nuisance to the owner or occupant of the property upon which such nuisance exists or upon the person causing or maintaining the nuisance. Where the nature and circumstances of a particular nuisance violation warrants immediate enforcement, the sheriff's office may arrest or issue a misdemeanor summons in lieu of the notice to abate. In addition, an enforcing official shall have the authority to summarily abate any nuisance which, by its nature, creates an immediate hazard to life and/or property.
(Code 1998, § 14-004.00; Ord. No. 04-0943, 8-5-2004)

Sec. 26-5. Contents of notice.

The notice to abate a nuisance issued under the provisions of this article shall contain:

- (1) An order to abate the nuisance or to request a hearing within a stated time, which shall be reasonable under the circumstances.
- (2) The location of the nuisance, if the same is stationary.
- (3) A description of what constitutes the nuisance.
- (4) A statement of acts necessary to abate the nuisance.
- (5) A statement that if the nuisance is not abated as directed and no request for hearing is made within the prescribed time, the parish will abate such nuisance and assess the cost thereof against such person.

(Code 1998, § 14-005.00; Ord. No. 04-0943, 8-5-2004)

Sec. 26-6. Service of notice.

The notice to abate a nuisance shall be served as any other legal process may be served pursuant to law.

(Code 1998, § 14-006.00; Ord. No. 04-0943, 8-5-2004)

Sec. 26-7. Abatement by parish.

Upon the failure of the person upon whom notice to abate a nuisance is served pursuant to the provisions of this article to abate the same, the enforcement officer or other duly designated officer of the parish shall proceed to abate such nuisance and shall prepare a statement of costs incurred in the abatement thereof.

(Code 1998, § 14-007.00; Ord. No. 04-0943, 8-5-2004)

Sec. 26-8. Costs of parish declared lien.

Any and all costs incurred by the parish in the abatement of a nuisance under the provisions of this article shall constitute a lien against the property upon which such nuisance existed,

which lien shall be filed, proven and collected as provided for by law. Such lien shall be notice to all persons from the time of its recording, and shall bear interest at the legal rate thereafter until satisfied.

(Code 1998, § 14-008.00; Ord. No. 04-0943, 8-5-2004)

Sec. 26-9. Penalties.

Any person who shall violate any of the provisions of this chapter; or who shall violate or fail to comply with any order made hereunder, within the time fixed therein, shall severally for each and every violation and noncompliance, respectively, be guilty of a misdemeanor punishable by a fine of not less than \$100.00 nor more than \$500.00, or by imprisonment for not more than 30 days, or both such fines and imprisonment. Unless specifically provided otherwise, each day that any violation of this chapter shall continue shall constitute a separate offense. The imposition of a penalty for any violation shall not excuse the violation nor shall the violation be permitted to continue. All such persons shall be required to correct or remedy such violations or defects within a reasonable time, and when not otherwise specified, the application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

(Code 1998, § 14-009.00; Ord. No. 04-0943, 8-5-2004; Ord. No. 05-1175, 8-4-2005)

Sec. 26-10. Unhealthful materials, weeds, grass, debris.

(a) It shall be unlawful for the owner of any lot, place or area within all subdivisions, within 100 feet of all homes, business places or establishments and within 100 feet of the exterior right-of-way limits of all state highways and parish roads or streets in the parish, or the agent of such owner, to permit on such lot, place or area, or upon any sidewalk abutting same, any weeds, grass or deleterious, unhealthful growths over 15 inches in height, trash, debris, refuse, discarded or noxious matter, that may be growing, lying or located thereon.

(b) That the parish government, or its duly authorized representative, is hereby authorized and empowered to notify, in writing, the owner of any lot, place or area within the parish, or the agent of such owner, to cut, destroy and/or remove any such weeds, grass or deleterious, unhealthful growths over 15 inches in height, trash, debris, refuse, discarded or noxious matter, found growing, lying or located on such owner's property, or upon the sidewalk abutting same; provided that such written notice shall be by certified mail, addressed to said owner, or agent of said owner, at his last known address.

(c) That upon failure, neglect or refusal of any such owner, or agent of such owner, to cut, destroy and/or remove such weeds, grass or deleterious, unhealthful growths over 15 inches in height, trash, debris, refuse, discarded or noxious matter, growing, lying or located upon such owner's property, or upon the sidewalk abutting same, within 15 days after receipt of the written notice provided for in the preceding section, or within 15 days after the date of such notice, in the event the same is returned to the parish government by the U.S. Post Office because of its inability to make delivery thereof, provided the same was properly addressed to the last known

address of such owner, or agent, the parish government, or its duly authorized representative, is hereby authorized and empowered to order by parish personnel or by contract to pay for the cutting, destroying and/or removal of such weeds, grass or deleterious, unhealthful growths over 15 inches in height, trash, debris, refuse, discarded or noxious matter.

(d) That, whenever the parish government, or its duly authorized representative, has paid for the cutting, destroying and/or removing of such weeds, grass or deleterious, unhealthful growths over 15 inches in height, trash, debris, refuse, discarded or noxious matter, as set forth in the preceding section, the actual cost thereof, plus accrued interest at the rate of eight percent per annum from the date of the completion of said work, shall be charged to the owner of such property on the next regular tax bill forwarded to such owner by the sheriff and ex-officio tax collector for the parish, if not paid by such owner prior thereto, which said charge shall be due and payable by said owner at the time of payment of such tax bill.

(e) That if the full amount due the parish is not paid by such owner within ten days after the cutting, destroying and/or removal of such weeds, grass or deleterious, unhealthful growths over 15 inches in height, trash, debris, refuse, discarded or noxious matter, as set forth in the two preceding sections; then, and in that case, the parish government, or its authorized representative, shall cause to be recorded in the mortgage office of the parish, a sworn statement showing the cost and expense incurred for the work and the date, place or property on which said work was done, and the recordation of such sworn statement shall constitute a lien and privilege on the property, and shall remain in full force and effect for the amount due in principal and interest, plus costs of court, if any, for collection, until final payment has been made; said costs and expenses shall be collected in the manner fixed by law for the collection of taxes, and, further, shall be subject to a delinquent penalty of ten percent in the event same is not paid in full on or before the date the tax bill upon which said charge appears becomes delinquent, sworn statements recorded in accordance with the provisions hereof shall be prima facie evidence that all legal formalities have been complied with and that the work has been properly and satisfactorily done, and shall be full notice to every person concerned that the amount of that statement, plus interest, constitutes a charge against the property designated or described in the statement and that the same is due and collectible as provided by law.

(f) In addition to the above remedies, violations of the provisions of this chapter, or failure to comply with any of its requirements, shall constitute a misdemeanor. Any person who violates this chapter or fails to comply with any of its requirements shall, upon conviction therefore, be fined not less than \$50.00 per day, and in addition, shall pay all cost and expenses involved in the case; however, the maximum aggregated fines are not to exceed \$500.00. Each day such violation continues shall be considered as a separate offense all in accordance with section 1-9.

(g) The director of permits and inspections, the director of parish development and all persons appointed as acting inspectors of the parish are empowered to serve a citation upon persons charged with violations of any provision contained in this section or to post a notice of violation at the place of violation.

(h) As used in this section, the term "citation" means a written or printed notice served upon the person charged with a violation. Such citation shall include, but may not be limited to, the following information:

- (1) The name of the person creating the violation or the owner or person in charge of the premises at which the violation occurs;
- (2) The date and place of violation;
- (3) A short description of the violation followed by the number and section of the ordinance or code article provision violated;
- (4) The date and place at which the person shall appear and a notice that if the person does not respond to the citation a warrant shall be issued for such person's arrest; and
- (5) A notice that the person charged may be represented by counsel, that he may plead guilty or not guilty, and that he has a right to a court hearing.

(Code 1998, § 14-010.00; Ord. No. 04-0943, 8-5-2004)

State law reference—Parish authority to compel grass cutting and removal of weeds, R.S. 33:1236(21).

Sec. 26-11. Prohibited tree cuttings and associated debris.

It shall be unlawful for any individual, tree trimming company, public utility company or other company, and its employees, engaged in tree trimming operations to leave or permit to remain on any public or private drainageways, drainage servitudes, ditches or natural or manmade canals any tree cuttings and other associated debris. Except as otherwise provided herein, individuals, tree trimming companies and public utility or other companies shall be responsible to contemporaneously remove all such tree cuttings and other associated debris resulting from tree trimming operations.

- (1) *Emergencies.* During times of emergencies, because of damage occasioned by such events as hurricanes, tornadoes, force majeure or other catastrophic events, when such tree trimming operations are necessary to restore such things as power or other public utility services, tree cuttings and other associated debris shall be permitted to remain for a reasonable time under the circumstances. Clean-up of trees and limbs that are broken and blown over by forces such as wind and rain or structural failure shall not be the responsibility of said utility companies or their tree contractors. The responsibility for clean-up of trees and debris due to wind or rain or structural failure shall belong to each respective individual property owner. However, under no circumstances shall post storm tree trimming activities result in debris being placed in and left to remain in any drainageway, drainage servitude, ditch or natural or manmade canal.
- (2) *Contemporaneous removal.* Except in cases of emergencies, which shall not include prestorm activities, all tree cuttings and other associated debris shall be removed from

the location where the activity is being conducted contemporaneously with the tree trimming activity of that particular day and no tree cuttings and associated debris shall be permitted to remain at the site.

- (3) *Notice.* Whenever the public nuisance set forth in this section exists within the parish, in violation of section 26-2, the enforcing agency shall order the company creating the nuisance to immediately remove all cuttings and other associated debris from the site. Such order shall:
- a. Be in writing;
 - b. Specify the public nuisance and its location;
 - c. Specify the corrective measures required and the enforcement measures that may be taken;
 - d. Provide for compliance within ten days from the service thereof;
 - e. Provide for an opportunity for a pre-enforcement hearing and extension of time by written request received by the enforcing agency within ten days; and
 - f. The order or notice shall be served upon a domestic or foreign corporation by personal service upon the designated agent or by sending the notice by certified mail, return receipt requested, to the address of the designated agent as shown on the records of the secretary of state. If the corporation has failed to designate an agent, if there is no registered agent by reason of death, resignation or removal, or if the person attempting to make service certifies that he is unable, after due diligence to serve the designated agent, service may be made by:
 1. Service on any officer or director or any person named as such in the last report filed with the secretary of state;
 2. By personal service on any employee of suitable age and discretion at any place where the business of the corporation is regularly conducted; or
 3. By any other method of service authorized by law for service of lawsuits in civil cases.
- (4) *Time period.* Within the ten-day period following service of notice, the company shall either remove all tree cuttings and associated debris or apply to the enforcing agency for a pre-enforcement hearing and request for extension of time, which shall set forth the reasons why such an extension should be granted. If the company fails to remove the cuttings and associated debris within the ten-day period of notification, and fails to timely request a hearing and extension of time, the parish may have the cuttings and associated debris removed at the expense of the company.

- (5) *Notice presumed from refused certified mail.* For the purposes of this section, when service of notice by certified mail has been refused, the company is deemed to have received notice in accordance with the provisions of this section, and the ten-day period commences to run on the date of refusal.
- (6) *When immediate action is required.* Nothing herein shall be construed to prevent the parish, without notice and opportunity for pre-enforcement hearing, from removing, or having removed, at the expense of the responsible company, any cuttings or associated debris that is actually blocking drainage or ingress and egress, or which otherwise presents an imminent threat to public safety.
- (7) *Requirement of bond.* Any company that has been determined to have violated the provisions of this section, on at least two occasions, may be required to post bond, in the amount of \$5,000.00, which may be applied to satisfy the costs of any future violations of this section.

(Code 1998, § 14-011.00; Ord. No. 04-0943, 8-5-2004)

Secs. 26-12—26-40. Reserved.

ARTICLE II. ABANDONED OR INOPERATIVE VEHICLES ON PUBLIC OR PRIVATE PROPERTY*

Sec. 26-41. Findings, declarations and authority.

The regulations and provisions of this article shall not preclude, supersede or repeal any enforcement measures taken, or procedures and regulations adopted, in accordance with the authority granted under R.S. 32:473.1 and this Code, section 24-29. The regulations contained within the sections of this article shall be considered as additional and/or supplemental regulations to those contained in section 24-29.

- (1) *Findings and declarations.* In addition to and in accordance with the determination made and the authority granted to remove abandoned, inoperative, dismantled or wrecked vehicles as public nuisances, the parish council makes the following findings and declarations:
 - a. The prolonged presence of abandoned, inoperative, dismantled or wrecked vehicles on public and/or private property are found to present a significant and immediate threat to public health and safety as well as to the environment, necessitating their expedient removal from public and private property. These threats include posing a safety hazard to children who might use the abandoned, inoperative, dismantled or wrecked vehicles as playgrounds; rusting automobiles

***State law references**—Abandoned motor vehicles generally, R.S. 32:471 et seq.; parish authority to regulate abandoned vehicles, R.S. 33:4876.

representing a health hazard to those who may come into contact with them; and the damage that such vehicles and debris are sure to cause to the underlying property through the leakage of hazardous fluids into the surrounding ground or water. The environmental and health hazards of these vehicles have been noted by the state department of environmental quality (DEQ, Hurricane Katrina Debris Management Plan (DEQ 2005). The hazards from automobiles include gasoline and diesel fuel, refrigerants, lubricating oils, mercury ABS switches, mercury convenience switches, lead acid batteries, brake and transmission fluid, antifreeze and tires.

- b. The accumulation of abandoned, inoperative, dismantled or wrecked vehicles on public and/or private property are also found to create a condition tending to reduce the value of property, to promote blight and deterioration, to invite plundering, to create fire hazards, to constitute an attractive nuisance creating a hazard to the health and safety of minors, to create a harborage for rodents and insects, and to be injurious to the health, safety and general welfare.
 - c. Further, an abandoned, inoperative, dismantled or wrecked vehicle on public property, particularly on a street, shoulder, sidewalk, neutral ground or right-of-way constitutes a traffic hazard and imminent threat to public safety.
 - d. Therefore, the presence of such abandoned, inoperative, dismantled or wrecked vehicles on public or private property, except as may be expressly hereinafter permitted, is declared to constitute a public nuisance which may be abated as such in accordance with the provisions of this article.
- (2) *Authority.* This article is adopted pursuant to the authority set forth in R.S. 33:4876, 33:1236, 33:471 et seq., and all other applicable authority authorizing the governing authority of any parish to enact ordinances regulating or prohibiting abandoned motor vehicles on public property, left unattended for more than three days, and regulating or prohibiting the storing or abandoning of junk, wrecked or used automobiles or motor vehicles, or any part or parts thereof, on any vacant lot or any portion of any occupied lot within the parish, to provide for the removal and disposition thereof, to charge the vehicle owner or the property owner therefor, and to otherwise provide with respect thereto, and to provide enforcement and procedures with respect to damaged and inoperable motor vehicles on occupied private property.
- (Code 1998, § 14-016.00)

Sec. 26-42. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Abandoned junk, wrecked or used automobiles or motor vehicles on private property means a motor vehicle, situated upon any occupied or unoccupied private property, which is totally

inoperable and is so damaged or dismantled as to be a total loss. The term "total loss" means that the cost to repair a damaged or dismantled motor vehicle exceeds the value of such vehicle, as determined by any recognized national appraisal book. Lack of current and/or valid registration, inspection sticker or license plate alone does not constitute abandoned, inoperative condition.

Abandoned motor vehicle on public property means a motor vehicle that is inoperable and is left unattended on public property for more than 24 hours or is inoperable and left unattended on the shoulder, neutral ground or sidewalk of any public street, road or right-of-way for more than 24 hours.

Antique vehicle means any motor vehicle 25 years or older, which is operable and substantially in its original condition. These vehicles must be registered as antiques and display antique license plates.

Enforcing agency means the chief of police, sheriff, code enforcement office or director of public works, as well as their duly authorized agents.

Motor vehicle or *vehicle* means every device by which persons or things may be transported upon a public highway or bridge, except devices moved by human power or used exclusively upon stationary rails or tracks, and includes a motor vehicle, which is commonly referred to as a car, any passenger vehicle, truck, tractor, tractor-trailer, truck-trailer, motor home, motorcycle, trailer or semitrailer propelled or drawn by mechanical power. A trailer or semitrailer shall be a separate vehicle.

Owner of the motor vehicle means the last registered owner.

Owner of the premises means the owner of the land on which the vehicle is located, as shown on the last equalized assessment roll.

Secured motor vehicle means any abandoned junk, wrecked or used automobiles or motor vehicles on private property, which is completely enclosed within a building, garage or under a carport, or is otherwise covered and placed at the rear of a residence or other primary structure that is located on the property in such a manner that the vehicle is not otherwise visible from the street or other public or private property.

Unoccupied property means vacant land and property upon which there is a residential or commercial structure that would constitute "blighted property," a "derelict and dangerous structure" or be considered "vacant or not lawfully occupied," although "secured," as those terms are defined in Ordinance C.S. No. 05-1104, May 5, 2005, and set forth in article III of this chapter.

(Code 1998, § 14-017.00; Ord. No. 06-1325, 7-6-2006)

Sec. 26-43. Prohibition.

(a) It shall constitute a public nuisance, in violation of this article, for an abandoned motor vehicle to remain on public property for more than three days. Such violation shall be a misdemeanor, punishable as set forth hereinbelow.

(b) It shall constitute a public nuisance, in violation of this article, to have one or more abandoned junk, wrecked or used automobiles or motor vehicles on "occupied or unoccupied private property," as that phrase is defined under this article, unless such vehicle is a "secured motor vehicle," as that term is defined in this article, or is a motor vehicle that is considered to be an exception to this article. Such violation shall be a misdemeanor, punishable as set forth hereinbelow.

(Code 1998, § 14-018.00)

Sec. 26-44. Exceptions.

This article shall not apply to:

- (1) A motor vehicle which is completely enclosed within a building, garage or under a carport, or is otherwise covered and placed at the rear of a residence or other primary structure that is located on the property in such a manner that the vehicle is not otherwise visible from the street or other public or private property;
- (2) Any motor vehicle in an appropriate storage place or depository maintained at a location where such business is authorized under the comprehensive zoning ordinance and other regulatory ordinances of the city-parish;
- (3) Any motor vehicle in operable condition specifically adapted or constructed for racing or operation on privately owned drag strips or raceways;
- (4) Any antique vehicle retained by the owner for collection purposes, as defined herein, rather than for salvage or for transportation; and
- (5) Any motor vehicle stored as the property of a member of the Armed Forces of the United States who is on active duty assignment.

(Code 1998, § 14-019.00; Ord. No. 06-1325, 7-6-2006)

Sec. 26-45. Notice and procedure for removal.

(a) The following shall be contained within a notice that is posted on any abandoned motor vehicle on public property, and abandoned junk, wrecked or used automobiles or motor vehicles on private property:

- (1) Description of the motor vehicle: make, model, type, license number and VIN number, if determinable;
- (2) Location of vehicle, including municipal address where applicable;

- (3) Date and time of posting;
- (4) Name of enforcing officer, enforcing agency and telephone number;
- (5) A statement that the identified motor vehicle will be removed from its location because of one of the following conditions:
 - a. *In the case of an abandoned motor vehicle on public property.* Warning, this vehicle has been posted for being in violation of a parish ordinance that prohibits abandoned motor vehicle on public property, and must be removed, within 72 hours following the date and time shown on this notice, or the vehicle will be removed and stored, at the owner's expense and disposed of in accordance with law.
 - b. *In the case of abandoned junk, wrecked or used automobiles or motor vehicles on unoccupied private property.* Warning, this vehicle has been posted for being in violation of a parish ordinance that prohibits abandoned junk, wrecked or used automobile or motor vehicle on unoccupied private property and must be removed, within 15 days following the date and time shown on this notice, or the vehicle will be removed and stored, at the owner's expense and disposed of in accordance with law.

(b) In the case of abandoned junk, wrecked or used automobiles or motor vehicles on private property that is occupied, in lieu of posting a notice on the vehicle as provided in part one of this section, the enforcing agency shall provide written notice to the owner of the premises, by registered or certified mail, return receipt requested, which shall provide the following:

- (1) Description of the motor vehicle: make, model, type, license number and VIN number, if determinable;
- (2) Location of vehicle, including municipal address where applicable;
- (3) Name of enforcing officer, enforcing agency and telephone number;
- (4) A statement that the vehicle is in violation of a parish ordinance that prohibits abandoned junk, wrecked or used automobile or motor vehicle on occupied private property, and that the vehicle must be removed or secured within 15 days of the date of this notice, or a request for administrative hearing must be requested, in writing, within 15 days following the date of this notice. The vehicle may be secured and the nuisance abated by completely enclosing the vehicle within a building, garage or under a carport, or by covering the vehicle and placing it at the rear of a residence or other primary structure that is located on the property in such a manner that the vehicle is not otherwise visible from the street or other public or private property. Warning, if the vehicle is not removed or secured within 15 days of the date of this notice, or an administrative hearing requested within 15 days of the date of this notice, and the

administrative hearing officer thereafter determines that you are in violation of the ordinance, the administrative hearing officer may order the vehicle to be removed and stored, at the owner's expense, and disposed of in accordance with law.

(Code 1998, § 14-020.00)

Sec. 26-46. Notice presumed from refused certified mail.

For purposes of this article, when the owner of the premises, or owner of the vehicle, has been served notice by registered or certified mail, return receipt requested, as set forth in section 26-45(b), and such registered or certified mail is refused, the owner is deemed to have received notice in accordance with the provisions of this article, and the 15-day period commences to run on the date of refusal.

(Code 1998, § 14-020.01; Ord. No. 06-1325, 7-6-2006)

Sec. 26-47. Investigation and enforcement.

(a) An officer of the enforcing agency is authorized to enter private property, without the consent of the owner of the premises, for the purpose of investigating and/or posting any motor vehicle, when the enforcing officer reasonably believes that there is a violation of this article.

(b) Following the posting of any motor vehicle and/or service of written notice, an officer of the enforcing agency is authorized to enter private property, without the consent of the owner of the premises, for the purpose of removing any motor vehicle that is determined to be in violation of this article and authorized to be removed.

(c) The removal, storage and disposition of any motor vehicle, which is found to be in violation of this article and subject to removal by the enforcing agency, shall be conducted in accordance with the provisions of this article.

(d) The parish may employ its own personnel, equipment and facilities for the removal and/or the storage of any vehicle determined to be in violation of this article or may employ such persons, equipment and facilities for the purpose of removing, storing and disposing of any such vehicles.

(Code 1998, § 14-021.00)

Sec. 26-48. Penalty for failing or refusing to comply.

(a) The failure or refusal to comply with the provisions of this article shall constitute a misdemeanor, and the violator shall be subject to the issuance of a misdemeanor summons. The penalty shall be a fine up to \$500.00 or 30 days imprisonment, or both such fine and imprisonment for each violation.

(b) In the case of one or more abandoned junk, wrecked or used automobiles or motor vehicles on occupied or unoccupied private property, each vehicle found to be in violation of this article shall constitute a separate offense. Each day that the nuisance remains, following expiration of the time to remove or secure the vehicle, or to apply for an administrative hearing, shall constitute a separate offense and a civil penalty of \$50.00 per day shall be imposed.

(c) In all cases where a vehicle has been determined to be in violation of this article, and the vehicle is removed and stored by the enforcing agency as authorized, the owner shall be responsible for all costs and charges associated with the removal, storage and disposition of such vehicle. If a vehicle is removed and stored by the enforcing agency, and the vehicle is subsequently claimed by the owner or representative, the owner or representative, upon claiming the vehicle, shall be responsible for the payment of all costs and charges associated with the removal, storage and disposition of said vehicle. The costs and charges associated with the removal and storage of a vehicle shall not exceed the amount of \$200.00, for removal, and \$30.00 per day storage.

(d) In lieu of, or in addition to, the issuance of a misdemeanor summons, the failure or refusal to comply with the provisions of this chapter is enforceable by imposition of civil penalties, through the bureau of administrative adjudication, and/or by civil action in district court.

(Code 1998, § 14-022.00)

Sec. 26-49. Notice of removal, storage, disposition and associated costs.

(a) Whenever any motor vehicle is found to be in violation of this article and the requirements to remove the motor vehicle have been satisfied, the vehicle may be removed from public or private property, in accordance with the following: The motor vehicle shall be removed to, and stored at, a parish designated storage area, pending notice in accordance with the following:

- (1) *Notice.* Within 72 hours of removal, the owner of the vehicle, or the owner of the private property from which the vehicle was removed, shall be provided with notice of the removal and the intended disposition of the vehicle in the following manner:
 - a. By registered or certified mail, return receipt requested, addressed to the last registered owner of the vehicle, or to the owner of the private property as shown on the last equalized assessment roll.
 - b. The notice shall inform the owner of the specific location where the vehicle is being stored and shall provide a telephone number that the owner may call for more information and assistance.
 - c. The notice shall include a copy of any posting notice that was placed on the vehicle.

- d. The notice shall inform the owner of the vehicle that unless the vehicle is claimed in person, by the owner or representative of the owner (the insurer, lien holder, mortgage holder or agent with written authority of the owner), within three months of the mailing of the notice, the vehicle shall be considered abandoned and, therefore, public property to be disposed of in accordance with the provisions set forth in subsection (2) of this section.
- e. The notice shall inform the owner of the costs and charges that must be paid upon claiming the vehicle.

For purposes of this article, when the owner of the premises, or owner of the vehicle, has been sent notice by registered or certified mail, return receipt requested, and such certified mail is refused, the owner is deemed to have received notice in accordance with this provision, as of the date of the refusal.

(2) *Disposition following second notice.* At the expiration of the three-month period in which to claim the vehicle that was removed and stored, any vehicle that has not been claimed by the owner, within three months of the notice of removal and intended disposition, shall be deemed to be an abandoned vehicle and the enforcing agency may thereafter dispose of the vehicle in the following manner:

- a. In the case of any vehicle that was removed from public or private property and stored, as set forth hereinabove, and the owner has not claimed the vehicle within the three-month period allowed following notice of the removal and the intended disposition, the owner shall be sent a second notice, by registered or certified mail, return receipt requested, which shall be sent to the owner at his last known address. The notice shall inform the owner that the vehicle shall be sold to the highest bidder, unless said owner, on or before the date of sale, claims the vehicle and pays the costs and charges imposed, which amount shall be set forth in the notice. The costs and charges shall not exceed the amount of \$200.00 for towing/removal and \$30.00 per day storage. In any case where the owner, or his representative, does not claim the vehicle and pay the costs and charges within the time allowed, the enforcing agency may proceed to dispose of the vehicle in accordance with the provisions hereof.
- b. Before the sale of any such vehicles, the enforcing agency shall have them appraised by a competent appraiser and shall publish a notice of the proposed sale of said vehicle or vehicles in the official journal of the parish not less than three times within a ten-day period prior to the date of said sale. The published notice shall contain a complete list of the vehicles to be sold, the date and place of said sale and notification that said vehicles will be sold either individually or in globo to the highest bidder therefor, all in the discretion of the parish authority.
- c. All funds received from the sale of a motor vehicle under the provisions hereof shall be set aside and placed in a separate account established therefor by the

parish. If, within one year following the date of the sale, the owner or lien holders of any of said vehicles shall present sufficient proof of his ownership or lien, the said owner or lien holder shall be entitled to the amount received for his individual vehicle less the costs and expenses of the sale, as well as all charges and costs due and owing for removal and storage of said vehicle. Any funds not claimed within one year following the date of sale shall be deposited to the general fund of the parish.

(Code 1998, § 14-023.00; Ord. No. 06-1325, 7-6-2006)

Sec. 26-50. Right to enter upon private property.

The enforcing agency, or its duly authorized agents, shall be authorized to enter upon private property or public property to investigate a vehicle or parts thereof, alleged to be a nuisance pursuant to this article.

(Code 1998, § 14-024.00)

Sec. 26-51. Notice to owner or occupant to abate public nuisance on occupied or unoccupied premises.

(a) Whenever any public nuisance, as provided for herein, exists on occupied or unoccupied premises within the parish in violation of section 26-47, the enforcing agency shall order the owner of the vehicle, or the owner or the occupant of the premises whereon such public nuisance exists, to abate or remove the same. Such order shall:

- (1) Be in writing;
- (2) Specify the public nuisance and its location;
- (3) Specify the corrective measures required and the enforcement measures that may be taken;
- (4) Provide for compliance within 15 days from the service thereof; and
- (5) Provide for an opportunity for a pre-enforcement hearing before the parish director of parish development by written request received by the enforcing agency within ten days of receipt of notice.

(b) The order shall be served upon the owner or occupant of the premises by serving him personally or by sending the order by certified mail, return receipt requested, to the address of the premises or of the owner if different from the premises and the address shown by the state department of motor vehicles for the vehicle in question.

(c) Within the 15-day period after service of notice, the owner or occupant of the premises, or the owner of the vehicle, shall abate the nuisance by:

- (1) Removing the nuisance from the premises; or

(2) Enclosing the vehicle as provided in section 26-49(a).

(d) It shall be the responsibility of the owner or occupant of the property, or owner of the vehicle, to notify the enforcing agency as soon as the vehicle has been removed or enclosed. Upon notification, the enforcing agency will set up an appointment in order to verify that compliance has taken place.

(e) If owner or occupant of the premises, or the owner of the vehicle, fails to abate the nuisance within the 15-day period of notification and fails to timely request a hearing, the enforcing agency may issue a misdemeanor summons to the owner or occupant of the premises or may seek to have the vehicle removed from the premises by means of injunctive relief and imposition of civil penalties.

(Code 1998, § 14-025.00)

Sec. 26-52. Notice presumed from refused certified mail.

For purposes of this article, when the owner of the premises, or owner of the vehicle, has been served notice by certified mail as set forth in section 26-51, and such certified mail is refused, the owner is deemed to have received notice in accordance with the provisions of this article and the 15-day period commences to run on the date of refusal.

(Code 1998, § 14-026.00)

Sec. 26-53. Failure or refusal to comply.

(a) The failure or refusal to comply with the provisions of this article shall constitute a misdemeanor, and the violator shall be subject to the issuance of a misdemeanor summons. The penalty shall be a fine up to \$500.00 or six months imprisonment, or both, for each violation.

(b) In lieu of the issuance of a misdemeanor summons, or in addition thereto, the failure or refusal to comply with the provisions of this article may be enforced by imposition of civil penalties and injunctive relief. Each day that the nuisance remains, following expiration of the time to apply for a hearing as set forth in section 26-51(a)(5), shall constitute a separate offense and a civil penalty of \$50.00 per day shall be imposed.

(Code 1998, § 14-027.00)

Sec. 26-54. Removal from occupied premises when owner's whereabouts are unknown or notice is returned unclaimed.

When there is an abandoned, inoperative, junked or wrecked vehicle on premises that are unoccupied and the identity or whereabouts of the owner of the premises is unknown or unascertainable after a diligent search has been made, or if notice sent to the last record owner of the property by certified mail has been returned as unclaimed, then the enforcing agency shall place an advertisement in the official journal of the parish for the whereabouts of the owner on two occasions within a period of 30 days. If no response is forthcoming after the

30-day period, then the enforcing agency may take possession of the vehicle and remove it from the premises in accordance with the provisions of R.S. 32:471 et seq. The enforcing agency may thereafter dispose of the vehicle in the same manner as provided in R.S. 32:471 et seq. (Code 1998, § 14-028.00)

Sec. 26-55. Removal of vehicles from private property.

Private property owners, whether commercial or residential, have the power, as authorized by general law, to cause vehicles to be removed from their property illegally situated thereon. In any case where an owner requests any law enforcement agency having jurisdiction, to cause to be removed from his property a vehicle said by the property owner to be illegally situated on his property and has filed with such law enforcement agency an acceptable indemnification agreement, such law enforcement agency shall be authorized and empowered to cause the vehicle to be removed by wrecker service in accordance with established policies and procedures for obtaining of wrecker services by law enforcement agencies in the parish. (Code 1998, § 14-029.00; Ord. No. 03-0793, 11-6-2003)

Secs. 26-56—26-83. Reserved.

**ARTICLE III. BLIGHTED PROPERTY, DERELICT AND DANGEROUS BUILDINGS
AND OTHER DANGEROUS STRUCTURES PROHIBITED***

Sec. 26-84. Findings and declarations.

(a) In addition to and in accordance with the determination made and the authority granted by R.S. 33:4754, to secure and remove any building or other structure which, by reason of its nature or condition, endangers the public welfare or safety, R.S. 33:1236(49), relating to the repair and condemnation of buildings, dwellings and other structures that have become derelict and present a danger to the health and welfare of residents of the parish, and R.S. 14:107.3, relating to criminal blighting of property, which means those commercial or residential premises, including lots, which have been declared vacant, uninhabitable and hazardous by the administrative hearing officer, any such building or other structure which, by reason of its nature or condition, endangers the public welfare or safety, any such buildings, dwellings and other structures that have become derelict and present a danger to the health and welfare of residents of the parish, and any commercial or residential premises, including lots, which have

***State law references**—Parish authority to enact ordinances that declare dilapidated structures as public nuisances and require their repair, rehabilitation, demolition or removal, R.S. 33:1236(49); maintenance of property and liens for removal and securing of dangerous structures, R.S. 33:1236.28; parish authority to remove and secure dangerous structures, R.S. 33:4757.

been declared vacant, uninhabitable and hazardous by the administrative hearing officer are hereby declared to constitute a public nuisance, which is expressly prohibited and which may be abated as such in accordance with the provisions of this part.

(b) For purposes of this article, any property defined as "blighted property," "derelict and dangerous," "otherwise dangerous to human life" or "vacant or not lawfully occupied" shall constitute a public nuisance. Any property that is determined to be a public nuisance, following due notice and a hearing conducted in accordance with the provisions set forth herein, shall be ordered by the hearing officer to be secured and repaired, or the violation corrected, or, depending upon the circumstances, shall declare the property condemned and order it to be demolished and removed. Additionally, the hearing officer shall have all such other authority as set forth hereinafter.

(Code 1998, § 14-030.00)

Sec. 26-85. Standards and definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Blighted property, for the purposes of, and in order to meet the provisions of R.S. 14:107.3:

- (1) *Blighted property* means those commercial or residential premises, including lots, which have been declared vacant, uninhabitable and hazardous by an administrative hearing officer. Such premises may include premises which, because of their physical condition, are considered hazardous to persons or property, have been declared or certified blighted and have been declared to be a public nuisance by an administrative hearing officer.
- (2) *Housing violations* mean only those conditions in privately owned structures which are determined to constitute a threat or danger to the public health, safety and welfare or to the environment.
- (3) *Public nuisance*, for the purposes of blighted property, means any garage, shed, barn, house, building or structure, that by reason of the condition in which it is permitted to remain, may endanger the health, life, limb or property of any person, or cause any hurt, harm, damages, injury or loss to any person in any one or more of the following conditions:
 - a. The property is dilapidated, decayed, unsafe or unsanitary, is detrimental to health, morals, safety, public welfare and the well-being of the community, endangers life or property or is conducive to ill health, delinquency and crime.
 - b. The property is a fire hazard.
 - c. The conditions present on the property and its surrounding grounds are not reasonably or adequately maintained, thereby causing deterioration and creating

a blighting influence or condition on nearby properties and thereby depreciating the value, use and enjoyment to such an extent that it is harmful to the public health, welfare, morals, safety and the economic stability of the area, community or neighborhood in which such public nuisance is located.

Derelict and dangerous.

- (1) The phrase "derelict and present a danger to the health and welfare," as used herein, shall include, but is not be limited to, buildings or structures which have any of the following characteristics:
- a. Those which are structurally unsafe, as follows:
 - 1. Those which have interior walls or other vertical structural members that list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside the middle third of its base.
 - 2. Those which, exclusive of the foundation, show 33 percent or more of damage or deterioration of the supporting member or members or 50 percent of damage or deterioration of the nonsupporting, enclosing or outside walls or covering.
 - 3. Those which have improperly distributed loads upon the floors or roofs or in which the same are overloaded, or which have insufficient strength to be reasonably safe for the purpose used.
 - 4. As a result of deterioration, inadequate maintenance, damage by fire, wind or other causes so to have become dangerous to life, safety, morals or the general health and welfare of the occupants or people of the parish.
 - b. Those which are unhealthful, as follows:
 - 1. Those which are so dilapidated, decayed or unsanitary or which so utterly fail to provide the amenities essential to decent living that they are unfit for human habitation, or are likely to cause sickness or disease, so as to work injury to the health, morals, safety or general welfare of those occupying such building.
 - 2. Reserved.
 - c. Those which constitute a fire hazard, as follows:
 - 1. Those buildings containing electrical wiring and appliances in dangerous and defective conditions likely to cause fire. Electrical wiring and appliances installed, or in use, which are not in compliance with the provisions of any ordinance of the parish regarding such wiring or appliances and the installation thereof shall be deemed dangerous and defective.
 - 2. Those buildings containing gas plumbing or appliances in dangerous or defective condition likely to cause fire. Gas plumbing or appliances installed

or in use which are not in compliance with the provisions of any ordinances of this parish regulating such plumbing and appliances and the installation thereof shall be deemed dangerous and defective.

3. Those buildings which contain combustible or explosive matter or accumulation of rubbish, trash or unnecessary accumulation of waste paper, boxes, shavings or any highly flammable materials especially liable to fire, therein, or in close proximity thereto.
4. Those buildings containing numerous openings in the walls or other unstopped spaces throughout, attributable to vandalism or general disrepair, which increased the risk of conflagration in the area.
5. Those buildings which are vacant and have windows, doors or other openings, which remain unsecured permitting entry by unauthorized persons.
6. Those buildings which contain other fire hazards in violation of the National Fire Prevention Act, the State Fire Marshal Act, the building code and provisions of this Code or other ordinances of this parish if the violation is of such a nature that the building constitutes a danger to its occupants and/or others.

d. Those which are otherwise dangerous to human life, as follows:

1. Those, regardless of their structural condition, which have during times that they were not actually occupied by their owners, lessees or other invitees, been left unsecured from unauthorized entry to the extent that they may be entered and utilized by vagrants or other uninvited persons as a place of harborage or may be entered and utilized by children as a play area.
2. Those which have part thereof which are so attached that they may fall and injure members of the public or property.
3. Those which are not provided with adequate egress.
4. Those buildings existing in violation of any provisions of this Code, the building code, the fire code or other ordinances of this parish if the violation is of such a nature that the building constitutes a danger to its occupants and/or others.

- (2) *Vacant or not lawfully occupied* means a building or other structure including, but not to be limited to, any premises which is not actually occupied by its owner, lessee, or other invitee, and has been left unsecured or inadequately secured from unauthorized entry to the extent that the premises may be entered and utilized by vagrants or other invited persons as a place of harborage or any premises which by reason of dilapidation, deterioration, state of disrepair or other such status is otherwise detrimental to or endangers public safety, health or welfare. The property does not have to have been declared blighted.

- (3) *Secured*, for the purposes of this section, means the closing of the building or structure by means of placing or attaching boards or other materials over doors, windows and other means of entrance in order to prohibit persons from entering the building or structure and in order to maintain it in its present condition without further damage to such building or structure or danger to the public welfare and safety. A building that is boarded up, fenced or otherwise secured in any manner may, nevertheless, be deemed to be a dangerous building under the foregoing criteria if:
 - a. The building constitutes a danger to the public even though secured from entry; or
 - b. It is found that the means utilized to secure the building are not adequate to prevent unauthorized entry of the building.

(Code 1998, § 14-030.01)

Sec. 26-86. Hearing; notice and placarding of building or structure.

(a) Hearings before the administrative hearing officer shall be conducted in accordance with the provisions set forth in section 2-562 of the Hearing Practice and Procedures.

- (1) If a building or structure has, upon inspection, been found to be in violation of the provisions set forth hereinabove, the building shall be posted with a violation notice in accordance with section 2-562(b) and written notice of the hearing shall be made in accordance with the provisions of section 2-562.
- (2) After completion of the presentation of testimony by all parties appearing at the scheduled hearing, the hearing officer shall make written findings of fact as to whether or not the building or structure constitutes "blighted property," "derelict and dangerous," "otherwise dangerous" or "vacant or not lawfully occupied" according to the definitions and standards set forth in section 26-47.

(b) If the hearing officer finds that the building or structure is in violation of the standards and definitions set forth in section 26-47, the hearing officer shall issue an order directing the owner, occupant and all other persons having an interest in said building as shown by the mortgage and conveyance records of the parish where the land is located:

- (1) That the building shall be vacated if same is occupied and the hearing officer finds that the building is in such condition as to make it dangerous to the health, safety or welfare of its occupants;
- (2) That the building shall be either repaired or demolished and removed, at the owner's option, if it can reasonably be brought into compliance by repair;
- (3) That the building be demolished and removed if it cannot reasonably be repaired; and
- (4) If the building is unoccupied and the condition of the building is such that it may be brought into compliance by securing it from unauthorized entry, then the order may provide that it be secured and be kept secured and may include or adopt written

specifications that must be complied with in securing the building and the order may provide that the building be demolished and removed if it is not secured in compliance therewith.

(c) If the hearing officer finds that the building or structure is in violation of the standards and definitions set forth in section 26-47, the hearing officer shall order that the parish place a notice in a conspicuous place on such building; such notice to read as follows:

- (1) This building has been found to be a dangerous building. Occupancy of this building is prohibited by law as such occupancy is dangerous to the health, safety and welfare of its occupants. This notice is posted (here the notice shall set forth the date and hour such notice is posted). All persons must vacate this building not later than 48 hours after the time of posting and shall not re-enter the same until the parish finds that the building has been repaired so as to be in compliance with the ordinances of the parish with the requisite permits and inspections. This notice shall remain on this building until it is repaired or demolished.

- (2) If the hearing officer finds that the building is in such condition that repairs are allowed, the hearing officer shall order that the parish post a notice in conspicuous place on such building, such notice to read as follows:

"This building has been found to be a dangerous building by the parish. No person shall enter this building except persons authorized by the owner who enter solely for the purpose of correcting the hazardous conditions therein with the requisite permits and inspections of the parish. This notice shall remain on this building until it is repaired or demolished."

- (3) The persons having an interest in the property shall be given a reasonable period of time in which to comply with the hearing officer's order, such period not to exceed 30 days, unless, in the judgment and discretion of the hearing officer, it is determined that a greater period of time is necessary. The order shall state the date by which the action ordered must be completed, and state that the parish agency or department having enforcement responsibility shall cause the building to be vacated, repaired and/or demolished if the persons having an interest in the property do not comply with the order. The order of the hearing officer shall be served on all persons having an interest in the property as provided in section 2-562(i).

(d) A copy of the order of the hearing officer shall also be filed in the mortgage and conveyance records of the parish in which the land lies.

(e) If the persons having an interest in the property fail to comply with the order of the hearing officer within the time specified in the order for compliance, the parish agency or department having enforcement responsibility shall cause such building to be vacated, repaired and/or demolished pursuant to the order of the hearing officer.

(f) In any instance in which an order had been issued that a building be brought into compliance by securing the building and the owner complies with the order by securing the building, the hearing officer's case file shall, nevertheless, remain active for a period of three years from the date of signature of the order. The parish agency or department having enforcement responsibility may request that the hearing officer reconvene the hearing if he receives evidence that the building has not remained secured and is in contravention of this article. Upon notice to the owner, lien holders, occupants and other persons having an interest in the property, the hearing officer shall reconvene the hearing. If the hearing officer finds that the building remains a dangerous building notwithstanding the owner's efforts to secure it, he may issue a revised order that the building be demolished.

(Code 1998, § 14-030.02)

Sec. 26-87. Emergencies.

(a) In cases where it reasonably appears that there is immediate danger to the health, life or safety of any person, unless the building is immediately repaired, vacated, demolished or secured, the parish agency or department having enforcement responsibility shall report such facts to the director of the department of inspection and code enforcement. If the director finds that there is in fact an immediate danger to the health, life or safety of any person, unless the building is immediately repaired, vacated, demolished or secured, he shall cause the immediate repair, vacation, demolition or securing of such building, without any requirement for notice to the owner or interested parties in advance.

(b) Whenever the director causes a building to be repaired, vacated, demolished or secured pursuant to this section, he shall cause a notice, as described in section 2-562(b), to be posted on the building.

(c) Further, whenever the director causes a building to be repaired, vacated, demolished or secured pursuant to this section, he shall also cause notice to be given to the owners and lien holders of the building, all persons having possession of any portion thereof, and all other persons who may have an interest in the building that a hearing will be held concerning the orders issued in connection therewith. The notice shall set forth the specific conditions which render the building an immediate danger, within the standards set forth hereinabove, the date, time and place of such hearing, that all persons having an interest in the building may appear in person and/or be represented by an attorney, and may present testimony and may cross examine all witnesses. The notice shall comply with the provisions set out in section 2-562, however, the hearing shall be held as soon as it is reasonably possible, but in no case later than ten days after the director of the parish agency or department having enforcement responsibility has caused the building to be repaired, vacated, demolished or secured, unless all persons having either an ownership interest or a possessory interest in the building request a continuance of the hearing. At such a hearing, the burden shall be upon the parish to show that there was an immediate danger to health, life or safety necessitating immediate action, and whether

the building constitutes a dangerous building within the provisions of this article at the time of the hearing. After completion of the presentation of the testimony by all parties appearing, the hearing officer shall make written findings of fact as to whether or not the building was an immediate danger to health, life or safety necessitating the action taken by the director of the department of inspection and code enforcement, and whether the building was a dangerous building within the provisions of this article. If the hearing officer finds that there was an immediate danger to public health, life or safety that required the action that was taken, all administrative expenses and any cost of repair or demolition shall be calculated and assessed to the owners of the building, and shall constitute a lien and privilege on the land on which the building stands or stood, which shall bear legal interest at the rate provided by law. If the hearing officer finds that the building, at the time of the hearing, constitutes a dangerous building within the provisions of this article, he shall issue an order for its abatement as set out in section 26-47. The provisions of sections 26-47 and 2-562 shall be applicable to any such order.

(Code 1998, § 14-031.00)

Sec. 26-88. Caused by or related to the effects of natural disasters.

(a) When removal of debris and demolition of structures from private properties is necessitated by the effects of a natural disaster or other related causes, the parish will adopt and incorporate, in full, a plan for demolition and removal set out by parish council resolution and/or by emergency executive order of the parish president, which will govern the demolition and removal of said structures and debris.

(b) With respect to the provisions of this section, any and all requirements to assess or levy fees, costs, liens and the like may be waived by the office of the parish president.

(c) With respect to the provisions of this section, any and all requirements for notice may be waived by the office of the parish president.

(d) Where there exists any conflict between an adopted plan under this section and the provisions of article III of this chapter, the plan shall control.

(e) Where there exists any conflict between an adopted plan and an emergency executive order, the executive order shall control.

(Code 1998, § 14-031.01; Ord. No. 06-1271, 3-2-2006)

Sec. 26-89. Civil penalty.

For any violation of the provisions of this article, a civil penalty of not less than \$100.00 per day and no more than \$500.00 per day shall be imposed by order of the hearing officer. Each day that the violation exists shall constitute a separate violation. In addition to the imposition

of the aforesaid penalty, the hearing officer shall order the violator to pay all costs and fees incurred by the parish for securing, demolition or removal, or both, of such structures, and for maintenance of property in a sanitary condition.

(Code 1998, § 14-032.00)

Sec. 26-90. Liens.

Liens for removal and securing dangerous structures, maintenance of property, interest, and the assistance of national guard:

- (1) Upon failure of the property owner to pay any fine levied by the hearing officer, or any costs incurred by the parish for securing, or demolition or removal, or both, of such structures, and for maintenance of property in a sanitary condition, the hearing officer or finance director of the parish may file a certified copy of the order levying a fine or fines or a copy of an invoice reflecting the amount of such costs and fees with the recorder of mortgages, and the same, when so filed and recorded, shall operate as a lien and privilege in favor of the parish against the property.
- (2) Any fine, costs and interest on costs incurred by the parish shall be paid prior to cancellation of the lien. The rate of interest shall not exceed the rate of legal interest, as provided in Civil Code article 2924, and shall be computed from the date of recordation of the lien until paid or enforced.
- (3) The lien obtained by the parish shall not only include the costs provided for in subsection (1) of this section, but shall include all attorneys' fees and all costs incurred in the locating of the owner, notification of the owner and the enforcement and collection of the amount secured by the lien.
- (4) In accordance with R.S. 33:4754, the parish's privilege and lien shall prime all other liens or privileges against the property filed after the notice to the owner is filed with the recorder of mortgages pursuant to this section, regardless of the date on which the parish's lien and privilege is perfected, except that the parish's lien and privilege will not prime other tax liens against the property.
 - a. After the parish has levied such fine or fines or incurred such costs as constitute the lien and privilege on the property, the director of finance or equivalent officer may add said amounts to the next ad valorem tax bill of the owner, and said amount shall be subject to the same interest and penalties as delinquent ad valorem taxes.
 - b. If within six months after the filing of the lien provided for in this section, the property owner fails to pay such lien and any interest thereon, the director of finance or equivalent officer of the parish may offer for sale and subsequently sell or otherwise convey such property. The procedure for notice, advertisement, and sale of the property shall be governed by the law applicable to the sale of real

property for delinquent municipal or parish taxes except that the property owner's right of redemption shall be limited to six months from the time the property is sold. Redemption by the original owner shall require reimbursement of any expenses incurred by the purchaser in the purchase and renovation of the property in addition to payment of liens placed on the property pursuant to this section, interest thereon, and any amounts required by law applicable to the redemption of property sold for delinquent taxes.

- c. Alternatively, the privilege and lien may be enforced in the district court pursuant to the Code of Civil Procedure, and may be enforced either against the subject property or against the owner personally by ordinary process and subsequent seizure and sale or garnishment of other movable or immovable property of the owner pursuant to the Code of Civil Procedure.
 - d. The amount of any parish lien operating against the property and any interest accruing thereon may be canceled in whole or in part by the governing authority of the parish in order to facilitate the sale or disposition of the property for the unpaid lien.
 - e. The provisions of this section shall not apply to any building or appurtenances on agricultural land when such land is used for agricultural purposes.
- (5) The governing authority of the parish may request and the adjutant general may assign subject to the approval of the governor, national guard personnel and equipment to assist in the removal and demolition of condemned buildings, structures, or public nuisances. The provisions of this subsection shall be applicable when the budget for the demolition and removal of condemned structures has been expended by the governing authority of the parish. However, the request must be accompanied by documentation that all procedural protections and substantive restraints have been adhered to by the parish. In the event all procedural protections and substantive restraints have been adhered to by the parish, the parish and its personnel and the national guard and its personnel shall not be liable to the owner of the building, structure, or public nuisance for any damages sustained resulting from the demolition of the building, structure, or public nuisance.
- (Code 1998, § 14-032.00)

Sec. 26-91. Appeals.

Any person jointly or severally aggrieved by any decision of the parish hearing officer shall have a right to appeal the decision in accordance with the provisions set forth in section 2-565. (Code 1998, § 14-033.00; Ord. No. 05-1104, 5-5-2005)

Secs. 26-92—26-110. Reserved.

ARTICLE IV. NOISE AND SOUND

Sec. 26-111. Investigating and enforcing noise violations.

It is hereby declared that at certain levels, sounds may be detrimental to the health, safety and well-being of the citizenry. Therefore, the parish prohibits sounds that constitute a nuisance, as defined in section 26-1(4) and (5), and illustrated in section 26-2(5) and (6). In the investigation and enforcement of the provisions relating to sound, consideration shall be given to the time, place and manner or nature of the sound complained of (i.e., emergency work, impulsive sound or amplification). Additionally, to aid the enforcing agency in determining if the particular sound constitutes a nuisance as defined in section 26-1(4) and (5), and illustrated in section 26-2(5) and (6), definitions and decibel levels are established in the following sections of this article.

(Code 1998, § 14-135.00; Ord. No. 15-3351, § 14-135.00, 7-9-2015)

Sec. 26-112. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Decibels means a unit of level when the base of the logarithm is the tenth root of ten and the quantities concerned are proportional to power.

Emergency work means work made necessary to restore property to a safe condition following a public calamity or work required to protect persons or property from an imminent exposure to danger or work by private or public utilities when restoring utility service.

Impulsive sound means a sound of short duration, usually less than one second, with an abrupt onset and rapid decay. Examples of sources of impulsive sound include, but are not limited to, explosions, drop forge impacts, and the discharge of firearms.

Sound means an oscillation in pressure, particle displacement, particle velocity or other physical parameter, in a medium with internal forces that causes compression and rarefaction of that medium. The description of sound may include any characteristic of such sound, including duration, intensity and frequency.

Sound level means, in decibels (dB), the sound measured with the (A) weighting and slow response by a sound level meter.

Weekend means Friday, Saturday and Sunday, and includes holidays as established by the parish.

Weekday means any day Monday through Thursday.

(Code 1998, § 14-136.00; Ord. No. 04-0943, 8-5-2004; Ord. No. 15-3351, § 14-136.00, 7-9-2015)

Sec. 26-113. Readings of dB(A) by zoning district.

- (a) An increase of ten dB(A) is allowed for impulsive sounds.
- (b) To determine the sound level, three readings will be taken at the complainant's dwelling or structure and the mean of these readings will determine the actual decibel count.
- (1) E-1, E-2, E-3, E-4, A1, A-1A, A-2, A-3, A-4, A-4A, A-5, A-6, A-7, A-8, PUD, TND-1, TND-2, and all zoning districts with a manufactured housing overlay:

Maximum dB(A)		
Daytime	65	7:00 a.m. to 9:00 p.m. weekdays
		8:00 a.m. to 10:00 p.m. weekends
Nighttime	60	9:00 p.m. to 7:00 a.m. weekdays
		10:00 p.m. to 8:00 a.m. weekends

- (2) HC-1, HC-2, HC-2A, HC-3, HC-4, HC-5, RBG, MD-1, MD-2, MD-3, MD-4, PF-1, PF-2, CB-1, ED-1, ED-2, AT-1, AT-2, PBC-1, PBC-2, and all zoning districts with a Regional Business Center Overlay:

Maximum dB(A)		
Daytime	70	7:00 a.m. to 11:00 p.m. entire week
Nighttime	60	11:00 p.m. to 7:00 a.m. entire week

- (3) I-1, I-2, I-3, I-4, SWM-1, SWM-2, and AML:

Maximum dB(A)		
Daytime	75	7:00 a.m. to 11:00 p.m. entire week
Nighttime	65	11:00 p.m. to 7:00 a.m. entire week

- (4) NC-1, NC-2, NC-3, NC-4, NC-5, NC-6, and all zoning districts with a rural overlay:

Maximum dB(A)		
Daytime	70	7:00 a.m. to 11:00 p.m. entire week
Nighttime	60	11:00 p.m. to 7:00 a.m. entire week

(Code 1998, § 14-137.00; Ord. No. 04-0943, 8-5-2004; Ord. No. 15-3351, § 14-137.00, 7-9-2015)

Sec. 26-114. Special notes and general statements.

- (a) Emergency work, or sounds from an emergency vehicle, shall be exempt from this article.
- (b) Construction activity shall be exempt from daytime decibel restrictions but the maximum nighttime sound levels shall apply in all instances.
- (Code 1998, § 14-138.00; Ord. No. 93-1841, 10-21-1993; Ord. No. 04-0943, 8-5-2004; Ord. No. 15-3351, § 14-138.00, 7-9-2015)

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Chapter 27

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Chapter 28

OFFENSES AND MISCELLANEOUS PROVISIONS*

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ARTICLE I. IN GENERAL**Sec. 28-1. Obstruction of ditches or waterways.**

It shall be unlawful for any person to obstruct any ditch or waterway with any trees, logs, earth or other substance.

(Code 1998, § 15-002.00; Ord. of 7-10-1900; Ord. of 11-17-1915)

Sec. 28-2. Aircraft in Eden Isles Subdivision.

It shall be unlawful for any pilot of any aircraft, airplane, seaplane to land, take off or taxi in or on any road or waterway or from any lot or tract of ground situated in Eden Isles Subdivision, Units 1, 2, 3 and 4, all as more fully shown in said subdivision plats which are filed in the office of the clerk of court for the parish, except in a bona fide emergency.

(Code 1998, § 15-002.02; Ord. No. 81-298, 11-24-1981)

Sec. 28-3. Fortune-tellers, mind readers, etc., prohibited.

It shall be unlawful for fortune-tellers, mind readers, faith healers, palm readers, Indian advisors or others engaged in similar activities, to operate within the parish.

(Code 1998, § 15-003.00; Ord. No. 303, Bk. 5, P. 84)

Sec. 28-4. Killing or interference with police dogs.

It shall be unlawful for any person to willfully or maliciously torture, torment, beat, kick, strike, mutilate, injure, disable or kill any dog used by the sheriff's department in the performance of the functions or duties of such department, or to interfere with or meddle with any such dog while being used by said department or any officer or member thereof in the performance of any of the duties or functions of said department or of such officer or member.

(Code 1998, § 15-004.00; Ord. No. 314, Bk. 5, P. 165)

Sec. 28-5. Domestic violence parish policy.

The parish shall follow state law as the established policy and procedure for handling domestic violence incidents within the parish.

Secs. 28-6—28-28. Reserved.**ARTICLE II. LITTER PREVENTION****Sec. 28-29. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Court means any justice of the peace court in the parish and/or any division of the 22nd Judicial District Court for the parish and/or Slidell City Court.

Litter means all waste material, except as provided and defined in R.S. 30:2173(2), including, but not limited to, disposable packages, containers, sand, gravel, rubbish, cans, bottles, refuse, garbage, trash, debris, dead animals, furniture or appliances, automotive parts, including, but not limited to, tires and engines, trailers, boats and boating accessories, tools and equipment and building materials, or discarded materials of any kind and description. The term "litter" shall not include agricultural products that are being transported from the harvest or collection site to a processing or market site, if reasonable measures are taken to prevent the agricultural product from leaving the transporting vehicles. The term "litter" also shall not include recyclable cardboard being transported in compressed bundles to processing facilities. The term "agricultural product," as used in this definition, means all crops, livestock, poultry and forestry; and all aquacultural, floricultural, horticultural, silvicultural and viticultural products. Whenever the term "parish" is used in this article concerning the commission of act in violation of the provisions of this article or a litter abatement ordinance of the parish, then the term shall be construed to mean the jurisdictional area where the offense was committed, including, but not limited to, the jurisdictional boundaries of the parish and all its waterways.

Public or private property means the right-of-way of any road or highway, levee, any body of water or watercourse or the shores or beaches thereof, any park, playground, building, refuge or conservation or recreation area, and residential or farm properties, timberlands or forests. (Code 1998, § 15-001.00; Ord. No. 01-0284, 3-1-2001; Ord. No. 04-0916, 6-3-2004)

Sec. 28-30. Purpose and scope.

It is the purpose of this article and it is hereby declared to be the policy of the parish to implement a comprehensive plan to regulate litter and to eliminate litter as much as possible in a manner that will:

- (1) Protect the public health, safety and welfare;
- (2) Prevent land, water and air pollution;
- (3) Prevent the spread of disease and the creation of nuisances;
- (4) Conserve natural resources; and
- (5) Enhance the beauty and quality of the environment.

(Code 1998, § 15-001.01; Ord. No. 01-0284, 3-1-2001)

Sec. 28-31. Litter abatement officer.

(a) The litter abatement officer shall have the right to administer and enforce the provisions of this article. The litter abatement officer's rights and duties shall include, but shall not be limited to, those described in this section.

(b) The litter abatement officer shall have the right to inspect private property to determine if the property owner is in compliance with the provisions of this article. Routine inspections of public and private property in the parish shall be made by the litter abatement officer in such frequency to ensure consistent compliance with the provisions of this article. A property owner shall allow free access to the litter abatement officer; provided that the entrance and activity is undertaken after reasonable notice and during normal business hours, and after notifying the property owner of presence on the property for the purpose of making such inspections as may be necessary to determine compliance with the requirements of this article, or any other applicable statute, or for the purpose of making written and documented notice of any violation, or recommendations for their correction and the date by which corrections shall be accomplished.

(c) The litter abatement officer shall have the right to investigate complaints of violations of this article. The litter abatement officer shall assist the district attorney's office and/or the administrative hearing officer.

(d) The litter abatement officer's interpretation of the rules, regulations, ordinances, or code of the parish shall not supersede any actions that may be taken by code enforcement of the parish planning office, constables, justices of the peace, and the district attorney's office of this parish and the administrative hearing officer.

(e) After any curative measure mentioned herein is not adequately resolved, the litter abatement officer shall have the right to refer or recommend to the parish district attorney's office and/or the parish administrative hearing officer, that legal proceedings be initiated against a property owner who is in violation of the provisions of this article or any litter abatement ordinance of the parish.

(f) The litter abatement officer shall have the right to enforce the provisions of this article or any litter abatement ordinance of the parish, by citing the offender via a citation, summons or other means provided by law.

Sec. 28-32. Responsibility.

(a) The owner, his agent and occupant of any property shall maintain the premises in a sanitary and litter-free condition.

(b) No person shall place, deposit or allow to be placed or deposited on his premises or any other premises to include any public street, road or alley any refuse or other objectionable waste, except in a manner described in this article.

(c) The owner, his agent and occupant of any premises, and other persons having responsibilities as described herein, shall be responsible for the proper storage, collection, transportation and final disposal of all refuse originating on the premises, by a method or methods described in this article.

(Code 1998, § 15-001.02; Ord. No. 01-0284, 3-1-2001)

Sec. 28-33. Intentional littering prohibited; criminal penalties.

(a) No person shall intentionally dispose or permit the disposal of litter upon any public place in the parish, upon private property in the parish not owned by him, upon property located in rural areas in the parish not owned by him, or in or on the waters of the parish, whether from a vehicle or otherwise, including, but not limited to, any public highway, public right-of-way, public park, beach, campground, forest land, recreational area, trailer park, highway, road, street or alley, except when such property is designated by the parish, or by any of its agencies or political subdivisions, for the disposal of such litter and such person is authorized to use such property for such purpose.

(b) If the litter is disposed from a motor vehicle, boat or conveyance, except a bus or large passenger vehicle or a school bus, all as defined in R.S. 32:1, there shall be an inference that the driver of the conveyance disposed of the litter. If such litter was possessed by a specific person immediately before the act of disposing, there shall be an inference that the possessor committed the act of disposing.

(c) When litter disposed in violation of this section is discovered to contain any article, including, but not limited to, letters, bills, publications or other writings that display the name of a person or any other manner indicate that the article belongs or belonged to such person, there shall be an inference that such person has violated this section.

- (1) The person shall be cited for the offense by means of a citation, summons or other means provided by law.
- (2) Whoever violates the provisions of this section shall, upon first conviction, be fined \$250.00 and sentenced to serve eight hours of community service in a litter abatement work program as approved by the court.
 - a. Upon second conviction, an offender shall be fined \$500.00 and sentenced to serve 16 hours of community service in a litter abatement work program as approved by the court.
 - b. Upon third or subsequent conviction, an offender shall be fined \$1,250.00, have his motor vehicle driver's license suspended for one year, be imprisoned for not more than 30 days, and be sentenced to serve 80 hours of community service in a litter abatement work program as approved by the court, or all or any combination of the aforementioned penalties provided by this subsection.
 - c. The judge may require an individual convicted of a violation of this section to remove litter from parish highways, public rights-of-way, public playgrounds, public parks or other appropriate locations for any prescribed period of time in lieu of the penalties prescribed in this section.

(d) A person may be found guilty and fined under this section although the commission of the offense did not occur in the presence of a law enforcement officer if the evidence presented to the court establishes that the defendant has committed the offense.

(e) For the purposes of this section, each occurrence shall constitute a separate violation.

(f) In addition to penalties otherwise provided, a person convicted under this section shall:

- (1) Repair or restore property damaged by or pay damages for any damage arising out of the violation of this section.
- (2) Pay all reasonable investigative expenses and costs to investigative agency or agencies.
- (3) Pay all other reasonably related costs and expenses of any nature whatsoever incurred by the parish, including, but not limited to, administrative expenses, attorney fees, and all costs.

(Code 1998, § 15-001.03; Ord. No. 01-0284, 3-1-2001; Ord. No. 08-1763, 3-6-2008)

Sec. 28-34. Gross littering prohibited; criminal penalties.

(a) No person shall intentionally dispose or permit the disposal of any household or office furniture or appliances, automotive parts, including, but not limited to, tires and engines, trailers, boats and boating accessories, tools and equipment, building materials and bags or boxes of household or office garbage or refuse upon any public place in the parish, upon private property in the parish not owned by him, upon property located in rural areas in the parish not owned by him, or in or on the waters of the parish, whether from a vehicle or otherwise, including, but not limited to, any public highway, public right-of-way, public park, beach, campground, forest land, recreational area, trailer park, highway, road, street, or alley except when such property is designated by the parish, or by any of its agencies or political subdivisions, for the disposal of such litter and such person is authorized to use such property for such purpose.

(b) If the litter herein as defined is disposed of from a motor vehicle, boat or conveyance, except a bus or large passenger vehicle or a school bus, all as defined by R.S. 32:1, there shall be an inference that the driver of the conveyance disposed of the litter. If such litter was possessed by a specific person immediately before the act of disposing, there shall be an inference that the possessor committed the act of disposing.

(c) When litter disposed in violation of this article is discovered to contain any article, including, but not limited to, letters, bills, publications or other writings that display the name of a person or in any other manner indicate that the article belongs or belonged to such person, there shall be an inference that such person has violated this section.

(d) The person shall be cited for the offense by means of a citation, summons or other means provided by law.

- (1) Whoever violates the provisions of this section shall, upon first conviction, be fined not less than \$500.00 nor more than \$1,000.00 and sentenced to serve eight hours of community service in a litter abatement work program as approved by the court.
- (2) Upon second conviction an offender shall be fined not less than \$1,000.00 nor more than \$2,500.00 and sentenced to serve 24 hours of community service in a litter abatement work program as approved by the court.
- (3) Upon third or subsequent conviction, an offender shall be fined not less than \$1,500.00 nor more than \$5,000.00 have his motor vehicle driver's license suspended for one year, be imprisoned for not more than 30 days, or sentenced to serve not less than 48 and not more than 100 hours in a litter abatement work program as approved by the court, or all or any combination of the aforementioned penalties.

(e) The court may require an individual convicted of a violation of this section to remove litter from state highways, public rights-of-way, public playgrounds, public parks, or other appropriate locations for any prescribed period of time in lieu of the penalties prescribed in this section.

(f) A person may be found guilty and fined under this section although the commission of the offense did not occur in the presence of a law enforcement officer if the evidence presented to the court establishes that the defendant has committed the offense.

(g) For the purposes of this section, each occurrence shall constitute a separate violation.

(h) In addition to penalties otherwise provided, a person convicted under this section shall:

- (1) Repair or restore property damaged by or pay damages for any damage arising out of the violation of this section.
- (2) Pay all reasonable investigative expenses and costs to the investigative agency or agencies.
- (3) Pay all other reasonably related costs and expenses of any nature whatsoever incurred by the parish, including, but not limited to, administrative expenses, attorney fees, and all costs.

(Code 1998, § 15-001.04; Ord. No. 01-0284, 3-1-2001)

Sec. 28-35. Commercial littering prohibited; civil penalties; special court costs.

(a) No person shall dispose or permit the disposal of litter resulting from industrial, commercial, mining or agricultural operations in which the person has a financial interest upon any public place in the parish, upon private property in this parish not owned by him, upon property located in rural areas in this parish not owned by him, or in or on the waters of this

parish whether from a vehicle or otherwise, including, but not limited to, any public highway public right-of-way, public park, beach, campground, forest land, recreational area, trailer park, highway, road, street or alley; except, when such property is designated by the parish or by any of its agencies or political subdivisions for the disposal of such items and such person is authorized to use such property for such purpose.

(b) No person shall operate any truck or other vehicle in such a manner or condition that litter resulting from industrial, commercial, mining or agricultural operations in which the person is involved can blow or fall out of such vehicle or that mud from its tires can fall upon the roadway.

(c) If the litter is disposed of from a motor vehicle, boat or conveyance, except a bus or large passenger vehicle or school bus, all as defined by R.S. 32:1, there shall be an inference that the driver of the conveyance disposed of the litter. If such litter was possessed by a specific person immediately before the act of disposing, there shall be a permissive rebuttable presumption that the possessor committed the act of disposing.

(d) When litter disposed in violation of this section is discovered to contain any article, including, but not limited to, letters, bills, publications or other writings that display the name of a person or in any other manner indicates that the article belongs, or belonged, to such person, there shall be a permissive rebuttable presumption that such person has violated this section.

(e) A person shall be jointly and severally liable for the actions of its agents, officers and directors for any violation of this section by any agent, officer or director in the course and scope of his employment or duties.

(f) The person shall be cited for the offense by means of a citation, summons or other means provided by law.

(g) Any person found liable under the provisions of this section shall:

- (1) Pay a civil penalty of \$100.00.
- (2) Repair or restore property damaged by or pay damages for any damaging arising out of the violation of this section.
- (3) Pay all reasonable investigative expenses and costs to the investigative agency or agencies.
- (4) Pay for the cleanup of the litter unlawfully discarded by the defendant.

(h) Any person found liable under the provisions of this section shall pay special court costs of \$50.00 in lieu of other costs of court that shall be disbursed as follows:

- (1) Twenty dollars shall be paid to the judicial expense fund for that judicial district, or to the justice of the peace or the city court, as the case may be.

- (2) Twenty dollars shall be paid to the office of the district attorney, or to the constable or to the municipal prosecuting attorney, as the case may be.
- (3) Ten dollars shall be paid to the clerk of the district court, or to the justice of the peace or the city court, as the case may be.

(i) A person may be held liable and fined under this section although the commission of the offense did not occur in the presence of a law enforcement officer if the evidence presented to the court establishes that the defendant has committed the offense.

(j) For the purposes of this section, each occurrence shall constitute a separate violation.
(Code 1998, § 15-001.05; Ord. No. 01-0284, 3-1-2001)

Sec. 28-36. Littering prohibited; civil penalties; special court costs.

(a) No person shall dispose or permit the disposal of litter upon any public place in this parish, upon private property in this parish not owned by him, upon property located in rural areas in this state not owned by him, or in or on the waters of this state whether from a vehicle or otherwise, including, but not limited to, any public highway public right-of-way, public park, beach, campground, forest land, recreational area, trailer park, highway, road, street or alley.

(b) No person shall operate a motor vehicle on any highway or a boat on any waters in such a manner or condition that the contents can blow or fall out of such vehicle or boat.

(c) No person shall dispose of litter in such a manner that the litter may be carried away or deposited by the elements upon any parts of said public or private property or waters.

(d) If the litter disposed of is from a motor vehicle, boat or conveyance, except a bus or large passenger vehicle or a school bus, all as defined by R.S. 32:1, there shall be an inference that the driver of the conveyance disposed of the litter. If such litter was possessed by a specific person immediately before the act of disposing, there shall be a permissive rebuttable presumption that the possessor committed or permitted the act of disposing.

(e) When litter disposed in violation of this section is discovered to contain any article, including, but not limited to, letters, bills, publications or other writings that display the name of a person or in any other manner indicates that the article belongs, or belonged, to such person, there shall be a permissive rebuttable presumption that such person has violated this section.

(f) The person shall be cited for the offense by means of a citation, summons or other means provided by law.

(g) Persons found liable under the provisions of this section shall be assessed the following penalties:

- (1) For a first violation, such person shall be either fined \$75.00 or be given the option to perform eight hours of community service in a litter abatement work program in lieu of the assessed fine.

- (2) For a second violation and each subsequent violation, such person shall either be fined \$500.00 or be given the option to perform 16 hours of community service in a litter abatement work program in lieu of the assessed fine.

(h) Persons found liable under the provisions of this section shall pay special court costs of \$100.00 in lieu of other costs of court and the special court costs shall be disbursed as follows:

- (1) Twenty dollars shall be paid to the judicial expense fund for that judicial district, or to the justice of the peace or the city court, as the case may be.
- (2) Twenty dollars shall be paid to the office of the district attorney, or to the constable or to the municipal prosecuting attorney, as the case may be.
- (3) Ten dollars shall be paid to the clerk of the district court, or to the justice of the peace or the city court, as the case may be.
- (4) Twenty-five dollars shall be paid to the state treasury for credit to the Keep Louisiana Beautiful Fund.
- (5) Twenty-five dollars shall be paid to the law enforcement agency that issued the citation.

(i) A person may be held liable and fined under this section although the commission of the offense did not occur in the presence of a law enforcement officer if the evidence presented to the court establishes that the defendant has committed the offense.

(j) For the purposes of this section, each occurrence shall constitute a separate violation. (Code 1998, § 15-001.06; Ord. No. 01-0284, 3-1-2001; Ord. No. 08-1763, 3-6-2008)

Sec. 28-37. Community service litter abatement work program and indemnification.

(a) A court approved community service litter abatement program may be created by the office of the parish president. Such program shall supervise persons ordered by state and local courts to perform community service work collecting or removing litter. If such program is not created, a fee schedule shall be established by the court having jurisdiction over the matter.

(b) If a community service program is established, a person who participates in a community service litter abatement work program shall have no cause of action for damages against the entity conducting the program or supervising his participation therein, nor against any employee or agent of such entity, for any injury or loss suffered by him during or arising out of his participation in the program, unless the injury or loss was caused by the intentional or grossly negligent act or omission of the entity or its employee or agent. The entity shall not be liable for any injury caused by the individual participating in the program, unless the gross negligence or intentional act of the entity or its employee or agent was a substantial factor in causing the injury. No provision hereof shall negate the requirement to provide an offender with necessary medical treatment as statutorily required.

(Code 1998, § 15-001.07; Ord. No. 01-0284, 3-1-2001)

Sec. 28-38. Distribution of fines; parish beautification fund and establishment of litter control.

(a) All fines, either civil or criminal, collected pursuant to this article or any applicable state law shall be deposited in a beautification fund administered by the office of the parish president for the purpose of encouraging, organizing and coordinating volunteer local antilittering campaigns, to pay expenses for litter clean up, collection, enforcement, prosecution and prevention, and to purchase and operate equipment in connection thereof, all in accordance with R.S. 33:1236.2 and 33:1236(54).

(b) The office of the parish president may establish a litter control section within the parish to enforce the provisions of this section.

(Code 1998, § 15-001.08; Ord. No. 01-0284, 3-1-2001)

Sec. 28-39. Jurisdiction and procedure; justice of the peace; constable.

A justice of the peace shall have concurrent jurisdiction over the litter violations occurring in the parish. In addition, a constable may issue summons and serve subpoenas anywhere in the parish all in accordance with R.S. 13:2586. Prosecution of litter violations and compensation in criminal cases of a justice of the peace and constable shall be in accordance with R.S. 13:2587.1 and 13:2589.

(Code 1998, § 15-001.09; Ord. No. 01-0284, 3-1-2001)

Sec. 28-40. Adopt-A-Road program.

To fulfill the obligations and responsibilities assigned to it under R.S. 30:2521, the parish has developed a program to be known as "Adopt-A-Road" whereby an individual, business or private civic organization may adopt section of parish roadway or parks for the sole purpose of controlling litter along that section of road. Included in the responsibilities of any business or private civic organization that chooses to participate in the program shall be the following:

(1) Develop a functional plan to influence and encourage the public to improve the appearance of the road or park.

(2) Conduct four general cleanups annually for two years.

(Code 1998, § 15-001.10; Ord. No. 01-0284, 3-1-2001)

Sec. 28-41. Reimbursements to justice of the peace courts.

All fines collected by the justice of the peace courts for litter violations pursuant to R.S. 25:1101 et seq. shall be paid to the parish pursuant to R.S. 25:1112. The parish shall reimburse the justice of the peace court which handles the litter violations for the time spent and expenses incurred pursuant to R.S. 13:2589(B). This reimbursement shall consist of 50 percent of the fines collected by the parish from the justice of the peace courts.

(Code 1998, § 15-001.11; Ord. No. 89-1148, 9-21-1989; Ord. No. 01-0284, 3-1-2001)

Sec. 28-42. Bottles/glass containers prohibited.

(a) *Prohibited.* It shall be unlawful for any person to dump, throw or have in his possession any bottle, container or other item made of glass while on the premises of any public park, beach, playground, campground or other recreational facility in the unincorporated areas of this parish.

(b) *Enforcement.* Enforcement of this section is authorized, directed and empowered to the sheriff's department, state police, justices of the peace and duly authorized parish violation officials.

(c) *Violation.* Any violation of this section shall constitute a misdemeanor punishable as contained in section 1-9, and may be tried in the 22nd Judicial District Court or any appropriate justice of the peace court in the parish in accordance with Acts 250 and 296 of the 1989 Legislature.

(d) *Fines.* Any fines collected by the justice of the peace courts for violations hereof shall be paid to the parish pursuant to R.S. 25:1101 et seq., and the parish shall reimburse said courts pursuant to R.S. 13:2589(B).

(Code 1998, § 15-001.12; Ord. No. 92-1622, 7-16-1992)

Secs. 28-43—28-95. Reserved.

ARTICLE III. WATERWAYS**DIVISION 1. GENERALLY****Sec. 28-96. Obstruction of waterways and shoreline; Lake Road Boat Launch.**

(a) It shall be unlawful for any person to obstruct the waterways and shoreline within 1,000 feet of the Lake Road Boat Launch by docking any vessel, the placement of any structure, permanent or temporary, or any other obstruction possibly impeding the access or safe use of the launch area.

(b) Enforcement of this section is authorized, directed and empowered to the sheriff's department and the parish department of public works.

(c) Any person found to be in violation of the provision of this section shall be subject to the penalty provisions of section 1-9.

(Code 1998, § 15-002.01; Ord. No. 84-294, 12-20-1984)

Secs. 28-97—28-120. Reserved.

DIVISION 2. WATERCRAFT SPEED LIMITS

Sec. 28-121. Operation; special speed limits; definitions.

(a) *Unlawful operation.* It shall be unlawful to operate any vessel or watercraft on any waterway in the parish such that its speed exceeds a speed of "dead slow" within the following described "Dead Slow, No Wake" zones:

(1) Tchefuncte River area.

- a. A portion of the Tchefuncte River from a point 1.5 miles upstream from the river's mouth at Lake Pontchartrain to a point 2.75 miles north of the river's mouth at Lake Pontchartrain. This 1.25 mile stretch of river encompasses an area from roughly 700 yards south of the Highway 22 bridge south of the Marina Del Ray entrance to a point in the curve just upstream from the commercially developed portion of Highway 22 that backs up to the river.
- b. A portion of the Tchefuncte River beginning at a line across the river at a point 200 feet north of an inlet off the river commonly known as High Bridge Canal, and extending to a line across the river at a point 100 feet south of the High Bridge Canal.
- c. Within the Tchefuncte Country Club Marina and associated canals and slips, including the mouth of the marina at the Tchefuncte River, in their entirety.
- d. Within the Marina Beau Chene and associated canals and slips in their entirety.
- e. Pontchitolowa Creek from its mouth at the Tchefuncte River to a bridge at Highway 190.
- f. Lake Emfred in its entirety.
- g. Lazy River Estates Area. Those waterways commonly known as Frances Bayou, Dorothy Bayou, Blanche Bayou, and Sally Bayou in their entirety and Bayou Monga from the power line crossing upstream to Interstate 12.
- h. A portion of the Tchefuncte River beginning at a line across the river at a point 300 feet north of the entrance to Marina Beau Chene, and extending to a line across the river at a point 300 feet south of the entrance to Marina Beau Chene. All costs incurred by the parish with the installation and maintenance of necessary and appropriate signage marking this "Dead Slow, No Wake" zone shall be reimbursed to the parish by Marina Beau Chene.

(2) Little Tchefuncte River area.

- a. The Little Tchefuncte River from where it intersects the Bogue Falaya River just north of Interstate 12 upstream along the entire boundary of Ward 1.
- b. Flowers Bayou in its entirety.

- c. Horseshoe Bayou in its entirety.
- (3) Bayou Castine in its entirety.
- (4) Cane Bayou from its mouth at Lake Pontchartrain upstream to the bridge at Highway 190.
- (5) Bayou Lacombe area.
 - a. Lacombe Harbor area. Those waterways known commonly as the Lacombe Harbor Subdivision canals, Crutch Bay, Perch Bay, Finger Bay, Pine Bay, Cypress Bay, and Cypress Bayou in their entirety.
 - b. Bayou Lacombe from Tammany Trace downstream to the Patterson Canal.
 - c. Bayou Lacombe from 300 feet upstream from Powell Bayou to a point in the curve immediately downstream from the seaplane base.
 - d. Bayou Lacombe from a point 300 upstream from Love's Canal to a point in the next curve immediately downstream as noted on attachment A associated with Ordinance No. Cal Number 569, Police Jury Series Number 85-515.
 - e. Powell Bayou and the canals associated with Powell Heights Subdivision in their entirety.
 - f. Bayou Manor Subdivision, the entirety of the canal system associated with Bayou Lacombe Manor Subdivision.
- (6) Bayou Liberty from a point 2.5 miles north of the Bayou Liberty Bridge at Highway 433 upstream for a distance of 0.5 mile.
- (7) Bayou Bonfouca from a point 300 feet north of the public boat launch off of Front Street downstream to one-half mile downstream of Highway 433 drawbridge.
- (8) The entirety of all canals and slips within the Coin DuLestin residential development.
- (9) Bayou LaSang from Bayou Bonfouca to Palm Lake.
- (10) Northshore Subdivision. All of the canals within the Northshore Subdivision and along Carr Drive and specifically the unnamed waterway known as the Carr Drive Canal from Lake Pontchartrain to the bridge at Highway 11.
- (11) Eden Isles and Oak Harbor Subdivisions. All canals and slips associated with the Eden Isles and Oak Harbor Subdivisions as well as all canals and slips associated with the marina facilities of both developments. The entirety of all canals associated with Moonraker (as well as Moonraker Lake itself) and Clipper Estates falls within this zone as well.
- (12) Pirates Harbor Canal in its entirety from its mouth at Lake Pontchartrain north to its dead end.
- (13) Salt Bayou from its mouth at Lake Pontchartrain to the Highway 433 Bridge.

- (14) Rigolets Estates/Treasure Isle area. Those canals and waterways within the Rigolets Estates and Treasure Isle subdivisions and the borrow lagoon between the two subdivisions in their entirety. Also specifically the canal that runs from Salt Bayou south to a dead end at the Treasure Isle drive in its entirety.
- (15) Geoghegan Canal from its mouth at the Rigolets to a point five-tenths of a mile north of its mouth just above Snug Harbor Subdivision.
- (16) Pearl River Basin area.
 - a. West Pearl River within $\frac{1}{4}$ mile upstream and downstream of the bridge at Highway 90.
 - b. Oxbow Lake in its entirety leading to Maple Slough in the Honey Island Swamp area.
 - c. Devil's Elbow in its entirety from its mouth at the West Pearl River, west and north to Interstate 10.
 - d. Dawes and Oyster Factory Canals. A portion of Dawes Canal beginning at a line across the canal at a point 800 feet southeast of its intersection with Oyster Factory Canal and extending to a line across Oyster Factory Canal 500 feet southwest of its intersection with Dawes Canal.
- (17) Abita River. A portion of the Abita River beginning at its mouth and confluence with the Bogue Falaya River and extending generally northwest to Highway 190.
- (18) Lakeshore Estates Subdivision. The canals and waterways of Lakeshore Estates that are situated within the area bounded by Lake Pontchartrain to the south, Lakeshore Boulevard to the north, E. Howze Beach Road-West End Boulevard to the west, and East End Boulevard to the east; except that the following canals and/or waterways, identified as Area A and Area B immediately hereinbelow, shall be excluded from the "No Wake, Dead Slow" zone:
 - a. *Area A.* The horseshoe-shaped waterway immediately south of Lakeshore Boulevard East, west of East End Boulevard and north of Marina Villa East (Road) and an imaginary line extending in a west-north-westerly direction from the dead-end of Marina Villa East (Road) across the waterway to the bank of the peninsula on the opposite bank, all as depicted on the attached map, exhibit 1.
 - b. *Area B.* The inverted triangular-shaped waterway bounded on the north and east by Lakeshore Boulevard East and on the west and south by East End Boulevard.
- (19) Pearl River Navigational Canal. A portion of the Canal beginning at a line across the Canal generally adjacent to the southernmost end of Hickory Fields Road and extending to a line across the Canal approximately 3,000 feet south from the point of beginning, and to encompass all of that portion of the Canal that narrows to a width of approximately 100 feet.

- (20) Highway 11 Canal in its entirety leading to the Schneider Canal pumping station.
- (21) Morgan River. A portion of the Morgan River commencing from southeast corner of the Morgan River where it enters the West Pearl River, follow the southern bank of the Morgan River 570 feet to the point of the beginning of the "Dead Slow, No Wake" zone. From the point of beginning follow the southern bank of the Morgan River 1,500 feet to the end point of the "Dead Slow, No Wake" zone.
- (22) Bogue Falaya River. A portion of the Bogue Falaya River running along Riverside Drive.
- (23) Madisonville on the Lake Subdivision. The East Chenier Bay Canal and West Chenier Bay Canal waterways of Madisonville on the Lake Subdivision that lie within the boundaries of Madisonville on the Lake Subdivision as more fully described below:
Legal description: Madisonville on the Lake Subdivision:
- a. One certain parcel of land situated in sections 31 and 32, Township 7 south, Range 10 east and section 5, Township 8 south, Range 10 east, parish of St. Tammany Parish, State of Louisiana, and more fully described as follows:
Commencing at the southeast corner of section 32, Township 7 south, Range 10 east; thence measure west, a distance of 603.11 feet to the point of beginning. From the point of beginning continue west, a distance of 490.0 feet to a point;
 - b. Thence measure south, a distance of 300.0 feet to a point; thence measure south 68 degrees 54 minutes west, a distance of 329.52 feet to a point; thence measure north 70 degrees 44 minutes west, a distance of 211.9 feet to a point; thence measure north 27 degrees 37 minutes west, a distance of 733.5 feet to a point; thence measure north 45 degrees 00 minutes west, a distance of 791.96 feet to a point; thence measure north 35 degrees 57 minutes west, a distance of 494.06 feet to a point; thence measure north 22 degrees 00 minutes west, a distance of 560.8 feet to a point; thence measure north 30 degrees 28 minutes west, a distance of 591.7 feet to a point; thence measure north 58 degrees 00 minutes west, a distance of 471.7 feet to a point; thence measure north 80 degrees 55 minutes west, a distance of 1,012.72 feet to a point; thence measure north 74 degrees 31 minutes 20 seconds west, a distance of 726.3 feet to a point; thence measure west, a distance of 250.0 feet to a point; thence measure north, a distance of 454.87 feet to a point; thence measure east, a distance of 100.0 feet to a point; thence measure north, a distance of 320.13 feet to a point; thence east, a distance of 150.0 feet to a point; thence measure north, a distance of 135.0 feet to a point; thence measure north 89 degrees 38 minutes 36 seconds east, a distance of 161.97 feet to a point; thence measure south 79 degrees 16 minutes east, a distance of 1,749.51 feet to a point; thence measure south 62 degrees 15 minutes east, a distance of 858.84 feet to a point; thence measure south 48 degrees 49 minutes east, a distance of 212.6

feet to a point; thence measure south 31 degrees 52 minutes east, a distance of 871.32 feet to a point; thence measure south 32 degrees 44 minutes east, a distance of 332.87 feet to a point; thence measure south 20 degrees 51 minutes east, a distance of 449.44 feet to a point; thence measure south 45 degrees 00 minutes east, a distance of 509.12 feet to a point; thence measure south 41 degrees 55 minutes east, a distance of 725.83 feet to a point; thence measure south 37 degrees 19 minutes east, a distance of 503.02 feet to a point; thence measure south 13 degrees 12 minutes east, a distance of 205.42 feet back to the point of beginning, containing 136.6 acres, more or less.

(b) *Special speed limits and "Dead Slow, No Wake" zones.*

(1) *Special speed limits.*

- a. Unless otherwise officially posted, it shall be unlawful to operate any watercraft in excess of 45 miles per hour anywhere on the Tchefuncte River between the Highway 22 bridge at Madisonville upstream to the Interstate 12 bridge near Covington.
- b. Unless otherwise officially posted, it shall be unlawful to operate any watercraft in excess of 45 miles per hour anywhere on the Pearl River Navigation Canal between Hickory Field and Lock No. 2. This speed limit provides adequate velocity for slalom or barefoot skiing.

(2) *General "Dead Slow, No Wake" zones.* It shall be unlawful to operate any vessel or watercraft on any waterway in the parish such that its speed exceeds a speed of "Dead Slow" within 100 yards (300 feet) on either side of any public boat launch or commercial fuel dock.

(c) *Definitions.* The following words, terms and phrases, when used in this subsection, shall have the meanings ascribed to them, except where the context clearly indicates a different meaning:

Dead slow or dead slow, no wake means the minimum possible speed that any vessel or watercraft can travel and still maintain safe steerage.

Watercraft means any vessel or craft powered by any means designed for transport across the surface of water, including boats, ships, personal watercraft, barges, seaplanes, hovercrafts, etc.

(d) *Enforcement.* Enforcement of this section of this Code is authorized, directed and empowered to the following entities: agents of the parish sheriff's department, the state police, agents of the state department of wildlife and fisheries, and any other duly authorized peace officer of the state.

(e) *Signs.* It shall be the duty and obligation of the parish department of public works or its designees to post and maintain appropriate and visible signs at strategic and appropriate places to notify watercraft operators of the "Dead Slow, No Wake" zones.

(f) *Exemptions.* Exempt herefrom shall be any enforcement watercraft or any watercraft bound on a bona fide life-saving mission.

(g) *Violation; penalties.* Violation hereof by any operator of any watercraft, other than those exempt, shall be punishable as follows:

- (1) First offense is \$50.00 and a certificate showing the successful completion of a boating safety course as approved by the National Association of State Boating Law Administrators (NASBLA).
- (2) Second offense is \$100.00 and a certificate showing the successful completion of a boating safety course as approved by the National Association of State Boating Law Administrators (NASBLA).
- (3) Third offense and subsequent offenses are \$300.00 and/or imprisonment in the parish jail for up to 30 days.

(Code 1998, § 15-006.00; Ord. No. 98-2881, 6-18-1998; Ord. No. 99-3061, 4-15-1999; Ord. No. 99-3062, 4-15-1999; Ord. No. 99-3203, 11-18-1999; Ord. No. 01-0368, 9-6-2001; Ord. No. 01-0388, 11-1-2001; Ord. No. 01-0396, 11-15-2001; Ord. No. 02-0433, 2-7-2002; Ord. No. 02-0589, 12-5-2002; Ord. No. 03-0715, 7-10-2003; Ord. No. 03-0795, 12-4-2003; Ord. No. 08-1925, 9-11-2008; Ord. No. 09-2077, 6-4-2009; Ord. No. 09-2095, 7-2-2009; Ord. No. 09-2145, 10-1-2009; Ord. No. 13-2887, 1-3-2013; Ord. No. 13-3061, 12-19-2013)

Secs. 28-122—28-140. Reserved.

DIVISION 3. SWIMMING, FISHING, AND DIVING

Sec. 28-141. Swimming prohibited; Main Street Boat Launch, Lacombe.

To provide for the health, safety and well-being of the visitors and citizens of this parish, swimming is prohibited at the Main Street Boat Launch in Lacombe, Louisiana.

- (1) *Swimming prohibited.* It shall be unlawful for any individual to swim, bathe, dive or wade in the area of the Main Street Boat Launch in Lacombe, Louisiana.
- (2) *Enforcement.* Enforcement of this section is authorized, directed and empowered to the sheriff's department of the parish, the state police and by duly commissioned agents and officers of the state wildlife and fisheries.

(Code 1998, § 15-100.00; Ord. No. 90-1306, 7-19-1990)

Sec. 28-142. Fishing/diving prohibited.

(a) *Fishing/diving prohibited.* All parish bridges in Parish Council District 13, including the Middle Pearl Bridge over Doubloon Bayou, Voters Road Bridge over W-14 Canal, Carr Drive Bridge over Highway 11 Canal, and all other bridges in Parish Council District No. 13, whether abandoned or currently in use for vehicular or foot traffic.

- (1) Eden Isles Subdivision, both bridges located on Eden Isles Boulevard (9-J-009) and bridge on Moonraker Drive (9-J-010).
- (2) Bridge located on East Howze Beach Road (9-J-208).

(b) *Enforcement.* Enforcement of this section is authorized, directed and empowered to the sheriff's department of the parish, the state police and by duly commissioned agents and officers of the state wildlife and fisheries.

(c) *Signs.* It shall be the duty and obligation of the parish department of public works, or its designees, to post and maintain appropriate and visible signs to notify the general public.

(d) *Exemptions.* Exempt herefrom shall be any law enforcement agent or official on a bona fide life-saving mission.

(e) *Violation; penalty.* A violation hereof by any one, other than those exempted, shall constitute a misdemeanor punishable as outlined in section 1-9.
(Code 1998, § 15-101.00; Ord. No. 91-1461, 6-20-1991; Ord. No. 91-1483, 8-22-1991)

Secs. 28-143—28-167. Reserved.

ARTICLE IV. FIREARMS

Sec. 28-168. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Firearm means any weapon, automatic or semiautomatic weapon, pistol, revolver, gun, handgun, shotgun, rifle or machine gun of any caliber, musket, B-B gun, air rifle or any other mechanism which launches a pellet, B-B, bullet or other type of projectile by means of compressed air or gas, the ignition of gunpowder or other any other means.

Sec. 28-169. Exemption.

Any law enforcement officer engaged in the pursuit of his official duties, any law enforcement agency on a bona fide mission, or any citizen lawfully discharging a firearm for the purpose of defending his life or property shall be exempt from the provisions of this article.

Sec. 28-170. Discharge of firearms near single/multifamily zoned subdivision developments.

(a) *Prohibited.* It shall be unlawful for any person to discharge a firearm within a 1,000-foot perimeter zone of any single-family residentially zoned subdivision or multifamily residentially zoned development measured as is hereinafter provided.

(b) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Perimeter area means that area surrounding the subdivisions as shall be measured in a straight line from each of the subdivision's four boundaries (i.e., front, rear and two side lines) as shown on the subdivision plot thereof filed with the parish and thence outward 1,000 feet.

Single-family residentially zoned subdivisions mean those portions or parcels of ground located in the unincorporated area of the parish bearing the following zoning designations as identified on the official zoning map of the parish as follows:

- (1) A-1 Suburban;
 - (2) A-2 Suburban;
 - (3) A-3 Suburban;
 - (4) A-4 Single-Family Residential;
 - (5) A-1-A Residential Zoning District;
 - (6) A-2-A Residential Zoning District;
 - (7) A-3-A Residential Zoning District;
 - (8) A-4-A Residential Zoning District;
 - (9) A-5 Two-Family Residential District;
 - (10) A-6 Three- and Four-Family Residential District;
 - (11) A-7 General Multiple-Family Residential District;
 - (12) A-8 Planned Multiple-Family Residential District;
 - (13) B-2 Planned Residential Districts;
 - (14) SA Suburban Agricultural; or
 - (15) SI Suburban.
- (Code 1998, § 15-207.00; Ord. No. 85-360, 3-21-1985)

Sec. 28-171. Discharge of firearms, south of Highway 22; west of West Causeway Approach.

(a) *Prohibited.* It shall be unlawful for any person to discharge and/or hunt in the area south of LA Highway 22, and west of West Causeway Approach, to the western boundary of Bigner Road, south to the border of Lake Pontchartrain, Ward 4, St. Tammany Parish, Louisiana.

(b) *Enforcement.* This section shall be enforced by the sheriff.
(Code 1998, § 15-208.00; Ord. No. 85-527, 11-21-1985)

Sec. 28-172. Discharge of firearms near Highland Park Hospital and Bootlegger Road.

(a) It shall be unlawful for any person to discharge a firearm within 200 yards of any dwelling or occupied structure within the area bounded on the north by Highway 190, on the south by Interstate 12, on the west by Highway 1077 and on the east by Highway 21, hereinafter referred to as the "defined area."

(b) It shall be unlawful for any person within the remaining portions of the defined area to hunt other than still hunting only.

(c) It shall be unlawful for any person within the defined area to have a vehicle other than on established roads without prior consent of the property owner whose property will be traversed thereby.

(d) It shall be unlawful to hunt with dogs in the defined area.
(Code 1998, § 15-209.00; Ord. No. 83-609, 7-21-1983)

Sec. 28-173. Discharge of firearms within Drainage District No. 2.

(a) *Prohibited.* It shall be unlawful for any person to discharge a firearm within the boundaries of Drainage District No. 2 as defined in section 7-061.00 of this Code.

(b) *Drainage District No. 2.* Commencing at the intersection of the shoreline of Lake Pontchartrain with the centerline of the right-of-way of the New Orleans and Northeastern Railroad, thence in a northeasterly direction along said centerline 12,450 feet more or less to a point 1,040.7 feet northeast of mile-post No. 170; thence south 80 degrees 18 minutes east 772.5 feet; thence south 76 degrees 54 minutes east 2,456 feet; thence south 11 degrees 37 minutes east 415.9 feet; thence south 78 degrees 03 minutes 15 seconds east 582.8 feet; thence north 87 degrees 54 minutes 45 seconds east 3,190.1 feet; thence south 60 degrees 34 minutes east 1,286.9 feet; thence south 47 degrees 20 minutes east 3,975.8 feet; thence north 71 degrees 33 minutes east 4,116.7 feet to the northeast corner of the southeast quarter of the northeast quarter of section 26 in Township 9 south, Range 14 east; thence south 85 degrees 45 minutes east 1,050 feet more or less to the centerline of the New Orleans-Mississippi Highway; thence along said centerline in a southerly direction 16,675 feet more or less to its intersection with the north bank of Salt Bayou; thence westerly along said Bayou to Lake Pontchartrain; thence along the shore of Lake Pontchartrain to place of beginning, containing 6,130 acres, more or less.

(c) *Enforcement.* This section shall be enforced by the parish sheriff's office.
(Code 1998, § 15-209.02; Ord. No. 84-137, 6-21-1984)

Editor's note—The reference notation to section 7-061.00 in subsection (a) is no longer valid for the boundaries of Drainage District No. 2 were changed in 1989. The property description in subsection (b) is that published in Ordinance No. 84-137 as adopted 6-21-1984.

Sec. 28-174. Discharge of firearms in Brookter Cemetery.

It shall be unlawful for any person to discharge a firearm within a 400-foot area of Brookter Cemetery located at the end of McManus Road (8-W-015), Ward 8, District 14.

(1) *Description.* A 400-foot area of Brookter Cemetery located at the end of McManus road (8-W-015), Ward 8, District 14.

(2) *Enforcement.* This section shall be enforced by the parish sheriff's office.
(Code 1998, § 15-209.03; Ord. No. 87-884, 11-19-1987)

Sec. 28-175. Discharge of firearms in Helenbirg Subdivision.

(a) *Prohibited.* It shall be unlawful for any person to hunt and/or discharge a firearm within the area of Helenbirg Subdivision described as the "defined area" as follows:

Commencing at the intersection of Interstate 12 and state Highway 59, also the point of beginning; thence go west along Interstate 12 to U.S. Highway 190; thence go north along U.S. Highway 190 to its intersection with a westward extension of Helenbirg Road; thence go east and northeast along Helenbirg Road to its intersection with 6th Avenue; thence go southeast along 6th Avenue to its intersection with Soell Avenue; thence go northeast and east along Soell Avenue to its intersection with state Highway 59; thence go south along state Highway 59 to its intersection with Interstate 12 and the Point of Beginning. Described in accordance with a map on file with the council clerk.

(b) *Defined area.* As described in subsection (a) of this section or on the map on file in the administrative offices of the parish council as attached to Ordinance No. 88-1020.
(Code 1998, § 15-209.04; Ord. No. 88-1020, 12-15-1988)

Sec. 28-176. Discharge of firearms in Parish Council District No. 9.

(a) *Prohibited.* It shall be unlawful for any person to discharge a gun, rifle or any other weapon which launches any projectile by means of compressed air or gas, within a 400-foot perimeter zone of any single or multifamily residential development within Parish Council District No. 9.

(b) *Perimeter.* That area surrounding any single or multifamily residence measured in a straight line from the front, rear and two side lines of the residence outward for a distance of 400 feet.

(c) *Exemption.* Exempt herefrom are the following:

- (1) Any law enforcement officer engaged in the pursuit of his duties, or any citizen lawfully discharging a weapon for the purpose of defending his life or property.
- (2) The registered owner or lessee in possession of or discharging any weapon described in subsection (a) of this section on his own parcel of property, provided it is not within 200 feet of another residence.

(Code 1998, § 15-209.05; Ord. No. 92-1584, 4-23-1992)

Sec. 28-177. Discharge of firearms at or near Northshore Beach.

(a) *Prohibited.* It shall be unlawful for any person to discharge a firearm at or within a 1,000-foot perimeter of Northshore Beach, the description of which is as follows:

A public beach area within North Shore Beach Subdivision, situated in the west half of section 31, Township 9 south, Range 14 east, and having a frontage of 1,015 feet, more or less, on Lake Pontchartrain and containing eight acres of land, more or less.

(b) *Enforcement.* Enforcement of this section shall be by the parish sheriff's office.

(Code 1998, § 15-209.06; Ord. No. 91-1533, 11-21-1991)

Sec. 28-178. Discharge of firearms/hunting prohibited; Fontainebleau State Park.

(a) *Prohibited.* It shall be prohibited for any person to discharge firearms and/or hunt with firearms or bow and arrow in the area of Fontainebleau State Park from Cane Bayou on the east to Bayou Castine, and on the west, and south of U.S. Highway 190 to the shores of Lake Pontchartrain.

(b) *Enforcement.* Enforcement hereof shall be the duty of officers and agents of the parish sheriff's department and the state department of wildlife and fisheries.

(Code 1998, § 15-209.07; Ord. No. 98-2804, 2-18-1998)

Secs. 28-179—28-209. Reserved.

ARTICLE V. NONCONTROLLED SUBSTANCES

Sec. 28-210. Unlawful distribution or sale; definition; violation and penalty.

(a) It shall be unlawful for any person to knowingly deliver, distribute, sell or exchange a noncontrolled substance as defined in subsection (b) of this section upon either:

- (1) The express representation that the substance is a narcotic or controlled substance;
- (2) The express representation that the substance is of such nature, quality or appearance that the recipient of said delivery will be able to distribute said substance as a controlled substance; or

(3) Circumstances under which a reasonable person would be led to believe that the substance is a controlled substance. For the purpose of this section, it shall be prima facie evidence of such circumstances if any two of the following factors are established:

- a. The noncontrolled substance was packaged in a manner normally used for the illegal delivery of controlled substances.
- b. The delivery or attempted delivery included an exchange of or demand for money or other valuable property as consideration for delivery of the substance, and the amount of such consideration or money was substantially in excess of the reasonable value of the noncontrolled substance.
- c. The physical appearance of the finished product containing the substance is substantially identical to a specified controlled substance.

(b) Noncontrolled substance as used in this section is hereby defined as any substance which is not listed or scheduled as a controlled substance or narcotic under the general law of the state.

(c) In any prosecution for a violation of subsection (a) of this section, it shall not be a defense that the accused believed the noncontrolled substance to actually be a controlled substance.

(d) A violation of any of the provisions of this section shall be a misdemeanor and upon conviction, the violator shall be punished under section 1-9.

(Code 1998, § 15-310.00; Ord. No. 81-230, 7-9-1981)

Secs. 28-211—28-228. Reserved.

ARTICLE VI. TRAINS

Sec. 28-229. Speed limit of trains—Carr Drive Crossing.

(a) *Maximum speed.* A speed limit is herewith imposed and provided on all rail traffic operating in an unincorporated area of the parish $1\frac{1}{4}$ miles on either side of Carr Drive Crossing, a total distance of $2\frac{1}{2}$ miles, at a maximum of 25 miles per hour.

(b) *Violation; penalty.* Whoever shall violate said speed limit shall be guilty of a misdemeanor punishable as is provided in section 1-9.

(c) *Enforcement.* The sheriff's department is charged with the enforcement of this section. Should a violation occur, the sheriff or any sheriff's deputy shall have the right and power to stop the locomotive propelling the train; additionally, the sheriff or any sheriff's deputy shall have the right and power to remove the engineer therefrom and to impound the train until

proper bond is posted; alternatively, the sheriff or his deputy may cite the railroad or railway by recording the serial number on the locomotive, together with the time, date, place and recorded speed thereof.

(Code 1998, § 15-411.00; Ord. No. 82-412, 7-15-1982)

Sec. 28-230. Same—From North Shore of Lake Pontchartrain to Highway 41.

(a) *Maximum speed.* A speed limit of 35 miles per hour is herewith imposed and provided on all rail traffic operating in an unincorporated area of the parish from the North Shore of Lake Pontchartrain to Louisiana Highway 41.

(b) *Violation; penalty.* Whoever shall violate said speed limit shall be guilty of a misdemeanor punishable as is provided in section 1-9.

(c) *Enforcement.* The sheriff's department is charged with the enforcement of this section. Should a violation occur, the sheriff or any sheriff's deputy shall have the right and power to stop the locomotive and issue a citation to the engineer of the locomotive propelling the train; additionally, the sheriff or any sheriff's deputy shall have the right and power to remove the engineer therefrom and to impound the train until proper bond is posted; alternatively, the sheriff or his deputy may cite the railroad or railway by recording the serial number on the locomotive(s), together with the time, date, place and recorded speed thereof.

(Code 1998, § 15-411.01; Ord. No. 85-330, 1-17-1985)

Sec. 28-231. Same—Southern Railroad Tracks, Slidell area.

(a) *Maximum speed.*

- (1) It shall be unlawful for any person having immediate control of any freight railroad train to permit said train to be operated within the unincorporated limits of the parish from Brown Switch Road north for a distance of four-tenths mile at a speed in excess of 35 miles per hour.
- (2) It shall further be unlawful for any person having immediate control of any passenger railroad train to permit said train to be operated within the unincorporated limits of the parish from Brown Switch Road north for a distance of four-tenths mile at a speed in excess of 45 miles per hour.

(b) *Violation; penalty.* Whosoever shall violate said speed limit shall be guilty of a misdemeanor punishable as is provided in section 1-9.

(c) *Enforcement.* The sheriff's department is charged with the enforcement of this section. Should a violation occur, the sheriff or any sheriff's deputy shall have the right and power to stop the locomotive and issue a citation to the engineer of the locomotive propelling the train; additionally, the sheriff or any sheriff's deputy shall have the right and power to remove the

engineer therefrom and to impound the train until proper bond is posted; alternatively, the sheriff or his deputy may cite the railroad or railway by recording the serial number on the locomotive(s), together with the time, date, place and recorded speed thereof.
(Code 1998, § 15-411.02; Ord. No. 85-427, 6-20-1985)

Secs. 28-232—28-255. Reserved.

ARTICLE VII. MINORS, CURFEW AND CONTROL

Sec. 28-256. Definitions.

For the purpose of this section the following words shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Custodian means a person having legal responsibility for the care or custody of a minor as the term "parent" is defined in Louisiana Code of Juvenile Procedure, article 13(11).

Minor means any unmarried natural person under 17 years of age who is not fully emancipated pursuant to the Louisiana Civil Code, art. 385; the term "he", as used herein, also includes females under said age.

Permit means to knowingly fail to prevent, or failure to prevent, due to lack of reasonable efforts or concern, to supervise and control.

Reasonable errand means a minor's presence in public pursuant to his custodian's direction in order to accomplish a legitimate family function in a normal and customary fashion considering the time of day. The term "reasonable errand" is also presumed to exist when a juvenile remains in public pursuant to his custodian's direction for purposes of the juvenile's employment in compliance with the state child labor laws.

Remain means to unnecessarily tarry, stay, loiter or be idle.

Sheriff's department means the department of the sheriff of the parish situated in the parish courthouse, Covington, Louisiana, or as from time to time changed by said sheriff.
(Code 1998, § 15-512.00; Ord. No. 83-540, 3-17-1983)

Sec. 28-257. Curfew for minors—Established.

Unless accompanied by his custodian, it shall be unlawful for any minor, whether on foot or in a vehicle, to wander or to travel, loiter, stroll, play, traverse or remain in or upon any public street, road, highway, avenue, alley, park or other public place situated in the unincorporated areas of the parish between 11:00 p.m. and 5:00 a.m. beginning Sunday through Thursday nights lasting into the next morning and between 12:01 a.m. and 5:00 a.m. Saturday and Sunday mornings or on mornings of legal holidays, except as to New Year's Eve and New Year's Day on which days this restriction commences at 1:00 a.m. until 5:00 a.m. This restriction shall

not apply to any minor who is engaged in an emergency mission, nor shall it apply to any minor who is in the performance of a reasonable errand. Nor shall the provisions of this article apply to any minor when said minor is in attendance or en route to and from any officially sponsored church, school or civic event.

(Code 1998, § 15-513.00; Ord. No. 83-540, 3-17-1983)

Sec. 28-258. Same—Enforcement procedures.

(a) If a police officer reasonably believes that a minor is violating section 28-257, the officer shall warn the minor that he is in violation of the curfew and shall request the minor to give his complete name and address, and how to contact his custodian. The officer shall then direct the minor to proceed immediately to his home or place of abode.

(b) If the minor fails to obey these directions, or refuses to furnish the officer with the requested identification information, or has been subjected to a prior curfew warning during that same night, the officer shall take such minor to the sheriff's department in Covington, Louisiana, or the nearest sheriff's substation or nearest municipal (or town) police department headquarters, whichever is the closest to contact the minor's custodian and release said minor to his custodian.

(Code 1998, § 15-514.00; Ord. No. 83-540, 3-17-1983)

Sec. 28-259. Same—Violations; penalties.

(a) Any minor violating the provisions of section 28-257 or 28-258 shall be found to be "in need of supervision" as defined in the Louisiana Code of Juvenile Procedure, article 13(13).

(b) Any custodian violating the provisions of section 28-257 or 28-258 shall be fined not less than \$50.00 nor more than \$100.00 for each offense.

(Code 1998, § 15-515.00; Ord. No. 83-540, 3-17-1983)

Secs. 28-260—28-281. Reserved.

ARTICLE VIII. FIREWORKS

Sec. 28-282. Regulation of fireworks.

(a) *Definitions.* The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Fireworks means all incendiary, explosive devices and pyrotechnical explosive devices commonly referred to as fireworks or firecrackers.

Retailer means any person engaged in the business of making sales of fireworks at retail to persons other than a distributor or a jobber.

Sale means the sale, barter, exchange or gift or offer thereof, and each such transaction made by any person, whether as principal, proprietor, agent, servant or employee.

(b) *Regulations.*

- (1) It shall be unlawful to sell any items of fireworks as a retailer without first obtaining a license to be issued by the director of parish development.
- (2) An applicant, to engage in the sale of fireworks as a retailer, must complete an application on a form provided by the parish, setting forth such facts and information as the parish may determine necessary and proper.
- (3) All applications shall be accompanied by a copy of the previous year's sales tax return or retail license. All licenses issued by the parish shall be transferable.
- (4) Effective May 1, 1992, there is established a moratorium on all fireworks stands and retail outlets in Parish Council District 5, Precinct 306, the area comprising the east and west side of Highway 190 north of I-12, specifically the service road in Parish Council District 5, Precinct 306, which leads to Walmart, Sears, the Cinema, Kings Forest and Helenberg areas. No application for licenses within Parish Council District 5, Precinct 306, for possession, sale, offering for sale and use of fireworks shall be received unless the applicant has been issued a permit on or before December 31, 1991.

(c) *Prohibitions.*

- (1) The sale of fireworks within unincorporated areas of Ward 4 is prohibited. Unincorporated Ward 4 area encompasses that portion of the parish as described in section 2-37, less and except areas contained within the boundaries of any municipality or areas contained within the boundaries of Parish Council District 7.
- (2) The sale of fireworks within the unincorporated area of Ward 8, less and except the portion in Parish Council District 6, is hereby prohibited.

(d) *Enforcement.* It shall be the duty of the parish sheriff to enforce the provisions of this section.

(Code 1998, § 15-617.00; Ord. No. 85-378, 4-18-1985; Ord. No. 90-1240, 3-15-1990; Ord. No. 92-1548, 1-16-1992; Ord. No. 92-1587, 4-23-1992; Ord. No. 14-3240, 11-6-2014)

Secs. 28-283—28-312. Reserved.

ARTICLE IX. TRESPASSING

Sec. 28-313. Trespassing upon structures, movables and nonmovables; violations and penalties.

(a) *Prohibited.* No person shall enter any structure, watercraft, or movable owned by another without express, legal or implied authorization.

(b) *Entering property.* No person shall enter upon immovable property owned by another without express, legal or implied authorization.

(c) *Remaining on property.* No person shall remain in or upon property, movable or immovable, owned by another without express, legal or implied authorization.

(d) *Violation and penalty.* It shall be an affirmative defense to a prosecution for a violation of subsections (a), (b) or (c) of this section, that the accused had express, legal or implied authority to be in the movable or on the immovable property. For purposes of this section, the term "enclosed plot of land" means any plot of land that is enclosed or surrounded by artificial boundaries, such as public roads, wire fences, walls or flagged or painted lines, if such flagging or paint is used not less than once every 20 yards, or any combination of the above, or by natural boundaries such as running streams and rivers, or that which is enclosed partially by artificial boundaries and partially by natural boundaries.

(e) *Enforcement.* Enforcement of this section is authorized, directed and empowered to the sheriff's department of the parish, the state police, and duly commissioned agents and officers of the state wildlife and fisheries.

(f) *Exemption.*

- (1) The following persons may enter or remain upon the structure, watercraft, movable or immovable property of another:
 - a. A duly commissioned law enforcement officer in the performance of his duties.
 - b. Any firefighter, whether or not a member of a volunteer or other fire department, and any employee or agent of the state department of agriculture and forestry engaged in locating and suppressing a fire.
 - c. Emergency medical personnel engaged in the rendering of medical assistance to an individual.
 - d. Any federal, state or local government employee, public utility employee or agent engaged in suppressing or dealing with an emergency that presents an imminent danger to human safety or health or to the environment.
 - e. Any federal, state or local government employee, public utility employee or agent in the performance of his duties when otherwise authorized by law to enter or remain on immovable or movable property.
 - f. Any person authorized by a court of law to enter or remain on immovable property.
 - g. Any person exercising the mere rite of passage to an enclosed estate, as otherwise provided by law.

- (2) The following persons may enter or remain upon immovable property of another, unless specifically forbidden to do so by the owner or other person with authority, either orally or in writing:
- a. A professional land surveyor or his authorized personnel, engaged in the "Practice of Land Surveying", as defined in R.S. 37:682.
 - b. A person, affiliate, employee, agent or contractor of any business which is regulated by the state public service commission or by a local franchising authority or the federal communication commission under the Cable Reregulation Act of 1992 or of a municipal or public utility, while acting in the course and scope of his employment or agency relating to the operation, repair, or maintenance of a facility, servitude or any property located on the immovable property which belongs to such a business.
 - c. Any person making a delivery, soliciting, selling any product or service, conducting a survey or poll, a real estate licensee or other person who has a legitimate reason for making a delivery, conducting business or communicating with the owner, lessee, custodian or a resident of the immovable property, and who, immediately upon entry, seeks to make the delivery, to conduct business or to conduct the communication.
 - d. An employee of the owner, lessee or custodian of the immovable property while performing his duties, functions and responsibilities in the course and scope of his employment.
 - e. The owner of domestic livestock or his employees or agents while in the process of retrieving his domestic livestock that have escaped from an area fenced to retain such domestic livestock.
 - f. The owner of a domestic animal while in the sole process of merely retrieving his domestic animal from immovable property and not having a firearm or other weapon on his person.
 - g. Any candidate for political office or any person working on behalf of a candidate for a political office.
 - h. The owner or occupant of a watercraft or vessel traveling in salt water engaged in any lawful purpose for the purpose of retrieval of his property or for obtaining assistance in an emergency situation.

(g) *Trespassing.* A minor ten years old or younger shall not be arrested, detained or apprehended for the crime of trespass.

(h) *Violation; penalty.* Whoever violates the provisions of this section shall be fined not more than \$500.00 or imprisoned not more than 91 days, or both. Upon a second or subsequent conviction, regardless of whether second offense occurred before or after first conviction, the

offender shall be imprisoned for not more than six months, or shall be fined not more than \$500.00, or both, provided that any offense under this section committed more than five years prior to the commission of the crime for which the offender is being tried shall not be considered in the assessment of penalties hereunder.

(Code 1998, § 15-700.00; Ord. No. 92-1594, 4-23-1992)

Sec. 28-314. Exclusion of provisions for Parish Council District 6.

(a) The provisions of section 28-313 are excluded from Parish Council District 6 as established therein.

(b) The provisions of said ordinance are more stringent than state law and hereby deemed to be unenforceable in said Parish Council District 6 due to the geographical nature of the district and the many areas utilized by the public.

(c) Only state trespass laws will be recognized and enforced in the geographical area of said Parish Council District 6.

(Code 1998, § 15-700.01; Ord. No. 92-1594, 4-23-1992; Ord. No. 92-1665, 11-19-1992)

Sec. 28-315. Trespassing—Parish prison.

(a) No person shall remain on the grounds of the parish prison, and shall be deemed as trespassing, after being instructed to leave said property by any law enforcement officer or any other official prison personnel.

(b) This section shall not apply to any law enforcement officer nor to any individual who is transacting lawful prison, or judicial system, business.

(c) Any person found to be in violation of this section shall be subject to a fine of not more than \$100.00 and/or imprisonment for a period of not more than ten days.

(Code 1998, § 15-702.00; Ord. No. 02-0573, 11-7-2002)

Sec. 28-316. Same—Prohibited on levees within Drainage District No. 4.

(a) *Prohibited.* It shall be unlawful for any person, whether on foot, bicycle, or in a vehicle of any type, to travel, loiter, walk, play, jog, traverse or encroach upon any levee within the boundaries of Drainage District No. 4.

(b) *Exemptions.* Exempt herefrom are any law enforcement officials engaged in the pursuit of his duties, or individuals contracted by or representing Drainage District No. 4 in connection with the maintenance or preservation of such levees.

(c) *Signage.* Drainage District No. 4 is directed to purchase, post and maintain appropriate and visible signs to be located at strategic places on its levees to notify individuals of the prohibitions outlined hereinabove.

(Code 1998, § 15-718.00; Ord. No. 91-1471, 7-18-1991)

Secs. 28-317—28-335. Reserved.

ARTICLE X. DISORDERLY CONDUCT

Sec. 28-336. Disorderly conduct on premises; definitions.

(a) No person holding a retail dealer's permit, and no servant, agent or employee of the permittee, shall participate in or allow any nude or partially nude dancer, host, hostess, waiter or waitress on the premises, whether in the capacity as an employee, entertainer, guest, invitee, patron, or otherwise.

(b) The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Nude or partially nude is defined as less than completely or opaquely covered and exposing:

- (1) Human genitals, pubic region;
 - (2) All of the buttocks area;
 - (3) Female breast area below a point immediately above the top of the areola.
- (Code 1998, § 15-800.00; Ord. No. 91-1535, 12-19-1991)

State law reference—Parish not preempted from the regulation of obscenity, R.S. 14:106(E).

Secs. 28-337—28-360. Reserved.

ARTICLE XI. LOITERING AND ILLEGAL DRUG ACTIVITY, PROHIBITED

Sec. 28-361. Definitions.

As used herein, words and terms shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Conviction means an adjudication of guilt pursuant to C.C.R.P. article 934, or the equivalent provisions of any federal statute, state statute or ordinance of any political subdivision of this state, and includes a verdict of guilty, a finding of guilty and an acceptance of a plea of guilty.

Drug paraphernalia means as the same is defined in R.S. 40:1021 (Transactions in Drug Related Objects Prohibited—Definitions).

Illegal drug activity means unlawful conduct contrary to any provision of R.S. 40:966 through 40:971.1, or the equivalent federal statute, state statutes, or ordinances of any political subdivision of this state.

Known drug trafficker means a person who has, within the knowledge of the arresting officer, been convicted within the last two years in any court of any illegal drug activity.

Public place means any area generally visible to public view, including, but not limited to, streets, sidewalks, bridges, alleys, plazas, parks, driveways, parking lots, transit stations, shelters and tunnels, automobiles (whether moving or not) and buildings, including those which serve food or drink, or provide entertainment, and the doorways and entrances to buildings or dwellings and the grounds enclosing same.

(Code 1998, § 15-850.00; Ord. No. 93-1725, 4-15-1993)

Sec. 28-362. Drug-traffic loitering.

A person is guilty of drug-traffic loitering if he remains in a public place and intentionally solicits, induces, entices or procures another to engage in unlawful conduct contrary to R.S. 40:966 through 40:971.1.

(Code 1998, § 15-850.01; Ord. No. 93-1725, 4-15-1993)

Sec. 28-363. Prohibited conduct.

(a) Among the circumstances which may be considered in determining whether the person intends such prohibited conduct are that he:

- (1) Is seen by the officer to be in possession of drug paraphernalia;
- (2) Is a known drug trafficker;
- (3) Repeatedly beckons to, stop, or attempts to stop, passers-by, or engages passers-by in conversation;
- (4) Repeatedly stops or attempts to stop motor vehicle operators by hailing, waiving of arms or any other bodily gesture;
- (5) Circles an area in a motor vehicle and repeatedly beckons to, contacts or attempts to stop pedestrians;
- (6) Is the subject of any court order, which directs the person to stay out of any specified area as a condition of release from custody, a condition of probation or parole or other supervision or any court order, in a criminal or civil case involving illegal drug activity; or
- (7) Has been evicted as the result of his illegal drug activity and ordered to stay out of a specified area affected by drug-related activity.

(b) A person is not guilty of drug-traffic loitering if he merely remains in a public place without also intentionally soliciting, inducing, enticing or procuring another to engage in unlawful conduct contrary to R.S. 40:966 through 40:971.1.

(Code 1998, § 15-850.02; Ord. No. 93-1725, 4-15-1993)

Sec. 28-364. Enforcement.

The enforcement responsibility of the provisions herein is authorized, directed and empowered to the parish sheriff, the state police and any bona fide or deputized police officer of a municipal law enforcement agency in the parish.

(Code 1998, § 15-850.04; Ord. No. 93-1725, 4-15-1993)

Secs. 28-365—28-390. Reserved.**ARTICLE XII. SECURITY SYSTEMS AND FALSE ALARMS*****Sec. 28-391. Purpose.**

(a) The purpose of this article is to encourage alarm system users and alarm businesses to assume increased responsibility for maintaining the mechanical reliability and the proper use of alarm systems, to reduce unnecessary police emergency response to false alarms, and thereby to protect the emergency response capability of the sheriff's office from misuse.

(b) This article governs burglary and/or robbery alarm systems, provides for fines for excessive false alarms, provides for discontinuation of the sheriff's office response to excessive false alarms, provides for punishment of violations and establishes a system of administration.
(Code 1998, § 15-925.00; Ord. No. 06-1310, 6-1-2006)

Sec. 28-392. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings respectively ascribed to them, unless the context clearly indicates a different meaning:

Activation means making the alarm system operational for purposes other than testing, that may result in a law enforcement agency response to that site.

Alarm administrator means a person designated by the sheriff to administer, control and review alarm dispatch requests; and coordinate false alarm notification letters, enforcement and fines.

Alarm appeals board means a board established to hear an appeal timely requested on a decision rendered by the alarm administrator.

Alarm business means the business by an individual, partnership, corporation or other entity of selling, leasing, maintaining, servicing, repairing, altering, replacing, moving or installing any alarm system or causing to be sold, leased, maintained, serviced, repaired, altered, replaced, moved or installed any alarm system in or on any building, structure or facility.

***State law reference**—Life Safety and Property Protection Licensing Act, R.S. 40:1664.1 et seq.

Alarm system means any assembly of equipment, devices, mechanical or electrical, arranged or used for the detection of a hazardous condition or an unauthorized entry or attempted entry into a building, structure or facility, or for alerting persons of a hazardous condition or the commission of an unlawful act within or upon a building, structure or facility, and which emits a sound, or transmits a signal or message when activated, to which annunciation the sheriff's department or other law enforcement agency may be summoned to respond. For purposes of this chapter, the term "alarm system" shall not include:

- (1) An alarm installed on motor vehicles, boats or other movables not connected/attached to a fixed protected property site.
- (2) An alarm installed upon the premises occupied by the United States government, by the state or by the parish.
- (3) Any device or system designed solely to give notice or alert of a medical emergency.

Alarm system monitoring company means any individual, partnership, corporation or other entity that engages in the business of monitoring property, burglary, robbery or panic alarms, and of reporting any activation of such alarms to the sheriff's office. Such a company must have a monitoring station, which is the use of a system or a group of systems in which the operation of circuits and devices at a protected property are signaled to, recorded in, and supervised from a central monitoring station having trained operators who, upon receipt of a signal, take such action as required by the nature of the signal received.

Alarm system user or *user* means the person, firm, partnership, association, corporation, company or other entity which owns, leases, controls or occupies any building, structure or facility wherein an alarm system is maintained.

Alarm systems in apartment complexes.

- (1) Contracted for by an individual tenant means that if an alarm system is installed or maintained by an individual tenant within an apartment complex, then the tenant is responsible for false alarm dispatches emitted from the alarm system in the tenant's unit and the payment of fines.
- (2) Furnished by the apartment complex as an amenity means that if the owner or property manager of an apartment complex provides and maintains alarm systems in each unit as an amenity, then the owner or property manager of the apartment complex is responsible for false alarm dispatches emitted from these alarm systems in all of these units collectively and the payments of any fines.

Audible alarm system means an alarm system that emits an audible sound or message which can be heard off-premises. Such an audible local area alarm may or may not be monitored by an alarm system monitoring company, and such audible sound is intended to alert neighbors or other residents of the local area to summon the sheriff's office. (See *Local alarm*.)

Automatic dialing device means a device which is interconnected to a communications system and is programmed to select a predetermined delivery number and transmit by voice message, code signal or otherwise an emergency message indicating a need for emergency response. Such a device is part of an alarm system which automatically sends over a communications system, by direct connection or otherwise, a prerecorded message or coded signal to report an emergency.

Conversion/takeover means the transaction or process by which an alarm system user, alarm business or alarm system monitoring company takes over control of an existing alarm system which was previously controlled by another alarm system user, alarm business or alarm system monitoring company.

Dispatch means to direct sheriff's office units to a location where there has been a report made, by whatever means, that sheriff's office assistance or investigation is needed.

False alarm means an alarm signal, eliciting a response by the sheriff's office when a situation requiring such response does not exist, including, but not limited to, the activation or transmission of any alarm signal caused by human error, mechanical or electronic malfunction, negligence of the alarm system user or user's agent or employee, whether or not the exact cause of the alarm activation is determined, or any other activation or transmission of any alarm signal where no actual emergency exists. Severe weather, power outages, transmission line malfunctions, acts of God, malicious acts of persons not under the direction or control of the alarm system user, acts of terrorism, or any other cause clearly beyond the control of the alarm system user may be considered in determining if an alarm activation was false and whether any occurrence, fine, warning or other action will be taken against the alarm system user as provided for by this section.

Grace period means a specified length of time from the date of installation, or system conversion/takeover during which no occurrence, fine or penalty is assessed for false alarms.

Holdup alarm system means any system, device or mechanism, activated by human action as a result of or in response to robbery or attempted robbery at the alarm site. (See *Panic alarm*.)

Local alarm means an alarm system which when activated causes an audible or visual signaling device to be activated only on the premises upon which the system is installed and which is intended to be heard or seen by others outside of the protected premises.

No response means sheriff's deputies will not be dispatched to investigate a report of an alarm signal.

Notice means written notice given by service upon the alarm system user or given through first class U.S. mail, postage prepaid, to the alarm system user's last known mailing address.

Panic alarm means any system, device or mechanism, activated by an individual on or near the premises, to alert others that a robbery or other crime is in progress, or that the user is in

need of immediate assistance or aid in order to avoid injury or bodily harm. The term "panic alarm" includes the manual entry of any combination of numbers into a keypad intended for emergency summons of the sheriff's office.

Response means the arrival of a law enforcement officer at the premises where an alarm system has been activated, indicating an emergency at those premises.

Site means each location requiring an individual alarm system. An alarm system site is determined by each separate and distinct physical address.

Suspension means the temporary cessation of the sheriff's office response to the site of an alarm system.

Verification means any attempt, by the alarm business, or alarm system monitoring company to verify the need for a sheriff's office dispatch by contacting the alarm system site by telephone, electronically, via a communications system, or by visual means, whether or not an actual contact with a person is made, before requesting a sheriff's office dispatch.
(Code 1998, § 15-926.00; Ord. No. 06-1310, 6-1-2006)

Sec. 28-393. Alarm system operation and maintenance.

An alarm system user shall:

- (1) Maintain the premises containing an alarm system in a manner that ensures proper operation of the alarm system.
- (2) Maintain the premises and the alarm system in a manner that will minimize or eliminate false alarm dispatches.
- (3) Make every reasonable effort to respond or cause a contact person to respond to the alarm system's location within a reasonable period of time when notified by the alarm administrator or the sheriff's office to deactivate a malfunctioning alarm system, to provide access to the premises, or to provide security for the premises.
- (4) Not manually activate an alarm for any reason other than the occurrence of an event for which the alarm system was intended to be activated.
- (5) Instruct all personnel who are authorized to place the system or device into operation of the appropriate method of its operation.

(Code 1998, § 15-930.00; Ord. No. 06-1319, 6-1-2006)

Sec. 28-394. Sheriff's office response to alarm notifications.

(a) *Deputy on the alarm scene.* Whenever an alarm is activated, thereby requiring an emergency response to the location by the sheriff's office, a sheriff's deputy on the scene of the activated alarm system shall inspect the area protected by the system and determine whether

the alarm was false or was caused by a criminal offense or attempted criminal offense. The deputy shall affix to the main premises entrance at that location a notification indicating the date, time and responding deputy unit number.

(b) *Notification and tracking.* The deputy responding to the alarm scene will verify the address location and communicate to the sheriff's office dispatcher the disposition of the call which will be recorded into the sheriff's office computer aided dispatch system. In the event of a false alarm, any weather conditions or other possible contributing factors which could have led to the false alarm shall be recorded in the dispatcher's computer record.

(Code 1998, § 15-931.00)

Sec. 28-395. Penalty for false alarms.

(a) *Sending of false alarms.* The sending of an alarm signal eliciting a response by the sheriff's office when a situation requiring a response by the sheriff's office does not in fact exist, including, but not limited to, the activation or transmission of any alarm signal caused by human error, mechanical or electronic malfunction, negligence of the alarm system user or alarm system user's agent or employee, or any other activation or transmission of any alarm signal where no emergency exists, whether the exact cause of the alarm activation is determined, is prohibited. Severe weather, power outages, transmission line malfunctions, acts of God, malicious acts of persons not under the control of the alarm system user, acts of terrorism or any other cause clearly beyond the control of the alarm system user may be considered in determining if an alarm activation was false and whether any occurrence, fine, warning or other action will be taken against the alarm system user as provided for by this section.

(b) *Unlawful activation of a holdup or panic alarm.* No person shall activate any robbery, holdup or panic alarm for the purpose of summoning police except in the event of an unauthorized entry, robbery or other crime being committed or attempted on the premises or in the event the person needs immediate assistance in order to avoid injury, property loss or bodily harm. The unnecessary dispatching of the sheriff's office for robbery, holdup or panic alarms will be counted against the alarm site as a false alarm.

(c) *Grace period.* Beginning with the date of alarm activation or alarm conversion/takeover, there shall be a 30-day grace period. During the 30-day grace period, false alarms will not be counted as an occurrence toward the total for the calendar year, nor will the alarm system user be subject to any fine, warning or other action as provided for in this section.

(d) *Penalties for sending of false alarms.* The sending of a false alarm constitutes a violation of this section. It shall be the responsibility of the alarm system user to provide the necessary documentation in order to verify the alarm system's date of purchase, conversion/takeover date, or installation to authenticate the grace period and administrative warnings, fines and/or suspension of a sheriff's office response may be assessed/imposed upon an alarm system user by the alarm administrator for excessive false alarms during a calendar year as follows:

<i>Number of False Alarms</i>	<i>Penalty</i>
1 to 3	No fine assessed. Alarm user identification letter issued for 2nd and 3rd false alarm.
4 to 5	\$25.00 fine per false alarm to alarm system user.
6 to 7	\$50.00 fine per false alarm to alarm system user.
8 to 9	\$75.00 fine per false alarm to alarm system user.
10 and above	Notice of suspension issued. (Nonresponse by police.)

All funds derived from the fines contained in this article, except those fines imposed and collected by the district court, shall be allocated to the operating budget of the sheriff's office. Except for the fines collected by the district court, it shall be the responsibility of the sheriff's office or a designated collection agency or agencies to collect such fines.

Suspension requirements fulfilled—Reinstatement—\$100.00 fine.

(e) *Training waiver.* Once per calendar year, an alarm system user shall have a false alarm fine, with the exception of the reinstatement fine, waived upon payment of all prior fines imposed through this section and submission of written documentation of the alarm system user having attended training recognized by the alarm industry to reduce false alarms.

(f) *False alarm annual count.* At the end of the calendar year, the false alarm count will revert to zero, provided all charges, fees, and fines have been paid. Multiple alarms from the same site on a single calendar day may be counted as only one false alarm for the purposes of penalty assessment.

(g) *Alarm user identification letter.* Upon receipt of the second and third false alarm report, the alarm administrator shall send an alarm user identification letter by regular mail to the occupant of the alarm site. The alarm system user shall be accountable for accurately completing the requested identification information and returning same to the police department alarm administrator. The letter shall include:

- (1) The name, birth date, driver's license number, social security number, address and telephone numbers of the person who is the alarm system user and who is responsible for the proper maintenance and operation of the alarm system. In the case of a firm, corporation, partnership, association, company or organization, an individual shall be designated and identified as the corporate officer, partner, associate or company representative who will be held accountable as the responsible person for the alarm site.
- (2) The classification of the alarm site as either residential, commercial or apartment.
- (3) The name, address and phone number of the alarm business performing the alarm system installation, activation, conversion/takeover and business responsible for providing repair service to the alarm system.
- (4) The name, address and phone number of the alarm system monitoring company, if different from the installing alarm business, and if applicable.

(h) *Failure to return alarm user identification letter.* Failure to return the alarm user identification letter within ten days after the third false alarm report notification shall cause the alarm administrator to send a suspension notification letter by certified mail, return receipt requested, to the occupant of the alarm site, notifying the occupant that the sheriff's office will not respond to any future alarms at the alarm site. Continued reporting of alarms to the sheriff's office under suspension status shall subject the alarm system user to prosecution in district court and a fine of not less than \$150.00 and not more than \$250.00 for each violation. The alarm administrator may reinstate the alarm system user for failure to submit the alarm user identification letter after the alarm system user applies in writing for reinstatement. An alarm user, suspended for failure to respond to the alarm user identification letter, may reapply for reinstatement in writing. The alarm administrator may reinstate sheriff's office response privileges to the alarm user after the user provides the information requested in the alarm user identification letter and after payment of a \$100.00 fine. However, any false alarms which occur after reinstatement shall be added to the existing number of false alarms attributable to the alarm user in that calendar year for purposes of determining the appropriate penalty provided in subsection (d) of this section, entitled "Penalty for sending false alarms".

(i) *Warning notification letter.* The alarm administrator shall send a "notification of false alarm and fine" by regular mail to notify the alarm system user and the alarm business and/or alarm system monitoring company of each false alarm when a fine is applicable, and the consequences of the failure to pay the fine. The alarm administrator shall also inform alarm system users of their right to appeal the finding of any false alarm to the sheriff via the alarm administrator or his designee.

(j) *Failure to pay fine.* If an assessed fine has not been paid within 30 days of the day the notice of fine was mailed by the alarm administrator and there is no appeal pending on the finding of the false alarm, the alarm administrator shall send a second notice of false alarm and fine by certified mail, return receipt requested, along with a notice of late fee of \$25.00. If payment is not received within ten days of the day such notice was received, the alarm system user shall be in violation of this section, subject to prosecution in district court and shall be fined, upon conviction, not less than \$100.00 nor more than \$250.00 within any 30-day period, or shall perform community service, or both, and may result in "nonresponse" to the alarm system user's alarm. A "notice of suspension of sheriff's office response" shall be sent by the alarm administrator to the alarm system user, alarm business, and/or alarm system monitoring company by certified mail, return receipt requested.

(k) *Suspension warning; "No response" to excessive alarms.* After the eighth false alarm, the alarm administrator shall send notification to the alarm system user by certified mail, return receipt requested, and a copy by regular mail to the alarm business and/or alarm system monitoring company, which shall contain the following information:

- (1) That the eighth false alarm has occurred.

- (2) That if two more false alarms occur within the calendar year, sheriff's deputies will not respond to any subsequent alarms without the approval of the sheriff through the alarm administrator.
- (3) That such approval may only be obtained by applying in writing for reinstatement. The alarm administrator may reinstate the alarm system user only upon finding that reasonable effort has been made to correct the cause of the false alarms. Examples of such reasonable effort may include written documentation of:
 - a. A service inspection by the alarm business for repair of any mechanical failures;
 - b. Modifications or improvements made to the alarm system and/or the alarm system user having completed training recognized by the alarm industry to reduce false alarms.
- (4) That the alarm system user has the right to contest the finding of a false alarm by the alarm administrator through a "false alarm validity hearing" held by the alarm appeals board. The request for such a hearing must be in writing and filed with the alarm administrator within 15 days of receipt of the notice of false alarm.
- (5) The assessment of the \$75.00 fine.

(l) *Application of suspension.* After the tenth false alarm within a calendar year or if an alarm system user has failed to submit the alarm-user identification letter within ten days of receipt of the third false alarm report notification, there may be no police response to subsequent alarms without the approval of the sheriff through the alarm administrator. The alarm administrator shall send a "notice of suspension of police response" to:

- (1) The sheriff's office communications division so that the computer aided dispatch address file history can be recorded.
- (2) The alarm system user by certified mail, return receipt requested.
- (3) The alarm business and/or alarm system monitoring company by certified mail, return receipt requested. The suspension of sheriff's office response to an alarm location shall begin ten days after the date of receipt of the notice of suspension of sheriff's office response to the alarm system user unless a written appeal of the suspension has been made to the sheriff through the alarm administrator.

(m) *Sheriff's office authority to suspend alarm response.* Nothing herein is intended to affect the inherent authority of the sheriff of the parish to exercise discretion in the operation and administration of his office. The sheriff's office is further authorized by this section to use discretion in deciding whether to direct police units to an alarm location where a suspension of police response has been implemented and there has been a report made that police assistance or investigation is needed. All dispatch decisions are made subject to competing priorities and available police response resources and at the discretion of the sheriff.

(n) *Appeal through the alarm administrator.* An alarm system user who wants to appeal a false alarm determination by the alarm administrator, fines, suspension of sheriff's office response, or an alarm system user's request for reinstatement, may file same with the sheriff through the alarm administrator for hearing. The request must be in writing and must be made within 15 days of the alarm system user having received the notification of action. Failure to appeal the determination in the required time period results in a conclusive presumption of the validity of the alarm administrator's determination. If a hearing is requested, written notice of the time and place of the hearing shall be served on the alarm system user by the alarm administrator by certified mail, return receipt requested, which date shall not be more than 21 nor less than ten days after the filing of the request for hearing. The alarm system user shall have the right to present to the alarm administrator alarm appeals board written and/or oral evidence. The alarm administrator shall consider the evidence offered and issue written findings waiving, expunging or entering penalties provided by this article on an alarm system user's record as appropriate. Confirmation submitted by an alarm system user that an alarm business has been notified and summoned for an alarm system repair or service call, may be considered sufficient evidence to not continue accruing any further false alarms at this site until that alarm business has completed such documented service and/or repair within a reasonable period of time. If false alarm designations are entered on the alarm user's record, the alarm administrator may pursue fine collection accordingly.

(o) *Suspension requirements fulfilled-reinstatement.* The alarm system user may request an appeal hearing before the alarm administrator as specified above. At this hearing, the alarm system user must present evidence to the alarm administrator that the alarm system user has taken corrective action to repair, modify, or install alarm equipment that will serve to prevent future false alarms at that site. Written documentation provided by an alarm business shall be required. Such correction may also include mandatory user false alarm reduction training through a recognized class. Upon receipt of this documentation and payment of the \$100.00 fine, the alarm administrator shall reinstate the sheriff's office response status. The false alarm count will return to zero for that calendar year upon installation of a new alarm system or upon correction or modification of an existing alarm system.

(p) *Reinstatement denied.* If the alarm administrator determines that the action taken will not substantially reduce the likelihood of false alarms, the request for reinstatement shall be denied. The alarm administrator shall give notice by certified mail, return receipt requested, to the alarm system user that police response will be suspended and notify the alarm system user as to what is necessary in order to have the response status reinstated. If the alarm system user's request for reinstatement has been denied by the alarm administrator, the alarm system user may, within 15 days of receipt of a notice of suspension, appeal this decision by filing a written request for review by the alarm appeals board.

(q) *Continued reporting of alarms while under suspension.* It shall be a violation of this section for an alarm system user to cause or allow notification to the sheriff's office from an alarm site which has a suspended police response status. A user must disconnect and prevent

the signal, audible and electronic, of a suspended alarm system to cause notification to the sheriff's office by an alarm system monitoring company from the audible noises emitted from a local alarm system. An alarm system user who violates this provision is subject to prosecution in district court and a fine of not less than \$150.00 and not more than \$250.00 for each violation.

(Code 1998, § 15-932.00; Ord. No. 06-1310, 6-1-2006)

Sec. 28-396. Alarm appeals board.

(a) *Composition of the board.* The sheriff's office shall convene an alarm appeals board to address unresolved disputes pertaining to the findings of false alarms by the alarm administrator, fines, suspension or requests for reinstatement of sheriff's office response, or any other issues of a common interest to the sheriff's office, alarm industry and/or alarm system users. The alarm appeals board shall be comprised of five members: two sheriff's office representatives designated by the sheriff, two alarm industry representatives designated by the local chapter of the state Burglar and Fire Alarm Association, and one representative selected from alarm system users. The terms of board members are as follows: The terms of the two sheriff's office representatives shall be determined by the sheriff; the terms of the other board members shall be one year, running from January 1 to December 31. Board members may succeed themselves. No member of this board shall be liable for any civil action for any act performed in good faith in the execution of his duties as a board member. The alarm industry, including alarm businesses and alarm system monitoring companies shall not be responsible for the collection of any fines levied against alarm system users for violating the requirements of this article.

(b) *Appeal from fines.* The alarm appeals board shall conduct a hearing in those matters requested for appeal that have been ruled on by the alarm administrator. The alarm appeals board shall consider evidence offered by any interested persons. The board shall make its decision on the basis of a preponderance of evidence presented at the hearing including, but not limited to, evidence that a false alarm dispatch was caused by a defective part that has been repaired or replaced or that an alarm dispatch request was caused by a criminal offense. The board must render a decision within 30 days after the request for an appeal is filed. If decision is not rendered within 30 days, the alarm administrator's ruling stands. The board shall affirm, reverse or modify the action of the alarm administrator. The decision of the board is final as to administrative remedies with the parish.

(c) *Appeal from denial or suspension.* The alarm appeals board shall conduct a hearing and consider evidence offered by any interested persons. The board shall make its decision on the basis of a preponderance of the evidence presented at the hearing including, but not limited to, certification that alarm system users have been retrained, that a defective part has been repaired or replaced, or that the cause of the false alarm has been otherwise corrected. The board must render a written decision within 30 days after the request for an appeal is filed. If decision is not

rendered within 30 days, the alarm administrator's ruling stands. The board may affirm, reverse or modify the action of the alarm administrator. The decision of the board is final as the administrative remedies.

(d) *District court proceedings.* The alarm appeals board shall have no standing with respect to the adjudication of proceedings within district court relative to false alarms.

(Code 1998, § 15-933.00; Ord. No. 06-1310, 6-1-2006)

Sec. 28-397. No liability of the parish.

The parish assumes no liability for any defects in the operation of any alarm system or transmission of signals, for any failure or neglect of any person associated with the installation, operation or maintenance of an alarm system, for any failure or neglect of any alarm system user, for the transmission or receipt of alarm signals or any failure or neglect to respond upon receipt of an alarm from any source. In the event that the sheriff finds it necessary to suspend police response or to otherwise provide for the disconnection of any alarm system, the parish shall have no liability for such action. No special duty other than that owed to the general public shall be created by virtue of this section or as a result of the transmission to or receipt of alarm signals by the sheriff's office.

(Code 1998, § 15-934.00; Ord. No. 06-1310, 6-1-2006)

Secs. 28-398—28-428. Reserved.

ARTICLE XIII. AIRBOATS

Sec. 28-429. Unauthorized airboats prohibited.

It is recognized that the use of airboats on real property without the express written permission of landowners poses eminent hazards within the parish; therefore, it shall be unlawful for any commercial or recreational airboat to commit a trespass on private or public real property.

(Code 1998, § 15-950.00; Ord. No. 94-1941, 3-17-1994; Ord. No. 06-1449, 12-7-2006)

Sec. 28-430. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Airboat means any watercraft propelled by means of an air propeller powered by an engine of at least 25 horsepower.

Idle speed and *No wake zone* means bare steerage speed, the slowest speed the vessel can travel while allowing the operator to maintain directional control of the vessel to produce the minimum water surface turbulence.

Sign means any "No Trespass" or "Posted" sign placed on immovable real property in such place or places where the signs may reasonably be expected to be seen. A sign forbidding entry on the property shall be conspicuously posted or exhibited at the entrances of said property regulated by this section.

(Code 1998, § 15-951.00)

Sec. 28-431. Operation of airboats.

(a) It shall be unlawful to operate an airboat at more than idle speed within 300 feet of a public boat launch, a public docking facility adjacent to a public boat launch or any residence within the boundaries of unincorporated parish.

(b) Airboats shall at all times be operated in compliance with all parish, state and federal laws and regulations, and any restrictions placed on the use of the airboats in a letter of no objection or other use-specific written permission issued by any affected property owner.

(c) No person shall go upon or remain in or upon or attempt to go into or upon any immovable real property which belongs to another, for the purpose of operating or using an airboat, after having been forbidden to do so, either orally or in writing, including by means of any sign placed in conformity with this article, by any owner, lessee or custodian of the property or by any other person authorized by any such persons.

(Code 1998, § 15-952.00)

Sec. 28-432. Enforcement.

(a) Enforcement of this article is authorized, directed and empowered to state and local law enforcement agencies, and duly commissioned officers with state or federal wildlife and fisheries agencies.

(b) No person shall be convicted of violating trespass provision of this article if a sign was not in place at the time of the alleged violation. It shall be unlawful for any person to remove, without the permission of the landowner, any properly posted "No Trespass" sign posted or exhibited at the entrances of any property in accordance with this article.

(Code 1998, § 15-953.00)

Sec. 28-433. Exemptions.

This article shall not apply to any emergency, police, fire, ambulance or other government vessels, airboats or other watercraft when same is being operated in an official capacity. In addition, no person shall be found in violation of this article by reason of being upon property without authorization when the reason for such is a maritime or other emergency.

(Code 1998, § 15-954.00)

Sec. 28-434. Penalty.

Any person who violates any of the provisions of this article; or who violates or fail to comply with any order made hereunder, within the time fixed therein, shall severally for each and every violation and noncompliance, respectively, be guilty of a misdemeanor punishable by a fine of not less than \$100.00 nor more than \$500.00, or by imprisonment for not more than 30 days, or both such fines and imprisonment. Each day that any violation of this article continues shall constitute a separate offense.

(Code 1998, § 15-955.00; Ord. No. 06-1449, 12-7-2006)

Secs. 28-435—28-451. Reserved.**ARTICLE XIV. VEHICLES DURING FLOOD STAGE****Sec. 28-452. Operation of vehicles/watercraft upon flooded streets.**

Whenever facts and circumstances exist which result in the full or partial flooding of a street, a person shall not operate or permit the operation of a vehicle or watercraft upon such affected street in a manner which endangers or may likely endanger a person or property thereon or in proximity thereto. For the purposes of this section, which is or may be damaged by the intentional or negligent operation of the vehicle or watercraft:

- (1) Any law enforcement officer duly authorized to enforce the ordinances of the governing authority of the parish, shall be authorized to enforce the provisions of this article.
- (2) Any person who observes a violation of this article is authorized to notify the appropriate law enforcement authority of such violation within 24 hours of the violation. Said person by affidavit shall provide the authority with the description of the offender and/or the offending vehicle or watercraft and, if known, the license or registration number of the offending vehicle or watercraft.
- (3) Said authority may issue a citation to the offender and/or the owner of the vehicle or watercraft involved or, in the case of a leased vehicle, the lessee of the vehicle involved, on the bases of the information provided by the person as set forth in the aforementioned subsection.
- (4) Any person convicted of violating this article shall be subject to the penalty provision which is set forth in section 1-9.

(Code 1998, § 15-975.00; Ord. No. 95-2251, 7-20-1995; Ord. No. 95-2252, 7-20-1995)

Sec. 28-453. Use of local waterways during flood stage.

Upon the declaration by the director of emergency preparedness of a state of emergency for all or a portion of a waterway in the parish, a person shall not operate or permit the operation of a watercraft on a waterway in the parish in a manner which endangers or may likely endanger

a person or property thereon or in proximity thereto. Such operator shall proceed only at a speed that is reasonable and prudent under the conditions and potential hazards existing and shall have due regard for the marine traffic and property thereon or nearby and other relevant atmospheric, waterway, lighting and geographical conditions. For the purpose of this section, property and corporeal and incorporeal property, any of which is or may be damaged by the intentional or negligent operation of the watercraft:

- (1) Any law enforcement officer duly authorized to enforce the ordinances of the governing authority of the parish shall be authorized to enforce the provisions of this article.
- (2) Any person who observes a violation of this article is authorized to notify the appropriate law enforcement authority of such violation within 24 hours of the violation. Said person by affidavit shall provide the authority with the description of the offender and/or the offending watercraft and, if known, the registration number of the offending watercraft.

(Code 1998, § 15-976.00; Ord. No. 95-2252, 7-20-1995)

Secs. 28-454—28-474. Reserved.

ARTICLE XV. REGISTRATION OF SEX OFFENDERS; VERIFICATION PROCEDURES*

Sec. 28-475. Findings; purpose.

(a) The legislature has found that sex offenders, sexually violent predators and child predators often pose a high risk of engaging in sex offenses, and crimes against victims who are minors even after being released from incarceration or commitment and that protection of the public from sex offenders, sexually violent predators and child predators is of paramount governmental interest. The legislature has also found that local law enforcement officers efforts to protect their communities, conduct investigations, and quickly apprehend offenders who commit sex offenses and crimes against victims who are minors, are impaired by the lack of information available to law enforcement agencies about convicted sex offenders, sexually violent predators, and child predators who live within the agency's jurisdiction, and the penal and mental health components of our justice system are largely hidden from public view and that lack of information from either may result in failure of both systems to meet this paramount concern of public safety. Restrictive confidentiality and liability laws governing the release of information about sex offenders, sexually violent predators, and child predators have reduced willingness to release information that could be appropriately released under the public disclosure laws, and have increased risks to public safety. Persons found to have committed a sex offense or a crime against a victim who is a minor have a reduced expectation

***State law reference**—Registration of sex offenders, sexually violent predators, and child predators, R.S. 15:540 et seq.

of privacy because of the public's interest in public safety and in the effective operation of government. Release of information about sex offenders, sexually violent predators, and child predators to public agencies, and under limited circumstances to the general public, will further the governmental interests of public safety and public scrutiny of the criminal and mental health systems so long as the information released is rationally related to the furtherance of those goals.

(b) It is the express policy of this state to assist local law enforcement agencies efforts to protect their communities by requiring sex offenders, sexually violent predators, and child predators to register with state and local law enforcement agencies, to require the exchange of relevant information about sex offenders, sexually violent predators, and child predators among state, local and federal public agencies and officials, and to authorize the release of necessary and relevant information about sex offenders, sexually violent predators, and child predators to members of the general public as provided under state law.

(c) In order for the parish to further assist local law enforcement officers efforts to protect this community, conduct investigations, and quickly apprehend offenders who commit sex offenses and crimes against victims who are minors, it is necessary that the sheriff's office have an effective means of continuing verification of the information and notifications that sex offenders are required to provide.
(Code 1998, § 15-985.00)

Sec. 28-476. Definitions.

Where necessary for clarification or interpretation of this article, reference to the definitions and provisions of state law is permissible.
(Code 1998, § 15-985.01)

Sec. 28-477. Procedure for verification.

Any person who currently resides in the parish, or who moves into the parish, and is required by state law to register for life with the sheriff of the parish of his residence and/or with the chief of police, shall be required to continuously have on his person, commencing upon registration with the parish sheriff, a location tracking electronic monitoring device for the purpose of providing an ongoing verification of the registrant's stated residence within this parish, the location of enrollment or worker status at an institution of post-secondary education, the location where the registrant provides recreational instruction, and in order to ensure that all required information is accurate and that all required notifications are current and are being provided within the designated areas.
(Code 1998, § 15-985.02)

Sec. 28-478. Fee for monitoring.

The sheriff of the parish is hereby authorized to charge a fee for the cost of the electronic device and the costs associated with the monitoring thereof.
(Code 1998, § 15-985.03)

Sec. 28-479. Penalties.

(a) Any person who fails or refuses to wear a location tracking electronic monitoring device, when required to do so under the provisions of this article, shall be guilty of a misdemeanor punishable by a fine of not less than \$500.00 and imprisonment of not less than 30 days in the parish jail.

(b) Any person who tampers with a location tracking electronic monitoring device shall be guilty of a misdemeanor punishable by a fine of not less than \$500.00 and imprisonment of not less than 30 days in the parish jail.

(c) When a person is required to comply with the provisions of this article, it shall be unlawful for any person to assist that person in avoiding or circumventing any of the requirements of this article. Any person who is found guilty of assisting a person in avoiding or circumventing the requirements of this article shall be guilty of a misdemeanor punishable by a fine of not less than \$500.00 and imprisonment of not less than 30 days in the parish jail.
(Code 1998, § 15-985.04; Ord. No. 06-1252, 3-2-2006)

Secs. 28-480—28-494. Reserved.

ARTICLE XVI. URINATION AND DEFECATION IN PUBLIC PROHIBITED

Sec. 28-495. Urination in public.

Urination in public is the willful and intentional urination by a person in a public place, in a place not intended for such purposes, or in a place open to the public view. Whoever commits the crime of urination in public shall be guilty of a misdemeanor.
(Ord. No. 16-3527, § 15-986.01, 6-2-2016)

Sec. 28-496. Defecation in public.

Defecation in public is the willful and intentional defecation by a person in a public place, in a place not intended for such purposes, or in a place open to the public view. Whoever commits the crime of defecation in public shall be guilty of a misdemeanor.
(Ord. No. 16-3527, § 15-986.02, 6-2-2016)

Chapter 29

RESERVED

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Chapter 30

PARKS, RECREATION AND SCENIC NEIGHBORHOODS*

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*State law reference—Parish authorized to own and maintain parks, R.S. 33:4622.

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PARKS, RECREATION AND SCENIC NEIGHBORHOODS

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Sec. 30-491. The parish fishing pier rules and regulations.

ARTICLE I. IN GENERAL**Sec. 30-1. North Shore Beach Park.**

(a) *Rules and regulations.* For the health, benefit and enjoyment of beach patrons and the neighborhood surrounding North Shore Beach on Debbie Drive in Slidell, Louisiana, the following rules and regulations shall apply to both the beach and the adjacent park property:

- (1) The hours of operation are daylight to dark.
- (2) No glass containers allowed.
- (3) No littering or dumping allowed.
- (4) No smoking allowed.
- (5) No open fires, firearms or fireworks allowed. This shall not apply to the display of fireworks with express parish authority, nor to duly authorized law enforcement agents on bona fide assignments.
- (6) Dogs, horses or other pets are not allowed, except guide dogs accompanying visually impaired persons or hearing ear dogs accompanying hearing impaired persons.
- (7) No audio or playing of electronic, amplified music before 9:00 a.m.
- (8) Nuisance noises and sounds that are unreasonably loud and intrusive, so as to be disruptive within the park or surrounding community are prohibited (see also chapter 26).
- (9) No overnight camping.
- (10) Motorized or electric vehicles are not allowed.
- (11) Swimming and other similar water activities will be at patrons' own risk. The parish provides no lifeguards.
- (12) Motorized boats and personal watercraft are not allowed on the shoreline of Lake Pontchartrain adjacent to North Shore Beach Park.
- (13) Alcoholic beverages will not be allowed except for special events. A special event organizer/sponsor must obtain a temporary alcohol permit and conform to section 6-30(d) and state law in accordance with L.A.C. title 55, part 7, section 323 and any other applicable state law.
- (14) Parking of motorized or electric vehicles of any kind for patrons of North Shore Beach Park shall at all times be limited to any of the 26 parking spots fronting on Debbie Drive, the location of which have previously been designated by the parish department of public works and/or other parish departments.

- (15) The no parking on entire right-of-way shall be on Debbie Drive starting at a point 100 feet east of Clara Drive going east for 1,000 feet less and except a 200-foot area designated and with signage depicting this area by public works. The parking area will be for single perpendicular parking only. All parish and fire station employees will be exempt.
- (16) Use of any dumpster or garbage receptacle placed on the premises of North Shore Beach Park at the discretion of the parish government shall at all times be limited to patrons of North Shore Beach Park, and during regular hours of operation as noted above in subsection (a)(1) of this section. A dumpster or garbage receptacle shall only be used to contain trash, debris, refuse and other non-toxic material generated at North Shore Beach Park. Furthermore, it shall be unlawful to dump, place or deposit the following items in any such dumpster or garbage receptacle:
- a. Furniture, including, but not limited to, sofas, couches, tables, beds, mattresses, chairs, recliners and/or similar items;
 - b. Electronics and appliances, including, but not limited to, televisions, computers, lamps, air conditioners, stoves, water heaters, dishwashers, freezers, washing machines, dryers and/or similar items;
 - c. Household attachments and/or home construction, repair or building supplies, including, but not limited to, doors, windows, tiles, wood, carpets, cabinets, bricks, concrete and/or similar items;
 - d. Hazardous waste or toxic items;
 - e. Waste products from commercial operations;
 - f. Any items which might affect the health or enjoyment of any patron of North Shore Beach Park;
 - g. Deceased animals, reptiles or livestock, or any remains, entrails or waste thereof.
- (17) It shall be unlawful for any person to intentionally break, disturb or remove any dumpster or garbage receptacle that has been placed on the premises of North Shore Beach Park by the parish government or parish-authorized collection authorities, or the contents therein.

(b) *Penalty.* Except where state law or parish ordinance supersedes and provides for more stringent penalties, any person violating the provisions of this section shall be subject to a fine of not more than \$500.00 or imprisonment in the parish jail for not more than 30 days, or both, in the discretion of the court.

(c) *Enforcement.* Enforcement of this section shall be by the parish sheriff's office or any other applicable agency with jurisdiction to enforce the provisions stated herein.

(Code 1998, § 16-001.00; Ord. No. 1158, 5-22-1980; Ord. No. 81-212, 6-4-1981; Ord. No. 12-2771, 7-12-2012; Ord. No. 16-3555, 8-4-2016)

Sec. 30-2. Campgrounds, amusement parks—Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Amusement parks means places of amusement as defined in section 22-241.

Campground means any privately owned land or area offered for use and/or occupancy to the public as a recreational or playground facility where spaces are rented on a temporary or short term basis to campers or other persons who utilize the facilities overnight or on a temporary basis, or a mobile home or trailer park offered for use and/or occupancy to transients for hire for less than seven consecutive days, any or all of the foregoing operated as a commercial venture and for profit potential and for which a parish occupational license is required. As so used, same shall include private parks open to the public for a fee and recreational facilities whether or not overnight camping is permitted.

Manager means the person designated by the owner to operate or supervise the daily operations of the campground or amusement park. The term "manager" also means "operator" and the terms are used interchangeably.

Owner means the title owner thereof.
(Code 1998, § 16-002.00; Ord. No. 82-423, 8-19-1982)

Sec. 30-3. Same—Applicability.

This chapter shall apply only in the unincorporated areas of the parish.
(Code 1998, § 16-003.00; Ord. No. 82-423, 8-19-1982)

Sec. 30-4. Same—Written warnings and signs required; contents.

(a) The owner and/or manager of any campground or amusement park, as defined herein, is required to issue a written warning to all such campers or users thereof advising them that all property surrounding such campground or facility is under private ownership and that all legal property rights vest with the owner thereof and that the general trespass laws of the state apply uniformly to the parish, and that the trespass law will be enforced and that violators thereof are subject to prosecution.

(b) The written warning can be on the reverse side of a receipt, on a separate document or paper or in lieu, thereof, a copy of this chapter can be issued to each person or camper. The warning must be given upon arrival of the camper at the campground and if a copy of this chapter is not provided, the warning shall contain the following language or words:

"Warning all property outside this campground or amusement park that is not owned by the owners of this facility is private property under private ownership. Louisiana trespass laws apply to private property in compliance therewith. Violations of trespass laws shall be strictly enforced and can subject violators thereof to criminal prosecution."

(c) It is further required of each campground and amusement park owner and/or operator to place a sign, at his own expense, at the campground or amusement park property line, but on campground or amusement property, where it can easily be read by each person traveling said street or road exiting the campground or amusement park, said sign required to measure a minimum of four feet by four feet whereupon the following message or words shall be placed:

The term "warning" shall be at least three inches in height. All other lettering shall be a minimum of two inches in height.

(Code 1998, § 16-004.00; Ord. No. 82-432, 8-19-1982)

Sec. 30-5. Same—Failure to issue written warnings and post signs.

It shall be unlawful and a misdemeanor punishable as is contained in section 1-9 for any owner and/or manager to fail to issue the written warning and post and maintain the warning signs required hereunder.

(Code 1998, § 16-005.00; Ord. No. 82-423, 8-19-1982)

Sec. 30-6. Authority to regulate conduct at recreational district facilities.

The boards of commissioners of parish recreational districts are authorized to promulgate guidelines, rules and regulations governing the conduct of participants and spectators of events at recreational district facilities, to provide for the consequences in the event of a violation thereof, and shall adopt procedures for the enforcement of same. In exercising the authority granted hereby, the board of commissioners has authority to gather evidence, hold quasi-judicial proceedings, and provide for the punishment of any violations, which may include prohibiting the violator from entering the recreational district property under their control.

(Code 1998, § 16-006.00; Ord. No. 03-0803, 12-04-2003)

Secs. 30-7—30-30. Reserved.

ARTICLE II. RECREATION DISTRICT NO. 1*

Sec. 30-31. Created; boundaries.

Recreation District No. 1 of the parish shall comprise and embrace all of that territory contained within the boundaries presently existing, including the Town of Mandeville, Louisiana; and the boundaries of said district shall be the same as the boundaries of Ward 4 of the parish, said boundaries being described as follows:

Ward 4: Commencing at the mouth of the Tchefuncte River, proceed northeast along the centerline of the mainstream of said river to its confluence with Ponchitolawa Creek; thence

***State law reference**—Authority of parish to establish and maintain recreation districts, R.S. 33:4562.

continue northeast along the centerline of the main stream of said creek to the line dividing Ranges 11 and 12 east; thence north on said range line to the northwest corner of section 7, Township 7 south, Range 12 east; thence east along the north line of sections 7, 8, 9 and 10, Township 7 south, Range 12 east to the northwest corner of section 10, Township 7 south, Range 12 east; thence south along the east line of sections 10, 15, 22, 27 and 34 of Township 7 south, Range 12 east, and sections 3, 10, 15, 22, 27 and 34 of Township 8 south, Range 12 east, and sections 3, 10 and 15 of Township 9 south, Range 12 east to the north shore of Lake Pontchartrain; thence northwest along the natural shoreline of Lake Pontchartrain to the mouth of the Tchefuncte River, the point of beginning.

(Code 1998, § 16-016.00; Ord. No. 623, Bk. 7, P. 507; Ord. No. 644, Bk. 7, P. 579; Ord. No. 87-888, 12-17-1987)

Sec. 30-32. Amended boundaries.

(a) In compliance with the provisions of ch. 11, title 33 of the Louisiana Revised Statutes of 1950, and other constitutional and statutory authority supplemental thereto, it is the intention of the parish council to amend the boundaries of Recreation District No. 1 to include the subdivision known as River Oaks, to-wit:

Commencing at the intersection of Bayou Monga and the Tchefuncte River, thence go upstream along the meanderings of Bayou Monga to 1-12, thence go east on 1-12 to U.S. Highway 190, thence go south on U.S. Highway 190 to Ponchitolawa Creek, thence follow the meanderings of Ponchitolawa Creek downstream to the Tchefuncte River, thence follow the meanderings of the Tchefuncte River upstream to Bayou Monga and the point of beginning.

- a. And: In addition thereto, and in accordance with the authority conferred by ch. 11, title 33 of the Louisiana Revised Statutes of 1950, and other constitutional and statutory authority supplemental thereto, the boundaries of Recreation District No. 1 shall include within its jurisdictional limits an area comprising the boundaries of Parish Voting Precinct 307 as established by Ordinance No. 01-0393 more fully described as follows:

Commence at the intersection of Highway 190 and Ponchitalawa Creek, also the point of beginning; thence follow Ponchitalawa Creek east, northeast, east, northwest, northeast, east, northwest, northeast, southeast, and northeast to its intersection with Highway 59; thence follow Highway 59 north to its intersection with Parker Road; thence follow Parker Road northwest to its intersection with Soell Drive; thence follow Soell Drive northeast to its intersection with 11th Avenue; thence follow 11th Avenue northwest to its intersection with North Street; thence follow North Street southwest to its intersection with Lincoln Street; thence follow Lincoln Street west to its intersection with 11th Street; thence follow 11th Street south to its intersection with Madison Avenue; thence follow

Madison Avenue west to its intersection with 7th Street; thence follow 7th Street north to its intersection with Quincy Avenue; thence follow Quincy Avenue west to its intersection with K Street; thence follow K Street south to its intersection with 9th Avenue; thence follow 9th Avenue west to its intersection with Highway 190; thence follow Highway 190 southwest, south, and southeast to its intersection with Ponchitalawa Creek, also the point of beginning.

- b. And: In compliance with the provisions of ch. 11, title 33 of the Louisiana Revised Statutes of 1950, and other constitutional and statutory authority supplemental thereto, it is the intention of the parish council to amend the boundaries of Recreation District No. 1 to add within its jurisdictional limits an area comprising the boundaries of a portion of parish voting Precinct 310 as established by Ordinance C.S. No. 01-0393, and as more fully described:

1. Sections 15, 16, 9, 10 and 48, T 7S, R 11E.
2. Commencing at the intersection of Highway 190 and Three Rivers Road, also the point of beginning.
3. From the intersection of Highway 190 and Three Rivers Road follow Highway 190 southward for a distance of 8,930 feet (+/-) to Interstate 12 interchange, following said interchange westbound 10,400 feet (+/-) to overpass of Three Rivers Road following Three Rivers Road meandering northeast 13,200 feet (+/-) to the intersection of Highway 190 and the point of beginning.

(Code 1998, § 16-016.01; Ord. No. 00-0211, 10-5-2000; Ord. No. 06-1289, 5-4-2006; Ord. No. 12-2793, 8-2-2012)

Sec. 30-33. Name, status and powers.

The recreation district herein created shall be known and is hereby designated as "Recreation District No. 1 of the Parish of St. Tammany, State of Louisiana," and as thus created, shall constitute a public corporation and political subdivision of the state and as such, shall have all the rights, powers and privileges granted and conferred by the constitution and statutes of the state, including the authority to incur debt, to issue bonds and to levy taxes.

(Code 1998, § 16-017.00; Ord. No. 623, Bk. 7, P. 507)

Sec. 30-34. Board of commissioners.

The board of commissioners shall be composed of seven members. There shall be six members nominated and appointed by the parish council. There shall be one member nominated and appointed by the parish president.

(Code 1998, § 16-017.01; Ord. No. 00-0157, 6-1-2000)

Sec. 30-35. Domicile.

The domicile of the recreation district created herein is hereby designated as the Town of Mandeville.

(Code 1998, § 16-018.00)

Secs. 30-36—30-58. Reserved.**ARTICLE III. RECREATION DISTRICT NO. 2****Sec. 30-59. Created; boundaries.**

A recreation district is hereby created within the parish which shall comprise and embrace all of that territory within Ward 5 of the parish, subject to the provisions in section 30-63.

(Code 1998, § 16-031.00; Ord. No. 676, Bk. 8, P. 201; Ord. No. 13-2920, 3-7-2013)

Sec. 30-60. Name, status and powers.

The recreation district herein created shall be known and is hereby designated as "Recreation District No. 2 of the Parish of St. Tammany, State of Louisiana," and as thus created, shall constitute a public corporation and political subdivision of the state, and as such, shall have all the rights, powers and privileges granted and conferred by the constitution and statutes of the state, including the authority to incur debt, to issue bonds and to levy taxes.

(Code 1998, § 16-032.00; Ord. No. 676, Bk. 8, P. 201)

Sec. 30-61. Board of commissioners.

The board of commissioners shall be comprised of seven members. There shall be six members nominated and appointed by the parish council. There shall be one member nominated and appointed by the parish president.

(Code 1998, § 16-032.01; Ord. No. 00-0157, 6-1-2000; Ord. No. 13-2920, 3-7-2013)

Sec. 30-62. Domicile.

The domicile of the recreation district created herein is hereby designated as the Recreation Center, Bush, Louisiana, which domicile is within the boundaries of said recreation district.

(Code 1998, § 16-033.00; Ord. No. 676, Bk. 8, P. 201)

Sec. 30-63. Boundary consolidation and other matters.

(a) The boundaries of Recreation District No. 2 shall include the corporate limits of the Village of Sun subject to adoption of a resolution by its governing authority approving the village's inclusion within the boundaries of the recreation district.

(b) In the event the Village of Sun elects to be included within the boundaries of the recreation district, it shall have the exclusive right to nominate and appoint two members to the board of commissioners and the parish council shall have four appointments and the parish president shall have one appointment.

(c) In the event the Village of Sun elects not to be included within the boundaries of the Recreation District No. 2, then the boundaries of the recreation district shall exclude all of the incorporated Village of Sun as it exists on March 7, 2013, the date of expansion of the recreation district boundaries into the incorporated areas of the parish north of the Bogue Chitto River, and to encompass all of the area within unincorporated Ward 5.

(Code 1998, § 16-034.00; Ord. No. 676, Bk. 8, P. 201; Ord. No. 00-0157, 6-1-2000; Ord. No. 13-2920, 3-7-2013)

Secs. 30-64—30-84. Reserved.

ARTICLE IV. RECREATION DISTRICT NO. 3*

Sec. 30-85. Created; boundaries.

There is hereby created a recreation district within the parish which shall comprise and embrace all of that territory within the following described boundaries:

All of the territory included within the boundaries of the 8th and 9th Wards of the parish, except that territory described as follows:

Beginning at the ¼ corner common to section 13, Township 8 south, Range 14 east and section 37, Township 8 south, Range 15 east, go east across the center of sections 13, 14, 15, 16, 17, and 18 Township 8 south, Range 15 east, to the west bank of the East Pearl River. Thence, north along the west bank of the East Pearl River to the south boundary of Ward 6. Thence, west along the south boundary of the said 6th Ward to the G. M. & O. Railroad. Thence, south along the G. M. & O. Railroad to its intersection of the ¼ corner common to sections 16 and 17, Township 8 south, Range 14 east. Thence, east to the point of beginning.

(Code 1998, § 16-041.00; Ord. No. 698, 3-24-1977; Ord. No. 81-268, 9-17-1981)

Editor's note—Recreation District No. 3 was merged and consolidated with Recreation District No. 16 pursuant to Ord. No. 09-2055, adopted 5-7-2009.

***Editor's note**—Recreation District No. 3 was merged and consolidated with Recreation District No. 16 pursuant to Ord. No. 09-2055, adopted 5-7-2009.

Sec. 30-86. Name, status and powers.

The recreation district created herein shall be known and designated as "Recreation District No. 3 of the Parish of St. Tammany, State of Louisiana," and as thus designated, shall constitute a political subdivision of the state, and shall have all the powers granted to such districts under the constitution and laws of the state.

(Code 1998, § 16-042.00; Ord. No. 698, 3-24-1977)

Editor's note—Recreation District No. 3 was merged and consolidated with Recreation District No. 16 pursuant to Ord. No. 09-2055, adopted 5-7-2009.

Sec. 30-87. Board of commissioners.

The board of commissioners shall be comprised of five members. There shall be four members nominated and appointed by the parish council. There shall be one member nominated and appointed by the parish president.

(Code 1998, § 16-042.01; Ord. No. 00-0157, 6-1-2000)

Editor's note—Recreation District No. 3 was merged and consolidated with Recreation District No. 16 pursuant to Ord. No. 09-2055, adopted 5-7-2009.

Sec. 30-88. Domicile.

The domicile of the recreation district created herein shall be the City of Slidell, Louisiana.

(Code 1998, § 16-043.00; Ord. No. 698, 3-24-1977)

Editor's note—Recreation District No. 3 was merged and consolidated with Recreation District No. 16 pursuant to Ord. No. 09-2055, adopted 5-7-2009.

Secs. 30-89—30-119. Reserved.

ARTICLE V. RECREATION DISTRICT NO. 4

Sec. 30-120. Created; boundaries; governing board.

There is hereby created St. Tammany Parish Recreation District No. 4, the boundaries of which shall be the entire 7th Ward of the parish as it existed on May 5, 1977, excluding that portion included in the boundaries of Council District 11 as they exist on August 6, 2015.

(Code 1998, § 16-051.00; Ord. No. 81-238, 7-23-1981; Ord. No. 15-3396, 9-3-2015)

Sec. 30-121. Board of commissioners; qualifications of members.

The board of commissioners shall be comprised of seven members. There shall be six members nominated and appointed by the parish council. There shall be one member nomi-

nated and appointed by the parish president. Appointees thereto must be registered voters and residents of the 7th Ward of this parish as a condition precedent to their appointments and to maintain membership thereon.

(Code 1998, § 16-052.00; Ord. No. 81-238, 7-23-1981; Ord. No. 00-0157, 6-1-2000)

Sec. 30-122. Powers, duties, functions.

The parish Recreation District No. 4 is vested with all powers, duties and functions vested in it pursuant to provisions of R.S. 33:4562 through 33:4566 as now adopted or as may from time to time hereinafter be amended.

(Code 1998, § 16-054.00; Ord. No. 81-238, 7-23-1981)

Sec. 30-123. Domicile.

The domicile of the district created herein shall be the Bayou Lacombe Junior High School.

(Code 1998, § 16-055.00; Ord. No. 81-238, 7-23-1981)

Sec. 30-124. John Davis Park; Henry Keller Field; Main Street Boat Launch rules and regulations.

(a) Hours of operation.

- (1) All parks and recreational facilities shall be open only during the following hours:
 - a. Between 5:00 a.m. and 8:00 p.m. during the months of March through October;
 - b. Between 5:00 a.m. and 6:00 p.m. during the months of November through February.
- (2) Any person may apply to Recreation District No. 4 for a permit authorizing usage of a park or recreational facility for certain specified hours during the periods the facilities are otherwise closed.
- (3) Hours of closure shall not apply to parish or district-sponsored events in progress at closing time, and shall be delayed until such time as the event is complete.
- (4) The parish and Recreation District No. 4 are authorized to close any park or recreational facility for repairs, renovations, construction or other good cause at any time.

(b) Glass beverage containers and alcoholic beverages.

- (1) It shall be unlawful for any person to possess any type of glass beverage container or to discard a glass container in any park or recreational facility.
- (2) With the exception of beer and wine coolers, no alcoholic beverages shall be permitted in any park or recreational facility at any time. It shall be unlawful for any person to remain in a park or recreational facility while in an intoxicated condition.

- (3) The parish and Recreation District No. 4 may further permit or restrict the possession and use of alcoholic beverages at specific locations, or for specific events, as they deem necessary.
- (4) The sale of alcoholic beverages is allowed only by authorized permit issued by the parish or Recreation District No. 4. When so authorized, such sale shall comply with all other applicable laws and ordinances including, but not limited to, chapter 6 of this Code and applicable state laws.

(c) *Dogs to be leashed; stray animals in general.* It shall be unlawful for any person to permit any dog to pass over or stray into any park or recreational facility unless tied to a leash not exceeding six feet in length and under the control of a responsible person, or to permit any other animal to pass over or stray into any park or recreational facility.

(d) *Firearms, weapons, and explosives.* No person shall bring, or have in his possession, any firearm, weapon or explosives into any park or recreational facility, except when specifically permitted. This section shall not apply to the display of fireworks under parish or district authority, nor to duly authorized law enforcement agents on bona fide assignments.

(e) *Traffic control and parking.*

- (1) No person shall cause or permit the obstruction of traffic, by vehicle or otherwise, in any park, or any park street, or public street adjacent to any park or recreational facility.
- (2) Parking shall be in designated areas only. It shall be unlawful for any person to drive or propel any bicycle, motorcycle, automobile, go-cart, or other vehicle in any park or recreational facility except on regular roads designated for such use.

(f) *Unlawful assemblies.* Persons shall not collect in parks or recreational facilities in bodies or crowds for unlawful purposes or in a manner annoying or disturbing to others.

(g) *Penalty and enforcement.* Except where state law or parish ordinance supersedes and provides for more stringent penalties, any person violating the provisions of this section shall be subject to a fine of not more than \$100.00 or imprisonment in the parish jail for not more than ten days, or both, in the discretion of the court.

(h) *Enforcement.* Enforcement of this section shall be by the parish sheriffs office and employees of Recreation District No. 4.

(Code 1998, § 16-056.00; Ord. No. 00-0189, 8-3-2000)

Secs. 30-125—30-146. Reserved.

ARTICLE VI. RECREATION DISTRICT NO. 5

Sec. 30-147. Created.

There is hereby created the parish Recreation District No. 5.
(Code 1998, § 16-061.00; Ord. No. 80-40, 9-11-1980)

Sec. 30-148. Boundaries.

(a) The boundaries of the district created herein shall be as follows:

Beginning at the $\frac{1}{4}$ corner common to section 13, Township 8 south, Range 14 east and section 37, Township 8 south, Range 15 east, go east across the center of sections 13, 14, 15, 16, 17 and 18, Township 8 south, Range 15 east, to the west bank of the East Pearl River. Thence, north along the west bank of the East Pearl River to the south boundary of Ward 6. Thence, west along the south boundary of the said 6th Ward to the G. M. & O. Railroad. Thence, south along the G. M. & O. Railroad to its intersection of the $\frac{1}{4}$ corner common to sections 16 and 17, Township 8 south, Range 14 east. Thence, east to the point of beginning.

(b) The above described recreation district boundaries were amended in accordance with the 1990 Census and reapportionment to remove parish council districts 9 and 14 therefrom. Henceforth, the boundaries shall be comprised solely of parish council district 6 and the entire Town of Pearl River.
(Code 1998, § 16-062.00; Ord. No. 80-40, 9-11-1980; Ord. No. 81-267, 9-17-1981; Ord. No. 92-1668, 11-19-1992)

Sec. 30-149. Board of commissioners.

The board of commissioners shall be comprised of five members. There shall be one member nominated and appointed by the Town of Pearl River. The parish is authorized to appoint four members. There shall be three members nominated and appointed by the parish council. There shall be one member nominated and appointed by the parish president.
(Code 1998, § 16-062.01; Ord. No. 00-0157, 6-1-2000)

Sec. 30-150. Domicile.

The domicile of the district herein created shall be the Town of Pearl River.
(Code 1998, § 16-063.00; Ord. No. 80-40, 9-11-1980)

Secs. 30-151—30-168. Reserved.

ARTICLE VII. RECREATION DISTRICT NO. 6

Sec. 30-169. Created; boundaries.

(a) There is hereby created the parish Recreation District No. 6, the boundaries of which are hereby amended to coincide with the boundaries of Fire Protection District No. 6 of the parish.

(b) The boundaries of Recreation District No. 6 shall conform to the boundaries of Fire Protection District No. 6 as follows:

Beginning at the intersection of the boundary line between Washington and St. Tammany Parishes and the section line between sections 19 and 20, Township 4 south, Range 11 east, St. Tammany Parish, Louisiana, measure southeasterly along the said boundary line between Washington and St. Tammany Parishes to the line dividing Wards 2 and 5 of the parish in section 2, Township 4 south, Range 11 east; thence follow southeasterly the meanderings of the 2nd Ward line to its intersection with the line dividing Wards 2 and 10 in section 31, Township 5 south, Range 11 east; thence west along the dividing line between Wards 2 and 10 and continue west along the dividing line between Wards 2 and 3 to the Bogue Falaya River in section 36, Township 5 south, Range 10 east; thence north along the meanderings of the Bogue Falaya River to Simalousa Creek, thence north along the meanderings of Simalousa Creek to Bill's Creek, thence follow the meanderings of Bill's Creek north to Pigeon Roost Creek, thence follow the meanderings of Pigeon Roost Creek north to the section line between sections 5 and 6, Township 4 south, Range 10 east; thence, north along the section line dividing sections 31 and 32, 29 and 30, and 19 and 20, Township 4 south, Range 11 east, to the point of beginning.

(Code 1998, § 16-071.00; Ord. No. 88-946, 5-19-1988; Ord. No. 88-974, 7-21-1988; Ord. No. 92-1561, 1-16-1992; Ord. No. 00-0190, 8-3-2000; Ord. No. 03-0799, 12-4-2003)

Sec. 30-170. Board of commissioners.

The board of commissioners shall be comprised of seven members. There shall be four members nominated and appointed by the parish council. There shall be one member nominated and appointed by the parish president. The Village of Folsom shall submit two appointees to serve as members and have the authority to recommend to the parish council their successor appointees.

(Code 1998, § 16-072.00; Ord. No. 00-0157, 6-1-2000)

Sec. 30-171. Domicile.

The domicile of said Recreation District No. 6 shall be within the boundaries of Ward 2 as determined by the board of commissioners.

(Code 1998, § 16-073.00; Ord. No. 88-946, 5-19-1988; Ord. No. 88-974, 7-21-1988)

Secs. 30-172—30-195. Reserved.

ARTICLE VIII. RECREATION DISTRICT NO. 7

Sec. 30-196. Created.

There is hereby created the parish Recreation District No. 7.
(Code 1998, § 16-074.00; Ord. No. 85-426, 6-20-1985)

Sec. 30-197. Boundaries.

The boundaries of the district created in this article shall be all of Ward 6, as described in section 2-37.
(Code 1998, § 16-075.00; Ord. No. 85-426, 6-20-1985)

Sec. 30-198. Board of commissioners.

The board of commissioners shall be comprised of seven members. There shall ~~six~~ members nominated and appointed by the parish council. There shall be one member nominated and appointed by the parish president.
(Code 1998, § 16-075.01; Ord. No. 00-0157, 6-1-2000)

Sec. 30-199. Domicile.

The domicile of the district created in this article shall be the Hickory Maintenance Barn, Highway 41, Pearl River, Louisiana.
(Code 1998, § 16-076.00; Ord. No. 85-426, 6-20-1985)

Secs. 30-200—30-221. Reserved.

ARTICLE IX. RECREATION DISTRICT NO. 9

Sec. 30-222. Created; boundaries.

(a) Under and by virtue of the authority conferred by sections 4562 to 4566, both inclusive, of title 33 of the Louisiana Revised Statutes of 1950 (R.S. 33:4562—33:4566), and other constitutional and statutory authority supplemental thereto, a recreation district is hereby created within the parish, which recreation district shall comprise and embrace certain territory contained within the boundaries of Ward 9 of the parish:

Commencing at the intersection of the centerline of Facianes Canal and the shore of Lake Pontchartrain in section 26, Township 9 south, Range 13 east, the point of beginning; thence follow the meanderings of Facianes Canal northeast, southeast, northeast, east and southeast to its intersection with the western boundary of the Southern Railroad; thence continue south 45 degrees 51 minutes 27 seconds east to the centerline of U.S. 11; thence follow the centerline of U.S. 11 in a northeasterly direction to its intersection with the Schneider Canal;

thence follow the meanderings of Schneider Canal in a southeasterly direction to its intersection with the centerline of Howze Beach Road; thence go northeasterly along the centerline of Howze Beach Road to its intersection with LA 433 (Salt Bayou Road); thence follow the centerline of LA 433 in a southeasterly direction to its intersection with the northern boundary of Pirate's Harbor Subdivision, also the northern right-of-way line of Captain Morgan Street (not constructed); thence southwest along the northern right-of-way of Captain Morgan Street to the centerline of East Diversion Canal; thence south and south-west along the centerline of said canal to its intersection with Salt Bayou; thence follow the meanderings of Salt Bayou in a southwesterly direction to the shore of Lake Pontchartrain; thence follow the shoreline of Lake Pontchartrain in a northwesterly direction to the point of beginning.

(b) By virtue of the authority of the parish Home-Rule Charter section 8-06 and other constitutional and statutory authority, the boundaries of Recreation District No. 9 are hereby amended to remove the following described area in its boundaries, to-wit:

A certain tract of land situated in the State of Louisiana, Parish of St. Tammany, in a portion of sections 25 and 26, Township 9 south, Range 13 east, and in a portion of sections 29, 30, 31, and 32, Township 9 south, Range 14 east, Ward 9, and more fully described as follows:

Commencing at the intersection of U.S. Highway 11 and the northern shore of Lake Pontchartrain, thence follow the northern shore of Lake Pontchartrain westerly to its intersection with the Faciane Canal, thence follow the center of the Faciane Canal easterly to its intersection with the Southern Railroad, thence follow the Southern Railroad south to its intersection with Carr Drive; thence follow Carr Drive east to its intersection with U.S. Highway 11, thence follow U.S. Highway 11 south to its intersection with the northern shore of Lake Pontchartrain and the point of beginning.

(Code 1998, § 16-102.00; Ord. No. 86-638, 6-19-1986; Ord. No. 14-3079, 2-20-2014)

Sec. 30-223. Title; rights.

The recreation district created by this article shall be and is hereby designated as "Recreation District No. 9 of the Parish of St. Tammany, State of Louisiana," and as thus created shall constitute a body corporate and political subdivision of the state, and as such, shall have all the rights, powers and privileges granted and conferred by the state constitution and statutes, including the authority to incur debt, issue bonds and levy taxes.

(Code 1998, § 16-103.00; Ord. No. 86-638, 6-19-1986)

Sec. 30-224. Commissioners.

The board of commissioners shall be comprised of five members. There shall be four members nominated and appointed by the parish council. There shall be one member nominated and appointed by the parish president.

(Code 1998, § 16-104.00; Ord. No. 00-0157, 6-1-2000)

Sec. 30-225. Domicile; meetings.

The domicile of said recreation district shall be North Shore Fire Station, Debbie Drive, Slidell, Louisiana, which domicile is within the corporate limits of the recreation district. (Code 1998, § 16-105.00; Ord. No. 86-638, 6-19-1986)

Secs. 30-226—30-243. Reserved.

ARTICLE X. RECREATION DISTRICT NO. 10

Sec. 30-244. Created; boundaries.

Under the authority conferred by article VI, section 19 of the Constitution of the State of Louisiana of 1974, sections 4562 to 4566, both inclusive, of title 33 of the Louisiana Revised Statutes of 1950 (R.S. 33:4562—33:4566), and other constitutional and statutory authority supplemental thereto, the boundaries of the parish Recreation District No. 10, State of Louisiana, shall be and the same are expanded to comprise and embrace all of that territory within Ward 3 of the parish, as described in this Code, including all that area of said ward within the boundaries of the City of Covington, State of Louisiana. (Covington city council resolution of January 8, 1991.) (Code 1998, § 16-111.00; Ord. No. 90-1274, 5-17-1990; Ord. No. 91-1408, 2-21-1991)

Sec. 30-245. Amended boundaries.

(a) The parish council hereby amends the boundaries of Recreation District No. 10 to exclude the subdivision known as River Oaks, to-wit:

Commencing at the intersection of Bayou Monga and the Tchefuncte River, thence go upstream along the meanderings of Bayou Monga to 1-12, thence go east on 1-12 to U.S. Highway 190, thence go south on U.S. Highway 190 to Ponchitolawa Creek, thence follow the meanderings of Ponchitolawa Creek downstream to the Tchefuncte River, thence follow the meanderings of the Tchefuncte River upstream to Bayou Monga and the point of beginning.

(b) And in accordance with the authority conferred by ch. 11, title 33 of the Louisiana Revised Statutes of 1950, and other constitutional and statutory authority supplemental thereto, the boundaries of Recreation District No. 10 are hereby further amended to remove from its jurisdictional limits an area comprising the boundaries of Parish Voting Precinct 307 as established by Ordinance No. 01-0393, more fully described as follows, to-wit:

Commence at the intersection of Highway 190 and Ponchitalawa Creek, also the point of beginning; thence follow Ponchitalawa Creek east, northeast, east, northwest, northeast, east, northwest, northeast, southeast, and northeast to its intersection with Highway 59; thence follow Highway 59 north to its intersection with Parker Road; thence follow Parker

Road northwest to its intersection with Soell Drive; thence follow Soell Drive northeast to its intersection with 11th Avenue; thence follow 11th Avenue northwest to its intersection with North Street; thence follow North Street southwest to its intersection with Lincoln Street; thence follow Lincoln Street west to its intersection with 11th Street; thence follow 11th Street south to its intersection with Madison Avenue; thence follow Madison Avenue west to its intersection with 7th Street; thence follow 7th Street north to its intersection with Quincy Avenue; thence follow Quincy Avenue west to its intersection with K Street; thence follow K Street south to its intersection with 9th Avenue; thence follow 9th Avenue west to its intersection with Highway 190; thence follow Highway 190 southwest, south, and southeast to its intersection with Ponchitalawa Creek, also the point of beginning.

(c) And in accordance with the authority conferred by ch. 11, title 33 of the Louisiana Revised Statutes of 1950, and other constitutional and statutory authority supplemental thereto, the boundaries of Recreation District No. 10 are hereby further amended to remove from its jurisdictional limits an area comprising the boundaries of Parish Voting Precincts 305, 308, 309, 311, A04 and a portion of Precinct A02, less and except any properties within the municipal boundaries of the City of Covington, as established by Ordinance No. 01-0415, 12-20-2001, more fully described as follows, to-wit:

Commence at the intersection of Highway 190 and 9th Avenue, also the point of beginning; thence follow Highway 190 north to its intersection with Highway 21 (a/k/a Military Road); thence follow Highway 21 north and northeast to its intersection with Highway 36; thence follow Highway 36 east, southeast and south to its intersection with Level Street; thence follow Level Street west to its intersection with Highway 59; thence follow Highway 59 south to its intersection with Parker Drive; thence follow Parker Drive northwest to its intersection with Soell Drive; thence follow Soell Drive northeast to its intersection with 11th Avenue; thence follow 11th Avenue northwest to its intersection with North Street; thence follow North Street southwest to its intersection with Lincoln Street; thence follow Lincoln Street west to its intersection with 11th Street; thence follow 11th Street south to its intersection with Madison Avenue; thence follow Madison Avenue west to its intersection with 7th Street; thence follow 7th Street north to its intersection with Quincy Avenue; thence follow Quincy Avenue west to its intersection with K Street; thence follow K Street south to its intersection with 9th Avenue; thence follow 9th Avenue west to its intersection with Highway 190, also the point of beginning.

(d) And under and by virtue of the authority conferred by ch. 11, title 33 of the Louisiana Revised Statutes of 1950, and other constitutional and statutory authority supplemental thereto, it is the intention of the parish council to amend the boundaries of Recreation District No. 10 to remove from its jurisdictional limits an area comprising the boundaries of a portion of Parish Voting Precinct 310 as established by Ordinance C.S. No. 01-0393, and as more fully described:

Section 15, 16, 9, 10 and 48, T 7S, R 11E, commencing at the intersection of Highway 190 and Three Rivers Road, also the point of beginning. From the intersection of Highway 190

and Three Rivers Road follow Highway 190 southward for a distance of 8,930 feet (+/-) to Interstate 12 interchange, following said interchange westbound 10,400 feet (+/-) to overpass of Three Rivers Road following Three Rivers Road meandering northeast 13,200 feet (+/-) to the intersection of Highway 190 and the point of beginning.

(Code 1998, § 16-111.01; Ord. No. 00-0211, 10-5-2000; Ord. No. 06-1289, 5-4-2006; Ord. No. 06-1321, 6-1-2006; Ord. No. 12-2793, 8-2-2012)

Sec. 30-246. Title; rights.

The recreation district created by this article shall be and is hereby designated as "Recreation District No. 10 of the Parish of St. Tammany, State of Louisiana," and as thus created shall constitute a body corporate and political subdivision of the state, and as such, shall have all the rights powers and privileges granted and conferred by the state constitution and statutes, including the authority to incur debt, issue bonds and levy taxes.

(Code 1998, § 16-112.00; Ord. No. 90-1274, 5-17-1990)

Editor's note—New section 16-112.00 created under the authority of Ordinance No. 90-1274, 5-17-1990.

Sec. 30-247. Board of commissioners.

The board of commissioners shall be comprised of seven members. There shall be four members nominated and appointed by the parish council. There shall be one member nominated and appointed by the parish president. There shall be two appointed by the City of Covington with at least one of which shall be a qualified voter and resident of the City of Covington.

(Code 1998, § 16-113.00; Ord. No. 91-1408, 2-21-1991; Ord. No. 00-0157, 6-1-2000; Ord. No. 03-0659, 4-3-2003)

Sec. 30-248. Domicile.

The domicile of the district created herein is the Parish Council Office, 428 East Boston Street, Covington, Louisiana 70433.

(Code 1998, § 16-114.00; Ord. No. 90-1274, 5-17-1990)

Secs. 30-249—30-274. Reserved.

ARTICLE XI. RECREATION DISTRICT NO. 11

Sec. 30-275. Created; boundaries.

There is hereby created the parish Recreation District No. 11, and as thus created, said district constitutes a public corporation and political subdivision of the state, with all rights, powers and privileges granted and conferred by the constitution and statutes of the state.

(Code 1998, § 16-116.00; Ord. No. 92-1570, 2-20-1992)

Sec. 30-276. Boundaries.

The boundaries of the district created herein encompasses all of Ward 10 of the parish, as described in section 2-37, including all that area within the boundaries of the Town of Abita Springs, Louisiana.

(Code 1998, § 16-117.00; Ord. No. 92-1570, 2-20-1992)

Sec. 30-277. Amended boundaries.

In accordance with the authority conferred by ch. 11, title 33 of the Louisiana Revised Statutes of 1950 and other constitutional and statutory authority supplemental thereto, the boundaries of Recreation District No. 11 are hereby amended to add within its jurisdictional limits an area comprising the boundaries of Parish Voting Precincts 305, 308, 309, 311, A04, and a portion of Precinct A02, less and except any properties within the municipal boundaries of the City of Covington, as established by Ordinance C.S. No. 01-0415, adopted December 20, 2001, and as more fully described as follows, to-wit:

Commence at the intersection of Highway 190 and 9th Avenue, also the point of beginning; thence follow Highway 190 north to its intersection with Highway 21 (a/k/a Military Road); thence follow Highway 21 north and northeast to its intersection with Highway 36; thence follow Highway 36 east, southeast and south to its intersection with Level Street; thence follow Level Street west to its intersection with Highway 59; thence follow Highway 59 south to its intersection with Parker Drive; thence follow Parker Drive northwest to its intersection with Soell Drive; thence follow Soell Drive northeast to its intersection with 11th Avenue; thence follow 11th Avenue northwest to its intersection with North Street; thence follow North Street southwest to its intersection with Lincoln Street; thence follow Lincoln Street west to its intersection with 11th Street; thence follow 11th Street south to its intersection with Madison Avenue; thence follow Madison Avenue west to its intersection with 7th Street; thence follow 7th Street north to its intersection with Quincy Avenue; thence follow Quincy Avenue west to its intersection with K Street; thence follow K Street south to its intersection with 9th Avenue; thence follow 9th Avenue west to its intersection with Highway 190, also the point of beginning.

(Code 1998, § 16-117.01; Ord. No. 06-1321, 6-1-2006)

Sec. 30-278. Board of commissioners.

The board of commissioners shall be comprised of five members. There shall be four members nominated and appointed by the parish council. There shall be one member nominated and appointed by the parish president.

(Code 1998, § 16-118.00; Ord. No. 00-0157, 6-1-2000)

Sec. 30-279. Domicile.

The domicile of the district created herein is 22161 Level Street, (P.O. Box 461), Abita Springs, Louisiana 70420.

(Code 1998, § 16-119.00; Ord. No. 92-1570, 2-20-1992; Ord. No. 92-1576, 3-19-1992)

Secs. 30-280—30-306. Reserved.

ARTICLE XII. RECREATION DISTRICT NO. 12

Sec. 30-307. Created; boundaries.

(a) There is hereby created the parish Recreation District No. 12, the boundaries of which are hereby amended to coincide with the boundaries of Fire Protection District No. 5 of the parish.

(b) The boundaries of Recreation District No. 12 shall be as follows:

Beginning at the northwest corner of the parish, being the corner common to St. Tammany, Washington and Tangipahoa Parishes, measure southeasterly along the boundary line between Washington and St. Tammany Parishes to the line between sections 19 and 20, Township 4 south, Range 11 east, St. Tammany Parish; thence measure southerly along the section line between sections 19 and 20, sections 29 and 30, and sections 31 and 32, Township 4 south, Range 11 east; and continue southerly along the section line between sections 5 and 6, Township 5 south, Range 11 east, to its intersection with Pigeon Roost Creek, thence following the meanderings of Pigeon Roost Creek south to Bills' Creek, thence south along the meanderings of Bill's Creek to Simolousa Creek, thence follow the meanderings of Simolousa Creek south to the Bogue Falaya River, thence follow the meanderings of the Bogue Falaya River south to the intersection with the south line of section 36, Township 5 south, Range 10 east and the ward line between Wards 2 and 3, thence measure westerly along the ward line common to Wards 2 and 3 to the Tchefuncte River; thence measure northerly along the meandering of the center of the Tchefuncte River to the point of beginning.

(Code 1998, § 16-126.00; Ord. No. 03-0799, 12-4-2003)

Sec. 30-308. Board of commissioners.

The board of commissioners shall be comprised of five members. There shall be four members nominated and appointed by the parish council. There shall be one member nominated and appointed by the parish president.

(Code 1998, § 16-127.00; Ord. No. 00-0157, 6-1-2000)

Sec. 30-309. Domicile.

The domicile of the district created herein is the Folsom Town Hall, 82341 Railroad Avenue, Folsom, Louisiana 70437.
(Code 1998, § 16-128.00; Ord. No. 92-1596, 5-21-1992)

Secs. 30-310—30-336. Reserved.

ARTICLE XIII. RECREATION DISTRICT NO. 14

Sec. 30-337. Created.

There is hereby created the parish Recreation District No. 14, and as thus created, said district constitutes a public corporation and political subdivision of the state, with all rights, powers and privileges granted and conferred by the constitution and statutes of the state.
(Code 1998, § 16-130.00; Ord. No. 99-3017, 2-25-1999)

Sec. 30-338. Boundaries.

The boundaries of the district created herein shall encompass the property contained within the boundaries of Ward 1 of parish council district 1 of the parish, more particularly described in section 2-37.
(Code 1998, § 16-130.01; Ord. No. 99-3017, 2-25-1999)

Sec. 30-339. Commissioners.

The board of commissioners shall be comprised of seven members. There shall be six members nominated and appointed by the parish council. There shall be one member nominated and appointed by the parish president.
(Code 1998, § 16-130.02; Ord. No. 00-0157, 6-1-2000)

Sec. 30-340. Domicile.

The domicile of the district created herein shall be Madisonville, Louisiana.
(Code 1998, § 16-130.03; Ord. No. 99-3017, 2-25-1999)

Secs. 30-341—30-368. Reserved.

ARTICLE XIV. TAMMANY TRACE*

Sec. 30-369. Restrictions for Tammany Trace.

(a) *Prohibited.* It shall be unlawful for any person, group or organization to be on or to use any portion of Tammany Trace that has not been officially opened to the public, unless express written permission has been obtained from the parish. Violators will be subject to prosecution under state trespass laws and subject to all fines and/or imprisonment coincidental therewith.

(b) *Public use.* As areas are officially opened for public use, same will be posted accordingly.

(c) *Exceptions.* Exempt herefrom are law enforcement officials, parish employees, agents, servants and representatives, and those individuals contracted with by the parish for professional services in connection with development and/or improvements to Tammany Trace. (Code 1998, § 16-131.00; Ord. No. 93-1706, 3-18-1993; Ord. No. 94-2024, 7-21-1994)

Sec. 30-370. Tammany Trace defined.

Tammany Trace is a 31 mile long by approximately 200 feet wide linear park located between Covington and Slidell, Louisiana, connecting Abita Springs, Mandeville and Lacombe to the end points. Tammany Trace is composed of a main trail, a horse trail, and various other recreational and support facilities. (Code 1998, § 16-131.01; Ord. No. 94-2024, 7-21-1994)

Sec. 30-371. Rules and regulations.

The following are the approved rules and regulations established in connection with Tammany Trace:

- (1) *General rules.*
 - a. Hours of operation are daily from 7:00 a.m. to dark.
 - b. Please stay on the appropriately marked trails. Pedestrians should stay on the west shoulder or to the right along each side of the trail. Slower traffic should stay to the right in each direction. Passing traffic should notify slower traffic that they are passing either by voice, horn or bell.

***Editor's note**—The St. Tammany Parish Council acquired a 31 plus mile section of the abandoned Illinois Gulf Railroad corridor in 1992 through a Federal Grant Purchase. The area has been dedicated to the public for recreational use and is identified and known as "Tammany Trace." It is Louisiana's first Rails to Trails conversion, and follows the 31 plus mile section of the old Illinois Gulf Rail Corridor, connecting Covington, Abita Springs, Mandeville, Lacombe and Slidell. Out of concern for the safety and well-being of the general public and to ensure that the area is maintained for the purpose intended, it is necessary to establish rules and regulations governing the use of Tammany Trace.

- c. Obey all federal, state and local traffic laws. Laws will be strictly enforced in accordance with fines associated with violations.
 - d. Park only in designated areas. Unauthorized parking is subject to being towed and/or ticketed.
 - e. No trespassing on private property.
- (2) *Prohibited.* The following is prohibited on Tammany Trace or its facilities:
- a. Camping.
 - b. Fires.
 - c. Carrying or discharging of firearms or fireworks.
 - d. Use of glass containers.
 - e. Hunting.
 - f. Littering.
 - g. Pets on main trail.
 - h. Racing.
 - i. Unauthorized solicitation.
 - j. Swimming, wading or diving.
 - k. Unauthorized structures.
 - l. Alcoholic beverages are prohibited on the Tammany Trace and/or its facilities except during special events. A special event organizer/sponsor must obtain a temporary alcohol permit and conform to section 6-30(d) and state law in accordance with L.A.C. title 55, part 7, section 323 and any other applicable state law.
 - m. Only authorized motorized vehicles are allowed on Tammany Trace.
 - n. Do not disturb plant vegetation. Tammany Trace traverses an environmentally sensitive area of the parish.
 - o. Handling of wildlife found on Tammany Trace is prohibited. Please contact Tammany Trace Ranger or appropriate parish authorities if there is a problem.
- (3) *Specific trail rules.*
- a. Horses stay in assigned areas.
 - b. A Coggins test is required for horses using Tammany Trace.
 - c. Do not exceed 15 miles per hour speed limit.
 - d. Horses must be kept at a walk in the area designated for horses on the main trail.
 - e. Helmets, knee pads, elbow and wrist guards are required for rollerbladers.

- f. Helmets are required for off-road biking (when such area has been constructed).
 - g. Obey all traffic signs along the trail.
 - h. Stay in designated areas only. Stay out of drainage ditches and other such structures not constructed for recreational purposes.
 - i. When you see hazard signs and reflective markings on the main trail, these signs denote possible danger areas. Move as close to the center of the trail as traffic will allow.
- (4) *Bridge etiquette.* Rollerbladers yield to cyclists; cyclists yield to joggers; joggers yield to walkers; walkers yield to horses. Helmets for cyclists and horsemen are strongly recommended and encouraged. Ride at your own risk if no helmet is worn. The parish is not responsible for injuries resulting from lack of proper equipment, improperly maintained equipment, improperly used equipment or improper or unsafe use of Tammany Trace facilities.
- (5) *Construction.*
- a. Absolutely no one shall use areas designated either as "Under Construction" or signed as "No Trespassing." These areas are unsafe and are not open to the general public. Further, only authorized personnel are allowed to enter these areas.
 - b. Tammany Trace is ADA accessible, and the parish encourages use of the trail by all, regardless of race, creed, sex, ethnic origin or physical impairment.
 - c. Commissioned Tammany Trace Rangers are empowered to patrol the trace, and write and issue citations to offenders.

(Code 1998, § 16-131.02; Ord. No. 94-2024, 7-21-1994; Ord. No. 14-3257, 12-4-2014; Ord. No. 15-3403, § 16-131.02, 10-1-2015)

State law reference—Authority of parish as property owner to prohibit or restrict access of those persons possessing a concealed handgun pursuant to a permit issued under state law, R.S. 40:1379.3.

Sec. 30-372. Requirements for Tammany Trace right-of-way access.

(a) *Definitions.* The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Access means any intrusion or use of the right-of-way.

Alternative means any method of achieving a similar result of the project goal.

Driveway means a private roadway providing access to one single-family residential structure.

Facility means any roadway, driveway, highway, structure or utility.

Landlocked means the inability to access a public road or other servitude of ingress or egress.

Parish planning commission is an extension and creation of the parish council. The said commission shall review the access request application and may grant or deny said access request application.

(b) *Presumption of best use.* The Tammany Trace corridor was acquired for its best and most necessary use and benefit as a transportation corridor and to preserve that corridor intact for future transportation uses. Therefore, those requesting access to/or within the Tammany Trace corridor shall bear the burden of proof relative to the need for such access. The Tammany Trace corridor presently is in interim use by the parish council as a multiple use transportation and recreation linear corridor.

(c) *Incompatibility.* The parish council shall deny any requests for access which, in its sole discretion, would adversely affect, or is incompatible to, the Tammany Trace corridor.

(d) *Minimum requirements for access.* In general, access to/or within the Tammany Trace corridor will not be granted. Access may only be granted in special circumstances where all of the following minimum requirements are met:

- (1) It is proven that there is an absolute need for the facility and/or access;
- (2) It is established and proven that there is no other alternative to the access of the Tammany Trace for such facility and/or access;
- (3) It is proven that the facility does not interfere with the present or future use of the Tammany Trace corridor; and
- (4) It is proven that all possible planning has been carried out to minimize adverse and harmful effects to the Tammany Trace corridor which would result from such facility or access thereto.

(e) *Additional requirements for roadways.* In addition to the above minimum requirements, requests for roadway crossings or intrusions may only be granted where all of the following additional requirements are met:

- (1) It is proven that the construction of a service road is not possible to avoid a roadway crossing or intrusion; and
- (2) The proposed roadway crossing or intrusion shall be a separated grade crossing allowing the Tammany Trace to remain at grade.

(f) *Exceptions.* There shall be no exceptions to the minimum requirements for access. However, the following circumstances may be considered exceptions to the additional requirements for roadways:

- (1) Individual private driveways or farm crossings that access one single-family residential structure; and

- (2) A temporary at-grade crossing to allow access until a separated grade structure can be constructed. The granting of a temporary at-grade crossing shall be for a period not to exceed one year.

(g) *Request for access.* The access request application may be considered only after the requesting party completes and submits an application providing information which would allow the parish department of development to determine the extent and impact of the access requested. The parish council shall establish and may amend, from time to time, any standards, criteria, guidelines, procedures or forms for receiving, reviewing and acting on applications for access to/or within the Tammany Trace corridor.

- (1) The access request application shall include the following information:
 - a. Name and address of the applicant and responsible party;
 - b. A plat indicating the precise location of the requested access and the surrounding area;
 - c. A statement indicating the nature, purpose and need for the requested access;
 - d. A statement and plat indicating all other possible ingress and egress including, but not limited to, all roads and servitudes which allow, or may allow, alternatives to the access requested;
 - e. Approved and completed plans and specifications of the requested access; and
 - f. An acknowledgment and agreement holding harmless and indemnifying the governing authority, its agencies, servants and employees from any and all liability, of whatever nature or kind, which may arise in connection with the said requested access.

- (2) The aforementioned application requirements shall be presented to the planning commission for its review and consideration. The planning commission shall make a formal recommendation to the parish council at the earliest practicable date regarding the application request. Should the planning commission recommend that application be granted, same shall be transmitted to the secretary of the parish council to initiate the review thereof by the parish council. Should the planning commission deny the application, the same procedure shall apply. However, a vote of two-thirds shall be required to override the recommendation from said planning commission.

(h) *Public notice.* Public notice of access request applications shall conform to the public notice requirements in place for all matters considered by the planning commission.

(i) *Granted access requirement.* In the event that the requested access is favorably recommended by the planning commission and approved by the parish council, the applicant shall then, prior to effecting access, enter into a written agreement which shall contain, but not be limited to, the following terms:

- (1) That the governing authority, its agencies, servants and employees shall be held harmless and indemnified as set forth above. If deemed necessary, the governing authority, at its option, may require a policy of insurance insuring the governing authority against such liability.
- (2) That the access shall be constructed in conformity with the plans and specifications submitted with the access request application.
- (3) That the applicant shall provide a warranty letter of credit, or other completion bond, satisfactory to the governing authority, ensuring the timely and proper completion of any work or construction done to effect the said access.
- (4) That the applicant acknowledges that its access is granted subject to any and all rights, titles, interests, servitudes and/or easements which are held, or may be held, by any other entity, person, firm or corporation including, but not limited to, the United States Department of Transportation, the state department of transportation or the federal highway administration. And further, that the applicant specifically waives any and all warranty of title and relieves and releases the governing authority, its agencies, servants and employees from any and all liability, of whatever nature or kind which may arise, or has arisen, in connection therewith.
- (5) That the applicant shall be responsible for and required to provide maintenance to the land and/or any structure or improvement, appertaining to the access, during the term of the said access.
- (6) That the applicant acknowledges and agrees that the governing authority shall not, in any fashion, be prohibited from establishing, conducting, operating or maintaining any activity, as may be deemed necessary by the governing authority, to be conducted within the Tammany Trace corridor including, but not limited to, usage beneath, over or across said granted access.
- (7) That the applicant shall not alter the granted access in any fashion without the prior written approval of the governing authority which may or may not be granted at the sole discretion of the said governing authority.
- (8) That upon termination or expiration of the term of the access agreement, the applicant, at the sole option and discretion of the governing authority, may be required to remove any infrastructure or improvement appertaining to the access and further may be

required, at the sole option and discretion of the governing authority, to return the site of the access to its original condition as it existed immediately prior to the granting of the said access.

(Code 1998, § 16-131.03; Ord. No. 97-2728, 9-25-1997)

Sec. 30-373. Use of Tammany Trace facilities; rates.

(a) *Mobile stage trailer.* The Map 24 Mobile Stage Trailer ("Stage"), is available to rent at a rate of \$500.00 per event. Additional terms and conditions, including insurance requirements, will be set forth in a user agreement which must be completed prior to the event. Proof of the required insurance must be produced prior to any use of the stage.

(b) *The trace.* If the entire length of the trace is being used for an event, the rate shall be \$450.00 per day. If the event will not use the full length of the trace, the rate shall be \$200.00 per day. Additional terms and conditions, including specific portion of the trace to be used and insurance requirements, are to be set forth in a user agreement, which must be completed prior to the event. Proof of the required insurance must be produced prior to any use of the trace.

(c) *Koop Drive area.* The deck areas behind the caboose are available to rent at the rate of \$75.00 for a two-hour period. Covered areas 1 and 2, across from the playground, are available to rent at the rate of \$50.00 for a two-hour period. The Kid's Town Pavilion is available to rent at the rate of \$75.00 per hour, with a two-hour minimum. Additional terms and conditions, including insurance requirements, will be set forth in a user agreement which must be completed prior to the event. Proof of the required insurance must be produced prior to any use of the Koop Drive area facilities.

(Code 1998, § 16-131.04; Ord. No. 11-2535, 6-2-2011)

Sec. 30-374. Tammany Trace Economic District.

(a) Pursuant to the authority granted by R.S. 47:4311 et seq., that the parish council desires to designate the 31 plus linear miles recreational trail between Covington and Slidell as Tammany Trace Economic Development District in order to encourage preservation, expansion, restoration, improvement and development of existing structures along Tammany Trace.

(b) The Tammany Trace Economic Development District shall be comprised of the 31 plus linear miles of property situated between milepost 38.25 near Slidell and milepost 67.39 near Covington, being the former Illinois Gulf Railroad Corridor, more fully delineated on the sketch designated as exhibit "A," on file at the parish council office located in Covington, Louisiana.

(c) The parish council requests that the state department of economic development, office of commerce and industry, and the governor for the state approve the creation and establishment of the Tammany Trace Economic Development District.

(Code 1998, § 16-132.00; Ord. No. 94-2129, 12-15-1994)

Secs. 30-375—30-391. Reserved.

ARTICLE XV. RECREATION DISTRICT NO. 15

Sec. 30-392. Created.

There is hereby created the parish Recreation District No. 15, and as thus created, said district constitutes a public corporation and political subdivision of the state, with all rights, powers and privileges granted and conferred by the constitution and statutes of the state.
(Code 1998, § 16-136.00)

Sec. 30-393. Boundaries.

The boundaries of the district created herein encompasses certain property contained within Council District 13 of the parish, more particularly described as:

Recreation District 15 commencing at the intersection of U.S. Highway 11 and the northern shore of Lake Pontchartrain, thence follow the northern shore of Lake Pontchartrain westerly to its intersection with the Faciane Canal, thence follow the center of the Faciane Canal easterly to its intersection with the Southern Railroad, thence follow the Southern Railroad south to its intersection with Carr Drive; thence follow Carr Drive east to its intersection with U.S. Highway 11, thence follow U.S. Highway 11 south to its intersection with the northern shore of Lake Pontchartrain and the point of beginning.
(Code 1998, § 16-136.01)

Sec. 30-394. Domicile.

The domicile of the district herein created is 21490 Koop Drive, Mandeville, Louisiana.
(Code 1998, § 16-136.02)

Sec. 30-395. Board of commissioners.

The board of commissioners for Recreation District No. 15 shall be composed of seven members, six of whom shall be appointed by the parish council and one to be appointed by the parish president. Members shall be qualified voters and residents of the area covered by the district in accordance with R.S. 33:4564.
(Code 1998, § 16-136.03; Ord. No. 01-0279, 3-1-2001; Ord. No. 04-0846, 3-4-2004)

Secs. 30-396—30-418. Reserved.

ARTICLE XVI. SCENIC NEIGHBORHOODS

Sec. 30-419. Purpose.

(a) Within the parish, there are many unique and distinctive residential neighborhoods which contribute significantly to the overall character and scenic beauty of the parish. They are worthy of recognition because of natural, historical, architectural or cultural features which enhance the quality of life for parish residents. As a matter of public policy, parish government aims to recognize and promote the value of these residential neighborhoods by the designation of these areas as "Scenic Neighborhoods."

(b) The purposes of a scenic neighborhood designation in residential neighborhoods are as follows:

- (1) To recognize and encourage desirable and unique physical features, design characteristics, historical or cultural charm;
- (2) To inspire, cultivate, and preserve scenic features which enhance quality of life for residents;
- (3) To foster new compatible growth; and
- (4) To provide residents and property owners with a tool for encouraging and strengthening civic pride.

(Code 1998, § 16-138.00)

Sec. 30-420. Designation criteria.

To be designated as a scenic neighborhood, the area must meet the following criteria:

- (1) Possess distinctive natural, historical, architectural or cultural features that create a cohesive identifiable setting unique within the parish;
- (2) Possess special scenic characteristics such as creek beds, parks, greenbelts, gardens, street landscaping, nature trails or water features;
- (3) Abuts or links designated historical, architectural or cultural landmarks;
- (4) Abuts or links designated nature preserves or scenic rivers; and/or
- (5) Has an organized homeowner or neighborhood association which actively works to preserve the neighborhood's scenic characteristics.

(Code 1998, § 16-138.01)

Sec. 30-421. Designation procedures.

The creation of a scenic neighborhood shall be considered upon one of the following:

- (1) A petition to the parish council for designation as a scenic neighborhood by at least 51 percent of the property owners within the proposed scenic area; or

- (2) The parish council, on its own initiative or at the request of parish administration, may consider the creation of a scenic neighborhood.
(Code 1998, § 16-138.02)

Sec. 30-422. Signs.

Following the designation of a scenic neighborhood by ordinance of the parish council, it shall be the sole obligation and expense of the homeowners residing therein to obtain and place appropriate signs indicating that said area is a "St. Tammany Parish Scenic Neighborhood." Permission is herewith granted to place said signs on parish roads or rights-of-way, provided written approval therefor is first had and obtained from the department of public works.
(Code 1998, § 16-138.03)

Sec. 30-423. Scenic neighborhoods created.

The following areas are hereby designated as the parish scenic neighborhoods:

"Bogue Rivers Nature Preserve"—consisting of Bogue Glen Subdivision and Magnolia Gardens Subdivision.
(Code 1998, § 16-138.04; Ord. No. 03-0752, 9-4-2003)

Secs. 30-424—30-444. Reserved.

ARTICLE XVII. RECREATION DISTRICT NO. 16

Sec. 30-445. Created; boundaries.

There is hereby created a recreation district within the parish which shall comprise and embrace all of that area within the following described boundaries: All of the territory included within the boundaries of the 8th and 9th Wards of the parish, less and except the areas described as follows:

- (1) The entire boundaries of the parish Recreation District No. 5; described as follows:

Beginning at the $\frac{1}{4}$ corner common to section 13, Township 8 south, Range 14 east and section 37, Township 8 south, Range 15 east, go east across the center of sections 13, 14, 15, 16, 17 and 18, Township 8 south, Range 15 east, to the west bank of the East Pearl River. Thence, north along the west bank of the East Pearl River to the south boundary of Ward 6. Thence, west along the south boundary of the said 6th Ward to the G. M. & O. Railroad. Thence, south along the G. M. & O. Railroad to its intersection of the $\frac{1}{4}$ corner common to sections 16 and 17, Township 8 south, Range 14 east. Thence, east to the point of beginning.

- (2) The entire boundaries of the parish Recreation District No. 9; described as follows:

Commencing at the intersection of the centerline of Facianes' Canal and the shore of Lake Pontchartrain in section 26, Township 9 south, Range 13 east, the point of beginning; thence follow the meanderings of Facianes' Canal northeast, southeast, northeast, east and southeast to its intersection with the western boundary of the Southern Railroad; thence continue south 45 degrees 51 minutes 27 seconds east to the centerline of U.S. Highway 11; thence follow the centerline of U.S. Highway 11 in a northeasterly direction to its intersection with the Schneider Canal; thence follow the meanderings of Schneider Canal in a southeasterly direction to its intersection with the centerline of Howze Beach Road; thence go northeasterly along the centerline of Howze Beach Road to its intersection with LA 433 (Salt Bayou Road); thence follow the centerline of LA 433 in a southeasterly direction to its intersection with the northern boundary of Pirate's Harbor Subdivision, also the northern right-of-way line of Captain Morgan Street (not constructed); thence southwest along the northern right-of-way of Captain Morgan Street to the centerline of East Diversion Canal; thence south and southwest along the centerline of said canal to its intersection with Salt Bayou; thence follow the meanderings of Salt Bayou in a southwesterly direction to the shore of Lake Pontchartrain; thence follow the shoreline of Lake Pontchartrain in a northwesterly direction to the point of beginning.

- (3) The entire boundaries of the parish Recreation District No. 15; described as follows:

Commencing at the intersection of U.S. Highway 11 and the northern shore of Lake Pontchartrain, thence follow the northern shore of Lake Pontchartrain westerly to its intersection with the Faciane Canal, thence follow the center of the Faciane Canal easterly to its intersection with the Southern Railroad, thence follow the Southern Railroad south to its intersection with Carr Drive; thence follow Carr Drive east to its intersection with U.S. Highway 11, thence follow U.S. Highway 11 south to its intersection with the northern shore of Lake Pontchartrain and the point of beginning.

(Code 1998, § 16-140.00; Ord. No. 09-2055, 5-7-2009)

Sec. 30-446. Name, status and powers.

The recreation district created herein shall be known and designated as "St. Tammany Parish Recreation District No. 16, State of Louisiana," and as designated as such, shall constitute a political subdivision of the state, and shall have all the powers granted to such districts under the constitution and laws of the state.

(Code 1998, § 16-141.00; Ord. No. 09-2055, 5-7-2009)

Sec. 30-447. Board of commissioners.

The board of commissioners shall be comprised of seven members, all residing within the boundaries of the district. There shall be six members nominated and appointed by the parish

council. There shall be one member nominated and appointed by the parish president. Members of the board shall serve four year terms concurrent with the term of office of the appointing authority.

(Code 1998, § 16-142.00; Ord. No. 09-2055, 5-7-2009)

Sec. 30-448. Domicile.

The domicile and regular meeting place of the recreation district shall be that of the parish governing authority; however, the board of commissioners may meet at either such regular meeting place or a location within the district designated by the presiding officer of the board of commissioners.

(Code 1998, § 16-143.00; Ord. No. 09-2055, 5-7-2009)

Sec. 30-449. Consolidation and other matters.

(a) The parish Code of Ordinances, chapter 16, article IV, is amended in its entirety to merge and consolidate the parish Recreation District No. 3 and all of its current boundaries as of September 6, 2007, and within the boundaries of Wards 8 and 9 less and, except those areas comprising the parish Recreation Districts No. 5, 9 and 15, into new the parish Recreation District No. 16.

(b) Any and all assets and obligations which may be held by Recreation District No. 3 are hereby transferred to Recreation District No. 16 immediately upon this merger and consolidation.

(c) The boundaries of the parish Recreation District No. 16 shall include the corporate limits of the City of Slidell subject to adoption of a resolution by its governing authority approving the city's inclusion within the boundaries of the recreation district within 90 days of adoption of this article.

(d) In the event the City of Slidell elects to be included within the boundaries of the recreation district, it shall have the exclusive right to nominate and appoint two members to the board of commissioners and the parish council shall have four appointments and the parish president shall have one appointment.

(e) In the event the City of Slidell elects not to be included within the boundaries of the parish Recreation District No. 16, then the boundaries of the recreation district shall also exclude all of the incorporated City of Slidell as it exists on May 7, 2009, the date of creation of the recreation district.

(Code 1998, § 16-144.00; Ord. No. 09-2055, 5-7-2009)

Secs. 30-450—30-466. Reserved.

ARTICLE XVIII. CAMP SALMEN NATURE PARK**Sec. 30-467. Camp Salmen Nature Park defined.**

Camp Salmen Nature Park is located at 35122 Camp Salmen Road Slidell, LA 70460 and is a unique ecological treasure. The Camp Salmen Nature Park is intended to be a living museum housing both historic properties and a full collection of plants and animals which can flourish in a natural habitat. The goal of the Camp Salmen Nature Park is for it to be utilized for recreation, education, and at the same time honor the location for its history. In order to ensure the health, safety and welfare of the citizens of the parish and the patrons of the Camp Salmen Nature Park, it is necessary to enact park rules and regulations.

(Code 1998, § 16-150.00; Ord. No. 11-2443, 1-6-2011)

Sec. 30-468. Rules and regulations.

(a) *Park rules and regulations.*

- (1) No pets or horses allowed, except service animals.
- (2) No glass containers allowed.
- (3) No hunting or fishing allowed.
- (4) Respect wildlife and the surrounding area and keep noise to a minimum.
- (5) No open fires, firearms or fireworks allowed.
- (6) No business solicitation.
- (7) Motorized or electric vehicles allowed only on roads not on designated park trails.
- (8) Do not trespass on private property.
- (9) No swimming, wading, or diving in the bayou or any other body of water.
- (10) Removal of plants is prohibited.
- (11) No littering or dumping allowed. Garbage receptacles and recycling bins are provided throughout the park.
- (12) Do not feed, disturb or collect wildlife.
- (13) Marked trails are provided for your safety; please remain on marked designated trails.
- (14) Remain out of drainage ditches and all other areas not for recreational use.
- (15) ADA compliant boardwalks and ramps are provided on certain of our trails.
- (16) Public use of the park will be at patrons' own risk. The parish provides no protection from the wildlife and/or plants.

(17) Alcoholic beverages will not be allowed except for special events. A special event organizer/sponsor must obtain a temporary alcohol permit and conform to section 6-30(d) and state law in accordance with L.A.C. title 55, part 7, section 323 and any other applicable state law.

(b) *Park hours.* The park hours of operation are Wednesday through Sunday 9:00 a.m. to dusk. Hours of operation may be adjusted seasonally. Any adjustments to the operation hours shall be posted at the park entrance, throughout the park grounds and advertised through various media.

(c) *Pavilion rental.* The pavilion located at Camp Salmen Nature Park is available to rent at a rate of \$75.00 an hour. A minimum rental period of two hours is required. Additional terms and conditions are to be set forth in a user agreement which must be completed prior to the event. The parish will determine appropriate limits of insurance for the specific use of the pavilion, all to be determined the parish risk manager. Proof of the required insurance must be produced prior to any event utilizing the pavilion.

(Code 1998, § 16-151.00; Ord. No. 11-2443, 1-6-2011; Ord. No. 15-3403, § 16-151.00, 10-1-2015)

Secs. 30-469—30-489. Reserved.

ARTICLE XIX. ST. TAMMANY PARISH FISHING PIER

Sec. 30-490. The parish fishing pier defined.

The parish fishing pier consists of approximately 2,000 feet of both spans of the abandoned I-10 Bridge closest to the north shore of Lake Pontchartrain which has been converted into a pedestrian fishing pier (hereafter "Fishing Pier"). The primary goal is to provide pedestrian access to Lake Pontchartrain's most productive fishing grounds and to establish this area as a multifaceted nature recreational district. Its proximity to Slidell, New Orleans, and the nearby Rigolets where Lake Pontchartrain meets the waters of the outer basin make this a prime location for a project of this type. The goal of the parish fishing pier is for it to be utilized for recreation, education and at the same time honor the location for its history. In order to ensure the health, safety and welfare of the citizens of the parish and the patrons of the parish fishing pier, it is necessary to enact pier rules and regulations.

(Code 1998, § 16-160.00; Ord. No. 11-2653, 12-1-2011)

Sec. 30-491. The parish fishing pier rules and regulations.

(a) *Pier rules and regulations.*

- (1) Pier entrance fees shall be \$5.00 for individuals 12 and over for fishing from the pier; visitors 12 and over who do not fish from the pier will be charged \$1.00; and children under 12 can enter for free. Thereafter, changes to the entrance fees can be changed by policy issued by the parish president.

- (2) Visitors under the age of 16 must be accompanied by an adult.
 - (3) All fisherman shall dispose of fishing line properly so as to not harm or kill wildlife.
 - (4) Feeding of birds is prohibited.
 - (5) Each fisherman shall be properly licensed.
 - (6) Pets are not permitted.
 - (7) Diving from the pier or from any parish structure or property is prohibited.
 - (8) Swimming in any portion of Lake Pontchartrain in and around the pier, parish property or structure is prohibited, and at each person's own risk.
 - (9) No fires, fireworks or cooking allowed on the pier, parish property or structure.
 - (10) No glass containers allowed on pier property or structure.
 - (11) No cast nets or crab traps allowed on the pier, parish property or structure.
 - (12) No sitting or climbing on rails.
 - (13) No smoking allowed on wooden structure.
 - (14) All trash must be disposed of properly. Do not litter or throw anything in the water.
 - (15) No bicycles, skateboards or other wheeled conveyances except those used by handi-capped persons.
 - (16) Respect wildlife and the surrounding area and keep noise to a minimum.
 - (17) No business solicitation allowed on the pier, parish property or structure.
 - (18) Public use of the pier will be at patrons' own risk. The parish provides no protection from the wildlife and/or other risks of harm.
 - (19) The only alcoholic beverage regularly allowed on the pier is beer, if contained in a plastic or aluminum container.
 - (20) Other alcoholic beverages will be allowed on the pier only during special events. A special event organizer/sponsor must obtain a temporary alcohol permit and conform to section 6-30(d) and state law in accordance with L.A.C. title 55, part 7, section 323 and any other applicable state law.
- (b) *Pier hours.* The hours of operation will be established by policy issued by the parish president and may be adjusted seasonally. Any adjustments to the operation hours shall be posted at the pier entrance, throughout the pier grounds and advertised through various media. (Code 1998, § 16-160.01; Ord. No. 11-2653, 12-1-2011; Ord. No. 12-2679, 2-2-2012; Ord. No. 15-3403, § 16-160.01, 10-1-2015)

Chapter 31

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Chapter 32

PEDDLERS*

Article I. In General

- Sec. 32-1. Definitions.
- Sec. 32-2. Exceptions to chapter.
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Article II. Permit

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- Sec. 32-32. Application.
- Sec. 32-33. Occupational license a prerequisite.
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- Sec. 32-37. Fingerprints.
- Sec. 32-38. Bond.
- Sec. 32-39. Service of process.
- Sec. 32-40. Investigation.
- Sec. 32-41. Denial.
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- Sec. 32-43. Contents.
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Article III. Solicitors and Distribution on Public Highways

- Sec. 32-67. General findings.
- Sec. 32-68. Intent.
- Sec. 32-69. Definitions.
- Sec. 32-70. Prohibitions.
- Sec. 32-71. Exceptions.
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***State law reference**—Parish and parish council regulation of peddlers, R.S. 33:4831 et seq., 47:359(C).

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ARTICLE I. IN GENERAL**Sec. 32-1. Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Peddler means any individual, whether a resident of this parish or not, traveling by foot, wagon, automobile, motor truck or any other type of conveyance, from place to place, from house to house, or from street to street, for the sale of, as well as the selling, offering for sale or taking or attempting to take orders for the sale of goods, wares and merchandise, personal property of any nature whatsoever for future delivery, or for services to be furnished or performed in the future, whether or not such individual has, carries or exposes for sale a sample of the subject of such sale or not or whether he is collecting advance payments on such sales or not; provided that such definition shall include any person who, for himself, or for another person, hires, leases, uses or occupies any building, structure, tent, railroad boxcar, boat, hotel room, lodginghouse, apartment, shop or any other place within this parish for the sole purpose of exhibiting samples and taking orders for future delivery, or soliciting funds or promoting political and/or religious ideologies.

(Code 1998, § 17-001.00; Ord. No. 90-1224, 1-18-1990)

Sec. 32-2. Exceptions to chapter.

The provisions of this chapter shall not apply to the following:

- (1) Sales made to dealers or permanent merchants by commercial travelers selling in the usual course of business.
- (2) Sheriffs, constables, bona fide assignees, receivers or trustees in bankruptcy or other public officers selling goods, wares and merchandise according to law.
- (3) Bona fide residents of the state selling fruits, vegetables, dressed meats, fowl or farm products which were produced on land within the state, owned or controlled by such vendor.
- (4) Nonprofit organizations as defined by ch. 2, Louisiana Revised Statute 12, shall be exempt from the provisions of this chapter upon obtaining a fee free parish permit by producing a copy of their certificate of incorporation as described by R.S. 12:205 and signing the appropriate parish form attesting to their nonprofit nature and having said form duly notarized by a licensed notary. Said parish permits or a copy thereof must be carried on the person at all times while engaged in any activity regulated by this chapter and must be produced on demand when so requested by an official or citizen of the

parish. The parish fee free permits issued under the provisions of this section shall be valid only from 8:00 a.m. until 9:00 p.m. in the area of the parish zoned residential and shall not be valid for solicitors upon any property posted with "No Soliciting" signs. (Code 1998, § 17-002.00; Ord. No. 90-1224, 1-18-1990)

Sec. 32-3. Entrance to premises restricted.

It shall be unlawful for any peddler to enter upon any private premises when such premises are posted with a sign stating "No Peddlers Allowed" or "No Solicitations Allowed" or other words to such effect. (Code 1998, § 17-003.00)

Sec. 32-4. Refusing to leave.

Any peddler who enters upon premises owned, leased or rented by another and refuses to leave such premises after having been notified by the owner or occupant of such premises, or his agent, to leave the same and not return to such premises, shall be deemed guilty of a misdemeanor. (Code 1998, § 17-004.00)

Sec. 32-5. Misrepresentation.

It shall be unlawful for any peddler to make false or fraudulent statements concerning the quality of his goods, wares, merchandise or services for the purpose of inducing another to purchase the same. (Code 1998, § 17-005.00)

Sec. 32-6. Hours of operation.

It shall be unlawful for any peddler to engage in the business of peddling within the parish between the hours of one-half hour before sunset and 9:00 a.m. the following morning, or at any time on Sundays, except by specific appointment with or invitation from the prospective customer. (Code 1998, § 17-006.00)

Secs. 32-7—32-30. Reserved.

ARTICLE II. PERMIT

Sec. 32-31. Required.

It shall be unlawful for any person to engage in business as a peddler within this parish without first obtaining a permit to do so. (Code 1998, § 17-018.00)

Sec. 32-32. Application.

Applicants for a permit under this article shall file with the designated administrative department a sworn application in writing, in duplicate, on a form to be furnished by the said secretary, which shall give the following information:

- (1) The name and a description of the applicant;
- (2) The permanent home address and full local address of the applicant;
- (3) A brief description of the nature of the business and the goods to be sold;
- (4) If employed, the name and address of the employer, together with credentials establishing the exact relationship;
- (5) The length of time for which the right to do business is desired;
- (6) The place where the goods or property proposed to be sold, or orders taken for the sale thereof, are manufactured or produced, where such goods or products are located at the time the application is filed and the proposed method of delivery;
- (7) A photograph of the applicant, taken within 60 days immediately prior to the date of filing of the application, which picture shall be two inches by two inches showing the head and shoulders of the applicant in a clear and distinguishing manner;
- (8) A statement as to whether or not the applicant has been convicted of any crime, misdemeanor or violation of any municipal or parish or county ordinance, the nature of the offense and the punishment or penalty assessed therefor;
- (9) Whether the applicant, upon any sale or order, shall demand, accept or receive payment or deposit of money in advance of final delivery;
- (10) The last five municipalities, counties or parishes wherein the applicant has worked before coming to this parish; and
- (11) Such other relevant information as may be required by the investigation of the applicant.

(Code 1998, § 17-019.00)

Sec. 32-33. Occupational license a prerequisite.

No permit shall be issued under the provisions of this article, unless the applicant shall have first obtained both the state and parish occupational license required for the activity such applicant wishes to engage in.

(Code 1998, § 17-020.00)

State law reference—Exemption of blind persons from license, privilege or vocational tax for peddling, R.S. 46:372.

Sec. 32-34. Driver's license.

At the time of filing his application for a permit required by this article, the applicant shall present his driver's license, if he has one, to the secretary of the parish council.
(Code 1998, § 17-021.00)

Sec. 32-35. Application fee.

At the time of filing the application, each applicant shall pay the following:

- (1) The state police (cashier's check or money order only).
 - (2) The parish government \$15.00.
 - (3) Sheriff of the parish \$5.00 to cover the cost of issuance thereof.
- (Code 1998, § 17-022.00; Ord. No. 85-510, 10-17-1985)

Sec. 32-36. False information.

It shall be unlawful for any person to give any false or misleading information in connection with his application for a permit required by this article.
(Code 1998, § 17-023.00)

Sec. 32-37. Fingerprints.

At the time of making application for a permit required by this article, the applicant shall submit to fingerprinting by the sheriff.
(Code 1998, § 17-024.00)

Sec. 32-38. Bond.

(a) Every applicant, not a resident of the parish, or who is a resident of the parish and represents a firm whose principal place of business is located outside the state, shall file with the designated administrative department a surety bond running to the parish in the amount of \$2,000.00, with surety acceptable to and approved by the designated administrative department, conditioned that the applicant shall comply fully with all the applicable provisions of this Code, the ordinances of the parish and state law regulating and concerning the business of peddling and guaranteeing to any citizen of the parish that all money paid as a down payment will be accounted for and applied according to the representations of the peddler, and further guaranteeing to any citizen of the parish doing business with such peddler that the property purchased will be delivered according to the representations of such peddler. Action on such bond may be brought in the name of the parish to the use or benefit of the aggrieved person.

(b) If the applicant is an agent, employee, canvasser or solicitor of a corporation authorized to do business in this state or registered under the Fictitious Name Act of the state, such corporation or fictitious name business may furnish one bond in the amount of \$2,000.00 for any and all of its agents, employees, canvassers or solicitors.
(Code 1998, § 17-025.00)

Sec. 32-39. Service of process.

Before any permit shall issue under this article, there shall also be filed with the designated administrative department an instrument in writing, signed by the applicant under oath, nominating and appointing the designated administrative department his true and lawful agent, with full power and authority to acknowledge service of notice of process for and on the behalf of such applicant; and service of summons in any action brought upon the applicant's bond shall be deemed made when served on the designated administrative department.
(Code 1998, § 17-026.00)

Sec. 32-40. Investigation.

Upon receipt of an application for a permit required by this article, the original shall be referred to the sheriff, who shall cause such investigation of the applicant's business and moral character to be made as he deems necessary for the protection of the public good. The sheriff shall complete his investigation within one week of receiving the application.
(Code 1998, § 17-027.00)

Sec. 32-41. Denial.

If, as a result of investigation, the applicant's character or business responsibility is found to be unsatisfactory, the sheriff shall endorse on the application his disapproval and his reasons for the same, and return the application to the designated administrative department, who shall notify the applicant that his application is disapproved and that no permit shall be issued.
(Code 1998, § 17-028.00)

Sec. 32-42. Issuance.

If, as a result of investigation, the character and business responsibility of the applicant are found to be satisfactory, the sheriff shall endorse on the application his approval, execute a permit addressed to the applicant for the carrying on of the business applied for and return the permit along with the application to the designated administrative department, who shall, upon payment of any required fee, deliver the permit to the applicant.
(Code 1998, § 17-029.00)

Sec. 32-43. Contents.

Each permit issued under this article shall contain the signature and seal of the issuing officer and shall show the name, address and photograph of the permittee, the class of permit issued and the kind of goods to be sold thereunder, the amount of fee paid, the date of issuance and the length of time the same shall be operative, as well as the permit number and other identifying description of any vehicle used in such business.

(Code 1998, § 17-030.00)

Sec. 32-44. Record.

The designated administrative department shall keep a permanent record of all permits issued under this article.

(Code 1998, § 17-031.00)

Sec. 32-45. Display.

Every peddler having a permit issued under the provisions of this article and doing business within the parish shall display his permit upon the request of any person, and failure to do so shall be deemed a misdemeanor.

(Code 1998, § 17-032.00)

Sec. 32-46. Duration.

Every permit issued under the provisions of this article shall be valid for the period of time stated therein, but in no event shall any such permit be issued for a period of time in excess of 12 months.

(Code 1998, § 17-033.00)

Sec. 32-47. Revocation.

Any permit issued under the provisions of this article may be revoked by the parish for the violation by the permittee of any applicable provision of this Code, state law or parish ordinance, rule or regulation.

(Code 1998, § 17-034.00)

Secs. 32-48—32-66. Reserved.

ARTICLE III. SOLICITORS AND DISTRIBUTION ON PUBLIC HIGHWAYS

Sec. 32-67. General findings.

Pedestrians distributing materials to or soliciting from occupants of motor vehicles located on the traveled portion of public highways, involving an interaction between the pedestrian

distributing or soliciting and an occupant of a motor vehicle, is hazardous to public safety both for occupants of motor vehicles and for pedestrians engaging in such distribution or solicitation. The prohibitions set forth in this article are narrowly tailored to serve the significant interest of promoting and protecting the public health, safety, and welfare and that said prohibitions leave open ample alternative channels of communication throughout the unincorporated parish.

(Ord. No. 16-3528, § 17-040.00(a), 6-2-2016)

Sec. 32-68. Intent.

It is the intent of this article to protect the health, safety and general welfare of the citizens of the parish; to assure the free, orderly, uninterrupted movement of motor vehicles on public highways within the unincorporated parish limits; and to provide for safety in the interest of pedestrians and occupants of motor vehicles located on public highways in the parish. This article is intended to apply evenhandedly to all persons who engage in the activities proscribed herein, regardless of their message.

(Ord. No. 16-3528, § 17-040.00(b), 6-2-2016)

Sec. 32-69. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Highway intersections.

- (1) The term "highway intersections" includes the entire area embraced within the connection of widths between boundary lines of two public highways or a highway and any other public street which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon public highways or a public street meeting a public highway join at any other angle and come in conflict.
- (2) Where a public highway includes two roadbeds (typically divided by a median), then every crossing of each roadbed of such divided highway by an intersecting highway or public street shall be regarded as a separate intersection. In the event such intersecting highway or public street also includes two roadbeds, then every crossing of two roadbeds of such highways or public streets shall be regarded as a separate intersection.

Legally parked means a vehicle that is standing, stopped or parked in an area designated or legally authorized for parking.

Public highway includes the entire width between the boundary lines of every roadway maintained by the state as a state highway or part of the National System of Interstate and Defense Highways, and open to the use of the public for the purpose of vehicular travel,

including bridges, causeways, shoulders, roadbeds, and medians of state maintained highways, interstate highways, interstate connector roads, and highway intersections within unincorporated St. Tammany Parish.

Public street means the entire width between the boundary lines of every way or place of whatever nature publicly maintained and open to the use of the public for the purpose of vehicular travel, other than a public highway.

Soliciting means to seek or to plead, to entreat and ask, to lure or tempt a person.

Traveled portion includes travel lanes, turn lanes, and other portions of the roadbed that are generally used for motor vehicle travel and is not an area designated or legally authorized for parking.

(Ord. No. 16-3528, § 17-040.00(c), 6-2-2016)

Sec. 32-70. Prohibitions.

No pedestrian shall go upon any public highway for the purpose of:

- (1) Soliciting or attempting to solicit donations, contributions, employment, business, or sales or exchanges of any kind, or in any manner, from an occupant of a motor vehicle when the motor vehicle is on the travelled portion of a public highway and when the solicitation or attempted solicitation results in or is intended to result in a transfer of money or any other item between the solicitor and an occupant of the motor vehicle;
- (2) Distributing or attempting to distribute any product or material to an occupant of a motor vehicle when the motor vehicle is on the travelled portion of a public highway and when the distribution or attempted distribution results in or is intended to result in a transfer of product or material between the distributor and an occupant of the motor vehicle.

(Ord. No. 16-3528, § 17-040.00(d), 6-2-2016)

Sec. 32-71. Exceptions.

The prohibitions in section 32-70 shall not apply to:

- (1) Solicitation or attempted solicitation of donations, contributions, employment, business, sales or exchanges of any kind directed toward pedestrians on sidewalks.
- (2) Distribution or attempted distribution of any product or material to pedestrians on sidewalks.

(Ord. No. 16-3528, § 17-040.00(e), 6-2-2016)

Sec. 32-72. Penalty.

Whoever commits the crime of solicitation or distribution on a public highway shall be fined not more than \$200.00, or imprisoned for not more than six months, or both.
(Ord. No. 16-3528, § 17-040.00(f), 6-2-2016)

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Chapter 33

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Chapter 34

PUBLIC LIBRARY*

- Sec. 34-1. Established; location.
- Sec. 34-2. Board of control.
- Sec. 34-3. Finances.
- Sec. 34-4. Library millage allocation.
- Sec. 34-5. Video recording of movies rated "R" or "NC-17."

***State law reference**—Authority of parish to establish and maintain public library, R.S. 25:211 et seq.

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Sec. 34-1. Established; location.

There is hereby established the parish public library, said library to be located at the parish seat and in other designated towns and wards in the parish.

(Code 1998, § 19-001.00; Ord. No. 104, Bk. 2, P. 172)

Sec. 34-2. Board of control.

(a) The parish public library shall be governed by a board of control, of which the parish president shall serve as an ex-officio member. There shall be seven parish-wide appointments with six members nominated parish-wide and appointed by the parish council. There shall be one remaining member nominated and appointed by the parish president. All terms shall be for a period of five years.

(b) The president shall appoint or designate any other parish council person in his stead to serve on, attend or otherwise participate on the board. The appointment or designation by the president of a council person may be made without the need of further parish ordinance or resolution.

(c) In the event that the councilmembers do not desire to attend or participate, then the president may appoint or designate any person other than a parish councilperson in his stead to serve, attend or participate on said board without further approval or ratification by the council.

(d) The board of control shall have all of the authority in respect to the parish public library as is conferred upon it by law.

(Code 1998, § 19-002.00; Ord. No. 104, Bk. 2, P. 172; Ord. No. 84-138, 6-21-1984; Ord. No. 00-0109, 2-17-2000; Ord. No. 00-0157, 6-1-2000)

Sec. 34-3. Finances.

The parish public library shall be equipped, maintained, operated and supported at the expense of the entire parish, including the incorporated towns therein, and all taxes levied and assessed, whether general or special, for its establishment, support and maintenance, shall be borne proportionately by all of the taxable property of the parish, including that within incorporated municipalities.

(Code 1998, § 19-003.00; Ord. No. 104, Bk. 2, P. 172)

Sec. 34-4. Library millage allocation.

The parish council acting in its capacity as the governing authority of the parish and the library board of control agree on the following: the library board of control will receive the full 100 percent of the library millage allocation.

(Code 1998, § 19-003.01; Ord. No. 89-1120, 7-20-1989)

Sec. 34-5. Video recording of movies rated "R" or "NC-17."

(a) It is the policy of the parish council that there exists an expectation of responsibility associated with the dissemination of video recordings of movies rated "R" or "NC-17" to children under 17, and said responsibility fundamentally and legitimately rests with the entity which has custody and control of such material.

(b) As such relates to restricting the actual or potential dissemination by the parish public library of video recordings of movies rated "R" or "NC-17" to children under 17, said public library shall reasonably and responsibly apply the general provisions of the voluntary movie rating system that are established by the Motion Picture Association of America, except as otherwise provided as follows.

(c) The parish council urges and requests the library board of control to establish and oversee the continuous implementation of a rule and regulation wholly consistent with the provisions set forth in subsection (b) of this section, but that said provisions shall not apply whenever any parent or legal guardian of a child under 17 executes a written waiver of the aforesaid general provisions for such child on an appropriate form which is made a part of a library board of control rule and regulation which is wholly consistent with the provisions set forth in subsection (b) of this section.

(Code 1998, § 19-004.00; Ord. No. 99-3007, 1-21-1999)

Chapter 35

ROADS AND BRIDGES

Article I. In General

- Sec. 35-1. Closing, abandoning, revoking dedication of streets, roads.
- Sec. 35-2. Cutting or disturbing road surfaces.
- Sec. 35-3. Parish council approval required prior to construction of roads for public use.
- Sec. 35-4. Road maintenance.
- Sec. 35-5. Accepting private roads, excluding subdivisions, into the parish selective road maintenance system inventory.
- Sec. 35-6. Tacit dedications of roads/streets.
- Sec. 35-7. Culverts.
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- Sec. 35-9. Trees.
- Sec. 35-10. Live oak trees protected.
- Sec. 35-11. Fishing from specific bridge prohibited.
- Sec. 35-12. Naming or renaming streets.
- Sec. 35-13. Location/placement of public and private utilities in parish rights-of-way relative to new developments/subdivisions and relocation of existing utilities.
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- Sec. 35-15. Notification of parish officials.
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- Sec. 35-18. Prior approval for exemption.
- Sec. 35-19. Enforcement.
- Sec. 35-20. Violations.
- Sec. 35-21. Penalties.
- Sec. 35-22. Warranty required.
- Sec. 35-23. Enforcement of security.
- Sec. 35-24. Effective date.
- Sec. 35-25. Service monitoring fee.
- Sec. 35-26. Use of parish right-of-way.
- Sec. 35-27. Procedures and standards for granting permission to enter parish right-of-way for gaining access to property.
- Sec. 35-28. Ditches/drainage structures.
- Sec. 35-29. Acceptance of private drainage structures, excluding subdivisions, into the drainage inventory.
- Sec. 35-30. Tacit dedication of drainage ditches.
- Sec. 35-31. Road and drainage security.
- Sec. 35-32. Placement of advertising signs in parish rights-of-way.
- Sec. 35-33. Mailboxes within parish right-of-way.
- Sec. 35-34. Major road right-of-way protection for future expansion.
- Secs. 35-35—35-64. Reserved.

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Article II. Road Districts

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Secs. 35-65—35-86. Reserved.

Division 2. District No. 7

Sec. 35-87. Created; boundaries.
Sec. 35-88. Name and powers.
Sec. 35-89. Domicile, seal and journal.
Secs. 35-90—35-106. Reserved.

Division 3. District No. 8

Sec. 35-107. Created; boundaries.
Sec. 35-108. Name and powers.
Sec. 35-109. Domicile, seal and journal.
Secs. 35-110—35-131. Reserved.

Division 4. District No. 9

Sec. 35-132. Created; boundaries.
Sec. 35-133. Name and powers.
Sec. 35-134. Domicile, seal and journal.
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Division 5. District No. 12

Sec. 35-152. Created; boundaries.
Sec. 35-153. Name and powers.
Sec. 35-154. Domicile, seal and journal.
Sec. 35-155. Sub-Road District No. 1 (Parcel) of Road District No. 12.
Sec. 35-156. Created; boundaries.
Sec. 35-157. Name and powers.
Secs. 35-158—35-180. Reserved.

Division 6. District No. 14

Sec. 35-181. Created; boundaries.
Sec. 35-182. Name and powers.
Sec. 35-183. Domicile, seal and journal.
Sec. 35-184. Sub-Road District No. 1 of Road District No. 14.
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Sec. 35-188. Sub-Road District No. 2-C (parcel) of Road District No. 14—Abolished.
Sec. 35-189. Sub-Road District No. 3 (parcel) of Road District No. 14—Abolished.
Sec. 35-190. Sub-Road District No. 3 of Road District No. 14—Abolished.

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- Sec. 35-191. Sub-Road District No. 4 (Parcel) of Road District No. 14—Abolished.
- Sec. 35-192. Sub-Road District 4 of Road District No. 14—Abolished.
- Sec. 35-193. Sub-Road District No. 5 of Road District No. 14.
- Sec. 35-194. Sub-Road District No. 5 (parcel) of Road District No. 14—Abolished.
- Sec. 35-195. Sub-Road District No. 6 (parcel) of Road District No. 14.
- Secs. 35-196—35-213. Reserved.

Division 7. District No. 15

- Sec. 35-214. Created; boundaries.
- Sec. 35-215. Name and powers.
- Sec. 35-216. Domicile, seal and journal.
- Sec. 35-217. Sub-Road District No. 1 of Road District No. 15.
- Sec. 35-218. Sub-Road District No. 1 (parcel) of Road District No. 15—Abolished.
- Sec. 35-219. Sub-Road District No. 2 of Road District No. 15—Abolished.
- Sec. 35-220. Sub-Road District No. 2-A (parcel) of Road District No. 15—Abolished.
- Sec. 35-221. Sub-Road District No. 2-B (parcel) of Road District No. 15—Abolished.
- Sec. 35-222. Sub-Road District No. 2-C (parcel) of Road District No. 15—Abolished.
- Sec. 35-223. Sub-Road District No. 2-D (parcel) of Road District No. 15—Abolished.
- Sec. 35-224. Sub-Road District No. 2-E (parcel) of Road District No. 15—Abolished.
- Sec. 35-225. Sub-Road District No. 2-F (parcel) of Road District No. 15—Abolished.
- Sec. 35-226. Sub-Road District No. 3 of Road District No. 15.
- Sec. 35-227. Sub-Road District No. 4 of Road District No. 15.
- Secs. 35-228—35-247. Reserved.

Division 8. District No. 16

- Sec. 35-248. Created; boundaries.
- Sec. 35-249. Name and powers.
- Sec. 35-250. Domicile, seal and journal.
- Secs. 35-251—35-278. Reserved.

Division 9. District No. 17

- Sec. 35-279. Created; boundaries.
- Sec. 35-280. Name and powers.
- Sec. 35-281. Domicile, seal and journal.
- Secs. 35-282—35-310. Reserved.

Division 10. District No. 18

- Sec. 35-311. Created; boundaries.
- Sec. 35-312. Name and powers.
- Sec. 35-313. Domicile, seal and journal.
- Sec. 35-314. Sub-Road District No. 1 (parcel) of Road District No. 18—Abolished.
- Sec. 35-315. Special fund with provisions for use.
- Sec. 35-316. Records, etc., retained by parish council.
- Secs. 35-317—35-335. Reserved.

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Division 11. District No. 19

- Sec. 35-336. Created; boundaries.
- Sec. 35-337. Name and powers.
- Sec. 35-338. Domicile, seal and journal.
- Sec. 35-339. Sub-Road District No. 1 (parcel) of Road District No. 19—Abolished.
- Sec. 35-340. Sub-Road District No. 2 (parcel) of Road District No. 19.
- Sec. 35-341. Name and powers.
- Sec. 35-342. Governing authority.
- Sec. 35-343. Domicile, seal and journal.
- Secs. 35-344—35-374. Reserved.

Division 12. District No. 20

- Sec. 35-375. Created; boundaries.
- Sec. 35-376. Name and powers.
- Sec. 35-377. Domicile, seal and journal.
- Secs. 35-378—35-397. Reserved.

Division 13. District No. 21

- Sec. 35-398. Created; boundaries.
- Sec. 35-399. Name and powers.
- Sec. 35-400. Domicile, seal and journal.
- Secs. 35-401—35-428. Reserved.

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- Sec. 35-429. Created; boundaries.
- Sec. 35-430. Name and powers.
- Sec. 35-431. Seal and journal.
- Sec. 35-432. Notice/publication.
- Secs. 35-433—35-462. Reserved.

Division 15. District No. 23

- Sec. 35-463. Created; boundaries.
- Sec. 35-464. Name and powers.
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- Sec. 35-511. District No. 1.
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- Sec. 35-526. District No. 13.
- Sec. 35-527. District No. 14.
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- Sec. 35-529. District No. 16.
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PRE-PRESS COPY

ARTICLE I. IN GENERAL**Sec. 35-1. Closing, abandoning, revoking dedication of streets, roads.**

(a) *Definitions.* The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Abandonment means any parish road, street or alley, opened or unopened, which cannot or should not be maintained because the expenses thereof cannot be justified or because same is no longer needed for public use. In such a case, the property shall revert back to the property owners on each side of the abandonment from the centerline of the street as prescribed by statutory law.

Closings mean that the street, road or alley or portion thereof is no longer needed for public use at that particular time, upon the review and findings of fact by the parish planning commission and the parish council. Said street, road or alley may be declared private and therefore restricted in use and maintained in common by the private property owners abutting said street, road or alley. Closings may be declared by ordinance for an indefinite period of time or reviewed on an annual basis for reconsideration.

Parish planning commission is an extension of and creation of the parish council, in which said commission initially reviews applications for abandonment, closings or revocations.

Parish road maintenance system, for the purposes of this section, means those roads, streets and alleys which have been placed on a roster or list as adopted by the parish council by ordinance, signifying that said roads, streets and alleys are to be maintained by the parish department of public works.

Revocation means the surrender of any rights, titles and interests by the parish in any public road, street or alley and the improvements thereunto.

Street, road or alley, for the purposes hereof, means any public way set aside for public use and travel which was dedicated to or acquired by the parish to provide means of access to abutting property. It is not necessary that any formal act of acceptance should have occurred, and it is immaterial whether or not said street, road or alley has ever been opened, used or accepted into the parish road maintenance system. For the purposes herein, the terms "street," "road" and "alley" may be used interchangeably.

(b) *Application requirements.* An application must be filed with the department of development to initiate either the closing, abandonment or revocation of any parish street, road or alley. Said application shall contain the following information:

- (1) A cover letter (typed) indicating whom is requesting the abandonment, closing or revocation; the full name, mailing address and phone number of the applicant, and the reasons for submission of an application.

- (2) Notarized letters of no objection (typed) shall be obtained by the applicant from all current property owners whose property abuts the street, road or alley which is intended to be abandoned, closed or revoked. For the purposes of this chapter, the term "abutting" means property immediately adjacent to or at the start or end of.
 - a. Said notarized letters must contain the names and addresses of those property owners whose property abuts the street, road or alley intended to be abandoned, closed or revoked.
 - b. If a notarized letter cannot be obtained from an adjacent property owner for reasons unknown, the parish shall contact said owner to solicit a response as to their failure to submit and sign said letter. If said owner does not respond to the parish solicitation within ten days after being contacted, the applicant shall be released from their obligation to supply said notarized letter of no objection.

However, if the owner does respond and indicates, in writing, that they have or will have a valid use of the street, road or alley that abuts their property; and if the planning commission, upon review of the facts regarding said response is substantiated, said application for abandonment, closing or revocation shall be dismissed from the docket and hence from any further consideration.

- (3) Five blue line or black line prints of a bona fide survey containing measurements, degrees and bearing cells. Inclusive of the plotting of all utilities located on the street must be obtained. Said survey must be certified by a state registered engineer or land surveyor and stamped with an official seal. Signature lines shall be placed on the survey for signatures by and for the parish council president, chairman or secretary of the planning commission, chairman of the public works committee, parish engineer, clerk of court, date and file number.
- (4) A legal description (typed) describing the boundaries of the property to be abandoned, closed or revoked shall be submitted with the required survey.
- (5) Notarized letters of no objection (typed) shall be obtained by the applicant from all utilities whose facilities are located in the parish street, road or alley which is intended to be abandoned, closed or revoked.
- (6) The aforestated application requirements shall be presented to the planning commission for its review and consideration. The planning commission shall make a formal recommendation to the parish council at the earliest practicable date regarding the application request. Should the planning commission recommend closing, abandonment or revocation, same shall be transmitted to the secretary of the parish council for him to initiate the review thereof by the parish council. Should the planning commission deny the application, the same procurement shall apply; however, a vote of two-thirds of the parish council membership (nine votes) shall be required to reverse the recommendation from said planning commission.

(c) *Public notice.*

- (1) Applications which are received for abandonment, closing or revocation shall be advertised in summary form in the official parish journal once a week for three consecutive weeks prior to the meeting of the planning commission, declaring that said property may no longer be needed for public purposes.
- (2) Public notice signs shall be posted on or in the immediate vicinity of the property proposed for abandonment, closing or revocation at least ten days prior to the initial hearing date of the planning commission. Said signs shall contain an accurate statement of what action is being requested as well as indicate the date, time and location of the initial public hearing.

(d) *Ordinance provisions.*

- (1) All streets, roads or alleys declared by the parish governing authority as abandoned, closed or revoked shall be procured by separate ordinance.
- (2) All transfers of real property disposed of by the parish shall include a general provision within the ordinance that all mineral rights shall be retained by the parish, unless otherwise specifically noted within said ordinance by act, agreement of placation.
- (3) The ordinance may include provisions by which the parish shall retain servitudes or easements for future use relative to utilities and drainage.
- (4) The ordinance shall stipulate whether the property was disposed of by a private cash sale or by reversion as prescribed by statutory law.

(e) *Method of disposal of immovable property.*

- (1) *Procurement.* Subsequent to the parish council adopting an ordinance to abandon, close or revoke a street, road or alley as set forth in subsection (d) of this section, the parish may initiate the sale of said property through procurement of the following:
 - a. The parish shall commission an appraisal of the property to be conducted by a certified appraiser to determine the fair market value of said property. An appraiser shall be chosen by the director of the department of development at the applicant's expense. Said applicant shall be required to remit a deposit in the amount of at least \$250.00 in order for the appraisal to be procured.
 - b. After the appraisal has been procured and the fair market value of the property determined, the property shall then be offered for sale to the applicant through means of a private cash sale as permitted by statutory law. All sales of disposed property are final and will become effective upon the recordation of the sale and corresponding ordinance adopted by the parish council.
 - c. The parish president shall have the exclusive authority to execute the sale, transfer or exchange of any immovable property for fair compensation.

d. If the applicant decides not to purchase the property for whatever reasons, the parish council shall rescind their approval for abandonment, closing or revocation by separate ordinance.

(2) *Utility servitude.* All transfers of the real property hereunder, when so ordered, shall reserve a servitude allowing the continued existence, maintenance and operation of any existing electric, gas, telephone and/or cable facilities under terms reasonably accepted to such utility.

(f) *Reversionary rights.* Streets, roads or alleys shall be returned to the applicant free of any encumbrances upon completion of the abandonment, closing or revocation process if one of the following conditions are applicable:

- (1) The property has not been in the control of the parish by either formal or tacit dedication or maintenance for a period of at least ten years; or
- (2) The applicant is the original grantor of the property or one of the heirs or legatees of whom granted said property to the parish for public use.

In the event that subsection (f)(1) of this section is applicable, statutory law requires that property that is revoked shall revert to the present owner or owners of land contiguous thereto, up to the centerline of the property thereof.

(g) *Fees.* A fee of \$150.00 shall be submitted for each application received. A fee of \$125.00 shall be retained by the department of development for administrative and recordation costs and \$25.00 shall be remitted to the designated administrative department to offset the cost of publication.

(Code 1998, § 20-001.00; Ord. No. 295, Bk. 5, P. 26; Ord. No. 81-263, 9-17-1981; Ord. No. 84-45, 3-15-1984; Ord. No. 85-422, 6-20-1985; Ord. No. 87-851, 8-20-1987; Ord. No. 93-1700, 2-18-1993; Ord. No. 94-2025, 7-21-1994)

Sec. 35-2. Cutting or disturbing road surfaces.

It shall be unlawful to cut or disturb parish road surfaces for the purpose of laying gas, water or other pipes, or for any other purpose whatever, without prior approval of the parish council.
(Code 1998, § 20-002.00; Ord. No. 241, Bk. 4, P. 168)

Sec. 35-3. Parish council approval required prior to construction of roads for public use.

It shall be unlawful for anyone to commence construction on any road that may be intended for future unrestricted public use without prior approval of the parish council.
(Code 1998, § 20-003.00; Ord. No. 256, Bk. 4, P. 395)

Sec. 35-4. Road maintenance.

It shall be unlawful for parish forces to perform work within any right-of-way, road, street, etc., that is not a part of the parish selective road maintenance system inventory. In order for the parish council to accept a private road, excluding subdivisions, into the parish selective road maintenance system inventory, same shall be by ordinance and only after the following requirements are met.

(Code 1998, § 20-004.00; Ord. No. 98-2893, 6-18-1998)

Sec. 35-5. Accepting private roads, excluding subdivisions, into the parish selective road maintenance system inventory.

(a) *Initial/preliminary.* A letter must be signed by all of the property owners involved stating their intentions to dedicate and construct a right-of-way to parish specifications. The letter shall be addressed and sent to the parish engineer and shall include the following:

- (1) That the right-of-way to be dedicated shall be a minimum of 60 feet.
- (2) That the right-of-way must serve two or more individual legal parcels of land, defined as follows:
 - a. A road becomes eligible when it serves two or more property owners. A property owner is not served by a road if there are no entrances to his property from subject road. An entrance onto the properties must exist and be used on a continuing basis by the property owners.
 - b. That applicant agrees to comply with all the parish, state and federal laws.
 - c. That the roadway will be constructed to parish standards and the surface shall be consistent with that of the public road off which it runs, as follows:
 1. Roadway construction shall conform to the standards established as per the State of Louisiana Department of Transportation and Development Standard Specifications for Roads and Bridges (Silver Book, 1992 edition, or latest edition thereto).
 2. Minimum right-of-way standards shall include a width of 60 feet and a road surface width of 20 feet with four foot shoulders and ditches at 3:1 slope grade.
 3. The road base shall consist of a minimum of six inches of sand-clay-gravel or an approved equivalent, and a surface treatment minimum of four inches of gravel for gravel roads, and a minimum of two inches of asphaltic concrete for hard-surfaced roads, depending upon test results.
 4. The test of base materials must indicate 95 percent Standard Proctor or better.

5. U.S. Army Corps of Engineers wetlands approval must be obtained either by a letter from the Corps stating that the right-of-way is not subject to jurisdictional wetlands requirements or by the applicant's submission of an approved section 404 permit and/or an approved section 10 permit.
6. A survey plat and process verbal legal description for the right-of-way.
7. Documentation for drainage and road design with soil borings must be submitted for review and supplied by a licensed civil engineer.
8. Must indicate if land clearing is required. If required, all vegetation, tree stumps, and organic matter must be removed from the site.
9. The applicant shall be required to submit a traffic signage plan for the purpose of providing proper traffic signage. Traffic signage plan specifications shall be in accordance with street identification and traffic control signs; installation regulated, as depicted in the supplemental section of the parish subdivision Ordinance No. 499, and all signs must be in place prior to obtaining final approval.
10. The applicant shall submit a "Naming of Road Form" (attached) indicating three choices of road names, the same of which must be approved by the 911 Addressing Office.

(b) *Construction.*

- (1) Upon receipt of the letter of intent and support documentation to the department of engineering, same shall be reviewed and if acceptable, a work order will be issued to begin construction.
- (2) Responsibility for on-site inspection shall be that of the applicant to retain a registered civil engineer, to provide for on-site inspections and observation during all construction activities, including those contingent herein and drainage. Said engineer shall provide periodic inspection reports to the department of engineering for review and filing. These inspection reports are required on a weekly basis. The engineer is to advise the department of engineering whenever major phases of the work commences, so that parish inspectors may observe as necessary.

(c) *Final acceptance.*

- (1) *Warranty obligation.* Upon completion of all construction activities and a final inspection of the department of engineering, the governing authority may impose on said streets sought to be accepted into the parish selective road maintenance system a maintenance (warranty) letter of credit which shall be in an amount to be fixed by the governing authority based on the recommendation of the parish engineer and shall be of a term of not less than one year.

- (2) *Required funds.* Upon the setting of the warranty obligations by the governing authority, the applicant shall place the required funds or other sureties with the department of finance.
- (3) *Amount of warranty.* The amount of the warranty obligations set by the department of engineering shall be based on the standards established in section 40-071.01 warranty and performance obligations, subdivision regulatory Ordinance No. 499. The warranty obligation will be released by resolution of the governing authority upon satisfactory inspection by the department of engineering and submission of the following documents by the applicant.
- a. A notarial act of dedication shall be signed by each person who wish to dedicate to the parish the portion of the right-of-way that crosses their property. Said act shall be prepared in a legally binding format by a notary public and submitted to the department of engineering.
 - b. A title insurance policy in favor of the parish on the caption of the property to be dedicated.
 - c. A survey and process verbal legal description of the right-of-way to be dedicated, prepared by a state licensed surveyor, must be provided to the parish.
- (d) *Inclusion into parish selective road maintenance system inventory.*
- (1) Upon the release of the warranty obligation, the department of engineering shall inform the department of public works that said right-of-way meets parish road specifications.
 - (2) The department of public works shall create an ordinance for the governing authority to adopt accepting said right-of-way into the parish selective road maintenance system inventory.
 - (3) Upon the adoption of the ordinance by the governing authority, the parish shall assume full ownership and responsibility for the right-of-way and the applicant shall be released from any further obligations, requirements or conditions.
- (e) *Exemption.* Any provision herein may be waived by a two-thirds vote of the governing authority provided that the applicant submits documentation adequate to support the request for waiver.
- (Code 1998, § 20-004.01)

Sec. 35-6. Tacit dedications of roads/streets.

(a) Tacit dedication as defined in R.S. 48:491(B) is quoted, "All roads and streets in this state which have been or hereafter are kept up, maintained, or worked for a period of three years by authority of a parish governing authority within its parish . . . shall be public roads or streets, as the case may be, if there is actual or constructive knowledge of such work by adjoining

landowners exercising reasonable concern over their property." As of 1984, the parish council has not authorized maintenance on any road not listed in the selective road maintenance system. An Attorney General Opinion given in 1984 states that whether a road is a public road cannot be determined by listing the users. Example: A private drive does not become a public road simply because it is used by mail carriers, school busses, etc. A road becomes eligible when it serves two or more property owners. A property owner is not served by a road if there are no entrances to his property from subject road. An entrance onto the properties must exist and be used on a continuing basis by the property owners. No employee of the parish has the authority to maintain any road not currently in the maintenance system.

(b) As of June 30, 1989, all roads listed in the parish selective road maintenance system inventory and listed on the road inventory are designated as public roads. Any road petitioned for acceptance after this date, be they expressed or implied (Tacit) dedication, will conform to this policy.

(Code 1998, § 20-004.02; Ord. No. 89-1133, 8-17-1989; Ord. No. 98-2893, 6-18-1998; Ord. No. 99-3180, 10-21-1999)

Sec. 35-7. Culverts.

(a) *Definitions.* The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Culvert means a device, of whatever shape or contour, designed to be covered with earth, shell, gravel or any overlay of whatsoever nature or kind, the purpose of which, in size, diameter and strength is to provide safe traverse thereover and to accommodate drainage, natural or dedicated, with the least impedance thereto.

Department of engineering means the said department in the parish as presently created, or as hereafter may be reorganized, merged or consolidated and any successor parish agency thereto.

Drainage includes flow areas or ditches, be they natural or dedicated.

Drive-in theater means an outdoor theater with an outdoor screen which provides for ingress and egress from a parish roadway.

Entrances which generate heavy traffic, includes, but is not necessarily limited to, such commercial or noncommercial establishments, amusement parks, and/or buildings and/or ventures which generate vehicular traffic of such high proportion and count that the entry to or exit from same constitutes traffic hazards, dangers or slowdowns.

Exemption or *exempted* includes any person or installation to which this section does not apply; provided, however, that this section shall not be construed to relieve or release any person from driveway permit requirements under state law as pertains to installations for ingress or egress to state highways or state roads.

Gas station includes any site where fuel pumps or islands containing such fuel pumps are used or employed to sell or dispense gas, oil, lubricants, liquid or bottled, at wholesale or retail.

Grade means that incline or slant longitudinally or latitudinally, as determined by a transom or other device to allow for ramp purposes as well as to ensure the flow of water in the ditch which is traversed; for the purposes hereof, it shall further include the depth at which the culvert is to be installed.

Person includes any individual or individuals, and any firm, association, partnership or corporation, or any legal entity.

Road includes any highway or street in the parish road maintenance system whether paved, improved or unimproved. The term "road" includes dedicated rights-of-way for proposed and/or future roads.

Special purpose includes any need for construction which allows for housing or enclosures requiring a culvert necessary to provide for the flow of water.

Store includes any wholesale or retail commercial establishment offering any commodity or wares for sale, or which may be dispensed therefrom with or without charge.

(b) *Permission for culvert and driveway required if private property to be connected to parish road.* In all cases where a culvert is to be installed and/or a driveway constructed between private property and a parish owned and/or parish maintained roadway, application for approval of the driveway shall be submitted to the department of engineering who shall determine that the driveway meets current roadway and traffic safety standards and conforms to existing drainage requirements for the area. A violation of this provision shall be deemed a public safety hazard and, in addition to any other enforcement actions and/or penalties, the parish has authority to institute appropriate and immediate court proceedings to restrain, correct or abate such violation through the issuance of a temporary restraining order and in due course, a preliminary and permanent injunction.

(c) *Exemption.* The department of engineering review of culvert verification under the parish building permit process shall suffice in lieu of this requirement.

(d) *Installation standards and specifications.* All culverts shall be purchased and installed by the landowner or person required to install same in conformity with the following:

- (1) The driveway or approach is for the bona fide purpose of securing access to private property and is not for the purpose of parking or servicing vehicles on the road shoulder or right-of-way.

- (2) All driveways, approaches or other improvements on the right-of-way, after having been constructed, shall at all times be subject to inspection and the right is reserved to require such changes, additions, repairs and relocations to be made as may at any time be considered necessary to permit the relocation, reconstruction, widening and maintaining of the highway and/or road and/or to provide proper and safe protection to life and property on or adjacent to the roadway; that the cost of making such changes, additions, repairs and relocations shall be borne by the property owner.
- (3) No driveway, approach or other improvement constructed on the right-of-way shall be relocated or its dimensions altered without the written permission of the department of engineering.
- (4) The property owner agrees to hold harmless the parish, the department of engineering, and its duly appointed agents and employees against any action for personal injury or property damage sustained by reason of the exercise of this section.
- (5) The location, design and construction of the driveway described above shall be in accordance with the following rules and regulations:
 - a. The frontage of any parcel of property adjacent to a public road shall be considered to be confined between lines drawn from the intersection of the property lines with the right-of-way lines of the road to the roadway surface or to the curbing, if any, and perpendicular to the axis of the road; or if the axis is a curve, to the center of curvature; or a combination of the two. Those lines shall be known as boundaries.
 - b. Generally no more than two combined entrances and/or exits shall be allowed any parcel of property the frontage of which is less than 200 feet. Additional entrances or exits for parcels of property having a frontage in excess of 200 feet shall be permitted only after showing of actual convenience and necessity. When frontage is 50 feet or less, only one combined entrance and exit shall be permitted.
 - c. All culverts positioned within the drainage system shall be constructed of concrete, bituminous coated corrugated metal (16 gauge minimum) or plastic in accordance with Louisiana Department of Transportation and Development Standard Specifications for Roads and Bridges (Silver Book, 1992 edition or latest edition thereto).
 - d. The minimum length of any culvert installed shall be as follows:
 1. Residential—20 feet;
 2. Commercial—30 feet.
 - e. Any culvert installed shall be required to provide an adequate turning radius to protect the integrity of the culvert and drainage structure.

- f. The area between driveways shall remain unimproved and open for drainage flow. This area shall be considered restricted and may be filled only as hereinafter provided.
- g. The distance between the inner edges of entrance and exit shall be not less than ten feet where they intersect either the right-of-way line or the road surface.
- h. No entrance or exit shall be so constructed that any part of such entrance or exit shall be less than five feet from the boundaries as defined above.
- i. The grade of entrance and exit shall slope downward away from the road surface at a rate of not less than one-quarter inch in one foot or not more than one inch per foot for a distance of not less than ten feet; provided that, when curbing or curb and gutter is removed, the entrance and exit shall be constructed of concrete and the grade of entrance and exit shall conform to the grade of sidewalks, if any, and a neat junction between the apron of the entrance and exit and the sidewalk shall be made. The curbing shall be returned into the entrance and exit on a radius of not less than three feet nor more than 15 feet.
- j. The construction of parking areas on the road right-of-way is specifically prohibited. Those places of business requiring parking space for their customers shall provide same on their own premises.
- k. No driveways parallel to the road shall be constructed on the right-of-way in front of gasoline pumps or other structures requiring an outside drive. Such pumps and structures are to be located a minimum distance of ten feet from the right-of-way line in order that the outside drive shall not encroach on the right-of-way. (A 15-foot setback is recommended.)
- l. Drainage in highway side ditches shall not be altered or impeded and the applicant must provide, at his expense, suitable and approved drainage structures at entrances and exits.
- m. The same material may be used for driveways that is used to surface the premises unless the character of traffic or adjacent improvements require concrete.
- n. All entrances and exits shall be so located that vehicles approaching or using them will be able to obtain adequate sight distance in both directions along the road in order to maneuver safely and without interfering with traffic.
- o. No entrance or exit at the intersection of two parish roads shall be within the area between lines drawn perpendicular to the centerline, or axis, of the road from points on the right-of-way lines, a distance of 25 feet from the intersection of said right-of-way lines; provided that this distance may be reduced at the discretion of the department of public works to 15 feet in the case of a roadway intersecting a street; further provided that no part of any entrance or exit be within the radius of any intersecting highway or street; further provided that at intersections where

additional right-of-way has been secured for the roadway back of the prolongation of the normal right-of-way lines in order to provide for the channelization of traffic, or more adequate sight distance, no part of any entrance or exit shall be permitted to encroach on such additional right-of-way. The areas described above shall be considered as restricted and may be filled only as hereinafter provided.

- p. No entrance or exit at or near a roadway intersection where one or both of the roadways has a median divider or neutral ground, at crossings in esplanades, at bridges or other points of special hazard, shall be so located that any part of such entrance or exit shall be within the following restricted areas:
 - 1. Those portions of the right-of-way shown as restricted areas on the department of engineering (or state highway department) standard drawings of approaches and restricted areas which may be secured by a person at his expense as required.
 - 2. Those portions of the right-of-way that, because of their proximity to special traffic facilities, any entrance or exit constructed thereon would, in the opinion of the department of engineering, constitute an undue delay and confusion.
- q. The area between entrance and exit, and those portions of the right-of-way which have been defined hereinabove as restricted areas, may be filled in only when the following requirements have been fully complied with, and upon adoption of a resolution by the governing authority.
- r. Letter addressed to the parish engineer requesting permission to enter the parish right-of-way for the purpose of installing subsurface drainage.
- s. Drainage design of the subsurface system certified by a licensed state-registered engineer. The following design criteria must be satisfied:
 - 1. Drop inlets must be constructed for every 50 feet of pipe.
 - 2. Largest pipe that can fit in existing ditch must be used for design, including the driveway culvert.
 - 3. Surface drainage shall be provided so that all surface water on the filled-in areas shall be carried away from the roadbed in a suitable manner. The drainage opening underneath the filled-in area shall be adequate to carry the water in the roadway side ditches.
 - 4. Elevations, top of casting and pipe inverts must be shown on the drawings to demonstrate compliance with the given design criteria.
- t. Signed and notarized hold harmless agreement.
- u. Copy of liability insurance coverage naming the parish as an additional insured party.

- v. Data relative to the proposed location, relocation, design and construction of driveways as may be required by the department of public works shall be furnished by the applicant. The applicant shall make any and all changes or additions necessary to make the proposed driveways or approaches satisfactory to the said department.
- w. Signing for warning and protection of traffic in instances where excavations are made in the shoulder of the roadway, or in the roadway surfacing, or where workmen, equipment or materials are in close proximity to the roadway surfacing, shall be in accordance with requirements set forth by the Louisiana Department of Transportation and Development (LA DOTD) Manual on Uniform Traffic Control Devices (MUTCD).
- x. Drive-in theaters and other enterprises which generate heavy traffic:
 - 1. All applications for entrance and exit facilities to drive-in theaters, as well as to any other enterprise which generates a heavy concentration of traffic, shall be accompanied by a plan drawing and an area sketch drawn to scale.
 - 2. The position of the screen is to be such that the picture is not visible from the main roadway.
 - 3. The ticket office is to be located so as to provide a storage area between it and the right-of-way line for an equivalent of 15 percent of the rated vehicle capacity of the theater. The total storage area inside and outside of the ticket office shall be the equivalent of 30 percent of the rated vehicle capacity of the theater. The parking or storage of vehicles on the road or within the limits of the road right-of-way will not be permitted.
 - 4. The entrance and exit shall be clearly defined by signs installed off the road right-of-way.
 - 5. Manual control, either by deputized officers of the sheriff's department or by theater personnel off the roadway, shall be used at the exits to regulate traffic when the theater is emptying. Undue delay to through traffic on the road will not be permitted.

(e) *Exemptions.*

- (1) The parish and/or its contractors or assigns may remove and/or replace culverts in association with a drainage and/or road project.
- (2) When initiated by a property owner outside of a drainage and/or road project, the parish's department of public works may install an owner-provided culvert; provided, however, that the department of public works has satisfactorily determined that the department's installation of the culvert benefits the public drainage. The property owner shall supply an applicable culvert at owner's expense. The department of public

works will install the owner-provided culvert and cover same with aggregate when scheduling allows and in conjunction with other maintenance to be undertaken in the subject area. Any necessary cuts to a hard surface (i.e., concrete, asphalt) to install the culvert may be performed by public works and replaced with aggregate (i.e., crushed rock, gravel). Otherwise, the owner is responsible for replacement and/or repair of hard surfaces.

(f) *Interpretation.*

- (1) Nothing herein shall be construed to create, cause or place in the parish, nor in any of its officials, agents, servants or employees, any liability or responsibility for any claim for personal injury or property damage or whatsoever, save and except as a direct result of their actionable negligence.
- (2) Nothing herein shall be construed as estoppel or prohibition against any removal or realignment of any culvert installed hereunder as may be from time to time required by the parish; nor shall same prevent, release, prohibit or hinder any action by the parish which may be required to enforce the provisions of this section, or as same may be hereafter amended, or for any injunctive relief or damages and costs.
- (3) Any installation which is ordered to be removed or realigned by the parish engineer shall be at the sole expense of the property owner or the person installing same, or to their successors in title and any, each, and every culvert installation, whether or not a permit is required, shall be at the sole risk of the property owner or installer. This removal or realignment shall include repair of any damage or disturbance caused to the road ditch or shoulder.

(g) *Violations; penalties.*

- (1) It shall be unlawful and shall constitute a misdemeanor punishable as is included in section 1-9, and each and every day of violation shall constitute a separate offense, to violate any of the provisions of this section.
- (2) It shall be similarly unlawful and punishable for any parish employee to singularly or in concert with others violate or aid and abet or conspire with any other person to violate any of the provisions hereof. It shall also be illegal for any parish employee to specify or direct any person installing culverts to a particular manufacturer, retailer, wholesaler or installer of culvert, pipe, and/or surface materials; or to use parish equipment or materials in the preparation for, installation of, or surfacing of culverts other than that required in performance of their inspection duties.
- (3) Additionally, any parish employee who violates any of the provisions hereof shall be subject to dismissal from parish employment.

(Code 1998, § 20-005.00; Ord. No. 98-2893, 6-18-1998; Ord. No. 99-3069, 5-20-1999; Ord. No. 16-3589, 9-1-2016)

Sec. 35-8. Obstruction of roads or bridges.

(a) It shall be unlawful for any person to place, load or unload, pile or stack, any wood, logs, timber, concrete washout, building debris, fill, gravel, sand, port-o-lets, dumpsters, equipment, fences, plant vegetation, or other obstruction upon the shoulder, ditch, or road or bridge, or any part of the parish roads or bridges or to obstruct in any other manner any parish road, bridge, shoulder or drainage structure.

(b) In addition to any enforcement actions established by this Code, the parish has the authority to take any administrative action necessary, inclusive of placing holds on building permits and/or inspections, to rectify the violation and obtain restitution for same.

(Code 1998, § 20-006.00; Ord. of 7-10-1900; Ord. of 12-8-1925; Ord. No. 96-2500, 9-19-1996; Ord. No. 98-2903, 6-18-1998)

Sec. 35-9. Trees.

It shall be unlawful for any person, except duly authorized agents or employees of the parish to cut or deface any shade trees which are located upon the rights-of-way of public roads.

(Code 1998, § 20-007.00; Ord. of 5-8-1923)

Sec. 35-10. Live oak trees protected.

(a) *Prohibited.* It shall be unlawful for any person to cut, trim, remove, damage or deface any live oak tree, which has a circumference of 18 inches or larger when measured three feet from the ground, located on parish property or within parish rights-of-way, without first obtaining the consent and approval of the director of the parish department of public works. The director shall respond to any request within five working days. Upon receipt of said consent and approval, any trimming, maintenance, or removal of live oak trees (as specified above) shall be performed under the supervision of a professional licensed arborist. In the event of an emergency, a written statement outlining the reasons contributing to such situation shall be furnished to the public works director within 72 hours of any action taken.

(b) *Exemption.* Exempt herefrom are duly authorized agents, official and employees of parish, state or federal agencies engaged in the pursuit of their duties, or those individuals assigned to provide protection for the citizens of this parish.

(c) *Violation; penalty.* Any violation of this section shall constitute a misdemeanor punishable in accordance with section 1-9.

(Code 1998, § 20-007.01; Ord. No. 92-1599, 5-21-1992; Ord. No. 98-2893, 6-18-1998)

Editor's note—New section 35-10 added under the authority of Ordinance No. 92-1599, adopted 5-21-1992.

Sec. 35-11. Fishing from specific bridge prohibited.

Fishing from the bridge crossing Doubloon Bayou on Peterson Road in Ward 8 is hereby prohibited. Signs shall be posted on both ends of such bridge stating "No Fishing From Bridge".

(Code 1998, §20-008.00; Ord. No. 697, 2-17-1977)

Sec. 35-12. Naming or renaming streets.

(a) *When allowed.* Street names and name changes in the unincorporated areas of the parish may be initiated in the following manner:

- (1) By application of a developer or subdivider to the planning commission under the subdivision review process.
- (2) By submission to the parish Communications District No. 1 of a request from the department of public works.
- (3) By a petition to the parish Communications District No. 1 signed by at least 50 percent plus one of the property owners owning or fronting the public or private street.
- (4) By request of the parish Communications District No. 1.
- (5) The director of the department of public works shall be allowed to make administrative road name changes to the parish road inventory that only involve correcting a misspelled name or typographical error to conform same with the name reflected on the parish wide 911 map.

(b) *Street name criteria.* All street names shall conform to all policies and rules hereafter established and to the following street name criteria:

- (1) Requests to change the name of a public or private street, road, or thoroughfare shall be considered only in its entire length.
- (2) Street names shall not be duplicated for private or public street right-of-way. Spelling differences on similar sounding names do not remedy duplication.
- (3) Suffixes such as drive, road, parkway, avenue, court, loop, circle, etc., do not remedy duplication. Directional prefixes and suffixes may be allowed and will remedy duplication, however, such streets must have a common alignment.
- (4) Private street name signs shall be identical to public street name signs, except for color as follows:
- (5) The parish Communications District No. 1 will maintain a parish wide map of all road names which shall coordinate with the U.S. Postal Service, city municipal address maps and the parish road inventory (for public maintained roads only).

- (6) Streets or roads may be "offset" or "jog" with the same name provided the "jog" or "offset" is not more than 125 from centerline to centerline.
 - (7) Existing street names must be used in those instances where a new street is a direct extension of an existing street or logical extension thereof.
 - (c) *Submission contents.* All submissions for street name changes shall contain the following:
 - (1) The location of the street to be named/renamed;
 - (2) The current name, if any;
 - (3) The proposed name;
 - (4) The names and addresses of all abutting property owners, on "Property Owner Certificates" obtained from the parish assessor, must be provided by the applicant;
 - (5) The appropriate signatures of the property owners;
 - (6) The required filing fee if established in this section, parish fees and service charges.
 - a. Requests and resolutions shall be submitted to the department of development addressing the coordinator, who shall also verify that street names within subdivisions are in compliance with the above criteria.
 - b. Requests will be reviewed and forwarded with support documentation, with specific emphasis on whether a conflict exists to the parish Communications District No. 1 within 30 days.
 - c. The parish Communications District No. 1 will review the request at its next regular meeting and forward its recommendation to the governing authority for adoption of an ordinance to implement the change.
 - d. The district shall have the right to recommend the rejection of any name change request which is not in the best interest of providing emergency services to the parish.
 - e. Upon adoption of the ordinance, all relative maps and data files will be adjusted to reflect same and the department of public works will post signs accordingly on those roads under its jurisdiction.
- (Code 1998, § 20-009.00; Ord. No. 81-264, 9-17-1981; Ord. No. 84-105, 5-17-1984; Ord. No. 84-210, 9-20-1984; Ord. No. 92-1547, 1-16-1992; Ord. No. 98-2893, 6-18-1998; Ord. No. 99-3041, 3-18-1999; Ord. No. 99-3116, 7-15-1999)

Sec. 35-13. Location/placement of public and private utilities in parish rights-of-way relative to new developments/subdivisions and relocation of existing utilities.

(a) *Regulated.* All public and private utility equipment and collection and/or distribution lines shall be located as detailed in attachment A to this section. Note: Attachment A is on file with the original ordinance in the office of the clerk of the parish council.

(b) *Exemptions.* Any deviations/exemptions from the prescribed standards must be approved prior to construction and/or installation by the parish engineer, or his designated representative. Exemptions shall be allowable for subdivisions of record.

(c) *Violations.* Any individual, corporation, their agents and/or contractors not conforming with the provisions of this section shall be subject to the penalty provisions as herein contained. Each day's offense shall be construed to be a separate and individual offense.

(d) *Enforcement.* The enforcement responsibility of the provisions of this section shall reside with the department of public works.

(e) *Penalties.* Violation of this section shall constitute a misdemeanor punishable under the provisions of section 1-9. Each day of violation shall constitute a separate offense. (Code 1998, § 20-010.00; Ord. No. 85-364, 3-21-1985)

Sec. 35-14. Procedure for placement of public and private utilities in parish rights-of-way

(a) *Part 1.*

- (1) The purpose of this section and sections 35-16 through 35-23 shall be to establish the procedure for placement of public and private utilities within parish rights-of-way, proposed parish rights-of-way, or waterways, as well as the notification process for same. The term "utility" shall be generally defined and considered in its most common sense definition as any business enterprise, service or related activity which affects the public interest. It is further understood that for the purpose of this section, the following list is merely illustrative and not intended to be exhaustive: cable TV, video services, information services, data services, internet services and technological services shall be considered a utility and, as such, shall be bound by the guidelines of these sections, together with any other applicable provisions of this Code.
- (2) The parish, through its appropriate departments, may establish additional procedures and guidelines necessary to place into effect the purpose of this chapter.
- (3) The parish may establish an application process for requests to enter rights-of-way and waterways to include, but not limited to: proposals for installation of towers, equipment, cable, fiber and such related equipment or materials; schematic drawings; surveys; title examination/proof of insurance/ownership information; as-built drawings; site plans; wetland determinations; environmental assessments.
- (4) The application may include, but is not limited to, the following information: a written request for permission to enter the right-of-way, including the purpose of the request; ownership information; right-of-way dedication; wetlands determination and/or wetlands permit from the U.S. Corps of Engineers and other respective environmental

agencies; a site plan of applicant's property with relationship to the proposed structure or structures and the parish road right-of-way and any other servitudes, both public and private.

- (5) The parish is also empowered to impose and assess certain requirements, including, but not limited to, additional right-of-way dedication or donation; creation of additional servitudes; hold harmless/indemnity agreements; proof of liability insurance; proof of the parish named as an additional-named insured; letters of credit; proof of performance bonding; maintenance agreements; responsibility for costs of relocation of utilities; engineering services; permits; and the like.
 - (6) The parish shall have the right to review, approve and/or reject any plan submitted to the parish.
 - (7) Should any provision of this section conflict with a valid franchise agreement between the utility and the parish government, the franchise agreement shall prevail.
 - (8) Notwithstanding the fact that a utility shall comply with the provisions of this section, utilities providing services to the parish residents shall enter into a franchise agreement with the parish for the use of the rights-of-way for the provision of services, unless directly prohibited by law.
- (b) *Part 2.*
- (1) Further, except as provided in section 35-27(c), installation of underground utilities shall not include central water and community sewerage in those cases where the department of engineering and department of environmental services has determined that such installation is not warranted due to nonexistent community or regional sewerage or water facilities.
 - (2) Any other provision notwithstanding, all new subdivisions, and any "dormant subdivision" or "subdivision of record" where a developer applies for permission to enter the parish right-of-way for the purpose of gaining access to property pursuant to the provisions of section 35-27, must have utilities installed underground and conform to all other requirements of sections 35-14 through 35-28.
 - (3) Waiver of regulation. Cases may occur where the installation of underground utilities cannot reasonably be complied with without causing undue hardship. If the developer or property owner of record reasonably believes that he cannot comply with the provision requiring the installation of underground utilities, he may make a request in writing to the chairperson of the planning commission, stating that he is requesting a waiver of the provision requiring the installation of underground utilities and set forth the specific reasons therefor. The planning commission may grant such waiver as it deems proper by a resolution adopted by not less than a two-thirds majority affirmative vote of the planning commission membership. Such approved waiver shall be filed with

the director of the department of public works, director of the department of engineering and director of the department of development and will be so noted in the files. (Code 1998, § 20-010.01; Ord. No. 90-1288, 6-21-1990; Ord. No. 90-1331, 9-20-1990; Ord. No. 06-1223, 1-5-2006)

Editor's note—New section 35-14 created under the authority of Ordinance No. 90-1288, adopted 6-21-1990 and amended by Ord. No. 06-1340, adopted 7-6-2006.

Sec. 35-15. Notification of parish officials.

(a) *Notification.* All utility companies shall be required to notify the division of utility regulation and enforcement of the department of public works, in writing, 48 hours prior to entering any parish right-of-way for the purpose of installing and/or repairing any utility. If the parish is equipped to be notified through the DOTTIE System, notification through same shall suffice.

(b) *Written notification requirements.* Written notification shall include, but not be limited to, the following information:

- (1) Company name;
- (2) Subcontractor, if applicable;
- (3) Parish road name;
- (4) Location of work;
- (5) Date work to be done;
- (6) Description of work to be done; and
- (7) Estimated completion date, if requested.

(c) *Emergency notification.* In the event of any emergency, it shall be the responsibility of the utility company to notify the division of utility regulation and enforcement of the department of public works within three working days after such emergency. Notification of emergency work shall include all information listed above.

(d) *DOTTIE Notification.* It is expressly understood that notification to the division of utility regulation and enforcement of the department of public works does not relieve the utility company of their obligation to notify DOTTIE of any activity within the right-of-way.

(e) *Exception.*

- (1) Notification shall not be required for the installation or repair of aerial lines, excluding vertical structures and support poles. However, it shall be incumbent upon the utility company performing such work to notify the division of utility regulation and enforcement of the department of public works of any damage caused to the road or drainage

structure within three working days. In the event that damage is caused and notification is not received as specified above, penalties shall be assessed beginning on the fourth day.

- (2) Notification shall not be required for sewer and water taps on the backside of the ditch that are clearly outside of the drainage and roadside structure, and would not impair the flow line of the ditch or enter the road bed itself. However, proper backfill is still required.

(Code 1998, § 20-010.02; Ord. No. 90-1288, 6-21-1990; Ord. No. 90-1331, 9-20-1990)

Editor's note—New section 35-15 created under the authority of Ordinance No. 90-1288, adopted 6-21-1990.

Sec. 35-16. Location and placement.

(a) *Collection and distribution lines.* Except as otherwise provided in subsection (c) of this section, all public and private utility equipment and collection and/or distribution lines shall be located as detailed in attachment A of Ordinance No. 90-1331, as well as in accordance with the requirements listed below:

- (1) It shall be unlawful to cut any parish roadway for the purpose of installing any utility. When crossing lanes, utilities shall be bored or jacked and installed through a casing in accordance with LDOTD (Louisiana Department of Transportation and Development) specifications, as follows:
 - a. High pressure transmission lines shall be a minimum of 72 inches below road crown.
 - b. All other lanes shall be a minimum of 36 inches below the road crown, or a minimum of 24 inches below the ditch bottom, whichever is deeper.
- (2) All underground utilities paralleling lanes shall be a minimum of 24 inches below the surface or invert of ditch, whichever is deeper. Exception: Telecommunication and cable TV service lines may be buried a minimum of eight inches below the back side of the ditch only. This exception is conditioned upon and shall apply to a utility company only if the parish receives a hold harmless agreement from that utility company and that same is approved by the division of utility regulation and enforcement of the department of public works. Said agreement shall hold the parish, its employees, as well as any person performing work for the parish, harmless for any damage caused to these lines, as well as, any cost incurred for same.
- (3) All utilities paralleling lanes shall be placed on the back side of the ditch as shown on attachment "A" of Ordinance No. 90-1331.
- (4) Trenches shall be backfilled and tamped or compacted with acceptable materials in accordance with LDOTD standards (Gold Book) and shall be maintained as required.

- (5) Except as otherwise provided hereinbelow, after August 15, 2008, with the exception of utility poles, placement of new above ground utility housing structures larger than three cubic feet is prohibited within the parish rights-of-way.

(b) *Utility structures less than three cubic feet.* Above ground structures less than three cubic feet in size shall be no more than two feet from the rights-of-way line and shall not obstruct rights-of-way maintenance, ingress and egress to property or traffic. The proposed placement of structures less than three cubic feet in size in the right-of-way of a tacit dedication or in any right-of-way less than 50 feet wide shall be submitted to the department of engineering and shall be subject to the review and approval by the director of the department of engineering.

(c) *Structures three cubic feet to 45 cubic feet.* The location and placement of utility structures in the parish right-of-way that are more than three cubic feet, but less than 45 cubic feet in size may require the approval of the planning commission, following a public hearing for that purpose, and in all cases shall be subject to the following requirements. Individual structures greater than 45 cubic feet are prohibited. For purposes of this chapter, the term "utility structure" means the utility cabinet housing the equipment.

- (1) *Permit.* The procedure and standards for granting permission to enter parish right-of-way for gaining access to property shall be applicable to the extent that such procedures and standards are not inconsistent with the provisions of this section, which shall be controlling. The applicant shall file an application and the following documents with the department of development. The department of development shall promptly submit a copy thereof for review and recommendations by the department of public works and department of engineering. Application and construction work drawings are also required to be submitted to the department of permits for the issuance of a building permit, which may be done at the same time that the below required documents are filed with the department of development. However, a building permit shall not be issued until the application has received administrative approval from each department or the application has been approved by the planning commission. In the event of an appeal from the planning commission to the parish council, the final approval shall be that of the parish council:

- a. A site plan for the installation and placement of the particular utility structure, which shall include the following specifications: the overall dimensions/measurements of the utility cabinet/equipment housing and foundation; the proposed location of the installation within the right-of-way, providing measurements of the distance of the foundation from the back of the ditch along the right-of-way, from the edge of the paved or gravel surface of the roadway, from the property line abutting the right-of-way, and the nearest side lot line of the property abutting the right-of-way. Where the structure is proposed to be located within 200 feet of an intersecting road or right-of-way, measurements of the distance from the inter-

secting road or right-of-way shall also be provided; any additional information determined to be necessary by a parish department charged with review and approval of the application and plans.

- b. A photograph of a prototype of the utility structure to be installed, a photograph of the proposed site on the right-of-way that also depicts any intersecting road or right-of-way within 200 feet, and a photograph of the abutting property.
- (2) *Criteria.* The following criteria shall be applicable to the review and approval required by this section for installation of a utility equipment structure:
- a. The extent of the parish's right-of-way must be of sufficient width behind any existing roadside drainage ditch to allow for the installation of the utility equipment structure in accordance with the below criteria and in consideration of the relocation requirements of subsection (c)(4) of this section;
 - b. The installation and placement of the utility equipment structure shall not obstruct or impede drainage in any roadside ditch or other drainage feature and shall not interfere with the parish's maintenance thereof;
 - c. The installation of a utility equipment structure cannot be made to fit within a parish right-of-way by means of installing a culvert in the roadside drainage ditch and installing the utility structure over any part of the culvert. Such an installation is strictly prohibited;
 - d. The installation and placement of the utility structure shall not obstruct the sight line of a vehicle attempting to enter or exit a road from an intersecting road or a private driveway and shall not otherwise interfere with the safe movement of traffic on such road or at such intersection;
 - e. The installation and placement of the utility structure shall not obstruct or interfere with the parish's maintenance of the right-of-way. To ensure that the structure does not interfere with the parish's maintenance of the right-of-way, and to mitigate the potential for damage to the utility structure by parish maintenance equipment, the following criteria shall be applicable:
 - 1. Considering such factors as public safety, drainage and right-of-way maintenance, the extent of the available right-of-way, the necessity for locating the structure next to an existing utility structure or equipment, and the proximity of a less obtrusive, but equally viable alternative site, the utility structure shall be located at a point on the right-of-way nearest to the side lot line of the private property it is located in front of.
 - 2. Considering such factors as public safety and the extent of the available right-of-way in relation to the abutting property line and roadside drainage ditch, a maintenance perimeter of at least 30 inches, but not more than 60 inches, shall be required around the utility structure's foundation. The

maintenance perimeter may be established as a maintenance free perimeter made of concrete, asphalt, other impervious material or such other material that will inhibit plant growth. Such perimeter must be level with the immediately surrounding surface of the right-of-way maintained by the parish.

3. When the operation of the utility equipment in the structure that is proposed to be installed necessitates that it be located near another utility structure, the structure to be installed should immediately abut the existing utility structure/equipment and a 30-inch maintenance perimeter provided around both structures as if a single utility structure. If the two structures are separated, an appropriate maintenance perimeter is to be provided around both structures.
 4. In lieu of the maintenance free perimeter referred to hereinabove, a landscaping perimeter may be required upon consideration of the existing landscaping and aesthetics of the surrounding area.
 - f. Should advances in technology permit the use of utility equipment in a smaller utility cabinet/structure, the larger cabinet/structure is to be replaced with a smaller cabinet/structure whenever the equipment being housed in the larger cabinet/structure is to be replaced with the more advance equipment that can be housed in a smaller cabinet/structure. If the equipment ceases to be used for the purposes for which it was installed, the equipment and structure, including foundation, shall be promptly removed, and the right-of-way restored to the condition of the surrounding area of the right-of-way, at the expense of the utility company responsible for its installation or its successor.
- (3) *Post installation maintenance of perimeter.* The utility company owning and/or maintaining the utility equipment following the installation of the structure housing the equipment shall be responsible for maintaining the perimeter area that is established around the structure.
- a. Where landscaping is installed in the maintenance perimeter, the utility company shall be responsible for maintaining the landscaped perimeter at regular intervals to avoid an overgrowth of weeds or an unsightly and unkept appearance.
 - b. The utility company shall provide the name and contact information for the person designated by the utility company to oversee the maintenance of the perimeter areas around the utility structures. The information shall be provided to the department of public works and the utility company shall ensure that the name and contact information is kept current. If a maintenance complaint is received by the utility contact person, either from an employee of the parish or a resident, the utility contact person shall provide a written disposition of the complaint, within 15 days, to the complainant and to the office of code enforcement.

- c. The utility company shall provide a letter of credit to the department of finance in the amount of \$25,000.00, which is for the purpose of ensuring that maintenance is performed as required by this section. Failure to provide a written disposition in accordance with subsection (3)(b) of this section shall constitute authority for the parish to perform any required maintenance and to recover the costs thereof under the letter of credit provided for such purpose.
- (4) *Relocation required by road or drainage improvements.* When selecting a site for installation of the utility equipment structure, the utility company should take into consideration the possible need for relocation of the equipment and structure in the event that the parish undertakes improvements to an existing road or right-of-way after installation. In this regard, the structure should be located as near as possible to the boundary line of the right-of-way and abutting property. Should an installed structure be determined to interfere with a planned improvement, or would no longer meet the criteria set forth in this section as a result of the improvements, the utility company responsible for the initial installation, or its successors and assigns, shall be responsible to relocate the utility equipment structure at its expense. The utility company shall be given reasonable notice of the proposed improvement and the required relocation. A minor shifting of a few feet in the location of the structure must be appropriately noted on the originally approved plan and shall not require planning commission approval.
- (5) *Insurance, indemnification and hold harmless.* The utility company shall provide the parish with a written indemnification and hold harmless from and for any responsibility and liability for any claims and/or actions for damages arising out of the installation of a utility equipment structure provided for in subsection (c) of this section. Notwithstanding the foregoing, the utility company shall not indemnify the parish for any damages, liability or claims resulting from the negligence or willful misconduct of its officers, agents or employees. Unless self-insured, the utility company shall also provide the department of finance with proof of current liability insurance, naming the parish as an additional insured for any liability arising out of the installation of the utility equipment structure.
- (6) *Staff report; and planning commission hearing, when required.* Upon receipt of an application, the departments charged with the responsibility of reviewing and evaluating the application shall conduct a site inspection and submit its report and recommendations for inclusion in the department of development staff report. When a public hearing is required, the department of development and/or the department of engineering shall be responsible for advertising the proposed utility installation application for public hearing before the planning commission. The advertisement shall be published no less than twice during a ten day period in the official Parish Journal and/or newspaper of local circulation in the vicinity of the site of the proposed utility installation indicating the date, time and place of the hearing. No application to install

utility equipment governed by subsection (c) of this section shall be acted upon or administered to without the benefit of hearing thereon, except as provided in subsection (d) of this section. In addition, it shall be the obligation of the department of development and/or the department of engineering to ensure that proper public notice, by way of signs, be posted on or in the vicinity of the proposed installation site at least ten days prior to the public hearing. Said signs shall indicate the date, time and place of the public hearing to review the application.

- (7) *Variances.* Variances may be granted by the planning commission upon favorable vote of a majority of the membership of the commission.
 - (8) *Violation.* Any proposed change/amendment to a plan approved by the planning commission shall require planning commission approval of the change/amendment. Any alteration or change in such a plan that has not been approved by the planning commission, and any installation that is not in conformity with an approved plan, whether approved administratively or by the planning commission, shall constitute a violation of these regulations and is strictly prohibited.
 - (9) *Appeal.* Any person claiming to be aggrieved by a decision of the planning commission may appeal to the parish council, through the department of development, in written form filed within ten days following the planning commission hearing. The appeal may be heard by the parish council at its next regularly scheduled meeting following the ten day appeal period. The parish council shall have the exclusive right to overturn any planning commission decision by a majority vote of the membership of the parish council.
- (d) *Administrative approval.* An application to install a utility structure governed by subsection (c) of this section may be acted upon or administered to without the benefit of a planning commission hearing thereon, only when there is compliance with the permit and criteria requirements of subsection (c) of this section, and the following requirements are satisfied:
- (1) *Public notice to property owners.* The applicant shall provide, and submit acceptable proof of, notice of the proposed installation of the utility structure to the owner of the property abutting the location of the proposed installation and to the property owners in the immediate vicinity of the proposed location. For purposes of this chapter, owners in the immediate vicinity means the owners of the properties within a 150 foot radius of the proposed location of the utility structure. When the property abutting the location of the proposed installation is located at an intersection, owners in the immediate vicinity shall also mean the owners of the properties at that intersection. For example, the owners of the property located on the four corners, or on the corner and on the opposite sides of the streets. The applicant shall make every reasonable effort to work with the hereinabove described property owners to choose a location for the structure which will minimize its impact on the surrounding area.

- (2) *Acceptable proof of notice.* Except in those cases provided for in subsection (3) of this section, waiver of notice and no objection, the applicant shall provide a written notice of the proposed installation to the hereinabove described property owners via U.S. mail or commercial delivery. The notice shall, in clear language, inform the owner of the proposed location of the installation and that the owner shall have 30 days from the delivery date of the notice in which to notify the department of development of any objection to the proposed installation. Ownership is to be determined based on the most current listing of the parish assessor. The notice shall include the following information:
- a. The address and telephone number of the parish department of development;
 - b. A photograph of a prototype of the utility structure to be installed and a drawing showing the proposed location of the equipment within the right-of-way and in relation to the boundary lines of the owner's property, providing measurements of the distance of the foundation from the back of the ditch along the right-of-way, from the edge of the paved or gravel surface of the roadway, from the property line abutting the right-of-way, and the nearest side lot line of the property abutting the right-of-way.
- (3) *Waiver of notice and objection.* In those instances where the representatives of the applicant discuss the proposed location of the utility structure with the hereinabove described property owners, the notice provided for in subsection (2) of this section may be waived. The waiver of notice must identify the owner and his property, must identify the location of the proposed utility installation site in relation to the property, and must contain a statement that the owner, having been made aware of all relevant information concerning the proposed installation of the utility structure, has no objection to the utility structure being installed at the proposed site. The waiver of notice must be signed and dated by the owner.
- (4) *Administrative approval.* In those cases where the applicant has satisfied all of the other applicable requirements of this chapter, and has obtained a signed waiver from each of the owners of the property in the immediate vicinity of the site of the proposed installation, administrative approval shall be granted. In those cases where one or more waivers have not been provided, administrative approval may only be granted when proof of written notice and the delivery thereof is provided, and there is no record of an objection being made to the department of development within the 30 day period following delivery of written notice. In all other cases, approval of the planning commission must be obtained.

(Code 1998, § 20-010.03; Ord. No. 90-1288, 6-21-1990; Ord. No. 90-1331, 9-20-1990; Ord. No. 98-2997, 12-17-1998; Ord. No. 06-1223, 1-5-2006; Ord. No. 07-1510, 2-1-2007; Ord. No. 08-1901, 8-7-2008; Ord. No. 10-2305, 8-5-2010)

Editor's note—Section 35-16 created under the authority of Ordinance No. 90-1288, adopted 6-21-1990, Ordinance No. 90-1331, adopted 9-20-1990, and Ordinance No. 10-2305, adopted 8-5-2010.

Sec. 35-17. Public and private utilities in and adjacent to certain parish road rights-of-way.

(a) All public and private utility equipment and collection and/or distribution lines within or adjacent to the following parish road rights-of-way shall be located subsurface pursuant to parish standard requirements, as well as, the additional requirements listed below. Aerial utility lines are expressly prohibited:

- (1) Fairway Drive Extension.
- (2) Emerald Forest Boulevard.
- (3) Falconer Drive Extension.
- (4) Holy Trinity Drive.

(b) It shall be unlawful to cut any parish roadway for the purpose of installing any utility. When crossing lanes, utilities shall be bored or jacked and installed through a casing in accordance with LDOTD (Louisiana Department of Transportation and Development) specifications, as follows:

- (1) High pressure transmission lines shall be a minimum of 72 inches below road crown.
- (2) All other line shall be a minimum of 36 inches below the road crown, or a minimum of 24 inches below the ditch bottom, whichever is deeper.

(c) All underground utilities paralleling lanes shall be a minimum of 24 inches below the surface or invert of ditch, whichever is deeper.

(d) All utilities paralleling lanes shall be placed on the back side of the ditch. Exception: Telecommunication and cable TV service lines may be buried a minimum of eight inches below the back side of the ditch only. This exception is conditioned upon and shall apply to a utility company only if the parish receives a hold harmless agreement from that utility company and that same is approved by the division of utility regulation and enforcement of the department of public works. Said agreement shall hold the parish, its employees, as well as any person performing work for the parish, harmless for any damage caused to these lines, as well as, any cost incurred for same.

(e) Trenches shall be backfilled and tamped or compacted with acceptable materials in accordance with LDOTD standards (Gold Book) and shall be maintained as required.
(Code 1998, § 20-010.03.01; Ord. No. 12-2857, 11-1-2012)

Editor's note—New section 35-17 created under the authority of Ordinance No. 08-1845, adopted 6-5-2008.

Sec. 35-18. Prior approval for exemption.

Any deviation/exemption from the prescribed standards contained herein, must be approved prior to construction and/or installation by the division of utility regulation and enforcement of the department of public works.

(Code 1998, § 20-010.04; Ord. No. 90-1288, 6-21-1990; Ord. No. 90-1331, 9-20-1990)

Editor's note—New section 35-18 created under the authority of Ordinance No. 90-1288, adopted 6-21-1990.

Sec. 35-19. Enforcement.

It shall be the responsibility of the division of utility regulation and enforcement of the department of public works to review and inspect the site after completion. In the event that damage is caused to the right-of-way through activity of the utility company or their agents, the division of utility regulation and enforcement of the department of public works shall notify the utility company in writing by certified letter. The cost of repairing the damage shall be the sole responsibility of the utility company. Approval shall be required from the division of utility regulation and enforcement of the department of public works of all specifications, as well as, contractor who will perform any corrective action required as stated in this section. This section does not apply to exceptions listed under section 35-15.

(Code 1998, § 20-010.05; Ord. No. 90-1288, 6-21-1990; Ord. No. 90-1331, 9-20-1990)

Editor's note—New section 35-19 created under the authority of Ordinance No. 90-1288, adopted 6-21-1990.

Sec. 35-20. Violations.

Any individual, corporation, their agents and/or contractors not conforming with the provisions of sections 35-15 through 35-23 shall be subject to the penalty provisions as herein contained. Each day's offense shall be construed to be a separate and individual offense.

(Code 1998, § 20-010.06; Ord. No. 90-1288, 6-21-1990; Ord. No. 90-1331, 9-20-1990)

Editor's note—New section 35-20 created under the authority of Ordinance No. 90-1288, adopted 6-21-1990.

Sec. 35-21. Penalties.

Violation of these sections shall constitute a misdemeanor punishable as follows:

- (1) \$500.00 per day, commencing five working days after notification of damage if reasonable efforts have not been made to repair damage, until such time that repairs are completed to the satisfaction of the division of utility regulation and enforcement of the department of public works. Five working days shall not apply to exceptions listed under section 35-15(c);

- (2) \$250.00 for lack of notification. Each day of violation shall constitute a separate offense. Nothing herein contained shall prevent the parish from taking such other lawful actions as necessary to prevent or remedy the violation.
- (3) \$500.00 per day, commencing on the 31st day following the date of written request, for failing to respond to a written request for a utility company to identify the location and depth of a utility line that has been placed within a parish right-of-way.

(Code 1998, § 20-010.07; Ord. No. 90-1288, 6-21-1990; Ord. No. 90-1331, 9-20-1990; Ord. No. 07-1510, 2-1-2007)

Editor's note—New section 35-21 created under the authority of Ordinance No. 90-1288, adopted 6-21-1990.

Sec. 35-22. Warranty required.

The security required by this section shall be either a funded letter of credit or a bond approved by the federal register with the parish listed as obligee, as follows:

- (1) A blanket security of \$10,000.00; or
- (2) A minimum security per event of \$2,500.00.

(Code 1998, § 20-010.08)

Editor's note—New section 35-22 created under the authority of Ordinance No. 90-1288, adopted 6-21-1990.

Sec. 35-23. Enforcement of security.

(a) In the event a utility company causes damage to parish property resulting in a contractor having to take corrective action as provided in section 35-19, then, at the completion of all such corrective work, the parish will present the invoice for said corrective work to the responsible utility company, and the utility company shall have 30 days from its receipt to pay said invoice. In the event the utility company fails to pay said invoice within the 30 days, the parish may, at its option, take any appropriate action to execute on the security required by this section.

(b) In the event that the above security has to be called for any reason a new security will be established, as follows: the security shall increase in \$10,000.00 increments for each occurrence. (Code 1998, § 20-010.09; Ord. No. 90-1288, 6-21-1990; Ord. No. 90-1331, 9-20-1990)

Editor's note—New section 35-23 created under the authority of Ordinance No. 90-1288, adopted 6-21-1990.

Sec. 35-24. Effective date.

Sections 35-13 through 35-23 became effective immediately upon adoption. (Code 1998, § 20-010.10; Ord. No. 90-1288, 6-21-1990; Ord. No. 90-1331, 9-20-1990)

Editor's note—New section 35-24 created under the authority of Ordinance No. 90-1288, adopted 6-21-1990.

Sec. 35-25. Service monitoring fee.

(a) A uniform service monitoring fee of two percent on gross sales derived from the unincorporated portions of the parish is hereby imposed on all municipally owned utility companies currently operating in the parish without a valid, written service agreement, on all renewed service agreements with municipal utility companies currently operating in the parish with a valid, written service agreement, and on all publicly owned utility companies that wish to establish a franchise service area in unincorporated portions of the parish in the future pursuant to R.S. 33:4361, said service agreement fee is being imposed to fund the monitoring of all activities associated with the placement and location of public utilities in parish rights-of-way.

(b) The service agreement fee will be computed according to a two percent schedule and payable quarterly on or before April 15 for the first quarter, July 15 for the second quarter, October 15 for the third quarter, and January 15 for the fourth quarter. Attached to the payment of the franchise fee will be a statement showing the gross sales or revenue derived from the unincorporated portions of the parish for the months reported. Delinquent balances shall accrue interest at 12 percent per annum beginning on the first day following the due date of the payment.

(Code 1998, § 20-010.11; Ord. No. 97-2710, 8-21-1997)

Sec. 35-26. Use of parish right-of-way.

Use of parish right-of-way for any purpose, including, but not limited to, the following, requires prior approval of the parish governing authority or permission of the appropriate department as authorized by the governing authority:

(1) Department of public works:

- a. Placement of landscaping.
- b. Placement of recreational structures, permanent or mobile.
- c. Placement of sign.
- d. Use of road/streets for parades or other organized activity.

(2) Department of engineering:

- a. Placement of subsurface drainage in excess of 50.
- b. Gaining access to property.
- c. Placement of utilities (see section 35-13).

(Code 1998, § 20-011.00)

Sec. 35-27. Procedures and standards for granting permission to enter parish right-of-way for gaining access to property.

(a) The application process may include, but is not limited to, the following information: a written request for permission to enter the right-of-way, including the purpose of the request; ownership information; right-of-way dedication; wetland determination and/or wetland permits from the Corps of Engineers and other respective environmental agencies and a site plan of the applicant's property with relationship to the proposed structure and the parish road right-of-way and any other servitudes, both private and public.

(b) Conditions which may be imposed on an applicant which must be incorporated within the resolution include, but are not limited to, the following information:

- (1) Requiring additional right-of-way to be dedicated to the parish or the establishment of servitudes in cases when the right-of-way does not meet the current right-of-way widths as established in chapter 125, or requiring in cases of limited right-of-way widths the provision to allow a one-way access as long as the one-way access provides an entrance and a different exit (terminus) to an approved roadway.
- (2) Requirements which will limit the applicant and any assignees by providing a hold harmless agreement and utilization of the access by an individual until the time that the access is upgraded to parish standards and accepted into the parish's road maintenance system.
- (3) Requirements which will bind the applicant or any assignees to a maintenance obligation of the access until such time as the parish agrees to accept the portion of the right-of-way into the parish's road maintenance system, by execution of notice of acknowledgment and responsibility.
- (4) The applicant will be responsible for all expenses regarding improvements, relocation of utilities, engineering services, permits, damage and recordation which may be associated with the right-of-way.
- (5) The parish engineer must review and approve a road design and drainage plan prepared by a licensed state-registered engineer. The parish engineer may require additional off-site work to minimize the potential impact of the proposed construction with special emphasis regarding drainage. The road and drainage design must meet the road standards as established under chapter 125.
- (6) Any developer/applicant proposing to develop lots within a "dormant subdivision" or "subdivision of record" must submit for review and approval of the parish engineer a drainage plan that meets the detention requirements of chapter 125. Where applicable, such developer/applicant shall be entitled to claim a credit toward drainage impact fees due the parish under the authority of chapter 2, article XVII, and, where applicable, shall be entitled to claim credit/reimbursement from any drainage impact fees that have

been paid into the "Drainage Impact Fee Escrow Account" by the owners of lots that are not owned by the developer/applicant but would be receiving the benefits of said storage requirements.

- (7) Liability insurance policy must be included, naming the parish as an insured party.
- (8) Provisions for the establishment of a performance and warranty letter of credit, when applicable and utilized in the same manner as performance letters of credit are utilized as per chapter 125.
- (9) Applicant and assignees enter into an agreement to delay the hard surfacing requirements for roads to a future date, when applicable, but are bound to meet those requirements either in participating in a front foot assessment or other parish-approved method at an appropriate time when the road may be reasonably allocated to adjoining property owners and/or assignees.
- (10) Allow the department of engineering to establish a time period for commencement and completion of construction and to delay the issuance of building permits unless appropriate letters of credit are accepted.

(c) Any application for the opening and/or extension of any unopened parish right-of-way located within the boundaries of unincorporated St. Tammany Parish shall include provisions for the concurrent installation of central water and community sewerage to the property being accessed provided said property is located within 1,000 feet (of existing central water and community sewerage lines measured along the parish right-of-way.

(Code 1998, § 20-011.01; Ord. No. 98-2893, 6-18-1998; Ord. No. 04-0983, 10-7-2004; Ord. No. 05-1214, 12-1-2005; Ord. No. 09-2173, 12-3-2009; Ord. No. 14-3199, 9-4-2014)

Sec. 35-28. Ditches/drainage structures.

It shall be unlawful for parish forces to perform any activity within any drainage structure that is not a part of the parish drainage inventory, unless otherwise authorized by the governing authority.

(Code 1998, § 20-012.00)

Sec. 35-29. Acceptance of private drainage structures, excluding subdivisions, into the drainage inventory.

(a) *The department of engineering will review any request made for new drainage structures.* The department of engineering will establish criteria to determine the feasibility of proceeding with the project based upon need, cost, projected benefit and impact to the area. Upon favorable determination of feasibility, the following will be required prior to acceptance by the governing authority:

- (1) A notarial act of dedication shall be signed by each person or group of persons who wish to dedicate to the parish the appropriate right-of-way deemed necessary by the department of engineering. Said act shall be prepared in a legally binding format by a notary public and submitted to the department of engineering.

- (2) A tax research certificate, from the office of the sheriff of the parish, indicating that all property taxes and assessments against the property to be dedicated have been paid for the three most recent tax years, and clear mortgage and conveyance certificates, from the office of the clerk of court of the parish, indicating that those who propose to dedicate the right-of-way are the sole and only owners and that there are not legal or financial encumbrances in the public records that apply to the owners, and by extension their property, or the property itself, must be run on the caption of the right-of-way to be dedicated and submitted to the parish for review.
 - (3) A survey and proces verbal legal description of the right-of-way to be dedicated, prepared by a state-licensed surveyor, must be provided to the parish.
- (b) *Inclusion into the parish drainage inventory.*
- (1) The department of engineering shall inform the department of public works that said right-of-way meets drainage inventory criteria.
 - (2) The department of public works shall create an ordinance for the governing authority to adopt accepting said right-of-way into the drainage inventory.
 - (3) Upon the adoption of the ordinance by the governing authority, the parish shall assume full ownership and responsibility for the right-of-way.
- (c) *Construction.* The department of public works will be responsible for the construction, based upon the department of engineering recommendations, and will provide all future maintenance of the structure.
- (d) *Exemption.*
- (1) Any provision herein may be waived by a two-thirds vote of the governing authority provided that the applicant submits documentation adequate to support the request for waiver.
 - (2) Servitudes may be accepted in lieu of right-of-way if determined by the parish engineer to be acceptable.

(Code 1998, § 20-012.01; Ord. No. 98-2893, 6-18-1998)

Sec. 35-30. Tacit dedication of drainage ditches.

A drainage ditch shall be added to the drainage inventory by ordinance of the governing authority upon certification by the department of public works that same has been maintained by parish personnel for a period of three years or more prior to 1998, the date of adoption of the original drainage inventory.

(Code 1998, § 20-012.02; Ord. No. 98-2893, 6-18-1998)

Sec. 35-31. Road and drainage security.

The departments of public works and engineering are granted the authority to require and establish adequate security, as follows, on any project for which it is determined that security is needed to ensure that the integrity of the road and/or drainage structure is retained:

- (1) For all industrial type projects using parish roads and bridges, a funded letter of credit or bond is required in an amount as determined by the departments of public works and engineering.
- (2) A funded letter of credit or bond on any project this is not considered active under a parish-issued building permit.
- (3) When an active parish-issued building permit is in place, a hold can be placed on the issuance of the certificate of occupancy for said permit if it is determined that an activity performed under same has caused damage to the road and/or drainage structure.

Any security established under this section shall be released upon satisfactory completion of the project or payment from the responsible party for any damage incurred to the road and/or drainage structure.

(Code 1998, § 20-013.00; Ord. No. 98-2893, 6-18-1998; Ord. No. 14-3149, 6-5-2014)

Sec. 35-32. Placement of advertising signs in parish rights-of-way.

(a) *Title.* This article shall be known and may be cited as the "St. Tammany Parish Advertising Signs on Rights-of-Way."

(b) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Parish means the jurisdictional boundaries of the parish of St. Tammany and all its waterways.

Political sign means any sign urging the election or defeat of any candidate seeking any political office, or urging the passage or defeat of any ballot measure.

Real estate sign means any temporary sign pertaining to the sale, lease or rental of land or buildings, which is erected or displayed on the lot or parcel to which it applies.

Right-of-way means any portion of ground dedicated to the parish for public use as a street or other use.

Sign means a medium of communication, including its structure and component parts, which is used or intended to be used to attract attention to its subject matter or location usually for advertising purposes.

Sign owner means that person who owns a sign and/or is responsible for a sign. In those cases in which an owner cannot be determined, the owner of the subject being advertised shall be deemed the owner of the sign.

Snipe sign means a sign which is tacked, nailed, posted, pasted, glued or otherwise attached to poles, stakes or to other like objects.

(c) *General prohibition.* The erection, installation, maintaining or otherwise placing or permitting to remain upon any parish highway, right-of-way, including the shoulder, bank and outer or far side thereof, street, roadway, emergency lane, median of any commercial advertising sign, snipe sign, poster, marker, placard, notice, light, signal light, warning of direction sign, is prohibited, except insofar as specifically excepted according to provisions made in this chapter.

(d) *Exemptions from general prohibition.* The above prohibition shall not apply to the following:

- (1) Signs placed by the parish department of public works and parish department of development, or by order of the parish president or parish council to direct, warn, caution or inform the traveling public for the convenience and safety thereof;
- (2) Signs placed by the state department of transportation and development or other state agency for the purpose of informing or warning the public of a regulation made pursuant to law by such agency in keeping with its purposes, the safety, convenience or welfare of the public;
- (3) Signs placed by the authorities of incorporated municipalities within their corporate limits, in those instances where a parish road crosses or enters a municipal corporation;
- (4) Signs placed by railroad companies at or near railroad crossings, where required or permitted by law.

(e) *Permits; temporary required.* The parish director of parish development, or his designee, may issue temporary permits, or certificates of authority, permitting the advance placement on private property, of temporary signs with the purpose of directing guests, members of organizations or other persons to a spot or location where a permitted special event will be held.

(f) *Issuance; removal of signs.* Any such temporary permit shall be in writing and signed by the issuing officer, and it shall provide that after the permitted special event, all such signs shall be removed by the person to whom the temporary permit is issued; a sum estimated as sufficient to defray the expense of removing the signs if such permittee fails to do so, shall be collected at the time the temporary permit is issued. The security shall be returned when satisfactory evidence of the removal of such signs by permittee has been presented to the issuing official.

(g) *Issuance under other ordinance or resolution.* If the parish council, by resolution or ordinance, grants a special permit, either temporary or permanent, for the placement of any sign in the right-of-way of any road, such resolution or ordinance shall not be deemed a repeal of these procedures, but shall be deemed an exception, along with those exceptions listed above.

(h) *Procedures for removal of structures, signs, obstacles, objects, deposits/things within right-of-way.*

- (1) *Apparent value.* When structures, signs, obstacles, etc., are of a permanent nature with significant value, the sign owner will be notified by certified mail to remove it within five days. When items do not have significant value but do retain some apparent value, the owner shall be notified orally to remove it within five days. All signs of significant or apparent value will be marked with a "Notice of Violation" at the time of owner notification. If the owner is unknown or cannot be found, a "Notice of Violation" shall be affixed to the object setting forth that it must be removed within five days from the date specified. Failure to remove within the specified period of time services as forfeiture of all rights thereto and the parish government remove the object for its own use, dispose of it in any way deemed necessary. The owner and any other person responsible therefore remains liable for any damages to the public property or expenditures of public funds resulting from the installation or removal of such items.
- (2) *No apparent value.* Structures, signs, obstacles, etc., that have no apparent value will be summarily removed and destroyed or disposed of in the most cost effective manner available. Items in this category are wooden stake signs, small cardboard signs, light paper signs, signs nailed to utility poles, snipe signs, signs deemed to be a traffic hazard or obstacle to right-of-way maintenance.
- (3) *Political, real estate, or similar type signs.* Political, real estate, or similar type signs shall not be located within the public right-of-way. Large signs (i.e., plywood with two by four supports, or signs that exceed four square feet in surface area) will be marked with a "Notice of Violation" and removed after five days. The ultimate disposition of political, real estate or similar type signs will be provided in subsection (2) of this section.
- (4) *Potential traffic hazard or obstacle to maintenance.* Any structure, sign, headwall, obstacle, object, deposit or thing which is potentially hazardous or interferes with road or structure maintenance subsection (2) of this section.

(i) *Removal and disposal.* Any commercial advertising sign, snipe sign, poster, marker, placard, notice, light, signal light, warning of direction sign, or any other sign as defined in the foregoing sections, considered to be of no apparent value or potential traffic hazard or obstacle to maintenance is subject to immediate removal and disposal by the department of permits and regulatory, department of development, code enforcement/violations officers, department of

environmental services, litter abatement, the parish constables, as soon as possible after either of those departments and/or officials is made aware of the location of such signs on public property or within the right-of-way.

(j) *Litter violation.* Any violation of the aforementioned sections shall be considered a violation of this Code and is subject to the civil and criminal procedures provided therein. (Code 1998, § 20-014.00; Ord. No. 02-0551, 10-10-2002; Ord. No. 03-0615, 2-6-2003)

Sec. 35-33. Mailboxes within parish right-of-way.

Mailboxes are permitted within parish rights-of-way, provided that they meet the following specifications:

(1) *Types of mailboxes and installation.*

- a. Mailboxes must be constructed of sheet metal, plastic or similar weight material, with weight not to exceed 11 pounds.
- b. Newspaper boxes may be mounted below the mailbox, on the side of the mailbox support, or on their own post alongside.
- c. No more than two mailboxes can be mounted on a support structure unless the configuration has met U.S. Department of Transportation crash test standards.
- d. A single four by four inch square or four-inch diameter wooden post, or light gauge pipe with a strength no greater than two-inch standard steel pipe, must be embedded no more than 24 inches in the ground.
- e. The mailbox and its support will be considered hazardous to motorist when the support exceeds the described structural limitations.
- f. Any other type mailbox or installation not conforming to these specifications are not approved for placement within parish right-of-way, and therefore exist at the sole liability of the property owner.

(2) *Placement and reinstallation.*

- a. The location and construction of mailboxes shall conform to the rules and regulations of the U.S. Postal Service.
- b. Contact your local post office for instructions on the height (normally 42 inches to 46 inches) and side of the road where your mailbox should be located.
- c. Parish is charged with maintaining parish rights-of-way, as such, should damage occur to any nonconforming mailbox (i.e., multiple mailboxes, metal cylinders, structures made of brick, stone or other similar materials) or nonconforming post (i.e., large steel post, railroad ties, telephone poles, etc.) located with parish right-of-way, the parish shall not be held liable.

- d. Should the parish cause irreparable damage to an approved mailbox while performing maintenance activities, the parish's total liability assumed shall be reimbursement of a sum not to exceed \$40.00. This sum is based on the current prevailing market value of standard mailbox and pole for this area and is only subject to adjustments to reflect annual changes based on the Consumer Price Index for All Urban Consumers (CPI-U) as published by the U.S. Department of Labor, Bureau of Labor Statistics, Washington, D.C. inclusive of any applicable sales taxes; or replacement with a standard mailbox and pole.

(Code 1998, § 20-015.00; Ord. No. 05-1200, 10-6-2005)

Sec. 35-34. Major road right-of-way protection for future expansion.

(a) The regulations set forth in this section shall be applicable to the following major roads that need to be improved and/or widened in order to address the existing volume of traffic, level of service and traffic safety:

- (1) LA 59 from LA 1088 to Harrison Avenue.
- (2) LA 1077 from 1-12 to U.S. 190.
- (3) LA 21 from Bootlegger to 8th Avenue.
- (4) LA 434 from U.S. 190 to LA 36.
- (5) LA 25 from U.S. 190 to the Washington parish line.
- (6) LA 1088 from LA 59 to LA 36.
- (7) U.S. 11 from U.S. 190 to LA 41.
- (8) LA 437 (Lee Road) from U.S. 190 to LA 40 (Barkers Corner).

(b) The following protected area for future road improvements and/or widening is established for any road listed in subsection (a) of this section: That area between the centerline of the road and a parallel line extending out from the centerline a distance of 75 feet on both sides of the road.

(c) No building, structure or parking area shall be constructed or placed within the protected area established in subsection (b) of this section, where a parcel to be developed is located with frontage on a major road listed in subsection (a) of this section.

(d) Pursuant to the provisions of R.S. 33:4780.46(3)(B), section 7.0402(A)(2) of Land Use Ordinance No. 523, and section 3.0104(B)(2) of the Unified Development Code, volume 1-Zoning, the board of adjustment shall have the power to hear and decide all matters referred to it or upon which it is required to pass pursuant to ordinance. In accordance with the aforesaid authority, and the authority set forth herein, the board of adjustment shall hear and decide any written application filed by a person claiming to be aggrieved by application of the requirements of this chapter. Upon written application filed with the department of develop-

ment, setting forth the practical difficulties or unnecessary hardships in meeting the requirements of this chapter, the board of adjustment shall hear and decide whether to vary or modify the application of the requirements of this chapter.

(Code 1998, § 20-021.00; Ord. No. 10-2244, 4-1-2010; Ord. No. 12-2685, 3-1-2012)

Secs. 35-35—35-64. Reserved.

ARTICLE II. ROAD DISTRICTS

DIVISION 1. GENERALLY

Secs. 35-65—35-86. Reserved.

DIVISION 2. DISTRICT NO. 7

Sec. 35-87. Created; boundaries.

A road district is hereby created within the parish which shall comprise and embrace all of the 6th Ward.

(Code 1998, § 20-036.00; Res. of 8-17-1944, Bk. 2, P. 35)

State law reference—Power to create Road Districts, R.S. 48:571.

Sec. 35-88. Name and powers.

The road district created herein shall be known and is hereby designated as "Road District No. 7 of the Parish of St. Tammany, State of Louisiana," and shall have all the rights, powers and privileges granted by and conferred by the constitution and statutes of the state, including the right to incur debt, issue bonds and levy taxes for the payment thereof.

(Code 1998, § 20-037.00; Res. of 8-17-1949, Bk. 2, P. 35)

State law reference—Powers of road districts, R.S. 48:582.

Sec. 35-89. Domicile, seal and journal.

The domicile of the road district created herein shall be at Covington, Louisiana, the parish seat; the official seal of the parish is hereby adopted as the official seal of said road district, and the official journal of the parish council shall be the official journal of said road district.

(Code 1998, § 20-038.00)

Secs. 35-90—35-106. Reserved.

DIVISION 3. DISTRICT NO. 8

Sec. 35-107. Created; boundaries.

A road district is hereby created within the parish which shall comprise and embrace all of the 5th Ward.

(Code 1998, § 20-046.00; Res. of 8-16-1945, Bk. 2, P. 86)

State law reference—Power to create road districts, R.S. 48:571.

Sec. 35-108. Name and powers.

The road district created herein shall be known and designated as "Road District No. 8 of the Parish of St. Tammany, State of Louisiana," and shall have all the rights, powers and privileges granted by and conferred by the constitution and statutes of the state, including the right to incur debt, issue bonds and levy taxes for the payment thereof.

(Code 1998, § 20-047.00; Res. of 8-16-1945, Bk. 2, P. 86)

State law reference—Powers of Road Districts, R.S. 48:582.

Sec. 35-109. Domicile, seal and journal.

The domicile of the road district created herein shall be at Covington, Louisiana, the parish seat; the official seal of the parish is hereby adopted as the official seal of said road district, and the official journal of the parish council shall be the official journal of said road district.

(Code 1998, § 20-048.00)

Secs. 35-110—35-131. Reserved.

DIVISION 4. DISTRICT NO. 9

Sec. 35-132. Created; boundaries.

A road district is hereby created within the parish which shall comprise and embrace all of the 2nd Ward.

(Code 1998, § 20-056.00; Res. of 7-15-1948, Bk. 2, P. 284)

State law reference—Power to create road districts, R.S. 48:571.

Sec. 35-133. Name and powers.

The road district created herein shall be known and is hereby designated as "Road District No. 9 of the Parish of St. Tammany, State of Louisiana," and shall have all the rights, powers and privileges granted by and conferred by the constitution and statutes of the state, including the right to incur debt, issue bonds and levy taxes for the payment thereof.

(Code 1998, § 20-057.00; Res. of 7-15-1948, Bk. 2, P. 284)

State law reference—Powers of road districts, R.S. 48:582.

Sec. 35-134. Domicile, seal and journal.

The domicile of the road district created herein shall be at Covington, Louisiana, the parish seat; the official seal of the parish is hereby adopted as the official seal of said road district, and the official journal of the parish council shall be the official journal of said road district.
(Code 1998, § 20-058.00; Res. of 7-15-1948, Bk. 2, P. 284)

Secs. 35-135—35-151. Reserved.

DIVISION 5. DISTRICT NO. 12

Sec. 35-152. Created; boundaries.

A road district is hereby created within the parish which shall comprise and embrace all of the 7th Ward.
(Code 1998, § 20-066.00; Res. of 7-23-1956)

State law reference—Power to create road districts, R.S. 48:571.

Sec. 35-153. Name and powers.

The road district created herein shall be known and is hereby designated as "Road District No. 12 of the Parish of St. Tammany, State of Louisiana," and shall have all the rights, powers and privileges granted by and conferred by the constitution and statutes of the state, including the right to incur debt, issue bonds and levy taxes for the payment thereof.
(Code 1998, § 20-067.00; Res. of 7-23-1956)

State law reference—Powers of road districts, R.S. 48:582.

Sec. 35-154. Domicile, seal and journal.

The domicile of the road district created herein shall be at Covington, Louisiana, the parish seat; the official seal of the parish is hereby adopted as the official seal of said road district, and the official journal of the parish council shall be the official journal of said road district.
(Code 1998, § 20-068.00; Res. of 7-23-1956)

Sec. 35-155. Sub-Road District No. 1 (Parcel) of Road District No. 12.

Editor's note—District originally created by Ord. No. 86-682, adopted 8-21-1986 and amended by Ord. No. 87-812, adopted 6-18-1987; then abolished by Ord. No. 89-1032, adopted 1-19-1989. The district was reestablished under the Home Rule Charter by reorganization Ord. No. 00-0157, adopted 6-1-2000.
(Code 1998, § 20-069.00)

Sec. 35-156. Created; boundaries.

By virtue of the authority conferred by part II, ch. 2, title 48 of the Louisiana Revised Statutes of 1950, as amended, and other constitutional and statutory authority, a Sub-Road District No. 1 (parcel) of Road District No. 12 is hereby created and shall comprise and embrace all of the phase of Lacombe Harbor Subdivision as recorded in the St. Tammany Clerk of Court's records under map file numbers: 308-A, 309-A, 89-B Lacombe Subdivision; 373-B Lacombe Harbor Subdivision Addition 1; 85-B Lacombe Harbor Subdivision Addition 2; 87-C Lacombe Harbor Subdivision Addition 3; 84-B Lacombe Harbor Subdivision Addition 4; 377-B Lacombe Harbor Subdivision Addition 5; 87-B Lacombe Harbor Subdivision Addition 6; 360-B Lacombe Harbor Subdivision Addition 8; 362-A Lacombe Harbor Subdivision Addition 9, less and except Lots 98, 99, 100, 101, 102-A, 103-A, 103-B, 104-A and 104-B, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124 and 125 of Lacombe Harbor Subdivision; and also including that parcel of land along the eastern boundary of Lacombe Harbor Subdivision between Lots 74 and 82 of said Subdivision with the eastern and southern boundary of said parcel fronting on Lot 81-E of said Subdivision, Perch Bay and Cypress Bayou.

(Code 1998, § 20-070.00; Ord. No. 86-682, 8-21-1986; Ord. No. 87-812, 6-18-1987)

Sec. 35-157. Name and powers.

A sub-road district hereby created shall be known and designated as "Sub-Road District No. 1 (parcel) of Road District No. 12 of the Parish of St. Tammany, State of Louisiana," and as created shall constitute a public corporation and political subdivision of the state, of which this parish council shall be the governing authority and shall have all the rights, powers and privileges granted and conferred by the constitution and the statutes of the state to such corporations, including the authority to incur debt, to issue bonds and to levy taxes.

(Code 1998, § 20-071.00; Ord. No. 86-682, 8-21-1986)

Secs. 35-158—35-180. Reserved.

DIVISION 6. DISTRICT NO. 14

Sec. 35-181. Created; boundaries.

A road district is hereby created within the parish which shall comprise and embrace all of the 8th Ward as it exists on April 21, 1960.

(Code 1998, § 20-076.00; Ord. No. 261, Bk. 4, P. 420)

State law reference—Power to create Road Districts, R.S. 48:571.

Sec. 35-182. Name and powers.

The road district created herein shall be known and designated as "Road District No. 14 of the Parish of St. Tammany, State of Louisiana," and shall have all the rights, powers and privileges granted by and conferred by the constitution and statutes of the state, including the right to incur debt and issue bonds and levy taxes for the payment thereof.

(Code 1998, § 20-077.00; Ord. No. 261, Bk. 4, P. 420)

State law reference—Powers of Road Districts, R.S. 48:582.

Sec. 35-183. Domicile, seal and journal.

The domicile of the road district created shall be at Covington, Louisiana, the parish seat; the official seal of the parish is hereby adopted as the official seal of said road district, and the official journal of the parish council shall be the official journal of said road district.

(Code 1998, § 20-078.00; Ord. No. 261, Bk. 4, P. 420)

Sec. 35-184. Sub-Road District No. 1 of Road District No. 14.

(a) *Created; boundaries.* By virtue of the authority conferred by part II, ch. 2, title 48 of the Louisiana Revised Statutes of 1950, as amended, and other constitutional and statutory authority, a Sub-Road District No. 14 of the parish, which sub-road district shall comprise and embrace the territory within Police Jury District No. 8, less and except the corporate limits of the City of Slidell.

(b) *Name and powers.* The sub-road district hereby created shall be known and designated as "Sub-Road District No. 1 of Road District No. 14 of the Parish of St. Tammany, State of Louisiana," and as created shall constitute a public corporation and political subdivision of the state, of which this parish council shall be the governing authority and shall have all the rights, powers and privileges granted and conferred by the constitution and statutes of the state to such corporations, including the authority to incur debt, to issue bonds and to levy taxes.

(c) *Seal and journal.* The official seal of the parish, be and the same is hereby adopted as the official seal of said sub-road district and the official journal of this parish council shall be the official journal of said sub-road district.

(d) *Notice/publication.* Due notice of the formation and creation of the sub-road district hereby created shall be published in accordance with law, and that the president of this parish council be and he is hereby instructed and ordered to issue notice of the formation and creation of said sub-road district and to cause publication thereof to be made in Louisiana Revised Statutes of 1950, as amended.

(Code 1998, § 20-079.00; Ord. No. 95-2173, 2-23-1995)

Editor's note—Sub-Road District No. 1 of Road District No. 14 was established by Ord. No. 85-519, adopted 11-21-1985 and abolished Ord. No. 89-1032, adopted 1-19-1989 and hereby established again by the authority of Ord. No. 95-2173, adopted 2-23-1995.

State law reference—Authorizes St. Tammany Parish to create sub-road districts, R.S. 33:2740.13.

Sec. 35-185. Sub-Road District No. 2 of Road District No. 14—Abolished.

(Code 1998, § 20-080.00; Ord. No. 85-520, 11-21-1985; Ord. No. 89-1032, 1-19-1989)

Sec. 35-186. Sub-Road District No. 2-A (parcel) of Road District No. 14—Abolished.

(Code 1998, § 20-081.00; Ord. No. 86-667, 8-4-1986; Ord. No. 86-707, 9-18-1986; Ord. No. 86-744, 11-20-1986; Ord. No. 86-745, 11-20-1986; Ord. No. 89-1032, 1-19-1989)

Editor's note—Ord. No. 86-667 established Sub-Road District No. 2-A, Ord. No. 86-707 adjusted the boundaries thereof, Ord. No. 86-744 abolished the Sub-Road District, and Ord. No. 86-745 established a new Sub-Road District.

Sec. 35-187. Sub-Road District 2-B (parcel) of Road District No. 14—Abolished.

(Code 1998, § 20-082.00; Ord. No. 86-727, 10-16-1986; Ord. No. 89-1032, 1-19-1989)

Sec. 35-188. Sub-Road District No. 2-C (parcel) of Road District No. 14—Abolished.

(Code 1998, § 20-083.00; Ord. No. 86-746, 11-20-1986; Ord. No. 89-1032, 1-19-1989)

Sec. 35-189. Sub-Road District No. 3 (parcel) of Road District No. 14—Abolished.

(Code 1998, § 20-084.00; Ord. No. 86-668, 8-4-1986; Ord. No. 89-1032, 1-19-1989)

Sec. 35-190. Sub-Road District No. 3 of Road District No. 14—Abolished.

(Code 1998, § 20-085.00; Ord. No. 86-678, 8-4-1986; Ord. No. 89-1032, 1-19-1989)

Sec. 35-191. Sub-Road District No. 4 (Parcel) of Road District No. 14—Abolished.

(Code 1998, § 20-085.01; Ord. No. 86-669, 8-4-1986; Ord. No. 87-788, 4-16-1987; Ord. No. 89-1032, 1-19-1989)

Sec. 35-192. Sub-Road District 4 of Road District No. 14—Abolished.

(Code 1998, § 20-085.02; Ord. No. 86-679, 8-4-1986; Ord. No. 89-1032, 1-19-1989)

Sec. 35-193. Sub-Road District No. 5 of Road District No. 14.

(a) *Created; boundaries.* By virtue of the authority conferred by part II, ch. 2, title 48 of the Louisiana Revised Statutes of 1950, as amended, and other constitutional and statutory authority supplemental thereto, a sub-road district is hereby created within Road District No. 14 of the parish, which sub-road district shall comprise and embrace a portion of that territory within the road district, with boundaries described as follows:

- (1) Commencing at the intersection of LA Highway 1090 and I-10, the point of beginning; thence go northwest and southwest along I-10 to its intersection with the southern boundary of West Expressway Shopping Center; thence westerly along the southern boundary of West Expressway Shopping Center to a point 300 feet east of the northwest corner of the southwest quarter of the northwest quarter of section 12, Township 9 south, Range 14 east, which is also the north line of Lot 1, Square 1,

Lindberg Glenn Annex #1; thence southerly a distance of 120 feet, more or less, to the south line of Lot 2, Square 1, Lindberg Glenn Annex #1; thence easterly along the south line of Lot 2 a distance of 330 feet, more or less, to the west line of Lindberg Drive; thence southerly along the west line of Lindberg Drive a distance of 700 feet, more or less, to the northeast corner of Lot 13, Square 1, Lindberg Glenn Annex #1; thence go west along the north line of Lot 13 a distance of 630 feet, more or less, to the northwest corner of Lot 13, Square 1, Lindberg Glenn Annex #1, which point is on the west line of section 12, Township 9 south, Range 14 east; thence south along the west line of section 12 to its intersection with the extension of the south line of Fremaux Avenue; thence go west along the extension of the south line of Fremaux Avenue to the northeast corner of Lot 34, Square 7, Pine Shadows S/D; thence go south along the east line of Square 7 to the southeast corner of Lot 31, Square 7, Pine Shadows S/D; thence go west along the south line of Lots 31 and 4, Square 7, Pine Shadows S/D to the southwest corner of Lot 4; thence go north along the west line of Square 7 to the northwest corner of Lot 1, Square 7, Pine Shadows S/D; thence go west to the northeast corner of Lot 32, Square 6, Pine Shadows S/D; thence go south along the east line of Square 6 to the southeast corner of Lot 31, Square 6, Pine Shadows S/D; thence go west along the south line of Lot 31 to its southwest corner; thence go north along the west line of Lots 31 and 32, Square 6, Pine Shadows S/D to the northwest corner of Lot 32; thence go west along the south line of Fremaux Avenue to the northeast corner of Lot 33, Square 5, Pine Shadows S/D; thence go south along the east line of Lot 33 to its southeast corner; thence go west along the south line of Lots 33 and 1, Square 5, Pine Shadows S/D to the southwest corner of Lot 1; thence go south along Beth Drive to its intersection with U.S. Highway 190 (Business), a/k/a Short Cut road; thence go southeast along U.S. Highway 190 (Business), a/k/a Short Cut Road, to its intersection with the section line common to section 13, Township 9 South, Range 14 East, and section 18, Township 9 south, Range 15 east; thence north along said section line and the section line common to Section 12, Township 9 south, Range 14 east, and section 7, Township 9 south, Range 15 east to the corner common to sections 1 and 12, Township 9 south, Range 14 east, and sections 6 and 7, Township 9 south, Range 15 east; thence go west 2657 feet, along the south line of section 1, Township 9 South, Range 14 east; thence go north 100 feet, more or less, to the north side of Gause Road and the southwest corner of the property of National Medical Development Corporation; thence go north 1,230 feet, more or less, to the northwest corner of the property of National Medical Development Corporation; thence go east 1,325 feet, more or less, to the northeast corner of the property of National Medical Development corporation; thence continue east a further 402 feet; thence go south 1,007 feet, more or less, to the north side of Gause Road; thence continue south across Gause Road to the southern right-of-way line of Gause Road; thence go southwesterly along the southern right-of-way line of Gause Road to the point where it intersects the section line common to

sections 1 and 12, Township 9 south, Range 14 east; thence go easterly along the section line common to sections 1 and 12, Township 9 south, Range 14 east, to the corner common to sections 1 and 12, Township 9 south, Range 14 east, and sections 6 and 7, Township 9 south, Range 15 east; thence go northerly along the line common to section 1, Township 9 south, Range 14 east and section 7, Township 9 south, Range 15 east, to its intersection with the north right-of-way line of Gause Road; thence go northeast along the north right-of-way line of Gause Road to its intersection with LA Highway 1090; thence northwest along LA Highway 1090 to the point of beginning.

(2) Less and except the following described property:

- a. Lots 1 through 5, of Square 1, Robert Park S/D.
- b. One certain lot or parcel of ground, together with all the buildings and improvements thereon and all the rights, ways, privileges, servitudes, appurtenances or advantages thereunto belonging or in anywise appertaining, located in the parish and being situated in the north half of the northeast quarter of the northwest quarter of section 12, Township 9 south, Range 14 east, Ward 8 of the parish, being more fully described on a map or survey; according thereto said tract of land contains 3.200 acres of land and being described as follows: From the quarter corner common to sections 11 and 12, Township 9 south, Range 14 east, go north 89 degrees 55 minutes east a distance of 1,325.70 feet to a point and corner, thence north 0 degrees 07 minutes 30 seconds east a distance of 1,354.00 feet; thence north 23 degrees 12 minutes east a distance of 399.16 feet to a point and corner; thence north 25 degrees 41 minutes east a distance of 289.37 feet to a point which is marked point "A" on the map referred to hereinabove and which point "A" is the point of beginning. From the point of beginning, marked as point "A" on the above-referred-to survey, proceed south 89 degrees 55 minutes east a distance of 393.59 feet to a point marked by an iron pipe and corner; thence proceed north 0 degrees 15 minutes west a distance of 463.61 feet to a point which point is marked by an iron rod and corner; thence south 56 degrees 25 minutes west a distance of 80.60 feet to a point and corner; thence 24 degrees 23 minutes west a distance of 455.10 feet to a point which is the point of beginning. Said tract of land described hereinabove contains 3.200 acres of land, being the land acquired by Slidell Motel Properties Partnership by act of sale recorded in COB 1096, page 693, on April 19, 1983, and being the property upon which a Ramada Inn is presently located.
- c. All that certain lot or parcel of land, situated in the north portion of Square 8 of Pine Shadows Subdivision, said subdivision forming with other lands the northwest quarter of the southeast quarter of section 11, Township 9 south, Range 14 east, Ward 8.
 1. Said parcel of land herein conveyed starts at the northeast corner of the aforementioned Square Eight, which is 21 feet south of the northeast corner

of the aforementioned northwest quarter of the southeast quarter, going thence south 0 degrees 14 minutes west 180 feet; thence west 192 feet to the easterly right-of-way line of Marsha Drive; thence north along the east boundary of Marsha Drive a distance of 180 feet to the south right-of-way line of Fremaux Avenue; thence along the south side of said Fremaux Avenue east a distance of 192 feet to the point of departure.

2. Said Square Eight is bounded on the north by Fremaux Avenue, on the east by the east line of the subdivision, on the south by Alice Avenue, on the west by Marsha Drive, all in accordance with plat of survey of said Pine Shadows Subdivision by H. G. Fritchie, P.S., numbered 1387 and dated April 22, 1954, copy of which is on file in the official records of the parish.

(b) *Name and powers.* The sub-road district hereby created shall be known and designated as "Sub-Road District No. 5 of Road District No. 14 of the Parish of St. Tammany, State of Louisiana," and as thus created shall constitute a public corporation and political subdivision of the state, of which this parish council shall be the governing authority, and shall have all the rights, powers and privileges granted and conferred by the state constitution and statutes, including the authority to incur debt, issue bonds and to levy taxes.

(c) *Seal, journal.* The official seal of the parish is hereby adopted as the official seal of the sub-road district, and the official journal of this parish council shall be the official journal of the sub-road district.

(Code 1998, § 20-085.03; Ord. No. 86-680, 8-4-1986; Ord. No. 86-748, 12-18-1986)

Sec. 35-194. Sub-Road District No. 5 (parcel) of Road District No. 14—Abolished.

(Code 1998, § 20-085.04; Ord. No. 86-681, 8-21-1986; Ord. No. 89-1032, 1-19-1989)

Sec. 35-195. Sub-Road District No. 6 (parcel) of Road District No. 14.

(a) *Created; boundaries.* That, by virtue of the authority conferred by section 2740.13 of title 33 of the Louisiana Revised Statutes of 1950, as amended (R.S. 33:2740.13) (the "Act"), and other constitutional and statutory authority supplemental thereto, a sub-road district be and the same is hereby created within Road District No. 14 of the parish, which sub-road district shall comprise and embrace a portion of that territory within said road district with boundaries described as follows, to-wit:

Commencing at the intersection of Military Road and LP&L power line servitude; thence go northeast along said power lines to its intersection with the western boundary of Bay Ridge Subdivision; thence go northwest, northeast and southeast along the west, north and east boundary of said subdivision to its intersection with the northern boundary of Quail Ridge Subdivision, Phase 6; thence go north 50 degrees east along said boundary to its intersection with West Pearl River; thence follow the meanderings of West Pearl River downstream to its

confluence with Doubloon Bayou; thence follow the meanderings of Doubloon Bayou upstream to its intersection with Military Road; thence follow Military Road north to its intersection with the LP&L power line servitude and the point of beginning.

Said sub-road district shall include, but is not limited to, the following subdivisions: Bay Ridge, Quail Ridge, Quail Valley, Doubloon Bayou, The Settlement and Paradise Point.

(b) *Name and powers.* The sub-road district hereby created shall be known and designated as "Sub-Road District No. 6 (Parcel) of Road District No. 14 of the Parish of St. Tammany, State of Louisiana," (the "district") and as thus created shall constitute a political subdivision of the state, and shall have all the rights, powers and privileges granted and conferred by the Act and other constitutional and statutory authority, including the authority to incur debt, to issue bonds and to parcel fees.

(c) *Board of commissioners.* The governing authority of the district shall be a five member board of commissioners comprised of registered voters residing within the district. There shall be four members nominated and appointed by the parish council. There shall be one member nominated and appointed by the parish president

(d) *Domicile.* The domicile of the district shall be the regular meeting place of this parish council; however, the board of commissioners may meet at either such regular meeting place or a location within the district designated by the presiding officer of said board of commissioners.

(Code 1998, § 20-085.05; Ord. No. 94-2016, 7-15-1994; Ord. No. 00-0157, 6-1-2000)

State law reference—Authorizes St. Tammany Parish to create sub-road districts, R.S. 33:2740.13.

Secs. 35-196—35-213. Reserved.

DIVISION 7. DISTRICT NO. 15

Sec. 35-214. Created; boundaries.

A road district is hereby created within the parish which shall comprise and embrace all of the 9th Ward as it exists on April 21, 1960.

(Code 1998, § 20-086.00; Ord. No. 262, Bk. 4, P. 421)

State law reference—Power to create Road Districts, R.S. 48:571.

Sec. 35-215. Name and powers.

The road district created herein shall be known and designated as "Road District No. 15 of the Parish of St. Tammany, State of Louisiana," and shall have all the rights, powers and privileges granted by and conferred by the constitution and statutes of the state, including the right to incur debt and issue bonds and levy taxes for the payment thereof.

(Code 1998, § 20-087.00; Ord. No. 262, Bk. 4, P. 421)

State law reference—Powers of Road Districts, R.S. 48:582.

Sec. 35-216. Domicile, seal and journal.

The domicile of the road district herein created shall be at Covington, Louisiana, the parish seat, and the official seal of the parish is hereby adopted as the official seal of said road district, and the official journal of the parish council shall be the official journal of said road district.

(Code 1998, § 20-088.00; Ord. No. 262, Bk. 4, P. 421)

Sec. 35-217. Sub-Road District No. 1 of Road District No. 15.

(a) *Created; boundaries.* By virtue of the authority conferred by part II, ch. 2, title 48 of the Louisiana Revised Statutes of 1950, as amended, and other constitutional and statutory authority supplemental thereto, a sub-road district is hereby created within Road District No. 15 of the parish, which sub-road district shall comprise and embrace a portion of that territory within Ward 9 of the parish, with boundaries described as follows:

Commencing at the intersection of the centerline of Facianes Canal and the shore of Lake Pontchartrain in section 26, Township 9 south, Range 13 east; the point of beginning; thence follow the meanderings of Facianes Canal northeast, southeast, northeast, east, and southeast to its intersection with the western boundary of the Southern Railroad; thence continue south 45 degrees 51 minutes 27 seconds east to the centerline of U.S. Highway 11; thence follow the centerline of U.S. Highway 11 in a northeasterly direction to its intersection with the Schneider Canal; thence follow the meanderings of Schneider Canal in a southeasterly direction to its intersection with the centerline of Howze Beach Road; thence go northeasterly along the centerline of Howze Beach Road to its intersection with LA Highway 433 (Salt Bayou Road); thence follow the centerline of LA Highway 433 in a southeasterly direction to its intersection with the northern boundary of Pirate's Harbor Subdivision, also the northern right-of-way line of Captain Morgan Street (not constructed); thence southwest along the northern right-of-way of Captain Morgan Street to the centerline of East Diversion Canal; thence south and southwest along the centerline of said canal to its intersection with Salt Bayou; thence follow the meanderings of Salt Bayou in a southwesterly direction to the shore of Lake Pontchartrain; thence follow the shoreline of Lake Pontchartrain in a northwesterly direction to the point of beginning.

(b) *Name and powers.* The sub-road district hereby created shall be known and designated as "Sub-Road District No. 1 of Road District No. 15 of the Parish of St. Tammany, State of Louisiana," (the "district") and as thus created shall constitute a public corporation and political subdivision of the state, of which this parish council shall be the governing authority, and shall have all the rights, powers and privileges granted and conferred by the state constitution and statutes to such corporations, including the authority to incur debt, issue bonds and to levy taxes.

(c) *Seal; journal.* The official seal of the parish is hereby adopted as the official seal of the sub-road district, and the official journal of this parish council shall be the official journal of the sub-road district.

(Code 1998, § 20-089.00; Ord. No. 86-588, 4-17-1986)

Sec. 35-218. Sub-Road District No. 1 (parcel) of Road District No. 15—Abolished.

(Code 1998, § 20-090.00; Ord. No. 86-670, 8-4-1986; Ord. No. 89-1032, 1-19-1989)

Sec. 35-219. Sub-Road District No. 2 of Road District No. 15—Abolished.

(Code 1998, § 20-091.00; Ord. No. 86-697, 9-18-1986; Ord. No. 89-1032, 1-19-1989)

Sec. 35-220. Sub-Road District No. 2-A (parcel) of Road District No. 15—Abolished.

(Code 1998, § 20-092.00; Ord. No. 86-672, 8-4-1986; Ord. No. 89-1032, 1-19-1989)

Sec. 35-221. Sub-Road District No. 2-B (parcel) of Road District No. 15—Abolished.

(Code 1998, § 20-093.00; Ord. No. 86-673, 8-4-1986; Ord. No. 89-1032, 1-19-1989)

Sec. 35-222. Sub-Road District No. 2-C (parcel) of Road District No. 15—Abolished.

(Code 1998, § 20-094.00; Ord. No. 86-674, 8-4-1986; Ord. No. 89-1032, 1-19-1989)

Sec. 35-223. Sub-Road District No. 2-D (parcel) of Road District No. 15—Abolished.

(Code 1998, § 20-095.00; Ord. No. 86-675, 8-4-1986; Ord. No. 89-1032, 1-19-1989)

Sec. 35-224. Sub-Road District No. 2-E (parcel) of Road District No. 15—Abolished.

(Code 1998, § 20-095.01; Ord. No. 86-676, 8-4-1986; Ord. No. 89-1032, 1-19-1989)

Sec. 35-225. Sub-Road District No. 2-F (parcel) of Road District No. 15—Abolished.

(Code 1998, § 20-095.02; Ord. No. 86-677, 8-4-1986; Ord. No. 89-1032, 1-19-1989)

Sec. 35-226. Sub-Road District No. 3 of Road District No. 15.

(a) *Created; boundaries.* By virtue of the authority conferred by part II, ch. 2, title 48 of the Louisiana Revised Statutes of 1950, as amended, and other constitutional and statutory authority, a sub-road district be and the same is hereby created within Road District No. 15 of the parish, which sub-road district shall comprise and embrace the following territory:

A portion of the right-of-way of Airport Road, inclusive of width and length, located west and north of Slidell, Louisiana, commencing from the southern most point of westbound Interstate northerly direction to the northern most point of Airport Road's intersection with Belair Boulevard.

(b) *Name and powers.* The sub-road district hereby created shall be known and designated as "Sub-Road District No. 3 of Road District No. 15 of the Parish of St. Tammany, State of Louisiana," and as thus created shall constitute a public corporation and political subdivision of the authority and shall have the rights, powers and privileges granted and conferred by the constitution and statutes of the state to such corporations, including the authority to incur debt, to issue bonds and to levy taxes.

(c) *Seal and journal.* The official seal of the parish, be and the same is hereby adopted as the official seal of said sub-road district and the official journal of this parish council shall be the official journal of said sub-road district.

(d) *Notice/publication.* Due notice of the formation and creation of the sub-road district hereby created shall be published in accordance with law, and that the president of this parish council be and he is hereby instructed and ordered to issue notice of the formation and creation of said sub-road district and to cause publication thereof to be made in accordance with the requirements of part II, ch. 2, title 48 of the Louisiana Revised Statutes of 1950, as amended. (Code 1998, § 20-095.03; Ord. No. 94-2026, 7-21-1994)

State law reference—Authorizes St. Tammany Parish to create sub-road districts, R.S. 33:2740.13.

Sec. 35-227. Sub-Road District No. 4 of Road District No. 15.

(a) *Created; boundaries.* By virtue of the authority conferred by part II, ch. 2, title 48 of the Louisiana Revised Statutes of 1950, as amended, and other constitutional and statutory authority, a sub-road district be and the same is hereby created within Road District No. 15 of the parish, which sub-road district shall comprise and embrace territory within Police Jury District No. 13 as follows:

All property bounded on the north by the Schneider Canal, on the south by Lake Pontchartrain, on the east by Interstate 10 and on the west by U.S. Highway 11.

(b) *Name and powers.* The sub-road district hereby created shall be known and designated as "Sub-Road District No. 4 of Road District No. 15 of the Parish of St. Tammany, State of Louisiana," and as thus created shall constitute a public corporation and political subdivision of the authority and shall have the rights, powers and privileges granted and conferred by the constitution and statutes of the state to such corporations, including the authority to incur debt, to issue bonds and to levy taxes.

(c) *Seal and journal.* The official seal of the parish, be and the same is hereby adopted as the official seal of said sub-road district and the official journal of this parish council shall be the official journal of said sub-road district.

(d) *Notice/publication.* Due notice of the formation and creation of the sub-road district hereby created shall be published in accordance with law, and that the president of this parish council be and he is hereby instructed and ordered to issue notice of the formation and creation

of said sub-road district and to cause publication thereof to be made in accordance with the requirements of part II, ch. 2, title 48 of the Louisiana Revised Statutes of 1950, as amended. (Code 1998, § 20-095.04; Ord. No. 95-2174, 2-23-1995)

State law reference—Authorizes St. Tammany Parish to create sub-road districts, R.S. 33:2740.13.

Secs. 35-228—35-247. Reserved.

DIVISION 8. DISTRICT NO. 16

Sec. 35-248. Created; boundaries.

A road district is hereby created within the parish which shall comprise and embrace all of the 3rd Ward as it exists on February 18, 1965.

(Code 1998, § 20-096.00; Ord. No. 375, Bk. 5, P. 535)

State law reference—Power to create Road Districts, R.S. 48:571.

Sec. 35-249. Name and powers.

The road district created herein shall be known and designated as "Road District No. 16 of the Parish of St. Tammany, State of Louisiana," and shall have all the rights, powers and privileges granted by and conferred by the constitution and statutes of the state, including the right to incur debt and issue bonds and levy taxes for the payment thereof.

(Code 1998, § 20-097.00; Ord. No. 375, Bk. 5, P. 535)

State law reference—Powers of Road Districts, R.S. 48:582.

Sec. 35-250. Domicile, seal and journal.

The domicile of the road district created herein shall be at Covington, Louisiana, the parish seat; the official seal of the parish is hereby adopted as the official seal of said road district, and the official journal of the parish council shall be the official journal of said road district.

(Code 1998, § 20-098.00; Ord. No. 375, Bk. 5, P. 535)

Secs. 35-251—35-278. Reserved.

DIVISION 9. DISTRICT NO. 17

Sec. 35-279. Created; boundaries.

A road district is hereby created within the parish which shall comprise and embrace all of the 10th Ward as it exists on the adoption date of the ordinance from which this section is derived.

(Code 1998, § 20-106.00; Ord. No. 585, Bk. 7, P. 368)

State law reference—Power to create Road Districts, R.S. 48:571.

Sec. 35-280. Name and powers.

The road district herein created shall be known and designated as "Road District No. 17 of the Parish of St. Tammany, State of Louisiana," and shall have all rights, powers and privileges granted by and conferred by the constitution and statutes of the state, including the right to incur debt and issue bonds and levy taxes for the payment received thereof.

(Code 1998, § 20-107.00; Ord. No. 585, Bk. 7, P. 368)

State law reference—Powers of Road Districts, R.S. 48:582.

Sec. 35-281. Domicile, seal and journal.

The domicile of road district created herein shall be at Covington, Louisiana, the parish seat; the official seal of the parish is adopted as the official seal of said road district and the official journal of the parish council shall be the official journal of the road district.

(Code 1998, § 20-108.00; Ord. No. 585, Bk. 7, P. 368)

Secs. 35-282—35-310. Reserved.

DIVISION 10. DISTRICT NO. 18

Sec. 35-311. Created; boundaries.

A road district is hereby created within the parish which shall comprise and embrace all of the 1st Ward as said ward is described in section 2-37.

(Code 1998, § 20-109.00; Ord. No. 80-81, 11-20-1980)

State law reference—Power to create road districts, R.S. 48:571.

Sec. 35-312. Name and powers.

The road district herein created shall be known and designated as "Road District No. 18 of the Parish of St. Tammany, State of Louisiana," and shall have all rights, powers and privileges granted by and conferred by the constitution and statutes of the state, including the right to incur debt and issue bonds and levy taxes for the payment received thereof.

(Code 1998, § 20-110.00; Ord. No. 80-81, 11-20-1980)

State law reference—Powers of road districts, R.S. 48:582.

Sec. 35-313. Domicile, seal and journal.

The domicile of the road district herein created shall be at Covington, Louisiana, the parish seat; official seal of the parish is adopted as the official seal of said district and the official journal of the parish council shall be the official journal of said road district.

(Code 1998, § 20-111.00; Ord. No. 80-81, 11-20-1980)

Sec. 35-314. Sub-Road District No. 1 (parcel) of Road District No. 18—Abolished.

Under and by virtue of the authority conferred by article VI, section 15 of the constitution of the state, for the year 1974, section 2740.13 of title 33 of the Louisiana Revised Statutes of 1950 and other constitutional and statutory authority supplemental thereto, created by Ordinance Police Jury Series No. 86-671 adopted on August 4, 1986, be and the same is hereby abolished.

(Code 1998, § 20-111.01; Ord. No. 88-986, 9-15-1988; Ord. No. 86-671, 8-4-1986)

Editor's note—Section 35-314 and section 35-316 are authorized by Ord. No. 88-986, adopted 9-15-1988 with the legislative intent to abolish Sub-Road District No. 1 (Parcel) of Road District No. 18 as created by Ord. No. 86-671, adopted 8-4-1986 and to provide for a special fund for any moneys remaining thereof, all as stated in section 35-315 herein.

Sec. 35-315. Special fund with provisions for use.

All moneys of the district shall be placed in a special fund to be created, maintained and controlled by the parish council, and all expenditures therefrom shall be solely for purposes set forth in the proposition approved by the voters of the district at the special election held within the boundaries thereof on September 27, 1986 (the "proposition"). Any and all duly incurred obligations and/or indebtedness of the district shall be payable solely from such moneys of the district placed in said special fund.

(Code 1998, § 20-111.02; Ord. No. 88-986, 9-15-1988; Ord. No. 86-671, 8-4-1986)

Sec. 35-316. Records, etc., retained by parish council.

The records, property and other assets of the district shall be delivered to the parish council and retained by said parish council for the purposes set forth in the proposition.

(Code 1998, § 20-111.03; Ord. No. 88-986, 9-15-1988; Ord. No. 86-671, 8-4-1986)

Secs. 35-317—35-335. Reserved.**DIVISION 11. DISTRICT NO. 19****Sec. 35-336. Created; boundaries.**

A road district is hereby created within the parish which shall comprise and embrace all of the 4th Ward as said ward is described in section 2-37.

(Code 1998, § 20-112.00; Ord. No. 80-82, 11-20-1980)

State law reference—Power to create road districts, R.S. 48:571.

Sec. 35-337. Name and powers.

The road district herein created shall be known and is designated as "Road District No. 19 of the Parish of St. Tammany, State of Louisiana," and shall have all rights, powers and privileges granted by and conferred by the constitution and statutes of the state including the right to incur debt and issue bonds and levy taxes for the payment received thereof.

(Code 1998, § 20-130.00; Ord. No. 80-82, 11-20-1980)

State law reference—Powers of Road Districts, R.S. 48:582.

Sec. 35-338. Domicile, seal and journal.

The domicile of the road district herein created shall be at Covington, Louisiana, the parish seat; the official seal of the parish is adopted as the official seal of said district, and the official journal of the parish council shall be the official journal of said road district.

(Code 1998, § 20-114.00; Ord. No. 80-82, 11-20-1980)

Sec. 35-339. Sub-Road District No. 1 (parcel) of Road District No. 19—Abolished.

(Code 1998, § 20-115.00; Ord. No. 86-721, 10-16-1986; Ord. No. 89-1032, 1-19-1989)

Sec. 35-340. Sub-Road District No. 2 (parcel) of Road District No. 19.

By virtue of the authority conferred by section 2740.13 of title 33 of the Louisiana Revised Statutes of 1950, as amended (the "Act"), and other constitutional and statutory authority, a sub-road district is hereby created within Road District No. 19 of the parish, which sub-road district shall comprise and embrace a portion of the territory within said road district and the boundaries of which sub-road district shall include the following territory:

A certain tract or parcel of land, together with all the buildings and improvements thereon, and all the rights, ways, privileges, servitudes, appurtenances, and advantages thereunto belonging or in anywise appertaining, situated in section 44, Township 8 south, Range 11 east, Greensburg Land District, St. Tammany Parish, Louisiana being Lewisburg Estates, all in accordance with the official plan thereof by Albert A. Lovell and Associates, Inc., Consulting Engineers, dated June 14, 1977, filed for record on September 9, 1977, in Map File #534-A, and more fully described therein as follows, to-wit:

- a. Commencing at the corner of sections 4, 42, 43 and 44, Township 8 south, Range 11 east; thence south 06 degrees 36 minutes west 3,576.62 feet along the line between sections 43 and 44; thence north 83 degrees 24 minutes west 807.75 feet to the west line of Holly Street, the point of beginning; thence north 83 degrees 24 minutes west 136.8 feet; thence north 00 degrees 49 minutes east 150.77 feet; thence north 83 degrees 24 minutes west 377.11 feet; thence south 00 degrees 31 minutes east 998.17 feet; thence south 59 degrees 29 minutes west 445.01 feet; thence south 89 degrees 29 minutes west 184.59 feet; thence south 00 degrees 31 minutes east 372 feet more or less to the shore of Lake Pontchartrain, thence

along the shore of said Lake in a easterly direction 400 feet more or less; thence north 00 degrees 31 minutes west 228.00 feet more or less to the south line of Northlake Drive; thence north 89 degrees 29 minutes east 132.06 feet; thence along a curve having a radius of 120 feet a distance of 70.28 feet; thence along a curve having a radius of 60 feet a distance of 38.14 feet; thence north 89 degrees 29 minutes east 264.86 feet; thence south 00 degrees 31 minutes east 160 feet; thence south 18 degrees 31 minutes west 150 feet more or less to the shore of Lake Pontchartrain; thence along the shore of said Lake 150 feet more or less to a line parallel to and 154 feet from the west line of Holly Street; thence along said line north 00 degrees 31 minutes west 340 feet more or less; thence north 89 degrees 20 minutes east 154 feet to the west line of Holly Street; thence north 00 degrees 31 minutes west 1220 feet along the west line of Holly Street to the point of beginning; and

- b. Lot numbers 2, 3, 4, 5, 6 of square 1, all in accordance with the official plan thereof by J. J. Krebs and Sons, Civil Engineers and Surveyors dated March 28, 1963, which these five lots are shown as "Not A Part" in said official plan by Albert A. Lovell and Associates, Inc., Consulting Engineers, dated June 14, 1977, filed for record on September 9, 1977, in Map File #534-A, and as revised to resubdivide Lots 10, 11, 12 and 15 into Lots 10A, 11A, 13A and 15A, and further to allow for Homeowners Boat Launch, all in accordance with map by Surveys, Inc. dated May 13, 1985, and filed for record on November 5, 1985, in Map File #897-B, of the official records of the parish.

(Code 1998, § 20-115.01)

Sec. 35-341. Name and powers.

The sub-road district hereby created shall be known and designated as "Sub-Road District No. 2 (Parcel) of Road District No. 19 of the Parish of St. Tammany, State of Louisiana," (the "district") and as thus created shall constitute a political subdivision of the state, and shall have all the rights, powers and privileges granted and conferred by the Act and other constitutional and statutory authority, including the authority, to incur debt, to issue bonds and to levy parcel fees.

(Code 1998, § 20-115.02)

Sec. 35-342. Governing authority.

The governing authority of the district shall be a five member board of commissioners comprised registered voters residing within the district, for terms of four years each.

(Code 1998, § 20-115.03)

Sec. 35-343. Domicile, seal and journal.

The domicile of the district shall be the regular meeting place of this parish council; however, the board of commissioners may meet at either such regular meeting place or a location within the district designated by the presiding officer of said board of commissioners.

(Code 1998, § 20-115.04; Ord. No. 00-0135, 5-4-2000)

Secs. 35-344—35-374. Reserved.

DIVISION 12. DISTRICT NO. 20

Sec. 35-375. Created; boundaries.

By virtue of the authority conferred by part II, ch. 2, title 48 of the Louisiana Revised Statutes of 1950, as amended, and other constitutional and statutory authority, a road district be and the same is hereby created within the parish, which road district shall comprise and embrace all of that territory within Police Jury District No. 10 of the parish, as presently constituted.

(Code 1998, § 20-116.00)

Sec. 35-376. Name and powers.

The road district hereby created shall be known and designated as "Road District No. 20 of the Parish of St. Tammany, State of Louisiana," and as thus created shall constitute a public corporation and political subdivision of the state, of which this parish council shall be the governing authority, and shall have all the rights, powers and privileges granted and conferred by the constitution and statutes of the state to such corporations, including the authority to incur debt, to issue bonds and to levy taxes.

(Code 1998, § 20-117.00)

Sec. 35-377. Domicile, seal and journal.

The official seal of the parish, be and the same is hereby adopted as the official seal of said road district and the official journal of this parish council shall be the official journal of said road district. Due notice of the formation and creation of the road district hereby created shall be published in accordance with law, and that the president of this parish council be and he is hereby instructed and ordered to issue notice of the formation and creation of said road district and to cause publication thereof to be made in accordance with the requirements of part II, ch. 2, title 48 of the Louisiana Revised Statutes of 1950, as amended.

(Code 1998, § 20-118.00; Ord. No. 92-1659, 10-15-1992)

Secs. 35-378—35-397. Reserved.

DIVISION 13. DISTRICT NO. 21

Sec. 35-398. Created; boundaries.

By virtue of the authority conferred by part II, ch. 2, title 48 of the Louisiana Revised Statutes of 1950, as amended, and other constitutional and statutory authority, a road district be and the same is hereby created within the parish, which road district shall comprise and embrace all of that territory within Police Jury District No. 4 of the parish, as presently constituted.

(Code 1998, § 20-120.00)

Sec. 35-399. Name and powers.

The road district hereby created shall be known and designated as "Road District No. 21 of the Parish of St. Tammany, State of Louisiana," and as thus created shall constitute a public corporation and political subdivision of the state, of which this parish council shall be the governing authority, and shall have all the rights, powers and privileges granted and conferred by the constitution and statutes of the state to such corporations, including the authority to incur debt, to issue bonds and to levy taxes.

(Code 1998, § 20-121.00)

Sec. 35-400. Domicile, seal and journal.

The official seal of the parish, be and the same is hereby adopted as the official seal of said road district and the official journal of this parish council shall be the official journal of said road district. Due notice of the formation and creation of the road district hereby created shall be published in accordance with law and the president of the parish council is hereby instructed and ordered to issue notice of the formation and creation of said road district and to cause publication thereof to be made in accordance with the requirements of part II, ch. 2, title 48 of the Louisiana Revised Statutes of 1950, as amended.

(Code 1998, § 20-122.00; Ord. No. 92-1660, 10-15-1992)

Secs. 35-401—35-428. Reserved.

DIVISION 14. DISTRICT NO. 22

Sec. 35-429. Created; boundaries.

By virtue of the authority conferred by part II, ch. 2, title 48 of Louisiana Revised Statutes of 1950, as amended, and other constitutional and statutory authority, a road district is hereby created within the parish, which road district shall comprise and embrace all of the Ward 4 territory within Police Jury District No. 7.

(Code 1998, § 20-123.00; Ord. No. 93-1687, 1-21-1993)

Sec. 35-430. Name and powers.

The road district hereby created shall be known and designated as "Road District No. 22 of the Parish of St. Tammany, State of Louisiana," and as thus created shall constitute a public corporation and political subdivision of the authority and shall have the rights, powers and privileges granted and conferred by the constitution and statutes of the state to such corporations, including the authority to incur debt, to issue bonds and to levy taxes.

(Code 1998, § 20-123.01; Ord. No. 93-1687, 1-21-1993)

Sec. 35-431. Seal and journal.

The official seal of the parish, is hereby adopted as the official seal of said road district and the official journal of this parish council shall be the official journal of said road district.

(Code 1998, § 20-123.02; Ord. No. 93-1687, 1-21-1993)

Sec. 35-432. Notice/publication.

Due notice of the formation and creation of the road district hereby created shall be published in accordance with law, and that the president of this parish council be and he is hereby instructed and ordered to issue notice of the formation and creation of said road district and to cause publication thereof to be made in accordance with the requirements of part II, ch. 2, title 48 of the Louisiana Revised Statutes of 1950, as amended.

(Code 1998, § 20-123.03; Ord. No. 93-1687, 1-21-1993)

Secs. 35-433—35-462. Reserved.

DIVISION 15. DISTRICT NO. 23*

Sec. 35-463. Created; boundaries.

By virtue of the authority conferred by part II, ch. 2, title 48 of the Louisiana Revised Statutes of 1950, as amended, and other constitutional and statutory authority, a road district be and the same is hereby created within the parish, which road district shall comprise and embrace territory within Police Jury District No. 2, less and except the corporate limits of the Village of Folsom, Louisiana.

(Code 1998, § 20-124.00; Ord. No. 95-2172, 2-23-1995)

Sec. 35-464. Name and powers.

The road district hereby created shall be known and designated as "Road District No. 23 of the Parish of St. Tammany, State of Louisiana," and as thus created shall constitute a public

***Editor's note**—Division 15, sections 35-463—35-466 are new sections created by the authority of Ordinance No. 95-2172, adopted Feb. 23, 1995.

corporation and political subdivision of the authority and shall have the rights, powers and privileges granted and conferred by the constitution and statutes of the state to such corporations, including the authority to incur debt, to issue bonds and to levy taxes.

(Code 1998, § 20-124.01; Ord. No. 95-2172, 2-23-1995)

Sec. 35-465. Seal and journal.

The official seal of the parish, be and the same is hereby adopted as the official seal of said road district and the official journal of this parish council shall be the official journal of said sub-road district.

(Code 1998, § 20-124.02; Ord. No. 95-2172, 2-23-1995)

Sec. 35-466. Notice/publication.

Due notice of the formation and creation of the road district hereby created shall be published in accordance with law, and that the president of this parish council be and he is hereby instructed and ordered to issue notice of the formation and creation of said road district and to cause publication thereof to be made in accordance with the requirements of part II, ch. 2, title 48 of the Louisiana Revised Statutes of 1950, as amended.

(Code 1998, § 20-124.03; Ord. No. 95-2172, 2-23-1995)

Secs. 35-467—35-485. Reserved.

DIVISION 16. CAPITAL IMPROVEMENT PROGRAM

Sec. 35-486. Three-year capital improvement program.

The parish council hereby establishes a three-year capital improvement program for the parish as attached and marked as exhibit "A" of this division and numbered pages 1 through 14.

(Code 1998, § 20-125.00; Ord. No. 89-1195, 12-21-1989)

Editor's note—Exhibit "A" is attached to this division, on file in the office of the secretary of the parish council.

Secs. 35-487—35-510. Reserved.

ARTICLE III. ROAD LIGHTING DISTRICTS*

Sec. 35-511. District No. 1.

There is hereby created the parish Lighting District No. 1. The boundaries of said district shall be the entire 7th Ward of the parish as it existed on May 5, 1977. The district shall be administratively governed and controlled by the parish president. All funds shall be maintained and controlled, as per law, by the office of the parish president.
(Code 1998, § 20-201.00; Ord. No. 711, 5-5-1977; Ord. No. 00-0157, 6-1-2000)

Sec. 35-512. District No. 2.

Repealed. See editor's note above.
(Code 1998, § 20-202.00)

Sec. 35-513. District No. 3.

Repealed. See editor's note above.
(Code 1998, § 20-203.00)

Sec. 35-514. District No. 4.

(a) There is hereby established St. Tammany Parish Lighting District No. 4. The boundaries of said district shall be all of the area included in the 9th Ward of the parish as it existed on August 18, 1977, less and except the area included within the boundaries of the municipality of Slidell as of August 18, 1977, and precinct 9 of the 9th Ward.

(b) In addition, the boundaries of the district shall include a portion of the U.S. Highway 11 right-of-way near, and including, the entirety of its interchange with I-12 and proceeding a certain distance along U.S. Highway 11 generally northwest of I-12 located in the southwest corner of Section 35, Township 8 south, Range 14 east, a portion of the railroad right-of-way and a portion of I-12 in Sections 34 and 35, Township 8 south, Range 14 east, as indicated in Exhibit A, which is attached to the ordinance from which this section is derived.

(c) The district shall be administratively governed and controlled by the parish president. All funds shall be maintained and controlled, as per law, by the office of the parish president.
(Code 1998, § 20-204.00; Ord. No. 725, 6-16-1977; Ord. No. 750, 8-18-1977; Ord. No. 83-639, 7-21-1983; Ord. No. 00-0157, 6-1-2000; Ord. No. 12-2804, 8-2-2012; Ord. No. 15-3410, 10-1-2015)

***Editor's note**—Pursuant to Ordinance No. 00-0157, adopted 6-1-2000, Lighting Districts #2, 3, 8, 12 and 13 were abolished as per law; all other districts (#1, 4, 5, 6, 7, 9, 10, 11) that maintain funds shall remain viable. When and if funds are depleted, the parish council shall review the district to determine if it should continue to exist.

Sec. 35-515. District No. 5.

(a) There is hereby created the parish Lighting District No. 5, comprising French Branch Estates, Phases I through X, in the 8th Ward of the parish as it existed on May 17, 1979.

(b) By virtue of the authority conferred by ch. 7, title 48 of the Louisiana Revised Statutes of 1950, as amended, and other constitutional and statutory authority, the boundaries of Road Lighting District No. 5 are hereby amended to include French Branch Estates, Phases 11-A, 11-B and 11-C. The district shall be administratively governed and controlled by the parish president. All funds shall be maintained and controlled, as per law, by the office of the parish president.

(Code 1998, § 20-205.00; Ord. No. 985, 5-17-1979; Ord. No. 97-2656, 5-15-1997; Ord. No. 00-0157, 6-1-2000)

Sec. 35-516. District No. 6.

(a) There is hereby created St. Tammany Parish Lighting District No. 6. The Boundaries of such district shall encompass only those areas of Ward 4 (as described in section 2-37) located in former Parish Police Jury District 7 as it existed on August 20, 1992, less and except any portion thereof situated within any incorporated area thereof at the time of district creation.

(b) In addition, the boundaries of the district shall include a portion of the Louisiana Highway 1088 right-of-way, in its entirety and including all of the area of its interchange with Highway 59, and proceeding northeast to its intersection with Loretta Drive.

(c) In addition, the boundaries of the district shall include a portion of the Louisiana Highway 1088 right-of-way, in its entirety and including all of the area of its interchange with Highway 59 proceeding northeast to its intersection with Loretta Drive.

(d) The district shall be administratively governed and controlled by the parish president. All funds shall be maintained and controlled, as per law, by the office of the parish president. (Code 1998, § 20-206.00; Ord. No. 83-574, 4-21-1983; Ord. No. 92-1627, 8-20-1992; Ord. No. 00-0157, 6-1-2000; Ord. No. 12-2733, 5-3-2012; Ord. No. 15-3270, 1-8-2015)

Sec. 35-517. District No. 7.

There is hereby created the parish Lighting District No. 7. The boundaries of such district shall be the entirety of Precinct 9 of the 9th Ward, with the inclusion of the roads and/or pieces of roads described below in section 35-518, and, further, with the inclusion of all of Lake Pontchartrain south of Precinct 9 of the 9th Ward extending (a) due south from the westernmost intersection of Precinct 9 of the 9th Ward with the shoreline of Lake Pontchartrain to the southernmost boundary of the parish; and (b) due south from the easternmost intersection of

Precinct 9 of the 9th Ward with the shoreline of Lake Pontchartrain to the southernmost boundary; and (c) that portion of the southern boundary of the parish between subsections (a) and (b) of this section.

(Code 1998, § 20-207.00; Ord. No. 83-639, 7-21-1983; Ord. No. 96-2513, 10-17-1996; Ord. No. 97-2575, 1-16-1997; Ord. No. 12-2680, 2-2-2012)

Sec. 35-518. Amended boundaries.

The description of the boundaries of Road Lighting District No. 7 is hereby amended to include the following roads and/or pieces of roads and the properties fronting upon them from the boundaries of Road Lighting District No. 7:

- (1) Oak Tree Dr. Oak Harbor S/D, Ph. 1/section 1 "The Fairways."
 - (2) Mission Hills Oak Harbor S/D, Ph. 1/section 1 "The Fairways."
 - (3) La Quinta Dr. Oak Harbor S/D, Ph. 1/section 1 "The Fairways."
 - (4) Carmel Valley Oak Harbor S/D, Ph. 1/section 1 "The Fairways."
 - (5) Oak Cove Oak Harbor S/D, Ph. 1/section 2-A "The Inlets."
 - (6) Inlet Dr. Oak Harbor S/D, Ph. 1/section 2-A "The Inlets."
 - (7) Inlet Dr. Oak Harbor S/D, Ph. 1/section 2-B "The Inlets."
 - (8) Harbor Cove Oak Harbor S/D, Ph. 1/section 2-B "The Inlets."
 - (9) Mariner's Cove Blvd. Oak Harbor's Mariner's Cove, Ph. 1-A.
 - (10) Lighthouse Point Oak Harbor's Mariner's Cove, Ph. 1-A.
 - (11) Clipper Dr. Clipper Estates S/D, Ph. 1-A.
 - (12) Clipper Dr. Clipper Estates S/D, Ph. 1-B.
 - (13) Clipper Dr. Clipper Estates S/D, Ph. 1-C.
 - (14) Clipper Dr. Clipper Estates S/D, Ph. 2-A.
- (Code 1998, § 20-207.01; Ord. No. 96-2513, 10-17-1996; Ord. No. 97-2575, 1-16-1997)

Sec. 35-519. Regulations/policies/procedures.

All parish regulations, policies, procedures and operating methods pertaining to the creation, administration and operation of parish road lighting districts shall apply to the aforementioned Road Lighting District No. 7, as amended herein.

(Code 1998, § 20-207.02; Ord. No. 96-2513, 10-17-1996; Ord. No. 97-2575, 1-16-1997)

Sec. 35-520. Administration.

The district shall be administratively governed and controlled by the parish president. All funds shall be maintained and controlled, as per law, by the office of the parish president.
(Code 1998, § 20-207.03; Ord. No. 00-0157, 6-1-2000)

Sec. 35-521. District No. 8.

Repealed. See editor's note at beginning of article III of this chapter.
(Code 1998, § 20-208.00)

State law reference—Authorizes parish governing authorities to create road lighting districts, R.S. 48:1306.

Sec. 35-522. District No. 9.

(a) By virtue of the authority conferred by ch. 7, title 48 of the Louisiana Revised Statutes of 1950, as amended, and other constitutional and statutory authority, a Road Lighting District be and the same is hereby created within the parish, which Road Lighting District shall comprise and embrace all of that territory within the unincorporated areas of Police Jury District No. 8 of the parish, as originally constituted November 19, 1992, per ordinance P.J.S. No. 92-1672.

(b) The Road Lighting District hereby created shall be known and designated as "Road Lighting District No. 9 of the Parish of St. Tammany, State of Louisiana" (the "district") and as thus created shall constitute a public corporation and political subdivision of the state, of which this parish council shall be the governing authority, and the district shall have all the rights, powers and privileges granted and conferred by the constitution and statutes of the state to such political subdivisions, including the authority to incur debt and to levy taxes.

(c) The official seal of the parish be and the same is hereby adopted as the official seal of the district and the official journal of this parish council shall be the official journal of the district.

(d) The district shall be administratively governed and controlled by the parish president. All funds shall be maintained and controlled, as per law, by the office of the parish president.
(Code 1998, § 20-209.00; Ord. No. 00-0157, 6-1-2000; Ord. No. 92-1672, 11-19-1992; Ord. No. 94-2088, 10-20-1994; Ord. No. 99-3080, 5-20-1999)

Sec. 35-523. District No. 10.

(a) *Created; boundaries.* By virtue and authority conferred by ch. 7, title 48 of the Louisiana Revised Statutes of 1950, as amended, and other constitutional and statutory authority, a Road Lighting District be and the same is hereby created within the parish, which Road Lighting District shall comprise and embrace all of the territory situated in Hunters Creek Village a/k/a Evangeline Oaks Subdivision within Police Jury District No. 9 of the parish.

(b) *Name and powers.* The Road Lighting District hereby created shall be designated as "Road Lighting District No. 10 of the Parish of St. Tammany, State of Louisiana" (the "district"), and as thus created shall constitute a public corporation and political subdivision of the state, of which this parish council shall be the governing authority, and the district shall have all the rights, powers and privileges granted and conferred by the constitution and statutes of the state to such political subdivisions, including the authority to incur debt and to levy taxes.

(c) *Seal and journal.* The official seal of the parish, be and the same is adopted as the official seal of the district and official journal of the parish council shall be the official journal of the district.

(d) *Administrative control.* The district shall be administratively governed and controlled by the parish president. All funds shall be maintained and controlled, as per law, by the office of the parish president.

(Code 1998, § 20-210.00; Ord. No. 94-2123, 11-17-1994; Ord. No. 94-2145, 12-15-1994; Ord. No. 00-0157, 6-1-2000)

State law reference—Authorizes parish governing authorities to create road lighting districts, R.S. 48:1306.

Sec. 35-524. District No. 11.

(a) *Created; boundaries.* By virtue of the authority conferred by ch. 7, title 48 of the Louisiana Revised Statutes of 1950, as amended, and other constitutional and statutory authority, a Road Lighting District be and the same is hereby created within the parish, which Road Lighting District shall compromise and embrace all of the territory situated in Meadow Lake Subdivision, Phases 1, 2, 3, 4, 5 and 6, within Police Jury District No. 13 of the parish.

(b) *Name and powers.* The Road Lighting District hereby created shall be known and designated as "Road Lighting District No. 11 of the Parish of St. Tammany, State of Louisiana" (the "district"), and as thus created shall constitute a public corporation and political subdivision of the state, of which this parish council shall be the governing authority, and the district shall have all the rights, powers and privileges granted and conferred by the constitution and statutes of the state to such political subdivisions, including the authority to incur debt and to levy taxes.

(c) *Seal and journal.* The official seal of the parish, be and the same is adopted as the official seal of the district and the official journal of the parish council shall be the official journal of the district.

(d) *Administrative control.* The district shall be administratively governed and controlled by the parish president. All funds shall be maintained and controlled, as per law, by the office of the parish president.

(Code 1998, § 20-211.00; Ord. No. 97-2657, 5-15-1997; Ord. No. 00-0157, 6-1-2000)

Sec. 35-525. District No. 12.

Repealed. See editor's note at beginning of article III of this chapter.
(Code 1998, § 20-212.00)

Sec. 35-526. District No. 13.

Repealed. See editor's note at beginning of article III of this chapter.
(Code 1998, § 20-213.00)

Sec. 35-527. District No. 14.

(a) *Created; boundaries.* By virtue of the authority conferred by ch. 7, title 48 of the Louisiana Revised Statutes of 1950, as amended, and other constitutional and statutory authority, a Road Lighting District is hereby created within the parish, which Road Lighting District shall comprise and include all of the properties situated in Ashton Oaks Subdivision, Phases 1, 2, 3 and 4, within Ward 8, District 9 of the parish. The official recorded plats of said subdivision phases are made a part hereof by reference, copies of which are available for public inspection in the parish council office.

(b) *Name and powers.* The Road Lighting District hereby created shall be known and designated as "Road Lighting District No. 14 of the Parish of St. Tammany (the "district")," and as thus created shall constitute a public corporation and political subdivision of the state, of which this parish council shall be the governing authority, and the district shall have all the rights, powers and privileges granted and conferred by the constitution and statutes of the state to such political subdivisions, including the authority to incur debt and to levy taxes.

(c) *Seal and journal.* The official seal of the parish, is adopted as the official seal of the district and the official journal of the parish government shall be the official journal of the district.

(Code 1998, § 20-214.00; Ord. No. 05-1184, 9-28-2005)

Sec. 35-528. District No. 15.

(a) *Created; boundaries.* By virtue of the authority conferred by ch. 7, title 48 of the Louisiana Revised Statutes of 1950, as amended, and other constitutional and statutory authority, a Road Lighting District is hereby created within the parish, which Road Lighting District shall comprise and include all of the properties situated in Ingram Estates Subdivision, Phase 2, within Ward 3, District 5 of the parish. The official recorded plats of said subdivision phases are made a part hereof by reference, copies of which are available for public inspection in the parish council office.

(b) *Name and powers.* The Road Lighting District hereby created shall be known and designated as "Road Lighting District No. 15 of the Parish of St. Tammany (the "district")," and as thus created shall constitute a public corporation and political subdivision of the state,

of which this parish council shall be the governing authority, and the district shall have all the rights, powers and privileges granted and conferred by the constitution and statutes of the state to such political subdivisions, including the authority to incur debt and to levy taxes.

(c) *Seal and journal.* The official seal of the parish, is adopted as the official seal of the district and the official journal of the parish government shall be the official journal of the district.

(Code 1998, § 20-215.00; Ord. No. 07-1514, 2-1-2007)

Sec. 35-529. District No. 16.

(a) *Created; boundaries.* By virtue of the authority conferred by ch. 7, title 48 of the Louisiana Revised Statutes of 1950, as amended, and other constitutional and statutory authority, a Road Lighting District is hereby created within the parish, which Road Lighting District shall comprise and include all of the properties situated within a portion of Ward 3, District 5 of the parish; with boundaries defined and described as follows and as further illustrated on the map attached to Ord. No. 07-1629, adopted 8-2-2007.

Commencing at the intersection of U.S. Highway 190 and Crestwood Boulevard, proceed in an Easterly direction along Crestwood Boulevard to its intersection with Falconer Drive, thence proceed north along the Falconer Drive right-of-way to its intersection with 9th Avenue, thence proceed east on 9th Avenue to its intersection with K Street, thence proceed south along the K Street right-of-way to its intersection with the northern boundary of Crestwood Subdivision, thence proceed east following the northern boundary of Crestwood Subdivision to its intersection with the 1st Street right-of-way, thence proceed south along the 1st Street right-of-way to its intersection with Madison Avenue, thence proceed in an easterly direction on Madison Avenue to its intersection with 7th Street, thence proceed south on 7th Street to its intersection with the Emerald Forest Boulevard right-of-way, thence proceed east along the Emerald Forest Boulevard right-of-way to its intersection with 11th Street, thence proceed south on 11th Street to its intersection with Helenbirg Road, thence proceed southwest and west on Helenbirg Road to its intersection with U.S. Highway 190, thence proceed north on U.S. Highway 190 to its intersection with Crestwood Boulevard, also the point of beginning.

(b) *Name and powers.* The Road Lighting District hereby created shall be known and designated as "Road Lighting District No. 16 of the Parish of St. Tammany (the "district")," and as thus created shall constitute a public corporation and political subdivision of the state, of which this parish council shall be the governing authority, and the district shall have all the rights, powers and privileges granted and conferred by the constitution and statutes of the state to such political subdivisions, including the authority to incur debt and to levy taxes.

(c) *Seal and journal.* The official seal of the parish, is adopted as the official seal of the district and the official journal of the parish government shall be the official journal of the district.

(Code 1998, § 20-216.00; Ord. No. 07-1629, 8-2-2007)

Sec. 35-530. District No. 17.

(a) *Created; boundaries.* By virtue of the authority conferred by R.S. chapter 7, title 48, as amended, and other constitutional and statutory authority, a road lighting district is hereby created within the parish, which road lighting district shall comprise and include all of the properties situated within a portion of Ward 3, District 5; with boundaries defined and described in and as further illustrated on the map attached to the ordinance from which this section is derived and made a part hereof marked as Exhibit "A."

(b) *Name and powers.* The road lighting district hereby created shall be known and designated as "Road Lighting District No. 17 of the Parish of St. Tammany (the "district")," and as thus created shall constitute a public corporation and political subdivision of the state, of which the parish council shall be the governing authority, and the district shall have all the rights, powers and privileges granted and conferred by the state constitution and state statutes to such political subdivisions, including the authority to incur debt and to levy taxes.

(c) *Seal and journal.* The official seal of the parish is adopted as the official seal of the district and the official journal of the parish government shall be the official journal of the district.

(Ord. No. 15-3352, §§ 1—3, 7-9-2015)

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Chapter 36

SIGNS

- Sec. 36-1. Political signs; temporary permits.
- Sec. 36-2. Placement of advertising signs in parish rights-of-way.
- Sec. 36-3. Definitions.
- Sec. 36-4. General prohibition.
- Sec. 36-5. Exemptions from general prohibition.
- Sec. 36-6. Permits; temporary required.
- Sec. 36-7. Issuance; removal of signs.
- Sec. 36-8. Issuance under other ordinance or resolution.
- Sec. 36-9. Procedures for removal of structures, signs, obstacles, objects, deposits/things within right-of-way.
- Sec. 36-10. Removal and disposal.

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Sec. 36-1. Political signs; temporary permits.

(a) Any person desiring to distribute or display a political sign in connection with an organized campaign in support of or opposition to and candidacy, political slate or ticket, or ballot proposal shall first make an application to the department of planning and development for the issuance of a temporary sign permit. Such application shall include the name, address and telephone number of the applicant. The applicant for the permit shall provide the department of development with specimen copies of all signs to be distributed or displayed under the permit.

(b) The department of planning and development shall issue the requested permit upon receipt of the application and specimens provided for in subsection (a) of this section. Said permit shall authorize the distribution, erection and display of an unlimited number of signs of the type or types submitted by the applicant.

(c) Any such permit shall be issued for a period of time not to exceed 90 consecutive calendar days, however, that in the event that signs are distributed, erected or displayed under any such permit in connection with any candidacy or ballot proposal which involves more than one election, the permit shall automatically extend to the tenth day following the date of the general election to which the sign pertains.

(d) No political sign shall be erected or displayed in any public right-of-way.

(e) No political sign shall exceed 32 square feet in sign face area.

(f) The applicant shall remove all political signs erected or displayed under any permit issued to him under the provisions of this section no later than ten calendar days following the last election to which the signs pertain. Upon the failure to timely remove such signs, the parish may thereafter remove and dispose of any remaining signs.

(Code 1998, § 12-005.00; Ord. No. 96-2421, 5-16-1996)

Sec. 36-2. Placement of advertising signs in parish rights-of-way.

This article shall be known and may be cited as the "St. Tammany Parish Advertising Signs on Rights-of-Way."

(Code 1998, § 15-005.06)

Sec. 36-3. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Political sign means any sign urging the election or defeat of any candidate seeking any political office, or urging the passage or defeat of any ballot measure, but not including any billboard owned or maintained by a commercial firm or advertising company when leased or used as a political sign.

Real estate sign means any temporary sign pertaining to the sale, lease or rental of land or buildings, which is erected or displayed on the lot or parcel to which it applies.

Right-of way means any portion of ground dedicated to the parish for public use as a street or other use.

Sign means a medium of communication, including its structure and component parts, which is used, or intended to be used, to attract attention to its subject matter or location usually for advertising purposes.

Sign owner means that person who owns a sign and/or is responsible for a sign. In those cases in which an owner cannot be determined, the owner of the subject being advertised shall be deemed the owner of the sign.

Snipe sign means a sign which is tacked, nailed, posted, pasted, glued or otherwise attached to poles, stakes or to other like objects.
(Code 1998, § 15-005.07)

Sec. 36-4. General prohibition.

The erection, installation, maintaining or otherwise placing or permitting to remain upon any parish highway, right-of-way, including the shoulder, bank and outer or far side thereof, street, roadway, emergency lane, median, of any commercial advertising sign, snipe sign, poster, marker, placard, notice, light, signal light, warning of direction sign, is prohibited, except insofar as specifically excepted according to provisions made in this chapter.
(Code 1998, § 15-005.08)

Sec. 36-5. Exemptions from general prohibition.

The prohibition mentioned in section 36-4 shall not apply to the following:

- (1) Signs placed by the parish department of public works and the parish department of planning, or by order of the parish president or parish council to direct, warn, caution or inform the traveling public for the convenience and safety thereof;
- (2) Signs placed by the state department of transportation and development or other state agency for the purpose of informing or warning the public of a regulation made pursuant to law by such agency in keeping with its purposes, the safety, convenience or welfare of the public;
- (3) Signs placed by the authorities of incorporated municipalities within their corporate limits, in those instances where a parish road crosses or enters a municipal corporation;
- (4) Signs placed by railroad companies at or near railroad crossings, where required or permitted by law.

(Code 1998, § 15-005.09)

Sec. 36-6. Permits; temporary required.

The director of parish development, or his designee, may issue temporary permits, or certificates of authority, permitting the advance placement on private property, of temporary signs with the purpose of directing guests, members of organizations or other persons to a spot or location where a permitted special event will be held.

(Code 1998, § 15-005.10; Ord. No. 03-0615, 2-6-2003)

Sec. 36-7. Issuance; removal of signs.

Any such temporary permit shall be in writing and signed by the issuing officer, and it shall provide that after the permitted special event, all such signs shall be removed by the person to whom the temporary permit is issued; a sum estimated as sufficient to defray the expense of removing the signs if such permittee fails to do so, shall be collected at the time the temporary permit is issued. The security shall be returned when satisfactory evidence of the removal of such signs by permittee has been presented to the issuing official.

(Code 1998, § 15-005.11; Ord. No. 03-0615, 2-6-2003)

Sec. 36-8. Issuance under other ordinance or resolution.

If the parish council, by resolution or ordinance, grants a special permit, either temporary or permanent, for the placement of any sign in the right-of-way of any road, such resolution or ordinance shall not be deemed a repeal of these procedures, but shall be deemed an exception, along with those exceptions listed in section 36-4 in exemptions from general provisions.

(Code 1998, § 15-005.12)

Sec. 36-9. Procedures for removal of structures, signs, obstacles, objects, deposits/things within right-of-way.

(a) *Apparent value.* When structures, signs, obstacles, etc., are of a permanent nature with significant value, the sign owner will be notified by certified mail to remove it within five days. When items do not have significant value, but do retain some apparent value, the owner shall be notified orally to remove it within five days. All signs of significant or apparent value will be marked with a notice of violation at the time of owner notification. If the owner is unknown or cannot be found, a notice of violation shall be affixed to the object setting forth that it must be removed within five days from the date specified. Failure to remove within the specified period of time serves as forfeiture of all rights thereto and the parish government may remove the object for its own use, and dispose of it in any way deemed necessary. The owner and any other person responsible therefore remains liable for any damages to the public property or expenditures of public funds resulting from the installation or removal of such items.

(b) *No apparent value.* Structures, signs, obstacles, etc., that have no apparent value will be summarily removed and destroyed or disposed of in the most cost effective manner available. Items in this category are wooden stake signs, small cardboard signs, light paper signs, signs nailed to utility poles, snipe signs, signs deemed to be a traffic hazard or obstacle to right-of-way maintenance.

(c) *Political, real estate, or similar type signs.* Political, real estate or similar type signs shall not be located within the public right-of-way. Large signs (i.e., plywood with two by four supports, or signs that exceed four square feet in surface area) will be marked with a notice of violation and removed after five days. The ultimate disposition of political, real estate or similar type signs will be provided in subsection (b) of this section.

(d) *Potential traffic hazard or obstacle to maintenance.* Any structure, sign, headwall, obstacle, object, deposit or thing which is potentially hazardous or interferes with road or structure maintenance because of its location or type of construction will be removed as provided for in subsection (b) of this section.

(Code 1998, § 15-005.13; Ord. No. 03-0615, 2-6-2003)

Sec. 36-10. Removal and disposal.

Any commercial advertising sign, snipe sign, poster, marker, placard, notice, light, signal light, warning of direction sign, or any other sign as defined in the foregoing sections, considered to be of no apparent value or potential traffic hazard or obstacle to maintenance is subject to immediate removal and disposal by the department of permits and regulatory, department of planning, code enforcement/violations officers, department of environmental services, litter abatement, or the parish constables, as soon as possible after either of those departments and/or officials is made aware of the location of such signs on public property or within the right-of-way.

(Code 1998, § 15-005.14)

Chapter 37

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Chapter 38

SOLID WASTE*

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- Sec. 38-108. Collection for hire and applicability.
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***State law reference**—Authority of parish to regulate collection, disposal, etc., of garbage, trash, etc., R.S. 33:1236(31), 33:4169.1.

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Sec. 38-112. Nonprocessing transfer stations.
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Sec. 38-162. Scavenging, waste tires and white goods.
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Sec. 38-213. Waste tax credit.
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Sec. 38-236. Discrimination.
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Article XI. Termination, Suspension, Revocation of License; Operating Without a License; Authority to Cancel

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Article XII. Garbage Districts

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SOLID WASTE

- Sec. 38-292. Scope.
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- Sec. 38-294. Definitions.
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- Sec. 38-296. Solid waste storage.
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- Sec. 38-298. Solid waste transportation, salvaging and scavenging.
- Sec. 38-299. Unauthorized use of bulk waste containers.
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- Sec. 38-301. Solid waste disposal sites.
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- Sec. 38-303. Penalties.
- Sec. 38-304. Recycling regulations.

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ARTICLE I. IN GENERAL**Sec. 38-1. Purpose and scope.**

(a) *Purpose.* It is the purpose of this chapter and it is hereby declared to be the policy of the parish to ensure a comprehensive solid waste management system to regulate the storage, collection, transportation, processing and disposal of solid waste and to eliminate litter as much as possible in a manner that will:

- (1) Protect the public health, safety and welfare;
- (2) Prevent land, water and air pollution;
- (3) Prevent the spread of disease and the creation of nuisances;
- (4) Conserve natural resources; and
- (5) Enhance the beauty and quality of the environment.

(b) *Scope.* This chapter is applicable to all solid waste storage, collection, transportation, processing and disposal operations within the unincorporated areas of the parish.

(c) *Purpose of following articles.* The purpose of the following articles is to:

- (1) Establish procedures, regulations and standards by which the public health and safety and the environment is protected by ensuring that safe, sustainable and proper techniques are employed to better manage solid waste in the unincorporated areas of the parish;
- (2) Build upon the existing litter abatement ordinances;
- (3) Create licensure and registration requirements and procedures for the unincorporated portions of the parish and to establish penalties for violations thereof;
- (4) Licensure in the parish is a privilege and not a right;
- (5) To permit and authorize the parish the specific authority to promulgate rules and regulations on an on-going basis and as needed under the circumstances;
- (6) Ensure that all individuals are both informed and responsible for their actions regarding solid waste that may affect the public health and the environment and the community now and in the future;
- (7) Support activities that will promote reduction, reuse and recycling and sustainable diversion of materials found in the wastestream;
- (8) Augment, supplement and support existing state controls pertaining to solid waste; and

- (9) To impose penalties and fines concerning illegal collection, transfer and/or disposal activities.

(Code 1998, § 9-001.00; Ord. No. 01-0284, 3-1-2001; Ord. No. 11-2588, 9-1-2011)

Historical note—Promulgated by the department of environmental quality, office of solid and hazardous waste, solid waste division, L.R. 19:187 (February 1993), amended by the office of environmental assessment, environmental planning division, L.R. 26:2514 (November 2000), amended by the office of the secretary, legal affairs division, L.R. 33:1018 (June 2007).

Sec. 38-2. Authority.

(a) An ordinance authorizing and providing for the parish to establish standards and requirements, together with promulgation of binding rules and regulations, for solid waste management operations within the unincorporated areas of the parish; requiring licenses and/or permits for storage, collection, transportation, processing and disposal of solid waste embodying and supplementing the minimum standards and requirements established by rules of the state department of environmental quality (DEQ) as promulgated under title 33, part VII et seq., of the Environmental Regulatory Code (ERC) and ch. 9 ; providing for enforcement of said requirements; imposing penalties for failure to comply with these provisions; requiring performance bonds and insurance; promulgate rules and regulations; and promoting the health, safety and welfare of the public. This chapter is adopted pursuant to the express authority set forth in R.S. 33:4169.1, and all other applicable statutes and regulations pertaining to the licensing, collection, storage, hauling, transfer, disposal and diversion of solid waste.

(b) This chapter shall consider the state Environmental Quality Act (R.S. 30:2001 et seq.) which established the enforcement authority and procedures for carrying out the purposes of the Act. The state solid waste operator certification and training program (R.S. 37:3151 et seq.) created the state solid waste operator certification and training program. The principle domicile of the board shall be that of the department of environmental quality. The provisions in this chapter are intended to provide for additional requirements in the parish.

(Code 1998, § 9-002.00)

Sec. 38-3. Definitions.

(a) Any and all definitions contained herein are comparable to those found in title 33 of Environmental Regulatory Code, part VII, subpart 1, ch. 1, section 115. The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, unless the context otherwise requires:

Acceptable household quantities mean waste which is otherwise unacceptable waste, but which is contained in garbage, refuse and municipal solid waste from normal household activities. For the purpose of this definition, the term "household" includes any residential dwelling unit or place of transient residence.

Acceptable nonhousehold waste means waste which is otherwise unacceptable waste, but which is contained in garbage, refuse and municipal solid waste generated from commercial, industrial or community activities, where the quantity of such unacceptable waste contained in any load delivered to the designated facility does not constitute a significant portion of such load. No amount of hazardous waste that is regulated by law is acceptable waste.

Acceptable waste includes garbage, household refuse, tree and yard trimmings, furniture and municipal solid waste from residential and commercial waste generated by stores, offices, restaurants, warehouses and other nonmanufacturing activities that is not otherwise defined as hazardous waste or unacceptable waste. In addition, construction and demolition (C&D) waste is acceptable, which includes building materials and rubble resulting from construction, remodeling, repair, paving and demolition. The term "acceptable waste" also includes wood, brick, concrete, metal, wallboard, insulation and other nonhazardous building materials. Any community waste which is generated and collected which is not otherwise defined herein as hazardous waste or unacceptable waste. The definition of "acceptable waste" shall not be construed to mean that every type of acceptable waste may be deposited at a particular solid waste management facility or solid waste transfer station.

Administrative hearing officer means that person authorized, as per law, to conduct hearings and issue rulings for the parish.

Agency means and refers to the environmental protection agency, its agent or representative. In the case of the state, that means region VI.

Agricultural waste means nonhazardous waste resulting from the production and processing of agricultural products, including manures, pruning and crop residues. The term "agricultural waste" does not include solid wastes defined as industrial solid waste in this section.

Air contaminant means the presence in the outdoor atmosphere of any dust, fume, mist, smoke, vapor, gas or other gaseous fluid, or particular substance, differing in composition from or exceeding in concentration, the natural components of the atmosphere, such as, but not limited to, the resulting ambient conditions created by the unlawful burning of solid waste.

Air pollution means the presence in the outdoor atmosphere of any air contaminant or combination thereof in such quantity, of such nature and duration, and under such conditions as would be injurious to human health or welfare, to animal or plant life, or to property, or to interfere unreasonably with the enjoyment of life or property.

Ash means the incombustible material that remains after a fuel or solid waste is incinerated.

Backyard compost site means a site used to compost food scraps, garden wastes, weeds, lawn cuttings, leaves and prunings from a single-family or household, apartment building or single commercial office, a member of which is the owner, occupant or lessee of the property.

Brush disposal facility means a site used exclusively for disposal of trees and tree parts including stumps, branches and their attached leaves.

Bulky waste includes large items with weights or volumes greater than those allowed for individual household-type containers as described in section 16-4(b). Bulky waste includes, but is not limited to, automobile parts (fenders, seats and other parts not exceeding 400 pounds), furniture and toys, large tree limbs and shrubbery, fence boards, rugs and carpeting, construction debris, as defined below in this section. The term "bulky waste" does not include dead animals, hazardous waste and stable waste.

Bulky waste requiring boom truck collection includes those bulky waste items which are unable to fit in the back of a rear loader; those that weigh more than 75 pounds but less than 400 pounds and/or measuring between four feet and six feet in length.

Bulky waste suitable for manual collection includes those bulky waste items capable of fitting in the back of a rear end loader; those that do not exceed four feet in length and 75 pounds in weight (the 4/75 Rule).

Canister system means a facility where solid waste is deposited in mechanically serviced containers as an intermediate step of congregating solid waste from several properties for periodic removal of the accumulated waste by commercial hauler. Similar to a transfer station (see below).

Closure means actions to prevent or minimize the threat to public health and the environment posed by a facility that no longer accepts the solid waste for which it operated or was permitted, including the removal of contaminated equipment, the removal of liners, grading, applying final cover, seeding of final cover, installation of monitoring devices, construction of groundwater and surface water diversion structures and gas control systems as necessary.

Co-compost means the controlled biological decomposition and management of selected organic solid waste that is mixed with a nutrient source, most commonly sewage sludge, which results in an innocuous, stable, humus product which can be used as a soil conditioner.

Co-disposal means the disposal of nonhazardous industrial wastes together with mixed municipal solid waste at a waste facility.

Collection means the aggregation of waste from the place at which it is generated and includes all activities up to the time the waste is delivered to a waste facility. The term "collection" may include either manual or automated systems.

Collection facility means a facility where one or more containers are located, that is used to accumulate solid waste generated by and delivered by more than one household or commercial establishment for pickup by a transporter, including, but not limited to, facilities typically located in rural areas where garbage collection does not occur. The term "collection facility" does not include containers that receive only solid waste generated on property that is

contiguous with the property on which the container is located (e.g., containers located at and receiving solid waste only from a multiunit dwelling or a commercial establishment or an industrial establishment).

Commercial hauler means any person, entity or corporation who owns, operates, leases or subleases vehicles or services for the purpose of contracting to collect or transport solid waste or source separated materials from residential, commercial or industrial property.

Commercial solid waste means all types of solid waste generated by stores, offices, restaurants, warehouses and other business or manufacturing activities, excluding residential and industrial wastes.

Compactor means any container which has compaction mechanisms, whether stationary or mobile.

Compost means solid waste which has undergone biological decomposition of organic matter and has been stabilized using composting or similar technologies, to a degree, that is beneficial to plant growth and that is used, or sold for use, as a soil amendment, artificial topsoil, growing-medium amendment or other similar uses.

Compost facility means a site used to compost solid waste including all structures used to control drainage, collect and treat leachate, storage areas for the incoming waste and the final product. A composting facility may include various types of compost operations, including but not limited to windrow, in-vessel or static pile facilities.

Composting means the controlled microbic degradation of organic waste to yield a humus-like product. Generally, the compost itself is a solid waste which has undergone biological decomposition of organic matter and has been stabilized using composting or similar technologies, to a degree, that is beneficial to plant growth and that is used, or sold for use, as a soil amendment, artificial topsoil, growing-medium amendment or other similar uses.

Construction/demolition debris means nonhazardous waste generally considered not water-soluble, including, but not limited to, metal, concrete, brick, asphalt, roofing materials (shingles, sheet rock, plaster), or lumber from a construction or demolition project, but excluding asbestos-contaminated waste. Regulated asbestos-containing material—RACM—As defined in LAC 33:111.5151.B), white goods, furniture, trash or treated lumber. The admixture of construction and demolition debris with more than five percent by volume of paper associated with such debris or any other type of solid waste (excluding woodwaste or yard trash) will cause it to be classified as other than construction/demolition debris.

Containment means isolating, controlling and monitoring waste in a waste facility in order to prevent a release of waste from the facility that would have an adverse impact upon human health and the environment.

Cover material means approved material that is used to cover compacted solid waste in a land disposal site. Important general characteristics of good cover material are low permeability, uniform texture, cohesiveness and compactibility. The term "cover material" is also known as daily cover.

Curbside recycling bin means any bin approved by the department for the purpose of curbside collection of recyclable materials.

Curing area means an area where organic material that has undergone the rapid initial stage of composting is further stabilized into a humus-like material.

Demolition landfill means an area of land used for the disposal of demolition waste.

Demolition waste means nonputrescible solid waste from the construction, remodeling, repair or demolition of structures, including buildings and paved roads. It includes waste building materials, packaging and rubble such as concrete, brick, bituminous concrete, wood, masonry, glass, trees, structural metals, insulation, roofing material and plastic building parts. It may also include other waste materials accepted by the department. The term "demolition waste" does not include uncontaminated earth or rock, hazardous materials, asbestos, industrial waste or appliances.

Department means the parish department of environmental services, an agency within the administrative branch of the parish government.

DEQ means the state department of environmental quality, as created by R.S. 30:2001 et seq.

Disposal or *dispose* means the discharge, deposit, injection, dumping, spilling, leaking or placing of any waste into, or on, any land or water so that the waste, or any constituent thereof, may enter the environment or be emitted into the air, or discharged into any waters, including groundwater. Abandonment of solid waste, whether or not it comes into contact with land or water, is also considered disposal.

Disposal site or *facility* means a waste facility that is designed or operated for the purpose of disposing of waste in or on the land, together with any appurtenant facilities needed to process waste for disposal or transfer to another waste facility, which has been approved by the department and all other applicable local, state and federal agencies.

Dumping means the illegal placement of any solid waste anywhere other than an approved facility or container.

Dwelling means a residential building or portion thereof intended for human occupancy, but not including hotels, motels, boardinghouses or roominghouses.

Environmental Regulatory Code means the rules and regulations of the state department of environmental quality that are codified pursuant to R.S. 49:954.3.

Facility means the actual land and associated appurtenances used for storage, processing and/or disposal of solid wastes, but possibly consisting of one or more units. Any earthen ditches leading to or from a unit of a facility and that receives solid waste are considered part of the facility to which they connect, except for ditches lined with materials capable of preventing groundwater contamination. The term "facility" does not necessarily mean an entire industrial manufacturing plant.

Financial assurance means monetary mechanisms, which are used to ensure proper closure, post closure care and contingency action at a site or facility.

Floodplain means the areas adjoining a watercourse or water basin that has been or hereafter may be covered by a regional floodplain.

Garbage means solid waste that includes animal and vegetable matter from the handling, preparation, cooking and serving of foods (including grease trap waste), but that does not include industrial solid waste.

Generate means the act or process of producing waste, including the production or aggregation of waste occurring at an intermediate disposal facility.

Generator means any person, business, institution and/or governmental entity that generates solid waste.

Groundwater means water below the land surface in the zone of saturation.

Hauler means any person or entity in the business of the collection and transportation of solid waste.

Hazardous waste includes any chemical, compound, mixture, substance or article which is designated by the United States Environmental Protection Agency or appropriate agency of the state to be "hazardous" as that term is defined by or pursuant to federal and state laws and regulations, including LAC 33:V. subpart 1 and the Resource Conservation and Recovery Act and subsequent amendments. Residential solid waste normally contains some hazardous wastes; however, household hazardous wastes are exempt from federal and state hazardous waste regulations and may be disposed of with household solid waste. Therefore, residential waste is not considered to be hazardous waste as used in this chapter.

Herbaceous means any nonwoody plant.

Household means a single, detached dwelling unit or a single unit of a multiple dwelling unit.

Household hazardous waste means any material (including garbage, trash and sanitary wastes in septic tanks) derived from households (including single and multiple residences, hotels and motels, bunk houses, ranger stations, crew quarters, campgrounds, picnic grounds and day use recreation areas) that exhibit characteristics of or that is listed as hazardous waste under the state department of environmental quality rules.

Illegal dumping means the depositing of solid wastes into a body or stream of water or on the surface of the ground at a location, except as authorized by applicable federal, state or local permits.

Inactive (or abandoned) facility means a solid waste storage, processing or disposal facility that no longer receives solid waste and has not been closed in accordance with the state solid waste regulations.

Incineration means the process by which solid wastes are burned for the purpose of volume and weight reduction in permitted and licensed facilities designed for such use.

Incinerator generally means a furnace designed for the volume reduction of solid waste by burning in a fire box with proper controls and temperature range with stack emissions which do not exceed any air pollution control limits established by the state department of environmental quality, means including any enclosed device using controlled-flame combustion that neither meets the criteria for classification as a boiler nor is listed as an industrial furnace and is not a boiler nor an industrial furnace as defined in LAC 33:V.109.

Incinerator ash means residual solid waste, which has been received, thermally oxidized and/or decomposed by an incinerator.

Incinerator waste-handling facility means a facility that processes solid waste which has been received, thermally oxidized and/or decomposed by an incinerator.

Industrial solid waste means solid waste generated by a manufacturing, industrial or mining process, or which is contaminated by solid waste generated by such a process. Such waste may include, but is not limited to, waste resulting from the following manufacturing processes: electric power generation; fertilizer/agricultural chemicals; food and related products; byproducts; inorganic chemicals; iron and steel manufacturing; leather and leather products; nonferrous metals manufacturing/foundries; organic chemicals; plastics and resins manufacturing; pulp and paper industry; rubber and miscellaneous plastic products; stone, glass, clay and concrete products; textile manufacturing; and transportation equipment. The term "industrial solid waste" does not include hazardous waste regulated under the state hazardous waste regulations or under federal law, or waste which is subject to regulation under the office of conservation's statewide order No. 29-B or by other agencies.

Industrial solid waste facility means a facility for the processing, storage and/or disposal of industrial solid waste.

Infectious waste means waste that contains pathogens of sufficient virulence and quantity that exposure to it could result in an infectious disease in a susceptible host person or animal that has been or may have been exposed to a contagious or infectious disease.

Intermediate disposal means the preliminary or incomplete disposal of solid waste including, but not limited to, transfer station operations, open burning, incomplete land disposal, incineration, composting, reduction, shredding, compression, recycling, processing, resource recovery and any other management or handling of waste short of final disposal.

Junk means scrap copper, brass, rope, rags, batteries, paper, trash, rubber debris, ferrous material, nonferrous material, inoperable automobiles, farm and construction machinery and parts thereof.

Junkyard means an establishment or place of storage and deposit which is maintained, operated, or used for storing, buying or selling junk, or for the maintenance or operation of an automobile graveyard, at which the waste, vehicle body or discarded material stored is equal in bulk to three or more motor vehicles.

Land disposal facility means any tract or parcel of land, including any constructed facility, at which solid waste is disposed of in or on the land.

Land pollution means the presence in or on the land of any waste or waste byproducts in such quantity, of such nature and duration, and under such condition as would negatively affect any waters of the state, create air contaminants, cause air pollution or contaminate soils at the site making the site unacceptable for further use.

Landfarm means a facility for the disposal of solid wastes in which waste are applied to the land and/or incorporated into the soil for biological reduction and soil attenuation.

Landfill means a facility for the disposal of solid waste, other than landfarms or surface impoundments, that disposes of solid waste by placing it on or into the land surface and usually also compacting and covering with suitable cover material to a depth and at a frequency sufficient to control disease vectors and odors and in a manner that protects human health and the environment.

Land-spreading/land application means the placement of waste or waste byproducts on or incorporated into the soil surface.

Land-spreading/land application site means any land used for the purpose of land-spreading or the land application of waste or waste byproducts.

Leachate means a liquid that has passed through or emerged from solid waste and may contain soluble, suspended or miscible materials removed from such wastes.

Leachate management system means the structures constructed and operated to contain, transport and treat leachate, including liners, collection pipes, detection systems, holding areas and treatment facilities.

License/licensee means the landowner, owner, operator or other person given authority by the department to establish, operate and maintain a solid waste management activity, collect and transfer solid waste to a disposal site or facility.

Litter abatement officer means litter enforcement officer employed by the parish to enforce litter ordinances and codes through the administrative adjudication process as authorized by R.S. 33:1236(54)(B) and all other applicable statutes.

Littering shall be interpreted by reference to and consistent with applicable state statutes and, for purposes of this chapter, means throwing, dropping, discarding, permitting the intentional or accidental ejection, emission, escape of, or otherwise disposing of litter or waste matter of any kind on any public property, or upon private property without permission of the owner of said property, or in the waters of this parish, whether from a vehicle or otherwise. The term "litter" includes, but shall not be limited to, glass or metallic objects, trash, refuse, grass clippings or garbage.

Major appliances mean clothes washers and dryers, dishwashers, hot water heaters, residential furnaces, garbage disposals, trash compactors, conventional and microwave ovens, ranges and stoves, air conditioners, dehumidifiers, refrigerators and freezers.

Major modification means any change in a site, facility, process or disposal method, or operation which substantially deviates from the permit or tends to substantially increase the impact of the site, facility, process or disposal method, or operation on the environment.

Mandatory modification means any change in a site, facility, unit, process or disposal method, or operation that is required as a result of any new parish, state or federal laws and regulations.

Market means any person or entity that accepts and recycles recyclable materials.

Marketed means delivery of recyclable materials to and acceptance by a market.

Manure means a solid waste composed of excreta of animals and any residual materials that have been used for bedding, sanitary or feeding purposes for such animals.

Medical waste means infectious waste, and waste originating from the diagnosis, care or treatment of a person or animal, or waste resulting from biological research, whether or not the waste has been decontaminated.

Mixed solid waste means garbage, refuse and other solid waste from residential, commercial, industrial and community activities that the generator of the waste aggregates for collection, but does not include auto hulks, street sweepings, ash, construction debris, mining waste, sludges, trees and agricultural wastes, tires, lead acid batteries, used oil and other materials collected, processed and disposed of as separate wastestreams.

Municipal solid waste landfill or *MSW landfill* means an entire disposal facility in a contiguous geographical space where residential solid waste and/or commercial solid waste is placed in or on the land. The term "municipal solid waste landfill" does not limit the ownership or source of materials to municipalities.

Municipality means a city, village, town, sanitary district, school district or other governmental subdivision or public corporation, or agency created by the legislature, or as defined in this Code.

Nonprocessing transfer station means a solid waste facility where solid waste is transferred from collection vehicles to other vehicles for transportation without processing.

Nonputrescible describes solid waste that is not liable to spoil, decompose or putrefy and create noxious odors.

Notice of violation means a formal written notice issued by a department to notify a party that he is in violation of a parish ordinance. This notice will inform the party of the alleged violations, the nature and extent of the violations, and the required corrective actions. The notice of violations (NOV) shall also specify additional actions that will be taken by the department, such as the inclusion of NOV orders into a final order or consent order and/or the issuance of a citation, as well as specific time frames in which these actions will be completed.

Nuisance shall be defined by reference to chapter 26.

On-site processing/disposal area means the land area and appurtenances thereon used for processing and/or disposal of solid waste on the same property or on geographically contiguous property, where waste is generated. Two or more pieces of property that are geographically contiguous, but divided by public or private rights-of-way are considered a single site.

Open burning means any fire or smoke producing process not conducted in a boiler plant, furnace, high temperature processing unit, incinerator or flame, or in any such equipment primarily designed for the combustion of fuel or waste material, which is not approved by the state department of environmental quality and the local fire department. The term "open burning" also means the combustion of solid waste without control of combustion air to maintain adequate temperature for efficient combustion containment of the combustion reaction in an enclosed device to provide sufficient residence time and mixing for complete combustion and control of the emission of combustion products.

Open dump means a land disposal site at which solid waste is disposed of in a manner that does not protect the environment, is susceptible to open burning, and is exposed to the elements, vermin and scavengers. The term "open dump" also means a solid waste processing or disposal facility that has been issued a temporary permit and may not comply with the standards set by these regulations.

Operations means any site, facility, or activity relating to solid waste management purposes pursuant to this chapter.

Operator means the person or entity responsible for the overall operation of a facility.

Owner or solid waste facility owner means the person and/or entity who own a facility or part of a facility.

Permit means a written authorization issued by the administrative authority to a person for the construction, installation, modification, operation, closure or post-closure of a certain facility used or intended to be used to process or dispose of solid waste in accordance with the act, these regulations and specified terms and conditions. For the purposes of this chapter, and unless a distinction is otherwise provided, the term "permit" is synonymous with license/ licensee.

Permittee/permit holder means a person who is issued a permit and is responsible for meeting all conditions of the permit and these regulations at a facility.

Personnel or facility personnel means all persons who work at or oversee the operation of a solid waste management facility, and whose actions, or failure to act, may result in noncompliance with the requirements of this chapter.

Political subdivision means any municipal corporation, governmental subdivisions of the state, local governmental unit, special district or local or regional board, commission or authority authorized by law to plan or provide for waste management.

Post closure care means actions taken for the care, maintenance and monitoring of a facility after closure that will prevent, mitigate or minimize the threat to public health and the environment posed by the closed facility.

Premises means any place, land, building or structure, including, but not limited to, any adjacent driveway, parking area, adjacent yard or landscaped area under the control of the owner, his agent or occupant of said building or structure, or watercraft on the waters of the state or federal government, or any place upon or in which solid waste is generated, stored, transferred or disposed of.

Process means a method or technique, including recycling, recovering, compacting (but not including compacting which occurs solely within a transportation vehicle), composting, incinerating, shredding, baling, recovering resources, pyrolyzing or any other method or technique designed to change the physical, chemical or biological character or composition of a solid waste to render it safer for transport; reduced in volume; amenable for recovery, storage, reshipment or resale. The term "process" does not include treatment of wastewaters to meet state or federal wastewater discharge permit limits. Neither does the term "process" include activities of an industrial generator to simply separate wastes from the manufacturing process.

Processing means the treatment of solid waste after collection and before disposal. The term "processing" also includes, but is not limited to, reduction, storage, separation, exchange, resource recovery, physical, chemical or biological modification, and transfer from one waste facility to another.

Processing facility means a site used to process solid waste, including all structures, equipment used to process the waste, storage areas for the incoming waste, the final product and residuals resulting from the process and may be designated for recyclable materials only.

Processing transfer station means a Type I-A or II-A solid waste processing facility where solid waste is transferred from collection vehicles, processed and placed in other vehicles for transportation (e.g., a facility that separates recyclables from industrial or putrescible wastestreams).

Prohibited materials means solid waste, which is unacceptable for collection, processing or disposal due to the physical or chemical nature of the material or due to a facility's inability to properly manage the waste.

Promiscuous dump means a solid waste disposal facility that has resulted from disposal activities of persons other than the landowner and whose operation is not permitted by the administrative authority.

Public nuisance means conduct that is defined and prohibited pursuant to chapter 26.

Putrescible waste means solid waste which contains organic matter capable of being decomposed by microorganisms and creating noxious odors of such a character and proportion as to be capable of attracting or providing food for birds, and potential disease vectors (such as rodents and flies).

Recovered material means material which has known recycling potential, can be feasibly recycled, and has been diverted or removed from the solid wastestream for sale, use or reuse, by separation, collection or processing, as defined in R.S. 30:2412(7) and which would otherwise be processed or disposed of as nonhazardous solid waste.

Recyclable materials mean those materials which are capable of being recycled and which would otherwise be processed or disposed of as nonhazardous solid waste, which generally includes any newspaper, glass, metal food and beverage cans, magazines, catalogs, phone books, corrugated cardboard and plastic.

Recycling means any process by which nonhazardous solid waste or material which would otherwise become solid waste, is collected, separated or processed and reused or returned to use in the form of raw materials or products.

Recycling facility means a site used to collect, process and repair recyclable materials and reuse them in their original form or use them in manufacturing processes.

Refuse means putrescible and nonputrescible solid wastes, including garbage, rubbish, ashes, incinerator ash, incinerator residue, street cleanings and market and industrial wastes, and including municipal treatment wastes which do not contain free moisture.

Refuse collection service means a public or private operation engaged in solid waste collection and solid waste operation.

Rejected waste means unacceptable waste, which is rejected at the designated facility.

Residence means any building or portion thereof used as a dwelling or sleeping area for people.

Residential solid waste means any solid waste, including garbage, trash and sludges from residential septic tanks and wastewater treatment facilities, derived from households, including single and multiple residences, hotels and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds and day-use recreation areas.

Resource recovery means the process by which solid waste that retains useful physical or chemical properties is reused or recycled for the same or other purposes, including uses as energy sources.

Resource recovery facility means a waste facility established and used primarily for resource recovery, including related and appurtenant facilities such as transmission facilities and transfer stations primarily serving the resource recovery facility.

Responsible party means the owner, operator or successor in interest of a solid waste facility.

Rubbish means nonputrescible solid wastes, including ashes, consisting of both combustible and noncombustible wastes, such as paper, cardboard, tin cans, yard clippings, wood, glass, bedding, crockery or litter of any kind.

Run-off means any rainwater, leachate or other liquid that drains from any part of a facility.

Run-on means any rainwater or other liquid that drains onto any part of a facility.

Salvaging means the controlled removal of material from a solid waste storage, transfer, processing or disposal site for authorized reuse or recycling.

Sanitary landfill means a landfill for the disposal of commercial or residential solid waste by deposit in a landfill in layers covered with suitable cover material of a depth and at a frequency adequate to control disease vectors and odors, health and the environment. It is located, contoured and designed so that it will not constitute a source of water pollution.

Scavenging means the unauthorized removal of material from a solid waste storage, transfer, processing or disposal site.

Separation facility means a Type III solid waste processing facility at which recyclables are separated from a nonputrescible solid wastestream for future use. The nonputrescible wastestream received by the separation facility shall not contain more than a de minimis amount of putrescible waste.

Septage means the contents of a septic tank, cesspool or other individual sewage-treatment facility that receives domestic-sewage wastes.

Sewage sludge means sludge resulting from treatment of wastewater from publicly or privately owned or operated sewage-treatment plants.

Sewage treatment residue is coarse screenings, grit, scum and sludge from sewage treatment plants and pumpings from cesspools, septic tanks or grease traps.

Shredder means a solid waste facility that reduces the particle size of solid waste by grinding, milling, shredding or rasping.

Site means the physical location, including land area and appurtenances, of an existing or proposed storage, processing or disposal facility. A site may consist of a number of facilities, each subject to a permit to process or dispose of solid waste.

Sludge means residue produced by or precipitated from a treatment process.

Small business units are businesses that do not have dumpsters or compactors and place curbside for collection (on the normal days for collection) typical residential containers or bags.

Solid waste means useless, unwanted or discarded solid material with insufficient liquid content to be free-flowing, that results from domestic, industrial, commercial, agricultural, governmental or community operations which require proper storage, collection, transportation and disposal to prevent environmental pollution inimical to public health, safety and welfare. The term "solid waste" does not include abandoned or junked vehicles, sewage, sewage treatment residue, earth or material used to fill land in accordance with construction codes, mining residues, slag and dissolved or suspended solids in industrial wastewater effluents, which are not acceptable for disposal in regular sewage treatment systems, industrial discharges that are point sources subject to permits under R.S. 30:2075; source, special nuclear or byproduct material as defined by the Atomic Energy Act of 1954 (68 Stat. 923 et seq.), as amended; potentially infectious biomedical or hazardous waste subject to permits under R.S. 30:2171 et seq.

Solid waste collection means the gathering of solid waste from public and private places.

Solid waste collection service and *solid waste hauler* means any person engaged in solid waste collection and transportation services. The term "solid waste collection service" does not include an individual resident hauling his own household waste.

Solid waste land disposal facility means a facility used to dispose of solid waste in or on the land.

Solid waste management facility means a facility which collects, transports, stores, processes or disposes of any garbage, refuse or sludge from a waste treatment plant, water-supply treatment plant, or air pollution-control facility, and other discarded material, including solid, liquid, semisolid or contained gaseous material resulting from industrial, commercial, mining and agricultural operations, and from community activities, including, but not limited to, construction debris landfills, nonprocessing transfer station, processing transfer station, compost facility, separation facility (recycling facility), sewage treatment facility, septage treatment facility, municipal solid waste landfill, industrial solid waste facility and incinerator.

Solid waste management plan means the solid waste management plan for the parish.

Solid waste management system means the total concept of the entire process of collection, transportation, storage, processing and disposal of solid waste by any person engaged in such process as a business or by any municipality, authority, trust, parish or any combination thereof.

Solid waste storage means the handling and holding of solid waste near the point of generation pending collection and the holding of solid waste for more than 48 hours in quantities equal to or greater than ten cubic yards.

Solid waste transfer station means a facility including nonprocessing, processing or drop stations inclusive of nonprocessing transfer stations where solid waste materials, including yard waste, demolition materials and household refuse are transferred from smaller vehicles to larger trucks for efficient transport to landfills, recycling centers and other disposal sites inclusive of nonprocessing transfer stations and Type II-A facilities as defined by L.A.C. 33.VII.115.

Solid waste transportation means the conveying of solid waste from one place to another, by means of vehicle, rail car, water, vessel, conveyer or other means.

Source separated materials means materials that are separated from solid waste by the generator and recovered for reuse in their original form or for use in the manufacturing process.

Source separation means the separation of recyclable materials from waste by the generator prior to collection for recycling.

Stable refuse is body waste of animal and fowl, and cleanings, and waste food stuffs from all barns, stables, corrals or pens used for stabling, caging or penning of animals or fowl.

Tipping fee means the fee charged to haulers or other persons for waste delivered to a designated facility.

Tire means a continuous solid or pneumatic rubber covering encircling the wheel of a motor vehicle or off-road vehicle.

Tire collection site means a permitted site, or a site exempted from permit, used for the storage of waste tires.

Tire collector means a person who owns or operates a site used for the storage, collection or deposit of waste tires.

Tire dump means an establishment, site or place of business without a required tire collector or tire processor permit that is maintained, operated, used or allowed to be used for storing, keeping or depositing unprocessed waste tires.

Tire processing means producing or manufacturing usable materials, including fuel, from waste tires, including necessary incidental temporary storage activity.

Tire processor means a person and/or entity engaged in the processing of waste tires.

Toxic waste means substances, whether liquid, gaseous or solid form, which when collected, stored, transported or disposed of, may be acutely toxic to humans or other animals, or plant life, or be directly damaging to property including, but not limited to, pesticides, acids, caustics, pathological wastes, radioactive materials, flammable or explosive materials and similar noxious substances.

Transfer station (nonprocessing). See *Nonprocessing transfer stations*.

Transfer station (processing). See *Processing transfer station*.

Transport means to move industrial solid waste off-site and/or to move solid waste of a commercial establishment or more than one household to a transfer station or processing or disposal facility.

Transportation means the conveying of solid waste from one place to another.

Transporter means any person who moves industrial solid waste off-site and/or to move solid waste of a commercial establishment or more than one household to a transfer station or processing or disposal facility.

Trash means nonputrescible solid wastes consisting of both combustible and noncombustible wastes. Combustible trash includes paper, rags, cartons, wood, rubber, plastic, yard trimmings, leaves and similar material. Noncombustible trash includes grass, crockery, cans, dust, scrap metal and like material which will not burn at ordinary incinerator temperatures (1,600 degrees Fahrenheit to 2,000 degrees Fahrenheit).

Tree means a perennial woody plant, generally with a single stem (e.g., trunk). The term "tree" also means the stump of the tree.

Type I facility means a facility used for disposing of industrial solid waste (e.g., a landfill, surface impoundment or landfarm). If the facility is used for disposing of residential or commercial solid waste, it is also a Type II facility.

Type I-A facility means a facility used for processing industrial solid waste (e.g., a transfer station—Processing, shredder, baler, etc.). If the facility is used for processing residential or commercial solid waste, it is also a Type II-A facility.

Type II facility means a facility used for disposing of residential and/or commercial solid waste (e.g., a landfill, surface impoundment or landfarm). If the facility is used for disposing of industrial solid waste, it is also a Type I facility.

Type II-A facility means a facility used for processing residential, infectious or commercial solid waste (e.g., a transfer station—Processing, composting municipal solid waste facility, refuse-derived fuel facility, shredder, baler, autoclave, etc.). If the facility is used for processing industrial solid waste, it is also a Type I-A facility.

Type III facility means a facility used for disposing or processing of construction/demolition debris or woodwaste, composting organic waste to produce a usable material or separating recyclable wastes (e.g., a construction/demolition-debris or woodwaste landfill, separation facility or composting facility).

Unacceptable waste means waste which may pose a threat to health or safety, or to the environment, or may cause damage to, or materially adversely affect, the operation of a designated facility, including, but not limited to: incinerator ash; foundry sand; explosives; hospital, pathological and biological waste; hazardous waste; chemicals and radioactive materials; oil sludges; asbestos in identifiable quantities; cesspool or other human waste; sewage and other highly diluted, water carried materials or substances; materials in gaseous form; human or animal remains; street sweepings; ash; mining waste; sludges; demolition debris; and hazardous refuse of any kind, such as cleaning fluids, crank case oils, cutting oils, paints, acids, caustics, poisons and drugs.

Vector (of disease) means an animal or insect which transmits infectious diseases from one person or animal to another by biting the skin or mucous membrane or by depositing infective material on the skin or food or on another object.

Warning letter is a written notice issued by the department to notify a party that he is in violation of a parish ordinance. The warning letter will inform the party of the alleged violations, the nature and extent of the violations and the required corrective actions. The warning letter shall be utilized as the initial parish notification of alleged violations, except in cases of imminent threat to public health and safety and the environment.

Waste means solid waste.

Waste facility means all property, real or personal, including negative and positive easements and water and air rights, which is or may be needed or useful for the processing or disposal of waste, except for the collection of the waste and property used primarily for the manufacture of scrap metal or paper. The term "waste facility" includes, but is not limited to, transfer stations, processing facilities and disposal sites and facilities.

Waste management means activities which are intended to affect or control the generation of waste and activities which provide for or control the collection, processing and disposal of waste.

Waste processing means the treatment of solid waste after collection and before disposal. The term "waste processing" includes, but is not limited to, volume reduction, storage, separation, exchange resource recovery, physical, chemical or biological modification and the operations of a metal recycling or salvage facility.

Waste reduction means an activity that prevents generation of waste including reusing a product in its original form, increasing the life span of the product, reducing material used in production and packaging, or changing procurement, consumption or waste generation habits to result in smaller quantities of waste generated.

Waste tire means a whole tire that is no longer suitable for its original purpose because of wear, damage or defect. The term "waste tire" does not include a tire weighting over 500 pounds and/or a solid tire.

Waste tire collection site means a licensed waste facility used for the storage of waste tires prior to their transport to a waste tire processing facility.

Waste tire processing facility means a licensed waste facility used for the shredding, slicing or producing or manufacturing usable materials from waste tires, and may include temporary storage activity at the facility. The term "waste tire processing facility" does not include the retreading of waste tires.

Water pollution means the contamination of any waters of the state so as to create a nuisance or render such waters unclean, obnoxious or impure, so as to be actually harmful or detrimental or injurious to public health, safety or welfare, to domestic commercial or industrial use, or to animals, birds, fish or aquatic life.

White goods means inoperative and/or discarded domestic and commercial appliances, including refrigerators, ranges, water heaters, freezers and other similar domestic and commercial appliances.

Woodwaste means yard trash/waste and types of waste generated by land and right-of-way clearing operations, sawmills, plywood mills and woodyards associated with the lumber and paper industry, such as wood residue, cutoffs, wood chips, sawdust, wood shavings, bark, wood refuse, woodfire boiler ash, wood ash and plywood or other bonded materials that contain only polyurethane, phenolic-based glues or other glues that are approved specifically by the administrative authority. Uncontaminated, untreated or unpainted lumber or wooden pallets are considered woodwaste under this definition.

Yard waste means vegetative matter resulting from landscaping or maintenance, including garden wastes, leaves, lawn cuttings, weeds, shrub and tree waste and prunings.

(b) Any word or phrase not specifically defined or discussed herein shall first be used and interpreted by reference to the statutes, rules and regulations of the state department of environmental quality and, thereafter, in its most common and reasonable sense.
(Code 1998, § 9-003.00; Ord. No. 11-2588, 9-1-2011)

Historical note—Promulgated by the department of environmental quality, office of solid and hazardous waste, solid waste division, L.R. 19:187 (February 1993), amended L.R. 22:279 (April 1996), amended by the office of waste services, solid waste division, L.R. 23:1145 (September 1997), amended by the office of environmental assessment, environmental plan-

ning division, L.R. 26:2514, 2609 (November 2000), amended by the office of environmental assessment, L.R. 31:1576 (July 2005), amended by the office of the secretary, legal affairs division, L.R. 33:1019 (June 2007), L.R. 34:1023 (June 2008), L.R. 34:1399 (July 2008).

Sec. 38-4. Effective date.

Ordinance Calendar No. 4485 shall not be construed as requiring the alteration of a structure or site plan of any solid waste management facility that is currently in operation or which has an approved building permit and site plan at the time said ordinance was adopted. Regulations governing the operations of a facility may be applied when necessary to protect the public health, safety and welfare.

(Code 1998, § 9-004.00)

Sec. 38-5. General provisions and responsibilities of the department.

(a) The following general provisions and responsibilities of the department of environmental services, herein referred to as the department, shall include those defined under this chapter.

(b) The department shall have the right to administer this chapter. The department's rights and duties shall include, but shall not be limited to, those described in this section. Further, this provision shall apply to all persons, entities, applicants and license holders even if they are a holder of an existing permit, license and conditional use permit presently in existence and hereafter granted.

(c) The department shall have the right to inspect private property to determine if the property owner is in compliance with the provisions of this chapter. Routine inspection and evaluation of solid waste management activities, sites or facilities shall be made by the department in such frequency to ensure consistent compliance by the operation with the provisions of this chapter. An applicant and the licensee shall allow free access to the department; provided that the entrance and activity is undertaken after reasonable notice and during normal business hours, and after notifying facility applicant and licensee of presence at site for the purpose of making such inspections as may be necessary to determine compliance with the requirements of this chapter, or any other applicable statute, or for the purpose of making written and documented notice of any deficiencies, or recommendations for their correction and the date by which corrections shall be accomplished. (ERC Title 33, part VII, subpart 1, chapter 5, section 509.)

(d) The department shall have the right to review all license applications submitted to the department for operation of all solid waste management activities, sites or facilities within the parish. Any and all submissions will be managed in a confidential manner according to the provisions for confidential information which may be found in LAC 33:I. ch. 5.

(e) The department shall have the right to issue or deny solid waste licenses and to impose solid waste management activity, site or facility specific conditions on said licenses. Denial of a solid waste license shall be for cause based upon written reasons provided to applicant and applicant's failure to cure any deficiency within a reasonable period of time.

(f) The department shall have the right to investigate complaints of violations of this chapter. The department shall assist the district attorney's office and/or the administrative hearing officer.

(g) The department rules and regulations shall not supersede any actions that may be taken by code enforcement of the parish planning office, constables, justices of the peace and the district attorney's office of this parish and the administrative hearing officer.

(h) It is understood that there is concurrent jurisdiction of all agencies and departments.

(i) The department shall have the right to refer or recommend, when necessary, to the parish district attorney's office and/or the parish administrative hearing officer, that legal proceedings be initiated against a certain solid waste management activity, or facility after any curative period mentioned herein is not adequately resolved.

(j) The department shall have the right to identify the solid waste management needs of the parish through developing and implementing plans to meet those needs. Said plan may be revised if deemed necessary by the department. The department, in concert with the parish government, may establish a solid waste committee to study, investigate, and research solid waste management issues parish wide. Members of the committee may include current licensees.

(k) The department shall have the right to conduct studies, investigations and research relating to aspects of solid waste management, such as methodology, chemical and physical considerations and engineering.

(l) The department shall have the right to advise, consult and cooperate with other governmental agencies (e.g., DEQ, the agency) in the furtherance of the purposes of this chapter.

(m) The department shall have the right to prepare and negotiate agreements with responsible parties to address the closure and post closure requirements for licensed and unlicensed solid waste facilities should said responsible party fail to meet closure and post closure requirements established by DEQ, but only after advance written notice to the current licensees.

(n) The department shall have the right to allocate license fee revenues towards creating waste diversion incentives (e.g., composting facility or recycling facility).

(o) The department shall have the right to enforce the allocation of fee revenues towards creating waste diversion incentives.

(p) The department shall have the right to work with oil change facilities in order to promote diversion and proper disposal of oil and anti-freeze waste.

(q) The department shall have the right to review the economic viability of assigning, but not mandating a certain day of the week for the disposal of household hazardous waste at licensed solid waste facilities.

(Code 1998, § 9-006.00; Ord. No. 11-2588, 9-1-2011)

Secs. 38-6—38-30. Reserved.

ARTICLE II. LICENSING

Sec. 38-31. License requirements and licensure for solid waste management facilities, solid waste disposal and diversion, hauling and transfer, collection and storage.

(a) The objective of this section shall be to establish better, more effective licensing requirements for solid waste management facilities, solid waste disposal and diversion, hauling and transfer, collection and storage and more efficient monitoring by the department. Thus, the licensee shall be responsible for all DEQ requirements (inter alia, the Louisiana Solid Waste Operator and Certification Program Act R.S. 37:3151 et seq.) and licenses and compliance with all of the provisions of this article.

(b) Where and when applicable, the licensee shall be responsible for facilitating all environmental monitoring, including, but not limited to, water, soil and landfill gases, which are required by this article or the license conditions for the applicable solid waste management activity or facility.

(c) The department may grant up to 15 Class A solid waste hauling permits (see section 38-34). Licensee shall comply with DES standards as outlined in section 38-111. Each permitted vehicle or conveyance that has been modified shall be inspected and approved by the department.

(d) The department may grant up to ten Class B solid waste hauling permits (see section 38-34). This classification will be allowed to license both Class A and Class B. The largest (GVWR) rated registered vehicle will constitute the level of class for the entire permit. Should lower class rated vehicles become permitted, the level of class may not be reduced. Any Class A vehicle must comply with DES standards as outlined in section 38-111.

(e) The department may grant any number of Class C solid waste hauling permits (see section 38-34). Licensee shall comply with all applicable local, federal and state regulations governing loads on vehicles. This classification is limited to larger standard rear loaded garbage trucks with hydraulic compactors as well as front-end loader dumpster trucks. This classification shall also regulate all commercial roll-off dumpster containers. No lower classification vehicle may be listed, used or operated with this license.

(f) The following shall apply to each class: The department reserves the right to inspect each service vehicle or conveyance and any container, before an application is approved. Each vehicle or conveyance must be in compliance with all applicable local, federal and state regulatory requirements imposed on any such vehicle or conveyance, including those regulations governing the size, width, height, length, weight and load for vehicles, which are currently set forth in R.S. 32:380 et seq. The licensee shall comply with all applicable local, federal and state regulations governing loads on vehicles.

(Code 1998, § 9-013.00; Ord. No. 11-2588, 9-1-2011)

Historical note—Promulgated by the department of natural resources, board of certification and training for solid waste disposal operators, L.R. 10:404 (May 1984), amended by the department of environmental quality, board of certification and training for solid waste disposal operators, L.R. 14:12 (January 1988), L.R. 20:656 (June 1994).

Sec. 38-32. License required.

(a) *Procedures and criteria.* The procedures and criteria for license issuance, denial, variance, revocation, suspension, renewal, administration and fees shall be governed by this article.

(b) *License term.* Unless otherwise provided by the parish government, each license granted pursuant to the provisions of this article shall be for a period of not more than one year, unless earlier suspended or revoked. The license period shall be annually from January 1 to December 31, a period of one year, for license renewals. The department may grant automatic license renewal if licensee is in compliance with all of the provisions of this article.

(c) *License term for other facilities.* In regards to solid waste management facilities, solid waste disposal and diversion, solid waste transfer stations, process and nonprocess transfer stations; these types of facilities shall be licensed for a period of not more than two years for a temporary permit and not more than five years for a standard permit.

(d) *Renewal application due date.* Applications for renewal license for the ensuing year under this article shall be filed with the department of environmental services on or before December 1 of each year. If the licensee fails to file their renewal application for such renewal on or before December 1 a penalty of \$25.00 shall be added to the fee for the first 30 days of delinquency, with an additional \$25.00 for each additional 30 days or fraction thereof. The parish government without notice or hearing may suspend the licensee's right to conduct business if he fails to make application for a renewal license before March 31 of each year.

(Code 1998, § 9-014.00; Ord. No. 11-2588, 9-1-2011)

Sec. 38-33. Application and fees.

(a) *Application and fees.* An applicant for a license shall complete and submit to the department an application on a form provided by the department. The application shall not be considered complete until the department receives all applicable fees, all materials required by this section, and all materials required by subsequent sections applying to the specific manage-

ment activity for which a license is sought. Applicants for a license shall not commence any operation or engage in any activity, until the license application has been approved by the department; nor shall any operation commence until a license is issued.

(b) *Written application.* A person who requests the issuance, modification or renewal of a license shall complete sign, and submit to the department a written application.

(c) *Contents.* The application shall contain the following nonexclusive list of requirements:

- (1) The name, address and telephone number of the facility owner, facility operator and landowner of the activity or facility for which the application is submitted.
- (2) The name, address and telephone number of the person who prepared the application.
- (3) A description including the location of the activity or facility.
- (4) A general description of the wastes to be stored, processed or disposed of; anticipated quantity of wastes to be stored, processed or disposed of; and proposed methods for managing the wastes.
- (5) A general description of the proposed methods for managing run-off and run-on.
- (6) A topographic map, or other map if a topographic map is unavailable, that shows the proposed activity or facility and the area surrounding it for a distance of at least one mile in all directions. The map must be of sufficient scale to show all homes, buildings, lakes, ponds, watercourses, wetlands, dry runs, rock outcroppings, roads, areas for retention of surface water runoff and other applicable details as determined by the department. Wells must be identified on the map. An analysis or characterization of the waste may be required by the department. Pertains to solid waste disposal and diversion license only.
- (7) Written proof that the municipal or township governing body in which said activity or facility is located has considered the establishment of the activity or facility with respect to zoning, impact on township/municipal roads and other applicable regulations.
- (8) Where applicable, copies of insurance, inspections and haulers information (e.g., driver's license, driving record) and service records for all transportation vehicles.
- (9) Notification of any and all DEQ and/or agency violations within three years prior to submittal.
- (10) The activity must comply with the perimeter barrier and security requirements in LAC 33:VII. 717. B., 3., A., B. for Type II-A, and with the buffer zone requirements in LAC 33:VII. 719. B., 3., A., B., for DEQ defined Type III facilities only. Pertains to solid waste disposal and diversion licenses only.
- (11) Demonstrate that an emergency action plan has been produced that contains, but is not limited to, the following: method to communicate with customers during extreme weather events (i.e., floods, hurricanes) so that waste is not allowed to be placed

curbside or to accumulate and alternate disposal sites in case their primary site is temporarily or permanently closed and/or inaccessible so that waste does not accumulate. Pertains to solid waste disposal and diversion licenses only.

(12) Requirements of the application may be modified or amended as needed by the department.

(13) No person, entity or corporation shall contract to perform any act of which a permit is required by the department of environmental services before first obtaining and securing the proper state and/or federal permits or license to conduct business within the residential and/or commercial solid waste hauler, waste storage, transfer station or transfer of any solid waste operation.

- a. Failure to conform to all local, state and federal rules, regulations and statutes concerning solid waste handling and disposal shall be cause for revocation of a parish permit and subject to any fines or penalties thereof.
- b. Permit decals must be prominently displayed and visible on each service vehicle positioned on the upper left corner of the driver's inside windshield as to not block any view or distraction to the driver.

(14) Licenses shall be issued on the basis of anticipated performance of the licensee as gauged from the information furnished on the application. Licenses may be revoked at any time for cause, including, but not limited to, failure to perform under provisions of this article, violation of any term of the license, misrepresentation of failure to disclose any material fact required by this article.

(d) *Signatures.* A license application must be signed as follows:

- (1) *Activity or facility owner signature.* A license application must be signed by the activity or facility owner, landowner and operator.
- (2) *The applicant; certification.* A person who signs a license application shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision to ensure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete."

(e) *Application review.* Within 30 days of receipt by the department of a license application for a facility or activity, the department shall notify the applicant in writing whether the application is complete and, if not complete, what items are needed to make it complete. Within a reasonable time of receipt of a completed application, the department shall approve, disapprove or delay decision on the application, with reasons for the delay, in writing. Submission of false information may constitute grounds for denying a license or license

renewal, or suspension by revocation of an issued license. If the department denies an application, it shall provide written reasons to the applicant and provide applicant a reasonable opportunity to cure any deficiencies.

(f) *Other waste facilities.* Any facility or activity not otherwise provided for in this article must be licensed or exempted from licensure by the department and/or DEQ prior to construction or operation. (ERC title 33, part VII, subpart I, section 313.)

(g) *Additional or unnecessary data.* From time to time, as exclusively determined by the department, the applicant may be asked to submit reasonable additional data as requested by the department. The department may waive a requirement for submitting certain information if such a waiver will not endanger the health or safety of the public.

(Code 1998, § 9-015.00; Ord. No. 11-2588, 9-1-2011)

Sec. 38-34. License conditions.

(a) *License conditions.* The department may impose conditions on any approvals or licenses that are issued by the department that may be necessary due to the characteristics of the waste, facility specific conditions or other nontypical management characteristics or conditions pertinent to the regulated solid waste management activity or facility, in order to protect public health, safety or the environment or as otherwise provided by law, but said conditions shall not exceed or duplicate any DEQ provisions and/or requirements.

(b) *Change in facility construction or activity.* No change within the parameters of the facility's license and permit shall be made in the construction activity or materials received at the facility, unless such change is first approved by the department.

(c) *Financial assurance-contingency action and closure.* Unless otherwise provided by the department, issuance of any license pursuant to the provisions of this article shall be contingent upon the applicant furnishing to the department, financial assurance, in an amount to be set by the parish government, and naming the parish as obligee with sufficient sureties duly licensed and authorized to transact corporate surety business in the state as sureties. The condition of such financial assurance shall be that if the licensee fails to obey any of the requirements or do any of the acts required by this article in the operation of the activity or facility, or if, for any reason, ceases to operate or abandons the activity or facility, and the parish is required to expend any monies or expend any labor or material to restore the activity or facility to the condition and requirements as provided by the article, the obligor and the sureties on its financial assurance shall reimburse the parish for any and all expenses incurred to remedy the failure of the licensee to comply with the terms of the article, and the obligor and its sureties will indemnify and save the parish harmless from all losses, costs and charges that may occur to the parish because of any defaults of the obligor under the terms of their license to operate and

the ordinances of the parish. The financial assurance shall be subject to cancellation by the surety at any time only upon giving 90 days prior written notice of cancellation to the department.

(d) *Licensed parties.* The department is specifically vested with the discretion to evaluate business operations and performance of any licensed party at any time.

(e) *Applicants for licensure.* The department is specifically vested with the discretion to evaluate business operations and performance of any applicant for licensure.

(f) *Waiver.* The department, at its sole discretion, may waive the financial assurance requirements under this section if the applicant, owner or operator demonstrates to the satisfaction of the parish that financial assurance is being provided to and has been approved by the parish for the subject solid waste activity or facility and shall address site specific requirements as set by the parish. (ERC, title 33, part VII, subpart 1, chapter 3, section 315, No. 4.)

(g) *Insurance.* An applicant or licensee shall furnish to the parish certificates of insurance, the types and amounts which are listed below by classification, by an insurer duly licensed within the state. The parish reserves the right to be added as an additional named insured on all licensee's insurance coverage issued by insurers duly licensed within the state in types and amounts to be established by the parish based on the type of said waste management activity or facility under consideration. The licensee shall provide 30 days written notice to the department should any insurance policy be canceled before the expiration date of said policy.

(h) *Class A.* Transportation/conveyance vehicle with a gross vehicle weight rating (GVWR) of 6,000 pounds to 26,000 pounds.

(i) *General liability/commercial liability/business liability (operations and premises) per vehicle.* Minimum \$100,000.00 combined single limit for bodily injury and property damage.

(j) *Automotive liability, per vehicle.* Minimum \$100,000.00, including coverage for hired and nonowned vehicles, combined single limit for bodily injury and property damage.

(k) *Workers compensation.* The state statutory limits:

(1) *Class B.* Transportation/conveyance vehicle with a gross vehicle weight rating (GVWR) of 26,001 pounds to 55,000 pounds.

(2) *General liability/commercial liability/business liability (operations and premises) per vehicle.* Minimum \$500,000.00 combined single limit for bodily injury and property damage.

(3) *Automotive liability, per vehicle.* Minimum \$500,000.00 including coverage for hired and non-owned vehicles, combined single limit for bodily injury and property damage.

(l) *Workers compensation.* The state statutory limits:

- (1) *Class C.* Transportation/conveyance vehicle with a gross vehicle weight rating (GVWR) of 55,001 pounds to 62,000 pounds or above.
- (2) *General liability/commercial liability/business liability (operations and premises) per vehicle.* Minimum \$1,000,000.00 combined single limit for bodily injury and property damage.
- (3) *Automotive liability, per vehicle.* Minimum \$1,000,000.00, including coverage for hired and nonowned vehicles, combined single limit for bodily injury and property damage.

(m) *Workers compensation.* The state statutory limits: Continuation of expired license. A person and/or entity who holds an expired license and who has submitted a timely and complete application for reissuance of the license may continue to conduct the licensed activity until the department takes action on the application if the department determines that there is compliance with the following nonexclusive criteria:

- (1) The licensee is in compliance with the terms and conditions of the expired license and the parish solid waste management ordinance;
- (2) The department, through no fault of the licensee, has not taken action of the application on or before the expiration date of the license;
- (3) The licensee is deemed responsible as unilaterally determined by the department; or
- (4) The licensee is deemed responsive to department orders, as unilaterally determined by the department.

(n) *Compliance.* Unless otherwise provided for in this article, applicants, owners and operators of proposed or licensed activities or facilities shall comply with title 33, part VII et seq. of the Environmental Regulatory Code (ERC). The department may waive certain requirements provided said waiver will not endanger the environment or the safety or health of the public.

(o) *Valid license.* A license will remain valid only so long as the facility or activity is in compliance with applicable state and federal statutes, together with department rules, regulations, and this article.

(p) *Hours of operation.* All individuals, companies and governmental entities engaged in the collecting and transferring of solid waste and debris shall limit hours of operation to 6:00 a.m. through 9:00 p.m. daily. It is expressly prohibited to conduct collection activities outside of the permitted hours of operation. An exception is in the event of a public emergency affecting the health, safety and general welfare, the limits on hours of operation shall be temporarily suspended pending the resolution of the emergency. An exception is the collection and transferring of industrial and commercial solid waste. Collection of commercial refuse, commercial recyclables and industrial solid waste may not be conducted where the dumpster or other commercial and/or industrial refuse container is within 300 feet of any private residence

between the hours of 9:00 p.m. and 6:30 a.m. Where the dumpster or other commercial and/or industrial refuse container is more than 300 feet from residential property then the collection times stated above do not apply. For the purpose of this section, collection of refuse or recyclables at apartments, apartment houses or complexes, condominiums and/or co-ops shall be classified as commercial collection.

(q) *Valid occupational license.* Applicants shall be required to provide a copy of a valid parish occupational license and submit said copy when submitting a completed license application form. Failure to provide or possess a valid parish occupational license will cause an application to be deemed deficient.

(r) *Requirement.* Licensees shall be required to possess a valid parish occupational license throughout the license term. Failure to possess a valid parish occupational license during the license term shall be considered cause to terminate and/or revoke any type of license established by this article.

(s) *Compliance.* Any and all permittees found not to be in compliance with any section of this or any other applicable parish ordinances shall be penalized for each and every offense in accordance with section 38-186, enforcement and penalties.

(t) *Transferability.* Any license issued by the parish, as per this article, shall not be assigned or transferred in any way whatsoever. Notwithstanding the foregoing, if a nonlicensee acquires the business of a current licensee and meets all applicable requirements, said license shall be transferrable.

(u) *Performance of work.* Licensee agrees to perform all services in a workmanlike and professional manner.

(v) *Personnel.* Licensee agrees to ensure that its personnel are, at all times, educated and trained, and further, that licensee and its personnel will perform all work and services of a reasonably-related licensee in the parish.

(w) *Notice of termination/cancellation.* Licensee shall be required to provide the department as well as any and all customers written notice at least 30 days prior to a termination/cancellation of service, change in the number of days of pickup per week, and change in service fees. Licensee shall have the duty and responsibility to remit or refund, on a pro rata basis, any unused funds that are paid in advance. Failure to timely remit or refund over payment shall be deemed a violation of this article.

(x) *Parking and storage of waste hauler vehicles.* Parking and storage of waste hauler vehicles:

- (1) No person, entity or corporation shall park or store any commercially licensed truck, trailer or conveyance, whether loaded or unloaded, which is used for the collection and

transportation of solid waste, garbage or the contents of private sewage tanks, on any public street, alley or other public place or on private property within a residential district, except for loading purposes or emergency repairs.

- (2) Any vehicle parked or stored in violation hereof shall be removed by authorized personnel of the sheriff's office and stored in accordance with the provisions of ch. 16 of title 32 of the Louisiana Revised Statutes. Violators of this section shall be notified by the sheriff's office to answer before the 22nd Judicial District Court. The parish council shall provide suitable serially numbered forms in triplicate for notifying violators to appear in answer to charges of violating this section, said forms to be given to the sheriff's office, which shall make the notification. The disposition of any vehicle which may be impounded pursuant to the provisions of this section shall be in accordance with the applicable provisions of ch. 1 and ch. 16 of title 32 of the Louisiana Revised Statutes.

(Code 1998, § 9-016.00; Ord. No. 11-2588, 9-1-2011)

State law reference—Loads on vehicles, R.S. 32:383.

Secs. 38-35—38-56. Reserved.

ARTICLE III. SOLID WASTE MANAGEMENT FACILITIES

Sec. 38-57. Solid waste management facilities and nonprocessing transfer stations.

(a) The objective of this section shall be to establish better, more effective licensing requirements for solid waste management facilities and more efficient monitoring by the department. Thus, the licensee shall be responsible for all DEQ requirements (inter alia, the Louisiana Solid Waste Operator and Certification Program Act R.S. 37:3151 et seq.) and licenses and compliance with all the provisions of this article.

(b) No licensee shall operate any solid waste management activity or facility, or dispose of, or permit to be disposed, any solid wastes in a manner so as to degrade the soil, air or waters of the parish. Any licensee who causes any degradation of the soil, air or waters of the parish shall undertake whatever action is necessary to correct the degradation and restore said soil, air or waters to its condition prior to its degradation. (ERC, title 33, part VII, subpart 1, chapter 3, section 315, (P) and (L).)

(c) This article shall not apply to solid waste management facilities located within incorporated areas of the parish.

(d) The licensee shall be responsible for facilitating all environmental monitoring, including, but not limited to, water, soil and landfill gases, which are required by this article or the license conditions for the applicable solid waste management activity or facility, but not to exceed or duplicate any and all DEQ requirements.

(Code 1998, § 9-017.00; Ord. No. 11-2588, 9-1-2011)

Historical note—Promulgated by the department of natural resources, board of certification and training for solid waste disposal operators, L.R. 10:404 (May 1984), amended by the department of environmental quality, board of certification and training for solid waste disposal operators, L.R. 14:12 (January 1988), L.R. 20:656 (June 1994).

Sec. 38-58. Additional license requirements.

(a) *Real or personal property.* Unless otherwise provided by this article, no person shall cause, permit or allow real or personal property under their control to be used for solid waste management purposes, except at an operation for which a license has been granted by the department. The procedures for license issuance, denial, variance, revocation, suspension, renewal, administration and fees shall be governed by this article.

(b) *Licensee.* For applicable solid waste management activities or facilities a license shall be issued to the landowner, facility owner and facility operator or other persons responsible for compliance with the requirements of this article.

(c) *License term.* Unless otherwise provided by the parish government, each license granted pursuant to the provisions of this article shall be for a period of not more than one year, unless earlier suspended or revoked. The license period for solid waste management activities or facilities shall be from the date of issuance until December 31 for initial licenses and from January 1 through December 31, a period of one year, for license renewals. In regards to solid waste management facilities, solid waste disposal and diversion, solid waste transfer stations, process and nonprocess transfer stations; these types of facilities shall be licensed for a period of not more than two years for a temporary permit and not more than five years for a standard permit.

(d) *Annual report.* Notwithstanding, all solid waste management activities or facilities shall submit an annual report containing information, data, plans and reports as required by the department for the specific solid waste management activity or facility.

(Code 1998, § 9-018.00; Ord. No. 11-2588, 9-1-2011)

Sec. 38-59. Application and fees.

(a) *Application and fees.* An applicant for a license to engage in a solid waste management activity shall complete and submit to the department an application on a form provided by the department. The application shall not be considered complete until the department receives all applicable fees, all material required by this section, and all materials required by subsequent sections applying to the specific management activity for which a license is sought. Applicants

for a solid waste management activity or facility license shall not commence any operation or engage in any activity until the license application has been approved by the department; nor shall any operation commence until a license is issued. Application fees shall be as established by ordinance.

(b) *Written application.* A person who requests the issuance, modification or renewal of a solid waste management activity license shall complete, sign and submit to the department a written application.

(c) *Nonexclusive list of requirement.* The application shall contain the following nonexclusive list of requirements:

- (1) The name, address and telephone number of the facility owner, facility operator and landowner of the proposed solid waste management activity or facility for which the application is submitted.
- (2) The name, address and telephone number of the person who prepared the application.
- (3) A description including the location of the solid waste management activity or facility.
- (4) A general description of the wastes to be stored, processed or disposed of; anticipated quantity of wastes to be stored, processed or disposed of; and proposed methods for managing the wastes.
- (5) A general description of the proposed methods for managing run-off and run-on.
- (6) A topographic map, or other map, if a topographic map is unavailable, that shows the proposed solid waste management activity or facility and the area surrounding it for a distance of at least one mile in all directions. The map must be of sufficient scale to show all homes, buildings, lakes, ponds, watercourses, wetlands, dry runs, rock outcroppings, roads, areas for retention of surface water runoff and other applicable details as determined by the department. Wells must be identified on the map. An analysis or characterization of the waste may be required by the department. A topographic map, or other map if a topographic map is unavailable, is only required if an applicant is applying for solid waste disposal and diversion license.
- (7) Written proof that the municipal or township governing body in which said solid waste management activity or facility is located has considered the establishment of the solid waste management activity or facility with respect to zoning, impact on township/ municipal roads and other applicable regulations.
- (8) Where applicable, copies of insurance, inspections and haulers information (e.g., driver's license, driving record) and service records for all transportation vehicles.
- (9) Notification of any and all DEQ and/or agency violations within three years prior to submittal.

- (10) The facility must comply with the perimeter barrier and security requirements in LAC 33:VII.717.B., 3., A., B. as well as the provisions of this chapter.
 - (11) Demonstrate that an emergency action plan has been produced that contains, but is not limited to, the following: method to communicate with customers during extreme weather events (i.e., floods, hurricanes) so that waste is not allowed to be placed curbside or to accumulate and alternate disposal sites in case their primary site is temporarily or permanently closed and/or inaccessible so that waste does not accumulate.
 - (12) Requirements of the application may be modified or amended as needed by the department.
 - (13) Licenses shall be issued on the basis of anticipated performance of the licensee as gauged from the information furnished on the application. Licenses may be revoked at any time for cause, including, but not limited to, failure to perform under provisions of this article, violation of any term of the license, misrepresentation of failure to disclose any material fact required by this article.
- (d) *Signatures.* A license application must be signed as follows:
- (1) By the solid waste management activity or facility owner, landowner and operator.
 - (2) By a state registered engineer when a firm prepares the necessary reports and plans for a solid waste management activity or facility license.
- (e) *Certification.* A person who signs a license application shall make the following certification:
- "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to ensure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete."
- (f) *Application review.* Within 30 days of receipt by the department of a license application for a solid waste facility or activity, the department shall notify the applicant in writing whether the application is complete and if not, what items are needed to make it complete, and shall give an estimate for the delay, in writing. Submission of false information may constitute grounds for denying a license or license renewal, or suspension by revocation of an issued license.
- (g) *Other waste facilities.* Any solid waste management site, facility, or activity not otherwise provided for in this article must be licensed or exempted from licensure by the department and/or DEQ prior to construction or operation. (ERC title 33, part VII, subpart I, section 313.)

(h) *Additional or unnecessary data.* The applicant must submit reasonable additional data requested by the department. The department may waive a requirement for submitting certain information if such a waiver will not endanger the health or safety of the public.

(Code 1998, § 9-019.00; Ord. No. 11-2588, 9-1-2011)

Sec. 38-60. License conditions.

(a) *License conditions.* The department may impose conditions on any approvals or licenses that are issued by the department that may be necessary due to the characteristics of the waste, facility specific conditions or other nontypical management characteristics or conditions pertinent to the regulated solid waste management activity or facility, in order to protect public health, safety or the environment or as otherwise provided by law.

(b) *Change in facility construction activities or materials accepted.* No change within the parameters of the facility's license and permit shall be made in the construction activities or materials accepted at a solid waste management activity or facility, unless such change is first approved by the department, DEQ and the agency.

(c) *Financial assurance-contingency action and closure.* Unless otherwise provided by the department, issuance of any license pursuant to the provisions of this article shall be contingent upon the applicant furnishing to the department, financial assurance, in an amount to be set by the parish government, and naming the parish as obligee with sufficient sureties duly licensed and authorized to transact corporate surety business in the state as sureties. The condition of such financial assurance shall be that if the licensee fails to obey any of the requirements or do any of the acts required by this article in the operation of the solid waste management activity or facility, or if, for any reason, ceases to operate or abandons the solid waste management activity or facility, and the parish is required to expend any monies or expend any labor or material to restore the solid waste management activity or facility to the condition and requirements as provided by the article, the obligor and the sureties on its financial assurance shall reimburse the parish for any and all expenses incurred to remedy the failure of the principle to comply with the terms of the article, and the obligor and its sureties will indemnify and save the parish harmless from all losses, costs and charges that may occur to the parish because of any defaults of the obligor under the terms of their license to operate and the ordinances of the parish. The financial assurance shall be subject to cancellation by the surety at any time only upon giving 90 days prior written notice of cancellation to the department. The department may waive the financial assurance requirement should licensee provide the department with proof of financial assurance required by the state for the operation of the activity or facility and said financial assurance meets department requirements. The department reserves the right to require licensee to name the parish as an obligee on said financial assurance.

(d) *Licensed parties.* The department is specifically vested with the discretion to evaluate business operations and performance of any licensed party at any time.

(e) *Applicant for licensure.* The department is specifically vested with the discretion to evaluate business operations and performance of any applicant for licensure.

(f) *Waiver.* The department, at its sole discretion, may waive the financial assurance requirements under this section if the applicant, owner or operator demonstrates to the satisfaction of the parish that financial assurance is being provided to and has been approved by the parish for the subject solid waste activity or facility and shall address site specific requirements as set by the parish. (ERC, title 33, part VII, subpart 1, chapter 3, section 315, No. 4.)

(g) *Insurance.* An applicant shall furnish to the parish certificates of insurance in the amount of \$1,000,000.00 of general liability insurance, issued by an insurer duly licensed within the state. The parish reserves the right to require additional certificates of insurance issued by insurers duly licensed within the state in types and amounts to be established by the parish based on the type of said solid waste activity or facility under consideration. The licensee shall provide 30 days written notice to the department should any insurance policy be canceled before the expiration date of said policy.

(h) *Continuation of expired license.* A person and/or entity who holds an expired license and who has submitted a timely and complete application for reissuance of the license may continue to conduct the licensed solid waste management activity until the department takes action on the application if the department determines that there is compliance with the following nonexclusive criteria:

- (1) The licensee is in compliance with the terms and conditions of the expired license and the parish solid waste management ordinance;
- (2) The department, through no fault of the licensee, has not taken action of the application on or before the expiration date of the license;
- (3) The licensee is deemed responsible as unilaterally determined by the department; or
- (4) The licensee is deemed responsive to department orders, as unilaterally determined by the department.

(i) *Compliance.* Unless otherwise provided for in this article, applicants, owners and operators of proposed or licensed solid waste management activities or facilities shall comply with title 33, part VII et seq. of the Environmental Regulatory Code (ERC). The department may waive certain requirements provided said waiver will not endanger the environment or the safety or health of the public.

(j) *Issuance.* The department may issue owners or operators of the following solid waste management facilities or activities a parish solid waste management license upon notification of the proposed activity.

(k) *Validity.* A general solid waste management license will remain valid only so long as the facility or activity is in compliance with applicable state statutes, solid waste management rules and the parish solid waste management chapter.

(l) *Eligibility.* A solid waste management owner/operator eligible for consideration under this section shall, upon request by the department, submit a form provided by the department notifying the department of its proposed activity. (ERC title 33, part VII, subpart 1, chapter 5, section 503-A.)

(m) *Compliance.* Any and all permittees found not to be in compliance with any section of this or any other applicable parish ordinances shall be penalized for each and every offense in accordance with section 38-186, enforcement and penalties.
(Code 1998, § 9-020.00; Ord. No. 11-2588, 9-1-2011)

Secs. 38-61—38-78. Reserved.

ARTICLE IV. COLLECTION AND STORAGE

Sec. 38-79. Solid waste collection and storage.

(a) *Solid waste accumulation.* Except as otherwise allowed by this article, owners and managers of every property shall be responsible for maintaining all open areas free of improperly stored solid waste accumulation.

(b) *Commonly accepted activities.* Nothing in this subsection shall unreasonably restrict commonly accepted activities of farms and duly established automobile, scrap iron, metal recyclers or salvage operations that maintain such operations in an orderly and nuisance free manner.

(c) *Storage facilities and containers required.* Every residential property owner shall have adequate solid waste storage facilities or containers. Only those items (i.e., white goods, tree limbs) larger than a standard sized facility of container shall be allowed to be placed loosely or upon the ground prior to collection. Those items requiring special handling shall be placed adjacent to the service area, but not in the street, so as to block the flow of traffic.

(d) *Waste materials too large for containers.* Waste objects too large or otherwise unsuitable for storage containers shall be stored in a pollution and nuisance free manner.

(e) *Provided facilities required to be used.* Property owners shall cause occupants and employees to store solid waste for removal in the solid waste storage facilities or containers provided by said property owner or by licensee if a commercial customer. The property owner shall not permit solid waste to be placed in locations or in a manner that the solid waste may be scattered by wind, water, animals or insects.

(f) *Frequency of container service.* Every property owner shall cause container contents to be removed and deposited at a permitted disposal facility at a frequency so as to not create a nuisance. Solid waste shall not be stored on public or private property for more than two weeks without the written approval of the department. Solid wastes suitable and stored for recycling may be contained if stored in an acceptable manner that avoids risk to public safety and otherwise complies with this article.

(g) *Storage construction.* All solid waste storage containers shall be constructed of rust and impact resistant materials with covers that deter rodent and insect entry. The containers shall be equipped with tight-fitting covers that shield the container from the entrance of precipitation, rodents, insects and vermin.

(h) *ANSI standards.* As described in volume 42, No. 113, pages 30296 to 30302 of the federal register, refuse bins having an internal volume of one cubic yard or greater shall be constructed or retrofitted to meet American National Standards Institute (ANSI) Standard (Z 245.3-1077) for the stability of refuse bins.

(i) *Single use containers.* Single use containers not meeting the above requirements may be used for yard waste provided the container is:

- (1) Constructed of moisture resistant materials.
- (2) Adequately designed to contain the waste.
- (3) Closed to resist the entrance of water.
- (4) Loaded no more than 55 pounds.
- (5) Strong enough to allow collection and loading by hand.

(j) *Container maintenance.* Solid waste containers shall be maintained in a nuisance free condition by the owner. When supplied by a property owner or commercial hauler, the containers shall be maintained in good repair.

(k) *Container compliance.*

- (1) Any commercial hauler finding solid waste containers in use that appear not to be in compliance with this article shall report the container's location to the department.
- (2) The department shall investigate complaints about solid waste containers and if the container is found not in compliance a notice shall be attached to the container as provided in this section. If the department does not investigate the complaint, the department shall mail to the container's owner a notice that a complaint was received regarding the container. The notice shall describe this article's requirements for a solid waste container. The owner shall report their actions to the department within ten days of the notice date regarding the corrections they have made. If the owner does not make

this report to the department within ten days, the department shall proceed with an investigation. If the container is found to be in violation of this article, a notice shall be attached to the container stating substantially as follows:

Signed by: on behalf of the St. Tammany Parish Department of Environmental Services.

Date of Notice: _____

Warning: This notice shall not be removed except by action of the St. Tammany Parish Department of Environmental Services.

- (3) The notice attached to the container shall not be removed, except by action of the department.
- (4) Any public costs associated with investigation and removal of the container may be charged as a fee to the owner of the container or as an assessment against the property as provided by law.

(Code 1998, § 9-025.00; Ord. No. 11-2588, 9-1-2011)

Notice—This solid waste container does not comply with the parish government solid waste ordinance and this container shall be removed by the owner within ten calendar days. The licensed solid waste hauler who services this property is hereby ordered by the parish department of environmental services not to empty this container.

Sec. 38-80. Transfer of solid waste.

Solid waste shall not be transferred to another property or solid waste container, except with the written consent of the owner, or under contract of services between said owner and a licensed hauler.

(Code 1998, § 9-026.00; Ord. No. 11-2588, 9-1-2011)

Sec. 38-81. Solid waste burning prohibited.

The burning of solid waste shall be prohibited, except as allowed at a permitted solid waste facility.

(Code 1998, § 9-027.00; Ord. No. 11-2588, 9-1-2011)

Sec. 38-82. Hazardous waste storage.

Hazardous wastes shall be stored in leak-proof containers which are adequately labeled, in a safe location and in compliance with the regulations of federal, state and local governments, and their regulatory agencies.

(Code 1998, § 9-028.00; Ord. No. 11-2588, 9-1-2011)

Secs. 38-83—38-107. Reserved.

ARTICLE V. SOLID WASTE HAULING AND TRANSFER**Sec. 38-108. Collection for hire and applicability.**

(a) *Collection of solid waste for hire.* No person or entity may collect municipal solid waste for hire without a license from the department of environmental services.

(b) *Applicability.* This section shall only apply to all persons and/or entities seeking a license to collect and transport municipal solid waste, at the point of generation or that transfer or otherwise transport municipal solid waste to a licensed disposal or processing facility. In addition, this section shall only apply to the unincorporated areas of the parish.
(Code 1998, § 9-036.00; Ord. No. 11-2588, 9-1-2011)

Sec. 38-109. Commercial solid waste hauling and transfer.

(a) *Collection of solid waste for hire.* No person, entity or corporation may collect commercial solid waste for hire without a license from the department of environmental services.

(b) *Applicability.* This section shall only apply to all persons, entities and/or corporations seeking a license to collect and transport commercial solid waste, at the point of generation or that transfer or otherwise transport commercial solid waste to a licensed disposal or processing facility. In addition, this section shall only apply to the unincorporated areas of the parish.
(Code 1998, § 9-036.1; Ord. No. 11-2588, 9-1-2011)

Sec. 38-110. Additional licensing requirements.

In addition to the applicable requirements as stated above, an applicant shall also submit the following nonexclusive information:

- (1) A list of all vehicles, including satellite vehicles, to be used for waste collection and transportation, specifying make, model and year for each vehicle; each vehicle's rated capacity, tare weight, license plate number, state issued registration number, copy of all relevant state and/or parish inspection decals, including, but not limited to, brake inspection certifications, and the designated facility number exclusively issued for that specific vehicle. Any vehicle and/or trailer and/or other hauling device employed by the licensee must separately and collectively meet all requirements specified herein, including, but not limited to, weight limitations and state and parish inspection requirements. It is the responsibility of the licensee to maintain all their equipment, hauling devices and vehicles in a safe, nonhazardous manner that does not endanger the public nor the environment.
- (2) The total number of commercial accounts in the parish, the total number of residential accounts in the parish, the days of the week waste is collected for each city and township or subdivision or any other residential dwelling in the parish.
- (3) A description of the company's recycling and other waste abatement activities.

- (4) Certificates of insurance as may be required by the department.
 - (5) Any and all additional information pertaining to waste management requested by the department, if deemed necessary, including, but not limited to, a copy of the operator's license and driving records for the past three years; emergency management and/or spill remediation plan; and OSHA compliance assessments.
- (Code 1998, § 9-037.00; Ord. No. 11-2588, 9-1-2011)

Sec. 38-111. Equipment and operation requirements.

The following are equipment and operation requirements:

- (1) Each vehicle or other conveyance used by a hauler for the collection or transportation of waste shall be easily cleanable, leak-proof and be covered with metal, canvas, a fish-net type material made for this purpose so long as such covering does not permit nuisances or debris or liquid from falling, blowing or otherwise exiting the vehicle until disposal.
 - a. Modifications to any vehicle, trailer or other hauling device beyond the manufacturer's specification must be approved by the department prior to such modifications by the licensee.
 - b. In the case of a modified truck or trailer, no such approval will be granted, unless said licensee or proposed hauler alters or modifies an existing truck beyond the manufacturer's safety specifications, or if such alterations or modifications endanger public safety or the environment.
 - c. The following shall be applicable to Class A transportation/conveyance vehicles:
 - 1. No truck or trailer will receive a DES license if said truck or trailer being altered or modified has pliable sidewalls (used to contain solid waste) that are flimsy in design and fail to enclose all solid waste being stored or transported on any roadway within the parish. Such design and modification shall be constructed of enclosed heavy gauged diamond expanded metal mesh sidewalls, front and rear walls and roof. The rear wall shall have an open door or double door design that is easily closed and opened during daily operation as well as at least one sidewall with an open door access. All doors shall be securely closed and locked before entering onto any roadway within the parish to prevent any nuisance or debris from falling, blowing or otherwise exiting the vehicle until reaching the disposal facility. This box, cage or container shall not be larger than seven feet wide, by seven feet tall, extending from the truck or trailer frame upward (not exceed ten total feet from the pavement to the top of box, cage or container rail) and not longer than 17 feet long from rear of truck cab to rear bumper. This box, cage, container or conveyance shall not store, hold or contain more than 5,500

pounds of trash, debris or solid waste. The base of this box, cage or container shall be constructed of solid metal plate or reinforced fiberglass that shall be leak-proof by means of a rubber seal fastened, attached or affixed by any means necessary at the juncture where the inner walls and base meet to prevent any liquid from falling, leaking or exiting the vehicle. All equipment shall be cleaned at least once per week or at other appropriate and regular scheduled intervals to prevent the buildup of nuisance hazardous pollution, scum deposits and unhealthy foreign matter from falling onto public roads and/or infecting the general population. Vehicles, containers and conveyances shall be maintained in good repair.

2. Regardless of any and all modifications to either the trucks or the trailer, any and all responsible safety precautions must be employed by said licensee, such as ensuring that the altered or modified sidewalls are properly anchored or secured to minimize potential harm to employees, the public, and to avoid spills.
 3. All alterations and/or modification beyond manufactured specifications must meet the requirements of this article.
 4. Vehicle bodies or other conveyances used for the collection and transportation of garbage, rubbish or any other solid waste materials containing putrescible matter shall be enclosed, weather tight, leak-proof, constructed of durable metal and/or other approved acceptable material, and easily cleanable.
 5. All solid waste collection equipment, vehicles and conveyances must meet state department of transportation and development and state department of environmental quality minimum standards for solid waste collection. Additionally, each service provider must possess or show proof of application for a state department of environmental quality permit number.
- (2) Decals may be issued by the department for each licensed vehicle or conveyance; these shall be displayed in a conspicuous place on the left side of the cab. Designated facility numbers shall be displayed as directed by the designated facility. The licensee must maintain all decals, labeling, and license plates so that they are readily visible and legible at all times. The licensed hauler shall contact the department by telephone or in writing if it finds it necessary to use a vehicle other than one included in its original or amended license application.
- (3) The business name and telephone number of the licensee shall be easily visible and be proficiently printed or painted (magnetic decal sign acceptable) in bold legible characters minimum height of three inches and in proportional width. Lettering shall be done in color which will contrast sharply with the background upon which it is painted and shall be placed in such a position on both sides of all vehicles, containers and

conveyances used by the waste hauler to store, collect or transport waste generated within the parish, as to be easily seen by anyone wishing to identify the ownership of said vehicle. These markings shall be kept clean, clear and distinct at all times.

- (4) The department may inspect and approve all waste storage, collection and transportation containers, vehicles and conveyances if deemed necessary by the department to protect public health, safety and the environment. Any new applicant must present his vehicle at the time of initial application for permit and each renewal date thereafter to the department of environmental services for inspection. Each vehicle must meet all existing regulatory requirements imposed on any such vehicle by any federal, state and/or local governing body.
 - (5) The licensee shall not allow waste to remain or be stored in any collection or transportation vehicle in excess of 48 hours, except in the event of an emergency such as inclement weather, equipment breakdown or accident. The department may approve storage for greater than 48 hours, on a case-by-case basis, for reasons other than emergencies, provided such storage will not adversely affect public health, safety or the environment.
 - (6) The licensee shall be responsible for the cleanup of any waste that must be discharged from a licensed hauling vehicle in an emergency. The licensee shall cleanup said litter or waste within 48 hours of the occurrence. An emergency management and spill remediation plan must be provided to the department.
 - (7) The licensee shall not impose a greater charge on residents who recycle and/or engage in composting than on residents who do not recycle and/or engage in composting.
- (Code 1998, § 9-038.00; Ord. No. 11-2588, 9-1-2011)

Sec. 38-112. Nonprocessing transfer stations.

If the DEQ requires that a license and/or permit be obtained from the DEQ to construct, establish, maintain or operate a nonprocessing transfer station, the applicable license and/or permit shall first be obtained from the DEQ. The application to the department will not be processed or approved until the license and/or permit required by the DEQ has been obtained. The permit fee, set by resolution of the parish government, shall accompany the permit application. The application must meet the following requirements and all other rules, regulations and ordinances determined to be applicable thereto:

- (1) The following information shall be submitted as part of the application. If any of the following information is also required by the DEQ as part of its nonprocessing transfer station permitting process, then the department shall accept said information as a sufficient substitute:
 - a. The application for the license shall contain a site-plot plan, engineering plans and an operational report.

- b. The site-plot plan shall have a scale of one inch equal to not more than 50 feet and have a vertical contour interval not greater than five feet. The site-plot plan shall include all land within 1,000 feet of property of the proposed facility. The following shall be included as a minimum:
 - 1. Location, size and ownership of the land upon which the station will operate.
 - 2. City and/or township boundaries.
 - 3. North arrow, section line, section number.
 - 4. Water of the state, floodplains and flood ways.
 - 5. Land use and zoning within a 1,000 foot radius of the property lines.
 - 6. Adjacent residences and property ownership.
 - 7. Roads and railroads.
 - c. The following engineering plans shall include as a minimum:
 - 1. Roads, screening, fencing gates, dimensions of buildings, dimensions of storage areas, loading and unloading zones, location of existing utilities.
 - 2. Dikes, berms, walls, dividers.
 - 3. The department may request a report on the subsurface condition at the proposed facility. The department may request data that is adequate to indicate suitable soils, geological and groundwater information at the site. The above data will be detailed on cross-sections, the location of which will be indicated on the site plan.
 - d. The operations report shall include as a minimum:
 - 1. Complete plans and specifications, proposed operating procedures for the transfer station, place of ultimate disposal and equipment to be used.
 - 2. The composition, thickness, preparation or compaction of the impervious lines, if used.
 - 3. The name of the local fire department. Describe the arrangements that have been made and will be made with the local fire department to ensure the safety of fire response personnel and to minimize pollution which might otherwise occur as a result of fire or firefighting efforts.
 - e. New facilities that do not have a building permit and site plan approved prior to the adoption of Ordinance Calendar No. 4485 shall comply with the buffer, setback and all other applicable requirements of the zoning district in which the facility is to be located.
- (2) The following shall be established and maintained at the nonprocessing transfer station site:
- a. A sign, subject to the approval of the department, shall be posted on the premises indicating the station name, the schedule of days and hours it is open to the public

and prices for use. The facility shall have control measures that prevent unauthorized ingress or egress. During operating hours, each facility entry point shall be continuously monitored, manned, or locked. During nonoperating hours, each facility entry point shall be locked.

- b. Roads on the premises shall be all-weather surfaced. The premises shall be constructed and landscaped in such a manner as to be aesthetically pleasing in appearance. Each tipping area shall be constructed and operated to prevent litter (e.g., solid waste and leachate) from leaving the tipping area. This area shall be constructed of sufficiently low permeable material (i.e., concrete or asphalt) to prevent soil and groundwater contamination.
 - c. Adequate sanitary facilities and shelter for personnel shall be provided on the premises.
 - d. Records approved by the department shall be maintained indicating the type and quantity of solid waste passing through the nonprocessing transfer station. All facility records shall be maintained and available for inspection within 24 hours of request. These records shall be maintained for the life of the facility and shall be retained for at least three years after closure.
 - e. The operator of the facility shall implement an inventory system and segregation procedure sufficient to enable identification of the sources of all containers in storage at any time.
 - f. The nonprocessing transfer station shall be so equipped, situated, operated and maintained so as to minimize interference with other activities in the area.
- (3) A nonprocessing transfer station permittee shall comply with the following regulations:
- a. The nonprocessing transfer station shall be cleaned daily at the end of each day by an appropriate method to minimize odors and nuisance conditions.
 - b. The premises, entrances and exits shall be maintained in a clean, neat and orderly manner at all times.
 - c. All incoming and outgoing traffic shall be controlled by the licensee in such a manner as to provide orderly and safe entrance and exit. The facility shall maintain site access roads or waterways in a manner that shall meet the demands of the facility and is designed to avoid, to the extent practicable, congestion, sharp turns, obstructions or other hazards conducive to accidents. The surface roadways shall be adequate to withstand the weight of transportation vehicles.
 - d. No alterations or additions to the disposal system will be made without the written consent of the department. The owner/operator of a nonprocessing transfer station may construct a drop-off area at the nonprocessing transfer station site such that certain activities can be conducted. No industrial waste shall

be accepted, and materials shall be managed in accordance with subsections (1), (2) and (3) of this section. These areas are intended for the use of commercial facilities and residential solid waste. These drop-off areas shall be constructed by means of a commercial steel or metal warehouse type building with concrete floors to prevent any solid waste or residual leakage from solid waste to enter the soil or groundwater. There shall be a preventive drainage system in place to capture any nuisance liquid run off. No commercial or residential solid waste or remnants thereof will be placed, stored, or allowed to come in contact with the soil, earth, dirt, gravel or groundwater. Collection and storage of the following wastes are allowed, provided it does not become a nuisance, a health hazard or a detriment to the environment as determined by the administrative authority:

1. White goods;
 2. Presorted yard trash; or
 3. Household recyclable materials.
- e. Records approved by the department shall be maintained indicating the type and quantity of waste passing through the non-processing transfer station. Each quarter the licensee shall submit reports indicating the type and quantity of waste passing through the transfer station to the department.
 - f. All unloading of solid wastes from contributing vehicles shall be conducted in such a manner as to eliminate odor and litter outside the station. Odors shall be controlled by the best practicable means.
 - g. Solid wastes shall not remain in the pick-up and/or non-processing transfer station longer than 48 hours.
 - h. No processing or disposal shall occur at a non-processing transfer station.
 - i. Discharges from the facility shall be controlled and shall conform to all applicable state and federal laws.
 - j. The building wherein the transfer occurs must be capable of being fully enclosed.
 - k. All doorways (entrance and exits for vehicles and personnel) must be closed when not in active use and must be closed when the station is not in operation.
 - l. All streets and roadways within the property must be hard surfaced (paved).
 - m. The station must have an independent licensed pest control service under contract. The contract must provide for biweekly inspections and treatment for rodent and insect control as required.
 - n. The station property must comply with the buffer and setback requirements provided for in the Unified Development Code-Volume I (Zoning), section 5.36 SWM-1 Solid Waste Management District.

- o. The property must be fully enclosed with a fence of not less than eight feet high. The gate shall be closed and locked at all times when the station is not in operation to prevent unauthorized ingress. The facility must have control measures that prevent unauthorized ingress or egress during business hours.
- p. There should be no access to the general public, except during hours of normal operation. Such access must be monitored and controlled at all times, with adequate safeguards provided to prevent accidents, injury and the intentional or unintentional discard of waste and litter outside the transfer building.
- q. All transfer operations and vehicle wash down must take place within the building designated for that purpose.
- r. At least one employee shall be onsite during operating hours, which employee shall be responsible for ensuring that the site is kept clean, free of litter and to wash down the transfer building on a daily basis.
- s. A containment system shall be installed and maintained to contain all wash down water and prevent runoff.
- t. The hours of operation shall be limited to 6:00 a.m. to 6:00 p.m., Monday through Saturday.
- u. There shall be no processing, sorting or recycling of garbage on site.
- v. All collection and transport vehicles must be secured in a manner that will prevent any material, solid or liquid, from leaving the vehicle while the vehicle is in motion.
- w. The department of engineering shall determine if a formal traffic impact analysis is required.
- x. All collection and transport vehicle may be parked outside the transfer building overnight only after being thoroughly washed down.

(Code 1998, § 9-039.00; Ord. No. 11-2547, 7-7-2011; Ord. No. 11-2588, 9-1-2011)

Secs. 38-113—38-137. Reserved.

ARTICLE VI. DISPOSAL AND DIVERSION

Sec. 38-138. Solid waste disposal and diversion.

(a) It is unlawful to operate a solid waste landfill, recycling facility, composting facility, construction and demolition debris landfill and/or co-composting facility without first obtaining a DEQ permit pursuant to title 33 of Environmental Regulatory Code, part VII, and a parish solid waste management license. It shall also be unlawful to operate any facility that requires a license or permit to be issued by the department of environmental services without first obtaining the required license or permit.

(b) The department shall encourage lawful and sustainable waste diversion techniques (e.g., recycling, composting) where economically viable and publicly supported.

(c) Any facility that is required to obtain a license or permit from the department of environmental services, including a recycling facility, composting facility, construction and demolition debris landfill and/or co-composting facility shall file a license application that meets all of the DEQ permit requirements along with the following:

- (1) A current map or an aerial photograph of the area showing the land use and zoning within one-quarter mile of the facility. A location inset map shall be included.
- (2) A plot plan including the legal description of the site of the facility; a description of the immediate adjacent area showing dimensions, present and planned pertinent features, including, but not limited to, roads, buildings, fencing and other applicable details; and the general topography. The scale of the plot plan shall not be greater than 200 feet per inch.
- (3) A report shall accompany the plans indicating:
 - a. Area of the site in acres;
 - b. Owner of the site and proposed permittee;
 - c. Individuals responsible for actual operation and maintenance of the recycling facility and attending operating procedures;
 - d. Sanitary landfill or other waste facility where any residue will be transferred, the owner, hours of operation and DEQ permit number;
 - e. Type and amount of equipment to be provided for the operation of the recycling facility;
 - f. Population and geographical areas to be served by the proposed facility;
 - g. An estimate of materials to be delivered to the facility;
 - h. Proposed storage capacity on-site;
 - i. Proposed marketing plan for materials;
 - j. Proposed access routes within a one-mile radius of the proposed facility;
 - k. As recommended by the department, suitable soils, geologic and groundwater information will be submitted;
 - l. Local government approval of the facility site;
 - m. Stormwater management plan; and
 - n. Emergency management plan, especially in case of a fire.
- (4) Where applicable, a DEQ approved permit.

- (5) Any and all other information required by any applicable provision of this article and the department.

(Code 1998, § 9-043.00; Ord. No. 11-2588, 9-1-2011)

Sec. 38-139. Operating requirements.

The following shall be established and maintained at the recycling facility site:

- (1) A sign, subject to the approval of the department, shall be posted on the premises indicating the facility name, schedule of days and hours it is open to the public, and prices for use.
- (2) Records approved by the department shall be maintained indicating the type and quantity of materials passing through the facility.
- (3) The facility shall be so situated, equipped, operated and maintained so as to limit interference with other activities in the area.
- (4) The premises, entrances and exits shall be maintained in a clean, neat and orderly manner at all times.
- (5) All incoming and outgoing traffic shall be controlled by the permittee in such a manner as to provide orderly and safe ingress and egress.
- (6) All unloading of materials from contributing vehicles shall be conducted in such a manner as to eliminate odor and litter outside of the facility.
- (7) Such other regulations as may be established by the parish government and/or the department in order to protect the health, safety and welfare of the public and the environment.
- (8) All processing shall occur in an enclosed area, or in a manner that reduces the possibility of nuisances and/or vectors.

(Code 1998, § 9-044.00; Ord. No. 06-1417, 11-2-2006; ERC, title 33, part VII, subpart 2, ch. 103; Ord. No. 11-2588, 9-1-2011)

Secs. 38-140—38-161. Reserved.

ARTICLE VII. SPECIAL ISSUES

Sec. 38-162. Scavenging, waste tires and white goods.

- (a) The scavenging or removal of recoverable or recyclable materials from any facility or container, including, but not limited to, residential containers, in the parish without the written consent of the owner or operator shall be prohibited.

(b) The disposal of waste tires in the land is prohibited. This does not prohibit the storage of unprocessed waste tires at a collection or a processing facility. Waste tires shall be managed in full compliance with the provisions of this article regardless of number. Waste tire management shall include, but is not limited to, the generation, collection, storage, transportation, processing, reuse, recycling, incineration and/or disposal of waste tires, either whole or in part. Waste tires shall be disposed of according to the requirements of title 33, part VII, ch. 105 of the Environmental Regulatory Code (ERC).

(c) A person and/or entity may not place major appliances, or white goods in mixed municipal solid waste, or dispose of major appliances, or white goods in or on the land. It is further prohibited to store or abandon junk, wrecked or used automobiles, or motor vehicles, or any other junk, discarded or abandoned machinery of metal, tin or other discarded items on a lot of any subdivision approved by the parish for residential use, or on any neutral ground, alley, sidewalk space or roadway within the unincorporated areas of the parish.

(d) A person and/or entity may not place batteries and/or fluorescent lights in mixed municipal solid waste, or dispose of batteries and/or fluorescent lights in or on the land.

(e) A yard waste compost site not exceeding 300 cubic feet in size may be allowed on a land parcel without a permit or license under this article if the site is properly managed to prevent nuisance or health and safety problems. Said compost site may utilize grass clippings, leaves, and brush limbs. No household shall make a nuisance of their yard waste compost site regardless of size.

(Code 1998, § 9-050.00; Ord. No. 496, Bk. 6, p. 459; Ord. No. 11-2588, 9-1-2011)

Sec. 38-163. Landfill.

Any and all landfill facilities must comply with title 33, part VII, ch. 7, subchapter B, section 711 of the Environmental Regulatory Code (ERC).

(Code 1998, § 9-051.00; Ord. No. 11-2588, 9-1-2011)

Sec. 38-164. Unauthorized dumping.

It shall be a violation of this article for any person and/or entity to dispose of solid waste collected within the parish at any place, regardless of location, except at a subtitle D—Landfill site or facility authorized by this article and/or DEQ.

(Code 1998, § 9-052.00; Ord. No. 11-2588, 9-1-2011)

Sec. 38-165. Unlicensed open dumps.

It shall be a violation of this article for any person to operate an open dump. Waste placed in open dumps or illegally disposed of shall be collected and transported to a licensed waste facility for proper disposal by the property owner or other person determined by the department to be responsible for the illegal activity. The responsible party shall notify the department

at least 48 hours prior to commencement of excavation/removal activity at the subject site. A receipt or other documentation approved by the department, which indicates satisfactory and legal disposal of the subject solid waste shall be submitted to the department no later than 14 days after disposal. Any licensee that utilizes an unlicensed open dump, even if such material does not originate in the parish, will be subject to the loss of said license for not less than three years. Furthermore, the licensee shall clean up said area within 30 days and shall be subject to a fine of up to \$10,000.00 per incident.

(Code 1998, § 9-053.00; Ord. No. 11-2588, 9-1-2011)

Sec. 38-166. Open burning or illegal incinerators.

(a) *Open burning or illegal incinerators.* It will be illegal for any entity, corporation, firm, association or individual to burn or release into the air or water of the parish any of said hazardous wastes or byproducts. Except that said activity within the boundaries of the parish Fire Protection District No. 1 shall be governed by section 26-2.

(b) *Areas of special environmental concern.* The department will remain mindful of areas of special environmental concern, which means a flood hazard area or floodplain, wetland, surface or subsurface drinking water source in the parish. All land below the ten-foot contour line shall be presumed to be a flood hazard area or wetland unless the applicant provides satisfactory proof to the contrary.

(Code 1998, § 9-051.00; Ord. No. 82- 502, 12-16-1982; Ord. No. 85-381, 4-18-1985; Ord. No. 91-1412, 3-21-1991; Ord. No. 11-2588, 9-1-2011)

Editor's note—See Fire Prevention and Protection chapter of the parish Code of Ordinances for Fire Protection District No. 1. Nonlicensed facilities and haulers in existence on the effective date of this article shall be reported to the department and conform to the provisions of this article. A record, including a map location of any area used for land disposal and/or service area, shall be filed at the office of the department. Nonlicensed operations shall be terminated within one year of the effective date of the ordinance from which this article is derived, except as authorized by the department, or brought into compliance with this article.

Secs. 38-167—38-185. Reserved.

ARTICLE VIII. ENFORCEMENT, PENALTIES AND FEES

Sec. 38-186. Enforcement and penalties.

(a) *Enforcement.* Provisions of this article shall be enforced as per law, including, but not limited to, section 1-9 and the administrative hearing officer.

(b) *Misdemeanor.* Any person within the parish who violates this article, or who shall permit such a violation to exist on the premises under his control, or who shall fail to take action to abate the existence of the violation, shall be guilty of a misdemeanor, and upon conviction

thereof shall be punishable by a fine of not more than \$500.00 or by imprisonment of not more than 30 days, or both such fine and imprisonment. A separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

(c) *Equitable relief.* In the event a violation exists or there is a threat of violation of this article, the department, or their designees, may take appropriate actions to enforce this article. Such action may include application for injunctive relief, action to compel performance, including revocation of license or other appropriate action in court if necessary to prevent, restrain, correct or abate such violations or threatened violations. Such remedies are cumulative in nature.

(d) *Civil action costs.* If a person fails to comply with the provisions of this article, the parish may recover all costs and a reasonable attorney fee incurred for corrective action in a civil action in a civil or administrative action. Such costs and attorney fee, together with any fine or penalty, shall be filed as a lien or mortgage as per law.

(e) *Citation.* The department, or their designees, may issue citations for violations of this article. The citation shall be issued to the person charged with the violation, or in the case of a corporation, to the supervisor at the site of the violation or any officer or agency expressly implied authorized to accept such issuance.

(f) *Inspection.* All property affected by this article shall be subject to inspection by the department, or their designees, in accordance with this article. No person shall refuse to permit the department, or their designees, to inspect any premises or interfere with or resist the department, or their designees, in the discharge of their duty to protect the public health and safety and the protection of the environment.

(g) *Abatement.* The parish government, upon recommendation of the department, may declare a violation of this article to be a public nuisance and order abatement to be made initially at parish expense. The department shall present an itemized statement for corrective action expenses to the owner of the real property where such abatement has been conducted. Such expenses for corrective action may also be recovered in civil or administrative action.

(h) *Nuisance.* It shall be unlawful and a public nuisance for any person to park, drive, or permit to be parked or driven any vehicle on any public way, street, avenue, alley, roadway, or other public property while engaging in the collection, removal, transportation or disposal of solid waste without first having been issued a waste hauler's license or while such a waste hauler license is suspended or revoked.

(i) *Administrative hearing officer.* The parish administrative hearing officer shall have concurrent jurisdiction over any violation of this article, pursuant to section 2-542 et seq.

(j) *Justice of the peace.* A justice of the peace shall have concurrent jurisdiction over violation of this article, as per law. In addition, a constable may issue summons and serve subpoenas anywhere in the parish all in accordance with R.S. 13:2586, the ordinances of this

parish, and this Code. Prosecution of solid waste violations and compensation in criminal cases of a justice of the peace and constable shall be in accordance with R.S. 13:2587.1 and 13:2589. All fines collected by the justice of the peace courts for litter violations pursuant to R.S. 13:2587.1 (Prosecution of litter violations in justice of the peace courts) shall be paid to the parish pursuant to state law. The parish shall reimburse the justice of the peace court which handles the litter violations for the time spent and expenses incurred pursuant to R.S. 13:2589(B). This reimbursement shall consist of 50 percent of the fines collected by the parish from the justice of the peace courts.

(Code 1998, § 9-060.00; Ord. No. 89-1148, 9-21-1989; Ord. No. 01-0284, 3-1-2001; Ord. No. 11-2588, 9-1-2011)

Sec. 38-187. Fees.

(a) Fees, rates and other charges pursuant to this article and applicable law shall be set, from time to time, by ordinance of the parish government. License holders will be notified in writing of any proposed changes to fees, rates and charges 30 days prior to the public hearing where said changes are to be discussed.

(b) A solid waste license fee shall be paid with the initial application and annually thereafter by the applicant as a condition for license renewal. Nonpayment of the fees shall be grounds for denial of application or renewal. All other fees and charges as set by the parish government upon the recommendation of the department shall be paid in a timely manner as prescribed.

(c) Fees, rates and other charges pursuant to this article may be billed in a manner determined by the department.

(d) Solid waste facilities, transportation vehicles or commercial haulers vehicles owned and operated by the parish, or its incorporated cities or townships, shall fulfill all requirements of this article, except they shall not be required to pay license or permit fees authorized by this article.

(e) The department is authorized to collect up to \$1.00/ton on every ton tipped at any and all transfer stations, construction and debris facilities and permitted landfills operating within the parish. It is the responsibility of every owner and/or operator of a transfer station to remit payments for this tipping fee along with volumes each and every month. Said tipping fee shall be used to fund the implementation, oversight and enforcement functions associated with this article. The department reserves the right to establish the initial date from which said tipping fee will begin to be collected, the exact amount to be collected, and the method of collection, all by ordinance.

(f) All other fees and charges assessed herein shall be used to fund the implementation, oversight and enforcement functions associated with this article.

<i>License Type/Period</i>	<i>License Fee</i>
Solid waste hauling 1 year	\$100.00, plus \$15.00 each additional vehicle
Nonprocessing transfer station 5 years	\$1,000.00
Solid waste disposal and diversion 5 years	\$1,000.00

(Code 1998, § 9-065.00; Ord. No. 06-1417, 11-2-2006; Ord. No. 07-1492, 1-4-2007; Ord. No. 11-2588, 9-1-2011)

Secs. 38-188—38-212. Reserved.

ARTICLE IX. WASTE REDUCTION PROGRAM

Sec. 38-213. Waste tax credit.

(a) The parish may establish a waste reduction tax credit program. The waste reduction tax credit program may allow commercial, retail and food service establishments to implement a waste reduction plan that effectively reduces the amount of waste and litter either on-site and/or leaving the subject site.

(b) A participating commercial, retail or food service establishment shall meet all program standards to be developed by the parish in order to receive program accreditation. The participant shall be required to continue accreditation in order to receive a tax credit.

(c) A participant shall retain records of all verifiable expenses associated with program implementation. Verifiable expenses may include, but not be limited to, surveillance equipment, trash receptacles, personnel dedicated to waste reduction/litter abatement and public relations campaign concerning waste/litter reduction efforts by the participating entity.

(d) The participating entity may submit expense records associated with program implementation and request a credit and/or reduction in parish ad valorem taxes for the corresponding amount.

(Code 1998, § 9-070.00; Ord. No. 11-2588, 9-1-2011)

Secs. 38-214—38-234. Reserved.

ARTICLE X. OTHER TERMS AND CONDITIONS

Sec. 38-235. Dispute and litigation.

Any dispute or litigation involving this article shall be determined through any proceeding filed with the 22nd Judicial District Court for the parish; venue and jurisdiction shall be specifically with this district.

(Code 1998, ch. 9, art. X(A); Ord. No. 11-2588, 9-1-2011)

Sec. 38-236. Discrimination.

Licensee agrees to comply with the Americans with Disabilities Act of 1990 and any current amendments thereto. All individuals shall have equal access to employment opportunities available to a similarly suited individual. The licensee agrees not to discriminate in its employment practices, and will render services under this contract without regard to race, color, religion, sex, national origin, veteran status, political affiliation or disabilities. Any act of discrimination committed by licensee, or failure to comply with these statutory obligations when applicable shall be grounds for termination of this contract. Licensee agrees to abide by the requirements of all local, state and/or federal law, including, but not limited to, the following: titles VI and VII of the Civil Rights Act of 1964, as amended by the Equal Opportunity Act of 1972, Federal Executive Order 11246, the Federal Rehabilitation Act of 1973, as amended, the Vietnam Era Veteran's Readjustment Assistance Act of 1974, title IX of the Education Amendments of 1972, the Age Act of 1975 and the requirements of the Americans with Disabilities Act of 1990. Licensee warrants and guarantees that it is an equal employment opportunity employer. In all hiring or employment made possible by or resulting from this contract, there shall not be any discrimination against any person because of race, color, religion, sex, national origin, disability, age or veterans status; and where applicable, affirmative action will be taken to ensure that licensee's employees are treated equally during employment without regard to their race, color, religion, sex, national origin, disability, age, political affiliation, disabilities or veteran status. This requirement shall apply to, but not be limited to, the following: employment upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. All solicitations or advertisements for employees shall state that all applicants will receive consideration for employment without regard to race, color, religion, sex, national origin, disability, age or veteran status.

(Code 1998, ch. 9, art. X(B); Ord. No. 11-2588, 9-1-2011)

Sec. 38-237. Conflict of interest.

In the event of reasonably known conflicts of interest or potential conflicts of interest between the parish and other parties who have engaged licensee, the licensee agrees to make full disclosure of the same, and that they will take no action on behalf of any other client directly adverse to the parish, nor will licensee take any action on behalf of the parish directly adverse to any other client.

(Code 1998, ch. 9, art. X(C); Ord. No. 11-2588, 9-1-2011)

Sec. 38-238. Independent licensee.

While in the performance of services or carrying out other obligations under this license, the licensee shall be acting in a capacity of an independent licensee and not as an employee of the parish. The parish shall not be obliged to any person, firm or corporation for any obligations of the licensee arising from the performance of its services under this license.

(Code 1998, ch. 9, art. X(D); Ord. No. 11-2588, 9-1-2011)

Secs. 38-239—38-269. Reserved.**ARTICLE XI. TERMINATION, SUSPENSION, REVOCATION OF LICENSE;
OPERATING WITHOUT A LICENSE; AUTHORITY TO CANCEL****Sec. 38-270. Violation.**

Any licensee who violates any portion of this article may also be referred to code enforcement of this parish, the administrative hearing officer, constable, justice of the peace or office of the district attorney.

- (1) *For cause.* Where and when a licensee fails to perform, is not responsible or responsive to the public needs as determined by the department, neglects its obligations herein or refuses to cooperate with the department. The department shall issue a notice of deficiency; the licensee or operator shall cure such deficiency within 30 days of notice by the department; failure to cure will result in automatic revocation of licensure; the department has the exclusive discretion to determine whether a deficiency has been cured.
- (2) *Bankruptcy.* As to the filing of bankruptcy, voluntarily or involuntarily, by licensee, licensee agrees that if any execution or legal process is levied upon its interest in this license, or if any liens or privileges are filed against its interest, or if a petition in bankruptcy is filed against it, or if it is adjudicated bankrupt in involuntary proceedings, or if it should breach this license in any material respect, the parish shall have the right, at its unilateral option, to immediately cancel and terminate this license.
- (3) *Qualification.* Licensee/operator must be qualified at all times to perform the intended purposes of this article; in the event that licensee/operator becomes unfit or unqualified for any reason whatsoever, then the department may take such action against the license as is warranted under the circumstances.

(Code 1998, ch. 9, art. XI; Ord. No. 06-1417, 11-2-2006; Ord. No. 11-2588, 9-1-2011)

Secs. 38-271—38-288. Reserved.

ARTICLE XII. GARBAGE DISTRICTS***Sec. 38-289. Garbage District No 1; boundaries, as amended.**

(a) Under and by virtue of the authority conferred by ch. 25, title 33 of the Louisiana Revised Statutes of 1950, as amended (R.S. 33:4169.1 and 33:8001 et seq.), and other constitutional and statutory authority, a garbage district is hereby created within the parish, which garbage district shall comprise and embrace a portion of that territory within Ward 8 of the parish, with boundaries described as set forth below:

Commencing at the intersection of LA 1090 (Military Road) and the section line common to sections 38 and 31, thence southwest following said section line for a distance of 4,120 feet; thence southeast along said section line to its intersection with U.S. 190 (Gause Boulevard); thence westerly along U.S. 190 to its intersection with the section line common to sections 6 and 1; thence south along said section line to the section corner common to sections 6, 1, 12, and 7; thence west along the section line common to sections 12 and 1 for a distance of 1,377.18 feet; thence south for a distance of 2,625 feet; thence east for 1,389 feet to the section line common to sections 12 and 7; thence south along said section line for a distance of 1,310 feet, thence west 1,765 feet; thence southeasterly for a distance of 1,598 feet to a point along the section line common to sections 12 and 13; thence easterly to the section corner common to sections 12, 13, 18, and 7; thence southerly along the section line common to sections 13 and 18 for a distance of 1,394 feet to its intersection with U.S. 190; thence southeasterly along said U.S. 190 to its intersection with U.S. 90; thence in a northeasterly direction go along U.S. 90 to the bank of the West Pearl River; thence follow the meanderings of the main stream of the West Pearl River to its intersection with its intersection with Gum Bayou; thence northwesterly following the meandering of Gum Bayou to a point intersecting the section line common to sections 31 and 39, thence along said section line to the point intersecting with LA 1090 (Military Road), also the point of beginning.

(b) Amended to include the following areas by Ordinance No. 12-2765, adopted 7-12-2012; then amended to add Forest Ridge Subdivision to the following areas by Ordinance No. 12-2843, adopted 10-4-2012:

(1) Part 1, section 19 and 30 T 8-R15E:

- a. Commencing at the intersection common to sections 13, 18, 19 and 24, thence south to LA 1090, thence south following LA 1090 (Military Road) to the intersection of LA 1090 and Crowe's Landing and the point of beginning.
- b. Commencing at the intersection of LA 1090 (military Road) and Crowe's Landing. Following said road east for a distance of 2,823 feet (+/-), thence south along Magnolia Forest subdivision boundary line 475 feet (+/-), thence east 1,121 feet

***State law reference**—Power to create and authority to incur debt for parish garbage districts, R.S. 33:8001 et seq.

(+/-) to unnamed stream. Following unnamed stream meandering south a distance of 2,680 feet (+/-) to the section line common to sections 19 and 20, thence south along said section line 950 feet (+/-), thence west 2,118 feet (+/-) following the boundary line of Magnolia Forest subdivision, thence south along Morgan Bluff Estates subdivision boundary 1,338.59 feet (+/-) to section line common to sections 19 and 30. Thence east along said section line to the intersection of sections 19, 20, 29 and 30, thence south 2,692 feet (+/-) along boundary of Magnolia Forest subdivision. Thence west 3,531 feet (+/-) to LA 1090 (Military Road). Following LA 1090 north 5,521 feet (+/-) to Morgan Bluff Road, thence east 1,523 feet (+/-), thence north 2,821 feet (+/-) along Magnolia Forest subdivision boundary, thence west 1,813 (+/-) to LA 1090, thence following LA 1090 to Crowe's Landing also being the point of beginning.

(2) Part 2, sections 1, 31, 36 T 8-R14, 15E:

- a. Commencing at the intersection common to sections 31, 38, 38 and 6. Following section line common to sections 31 and 38 northeast 55 feet (+/-) also the point of beginning.
- b. Commencing west 3,580 feet (+/-) along section line common to sections 31 and 6 to North Pearl Drive, thence south 85 feet (+/-), thence west 425 feet (+/-) to section line common to sections 1 and 6. Following said section line south 1,185 feet (+/-) to a point north of Hidden Oaks Lane. Thence west 1,325 feet (+/-) along the southern boundary of Lake Village subdivision, thence north 778 feet (+/-), thence west 675 feet (+/-) to the eastern right-of-way of the 1-10 Service Road. Following Interstate 10 Service Road 1,415 feet (+/-) to unnamed pond, thence follow the bank of unnamed pond 1,313 feet (+/-), thence north along same said pond 835 feet (+/-), thence east 292 feet (+/-), thence south 215 feet (+/-), thence east to the western right-of-way of Interstate 10 (I-10). Following said right-of-way 2,227 feet (+/-) to the southern right-of-way of LA 1090 (North Military Road). Thence following said right-of-way south 367 feet (+/-) to section line common to sections 6 and 38. Thence southwest along said section line 468 feet (+/-) also being the point of beginning.

(3) Part 3, section 37 T 9-R15E:

Commencing at the intersection of LA 1090 (South Military Road) and Section line common to sections 37 and 38. Following western right-of-way of LA 1090 south 1,331 feet (+/-) to point of beginning. Commencing south following the western right-of-way of LA 1090 (South Military Road) 2,870 feet (+/-) to Belle Cherie Drive. Following Belle Cherie Drive to intersect with Devereaux Drive Thence following Devereaux Dr. 3,325 feet (+/-) to a point on the northern right-of-way, thence north 358 feet (+/-), thence east 292 feet (+/-) to the western right-of-way of LA 1090 (South Military Road) also being the point of beginning.

(4) Part 4, section 37, 9, 16 and 17 T 9-R15E:

- a. Commencing at the intersection of LA 1090 (South Military Road) and Cross Creek Boulevard also being the point of beginning.
- b. From point of beginning go east 745 feet (+/-), thence 660 feet (+/-) along the western boundary of Turtle Creek (phase 5) subdivision, thence 682 feet (+/-) northeast to the southern boundary of Turtle Creek (phase 4) subdivision. Following said boundary 1,847 feet (+/-), thence southeast 171 feet (+/-) to the southern right-of-way of North Caleb Drive following North Caleb Drive 765 feet (+/-) to the eastern boundary of Turtle Creek (phase 4) subdivision. Thence south 1,202 feet (+/-), thence east 3,334 feet (+/-) between The Bluffs Subdivision and Bay Ridge Subdivision to the right descending back of the West Pearl River. Following the meandering West Pearl River south 9,562 feet (+/-) to unknown stream. Following the meanderings of the unknown stream west 16,100 feet (+/-) to eastern right-of-way of LA 1090 (South Military Road).
- c. Amended to include the entirety of Hidden Oaks Lane (Road No. 8-L-012) by Ordinance No. 13-2961, adopted 6-6-2013.

(Code 1998, § 9-071.00; Ord. No. 11-2588, 9-1-2011; Ord. No. 12-2765, 7-12-2012; Ord. No. 12-2843, 10-4-2012; Ord. No. 13-2961, 6-6-2013)

Editor's note—Ordinance No. 1056, adopted 11-15-1979, repealed Ordinance No. 592, creating Garbage District No. 1, which had been codified in a prior publication as sections 9-31—9-33. Ordinance No. 1057, adopted 11-15-1979, created a new Garbage District No. 1. The article was subsequently repealed by Ordinance No. 86-625, adopted 5-15-1986. Later ordinances establishing subsequent garbage districts were included as divisions within a newly established article III, with division 1 having been reserved for general provisions by the prior publisher. (Ord. No. 86-639, adopted 6-19-1986); Ord. No. 06-1417, adopted 11-2-2006 amended and reenacted Chapter 9 in its entirety. Ord. No. 08-1844, adopted 6-5-2008 reestablishes Garbage District No. 1.

Sec. 38-290. Name, status and powers.

The garbage district hereby created shall be known and designated as "Garbage District No. 1 of St. Tammany Parish, Louisiana," and as thus created shall constitute a political and legal subdivision of the state, of which the parish council shall be the governing authority, and shall have all the rights, powers and privileges granted and conferred by the state constitution and statutes to such corporations, including the authority to incur debt, to issue bonds and to levy taxes.

(Code 1998, § 9-072.00; Ord. No. 11-2588, 9-1-2011)

Sec. 38-291. Service area.

The term "service area" of Garbage District No. 1 shall include those residential properties receiving water services from Cross Gates Utility, Inc. (a.k.a. Tammany Utilities East) and receiving a monthly bill statement from said utility; and shall include the residential properties referenced in section 38-289, Garbage District No. 1, Boundaries, as amended.

(Code 1998, § 9-072.01; Ord. No. 11-2588, 9-1-2011; Ord. No. 12-2765, 7-12-2012; Ord. No. 12-2843, 10-4-2012)

Sec. 38-292. Scope.

The provisions of this article are applicable to all solid waste storage, collection, transportation, processing and disposal operations within Garbage District No. 1 of the parish (hereinafter "Garbage District No. 1"). The provisions of articles I through XI of this chapter shall be applicable in any garbage district heretofore or hereafter created, and are intended to compliment and supplement all provisions, rules and regulations of such district. Therefore, in the event of a conflict, the more stringent provision should apply, except in those cases where a provision, rule or regulation of a district is clearly intended to be controlling on a specific matter.

(Code 1998, § 9-072.02; Ord. No. 11-2588, 9-1-2011)

Sec. 38-293. Additional authority.

Pursuant to the provisions of R.S. 33:4169.1, the powers granted to the governing authority of the parish are being transferred to Garbage District No. 1 of the parish (hereinafter "Garbage District No. 1"). The governing authority of Garbage District No. 1 shall have the following additional powers:

- (1) *Permits, licenses, exclusive or nonexclusive franchises.*
 - a. To engage in the collection and disposal of garbage and trash within its jurisdiction in cooperation with, or to the exclusion of, other garbage and trash collectors. To the extent that the governing authority of Garbage District No. 1 deems it necessary or appropriate, it is authorized to displace competition and provide a monopoly public service.
 - b. To grant permits, licenses, exclusive or nonexclusive franchises or any combination thereof to garbage and trash collectors and disposers. Any exclusive franchise shall be granted only after advertising for bids, reception of bids and awarding of the contracts in accordance with the public bid laws of the state and other provisions of law.
 - c. To enter into time contracts for the collection and transportation of garbage or trash for a term of up to ten years, and for disposal of garbage or trash for a term of up to 25 years.

- d. To assess or authorize assessment of a service charge against any person provided any service pursuant to subsections (1) or (2) of this section.
 - e. To otherwise regulate the collection and disposal of garbage and trash.
- (2) *Contracts with private water companies, or water districts or waste/trash hauling firms.*
- a. The governing authority of Garbage District No. 1 is authorized to execute contracts with private water companies, or water districts or waste/trash hauling firms serving customers in the area served by a garbage and trash collection and disposal service pursuant to subsection (1)a. of this section.
 - b. Such contracts may contain such terms and privileges as may be agreed upon between the parties, pursuant to which charges imposed for such garbage and trash collection and disposal service may be collected by water companies or water districts, and providing a procedure to enforce collection by an agreement to shut off or terminate the service of the supply of water, hereinafter referred to as "utility service," to any premises delinquent in the payment of either its utility charges or garbage and trash collection and disposal service charges; however, such procedure shall provide for prior notice by certified mail to any person who fails to pay such service charges that said person's utility service may be shut off or terminated, and not less than 30 days after provision of such notice and only after said person's subsequent refusal to pay such service charges within said 30 days, the utility service may be shut off or terminated.
 - c. Any such contract shall not require the approval of any state department, agency or commission.
 - d. A private water company or water district contracting with the governing authority pursuant to this subsection may require the governing authority to supply such indemnity bond or liability insurance as the private water company or water district may consider necessary for its protection.
- (3) *Power to permit or regulate.* The power to permit or regulate solid waste collection, transportation, processing, recovery and disposal, granted herein shall not preempt regulatory and licensing authority of the environmental control commission and the office of environmental affairs, department of natural resources, pursuant to R.S. 30:2001 et seq.
- (4) *Incineration of recyclable materials.* Garbage District No. 1 shall not require incineration of recyclable materials, which are considered to be those materials separated by any person or those materials separated from solid waste by any licensed solid waste collector incidental to collection of such waste for utilization as a raw material to be manufactured into a new product.
- (Code 1998, § 9-072.03; Ord. No. 11-2588, 9-1-2011; Ord. No. 12-2809, 9-10-2012)

Sec. 38-294. Definitions.

The definitions provided for in section 38-3 are incorporated herein by reference. The following words and phrases, when used in this section, shall have the meanings respectively ascribed to them:

Contractor means the person, corporation or partnership performing refuse collection and disposal under contract with Garbage District No. 1.

Curbside recycling bin means any bin approved by Garbage District No. 1 for the purpose of curbside collection of recyclable materials.

Recyclable material means those materials which are capable of being recycled and which would otherwise be processed and disposed of as nonhazardous solid waste, which generally includes any newspaper, glass, metal food and beverage cans, magazines, catalogs, phone books, corrugated cardboard, plastic or any other material authorized by Garbage District No. 1 for collection in its curbside recycling program.

(Code 1998, § 9-072.04; Ord. No. 11-2588, 9-1-2011)

Sec. 38-295. Responsibility.

(a) The owner, his agent and occupant of any property shall maintain the premises in a sanitary and litter-free condition.

(b) No person shall place, deposit, or allow to be placed or deposited, on his premises or any other premises to include any public street, road or alley any refuse or waste, except in a manner described in this article.

(c) The owner, his agent and occupant of any premises, and other persons having responsibilities as described herein, shall be responsible for the proper storage, collection, transportation and final disposal of all refuse and waste originating on the premises, by a method or methods described in this article.

(Code 1998, § 9-072.05; Ord. No. 11-2588, 9-1-2011)

Sec. 38-296. Solid waste storage.

(a) *General.*

(1) The following provisions of the Unified Development Code—Volume 1 (Zoning), section 7.0110 Trash and Garbage Screening Requirements are applicable: All storage areas containing three or more refuse, garbage or rubbish containers or one or more dumpsters, shall be screened on all sides with a minimum seven foot high opaque fence of wood or masonry. Such storage areas are prohibited in buffer planting areas.

(2) The storage of all solid waste shall be practiced so as to prevent the attraction, harborage or breeding of insects and/or rodents and to eliminate conditions harmful to public health or which create safety hazards, odors, unsightliness and public nuisances.

- (3) The owner, his agent or occupant of any premises, shall be responsible for the satisfactory storage of all waste accumulating or originating at that premises. A sufficient number of appropriate containers shall be provided by the owner, his agent or occupant, to accommodate all applicable solid waste material generated between regularly scheduled collections as may be necessary to meet the intent of subsection (a)(1) of this section.
 - (4) All containers for storage of solid waste shall be maintained in such a manner as to prevent the creation of a nuisance or menace to public health, safety or welfare. Containers that are broken or otherwise fail to meet requirements of this article shall be immediately replaced with acceptable containers.
 - (5) Where garbage and similar putrescible wastes are stored in combination with nonputrescible wastes, containers for the storage of the mixture shall meet the requirements for garbage containers. Garbage and trash shall be drained of all free liquids and garbage shall be bagged prior to being placed in containers.
 - (6) Bins, receptacles or other containers of a permanent nature above ground shall not be kept, constructed or maintained between any sidewalk or private property line and the roadway edge or curb within the parish.
- (b) *Individual household-type containers.*
- (1) In areas where Garbage District No. 1 has implemented automated or semiautomated garbage collection service, a specific container approved by Garbage District No. 1 is the only acceptable container to be used.
 - (2) Individual containers utilized for the storage of garbage and other putrescible solid wastes at households and certain other applicable premises which utilize manual nonmechanical collection equipment, shall have the following physical characteristics:
 - a. Containers shall be constructed of durable metal or plastic, be tapered, be rust-resistant, nonabsorbent, watertight and leak-proof, easily cleanable with close-fitting insect and rodent-proof lids, and have adequate handles or bails to facilitate handling.
 - b. Covers for containers shall be removable and not secured or fastened to containers.
 - c. Containers shall not be less than 20 gallons or more than 35 gallons in capacity and the combined weight of container and contents shall not exceed 75 pounds, except for containers utilized at apartments which shall be in accordance with subsection (c) of this section.

(c) *Disposable containers.* Disposable containers, such as plastic (polyethylene minimum 1.5 milligrams) bags, shall be acceptable for storage of solid wastes provided the following conditions are met:

- (1) Only those bags specifically designed for storage and collection of solid waste shall be used. Red colored bags are reserved for commercial medical wastes and may not be used for any other type of waste.
- (2) Bags shall be protected against precipitation, vandalism, animal damage and overloading to prevent littering or attracting vectors.
- (3) Bags shall have a holding strength capable of withstanding stresses while being handled and collected.
- (4) The bag opening must be securely tied prior to setting out the bag for collection.
- (5) Bag capacity shall not exceed 30 gallons and filled weight shall not exceed 75 pounds.
- (6) Material which cannot be properly contained in bags shall be containerized in garbage cans.

(d) *Bulk waste containers.* Bulk waste containers normally used with mechanical collection equipment shall be of a type and design specified by the director of the department of environmental services.

- (1) No bulk waste container shall be placed on any premises, unless the owner or leaseholder of the property has made application for a permit with the director of the department of environmental services. A placard or other permit certification, approved by the department, shall be kept continuously and conspicuously posted on each container; each container cover shall retain other permit documentation on the premises and produce same upon request of the director, or his designee.
- (2) No bulk waste container shall be provided, placed or maintained upon any premises by a bulk waste container service company unless the customer has obtained a permit or can furnish evidence that he has applied for the permit required herein. A permit applicant will be given 30 days from the date the container is first delivered to the premises within which to receive final approval from the director of department of environmental services. If a bulk waste container service company does not receive evidence of the issuance of a permit within 45 days from the date the container is first delivered, the company shall remove the container from the premises.
- (3) Bulk waste containers used during construction and placed on private property do not require a permit from the department of environmental services, unless the containers are placed in streets or on public property.

- (4) The permit application of the owner or leaseholder of the property shall designate the number and location of all bulk waste containers on the property. The director shall establish regulations for the issuance and renewal of permits.
- (5) For each premises with no more than three bulk waste containers and no record of violations to this section, there shall be an annual permit fee established by the district and collected by the director every two years in advance. For each premises with more than three bulk waste containers and no record of violations to this section, there shall be an annual permit fee established by the district and collected by the director each two years in advance. The director shall keep a permanent, accurate account of all fees collected and received pursuant to this section, the names of the person upon whose account the same were paid, the date and amount thereof, together with the location of the buildings or premises to which they relate. A modified permit is needed to request change of location of the bulk waste container on the premises and to request an increase in the number of containers used on the premises. The fees for issuance of modified permits shall be the same as the issuance of a new permit with the applicant receiving credit for any funds remaining on deposit if the modified permit is issued within the two years of the payment of the biannual fee. Notwithstanding that the permit fee is paid two years in advance, the permit shall be valid only for the calendar year in which it is issued; the owner or leaseholder of the premises shall annually file for a renewal of the permit. Delinquent applications shall be subject to a delinquent fee established by the district. In addition to any other penalties or fines provided herein, failure to comply with the bulk waste provisions of this article shall result in the imposition of an additional fee for the annual renewal of the permit as established by the district for the first violation per bulk waste container and for subsequent violations per bulk waste container thereafter.
- (6) Property owners or leaseholders may obtain a special events temporary permit from the department of environmental services for a period of three months, e.g., Mardi Gras, at a permit fee established by the district. All conditions stated within this section shall also apply to the temporary use of bulk waste containers.
- (7) Bulk waste containers shall not be placed in any required parking space designated and used in the square-footage ratio calculation of a structure or building that the container is servicing.
- (8) Bulk waste container service companies or operators shall place containers in the locations designated on the permit application and ultimately to the permit issued to the property owner or leaseholder of the property.
- (9) Except in cases of hardship, and then only by special permit, bulk waste containers shall not be placed in the front yard area of the property. The term "front yard area" is defined as the area from the front property line to the front building line. In cases of

hardship where it is found that a bulk waste container cannot be located behind the front building line, the container shall be screened on all sides with a minimum seven-foot high opaque fence of wood or masonry, according to the specifications of the director of the department of development. Restrictions for containers also apply to the side yard of a property which fronts a side street. The proper location of each bulk waste container on each property will be determined by the director of the department of environmental services in consultation with the director of the department of development in order to ensure compliance with all applicable zoning and subdivision regulations.

- (10) The term "hardship" is hereby defined as conditions and circumstances existing which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings; and the special conditions and circumstances do not result from the intentional actions of the applicant or any other person who may have or had interest in the property, and the strict adherence to the regulation for the property would result in a demonstrable hardship upon the owner as distinguished from mere inconvenience.
- (11) The director of the department of environmental services, after consultation with the director of the department of development, shall determine if a hardship exists in locating bulk containers. The director shall determine a feasible solution to the hardship. If the applicant wishes to appeal the decision of the director, that appeal must be made to the board of adjustment as set forth in the Code of Ordinances.
- (12) Each property owner or leaseholder shall ensure that all trash and garbage are properly placed within each container. When screening of bulk waste container is required, the property owner or leaseholder shall maintain screening. Failure to comply with these provisions will subject property owners or leaseholders to citation and fine for each occurrence.
- (13) A property owner's or leaseholder's failure to obtain and maintain bulk waste containers according to the provisions of this Code and fire codes shall be cause for forfeiture of any permit fees on deposit, permit revocation, fine or all of the above.
- (14) Bulk waste container companies or operators shall maintain containers in the condition prescribed in this subsection; violations are subject to citations, or fines, or both. Once a citation is issued, the bulk waste container cited must be repaired within 30 days or fines will be imposed.
- (15) Failure of bulk waste container service companies, operators, property owners or leaseholders to comply with these provisions shall result in a penalty of \$100.00 for the first violation per bulk waste container, and \$200.00 for subsequent violations per bulk waste container thereafter, or permit revocation or denial, or both. Each bulk waste

container on any property in violation of any subsection of this section shall be subject to citation or fine. A maximum of one citation per bulk waste container may be issued in a ten-day period.

- (16) The director of the department of code enforcement in conjunction with department of environmental services shall have authority to administer this section. The director of the department of environmental services shall promptly establish the regulations and specifications herein required and such other regulations as are necessary for the effective administration of this section. This section shall apply equally to all users and operators, whether public or private, of bulk waste containers.
- (17) It shall be unlawful for any person to place or maintain a bulk waste container upon any sidewalk, street or other public right-of-way; any person violating the provisions of this subsection shall be guilty of a misdemeanor, and upon conviction shall be punished as provided herein.
- (18) All owners of multifamily structures containing four or more single-family residences shall provide bulk containers for the storage and disposal of solid wastes generated by the occupants of said residences in accordance with subsection (e)(1) of this section.

(e) *Special containers required.*

(1) *Apartments.*

- a. All owners of multifamily structures containing four or more single-family residences shall provide bulk waste containers for the storage and disposal of solid wastes generated by the occupants of said residences. Owners of structures which cannot accommodate bulk waste containers may petition the director of the department of environmental services for a hardship special permit for alternative solid waste storage and collection as provided for in this section. Hardship is defined in subsection (d)(10) of this section.
- b. All owners of multifamily structures containing four or more single-family residences that have obtained a hardship special permit from the director of the department of environmental services for alternative solid waste storage and collection as provided in subsection (e)(1)a. of this section, shall be responsible for furnishing and maintaining in good condition, at least one container for each dwelling unit in the structure for the storage and curbside collection of garbage and other putrescible solid wastes. Said containers shall be in acceptable condition for the storage of waste without spillage, and shall have the following physical characteristics:
 - 1. Containers shall be constructed of durable metal or plastic, be tapered, be rust-resistant, nonabsorbent, watertight and leak-proof, easily cleanable with close-fitting insect and rodent-proof lids, and have adequate handles or bails to facilitate handling.

2. Covers for containers shall be removable and not secured or fastened to containers.
 3. Containers shall not be less than 30 gallons or more than 35 gallons in capacity, and the combined weight of container and contents shall not exceed 75 pounds.
 4. Each container shall be permanently marked with the address and number of the dwelling unit for which it is intended in characters at least six inches high by four inches wide.
- c. In areas where Garbage District 1 has implemented automated or semiautomated garbage collection service, a specific container approved by Garbage District No. 1 is the only acceptable container to be used.
- (2) *Retail outlets.* The operators of all retail outlets of any type (excluding malls), including, but not limited to, convenience stores, grocery stores, restaurants and cigarette outlets, shall have a metal or durable plastic waste container not to exceed 40 gallons in front of or near the entrance of their business for the deposit by their customers of the garbage, refuse and litter associated with the operation of such businesses. Said container shall be in addition to other containers which are necessary to meet the intent of subsection (a)(1) of this section. The owner of outdoor malls, that are strip retail outlets that are not connected by enclosed covered walkways, shall be responsible to furnish, empty and maintain at least one such container for each 100-feet of store frontage in the mall. Enclosed retail malls are excluded from this requirement, however the owner of such a mall shall be responsible to furnish, empty and maintain an appropriate number of containers in appropriate sizes and locations. The operator of any retail outlet who fails to provide a waste container as required in this subsection shall be fined no more than \$500.00. This subsection may be enforced by the department of environmental services or the parish sheriff's deputies.
- (f) *Methods of use of containers.*
- (1) Containers shall be kept covered at all times, except during placement or removal of contents.
 - (2) Containers shall not be filled so that the lid cannot fit properly.
 - (3) The area around each container shall be kept clean.
 - (4) Containers shall be watertight, leak-proof and rodent and insect-proof.
- (g) *Noncontainerized temporary storage.* Certain wastes of a nonputrescible nature lend themselves to temporary storage in a manner other than containerization such as:
- (1) Magazines, newspapers and corrugated cardboard should be recycled, when possible, and shall be containerized or neatly stacked and tied in bundles not exceeding four feet in length, two feet in diameter or width and 75 pounds in weight to be easily handled by the collection system and so as to minimize littering.

- (2) Large items such as furniture, appliances, trees and stumps shall be stored so as not to pose a safety hazard, collect water, and/or serve as a harborage for insects or rodents.

(h) *Disposal of potentially hazardous waste, etc.* Potentially infectious biomedical wastes, asbestos containing material, and hazardous wastes including, but not limited to, explosives, acids, caustics, pesticides, paints and solvents, automotive batteries, and vehicular fluids must be handled, stored and disposed of in accordance with all applicable local, state and federal regulations.

(i) *Exception.* With the exception of any responsibilities reserved herein to other departments or agencies, all provisions of this section may be enforced by the department of environmental services.

(Code 1998, § 9-072.06; Ord. No. 11-2588, 9-1-2011)

Sec. 38-297. Solid waste collection.

(a) *Criteria for collection.* By permitting, licensing and/or contracting with fully qualified, experienced and responsible contractors, said contractors will be responsible for the collection of containerized solid wastes from residential units and business establishments, and the collection, from residential units only, of bulky waste, white goods and waste tires within Garbage District No. 1 in accordance with the following guidelines:

(1) *Volume of material.*

- a. An unlimited amount of containerized garbage and trash shall be picked up from all residential units twice weekly. Containerized solid wastes shall also be collected twice weekly from small business units; however, businesses shall be limited to five containers per collection day. The weight of each container may not exceed 75 pounds.
- b. All loose trash and yard waste including, but not limited to, leaves, grass clippings and construction debris such as sheetrock, sawdust and other loose debris must be containerized.
- c. Bulky waste suitable for manual collection, as defined herein, shall be picked up from only residential units on the second collection day of the week. Bulky waste requiring boom truck collection, as defined herein, shall be collected once per week, and this shall be advertised for one week in the official journal of the parish prior to the start or renewal of the collection contract or changes to routes or collection schedules.
- d. Uncontainerized bulky waste and yard waste including, but not limited to, light tree debris, shrubbery, fence boards, etc., shall be neatly stacked or securely tied in bundles and shall not exceed four feet in length, two feet in diameter, and 75 pounds in weight for each item. Larger bulky waste requiring boom truck collection shall not exceed six feet in length and 400 pounds in weight.

- e. All waste concrete six inches by six inches and smaller, shall be containerized. Waste concrete larger than six inches by six inches shall be no greater than 75 pounds in weight.
- f. A maximum of four white goods, such as refrigerators, ranges, water heaters, freezers, washers, dryers and other large appliances and a maximum of four waste tires, excluding truck tires as defined herein, shall be picked up curbside from only residential units once per week, and this shall be advertised in the official journal of the parish prior to the start or renewal of the collection contract or changes to routes or collection schedules. White goods and waste tires shall not be collected from small business units.

(2) *Standards for garbage collection.*

- a. Garbage and other putrescible materials shall only be collected from containers as delineated in section 38-296(a).
- b. Nonputrescible trash material shall be collected only from containers as delineated in section 38-296(d), except for bulky waste, yard waste and construction debris such as fence boards and concrete larger than six inches by six inches, which must be neatly stacked and shall not exceed four-feet in length, two-feet in diameter and 75 pounds in weight for each item.
- c. All loose trash, yard waste and construction debris including leaves, grass clippings, sheet rock, saw dust and other loose debris shall be containerized for collection.
- d. Boats, automobiles, trailers and any other bulky waste deemed to be unsuitable for curbside collection by Garbage District No. 1 shall not be collected by the district's garbage contractor, and shall be collected and disposed of properly by the owner or occupant of the unit at their own expense, in accordance with this section and the state solid waste rules and regulations.
- e. White goods and tires shall be collected from only residential units, limited to four per week.

(3) *Point of collection.* Containers or other materials for collection shall be placed at curbside immediately between the property owned or occupied by the person placing the material and the street or road fronting that property. The material placed for collection shall be readily accessible to the collectors. Underground containers must be removed from their wells and placed above ground at curbside by the owners or occupants of the premises.

(4) *Frequency of collection.* The parish shall provide a minimum of two collections per week on a schedule to be determined by Garbage District No. 1.

- (5) *Hours of collection.* Collection shall not commence before 6:00 a.m., and shall be completed by 9:00 p.m. any single collection day. Material authorized to be collected, with the exception of yard waste and bulky waste which is handled in accordance with the standards set forth in section 38-296(c) and (d), shall not be set out at curbside prior to 4:00 p.m. of the day preceding the regular collection day. Waste tires shall not be set out at curbside prior to 4:00 p.m. on the day preceding the scheduled collection day for waste tires. The depositing of material for collection before that time shall be considered littering under this Code. Emptied containers, curbside recycling bins and uncollected material exceeding collection standards shall be removed from the curbside by 12:00 noon on the day following that day on which the collection vehicle has completed collections in the particular geographical collection area. No collections shall be made on Sunday without the expressed approval of Garbage District No. 1. The parish department of environmental services may enforce this provision regarding hours for the placement of materials for collection.

(b) *Person's responsibility.*

- (1) Residential and small business units generating solid wastes in quantities greater or types other than that specified above as being the contractor's responsibility shall dispose of such at their own expense as hereinafter provided.
- (2) Persons generating all other solid waste shall dispose of such at their own expense as hereinafter provided.

(c) *Enforcement.* The provisions of this section may be enforced by the parish department of environmental services or the parish sheriff's deputies.

(Code 1998, § 9-072.07; Ord. No. 11-2588, 9-1-2011)

Sec. 38-298. Solid waste transportation, salvaging and scavenging.

(a) *Vehicle/container requirements.*

- (1) Vehicles or containers used for the collection and transportation of garbage and other putrescible wastes, or refuse containing such materials, shall be covered, leak-proof, durable metal and of easily cleanable construction. These shall be cleaned at appropriate intervals to prevent nuisances, pollution or insect breeding, and shall be maintained in good repair.
- (2) Vehicles or containers used for the collection and transportation of potentially infectious biomedical wastes, asbestos containing material, and hazardous wastes including, but not limited to, explosives, acids, caustics, pesticides, paints and solvents, automotive batteries and vehicular fluids shall be durable, leak-proof, covered, and shall be constructed, loaded, moved and unloaded in a safe manner and in compliance with all applicable local, state and federal regulations.

(b) *Licensing of solid waste collection and/or transporting vehicles.*

- (1) No person shall engage in the commercial collection or transportation of solid waste within the parish without first submitting a solid waste notification form and solid waste transporter supplemental form (or the successor form of such documents) to the state department of environmental quality and obtaining a transporter identification number from said state agency.
- (2) Persons collecting or transporting solid wastes which originate within their personal household are exempt from licensing of vehicles.

(c) *Containment of loads on vehicles; prohibition against tracking by vehicles of foreign substances.* No person shall drive or move any truck or other vehicle loaded with litter within the parish, unless such vehicle is constructed or loaded as to prevent any load, contents or litter from being blown or deposited upon any street, alley or other public place. Nor shall any person drive or move any vehicle or truck within the parish, the wheels or tires of which carry onto or deposit, mud, dirt, sticky substances, litter or foreign matter of any kind on any street, alley or other public place.

(d) *Service of a bulk waste container restrictions.* No person or commercial waste hauler shall service a bulk waste container between the hours of 9:00 p.m. and 6:00 a.m. when said bulk waste containers are located within 300 feet of a residential use.

(e) *Enforcement.* This section may be enforced by the parish department of environmental services, code enforcement officers, the parish sheriff's deputies, and state or federal enforcement officials.

(f) *Scavenging and salvaging prohibited.* Scavenging is strictly prohibited at any location under any circumstances. Salvaging shall be unlawful for any person, except by specific permission of the owner of the premises on which salvaging is or is to be conducted. This section may be enforced on public property by the parish department of environmental services or the parish sheriff's deputies; this section may be enforced on private property only by the parish sheriff's deputies.

(Code 1998, § 9-072.08; Ord. No. 11-2588, 9-1-2011)

Sec. 38-299. Unauthorized use of bulk waste containers.

(a) It shall be unlawful for any person to dump, throw or place trees, trash, garbage, junk or debris in any bulk waste container or other trash receptacle belonging to another and lawfully installed pursuant to section 38-296, solid waste storage, except by specific permission of the owner of the premises.

(b) It shall be unlawful for any person to scavenge or rummage the contents of a bulk waste container or other trash receptacle belonging to another, except by specific permission of the owner of the premises.

(c) This section may be enforced by the parish department of environmental services inspectors, the parish sheriff's deputies, or state or federal enforcement officials.
(Code 1998, § 9-072.09; Ord. No. 11-2588, 9-1-2011)

Sec. 38-300. Disposal by burning prohibited.

(a) No person shall kindle or set fire to any combustible material upon any public or private premises for the purpose of disposing of solid waste material, unless he has obtained all permits required by the applicable federal, state and/or local laws for such burning.

(b) This section may be enforced by the parish fire protection districts, parish department environmental services, the parish sheriff's deputies, and state or federal enforcement officials.
(Code 1998, § 9-072.10; Ord. No. 11-2588, 9-1-2011)

Sec. 38-301. Solid waste disposal sites.

(a) No person shall dispose of solid waste at any site or facility for which a permit for solid waste disposal has not been issued by the state department of environmental quality.

(b) No person shall establish or construct or operate or maintain or permit the use of a solid waste disposal site or facility without first having obtained all of the required federal, state and local permits.

(c) Illegal dumping of any solid wastes within the parish is strictly prohibited.

(d) This section may be enforced by the parish department of environmental services, the parish sheriff's deputies, and state or federal enforcement officials.
(Code 1998, § 9-072.11; Ord. No. 11-2588, 9-1-2011)

Sec. 38-302. Authority to issue and adjudicate citations and summons.

(a) With the exception of the enforcement authority specifically and exclusively granted to the parish sheriff's deputies and state or federal enforcement officials, all provisions in this article may be enforced by the parish department of environmental services.

(b) Any violation of this article may be heard by the administrative hearing officer of the parish bureau of administrative adjudication or by a court of competent jurisdiction.
(Code 1998, § 9-072.12; Ord. No. 11-2588, 9-1-2011)

Sec. 38-303. Penalties.

(a) Except as otherwise provided for in a specific section of this article, any person violating any provision of this article, shall be guilty of a misdemeanor that is punishable by a maximum fine of \$500.00 for each violation, unless a higher or different fine is expressly governed by state statute.

(b) For the purposes of this article, each occurrence shall constitute a separate violation.

(c) In addition to penalties otherwise provided in this division, a person found liable or convicted under any of the provisions of this article shall:

- (1) Repair or restore property damaged by or pay damages for any losses arising out of the unlawful dumping of litter or other violation of this article; and
 - (2) Pay all reasonable investigative expenses and costs to the investigative agency which discovered and reported the unlawful dumping of litter or other violation of this article.
- (Code 1998, § 9-072.13; Ord. No. 11-2588, 9-1-2011)

Sec. 38-304. Recycling regulations.

(a) *Definitions.* As used in this section, the following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended:

Authorized recycling contractors mean a person, firm, partnership, corporation or other entity authorized under and by virtue of a contract with Garbage District No. 1 to collect recyclable waste material in the service area.

Designated recycling collection location means the place designated in the contract between Garbage District No. 1 and an authorized recycling contractor from which the authorized recycling contractor has contracted to collect recyclable waste material.

Recyclable waste materials mean discarded materials such as, but not limited to, newspapers, glass, plastics and metal cans, which are separated from other garbage or refuse for the purpose of recycling.

Recycling means the process of collecting used materials for the purpose of reusing, reprocessing or remanufacturing them.

Recycling bin means a container provided to the residents for the purpose of containing materials to be recycled.

(b) *Ownership of recyclable waste materials properly placed in a recycling bin.* Upon the placement of recyclable waste material in the collection bin at designated collection site in accordance with the requirements of this article, any recyclable materials shall become the property of the contractor for Garbage District No. 1. It shall be a violation of this article for any person not authorized by the Garbage District No. 1 to collect or pick up or cause to be collected or picked up any of such recyclable materials. Recyclable collection bins are the property of the contractor.

(c) *Unauthorized collection prohibited.* During the 24-hour period commencing at 6:00 p.m. on any day preceding a day designated for collection of recyclable waste material, no person, other than an authorized recycling contractor, shall remove recyclable waste material and/or

recycling bins, which have been placed at a designated recycling collection location. Each such unauthorized collection from one or more designated recycling collection locations shall constitute a separate and distinct offense.

(d) *Theft or unauthorized use of recycling bins prohibited.* The theft or unauthorized use of recycling bins is prohibited.

(e) *Sale or donation of recyclables.* It is the intent of this article to regulate the throwing away of recyclable materials. Nothing herein shall be deemed to prohibit any person, firm or corporation from selling or donating recyclable materials when such materials are not put out for collection as waste.

(f) *Enforcement; authority.* The director of the department of environmental services shall have the authority to enforce the provisions of this article. This authority shall be in addition to the authority granted to police officers by law.

(g) *Civil action by authorized recycling contractor.* An authorized recycling contractor may bring a civil action against any person who violates this article. This shall be in addition to all other remedies and penalties.

(h) *Penalty.* Any person, firm or corporation violating any provision of this section shall be fined not less than \$100.00 nor more than \$500.00 for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

(Code 1998, § 9-072.14; Ord. No. 11-2588, 9-1-2011)

Chapter 39

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Chapter 40

UTILITIES*

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ARTICLE I. IN GENERAL**Sec. 40-1. Statement of purpose.**

The purpose of these rules and regulations is to accomplish the protection of public health and the environment through the control, monitoring and inspection of public and private sewerage and water systems in the parish and through the enforcement of all ordinances and state and local regulations relative to such systems.

(Code 1998, § 23-23-101.00; Ord. No. 01-0354, 8-2-2001)

Sec. 40-2. Statement of authority.

Notwithstanding anything to the contrary, the parish shall be entitled to avail itself to all rights, powers and authority conferred upon it as outlined in R.S. 33:4064.1 et seq. and Act No. 146 of the First Extraordinary Session of the 2000 Legislature.

(Code 1998, § 23-102.00)

Sec. 40-3. Statement of policy.

It is hereby declared to be the policy of the department that:

- (1) Sewerage and water systems have the potential to cause significant adverse impact on human health and on the environment and, therefore, the operation, maintenance and connection of sewerage and water systems must strictly comply with the objective standards established by statutes, codes, ordinances and rules and regulations that provide for the protection of public health and the environment; and
- (2) The monitoring and inspection of sewerage and water systems and the approval, inspection, and monitoring of all construction necessary or incidental to the provision of sewage disposal and water promote the operation, maintenance and connection of sewerage and water systems in a manner that provides for the protection of public health and the environment.

(Code 1998, § 23-103.00)

Sec. 40-4. Definitions.

As used in these rules and regulations, the terms defined in this section shall have the following meanings, unless the context or use thereof clearly indicates otherwise, or more explicit definitions are referenced:

Applicable law means the pertinent and appropriate provisions of the State Sanitary Code, other applicable parish ordinances, or state and local regulations which pertain to sewerage and water systems located, or to be located within the parish.

Beneficial purpose or *beneficial use* means the use of groundwater for domestic, municipal, industrial, agricultural, recreational or therapeutic purposes or any other advantageous use.

Department means the parish department of environmental services, its employees and its agents.

DEQ means the state department of environmental quality, office of water resources.

DH&H means the state department of health and hospitals, office of public health.

DOTD means the state department of transportation and development, office of public works.

Governed sewerage system means every sewerage system in the parish whose discharge of sanitary sewage wastewater is subject to the provisions of the Louisiana Environmental Quality Act, as amended, or any rules and regulations effective or promulgated under the authority of said Act and, when applicable, said sewerage system shall include, but not limited to, any such system owned, operated or maintained by a private utility company or a sewerage district created by the governing authority of the parish.

Governed water system means every water system in the parish which is comprised of a source of groundwater, treatment, if necessary, storage, distribution and/or the appurtenances and related facilities that make it available for use. When applicable, a governed water system shall include, but not limited to, any such system owned, operated or maintained by a private person or political entity which uses groundwater for any beneficial purpose.

Louisiana water well rules, regulations and standards means the provisions of the rules, regulations and standards for water well construction adopted by the DOTD in accordance with title 38 of the Louisiana Revised Statutes of 1950.

Owner or owners or owner/developer means any person or persons who alone or jointly or severally with others has:

- (1) Legal title to any premises, facilities or equipment affected by these rules and regulations; and/or
- (2) Actual physical control of any premises, facilities, or equipment affected by these rules and regulations pursuant to an agreement, expressed or implied from the circumstances, with the owner or owners.

Operator or operators means any person who alone or jointly or severally with others conducts, directs, manages or supervises the operation and/or maintenance of any premises, facilities or equipment affected by these rules and regulations.

Parish means the unincorporated portion of the parish.

Political entity means any agency, board, commission or department or political subdivision of the state, or of the governing authority of the parish, or any agent thereof.

Private person means any individual, group of individuals, firm, corporation, association, partnership, private entity or other legal entity, or any agent thereof.

Responsible person means the operator or operators of a sewerage or water system, the owner or owners of a sewerage or water system, the owner or owners of the property on which a sewerage or water system is located, or any or all of them.

Sanitary sewage means human, domestic or acceptable industrial waste, except refuse, including conveying liquid from residences, buildings, industrial establishments or other places, together with such groundwater, surface water, stormwater and other wastes as may be present.

Sewerage system means any or all of the various components, including piping and pumping and treatment facilities, comprising a system designed for the collection and/or treatment and/or disposal of sanitary sewage. A sewerage system may be owned, operated and/or maintained by a political entity or private person.

State sanitary code means the rules and regulations which pertain to water supplies and sewage and refuse disposal; including, but not limited to, those rules and regulations applicable to the collection, treatment or disposal of sewage, and the treatment and distribution of potable water; and which have been adopted by the state health officer in accordance with title 40 of the Louisiana Revised Statutes of 1950.

Ten-State Standards means the Recommended Standards for Water Works (2012 edition), or the Recommended Standards for Wastewater Facilities (2004 edition), or both, published by the Great Lakes—Upper Mississippi River Board of State Public Health and Environmental Managers; and any modifications, additions or revised editions to such standards as are established in the state sanitary code, or which are otherwise authorized by the state health officer.

Water system means a source of groundwater, treatment, if necessary, storage, distribution and/or the appurtenances and related facilities that make it available for use. A water system may be owned, operated and/or maintained by a political entity or private person.
(Code 1998, § 23-105.00)

Sec. 40-5. Applicability of rules and regulations.

Whenever relevant and appropriate, the provisions of these rules and regulations shall apply to any individual, public, profit, nonprofit or not-for-profit sewerage or water system located in the parish.
(Code 1998, § 23-107.00)

Sec. 40-6. Applicable operating requirements.

(a) Every sewerage and water system located within the parish shall be operated in accordance or compliance with applicable law, which shall include, but not limited to, all applicable ordinances of the parish, and the rules and regulations of any state or local agency having jurisdiction over sewerage or water systems in the parish.

(b) Nothing in these rules and regulations shall be construed to preclude or stay a responsible person from complying with the lawful requirements of any other federal, state or local agency having jurisdiction over the construction, operation, monitoring and connection of sewerage and water systems.

(Code 1998, § 23-109.00)

Sec. 40-7. Familiarity with rules and regulations.

Every responsible person shall know and be familiar with the provisions of these rules and regulations.

(Code 1998, § 23-111.00)

Sec. 40-8. Severability of rules and regulations.

If any provisions or items of these rules and regulations, or the application thereof, is held invalid, such invalidity shall not affect other provisions, items or applications of these rules and regulations which can be given effect without the invalid provision, items or applications, and to this end, the provisions of these rules and regulations are hereby declared severable.

(Code 1998, § 23-113.00)

Sec. 40-9. Compliance with rules and regulations required.

(a) Every responsible person shall comply with the provisions of the rules and regulations of the department as set forth in this section.

(b) Whenever facts and circumstances exist whereby the department determines that a responsible person has acted in a manner contrary to or inconsistent with the provisions and requirements set forth in title 1 of the rules and regulations of the department (hereinafter referred to as the "deficiency"), the department shall cause to be issued to said responsible person a notice which cites the deficiency, directs compliance with the rules and regulations of the department, and prescribes a reasonable amount of time to accomplish such direction.

(c) If no or insufficient action is taken after proper notice, the department, upon expiration of the time prescribed in said notice, shall be authorized to impose upon said responsible person, as defined in this section, a penalty not to exceed \$100.00 per day for each day the deficiency existed from date of said notice, however, the cumulative total of such penalty shall not exceed \$10,000.00. In addition thereto, the department may terminate or require the termination of any utility service to the subject premises.

(d) As further provided by applicable law, the department shall be authorized to enforce the collection of an imposed penalty, such to include the filing of an affidavit of lien on the subject property or any property found or within the parish which is owned by the responsible party.

(e) Any responsible person who has been assessed a penalty may appeal the imposition of the penalty in writing to the parish council within 30 days. The council shall thereafter hear the appeal in an open and public session at its next regular meeting. An appeal from the council's decision shall be to the 22nd Judicial District Court for the parish within 30 days of the council's decision.

(f) The director of the department shall be authorized to recommend or prescribe additional procedures or practices he deems necessary and advisable to effect the provisions of this section.

(Code 1998, § 23-115.00)

Secs. 40-10—40-36. Reserved.

ARTICLE II. MONITORING OF SEWERAGE AND WATER SYSTEMS

Sec. 40-37. Systems subject to monitoring requirements.

Every governed sewerage system and every governed water system shall be subject to and participate in the water quality monitoring program established, implemented and administered pursuant to the provisions of this section.

(Code 1998, § 23-201.00)

Sec. 40-38. Monitoring of governed sewerage systems.

Every governed sewerage system shall make available to the department for its review, upon the department's request, all monitoring data required to be furnished to the DEQ as set forth in the water discharge permit issued by the DEQ for the treatment works for the system. Such monitoring data shall be reported on a discharge monitoring report (DMR) form (EPA No. 3320-1 or an approved substitute). For inspection purposes, copies of all such monitoring reports shall be kept on-site at, or in reasonable proximity to, the permitted facility for a period of at least three months from the date of the sample measurement or report of such measurement.

(Code 1998, § 23-203.00)

Sec. 40-39. Monitoring of governed water systems.

Every governed water system shall make available to the department for its review, upon the department's request, all monitoring data effected as a consequence of the system's sampling plan approved by the DH&H pursuant to the federal Safe Drinking Water Act, as amended, or any rules and regulations effective or promulgated under the authority of said Act or under such authority delegated to the DH&H by the U.S. Environmental Protection Agency. Additionally, every governed water system shall make available to the department for its review, upon the department's request, all monitoring data affected as a consequence of the system's

compliance with rules and regulations effective or promulgated under the authority of the parish or under any such authority as mandated by local, state or federal law. For inspection purposes, copies of all such monitoring data provided shall be kept on-site at, or in reasonable proximity to the monitored facility for a period of at least three months from the date of the sample measurement or report of such measurement.

(Code 1998, § 23-205.00)

Sec. 40-40. Other means of compliance.

The parish president is hereby authorized and directed to negotiate with the responsible person for any governed sewerage system or governed water system a memorandum of understanding and/or agreement, the effect of which shall be to assure compliance with the provisions of this section.

(Code 1998, § 23-207.00)

Secs. 40-41—40-70. Reserved.

ARTICLE III. INSPECTION OF SEWERAGE AND WATER SYSTEMS

Sec. 40-71. Sewerage system inspection permit fee.

In order to defray the costs associated with the inspection on-site sewage disposal systems serving all new or existing buildings or structures, a \$25.00 sewerage system inspection permit fee is hereby assessed for the issuance of each sewerage system inspection permit. Such sewerage system inspection permit fee shall be in addition to any other applicable fee collected by the parish.

(Code 1998, § 21-408.00; Ord. No. 02-0538, 9-5-2002)

Sec. 40-72. Authority of the department.

(a) The department, in order to monitor the operation of any individual, public, profit, nonprofit, or not-for-profit sewerage or water system located in the parish, may authorize any employee or agent of the department to enter upon the premises of any such sewerage or water system at a reasonable time and in a reasonable manner for the purpose of inspecting any such sewerage or water system in order to determine that the operation of the sewerage or water system is conducted in accordance or compliance with applicable law. The responsible person for the property upon which the inspection is conducted, by reason of his operation of the sewerage or water system to be inspected, impliedly consents to the entrance of the said authorized employee or agent upon the property, and same shall not be deemed a trespass.

(b) Any inspection of a sewerage or water system conducted pursuant to the provisions of this section is for the use and benefit of the department and shall not be considered as an affirmation that the operation of the inspected sewerage or water system is in accordance or compliance with applicable law.

(Code 1998, § 23-301.00)

Sec. 40-73. Frequency and manner of inspection.

(a) The department shall be authorized to inspect every governed sewerage system and every governed water system in the parish.

- (1) Incidental to the inspection of a governed water system, the department, in the interest of public health and safety, and in cooperation and agreement with the responsible person for such system and the fire chief for the fire protection district in which the system is located, may inspect the fire hydrants which are a part of the system for the purposes of determining the operability of said fire hydrants.
- (2) In conducting an inspection of a governed sewerage system or a governed water system, the department shall conform to the relevant and appropriate practices and procedures of the DEQ and the DH&H as such practices and procedures relate respectively to the inspection of said sewerage or water systems.

(b) The department may provide for an immediate inspection of any sewerage or water system:

- (1) Upon the voluntary request of the responsible person for the system to be inspected; or
- (2) Whenever there is positive and reliable information that the operation of a sewerage or water system is not in accordance or compliance with applicable law.

(Code 1998, § 23-303.00)

Sec. 40-74. Report of deficient condition.

Whenever an inspection of a sewerage or water system discloses that the system is not being operated in accordance or compliance with applicable law, the department shall cause to be served upon the responsible person a written notice of the condition, and such notice shall direct the responsible person to perform at his expense all work necessary to ensure that the operation of the system is in accordance or compliance with applicable law, and give the responsible person an opportunity within a specified period of time to remedy the deficient condition, and otherwise to conform with applicable law.

(Code 1998, § 23-305.00)

Sec. 40-75. Remedial action.

Upon the expiration of the time prescribed in the written notice issued pursuant to section 40-74, a reinspection of the sewerage or water system shall be conducted to determine if the

deficient condition noted during the original inspection has been remedied. If the deficient condition still exists, the department shall perform all necessary work to remedy the deficient condition and assess the responsible person for the reasonable cost of such work. Should the responsible person fail to pay such costs, the department shall file an affidavit of lien on the property or system specifically identifying the property or system affected, and the amount of any and all costs, fees, and delinquent payment charges to date of filing and that may be accruing. Any lien which was filed against real property and not paid timely shall be added to the annual ad valorem tax bill of the owner or owners of such property.
(Code 1998, § 23-307.00)

Sec. 40-76. Assessment of fees.

(a) In order to defray the costs associated with the inspection of sewerage and water systems, a recurring monthly fee is hereby assessed on every governed water system with 50 or more service connections. The amount of the monthly fee shall equal \$0.30 times the total number of service connections served by the system during the month. A water system service connection is intended to mean the separate and/or ultimate distribution point (e.g., premises, dwelling unit, etc.) of potable water and may be commonly known as a "customer," "beneficiary" or "subscriber" of the water system. On or before the last day of the month immediately succeeding the month in which the monthly fee is assessed, the responsible person for the governed water system shall send to the department a statement showing the total number of service connections served by the system during the month in which the monthly fee was assessed as evidenced by the records maintained by the responsible person and, along therewith, the responsible person shall remit the said monthly fee due and payable to the department at its business office in Mandeville, Louisiana. If a dispute arises, such remittance may be adjusted upon mutual agreement of the department and the responsible person.

- (1) If the department disputes the aforesaid statement submitted by the responsible person, then, within ten days after receipt thereof, the department shall provide a written notice to the responsible person setting forth in detail each item in dispute and the reason the department disputes same. Promptly after receipt of such written notice, the director and the responsible person, or a duly authorized representative thereof, shall meet and attempt to resolve by mutual agreement all disputes prior to the time of the next succeeding monthly statement and remittance. If the department and the responsible person are unable to resolve any disputed item as herein provided, either may pursue any remedy afforded it at law or in equity.
- (2) Any monthly fee, or portion thereof, not paid in full on or by the date due and payable for such payment, shall be considered past due and delinquent and a penalty of ten percent of the amount due shall be added should an attorney be required to collect said fee.

- (3) The parish president is hereby authorized and directed to negotiate with the responsible person for any governed water system a memorandum of understanding and/or agreement, the effect of which shall be to assure compliance with the provisions of this section.

(b) The fee assessed to conduct an immediate inspection of a governed sewerage system or governed water system shall be reasonable and commensurate with the cost of the inspection and, if applicable and at the discretion of the department, may be in addition to the monthly fee assessed on a governed water system.

- (1) The fee assessed to conduct an immediate inspection of any other sewerage or water system shall be \$30.00. If sampling for the purpose of laboratory analysis is essential to the inspection, the actual cost of the laboratory analysis shall be added to the fee.
- (2) Whenever an immediate inspection of a sewerage or water system is to be conducted as a result of a voluntary request of the responsible person for the system, the fee assessed shall be due and payable in full to the department prior to the conduct of the inspection.
- (3) Whenever an immediate inspection of a sewerage or water system is conducted as a result of the positive and reliable information received by the department that the operation of the sewerage or water system is not in accordance or compliance with applicable law, the fee assessed shall be due and payable in full to the department upon presentation of a written notice to the responsible person. Any amount not paid at that time shall be considered past due and a delinquent payment charge of 1½ percent per month (18 percent annual percentage rate) will be added to any past due amount. However, a fee shall not be assessed if any such inspection reveals to the satisfaction of the department that the system is being operated in accordance or compliance with applicable law, or there exists a condition of such degree or a circumstance as not to warrant the assessment of a fee.

(c) Before referral under section 40-77, the parish president may compromise the amount of the fee assessed pursuant to a provision of this section and which is due and payable to the department.

(Code 1998, § 23-309.00)

Sec. 40-77. Fee recovery.

(a) Whenever relevant and appropriate, the department shall notify in writing the responsible person of the fee assessed either by mail or hand delivered in person. Upon passage of the date such fee is due and payable to the department and without receipt of such fee in full, the department shall submit to legal counsel to pursue collection of the fee. Should suit be commenced to enforce collection of any money owing the department, in addition to the principal amount due, delinquent payment charges, reasonable attorney's fees, judicial interest from the date the amount became due, plus all costs of the legal proceedings shall be added.

(b) Should the department complete the work directed in a notice of direction as provided in section 40-75, the assessed fee and any delinquent payment charge shall be added to the cost of such work.

(c) Any fee collected pursuant to a provision of this section shall be paid to the department and placed into a special fund, the use of which shall be for the administration of the provisions of this article which relate to the inspection of sewerage and water systems.

(Code 1998, § 23-311.00)

Secs. 40-78—40-97. Reserved.

ARTICLE IV. CONNECTION OF SEWERAGE AND WATER SYSTEMS

Sec. 40-98. Authority of the department.

As further provided in this section, the department shall have authority over all construction necessary or incidental to the provision of sewage disposal and water in the unincorporated portion of the parish. Plans and specifications for sewerage and water systems to be constructed in said portion of the parish shall be submitted to and approved by the department prior to initiating such construction, and the conduct of such construction shall be subject to inspection by the department. Copies of any amendments to plans and specifications for such systems shall also be submitted to the department, and the department shall approve such amendments prior to operation of such systems.

(Code 1998, § 23-401.00)

Sec. 40-99. Connection to sewerage (sewage) system and potable water system required.

(a) *Connection to sewerage (sewage) system required.*

- (1) Any private person or political entity who/which owns, leases or otherwise maintains or possesses control of any property which is situated in the unincorporated portion of the parish, and on which there is located a residence, camp, trailer coach or any other building, structure or establishment wherein people customarily or occasionally live, work or congregate, shall connect any such premises to a sewerage system as may be required for the premises by applicable law.
- (2) Any private person or political entity who/which owns, leases, or otherwise maintains or possesses control of any property which is situated in the unincorporated portion of the parish and on which there is located a residence, camp, trailer coach or any other building, structure or establishment wherein people customarily or occasionally live, work or congregate, shall, at such person's sole expense, connect any such premises to a public sewerage system if such public sewer line is situated within 300 feet of the boundary line of such premises. Such construction to connect the premises shall

commence within the time required by R.S. 33:4042, upon receipt of a notice to connect. If such connection is not begun in the time required, the parish may connect the premises to the public sewer in the manner prescribed by R.S. 33:4041 et seq., and apportion the connection costs and fees to each owner as also provided therein. The parish shall have all other remedies for enforcement and collection of connection costs and fees as is provided by applicable law.

(b) *Connection to potable water system required.*

- (1) Any private person or political entity who/which owns, leases, or otherwise maintains or possesses control of any property which is situated in the unincorporated portion of the parish, and on which there is located a residence, camp, trailer coach or any other building, structure or establishment wherein people customarily or occasionally live, work or congregate, shall connect any such premises to a potable water system as may be required for the premises by applicable law.
- (2) Any private person or political entity who/which owns, leases, or otherwise maintains or possesses control of any property which is situated in the unincorporated portion of the parish, and on which there is located a residence, camp, trailer coach, or any other building, structure, or establishment wherein people customarily or occasionally live, work or congregate, shall, at such person's sole expense, connect any such premises to a public water system if such public water line is situated within 300 feet of the boundary line of such premises. If such connection is not begun in the time prescribed by notice to the owner, the parish may connect the premises to the public water system in the manner prescribed by section 40-332, and assess the connection costs and fees to each owner as also provided therein. The parish shall have all other remedies for enforcement and collection of connection costs and fees as is provided by applicable law.

(Code 1998, § 23-402.00; Ord. No. 11-2494, 4-7-2011)

Sec. 40-100. Determination and notice of deficiency.

Whenever facts and circumstances exist whereby the department of health and hospitals, office of public health (the DH&H) determines that the failure to properly or timely connect a subject premises to a sewerage system would likely pose a danger or threat to public health or the environment, the department, upon receipt of such written determination, shall be authorized to issue a notice to the private person or political entity whose action or inaction has been determined to be the cause of such deficiency. Said notice shall identify the deficiency, direct its correction, and prescribe a reasonable amount of time to accomplish such correction.

(Code 1998, § 23-402.01)

Sec. 40-101. Authority to impose penalty and enforce collection.

(a) If no or insufficient action is taken after proper notice of direction to correct said deficiency, the department, upon expiration of the time prescribed in said notice, shall be authorized to impose upon said private person or political entity a penalty not to exceed

\$100.00 per day for each day the deficiency existed from date of said notice, however, the cumulative total of such penalty shall not exceed \$10,000.00. In addition thereto, the department may terminate or require the termination of any utility service to the subject premises.

(b) As further provided by applicable law, the department shall be authorized to enforce the collection of an imposed penalty, such to include the filing of an affidavit of lien on the subject property or any property found or within the parish which is owned by the subject private person or political entity.

(c) Any private person or political entity who/which has been assessed a penalty may appeal the imposition of the penalty in writing within 30 days to the parish council which shall hear the appeal in an open and public session at its next regularly scheduled meeting. Any subsequent and final appeal shall be to the 22nd Judicial District Court for the parish within 30 days of the council's decision.

(Code 1998, § 23-402.02)

Sec. 40-102. Authority to prescribe standards.

The DH&H shall be authorized to recommend or prescribe additional procedures or practices it deems necessary and advisable to effect the provisions of section 40-99.

(Code 1998, § 23-402.03)

Sec. 40-103. Submittal of detailed plans and specifications.

(a) Prior to the start of construction or modification of a governed sewerage system or governed water system, detailed plans and specifications shall be submitted by the responsible person for the system to be constructed or modified and shall be reviewed and, contingent upon any revisions to such plans and specifications as may be required to meet compliance, approved by the department in accordance and compliance with applicable law which shall include the Ten-State Standards and the Louisiana Water Well Rules, Regulations and Standards.

- (1) As such relates to the provisions of this subsection, whenever there is a participatory and coordinated effort between the department and the district engineer of the office of public health of the state department of health and hospitals, the department shall affirm any approval granted by the said state entity when the subject plans and specifications for sewerage and water systems to be constructed or modified are in accordance and compliance with applicable law.
- (2) Upon the expiration of one year from the date on which such approval was granted and the proposed construction or modification is not complete, any approval or affirmation thereof by the department of the subject plans and specifications shall be void. Accordingly, prior to the conduct of any proposed or subsequent construction or modification, the responsible party shall again comply with the provisions of subsection (a)(1) of this section. However, upon written application to, and at the discretion of

the department, a conditional or absolute waiver of the effect of the provisions of this article may be issued. With regard to any restorative compliance effort required herein, no additional fees shall be attached thereto.

(b) Any review and subsequent approval of the plans and specifications for the construction or modification of a governed sewerage system or governed water system is for the use and benefit of the department and shall not be considered as an affirmation that the construction, modification or operation of the sewerage or water system is or will be in accordance or compliance with applicable law which shall include the Ten-State Standards and the Louisiana Water Well Rules, Regulations and Standards.
(Code 1998, § 23-403.00)

Sec. 40-104. Governed water systems, fire suppression capacity.

(a) Whenever a governed water system is to be constructed or modified, the construction and modification of such system shall provide for an adequate water flow for fire suppression purposes as outlined in the National Fire Protection Association Standard 1142 (Standard on Water Supplies for Suburban and Rural Fire Fighting, 2012 edition, chs. 1—5) and include fire hydrants which shall be located and installed as required by applicable law and these rules and regulations. A copy of National Fire Protection Association Standard 1142 (Standard on Water Supplies for Suburban and Rural Fire Fighting, 2012 edition, chs. 1—5) shall be appended to this section and made a part thereof.

(b) For the purposes of the provisions of this section, a governed water system shall mean a public water supply as defined in part XII of the state sanitary code, the rates and tariffs for which are established by the state public service commission.

(c) There shall be established a mean water flow capacity classification for the fire hydrants connected to a governed water system, such to be determined initially and subsequently on an annual basis by a licensed professional engineer, an operator, as defined in R.S. 40:1141(D), who possesses a valid and current water distribution (Class IV) certification issued by the Louisiana Department of Health and Hospitals/Office of Public Health ("LA DHH/OPH), or appropriate personnel from the affected fire protection district, all in a manner consistent with the practices of the department which relate to the submittal of detailed plans and specifications and/or as-built drawings. Any such determination shall be made for the sole use and benefit of the department and water service provider, and shall not be considered in any manner whatsoever as a warranty or guarantee of the water flow capacity of a governed water system or its availability for connection thereto.

(d) To determine the mean water flow capacity classification for the fire hydrants connected to a governed water system, the water service provider shall submit to the department a detailed as-built drawing of said system which shall include an inventory and location of all fire hydrants that are connected thereto. Each fire hydrant shall be readily accessible for its intended

use and in good operating order. The mean water flow capacity classification shall be determined by measuring the water flow of each fire hydrant connected to the governed water system and dividing the sum of such measurements by the total number of fire hydrants.

(e) As such relates to the functionality of, and the approximation of the water flow capacity for each fire hydrant connected to the subject system, the governed water system shall maintain each fire hydrant in good operating order. The barrel of each fire hydrant shall be painted chrome yellow and the top and nozzle caps of each fire hydrant shall be painted to signify the classification of its relative water flow capacity according to the uniform color scheme for such as set forth below, and affix a blue colored, raised reflective marker on the roadway in proximity to each fire hydrant; and the conduct of such action to its resolution shall be subject to inspection by the department.

(f) The procedure to measure the water flow capacity of a fire hydrant shall conform to the relevant instructions for such as set forth in appendix B of American Water Works Association (AWWA) Standard C502, as amended from time to time, and appendix B of American Water Works Association (AWWA) Standard C503, as amended from time to time.

- (1) The classification of a fire hydrant rated in terms of its relative capacity shall conform to the relevant provisions for such as set forth in appendix B of AWWA Standard C502 and appendix B of AWWA Standard C503.
- (2) The uniform color scheme of a fire hydrant to signify the approximate capacity of water flow shall conform to the relevant provisions for such as set forth in appendix B of AWWA Standard C502 and appendix B of AWWA Standard C503.
- (3) A copy each of appendix B of AWWA Standard C502 and appendix B of AWWA Standard C503 shall be appended to this section and made a part thereof.

(g) There shall be a fire hydrant at each street intersection unless intersections are less than 500 feet apart and all intermediate hydrants shall be located not more than 500 feet apart. All fire hydrants shall be located in a right-of-way or utility servitude.

- (1) Fire hydrants shall have at least three outlets per hydrant; one shall be a steamer connection to allow fire apparatus to provide water from the hydrant to the apparatus and there shall be at least two 2.5-inch outlets with National Standard Threads.
- (2) Fire hydrants shall remain free of any and all manner of obstruction that could interfere with accessibility or visibility. All fire hydrants shall have a five-foot minimum clearance from the center of the hydrant outward in all directions.
- (3) Whenever facts and circumstances exist whereby the department determines that any private person or owner has acted in a manner contrary to or inconsistent with the provisions and requirements set forth in this section (hereinafter referred to as the "deficiency"), the department shall cause to be issued to said private person or owner a

notice which cites the deficiency, directs compliance with the rules and regulations of the department, and prescribes a reasonable amount of time to accomplish such direction.

- (4) If no or insufficient action is taken after proper notice, the department, upon expiration of the time prescribed in said notice, shall be authorized to impose upon said private person or owner, as defined in this chapter, a penalty not to exceed \$100.00 per day for each day the deficiency existed from date of said notice.
- (5) The department shall be authorized to perform all necessary work to remedy the deficient condition and assess the private person or owner for the reasonable cost of such work. Should the private person or owner fail to pay such costs, the department shall be authorized to enforce collection by filing an affidavit of lien on the property specifically identifying the property affected, and the amount of any and all costs, fees and delinquent penalties which may be accruing. Any lien which was filed against real property and not paid timely shall be added to the annual ad valorem tax bill of the owner or owners of such property.
- (6) Any private person or owner who has been assessed a penalty may appeal the imposition of the department's penalty in writing to the parish council within 30 days. The council shall thereafter hear the appeal in an open and public session at its next regular meeting. An appeal from the council's decision shall be to the 22nd Judicial District Court for the parish within 30 days of the council's decision.

(h) As a condition of any environmental utility service agreement which is executed or amended pursuant to the relevant provisions of said Code of Ordinances and this section, fire hydrants connected to the governed water system shall conform with the provisions set forth in this section. In addition thereto, the operation and maintenance of the governed water system, which shall include affixing and maintaining a blue colored, raised reflective marker on the roadway in proximity to each fire hydrant, shall be in accordance with the provisions of applicable law and these rules and regulations.

(i) The department to the extent which is reasonable and practical shall enforce the provisions set forth in paragraph E of the environmental services section of the Supplemental Code, ch. 5 (Buildings and Construction) of the Code of Ordinances of the parish, all in a manner set forth in an environmental utility service agreement which may be executed or amended pursuant to the relevant provisions of said code of ordinances and this section.

(j) As a condition of any environmental utility service agreement which is executed or amended pursuant to the relevant provisions of said Code of Ordinances and this section, the department is authorized to assess a recurring monthly fee (the "fee") on the subject provider of water service to defray the department's costs associated with the inspection of the operation, maintenance, and connection of a governed water system. The amount of the fee shall equal the percentage assigned to the mean water flow capacity classification for the fire hydrants

connected to the governed water system (the "factor") of the monthly gross billing amount for all water usage services which are provided to the users and subscribers (the "customers") by connection to the governed water system. The factor shall be as follows, to wit:

<i>Classification Residential Factor* Factor for Nonresidential Customers</i>		
Class AA	7.75%	10.00%
Class A	6.50%	7.75%
Class B	5.25%	6.50%
Class C	3.00%	5.25%

*For the purposes of this section, residential shall mean all detached single-family dwellings and attached two-family (duplex) dwellings.

- (1)

The collection from the customers of the amount of the fee by the subject water service provider shall be subject to the provisions set forth in the general order of the state public service commission issued October 18, 1988. Accordingly, the line item on the customers invoice or bill shall reflect the purpose of the fee with full or abbreviated text (e.g., fire flow inspection fee, fire protection fee, fire flow fee, parish fire flow fee or other appropriately descriptive term).
- (2)

As a condition of any environmental utility service agreement which is executed or amended pursuant to the relevant provisions of said Code of Ordinances and this section, a portion of the fee shall be used by the subject water service provider in consideration of and to defray any administrative costs associated with the implementation of the provisions of said agreement and any costs associated with the planning, financing, construction and improvement or extension of the governed water system, all for the purpose of improving and/or maintaining water flow for fire suppression purposes.
- (3)

As a condition of any environmental utility service agreement which is executed or amended pursuant to the relevant provisions of said Code of Ordinances and this section, whenever the responsible person for the governed water system submits to the department for its review plans and specifications for the modification of the governed water system, the fee required to be paid to the department shall be waived.
- (4)

The fee, when submitted for the corresponding billing period, shall be in lieu of the fee imposed by the department which is set forth in section 40-76(a) of these rules and regulations.
- (k)

Whenever facts and circumstances exist whereby the requirements of this section may be effected in a more superior manner by some other means of compliance, any environmental utility service agreement contemplated by this section may include provisions for said other means of compliance.

(l) Whenever facts and circumstances exist whereby the requirements of an environmental utility service agreement contemplated by this section may be effected in a more superior manner by some other means of compliance, the parish president is hereby authorized and directed to negotiate with the responsible person for a governed water system a memorandum of understanding and/or agreement, the effect of which shall include provisions for said other means of compliance.

(m) Any environmental utility service agreement which is contemplated pursuant to the relevant provisions of said Code of Ordinances and this section shall be established by ordinance of the governing authority of the parish, the provisions for which shall be set forth in article IX of these rules and regulations.

(n) The director of the department shall be authorized to take all action which may be necessary to administer and enforce the provisions of this section. The department may waive or modify the requirements of this section upon determination that the implementation of the provisions of this section would prove to be a manifestly unreasonable financial hardship.
(Code 1998, § 23-404.00)

Sec. 40-105. Fees assessed to review plans and specifications.

(a) The fee assessed to review plans and specifications for the construction or modification of any sewerage or water system or systems, the construction or modification of which is associated with a subdivision development proposed for approval by the parish planning commission shall be in accordance with the provisions of the parish Ordinance No. 91-1470, to-wit: \$20.00 plus \$5.00 per lot upon application for tentative plan approval; \$10.00 per lot upon application for preliminary plan approval; and \$15.00 per lot upon application for final plan approval.

(b) The fee assessed to review the plans and specifications for the construction or modification of a governed sewerage system or governed water system not subject to the fee schedule specified in subsection (a) of this section shall be:

- (1) Five dollars plus \$0.02 per each linear foot of water distribution pipe to be constructed or modified, and/or \$0.03 per each linear foot of sewage collection pipe to be constructed or modified in addition to \$5.00 per water supply facility (e.g., well) to be constructed or modified, and/or per sewage collection or treatment facility (e.g., plant, pond, lift station) to be constructed or modified.
- (2) It is the intent of the provisions of this section that a water supply facility or a sewage collection or treatment facility shall mean the individual, distinct components, respectively of a governed water system or governed sewerage system. Hence, a sewage treatment system with one or more aerated lagoons and associated pumping and treatment infrastructure in immediate proximity thereto shall be considered one sewage treatment facility. However, an associated, but remote lift station shall be considered a

separate sewage collection facility. Manhole access points shall not be considered a separate sewage collection facility, but merely an element of the linear footage of the sewage collection piping.

(c) Any fee assessed pursuant to a provision of this section shall be due and payable in full to the department upon the ordinary application for subdivision plan approval by the parish planning commission, as provided by an ordinance of the parish, or otherwise upon the submittal of the detailed plans and specifications to the department by the responsible person for the governed sewerage system or governed water system to be constructed or modified. Upon collection of any fee assessed pursuant to a provision of this section, such fee shall be placed into a special fund, the use of which shall be for the administration of the provisions of this section which relate to the review of plans and specifications for the construction or modification of sewerage or water systems.

(Code 1998, § 23-405.00)

Sec. 40-106. Systems to comply with plans and specifications.

Every governed sewerage system or governed water system shall be constructed or modified in accordance with the plans and specifications for installation which have been approved in advance by the department prior to the start of construction or modification.

(Code 1998, § 23-407.00)

Sec. 40-107. Inspection of construction or modification.

(a) To monitor the construction or modification of any governed sewerage system or governed water system, the department may authorize any employee or agent of the department to inspect at a reasonable time and in a reasonable manner any such sewerage or water system in order to determine that the construction or modification of such sewerage or water system is conducted in accordance and compliance with the plans and specifications for installation which have been approved in advance by the department prior to the start of construction or modification. In carrying out this power, the authorized employee or agent of the department may enter private and public properties. As such relates to the provisions of subsection (a) of this section, whenever there is a participatory and coordinated effort between the department and the parish engineer, the department shall acknowledge the results of any inspection conducted by the said parish engineer.

(b) Any inspection of a sewerage or water system conducted pursuant to a provision of this section is for the use and benefit of the department and shall not be considered as an affirmation that the construction, modification, or operation of the inspected sewerage or water system is or will be in accordance or compliance with applicable law which shall include the Ten-State Standards and the Louisiana Water Well Rules, Regulations and Standards.

(Code 1998, § 23-409.00)

Sec. 40-108. Fees assessed to inspect construction/modification of sewerage or water system.

(a) The fee assessed to inspect the construction or modification of a governed sewerage system or governed water system shall be: \$0.06 per each linear foot of water distribution pipe to be constructed or modified, and/or \$0.11 per each linear foot of sewage collection pipe to be constructed or modified; in addition to \$30.00 per water supply facility (e.g., well) to be constructed or modified, and/or per sewage collection or treatment facility (e.g., plant, pond, lift station) to be constructed or modified.

(b) Any fee assessed pursuant to a provision of this section shall be due and payable in full to the department upon application for preliminary plan approval by the parish planning commission, or otherwise, upon the submittal of the detailed plans and specifications to the department by the responsible person for the governed sewerage system or governed water system to be constructed or modified. Upon collection of any fee assessed pursuant to this section, such fee shall be placed into a special fund, the use of which shall be for the administration of the provisions of this section which relate to the inspection of sewerage or water systems to be constructed or modified.

(Code 1998, § 23-411.00)

Sec. 40-109. Other inspections required.

(a) The department shall provide for the inspection of an individual sewerage system, as defined in the state sanitary code, or a private water supply, as defined in the state sanitary code, whenever either system is constructed or modified and the monitoring or inspection of such construction or modification is not accomplished by the DEQ, DH&H or DOTD.

(b) To the extent applicable and appropriate, provisions within this section which relate to the inspection of the construction or modification of a governed sewerage system or governed water system shall likewise apply to the implementation of the provisions of this section.

(c) The fee assessed to inspect the construction or modification of an individual sewerage system or private water supply as provided in this section shall be \$15.00 and shall be due and payable in full to the department prior to the inspection of said construction or modification.

(Code 1998, § 23-413.00)

Sec. 40-110. Authorization to construct an individual water system.

(a) As used in this section, the terms defined herein shall have the following meanings unless the context or use clearly indicates otherwise:

Individual water system means any water system, other than a public water supply as defined in part XII of the state sanitary code, the principal element of which is a water well.

Qualified contractor means a contractor (driller) who is duly licensed by the DOTD in accordance with the state water well rules, regulations, and standards (the "rules"), and whose professional practices and actions are likely to comply with said rules, the rules and regulations of the department, and other applicable law.

(b) A completed application to construct an individual water system shall be submitted to and approved by the department prior to the construction of an individual water system.

(c) The construction of an individual water system shall not occur unless and until an appropriate authorization for the subject work is issued by the department to a qualified contractor.

(d) The conduct of the construction of an individual water system shall be subject to the inspection of the department.

(e) The provision of water shall not occur until the appropriate element of an individual water system is tested by the DH&H or other laboratory which has been appropriately certified by the DH&H for bacterial contamination and a written determination made by said agency or laboratory that such system may be used as a potable water supply.

(f) An authorization and/or inspection of an individual water system is for the use and benefit of the department and shall not be considered as an affirmation that the construction or operation of the individual water system nor the quality or potability of its output, yield and production is or will be in accordance or compliance with applicable law which shall include the rules, the rules and regulations of the department, and other applicable law.

(g) As such relates to the provisions of this section, the fee to apply for an authorization to construct an individual water system shall be \$30.00.

(h) For the purpose of the provisions set forth in this article, the term "responsible person" shall include any private person or political entity who:

- (1) Constructs or intends to construct an individual water system;
- (2) Owns or operates, or intends to own or operate an individual water system;
- (3) Owns the property on which an individual water system is located or is to be located; or
- (4) Any or all of them.

(Code 1998, § 23-414.00)

Sec. 40-111. Connection to a sewerage or water system.

The provision of sewage disposal or water shall not occur until the constructed or modified sewerage or water system has been inspected by the department or appropriate state authority and determined to be constructed or modified in accordance with the applicable and appro-

priate plans and specifications for installation which have been approved in advance by the department and/or appropriate state authority prior to the start of construction or modification.

(Code 1998, § 23-415.00)

Sec. 40-112. Certification of connection to water system.

(a) Central water system.

- (1) The department shall verify as reliable the certification issued by the entity responsible for the operation and/or administration of the subject central (community) water system (supply), whereby such certification includes:
 - a. The public water supply identification number designated by the state office of public health for the subject system (supply);
 - b. A declaration that the required capacity and distribution service connection is in place and available; and
 - c. A statement that the applicant has paid all fees due and owing said entity for connection to the subject system (supply).
- (2) Whenever facts and circumstances exist whereby the issuance of the certification or portion thereof is infeasible, in lieu of the certification the department may issue to the department of permits and regulatory a letter of no objection to the issuance of the certificate of occupancy.
- (3) Whenever the DH&H issues a determination that facts and circumstances exist whereby the connection to a subject system (supply) would likely pose a danger or threat to public health, the department shall not issue the verification or letter of no objection until such time as said agency appropriately modifies or rescinds the determination.

(b) Individual water system.

- (1) The department shall certify that:
 - a. The subject structure on the building site is not required to connect to a central water system (supply);
 - b. An authorization to construct an individual water system, as defined in section 40-110(a), on the subject building site was issued by the department to a qualified contractor who is duly licensed in accordance with the water well rules, regulations, and standards adopted by the DOTD (the "rules"); and
 - c. The subject individual water system was drilled in accordance with said authorization.

- (2) Whenever facts and circumstances exist whereby the issuance of said certification or portion thereof is infeasible, in lieu of said certification the department may issue to the department of permits and regulatory a letter of no objection to the issuance of the certificate of occupancy.
- (3) Whenever the DH&H issues a determination that facts and circumstances exist whereby the connection to a subject system (supply) would likely pose a danger or threat to public health, the department shall not issue the certification until such time as said agency appropriately modifies or rescinds the determination.

(c) *No affirmation of compliance.* Any verification, certification or letter of no objection issued by the department is for the use and benefit of the department and shall not be considered as an affirmation that the output, yield, production and/or the quality or potability of such output, yield, and production, and/or the operation of the subject water system are or will be in accordance or compliance with applicable law which shall include the rules, the rules and regulations of the department and other applicable law.
(Code 1998, § 23-416.00)

Sec. 40-113. Other means of compliance.

The parish president is hereby authorized and directed to negotiate with the responsible person for any sewerage or water system a memorandum of understanding and/or agreement, the effect of which shall be to assure compliance with the provisions of this section.
(Code 1998, § 23-417.00)

Sec. 40-114. Fee established for activity/action not in compliance or accordance with section.

Whenever any person commences any activity or action to connect to, or to otherwise construct or modify a sewerage or water system without first having complied with the applicable provisions of this article, then, in addition to all other remedies provided by applicable law, the department shall be entitled to collect a fee equal to 200 percent of the established fee otherwise due for said activity or action.
(Code 1998, § 23-419.00)

Secs. 40-115—40-141. Reserved.

ARTICLE V. UNIFORM EFFLUENT DISCHARGE LIMITATIONS

Sec. 40-142. Establishment of limitations.

(a) To advance the protection of public health and the environment, any community-type sewerage system located in the unincorporated portion of the parish which has an anticipated flow of 10,000 gallons per day or more of treated sanitary sewage wastewater into, or into the basin of, any river, bayou, stream or lake within or bordering the parish, shall be operated and maintained in accordance with the following effluent limitations:

	<i>Daily Average</i>	<i>Maximum Average</i>
Biochemical oxygen demand (BOD5)	10 mg/l	15 mg/l
Total suspended solids (TSS)	15 mg/l	23 mg/l
Fecal coliform bacteria	200/100 ml	400/100 ml

(b) Through the cooperative efforts of the state department of environmental quality (the DEQ), administration of these rules and regulations is to be accomplished through the implementation and operation of the Louisiana Pollution Discharge Elimination System (LPDES) administered by the office of water resources of the DEQ. The effluent limitations in these rules and regulations are to have effect on the original, reissuance, or renewal of any water discharge permit issued for every community-type sewerage system, also known as a sanitary sewage treatment works or facility, other than for a system, treatment works, or facility which has an anticipated flow of less than 10,000 gallons per day of treated sanitary sewage wastewater.

(c) Through the cooperative efforts of the state department of health and hospitals (the DH&H), administration of these rules and regulations is also to be accomplished through the implementation and operation of the applicable provisions which relate to the review and approval of plans and specifications for the construction or modification of community-type sewerage systems as provided in part XIII of the state sanitary code as administered by the state health officer through the DH&H. The effluent limitations in these rules and regulations are to have effect upon the approval of plans and specifications for said construction or modification as a part of the permit issued by the state health officer prior to the start of the construction or modification of a community-type sewerage system, also known as a sanitary sewage treatment works facility, other than for a system, treatment works, or facility which has an anticipated flow of less than 10,000 gallons per day of treated sanitary sewage wastewater.

(d) Nothing in these rules and regulations shall be construed to preclude, stay, or otherwise preempt the DEQ from imposing different, more stringent, or seasonally variable effluent limitations in accordance with its established policies, procedures, or rules and regulations, nor the state health officer from imposing more stringent effluent limitations and standards established for a specific community-type sewerage system, treatment works, or facility in accordance with his established policies, procedures or rules and regulations.

(e) For all purposes of the provisions of these rules and regulations, the terms defined herein shall have the following meanings unless the context or use clearly indicates otherwise:

Community-type sewerage system means any sanitary sewerage system, also known as a sanitary sewage treatment works, which is owned, operated, and/or maintained by a political entity or private person. A community-type sewerage system includes any individual, public, profit, nonprofit, or not-for-profit sewerage system whose effluent discharge is subject to the provisions of the Louisiana Environmental Quality Act, as amended, or any rules and regulations effective or promulgated under the authority of the Act.

Political entity means any agency, board, commission, department, or political subdivision of the state, or of the governing authority of the parish, or any agent thereof.

Private person means any individual, group of individuals, firm, corporation, association, partnership, private entity, or other legal entity, or any agent thereof.
(Code 1998, § 23-501.00)

Secs. 40-143—40-167. Reserved.

ARTICLE VI. REQUIRED DISPOSAL OF SEWAGE EFFLUENT DISCHARGED FROM NON-COMMUNITY-TYPE SEWERAGE SYSTEMS

Sec. 40-168. Purpose.

It is the purpose of this article to provide requirements which relate to the disposal of sewage effluent discharged from non-community-type sewerage systems, the effect of said requirements shall be that every non-community-type sewerage system to be installed in the unincorporated portion of the parish shall be so constructed that the disposal of its sewage effluent is realized essentially within the boundaries of the building site upon which the sewage effluent originated by means of an approved post-secondary treatment sewage effluent disposal method.
(Code 1998, § 23-601.00)

Sec. 40-169. Definitions.

As used in this article, the terms defined herein shall have the following meanings, unless the context or use clearly indicates otherwise:

Approved means designed and constructed to achieve the purpose of the provisions of this section.

Approved septic system means a non-community-type sewerage system which provides for the collection, treatment and disposal of sanitary sewage within the boundaries of the building site upon which the sanitary sewage originated. An approved septic system shall not include any non-community-type sewerage system which allows sewage effluent to flow from, or run off the building site. An approved septic system shall include a septic tank and absorption field.

Building site means any land or lot area, grounds, premises, or property, the size of which is 22,500 feet or greater.

Non-community-type sewerage system means any sewerage system, the installation of which requires the issuance by the parish health unit of an application for permit to install individual sewerage system (department of health and hospitals form LHS-47), and whose discharge of

sanitary sewage wastewater is not subject to the provisions of the Louisiana Environmental Quality Act, as amended, or any rules and regulations effective or promulgated under the authority of said Act.

Parish health unit means the staff of either the parish branch office (Mandeville or Slidell) of the office of public health of the state department of health and hospitals who has the authority to issue an application for permit to install individual sewerage system (department of health and hospitals form LHS-47).

Sewage effluent means treated sanitary sewage.
(Code 1998, § 23-603.00)

Sec. 40-170. Applicability of rules and regulations.

(a) The provisions of this article shall have force and effect within the unincorporated portion of the parish.

(b) Nothing in these rules and regulations shall be construed to preclude, stay or otherwise preempt the state health officer or other such regulatory authority from imposing more stringent requirements which relate to the construction or discharge of sewage effluent from a non-community-type sewerage system.
(Code 1998, § 23-605.00)

Sec. 40-171. Administration and enforcement.

The parish health unit shall be authorized to administer and enforce the provisions of this article.
(Code 1998, § 23-607.00)

Sec. 40-172. Fees.

The department shall establish by ordinance a schedule of fees and charges which may be required to administer or enforce the provisions of this article.
(Code 1998, § 23-609.00)

Sec. 40-173. Authority to prescribe standards.

The parish health unit is and shall be authorized to prescribe additional procedures, rules, regulations, specifications and standards it deems necessary and advisable to administer or enforce the provisions of this article.
(Code 1998, § 23-611.00)

Sec. 40-174. Required disposal of sewage effluent.

(a) Every non-community-type sewerage system to be installed in the unincorporated portion of the parish shall be so constructed that the disposal of its sewage effluent is realized essentially within the boundaries of the building site upon which the sewage effluent originated by means of an approved post-secondary treatment sewage effluent disposal method.

(b) To accomplish the provisions of subsection (a) of this section, said installation of a non-community-type sewerage system shall require the construction of an approved septic system. Whenever the parish health unit determines that the installation of an approved septic system is not feasible or would not be in accordance or compliance with applicable law, the parish health unit shall authorize, as may be reasonable and appropriate, an alternative system selected from a list of approved systems which have been specified by the state department of health and hospitals.

(Code 1998, § 23-613.00)

Sec. 40-175. Installation of system to comply with local codes.

(a) Whenever there is installed a non-community-type sewerage system, or any element thereof, which requires the connection to an electrical power source, any and all electrical connections associated therewith must conform with the standards, codes and requirements established and enforced by the governing authority of the parish prior to the operation of said system.

(b) As such relates to subsection (a) of this section, no person shall effect any electrical connection until there is issued by said governing authority an appropriate permit.

(c) To administer the provisions of this section, said governing authority shall collect a fee not to exceed \$35.00 for each applicable installation. However, whenever said installation is directly associated with the filing of a building permit issued by said governing authority, said fee shall not be imposed.

(d) The DH&H and said governing authority shall be authorized to recommend or prescribe additional procedures or practices it deems necessary and advisable to effect the provisions of this section.

(Code 1998, § 23-615.00)

Secs. 40-176—40-203. Reserved.

ARTICLE VII. SPECIFICALLY APPROVED SEWERAGE SYSTEMS

Sec. 40-204. When required.

The owner of any property which is situated in a marsh or swamp, or on, over, or contiguous to any river, stream, bayou, lake or other waterway within or bordering the unincorporated

portion of the parish, and on which there is located a residence, camp or any other structure which is occupied customarily or occasionally as a dwelling, must connect the toilet facilities and other plumbing fixtures within the said residence, camp or structure to a community-type sewerage system where available, or to an individual sewerage system specifically approved for the premises by the state health officer after determining that connection to a community-type sewerage system is not feasible and that the installation and operation of an individual sewerage system will not create a nuisance or public health hazard.

(Code 1998, § 23-701.00)

Sec. 40-205. Authority to prescribe standards.

The parish health unit is and shall be authorized to recommend or prescribe additional procedures, rules, regulations, specifications and standards it deems necessary and advisable to effect a proper administration or enforcement of the provisions of this section by the department.

(Code 1998, § 23-703.00)

Secs. 40-206—40-233. Reserved.

ARTICLE VIII. ADMINISTRATION OF ENVIRONMENTAL SERVICES

Sec. 40-234. Statement of purpose.

The rules and regulations established in this article affect the provision of environmental services which relate to any sewerage system and/or water system which is owned, operated or leased by the department; and for the notice, collection, payment and cancellation of sewerage and water rates established and assessed for sewerage and water facilities owned, operated or leased by the department.

(Code 1998, § 23-801.00)

Sec. 40-235. Statement of policy.

It shall be the policy of the department to provide sewerage and/or water services in accordance with applicable law and any and all obligations or agreements by and between or amongst the department and a private person and/or political entity and which may be in full force and effect.

(Code 1998, § 23-803.00)

Sec. 40-236. Definitions.

Terms used in this article may be defined elsewhere in the rules and regulations. In addition thereto, for use in this article, terms defined in this section shall have the following meanings, unless the context or use thereof clearly indicates otherwise or more explicit definitions are referenced:

Environmental service means sewerage and/or water and/or solid waste disposal service(s) provided by the department or its duly authorized agent or agents.

Restrictive covenant means an appropriate, binding, and abiding term or condition which prescribes or proscribes an action or activity which the department is authorized to regulate and enforce.

(Code 1998, § 23-805.00)

Sec. 40-237. Authority to develop and affect environmental service rates.

(a) The director of the department is authorized and directed to develop any and all environmental service rates due and owing the department for services provided to the subscribers and customers of sewerage and water systems which are owned, operated or leased by the department.

(b) The environmental service rates developed pursuant to the provisions of subsection (a) of this section shall be in full force and effect upon enactment of an ordinance of the governing authority of the parish establishing and assessing such rates.

(Code 1998, § 23-807.00)

Sec. 40-238. Establishment of environmental service rates.

(a) Sewerage and water rates shall be equal and uniform for each grade or class of customers or beneficiaries and shall cover anticipated costs of providing such sewerage or water service. Further, such rates shall be established and assessed in accordance with applicable law and any and all obligations or agreements by and between or amongst the department and a private person and/or political entity.

(b) Rates for a supplementary environmental service which is provided pursuant to an expressed restrictive covenant of a subdivision approved by the parish planning commission shall be similarly established.

(c) The department shall on an annual basis provide for a review and validation of each and every schedule of rates affected for the environmental service the department provides to the customers or subscribers of a sewerage and/or water system owned, operated or leased by the department.

(Code 1998, § 23-809.00)

Sec. 40-239. Notice of environmental service rates.

A copy of the schedule of rates established and assessed for an environmental service provided by the department shall be publicly displayed at the office of the department and, as applicable and appropriate, its billing agents; and provided to any person upon a written request to the department.

(Code 1998, § 23-811.00)

Sec. 40-240. Authority to establish policies and procedures.

(a) The director of the department is authorized and directed to establish policies and procedures for the collection, payment and cancellation of fees paid by subscribers and customers of sewerage and water systems which are owned, operated or leased by the department.

(b) The development and effect of a subject policies and procedures shall be based upon applicable law, industry standards, sound and reasonable principles of business management and with due and proper regard for any and all obligations or agreements by and between or amongst the department and a private person and/or political entity.

(c) The department shall on an annual basis provide for a review and validation of the policies and procedures which may be effected pursuant to this article.

(Code 1998, § 23-815.00)

Sec. 40-241. Notice of policy and procedures.

All policies and procedures effected pursuant to this article shall be made available for review by any person at a reasonable time and in a reasonable matter at the offices of the department and, as applicable and appropriate, its billing agents.

(Code 1998, § 23-817.00)

Sec. 40-242. Enforcement of rules and regulations.

These rules and regulations of the department and all policies and procedures effected pursuant thereto shall be enforced in accordance with applicable law.

(Code 1998, § 23-819.00)

Secs. 40-243—40-262. Reserved.**ARTICLE IX. ENVIRONMENTAL UTILITY SERVICE AGREEMENTS****Sec. 40-263. Authority of the parish.**

The parish shall have sole authority to enter into an environmental utility service agreement with any public or private provider of sewerage or water service wherein the purpose of such

agreement shall be to assign to the provider certain rights of the parish to plan, finance, construct, purchase, own, let, lease, maintain, operate, improve or otherwise extend sewerage or water systems within the unincorporated portion of the parish. The parish may adopt rules and regulations relative to the assignment of such rights, establishment of environmental utility service districts, terms and requirements of said agreements, and fees associated with their application, administration, supervision, and enforcement of said agreement.
(Code 1998, § 23-901.00)

Sec. 40-264. Agreement incorporated into Code.

Any agreement which is authorized by this section and executed by any public or private provider of sewerage or water service and the parish, and each amendment and supplement thereto, shall be incorporated into appendix A (Franchises) of the Code of Ordinances and made a part thereof.
(Code 1998, § 23-903.00)

Sec. 40-265. Authority of the parish president.

The parish president, upon authorization by the parish council, shall execute any document or establish any process or procedure which may be necessary to effect the provisions of this section or an agreement.
(Code 1998, § 23-905.00)

Sec. 40-266. Other means of compliance.

Whenever facts and circumstances exist whereby the provisions of this section or the terms and requirements of an agreement may be effected better by some other means of compliance, the parish president shall be authorized to negotiate and execute with any public or private provider of sewerage or water service a memorandum of understanding and/or agreement, the effect of which shall be to assure compliance with the provisions of this section and/or the terms and requirements of an agreement.
(Code 1998, § 23-907.00; Ord. No. 01-0354, 8-2-2001)

Secs. 40-267—40-295. Reserved.

**ARTICLE X. WASTEWATER MANAGEMENT AREAS AND WASTEWATER
SERVICE AREAS**

Sec. 40-296. Authorization and purpose.

(a) *Authorization.* This article is adopted pursuant to R.S. 33:4064.1 and section 40-1, which states, in part, that the parish government, through its department of environmental services shall be responsible for the protection of public health and the environment through the

control, monitoring and inspection of public and private sewerage and water systems, and R.S. 33:4064.4(H)(1) which sets forth that the parish shall have the authority to plan for the extension of sewerage and water systems within the unincorporated portions of the parish.

(b) *Purpose.* The purpose of this article is to create and establish a planning mechanism to guide and direct the extension of sewerage and water services, the location of regional wastewater treatment facilities and their associated discharge points, the management of decentralized, on-site wastewater treatment systems, and the coordination and consolidation of wastewater collection and treatment, where practicable, within the unincorporated portions of the parish. The established boundaries may also be utilized to guide and direct the management, extension, consolidation and coordination of solid waste collection and disposal within the unincorporated portions of the parish.

(Code 1998, § 23-930.00; Ord. No. 04-0969, 9-2-2004)

Sec. 40-297. Establishment of wastewater management area boundaries.

The parish government hereby establishes five geographical wastewater management areas to facilitate overall monitoring, regulation and enhancement of existing and proposed wastewater treatment in the unincorporated areas of the parish.

- (1) *Wastewater Management Area 1 (West Tchefuncte).* There is herewith created Wastewater Management Area 1 (West Tchefuncte) with the boundaries more fully described as follows:

Commencing at the intersection of the western boundary of the parish and the shore of Lake Pontchartrain, thence follow the western boundary of the parish north to east Bedico Creek, thence follow east Bedico Creek upstream to U.S. Highway 190, thence follow U.S. Highway 190 southeast and east to the western boundary of Barbara Place Subdivision, thence go north, southeast and south along said subdivision boundary back to U.S. Highway 190, thence go east along U.S. Highway 190 to the western boundary of River Forest and the City of Covington, thence follow the said boundary south to the section line common to sections 25 and 36, Township 6 south, Range 10 east, thence go west along said section line to the Tchefuncte River, thence go downstream along the Tchefuncte River to the northern shore of Lake Pontchartrain, thence follow the shore of Lake Pontchartrain west to the western boundary of the parish and the point of beginning. This area excludes the Town of Madisonville.

- (2) *Wastewater Management Area 2 (east Tchefuncte).* There is herewith created Wastewater Management Area 2 (east Tchefuncte) with the boundaries more fully described as follows:

Commencing at the mouth of the Tchefuncte River at Lake Pontchartrain, thence follow the Tchefuncte River upstream to the Bogue Falaya River, thence follow the Bogue Falaya River upstream to the Little Bogue Falaya River, thence follow the Little

Bogue Falaya River upstream to Holly Drive, thence follow Holly Drive southeast to LA Highway 21, thence follow LA Highway 21 northeast to Wilson Road, thence follow Wilson Road east and continue east along the section line common to sections 19 and 20, 20 and 29, and 21 and 28, Township 6 south, Range 12 east to the section corner common to sections 21, 22, 27 and 28, Township 6 north, Range 12 east, thence go south along the section line common to sections 27 and 28 and sections 33 and 34 to the corner common to sections 33 and 34, Township 6 south, Range 12 east and section 3 and 4, Township 7 south, Range 12 east, thence go south 30 degrees west approximately 7,650 feet to LA Highway 36, thence follow LA Highway 36 southeast to the section line common to sections 16 and 17, Township 6 south, Range 13 east, thence follow said section line south to a point 1,200 feet south of LA Highway 36, thence go southeast along a line 1,200 feet south of and parallel to LA Highway 36 to a point 1,000 feet west of LA Highway 434, thence go south along a line 1,000 feet west of and parallel to LA Highway 434 to the section line common to sections 21 and 28, Township 7 south, Range 13 east, thence go west along said section line and continue west along the section line common to sections 20 and 29, Township 7 south, Range 13 east 3,300 feet, thence go south 3,300 feet, thence go east 3,300 feet to the section line common to sections 28 and 29, Township 7 south, Range 13 east and continue south along the section line common to sections 32 and 33, Township 7 south, Range 13 east to a point approximately 2,000 feet north of Bayou Lacombe, thence go west to Beaver Ball Road, thence continue to a point 1,000 feet west of Beaver Ball Road, thence go southeast and southwest along a line 1,000 feet west of and parallel to Beaver Ball Road to Fish Hatchery Road and continue across Fish Hatchery Road to a point 1,000 feet west of Fish Hatchery Road, thence go south west along a line 1,000 feet west of and parallel to Fish Hatchery Road to I-12, thence go northwest along I-12 to the section line common to sections 2 and 2, Township 8 south, Range 12 east, thence go southwest approximately 6,000 feet to the northwest corner of section 42, Township 8 south, Range 12, east, thence go southwest along the section line common to sections 42 and 10, 9, 16 and 17 to the section corner common to sections 17, 42 and 43, Township 8 south, Range 12 east, thence go northwest along the section line common to sections 43 and 17 and 8 to Bayou Castine, thence go downstream along Bayou Castine to the shore of Lake Pontchartrain, thence follow said shore in an westerly direction to the mouth of the Tchefuncte River and the point of beginning. This area excludes the City of Covington, the City of Mandeville and the Town of Abita Springs.

- (3) *Wastewater Management Area 3 (Lacombe)*. There is herewith created Wastewater Management Area 3 (Lacombe) with the boundaries more fully described as follows:

Commencing at the northwest corner of section 42, Township 8 south, Range 12 east, thence go southeast and southwest along the section line common to said section and sections 10, 15 and 16 of said township and range to the section corner common to

sections 16, 21, 42 and 48, Township 8 south, Range 12 east, thence go west along the section line common to sections 42 and 48 of said township and range to Cane Bayou, thence go downstream along Cane Bayou to northern boundary of Big Branch Marsh National Wildlife Refuge, thence follow the northern boundary of said wildlife refuge east and south to Bayou Lacombe, thence go upstream along Bayou Lacombe to the mouth of Cypress Bayou, thence follow Cypress Bayou upstream to a point where the northern boundary of the Big Branch March National Wildlife Refuge leaves the bayou, thence follow said section line eastward to the northwest corner of section 41, Township 9 south, Range 13 east, thence go east along the northern boundary of said section to the section corner common to sections 10, 40 and 41 of said township and range, thence go north along the western section line of section 40, Township 9 south, Range 13 east to the section corner common to sections 2, 3 and 40, Township 9 south, Range 13 east, thence go north along the section line common to sections 2 and 3 to the section corner common to sections 34 and 35, Township 8 south, Range 13 east, and sections 2 and 3, Township 9 south, Range 13 east, thence continue north along the section lines common to sections 34 and 35, 26 and 27 and 22 and 23, Township 8 south, Range 13 east to a point 900 feet north of North Dixie Ranch Road, thence go northwest along a line 900 feet north of and parallel to North Dixie Ranch Road to the section line common to sections 15 and 16, Township 8 south, Range 13 east, thence go north along the section line common to sections 15 and 16 and sections 9 and 10 to the section corner common to sections 3, 4, 9 and 10, Township 8 south, Range 13 east, thence go west along the section line common to sections 4 and 9 of said Township and Range to a point approximately 1,000 feet east of LA Highway 434, thence go northeast along a line east of and parallel to LA Highway 434 to the section line common to section 4, Township 8 south, Range 13 east and section 33, Township 7 south, Range 13 east, thence go east along said section line and north along the eastern section line of section 33, Township 7 south, Range 13 east to a point 1,000 feet south of Horseshoe Island Road, thence go northeast along a line 1,000 feet south of and parallel to Horseshoe Island Road to the eastern section line of section 34, Township 7 south, Range 13 east, thence go north along said section line to Horseshoe Island Road, thence go east along Horseshoe Island Road to a point approximately 700 feet east of the section line common to sections 34 and 35, Township 7 south, Range 13 east, thence go north along a line 700 feet east of and parallel to said section line approximately 1,800 feet, thence go west approximately 3,650 feet, thence go north 3,600 feet to a point 1,000 feet south of LA Highway 36, thence go southeast along a line 1,000 feet south of and parallel to LA Highway 36, approximately 4,900 feet, thence go north to a point approximately 1,400 feet north of LA Highway 36, thence go northwest along a line 1,400 feet north of and parallel to LA Highway 36 to the eastern section line of section 16, Township 7 south, Range 13 east, thence go north along said section line approximately 3,100 feet, thence go west approximately 3,100 feet, thence go south to a point

approximately 900 feet north of LA Highway 36, thence go northwest along a line 900 feet north of and parallel to LA Highway 36 to the western section line of section 16, Township 7 south, Range 13 east, thence go south thence follow said section line south to a point 1,200 feet south of LA Highway 36, thence go southeast along a line 1,200 feet south of and parallel to LA Highway 36 to a point 1,000 feet west of LA Highway 434, thence go south along a line 1,000 feet west of and parallel to LA Highway 434 to the section line common to sections 21 and 28, Township 7 south, Range 13 east, thence go west along said section line and continue west along the section line common to sections 20 and 29, Township 7 south, Range 13 east 3,300 feet, thence go south 3,300 feet, thence go east 3,300 feet to the section line common to sections 28 and 29, Township 7 south, Range 13 east and continue south along the section line common to sections 32 and 33, Township 7 south, Range 13 east to a point approximately 2,000 feet north of Bayou Lacombe, thence go west to Beaver Ball Road, thence continue to a point 1,000 feet west of Beaver Ball Road, thence go southeast and southwest along a line 1,000 feet west of and parallel to Beaver Ball Road to Fish Hatchery Road and continue across Fish Hatchery Road to a point 1,000 feet west of Fish Hatchery Road, thence go south west along a line 1,000 feet west of and parallel to Fish Hatchery Road to I-12, thence go northwest along I-12 to the section line common to sections 2 and 2, Township 8 south, Range 12 east, thence go southwest approximately 6,000 feet to the northwest corner of section 42, Township 8 south, Range 12 east and the point of beginning.

- (4) *Wastewater Management Area 4 (West Slidell)*. There is herewith created Wastewater Management Area 4 (West Slidell) with the boundaries more fully described as follows:

Commencing at the confluence of Bayou Bonfouca and Bayou Liberty, thence follow Bayou Liberty upstream to Bayou Paquet, thence follow Bayou Paquet upstream approximately 3,000 feet to an unnamed branch to the northwest, thence follow the unnamed branch to the northwest across Bayou Paquet Road and continue upstream in a northwesterly direction approximately 3,450 feet, thence go due north to the section line common to sections 40 and 41, Township 8 south, Range 13 east, thence go west along said section line to the southwest corner of section 40, Township 8 south, Range 13 east, thence go northeast along the western line of said section to the section corner common to sections 2, 3 and 40, Township 8 south, Range 13 east, thence go north along the section line common to sections 2 and 3, Township 8 south, Range 13 east to the section corner common to sections 34 and 35, Township 7 south, Range 13 east and sections 2 and 3, Township 8 south, Range 13 east, thence continue north along the section line common to sections 34 and 35, 25 and 26 and 22 and 23 of said township and range to a power line approximately 1,250 feet north of I-12, thence go southeast along said power line to North Dixie Ranch Road, thence follow North Dixie Ranch Road northwest to its intersection with an unnamed road to the east, thence follow said

unnamed road east and north approximately 6,300 feet to its intersection with an unnamed road to the east, thence follow said unnamed road and its extension southeast approximately 4,800 feet to Bayou Liberty, thence follow Bayou Liberty upstream to Journey Road, thence follow Journey Road east to the property line of Slidell Airport thence follow said boundaries east, south, southwest, east, south, east and north to a point where the western boundary of Camp Villere Military Reservation departs to the east, thence go east and southeast along said boundary approximately 8,150 feet, thence go east approximately 1,600 feet, thence go north approximately 8,900 feet, thence go east approximately 5,600 feet, thence go south approximately 14,000 feet to a point west of a westward extension of Fricke Road, thence go east to Fricke Road and continue east to U.S. Highway 11, thence go southwest on U.S. Highway 11 to North Boulevard, thence go east on North Boulevard to the W-14 Canal, thence go downstream along said lateral to the section line common to sections 2 and 3, Township 9 south, Range 14 east, thence go south along said section line to 650 feet to a point where the Slidell city limits depart to the west, thence follow said city limits west and south to Indiana Avenue, thence go west on Indiana Avenue to U.S. Highway 11, thence go north along U.S. Highway 11 to the southern Railroad, thence go south along said railroad approximately 1,800 feet to a western spur of said railroad, thence follow said western spur northwest to the northern section line of section 3, Township 9 south, Range 14 east, thence go west along said section line to Bayou Vincent, thence go downstream along Bayou Vincent to where it becomes Bayou Bonfouca, thence go downstream along Bayou Bonfouca to its intersection with Bayou Liberty and the point of beginning. This area excludes the City of Slidell.

- (5) *Wastewater Management Area 5 (East Slidell)*. There is herewith created Wastewater Management Area 5 (East Slidell) with the boundaries more fully described as follows:

Commencing at the mouth of the Fascine Canal and the north shore of Lake Pontchartrain, thence follow said shore southeast to a point approximately 1,800 feet east of U.S. Highway 90, thence go northeast along a line 1,800 feet east of and parallel to U.S. Highway 90 approximately 27,750 feet to the West Pearl River, thence go upstream along the West Pearl River to the mouth of Morgan River, thence go upstream along Morgan River to Porter's River, thence go west approximately 1,400 feet, thence go southwest along a line 500 feet north of and parallel to Charwood Drive and continue along said line in a southwesterly direction to the section line common to section 13, Township 8 east, Range 13 east and section 18, Township 7 south, Range 15 east, thence go west approximately 620 feet to Old Military Road, thence follow said road northwest to LA Highway 41, thence follow LA Highway 41 northwest to U.S. Highway 11, thence follow U.S. Highway 11 southwest to a point approximately 1,240 feet south of Highway Department Road, thence go west 4,690 feet and the eastern boundary of West Slidell WWMA, thence go south approximately 8,370 feet to a

westward extension of Fricke Road, thence go east to Fricke Road and continue east to U.S. Highway 11, thence go southwest along U.S. Highway 11 to the Slidell city limits, thence follow Slidell city limits in a clockwise direction to the southern Railroad, thence follow said railroad northeast to Slidell city limits, thence go west along said city limits approximately 2,600 feet west of the Southern Railroad, thence go southwest along a line 2,600 feet west of and parallel to said railroad to the section line common to sections 29 and 44, Township 8 south, Range 14 east, thence go west to the shore of Lake Pontchartrain, thence go southeast along the shore of Lake Pontchartrain to the mouth of the Fascine Canal and the point of beginning. This area excludes the City of Slidell and the Town of Pearl River.

(Code 1998, § 23-930.01; Ord. No. 04-0969, 9-2-2004)

Sec. 40-298. Establishment of wastewater management area boundaries.

The parish government hereby establishes 18 geographical wastewater service delivery areas to facilitate the extension of sewerage and water services, the coordination and consolidation of wastewater collection and treatment, and the management of decentralized, on-site wastewater treatment systems.

- (1) *West Tchefuncte Wastewater Service Area 1.* There is herewith created West Tchefuncte Wastewater Service Area 1 with the boundaries more fully described as follows:

Commencing at the intersection of an unnamed branch of east Bedico Creek and LA Highway 1085, thence follow said unnamed branch north to east Bedico Creek, follow east Bedico Creek upstream to U.S. Highway 190, thence follow U.S. Highway 190 southeast and east to the western boundary of Barbara Place Subdivision, thence go north, southeast and south along said subdivision boundary back to U.S. Highway 190, thence go east along U.S. Highway 190 to the western boundary of River Forest and the City of Covington, thence follow the said boundary south to the section line common to sections 25 and 36, Township 6 south, Range 10 east, thence go west along said section line to the Tchefuncte River, thence go downstream along the Tchefuncte River to LA Highway 21, thence follow LA Highway 21 southwest, west and southwest to a point approximately 1,000 feet south of LA Highway 1085, thence go northwest and west along a line 1,000 feet south of and parallel to LA Highway 1085 to its intersection with an unnamed branch of east Bedico Creek and the point of beginning.

- (2) *West Tchefuncte Wastewater Service Area 2.* There is herewith created West Tchefuncte Wastewater Service Area 2 with the boundaries more fully described as follows:

Commencing at the intersection of the western boundary of the parish and LA Highway 22, thence follow the western boundary of the parish north to east Bedico Creek, thence follow east Bedico Creek upstream approximately 5,300 feet to its intersection with an unnamed stream to the south, thence follow said unnamed stream south to LA Highway 1085, thence follow LA Highway 1085 east to LA Highway 1077,

thence follow LA Highway 1077 southeast to LA Highway 21, thence follow LA Highway 21 south to the town limits of Madisonville, thence follow the town limits of Madisonville west to LA Highway 22, thence follow LA Highway 22 northwest and west to the western boundary of the parish and the point of beginning.

- (3) *West Tchefuncte Wastewater Service Area 3.* There is herewith created West Tchefuncte Wastewater Service Area 3 with the boundaries more fully described as follows:

Commencing at the intersection of LA Highway 1077 and Brewster Road, thence follow LA Highway 1077 northwest to a point approximately 1,000 feet south of LA Highway 1085, thence go east and southeast along a line 1,000 feet south of and parallel to LA Highway 1085 to its intersection with LA Highway 21, thence follow LA Highway 21 northeast, east and northeast to the Tchefuncte River, thence follow the Tchefuncte River downstream approximately 18,650 feet to a power line, thence follow said power line northwest and west to LA Highway 1077 and the point of beginning.

- (4) *West Tchefuncte Wastewater Service Area 4.* There is herewith created West Tchefuncte Wastewater Service Area 4 with the boundaries more fully described as follows:

Commencing at the intersection of LA Highway 21 and the northern town limits of Madisonville, thence follow LA Highway 21 north to its intersection with LA Highway 1077, thence follow LA Highway 1077 northwest approximately 9,200 feet to a power line, thence follow said power line east and southeast to the Tchefuncte River, thence follow the Tchefuncte River downstream to its intersection with the northern town limits of Madisonville, thence follow the town limits of Madisonville northwest to LA Highway 21 and the point of beginning.

- (5) *West Tchefuncte Wastewater Service Area 5.* There is herewith created West Tchefuncte Wastewater Service Area 5 with the boundaries more fully described as follows:

Commencing at the intersection of the western boundary of the parish and the shore of Lake Pontchartrain, thence follow the western boundary of the parish north to LA Highway 22, thence follow LA Highway 22 east to the town limits of Madisonville, thence go west, south east and south along said town limits to the shore of Lake Pontchartrain, thence go west along the shore of Lake Pontchartrain to western boundary of the parish and the point of beginning.

- (6) *East Tchefuncte Wastewater Service Area 1.* There is herewith created east Tchefuncte Wastewater Service Area 1 with the boundaries more fully described as follows:

Commencing at the intersection of the Tchefuncte River and the Ponchitolawa Creek, thence follow the Tchefuncte River upstream to its intersection with the Bogue Falaya River, thence follow the Bogue Falaya River upstream to the Little Bogue Falaya River, thence follow the Little Bogue Falaya River upstream to its intersection with Holly Drive, thence follow Holly Drive southeast to its intersection with LA Highway 21, thence follow LA Highway 21 northeast to its intersection with Jackson Street, thence

follow Jackson Street east to Plantation Street, thence follow Plantation Street north to Oak Lane, thence follow Oak Lane and continue east to Lowe Davis Road, thence follow Lowe Davis Road southwest to its intersection with an unnamed creek, thence follow the unnamed creek downstream to its intersection with the Abita Springs town limits, thence follow the Abita Springs town limits south, west, south, and east to its intersection with LA Highway 59, thence follow LA Highway 59 south to Soell Drive, thence follow Soell Drive west and southwest to 6th Avenue, thence follow 5th Avenue northwest to Helenbirg Road, thence follow Helenbirg Road southwest and west and continue west to U.S. Highway 190, thence follow U.S. Highway 190 south to its intersection with the Ponchitolawa Creek, thence follow the Ponchitolawa Creek downstream to the Tchefuncte River and the point of beginning.

- (7) *East Tchefuncte Wastewater Service Area 2.* There is herewith created east Tchefuncte Wastewater Service Area 2 with the boundaries more fully described as follows:

Commencing at the intersection of U.S. Highway 190 and the section line common to sections 22 and 37, Township 7 south, Range 11 east, thence follow U.S. Highway 190 north to its intersection with a westward extension of Helenbirg Road, thence follow Helenbirg Road east and northeast to its intersection with 6th Avenue, thence follow 6th Avenue southeast to its intersection with Soell Drive thence follow Soell Drive northeast and east to LA Highway 59, thence follow LA Highway 59 south to its intersection with Dove Park Road, thence follow Dove Park Road west, north and west to the section line common to sections 22 and 27, Township 7 south, Range 11 east, thence follow said section line west to the section corner common to sections 22, 27 and 37, Township 7 south, Range 11 east, thence follow the section line common to sections 22 and 37 of said township and range northwest to U.S. Highway 190 and the point of beginning.

- (8) *East Tchefuncte Wastewater Service Area 3.* There is herewith created east Tchefuncte Wastewater Service Area 3 with the boundaries more fully described as follows:

Commencing at the intersection of LA Highway 59 and 1-12, thence follow LA Highway 59 north to its intersection with Harrison Road and the Abita Springs town limits, thence follow the Abita Springs town limits east and north to LA Highway 38, thence follow LA Highway 36 southeast approximately 14,850 feet to the section line common to sections 10 and 11, Township 7 south, Range 11 east, thence follow said section line south and continue south along the section lines common to sections 14 and 15, sections 22 and 23 and sections 26 and 27 to LA Highway 1088, thence follow LA Highway 1088 southwest to 1-12, thence follow 1-12 northwest to its intersection with LA Highway 59 and the point of beginning.

- (9) *East Tchefuncte Wastewater Service Area 4.* There is herewith created east Tchefuncte Wastewater Service Area 4 with the boundaries more fully described as follows:

Commence at the mouth of the Tchefuncte River at Lake Pontchartrain, follow the Tchefuncte River upstream to its intersection with Ponchitolawa Creek, thence follow

Ponchitolawa Creek upstream to U.S. Highway 190, thence follow U.S. Highway 190 south to its intersection with North Causeway Approach, thence follow North Causeway Approach south to Lake Pontchartrain, thence follow the north shore of Lake Pontchartrain west to the mouth of the Tchefuncte River and the point of beginning. This area excludes the City of Mandeville.

- (10) *East Tchefuncte Wastewater Service Area 5*. There is herewith created east Tchefuncte Wastewater Service Area 5 with the boundaries more fully described as follows:

Commence at the intersection of North Causeway Approach and Florida Street, thence follow North Causeway Approach north to the section line common to sections 22 and 37, Township 7 south, Range 11 east, thence go southeast along said section line to the section corner common to sections 22, 27 and 37, Township 7 south, Range 11 east, thence go east along said section line to Dove Park Road, thence follow Dove Park Road east, south and east to its intersection with the Tammany Trace, thence follow the Tammany Trace south to its intersection with Florida Street (U.S. Highway 190), thence follow Florida Street west to its intersection with east Causeway Approach, thence follow east Causeway Approach west to its intersection with Florida Street, thence follow Florida Street west to its intersection with North Causeway Approach and the point of beginning. This area excludes the City of Mandeville.

- (11) *East Tchefuncte Wastewater Service Area 6*. There is herewith created east Tchefuncte Wastewater Service Area 6 with the boundaries more fully described as follows:

Commencing at the intersection of the Tammany Trace and Florida Street (U.S. Highway 190), thence follow the Tammany Trace north to its intersection with Dove Park Road, thence follow Dove Park Road east to its intersection with LA Highway 59, thence follow LA Highway 59 north to its intersection with I-12, thence follow I-12 east to a point approximately 9,500 feet east of LA Highway 1088, thence go southwest approximately 6,000 feet to the northwest corner of section 42, Township 8 south, Range 12 east, thence follow the western section line of said section southwest to the southeast corner of section 43, Township 8 south, Range 12 east, thence go northwest along the eastern section line of section 43, Township 8 south, Range 12 east to its intersection with Bayou Castine, thence follow Bayou Castine downstream to its intersection with Florida Street (U.S. Highway 190) thence follow Florida Street west to its intersection with the Tammany Trace and the point of beginning. This area excludes the City of Mandeville.

- (12) *Lacombe Wastewater Service Area 1*. There is herewith created the Lacombe Wastewater Service Area 1 with the boundaries more fully described as follows:

Commencing at the northwest corner of section 42, Township 8 south, Range 12 east, thence go southeast and southwest along the section line common to said section and sections 10, 15 and 16 of said township and range to the section corner common to

sections 16, 21, 42 and 48, Township 8 south, Range 12 east, thence go west along the section line common to sections 42 and 48 of said township and range to Cane Bayou, thence go downstream along Cane Bayou to northern boundary of Big Branch Marsh National Wildlife Refuge, thence follow the northern boundary of said wildlife refuge east and south to Bayou Lacombe, thence go upstream along Bayou Lacombe to the mouth of Cypress Bayou, thence follow Cypress Bayou upstream to a point where the northern boundary of the Big Branch March National Wildlife Refuge leaves the bayou, thence follow said section line eastward to the northwest corner of section 41, Township 9 south, Range 13 east, thence go east along the northern boundary of said section to the section corner common to sections 10, 40 and 41 of said township and range, thence go north along the western section line of section 40, Township 9 south, Range 13 east to the section corner common to sections 2, 3 and 40, Township 9 south, Range 13 east, thence go north along the section line common to sections 2 and 3 to the section corner common to sections 34 and 35, Township 8 south Range 13 east, and sections 2 and 3, Township 9 south, Range 13 east, thence continue north along the section lines common to sections 34 and 35, 26 and 27 and 22 and 23, Township 8 south, Range 13 east to a point 900 feet north of North Dixie Ranch Road, thence go northwest along a line 900 feet north of and parallel to North Dixie Ranch Road to the section line common to sections 15 and 16, Township 8 south, Range 13 east, thence go north along the section line common to sections 15 and 16 and sections 9 and 10 to the section corner common to sections 3, 4, 9 and 10, Township 8 south, Range 13 east, thence go west along the section line common to sections 4 and 9 of said township and range to a point approximately 1,000 feet east of LA Highway 434, thence go northeast along a line east of and parallel to LA Highway 434 to the section line common to section 4, Township 8 south, Range 13 east and section 33, Township 7 south, Range 13 east, thence go east along said section line and north along the eastern section line of section 33, Township 7 south, Range 13 east to a point 1,000 feet south of Horseshoe Island Road, thence go northeast along a line 1,000 feet south of and parallel to Horseshoe Island Road to the eastern section line of section 34, Township 7 south, Range 13 east, thence go north along said section line to Horseshoe Island Road, thence go east along Horseshoe Island Road to a point approximately 700 feet east of the section line common to sections 34 and 35, Township 7 south, Range 13 east, thence go north along a line 700 feet east of and parallel to said section line approximately 1,800 feet, thence go west approximately 3,650 feet, thence go north 3,600 feet to a point 1,000 feet south of LA Highway 36, thence go southeast along a line 1,000 feet south of and parallel to LA Highway 36, approximately 4,900 feet, thence go north to a point approximately 1,400 feet north of LA Highway 36, thence go northwest along a line 1,400 feet north of and parallel to LA Highway 36 to the eastern section line of section 16, Township 7 south, Range 13 east, thence go north along said section line approximately 3,100 feet, thence go west approximately 3,100 feet, thence go south to a point

approximately 900 feet north of LA Highway 36, thence go northwest along a line 900 feet north of and parallel to LA Highway 36 to the western section line of section 16, Township 7 south, Range 13 east, thence go south thence follow said section line south to a point 1,200 feet south of LA Highway 36, thence go southeast along a line 1,200 feet south of and parallel to LA Highway 36 to a point 1,000 feet west of LA Highway 434, thence go south along a line 1,000 feet west of and parallel to LA Highway 434 to the section line common to sections 21 and 28, Township 7 south, Range 13 east, thence go west along said section line and continue west along the section line common to sections 20 and 29, Township 7 south, Range 13 east 3,300 feet, thence go south 3,300 feet, thence go east 3,300 feet to the section line common to sections 28 and 29, Township 7 south, Range 13 east and continue south along the section line common to sections 32 and 33, Township 7 south, Range 13 east to a point approximately 2,000 feet north of Bayou Lacombe, thence go west to Beaver Ball Road, thence continue to a point 1,000 feet west of Beaver Ball Road, thence go southeast and southwest along a line 1,000 feet west of and parallel to Beaver Ball Road to Fish Hatchery Road and continue across Fish Hatchery Road to a point 1,000 feet west of Fish Hatchery Road, thence go south west along a line 1,000 feet west of and parallel to Fish Hatchery Road to I-12, thence go northwest along I-12 to the section line common to sections 2 and 2, Township 8 south, Range 12 east, thence go southwest approximately 6,000 feet to the northwest corner of section 42, Township 8 south, Range 12, east and the point of beginning.

- (13) *West Slidell Wastewater Service Area 1*. There is herewith created the West Slidell Wastewater Service Area 1 with the boundaries more fully described as follows:

Commencing at the confluence of Bayou Bonfouca and Bayou Liberty, thence follow Bayou Liberty upstream to Bayou Paquet, thence follow Bayou Paquet upstream approximately 3,000 feet to an unnamed branch to the northwest, thence follow the unnamed branch to the northwest across Bayou Paquet Road and continue upstream in a northwesterly direction approximately 3,450 feet, thence go due north to the section line common to sections 40 and 41, Township 8 south, Range 13 east, thence go west along said section line to the southwest corner of section 40, Township 8 south, Range 13 east, thence go northeast along the western line of said section to the section corner common to sections 2, 3 and 40, Township 8 south, Range 13 east, thence go north along the section line common to sections 2 and 3, Township 8 south, Range 13 east to the section corner common to sections 34 and 35, Township 7 south, Range 13 east and sections 2 and 3, Township 8 south, Range 13 east, thence continue north along the section line common to sections 34 and 35, 25 and 26 and 22 and 23 of said township and range to a power line approximately 1,250 feet north of I-12, thence go southeast along said power line to North Dixie Ranch Road, thence follow North Dixie Ranch Road northwest to its intersection with an unnamed road to the east, thence follow said

unnamed road east and north approximately 6,300 feet to its intersection with an unnamed road to the east, thence follow said unnamed road and its extension southeast approximately 4,800 feet to Bayou Liberty, thence follow Bayou Liberty upstream to Journey Road, thence follow Journey Road east to the property line of Slidell Airport thence follow said boundaries east, south, southwest, east, south, east and north to a point where the western boundary of Camp Villere Military Reservation departs to the east, thence go east, southeast and south along said boundary to I-12, thence go west along I-12 to Airport Road, thence go south along Airport Road/Northshore Boulevard to U.S. Highway 190, thence go east along U.S. Highway 190 to Bayou Vincent, thence go downstream along Bayou Vincent to where it becomes Bayou Bonfouca, thence go downstream along Bayou Bonfouca to its intersection with Bayou Liberty and the point of beginning. This area excludes the City of Slidell.

- (14) *West Slidell Wastewater Service Area 2.* There is herewith created the West Slidell Wastewater Service Area 2 with the boundaries more fully described as follows:

Commencing at the intersection of Airport Road and I-12, thence go east on I-12 to U.S. Highway 11, thence go southwest on U.S. Highway 11 to North Boulevard, thence go east on North Boulevard to the W-14 Canal, thence go downstream along said lateral to the section line common to sections 2 and 3, Township 9 south, Range 14 east, thence go south along said section line to 650 feet to a point where the Slidell city limits depart to the west, thence follow said city limits west and south to Indiana Avenue, thence go west on Indiana Avenue to U.S. Highway 11, thence go north along U.S. Highway 11 to the southern Railroad, thence go south along said railroad approximately 1,800 feet to a western spur of said railroad, thence follow said western spur northwest to the northern section line of section 3, Township 9 south, Range 14 east, thence go west along said section line to Bayou Vincent, thence go downstream along Bayou Vincent to U.S. Highway 190, thence go northwest on U.S. Highway 190 to Airport Road/Northshore Boulevard, thence go north on Airport Road/Northshore Boulevard to I-12 and the point of beginning. This area excludes the City of Slidell.

- (15) *West Slidell Wastewater Service Area 3.* There is herewith created the West Slidell Wastewater Service Area 3 with the boundaries more fully described as follows:

Commencing at the intersection of I-12 and the eastern boundary of Camp Villere Military Reservation, thence go north along said eastern boundary approximately 7,800 feet to a point where said boundary goes northwest, thence go east approximately 1,600 feet, thence go north approximately 8,900 feet, thence go east approximately 5,600 feet, thence go south approximately 5,650 feet, thence go east to U.S. Highway 11, thence go northeast on U.S. Highway 11 to LA Highway 41, thence go east and southeast on LA Highway 41 to Cleo Road, thence go southwest on Cleo Road to Old Military Road, thence go southeast on Old Military Road approximately 4,150 feet to a point, thence go east to I-59, thence go south along I-59 to Brown Switch Road,

thence go west on Brown Switch Road to U.S. Highway 11, thence go southwest on U.S. Highway 11 to I-12, thence go west on I-12 to the eastern boundary of Camp Villere Military Reservation and the point of beginning. This area excludes the City of Slidell and the Town of Pearl River.

- (16) *East Slidell Wastewater Service Area 1.* There is herewith created the east Slidell Wastewater Service Area 1 with the boundaries more fully described as follows:

Commencing at the intersection of I-10 and I-59, thence go north on I-59 to a point approximately 710 feet north of the section line common to sections 13 and 24, Township 8 south, Range 14 east, thence go east to the western section line of section 18, Township 8 south, Range 15 east, thence go northeast along a line 500 feet north of and parallel to Charwood Drive approximately 3,900 feet to a point west of the intersection of Morgan River and Porter's River, thence go east approximately 1,400 feet to the intersection of Porter's River and Morgan River, thence go downstream along Morgan River to the West Pearl River, thence go downstream along the West Pearl River approximately 15,220 feet to Gum Bayou, thence go upstream along Gum Bayou to the northern section line of section 38, Township 8 south, Range 15 east, thence go southwest along said section line to I-10, thence go west on I-10 to I-59 and to point of beginning.

- (17) *East Slidell Wastewater Service Area 2.* There is herewith created the east Slidell Wastewater Service Area 2 with the boundaries more fully described as follows:

Commencing at the intersection of I-10, I-12 and I-59, thence go southwest on I-10 to Gause Boulevard, thence go west on Gause Boulevard to the section line common to sections 11 and 12, Township 9 south, Range 14 east, thence go south along said section line to an eastward extension of Fremaux Avenue, thence go west along the eastward extension and continue west along Fremaux Avenue to U.S. Highway 190 (Short Cut Road), thence go southeast along U.S. Highway 190 to U.S. Highway 90, thence go east on U.S. Highway 90 to the West Pearl River, thence go upstream along the West Pearl River to Gum Creek, thence go upstream along Gum Bayou to the northern section line of section 38, Township 8 south, Range 15 east, thence go southwest along said section line to I-10, thence go west on I-10 to I-12 and I-59 and to point of beginning. This area excludes the City of Slidell.

- (18) *East Slidell Wastewater Service Area 3.* There is herewith created the east Slidell Wastewater Service Area 3 with the boundaries more fully described as follows:

Commencing at the mouth of the Fascine Canal and the north shore of Lake Pontchartrain, thence follow said shore southeast to a point approximately 1,800 feet east of U.S. Highway 90, thence go northeast along a line 1,800 feet east of and parallel to U.S. Highway 90 approximately 27,750 feet to the West Pearl River, thence go upstream along the West Pearl River to U.S. Highway 90, thence go west on U.S.

Highway 90 to U.S. Highway 190, thence go northwest on U.S. Highway 190, crossing 1-10 to the city limits of Slidell, thence follow said city limits in a southerly and westerly direction to the southern Railroad, thence follow the southern Railroad northerly to a point where the city limits of Slidell departs to the west, thence go west approximately 2,600 feet, thence go southwest along a line 2,600 feet west of and parallel to the southern Railroad to the section line common to sections 29 and 44, Township 8 south, Range 14 east, thence go west to the shore of Lake Pontchartrain, thence go southeast along the shore of Lake Pontchartrain to the mouth of the Fascine Canal and the point of beginning. This area excludes the City of Slidell.

(Code 1998, § 23-930.02; Ord. No. 04-0969, 9-2-2004)

Sec. 40-299. Administration.

The parish government shall administer all aspects of this article, as stated in section 40-296, under purpose, through the department of environmental services, pursuant to R.S. 33:4064.1 and section 40-1, which state(s), in part, that the parish government, through its department of environmental services (DES) shall be responsible for the protection of public health and the environment through the control, monitoring, and inspection of public and private sewerage and water systems and the provision and/or supervision of environmental services, all in the unincorporated portion of the parish.

(Code 1998, § 23-930.03; Ord. No. 04-0969, 9-2-2004)

Sec. 40-300. Amending clause.

If any of the boundary descriptions included in the above sections prove to be in error or inapplicable then these sections shall remain valid and said description amended to reflect the correct boundaries and intent of this article.

(Code 1998, § 23-930.04; Ord. No. 04-0969, 9-2-2004)

Sec. 40-301. Wastewater standards prior to entering collection systems of parish.

(a) Pursuant to R.S. 33:4064.4(C), the parish department of environmental services "shall be authorized to adopt rules and regulations relative to the impact upon, and the construction, modification, perpetuation, sustenance, operation, maintenance, connection and inspection of sewerage and water systems and the provision and/or supervision of environmental services, all within the unincorporated portion of the parish..."

(b) Wastewater generated from the industrial and light industrial customers shall not exceed the following standards prior to said wastewater entering the wastewater collection systems owned and operated by the parish:

<i>Parameter</i>	<i>Limit</i>
BOD5	348 mg/l

<i>Parameter</i>	<i>Limit</i>
COD	1,133 mg/l
Oil and grease	128 mg/l
TSS	368 mg/l
pH not less than 5.8 S.U. and not more than 9.6 S.U.	

(c) Failure by any customer to provide this quality wastewater prior to treatment by the parish shall result in termination of wastewater treatment services and/or water service at the sole discretion of the parish.

(Code 1998, § 23-931.00; Ord. No. 06-1302, 5-4-2006)

Secs. 40-302—40-320. Reserved.

ARTICLE XI. SEWAGE FROM SEPTIC AND SLUDGE

Sec. 40-321. Purpose.

(a) The purpose of this article is to establish procedures and standards by which the public health and safety and the environment is protected by ensuring that safe, sustainable and proper techniques are employed to better survey, monitor, collect, convey, treat and dispose of sewage from septage and sludge in the parish.

(b) Build upon the existing the parish health and sanitation (ch. 11, article IV) and sewers and sewage disposal (chapter 21) ordinances.

(c) Ensure that all individuals are both informed and responsible for their actions regarding wastewater from septage and/or sludge that may affect the public health and the environment in the community now and in the future.

(d) Augment, supplement and support existing state laws pertaining to wastewater from septage and/or sludge.

(e) To impose penalties and fines concerning illegal collection, conveyance, treatment and/or disposal of wastewater from septage and/or sludge.

(Code 1998, § 23-950.00; Ord. No. 06-1322, 6-1-2006)

Sec. 40-322. Authority.

(a) Authorizing and providing for the surveying, monitoring, collection, conveyance, treatment and disposal of the parish wastewater from septage and/or sludge; establishing standards and requirements for septage and/or sludge wastewater management operations within the unincorporated areas of the parish; requiring licenses and/or permits for surveying, monitoring, collection, conveyance, treatment and disposal of wastewater from septage and/or sludge embodying and supplementing the minimum standards and requirements established by the rules of the state department of environmental quality as promulgated under title 30, part IX

et seq., of the Environmental Regulatory Code and the Code of Ordinances, ch. 11, article IV and ch. 21 et seq., of the parish and providing for enforcement of said requirements; the imposing penalties for failure to comply with these provisions; and promoting the health, safety and welfare of the public.

(b) This article is adopted by the parish council and rescinds all previous ordinances of the parish, which regulate wastewater from septage and/or sludge and are inconsistent herewith.

(c) This article is mindful of the State of Louisiana Environmental Quality Act (R.S. 30:2001 et seq.), which established the enforcement, authority and procedures for carrying on the purposes of the Act.

(Code 1998, § 23-950.01; Ord. No. 06-1322, 6-1-2006)

Sec. 40-323. Definitions.

Any and all definitions contained herein are comparable to those found in title 33 of the Environmental Regulatory Code, part XII, subpart 1, ch. 1, section 115. When used in this article the following terms shall have the meanings defined as follows:

Acceptable household quantities means waste which is otherwise unacceptable waste, but which is contained in garbage, refuse and municipal solid waste from normal household activities. For the purpose of this definition, the term "household" includes any residential dwelling unit or place of transient residence.

Acceptable nonhousehold waste means waste which is otherwise unacceptable waste, but which is contained in garbage, refuse and municipal solid waste generated from commercial, industrial, or community activities, where the quantity of such unacceptable waste contained in any load delivered to the designated facility does not constitute a significant portion of such load. No amount of hazardous waste that is regulated by law is acceptable waste.

Acceptable waste means waste, which is acceptable at the designated facility. The term "acceptable waste" includes garbage, refuse, and municipal solid waste from residential, commercial, industrial and community activities which is generated and collected in aggregate, and which is not otherwise defined herein as unacceptable waste. No amount of hazardous waste or infectious waste that is regulated by law is acceptable at the designated facility. The term "acceptable waste" includes acceptable household quantities and acceptable nonhousehold waste, as defined herein. All household waste is acceptable waste, unless it is otherwise regulated or prohibited by law.

Agency refers to the environmental protection agency, its agent, or representative. In the case of the state, that means Region VI.

Air contaminant means the presence in the outdoor atmosphere of any dust, fume, mist, smoke, vapor, gas or other gaseous fluid, or particular substance, differing in composition from or exceeding in concentration, the natural components of the atmosphere, such as, but not limited to, the resulting ambient conditions created by the unlawful burning of solid waste.

Air pollution means the presence in the outdoor atmosphere of any air contaminant or combination thereof in such quantity, of such nature and duration, and under such conditions as would be injurious to human health or welfare, to animal or plant life, or to property, or to interfere unreasonably with the enjoyment of life or property.

Applicable law means the pertinent and appropriate provisions of the state sanitary code, other applicable parish ordinances, or state and local regulations, which pertain to sewerage and water systems located, or to be located within the parish.

Applicant means an owner, or agent of the owner, of any land negotiating for sewer service.

Ash means the incombustible material that remains after a fuel or solid waste is incinerated.

Backyard compost site means a site used to compost food scraps, garden wastes, weeds, lawn cuttings, leaves and prunings from a single-family or household, apartment building or single commercial office, a member of which is the owner, occupant or lessee of the property.

Biochemical oxygen demand (BOD) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20 degrees centigrade, expressed in milligrams per liter (mg/l).

Biohazardous waste means wastes from a biological source that may be hazardous to living organisms. Wastes can be physical, biological or chemical in nature.

Brush disposal facility means a site used exclusively for disposal of trees and tree parts including stumps, branches and their attached leaves.

Camp means any structure, floating or foundation-secured, used temporarily or occasionally as a dwelling; not used as a residence.

Canister system means a facility where solid waste is deposited in mechanically serviced containers as an intermediate step of congregating solid waste from several properties for periodic removal of the accumulated waste by commercial hauler. The term "canister system" is similar to a transfer station (see below).

Cease and desist order means an administrative order directing a user to immediately halt illegal or unauthorized discharges.

Chemical oxygen demand (COD) means the quantity of oxygen utilized in the chemical oxidation of the chemically oxidizable carbonaceous contents found within the wastewater sample, expressed in milligrams per liter (mg/l).

Clean Water Act means the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 USC 1251 et seq.

Closure means actions to prevent or minimize the threat to public health and the environment posed by a facility that no longer accepts the solid waste for which it operated or was permitted, including the removal of contaminated equipment, the removal of liners, grading, applying final cover, seeding of final cover, installation of monitoring devices, construction of groundwater and surface water diversion structures, and gas control systems as necessary.

Co-compost means the controlled biological decomposition and management of selected organic solid waste that is mixed with a nutrient source, most commonly sewage sludge, which results in an innocuous, stable, humus product which can be used as a soil conditioner.

Co-disposal means the disposal of nonhazardous industrial wastes together with mixed municipal solid waste at a waste facility.

Collection means the aggregation of waste from the place at which it is generated and includes all activities up to the time the waste is delivered to a waste facility. The term "collection" may include either manual or automated systems.

Commercial hauler means any person who owns, operates, or leases vehicles for the purpose of contracting to collect or transport solid waste or source-separated materials from residential, commercial or industrial property.

Community sewerage system means any sanitary sewerage system, also known as a sanitary sewage treatment works, which is owned, operated and/or maintained by a political entity or private person. A community sewerage system serves multiple connections and includes any individual, public, profit, nonprofit or not-for-profit sewerage system whose effluent discharge is subject to the provisions of the Louisiana Environmental Quality Act, as amended, or any rules and regulations effective or promulgated under the authority of the Act.

Compliance order means an administrative order directing a noncompliant user to achieve or to restore compliance by a date specified in the order.

Compost means solid waste which has undergone biological decomposition of organic matter and has been stabilized using composting or similar technologies, to a degree that is beneficial to plant growth and that is used, or sold for use, as a soil amendment, artificial topsoil, growing-medium amendment, or other similar uses.

Compost facility means a site used to compost solid waste including all structures used to control drainage, collect and treat leachate, storage areas for the incoming waste, and the final product. A composting facility may include various types of compost operations, including, but not limited to, windrow, in-vessel or static pile facilities.

Composting means the controlled microbic degradation of organic waste to yield a humus-like product. Generally, the compost itself is a solid waste which has undergone biological

decomposition of organic matter and has been stabilized using composting or similar technologies, to a degree that is beneficial to plant growth and that is used, or sold for use, as a soil amendment, artificial topsoil, growing-medium amendment or other similar uses.

Construction debris means waste, building materials, packaging and rubble resulting from construction, remodeling, repair and demolition of buildings and roads.

Containment means isolating, controlling and monitoring waste in a waste facility in order to prevent a release of waste from the facility that would have an adverse impact upon human health and the environment.

Corrosive waste means any character of waste, whether liquid, gaseous or solid, which can cause actual physical damage or destruction to any public storm drain or sanitary sewer or which prevents or materially retards treatment of sewage in the sewage treatment plant.

Cover means approved material that is used to cover compacted solid waste in a land disposal site. Important general characteristics of good cover material are low permeability, uniform texture, cohesiveness and compatibility.

Curing area means an area where organic material that has undergone the rapid initial stage of composting is further stabilized into a humus-like material.

Demolition landfill means an area of land used for the disposal of demolition waste.

Demolition waste means nonputrescible solid waste from the construction, remodeling, repair or demolition of structures including buildings and paved roads. It includes waste building materials, packaging and rubble such as concrete, brick, bituminous concrete, wood, masonry, glass, trees, structural metals, insulation, roofing material, and plastic building parts. It may also include other waste materials accepted by the department. It does not include uncontaminated earth or rock, hazardous materials, asbestos, industrial waste or appliances.

Department means the parish department of environmental services, its employees and/or its agents.

DEQ means the state department of environmental quality, as created by R.S. 30:2001 et seq.

Developed property means any parcel of land that has been, or is about to be, improved to the extent that municipal water and sewer service are necessary prior to its utilization.

Developer means an owner, or agent of the owner, in the process of the commercial utilization of any land, including subdivisions, who shall have the legal right to negotiate for municipal water and sewer service.

Development means a parcel of land, including subdivisions, being commercially improved to the extent that municipal water and sewer service are necessary prior to its utilization.

DHH means the state department of health and hospitals, office of public health.

Direct discharge means any discharge of effluent from the building site where it originated other than into an approved collection system.

Disposal or *dispose* means the discharge, deposit, injection, dumping, spilling, leaking or placing of any waste into or on any land or water so that the waste or any constituent thereof may enter the environment or be emitted into the air, or discharged into any waters, including groundwater.

Disposal facility means a waste facility permitted by the state department of environmental quality (DEQ) that is designed or operated for the purpose of disposing of waste in or on the land, together with any appurtenant facilities needed to process waste for disposal or transfer to another waste facility.

Domestic waste means liquid wastes and waterborne liquid, gaseous and solid substances:

- (1) Discharged from nonindustrial sources;
- (2) Containing human excrement and similar matter from sanitary conveniences, including, but not limited to, toilets, sinks, dishwashers, lavatories and bathtubs. The strength of normal domestic sewerage is:
 - a. BOD of 200 mg/l or less;
 - b. TSS of 250 mg/l or less; and
 - c. COD of 500 mg/l or less.

DOTD means the state department of transportation and development, office of public works.

Dumping means the illegal placement of any solid waste anywhere other than an approved facility or container.

Dwelling means a residential building or portion thereof intended for human occupancy, but not including hotels, motels, boardinghouses or roominghouses.

Effluent means treated or untreated wastewater.

Effluent limitation means a restriction or limitation on discharges of pollutants established by EPA under the Clean Water Act, as amended, and/or any other state regulation or local ordinance.

EPA means the United States Environmental Protection Agency.

Facility means the actual land and associated appurtenances used for storage, processing and/or disposal of solid wastes, but possibly consisting of one or more units. Any earthen ditches leading to or from a unit of a facility and that receives solid waste are considered part of the facility to which they connect, except for ditches lined with materials capable of preventing groundwater contamination. The term "facility" does not necessarily mean an entire industrial manufacturing plant.

Financial assurance means monetary mechanisms, which are used to assure proper closure, post closure care and contingency action at a site or facility.

Floodplain means the areas adjoining a watercourse or water basin that has been or hereafter may be covered by a regional floodplain.

Floodprone means any area that is regularly subject to flooding, as determined by the United States Geological Survey or the Army Corps of Engineers.

Food service operation (FSO) means any establishment engaged in the manufacturing, preparation, or distribution of food, whether or not it is the establishment's primary business, including, but not limited to, bars, cafes, cafeterias, caterers, delis, grocery stores, hospitals, hotels, institutions providing food service, restaurants, schools, seafood or meat markets, or any other wholesale or retail food outlet or food services establishment regulated by the state sanitary code and required by the parish to have a grease control device. FSOs that share a common grease control device shall be considered to be individual establishments and shall be required to obtain individual discharge permits. An establishment that is classified as an FSO must comply with all applicable regulations regardless of whether or not it owns, rents, or leases the property or premises on which food preparation occurs. The designation of an establishment as a significant industrial user as defined in section 27-143 supersedes the classification of food service operation.

Governed sewerage system means every sewerage system in the parish whose discharge of sanitary sewage wastewater is subject to the provisions of the Louisiana Environmental Quality Act, as amended, or any rules and regulations effective or promulgated under the authority of said Act and, when applicable, said sewerage system shall include, but not limited to, any such system owned, operated or maintained by a private utility company or a sewerage district created by the governing authority of the parish.

Governed water system means every water system in the parish that is comprised of a source of groundwater, treatment, if necessary, storage, distribution, and/or the appurtenances and related facilities that make it available for use. When applicable, a governed water system shall include, but not be limited to, any such system owned, operated or maintained by a private person or political entity that uses groundwater for any beneficial purpose.

Grease control device means a device for separating and retaining waterborne fats, oil or grease prior to the wastewater exiting the trap and entering the sanitary sewer collection and treatment system. These devices also serve to collect settleable solids, generated by and from food preparation activities. The term "grease control devices" include equipment such as grease traps, grease interceptors, grease removal devices used with interceptors or other equipment approved by the director of code enforcement, the sole purpose of which is to retain, remove or destroy fats, oil or grease and settleable solids prior to discharge to the sewerage system.

Grease removal device (GRD) means a plumbing appliance, which is installed in the sanitary sewerage system in order to intercept free-floating fats, oils and grease from wastewater discharges. Such equipment has the ability to remove the entire range of commonly available free-floating fats, oils and grease automatically without intervention from the user, except for maintenance. The removed material is essentially water-free which allows recycling of the removed product.

Grease trap means a watertight receptacle utilized by commercial or industrial generators of liquid waste to intercept, collect and restrict the passage of fats, oils or greases of animal or vegetable origin, into both public and private sanitary sewers.

Hauler means any person, partnership, company, or corporation engaged in the cleaning, pumping or otherwise servicing individual on-site treatment systems which accumulates septage or sludge, and/or handling, transport and disposal of septage or sludge.

Holding tank means any tank used for temporary storage and onsite containment of sanitary wastewater.

Incompatible pollutant means any pollutant that is not amenable or compatible with normal municipal waste treatment practices at a given concentration or amount.

Individual mechanical plant means any individual sewage system that employs aerobic bacterial action that is maintained by mechanical aeration.

Individual on-site sewage disposal system means any or all of the various components, including piping and pumping and treatment facilities, comprising a system designed for the collection and/or treatment and/or disposal of sanitary sewage. An on-site sewage disposal system may be owned, operated and/or maintained by a political entity or private person.

Individual sewage system means any system of piping, excluding building plumbing, treatment device or other facility that conveys, stores, treats or disposes of sewage on the property where it originates, and which utilizes the individual sewage system technology as prescribed in section 18-178.

Industrial user means any entity/person who discharges or causes or permits to be discharged, any pollutants into a sewage system from any non-domestic source.

Industrial waste means liquid waste and waterborne liquid, gaseous and solid substances discharged from any industrial, manufacturing, trade or commercial process, as distinct from domestic wastes.

Industry means any individual, partnership or corporation engaged in the manufacture, packaging, processing or handling of any item of commerce for resale purposes within the parish, or any such establishment outside the limits of the parish, whose discharges flow into the parish. Hotels, motels, schools, office buildings, apartment houses, and other establishments that discharge only domestic wastes are not considered to be industries.

Infiltration means the water unintentionally entering the public sewer system, including water from sanitary building drains and laterals, from the ground through such means as, but not limited to, defective pipes, pipe joints, connections or manhole walls. Infiltration does not include, and is distinguished from, inflow.

Inflow means the water discharged into a sanitary sewer system, including building drains and sewer laterals, from such sources as, but not limited to, roof leader, cellar, yard, and area drains, foundation drains, unpolluted cooling water discharges, drains from springs and swampy areas, manhole covers, cross-connections from storm sewers or combined sewers, catchbasins, stormwaters, surface runoff, street wash waters, or drainage. Inflow does not include, and is distinguished from, infiltration.

Influent means water, wastewater or other liquid flowing into a tank, basin, treatment process or treatment facility.

Interference means a discharge which, alone or in conjunction with a discharge or dischargers from other sources, both:

- (1) Inhibits or disrupts the sewage system, its treatment processes or operations or its sludge processes, use or disposal; and
- (2) Therefore is a cause of a violation of a requirement of the sewage system's NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued herein (or more stringent state): section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA) and including state regulations contained in any state sludge management plan prepared pursuant to subtitle D of the SWDA), the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act.

Louisiana Pollutant Discharge Elimination System (LPDES) means the state program for issuing, conditioning, and/or denying permits for the discharge of pollutants into the waters of the state pursuant to the Louisiana Environmental Quality Act (R.S. 30:1051 et seq., as amended).

Louisiana Water Discharge Permit System (LWDPS) means the state program for issuing, conditioning, and/or denying permits for the discharge of pollutants into the waters of the state pursuant to the Louisiana Environmental Quality Act (R.S. 30:1051 et seq., as amended).

Louisiana Water Well Rules, Regulations and Standards mean the provisions of the Rules, Regulations, and Standards for Water Well Construction adopted by the DOTD in accordance with title 38 of the Louisiana Revised Statutes of 1950.

Marine sanitation device (MSD) means any device designed for the handling, storage and/or disposal of domestic waste (sewage) generated aboard a vessel or camp.

Medical waste means isolation wastes, infectious agents, human blood and blood byproducts, pathological wastes, sharps, body parts, fomites, etiologic agents, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes and dialysis wastes.

Mobile waste hauler means any person who collects waste from residences, public buildings, commercial and business establishments, industries and any other sources; who transports the mentioned waste by road or rail; who discharges, is permitted to discharge, or intends to discharge to the parish sanitary sewerage system.

National Pollutant Discharge Elimination System (NPDES) means the federal program for issuing, conditioning and/or denying permits for the discharge of pollutants from point sources pursuant to section 402 of the Clean Water Act.

New source means any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under section 307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:

- (1) The building, structure, facility or installation is constructed at a site at which no other source is located;
- (2) The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
- (3) The production of wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site.

In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered.

Nonchemically treated cooling water means any water used for the process of cooling machinery, equipment or devices of any kind, and which has not been chemically altered by or for that process such as, but not limited to, the addition of algicides, fungicides and/or corrosion inhibitors.

Non-community-type sewerage system means any sewerage system, the installation of which requires the issuance by the parish health unit of an application for permit to install individual sewerage system (department of health and hospitals form LHS-47), and whose discharge of sanitary sewage wastewater is not subject to the provisions of the Louisiana Environmental Quality Act, as amended, or any rules and regulations effective or promulgated under the authority of said Act.

Owner or owners means any person or persons who alone or jointly or severally with others has:

- (1) Legal title to any premises, facilities or equipment affected by this section; and/or
- (2) Actual physical control of any premises, facilities or equipment affected by this section pursuant to an agreement, expressed or implied from the circumstances, with the owner or owners.

Operator or operators means any person who alone or jointly or severally with others conducts, directs, manages or supervises the operation and/or maintenance of any premises, facilities or equipment affected by these rules and regulations.

Parish means the unincorporated portion of the parish.

Permit means a written document issued by the state health officer, which authorizes the installation, construction and operation of an individual mechanical plant, individual sewage system or marine sanitation device or a modification of the existing system, which affects the performance of the system.

Permittee means a person issued a permit under this article, including any agent, servant or employee of the permittee.

Person means any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity or their legal representatives, agents or assigns. This definition includes all federal, state or local governmental entities.

pH means the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

Political entity means any agency, board, commission, department or political subdivision of the state, or of the governing authority of the parish, or any agent thereof.

Premises mean any structure or dwelling of any construction whatsoever in which a person may live, work or congregate.

Pretreatment means application of physical, chemical and/or biological processes to reduce the amount of pollutants in, or to alter the nature of, the pollutant properties in a wastewater so as to render that wastewater amenable to normal domestic waste treatment practices prior to discharging such wastewater into the sanitary sewerage system.

Pretreatment standards mean all applicable federal rules and regulations implementing section 307 of the Clean Water Act as well as any non-conflicting state or parish standards. In cases of conflicting standards or regulations, the more stringent thereof shall be applied.

Private person means any individual, group of individuals, firm, corporation, association, partnership, private entity or other legal entity, or any agent thereof.

Private sewage disposal system means any privately owned or operated devices, facilities, structures, equipment or works used for the purpose of transmission, storage, treatment, recycling, and reclamation of industrial and domestic waste.

Private sewer means a sewer privately owned and not directly controlled by the parish.

Public sewer means a sewer in which all owners of abutting properties have equal rights, and is controlled by the parish.

Pump station or lift station means a structure housing pumps and their appurtenances which conveys wastewater to either a privately owned or publicly owned sanitary sewer or treatment works.

Receiving stream means any bayou, canal, stream, river, pond, lake or estuary into which a liquid waste ultimately flows, irrespective of intervening treatment or conveyance processes.

Residence means any structure occupied customarily or most of the time as a dwelling, a place of primary residence.

Responsible person means the operator or operators of an on-site sewage disposal system, the owners or owners of an on-site sewage disposal system, the owner or owners of the property on which an on-site sewage disposal system is located, or any or all of them.

Sanitary sewage means human, domestic or acceptable industrial waste, except refuse, including liquid from residences, businesses, buildings, industrial establishments or other places, together with such groundwater, surface water, stormwater and other wastes as may be present.

Sanitary sewer means any sewer designed to carry sanitary sewage or compatible industrial wastes or a combination of both, and to which stormwater, surface water and groundwater are not intentionally admitted.

Sanitary sewerage system means any devices, facilities, structures, equipment or works owned or used by the parish for the purpose of transmission, storage and treatment of sanitary sewage and any other compatible industrial and domestic waste, including intercepting sewers, outfall sewers, sewage collection systems, pumping, power, and other equipment, and their appurtenances; extensions, improvements, remodeling, additions, and alterations thereof.

Secondary treatment standard means a sewage affluent water quality standard which prescribes a maximum 30-day average concentration of biological oxygen demand (five-day) of 30 milligrams per liter (30 mg/l), a maximum seven-day average concentration of biological oxygen demand (five-day) of 45 milligrams per liter (45 mg/l), and a maximum daily average concentration of biological oxygen demand (five-day) of 60 milligrams per liter (60 mg/l). The daily average concentration shall be based on at least three affluent portions collected at time

intervals no shorter than one hour each and combined in a flow-weighted composite. The 30-day average, seven-day average, and the daily average are the arithmetic means of the values for all effluent samples collected in each period.

Septage means a mixture of sludge, fatty materials, and wastewater removed during the pumping out of a septic tank or similar device.

Septic tank means any water tight tank designed and constructed to:

- (1) Receive sanitary wastewater;
- (2) Separate solids from wastewater;
- (3) Store the separated solids;
- (4) Provide limited biological degradation; and
- (5) Allow the clarified liquid to be discharged for further treatment and disposal.

Septic tank waste means any sewage from holding tanks such as vessels, chemical toilets, campers, trailers and septic tanks.

Service vehicle means any vehicle used by a hauler in the process of cleaning, pumping or otherwise servicing individual on-site treatment systems which accumulates septage or sludge, and/or handling, transport, and disposal of septage or sludge.

Sewage means human or domestic waste, except household consumer refuse, including conveying liquid from residences, buildings, industrial establishments or other places, together with such groundwater, surface water, stormwater and other wastes as may be present.

Sewage sludge means sludge resulting from treatment of wastewater from publicly or privately owned or operated sewage treatment plants.

Sewage system means any or all of the various components, including piping, plumbing, pumping and treatment facilities comprising a system designed for the collection and/or treatment and/or disposal of sewage.

Sewer means any pipe or other conduit outside a building for conveying sewage.

Sewerage system means any or all of the various components, including piping and pumping and treatment facilities, comprising a system designed for the collection and/or treatment and/or disposal of sanitary sewage. A sewerage system may be owned, operated and/or maintained by a political entity or private person.

Shall, may. The term "shall" is mandatory; the term "may" is permissive or discretionary.

Significant commercial user means any nonresidential user of the parish sewerage and water system which has a discharge flow of 10,000 gallons or more per day during any day of any calendar year.

(Code 1998, § 23-950.02; Ord. No. 06-1322, 6-1-2006)

Sec. 40-324. Effective date.

All rules and regulations contained herein shall be in full force and effect on June 1, 2006. However, the effective date of these rules and regulations as they apply to existing owners of septage and sludge producing systems shall be October 1, 2006. Furthermore, the effective date of these rules and regulations as they apply to those persons hauling and/or treating septage and sludge and treating wastewater from septage and/or sludge shall be October 1, 2006. This period of time will be necessary for said owners, haulers and operators to review and come into compliance herewith.

(Code 1998, § 23-950.03; Ord. No. 06-1322, 6-1-2006)

Sec. 40-325. General septage/sludge use requirements.

(a) *Applicability of rules and regulations.* Whenever relevant and appropriate, the provisions of the rules and regulations contained in this article shall apply to any individual, private, public, profit, nonprofit, or not-for-profit septage and/or sludge generating system or treatment facility located in the parish.

(b) *Applicable operating requirements.* Every septage and/or sludge producing system located within the parish shall be operated in accordance or compliance with applicable law, which shall include, but not be limited to, all applicable ordinances of the parish, and the rules and regulations of any state or local agency having jurisdiction over septage and/or sludge producing systems in the parish.

(c) *Compliance.* Nothing in these rules and regulations shall be construed to preclude or stay the responsibility of any person from complying with the lawful requirements of any other federal, state, or local agency having jurisdiction over the surveying, construction, operation and monitoring of septage and/or sludge producing systems or treatment facilities.

(Code 1998, § 23-950.05; Ord. No. 06-1322, 6-1-2006)

Sec. 40-326. Violations and penalties.

(a) Except as otherwise provided in this section, the violation of any provisions of this article, shall be punishable by a fine of not less than \$100.00 nor more than \$500.00, provided that each day a violation exists shall constitute a separate offense with violations for the second day and each following day punishable by an additional fine of not less than \$10.00 and not more than \$200.00.

(b) Violation of any of the provisions of this article may result in the revocation of the license and/or authority to operate any septage and/or sludge system, or treatment facility or any sludge and/or septage hauler. Applicants for licensing or authority to own and/or operate a septage/sludge system, treatment facility or septage/sludge hauling operation who have had a similar license or authority revoked under this section shall not be considered for a period of 90 days from the date of such revocation. Any person who has had a license and/or authority

revoked under this section on two or more occasions shall be ineligible for a license and/or authority to operate a septage/sludge treatment facility or a septage/sludge hauling operation for a period of two years from the date of the last such revocation.

(Code 1998, § 23-950.06; Ord. No. 06-1322, 6-1-2006)

Sec. 40-327. General standards for septage/sludge.

(a) Specific guidelines for individual on-site sewage treatment systems and port-a-lets.

- (1) Permitted on-site treatment systems ("OTS") shall be serviced a minimum of every three years.
 - a. Such servicing records must be kept by the owner and/or operator of the OTS. It must be provided upon request by the department. Such records shall be kept for a period of not less than five years.
 - b. OTS owners and/or operators will be subject to fines and penalties as set forth in this article, including, but not limited to, section 40-326.
 - c. The department or its designee may inspect any and all OTS subject to informing the owners and/or operators of their intent to do so with written notice to said owners and/or operators not fewer than 15 days prior to such inspection. This section is meant to mirror and augment the powers established by section 40-72(a).
- (2) An owner or operator of an OTS shall be required to ensure that the wastewater or other discharge from said system shall meet the applicable discharge requirements as set for by the LDEQ.
- (3) Chemical toilet/port-o-potty. Owners and operators of port-a-lets shall be required to properly dispose of any and all extracted waste therefrom in accordance with the provisions of this article.
- (4) Any and all septage or sludge from OTS and/or port-a-lets within the parish shall be disposed of at a septage treatment facility duly approved and recognized by the department and properly permitted by the LDEQ or other appropriate governmental regulatory agency for the acceptance and treatment of septage and sludge.

(b) Specific guidelines for commercial and/or community sewage treatment systems.

- (1) Any and all facilities creating or accumulating sludge within the parish shall pump the sludge from said facilities on a regular schedule so as to remain compliant with any and all state and federal regulations pertaining to accumulated biosolids.
 - a. The records of such pumping must be kept by the owner and/or operator of the sludge producing and/or accumulating facility and must be provided upon request by the department. Such records shall be kept for a minimum of five years.

- b. Sludge producers and/or accumulators will be subject to the fines and penalties as set forth in this article, including, but not limited to, those set forth in section 40-326.
 - c. The department may inspect any and all sludge producing facilities or such facilities as accumulate sludge at any reasonable time as set forth in section 40-72(a).
- (2) Sludge producers and/or accumulators shall meet the discharge requirements of the LDEQ for such facilities and those standards as may be set forth by the department from time to time.
 - (3) Any and all sludge produced or accumulated within the parish shall be disposed of at a septage/sludge treatment facility duly approved and recognized by the department and properly permitted by the LDEQ, EPA, or other appropriate governmental regulatory agency for the acceptance and treatment of sludge.
- (Code 1998, § 23-950.07; Ord. No. 06-1322, 6-1-2006)

Sec. 40-328. Development standards.

The septage and sludge treatment facility within the parish shall comply with all of the provisions of the state department of health and hospitals, hereinafter referred to as DHH or its successor agency, the sanitary code of the state and the department of environmental quality, hereinafter referred to as LDEQ or its successor agency, and the water quality control standards of the state.

- (1) *Plans and specifications.* The proposed owner/developer of a septage/sludge treatment facility shall be required to submit to the parish department of environmental services (DES) a complete set of plans and specifications along with the completed "Design Summary Package," as required by DHH, detailing the type of septage/sludge treatment facility to be installed. Such plans and specifications shall be certified by a registered professional engineer of the state and submitted in triplicate. Upon review and approval of the plans and specifications by the DES, the plans and specifications will be forwarded to the DHH for their approval.
- (2) *Construction time limitations.* The owner/developer must comply with the time limitations as provided by DHH with respect to their approval, and those of LDEQ concerning the discharge permit.
- (3) *Operation and maintenance.* The owner/developer shall be responsible for the operation and maintenance at his expense, of the septage/sludge treatment facility and further compliance with all requirements of this article and with federal and state laws and regulations. This may include hiring of a certified operator, or a consultant that provides such a service, and adhering to the instructions and limits as laid out in the

LDEQ discharge permit. Initial start-up of operations at newly constructed facilities shall not commence until the DES has been provided with as-built drawings certified by a licensed engineer and a copy of the final DEQ discharge permit.

- (4) *Management of facilities and transfer of ownership.* The owner/developer of a septage/sludge treatment facility may transfer the ownership rights to another party if so desired. However, in any case, the owner/developer shall establish and submit to the director of the department, a "Management Declaration" which shall establish the responsibility of the owner/developer or the transferee for the operation and maintenance and funding requirements for the septage/sludge treatment facility. The owner/developer must satisfy the concerns of the parish and of DHH that said transferee is valid, solvent and capable of meeting all applicable rules and regulations.
- (5) *Posting of bonds/letters of credit required.* Once the septage/sludge treatment facility has been installed, the developer and/or owner shall contact the department. An on-site inspection to ensure that the facility has been installed, and is operable, will be initiated. If upon inspection, the department determines that such facility is not found to be built according to the plans and specifications, the owner/developer shall be required to make the appropriate corrections at its expense and shall not be allowed to continue any further commercial activities related to the facility until said corrections have been made and certified as being correct by the department. Subsequently, the director of the department or the parish engineer shall establish a warranty obligation in the form of a warranty bond/letter of credit for a period of not less than one year in order to ensure the adequate operation and maintenance of the facility. The director shall submit his bond recommendation for approval to the parish council.
- (6) *Warranty bonds/letters of credit.* All warranty bonds/letters of credit shall be obtained by the owner/developer from an accredited financial institution recognized in good standing by the parish. The release of warranty bonds/letters of credit shall follow established parish procedure.

(Code 1998, § 23-950.08; Ord. No. 86-630, 6-19-1986; Ord. No. 06-1322, 6-1-2006)

Sec. 40-329. Inspection of septage/sludge treatment facilities.

(a) *Inspection.* An inspection of a septage/sludge treatment facility conducted pursuant to the provisions of this section is for the use and benefit of the department and shall not be considered as an affirmation that the operation of the inspected septage/sludge treatment facility is in accordance and in compliance with applicable law.

(b) *Frequency and manner of inspection.*

- (1) The department shall be authorized to inspect every governed septage/sludge treatment facility in the parish.

- (2) In conducting an inspection of a governed septage/sludge treatment facility, the department shall conform to the relevant and appropriate practices and procedures of the LDEQ and the DHH as such practices and procedures relate respectively to the inspection of said septage/sludge treatment facilities.
- (3) The department may provide for any immediate inspection of any septage/sludge treatment facility as follows:
 - a. Upon the voluntary request of the responsible person for the facility to be inspected; or
 - b. At any reasonable time the department determines in its sole discretion any inspection is necessary or required.

(c) *Report of deficient condition.* Whenever an inspection of a septage/sludge treatment facility discloses that the facility is not being operated in accordance or compliance with applicable law, the department shall cause to be served upon the responsible party, a written notice of the condition, and such notice shall direct the responsible person to perform at his expense all work necessary to assure that the operation of the facility is in accordance and compliance with applicable law, and give the responsible person an opportunity within a reasonable period of time to remedy the deficient condition but in no event less than the time provided by LDEQ for the completion of such remedial work and to otherwise conform with applicable law.

(d) *Remedial action.* Upon the expiration of the time prescribed in the written notice issued pursuant to subsection (c) of this section, a reinspection of the septage/sludge treatment facility shall be conducted to determine if the deficient condition noted during the original inspection has been remedied. If the deficient condition still exists, the department may perform all necessary work to remedy the deficient condition and assess the responsible person with the reasonable costs of such work. Should the responsible person fail to pay such costs, the department shall file an affidavit of lien on the property or facility specifically identifying the property or facility affected, and the amount of any and all costs, fees and delinquent payment charges to date of filing and that may be accruing. Any lien which is filed against real property and not paid timely shall be added to the annual ad valorem tax bill of the owner or owners of such property.

(e) *Monitoring of governed septage/sludge treatment facilities.* Every governed septage/sludge treatment facility shall make available to the department for its review, upon the department's request, all monitoring data required to be furnished to the LDEQ as set forth in the discharge permit issued by the LDEQ for the treatment facility in question. Such monitoring data shall be reported on a discharge monitoring report DMR, form (EPA No. 3320-1 or any approved substitute). For inspection purposes, copies of all such monitoring reports shall be kept on site at, or in reasonable proximity to the permitted treatment facility for a period of not less than three years from the date of the sample, measurement, report or application.
(Code 1998, § 23-950.09; Ord. No. 06-1322, 6-1-2006)

Sec. 40-330. Inspection of individual on-site sewage treatment systems.

The inspection of individual on-site sewage treatment systems will be conducted in accordance with the procedures set forth in the parish Ordinance No. 2445, Ordinance Calendar Series No. 02-0538.

(Code 1998, § 23-950.10; Ord. No. 06-1322, 6-1-2006)

Sec. 40-331. Service vehicles.

(a) *License required.* No person shall engage in the business of cleaning, pumping or otherwise servicing OTS or any other facility or apparatus which accumulates septage or sludge without first obtaining a license from the parish or its designee for each service vehicle to be used in such business. A license shall be issued on or after the service vehicle has been inspected and certified as satisfactory by the parish health unit or the designee of the parish.

- (1) No license for the cleaning, pumping or otherwise servicing any OTS, or any other facility or apparatus which accumulates septage or sludge or any other liquid or dewatered waste shall be granted by the parish until the applicant furnishes to the parish a certificate of registration evidencing that the applicant is a registered user of a parish designated, LDEQ or other appropriate governmental regulatory agency permitted septage/sludge treatment facility.
- (2) Granting of the license shall be evidenced by a sticker furnished by the parish or its designee which shall be placed on the lower right side of each service vehicle's windshield. The fee for the license shall be \$50.00 per annum per service vehicle. The license may be revoked or suspended if the person ceases to meet requirements for the license or violates any provisions of this section.

(b) *Insurance required.* No license for the cleaning, pumping or otherwise servicing of septage, sludge or any other liquid or dewatered waste shall be granted by the parish or its designee until the applicant furnishes to the appropriate party a certificate of insurance evidencing that the applicant has in force contractor's public liability insurance covering the hauling and disposal of such waste by the applicant, covering the applicant, the parish and any designee thereof with a policy limit of not less than \$300,000.00. The policy must be issued by an insurance company authorized to do business in the state and shall name the parish and any designee as an additional insured and shall not expire prior to the expiration date of the parish license and shall provide that it cannot be cancelled without 30 days written notice to the parish.

(c) *Required capacity and inspection.* Service vehicles regulated by this section shall be required to have capacities of not less than 1,300 gallons and shall be equipped with an operable sludge or vacuum type pump, provided however, that vehicles engaged exclusively in servicing commercially supplied individual toilets for temporary usage (port-a-let) shall be required to have capacities of no less than 500 gallons. Such vehicles shall be required to be filled with water

at the time of inspection by the parish health unit or other inspector, and no license shall be issued if any leaks are found. Vehicle inspections shall be conducted at the owner's place of business or a site specified by the inspector within the parish.

(d) *Deposit of waste by operators limited to permitted locations.* Operators of service vehicles regulated pursuant to this section shall be prohibited from depositing any sewerage, septage or sludge, including any liquid or dewatered waste except in parish recognized LDEQ permitted septage/sludge treatment facilities in any location. Moreover, operators of such service vehicles must maintain and make available to the department written service logs which represent the following:

- (1) Each customer or operator which owns or operates an individual sewage/septic disposal system or any other facility or apparatus which accumulates septage or sludge;
- (2) The dates service was provided for such customers and the corresponding wastewater, septage or sludge volumes pumped and hauled for such customers;
- (3) The dates and wastewater, septage or sludge volumes delivered to aforementioned parish designated, LDEQ permitted septage/sludge treatment facilities; and
- (4) In order for any hauler to achieve compliance herewith, the volumes reported pursuant to subsections (b) and (c) of this section must be equal.

(e) *Disposal of hazardous waste and certain other types of waste prohibited.* The disposal in the parish by any person of liquid or dewatered waste which is infectious, (other than sewage, septage or sludge) flammable or volatile, or hazardous waste as described in the current state solid waste rules and regulations shall be prohibited. This includes, but is not limited to, petroleum based products and/or antifreeze.

(f) *Rescission of license.* The director of the department may revoke the license for any hauler or service vehicle regulated pursuant to this section for violations of the provisions of this section or other ordinances or the failure to obey any order of an authorized parish personnel or failure to pay assessed fees, surcharges or fines.

(Code 1998, § 23-950.11; Ord. No. 06-1322, 6-1-2006)

Sec. 40-332. Enforcement and penalties.

Provisions of this article shall be enforced by the department and/or its designated representative. Any violation hereof shall constitute a misdemeanor and shall be punishable as provided in section 1-9.

- (1) *Misdemeanor.* Any person within the parish who violates this article, or who shall permit such a violation to exist on the premises under his control, or who shall fail to take action to abate the existence of the violation, shall be guilty of a misdemeanor and

upon conviction thereof shall be punishable therefore, provided by law. A separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

- (2) *Equitable relief.* In the event a violation exists or there is a threat of a violation of the ordinance, the department, or their designees, may take appropriate action to enforce the ordinance. Such action may include application for injunctive relief, action to compel performance, including revocation of any license or other appropriate action in court if necessary to prevent, restrain, correct or abate such violation or threatened violations. Such remedies are cumulative in nature.
- (3) *Civil action or cost as special tax.* If a person fails to comply with the provisions of this article, the parish may recover cost incurred for corrective action in a civil action in any court of competent jurisdiction or, at the discretion of the parish government, the cost may be certified to the parish auditor as a special tax against the real property.
- (4) *Citation.* The department, or their designees, may issue citations for violations of the ordinance. The citation shall be issued to the person charged with the violation, or in the case of a corporation or municipality, to the supervisor at the site of the violation or any officer of any agency expressed or implied to authorize such issuance.
- (5) *Inspection.* All property affected by this article shall be subject to inspection by the department or their designees, in accordance with this article. No person shall refuse to permit the department, or their designees, to inspect any premises or interfere with or resist the department, or their designees in the discharge of their duty to protect the public health and safety and the protection of the environment.
- (6) *Abatement.* The parish government, upon recommendation of the department, may declare a violation of this article to be public nuisance and order abatement to be made initially at parish expense. The department shall present by certified mail an itemized statement for corrective action expenses to the owner of the real property where such abatement has been conducted. Such expenses for corrective action may also be recovered in civil action or the cost may be certified to the parish auditor as a specific assessment against the real property as provided by law.
- (7) *Justice of the peace.* A justice of the peace shall have concurrent jurisdiction over the sewage, septage and sludge violations occurring in the parish. In addition, a constable may issue summons and service subpoenas anywhere in the parish all in accordance with R.S. 13:2586. A prosecution of the sewage, septage and sludge violations and compensation in criminal cases of a justice of the peace and constable shall be in accordance with R.S. 13:2587.1 and R.S. 13:2589.

(Code 1998, § 23-950.12; Ord. No. 06-1322, 6-1-2006)

Sec. 40-333. Service rates and fees.

(a) *System fees.* These fees shall apply to all customers or subscribers of a sewerage and/or water system owned and operated by the parish.

(1) *Water service fee.*

Capacity reservation fee	Not to exceed \$2.35 per gallon
Tap-in-fee	
¾" service	\$444.00
1" service	\$499.50
1½" service	\$571.65
2" service	\$860.25
Above 2" service	\$444.00 (plus actual cost of meter and all necessary fittings)
Connection fee	\$22.20
Reconnect fee (this charge is for re-establishing service after disconnection for nonpayment, failure to make deposit, fraudulent or seasonal use)	\$38.85
Deposit	2½ times average monthly bill (\$40.00 minimum)
Service charge (this charge shall cover the cost of utility employee sent to a consumers premises at the customer's request when the trouble is found to be in the consumer's house piping)	\$49.95
Tampering (this fee applies to anyone who illegally taps into the system or in any way destroys or tampers with the system; including meters, meter boxes, lines, valves, etc.)	\$250.00

(2) *Sewer service fees.*

Capacity reservation fee	Not to exceed \$4.70 per gallon
Tap-in fee (this charge will include all labor and materials and any other cost associated with initially establishing service)	\$499.50
Connection fee	\$38.85
Reconnection fee (this charge is for re-establishing service after disconnection for non-payment, failure to make deposit, fraudulent or seasonal use)	\$33.30
Service charge (this charge shall cover the cost of a utility employee sent to a customer's premises at the customer's request when the trouble is found to be in the customer's house piping)	\$49.95

Deposit	2½ times the average monthly bill (\$40.00 minimum)
Tampering fee (this fee applies to anyone who illegally taps into the system or in any way destroys or tampers with the system; including meters, meter boxes, lines, valves, etc.)	\$250.00
Late payment charge	6 percent of the unpaid balance

- (3) *System construction fee collection agreement.*
- a. The parish acknowledges the need for the construction of water and sewer infrastructure to facilitate connections to Tammany Utilities water and sewer system. In some cases individuals are willing to construct the lines to connect to Tammany Utilities but, seek reimbursement of a pro rata portion from neighboring lot owners who will utilize the lines. The following provisions shall apply to the process of assessment and collection of the pro rata portion of the new system construction fee.
1. The following definitions shall apply to the terms used in this section:
- (i) Applicant shall mean the person who will construct or actually constructs the water and/or sewer infrastructure across undeveloped property for which he seeks reimbursement of its costs;
 - (ii) Application shall mean the form prepared by the department of environmental that contains all information necessary to process a request for a new system construction fee agreement;
 - (iii) Neighboring lot owner shall mean owners of lots which benefit from the installation of water and/sewer lines which they will be compelled to connect and for which they will owe a pro rata reimbursement of the cost of construction therefore;
 - (iv) Minor subdivision shall have that meaning as defined in the parish Code;
 - (v) New system construction fee is the pro rate share of the cost of construction and installation of water and/or sewer lines across neighboring lot owner's property and which is owed by each neighboring lot owner upon connection to Tammany Utilities;
 - (vi) New system construction fee agreement is the document that will be prepared by the parish legal department upon approval of same by the department of environmental services and which will provide for the collection and payment of the pro rata share of the cost of construction and installation of water and/or sewer lines across neighboring lot owner's property and which is owed by each neighboring lot owner upon connection to Tammany Utilities;

- (vii) New system infrastructure is water and/or sewer lines constructed and installed by an applicant and for which the applicant seeks reimbursement from neighboring lot owners;
 - (viii) Plans and specifications shall mean a complete set of the plans and specifications which describe and depict the sewer and/or water lines to be constructed and installed. The plans and specifications shall be signed and stamped by a licensed engineer upon submittal to the department of environmental services;
 - (ix) Subdivision shall have that meaning as defined in this Code;
 - (x) Tammany Utilities shall mean the water and sewer services provided by the parish operated under the name Tammany Utilities.
- b. Individuals who construct the necessary infrastructure to connect to a Tammany Utilities sewer and/or water line, hereinafter referred to as new system infrastructure, within public right-of-way or right-of-way owned by the parish and across undeveloped lots can make application with the parish for a new system construction fee collection agreement ("collection agreement").
- c. The following documents shall be submitted with the application:
 - 1. Plans and specifications for the new system infrastructure;
 - 2. Invoices with all necessary backup documentation and proof of payment evidencing the construction of the new system infrastructure; and
 - 3. Any and all other documents requested by the department of environmental services.
- d. Upon completion of the new system infrastructure, Tammany Utilities will inspect the infrastructure to ensure that it meets all of its applicable regulations.
- e. Upon verification that the new system infrastructure has been constructed as designed and that proper payment has been made by the applicant, the parish will prepare and enter into a new system construction fee collection agreement, whereby the parish agrees to collect from the neighboring lot owners a new system construction fee being a pro rata portion of the total cost of construction of the new system infrastructure. This pro rata portion shall be based upon the amount of linear footage of the new system infrastructure which services each neighboring lot owner. Once the parish determines that the applicant is entitled to seek a new system construction fee, the pro rata portion shall be assessed to each neighboring lot owner and collected as stated herein.
- f. The parish will use its best efforts to collect the pro rata portion from each neighboring lot owner when that individual makes application to connect to Tammany Utilities water and/or sewer system. There shall be no obligation on

behalf of the parish to pay the applicant's cost of the new system infrastructure as the parish shall only act as a conduit for the reimbursement of the new system infrastructure.

- g. This provision shall not apply to minor subdivisions or any subdivision of any type.
- h. The obligation of the parish to collect the pro rata portion of the new system infrastructure fee shall expire five years from the date that the parish enters into the new system construction fee collection agreement.
- i. The parish shall not have any obligation to pursue collection efforts of the pro rata portion from each neighboring lot owner. The obligation to pay remains with the neighboring lot owner. The parish intends to act simply a collection agent for the cost of implementing the new system infrastructure.
- j. An administration fee of \$100.00 shall be assessed for each collection made by the parish pursuant to a new system construction fee collection agreement.

(b) *Ben Thomas Road and Alton area rates.*

<i>Monthly Water Service</i>	
Residential	\$13.00
Small commercial	\$52.00
Large commercial	\$156.00
<i>Monthly Sewerage Service</i>	
Residential	\$25.00
Small commercial	\$80.00
Large commercial	\$155.00
Parish inspection fee	\$0.30

(c) *Parish administrative complex water and sewerage rates.*

<i>Monthly Water Service</i>	
First 4,000 gallons or portions thereof	\$24.00
Each additional 1,000 gallons or portion thereof	\$2.00
<i>Monthly sewerage service</i>	
90 percent of water service billing	\$15.60 (minimum)

(d) *Oakwood Estates sewerage rates.*

<i>Monthly Sewerage Service</i>	
Residential	\$26.00
Repair surcharge (10 years - expires December 31, 2014)	\$13.00

(e) *St. Tammany Parish—Diversified foods and seasonings water and sewerage rates.*

<i>Monthly Water Service</i>	
First 54,000 gallons or portions thereof	\$220.50
Each additional 1,000 gallons or portion thereof	\$3.20
<i>Monthly Sewerage Service</i>	
Monthly sewerage service up to 150 percent of water service billing	

(f) *Tammany Utilities east—Water and sewerage rates.*

<i>Monthly Water Service</i>	
Residential	
Metered rate	
Residential and apartment complexes with individual meters	
First 4,000 gallons or less	\$12.50 (minimum)
Each additional 1,000 gallons or portions thereof	\$1.75 per 1,000 gallons
Commercial	
Flat rate	
Flat rate commercial	\$150.00
Flat rate apartments	\$12.50 per rental unit
Metered rate	
0—4,000 gallons	\$26.50
All additional	\$2.00 per 1,000 gallons
<i>Monthly Sewerage Service</i>	
Residential	
Residential customers	100 percent of water rate \$15.00 (minimum) \$44.00 (maximum)
Commercial	
Commercial customers	100 percent of water rate \$26.00 (minimum) No maximum
Flat rate apartments	\$15.00 per rental unit
Flat rate sewer (GS2)	\$150.00
Rest area monitoring and maintenance fee	Up to \$156.00
<i>Monthly Service Fee</i>	
Residential	Not to exceed \$2.50 per customer
Commercial	Not to exceed \$2.50 per customer

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(g) *North Shore Beach Area sewerage rates.*

Residential	\$25.00
Commercial	\$60.00
Flat rate—Apartments	\$15.00 per rental unit

(h) *Tammany Utilities; monthly water service, residential.*

(1) *Flat rate.*

Flat rate residential	\$22.00 per month
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(2) *Metered rate residential and apartment complexes with individual meters.*

First 4,000 gallons or less	\$19.00 (minimum)
Each additional 1,000 gallons or portion thereof	\$2.90 per 1,000 gallons

(3) *Apartment complexes with master meters.*

First 4,000 gallons or less	\$37.70 (minimum)
Over 4,000 gallons up to 500,000	\$3.00 per 1,000 gallons
All additional	\$1.90 per 1,000 gallons

(4) *Commercial flat rate.*

Flat rate commercial	\$30.60
Commercial flat rate (C18)	\$157.00
Flat rate apartments (R08)	\$266.70
Metered rate	
0—4,000 gallons	\$41.70
All additional	\$3.40 per 1,000 gallons

Size of Meter	Minimum Usage	Minimum Bill
¾ inches x ⅝ inches	4,000 gallons	\$41.70
1 inch	8,000 gallons	\$55.60
1½ inches	18,000 gallons	\$89.30
2 inch	26,000 gallons	\$116.30
3 inch	35,000 gallons	\$146.70
4 inch	44,000 gallons	\$177.00
6 inch	54,000 gallons	\$244.40
All additional	\$3.40 per 1,000 gallons	

(5) *Terra Bella Subdivision.* Instead of the parish's standard tap-in-fee, for each new water connection in the Terra Bella Subdivision, including phase 1-A-1 and 1-A-2, a tap-in fee in the amount of \$750.00 shall be charged, at the time of tap-in, for each residential user. No building permit shall be issued without the payment of the parish tap-in-fee.

(6) *Eagle Landing Subdivision.* In addition to the parish tap-in-fee, for each new water connection in the Eagle Landing Subdivision, where applicable, a system construction

fee shall be charged in accordance with the utility services agreement dated February 1, 2008, and as amended. No building permit shall be issued without the payment of the parish tap-in-fee and the system construction fee.

- (7) *Del Sol Subdivision.* In addition to the parish tap-in-fee, for each new water connection in the Del Sol Subdivision, where applicable, a system construction fee shall be charged in accordance with the utility services agreement dated October 29, 2007, and as amended. No building permit shall be issued without the payment of the parish tap-in-fee and the system construction fee.
- (8) *Weston Glen Subdivision.* In addition to the parish tap-in-fee, for each new water connection in the Weston Glen Subdivision, where applicable, a system construction fee shall be charged in accordance with the utility services agreement dated May 25, 2007, and as amended. No building permit shall be issued without the payment of the parish tap-in-fee and the system construction fee.
- (9) *Northshore Commercial Park Subdivision.* In addition to the parish tap-in-fee, for each new water connection in the Northshore Commercial Park Subdivision, where applicable, a system construction fee shall be charged in accordance with the utility services agreement dated June 4, 2007, and as amended. No building permit shall be issued without the payment of the parish tap-in-fee and the system construction fee.

Monthly Sewerage Service	
Residential	
Residential customers	115 percent of water rate \$28.60 (minimum) \$58.10 (maximum)
Residential flat (S10)	\$28.60
Bedico Creek Customers	115 percent of water rate \$33.36 (minimum) \$67.83 (maximum)
Commercial	
Commercial customers	115 percent of water rate \$62.40 (minimum) No maximum
Flat rate apartments (S08)	\$383.88

- (10) *Terra Bella Subdivision.* Instead of the parish's standard tap-in-fee, for each new sewer connection in the Terra Bella Subdivision, including phase 1-A-1 and 1-A-2, a tap-in fee in the amount of \$750.00 shall be charged, at the time of tap-in, for each residential user. No building permit shall be issued without the payment of the parish tap-in-fee.

- (11) *Eagle Landing Subdivision*. In addition to the parish tap-in-fee, for each new sewer connection in the Eagle Landing Subdivision, where applicable, a system construction fee shall be charged in accordance with the utility services agreement dated February 1, 2008, and as amended. No building permit shall be issued without the payment of the parish tap-in-fee and the system construction fee.
- (12) *Del Sol Subdivision*. In addition to the parish tap-in-fee, for each new sewer connection in the Del Sol Subdivision, where applicable, a system construction fee shall be charged in accordance with the utility services agreement dated October 29, 2007, and as amended. No building permit shall be issued without the payment of the parish tap-in-fee and the system construction fee.
- (13) *Weston Glen Subdivision*. In addition to the parish tap-in-fee, for each new sewer connection in the Weston Glen Subdivision, where applicable, a system construction fee shall be charged in accordance with the utility services agreement dated May 25, 2007, and as amended. No building permit shall be issued without the payment of the parish tap-in-fee and the system construction fee.
- (14) *Northshore Commercial Park Subdivision*. In addition to the parish tap-in-fee, for each new sewer connection in the Northshore Commercial Park Subdivision, where applicable, a system construction fee shall be charged in accordance with the utility services agreement dated June 4, 2007, and as amended. No building permit shall be issued without the payment of the parish tap-in-fee and the system construction fee.
- a. *Indexed increases*. Except as expressly provided herein, all water and sewer rates, fees and costs shall be adjusted annually using the "Municipal Cost Index" issued by Penton Media, Inc. through American City and County (<http://americancityandcounty.com/mciarchive/>).
1. Each January 1 the then-current water and sewer rates shall be revised by an amount equal to the percentage change in the municipal cost index for the previous 12-month period comprised from October of the prior year and October two years' prior.
 2. Provided, however, the percentage increase shall not exceed four percent without council approval. For example, on January 1, 2012, rates shall increase four percent based on the percentage change in the municipal cost index from October 2010 (212.8) to October 2011 (223.6) of 5.08% $((223.6 - 212.8)/212.8)$. If the percentage change in the municipal cost index for such period of October to October is zero or less than zero, then no increase to the water and sewer rates shall occur for that calendar year.
 3. Rates shall be rounded up to the nearest tenth of a dollar. Indexed increases do not apply to:
 - (i) Capacity reservation fees;

- (ii) Tap-in fees;
 - (iii) Connection fees;
 - (iv) Re-connect fees;
 - (v) Deposit;
 - (vi) Service charge;
 - (vii) Tampering;
 - (viii) Late payment charge;
 - (ix) Parish inspection fee;
 - (x) Repair surcharge.
4. If the municipal cost index is subsequently converted to a different standard reference base or otherwise revised, the numerator and denominator of the fraction set out in this rate ordinance will be determined by using any conversion factor, formula or table published by a nationally recognized publisher of similar statistical information. If the municipal cost index ceases to be published, for the purposes hereof, any other index chosen by parish may be substituted therefor.

(Code 1998, § 23-810.00; Ord. No. 09-2067, 6-4-2009; Ord. No. 09-2181, 12-3-2009; Ord. No. 10-2257, 4-1-2010; Ord. No. 10-2357, 10-7-2010; Ord. No. 11-2561, 7-7-2011; Ord. No. 11-2645, 12-1-2011; Ord. No. 12-2707, 4-5-2012)

Secs. 40-334—40-354. Reserved.

ARTICLE XII. PERFORMANCE STANDARDS FOR DEVELOPMENTS WITH CENTRAL SEWAGE AND/OR WATER FACILITIES

Sec. 40-355. Purpose.

The purpose of this article is to provide a parish regulatory vehicle to ensure that owner/developers properly install, operate and maintain sewage and water facilities provided in residential, commercial and industrial developments.

(Code 1998, § 21-001.00; Ord. No. 86-630, 6-19-1986)

Sec. 40-356. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Central sewage facility means either a publicly or privately owned system, that may consist of a collection system, or a portion thereof, pumping facility or facilities, and a means of final treatment and disposal, as well as any ancillary features which serves more than one dwelling unit or business.

Central water system means either a publicly or privately owned system usually consisting of at least one of the following: a source; storage facility; pumping system; treatment process; or distribution system which ensures the safe and adequate supply of potable water to more than one dwelling unit or business.

Sewage means the waste material and liquids carried off by sewers; and sewerage shall be defined as the removal and disposal of sewage and surface water.
(Code 1998, § 21-002.00; Ord. No. 86-630, 6-19-1986)

Sec. 40-357. Standards prescribed.

The sewer and water facilities herein addressed shall comply with all of the provisions of the state department of health and human resources, hereby referred to as (DHHR) or its successor agency, the sanitary code of the state, and the department of environmental quality, hereby referred to as (DEQ) or its successor agency, and the water quality control standards of the state.
(Code 1998, § 21-003.00; Ord. No. 86-630, 6-19-1986)

Sec. 40-358. Plans and specifications, requirements for submittal.

(a) The owner/developer shall be required to submit to the parish department of public works a complete set of plans and specifications along with the completed "Design Summary Package," as required by the state department of health and human resources, detailing the type of central sewage and water facilities to be installed. Such plans and specifications shall be certified by a registered professional engineer of the state. Also written acknowledgment from the appropriate governmental agency (DHHR) must be submitted to the department of public works for the parish, ensuring that the plans and specifications are being reviewed by DHHR, and that when necessary, the discharge permit from DEQ has been applied for. This must be done before preliminary approval by the parish or issuance of a building permit.

(b) Before final approval by the parish and/or an occupancy permit is obtained, the plans and specifications must be approved by DHHR, the (draft) discharge permit obtained and the construction certified by a registered professional engineer as to its completeness, conformance to the plans and specifications on file, and present operational capacity.
(Code 1998, § 21-004.00; Ord. No. 86-630, 6-19-1986)

Sec. 40-359. Time limitation on construction.

The owner/developer must comply with the time limitations as provided by DHHR with respect to their approval, and those of DEQ concerning the discharge permit.
(Code 1998, § 21-005.00; Ord. No. 86-630, 6-19-1986)

Sec. 40-360. Operation and maintenance.

(a) The owner/developer shall be responsible for the operation and maintenance (at his expense) of the central sewage and water facilities in full compliance with all the requirements of this Code, all applicable ordinances of the parish, and with federal and state laws and regulations.

(b) This may include hiring of the necessary certified operator, or a consultant that provides such a service, and adhering to the instructions and limits as laid out in the discharge permit. (Code 1998, § 21-006.00; Ord. No. 86-630, 6-19-1986)

Sec. 40-361. Management of facilities and transfer of ownership.

The owner/developer of a project shall accept responsibility for the operation and maintenance of a central sewage and/or water facility and may transfer the ownership rights to another party if so desired. However, in any case, the owner/developer shall establish and submit to the director of the parish department of public works, a "management declaration" which shall establish the responsibility of the owner/developer for the operation, maintenance and funding requirements for the central sewage and/or water facilities. The owner/developer must satisfy the concerns of the parish and of DHHR that such management declaration is valid and solvent.

(Code 1998, § 21-007.00; Ord. No. 86-630, 6-19-1986)

Sec. 40-362. Posting of bonds/letters of credit required.

(a) Once the sewage and/or water treatment facilities have been installed, the developer and/or owner shall contact the parish department of public works. An on-site inspection to ensure that the systems have been installed, and are operable, will be initiated. If upon inspection, the department of public works determines that such system is not found to be built according to specifications, the owner/developer shall be required to make the appropriate corrections at his expense and shall not be allowed to continue any further developmental activities until said corrections have been made and certified as being correct by the department of public works. Subsequently, the director of the department of public works or the parish engineer shall establish an amount in the form of a warranty bond/letter of credit for a period of not less than one year in order to ensure the adequate operation and maintenance of the system. The director shall submit his bond recommendation for approval to the parish council.

(b) All warranty bonds/letters of credit shall be obtained by the owner/developer from an accredited financial institution recognized in good standing by the parish. The release of warranty bonds/letters of credit shall follow established parish procedures.

(Code 1998, § 21-008.00; Ord. No. 86-630, 6-19-1986)

Sec. 40-363. Notice requirement for central sewerage and/or water facilities.

It shall be required of property owners and developers in subdivisions or communities with existing, pending or anticipated central sewerage and/or water facility projects to notify potential buyers, in writing, prior to the execution of any act of sale, of the existing, pending or anticipated project and any additional costs for which the buyer may be responsible for tying into the new system and/or decommissioning the existing sewerage and water system on the property.

(Code 1998, § 21-009.00; Ord. No. 01-0253, 1-4-2001)

Secs. 40-364—40-384. Reserved.

ARTICLE XIII. SEWAGE DISTRICTS***DIVISION 1. GENERALLY**

Secs. 40-385—40-411. Reserved.

DIVISION 2. DISTRICT NO. 1**Sec. 40-412. Created; boundaries.**

A sewage district is hereby created within the parish which shall be composed of territory entirely outside the corporate limits of any municipality and shall include, comprise and embrace all of that territory within the following described boundaries:

- (1) From the east corner of section 37, Township 7 south, Range 11 east, the parish, measure south 45 degrees 15 minutes west, 4,254.5 feet to a point in the westerly right-of-way line of U.S. Highway No. 190; thence along said line the following distance and bearings: north 03 degrees 00 minutes east 217.8 feet to a point; north 07 degrees 00 minutes east 274.0 feet; north 08 degrees 45 minutes east 3,178.0 feet to the point of beginning. (Part A, O. C. Hollister's map, dated January 25, 1959).
- (2) From said point of beginning measure south 08 degrees 45 minutes west along the westerly right-of-way line of U.S. Highway No. 1,902,659.7 feet to a point; thence north 69 degrees 45 minutes west 4,619.0 feet to a point; thence south 66 degrees 00 minutes west, 1,040.0 feet to a point; thence north 69 degrees 53 minutes west, 840.0 feet to a point; thence north 20 degrees 00 minutes east 1,560.6 feet to a point; thence north 23 degrees 04 minutes east, 726.0 feet to a point; thence north 09 degrees 15 minutes west 362.0 feet to a point; thence north 42 degrees 55 minutes west 385.4 feet to a point;

***State law references**—Authority to create sewerage district, R.S. 33:3881; corporate status and powers, R.S. 33:3885.

thence north 59 degrees 20 minutes west 80.9 feet to a point; thence north 39 degrees 30 minutes east, 132.0 feet to a point; thence north 50 degrees 40 minutes west, 716.6 feet to a point; on the left bank of the Tchefuncte River; thence upstream with said bank about 587 feet to a point to the southwest corner of the A. Shushan property; thence along said property line fence south 58 degrees 45 minutes east 1,787.9 feet to a point; thence south 83 degrees 5 minutes east 4,903.1 feet to a point in the westerly right-of-way line of U.S. Highway No. 190; thence with said line, south 08 degrees 45 minutes west, 1,199.9 feet to the point of beginning. This tract contained 466 acres, more or less. All as per surveys dated June 6, 1955, and January 25, 1959, by O.C. Hollister, Registered Surveyor, A. Amite, Louisiana.

(Code 1998, § 21-026.00; Ord. No. 277, Bk. 4, P. 499)

Sec. 40-413. Name, status and powers.

The sewage district herein created shall be known and designated as "Sewage District No. 1 of the Parish of St. Tammany, State of Louisiana," and as thus created, shall constitute a public corporation and political subdivision of the state and as such, shall have all the rights, powers and privileges granted and conferred by the constitution and statutes of the state, including the authority to incur debt, to issue bonds and to levy taxes and assessments.

(Code 1998, § 21-027.00; Ord. No. 277, Bk. 4, P. 499)

Sec. 40-414. Domicile.

The domicile of the sewerage district created herein is hereby designated as the Covington Country Club, Country Club Estates, Covington, Louisiana, which domicile is within the boundaries of said sewage district.

(Code 1998, § 21-028.00; Ord. No. 277, Bk. 4, P. 499)

Sec. 40-415. Commissioners.

The board of commissioners shall be comprised of five members. There shall be four members nominated and appointed by the parish council. There shall be one member nominated and appointed by the parish president.

(Code 1998, § 21-029.00; Ord. No. 00-0157, 6-1-2000)

Secs. 40-416—40-443. Reserved.

DIVISION 3. DISTRICT NO. 2

Sec. 40-444. Created; boundaries.

A sewage district is hereby created within the parish, comprising and embracing all that territory within the following described boundaries:

From the southeast corner of section 44, Township 9 south, Range 13 east, St. Tammany Parish, Louisiana, measure along the line common to sections 13 and 44, Township 9 south,

Range 13 east, St. Tammany Parish, Louisiana, north 62 degrees, 30 minutes west 4,776 feet more or less to a point on the left bank of Bayou Liberty the point of beginning. From the point of beginning, measure south 62 degrees 30 minutes east, along the line common to sections 13 and 44, 4,011 feet more or less to the southwest corner of land of George B. Dunbar in section 44, Township 9 south, Range 13 east, St. Tammany Parish, Louisiana; thence north 00 degrees 30 minutes east, 1,432.7 feet more or less to a point in the southerly right-of-way line of Laurent Avenue; thence north 70 degrees 15 minutes east, 3,330 feet more or less to the northwest corner of tract, formerly land of Estate of Clementine Roberts, thence north 37 degrees 15 minutes west, 484.6 feet to an iron post in the southerly right-of-way line of Bayou Liberty Road; thence with said right-of-way line northeasterly 501.3 feet to an iron post; thence south 22 degrees 50 minutes east, 286.3 feet to an iron post; thence south 37 degrees 15 minutes east, 879.6 feet to a point in the center of Ravine Coin Des Lestin; thence with the centerline of said ravine, south 58 degrees 56 minutes west, 368.4 feet to a point; thence south 37 degrees 15 minutes east, 1,470 feet more or less to a point on the right bank of Bayou Bonfouca; thence along said bank southwesterly, westerly, northwesterly and northerly through sections 38, 42, 18 and 19, Township 9 south, Range 14 east, and sections 24, 13 and 23, Township 9 south, Range 13 east, in turn to intersection with line common to sections 14 and 23, Township 9 south, Range 13 east; thence easterly with said line to corner common to sections 13, 14, 23 and 24, Township 9 south, Range 13 east; thence northerly with line common to sections 13 and 14, to its intersection with the southerly bank of Bayou Liberty; thence upstream with said bank southeasterly and northeasterly to the point of beginning.

(Code 1998, § 21-036.00; Ord. No. 336, Bk. 5, P. 383)

Sec. 40-445. Name, status and powers.

The sewage district herein created shall be known and is hereby designated as "Sewage District No. 2 of the Parish of St. Tammany, State of Louisiana," and that as so created shall constitute a public corporation and political subdivision of the state and shall have all the powers granted by the constitution and laws of this state to such entities.

(Code 1998, § 21-037.00; Ord. No. 336, Bk. 5, P. 383)

Sec. 40-446. Domicile.

The domicile of the sewerage district created herein is hereby designated as Coin du Lestin, St. Tammany Parish, and which domicile is within the boundaries of said sewage district.

(Code 1998, § 21-038.00; Ord. No. 336, Bk. 5, P. 383)

Sec. 40-447. Commissioners.

The board of commissioners shall be comprised of five members. There shall be four members nominated and appointed by the parish council. There shall be one member nominated and appointed by the parish president.

(Code 1998, § 21-039.00; Ord. No. 00-0157, 6-1-2000)

Secs. 40-448—40-477. Reserved.

DIVISION 4. DISTRICT NO. 4

Sec. 40-478. Created; boundaries.

A sewage district is hereby created within the parish outside the corporate limits of any municipality, which shall comprise and embrace all of that territory within the following described boundaries:

- (1) *Riverwood on the Tchefuncte Subdivision, phases I and II. Phase I:*

Beginning at a point 2,947.0 feet north 51 degrees, 50 minutes west of the southeast corner of section 37, Township 7 south, Range 11 east, proceed at a bearing north 83 degrees, 15 minutes west along the rear property lines of Lots 22 through 42, inclusive, Square 1, to the intersection of said rear property line with the east right-of-way line of Club Lane, thence across Club Lane to the point of intersection of the rear property line of Lot 1, Square 13, and the west right-of-way line of Club Lane to the point of intersection of the rear property line of Lot 1, Square 13, and the west right-of-way line of Club Lane, thence westerly along the rear property line of Lots 1, 2, 3 and 4, Square 13, to the point of intersection of said rear property line of Lot 4, Square 13, thence proceed north 7 degrees 10 minutes 37 seconds west along said west property line of Lot 4, Square 13, thence proceed north 7 degrees 10 minutes 37 seconds west along said west property line of Lot 4, Square 13, to its point of intersection with the south right-of-way line of Golfview Lane, thence across Golfview Lane, to the intersection of the west property line of Lot 9, Square 12, with the north right-of-way line of Golfview Lane, thence north along said west property line of Lot 9, Square 12, to the intersection of the rear property line of said lot, thence northeasterly along the rear property lines of Lots 9, 8, 7, 6 and 5, Square 12 to the point of intersection of the said rear property line with the east property line of Lot 5, Square 12, thence southerly along said east property line of Lot 5, Square 12 to the point of intersection of said east property line with the north property line of Lot 4, Square 12, thence north 48 degrees east along said north property line of Lot 4, Square 12 to its point of intersection with the south right-of-way line of Belle Terre Boulevard, thence across Belle Terre Boulevard to the point of intersection of the west property line of Lot 6, Square 7, with the north right-of-way line of Belle Terre Boulevard; thence northeasterly along said west property line of Lot

6, Square 7, to the intersection with the north line of the utilities servitude, adjoining the rear property line of Lot 6, Square 12, thence generally easterly along said north line of the utilities servitude to the intersection of said north line with the west right-of-way line of Magnolia Lane, thence across Magnolia Lane to the intersection of the east right-of-way line of Magnolia Lane with the north line of the utilities servitude adjoining the rear property line of Lot 9, Square 4, thence along said north line of the utilities servitude for a distance of approximately 165.48 feet, thence north 15 degrees 42 minutes 42 seconds west along said north line for a distance of approximately 84.38 feet, thence generally easterly along said north line of the utilities servitude adjoining the north property lines of Lots 8 through 1, Square 4 inclusive, to its point of intersection with the west right-of-way line of U.S. Highway 190, thence southerly along said west right-of-way line of U.S. Highway 190 to its intersection with the south property line of Lot 22, Square 1, being the point of beginning. All of the above described is within Township 7 south, Range 11 east of Ward 4 of St. Tammany Parish, Louisiana as shown on a survey map prepared by Landry Engineering Co., Civil Surveyors, and Consulting Engineers and dated July 30, 1960, a copy of which is on file with the secretary of the parish council and is open to public inspection; and

- (2) *Phase II.* Beginning at a point south 45 degrees 15 minutes west 4,854.4 feet north 3 degrees 0 minutes east, 217.8 feet, north 7 degrees 0 minutes east, 274.0 feet north 8 degrees 47 minutes east, 4,377.9 feet north 83 degrees 13 minutes 15 seconds west, 3,840.0 feet from the east corner of section 37, Township 7 south, Range 11 east, proceed north 83 degrees 15 minutes west 2,052.47 feet along the rear property line of Lots 5 through 10, Square 13, inclusive, and Lots 1 through 11, Square 14, inclusive, to the point of intersection of said rear property line with the common property line between Lots 11 and 12, Square 14, thence north 58 degrees 35 minutes west 365.31 feet along the rear property line of Lots 12, 13 and 14, Square 14, to the point of intersection of said rear property lines with the west property line of Lot 14, Square 14, thence north 31 degrees 25 minutes east along said west property line of Lot 14, Square 14, to its intersection with the south right-of-way line of Riverwood Drive thence across Riverwood Drive to the point of intersection of the north right-of-way line of Riverwood Drive and the west property line of Lot 10, Square 15, thence north 31 degrees 25 minutes east for approximately 160 feet along said west property line of Lot 10, Square 15, thence north 72 degrees 18 minutes east approximately 260 feet to the intersection with the north right-of-way line of Bayberry Drive, thence easterly along the north right-of-way line of Bayberry Drive to its intersection with the west right-of-way line of Cherrylaurel Drive, thence generally northerly along the west right-of-way line of Cherrylaurel Drive to its intersection with the west right-of-way line of an unnamed street thence northerly along the west right-of-way of said unnamed street to the north right-of-way line of Belle Terre Boulevard, thence easterly along said north right-of-way line of Belle Terre Boulevard to its intersection with the west property line of Lot

23, Square 10, thence northerly along said west property line of Lot 23, Square 10 for a distance of approximately 198 feet, thence north 75 degrees 0 minutes east approximately 84.05 feet to the north servitude line adjoining the northeast property line of Lot 23, Square 10, thence easterly along said north line of the utilities servitude adjoining the rear property lines of Lots 23, 22, 21, 20, 19, 18, 17, 16 and 15, Square 10, thence across an unnamed street to the point of intersection of the east right-of-way of said unnamed street with the north line of the utilities servitude adjoining the rear property line of Lot 34, Square 9, thence along said north line of the utilities servitude, southeasterly 180.3 feet to the point of intersection of said north line with the east property line of said Lot 34, Square 9, thence across an unnamed street to the point of intersection of the east right-of-way line of said unnamed street to the point of intersection of the east right-of-way line of said unnamed street with the north line of the utilities servitude adjoining the rear property line of Lot 1, Square 7, thence generally southeasterly along said north line of the utilities servitude adjoining the rear property lines of Lots 1, 2, 3, 4 and 5, Square 7 to its point of intersection with the east property line of Lot 5, Square 7, thence southwesterly along the property line common to Lots 5 and 6, Square 7 to its intersection with the north right-of-way line of Belle Terre Boulevard, thence across Belle Terre Boulevard to the point of intersection of the south right-of-way line of said Belle Terre Boulevard and the southernmost property line of Lot 3, Square 12, thence along said southernmost property line of Lot 3, Square 12 at a bearing south 48 degrees west for approximately 198.73 feet, thence north 29 degrees 45 minutes west to the southeast corner of Lot 20, Square 12, thence along the rear property lines of Lots 20, 19, 18, 17 and a portion of Lot 16, Square 12 to the northeast corner of Lot 10, Square 12, to the intersection with the north right-of-way line of Golfview Drive, thence across Golfview Lane to the point of intersection of the south right-of-way line of Golfview Lane and the east property line of Lot 5, Square 13, thence southeasterly along the east property line of said Lot 5, Square 13 to its point of intersection with the rear property line of said Lot 5, Square 13, being the point of beginning. All the above described is within Township 7 south, Range 11 east of Ward 4 of St. Tammany Parish, Louisiana, as shown on a survey map prepared by Robert A. Berlin, Registered Land Surveyor, and dated April 6, 1962, a copy of which is on file with the secretary of the parish council and is open to public inspection.

The district shall also embrace that certain tract of land situated in the 4th Ward of St. Tammany Parish, Louisiana, outside the corporate limits of any municipality, more particularly described as follows:

Beginning at the intersection of the west right-of-way line of U.S. Highway 190 and the southern bank of Ponchitolawa Creek with point of intersection situated in section 22, Township 7 south, Range 11 east, St. Tammany Parish, Louisiana; proceed generally westward following the meanderings of the south bank of the Ponchitolawa Creek to its intersection with the east bank of the Tchefuncte River;

thence generally southerly, following the meanderings of the said east bank of the Tchefuncte River to the point of intersection of said east bank of the Tchefuncte River with a projection of the southern-most boundary of Riverwood on the Tchefuncte Subdivision, phases I and II; thence generally southeasterly along said projection line, thence generally easterly along the southernmost boundary of Riverwood on the Tchefuncte Subdivision, phases I and II to its point of intersection with the west right-of-way line to its intersection with the southern bank of Ponchitolawa Creek, the point of beginning.

(Code 1998, § 21-056.00; Ord. No. 537, Bk. 7, P. 174; Ord. No. 559, Bk. 7, P. 282)

Sec. 40-479. Name, status and powers.

The sewage district herein created shall be known and is designated as "Sewage District No. 4 of the Parish of St. Tammany, State of Louisiana," and as thus created shall constitute a public corporation and political subdivision of the state, and as such, shall have all the rights, powers and privileges granted and conferred by the constitution and statutes of the state, including the authority to incur debt, to issue bonds and to levy taxes and assessments.

(Code 1998, § 21-057.00; Ord. No. 537, Bk. 7, P. 174)

Sec. 40-480. Domicile.

The domicile of the sewage district created herein is hereby designated as the Riverwood Club House, Riverwood Subdivision, Covington, Louisiana, which domicile is within the boundaries of said sewage district.

(Code 1998, § 21-058.00; Ord. No. 537, Bk. 7, P. 174)

Sec. 40-481. Board of supervisors.

The board of supervisors of Sewage District No. 4 shall be comprised of five members. There shall be four members nominated and appointed by the parish council. There shall be one nominated and appointed by the parish president.

(Code 1998, § 21-059.00; Ord. No. 00-0157, 6-1-2000)

Secs. 40-482—40-500. Reserved.

DIVISION 5. DISTRICT NO. 8

Sec. 40-501. Created; boundaries.

(a) Pursuant to the authority contained in section 3881, ch. 9, title 33 of the Louisiana Revised Statutes of 1950, and other constitutional and statutory authority supplemental thereto, the parish council of the parish, acting as the governing authority of said parish, acting

on its own initiative, does hereby change the boundaries of said district, said boundaries to remain outside the corporate limits of any municipality, so that the boundaries and corporate limits of Sewerage District No. 8 of the parish.

(b) The parish, shall hereafter comprise, embrace and include all of that territory within Tall Timbers Subdivision, described as follows, to-wit:

- (1) Commence at the quarter corner common to sections 27 and 34, Township 7 south, Range 11 east, St. Tammany Parish, Louisiana, said point being the point of beginning; thence go north 00 degrees, 12 minutes, 52 seconds west 1,362.69 feet; thence go north 45 degrees, 43 minutes, 42 seconds east 2,821.42 feet; thence go south 00 degrees, 03 minutes, 34 seconds west 3,311.73 feet; thence go south 89 degrees, 25 minutes, 01 second west 2,011.80 feet back to the point of beginning.

- (2) Said property comprises the subdivision known as Tall Timbers, located in Ward 4, Police Jury District 10.

(Code 1998, § 21-096.00; Ord. No. 744, 8-18-1977; Ord. No. 92-1670, 11-19-1992)

Sec. 40-502. Name, status and powers.

The said district shall continue to be known as and is hereby designated as "Sewerage District No. 8 of the Parish of St. Tammany, State of Louisiana," and shall continue to constitute a public corporation and political subdivision of the state, and as such, shall have all the powers incidental thereto as granted by the constitution and laws of the state, including the authority to incur debt, to issue bonds and to levy taxes; that said sewerage district, as originally created and amended, has no outstanding bonded indebtedness, and such change shall in no manner impair any other obligations that may have heretofore been incurred by said sewerage district during the period of its existence.

(Code 1998, § 21-097.00; Ord. No. 744, 8-18-1977; Ord. No. 92-1670, 11-19-1992)

Sec. 40-503. Notice of change of boundaries.

Due notice of the change of the boundaries of said sewerage district shall be published and the president of this police jury be and he is hereby instructed and ordered to issue notice of the change of the boundaries of said sewerage district and to cause publication thereof to be made in the parish farmer.

(Code 1998, § 21-098.00; Ord. No. 744, 8-18-1977; Ord. No. 92-1670, 11-19-1992)

Sec. 40-504. Board of supervisors.

The board of supervisors of Sewage District No. 8 shall be comprised of five members. There shall be four members nominated and appointed by the parish council. There shall be one member nominated and appointed by the parish president.

(Code 1998, § 21-099.00; Ord. No. 00-0157, 6-1-2000)

Secs. 40-505—40-531. Reserved.

DIVISION 6. DISTRICT NO. 10

Sec. 40-532. Created; boundaries.

A sewage district is hereby created within the parish and outside the corporate limits of any municipality, which district shall comprise and embrace all of that territory within the following described boundaries:

- (1) Certain pieces or portions of ground with all the buildings and improvements thereon and all rights, ways, privileges, servitudes and appurtenances thereunto belonging or in anywise appertaining, situated in the State of Louisiana, Parish of St. Tammany, forming a portion of sections 23, 24, 25, and 26, Township 6 south, Range 12 east, in that part thereof known as Hillcrest Country Club Estates Subdivision, Addition No. 3, as shown on a survey by Land Engineering Services, Inc., dated February 3, 1961, revised May 16, 1961, certified by Robert A. Berlin, La. Reg. Sur., and recertified on April 6, 1964, being described as follows, to wit:
 - a. Beginning at a point on the westerly right-of-way line of Snead Drive, which point forms the southeast corner of Lot 59, Square 2, thence westerly 150 feet to the southwest corner of Lot 59, said square, to a point; thence north-easterly along the rear line of Lots 59 descending through and including Lot 37, said square to the southwest corner of Lot 37; thence northerly along the sideline of Lot 37, 151 feet to the northwest corner of Lot 37; thence in a westerly direction along the southerly line of Snead Drive a distance of 10 feet to a point, which is the northeast corner of Lot 36; thence in a southerly direction along the sideline of Lot 36 a distance of 151 feet; to a point, which is the southeast corner of Lot 36; thence continue along the rear line of Lot 36 descending thru and including Lot 1 of Square 2 to a point on the northern right-of-way of Francis Quimet Drive; thence easterly along the northern right-of-way of Francis Quimet Drive to a point, which point is the southwest corner of Lot 98, Square 1; thence continue northerly along the rear line of Lot 98 descending thru and including Lot 49 of said square to a point; which point is the southwest corner of Lot 49; thence continue northerly along the rear line of Lots 48 descending thru and including Lot 28 to a point, which is the southwest corner of Lot 28, Square 1; thence northerly along the sideline of Lot 28, 190 feet to a point on the southern right-of-way of Fairway Drive; thence northerly along the southerly right-of-way of Fairway Drive 20 feet to a point, which is the northeast corner of Lot 27 of said square; thence continue southerly along the sideline of Lot 27, 190 feet to a point, which is the southeast corner of Lot 27; thence continue along the rear line of Lot 27 descending thru

and including Lot 6 to a point, which is the point common to Lot 5, Lot 105 and Lot 106 of Square 1; thence continue easterly along the rear of Lot 106 through and including Lot 120 of Square 1 to a point on the rear line of Lot 143; thence continue southeasterly along the rear line of Lot 143 thru and including Lot 148 to a point, which point is the eastern most corner of Lot 148; thence southwesterly 200 feet to the eastern right-of-way line of Francis Quimet Drive; thence southerly along the eastern right-of-way line of Francis Quimet Drive to the intersection of the southern right-of-way line of Oliver Street, which intersection forms the northwest corner of Lot 26 of Square 3; thence northeasterly along the southern right-of-way line of Oliver Street to a point, which point is the northern corner of Lot 10, Square 3; thence southeasterly along the rear line of Lot 10 descending thru and including Lot 6 to a point, which is the northeast corner of Lot 6; thence southerly along the side line of Lot 6, 247.2 feet to a point, which is the southeast corner of Lot 6; thence southeasterly along the northern right-of-way of Evans Street 15 feet to a point, which is the southwest corner of Lot 5 of Square 3; thence northerly along the side line of Lot 5 a distance of 247.2 feet to a point, which is the north-west corner of Lot 5, Square 3, thence southeasterly along the rear line of Lots 5 and 4 to a point on the westerly right-of-way of Francis Quimet Drive; thence northerly along the western right-of-way of Francis Quimet Drive and northeasterly to the intersection of the western right-of-way line of Snead Drive; thence northwesterly along the western right-of-way line of Snead Drive to the point of beginning.

Less and except that portion sold by Leslie Homes, Inc., to Pep, Inc., by act dated May 17, 1962, before Vincent C. Rodriguez, Notary Public, registered in COB 323, folio 429, St. Tammany Parish, Louisiana, containing 1.45 acres, and described as follows:

A certain piece or portion of ground, together with all improvements thereon, all rights, ways, privileges, servitudes, appurtenances and advantages thereunto belonging or in anywise appertaining, situated in the Parish of St. Tammany, section 25, Township 6 south, Range 12 east, St. Tammany Parish, Louisiana, which portion of ground is more particularly described as follows in accordance with map of Robert A. Berlin, Louisiana Registered Surveyor, No. 94, dated May 10, 1962, annexed to said sale to Pep, Inc.:

From the corner common to sections 23, 24, 25 and 26, Township 6 south, Range 12 east, St. Tammany Parish, Louisiana, measure north 42 degrees 30 minutes east, 519.7 feet to a point; thence south 30 degrees 15 minutes east, 1788.8 feet to an iron post; thence north 64 degrees 05 minutes east, 388.7 feet to an iron post; thence south 72 degrees 30 minutes east, 239.9 feet to an iron post on the westerly right-of-way line of Snead Drive, a 60-foot street; thence along said

right-of-way line south 31 degrees 20 minutes east, 413.5 feet to an iron post; thence continuing along said right-of-way line south 40 degrees 49 minutes east, 419.0 feet to an iron post at the intersection of the westerly right-of-way line of Snead Drive with the northwesterly right-of-way line of Quimet Drive; thence with said northwesterly right-of-way line south 41 degrees 08 minutes west, 262.4 feet to an iron post, the point of beginning.

From the point of beginning measure south 41 degrees 08 minutes west, 200.0 feet to an iron post on said right-of-way line of Quimet Drive; thence north 48 degrees 52 minutes west 276.0 feet to an iron post at the water's edge of Hillcrest Lake; thence with the water's edge north 19 degrees 35 minutes east, 215.6 feet to an iron post at the water's edge of said lake; thence south 48 degrees 52 minutes east, 355.0 feet to the point of beginning.

- b. From the point of beginning, which point is located at the intersection of the northern right-of-way line of Worsham Street and the rear boundary line of Lot 35, Square 4, continue northerly and westerly along the rear lines of Lots 35 thru and including Lot 61, Square 4 to a point; thence northerly along the side line of Lot 61 a distance of 237 feet to the southerly right-of-way of Francis Quimet Drive; thence westerly along the southerly right-of-way of Francis Quimet Drive 20 feet to a point, which is the east and northeast corners of Lots 7 and 8, respectively, Square 4; thence south along the rear line of Lot 7 through and including Lot 11 to a point, which point is at the corner common to the rear line of Lots 14 and 15; thence easterly along the rear line of Lot 15 through and including Lot 34 to a point on the northern right-of-way line of Worsham Street; thence northeasterly along the right-of-way line of Worsham Street to the point of beginning.
- c. From the point of beginning, which point is the southwest corner of Lot 2, Square 5, continue along the rear lines of Lot 2 through and including Lot 36 to a point, which is the southeast corner of Lot 36; thence northwesterly along the side line of Lot 36, 200 feet to a point, which is the northeast corner of Lot 36; thence northeasterly along the eastern right-of-way of Francis Quimet Drive 20 feet to a point, which is the northwest corner of Lot 37, Square 5; thence along the side line of Lot 37, 200 feet to a point, which is the southwest corner of Lot 37; thence continue along the rear line of Lot 37 thru and including Lot 59 to a point, which is the southeast corner of Lot 59; thence northwesterly along the side line of Lot 59, 175 feet to a point, which is the northeast corner of Lot 59; thence northeasterly along the east side line of Snead Drive 20 feet to a point, which is the northwest corner of Lot 60, Square 5; thence southeasterly along the side line of Lot 60, 175 feet to a point, which is the southerly most corner of Lot 60; thence

continue along the rear of Lot 60, 63 thru and including Lot to a point, which is the southerly most corner of Lot 145, Square 5; thence continue north-easterly along the rear of Lot 145 and Lot 1, Square 5, to a point on the southerly right-of-way of Francis Quimet Drive; thence in a southeasterly direction along the southern right-of-way of Francis Quimet Drive 20 feet to a point, which is the northwest corner of Lot 2, Square 5; thence southwesterly along the sideline of Lot 2, Square 5, 175 feet to point of beginning. All in accordance with a recertification of same survey by E.L. Dewailly, Reg. La. Sur., dated April 6, 1971, recorded as Entry No. 277916, St. Tammany Parish, Louisiana.

- (2) A certain piece or portion of ground with all the buildings and improvements thereon and all rights, ways, privileges, servitudes and appurtenances thereunto belonging or anyway appertaining, situated in the State of Louisiana, Parish of St. Tammany, forming parts of sections 23, 24, 25 and 26, Township 6 south, Range 12 east, in that part thereof known as Hillcrest Country Club Estates Subdivision. Addition No. 3, as shown on a survey by E. L. Dewailly, Sr., Registered Land Surveyor, dated March 29, 1971, and being described as follows, to-wit:
- a. From the point of beginning, which point is located at the rear corner common to Lots 8 and 9, Square 7, measure 48 degrees west, 1540 feet to a point, which point is on the eastern right-of-way of Snead Drive and opposite to the corner common to Lots 56 and 57, Square 2, thence south-easterly along the eastern right-of-way of Snead Drive 1480 feet, more or less, to a point, which point is the northwestern corner of Lot 1, Square 6; thence north-easterly along the side line of Lot 1, 90 feet to a point; thence southeasterly along the rear line of Lot 1 thru and including Lot 9 to a point on the northern right-of-way line of Snead Drive; thence northeasterly along the right-of-way line of Snead Drive to a point at the intersection of the rear line of Lot 1, Square 7; thence northeasterly along the rear line of Lot 1 thru and including Lot 8 to the point of beginning.
 - b. A certain piece or portion of ground with all the buildings and improvements thereon and all of the servitudes, rights and appurtenances thereunto applying situated in the State of Louisiana, in the Parish of St. Tammany, in sections 24 and 25, Township 6 south, Range 12 east, as shown on a survey prepared by Land Engineering Services, Inc., dated April 1, 1964, signed by Robert A. Berlin, La. Reg. Sur., and said portion of ground commences from the one-quarter corner on line common to sections 24 and 25, Township 6 south, Range 12 east, measure south 1455 feet more or less to a point, thence east 575 feet more or less to the most northerly corner of Lot 10, Block 7, Hillcrest Country Club Estates Subdivision, Addition No. 3, thence south 31 degrees 55 minutes west 178.2 feet to a corner common to Lots 9 and 10, said block, addition, subdivision, thence north 51 degrees 45 minutes west 97.4 feet to the most northerly corner of Lot 9, said block

and subdivision, thence south 45 degrees 20 minutes west 85 feet to a point, thence south 32 degrees 55 minutes west 100 feet to a corner common to Lots 8 and 9, said block, addition, subdivision, thence north 48 degrees 00 minutes west 1540 feet more or less to a point in the easterly right-of-way line of Snead Drive, said point being on an easterly extension of the line common to Lots 56 and 57, said block, addition, subdivision, thence along said right-of-way line north 11 degrees 10 minutes east 400 feet more or less to a point, thence north 04 degrees 15 minutes west 328 feet more or less to a point, thence north 13 degrees 00 minutes west 395 feet more or less to a point, thence north 22 degrees 15 minutes west 100 feet more or less to a point, thence north 33 degrees 00 minutes west 416 feet more or less to a point, thence north 59 degrees 25 minutes west 888 feet more or less to a point, thence north 81 degrees 45 minutes west 187 feet more or less to a point, thence north 35 degrees, 00 minutes west 10 feet to a point in the southeasterly right-of-way line of Louisiana State Highway No. 435, thence along said right-of-way line north 65 degrees 00 minutes east 306.24 feet more or less to a point, thence north 60 degrees 00 minutes east 132 feet to a point, thence north 52 degrees 00 minutes east 132 feet to a point, thence north 50 degrees 30 minutes east 264 feet to a point, thence north 49 degrees 45 minutes east 772.2 feet to a point thence north 46 degrees 45 minutes east 594 feet to a point, thence north 46 degrees 20 minutes east 463.98 feet to a point, thence south 0 degrees 07 minutes east 2705 feet more or less to the point of beginning. This tract contains 97 acres, more or less. All of which said measurements are the same as shown on a survey by E. L. Dewailly, Reg. La. Sur., dated March 29, 1971, annexed to a sale by Leslie Homes, Inc., to Louisiana Purchase Corporation, registered in COB 607, folio 135, St. Tammany Parish, Louisiana.

- (3) Lots Nos. 1 through 148 in Square No. 1, bounded by Fairway Drive, Burke Drive, the Golf Course and Francis Quimet Drive.
- a. Lots Nos. 1 through 59 in Square No. 2, bounded by Snead Drive, Chapman Street, Francis Quimet Drive and the Golf Course.
 - b. Lots Nos. 1 through 37 in Square No. 3, bounded by Evans Street, Oliver Street and Francis Quimet Drive.
 - c. Lots Nos. 1 through 61 in Square No. 4, bounded by Francis Quimet Drive, Bob Rosburg Street, Hogan Street Worsham Street and the Golf Course.
 - d. Lots Nos. 1 through 145 in Square No. 5, bounded by Bobby Jones Drive, Worsham Street, Francis Quimet Drive, the Golf Course and Metz Street, Snead Drive and Ford Street.
 - e. Lots Nos. 1 through 9 in Square No. 6, bounded by Snead Drive, Ford Street and Golf Course.

- f. Lots Nos. 1 through 24 in Square No. 7, bounded by Ford Street, the Golf Course, the northeasterly boundary line of Hillcrest Country Club Estates Subdivision Addition No. 3.
- g. Lots Nos. 1 through 31 in Square No. 8, bounded by Chapman Street, Bob Rosburg Street, Snead Drive and Little Court.
- h. Lots Nos. 1 through 12 in Square No. 9, bounded by Bob Rosburg Street, Francis Quimet Drive, the westerly boundary line of Hillcrest Country Club Estates Subdivision Addition No. 3, and Louisiana State Highway No. 435.
- i. Lots Nos. 1 through 10 in Square No. 10, bounded by Bob Rosburg Street, Francis Quimet Drive, Harry Vardon Drive and the westerly boundary line of Hillcrest Country Club Estates Subdivision Addition No. 3.
- j. Lots Nos. 1 through 13 in Square No. 11, bounded by Hogan Street, unnamed street, the southerly boundary line of Hillcrest Country Club Estates Subdivision Addition No. 3, and Bob Rosburg Street.
- k. Lots Nos. 1 through 8 in Square No. 12, bounded by Hogan Street, Worsham Street, the southerly boundary line of Hillcrest Country Club Estates Subdivision Addition No. 3, and an unnamed street.
- l. Lots Nos. 1 through 12 in Square No. 13, bounded by Bobby Jones Drive, an unnamed street and the southerly boundary line of Hillcrest Country Club Estates Subdivision Addition No. 3.
- m. Lots Nos. 1 through 13 in Square No. 14, bounded by Bobby Jones Drive, an unnamed street, and the southerly boundary line of Hillcrest Country Club Estates Subdivision Addition No. 3.
- n. Lots Nos. 1 through 12 in Square No. 15, bounded by Bobby Jones Drive, an unnamed street, and the southerly boundary line of Hillcrest Country Club Estates Subdivision Addition No. 3.
- o. Lots Nos. 1 through 13 in Square No. 16, bounded by Bobby Jones Drive, unnamed street and southeasterly boundary of Hillcrest Country Club Estates Subdivision Addition No. 3.

(Code 1998, § 21-116.00; Ord. No. 902, 12-21-1978)

Sec. 40-533. Name, status and powers.

The sewage district herein created shall be known and is hereby designated as "Sewage District No. 10 of the Parish of St. Tammany, State of Louisiana," and as thus created shall constitute a public corporation and political subdivision of the state, and as such, shall have all the rights, powers and privileges granted and conferred by the constitution and statutes of the state, including the authority to incur debt, issue bonds and to levy taxes and assessments.

(Code 1998, § 21-117.00; Ord. No. 902, 12-21-1978)

Sec. 40-534. Domicile.

The domicile of the sewage district created herein is hereby designated as the Clubhouse, Hillcrest Subdivision, the parish, which domicile is within the boundaries of said sewage district.

(Code 1998, § 21-118.00; Ord. No. 902, 12-21-1978)

Sec. 40-535. Board of commissioners.

The board of commissioners shall be comprised of five members. There shall be four members nominated and appointed by the parish council. There shall be one member nominated and appointed by the parish president.

(Code 1998, § 21-119.00; Ord. No. 00-0157, 6-1-2000)

Secs. 40-536—40-563. Reserved.

DIVISION 7. DISTRICT NO. 12

Sec. 40-564. Created; boundaries.

A sewage district is hereby created within the parish and outside the corporate limits of any municipality, which sewage district shall comprise and embrace all of that territory within the following described boundaries:

A certain piece or portion of ground situated in the parish, being located in sections 9 and 10, Township 9 south, Range 14 east, and more fully described as follows:

Commence at the section corner common to sections 3, 4, 9 and 10, Township 9 south, Range 14 east. Measure thence west 1,510.76 feet; thence south 00 degrees 19 minutes west a distance of 1,320.57 feet; thence north 89 degrees 41 minutes west a distance of 385.1 feet; thence south 00 degrees 19 minutes west a distance of 323.66 feet; thence south 31 degrees 09 minutes west a distance of 149.66 feet; thence south 72 degrees 45 minutes east a distance of 267.8 feet; thence south 66 degrees 44 minutes east a distance of 158.07 feet; thence south 57 degrees 14 minutes east a distance of 135.33 feet; thence south 47 degrees 25 minutes east a distance of 121.6 feet; thence south 39 degrees 07 minutes east a distance of 601.65 feet, to a point, the point of beginning. Thence from the point of beginning measure north 31 degrees 12 minutes 10 seconds east a distance of 124.45 feet; thence south 58 degrees 48 minutes east a distance of 260.0 feet; thence north 31 degrees 12 minutes east a distance of 59.4 feet; thence south 58 degrees 48 minutes east a distance of 260.0 feet; thence north 34 degrees 17 minutes east a distance of 135.33 feet; thence south 58 degrees 50 minutes east a distance of 200.5 feet; thence north 34 degrees 17 minutes east a distance of 240.00 feet; thence south 58 degrees 50 minutes east a distance of 220.0 feet; thence north 28 degrees 55 minutes east a distance of 186.15 feet; thence south 46 degrees 05 minutes east a distance of 80.69 feet to a

point; thence along the arc of a curve to the left a distance of 169.44 feet, the chord of which measures south 87 degrees 36 minutes 07 seconds east a distance of 154.95 feet; thence south 29 degrees 57 minutes 19 seconds east a distance of 223.6 feet; thence south 89 degrees 31 minutes east a distance of 97.8 feet to a point on the westerly line of Bayou Bonfouca; thence in a southerly direction along the westerly line of Bayou Bonfouca along the mean high water line, which line is at an elevation of 1.7 feet mean sea level, for an approximate distance of 1,762 feet; thence north 55 degrees 07 minutes 31 seconds west a distance of 1,278.97 feet; thence north 1 degree 9 minutes 36 seconds east a distance of 17.60 feet; thence north 89 degrees 46 minutes 44 seconds west a distance of 27.06 feet; thence north 00 degrees 27 minutes 36 seconds east a distance of 55.85 feet; thence north 89 degrees 05 minutes 56 seconds east a distance of 208.7 feet; thence north 00 degrees 15 minutes 23 seconds west a distance of 313.05 feet; thence north 89 degrees 51 minutes 30 seconds east a distance of 138.9 feet; thence north 40 degrees 17 minutes 50 seconds west a distance of 137.46 feet to a point, the point of beginning.

(Code 1998, § 21-126.00; Ord. No. 1089, 12-20-1979)

Sec. 40-565. Name, status and powers.

The sewage district herein created shall be known and is hereby designated as "Sewage District No. 12 of the Parish of St. Tammany, State of Louisiana," and as thus created shall constitute a public corporation and political subdivision of the state, and as such, shall have all the rights, powers and privileges granted and conferred by the constitution and statutes of the state, including the authority to incur debt, to issue bonds and to levy taxes and assessments.

(Code 1998, § 21-127.00; Ord. No. 1089, 12-20-1979)

Sec. 40-566. Domicile

The domicile of the sewage district created herein is hereby designated as the parish, which domicile is within the boundaries of such district.

(Code 1998, § 21-128.00; Ord. No. 1089, 12-20-1979)

Secs. 40-567—40-595. Reserved.

DIVISION 8. DISTRICT NO. 13

Sec. 40-596. Created; boundaries.

A sewage district is hereby created within the parish and outside the corporate limits of any municipality, which sewage district shall comprise and embrace all that territory within the following described boundaries:

A certain portion of land situated in the parish in sections 25, 26, 35 and 36, Township 8 south, Range 14 east and more fully described as follows:

Commencing at the intersection of Brown's Switch Road and U.S. Highway 11 centerlines; thence in a northeasterly direction along the U.S. Highway 11 centerline approximately 6,530 feet to intersection with a westerly extension of the Haas Road centerline; thence in an easterly direction along Haas Road centerline approximately 5,900 feet to intersection with LA Highway 1091 (Robert Road) centerline; thence in a southerly direction along said centerline approximately 7,050 feet to its intersection with the Brown's Switch Road centerline; thence in a westerly direction along said centerline approximately 7,200 feet to its intersection with U.S. Highway 11 centerline and point of beginning. Containing approximately 1,075 acres of land more or less, all as more fully shown on boundary map attached to original ordinance. Map on file in office of the parish council.

(Code 1998, § 21-130.00; Ord. No. 81-286, 11-19-1981)

Sec. 40-597. Name, status and powers.

The sewage district herein created shall be known and designated as "Sewage District No. 13 of the Parish of St. Tammany, State of Louisiana," and as thus created shall constitute a public corporation and political subdivision of the state, and as such, shall have all the rights, powers and privileges granted and conferred by the constitution and statutes of the state, including the authority to incur debt, to issue bonds, to construct, maintain, acquire or improve sewers or sewerage disposal systems and to levy taxes and assessments.

(Code 1998, § 21-131.00; Ord. No. 81-286, 11-19-1981)

Sec. 40-598. Board of supervisors.

The sewage district shall be governed by a board of supervisors composed of five members having residence requirements as provided in R.S. 33:3887 to be appointed by the parish council by resolution, which resolution shall also fix the terms of office.

(Code 1998, § 21-132.00; Ord. No. 81-286, 11-19-1981)

Sec. 40-599. Domicile.

The domicile of the sewage district is designated as 105 West Forest, Slidell, Louisiana, 70458, which domicile is within the boundaries of said sewage district.

(Code 1998, § 21-133.00; Ord. No. 81-286, 11-19-1981)

Editor's note—See article I of this chapter for old article III of the Municipal Code Corp. publication entitled "Performance Standards for Developments with Central Sewage and/or Water Facilities."

Editor's note of state reference—By Police Jury Resolution Number 86-2082, dated 2-20-1986, the parish police jury requested the creation by the state legislature of a parish environmental control commission. The sewerage and water management commission of the parish is created and given specific powers, see R.S. 33:4065 et seq.

Secs. 40-600—40-616. Reserved.

DIVISION 9. DISTRICT NO. 14

Sec. 40-617. Created; boundaries.

Pursuant to the authority contained in subpart A, part I, ch. 9 of title 33 of the Louisiana Revised Statutes of 1950, as amended, a sewerage district is hereby created within the parish and outside the corporate limits of any municipality, which sewerage district shall comprise and encompass all territory within the following described boundaries:

The east half and northwest quarter of section 11, Township 7 south, Range 11 east, St. Tammany Parish, Louisiana per the subdivision plan of V. D. Tilley dated March 18, 1921 on file in the office of the Clerk of Court, St. Tammany Parish, Louisiana; said subdivision was originally designated as south Abita Springs Subdivision, and is now known as Tammany Hills Subdivision for all or a part thereof, the boundaries of south Abita Springs Subdivision per the subdivision plan of V. D. Tilley being the prevailing boundaries.

(Code 1998, § 21-135.00; Ord. No. 89-1210, 12-21-1989)

Sec. 40-618. Amended boundaries.

The amended boundaries of Sewerage District No. 14 of the parish, shall comprise and encompass all the territory located within the following described property, to-wit:

- (1) Beginning at the northeast corner of the intersection of Harrison Avenue and 11th Street proceed along the east right-of-way of 11th Street (the east boundary of south Abita Springs Subdivision) in a southerly direction to its intersection with the rights-of-way line of Monroe Avenue, thence proceed in a westerly direction along the south right-of-way of Monroe Avenue to its intersection with the west right-of-way line of 1st Street, thence proceed in a northerly direction along the west right-of-way line of 1st Street to its intersection with the south right-of-way line of Washington Avenue, thence

proceed in a westerly direction along the south right-of-way line of Washington avenue to its intersection with the east right-of-way line of "K" Street, thence proceed in a southerly direction along the east right-of-way line of "K" Street to its intersection with the south right-of-way line of 11th Avenue, thence proceed in a westerly direction along the south right-of-way line of 11th Avenue to its intersection with the west boundary of east Addition of Alexiusville, thence in a northerly direction along said boundary to its intersection with the south right-of-way line of Harrison Avenue, thence in an easterly direction along the south right-of-way line of Harrison Avenue to its intersection with the west right-of-way line of "K" Street thence proceed due north a distance of 51 feet to the north right-of-way line of Harrison Avenue, thence in an easterly direction along the north right-of-way line of Harrison Avenue to the point of beginning.

(2) Less and except:

- a. All lots in Square 11, Square 11 being bounded by Jefferson Avenue, Adams Avenue, 1st Street and 2nd Street;
- b. All lots in Square 13, Square 13 being bounded by Jefferson Avenue, Adams Avenue, 3rd Street and 4th Street;
- c. All lots in Square 21, Square 21 being bounded by Jefferson Avenue, Madison Avenue, 1st Street and 2nd Street;
- d. All lots in Square 22, Square 22 being bounded by Jefferson Avenue, Madison Avenue, 2nd Street and 3rd Street;
- e. Lots 2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22, 24, 26, 28, 30, 32, 34, 36, 38, 40 and 42 of Square 24, said lots forming the west half of Square 24 bounded by Jefferson Avenue, Madison Avenue, 4th Street and 5th Street;
- f. All lots in Square 31, Square 31 being bounded by Madison Avenue, Monroe Avenue, 1st Street and 2nd Street;
- g. All lots in Square 32, Square 32 being bounded by Madison Avenue, Monroe Avenue, 2nd Street and 3rd Street;
- h. All lots in Square 33, Square 33 being bounded by Madison Avenue, Monroe Avenue, 3rd Street and 4th Street;
- i. All lots in Square 34, Square 34 being bounded by Madison Avenue, Monroe Avenue, 4th Street and 5th Street;
- j. All lots in Square 35, Square 35 being bounded by Madison Avenue, Monroe Avenue, 5th Street and 6th Street;
- k. Lots 2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22, 24, 26, 28, 30, 32, 34, 36, 38, 40 and 42 of Square 36, bounded by Madison Avenue, Monroe Avenue, 6th Street and 7th Street; and

1. Lots 2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22, 24, 26, 28, 30, 32, 34, 36, 38, 40 and 42 of Square 23, said lots form the east half of Square 23 fronting 3rd Avenue between Jefferson Avenue and Madison Avenue;
- m. East half of Square 36 consisting of Lots No. 1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, 23, 25, 27, 29, 31, 33, 35, 37, 39 and 41 of Square 36 and the west half of Square 37 consisting of Lots No. 2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22, 24, 26, 28, 30, 32, 34, 36, 38, 40 and 42 of Square 37, Tammany Hills Subdivision (south of Abita Springs) St. Tammany Parish, Louisiana.

(Code 1998, § 21-135.01; Ord. No. 99-3019, 2-25-1999; Ord. No. 02-0427, 1-10-2002)

Sec. 40-619. Effect of amendment.

Except for the purpose set forth in section 40-618, this article shall not be construed as amending, rescinding or changing any other portion of Ordinance No. 89-1210 or the existence and powers of Sewerage District No. 14 or its governing authority.

(Code 1998, § 21-135.02; Ord. No. 90-1268, 4-19-1990)

Sec. 40-620. Name, status and powers.

The said sewerage district herein created shall be known and is hereby designated as "Sewerage District No. 14 of the Parish of St. Tammany, State of Louisiana," and as thus created it shall constitute a public corporation and political subdivision of the state, and as such it shall have all the rights, powers and privileges granted and conferred by the constitution and statutes of the state, including the authority to incur debt, to issue bonds, to construct, maintain, acquire or improve sewer lines or mains, collection systems and to levy taxes and assessments in accordance with law.

(Code 1998, § 21-136.00; Ord. No. 89-1210, 12-21-1989)

Sec. 40-621. Board of supervisors.

The board of supervisors shall be comprised of five members. There shall be four members nominated and appointed by the parish council. There shall be one member nominated and appointed by the parish president.

(Code 1998, § 21-137.00; Ord. No. 00-0157, 6-1-2000)

Sec. 40-622. Domicile.

The domicile of the sewerage district is hereby designated as: 70288 3rd Street, Covington, Louisiana, 70433.

(Code 1998, § 21-138.00; Ord. No. 89-1210, 12-21-1989)

Secs. 40-623—40-647. Reserved.

**ARTICLE XIV. LOUISIANA POLLUTION DISCHARGE ELIMINATION SYSTEM
(LPDES)**

Sec. 40-648. LPDES permit, when required.

Every sewerage system whose discharge of sanitary is subject to provisions of Louisiana Environmental Quality Act, as amended, or any rules and regulations effective or promulgated under authority of said Act shall obtain a Louisiana Pollution Discharge Elimination System (LPDES) permit in accordance and compliance with applicable law, and shall comply with the provisions set forth in the LPDES permit, or any order or directive issued by the LA DEQ which related to the/a LPDES permit.

(Code 1998, § 21-200.00; Ord. No. 96-2522, 10-17-1996)

Sec. 40-649. Enforcement.

The department of environmental services, formerly the environmental services commission of the parish shall be authorized and is directed to adopt and/or enforce rules and regulations, the effect of which compel compliance with the provisions set forth in section 40-648; all in a manner set forth in R.S. 33:4064.1 et seq., and/or any other applicable parish ordinances, and state and local regulations.

(Code 1998, § 21-201.00; Ord. No. 96-2522, 10-17-1996; Ord. No. 00-0177, 7-6-2000)

Secs. 40-650—40-671. Reserved.

**ARTICLE XV. INSPECTIONS OF ON-SITE SEWERAGE DISPOSAL SYSTEM
REQUIRED**

Sec. 40-672. Definitions.

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Applicable law means the pertinent and appropriate provisions of the state sanitary code, other applicable parish ordinances, or state and local regulations which pertain to sewerage systems located, or to be located within the parish.

Community sewerage system means any sanitary sewerage system, also known as a sanitary sewage treatment works, which is owned, operated, and/or maintained by a political entity or private person. A community sewerage system serves multiple connections and includes any individual, public, profit, nonprofit or not-for-profit sewerage system whose effluent discharge is subject to the provisions of the Louisiana Environmental Quality Act, as amended, or any rules and regulations effective or promulgated under the authority of the Act.

DEQ means the state department of environmental quality, office of water resources.

DES means the parish department of environmental services, its employees and its agents.

DH&H means the state department of health and hospitals, office of public health.

Individual on-site sewage disposal system means any or all of the various components, including piping and pumping and treatment facilities, comprising a system designed for the collection and/or treatment and/or disposal of sanitary sewage. An on-site sewage disposal system may be owned, operated, and/or maintained by a political entity or private person.

Owner, owners or owner/developer means any person or persons who alone or jointly or severally with others has:

- (1) Legal title to any premises, facilities or equipment affected by this section; and/or
- (2) Actual physical control of any premises, facilities or equipment affected by this section pursuant to an agreement, expressed or implied from the circumstances, with the owner or owners.

Political entity means any agency, board, commission, department or political subdivision of the state, or of the governing authority of the parish, or any agent thereof.

Premises mean any structure or dwelling of any construction whatsoever in which a person may live, work or congregate.

Private person means any individual, group of individuals, firm, corporation, association, partnership, private entity or other legal entity, or any agent thereof.

Responsible person means the operator or operators of an on-site sewage disposal system, the owners or owners of an on-site sewage disposal system, the owner or owners of the property on which an on-site sewage disposal system is located, or any or all of them.

Sanitary sewage means human, domestic, or acceptable industrial waste, except refuse, including liquid from residences, businesses, buildings, industrial establishments or other places, together with such groundwater, surface water, stormwater, and other wastes as may be present.

Sewerage system means any or all of the various components, including piping and pumping and treatment facilities, comprising a system designed for the collection and/or treatment and/or disposal of sanitary sewage. A sewerage system may be owned, operated, and/or maintained by a political entity or private person.

State sanitary code means the rules and regulations which pertain to sewage disposal; including, but not limited to those rules and regulations applicable to the collection, treatment or disposal of sewage; and which have been adopted by the state department of health and hospitals state health officer in accordance with title 51 of the Louisiana Administrative Code. (Code 1998, § 21-400.00; Ord. No. 02-0538, 9-5-2002)

Sec. 40-673. Adoption of state sanitary code.

The parish hereby adopts for implementation and enforcement ch. 5 of part XIII of title 51 of the Louisiana Administrative Code, as it may be amended, less and except section 511, paragraph B(1).

(Code 1998, § 21-401.00; Ord. No. 02-0538, 9-5-2002)

Sec. 40-674. Community sewerage system required.

(a) Community sewerage shall be provided in subdivisions comprised of 15 lots or more. This requirement shall apply to all new subdivision developments. The use of individual sewerage systems in lieu of a community sewerage system may be authorized and will be considered under the following circumstances:

In subdivisions comprised of less than 15 lots with a minimum lot size of two acres or greater and a minimum frontage of 125 feet, when the developer submits a comprehensive drainage plan, as well as a proposal for restrictive covenants which detail requirements for perpetual maintenance of drainage. Whenever the average lot size of a proposed subdivision is greater than five acres, the DES may waive the requirement for a community sewerage system upon demonstration by the developer that the implementation of such provisions would prove to be a manifestly unreasonable financial hardship.

(b) In that development known as Bedico Creek, Bedico Creek Utilities, a private parish utility company regulated by the state public service commission, is responsible for providing sewer and water services to the Bedico Development that is located in unincorporated parish. The Tangipahoa parish council has adopted T.P. Ordinance No. 05-64, which authorizes Sewerage District No. 1 of Tangipahoa Parish to accept sewerage from public and private entities located in the parish, provided the governing body for the parish grants its approval, and to treat this waste at Tangipahoa Parish Sewerage District No. 1 facilities in Tangipahoa Parish, Louisiana. Bedico Creek Utilities is authorized by the parish to enter into an agreement with Tangipahoa Parish Sewerage District No. 1 for the purpose of connecting the Bedico Creek development into the new regional sewerage treatment facility of Tangipahoa Parish Sewerage District No. 1, provided that Bedico Creek Utilities shall own both the sewer and water lines, shall maintain the sewer and water lines, and shall own and maintain the sewer lift stations and all related sewer facilities within the Bedico Creek Development.

(Code 1998, § 21-401.10; Ord. No. 02-0538, 9-5-2002; Ord. No. 06-1241, 2-2-2006)

Sec. 40-675. Required facilities; connection to sewerage system.

(a) All new or existing premises, public or private, where people live, work or congregate shall be provided with approved toilet facilities, including hand washing facilities. Such plumbing facilities shall be properly connected to a community sewerage system, whenever available, or to an individual on-site sewage disposal system which is specifically approved for

the premises by the state health officer or his duly authorized representative after determining that the installation and operation of an individual on-site sewage disposal system will not create a nuisance or public health hazard. It shall be the duty of the owner, manager or agent of any occupied premises, public or private, where people live, work or congregate to provide the premises with an approved method of sewage disposal in compliance with the requirements of this article.

(b) Whenever the DES determines that any building or structure to be constructed is in proximity to the sewage collection or treatment facility of a qualified community sewerage system, said building or structure shall be required to connect thereto. When a qualified community sewerage system is available, and there is an approved public water supply with adequate water capacity, all plumbing fixtures within any building or structure shall be connected to such approved public water supply and community sewerage system.

- (1) For the purposes of this section, the term "qualified community sewerage system" means a community sewerage system:
 - a. Which has the actual and/or anticipated capacity which will be required to realize the peak sewage demand of the subject building or structure; and
 - b. The operation and maintenance of which is likely to be in accordance and compliance with all regulatory requirements; all as determined by the DES.
- (2) The DES, at the time of its consideration of the issuance of the building permit for the subject building or structure, may waive the requirement in subsection (b)(1) of this section upon the showing by the applicant that the implementation of the provisions of said subsection would prove to be a manifestly unreasonable financial hardship. In no event, however, shall a certificate of occupancy be issued or shall any other such final action on the subject building permit occur unless and until an individual on-site sewage disposal system has been specifically approved for the premises by the state health officer, or his duly authorized representative.

(c) Existing mobile homes and permanent buildings or structures will be exempt from the requirements of this section for the period of time that the present owner or occupant of the property inhabits the premises. However, at the time of change in ownership, occupancy, location or transfer of electrical power service, such mobile home or permanent building or structure shall be required to obtain a sewerage system inspection permit for electrical service as outlined in subsection (d) of this section. Additionally, existing mobile homes and permanent buildings or structures which are properly connected to a community sewerage system will be exempt from the requirements of this section.

(d) Prior to the issuance of a sewerage system inspection permit for any nonresidential mobile home, permanent building or structure, the DES shall inspect the premises to determine if the plumbing fixtures are properly connected to a permitted individual on-site sewage disposal system. The DES shall inspect individual on-site sewage disposal systems to determine

that said systems are not causing an apparent health or environmental problem prior to the issuance of any sewerage system inspection permit for the connection or transfer of electrical power service. In no event, however, shall a sewerage system inspection permit be issued or shall any other such final action occur unless and until an individual on-site sewage disposal system has been specifically approved for the premises by the state health officer or his duly authorized representative. Prior to the issuance of a sewerage system inspection permit for any residential mobile home, permanent building or structure, the DES shall inspect the premises to determine if the plumbing fixtures are properly connected to an individual on-site sewage disposal system. The DES shall inspect individual on-site sewage disposal systems to determine that said systems are not causing an apparent health or environmental problem prior to the issuance of any sewerage system inspection permit for the connection or transfer of electrical power service.

(Code 1998, § 21-403.00; Ord. No. 02-0538, 9-5-2002)

Sec. 40-676. Sewerage system permit.

(a) Except for existing mobile homes and permanent building or structures exempt from the requirements of this article outlined in section 40-677(c), no sewerage system shall be used or placed in operation without approval in the form of a sewerage system permit issued by the state health officer or his duly authorized representative. For the purposes of this article, a new sewerage system permit shall be required upon the initial installation of an individual on-site sewage disposal system. Each time the occupancy, connection or transfer of electrical power service changes, an inspection of the individual on-site sewage disposal system and the issuance of a sewerage system inspection permit by the DES shall be required.

(b) For the purpose of convenience, the landlord, owner, manager or agent, may acquire for the period of one year on rental property, an approved sewerage system permit. It shall be the duty of any of the aforementioned persons to obtain, make available and provide such approved sewerage system permit to the renter of the property. It shall also be the responsibility of any of the aforementioned persons to obtain renewal of such approved sewerage system permit each year thereafter.

(c) Violation of this section shall constitute an offense and shall be punishable as provided in section 40-9 of the DESs Rules and Regulations—Compliance with Rules and Regulations Required.

(Code 1998, § 21-405.00; Ord. No. 02-0538, 9-5-2002)

Sec. 40-677. Sewerage system inspection permit prerequisite for permanent utility service.

(a) No electrical power utility company licensed to do or doing business in the parish shall install or connect permanent electrical service to any mobile home or permanent building or structure until a sewerage system inspection permit has been issued. No electrical power utility

company licensed to do or doing business in the parish shall install or connect temporary electrical service to any mobile home or permanent building or structure unless a work authorization has been issued by the parish.

(b) If an electrical service connection is made absent any authorization by the parish, the DES shall provide written notification to the appropriate electrical power utility company to terminate electrical service. The electrical power company shall provide for termination of unauthorized electrical service within 48 hours of receiving notification from the DES. If no or insufficient action is taken after proper notification, the DES shall take any and all steps which it is empowered to take pursuant to R.S. 33:4064.1 et seq., and the parish Code of Ordinances in order to require compliance with this article.

(Code 1998, § 21-406.00; Ord. No. 02-0538, 9-5-2002)

Sec. 40-678. Apartment complexes, mobile home parks.

(a) All persons who own or operate apartment complexes of four or more units and mobile home parks with four or more units shall be required to obtain a sewerage system permit from the state health officer or his duly authorized representative verifying that the sewage treatment plant associated with the complex or mobile home park is an approved system and in compliance with all applicable provisions of the state sanitary code.

(b) All owners or operators of complexes or mobile home parks as defined in this section shall apply to the parish health unit for a sewerage system permit.

(c) For the purpose of convenience, the owner or operator of complexes or mobile home parks may acquire for the period of one year on rental property, an approved sewerage system permit. It shall be the duty of any of the aforementioned persons to obtain, make available and provide such approved sewerage system permit to the renter of the property. It shall also be the responsibility of any of the aforementioned persons to obtain renewal of such approved sewerage system permit each year thereafter.

(Code 1998, § 21-407.00; Ord. No. 02-0538, 9-5-2002)

Secs. 40-679—40-703. Reserved.

ARTICLE XVI. CENTRAL WATER SYSTEMS, FIRE SUPPRESSION CAPACITY

Sec. 40-704. Definition; construction and modifications.

(a) For the purposes of the provisions of this article, the term "central water system" shall mean a public water supply as defined in part XII of the state sanitary code, the rates and tariffs for which are established by the state public service commission.

(b) Whenever a central water system is to be constructed or modified, the construction and modification of such system shall provide for an adequate flow of water for fire suppression purposes and include fire hydrants which shall be located and installed as required by applicable law, ordinance, codes, and/or rules and regulations; all in a manner set forth in this article. (Code 1998, § 22-001.00; Ord. No. 96-2459, 7-18-1996)

Sec. 40-705. Administration and enforcement.

(a) As such related to any and all provisions of this article, and to the extent provided in R.S. 33:4064.1 et seq., the department of environmental services (formerly the environmental services commission of the parish) is authorized to adopt rules and regulations, the purpose of which shall provide for the operation, maintenance, connection, and inspection of central water systems. To that end, said commission shall establish in said rules, regulations and agreements objective and cost effective standards, guidelines, requirements, and conditions which may be necessary to effect any provisions set forth or contemplated in this article.

(b) The construction and improvement or extension of any central water system shall not occur unless such is in accordance with the provisions of this article or any rules and regulations of said commission which are adopted pursuant thereto. Failure to comply with such provisions set forth in applicable law or said rules and regulations and, if applicable, shall be prima facie evidence of a breach of the provisions of any nonexclusive franchise agreement subject to the provisions of R.S. 33:4064.6(B). (Code 1998, § 22-001.01; Ord. No. 96-2459, 7-18-1996)

Sec. 40-706. Water flow rating and capacity.

Any determination of a mean water flow rating for the fire hydrants connected to a central water system shall be made for the sole use and benefit of said department of environmental services and the subject water service provider, and shall not be considered in any manner whatsoever as a warranty or guarantee of the water flow capacity of a central water system or its availability for connection thereto. (Code 1998, § 22-001.02)

Secs. 40-707—40-725. Reserved.

ARTICLE XVII. WATERWORKS DISTRICTS*

DIVISION 1. GENERALLY

Secs. 40-726—40-748. Reserved.

***State law references**—Waterworks districts generally, R.S. 33:3811 et seq.; authority of the parish council to establish, acquire, construct, improve, extend, and maintain a waterworks system or systems, R.S. 33:3822.2.

DIVISION 2. WATERWORKS DISTRICT NO. 2

Sec. 40-749. Created; boundaries.

A waterworks district is hereby created within the parish which shall comprise and embrace all of that territory within the following described boundaries:

Sections 17, 18, 37, 19 and 20 in their entirety, and the triangular northwest corner of section 30, bounded by the Long Branch waterway and adjacent section lines, Township 6 south, Range 12 east, Ward 10; and sections 26, 42 and 35 in Ward 3, Township 6 south, Range 11 east; that portion of section 36 located in Ward 3; that portion of section 25 located in Ward 3; that portion of section 27 in Ward 3 east of State Highway No. 437, less and except a triangular portion of section 27 east of Highway 437 between said Highway 437 and the Bogue Falaya River; that portion of section 23 in Ward 3 east of Little Bogue Falaya River; that portion of section 43 in Ward 3 located east of Little Bogue Falaya River; that portion of section 24 located in Ward 3; that portion of section 36 in Ward 10 located outside the corporate limits of Abita Springs; that portion of Abita Springs; that portion of section 25 in Ward 10 located outside the corporate limits of Abita Springs, that portion of section 24 located in Ward 10 less those two parts of section 24 located west of Little Bogue Falaya River, that portion of section 43 in Ward 10 located east of the east Fork of the Little Bogue Falaya River; and that portion of section 13 in Ward 10 located east of State Highway No. 21.

(Code 1998, § 22-026.00; Ord. No. 428, Bk. 6, P. 201; Ord. No. 453, Bk. 6, P. 257; Ord. No. 550, Bk. 7, P. 251; Ord. No. 06-1337, 7-6-2006)

Sec. 40-750. Name, status and powers.

The waterworks district herein created shall be designated as "Waterworks District No. 2 of the Parish of St. Tammany, State of Louisiana," and as created shall constitute a public corporation and political subdivision of the state, and as such, shall have all rights, powers and privileges granted by the constitution and statutes of this state to such subdivisions, including authority to incur debt, issue bonds and to levy taxes and assessments.

(Code 1998, § 22-027.00; Ord. No. 428, Bk. 6, P. 201)

Sec. 40-751. Domicile.

The domicile of the waterworks district created herein is hereby designated as the office of Waterworks District No. 2, Abita Road, Covington, Louisiana, which said domicile is within the corporate limits of such waterworks district.

(Code 1998, § 22-028.00; Ord. No. 428, Bk. 6, P. 201)

Sec. 40-752. Commissioners.

The board of commissioners shall be comprised of five members. There shall be four members nominated and appointed by the parish council. There shall be one member nominated and appointed by the parish president.

(Code 1998, § 22-029.00; Ord. No. 00-0157, 6-1-2000)

Secs. 40-753—40-772. Reserved.**DIVISION 3. WATERWORKS DISTRICT NO. 3****Sec. 40-773. Created; boundaries.**

A waterworks district is hereby created within the parish which shall comprise and embrace all of that territory within the following described boundaries:

Beginning at the intersection of the west right-of-way line of U.S. Highway 190 and the southern bank of Ponchitolawa-Creek which point of intersection is situated in section 22, Township 7 south, Range 11 east, St. Tammany Parish, Louisiana; proceed generally westward following the meanderings of the south bank of the Ponchitolawa Creek to its intersection with the east bank of the Tchefuncte River; thence generally southerly, thence southwesterly, thence southerly following the meanderings of the said east bank of the Tchefuncte River to its point of intersection of south right-of-way line of Country Club Drive, thence along said south right-of-way of Country Club Drive to its intersection with the west property line of property of the Covington Country Club located south of Country Club Drive as set forth on the survey of Robert A. Berlin, Registered Land Surveyor, dated October 11, 1960 as revised March 4, 1963, filed for record with the Clerk of Court of St. Tammany Parish, Louisiana as Map File No. 983, thence generally southwest, thence southeast along said west property line to its junction with the rear property line of Lot 1, Square K, Country Club Estates Extension, thence along the rear property lines of Lots 149 of said Square K, thence across extension of Dogwood Drive, thence along the rear property lines of Lots 1—11, Square J of Country Club Estates Extension to the intersection with the west right-of-way line of U.S. Highway 190, thence generally northerly along said west right-of-way line to its intersection with the southern bank of Ponchitolawa Creek, the point of beginning.

(Code 1998, § 22-036.00; Ord. No. 552, Bk. 7, P. 252)

Sec. 40-774. Name, status and powers.

The waterworks district created herein shall be designated as "Waterworks District No. 3 of the Parish of St. Tammany, State of Louisiana," and as created shall constitute a public

corporation and political subdivision of the state, and as such, shall have all powers and privileges granted by the constitution and statutes of this state to such subdivisions, including authority to incur debt, issue bonds and to levy taxes and assessments.

(Code 1998, § 22-037.00; Ord. No. 552, Bk. 7, P. 252)

Sec. 40-775. Domicile.

The domicile of the waterworks district created herein is hereby designated as Covington Country Club, which domicile is within the corporate limits of said waterworks district.

(Code 1998, § 22-038.00; Ord. No. 552, Bk. 7, P. 252)

Sec. 40-776. Commissioners.

The board of commissioners shall be comprised of five members. There shall be four members nominated and appointed by the parish council. There shall be one member nominated and appointed by the parish president.

(Code 1998, § 22-039.00; Ord. No. 00-0157, 6-1-2000)

Secs. 40-777—40-805. Reserved.

DIVISION 4. WATERWORKS DISTRICT NO. 13

Sec. 40-806. Created; boundaries.

A waterworks district is hereby created within the parish and outside the corporate limits of any municipality, to comprise and embrace all territory within the following described boundaries:

A certain portion of land situated in St. Tammany Parish, State of Louisiana in sections 25, 26, 35 and 36, Township 8 south, Range 14 east and more fully described as follows: Commencing at the intersection of Brown's Switch Road and U.S. Highway 11 centerlines; thence in a northeasterly direction along the U.S. Highway 11 centerline approximately 930 feet to its intersection with the Brown's Village Road centerline; thence in a westerly direction along said centerline approximately 668 feet to section corner common to sections 27, 28, 33 and 34, Township 8 south, Range 14 east; thence along the section line between sections 27 and 28, north 00 degrees 01 minutes 00 seconds west, 1,044.76 feet to the northwest corner of Brown's Village Square; thence south 89 degrees 56 minutes 52 seconds east along northern boundary of said shopping center approximately 1,010 feet to U.S. Highway 11 centerline; thence northeasterly along said centerline approximately 4,600 feet to intersection with westerly extension of Haas Road centerline; thence in an easterly direction along Haas Road centerline approximately 5900 feet to intersection with Louisiana Highway 1091 (Robert Road) centerline; thence in a southerly direction along said centerline approximately 7,050 feet to its intersection with Brown's Switch Road centerline; thence in a westerly direction

along said centerline approximately 7,200 feet to its intersection with U.S. Highway 11 centerline and point of beginning. Containing approximately 1,100 acres of land more or less, all as shown on boundary map attached to original ordinance.
(Code 1998, § 22-065.00; Ord. No. 81-287, 11-19-1981)

Sec. 40-807. Name, status and powers.

The said waterworks district herein created shall be known and designated as "Waterworks District No. 13 of the Parish of St. Tammany, State of Louisiana," and as thus created shall constitute a public corporation and political subdivision of the state, and as such shall have all the rights, powers and privileges granted by the constitution and statutes of the state, including the authority to incur debt, to issue bonds, to construct, maintain, acquire or improve water lines or mains, wells and distribution systems and to levy taxes and assessments.
(Code 1998, § 22-066.00; Ord. No. 81-287, 11-19-1981)

Sec. 40-808. Board of commissioners.

The waterworks district shall be governed by a board of commissioners comprised of five members having residence and other requirements as provided in R.S. 33:3811 et seq., to be appointed by the parish council by resolution, which resolution shall also fix the terms of office.
(Code 1998, § 22-067.00; Ord. No. 81-287, 11-19-1981)

Sec. 40-809. Domicile.

The domicile of the waterworks district is hereby designated as 105 West Forest, Slidell, Louisiana, 70458 which domicile is within the boundaries of said waterworks district.
(Code 1998, § 22-066.00; Ord. No. 81-287, 11-19-1981)

Secs. 40-810—40-826. Reserved.

DIVISION 5. WATERWORKS DISTRICT NO. 14*

Sec. 40-827. Created; boundaries.

Pursuant to the authority contained in section 3811, ch. 8, title 33 of the Louisiana Revised Statutes of 1950, and other constitutional and statutory authority supplemental thereto, the parish council of the parish, acting as the governing authority of said parish, acting on its own initiative, does hereby change the boundaries of said district, said boundaries to remain outside

***Editor's note**—Waterworks District No. 7 established by Ord. No. 1141, adopted April 7, 1980, was abolished by Ordinance No. 86-643, adopted June 19, 1986, including the territory in newly created Waterworks District No. 14 which is this division 5.

the corporate limits of any municipality, so that the boundaries and corporate limits of Waterworks District No. 14 of the parish, shall hereafter comprise, embrace and include all of that territory within Tall Timbers Subdivision, described as follows, to-wit:

Commence at the quarter corner common to sections 27 and 34, Township 7 south, Range 11 east, St. Tammany Parish, Louisiana, said point being the point of beginning; thence go north 00 degrees, 12 minutes, 52 seconds west 1,362.69 feet; thence go north 45 degrees, 43 minutes, 42 seconds east 2,821.42 feet; thence go south 00 degrees, 03 minutes, 34 seconds west 3,311.73 feet; thence go south 89 degrees, 25 minutes, 01 second west 2,011.80 feet back to the point of beginning. Said property comprises the subdivision known as Tall Timbers, located in Ward 4, Parish Council District 10.

(Code 1998, § 22-075.00; Ord. No. 86-644, 6-19-1986; Ord. No. 92-1671, 11-19-1993)

Sec. 40-828. Name, status and powers.

The said district shall continue to be known and is designated as "Waterworks District No. 14 of the Parish of St. Tammany, State of Louisiana," and shall continue to constitute a public corporation and political subdivision of the state, and as such, shall have all powers granted by the constitution and laws of the state, including the authority to incur debt, to issue bonds and to levy taxes; that said water district, as originally created and amended, has no outstanding bonded indebtedness, and such change shall in no manner impair any other obligations that may have heretofore been incurred by said water district during the period of its existence.

(Code 1998, § 22-076.00; Ord. No. 86-644, 6-19-1986; Ord. No. 92-1671, 11-19-1993)

Sec. 40-829. Board of commissioners.

(a) The board of commissioners shall be comprised of five members. There shall be four members nominated and appointed by the parish council. There shall be one member nominated and appointed by the parish president.

(b) Due notice of change of the boundaries of said water district shall be published and the president of this police jury be and he is hereby instructed and ordered to issue notice of the change of the boundaries of said water district and to cause publication thereof to be made in the parish farmer.

(Code 1998, § 22-077.00; Ord. No. 00-0157, 6-1-2000; Ord. No. 86-644, 6-19-1986; Ord. No. 92-1671, 11-19-1993)

Sec. 40-830. Domicile.

The domicile of the waterworks district is hereby designated as which domicile is within the boundaries of said waterworks district.

(Code 1998, § 22-078.00; Ord. No. 86-644, 6-19-1986)

Secs. 40-831—40-853. Reserved.

DIVISION 6. WATERWORKS DISTRICT NO. 15

Sec. 40-854. Created; boundaries.

Pursuant to the authority contained in ch. 8 of title 33 of the Louisiana Revised Statutes of 1950, as amended, a waterworks district is hereby created within the parish and outside the corporate limits of any municipality, which waterworks district shall comprise and encompass all territory within the following described boundaries:

The east half and northwest quarter of section 11, Township 7 south, Range 11 east, St. Tammany Parish, Louisiana per the subdivision plan of V. D. Tilley dated March 18, 1921 on file in the office of the Clerk of Court, St. Tammany Parish, Louisiana; said subdivision was originally designated as South Abita Springs Subdivision, and is now known as Tammany Hills Subdivision for all or a part thereof, the boundaries of south Abita Springs Subdivision per the subdivision plan of V. D. Tilley being the prevailing boundaries.

(Code 1998, § 22-080.00; Ord. No. 89-1209, 12-21-1989)

Sec. 40-855. Amended boundaries.

The amended boundaries of Waterworks District No. 15 of the parish, shall comprise and encompass all the territory located within the following described property to-wit:

- (1) Beginning at the northeast corner of the intersection of Harrison Avenue and 11th Street proceed along the east right-of-way of 11th Street (the east boundary of south Abita Springs Subdivision) in a southerly direction to its intersection with the rights-of-way line of Monroe Avenue, thence proceed in a westerly direction along the south right-of-way of Monroe Avenue to its intersection with the west right-of-way line of 1st Street, thence proceed in a northerly direction along the west right-of-way line of 1st Street to its intersection with the south right-of-way line of Washington Avenue, thence proceed in a westerly direction along the south right-of-way line of Washington Avenue to its intersection with the east right-of-way line of "K" Street, thence proceed in a southerly direction along the east right-of-way line of "K" Street to its intersection with the south right-of-way line of 11th Avenue, thence proceed in a westerly direction along the south right-of-way line of 11th Avenue to its intersection with the west boundary of east Addition of Alexiusville, thence in a northerly direction along said boundary to its intersection with the south right-of-way line of Harrison Avenue, thence in an easterly direction along the south right-of-way line of Harrison Avenue to its intersection with the west right-of-way line of "K" Street thence proceed due north a distance of 51 feet to the north right-of-way line of Harrison Avenue, thence in an easterly direction along the north right-of-way line of Harrison Avenue to the point of beginning.
- (2) Less and except:
 - a. All lots in Square 11, Square 11 being bounded by Jefferson Avenue, Adams Avenue, 1st Street and 2nd Street;

- b. All lots in Square 13, Square 13 being bounded by Jefferson Avenue, Adams Avenue, 3rd Street and 4th Street;
- c. All lots in Square 21, Square 21 being bounded by Jefferson Avenue, Madison Avenue, 1st Street and 2nd Street;
- d. All lots in Square 22, Square 22 being bounded by Jefferson Avenue, Madison Avenue, 2nd Street and 3rd Street;
- e. Lots 2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22, 24, 26, 28, 30, 32, 34, 36, 38, 40 and 42 of Square 24, said lots forming the west half of Square 24 bounded by Jefferson Avenue, Madison Avenue, 4th Street and 5th Street;
- f. All lots in Square 31, Square 31 being bounded by Madison Avenue, Monroe Avenue, 1st Street and 2nd Street;
- g. All lots in Square 32, Square 32 being bounded by Madison Avenue, Monroe Avenue, 2nd Street and 3rd Street;
- h. All lots in Square 33, Square 33 being bounded by Madison Avenue, Monroe Avenue, 3rd Street and 4th Street;
- i. All lots in Square 34, Square 34 being bounded by Madison Avenue, Monroe Avenue, 4th Street and 5th Street;
- j. All lots in Square 35, Square 35 being bounded by Madison Avenue, Monroe Avenue, 5th Street and 6th Street;
- k. Lots 2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22, 24, 26, 28, 30, 32, 34, 36, 38, 40 and 42 of Square 36, bounded by Madison Avenue, Monroe Avenue, 6th Street and 7th Street; and
- l. Lots 2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22, 24, 26, 28, 30, 32, 34, 36, 38, 40 and 42 of Square 23, said lots form the east half of Square 23 fronting 3rd Avenue between Jefferson Avenue and Madison Avenue;
- m. East half of Square 36 consisting of Lots No. 1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, 23, 25, 27, 29, 31, 33, 35, 37, 39 and 41 of Square 36 and the west half of Square 37 consisting of Lots No. 2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22, 24, 26, 28, 30, 32, 34, 36, 38, 40 and 42 of Square 37, Tammany Hills Subdivision (south of Abita Springs) St. Tammany Parish, Louisiana.

(Code 1998, § 22-080.01; Ord. No. 99-3018, 2-25-1999; Ord. No. 02-0427, 1-10-2002)

Sec. 40-856. Effect of amendment.

Except for the purpose set forth in section 40-855, this article shall not be construed as amending, rescinding or changing any other portion of Ordinance No. 89-1209 or existence and powers of Waterworks District No. 15 or its governing authority.

(Code 1998, § 22-080.02; Ord. No. 90-1269, 4-19-1990)

Sec. 40-857. Name, status and powers.

The said waterworks district herein created shall be known and is hereby designated as "Waterworks District No. 15 of the Parish of St. Tammany, State of Louisiana," and as thus created it shall constitute a public corporation and political subdivision of the state, and as such it shall have all the rights, powers and privileges granted and conferred by the constitution and statutes of the state, including the authority to incur debt, to issue bonds, to construct, maintain, acquire or improve sewer lines or mains, collection systems and to levy taxes and assessments in accordance with law.

(Code 1998, § 22-081.00; Ord. No. 89-1209, 12-21-1989)

Sec. 40-858. Board of commissioners.

(a) The waterworks district shall be governed by a board of commissioners composed of five members. There shall be four members nominated and appointed by the parish council. There shall be one member nominated and appointed by the parish president.

(b) The board of waterworks commissioners shall meet at their domicile of the district within 30 days of the adoption of this article for the purpose of organizing the district.

(Code 1998, § 22-082.00; Ord. No. 89-1209, 12-21-1989; Ord. No. 00-0157, 6-1-2000)

Sec. 40-859. Domicile.

The domicile of the waterworks district is hereby designated as: 70288 3rd Street, Covington, Louisiana 70433.

(Code 1998, § 22-083.00; Ord. No. 89-1209, 12-21-1989)

Secs. 40-860—40-881. Reserved.**DIVISION 7. WATERWORKS DISTRICT NO. 16*****Sec. 40-882. Created; boundaries**

That under and by virtue of the authority conferred by ch. 8 of title 33 of Louisiana Revised Statutes of 1950, a waterworks district be and the same is hereby created within the parish, which waterworks district shall comprise and embrace all of that territory within the following described boundaries, to-wit:

- (1) Certain pieces or portion of ground with all the buildings and improvements thereon and all rights, ways, privileges, servitudes and appurtenances thereunto belonging or in anywise appertaining, situated in the State of Louisiana, Parish of St. Tammany, forming a portion of sections 23, 24, 25 and 26, Township 6 south, Range 12 east, in

***Editor's note**—Waterworks District No. 16 was created by the authority of Ordinance No. 96-2402, adopted 4-18-1996, thereby creating sections 40-882 through 40-885.

that part thereof known as Hillcrest Country Club Estates Subdivision, Addition No. 3, as shown on a survey by Land Engineering Services, Inc., dated February 3, 1961, revised May 16, 1961, certified by Robert A. Berlin, La. Reg. Sur., and recertified on April 6, 1964, being described as follows, to-wit:

- a. Beginning at a point on the westerly right-of-way line of Snead Drive, which point forms the southeast corner of Lot 59, Square 2, thence westerly 150 feet to the southwest corner of Lot 59, said square, to a point; thence northeasterly along the rear line of Lot 59 descending thru and including Lot 37, said square to the southwest corner of Lot 37; thence northerly along the side line of Lot 37, 151 feet to the northwest corner of Lot 37; thence in a westerly direction along the a southerly line of Snead Drive a distance of 10 feet to a point, which is the northeast corner of Lot 36; thence in a southerly direction along the side line of Lot 36 a distance of 151 feet, to a point, which is the southeast corner of Lot 36; thence continue along the rear line of Lots 36 descending through and including Lot 1 of Square 2 to a point on the northern right-of-way of Francis Quimet Drive to a point, which point is the southwest corner of Lot 98, Square 1; thence continue northerly along the rear line of Lot 98 descending through and including Lot 49 of said square to a point, which point is the southwest corner of Lot 49; thence continue northerly along the rear line of Lot 48 descending through and including Lot 28 to a point, which is the southwest corner of Lot 28, Square 1; thence northerly along the side line of Lot 28, 190 feet to a point on the southern right-of-way of Fairway Drive; thence northerly along the southerly right-of-way of Fairway Drive 20 feet to a point, which is the northeast corner of Lot 27 of said square; thence continue southerly along the sideline of Lot 27, 190 feet to a point, which is the southeast corner of Lot 27; thence continue along the rear line of Lot 27 descending through and including Lot 6 to a point which is the point common to Lot 5, Lot 105 and Lot 106 of Square 1; thence continue easterly along the rear of Lots 106 through and including Lot 120 of Square 1 to a point on the rear line of Lot 143; thence continue southeasterly along the rear line of Lot 143 through and including Lot 148 to a point, which point is the eastern most corner of Lot 148; thence southwesterly 200 feet to the eastern right-of-way of Francis Quimet Drive thence southerly along the eastern right-of-way line of Francis Quimet to the intersection of the southern right-of-way line of Oliver Street, which intersection forms the northwest corner of Lot 26 of Square 3; thence northeasterly along the southern right-of-way line of Oliver Street to a point, which point is the northern corner of Lot 10, Square 3; thence southeasterly along the rear line of Lot 10 descending through and including Lot 6 to a point, which is the northeast corner of Lot 6; thence southerly along the side line of Lot 6, 247.2 feet to a point, which is the southeast corner of Lot 6; thence southeasterly along the northern right-of-way of Evans Street 15 feet to a point, which is the southeast corner of

Lot 5 of Square 3; thence northerly along the side line of Lot 5 a distance of 247.2 feet to a point, which is the northwest corner of Lot 5, Square 3; thence southeasterly along the rear line of Lots 5 and 4 to a point on the westerly right-of-way of Francis Quimet Drive; thence northerly along the western right-of-way of Francis Quimet Drive and northeasterly to the intersection of the western right-of-way line of Snead Drive to the point of beginning.

1. A certain piece or portion of ground, together with all improvements thereon, all rights, way, privileges, servitudes, appurtenances and advantages thereunto belonging or in anywise appertaining, situated in the Parish of St. Tammany, section 25, Township 6 south, Range 12 east, St. Tammany Parish, Louisiana, which portion of ground is more particularly described as follows in accordance with map of Robert A. Berlin, Louisiana Registered Surveyor, No. 94, dated May 10, 1962, annexed to said sale to Pep, Inc.
 2. From the corner common to sections 23, 24, 25, and 26, Township 6 south, Range 12 east, St. Tammany Parish, Louisiana, measure north 42 degrees 30 minutes east, 519.7 feet to a point; thence south 30 degrees 15 minutes east, 1788.8 feet to an iron post; thence north 64 degrees 05 minutes east, 388.7 feet to an iron post; thence south 72 degrees 30 minutes east, 239.9 feet to an iron post on the westerly R/W line of Snead Drive, a 60-foot street; thence along said R/W line south 31 degrees 30 minutes east, 413.5 feet to an iron post; thence continuing along said R/W line south 40 degrees 49 minutes east, 419.0 feet to an iron post at the intersection of the westerly R/W line of Snead Drive with the northwesterly R/W line of Quimet Drive; thence with said northwesterly R/W line south 41 degrees 08 minutes west, 262.4 feet to an iron post, the point of beginning.
 3. From the point of beginning measure south 41 degrees 08 minutes West, 200.0 feet to an iron post on said R/W line of Quimet Drive; thence north 48 degrees 52 minutes west, 276.0 feet to an iron post at the waters edge of Hillcrest Lake; thence with the waters edge north 19 degrees 35 minutes east, 215.6 feet to an iron post at the water's edge of said lake; thence south 48 degrees 52 minutes east, 355.0 feet to the point of beginning.
- b. From the point of beginning, which is located at the intersection of the northern right-of-way line of Worsham Street and the rear boundary line of Lot 35, Square 4, continue northerly and westerly along the rear line of Lot 35 through and including Lot 61, Square 4 to a point; thence northerly along the side line of Lot 61 a distance of 237 feet to the southerly right-of-way of Francis Quimet Drive; thence westerly along the southerly right-of-way of Francis Quimet Drive 20 feet to a point, which is the east and northeast corners of Lots 7 and 8, respectively, Square 4; thence south along the rear line of Lot 7 through and including Lot 11

to a point, which is at the corner common to the rear line of Lots 14 and 15; thence easterly along the rear line of Lot 15 through and including Lot 34 to a point on the northern right-of-way line of Worsham Street; thence northeasterly along the right-of-way of Worsham Street to the point of beginning.

- c. From the point of beginning, which is the southwest corner of Lot 2, Square 5, continue along the rear lines of Lot 2 through and including Lot 36 to a point, which is the southeast corner of Lot 36; thence northwesterly along the side line of Lot 36, 200 feet to a point, which is the northeast corner of Lot 36; thence northeasterly along the eastern right-of-way of Francis Quimet Drive 20 feet to a point, which is the northwest corner of Lot 37, Square 5; thence along the side line of Lot 37, 200 feet to a point, which is the southwest corner of Lot 37; thence continue along the rear line of Lot 37 through and including Lot 59 to a point, which is the southeast corner of Lot 59; thence northwesterly along the side line of Lot 59, 175 feet to a point, which is the northeast corner of Lot 59; thence northeasterly along the east side line of Snead Drive 20 feet to a point, which is the northwestern line of Lot 60, Square 5; thence southeasterly along the side line of Lot 60, 175 feet to a point, which is the southerly most corner of Lot 60; thence continue along the rear of Lot 60, 63 through and including Lot 145 to a point, which is the southerly most corner of Lot 145, Square 5; thence continue northeasterly along the rear of Lot 145 and Lot 1, Square 5, to a point on the southerly right-of-way of Francis Quimet Drive; thence in a southeasterly direction along the southern right-of-way of Francis Quimet Drive 20 feet to a point, which is the northwest corner of Lot 2, Square 5; thence southwesterly along the side line of Lot 2, Square 5, 175 feet to a point of beginning. All in accordance with a recertification of same survey by E.L. Dewailly, Reg. La. Sur., dated April 5, 1971, recorded as Entry No. 277916, St. Tammany Parish, Louisiana.

- (2) A certain piece or portion of ground with all buildings and improvements thereon and all rights, ways, privileges, servitudes and appurtenances thereunto belonging or in anywise appertaining, situated in the State of Louisiana, Parish of St. Tammany, forming parts of sections 23, 24, 25 and 26, Township 6 south, Range 12 east, in that part thereof known as Hillcrest Country Club Estates Subdivision, Addition No. 3, as shown on a survey by E. L. Dewailly, Sr., Registered Land Surveyor, dated March 29, 1971, and being described as follows, to-wit:

- a. From the point of beginning, which is the point located at the rear corner common to Lots 8 and 9, Square 7, measure 48 degrees west, 1540 feet to a point, which is on the eastern right-of-way line of Snead Drive and opposite to the corner common to Lots 56 and 57, Square 2; thence southeasterly along the eastern right-of-way of Snead Drive 1480 feet, more or less, to a point, which point is the northwestern corner of Lot 1, Square 6; thence northeasterly along the side line of

Lot 1, 90 feet to a point; thence southeasterly along the rear line of Lot 1 through and including Lot 9 to a point on the northern right-of-way line of Snead Drive; thence northeasterly along the right-of-way line of Snead Drive to a point at the intersection of the rear line of Lot 1, Square 7; thence northeasterly along the rear line of Lot 1 through and including Lot 8 to the point of beginning.

- b. 97 acres a certain piece or portion of ground with all buildings and improvements thereon and all of the servitudes, rights and appurtenances thereunto applying, situated in the State of Louisiana, Parish of St. Tammany, sections 24 and 25, Township 6 south, Range 12 east, as shown on a survey prepared by Land Engineering Services, Inc., dated April 1, 1964, signed by Robert A. Berlin, La. Reg. Sur., and said portion of ground commences from the one-quarter corner on line common to sections 24 and 25, Township 6 south, Range 12 east, measure south 1455 feet more or less to a point; thence east 575 feet more or less to a point; thence east 575 feet more or less to the most northerly corner of Lot 10, Block 7, Hillcrest Country Club Estates Subdivision, Addition No. 3; thence south 31 degrees 55 minutes west 178.2 feet to a corner common to Lots 9 and 10, said block, addition, subdivision, thence North 51 degrees 45 minutes west 97.4 feet to the most northerly corner of Lot 9, said block and subdivision; thence south 45 degrees 20 minutes west 85 feet to a point; thence south 32 degrees 55 minutes west, 100 feet to a corner common to Lots 8 and 9, said block, addition, subdivision; thence north 48 degrees 00 minutes west 1540 feet more or less to a point in the easterly right-of-way line of Snead Drive, said point being on an easterly extension of the line common to Lots 56 and 57, said block, addition, subdivision, thence along said right-of-way line north 11 degrees 10 minutes east 400 feet more or less to a point; thence north 04 degrees 15 minutes west 328 feet more or less to a point; thence north 13 degrees 00 minutes west 395 feet more or less to a point; thence north 22 degrees 15 minutes west 100 feet more or less to a point; thence north 33 degrees 00 minutes west 416 feet more or less to a point; thence north 59 degrees 25 minutes west 888 feet more or less to a point; thence north 81 degrees 45 minutes west 187 feet more or less to a point; thence north 35 degrees, 00 minutes west 10 feet to a point in the southeasterly right-of-way line of Louisiana State Highway No. 435; thence along said right-of-way line north 65 degrees 00 minutes east 306.24 feet more or less to a point; thence north 60 degrees 00 minutes east 132 feet to a point; north 52 degrees 00 minutes east 132 feet to a point; thence north 50 degrees 30 minutes east 264 feet to a point; thence north 49 degrees 45 minutes east 777.2 feet to a point; thence north 46 degrees 45 minutes east 594 feet to a point; thence north 46 degrees 20 minutes east 463.98 feet to a point; thence south 0 degrees 07 minutes east 2705 feet more or less to the point of beginning. This tract contains 97 acres, more or less. All of which said measure-

ments are the same as shown on survey by E.L. Dewailly, Reg. La. Sur., dated March 29, 1971, annexed to a sale by Leslie Homes, Inc. to Louisiana Purchase Corporation, registered in COB 607, folio 135, St. Tammany Parish, Louisiana.

- (3) Lot Nos. 1 through 148 in Square No. 1 bounded by Fairway Drive, Burke Drive, the Golf Course and Francis Quimet Drive.
- a. Lot Nos. 1 through 59 in Square No. 2, bounded by Snead Drive, Chapman Street, Francis Quimet Drive and the Golf Course.
 - b. Lot Nos. 1 through 37 in Square No. 3, bounded by Evans Street, Oliver Street, and Francis Quimet Drive.
 - c. Lot Nos. 1 through 61 in Square No. 4, bounded by Francis Quimet Drive, Bob Rosburg Street, Hogan Street, Worsham Street, and the Golf Course.
 - d. Lot Nos. 1 through 145, in Square No. 5, bounded by Bobby Jones Drive, Worsham Street, Francis Quimet Drive, the Golf Course and Metz Street, Snead Drive, and Ford Street.
 - e. Lot Nos. 1 through 9 in Square No. 6, bounded by Snead Drive, Ford Street, and the Golf Course.
 - f. Lot Nos. 1 through 24 in Square No. 7, bounded by Ford Street, the Golf Course, and the northeasterly boundary line of Hillcrest Country Club Estates Subdivision Addition No. 3.
 - g. Lot Nos. 1 through 31 in Square No. 8, bounded by Chapman Street, Bob Rosburg Street, Snead Drive and Little Court.
 - h. Lot Nos. 1 through 12 in Square No. 9, bounded by Bob Rosburg Street, Francis Quimet Drive, the westerly boundary line of Hillcrest Country Club Estate Addition No. 3 and Louisiana State Highway No. 435.
 - i. Lot Nos. 1 through 10 in Square No. 10, bounded by Bob Rosburg Street, Francis Quimet Drive, Harry Vardon Drive, and the westerly boundary line of Hillcrest Country Club Estates Subdivision Addition No. 3.
 - j. Lot Nos. 1 through 13 in Square No. 11, bounded by Hogan Street, unnamed street, the southerly boundary line of Hillcrest Country Club Estates Subdivision, Addition No. 3 and Bob Rosburg Street.
 - k. Lot Nos. 1 through 8 in Square No. 12, bounded by Hogan Street, Worsham Street, southerly boundary line of Hillcrest Country Club Estates, Addition No. 3 and an unnamed street.
 - l. Lot Nos. 1 through 12 in Square No. 13, bounded by Bobby Jones Drive, an unnamed street, and southerly boundary line of Hillcrest Country Club Estates Subdivision, Addition No. 3.

- m. Lot Nos. 1 through 13 in Square No. 14, bounded by Bobby Jones Drive, an unnamed street, and southerly boundary line of Hillcrest Country Club Estates Subdivision, Addition No. 3.
- n. Lots 1 through 12 in Square No. 15, bounded by Bobby Jones Drive, an unnamed street, and the southerly boundary line of Hillcrest Country Club Estates Subdivision, Addition No. 3.
- o. Lots 1 through 13 in Square No. 16, bounded by Bobby Jones Drive, an unnamed street, and southerly boundary line of Hillcrest Country Club Estates Subdivision, Addition No. 3.

(Code 1998, § 22-085.00; Ord. No. 96-2402, 4-18-1996)

Sec. 40-883. Name, status and powers.

Said waterworks district shall be known and is hereby designated as "Waterworks District No. 16 of the Parish of St. Tammany, State of Louisiana," and as thus created shall constitute a public corporation and political subdivision of the state, and shall have all powers and privileges granted by the constitution and statutes of this state to such subdivisions, including the authority to incur debt, to issue bonds and levy taxes and assessments.

(Code 1998, § 22-086.00; Ord. No. 96-2402, 4-18-1996)

Sec. 40-884. Board of commissioners.

The board of commissioners shall be comprised of five members. There shall be four members nominated and appointed by the parish council. There shall be one member nominated and appointed by the parish president.

(Code 1998, § 22-087.00; Ord. No. 00-0157, 6-1-2000)

Sec. 40-885. Domicile.

The domicile of said waterworks district is designated as the Hillcrest Country Club Subdivision, the parish, which domicile is within the corporate limits of the said waterworks district, and that the Commissioners shall meet at the domicile herein designated on May 1, 1996, at 8:00 p.m., and shall proceed to organize in accordance with the provisions of ch. 8 of title 33 of the Louisiana Revised Statutes of 1950.

(Code 1998, § 22-088.00; Ord. No. 96-2402, 4-18-1996)

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Chapters 41—99

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PART II
LAND DEVELOPMENT CODE

Chapter 100

GENERAL AND ADMINISTRATIVE PROVISIONS

- Sec. 100-1. Title.
- Sec. 100-2. Applicability of part I, chapter 1.
- Sec. 100-3. Fee requirements.
- Sec. 100-4. Conflicts.

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Sec. 100-1. Title.

The title of this part shall be known as the "Land Development Code of St. Tammany Parish, Louisiana." This part may also be cited as the "Land Development Code" or the "LDC."

Sec. 100-2. Applicability of part I, chapter 1.

Unless otherwise stated or where the context of the provision clearly shows a different intent, the provisions of chapter 1 under part I, Code of Ordinances shall apply to the chapters contained in this part.

Sec. 100-3. Fee requirements.

Reasonable fees to offset the costs of administration of this part may be set by resolution of the parish council, from time to time, unless state law requires them to be established by ordinance.

Sec. 100-4. Conflicts.

(a) Where general requirements of a provision under the Code of Ordinances or the Land Development Code conflict with a specific requirement of a provision under the Land Development Code including but not limited to building and construction regulations, coastal zone management regulations, drainage and flood control, planning and development, and subdivision regulations, then the provision concerning the specific requirement under the Land Development Code shall prevail.

(b) In the event that a provision or requirement under the Code of Ordinances or the Land Development Code in any way conflicts with another provision or requirement under the Land Development Code, then the more stringent provision or requirement shall prevail.

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Chapters 101—104

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Chapter 105

BUILDINGS AND CONSTRUCTION*

Article I. In General

- Sec. 105-1. Title.
- Sec. 105-2. Rules of construction for technical codes.
- Sec. 105-3. Purpose; uniform construction code adopted.
- Sec. 105-4. Intent.
- Sec. 105-5. Permitting and inspection.
- Sec. 105-6. Quality control.
- Sec. 105-7. Permitting and inspection.
- Sec. 105-8. Referenced codes.
- Sec. 105-9. Commercial building.
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- Sec. 105-11. Electrical.
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- Sec. 105-14. Plumbing.
- Sec. 105-15. Applicability.
- Sec. 105-16. Other laws.
- Sec. 105-17. Application of references.
- Sec. 105-18. Referenced codes and standards.
- Sec. 105-19. Partial invalidity.
- Sec. 105-20. Department of permits and regulatory.
- Sec. 105-21. Duties and powers of the director.
- Sec. 105-22. Employees.
- Sec. 105-23. Records.
- Sec. 105-24. Applications and permits.
- Sec. 105-25. Notices and orders.
- Sec. 105-26. Inspections.
- Sec. 105-27. Identification.
- Sec. 105-28. Right of entry.
- Sec. 105-29. Liability.
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- Sec. 105-33. Requirements not covered by Code.
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- Secs. 105-35—105-56. Reserved.

***State law references**—Adoption of building, electrical, etc., codes by reference, R.S. 33:1368 et seq.; municipal building regulations generally, R.S. 33:4721 et seq.; building permits, R.S. 33:4744; mandatory adoption of certain nationally recognized building codes and standards as the state uniform construction code, R.S. 40:1730.28 et seq.

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- Secs. 105-199—105-219. Reserved.

Division 4. Mechanical Fees

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- Sec. 105-222. Mechanical miscellaneous.
- Secs. 105-223—105-252. Reserved.

Division 5. Plumbing Fees

- Sec. 105-253. Plumbing commercial.
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Division 6. Gas Fees

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Division 7. Reinspection Fees

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- Sec. 105-442. Underground inspections.
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Division 4. Mechanical Board

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Article IX. Municipal Addressing

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ARTICLE I. IN GENERAL**Sec. 105-1. Title.**

These regulations shall constitute and be known and cited as "The Building Code of St. Tammany Parish," hereinafter referred to as "this Code."

(Code 1998, app. D, § 101.1; Ord. No. 14-3119, § 101.1, 4-3-2014)

Sec. 105-2. Rules of construction for technical codes.

(a) Wherever the term "municipality" is used within the technical codes which are adopted by reference in this chapter, it shall be held to mean St. Tammany Parish, Louisiana.

(b) Wherever the term "chief appointing authority" is used within the technical codes which are adopted by reference in this chapter, it shall be held to mean St. Tammany Parish, Louisiana.

(c) Where reference is made to the duties of certain officials named within the technical codes which are adopted by reference in this chapter, then that designated official of the parish, who has duties corresponding to those of the named official in said technical code, shall be deemed to be the responsible official insofar as enforcing the provisions of that technical code are concerned.

Sec. 105-3. Purpose; uniform construction code adopted.

(a) The administration and enforcement of any construction which occurs, or which is to occur, in the unincorporated portion of St. Tammany Parish shall be at all times subject to the provisions of the Louisiana State Uniform Construction Code. The following is adopted by reference and made a part hereof:

(1) The Louisiana State Uniform Construction Code, which is provided for in R.S. 40:1730.21 through 40:1730.40, and which may be amended from time to time.

(b) Any code or appendix set forth heretofore may be cited individually or collectively as "this Code." Inspections conducted by the parish pursuant to this Code shall occur within the unincorporated area of St. Tammany Parish, and may be amended from time to time, by an ordinance of the parish council.

(Code 1998, app. D, § 101.1.1; Ord. No. 14-3119, § 101.1.1, 4-3-2014)

Sec. 105-4. Intent.

The purpose of this Code is to establish the minimum requirements and to secure the beneficial interests and purposes thereof—which are to safeguard the public health, safety and general welfare—through structural strength means of egress facilities, stability, sanitation, adequate light and ventilation, energy conservation, and safety to life and property from fire and other hazards attributed to the built environment. These purposes are applicable to all

buildings and structures including additions, alterations, repairs, removal demolition, use and occupancy of buildings and structures or premises and by regulating the installation and maintenance of all electrical, gas, mechanical and plumbing systems, which may be referred to as service systems.

(Code 1998, app. D, § 101.2; Ord. No. 14-3119, § 101.2, 4-3-2014)

Sec. 105-5. Permitting and inspection.

The inspection or permitting of any building, structure, service system or plan by the parish, under the requirements of this Code, shall not be construed in any court as a warranty of the physical condition of such building, structure, service system or the adequacy of such plan. Neither the parish, nor any employee thereof, shall be liable in tort for damages for any defect or hazardous or illegal condition or inadequacy in such building, structure, service system, or plan, or for failure of any component of such, which may occur subsequent to such inspection or permitting. Nothing contained in this Code shall be construed to relieve or lessen the responsibility or liability of any person for injury or damage to persons or property caused by or resulting from any defects of any nature in any work performed by said person or in any equipment owned controlled, installed, operated or used by him, nor shall the parish, or any agent or employee thereof, incur or assume any liability by reason or in consequence of any things done or acts performed pursuant to any provisions of the adopted codes.

(Code 1998, app. D, § 101.2.1; Ord. No. 14-3119, § 101.2.1, 4-3-2014)

Sec. 105-6. Quality control.

Quality control of materials and workmanship is not within the purview of this Code, except as it relates to the purposes stated herein.

(Code 1998, app. D, § 101.2.2)

Sec. 105-7. Permitting and inspection.

The inspection or permitting of any building, structure, service system or plan by the parish, under the requirement of this Code shall not be construed in any court as a warranty of the physical condition of such building, structure, service system or the adequacy of such plan. Neither the parish, nor any employee thereof shall be liable in tort for damages for any defect or hazardous or illegal condition or inadequacy in such building, structure, service system, or plan, or for failure of any component of such, which may occur subsequent to such inspection or permitting. Nothing contained in this Code shall be construed to relieve or lessen the responsibility or liability of any person for injury or damage to persons or property caused by or resulting from any defects of any nature in any work performed by said person or in any equipment owned controlled, installed, operated or used by him, nor shall the parish, or any agent or employee thereof incur, or held assume any liability by reason or in consequence or any things done or acts performed pursuant to any provisions of the adopted codes.

(Code 1998, app. D, § 101.2.3)

Sec. 105-8. Referenced codes.

The codes listed in sections 105-9 through 105-14 and referenced elsewhere in this Code shall be considered part of the requirements of this Code to the prescribed extent of each such reference.

(Code 1998, app. D, § 101.3)

Sec. 105-9. Commercial building.

The provisions of the International Building Code, 2012 edition with the exceptions and amendments as described by the most recently amended and compiled publication (December, 2013) of LAC 55:VI:301 (Louisiana State Uniform Construction Code), shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures in the unincorporated area of the parish.

(Code 1998, app. D, § 101.3.1)

Sec. 105-10. Residential building.

The provisions of the International Residential Building Code, 2012 edition with the exceptions and amendments as described by the most recently amended and compiled publication (Dec. 2013) of LAC 55:VI:301 (Louisiana State Uniform Construction Code), shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use, and occupancy, location, maintenance, removal and demolition of every detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories high with separate means of egress and their accessory structures. However, such buildings shall be subject to the regulations in the International Building Code, 2012 edition, as excepted and amended by the most recently amended and compiled publication (December, 2013) of LAC 55:VI:301 (Louisiana State Uniform Construction Code).

(Code 1998, app. D, § 101.3.2)

Sec. 105-11. Electrical.

The provisions of the National Electrical Code, 2011 edition shall apply to the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances thereto.

(Code 1998, app. D, § 101.3.3)

Sec. 105-12. Gas.

The provisions of the International Fuel Gas Code, 2012 edition shall apply to the installation of consumer's gas piping, gas appliances and related accessories as covered in this Code.

These requirements apply to gas piping systems extending from the point of delivery to the inlet connections of appliances, and the installation and operation of residential and commercial gas appliances and related accessories.

(Code 1998, app. D, § 101.3.4)

Sec. 105-13. Mechanical.

The provisions of the International Mechanical Code, 2012 edition shall apply to the installation of mechanical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and/or appurtenances, including ventilating, heating, cooling, air conditioning and refrigeration systems, incinerators, and other energy-related systems.

(Code 1998, app. D, § 101.3.5)

Sec. 105-14. Plumbing.

The Louisiana State Plumbing Code, part XIV (Plumbing) of the State Sanitary Code as amended by the state health officer acting through the office of public health of the department of health and hospitals, shall apply to every plumbing installation, including alterations, repairs, replacement equipment, appliances, fixtures, fittings and appurtenances, and where connected to water or sewerage system and all aspects of a medical gas system.

(Code 1998, app. D, § 101.3.6)

Sec. 105-15. Applicability.

Where, in any specific case, different sections of this Code specify different materials, methods of construction or other requirements, the most restrictive shall govern. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

(Code 1998, app. D, § 102.1)

Sec. 105-16. Other laws.

The provisions of this Code shall not be deemed to nullify any provisions of local, state or federal law.

(Code 1998, app. D, § 102.2)

Sec. 105-17. Application of references.

References to chapter or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such chapter, section or provision of this Code.

(Code 1998, app. D, § 102.3)

Sec. 105-18. Referenced codes and standards.

The codes and standards referenced in this Code shall be considered part of the requirements of this Code to the prescribed extent of each such reference. Where differences occur between provisions of this Code and referenced codes and standards, the provisions of this Code shall apply.

(Code 1998, app. D, § 102.4)

Sec. 105-19. Partial invalidity.

In the event any part or provision of this Code is held to be illegal or void, this shall not have the effect of making void or illegal any of the other parts or provisions.

(Code 1998, app. D, § 102.5)

Sec. 105-20. Department of permits and regulatory.

The department of permits and regulatory is hereby created and the person in charge shall be known as the director of the department of permits and regulatory, hereinafter known as the "director" is the agency responsible for the administration and enforcement of this Code. The director is hereby authorized and directed to enforce the provisions of this Code.

(Code 1998, app. D, § 103)

Sec. 105-21. Duties and powers of the director.

The director shall have the authority to render interpretations of this Code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this Code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this Code.

(Code 1998, app. D, § 104.1)

Sec. 105-22. Employees.

In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the appointing authority, the director shall have the authority to appoint a deputy director, the related technical officers, inspectors, plan examiners and other employees. Such employees shall have the powers as delegated by the director.

(Code 1998, app. D, § 104.2)

Sec. 105-23. Records.

The director shall keep, or cause to be kept, a record of the business of the department in accordance with the public record law of the state. The records of the department shall be open to public inspection.

(Code 1998, app. D, § 104.3)

Sec. 105-24. Applications and permits.

The director, or his designee, shall receive application, review construction documents and issue permits for the erection, and alteration demolition and moving of a building and structures, inspect the premises for which such permits have been issued and enforce compliance with the provisions of this Code.

(Code 1998, app. D, § 104.4)

Sec. 105-25. Notices and orders.

The director shall issue all necessary notices or orders to ensure compliance with this Code.

(Code 1998, app. D, § 104.5)

Sec. 105-26. Inspections.

The director shall make or cause to be made all of the required inspections. The director shall have the authority to accept reports of inspection by approved agencies or individuals. Reports of such inspections shall be in writing and be certified by an officer of such approved agency or by the responsible individual. The director is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.

(Code 1998, app. D, § 104.6)

Sec. 105-27. Identification.

The director shall carry proper identification when inspecting structures or premises in the performance of duties under this Code.

(Code 1998, app. D, § 104.7)

Sec. 105-28. Right of entry.

Where it is necessary to make an inspection to enforce the provisions of this Code, or where the director has reasonable cause to believe that there exists in a structure or upon a premises a condition which is contrary to or in violation of this Code which makes the structure or premises unsafe, dangerous or hazardous, the director is authorized to enter the structure or premises at reasonable times to inspect or to perform the duties imposed by this Code, provided that if such structure or premises be occupied that credentials be presented to the occupant and entry requested. If such structure or premises be unoccupied, the director shall first make a reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry. If entry is refused, the director shall have recourse to the remedies provided law to secure entry.

(Code 1998, app. D, § 104.8)

Sec. 105-29. Liability.

The director, members of the board of appeals or employee charged with the enforcement of this Code, while acting for the jurisdiction in good faith and without malice in the discharge of the duties required by this Code or other pertinent law or ordinance, shall not thereby be rendered liable personally and is hereby relieved from personal liability for any damage accruing to persons or property as a result of any act or by reason of an act of omission in the discharge of official duties. Any suit instituted against an officer or employee in the lawful discharge of duties and under the provisions of this Code shall be defended by legal representative of the jurisdiction until the final termination of the proceedings. The director or any subordinate shall not be liable for cost in any action, suit or proceeding that is instituted in pursuance of the provisions of this Code.

(Code 1998, app. D, § 104.9)

Sec. 105-30. Stop work orders.

Upon notice from the director, work on any building, structure, electric, gas, or mechanical system that is being done prior to the securing of the required permit and/or contrary to the provisions of this Code or in a dangerous or unsafe manner, shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property or to his agent, or to the person doing the work, and shall state the conditions under which work may be resumed. Where an emergency exists, the director shall not be required to give a written notice prior to stopping the work.

(Code 1998, app. D, § 104.10)

Sec. 105-31. Revocation of permits.

The director may revoke a permit or approval, issued under the provisions of this Code, in the event that there has been any false statement or misrepresentation or upon failure to execute said work in accordance with said application, plans or specifications or which has been issued in violation of the zoning or building code.

(Code 1998, app. D, § 104.11)

Sec. 105-32. Approved materials and equipment.

Materials, equipment and devices approved by the director shall be constructed and installed in accordance with such approval.

(Code 1998, app. D, § 104.12)

Sec. 105-33. Requirements not covered by Code.

Any requirements necessary for the strength or stability of an existing or proposed building or structure, or for the public safety, health and general welfare, not specifically covered by this Code, shall be determined by the director. Wherever there are practical difficulties involved in

carrying out the provisions of this Code, the director shall have the authority to grant modifications for individual cases, upon application of the owner or owner's representative, provided the director shall first find that special individual reason makes the strict letter of this Code impracticable and the modification is in compliance with the intent and purpose of this Code and that such modification does not lessen health, accessibility, life and fire safety, or structural requirements. The application for modification and the approval of the director shall be in writing. The details of action granting modifications shall be recorded and entered in the permanent records of the department of permits and regulatory.
(Code 1998, app. D, § 104.13)

Sec. 105-34. Tests.

Whenever there is insufficient evidence of compliance with the provisions of this Code, or evidence that a material or method does not conform to the requirements of this Code, or in order to substantiate claims for alternative materials or methods, the director shall have the authority to require tests as evidence of compliance to be made at no expense to the jurisdiction. Test methods shall be as specified in this Code or by other recognized and accepted test standards. In absence of recognized and acceptable test methods, the director shall approve the testing procedures. Tests shall be performed by an approved agency. Reports of such tests shall be retained by the director for the period required for retention of public records.
(Code 1998, app. D, § 104.14)

Secs. 105-35—105-56. Reserved.

ARTICLE II. PERMITS

Sec. 105-57. Required.

Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert, or replace any electrical, mechanical, plumbing, or gas system, the installation of which is regulated by this Code, or cause any such work to be done, shall first make application to the director and obtain the required permit.
(Code 1998, app. D, § 105.1)

Sec. 105-58. Work exempt from permit.

Exemptions from permit requirements of this Code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this Code or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:

- (1) *Building.*
 - a. One story detached accessory structures, accessory to one- and two-family dwellings, used as tool, storage sheds, playhouses and similar uses provided the floor area does not exceed 100 square feet.

- b. Fences not over six feet high.
 - c. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
 - d. Shade cloth structures constructed for nursery or agricultural purposes and not including service systems.
 - e. Swings and other playground equipment accessory to one- and two-family dwellings.
 - f. Movable cases, counters and partitions not over five feet nine inches tall.
 - g. Oil derricks
 - h. Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons and the ratio of height to diameter or width does not exceed 2:1.
 - i. Prefabricated swimming pools accessory to single-family dwellings that are less than 24 inches deep.
 - j. Window awnings supported by an exterior wall which do not project more than 54 inches from the exterior wall and do not require additional support.
- (2) *Electrical.*
- a. *Repairs and maintenance.* Minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.
 - b. *Radio and television transmitting stations.* The provisions of this Code shall not apply to electrical equipment used for radio and television transmissions, but does apply to equipment of wiring for power supply, the installation of owners and antennas.
- (3) *Mechanical.*
- a. Portable appliance.
 - b. Portable ventilation appliances/equipment.
 - c. Portable cooling unit.
 - d. Steam, hot or chilled water piping within any heating or cooling equipment regulated by this Code.
 - e. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.
 - f. Portable evaporator cooler.
 - g. Self-contained refrigeration systems containing ten pounds or less of refrigerant or that are actuated by motors of one horsepower or less.

- h. Residential portable fuel cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.

(4) *Plumbing.*

- a. The stopping of leaks in drains, water, soil waste or vent pipe; provided, however, that if any concealed trap, drainpipe, water, soil, waste, or vent pipe becomes defective and it becomes necessary to remove and replace same with new material, such work shall be considered as new work and a permit shall be obtained and inspections made as provided in this Code.
- b. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures, and the removal and reinstallation of water closets, provided that such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.

(Code 1998, app. D, § 105.2)

Sec. 105-59. Emergency repairs.

Where equipment replacements and repairs must be performed in an emergency situation, the permit application shall be submitted within 24 hours/next working business day of the repair to the director.

(Code 1998, app. D, § 105.2.1)

Sec. 105-60. Repairs application.

Notice to the director is not required for ordinary repairs to structures, replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles. Such repairs shall not include the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or load bearing support, or the removal or change of any required means or egress, or rearrangement of parts of a structure affecting the egress requirements; nor shall ordinary repairs include the addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer drain, drain leader, gas, soil, waste, vent or similar piping, electrical wiring or mechanical or other work affecting public health or general safety.

(Code 1998, app. D, § 105.2.2)

Sec. 105-61. Application for permit.

To obtain a permit, the applicant shall first file an application therefore in writing on a form furnished by the department of permits and regulatory for that purpose. Such application shall:

- (1) Identify and describe the work to be covered by the permit for which application is made.
- (2) Provide an assessment or parcel number from the parish assessor's office.
- (3) Describe the land on which the proposed work is to be done by legal description.

- (4) Provide clear and concise directions to the land on which the proposed work is to be done.
 - (5) Indicate the use and occupancy for which the proposed work is intended.
 - (6) Be accompanied by construction documents and other information as required by section 105-97.
 - (7) State the valuation of the proposed work.
 - (8) Be signed by the applicant, or the applicant's authorized agent.
 - (9) Completed lot fill form.
 - (10) Completed sheriffs job registration form.
 - (11) L.H.S.47 (if using an individual sewerage system).
 - (12) State highway department approval form (if accessing from a state controlled road).
 - (13) Approved conditional use/administrative permit (if required).
 - (14) Approved land clearing permit (five acres or greater).
 - (15) Approved sign review permit (commercial signs).
 - (16) State fire marshal review letter (commercial only).
 - (17) List of subcontractors. Copies of contracts if commercial.
 - (18) Be accompanied by permit fees and any other fees as required in section 105-380.
 - (19) Provide such other data and information as required by the director.
- (Code 1998, app. D, § 105.3)

Sec. 105-62. Action on application.

The director shall examine or cause to be examined applications for permits and amendments thereto within a reasonable time after filing. If the application or the construction documents do not conform to the requirements of the pertinent laws, the director shall reject such application in writing, stating the reasons therefore. If the director is satisfied that the proposed work conforms to the requirements of this Code and laws and ordinances applicable thereto, the director shall issue a permit therefore as soon as possible.

(Code 1998, app. D, § 105.3.1)

Sec. 105-63. Time limitation of application.

An application for a permit for any proposed work shall be deemed to have been abandoned 90 days after the date of filing, unless such application has been pursued in good faith or a

permit has been issued; except that the director is authorized to grant one or more extensions of time for additional periods not exceeding 90 days each. The extension shall be requested in writing and justifiable cause demonstrated.

(Code 1998, app. D, § 105.3.2)

Sec. 105-64. Validity of permit.

The issuance or granting of a permit shall not be construed to be a permit for, or an approval of, any violation of any provisions of this Code or of any other ordinance of the jurisdiction. Permits presuming to give authority to violate or cancel provisions of this Code or other ordinances of the jurisdiction shall not be valid. The issuance of a permit based on construction documents and other data shall not prevent the director from requiring the correction for errors in the construction documents and other data. The director is also authorized to prevent occupancy or use of a structure where a violation of this Code or of any other ordinances of this jurisdiction.

(Code 1998, app. D, § 105.4)

Sec. 105-65. Expiration.

Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 180 days after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced or is not completed within two years of the issuance of the permit. A new permit shall be applied for, work cannot commence again until the new permit has been issued. The director is authorized to grant, in writing, one or more extensions of time, for periods not more than 90 days each. The extension shall be requested in writing and justifiable cause demonstrated.

(Code 1998, app. D, § 105.5)

Sec. 105-66. Suspension or revocation.

The director is authorized to suspend or revoke a permit issued under the provisions of this Code wherever the permit is issued in error or on the basis of incorrect, inaccurate or incomplete information or in violation of any ordinance or regulation or any provisions of this Code.

(Code 1998, app. D, § 105.6)

Sec. 105-67. Placement of permit placard.

Work requiring a permit shall not commence until the permit has been issued and the placard is posted on premises. The building permit placard shall be kept on the site of work

until a certificate of occupancy, or a certificate substantial completion has been issued, by the director. It shall be placed in a conspicuous manner, as to be seen from the road, and made available to the director or representative to conveniently make any required entries thereon. (Code 1998, app. D, § 105.7)

Sec. 105-68. Owner's responsibility.

It shall be the duty of owner who shall perform work for the installation or repair of buildings, structures, electrical, mechanical, plumbing or gas systems, for which this Code is applicable, to comply with this Code. (Code 1998, app. D, § 105.8)

Sec. 105-69. Contractor's responsibility.

It shall be the duty of every contractor who shall make contracts for the installation or repairs of buildings, structures, electrical, mechanical, plumbing and gas systems, for which a permit is required, to comply with state or local rules and regulations concerning licensing which the applicable governing authority may have adopted. (Code 1998, app. D, § 105.9)

Secs. 105-70—105-96. Reserved.

ARTICLE III. CONSTRUCTION DOCUMENTS

Sec. 105-97. Submittal documents.

(a) *Supporting documents.* Construction documents, special inspection and structural observation programs, and other data shall be submitted in two or more sets with each application for a permit. The construction documents shall be prepared by a certified design professional where required by the statutes of the jurisdiction in which the project is to be constructed. Where special conditions exist, the director is authorized to require additional construction documents to be prepared by a certified design professional.

(b) *Exception.* The director may waive certification requirements, if he finds that the nature of the work applied for is such that certification of plans is not necessary to obtain compliance with this Code. (Code 1998, app. D, § 106.1)

Sec. 105-98. Information on construction documents.

Construction documents shall be dimensioned and drawn upon suitable material. Electronic media documents are permitted to be submitted when approved by the director. Construction

documents shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of this Code and relevant laws, ordinances, rules and regulations, as determined by the director.

(Code 1998, app. D, § 106.1.1)

Sec. 105-99. Manufacturer's installation instructions.

Manufacturer's installation instructions, as required by this Code shall be available on the job site at the time of inspection.

(Code 1998, app. D, § 106.1.2)

Sec. 105-100. Construction in areas prone to flooding.

For buildings and structures in flood hazard areas construction documents shall include:

- (1) Delineation of flood hazard areas, floodway boundaries, and flood zones, and the design flood elevation is as appropriate;
- (2) The elevation of the proposed lowest floor, including basement; in areas of shallow flooding (AO zones), the height of the proposed lowest floor, including basement, above the highest adjacent grade;
- (3) The elevation of the bottom of the lowest horizontal structural member in a coastal high hazard areas (V zones); and
- (4) If the design flood elevations are not included on the community's flood insurance rate map (FIRM), the director and the applicant shall obtain and reasonably utilize any design flood elevation and floodway data available from other sources.

(Code 1998, app. D, § 106.1.3)

Sec. 105-101. Site plan.

A site plan drawn at a legible scale which shall include the size and location of new construction and every existing structure on the site and distances from the lot/property lines. In the case of demolition, the site plan shall show construction to be demolished and the location and size of existing structures and construction that are to remain on the site of plot.

(Code 1998, app. D, § 106.2)

Sec. 105-102. Boundary line survey.

A boundary line survey prepared by a licensed surveyor shall accompany any request for new construction, additions, mobile home placement and accessory structures. The survey shall indicate flood zone information and delineation of flood hazard areas.

(Code 1998, app. D, § 106.3)

Sec. 105-103. Examination of documents.

The director shall examine or cause to be examined construction documents for code compliance.

(Code 1998, app. D, § 106.4)

Sec. 105-104. Approval of construction documents.

When the director issues a permit, the construction documents shall be approved, in writing or by stamp. One set of construction documents so reviewed shall be retained by the director. The other set shall be returned to the applicant, shall be kept at the site of work and shall be open to inspection by the director or a duly authorized person.

(Code 1998, app. D, § 106.4.1)

Sec. 105-105. Previous approvals.

This Code shall not require changes in the construction documents, construction or designated occupancy of a structure for which a lawful permit has been heretofore issued otherwise lawfully authorized, and the construction of which has been commenced and pursued in good faith within 180 days after the effective date of this Code and has not been abandoned.

(Code 1998, app. D, § 106.4.1.2)

Sec. 105-106. Amended construction documents.

Work shall be installed in accordance with the reviewed construction documents, and any changes made during construction that are not in compliance with the approved construction documents shall be resubmitted for approval as an amended set of construction documents.

(Code 1998, app. D, § 106.4.1.3)

Sec. 105-107. Phased approval.

The director is authorized to issue a permit for the construction of foundations or any other part of a building or structure before the construction documents for the whole building or structure have been submitted, provided that adequate information and detailed statements have been filed complying with pertinent requirements of this Code. The holder of such a permit for the foundation or other parts of a building or structure shall proceed at the holder's own risk with the building operation and without assurance that a permit for the entire structure will be granted.

(Code 1998, app. D, § 106.4.1.1)

Sec. 105-108. Retention of construction documents.

One set of approved construction documents shall be retained by the director for a period of not less than 180 days from the date of completion of the permitted work, or as required by state of local laws.

(Code 1998, app. D, § 106.5)

Secs. 105-109—105-129. Reserved.

ARTICLE IV. BUILDING PERMIT FEES

DIVISION 1. GENERALLY

Sec. 105-130. Payment of fees.

A permit shall not be valid until the prescribed fees prescribed by law have been paid. Nor shall an amendment to a permit be released until the additional fee, if any, has been paid.
(Code 1998, app. D, § 107.1)

Sec. 105-131. New construction, additions, accessory structures.

The applicant for a permit for new construction, additions, and accessory structures shall provide in writing, the total square footage at the time of the application. Permit square footage shall include any square footage under beam. If in the opinion of the director, the total square footage is not reported accurately on the application, the permit shall be denied. Final building permit square footage shall be determined by the director.
(Code 1998, app. D, § 107.2)

Sec. 105-132. Building permit valuations.

The applicant for a permit for renovations, remodeling, build outs, and commercial, electrical, mechanical, plumbing and gas systems shall provide a signed contract or proposal estimating the value in writing at time of application. Permit valuations shall include total value of work, including materials and labor, for which the permit is being issued, such as electrical, gas, mechanical, plumbing equipment and permanent systems. If, in the opinion of the director, the valuation is underestimated on the application, the permit shall be denied, unless the applicant can show detailed estimates to meet the approval of the director. Final building permit valuation shall be set by the director.
(Code 1998, app. D, § 107.3)

Sec. 105-133. Work commencing before permit issuance.

Any person who commences work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to an additional fee of 100 percent of the usual fee that shall be in addition to the required permit fees.
(Code 1998, app. D, § 107.4)

Sec. 105-134. Licensed parks.

For licensed parks, the fee shall be a \$25.00 nonrefundable application fee, plus \$5.00 electrical connection.

(Code 1998, app. D, § 107.4.1)

Sec. 105-135. Related fees.

The payment of the fee for the construction, alteration, removal or demolition for work done in connection or concurrently with the work authorized by a building permit shall not relieve the applicant or holder of the payment of other fees that are prescribed by law.

(Code 1998, app. D, § 107.5)

Sec. 105-136. Application fees.

Application fees are not refundable.

(Code 1998, app. D, § 107.6)

Sec. 105-137. Refunds.

Building permit fees, once a permit has been issued, shall not be refunded or transferred.

(Code 1998, app. D, § 107.6)

Sec. 105-138. Schedule of permit fees.

On buildings, structures, electrical, gas, mechanical and plumbing systems or alterations requiring a permit, a fee for each permit shall be paid as required. The fees shall be in accordance with the schedule in division 2 of this article.

(Code 1998, app. D, § 107.7)

Secs. 105-139—105-159. Reserved.**DIVISION 2. BUILDING FEES****Sec. 105-160. Building commercial.**

(a) New construction: \$140.00 nonrefundable application fee, plus \$0.21 per square foot.

(b) Additions: \$100.00 nonrefundable application fee, plus \$0.21 per square foot.

(c) Remodel/build outs: \$85.00 nonrefundable application fee, plus \$5.00 per thousand or fraction thereof (contract amount).

(d) Plan review: \$150.00, plus \$0.01 per square foot. (Nonrefundable) (Projects above \$2,000,000.00 may be subject to a \$150.00 base fee and current ICC Plan Review fees.)

(Code 1998, app. D, § 107.7.2)

Sec. 105-161. Building residential.

- (a) New construction: \$105.00 nonrefundable application fee, plus \$0.10 per square foot.
- (b) Additions: \$80.00 nonrefundable application fee, plus \$0.10 per square foot.
- (c) Remodel: \$75.00 nonrefundable application fee, plus \$5.00 per thousand or fraction thereof contract amount/no contract \$0.50 per square foot, plus base charge.
- (d) Plan review: \$50.00, plus \$0.01 per square foot (nonrefundable.)
(Code 1998, app. D, § 107.7.3)

Sec. 105-162. Mobile homes residential.

Mobile homes: \$80.00 nonrefundable application fee, plus \$0.10 per square foot, plus \$5.00 electrical connection.
(Code 1998, app. D, § 107.7.4)

Sec. 105-163. Miscellaneous.

Seasonal retail tents, temporary structures, and pre-fab units: \$140.00, plus \$0.10 per square foot.
(Code 1998, app. D, § 107.7.5)

Secs. 105-164—105-194. Reserved.

DIVISION 3. ELECTRICAL FEES

Sec. 105-195. Electrical commercial.

Reserved.
(Code 1998, app. D, § 107.8.1)

Sec. 105-196. Electrical residential.

A \$40.00 nonrefundable application fee, plus \$2.00 per circuit.
(Code 1998, app. D, § 107.8.2)

Sec. 105-197. Mobile home meter.

Reserved.
(Code 1998, app. D, § 107.8.3)

Sec. 105-198. Construction test meter renewals.

Reserved.
(Code 1998, app. D, § 107.8.4)

Secs. 105-199—105-219. Reserved.

DIVISION 4. MECHANICAL FEES

Sec. 105-220. Mechanical commercial.

Two percent of the mechanical contract up to \$200,000.00, plus one percent of the mechanical contract over \$200,000.00.
(Code 1998, app. D, § 107.9.1)

Sec. 105-221. Mechanical residential.

A \$40.00 nonrefundable application, plus \$3.00 per ton of A.C.
(Code 1998, app. D, § 107.9.2)

Sec. 105-222. Mechanical miscellaneous.

Elevators, builder's hoists and moving stairs are based on number of floors served.
(Code 1998, app. D, § 107.9.3)

Secs. 105-223—105-252. Reserved.

DIVISION 5. PLUMBING FEES

Sec. 105-253. Plumbing commercial.

Two percent of the plumbing contract up to \$200,000.00 plus one percent of the plumbing contract over \$200,000.00.
(Code 1998, app. D, § 107.10.1)

Sec. 105-254. Plumbing residential.

A \$40.00 nonrefundable application fee, plus \$1.00 per fixture.
(Code 1998, app. D, § 107.10.2)

Secs. 105-255—105-271. Reserved.

DIVISION 6. GAS FEES

Sec. 105-272. Gas commercial.

Two percent of the gas contract up to \$200,000.00 plus one percent of the gas contract over \$200,000.00.
(Code 1998, app. D, § 107.11.1)

Sec. 105-273. Gas residential.

A \$20.00 nonrefundable application fee, plus \$1.00 per drop.
(Code 1998, app. D, § 107.11.2)

Secs. 105-274—105-294. Reserved.

DIVISION 7. REINSPECTION FEES

Sec. 105-295. Reinspection.

Reserved.
(Code 1998, app. D, § 107.12.1)

Sec. 105-296. Incomplete reinspection.

Reserved.
(Code 1998, app. D, § 107.12.2)

Secs. 105-297—105-325. Reserved.

DIVISION 8. SPECIAL INSPECTION FEES

Sec. 105-326. Special inspections.

Reserved.
(Code 1998, app. D, § 107.13.1)

Secs. 105-327—105-355. Reserved.

DIVISION 9. REGISTRATION FEES

Sec. 105-356. Initial contractor registration.

Reserved.
(Code 1998, app. D, § 107.14.1)

Sec. 105-357. Annual registration renewal.

Reserved.
(Code 1998, app. D, § 107.14.2)

Sec. 105-358. Inactive registration fee.

Reserved.

(Code 1998, app. D, § 107.14.3)

Sec. 105-359. Delinquent registration fees.

A fee will be assessed monthly for any registration received after January 1 through March 31. Registrations that have not been renewed by March 31 shall be revoked.

(Code 1998, app. D, § 107.14.4)

Secs. 105-360—105-376. Reserved.**ARTICLE V. INSPECTIONS****DIVISION 1. GENERALLY****Sec. 105-377. General.**

Construction or work for which a permit is required shall be subject to inspection by the director and such construction work shall remain accessible and exposed for inspection purposes until approved. Upon notification from the permit holder or his agent, the director, shall make or cause to be made any necessary inspections and shall either approve that portion of the construction as completed or shall notify the permit holder or his agent wherein fails to comply with this Code. Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this Code or of other ordinances of the parish. Inspections presuming to give authority to violate or cancel the provisions of this Code or of other ordinances of the jurisdiction shall not be valid. It shall be the duty of the permit applicant to cause the work to remain accessible and exposed for inspection purposes. Neither the director nor the jurisdiction shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

(Code 1998, app. D, § 108.1)

Sec. 105-378. Inspection requests.

It shall be the duty of the holder of the building permit or their duly authorized agent to notify the director when work is ready for inspection. It shall be the duty of the permit holder to provide access to and means for inspection of such work for any inspections that are required by this Code.

(Code 1998, app. D, § 108.1.1)

Sec. 105-379. Approval required.

Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the director. The director, upon notification, shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed, shall notify the permit wherein the same fails to comply with this Code. Any portions that do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the director.

(Code 1998, app. D, § 108.1.2)

Sec. 105-380. Preliminary inspection.

Before issuing a permit, the director is authorized to examine or cause to be examined buildings, structures and sites for which a permit application has been filed.

(Code 1998, app. D, § 108.2)

Sec. 105-381. Required inspections.

The director, upon notification, shall make or cause to be made the inspections set forth in divisions 2 and 3 of this article.

(Code 1998, app. D, § 108.3)

Sec. 105-382. Other inspections.

In addition to the inspections specified above, the director is authorized to make or require other inspections of any construction work to ascertain compliance with the provisions of this Code and any other laws that are enforced by the department of permits and regulatory.

(Code 1998, app. D, § 108.7)

Sec. 105-383. Construction test meter.

A construction test meter shall be energized prior to scheduling any building, electrical, mechanical or plumbing final.

(Code 1998, app. D, § 108.8)

Sec. 105-384. Inspection agencies.

The director is authorized to accept reports of approved agencies, provided such agencies satisfy the requirements as to qualifications and reliability.

(Code 1998, app. D, § 108.9)

Secs. 105-385—105-411. Reserved.

DIVISION 2. DRAINAGE INSPECTIONS

Sec. 105-412. Preliminary grade inspection slab on grade.

Prior to a foundation inspection the preliminary grade inspection shall be made after forms erected, and prior to plumbing or electrical piping installation. All fill material shall meet appropriate standards. All ditch/culvert/silt fencing shall be in place. If necessary, drainage swales must be constructed. Any fill placement cannot block drainage flow.
(Code 1998, app. D, § 108.4.1)

Sec. 105-413. Preliminary grade inspection for piling/pier construction.

The preliminary grade inspection shall be after site/grade preparation and immediately after installation of piling/pier and prior to any other construction.
(Code 1998, app. D, § 108.4.2)

Sec. 105-414. Swimming pools preliminary grade.

Preliminary drainage inspection shall be made after the initial dig, before gunite/shell, and after the fill from the dig has been removed or redistributed. Silt fencing shall be required to protect adjacent properties or drainage easements as necessary.
(Code 1998, app. D, § 108.4.3)

Secs. 105-415—105-441. Reserved.

DIVISION 3. BUILDING INSPECTIONS

Sec. 105-442. Underground inspections.

Reserved.
(Code 1998, app. D, § 108.5.1)

Sec. 105-443. Footing or foundation inspection.

Footing and foundation inspections shall be made after excavations for footing are complete and any required reinforcing steel is in place, prior to the placing of concrete. The foundation inspection shall include excavations for thickened slabs intended for the support of bearing walls, partitions, structural supports or equipment and special requirements for wood foundations. Footing and foundation inspections shall be made after an approved preliminary grade inspection and underground plumbing inspection if plumbing is in the foundation.
(Code 1998, app. D, § 108.5.2)

Sec. 105-444. Concrete slab or under-floor inspection.

Concrete slab and under-floor inspections shall be made after in-slab or under-floor reinforcing steel and building service equipment, conduit, piping accessories and other ancillary equipment items are in place, but before any concrete is placed or floor sheathing installed, including the sub floor.

(Code 1998, app. D, § 108.5.3)

Sec. 105-445. Rough in inspections.

Reserved.

(Code 1998, app. D, § 108.5.4)

Sec. 105-446. Framing inspections.

Reserved.

(Code 1998, app. D, § 108.5.5)

Sec. 105-447. Fire-resistance-rated commercial construction inspection.

Where fire-resistance-rated construction is required between dwelling units due to location on property, the director shall require an inspection of such construction after all lathing and/or wall board is in place, but before any plaster is applied, or wallboard joints and fasteners retaped and finished.

(Code 1998, app. D, § 108.5.6)

Sec. 105-448. Fire resistant penetrations (commercial).

Protection of joints and penetrations in fire resistant-rated assemblies shall not be concealed from view until inspected and approved.

(Code 1998, app. D, § 108.5.8)

Sec. 105-449. Final inspections.

Final inspections for all electrical, mechanical plumbing and gas systems shall be made after the electrical, mechanical, plumbing and gas systems are complete. The final grade inspection shall be made prior to the final building inspection. The final building inspection shall be made after the building is completed and ready for occupancy. Municipal addresses shall be posted on the property and visible from the street. Construction test meters shall be energized prior to scheduling of any final inspection.

(Code 1998, app. D, § 108.5.9)

Sec. 105-450. Minimum finished floor elevations.

(a) Minimum finished floor elevations for residential structures in flood zone "C" shall be no less than 12 inches above the centerline of street or top of curb fronting the home, whichever is greater. For residential structures located in flood zone "A," the minimum finished floor elevation shall be at the base flood elevation or 12 inches above the centerline of street or top of curb fronting the home, whatever is greater. For residential lots less than 90 feet wide in all flood zones, structures shall be raised if more than 24 inches of fill is required to satisfy this section. The department of engineering shall have the ability to grant variances for lots less than 90 feet wide in subdivisions with approved fill plans. Fill required for all lots in flood zone "A" or in critical drainage areas shall be mitigated in accordance with chapter 115, pertaining to drainage and flood control.

(b) When determining the elevation required in subsection (a) of this section, the centerline of street or top of curb elevation where the grade is highest along the front width of the lot shall be the baseline elevation. For the case where a lot is at the corner of two streets, the centerline of street or top of curb elevation where the grade is the highest along the front and side of the lot adjacent to the corner shall be the baseline elevation.

(c) The department of permits or department of engineering may require the building permit applicant to submit an elevation certificate by a professional land surveyor noting the highest street centerline or top of curb elevation along the front width of the lot in addition to the top of form board elevation representing the finished floor elevation, if the requirements set out in subsections (a) and (b) of this section are not met. Elevations shall be tied to the NAVD88 vertical datum. In such cases, the elevation certificate shall be received by the permit department prior to approval of a preliminary drainage inspection. For the case where a home is raised, the elevation certificate shall be required prior to the framing inspection.

(d) The department of engineering may grant variances where existing topography makes it impractical to raise structures above the street centerline/top of curb and/or negatively impacts drainage for surrounding lots.

(Code 1998, app. D, § 108.5.10; Ord. No. 07-1595, 7-5-2007; Ord. No. 14-3084, 2-6-2014)

Secs. 105-451—105-468. Reserved.**DIVISION 4. INSPECTIONS FOR STRUCTURES LOCATED IN A FLOODPLAIN****Sec. 105-469. Lowest floor elevations.**

For construction in areas prone to flooding as established by the International Residential Code Table R301.2(1), upon placement of the lowest floor, including basement and prior to further vertical construction, the director shall require submission of documentation, prepared and sealed by a registered licensed engineer, of the elevation of the lowest floor, including

basement, as required in the International Residential Code Section R323. For residential structures located in flood zone "A", the minimum finished floor elevation shall be at base flood elevation or 12 inches above the centerline of the street or top of curb fronting the home, whichever is greater. The centerline of street or top of curb elevation shall be taken where the grade is highest along the front width of the lot. For the case where a lot is at the corner of two streets, the centerline of street or top of curb elevation shall be taken where the grade is the highest along the front and side of the lot adjacent to the corner.

(Code 1998, app. D, § 108.6.1; Ord. No. 07-1595, 7-5-2007)

Sec. 105-470. Lowest floor elevation.

The elevation certification as required in the State Uniform Construction Code shall be submitted to the director prior to the placing of concrete. The certificate shall be prepared and sealed by a licensed registered engineer.

(Code 1998, app. D, § 108.6.2)

Secs. 105-471—105-493. Reserved.

ARTICLE VI. REGISTRATIONS

DIVISION 1. GENERALLY

Sec. 105-494. Scope.

Any contractor or subcontractor who desires to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure or to erect, install, enlarge, alter, remove, convert, or replace any electrical, gas, mechanical, or plumbing system, the installation of which is regulated by the technical codes shall first make application to the director, and obtain the required registration for the appropriate trade. Each registration issued shall specify the name of the person, firm or corporation registered, who shall be known as the holder of the registration, and shall specify the name of the person who has passed the state requirements, and such person shall be designated in the registration as the supervisor of all work to be done under the registration. The person designated as the supervisor may be a person in the employ of the holder of the registration or, if the holder is a person, may be the holder himself or; if the holder is a firm, may be member of the firm; or, if the holder is a corporation, may be an officer of the corporation. The same person shall not be designated as the supervisor in two or more registrations issued to different persons, firms or corporations. In the event that the business association with or employment of the supervisor by the holder the registration shall terminate, said registration shall become null and void 180 days after such termination.

(Code 1998, app. D, § 201.1)

Sec. 105-495. Registrations and renewals.

Initial registrations for building, electrical, mechanical plumbing and gas shall be valid until the end of the calendar year registration is applied for. Notice of renewal shall be mailed to each registered contractor/subcontractor each November. Renewal fees shall be due by January 1st. Registration renewals received after January 1 shall be charged a delinquent for every month delinquent until March 31, after March 31 the registration shall be revoked.
(Code 1998, app. D, § 201.1.1)

Secs. 105-496—105-513. Reserved.

DIVISION 2. REQUIREMENTS

Sec. 105-514. Commercial builder registration requirements.

Any person may apply for a commercial builder's registration who meets the following requirements:

- (1) Current state general contractor's license (building construction).
- (2) Current certification of resident contractor status.

(Code 1998, app. D, § 202.1)

Sec. 105-515. Residential builder registration requirements.

Any person may apply for a residential builder's registration who meets the following requirements:

- (1) Current state residential building contractor's license.
- (2) Current certification of resident contractor status.

(Code 1998, app. D, § 202.2)

Sec. 105-516. Electrical registration requirements.

Any person may apply for an electrical registration who meets the following requirements:

- (1) Current state electrical license.
- (2) Current certification of resident contractor status.

(Code 1998, app. D, § 202.3)

Sec. 105-517. Gas registration requirements.

Any person may apply for a gas registration who meets one of the following requirements:

- (1) Current parish plumbing registration.
- (2) Current parish mechanical registration.

- (3) Current state liquefied petroleum gas commission license.
- (4) Current certification of resident contractor status.
(Code 1998, app. D, § 202.3)

Sec. 105-518. Mechanical registration requirements.

Any person may apply for a mechanical registration who meets the following requirements:

- (1) Current state mechanical license.
- (2) Current certification of resident contractor status.
(Code 1998, app. D, § 202.4)

Sec. 105-519. Plumbing registration requirements.

Any person may apply for a plumbing registration who meets the following requirements:

- (1) Current state plumbing license.
- (2) Current certification of resident contractor status.
(Code 1998, app. D, § 202.5)

Secs. 105-520—105-546. Reserved.

DIVISION 3. EXCEPTIONS

Sec. 105-547. Registration prior to May 21, 1998.

Any person having a valid parish electrical, mechanical or gas contractor's registration prior to May 21, 1998 are exempt from the parish's requirements of a state license, providing the registration has not lapsed.
(Code 1998, app. D, § 203.1)

Sec. 105-548. Homeowners' clause.

Whenever the owner of a single-family dwelling builds, repairs or remodels their own personal residence without the benefit of a general contractor, subcontractor, architect, or engineer or any other individual who receives a fee for employment or direction of any labor or any work beyond the normal architectural or engineering services, with the intent to occupy such as a primary residence, and provided the homeowner does not build more than one personal residence in a two year period, the director shall have the authority waive the registration provisions of this Code.
(Code 1998, app. D, § 203.2)

Sec. 105-549. Agricultural buildings.

Agricultural buildings located in applicably zoned areas, which do not have habitable spaces, shall be exempt from building inspections. Permits and inspections shall be required when electrical, mechanical, plumbing and gas systems are installed. When an owner subcontracts any work on electrical, mechanical, plumbing or gas systems, the subcontractor must possess a current registration with the parish.

(Code 1998, app. D, § 203.2.3)

Sec. 105-550. Owner acting as contractor.

Owners of property who supervise, superintend, oversee, direct or in any manner assume charge of the construction, alteration, repair, improvement, movement demolition, putting up, tearing down, of their personal residence, building or structure or to erect, install, enlarge, alter, remove, convert, or replace any electrical, gas, mechanical, or plumbing system, the installation of which is regulated by the technical codes, shall first make application to the director for a waiver of contractor requirements. Testing shall be required to substantiate the owners' qualifications to do electrical and mechanical work. The owner shall be required to file for all permits, request all inspections, the work of which shall be in compliance with all the provisions of this Code, inspected and approved in the usual manner.

(Code 1998, app. D, § 203.3)

Sec. 105-551. Portable accessory structures under 200 square feet.

Parish registration is not required for a builder who constructs a residential accessory structure under 200 square feet, that is designed and built to be a portable unit and not affixed to a permanent foundation. All necessary permits are required for the structure, and for any electrical, mechanical or plumbing systems that may be installed. All work shall be in compliance with all provisions of this Code, inspected and approved in the usual manner. When an owner subcontracts any work on electrical, mechanical, plumbing or gas systems, the subcontractor must possess a current registration with the parish.

(Code 1998, app. D, § 203.4)

Secs. 105-552—105-580. Reserved.**DIVISION 4. REVOCATION****Sec. 105-581. Revocation of parish registrations.**

Any parish registration granted under this section may be suspended or revoked by the director, if the holder or the registration violates any ordinance or law relating to the technical codes or is guilty of construction which is dangerous to life or property, or for transferring or allowing directly or indirectly, firms or persons or corporations other than the lawful holder to

operate, or to obtain permits to work under said registrations, provided the holder of the registration be found guilty of such violations. Appeals may be filed within ten days to the board of standards and appeals, upon recommendation of the director. All appeals to the board of standards and appeals must be submitted with any fees associated with the appeals filing.

(Code 1998, app. D, § 204.1)

Secs. 105-582—105-610. Reserved.

ARTICLE VII. BOARDS

DIVISION 1. GENERALLY

Sec. 105-611. Scope.

Building, electrical, mechanical and plumbing (gas) boards are established for the purpose of communication between inspectors and contractors. Quarterly scheduled meetings may be held for this purpose.

(Code 1998, app. D, § 301.1)

Secs. 105-612—105-640. Reserved.

DIVISION 2. BUILDING BOARD

Sec. 105-641. Appointment.

There is hereby established a board to be called the board of building construction, which shall consist of eight members and two alternates. Six members and two alternates appointed by the parish council and one member appointed by the parish president, all of whom shall be residents of the parish.

(Code 1998, app. D, § 302.1)

Sec. 105-642. Membership.

The board should consist of eight members. Such board members should be composed of individuals with knowledge and experience in the technical codes, such as design professionals, contractors or building industry representatives. In addition to the regular members, there should be two alternate members, one member at large from the building industry and one member at large from the public. A board member shall not act in a case in which he has a personal or financial interest. The criteria for a building professional are any individual who is

a resident and registered voter in the parish; and has experience and/or knowledge of building construction. The domicile used for such building professionals shall be the physical location of their primary residence.

(Code 1998, app. D, § 302.2)

Sec. 105-643. Terms.

(a) The director shall serve on the board for the length of his employment. The terms are to coincide with those of the parish council/parish president, with the exception of the parish employee who serves until termination of employment. Any member may, per cause, be removed from office at any time by the said governing authority. Whenever any member shall cease to be a resident of the parish, his membership shall automatically be terminated. Vacancies shall be filled by the parish council. A chairperson will be elected by the board each year.

(b) Secretary of board. The director shall act as secretary of the board and shall make or cause to be made a detailed record of all its proceedings.

(Code 1998, app. D, § 302.3)

Secs. 105-644—105-674. Reserved.

DIVISION 3. ELECTRICAL BOARD

Sec. 105-675. Appointment.

There is hereby established an electrical board which shall consist of five members: one chief electrical inspector, three parish registered electrical contractors and one licensed electrical engineer. Four members appointed by parish council and one member appointed by the parish president, all of whom shall be residents of the parish.

(Code 1998, app. D, § 303.1)

Sec. 105-676. Terms.

The chief electrical inspector shall serve on the board for the length of his employment. The terms are to coincide with those of the parish council/parish president, with the exception of the parish employee who serves until termination of employment. Any member may, per cause, be removed from office at any time by the said governing authority. Whenever any member shall cease to be a resident of the parish, his membership shall automatically be terminated. Vacancies shall be filled by the parish council.

(Code 1998, app. D, § 303.2)

Secs. 105-677—105-695. Reserved.

DIVISION 4. MECHANICAL BOARD

Sec. 105-696. Appointment.

There is hereby established a mechanical board which shall consist of five members: one chief mechanical inspector, three parish registered mechanical contractors and one licensed mechanical engineer. Four members are appointed by parish council and one member is appointed by the parish president, all of whom shall be residents of the parish.
(Code 1998, app. D, § 304.1)

Sec. 105-697. Terms.

The chief mechanical inspector shall serve on the board for the length of his employment. The terms are to coincide with those of the parish council/parish president, with the exception of the parish employee who serves until termination of employment. Any member may, per cause, be removed from office at any time by the said governing authority. Whenever any member shall cease to be a resident of the parish, his membership shall automatically be terminated. Vacancies shall be filled by the parish council.
(Code 1998, app. D, § 304.2)

Secs. 105-698—105-722. Reserved.

DIVISION 5. PLUMBING/GAS BOARD

Sec. 105-723. Appointment.

There is hereby established plumbing board which shall consist of five members; one chief plumbing inspector, one journeyman plumber, two master plumbers, and one allied plumbing, gas or engineering trade or professional. Four members are appointed by parish council and one member is appointed by the parish president, all of whom shall be residents of the parish.
(Code 1998, app. D, § 305.1)

Sec. 105-724. Terms.

The chief plumbing inspector shall serve on the board for the length of his employment. The terms are to coincide with those of the parish council/parish president, with the exception of the parish employee who serves until termination of employment. Any member may, per cause, be removed from office at any time by the said governing authority. Whenever any member shall cease to be a resident of the parish, his membership shall automatically be terminated. Vacancies shall be filled by the parish council.
(Code 1998, app. D, § 305.2)

Secs. 105-725—105-746. Reserved.

ARTICLE VIII. FINES**Sec. 105-747. Occupying without certificate of occupancy.**

The contractor of record shall be subject to a daily fine of \$100.00 for each day until compliance stop work orders shall be issued on all active permits until compliance is achieved. (Code 1998, app. D, § 401)

Sec. 105-748. Pouring foundations without approved inspections.

(a) First offense—\$500.00.

(b) Second offense—\$1,000.00 and/or removal of foundation.

(c) Stop work orders shall be issued on all active permits until compliance is achieved. This offense shall also require a sworn affidavit from an architect or engineer, legally registered under the laws of this state regulating the practice of architecture or engineering, stating that the foundation poured without inspection conforms to the requirements of the technical codes as to strength, stresses, strains, loads and stability. The architect or engineer shall assume full responsibility for the compliance with all provisions of the technical codes and other pertinent laws or ordinances.

(Code 1998, app. D, § 402)

Sec. 105-749. Failure to provide sanitary facilities on job site.

The contractor of record shall be subject to a daily fine of \$50.00 for each day until compliance stop work orders shall be issued on all active permits until compliance is achieved. (Code 1998, app. D, § 403)

Secs. 105-750—105-766. Reserved.

ARTICLE IX. MUNICIPAL ADDRESSING**Sec. 105-767. Required.**

It is hereby required that each and every property holder identify the physical location of any and all residential, commercial and industrial structures by obtaining a municipal address for each such structure from the parish governing authority. Thereafter, it is the responsibility of each property holder to purchase and affix numbers in a visible location on every residential, commercial or industrial building belonging to him.

(Code 1998, § 15-980.00; Ord. No. 99-3033, 3-18-1999)

Sec. 105-768. Numbering.

Municipal numbers shall be composed of individual Arabic digits, not less than a minimum height of four inches each, to be posted on the building or structure in such a manner as to be read from the street, road or public right-of-way. If the building is not visible from the roadway, the mailbox or other means for visible posting must be numbered. With respect to apartments, all apartment complexes must have approved numbers, plus numbers or letters on each individual door of the complex.

(Code 1998, § 15-981.00; Ord. No. 99-3033, 3-18-1999)

Sec. 105-769. New construction/building permit.

With regard to new construction, expansion or renovation, no building permit shall be granted until a municipal address has been assigned to the property and numbers must be posted prior to issuance of a final inspection approval.

(Code 1998, § 15-982.00; Ord. No. 99-3033, 3-18-1999)

Sec. 105-770. Prohibited.

The installation and/or placement of municipal addresses within parish rights-of-way is hereby prohibited.

(Code 1998, § 15-983.00; Ord. No. 99-3033, 3-18-1999)

Chapters 106—109

RESERVED

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Chapter 110

COASTAL ZONE MANAGEMENT REGULATIONS*

- Sec. 110-1. General provisions.
- Sec. 110-2. Definitions.
- Sec. 110-3. Administration and enforcement.
- Sec. 110-4. Permit for uses of state concern.
- Sec. 110-5. Nonconforming use and maintenance.
- Sec. 110-6. Scope of coverage.

***State law reference**—State and Local Coastal Resources Management Act of 1978, R.S. 49:214.21 et seq.

PRE-PRESS COPY

Sec. 110-1. General provisions.

(a) *Title.* This chapter shall hereafter be known, and cited as the "St. Tammany Parish Coastal Zone Management Ordinance" (hereinafter referred to as this chapter).

(b) *Purpose.* The principal purpose of this regulation is to provide the authorities and procedures for implementing a unified coastal use permitting process. This regulation is based upon the policies, guidelines and procedures set forth in Act 361 of the Louisiana Legislature, in the Final Environmental Impact Statement of the Louisiana Coastal Resources Program, and the parish coastal zone management plan. This regulation provides procedures for local government determination of what activities require a coastal use permit, whether the activity is a use of state or local concern, and the process for issuance, denial, modification, suspension and/or revocation of coastal use permits and general coastal use permits for uses of local concern in the parish.

(Code 1998, app. F, § 1)

Sec. 110-2. Definitions.

(a) *Usage.*

- (1) For the purposes of this chapter, certain words, terms, numbers, and abbreviations used herein shall be used, interpreted and defined, as set forth in this subsection.
- (2) Unless specifically defined in this section, words or phrases used in this chapter shall be interpreted to give them the meaning they have in common usage and to give this chapter its most reasonable application.
- (3) Words used in the present tense include the future tense; words used in the singular number include the plural, and the plural number includes the singular; the word "shall" is always mandatory; and the word "herein" means "in this chapter".

(b) *Words and terms defined.*

Activity means and includes any and all lawful acts, projects, uses, developments and construction; public or private; industrial, commercial, residential, or recreational; for profit or not for profit. The term "activity" includes both the act of doing and the completed product.

After-the fact permit means a coastal use permit which is issued after the commencement of a use. Such a permit may only be issued after all legal issues resulting from the commencement of a use without a coastal use permit have been resolved.

Alterations of waters draining in coastal waters means those uses or activities that would alter, change, or introduce polluting substances into runoff and thereby modify the quality of coastal waters. Examples include water control impoundments, upland and water management programs, and drainage projects from urban, agricultural and industrial developments.

Alternative access means methods of gaining access, ingress, and egress, other than by the dredging of canals into the wetlands for drilling, servicing, work over, or any other production of minerals activity.

Alternative access vehicle means any hover craft, helicopter, air cushion vehicle, or any other vehicle which does not require dredging.

Applicant means the owner of the property for which a CUP is requested or his agent; or someone specifically authorized in writing by owner to make application in connection with the proposed purchase, lease or development of owner's property.

Approved local program means a local coastal management program which has been and continues to be approved by the secretary pursuant to section 214.28 of the Act.

Best practical techniques means those methods or techniques which would result in the greatest possible minimization of the adverse impacts listed in guideline 1.7 above, and in specific guidelines applicable to the proposed use. Those methods or techniques shall be the best methods or techniques which are in use in the industry or trade or among practitioners of the use, and which are feasible and practical for utilization.

Coastal use permit or *CUP* means the permits required by R.S. 49:214.30 and shall not mean or refer to, and shall be in addition to, any other permit or approval required or established pursuant to any other constitutional provision or statute.

Coastal water means bays, lakes, inlets, estuaries, rivers, bayous, and other bodies of water within the boundaries of the coastal zone which have measurable seawater content (under normal weather conditions over a period of years).

Coastal water dependent uses means those which must be carried out on, in or adjacent to coastal water areas or wetlands because the use requires access to the water body or wetland or requires the consumption, harvesting or other direct use of coastal resources, or requires the use of coastal water in the manufacturing or transportation of goods. Examples include surface and subsurface mineral extraction, fishing, ports and necessary supporting commercial and industrial facilities, facilities for the construction, repair and maintenance of vessels, navigation projects, and fishery processing plants.

Coastal zone means the coastal waters and adjacent shorelands within the boundaries of the coastal zone established in R.S. 49:214.24, which are strongly influenced by each other, and in proximity of the shorelines and uses of which have a direct and significant impact on coastal waters.

Coastal zone management plan means the goals, objectives and policies set forth in the document prepared by Rod E. Emmer, Ph.D in cooperation with the parish department of planning and development, Gibb Farrish, director of department of planning and development, entitled St. Tammany Parish Local Coastal Zone Program, Volume 1, dated May, 1992.

Contaminant means an element causing pollution of the environment that would have detrimental effects on air or water quality or on native floral or faunal species.

Cumulative impacts means impacts increasing in significance due to the collective effects of a number of activities.

Department means the department of natural resources.

Development levees means those levees and associated water control structures whose purpose is to allow control of water levels within the area enclosed by the levees to facilitate drainage or development within the leveed areas. Such levee systems also commonly serve for hurricane or flood protection, but are not so defined for purposes of these guidelines.

Direct and significant impact means an impact which is a direct and significant modification or alteration in the physical or biological characteristics of coastal waters which results from an action or series of actions caused by man.

Endangered species means any species which is in danger of extinction throughout all or a significant portion of its range.

Environmental assessment data form means the form prepared and distributed by the parish department of planning and development for the purpose of obtaining environmental information and data.

Environmental management unit means an area which is distinguished by certain common physical and cultural characteristics, such as geology, vegetation, drainage patterns, and uses. Each of these EMUs can be considered individually when setting goals, objectives and policies for planning, management, and regulatory functions.

Exempted use means any use specifically listed in this chapter as a use not requiring a coastal use permit.

Existing, as applied to any use, structure, or development, includes the words existing on the effective date of the ordinance from which this chapter is derived.

Expectable adverse conditions means natural or manmade hazardous conditions which can be expected or predicted to occur at regular intervals. Included are such events as 125 mile per hour hurricanes and associated tides, 100 year floods and reasonably probable accidents.

Fastlands are lands surrounded by publicly-owned, maintained, or otherwise valid existing levees, or natural formations, as of January 1, 1979, or as may be lawfully constructed in the future; which levees or natural formations would normally prevent activities, not to include the pumping of water for drainage purposes, within the surrounded area from having direct and significant impacts on coastal waters.

Feasible and practical means those locations, methods and/or practices which are of established usefulness and efficiency and allow the use or activity to be carried out successfully.

Governmental body means any public department, agency, bureau, authority, or subdivision of the government of the United States or the state and shall include parishes and municipalities and subdivisions thereof and those governmental agencies constitutionally established.

Guidelines means those rules and regulations adopted pursuant to R.S. 49:214.27, as set forth in volume 17, title 43, part I, chapters 7 and 8, inclusive of the Louisiana Administrative Code, as same may be amended from time to time.

Habitat means the natural environment where a plant or animal population lives.

Hurricane or flood protection levees means those levees and associated water control structures whose primary purpose is to prevent occasional surges of flood or storm generated high water. Such levee systems do not include those built to permit drainage or development of enclosed wetland areas.

Hydrologic and sediment transport modifications means those uses and activities intended to change water circulation, direction of flow, velocity, level, or quality or quantity of transported sediment. Examples include locks, water gates, impoundments, jetties, groins, fixed and variable weirs, dams, diversion pipes, siphons, canals, and surface water and groundwater withdrawals.

Impoundment levees means those levees and associated water control structures whose primary purpose is to contain water within the levee system either for the prevention of the release of pollutants, to create fresh water reservoirs, or for management of fish or wildlife resources.

Infrastructure means those systems which provide needed support for human social institutions and developments, including transportation systems, public utilities, water and sewerage systems, communications, educational facilities, health services, law enforcement and emergency preparedness.

In-lieu permit means those permits issued in-lieu of coastal use permits pursuant to section 214.31 of the SLCRMA.

Interested person means the applicant, adjoining property owners as listed on the application submitted for the CUP, parish council member of the district and EMU where the property which is the subject of the permit application is located, and any person who identifies himself in writing to the LCP administrator as a party specifically affected by the proposed activity.

Levees means any use or activity which creates an embankment to control or prevent water movement, to retain water or other material, or to raise a road or other lineal use above normal or floodwater levels. Examples include levees, dikes and embankments of any sort.

Linear facilities means those uses and activities which result in creation of structures or works which are primarily linear in nature. Examples include pipelines, roads, canals, channels, and powerlines.

Local coastal program administrator or LCP administrator means the professional within the parish department of planning and development who is responsible for the administration of this chapter and the local coastal zone management plan.

Local coastal program advisory committee or LCP advisory committee means a committee of not more than nine individuals, each of whom shall be appointed and who represent users of coastal resources and shall include representation of users concerned with conservation and preservation of renewable coastal resources and users concerned with development of resources for commercial purposes. The LCP advisory committee shall assist the LCP administrator and shall coordinate actions and activities with the department of planning and development director and the LCP administrator.

Local coastal use permit or LCUP means the coastal use permit issued by the parish for uses of local concern.

Local government means the parish police jury, or its successor.

Local program. See *Approved local program*.

Marsh means wetlands subject to frequent inundation in which the dominant vegetation consists of reed, sedges, grasses, cattails, and other low growth.

Minerals means oil, gas sulfur, geothermal, geopressured, salt, or other naturally occurring energy or chemical resources which are produced from below the surface in the coastal zone. Not included are such surface resources as clam or oyster shells, dirt, sand, or gravel.

Oil, gas and other mineral activities means those uses and activities which are directly involved in the exploration, production, and refining of oil, gas and other minerals. Examples include geophysical surveying, establishment of drill sites and access to them, drilling, on site storage of supplies, products and waste materials, production, refining, and spill cleanup.

Particular areas means areas within the coastal zone of a parish with an approved local program which have a unique and valuable characteristics requiring special management procedures. Such areas shall be identified, designated, and managed by the local government following procedures consistent with those for special areas.

Permit means a coastal use permit, or an in-lieu permit.

Permitting body means either the department of natural resources or the parish police jury, or its successor.

Person means any individual, partnership, association, trust, corporation, public agency or authority, or state or local government body.

Plan means the coastal vegetated wetlands conservation and restoration plan provided for in R.S. 49:213.6.

Program means the coastal vegetated wetlands conservation and restoration provided for in R.S. 49:214 (subpart B).

Public hearing, wherever required in this chapter, shall be a hearing announced to the public at least 30 days in advance, and at which all interested persons shall be afforded a reasonable opportunity to submit data, views, or arguments orally or in writing. At the time of the announcement of the public hearing all materials pertinent to the hearing, including documents, studies, and other data in the possession of the party calling the hearing, shall be made available to the public for review and study. As similar materials are subsequently developed, they shall be made available to the public as they become available to the party which conducted the hearing. Not included in this definition is a hearing on an appeal, which shall be covered by other provisions of this chapter.

Radioactive wastes means wastes containing source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1954, as amended (68 Stat. 923).

Residential coastal use means any coastal use associated with the construction or modification of one single-family, duplex, or triplex residence or camp. It shall also include the construction or modification to any outbuilding, bulkhead, pier, or appurtenance on a lot on which there exists a single-family, duplex, or triplex residence or camp or on a water body which is immediately adjacent to such lot.

Secretary means the secretary of the department of natural resources or his designee.

Sediment deposition systems means controlled diversions of sediment-laden water in order to initiate land building or sediment nourishment or to minimize undesirable deposition of sediment to navigation channels or habitat areas. Typical activities include diversion channels, jetties, groins or sediment pumps.

Shoreline modifications means those uses and activities planned or constructed with the intention or directly or indirectly changing or preventing change of a shoreline. Examples include bulkheading, piers, docks, wharves, slips and short canals, and jetties.

Significant public opposition means opposition evidenced by a written petition signed by not less than 50 registered voters of the parish and submitted to the LCP administrator within 30 days after publication of the notice of application.

SLCRMA means the State and Local Coastal Resources Management Act of 1978, Act 361 of 1978, as amended, R.S. 49:214.21—49:214.40.

Spoil deposition means the deposition of any excavated or dredged material.

State director means the director of coastal management division, the state department of natural resources.

Subdivision means a portion or parcel of land that is to be sold, leased or rented, or offered for sale, lease or rent, in small portions or lots, for the purpose of future development for

residential or commercial occupancy which portions or lots are, or are to be, identified either by numbers or letters or by metes and bounds; whether or not such portions or lots are in detail delineated on a plan of such subdivision.

Surface alterations means those uses and activities which change the surface or usability of a land area or water bottom. Examples include fill deposition, land reclamation, beach nourishment, dredging (primarily areal), clearing, draining, surface mining, construction and operation of transporations (sic), mineral, energy and industrial facilities, and industrial, commercial and urban developments.

Toxic substances means those substances which, by their chemical, biological, or radioactive properties, have the potential to endanger human health or other living organisms or ecosystems, by means of acute or chronic adverse effects, including poisoning, mutagenic, tetratrogenic, or carcinogenic effect.

Uplands means lands of five feet or more above sea level, fastlands, or all lands outside the coastal zone.

Use means any use or activity within the coastal zone which has a direct and significant impact on coastal waters.

Uses of local concern means those uses defined and listed in R.S. 49:214.25(A)(2) which directly and significantly affect coastal waters and are in need of coastal management but are not uses of state concern and which should be regulated primarily at the local level in accordance with this chapter.

Waste means any material for which no use or reuse is intended and which is to be discarded.

Waste disposal means those uses and activities which involve the collections, storage and discarding or disposing of any solid or liquid material. Examples include littering; landfill; open dumping; incineration; industrial waste treatment facilities; sewerage treatment; storage in pits, ponds or lagoons; ocean dumping and subsurface disposal.

Water or marsh management plan means a systematic development and control plan to improve and increase biological productivity, or to minimize land loss, saltwater intrusion, erosion or other such environmental problems, or to enhance recreation.

Wetlands means an open water area or an area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, but specifically excluding fastlands and lands more than five feet above mean sea level which occur within the designated coastal zone of the state. Wetlands generally include swamps, marshes, bogs, and similar areas.

(c) *Area normally subject to permitting.* In the parish, the entire coastal zone will be subject to coastal use permitting.

(d) *Types of uses.* Uses of the coastal zone subject to the coastal use permitting program shall be of two types:

- (1) *Uses of state concern.* Those uses, more specifically defined and listed in R.S. 49:214.25(A)(1), which directly and significantly affect coastal waters and which are in need of coastal management and which have impacts of greater than local significance or which significantly affect interests of regional, state, or national concern. Uses of state concern shall include, but not be limited to:
 - a. Any dredge or fill activity which intersects with more than one water body;
 - b. Projects involving use of state-owned lands or water bottoms;
 - c. State publicly-funded projects;
 - d. National interest projects;
 - e. Projects occurring in more than one parish;
 - f. All mineral activities, including exploration for, and production of, oil, gas, and other minerals, all dredge and fill uses associated therewith and all other associated uses;
 - g. All pipelines for the gathering, transportation, or transmission of oil, gas, and other minerals;
 - h. Energy facility citing and development; and
 - i. Uses of local concern which may significantly affect interests of regional, state, or national concern.
- (2) *Uses of local concern.* Those uses, more specifically defined and listed in R.S. 49:214.25(A)(2), which directly and significantly affect coastal waters and are in need of coastal management, but are not uses of state concern, and which should be regulated by local government. Uses of local concern shall include, but not be limited to:
 - a. Privately-funded projects which are not uses of state concern;
 - b. Publicly-funded projects which are not uses of state concern;
 - c. Maintenance of uses of local concern;
 - d. Jetties or breakwaters;
 - e. Dredge or fill projects not intersecting more than one water body;
 - f. Bulkheads;
 - g. Piers;
 - h. Camps and cattlewalks;
 - i. Maintenance dredging;
 - j. Private water control structures of less than \$15,000.00 in cost; and

- k. Uses on cheniers, salt domes, or similar land forms.

(e) *Activities not requiring a coastal use permit.*

(1) *General.*

- a. The following activities normally do not have direct and significant impacts on coastal waters; hence, a coastal use permit is not required, except as set forth in the following causes:
 - 1. Agricultural, forestry, and aquaculture activities on lands consistently used in the past for such activities; however, alternative oyster culture activities permitted pursuant to R.S. 56:431.2 shall be subject to coastal use permit requirements unless, after June 30, 2015, the secretary determines that these uses are exempt from coastal use permit requirements.
 - 2. Hunting, fishing, trapping, and the preservation of scenic, historic, and scientific areas and wildlife preserves.
 - 3. Normal maintenance or repair of existing structures including but not limited to emergency repairs of damage caused by accident, fire, or the elements.
 - 4. Construction of a residence or camp.
 - 5. Construction and modification of navigational aids such as channel markers and anchor buoys.
 - 6. Activities which do not have a direct and significant impact on coastal waters.
 - 7. Activities occurring wholly on lands five feet or more above mean sea level except when the secretary finds, subject to appeal, that the particular activity would have direct and significant impact on coastal waters.
 - 8. Activities occurring within fastlands except when the secretary finds, subject to appeal, that the particular activity would have direct and significant impacts on coastal waters.
 - 9. Uses and activities within the special area established in R.S. 49:214.29(C) which have been permitted by the offshore terminal authority in keeping with its environmental protection plan.
- b. Uses and activities within the special area established by R.S. 49:214.29(C) which have been permitted by the offshore terminal authority in keeping with its environmental protection plan shall not require a coastal use permit.

(2) *Activities on lands five feet or more above sea level or within fastlands.*

- a. Activities occurring wholly on lands five feet or more above sea level or within fastlands do not normally have direct and significant impacts on coastal waters. Consequently, a coastal use permit for such uses generally need not be applied for.

- b. However, if a proposed activity exempted from permitting in subsection (2)a. of this section, will result in discharges into coastal waters, or significantly change existing water flow into coastal waters, then the person proposing the activity shall notify the LCP administrator or the secretary and provide such information regarding the proposed activity as may be required by the LCP administrator or the secretary in deciding whether the activity is a use subject to a coastal permit.
 - c. Should it be found that a particular activity exempted by subsection (2)a. of this section, may have a direct and significant impact on coastal waters, the LCP administrator or department may conduct such investigation as may be appropriate to ascertain the facts and may require the persons conducting such activity to provide appropriate factual information regarding the activity so that a determination may be made as to whether the activity is a use subject to a permit.
 - d. The LCP administrator or the secretary shall determine whether a coastal use permit is required for a particular activity. A coastal use permit will be required only for those elements of the activity which have direct and significant impacts on coastal waters.
 - e. The exemption described in this section shall not refer to activities occurring on cheniers, salt domes, barrier islands, beaches and similar isolated, raised land forms in the coastal zone. It does refer to natural ridges and levees.
- (3) *Emergency uses.*
- a. Coastal use permits are not required in advance for conducting uses necessary to correct emergency situations.
 - 1. Emergency situations are those brought about by natural or manmade causes, such as storms, floods, fires, wrecks, explosions, spills, which would result in hazard to life, loss of property, or damage to the environment if immediate corrective action were not taken.
 - 2. This exemption applies only to those corrective actions which are immediately required for the protection of lives, property or the environment necessitated by the emergency situation.
 - b. Prior to undertaking such emergency uses, or as soon as possible thereafter, the person carrying out the use shall notify the secretary and the LCP administrator, and give a brief description of the emergency use and the necessity for carrying it out without a coastal use permit.
 - c. As soon as possible after the emergency situation arises, any person who has conducted an emergency use shall report on the emergency use to the LCP administrator or the secretary. A determination shall be made as to whether the emergency use will continue to have direct and significant impacts on coastal waters. If so, the user shall apply for an after-the-fact permit. The removal of any

structure or works occasioned by the emergency and the restoration of the condition existing prior to the emergency use may be ordered if the permit is denied in whole or in part.

(4) *Normal maintenance and repair.*

- a. Normal repairs and the rehabilitation, replacement, or maintenance of existing structures shall not require a coastal use permit provided that:
 1. The structure or work was lawfully in existence, currently serviceable, and in active use during the year preceding the repair, replacement or maintenance;
 2. The repair or maintenance does not result in an encroachment into a wetland area greater than that of the previous structure or work;
 3. The repair or maintenance does not involve dredge or fill activities; and
 4. The repair or maintenance does not result in a structure or facility that is significantly different in magnitude or function from the original.
- b. This exemption shall not apply to the repair or maintenance of any structure or facility built or maintained in violation of the coastal management program.
- c. Coastal use permits will normally authorize periodic maintenance including maintenance dredging. All maintenance activities authorized by coastal use permits shall be conducted pursuant to the conditional established for that permit. Where maintenance is performed which is not described in an applicable coastal use permit, it shall conform to this section.

(5) *Construction of a residence or camp.*

- a. The construction of a residence or a camp shall not require a coastal use permit provided that:
 1. The terms shall refer solely to structures used for noncommercial and nonprofit purposes and which are commonly referred to as "single-family" and not multiple-family dwellings.
 2. The terms shall refer solely to the construction of one such structure by or for the owner of the land for the owner's use and not to practices involving the building of more than one such structure as in subdividing, tract development, speculative building, or recreational community development.
- b. The exemption shall apply only to the construction of the structure and appurtenances such as septic fields, out buildings, walkways, gazebos, small wharves, landings, boathouses, private driveways, and similar works, but not to any bulkheading or any dredging or filling activity except for small amounts of fill necessary for the structure itself and for the installation and maintenance of septic or sewerage facilities.

(6) *Navigational aids.*

- a. The construction and modification of navigational aids shall not require a coastal use permit.
- b. The term "navigational aids" shall include channel markers, buoys, marker piles, dolphins, piling, pile clusters, etc., provided that the exemption does not apply to associated dredge or fill uses or the construction of mooring structures, advertising signs, platforms, or similar structures associated with such facilities. All navigational aids constructed pursuant to this section shall conform to United States Coast Guard standards and requirements.

(7) *Agricultural, forestry and aquaculture activities.*

- a. Agricultural, forestry and aquacultural activities on lands consistently used in the past for such activities shall not require a coastal use permit provided that:
 1. The activity is located on lands or in waters which have been used on an ongoing basis for such purposes, consistent with normal practices, prior to the effective date of the Act 361 of 1978, January 1, 1979;
 2. The activity does not require a permit from the U.S. Army Corps of Engineers and meets federal requirements for such exempted activities; and
 3. The activity is not intended to, nor will it result in, changing the agricultural, forestry, or aquacultural use for which the land has been consistently used for in the past to another use.
- b. The exemption includes but is not limited to normal agricultural, forestry and aquacultural activities such as plowing; seeding; grazing; cultivating; insect control; fence building and repair; thinning; harvesting for the production of food, fiber and forest products; maintenance and drainage of existing farm, stock or fish ponds; digging of small drainage ditches; or maintenance of existing drainage ditches and farm or forest roads carried out in accordance with good management practices.

(8) *Blanket exemption.*

- a. No use or activity shall require a coastal use permit if:
 1. The use or activity was lawfully commenced or established prior to the implementation of the coastal use permit process, October 1, 1980;
 2. The secretary determines that it does not have a direct or significant impact on coastal waters; or
 3. The LCP administrator or the secretary determines one is not required pursuant to section 725.G of these rules (LAC 43:I.725.G).

(Code 1998, app. F, § 2)

Sec. 110-3. Administration and enforcement.

(a) *Designation and powers of the local coastal program administrator and local coastal program advisory committee.*

- (1) The parish president shall appoint a local coastal program administrator (LCP administrator) within the department of planning and development and under the director of the department of planning and development.
- (2) The LCP administrator shall have the following enumerated powers:
 - a. To issue, deny or modify permits for uses of local concern;
 - b. To conduct any investigations he deems necessary to comply with the purpose of this chapter; and
 - c. To inspect and/or investigate conditions relating to this chapter in cooperation with the parish administration.
- (3) It shall be the duty of the LCP administrator to implement this chapter. It shall also be the duty of all officers and employees of the parish to assist the LCP administrator in the implementation of this article.
- (4) The advisory committee may be appointed according to Ordinance No. 00-0157 and shall consist of no more than nine members who represent users of coastal resources and shall include representation of users concerned with conservation and preservation of renewable coastal resources and users concerned with development of resources for commercial purposes.
- (5) The LCP advisory committee shall assist the LCP administrator and shall coordinate actions and activities with the department of planning and development director and the LCP administrator.

(b) *Coastal use permit requirements.* Any person seeking to commence any use not specifically exempted by section 110-2(e), within the parish coastal zone must first obtain a local coastal use permit (LCUP).

(c) *Permit application procedure; application fees, reports on decisions.*

- (1) All applications shall be made on the form(s) prescribed by the secretary on hand at the office of the LCP administrator.
- (2) All applications shall be submitted to the LCP administrator through the department of planning and development or directly to the state department of natural resources, coastal management division in Baton Rouge. No application will be reviewed until all required supportive information as specified in this chapter is attached.

- (3) All applications of local concern shall be accompanied by:
 - a. An application fee of \$50.00 or, if the application is for an after the fact permit, an application fee of \$550.00.
 - b. All information currently required by the coastal management division of the department of natural resources, including, but not limited to, the following:
 1. Maps showing the actual location, size, and dimensions of the real property to be used;
 2. Plans showing the exact location, size, and height of the buildings or structures to be developed;
 3. A list of all applications, approvals, and/or denials already made concerning the development to/by federal, state, or local agencies;
 4. A description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of the proposed activity; and
 5. If the development involves dredging, a description of:
 - (i) The type, composition and quantity of material to be dredged;
 - (ii) The method of dredging; and
 - (iii) The site of the plans for the disposal of the dredged material.
- (4) The parish shall submit to the state director and make available to the public an annual written report within 30 days of the close of the calendar year. This report shall contain a list of the number, type (local or state concern), habitat (marsh type, etc.), frequency (number of applications per month), and the decision on all permit applications.
- (d) *Permit procedure; administrative action.*
 - (1) When an application for a permit is received, the LCP administrator shall immediately assign it a number for identification, acknowledge receipt thereof, and advise the applicant of the number assigned to it.
 - (2) All applications shall be submitted to the LCP administrator through the department of planning and development or directly to the state coastal management division in Baton Rouge. No application will be reviewed unless all required supportive information as outlined in this article is attached.
 - (3) Upon receipt of an application by the LCP administrator, a determination will be made as to whether the application is for a use of local concern or a use of state concern. This determination shall be based on the criteria set forth in the State and Local Coastal Control Resource Management Act (SLCRMA), the state regulations and herein. The initial determination is made by the LCP administrator and a brief written explanation of the rationale behind it shall be forwarded to the state director in Baton Rouge within two working days of receipt of the application. The state director shall review the

determination and rationale and shall let the decision of the LCP administrator stand or reverse it. If the state director reverses the determination, special notice shall be given to the LCP administrator. Either coastal management division, department of natural resources or LCP administrator, as determined by the state director shall thereafter be responsible for the permit review process for the proposed use. The state director's determination is binding unless, and until, reversed by the secretary of the department of natural resources. The following factors, as reflected in SLCRMA and the regulations, shall be used in making a determination as to whether a use is of local or state concern.

- a. The specific terms of the uses as classified in SLCRMA;
 - b. The relationship of a proposed use to a particular use classified in SLCRMA;
 - c. If a use is not predominantly classified as either state or local by the SLCRMA or the use overlaps two classifications, it shall be a use of local concern unless it:
 1. Is being carried out with state or federal funds;
 2. Involves the use or has significant impacts on state or federal lands, water bottoms or works;
 3. Is mineral or energy production or transportation related;
 4. Involves the use of, or has significant impacts on barrier islands or beaches or any other shoreline which forms part of the baseline for Louisiana's jurisdiction;
 5. Will result in major changes in the quantity or quality of water flow and circulation or salinity or sediment transport regimes;
 6. Has significant inter-parish or interstate impacts.
- (4) If the proposed activity is determined to be of local concern, the appropriate processing procedure provided by state law and regulation and this chapter will be initiated.
- (5) Public notice of all applications for coastal use permits shall be given by:
- a. Mailing a brief description of the application, along with a statement indicating where a copy of the application may be inspected, to any person who has filed a request to be notified of such permit application and to all affected governmental bodies;
 - b. By posting or causing to be posted a copy of the application at the location of the proposed site;
 - c. By sending notice of the application to the media in the parish; and
 - d. By causing the publication of notice of the application in the official journal of the parish.

- (6) Public notice of all applications for coastal use permits of local concern will be issued within ten days of filing of the completed application.
- (7) The public notice shall state the nature of the proposed project and the location where such work is proposed. Said public notice shall indicate that all interested parties may make comments and/or suggestions to the LCP administrator on said application within 30 days of publication.
- (8) A copy of the application will be sent to any person requesting it upon payment of a reasonable fee to cover costs of copying, handling, and mailing.
- (9) The LCP administrator shall consider comments received in response to the public notice in his subsequent actions on the permit application. Comments received will be made a part of the official file on the application. If comments received relate to matters within the special expertise of another governmental body, the LCP administrator may seek advice of that agency. If necessary, the applicant will be given the opportunity to furnish his proposed resolution or rebuttal to all objections from government agencies and other substantive adverse comments before a final decision is made on the application.
- (10) The decision to approve, approve with modification, or otherwise conditionally approve, or deny the LCUP shall be made within 30 days after a public notice or within 15 days after a public hearing, whichever is the later. Permit and consistency decisions will be based upon the enforceable policies of the parish local coastal program and Louisiana state coastal resources program.
- (11) The decision to approve, approve with modification, or otherwise conditionally approve, or deny the LCUP shall be in writing and copies of the decision shall be sent to the applicant and all other interested parties.
- (12) If the final decision is to issue a permit, the LCP administrator shall forward two copies of the draft permit to the applicant for his signature. By signing the permit the applicant signifies his acceptance of the conditions of the permit, as well as the findings on the application. The applicant will return both signed copies to the parish for signature and dating by the LCP administrator.
- (13) If the final decision is to deny said permit, the LCP administrator shall send the applicant a statement setting forth the reason(s) for denial.
- (14) The LCP administrator will issue a monthly list of permits issued or denied during the previous month. This list will be distributed to all persons who requested the public notices.
- (e) *Public hearings on permit applications.*
 - (1) A public hearing may be held in connection with the consideration of an application for a new permit and when it is proposed that an existing permit be modified or revoked.

- (2) Any person may request in writing within the comment period specified in the public notice that a public hearing be held to consider material matters at issue in a permit application. Upon receipt of any such request, the LCP administrator shall determine whether the issues raised are substantial and there is a valid public interest to be served by holding a public hearing.
 - (3) Public hearing(s) may be appropriate when there is a legislative request; a request from local governments or other local authorities; or in controversial cases involving significant economic, social, or environmental issues. Except as provided in subsection (e)(4) of this section, the LCP administrator has the discretion to require hearings in any particular case. Failure to hold a hearing on an application may not be appealed.
 - (4) A public hearing shall be held when 25 registered voters from within the EMU make written requests within the comment period, or if there is significant public opposition to a proposed use. A public hearing shall also be held if the parish president directs the LCP administrator to do so on a proposed use not normally requiring a hearing or when expressly required by this chapter.
 - (5) If a determination is made, or if it is mandatory to hold a public hearing, the LCP administrator shall promptly notify the applicant, set a time and place for the hearing, and give public notice.
 - (6) Public notice shall be given at least 30 days in advance of any public hearing except that in cases of public necessity a shorter time may be allowed.
 - (7) Notice of the public hearing shall be sent to all persons requesting notices of public hearings and published in the official journal of the parish.
 - (8) The public hearing shall be conducted by the LCP administrator before the LCP advisory committee in accordance with rules of procedure adopted by the LCP administrator for the presentation of information and comment. The hearing shall remain open for a period of ten days after the close of the public hearing for submission of written comments or other material. This time period may be extended by the LCP administrator or parish council if additional important information or data are being prepared and will be submitted.
 - (9) The LCP administrator shall make a decision to grant, deny or grant with modifications the LCUP within 15 days after the public hearing.
 - (10) Notification of the decision to grant, deny, or grant with modification the LCUP shall conform to subsection (d) of this section.
- (f) *Criteria for coastal use permit approval.*
- (1) *General consideration.*
 - a. A local coastal use permit shall be approved by the LCP administrator only after a full and fair consideration of all information contained in the record and after

consultation with the parish planning commission. The decision will be consistent with the SLCRMA, the regulations, the guidelines and the coastal zone management plan; and will represent a balancing of social, environmental and economic factors. The LCP administrator shall prepare a concise and clear statement describing the rationale for the decision and include one copy in the parish records, send one copy to the state director, and one copy to the applicant. This document shall be dated and signed by the LCP administrator.

- b. Activities proposed on or near water bodies shall, to the maximum extent practicable, be water dependent.

(2) *Guidelines from the SLCRMA.*

- a. Guidelines applicable to all uses:
 - 1. The guidelines must be read in their entirety. Any proposed use may be subject to the requirements of more than one guideline or section of guidelines and all applicable guidelines must be complied with. [Guideline 1.1]
 - 2. Conformance with applicable water and air quality laws, standards and regulations, and with those other laws, standards and regulations which have been incorporated into the coastal resources program shall be deemed in conformance with the program except to the extent that these guidelines would impose additional requirements. [Guideline 1.2]
 - 3. The guidelines include both general provisions applicable to all uses and specific provisions applicable to only certain types of uses. The general guidelines apply in all situations. The specific guidelines apply only to the situations they address. Specific and general guidelines should be interpreted to be consistent with each other. In the event there is an inconsistency, the specific should prevail. [Guideline 1.3]
 - 4. These guidelines are not intended to nor shall they be interpreted so as to result in an involuntary acquisition or taking of property. [Guideline 1.4]
 - 5. No use or activity shall be carried out or conducted in such a manner as to constitute a violation of the terms of a grant or donation of any lands or waterbottoms to the state or any subdivision thereof. Revocations of such grants and donations shall be avoided. [Guideline 1.5]
 - 6. Information regarding the following general factors shall be utilized by the permitting authority in evaluating whether the proposed use is in compliance with the guidelines. [Guideline 1.6]
 - (i) Type, nature and location of use.
 - (ii) Elevation, soil and water conditions and flood and storm hazard characteristics of the site.

- (iii) Techniques and materials used in construction, operation and maintenance of the use.
 - (iv) Existing drainage patterns and water regimes of surrounding area including flow, circulation, quality, quantity and salinity; and impacts on them.
 - (v) Availability of feasible alternative sites or methods of implementing the use.
 - (vi) Designation of the area for certain uses as part of a local program.
 - (vii) Economic need for the use and extent of impacts of use on economy of locality.
 - (viii) Extent of resulting public and private benefits.
 - (ix) Extent of coastal water dependency of the use.
 - (x) Existence of necessary infrastructure to support the use and public costs resulting from use.
 - (xi) Extent of impacts on existing and traditional uses of the area and on future uses for which the area is suited.
 - (xii) Proximity to and extent of impacts on important natural features such as beaches, barrier islands, tidal passes, wildlife and aquatic habitats, and forest lands.
 - (xiii) The extent to which regional, state and national interests are served including the national interest in resources and the siting of the facilities in coastal zones as identified in the coastal resources program.
 - (xiv) Proximity to, and extent of impacts on, special areas, particular areas, or other areas of particular concern of the state program or local programs.
 - (xv) Likelihood of, and extent of impacts of, resulting secondary impacts and cumulative impacts.
 - (xvi) Proximity to and extent of impacts on public lands or works, or historic, recreational or cultural resources.
 - (xvii) Extent of impacts on navigation, fishing, public access, and recreational opportunities.
 - (xviii) Extent of compatibility with natural and cultural setting.
 - (xix) Extent of long term benefits or adverse impacts.
7. Is the policy of coastal resources program to avoid the following adverse impacts. To this end, all uses and activities shall be planned, sited, designed, constructed, operated and maintained to avoid to the maximum extent practicable significant. (Guideline 1.7)
- (i) Reductions in the natural supply of sediment and nutrients to the coastal system by alterations of freshwater flow.

- (ii) Adverse economic impacts on the locality of the use and affected governmental bodies.
- (iii) Detrimental discharges of inorganic nutrient compounds into coastal waters.
- (iv) Alterations in the natural concentration of oxygen in coastal waters.
- (v) Destruction or adverse alterations of streams, wetland, tidal passes, inshore waters and waterbottoms, beaches, dunes, barrier islands, and other natural biologically valuable areas or protective coastal features.
- (vi) Adverse disruption of existing social patterns.
- (vii) Alterations of the natural temperature regime of coastal waters.
- (viii) Detrimental changes in existing salinity regimes.
- (ix) Detrimental changes in littoral and sediment transport processes.
- (x) Adverse effects of cumulative impacts.
- (xi) Detrimental discharges of suspended solids into coastal waters, including turbidity resulting from dredging.
- (xii) Reductions or blockage of water flow or natural circulation patterns within or into an estuarine system or a wetland forest.
- (xiii) Discharges of pathogens or toxic substances into coastal waters.
- (xiv) Adverse alteration or destruction of archeological, historical or other cultural resources.
- (xv) Fostering of detrimental secondary impacts in undisturbed or biologically highly productive wetland areas.
- (xvi) Adverse alteration or destruction of unique or valuable habitats, critical habitat for endangered species, important wildlife or fishery breeding or nursery areas, designated wildlife management or sanctuary areas, or forestlands.
- (xvii) Adverse alteration or destruction of public parks, shoreline access points, public works, designated recreation areas, scenic rivers, or other areas of public use or concern.
- (xviii) Adverse disruptions of coastal wildlife and fishery migratory patterns.
- (xix) Land loss, erosion and subsidence.
- (xx) Increases in the potential for flood, hurricane and other storm damage, or increases in the likelihood that damage will occur from such hazards.
- (xxi) Reduction in the long term biological productivity of the coastal ecosystem.

8. In those guidelines in which the modifier "maximum extent practicable" is used, the proposed use is in compliance with the guideline if the standard modified by the term is complied with. If the modified standard is not complied with, the use will be in compliance with the guideline if the permitting authority finds, after a systematic consideration of all pertinent information regarding the use, the site and the impacts of the use as set forth in Guideline 1.6 above, and a balancing of their relative significance, that the benefits resulting from the proposed use would clearly outweigh the adverse impacts resulting from noncompliance with the modified standard and there are no feasible and practical alternative locations, methods and practices for the use that are in compliance with the modified standard and:
 - (i) Significant public benefits will result from the use;
 - (ii) The use would serve important regional, state or national interests, including the national interest in resources and the siting of facilities in the coastal zone identified in the coastal resources program; or
 - (iii) The use is coastal water dependent. The systematic consideration process shall also result in a determination of those conditions necessary for the use to be in compliance with the guideline. Those conditions shall assure that the use is carried out utilizing those locations, methods and practices which maximize conformance to the modified standard; are technically, economically, environmentally, socially and legally feasible and practical; and minimize or offset those adverse impacts listed in Guideline 1.7 above and in the subsection (guideline) at issue. (Guideline 1.8)
 9. Uses shall to the maximum extent practicable be designed and carried out to permit multiple concurrent uses which are appropriate for the location and to avoid unnecessary conflicts with other uses of the vicinity. (Guideline 1.9)
 10. These guidelines are not intended to be, nor shall they be, interpreted to allow expansion of governmental authority beyond that established by R.S. 49:213.1 through 213.21, as amended (now R.S. 49:214.21 through 49:214.40); nor shall these guidelines be interpreted so as to require permits for specific uses legally commenced or established prior to the effective date of the coastal use permit program (October 1, 1980) nor to normal maintenance or repair of such uses. (Guideline 1.10)
- b. *Guidelines for levees.*
1. The leveeing of unmodified or biologically productive wetlands shall be avoided to the maximum extent practicable. (Guideline 2.1)
 2. Levees shall be planned and sited to avoid segmentation of wetlands to the maximum extent practicable. (Guideline 2.2)

3. Levees constructed for the purpose of developing or otherwise changing the use of a wetland areas shall be avoided to the maximum extent practicable. (Guideline 2.3)
 4. Hurricane and flood protection levees shall be located at the non-wetland/ wetland interface or landward to the maximum extent practicable. (Guideline 2.4)
 5. Impoundment levees shall only be constructed in wetland areas as part of approved water or marsh management projects or to prevent the release of pollutants. (Guideline 2.5)
 6. Hurricane or flood protection levee systems shall be designed, built and thereafter operated and maintained utilizing best practical techniques to minimize disruptions of existing hydrologic patterns, and the interchange of water, beneficial nutrients and aquatic organisms between enclosed wetlands and those outside the levee system. (Guideline 2.6)
- c. *Guidelines for linear facilities.*
1. Linear use alignments shall be planned to avoid adverse impacts on areas of high biological productivity or irreplaceable resource areas. (Guideline 3.1)
 2. Linear facilities involving the use of dredging or filling shall be avoided in wetland and estuarine areas to the maximum extent practicable. (Guideline 3.2)
 3. Linear facilities involving dredging shall be of the minimum practical size and length. (Guideline 3.3)
 4. To the maximum extent practicable, pipelines shall be installed through the "push ditch" method and the ditch backfilled. (Guideline 3.4)
 5. Existing corridors, rights-of-way, canals, and streams shall be utilized to the maximum extent practicable for linear facilities. (Guideline 3.5)
 6. Linear facilities and alignments shall be, to the maximum extent practicable, designed and constructed to permit multiple uses consistent with the nature of the facility. (Guideline 3.6)
 7. Linear facilities involving dredging shall not traverse or adversely affect any barrier island. (Guideline 3.7)
 8. Linear facilities involving dredging shall not traverse beaches, tidal passes, protective reefs or other natural gulf shorelines unless no other alternative exists. If a beach, tidal pass, reef or other natural gulf shoreline must be traversed for a non-navigation canal, they shall be restored at least to their natural condition immediately upon completion of construction. Tidal passes shall not be permanently widened or deepened except when necessary

to conduct the use. The best available restoration techniques which improve the traversed area's ability to serve as a shoreline shall be used. (Guideline 3.8)

9. Linear facilities shall be planned, designed, located and built using the best practical techniques to minimize disruption of natural hydrologic and sediment transport patterns, sheet flow and water quality and to minimize adverse impacts on wetlands. (Guideline 3.9)
 10. Linear facilities shall be planned, designed, and built using the best techniques to prevent bank slumping and erosion, saltwater intrusion, and to minimize the potential for inland movement of storm-generated surges. Consideration shall be given to the use of locks in navigation canals and channels which connect more saline areas with fresher areas. (Guideline 3.10)
 11. All non-navigation canals, channels and ditches which connect more saline areas with fresher areas shall be plugged at all waterway crossings and at intervals between crossings in order to compartmentalize them. The plugs shall be properly maintained. (Guideline 3.11)
 12. The multiple use of existing canals, directional drilling and other practical techniques shall be utilized to the maximum extent practicable to minimize the number and size of access canals, to minimize changes of natural systems and to minimize adverse impacts on natural areas and wildlife and fisheries habitat. (Guideline 3.12)
 13. All pipelines shall be constructed in accordance with parts 191, 192, and 195 of title 49 of the Code of Federal Regulations, as amended, and in conformance with the commissioner of conservation's pipeline safety rules and regulations and those safety requirements established by R.S. 45:408, whichever would require higher standards. (Guideline 3.13)
 14. Areas dredged for linear facilities shall be backfilled or otherwise restored to preexisting conditions upon cessation of use for navigation purposes to the maximum extent practicable. (Guideline 3.14)
 15. The best practical techniques for site restoration and revegetation shall be utilized for all linear facilities. (Guideline 3.15)
 16. Confined and dead end canals shall be avoided to the maximum extent practicable. Approved canals must be designed and constructed using best practical techniques to avoid water stagnation and eutrophication. (Guideline 3.16)
- d. *Guidelines for dredged spoil deposition.*
1. Spoil shall be deposited utilizing the best practical techniques to avoid disruption of water movement, flow, circulation and quality. (Guideline 4.1)

2. Spoil shall be used beneficially to the maximum extent practicable to improve productivity or create new habitat, reduce or compensate for environmental damage done by dredging activities, or prevent environmental damage. Otherwise, existing spoil disposal areas or upland disposal shall be utilized to the maximum extent practicable rather than creating new disposal areas. (Guideline 4.2)
 3. Spoil shall not be disposed of in a manner which could result in the impounding or draining of wetlands or the creation of development sites unless the spoil deposition is part of an approved levee or land surface alteration project. (Guideline 4.3)
 4. Spoil shall not be disposed of on marsh, known oyster or clam reefs or in areas of submersed vegetation to the maximum extent practicable. (Guideline 4.4)
 5. Spoil shall not be disposed of in such a manner as to create a hindrance to navigation or fishing, or hinder timber growth. (Guideline 4.5)
 6. Spoil disposal areas shall be designed and constructed and maintained using the best practical techniques to retain the spoil at the site, reduce turbidity, and reduce shoreline erosion when appropriate. (Guideline 4.6)
 7. The alienation of state-owned property shall not result from spoil deposition activities without the consent of the department of natural resources. (Guideline 4.7)
- e. *Guidelines for shoreline modification.*
1. Non-structural methods of shoreline protection shall be utilized to the maximum extent practicable. (Guideline 5.1)
 2. Shoreline modification structures shall be designed and built using best practical techniques to minimize adverse environmental impacts. (Guideline 5.2)
 3. Shoreline modification structures shall be lighted or marked in accordance with U.S. Coast Guard regulations, not interfere with navigation, and should foster fishing, other recreational opportunities, and public access. (Guideline 5.3)
 4. Shoreline modification structures shall be built using best practical materials and techniques to avoid the introduction of pollutants and toxic substances into coastal waters. (Guideline 5.4)
 5. Piers and docks and other harbor structures shall be designed and built using best practical techniques to avoid obstruction of water circulation. (Guideline 5.5)

6. Marinas and similar commercial and recreational developments shall to the maximum extent practicable not be located so as to result in adverse impacts on open productive oyster beds, or submersed grass beds. (Guideline 5.6)
 7. Neglected or abandoned shoreline modification structures, piers, docks, mooring and other harbor structures shall be removed at the owner's expense, when appropriate. (Guideline 5.7)
 8. Shoreline stabilization structures shall not be built for the purpose of creating fill areas for development unless part of an approved surface alteration use. (Guideline 5.8)
 9. Jetties, groins, breakwaters and similar structures shall be planned, designed and constructed so as to avoid to the maximum extent practicable downstream land loss and erosion. (Guideline 5.9)
- f. *Guidelines for surface alterations.*
1. Industrial, commercial, urban, residential and recreational uses are necessary to provide adequate economic growth and development. To this end, such uses will be encouraged in those areas of the coastal zone that are suitable for development. Those uses shall be consistent with the other guidelines and shall, to the maximum extent practicable, take place only: (Guideline 6.1)
 - (i) On lands five feet or more above sea level or within fastlands; or
 - (ii) On lands which have foundation conditions sufficiently stable to support the use, and where flood and storm hazards are minimal or where protection from these hazards can be reasonably well achieved, and where the public safety would not be unreasonable endangered; and
 2. The land is already in high intensity of development use;
 3. There is adequate supporting infrastructure; or
 4. The vicinity has a tradition of use for similar habitation or development;
 5. Public and private works projects such as levees, drainage improvements, roads, airports, ports, and public utilities are necessary to protect and support needed development and shall be encouraged. Such projects shall, to the maximum extent practicable, take place only when: (Guideline 6.2)
 - (i) They protect or serve those areas suitable for development pursuant to Guideline 6.1;
 - (ii) They are consistent with the other guidelines; and
 - (iii) They are consistent with all relevant adopted state, local and regional plans.
 6. Blank. (Deleted) (Guideline 6.3)

7. To the maximum extent practicable wetland areas shall not be drained or filled. Any approved drain or fill project shall be designed and constructed using best practical techniques to minimize present and future property damage and adverse environmental impacts. (Guideline 6.4)
8. Costal water dependent uses shall be given special consideration in permitting because of their reduced choice of alternatives. (Guideline 6.5)
9. Areas modified by surface alteration activities shall, to the maximum extent practicable, be revegetated, refilled, cleaned and restored to their predevelopment condition upon termination of the use. (Guideline 6.6)
10. Site clearing shall to the maximum extent practicable be limited to those areas immediately required for physical development. (Guideline 6.7)
11. Surface alterations shall, to the maximum extent practicable, be located away from critical wildlife areas and vegetation areas. Alterations in wildlife preserves and management areas shall be conducted in strict accord with the requirements of the wildlife management body. (Guideline 6.8)
12. Surface alterations which have high adverse impacts on natural functions shall not occur, to the maximum extent practicable, on barrier islands and beaches, isolated cheniers, isolated natural ridges or levees, or in wildfire and aquatic species breeding or spawning areas, or in important migratory routes. (Guideline 6.9)
13. The creation of low dissolved oxygen conditions in the water or traps for heavy metals shall be avoided to the maximum extent practicable. (Guideline 6.10)
14. Surface mining and shell dredging shall be carried out utilizing the best practical techniques to minimize adverse environmental impacts. (Guideline 6.11)
15. The creation of underwater obstruction which adversely affect fishing or navigation shall be avoided to the maximum extent practicable. (Guideline 6.12)
16. Surface alteration sites and facilities shall be designed, constructed, and operated using the best practical techniques to prevent the release of pollutants or toxic substances into the environment and minimize other adverse impacts. (Guideline 6.13)
17. To the maximum extent practicable only material that is free of contaminants and compatible with the environmental setting shall be fused as fill. (Guideline 6.14)

g. *Guidelines for hydrologic and sediment transports modifications.*

1. The controlled diversion of sediment-laden waters to initiate new cycles of marsh building and sediment nourishment shall be encouraged and utilized whenever such diversion will enhance the viability and productivity of the outfall area. Such diversion shall incorporate a plan for monitoring and reduction and/or amelioration of the effects of pollutants present in the freshwater source. (Guideline 7.1)
2. Sediment deposition systems may be used to offset land loss, to create or restore wetland areas or enhance building characteristics of a development site. Such systems shall only be utilized as part of an approved plan. Sediment from these systems shall only be discharged in the area that the proposed use is to be accomplished. (Guideline 7.2)
3. Undesirable deposition of sediments in sensitive habitat or navigation areas shall be avoided through the use of the best preventive techniques. (Guideline 7.3)
4. The diversion of freshwater through siphons and controlled conduits and channels, and overland flow to offset saltwater intrusion and to introduce nutrients into wetlands shall be encouraged and utilized whenever such diversion will enhance the viability and productivity of the outfall area. Such diversion shall incorporate a plan for monitoring and reduction and/or amelioration of the effects of pollutants present in the freshwater source. (Guideline 7.4)
5. Water or marsh management plans shall result in an overall benefit to the productivity of the area. (Guideline 7.5)
6. Water control structures shall be assessed separately based on their individual merits and impacts and in relation to their overall water or marsh management plan of which they are a part. (Guideline 7.6)
7. Weirs and similar water control structures shall be designed and built using the best practical techniques to prevent "cut arounds," permit tidal exchange in tidal areas, and minimize obstruction of the migration of aquatic organisms. (Guideline 7.7)
8. Impoundments which prevent normal tidal exchange and/or the migration of aquatic organisms shall not be constructed in brackish and saline areas to the maximum extent practicable. (Guideline 7.8)
9. Withdrawal of surface water and groundwater shall not result in saltwater intrusion or land subsidence to the maximum extent practicable. (Guideline 7.9)

- h. *Guidelines for disposal of wastes.*
 - 1. The location and operation of waste storage, treatment, and disposal facilities shall be avoided in wetlands to the maximum extent practicable, and best practical techniques shall be used to minimize adverse impacts which may result from such use. (Guideline 8.1)
 - 2. The generation, transportation, treatment, storage and disposal of hazardous wastes shall be pursuant to the substantive requirements of the department of environmental quality adopted pursuant to the provisions of R.S. 30:217 et seq., as amended and approved pursuant to the Resource Conservation and Recovery Act of 1976 P. L. 94-580, as amended, and of the Office of Conservation for injection below surface. (Guideline 8.2)
 - 3. Waste facilities located in wetlands shall be designed and built to withstand all expectable adverse conditions without releasing pollutants. (Guideline 8.3)
 - 4. Waste facilities shall be designed and constructed using best practical techniques to prevent leaching, control leaching production, and prevent the movement of leachate away from the facility. (Guideline 8.4)
 - 5. The use of overland flow systems for non-toxic, biodegradable wastes, and the use of sump lagoons and reservoirs utilizing aquatic vegetation to remove pollutants and nutrients shall be encouraged. (Guideline 8.5)
 - 6. All waste disposal sites shall be marked and, to the maximum extent practicable, all components of waste shall be identified. (Guideline 8.6)
 - 7. Waste facilities in wetlands with identifiable pollution problems that are not feasible and practical to correct shall be closed and either removed or sealed, and shall be properly revegetated using the best practical techniques. (Guideline 8.7)
 - 8. Waste shall be disposed of only at approved disposal sites. (Guideline 8.8)
 - 9. Radioactive wastes shall not be temporarily or permanently disposed of in the coastal zone. (Guideline 8.9)
- i. *Guidelines for uses that result in the alteration of waters draining into coastal waters.*
 - 1. Upland and upstream water management programs which affect coastal waters and wetlands shall be designed and constructed to preserve or enhance existing water quality, volume, and rate of flow to the maximum extent practicable. (Guideline 9.1)
 - 2. Runoff from developed areas shall to the maximum extent practicable be managed to simulate natural water patterns, quantity, quality and rate of flow. (Guideline 9.2)

3. Runoff and erosion from agricultural lands shall be minimized through the best practical techniques. (Guideline 9.3)
- j. *Guidelines for oil, gas and other mineral activities.*
 1. Geophysical surveying shall utilize the best practical techniques to minimize disturbance or damage to wetlands, fish and wildlife and other coastal resources. (Guideline 10.1)
 2. To the maximum extent practicable, the number of mineral exploration and production sites in wetland areas requiring floatation access shall be held to the minimum number, consistent with good recovery and conservation practices and the need for energy development by directional drilling, multiple use of existing access canals and other practical techniques. (Guideline 10.3)
 3. Exploration, production and refining activities shall, to the maximum extent practicable, be located away from critical wildlife preserves and management areas shall be conducted in strict accordance with the requirements of the wildlife management body. (Guideline 10.3)
 4. Mineral exploration and production facilities shall be to the maximum extent practicable designed, constructed and maintained in such a manner to maintain natural water flow regimes, avoid blocking surface drainage, and avoid erosion. (Guideline 10.4)
 5. Access routes to mineral exploration, production and refining sites shall be designed and aligned so as to avoid adverse impacts on critical wildlife and vegetation areas to the maximum extent practicable. (Guideline 10.5)
 6. Drilling and production sites shall be prepared, constructed, and operated using the best practical techniques to prevent the release of pollutants or toxic substances into the environment. (Guideline 10.6)
 7. All drilling activities, supplies, and equipment shall be kept on barges, on drilling rigs, within ring levees, or on the well site. (Guideline 10.7)
 8. Drilling ring levees shall to the maximum extent practicable be replaced with small production levees or removed entirely. (Guideline 10.8)
 9. All drilling and production equipment, structures, and storage facilities shall be designed and constructed utilizing best practical techniques to withstand all expectable adverse conditions without releasing pollutants. (Guideline 10.9)
 10. Mineral exploration, production and refining facilities shall be designed and constructed using best practical techniques to minimize adverse environmental impacts. (Guideline 10.10)

11. Effective environmental protection and emergency or contingency plans shall be developed and complied with for all mineral operations.
 12. The use of dispersant, emulsifiers and other similar chemical agents on oil spills is prohibited without the prior approval of the Coast Guard or environmental protection agency on-scene coordinator, in accordance with the national oil and hazardous substance pollution contingency plan. (Guideline 10.11)
 13. Mineral exploration and production sites shall be cleared, revegetated, detoxified and otherwise restored as near as practicable to their original condition upon termination of operations to the maximum extent practicable. (Guideline 10.12)
- k. *Guidelines for issuance of letter of no objection with regards to state lands permits.* Individual applicants needing a "Letter of No Objection" shall submit a written request for such to the local coastal management office, accompanied by a complete coastal use permit application. The applicant must have applied for all necessary permits including but not limited to a DOA permit from the U.S. Army Corps of Engineers, a coastal use permit from the department of natural resources, and a water quality certification from the department of environmental quality. The design of the proposed project must conform to the guidelines and standards detailed below to secure a letter of no objection from the local governing authority. Provided that all of the applicable guidelines are met, the letter may be issued administratively by the office that administers the local coastal program.
- (3) *The parish goals, objectives and policies.* The following goals, objectives, and policies apply to the parish coastal zone and are intended to encourage long-term plans for the coastal zone:
- a. LCP objectives, policies, and performance standards which directly or indirectly affect uses of state concern shall not be construed as being regulatory or binding on either the permit applicant or the coastal management division, department of natural resources, but are for the purpose of submitting the parish environmental review comments to the state on applications for uses of state concern. Local policies which contain prohibitions, restrictions or performance standards beyond the scope of the coastal use guidelines (CUG) shall be considered as advisory by the parish, the CMD/DNR, and permit applicants (i.e., mandatory policies with "shalls" are modified such that "should" is the operative verb).
 - b. Parish comments to CMD/DNR on proposed uses of state concern shall be based on the policies of the LCP and may recommend specific project alternatives and conditions. CMD/DNR consideration of parish recommendations shall be based on the conformance of the recommendation with the CUGs. Recommendations

which reflect further detailing of the CUGs as they apply to the parish shall be given substantial consideration by the CMD/DNR with the objective of maximizing conformance with the approved LCP. Recommendations which are not in conformance with the CUGs shall not be considered by the CMD/DNR.

- c. The parish does not promote or encourage the alteration of wetlands for any reason. At times, projects may be approved if the use is water dependent, no feasible alternative exists, and the ultimate benefits outweigh the environmental impacts. However, simply because a use is water dependent does not in any way mean that it may occur in coastal wetland areas.
- d. Language in the parish local coastal plan and the accompanying ordinance that suggests that the parish in any way encourages development in coastal wetlands shall be considered within the scope of the above statement.
 - 1. *Goal 1.* To maintain, enhance, and/or restore the overall environmental quality and renewable resource productivity of the parish coastal zone.
 - 2. *Goal 2.* To conserve the integrity of the productive wetland areas.
 - 3. *Goal 3.* To encourage only water dependent uses of the coastal zone to the extent consistent with federal and state programs and regulations.
 - 4. *Goal 4.* To enhance opportunities for recreational use of the coastal zone.
 - 5. *Goal 5.* To minimize adverse effects of industry, subdivisions, or transportation systems on environmental quality.
 - 6. *Goal 6.* To preserve and enhance existing agricultural lands.
 - 7. *Goal 7.* To protect renewable resources within the parish.
 - 8. *Goal 8.* To minimize effects of mining non-renewable resources within the parish
 - 9. *Goal 9.* To minimize detrimental effects of coastal water dependent uses on wetland areas.
 - (i) *Objective 1.* All policies set forth under the parish-wide goal to minimize detrimental effects of oil and gas exploration and extraction shall be adhered to.
 - (ii) *Objective 2.* To control recreational activities and encourage them only in appropriate areas.
 - A. *Policy 1.* Sanitary codes related to sewage and solid waste disposal and litter ordinances shall be strictly enforced on all activities in the coastal zone.
 - B. *Policy 2.* The intentional discharge of petroleum products from boating activities shall be prohibited and stringently enforced.

C. *Policy 3.* Pump-out facilities shall be provided at all marinas and harbors.

(iii) *Objective 3.* Hunting and trapping activities shall be permitted only in designated areas and shall comply with federal and state regulations.

(4) *Special considerations.*

- a. *Industrial.* All industrial uses as defined in the Parish Land Use Ordinance No. 523 which are proposed for location within the permit area are required to obtain a coastal use permit before any site alteration can take place.
 1. The applicant or his designated agent will be required to present plans and specifications describing the proposed development, including the completed environmental assessment data form at the time of application submission.
 2. The applicant will also furnish a drainage plan denoting the site and surrounding topography and drainage pattern.
 3. The applicant will furnish a plan which explains how the solid and liquid wastes are to be collected and disposed of.
 4. The applicant will furnish supportive data to explain the vehicular or rail traffic increase to be realized, if any.
 5. All coastal use applications for industrial activities which are uses of local concern will require a public hearing.
- b. *Commercial.* All commercial uses as defined in the Parish Land Use Ordinance No. 523 which are proposed for location within the permit area are required to obtain a coastal use permit before any site alteration can take place. The applicant for any such proposed commercial use will supply the following to be included with the application form.
 1. A completed environmental assessment data form and an appropriate site plan and vicinity map.
 2. An explanation or analysis of the proposed level of activity anticipated for the commercial activity with regard to vehicular and/or watercraft traffic and noise levels.
 3. An explanation as to the method to be used to dispose of all solid and liquid wastes.
- c. *Shoreline and water control structures.* Structures which alter water circulation and/or modification of associated shorelines will require a coastal use permit. The following types of uses will be permitted under uses of local concern and processed by the local coastal program administrator. A public hearing shall only be required if any dredging is to take place.
 1. *Jetties, breakwaters, and private water control structures of under \$15,000.00 in cost which include weirs, boat slips, private canals, artificial sloughs, etc.* The

applicant shall use the parish permit form (U.S. Army Corps of Engineers, Engineering Form 4345 or its official federal replacement) with required supporting documentation as specified by the Corps of Engineers' guidelines. In addition, the applicant shall provide a cost breakdown of the intended work which meets the satisfaction of the LCP administrator.

2. *Piers.* All piers that require the laying of supportive pilings in and along water bodies will require a coastal use permit if said pier extends from the shoreline in excess of five feet and contains more than six pilings or if it will have a direct and significant impact on coastal waters. The applicant shall use the parish permit form (U.S. Army Corps of Engineers, Engineering Form 4345 or its official federal replacement) with required supporting documentation as specified by the Corps of Engineers' guidelines. In addition, the applicant shall provide photographs and a description of the vegetation at the site of construction and a completed environmental assessment data form.
 3. *Bulkheads.* All bulkheads proposed along shorelines that are to be constructed beyond five feet from the shoreline or that will have a direct and significant impact on coastal waters will require a coastal use permit. The applicant shall use the parish permit form (U.S. Army Corps of Engineers, Engineering Form 4345 or its official federal replacement) with required supporting documentation as specified by the Corps of Engineers' guidelines. In addition, the applicant will provide photographs and a description of the vegetation at the site of construction and a completed environmental assessment data form.
 4. *Dredge or fill projects.* Any maintenance or development activities occurring within the coastal zone or which require dredge or fill of waterways or wetlands will require a coastal use permit. The applicant shall use the parish permit form (U.S. Army Corps of Engineers, Engineering Form 4345 or its official federal replacement) with required supporting documentation as specified by the Corps of Engineers' guidelines. In addition, the applicant will provide photographs and a description of the vegetation at the site of construction and a completed environmental assessment data form.
- d. *Residential development.* All new subdivisions and reactivation of dormant subdivisions as defined under the Parish Subdivision Ordinance No. 499 will require a coastal use permit. The applicant shall use the parish permit form (U.S. Army Corps of Engineers, Engineering Form 4345 or its official federal replacement) with required supporting documentation as specified by the Corps of Engineers' guidelines. In addition, the applicant must provide a completed environmental

assessment data form, explain the traffic movements associated with the development, and describe the method to be used for disposal of all solid, liquid and sanitary wastes.

- e. *Environmental management unit.* Upon acceptance of the application, the LCP administrator will determine if the property affected by the LCUP is located within an environmental management unit. There are four geographical segments of the parish which have been delineated as EMUs. The four EMUs are depicted in the official parish coastal zone management map included in the back insert of this chapter's appendix.
 - f. *Special management areas.* Areas within the coastal zone which have unique and valuable characteristics, such as beaches, barrier islands, shell deposits, salt domes, or formations containing deposits of oil, gas or other minerals; historical or archaeological sites; corridors for transportation; industrialization or urbanization, and other such characteristics, all as more particularly set forth in R.S. 49:214.29.A, may require special management procedures. Such areas may be designated as special management areas in accordance with the procedure established by the secretary and the coastal zone management plan, and when so designated shall mandate special considerations for the issuance of the CUP therein.
- (g) *Term of permits.*
- (1) Permits issued under this section shall remain in effect for a period of one year from the date of issuance. If the designated use has not been initiated within the time period, the permit shall automatically be voided. If the designated use involves construction, and said construction is commenced within the one year period, it must be completed not later than three years from the date the permit was issued.
 - (2) A local coastal use permit may be renewed if the LCP administrator is satisfied that substantial progress has been made on said project or that the permittee has been precluded from acting by non-self-induced litigation, material shortages, labor problems, or other events beyond the permittee's control.
- (h) *Conditions of permit.*
- (1) By accepting the local coastal use permit, the applicant agrees to:
 - a. Carry out or perform the use in accordance with the plans and specifications approved by the LCP administrator.
 - b. Comply with any permit conditions imposed by the LCP administrator.
 - c. Adjust, alter, or remove any structure or other physical evidence of the permitted use if, in the opinion of the LCP administrator, it proves to be beyond the scope of the use as approved, or is abandoned;

- d. Provide, if required by the LCP administrator, an acceptable surety bond in an appropriate amount to ensure adjustment, alteration, or removal should the permitting body determine it necessary;
 - e. Hold and save the state, the board of adjustments and police jurors individually, government, the department of planning and development, the LCP administrator and their officers and employees harmless from any damage to persons or property which might result from construction, maintenance, and operation of the permitted use.
 - f. Certify that any permitted construction has been completed in an acceptable and satisfactory manner and in accordance with the plans and specifications approved by the LCP administrator. The LCP administrator may, when appropriate, require such certification be given by a registered professional engineer.
- (2) The LCP administrator may place such other conditions on the permit as are appropriate to ensure compliance with the coastal zone management plan.
- (i) *Appeals.*
- (1) Any interested person shall first appeal to the board of adjustments the decision of the LCP administrator to issue, or not, a local coastal use permit. Said appeal shall be made within ten days from the date of the written statement prepared by the LCP administrator required by this subsection, shall be in writing, shall set forth the factual and, if applicable, the legal basis for the appeal, and shall be signed by the person initiating the appeal. The act of signing the appeal shall constitute a certification that said appeal has been made in good faith, with just cause, and not for the purpose of delay.
- (2) A hearing on the appeal shall be held within 15 days of the date that the written appeal, in proper form, is filed. Notice of the date and time of the appeal hearing shall be sent, at least ten days in advance of the hearing to the applicant and all interested persons. Notice of the appeal hearing shall be given by publication in the official journal of the parish not less than five days prior to the hearing. The hearing shall be conducted in accordance with the procedure established by the parish council for other such appeal hearings. The decision of the LCP administrator may be reversed, or modified, only by the affirmative vote of two-thirds of the police jurors present at the meeting. Written notice of the decision shall be sent within seven days of the hearing to the applicant and party appealing, if different than the applicant, by certified mail return receipt requested and published one time in the official journal of the parish.
- (3) The decision of the LCP administrator, as affirmed, modified, or reversed by the board of adjustments, may be appealed to the secretary if a petition for reconsideration is filed in writing with the secretary within ten days following publication in the official journal

of the parish council's decision, or receipt of the written notice of decision provided for in subsection (i)(2) of this section. The grounds for reconsideration of the local decision and the content of the petition shall conform to the requirements of R.S. 49:214.35.

(j) *Modifications.*

- (1) The terms of conditions of a permit may be modified to allow changes in the permitted use, in the plans and specifications for that use, in the methods by which the use is being implemented, or to assure that the use will be in conformity with the coastal management program. Changes which would significantly increase the impacts of a permitted activity shall be processed as new applications for permits pursuant to subsection (c) of this section, not as a modification.
- (2) A permit may be modified upon request of the permittee:
 - a. If mutual agreement can be reached on a modification, written notice of the modification will be given to the permittee.
 - b. If mutual agreement cannot be reached, a permittee's request for a modification shall be considered denied.
 1. *Monitoring.* The LCP administrator shall be responsible for monitoring progress of all permitted uses and compliance with regulations accompanying permit approval. In addition, the LCP administrator shall be responsible for monitoring all activities within the coastal zone for compliance with this chapter. This will include on-site inspections to verify compliance, and following up reports for each permitted project.
 2. *Emergency permits.* The LCP administrator may allow emergency permits to be granted where public safety is endangered or in situations requiring immediate action to protect the general welfare of the parish's citizens in accordance with section 110-2(e)(3). This action shall include consultation with the state department of natural resources and will be permitted only in those cases which cannot be remedied by normal permit process.
 3. *Suspensions.*
 - (i) The LCP administrator may suspend a permit upon a finding that:
 - A. The permittee has failed or refuses to comply with the terms and conditions of the permit or any modifications thereof;
 - B. The permittee has submitted false or incomplete information in his application or otherwise; or
 - C. The permittee has failed or refused to comply with any lawful order or request of the LCP administrator or the secretary.
 - (ii) The LCP administrator shall notify the permittee in writing that the permit has been suspended and the reasons therefor and order the

permittee to cease immediately all previously authorized activities. The notice shall also advise the permittee that he will be given, upon request made within ten days of receipt of the notice, an opportunity to respond to the reasons given for the suspension.

- (iii) After consideration of the permittee's response, or, if none, within 30 days after issuance of the notice, the LCP administrator shall take action to reinstate, modify, or revoke the permit and shall notify the permittee of the action taken.
- 4. *Revocation.* If, after compliance with the suspension procedures in subsection (j)(2)b.3. of this section, the LCP administrator determines that revocation or modification of the permit is warranted, written notice of the revocation or modification shall be given to the permittee.
- 5. *Enforcement.* If the permittee fails to comply with a cease and desist order or the suspension or revocation of a permit, the LCP administrator shall seek appropriate civil and criminal relief as provided by R.S. 49:214.36.
- 6. *Penalties.* Violation or failure to comply with the provisions of this chapter or the terms or conditions of any coastal use permit shall be punishable by a fine of not less than \$100.00 nor more than \$500.00, or 90 days imprisonment, or both. Each day for which the violation continues shall constitute a separate offense.

(Code 1998, app. F, § 3)

Sec. 110-4. Permit for uses of state concern.

Applications for uses of state concern can be made at the department of planning and development, Covington and/or Slidell, or at the coastal management division, department of natural resources, Baton Rouge, Louisiana. If the project is determined by the local coastal program administrator to be a use of state concern, the application and rationale for the decision shall be forwarded to the coastal management division, department of natural resources (CMD/DNR). If CMD/DNR determines an application is a use of local concern, it shall forward the application to the parish within two working days of receipt thereof. If the determination is that the project is a use of state concern, the application shall be processed according to the state rules and procedures.

(Code 1998, app. F, § 4)

Sec. 110-5. Nonconforming use and maintenance.

(a) *Definition and classification.*

- (1) Individual specific uses legally commenced or established prior to January 1, 1979, and continued from that date shall not require a coastal use permit.

- (2) Normal repairs and the rehabilitation, replacement, or maintenance of existing structures shall not require a coastal use permit, provided that:
 - a. The structure or work was lawfully in existence, currently serviceable, and in active use during the year preceding the repair, replacement, or maintenance;
 - b. The repair or maintenance does not result in an encroachment into a wetland area greater than that of the previous structure or work;
 - c. The repair or maintenance does not involve dredge or fill activities; and
 - d. The repair or maintenance does not result in a structure or facility that is significantly different in magnitude or function from the original.
 - (3) This exemption shall not apply to the repair or maintenance of any structure or facility built or maintained in violation of this chapter.
 - (4) Coastal use permits will normally authorize periodic maintenance, including maintenance dredging. All maintenance activities authorized by coastal use permits shall be conducted pursuant to the conditions established for that permit. Where maintenance is performed which is not described in the applicable coastal use permit, it shall conform to this section.
- (b) *General coastal use permits.*
- (1) *General.*
 - a. The LCP administrator may, after compliance with the procedures set forth in sections 110-2(e) and 110-3(d), issue general permits for certain clearly described categories of uses requiring coastal use permits. After the general permit has been issued, individual uses falling within those categories will not require individual permit processing unless the LCP administrator determines, on a case by case basis, that the public interest requires full review.
 - b. General permits may be issued only for those uses that are substantially similar in nature, that cause only minimal adverse impacts when performed separately, that will only have minimal adverse cumulative impacts and that do not impair the fulfillment of the objectives and policies of the coastal management program.
 - (2) *Reporting.*
 - a. Each person desiring to commence work on a use subject to a general permit must give notice to the LCP administrator and receive written authorization prior to commencing work. Such authorization shall be issued within 30 days of receipt of the notice.
 - b. Such notice shall include:
 1. The name and address of the person conducting the use;

2. Such descriptive material, maps, and plans as may be required by the LCP administrator for that general permit.

(3) *Conditions of general permits.*

- a. The LCP administrator shall review the permit, and make a recommendation to the coastal management section of the state department of natural resources. Upon approval by the secretary, the LCP administrator shall make a determination on the general permit. The proposed actions shall be monitored monthly to ensure compliance with the local ordinance.
- b. The LCP administrator shall prescribe such conditions for each general permit as may be appropriate.
- c. A general permit may be revoked if the LCP administrator determines that such revocation is in the public interest and consistent with the coastal management program.

(Code 1998, app. F, § 5)

Sec. 110-6. Scope of coverage.

The provisions of this chapter apply only to uses of local concern as prescribed by Act 361 of the Louisiana State Legislature, 1978, as amended, State and Local Coastal Resources Management Act. All issues of state concern as prescribed by said Act shall be directed to the appropriate state agency by the LCP administrator as provided in section 4-110.

(Code 1998, app. F, § 6)

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Chapter 115

DRAINAGE AND FLOOD CONTROL*

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***State law references**—Use and occupancy of floodprone areas, R.S. 33:1236(38); flood control and related matters, R.S. 38:81 et seq.

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- Sec. 115-106. Specific standards.
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- Secs. 115-113—115-137. Reserved.

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- Sec. 115-138. Reorganization; boundaries.
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- Sec. 115-176. Established; boundaries.
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Article VII. Gravity Drainage District No. 5

- Sec. 115-258. Generally.
- Sec. 115-259. Created; amended boundaries.
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- Sec. 115-261. Board of commissioners.
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Article VIII. Sub-Drainage District No. 1 of Gravity Drainage District No. 5

- Sec. 115-288. Creation.
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- Sec. 115-318. Creation.
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Article X. Sub-Drainage District No. 3 of Gravity Drainage District No. 5

- Sec. 115-348. Creation.
- Sec. 115-349. Boundaries.
- Sec. 115-350. Name, status and powers.
- Sec. 115-351. Board of commissioners.
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Article XI. Sub-Drainage District No. 4 of Gravity Drainage District No. 5

- Sec. 115-378. Creation.
- Sec. 115-379. Boundaries.
- Sec. 115-380. Name, status and powers.
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Sec. 115-382. Domicile.
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Article XII. Sub-Drainage District No. 5 of Gravity Drainage District No. 5 (Emerald Oaks)

Sec. 115-393. Creation; boundaries.
Sec. 115-394. Name, status and powers.
Sec. 115-395. Board of commissioners.
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Article XIII. Gravity Drainage District No. 6

Sec. 115-408. Creation; boundaries.
Sec. 115-409. Name, status and powers.
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Article XIV. Drainage District No. 5

Sec. 115-438. Created; boundaries.
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Article XV. Drainage Commission

Sec. 115-470. Composition; selection of members.
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Article XVI. Levee District (Reserved)

ARTICLE I. IN GENERAL**Sec. 115-1. Conflict.**

In the event of any conflict between the subdivision regulations in the Land Development Code and the provisions of this chapter, the more stringent or restrictive regulation or provision shall apply.

Sec. 115-2. Flooding roads.

It shall be unlawful for any owner or user of water from artesian wells or other artificial sources of water supply to allow said water to flow or drain into any ditch along a parish road, highway or other public right-of-way without receiving approval from the parish and without obtaining a permit from the state department of transportation and development, office of water resources. It shall be unlawful for any owner or user of water from artesian wells or other artificial sources of water supply to allow said water to flow or drain into any ditch along any public road, highway or public right-of-way so that such ditch overflows onto a public road or highway.

(Code 1998, § 7-001.00; Ord. No. 180, Bk. 3, P. 195, 1-21-1954; Ord. No. 93-1699, 2-18-1993)

Sec. 115-3. Use of fill materials prohibited.

(a) *Adverse drainage impact.* It shall be prohibited to place fill or construct improvements on any parcel of property so as to cause adverse drainage impacts on any adjacent parcel.

(b) *Placement of fill material.*

(1) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Approved development plan may be a properly issued building permit or site work permit, subdivision work order, or existing and proposed grade elevation form approved by the department of planning and development. Plans proposed within the boundaries of St. Tammany Parish Gravity Drainage District No. 5 (GDD5) shall require review and comment from GDD5's engineer.

Area of special concern means an area that is experiencing development without an approved hydrological plan for the area and, although it may not be located within a critical drainage area, has been determined by the parish department of engineering, after careful consideration of the available data, to be an area that is particularly susceptible to adverse drainage and flooding impacts that are likely to result from continued development and fill, necessitating the application of specific fill and building regulations to address those impacts.

Critical drainage area means an area determined by the parish department of engineering, after careful consideration of the available data, to be of critical importance for its role in the conveyance, moderation or storage of stormwater. Areas within this designation include, but are not limited to, the following:

1. Areas anticipated to be inundated by a 100-year storm event, including areas adjacent to streams, upland areas, and areas of isolated or permanent flooding.
2. Areas of concentrated storm water flow, including but not limited to concentrated sheet flow, channelized flow, and natural hydrologic features or channels of all types and sizes.
3. Any area designated by FEMA as Flood Hazard Area A, V, or the equivalent, indicating inundation during a 100-year event.
4. Areas included within wetlands as defined by the 1987 U.S. Army Corps of Engineers Wetland Delineation Manual.
5. Those areas that are designated as a critical drainage area on the most current critical drainage area map that is on file in the office of the parish department of engineering.

Critical drainage area map means the official critical drainage area map generated and maintained by the department of engineering. The map will be periodically revised, based on information and data available at the time, in an effort to provide reasonably updated information to the public regarding the areas of the parish considered to be critical drainage areas.

Lots and parcels 90 feet or less in width. The determination of whether a lot or parcel is 90 feet in width or less is to be made by averaging the measurement of the width of the property at the point of the rear roof line of an existing or proposed principal structure and the measurement of the width of the property at the front boundary line. The rear roof line is the point where the roof is closest to the rear boundary.

Multiple-family structure means a structure containing three or more dwelling units located on a single lot (as opposed to party wall and townhouses located on separate lots of record.)

Natural ground means the natural or pre-development elevation of the property, prior to any surface alteration work being performed.

Net fill means the placement of any fill material that results in any increase in the surface elevation of property or adjacent property from its natural or pre-development state.

Site work permit means a permit issued for paving, grading, excavation, or placement of fill on a site within unincorporated St. Tammany Parish. This permit is needed if the proposed site improvements are not already being reviewed as part of a properly issued building permit or subdivision work order.

(2) *Net fill prohibited.*

- a. Net fill shall be strictly prohibited in any critical drainage area and on any lot or parcel 90 feet or less in width, except with an approved development plan or with the express written consent of the department of planning and development. Any request to place fill in a critical drainage area or a lot or parcel 90 feet or less in width shall be in accordance with the procedures and guidelines outlined herein.
- b. A lot or parcel of property shall be deemed to be located in a critical drainage area when any part thereof is located within a critical drainage area. Net fill shall not be placed on any part of such property, except with an approved development plan or with the express written consent of the department of engineering.

(3) *Jurisdictional wetlands.* All fill/excavation activities within jurisdictional wetlands shall secure all necessary permits from the U.S. Army Corps of Engineers and any other relevant local, state or federal agencies before such activities are commenced.

(4) *Procedures.*

- a. Any request for approval to place fill on a lot or parcel governed by this chapter shall include a detailed description of the fill activity. A drainage and paving plan, if required, must be completed in accordance with section 115-111. An existing and proposed grade elevation form, if required, must be prepared by a state-licensed engineer or land surveyor and include the following information:
 1. Volume of fill to be placed;
 2. The footprint of the fill work;
 3. Volume and source location of any excavation work;
 4. The location of the ultimate disposition of the spoil being removed;
 5. The direction of water flow across the site;
 6. A profile through the construction footprint showing the natural and finished elevations of the site; and
 7. The sediment retention measures proposed for the site.
- b. Upon receiving approval to fill by the department of planning and development, whenever a concrete slab or any other structural foundation of a permanent nature is to be constructed, the applicant or builder shall certify, after excavation of the site and prior to pouring any concrete or installing any permanent founda-

tion, that the foundation is ready to be installed and that all fill work complies with the relevant standards. The foundation shall not be poured or installed prior to certification and inspection.

- c. Prior to the issuance of the certificate of occupancy, the applicant or builder shall submit an official survey which confirms compliance with the provisions of this chapter. A final drainage inspection by the department of planning and development shall be conducted to verify compliance with these standards, and no certificate of occupancy shall be issued unless and until compliance has been verified.
- (5) *General residential fill standards.* The placement of fill material on any lot or parcel located within any critical drainage area shall be permitted only after a development plan has been submitted and approved by the department of engineering. In the event that the department of engineering determines that fill work is permitted on the particular parcel, the fill work must comply with the following specific standards:
- a. In some cases, subject to the discretion of the department of engineering, excavation of existing soil and its replacement with fill is permissible at the site provided it can be demonstrated to have no increase in the natural ground elevation and no net impact on the function of the critical drainage area.
 - b. Fill shall be limited to the roof-shed area of the proposed primary structure and access to the site and shall not exceed that which is necessary to prepare an adequate building footprint.
 - c. Site improvements (roads, structures, fill, etc.) shall not impede natural drainage pathways or parish road or drainage easements, servitudes, or rights-of-way.
 - d. Fill for driveways must not exceed six inches above natural ground elevation except where fill is part of the foundation for the main residence, carport, or garage. Fill may also be placed to soften the transition between elevations to a slope not less than four horizontal feet to every one vertical foot.
 - e. Fill may be authorized by the department of engineering in those cases where, due to the size and location of the parcel of property, on-site or off-site mitigation can be provided and the department of engineering also determines that there will be no loss of flood plain storage, no loss of stream flow capacity and the applicant demonstrates that no adverse impacts will occur to adjacent properties, to other properties within the subject watershed, and to the function of the critical drainage area. GDD5 review and comments shall be required if subject property is within GDD5 boundaries. It is expressly prohibited to utilize offsite mitigation within the boundaries of Gravity Drainage District No. 5.
- (6) *Lots 90 feet or less in width.* The placement of fill material on any lot or parcel 90 feet or less in width shall be permitted only when a development plan has been submitted and

approved by the department of engineering regardless of its location or critical drainage area status. If it is located in a critical drainage area, the provisions of this section governing fill in a critical drainage area apply. If not in a critical drainage area, the fill work proposed must comply with the following standards:

- a. Fill shall be limited to the roof-shed area of the lot or parcel's primary structure and shall not exceed the volume required to prepare an adequate building footprint.
 - b. A concrete slab shall be permitted under the primary structure provided that the finished surface or footing does not exceed an average of 24 inches above natural ground grade. Fill for a slab with a finished surface less than 24 inches above natural ground shall taper out from the slab at a slope of two horizontal feet for one vertical foot.
 - c. Construction shall be accomplished using pier or piling construction according to applicable building codes for finished elevations above 24 inches above natural ground.
 - d. Site improvements shall not impede natural drainage pathways or parish road or drainage easements, servitudes, or rights-of-way.
 - e. There shall be no net change in the average elevation of the natural grade of the lot or parcel outside of the roof-shed area of the primary structure.
 - f. Fill for driveways must not exceed 12 inches above natural ground grade except where fill is part of the transition from the foundation for the primary structure, carport, or garage. Fill may also be placed adjacent to the driveway to soften the transition between elevations to a slope not steeper than four horizontal feet for every one vertical foot.
 - g. The placement of fill may not encroach into the required side yard setbacks, except as otherwise permitted in this chapter.
 - h. Fill for non-contiguous landscaping areas within the front and rear yards resulting in the finished ground elevation up to an average of six inches above natural ground for each such area is permitted, provided that an equal volume of fill is removed from the lot.
- (7) *Nonresidential standards.* Any paving, grading, excavation, or placement of fill on commercial, industrial, institutional or multifamily development sites must obtain an approved development plan in the form of a properly issued building permit, site work permit or subdivision work order prior to the commencement of work. In cases of commercial, industrial, or institutional development on any lot or parcel of property

that has any part thereof located within a critical drainage area, the placement of fill on such lot or parcel may be permitted, in the discretion of the department of engineering, provided that:

- a. Soil material in a volume equal to the fill material proposed to be placed on the property is excavated and removed from the property, such that the flood storage capacity of the property is maintained for a 100-year frequency flood event;
- b. Off-site mitigation will be provided, and the department of planning and development also determines that there will be no loss of floodplain storage and no loss of stream flow capacity. It is expressly prohibited to utilize off-site mitigation within the boundaries of Gravity Drainage District No. 5;
- c. The applicant can demonstrate that no adverse impacts will occur to adjacent properties, to other properties within the subject watershed, and to the function of the critical drainage area; and
- d. The proposed development complies with all other applicable drainage regulations.

GDD5 review and comment is required if subject property is within the boundaries of GDD5.

(8) *Areas of special concern.*

- a. A certain portion of Tammany Hills and Alexiusville Subdivisions, Ward 3, District 5, located inside the boundaries described immediately below, to wit:

Beginning at the northeast corner of 9th Avenue and U.S. Highway 190, proceed in a northerly direction along the eastern edge of U.S. Highway 190 to its intersection with Harrison Avenue, then proceed in an easterly direction along Harrison Avenue to its intersection with 11th Street, then proceed in a southerly direction along 11th Street to its intersection with Madison Avenue, then proceed in a westerly direction along Madison Avenue to its intersection with 5th Street, then northerly along the 5th Street right-of-way to its intersection with Quincy Avenue, then westerly along Quincy Avenue to its intersection with K Street, then south on K Street to its intersection with 9th Avenue, then proceed west on 9th Avenue to its intersection with U.S. Highway 190 and the point of beginning.

- b. A certain portion of Cypress Park and Erindale Subdivisions, Ward 7, District 7, located inside the boundaries described immediately below, to wit:

Beginning at the intersection of U.S. Highway 190 and Anchorage Drive, the point of beginning, proceed along the eastern edge of Anchorage Drive in a northerly direction to its intersection with Berry Todd Road, thence proceed along the southern edge of Berry Todd Road in an easterly direction to its intersection with Graci Avenue, thence follow an imaginary line due south from said intersec-

tion to the northern most point of Emerald Drive, thence proceed along the western edge of Emerald Drive south to its intersection with U.S. Highway 190, thence proceed along the northern edge of U.S. Highway 190 west northwest to its intersection with Anchorage Drive, the point of beginning.

- c. All that property situated within a re-subdivided portion of Tammany Forest Subdivision, Ward 7, District 7, all as more particularly described immediately below, to wit:

Any and all squares and lots of record within the re-subdivided portion of Tammany Forest Subdivision, located within Section 43, Township 8 South, Range 13 East and as more fully described on the finalized subdivision plat dated August 7, 1985, by NRW and Associates, Inc.

- d. All that property situated within the subdivision known as Dove Park, Ward 4, District 5, Section 26, Township 7 South, Range 11 East, located within the boundaries described immediately below and more particularly depicted on the attached subdivision plat filed for record with the parish clerk of court on June 20, 1957, and identified as Map #16A, to wit:

Any lot or parcel of ground between Sparrow Street and the proposed Judge Tanner Boulevard (formerly the proposed E. Fairway Drive Extension) that abuts or has access to Swallow Street, Egret Street or Partridge Street.

In addition to any of the requirements of section 115-3, within the Dove Park Subdivision there shall be a minimum building site of 75 feet front on the setback line.

- e. Any undeveloped lot or parcel of ground situated in the area generally surrounding Eola Street, Jordan Street and Elmer Street, which area is more particularly depicted on the attached aerial and described immediately below, to wit:

A certain piece or portion of ground situated in section 6, Township 8 south, Range 12 east, St. Tammany Parish, Louisiana, and more fully described as follows:

Parcel 1. From the Quarter Section Corner common to section 6, Township 8 south, Range 12 east and section 1, Township 8 south, Range 11 east, go south 89 degrees 51 minutes 30 seconds east a distance of 330.0 feet to a point; said point being the point of beginning.

From the point of beginning proceed north 89 degrees, 18 minutes, 18 seconds east a distance of 1,357.15 feet to a point; thence proceed north 01 degrees, 51 minutes, 49 seconds west a distance of 947.44 feet to a point at the intersection of the western right-of-way of Soult Drive and the southern right-of-way of Highway 1088; thence proceed in a westerly direction along the southern right-of-way line of Highway 1088 a distance of 1,875 feet to a point; thence proceed south 00

degrees, 00 minutes, 00 seconds west a distance of 266.71 feet to a point; thence proceed north 89 degrees, 43 minutes, 43 seconds east a distance of 395.84 feet to a point, said point being the point of beginning.

Parcel 2. From the Quarter Section Corner common to section 6, Township 8 south, Range 12 east and section 1, Township 8 south, Range 11 east, proceed south 89 degrees 51 minutes 30 seconds East a distance of 330.0 feet to a point; thence proceed north 89 degrees, 18 minutes, 18 seconds east a distance of 1,357.15 feet to a point; thence proceed north 01 degrees, 51 minutes, 49 seconds west a distance of 1,011 feet to a point at the intersection of the western right-of-way of Soult Drive and the northern right-of-way of Highway 1088; said point being the point of beginning.

From the point of beginning proceed north 01 degrees, 51 minutes, 49 seconds west a distance of 345.28 feet to a point; thence proceed south 89 degrees, 0 minutes, 48 seconds west a distance of 965 feet to a point; thence proceed south 00 degrees, 52 minutes, 25 seconds west a distance of 157.57 feet to a point; thence proceed south 88 degrees, 55 minutes, 22 seconds west a distance of 304.04 feet to a point located at the southwest corner of Lot of Lot 1, Square 26 of the Mandeville Annex Subdivision; Thence proceed north 62 degrees, 57 minutes, 19 seconds east a distance of 23.69 feet to a point located at the southeast corner of Lot 11 of the Grande Terre Subdivision; thence go north 73 degrees, 26 minutes, 16 seconds west a distance of 159.21 feet to a point; thence proceed in a south-westerly direction along the eastern right-of-way of Frenchman Drive to a point formed by the intersection of western right-of-way of Frenchman Drive and the northern right-of-way of Highway 1088; Thence proceed along the northern right-of-way line of Highway 1088 in a northwesterly direction distance of 1,875 feet to a point, said point being the point of beginning.

- f. Any property having, or proposing to have, ingress and egress to and from Lakeview Drive and Carr Drive, Slidell, Louisiana, being more particularly described as follows:

Lakeview Drive: Situated in sections 31, 32 and 33, Township 9 south, Range 14 east, St. Tammany Parish, Louisiana.

Carr Drive: Situated partially in sections 25 and 26, Township 9 south, Range 13 east, and partially in sections 29, 30, 31 and 32, Township 9 south, Range 14 east, St. Tammany Parish, Louisiana.

1. On any lot situated within the area of special concern set forth in subsection (b)(8)f of this section, the amount of fill shall not exceed an elevation of 24 inches above the centerline of the subject road (i.e., Lakeview Drive or Carr Drive).

2. No fill shall be placed on any lot or parcel within the boundaries of the area of special concern set forth in subsection (b)(8)f of this section prior to the submission of a coastal use permit application and plan and the submission of a development plan to the department of engineering that details any proposed grade work. The plan shall provide the elevation at the four corners of the lot, at the center of the proposed primary structure, and any other elevations deemed necessary by the department of engineering for review of the development plan.
3. If any fill is placed on property within the boundaries of the area of special concern set forth in subsection (b)(8)f of this section following the adoption of the ordinance from which this chapter is derived and prior to the submission of a development plan, the owner may be required to remove the fill material back down to native soils and pre-fill elevations.
4. If any fill is placed on property within the boundaries of the area of special concern set forth in subsection (b)(8)f of this section that is not in compliance with an approved development plan, fill plan and/or the plan submitted under the coastal use regulations, the owner may be required to remove all fill material that is not in compliance with the approved plans.

(9) *Fill in areas of special concern.*

- a. No fill shall be placed on any lot or parcel within the above described boundaries of an area of special concern prior to the submission of a development plan to the department of engineering detailing any proposed grade work. The development plan shall provide the elevation at the four corners of the lot, at the center of the proposed primary structure, and any other elevations deemed necessary by the department of engineering for review of the development plan.
- b. If any fill is placed on property in any of the above areas of special concern following the adoption of the ordinance designating a particular area as one of special concern and prior to the submission of a development plan, it shall be deemed a violation of this Code and the owner shall be required to remove the fill material back down to native soils and pre-fill elevations. It shall be the burden of the violator to provide proof of the predevelopment elevations. Engineering shall direct the department of code enforcement to issue the appropriate cease and desist order. Engineering shall notify GDD5 if the violation occurs within the district boundaries. GDD5 may provide a third-party review and comment at the violator's expense.
- c. No fill shall be permitted on parcels within this area that would raise or increase the surface elevation of any part of the parcel above its natural or pre-

development elevation. Fill required for minor grading to level and drain the surface at the proposed site of the primary structure and driveway may be authorized.

- d. The lowest finished floor of the primary structure shall be situated at least 24 inches above the crown of the road surface directly adjacent to and in front of the parcel.
 - e. Based on available data, the department of engineering may require a higher finished floor elevation on pier construction above the FEMA base flood elevation provided on the applicable FIRM map.
- (10) *Subsurface drainage.* It shall be unlawful for any owner, contractor, builder or subdivider to use, employ or apply fill in and/or on any lot situated within a subdivision located in the unincorporated limits of the parish wherein subsurface drainage is installed unless this material is contained within the perimeter of the lot in an adequate manner to prevent run-off of the sand, fill, clay or mixture thereof onto sidewalks, streets or into culverts or onto the property of abutting property owners.
- (11) *Relocation of open drainage ditches, drainage channels and similar drainage features.*
- a. For purposes of this subsection, the term "relocation" means changing the location of all or any part of an open drainage ditch, drainage channel or similar drainage feature that is partially located on, or which traverses, a lot or parcel of property.
 - b. The provisions of this subsection (11) shall be applicable to any lot or parcel of property, regardless of the size of the lot or parcel and whether or not it is located in a critical drainage area or area of special concern.
 - c. Whenever the owner of any lot or parcel of property proposes to fill in an existing drainage ditch, drainage channel or similar drainage feature that is partially located on, or which traverses, the owner's property in order to relocate the ditch, drainage channel or similar drainage feature to another location on the property, in addition to complying with all other applicable provisions of this section, the owner shall provide a plan for the proposed relocation, supported by a complete hydrologic report taking into consideration impacts of upstream and downstream properties, that is prepared by a licensed civil engineer. The department of engineering shall conduct a site visit prior to approval of the proposed plan. Engineering shall notify GDD5 of the proposed plan for review and comment if the subject site is within the boundaries of the district. The proposed relocation plan may be included in the "Existing and Proposed Grade Elevation Form," provided it is prepared by a licensed civil engineer.
 - d. If the proposed relocation results in all or any part of the relocated drainage ditch, drainage channel or similar drainage feature being within 20 feet of the founda-

tion of an existing or proposed structure, the relocation of the drainage ditch, drainage channel or similar drainage feature must be accomplished by subsurface installation. If no part of the drainage ditch, drainage channel or similar drainage feature is to be within 20 feet of the foundation of an existing or proposed structure, the department of engineering shall determine, considering best engineering practices and the issue of maintenance of drainage, whether subsurface installation is required for all or any part of the relocated drainage ditch, drainage channel or similar drainage feature.

- e. The requirement of subsurface installation for a relocated drainage ditch, drainage channel or similar drainage feature may be waived by the department of engineering provided that:
 - 1. The property owner, and licensed civil engineer engaged by the owner, have independently determined that the relocated drainage ditch, drainage channel or similar drainage feature, if relocated without subsurface drainage, will not undermine the foundation or otherwise cause any damage to the property or structure; and
 - 2. The department of engineering determines that the relocation will not impede drainage or interfere with the proper maintenance thereof. It is expressly prohibited to grant a waiver under this subsection within the boundaries of Gravity Drainage District No. 5.
 - f. The hereinabove provisions of this subsection (11) shall not be construed as being applicable to any roadside ditch or to any property that is publicly owned and maintained by the parish or any political subdivision thereof.
- (12) *Administration.* This chapter shall be administered by the parish department of engineering with the assistance of any other parish personnel or agency that are deemed necessary by the parish and/or its regulations.
- (13) *Exemptions.*
- a. Subdivisions which establish to the satisfaction of the parish engineer that, at the time of preliminary approval, such subdivision development and fill associated with lot development will not result in a reduction in the 100-year floodplain storage capacity, should be found to comply with these standards.
 - b. These standards shall not apply to lots in subdivisions or developments with an approved drainage plan and hydrological study. However, should the department of engineering determine, on the basis of current conditions, that the use of fill on any particular site within an otherwise exempt development would have an adverse impact on drainage, the parish shall have the authority to apply this chapter as needed to ensure the health, welfare, and safety of the public by restricting fill work.

- c. Areas enclosed by levees under forced drainage shall be exempt from this section.
- d. Coastal areas, which are those areas that are determined by the department of engineering to be subject to flooding only because of tidal inundation, not including the area of Lakeview Drive and Carr Drive being governed by the provisions of this section.
- e. The office of the parish president in consultation with the department of engineering is granted authority to determine that certain properties designated as historical by the National Park Service, upon application, be exempt from the no net fill ordinances currently in effect in the parish and to take all steps necessary to carry out the terms of this section, subject to any reasonable restrictions or requirements imposed by the president and the department of engineering.

(c) *Conflicts.* If a lot or parcel of property may be governed by more than one provision or subsection of this section, or in the event of a conflict in the applicability of any provision, the more restrictive or specific provision shall apply.

(d) *Review of decisions.* Any person or persons jointly or severally aggrieved by any decision of the department of engineering relative to the placement of fill on property governed by the provisions of this section may appeal to the board of adjustment. Such appeal shall be taken within ten days of the decision of the department of engineering, by filing with the department and with the board of adjustment a notice of appeal specifying the grounds thereof. The department shall forthwith transmit to the board all papers constituting the record upon which the action appealed from was taken. GDD5 shall provide third-party recommendations to the board when the subject property falls within the boundaries of GDD5. All costs incurred shall be borne by the person appealing the decision.

(e) *Penalties.* A violation of this section shall constitute a misdemeanor punishable by a fine of not less than \$100.00 nor more than \$500.00, or by imprisonment for not more than 30 days, or both such fines and imprisonment. Each day that a violation continues shall constitute a separate offense. In lieu of, or in addition to, the issuance of a misdemeanor summons, violations of the provisions of this chapter may be enforced by imposition of civil penalties and injunctive relief in accordance with the following:

- (1) Each day that the violation remains shall constitute a separate offense and a civil penalty of not less than \$100.00 nor more than \$500.00 per day shall be imposed.
- (2) In addition to penalties provided by this section, any violation hereof shall also be subject to an action for abatement and removal of any offending fill work and/or ground surface alteration.
- (3) Further, whenever the department of engineering has approved any application or drainage plan that contains materially false or erroneous information, the applicant

shall be responsible for all costs and expenses associated with the correction of said application and plan, and the correction of any adverse consequences resulting therefrom, including the fees of an engineering consultant to review and revise said plan.

(f) This section is intended to supersede any ordinance or regulation that may govern the placement of fill on any property, including the provisions of sections 125-92 and 125-93. Furthermore, in any event, there must be an application and approved drainage plan.

(Code 1998, § 7-002.00; Ord. No. 80-21, 8-21-1980; Ord. No. 04-0862, 4-1-2004; Ord. No. 04-0886, 5-6-2004; Ord. No. 08-1791, 4-3-2008; Ord. No. 09-1996, 1-8-2009; Ord. No. 09-2071, 6-4-2009; Ord. No. 10-2221, 3-4-2010; Ord. No. 10-2326, 9-2-2010; Ord. No. 11-2533, 6-2-2011; Ord. No. 12-2669, 2-2-2012; Ord. No. 12-2736, 5-3-2012; Ord. No. 12-2847, 10-10-2012; Ord. No. 15-3391, 9-3-2015; Ord. No. 15-3423, 11-5-2015; Ord. No. 16-3579, exh. A(7-002.00), 9-1-2016)

Sec. 115-4. Fill materials prohibited within 200 feet of drainage waterway.

(a) The parish council provides for the requirement that any development, including a residence located within 200 feet from the middle of a drainage waterway in Ward 8, excluding Parish Council District 6, as further specified must utilize pilings, piers or other similar methods to elevate the structure to the appropriate base flood elevation height as determined by FEMA instead of the use of fill. No fill should be allowed within 200 feet which is not a part of the building envelope or driveway.

(b) Fill not to exceed an average of 18 inches may be allowed to level the building envelope.

(c) Piers or similar methods allowing the sheet flow of water under the structure should be utilized to meet the required flood zone elevation. The specified drainageways are as follows:

- (1) W-15 Canal.
- (2) Gum Bayou.
- (3) W-14 Canal.
- (4) Reine Canal.
- (5) Eddines Canal.
- (6) Poor Boy Canal.
- (7) Exemptions areas or projects from the above specified drainageways.
 - a. Excluding 1,000 feet on the north side and 1,000 feet on the south side of Gause Boulevard - W-15 Canal.
 - b. Excluding the FEMA Hazard Mitigation Grant Program, Daney Street Project, W-14 Canal.
 - c. Any other authorized parish drainage project.

(d) Waiver provision. The department of engineering may waive the requirements of this chapter for a project of development, when the waiver is based on a drainage plan prepared by a licensed engineer, specific location of the project and the existing development patterns in the area or minor elevation differences between the natural ground and base flood elevation. This waiver should be based upon the report indicating that the fill will not produce a significant impact in comparison to meeting the intent of this chapter. The engineering department does have the authority not to issue a waiver regardless of the independent study which indicates that there may not be significant impact.

(Code 1998, § 7-002.01; Ord. No. 96-2494, 9-18-1996)

Secs. 115-5—115-26. Reserved.

ARTICLE II. FLOOD HAZARD AREA

DIVISION 1. GENERALLY

Sec. 115-27. Statutory authorization.

The legislature of the state has in R.S. 38:84 delegated the responsibility to local governmental units to adopt regulations designed to minimize flood losses. Therefore, the parish council does ordain as follows.

(Code 1998, § 7-016.00; Ord. No. 610, 12-19-1974; Ord. No. 611, 1-16-1975; Ord. No. 791, 2-16-1978; Ord. No. 87-770, 2-19-1987; Ord. No. 89-1053, 3-16-1989)

Sec. 115-28. Findings of fact.

(a) The flood hazard areas of the parish are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety and general welfare.

(b) These flood losses are created by the cumulative effect of obstructions in floodplains which cause an increase in flood heights and velocities, and by the occupancy of flood hazard areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, floodproofed, or otherwise protected from flood damage.

(Code 1998, § 7-017.00; Ord. No. 610, 12-19-1974; Ord. No. 611, 1-16-1975; Ord. No. 791, 2-16-1978; Ord. No. 87-770, 2-19-1987; Ord. No. 89-1053, 3-16-1989)

Sec. 115-29. Statement of purpose.

It is the purpose of this article to promote public health, safety and general welfare and minimize public and private losses due to flood conditions in specific areas by provisions designed:

- (1) To protect human life and health;

- (2) To minimize expenditure of public money for costly flood control projects;
 - (3) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
 - (4) To minimize prolonged business interruptions;
 - (5) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;
 - (6) To help maintain a stable tax base by providing for the sound use and development of floodprone areas in such a manner as to minimize future flood blight areas; and
 - (7) To ensure that potential buyers are notified that property is in a flood area.
- (Code 1998, § 7-018.00; Ord. No. 610, 12-19-1974; Ord. No. 611, 1-16-1975; Ord. No. 791, 2-16-1978; Ord. No. 87-770, 2-19-1987; Ord. No. 89-1053, 3-16-1989)

Sec. 115-30. Methods of reducing flood losses.

In order to accomplish its purposes, this article uses the following methods:

- (1) Restricts or prohibits uses that are dangerous to health, safety or property in times of flood, or cause excessive increases in flood heights or velocities;
 - (2) Requires that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
 - (3) Controls the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of floodwaters;
 - (4) Control filling, grading, dredging and other development which may increase flood damage;
 - (5) Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.
- (Code 1998, § 7-019.00; Ord. No. 610, 12-19-1974; Ord. No. 611, 1-16-1975; Ord. No. 791, 2-16-1978; Ord. No. 87-770, 2-19-1987; Ord. No. 89-1053, 3-16-1989)

Sec. 115-31. Definitions.

Unless specifically defined below, words or phrases used in this article shall be interpreted to give them the meaning they have in common usage and to give this article its most reasonable application.

Appeal means a request for a review of the floodplain administrator's interpretation of any provision of this article or a request for a variance.

Area of shallow flooding means a designated AO, AH or VO zone on a community's flood insurance rate map (FIRM) with a one percent chance or greater annual chance of flooding to

an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of special flood hazard is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. The area may be designated as zone A on the flood hazard boundary map (FHBM). After detailed ratemaking has been completed in preparation for publication of the FIRM, zone A usually is refined into zones A, AE, AH, AO, A1-99, VO, V1-30, VE or V.

Base flood means the flood having a one percent chance of being equaled or exceeded in any given year.

Breakaway walls means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

Coastal high-hazard area means an area subject to high velocity waters, including but not limited to hurricane wave wash or tsunamis. The area is designated on FIRM as zone V1-30, VE and/or V.

Critical feature means an integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.

Development means any manmade change in improved and unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

Elevated building means a non-basement building:

- (1) Built, in the case of a building in zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, to have the top of the elevated floor, or in the case of a building in zone V1-30, VE, or V, to have the bottom of the lowest horizontal structure member of the elevated floor elevated above the ground level by means of pilings, columns (posts and piers), or shear walls parallel to the floor of the water; and
- (2) Adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood.

In the case of zones A1-30, AE, A, A99, AO, AH, B, C, X, D, the term "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of floodwaters. In the case of zones V1-30, VE, or V, the term "elevated building" also includes a building otherwise meeting the definition of

"elevated building," even though the lower area is enclosed by means of breakaway walls if the breakaway walls meet the standards of Section 60.3(e)(5) of the National Flood Insurance Program regulations.

Existing construction means for the purpose of determining rates, structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. The term "existing construction" may also be referred to as "existing structures."

Existing mobile home park or mobile home subdivision means a parcel (or contiguous parcels) of land divided into two or more mobile home lots for rent or sale for which the construction of facilities for servicing the lot on which the mobile home is to be affixed (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) is completed before the effective date of the ordinance from which this chapter is derived.

Expansions to an existing mobile home park or mobile home subdivision means the preparation of additional sites by the construction of facilities for servicing the lots on which the mobile homes are to be affixed (including the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets).

Flood or flooding means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of inland or tidal waters.
- (2) The unusual and rapid accumulation or runoff of surface waters from any source.

Flood insurance rate map (FIRM) means an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

Flood insurance study is the official report provided by the Federal Emergency Management Agency. The report contains flood profiles, water surface elevation of the base flood, as well as the flood boundary-floodway map.

Flood protection system means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the areas within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood-modifying works are those constructed in conformance with sound engineering standards.

Floodplain or floodprone area means any land area susceptible to being inundated by water from any source (see definition of flooding).

Functionally dependent use means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

Habitable floor means any floor usable for living purposes; which includes working, sleeping, eating, cooking or recreation, or combination thereof. A floor used for storage purposes only is not a "habitable floor."

Highest adjacent grade means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Levee means a manmade structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

Levee system means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

Lowest floor means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking or vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirement of section 60.3 of the National Flood Insurance Program regulations.

Manufactured home/mobile home means a structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes, the term "manufactured home" also includes park trailers, travel trailers and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes, the term "manufactured home" does not include park trailers, travel trailers and other similar vehicles.

Mean sea level means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's flood insurance rate map are referenced.

New construction means, for floodplain management purposes, structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community.

New mobile home park or mobile home subdivision means a parcel (or contiguous parcels) of land divided into two or more mobile home lots for rent or sale for which the construction of

facilities for servicing the lot on which the mobile home is to be affixed (including, at minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) is completed on or after the effective date of this article.

Qualified builder means a person who has obtained an occupational license which is current.

Start of construction (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-348), includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within 180 days of the permit date. The term "actual start" means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

Structure means a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

Substantial improvement means any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either:

- (1) Before the improvement or repair is started; or
- (2) If the structure has been damaged and is being restored, before the damage occurred.

For the purposes of this definition the term "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not the alteration affects external dimensions of the structure. The term "substantial improvement" does not include either:

- (1) Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to ensure safe living conditions; or
- (2) Any alterations of a structure listed on the National Register of Historic Places or state inventory of historic places.

Variance is a grant of relief to a person from the requirements of this article when specific enforcement would result in unnecessary hardship. A variance, therefore, permits construction or development in a manner otherwise prohibited by this article. (For full requirements, see section 60.6 of the National Flood Insurance Program regulations.)

Violation means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in section 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) of the National Flood Insurance Program regulations is presumed to be in violation until such time as that documentation is provided.

Water surface elevation means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

(Code 1998, § 7-019.01; Ord. No. 610, 12-19-1974; Ord. No. 611, 1-16-1975; Ord. No. 791, 2-16-1978; Ord. No. 87-770, 2-19-1987; Ord. No. 89-1053, 3-16-1989)

Sec. 115-32. Lands to which this article applies.

This article shall apply to all areas of special flood hazard within the jurisdiction of the parish council.

(Code 1998, § 7-020.00; Ord. No. 610, 12-19-1974; Ord. No. 611, 1-16-1975; Ord. No. 791, 2-16-1978; Ord. No. 89-1053, 3-16-1989)

Sec. 115-33. Basis for establishing the areas of special flood hazard.

(a) The areas of special flood hazard identified by the Federal Emergency Management Agency in a scientific and engineering report entitled, "Flood Insurance Study for St. Tammany Parish, Louisiana (Unincorporated Areas)" dated October 17, 1989, with accompanying flood insurance rate maps and flood boundary-floodway maps (FIRM and FBFM). The subsequent amendments made by FEMA to the rate maps and Flood Boundary Floodway Maps and or Flood Insurance Studies and Reports shall be automatically assimilated and made part of this article without further promulgation or documentation.

(b) St. Tammany Parish Ordinance Calendar No. 368, Ordinance Police Jury Series 85-341 provides for the requirement that all habitable floor elevations located within flood zones designated A-1 through A-30 on the parish's FIRM, within the specific area defined by Ordinance Calendar No. 368, be one foot above the 100-year base flood elevation.

(Code 1998, § 7-022.00; Ord. No. 610, 12-19-1974; Ord. No. 611, 1-16-1975; Ord. No. 791, 2-16-1978; Ord. No. 87-770, 2-19-1987; Ord. No. 89-1053, 3-16-1989; Ord. No. 90-1376, 12-20-1990)

Sec. 115-34. Establishment of development permit.

A development permit shall be required to ensure conformance with the provisions of this article.

(Code 1998, § 7-022.01; Ord. No. 89-1053, 3-16-1989)

Sec. 115-35. Compliance.

No structure or land shall hereafter be located, altered, or have its use changed without full compliance with the terms of the article and other applicable regulations.

(Code 1998, § 7-022.02; Ord. No. 610, 12-19-1974; Ord. No. 611, 1-16-1975; Ord. No. 791, 2-16-1978; Ord. No. 89-1053, 3-16-1989)

Sec. 115-36. Abrogation and greater restrictions.

This article is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this article and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

(Code 1998, § 7-022.03; Ord. No. 89-1053, 3-16-1989)

Sec. 115-37. Interpretation.

In interpretation and application of this article, all provisions shall be:

- (1) Considered as minimum requirements;
- (2) Liberally construed in favor of the governing body; and
- (3) Deemed neither to limit nor repeal any other powers granted under state statutes.

(Code 1998, § 7-022.04; Ord. No. 89-1053, 3-16-1989)

Sec. 115-38. Warning and disclaimer of liability.

The degree of flood protection required by this article is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions greater floods can and will occur and flood heights may be increased by manmade or natural causes. This article does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This article shall not create liability on the part of the community or any official or employee thereof for any flood damages that result from reliance on this article or any administrative decision lawfully made thereunder.

(Code 1998, § 7-022.05; Ord. No. 89-1053, 3-16-1989)

Sec. 115-39. Designated flood determination zone.

All property within the area defined by the below mentioned description (section 115-40) and defined per map attached to parish council Ordinance No. 93-1832, shall be required to construct the first habitable floor a structure at least one foot above the base flood elevation as determined by the FEMA Flood Insurance Rate Maps (FIRMS). Those areas affected shall include all flood zone designations including flood zone C.

(Code 1998, § 7-022.10; Ord. No. 93-1832, 10-21-1993)

Sec. 115-40. Flood zone C.

Commencing at the intersection of U.S. Highway 190 and Interstate 10; thence north along Interstate 10 to its intersection with Old U.S. Highway 11; thence east along Old U.S. Highway 11 to its intersection with the Pearl River; thence meandering southward along the Pearl River to its intersection with U.S. Highway 90; thence west along U.S. Highway 90 to its intersection with U.S. Highway 190; thence west along U.S. Highway 190 to its intersection with Interstate 10; to the point of beginning.

(Code 1998, § 7-022.11; Ord. No. 93-1804, 8-19-1993)

Secs. 115-41—115-68. Reserved.

DIVISION 2. ADMINISTRATION

Sec. 115-69. Designation of the floodplain administrator.

The department of permits and inspections is hereby appointed the floodplain administrator to administer and implement the provisions of this article and other appropriate sections of 44 CFR (National Flood Insurance Program regulations) pertaining to floodplain management. (Code 1998, § 7-023.00)

Sec. 115-70. Duties and responsibilities of the floodplain administrator.

Duties and responsibilities of the floodplain administrator shall include, but is not limited to, the following:

- (1) Maintain and hold open for public inspections all records pertaining to the provisions of this article.
- (2) Review permit applications to determine whether proposed building site will be reasonably safe from flooding.
- (3) Review, approve or deny all applications for development permits required by adoption of this article.
- (4) Review permits for proposed development to assure that all necessary permits have been obtained from those federal, state or local governmental agencies (including section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 USC 1334) from which prior approval is required.
- (5) Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), the floodplain administrator shall make the necessary interpretation.

- (6) Notify, in riverine situations, adjacent communities and the state coordinating agency, which is the department of urban and community affairs, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
 - (7) Ensure that the flood-carrying capacity within the altered or relocated portion of any watercourse is maintained.
 - (8) When base flood elevation data has not been provided in accordance with section 115-33, the floodplain administrator shall obtain, review and reasonably utilize any base flood elevation data and floodway data available from a federal, state or other source, in order to administer the provisions of division 1 of this article II.
 - (9) When a regulatory floodway has not been designated, the floodplain administrator must require that no new construction, substantial improvements, or other development (including fill) shall be permitted within zones A1-30 and AE on the community's FIRM unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.
- (Code 1998, § 7-023.01; Ord. No. 610, 12-19-1974; Ord. No. 611, 1-16-1975; Ord. No. 791, 2-16-1978; Ord. No. 87-770, 2-19-1987; Ord. No. 89-1053, 3-16-1989)

Sec. 115-71. Permit procedures.

(a) Application for a development permit shall be presented to the floodplain administrator on forms furnished by him and may include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations, existing and proposed structures, and the location of the foregoing in relation to areas of special flood hazard. Additionally, the following information is required:

- (1) Elevation (in relation to mean sea level), of the lowest floor (including basement) of all new and substantially improved structures;
- (2) Elevation in relation to mean sea level to which any nonresidential structure shall be floodproofed;
- (3) A certificate from a registered professional engineer or architect that the nonresidential floodproofed structure shall meet the floodproofing criteria of section 115-106(b);
- (4) Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development;
- (5) Maintain a record of all such information in accordance with section 115-70(1);
- (6) Survey and deed of legal description of property;

- (7) Vicinity map and plot plan describing location of construction or location of dwelling on property and set back lines, as well as location of well and septic tank;
- (8) Approval by the parish board of health;
- (9) Submission of application for building permit;
- (10) Submission of application for certificate of occupancy;
- (11) Furnish a certificate of elevation documented on Federal Emergency Management Agency Form 81-31 or subsequent agency form;
- (12) Pay all required fees.

(b) Approval or denial of a development permit by the floodplain administrator shall be based on all of the provisions of this article and the following relevant factors:

- (1) The danger to life and property due to flooding or erosion damage;
- (2) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- (3) The danger that materials may be swept onto other lands to the injury of others;
- (4) The compatibility of the proposed use with existing and anticipated development;
- (5) The safety of access to the property in times of flood for ordinary and emergency vehicles;
- (6) The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems;
- (7) The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site;
- (8) The necessity to the facility of a waterfront location, where applicable;
- (9) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;

- (10) The relationship of the proposed use to the comprehensive plan for that area.

(Code 1998, § 7-023.02; Ord. No. 89-1053, 3-16-1989; Ord. No. 92-1597, 5-21-1992)

Sec. 115-72. Variance procedures.

(a) The appeal board as established by the parish council shall hear and render judgment on requests for variances from the requirements of this article.

(b) The appeal board shall hear and render judgment on an appeal only when it is alleged there is an error in any requirement, decision or determination made by the floodplain administrator in the enforcement or administration of this article.

(c) Any person or persons aggrieved by the decision of the appeal board may appeal such decision in the courts of competent jurisdiction.

(d) The floodplain administrator shall maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Agency upon request.

(e) Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the state inventory of historic places, without regard to the procedures set forth in the remainder of this article.

(f) Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acres or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in section 115-71(b) having been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.

(g) Upon consideration of the factors noted above and the intent of this article, the appeal board may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of section 115-29.

(h) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

(i) Prerequisites for granting variances:

- (1) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- (2) Variances shall only be issued upon:
 - a. Showing a good and sufficient cause;
 - b. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
 - c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
- (3) Any application to whom a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

(j) Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that:

- (1) The criteria outlined in section 115-71(b)(1)—(9) are met; and
 - (2) The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.
- (Code 1998, § 7-024.00; Ord. No. 610, 12-19-1974; Ord. No. 611, 1-16-1975; Ord. No. 791, 2-16-1978; Ord. No. 82-313, 1-21-1982; Ord. No. 87-770, 2-19-1987; Ord. No. 89-1053, 3-16-1989)

Sec. 115-73. Permit fees.

- (a) *Minimum fee.* A minimum fee of not less than \$5.00 shall be required for a permit.
 - (b) *Fee schedule.* The following table shall be used to determine the fee due: \$0.09 per square foot.
 - (c) *Special MH/mobile home permit fee.* The following shall be used to determine the fee due: \$0.09 per square foot for each square foot of residential space plus \$5.00 minimum for each anchorage inspection fee.
- (Code 1998, § 7-030.00; Ord. No. 610, 12-19-1974; Ord. No. 611, 1-16-1975; Ord. No. 791, 2-16-1978; Ord. No. 87-770, 2-19-1987; Ord. No. 89-1053, 3-16-1989)

Secs. 115-74—115-104. Reserved.

DIVISION 3. PROVISIONS FOR FLOOD HAZARD REDUCTION

Sec. 115-105. General standards.

- (a) In all areas of special flood hazards the following provisions are required:
 - (1) All new construction and substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
 - (2) All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage.
 - (3) All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

(4) All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

(5) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.

(b) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the system and discharge from the systems into floodwaters.

(c) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

(Code 1998, § 7-041.00; Ord. No. 610, 12-19-1974; Ord. No. 611, 1-16-1975; Ord. No. 791, 2-16-1978; Ord. No. 87-770, 2-19-1987; Ord. No. 89-1053, 3-16-1989)

Sec. 115-106. Specific standards.

(a) *Residential construction.* New construction and substantial improvements of any residential structure shall have the lowest floor (including basement) elevated to or above the base flood elevation. A registered professional engineer, architect or land surveyor shall submit a certificate of elevation, documented on the Federal Emergency Management Agency Form 81-31 or subsequent agency form, indicating that the standards of this subsection and as per section 115-71 have been satisfactorily met.

(b) *Nonresidential construction.* New construction and substantial improvements of any commercial, industrial or other nonresidential structure shall either have the lowest floor (including basement) elevated to or above the base flood level or, together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection (in relation to mean sea level) to which such structures are floodproofed shall be maintained by the floodplain administrator.

(c) *Enclosures.* New construction and substantial improvements, with fully enclosed areas below the lowest floor that are subject to flooding, shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:

(1) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.

- (2) The bottom of all openings shall be no higher than one foot above grade.
- (3) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
- (d) *Manufactured homes.*
 - (1) Require that all manufactured homes to be placed within zone A shall be installed using methods and practices which minimize flood damage. For the purpose of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.
 - (2) All manufactured homes shall be in compliance with subsection (a) of this section.
 - (3) Require that all manufactured homes to be placed or substantially improved within zones A1-30, AH and AE on the community's FIRM be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the base flood elevation; and be securely anchored to an adequately anchored foundation system in accordance with the provision of this subsection (d).
- (e) *Construction sites; stormwater runoff.*
 - (1) *General provisions.*
 - a. *Abbreviation of terms.* The following abbreviations when used in this section shall have the designated meanings:

BMP	Best Management Practices
CFR	Code of Federal Regulations
CWA	Clean Water Act
EPA	United States Environmental Protection Agency
LA	Load Allocation
LAC	Louisiana Administrative Code
LDEQ	Louisiana Department of Environmental Quality
LPDES	Louisiana Pollutant Discharge Elimination System
MPN	Most Probable Number
MS4	Municipal Separate Storm Sewer System
NOI	Notice of Intent
NPDES	National Pollutant Discharge Elimination System
SPCC	Spill Prevention Control and Countermeasure
STPG	St. Tammany Parish Government
SWMP	Stormwater Management Plan
SWPPP	Stormwater Pollution Prevention Plan
TMDL	Total Maximum Daily Load

WLA	Waste Load Allocation
WOTUS	Waters of the United States

- b. *Definitions.* The following words, terms and phrases, when used in this subsection (e), shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Best management practices (BMPs) means schedules of activities, prohibitions of practices, maintenance procedures, treatment requirements, operating procedures, and other practices used to prevent or reduce contaminated discharges or runoff.

BMPs for Coastal Louisiana Zone manuals means technical manuals prepared by the Louisiana Coastal Nonpoint Pollution Control Program to minimize coastal impacts from developmental activities and control nonpoint source pollution resulting from stormwater runoff. The manual includes nonpoint source BMPs specific to the Louisiana Coastal Zone and is to be used as a guide for developers, builders, and engineering firms during the design and construction phase of development.

Clean Water Act (CWA) means the primary federal law in the United States governing water pollution. Its objective is to restore and maintain the chemical, physical, and biological integrity of the nation's waters by preventing point and nonpoint pollution sources, improving wastewater treatment, and maintaining the integrity of wetlands. It is administered by the U.S. Environmental Protection Agency (EPA), in coordination with state governments. The CWA is codified in 40 CFR 100—140, 401—471, and 501—503).

Commercial means any activity pertaining to a business, industry, corporation, or organization.

Construction means any human activity that includes clearing, grading, excavation, filling, or other placement, movement, removal, or depositing of soil, rock, organic materials, or earth minerals.

Contaminated means containing any pollutant which is introduced into stormwater conveyances by stormwater contact with industrial activities as defined by L.A.C. 33:IX.2511.B.14-15 and 40 CFR 122.26(b)(14) or through illicit discharges.

Conveyance means drainage infrastructure, including any ditch, pipe, canal, or waterway that moves water in the Parish.

Discharge means any stormwater or wastewater, including but not limited to sheet flow and point source, introduced into the MS4, drainage infrastructure, conveyances, ditches, or waterways of the parish, or into waters of the United States.

Discharger means any person or property who causes, allows, or is otherwise responsible for a discharge.

Facility means any building, structure, property, installation, process or activity from which there is or may be a discharge of a pollutant.

Fertilizer means any substance that contains essential plant nutrients in a form available to plants and is used primarily for promoting or stimulating growth of a plant or improving the quality of a crop.

Fill or filling means the deposition of soil and other inert materials on the land to raise its grade and/or smooth its features.

Hazardous substance means any of the following: any substance determined to be hazardous according to 49 CFR 171.8. or listed in Table 302.4 of 40 CFR 302 or section 311(b)(2)(A) of the Clean Water Act (33 USC 1317(a) and 1321(b)(A)).

Hazardous waste means any substance identified or listed as a hazardous waste by the EPA pursuant to 40 CFR 261.

Herbicide means a substance used to defoliate, desiccate, destroy, inhibit or regulate vegetation.

Illicit discharge means a prohibited non-stormwater discharge containing pollutants.

Louisiana discharge permit elimination system (LPDES) permit or national discharge permit elimination system (NPDES) permit means the permit issued by the LDEQ or the EPA, under authority delegated pursuant to 33 USC 1342(b) that authorizes the discharge of pollutants to waters of the United States.

Most probable number (MPN) means the number of organisms that are most likely to have produced laboratory results in a particular test. The MPN method is used to estimate the concentration of the viable microorganisms in a sample based on dilution factors.

Municipal separate storm sewer system (MS4) means roadside drainage systems, catch basins, curbs, gutters, ditches, manmade channels, or storm drains used for collecting and/or conveying stormwater in the parish.

Notice of intent (NOI) means the notice of intent that is required by the LPDES general permit for discharges of stormwater from construction activities five acres or greater, the multi-sector general permit for stormwater, or other general permits for the discharge of stormwater.

Non-point source pollution means pollution discharged over a wide land area that cannot be traced to one specific point or location. These are forms of diffuse pollution caused by sediment, nutrients, organic, and toxic substances contained in stormwater runoff from urbanized areas, construction sites, agricultural sites, and silvicultural operations, etc.

Operator means the person or persons who, either individually or taken together, has operational control over the facility; or has day-to-day operational control over those activities at the facility necessary to ensure compliance with pollution prevention requirements and any permit conditions.

Person means any individual, partnership, firm, company, corporation, association, trust, estate, entity, or any legal representative, agent, or assignee.

Pesticide means a substance used to prevent, destroy, repel, or mitigate any pest.

Point source means the discharge of pollutants at a specific location from pipes, outfalls, channels, or other discernible or discrete conveyances. The term "point source" does not include irrigation flow returns from agricultural stormwater runoff.

Pollutant means dredged spoil, solid waste, sewage, garbage, sludge, chemical waste, biological materials, radioactive materials, heat, rock, soil, sediment, or industrial waste discharged into waters of the state and/or the MS4, drainage infrastructure, conveyances, or waterways of the parish.

Pollution means the contamination of the physical, thermal, chemical, or biological quality of waters that causes impairment of the designated uses of a water body as stipulated in the current EPA integrated report or renders the water harmful, detrimental, injurious to humans, animal life, vegetation, or impairs the usefulness for the public enjoyment of the water for any lawful or reasonable purpose.

Release means any spilling, leaking, pumping, pouring, discharging, injecting, leaching, dumping, or disposing, directly or indirectly, into the MS4, drainage infrastructure, conveyances, or waterways of the parish.

Sanitary sewage means the domestic sewage and/or industrial waste that is discharged into the sanitary sewer system and passes through the sanitary sewer system to any public or privately owned sewage treatment plant.

Sanitary sewer (or sewer) means the system of pipes, conduits, and other conveyances which carry industrial waste and sanitary sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, to any sewage treatment plant.

Site work means excavation, grading, filling, cutting, draining, paving, earthwork, stockpiling/storage of fill.

Sediment means soil, sand, clay, and minerals washed from land into roadways, drainage infrastructure, and waterways, usually during or after a rain. Sediment may cause a reduction in storage capacity, impede drainage, destroy fish-nesting areas, clog animal habitats, and cloud waters to such an extent as to prevent sunlight from reaching aquatic biota.

Solid waste means any garbage, rubbish, refuse, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility, and other discarded material, including, solid, liquid, semi-solid, or contained gaseous material resulting from construction or industrial, municipal, commercial, mining, and agricultural operations, and from community and institutional activities.

Stormwater means stormwater runoff, surface runoff and drainage runoff. (Agricultural stormwater may be excluded, subject to the provisions of L.A.C. 33:IX.2313.)

Stormwater agreement means the agreement utilized by the parish and signed by the contractor, developer, land owner, or agent to ensure all required permits are in place and the implementation of BMPs will be used to control erosion and sedimentation and reduce the pollutants in stormwater discharges associated with excavation, grading, filling, and other construction projects as well as heavy equipment fuels/oils and grease.

Stormwater pollution prevention plan (SWPPP) means a plan required by the LPDES general permits for discharge of stormwater from construction activities (LAR100000 AND LAR200000), LPDES multi-sector general permit, or any LPDES individual permit which describes and ensures the implementation of practices that are to be used to reduce the pollutants in stormwater discharges associated with construction or other industrial activity at the facility.

Total maximum daily load (TMDL) means the water quality assessment that determines the source of pollutants of concern for a particular water body; considers the maximum amount of pollutants the waterbody is able to assimilate and still meet WLA standards; and then allocates to each source a set level of pollutants that is allowed to discharge.

Waste load allocation (WLA) means that portion of the assimilative capacity of the receiving water apportioned to a specific discharger in such a way that water quality standards are maintained under design conditions.

Wastewater means any water or other liquid, other than uncontaminated stormwater, discharged from a facility.

Water quality standard means the numerical criterion established by LDEQ and deemed necessary by the state to protect the designated uses of a water body.

Waters of the United States (WOTUS) means any waters within the federal definition of "waters of the United States" at 40 CFR 122.2; but not including any waste treatment systems, treatment ponds, or lagoons designed to meet the requirements of the federal Clean Water Act.

Wetland means an area that is frequently inundated or saturated by water and is sufficient to support a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

- c. *Purpose.* The purposes and objectives of this subsection (e) are to establish policies and procedures for the permitting, monitoring, and/or enforcement regarding illicit discharge detection and elimination, construction site runoff control, and post-construction runoff control. In doing so, the provisions will allow the parish to:
1. Comply with the MS4 permit, all federal, state, and local regulations applicable to stormwater and non-stormwater discharges.
 2. Manage stormwater impacts at their source and prevent contaminated stormwater and non-stormwater discharges into the MS4, drainage infrastructure, conveyances, and waterways within the parish.
 3. Provide for proper operations and maintenance of all permanent and non-permanent stormwater management BMPs that are implemented within the parish.
 4. Provide review procedures and performance standards for stormwater planning and management.
 5. Facilitate compliance with federal and state water quality standards, limitations, and permits by owners and operators of commercial and industrial activities and construction sites within the parish.
- d. *Administration.*
1. The parish MS4 administrator shall administer, implement, and enforce the provisions of this subsection (e). Any powers granted to or duties imposed upon the MS4 administrator shall be carried out by the administrator or may be delegated to other authorized personnel.
 2. The parish may adopt, by council action, reasonable stormwater fees for reimbursement of costs related to administration of this subsection (e), MS4 compliance, TMDL implementation, and costs related to the SWMP as required by the EPA or LDEQ. Fees are provided in chapter 2, article XVII.
- (2) *Non-stormwater and illicit discharges.*
- a. *Prohibited non-stormwater illicit discharge.*
1. *General prohibition.* No person shall introduce or cause to be introduced into the MS4, drainage infrastructure, conveyances, or waterways of the parish any illicit discharge, including non-stormwater discharges that are not composed entirely of stormwater, except as expressly provided for in this subsection (e).
 - (i) No person shall introduce or cause to be introduced into the MS4, drainage infrastructure, conveyances, or waterways of the parish any discharge that causes or contributes to violation of a water quality standard.

- (ii) No person shall connect an interior drain or any other source of wastewater to the MS4, drainage infrastructure, conveyances, or waterways of the parish, or allow such a connection to continue.
- (iii) Any person that causes a spill, release, or other discharge of a prohibited substance or other pollutant in the parish is solely responsible for the cleanup and removal of the substance.
- (iv) Sanitary sewer overflows to the MS4, drainage infrastructure, conveyances, or waterways of the parish shall be prevented. In the event of an overflow the owner, operator, or person otherwise having control of the sanitary sewer, shall remove all sewage to the maximum extent practical.
- (v) Items that are stored for collection, disposal, recycling or reuse shall be stored in a manner that prevents contamination of stormwater. Drums shall be covered and/or in secondary containment where required, closed, not leaking, and in good condition.
- (vi) Spills and leaks of hazardous substances or pollutants shall be cleaned up immediately after the spill occurs or the leak is detected. Any absorbent material used for cleanup must be disposed of properly and disposed of in accordance with solid waste regulations. Surface soil contaminated by the spill or leak must be removed or otherwise protected from contact with stormwater.
- (vii) Drip pans, absorbent mats, or equivalent controls shall be used to collect and properly dispose of leaking fluids from motor vehicles that are parked outside during maintenance and repairs or while waiting for repairs at commercial repair facilities.
- (viii) Used engines, transmissions, radiators, and other vehicle components that have automotive fluids in, or on them, shall be stored in a manner that prevents pollutants from contaminating stormwater runoff.
- (ix) Any person or establishment that causes a spill, release, or other discharge of any prohibited substance or other pollutant to the MS4, drainage infrastructure, conveyances, or waterways of the parish is solely responsible for notifying the appropriate agency and/or permit authorities of the unauthorized release.
- (x) Trash, litter, grass clippings, leaves, and other debris shall not be discarded in drainage ditches or drainage inlets. Such material shall be disposed of as solid waste and shall not be allowed to enter the MS4, drainage infrastructure, conveyances, or waterways of the parish.

2. *Specific prohibitions.* No person shall dump, spill, leak, pump, pour, emit, empty, discharge, leach, dispose, or otherwise introduce or cause, allow, or permit to be introduced any of the following substances into the MS4, drainage infrastructure, conveyances, or waterways of the parish:
- (i) Any used motor oil, antifreeze, hydraulic fluid, fuel, or other motor vehicle fluid;
 - (ii) Any industrial or hazardous waste, including household hazardous waste;
 - (iii) Any untreated sanitary sewage or septic tank waste;
 - (iv) Any grease trap waste, or grit trap waste;
 - (v) Any trash or other debris material;
 - (vi) Any untreated wastewater from a commercial car wash facility, or from any washing or cleaning of any commercial or public service vehicle, including heavy equipment;
 - (vii) Any contaminated wastewater or wash water from commercial cleaning, power, or pressure wash processes or wash racks;
 - (viii) Any wastewater from the cleanup following a release of hazardous waste or pollutants;
 - (ix) Any discharge from a commercial or industrial cooling tower, condenser, compressor, or boiler unless the discharge is in compliance with an LPDES or NPDES permit;
 - (x) Any concrete, mortar, ceramic, or asphalt base material;
 - (xi) Any discharge or wash down water from an animal, fowl, or livestock containment area;
 - (xii) Any unpermitted stormwater discharge associated with a commercial or industrial activity;
 - (xiii) Any substance or material that will damage, block, or clog the MS4, drainage infrastructure, conveyances, or waterways of the parish;
 - (xiv) Any construction debris or other waste building material resulting from construction or demolition;
 - (xv) Any sediment, silt, earth, soil, or other material associated with clearing, grading, excavation, filling, or other construction activities;
 - (xvi) Any direct discharge of pesticide, herbicide, and/or fertilizer;
 - (xvii) Any discharge that causes or contributes to a violation of a water quality standard.

- (xviii) The following restrictions apply to discharges associated with discharges from pools, hot tubs, spas, and filter backwash, which is a rinsate resulting from the cleaning of equipment, vehicles, tools, containers, cartridges, filters, etc.:
- A. For uncontaminated discharge that cannot be retained on site for irrigation or other uses, a gradual, metered discharge is required;
 - B. Discharge shall be dechlorinated with no detectable concentration of total residual chlorine, prior to discharge;
 - C. Discharge shall not drain or back up onto adjacent properties;
 - D. Discharge shall not cause erosion or sediment transport;
 - E. Discharge shall not cause an accumulation of water in roadways or along curbs and shall not cause adverse impacts to drainage infrastructure, waterways, roadways, or adjacent properties.
- b. *Allowable non-stormwater discharges.*
- 1. The following discharges have not been identified by the parish as significant contributors of pollutants to the MS4 or surface waters of the parish and therefore are allowable non-stormwater discharges:
 - (i) A discharge authorized by, and in full compliance with, an NPDES or LPDES permit;
 - (ii) Discharges from firefighting activities;
 - (iii) An uncontaminated discharge of fire protection water;
 - (iv) Agricultural stormwater runoff;
 - (v) Potable water sources including dechlorinated water line and fire hydrant flushing;
 - (vi) A discharge from lawn watering, or landscape irrigation;
 - (vii) A discharge or flow from a diverted stream flow or natural spring;
 - (viii) A discharge or flow from uncontaminated groundwater;
 - (ix) Uncontaminated discharge from foundation drains, crawl spaces, or footing drains;
 - (x) A discharge or flow from a riparian habitat or wetland;
 - (xi) Wash water from individual residential and nonprofit car washing;
 - (xii) A discharge of air conditioning condensate; and
 - (xiii) A discharge or flow of water used in street, parking lot, or structure cleaning that is not contaminated with soaps, detergents, emulsifiers, dispersants, chemicals, or other pollutants.

2. In the event the parish determines that any of the discharges identified in subsection (e)(2)b.1 of this section significantly contribute to pollution of surface waters of the parish, or is so notified by LDEQ, the parish will notify the responsible person to cease the discharge.
3. Nothing in this subsection (e) shall affect a discharger's responsibility under federal or state law.

(3) *Stormwater discharges from construction activities.*

a. *General requirements.*

1. No development shall degrade water quality, adversely affect the MS4, drainage infrastructure, conveyances, or waterways.
2. All construction projects involving site work of any kind, including but not limited to subdivision development, minor subdivision development, residential construction, commercial construction, and roadway construction shall comply with the stormwater requirements of this section.
3. All appropriate parish permits shall be obtained before the commencement of construction. Permitting requirements that pertain to stormwater plan reviews are outlined in subsection (e)(3)b of this section.
4. All operators of construction sites shall use appropriate BMPs to control discharge to waterways and conveyances of the parish. Pollutants such as silt, sediment, mud, clay, and other construction contaminant materials associated with site work of any kind shall be controlled to the maximum extent practical.
5. Operators shall refer to guidance manuals such as the BMPs for Coastal Louisiana Zone for BMP definitions, selection, applicability, planning considerations, recommended specifications and maintenance.

b. *Permitting requirements.* No persons shall perform any construction within unincorporated St. Tammany Parish without first obtaining the appropriate permits from STPG. An executed stormwater agreement and a stormwater site plan will be required upon building/site work permit application for the project types listed below. Fees associated with the following permitting activities will be in accordance with chapter 2, article XVII:

1. *Applicable project types.*
 - (i) New residential and commercial construction;
 - (ii) New construction of accessory buildings greater than or equal to 100 square feet (per section 105-58);
 - (iii) Site work construction;
 - (iv) Pool installation;

- (v) Pond excavation;
 - (vi) Subdivision development;
 - (vii) Minor subdivision development;
 - (viii) Remodel permits that only involve alteration to existing site drainage.
2. *Exemptions.* The following project types are exempt from the requirement for a stormwater agreement and stormwater site plan. These exemptions do not relieve the owner, operator, or other legal representative of the responsibility of installing and properly maintaining the erosion, sedimentation, or pollution control measures or any other liability resulting from such activities.
- (i) Capital projects or infrastructure improvement projects by parish personnel (such projects shall comply with all other state, federal, and local stormwater permit requirements). This exemption does not apply to private contractors working on parish projects;
 - (ii) An activity that is determined by an parish official to be immediately necessary for the protection of life, property, or natural resources;
 - (iii) Excavation of graves in cemeteries;
 - (iv) Agricultural practices such as plowing, cultivation, tree cutting, logging operations that leave the stump and root mat intact, and cultivated sod operations. Agricultural projects shall comply with all other state, federal, and local stormwater and water quality requirements.
3. *Stormwater agreement.*
- (i) It shall be the responsibility of the property owner or his designee to acquire and comply with any applicable LDEQ permits prior to the commencement of construction. The parish shall require an approved stormwater agreement for any development or improvement project that requires a building permit, site work permit or subdivision work order. This agreement, which is a document provided by the parish, will serve as a signed contract with the parish stating that the property owner or his designee agrees to obtain an LDEQ permit for construction, if applicable, and comply with all applicable LDEQ regulations during the term of the project.
 - (ii) For subdivisions developed in phases, a stormwater agreement shall be submitted at the preliminary approval phase for each phase of the development.
4. *Stormwater site plan.*
- (i) A stormwater site plan is a component of the SWPPP as required by LDEQ. In an effort to ensure the owner, developer or contractor has a

sufficient plan to address necessary stormwater controls before the commencement of construction, the parish shall require a copy of the stormwater site plan at the time of building permit application. This information may be included on a plot plan depending on the complexity of the project.

- (ii) An approved stormwater site plan is required with submittal of any applicable building permit, site work permit or drainage plan for a subdivision within unincorporated St. Tammany Parish. The site plan shall contain the following:
 - A. The property owner's name, address, date, legal description of parcel, lot number, and a boundary survey indicating the location, and dimensions of the lot;
 - B. The shape, size, and location of all existing and proposed buildings or other structures;
 - C. The location and approximate dimension of driveways, entrances, and all points of access to a public street or road;
 - D. Locations of areas subject to flooding or limits of floodplain, if applicable;
 - E. Total land area;
 - F. The locations of all existing and proposed streets, alleys, utilities, stormwater conveyances, drainage features, sanitary sewers and drainage, utility, or access easements/servitudes, specifically noting connections to parish conveyance systems;
 - G. All existing and proposed impervious areas;
 - H. Natural or manmade watercourses;
 - I. All existing and proposed slopes, terraces, bulkheads, or retaining walls;
 - J. Erosion and sedimentation control plans or SWPPP;
 - K. Drainage and/or fill calculations as required by permit and/or ordinance;
 - L. Direction of flow indicators; and
 - M. Receiving water body for the ultimate discharge of stormwater from the site.
- (iii) When a stormwater site plan is required to obtain a parish permit, it shall be submitted to the department of planning and development for review. The stormwater site plan, including any approved revisions, is valid for the duration of the project.

- (iv) The submittal process for the residential and commercial development stormwater site plan shall be in accordance with this chapter.
 - (v) For a subdivision development, a stormwater site plan shall be submitted at the preliminary approval phase and will focus on stormwater management, water quality, and receiving waters.
- c. *Construction activity requirements.* The following requirements shall be implemented and maintained during the course of construction activities:
 - 1. Existing vegetation shall be preserved, where feasible, and disturbed portions of the site shall be stabilized within 14 days of the temporary or permanent cessation of construction activities.
 - 2. Structural BMPs shall be utilized, where feasible, to divert flow away from exposed soil, store stormwater, or otherwise reduce runoff and the discharge of pollutants from the construction site.
 - 3. Installation, inspection, and maintenance of erosion and sediment BMPs shall be consistent with the effective operating conditions on the site. Operators are responsible for the installation and maintenance of stormwater BMPs until warranty obligations are met and/or occupancy certificates are issued.
 - (i) As required by LDEQ permits, operators shall be responsible for overseeing self-inspections of all BMPs at construction sites as noted in the LDEQ permit.
 - (ii) Based on the results of the inspections, BMPs shall be maintained, revised, repaired, or replaced as necessary but prior to a future storm event.
 - (iii) The SWPPP or stormwater site plan shall be updated with any BMP revisions.
 - (iv) Any BMP modifications shall be recorded in the SWPPP and/or stormwater site plan within seven calendar days and implemented on site as soon as is practical.
 - (v) The owner, contractor, and/or operator of a construction site is responsible for compliance with the requirements of this subsection (e).
 - (vi) The parish may hold occupancy certificates related to a site until approval of the final stormwater inspection with a determination that any required stormwater controls are in place.

4. The SWPPP, which shall include the stormwater site plan, and stormwater self-inspection and BMP maintenance reports shall be available on site for inspections.
 - (i) In accordance with LDEQ requirements, an NOI and SWPPP is required for large construction projects on five or more acres. This requirement includes any lot or parcel that is part of a larger common plan of development.
 - (ii) In accordance with LDEQ requirements, a SWPPP is required (but not an NOI) for all construction projects one acre or greater, but less than five acres, if not part of a larger common plan of development.
 5. A stabilized construction entrance/exit pad shall be utilized to minimize the tracking of mud, clay, sediment, and other construction materials onto roadways and streets.
 6. The discharge of construction or building materials, including cement, concrete, lime, mortar, slurries, and paints is prohibited. On-site containment or off-site disposal is required.
 7. Good housekeeping measures, such as covered storage, storm drain protection, secondary containment, etc., shall be employed to prevent, contain, and clean up spills of paints, solvents, fuel, sewage, and any hazardous substances and pollutants associated with construction.
 8. Proper waste disposal, such as covered waste containers and concrete disposal bins, shall be employed to manage construction materials, construction debris, paints, solvents, chemicals and construction waste, etc., shall be utilized to prevent stormwater contamination.
 9. On phased subdivision developments, site disturbance shall be phased, when applicable, to limit soil erosion and sediment excursion. Final stabilization shall be accomplished prior to commencement of the next phase of development.
- d. *Stormwater inspections.* Routine stormwater inspections will be performed by parish stormwater inspectors in accordance with the applicable permitting processes or as needed. Fees associated with inspections/re-inspections will be in accordance with chapter 2, article XVII.
1. The first stormwater inspection for each project shall be scheduled at the commencement of construction with the preliminary drainage inspection. The final stormwater inspection shall be scheduled at the completion of construction with the drainage final inspection.
 2. Re-inspections will be scheduled and performed as required.

3. Unscheduled stormwater inspections and drainage inspections may be performed by the parish at any point during the construction process.
4. Failure to correct inadequacies following a failed drainage and/or stormwater inspection may result in enforcement action.
5. All stormwater inspections shall be performed in accordance with the parish-approved SWMP.

(4) *Post-construction stormwater requirements.*

- a. *Post-construction permanent stormwater facilities.* Permanent stormwater BMPs shall include both structural and non-structural BMPs.
 1. Structural BMPs shall include, but are not limited to, retention/detention ponds, stormwater diversion structures, and filtration devices.
 - (i) Installation of permanent structural measures intended to control stormwater pollutants after the completion of a subdivision developments shall be in accordance with chapter 125.
 - (ii) Erosion, sedimentation, and pollutants shall be controlled after completion of the development process in accordance with the BMPs for Coastal Louisiana Zone manuals and/or current LDEQ and EPA guidelines for structural BMPs.
 - (iii) Structural stormwater controls for residential and commercial development shall continue to meet the performance standards as stipulated in the original design and approved by the parish in accordance with this section.
 - (iv) It is the stated goal of the parish to develop a program to address and protect water quality in the parish. This program involves capital improvements, water quality monitoring, and development of regulations based on recommendations outlined in the CPRA Watershed Management Study. Additional pollutant load impacts resulting from new development should be controlled through the implementation of permanent and/or structural non-point source BMPs.
 2. Non-structural BMPs may include, but are not limited to, buffer zones, riparian buffers, and/or green space. Non-structural BMPs such as buffer zones, riparian buffers, and green space areas shall be established in accordance with all applicable state, federal, and local requirements to prevent water quality impacts to waterways and wetlands.
- b. *Stormwater BMP maintenance.* Routine inspection and maintenance of permanent and/or structural BMPs is necessary to ensure proper functioning condition in accordance with the original design criteria. It shall be the responsibility of the landowner, homeowner's association, or maintenance association, whichever is

applicable, to maintain the facility in perpetuity unless it is taken into the parish's maintenance system in accordance with section 125-90. Inspections by the parish may be conducted to ensure maintenance is being performed. Failure to correct inadequacies following a failed inspection may result in enforcement action.

(5) *Public participation and involvement.*

- a. *Owner and/or operator reporting requirements.* The operator and/or the owner of any commercial or industrial activity shall report any prohibited discharges, spills, releases, illicit discharges, and unauthorized connections into the MS4, drainage infrastructure, conveyances, or waterways in the parish and any other violation of this section for which they are responsible.
 1. A hazardous and/or toxic substance spill or release shall be immediately reported to the parish fire department and LDEQ;
 2. Other instances where pollutants are discharged into the MS4, drainage infrastructure, conveyances, or waterways of the parish by spill, release, illicit connections or other means shall be reported to LDEQ and the parish; and
 3. The owner of any commercial or industrial facility with a spill or release of pollutants, hazardous substances, or toxins is responsible for proper notification of the incident to all appropriate local, state, and federal agencies.
- b. *Citizen complaint reports.* Anyone may report any spills, releases, illicit connections, or other instances of anyone discharging pollutants into the MS4, drainage infrastructure, conveyances or waterways of the parish and any other violation of this section to the MS4 administrator or any person designated by the parish to receive such citizen reports.
 1. Citizen stormwater complaints may be made verbally or in writing. A written record of each citizen report to the parish will be prepared and kept on file for a period of three years. Upon request, the parish will inform the reporting citizen of any action taken in response to the citizen's report.
 2. When applicable, the parish will report citizen complaints to the appropriate local, state, or federal agencies if a violation is confirmed upon investigation by the parish.

(6) *Parish enforcement and remedies.*

- a. *Enforcement of stormwater violations.* Whenever it appears that a person has violated, or continues to violate, any permit or provision of this subsection (e), enforcement proceedings may be instituted in accordance with chapter 1. Enforcement action may include, but is not limited to, fines or fees, issuance of a notice of violation or cease and desist order, a citation to appear for an administrative hearing, and/or prosecution for a violation.

- b. *Remedies non-exclusive.* The remedies provided for in this subsection (e)(6) are not exclusive of any other remedies that the parish may have under state, federal, or local law. The parish may take any, all, or any combination of these actions against a violator. The Parish is empowered to take more than one enforcement action against any violator. These actions may be taken concurrently.

(f) *Enforcement.* Violations will be processed by the appropriate code enforcement, department of engineering or permit inspections personnel using standard code violation protocol. (Code 1998, § 7-042.00; Ord. No. 610, 12-19-1974; Ord. No. 611, 1-16-1975; Ord. No. 791, 2-16-1978; Ord. No. 87-770, 2-19-1987; Ord. No. 89-1053, 3-16-1989; Ord. No. 92-1597, 5-21-1992; Ord. No. 99-3156, 10-21-1999; Ord. No. 16-3596, exh., 10-6-2016)

Sec. 115-107. Standards for subdivision proposals.

(a) All subdivision proposals, including manufactured home parks and subdivisions, shall be consistent with sections 115-28, 115-29 and 115-30.

(b) All proposals for the development of subdivisions, including manufactured home parks and subdivisions, shall meet development permit requirements of section 115-34, section 115-71, and the provisions of division 3 of this article.

(c) Base flood elevation data shall be granted for subdivision proposals and other proposed development, including manufactured home parks and subdivisions, which is greater than 50 lots or five acres, whichever is lesser, if not otherwise provided pursuant to section 115-33 or section 115-70(8).

(d) All subdivision proposals, including manufactured home parks and subdivisions, shall have adequate drainage provided to reduce exposure to flood hazards.

(e) All subdivision proposals, including manufactured home parks and subdivisions, shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

(Code 1998, § 7-043.00; Ord. No. 791, 2-16-1978; Ord. No. 87-770, 2-19-1987; Ord. No. 89-1053, 3-16-1989)

Sec. 115-108. Standards for areas of shallow flooding (AO/AH zones).

A registered professional engineer or architect shall submit a certificate of elevation, documented on the Federal Emergency Management Agency Form 81-31 or subsequent agency form, to the floodplain administrator that the standards of this section and as per section 115-71(a)(1), has been satisfactorily met.

(Code 1998, § 7-044.00; Ord. No. 92-1597, 5-21-1992)

Sec. 115-109. Coastal high-hazard areas.

Located within the areas of special flood hazard established in section 115-33, are areas designated as coastal high hazard areas (zones V1-30, VE and/or V). These areas have special flood hazards associated with high velocity waters from tidal surges and hurricane wave wash; therefore, in addition to meeting all provisions outlined in this article, the following provisions must also apply:

- (1) Obtain the elevation (in relation to mean sea level) of the bottom of the lowest structural member of the lowest floor (excluding pilings and columns) of all new substantially improved structures, and whether or not such structures contain a basement. The floodplain administrator shall maintain a record of all such information.
- (2) All new construction shall be located landward of the reach of mean high tide.
- (3) All new construction and substantial improvements shall be elevated on pilings and columns so that:
 - a. The bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated to or above the base flood level;
 - b. The pile or column foundation and structure attached thereto is anchored to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Wind and water loading values shall each have a one percent chance of being equaled or exceeded in any given year (100-year mean recurrence interval);
 - c. A registered professional engineer or architect shall develop or review the structural design, specification and plans for the construction and shall certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the provisions of this subsection (3).
- (4) Provide that all new construction and substantial improvements have the space below the lowest floor either free of obstruction or constructed with non-supporting break-away walls, open wood lattice work, or insect screening intended to collapse under wind and water loads without causing collapse, displacement or other structural damage to the elevated portion of the building or supporting foundation system.
- (5) For the purpose of this section, a breakaway wall shall have a design safe loading resistance of not less than ten pounds and not more than 20 pounds per square foot. Use of breakaway walls which exceed a design safe loading resistance of 20 pounds per square foot (either by design or when so required by local or state codes) may be permitted only if a registered professional engineer or architect certifies that the designs proposed meet the following conditions:
 - a. Breakaway wall collapse shall result from a water load less than that which would occur during the base flood; and

- b. The elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and nonstructural). Maximum wind and water loading values to be used in this determination shall each have one percent chance of being equaled or exceeded in any given year (100-year mean recurrence interval).
 1. If breakaway walls are utilized, such enclosed space shall be usable solely for parking of vehicles, building access or storage. Such space shall not be used for human habitation.
 2. Prohibit the use of fill for structural support of buildings.
 3. Prohibit manmade alteration of sand dunes and mangrove stands which would increase potential flood damage.
 4. Any alteration, repair, reconstruction or improvements to a structure started after the enactment of the ordinance from which this article is derived shall not enclose the space below the lowest floor unless breakaway walls are used as provided for in division 3 of this article.
 5. Prior to construction, plans for any structure that will have breakaway walls must be submitted to the floodplain administrator for approval.

(Code 1998, § 7-048.00; Ord. No. 87-770, 2-19-1987; Ord. No. 89-1053, 3-16-1989)

Sec. 115-110. Penalties for violation.

(a) Violation of the provisions of this article or failure to comply with any of its requirements shall constitute a misdemeanor and upon conviction thereof, the violator(s) shall be fined not less than \$100.00 not more than \$300.00 or imprisoned for not more than 30 days, or both, and in addition thereto shall pay all costs and expenses involved in the case; however, the maximum of aggregated fines are not to exceed \$1,000.00. Each day such violation continues shall be considered as a separate offense all in accordance with section 1-9.

(b) Said penalties as imposed are as contained in section 1-9 as presently enacted and shall conform thereto as same may hereafter be amended.

(c) The owner or tenant of any building, structure, premises, or part thereof, any architect, builder, contractor, agent or other person who commits, participates in, assists in or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.

(d) Nothing herein contained shall prevent the parish from taking such other lawful actions as is necessary to prevent or remedy any violation.

(Code 1998, § 7-049.00; Ord. No. 89-1053, 3-16-1989)

Sec. 115-111. Drainage and paving plan (commercial, industrial, institutional and certain multifamily developments).

The purpose and intent of this section is to require a drainage and paving plan to be stamped and certified by a licensed state-registered engineer for construction of commercial, industrial, institutional and certain multifamily developments, with the goal of improving pre-development runoff and reducing post-development runoff based on a minimum 25-year storm event.

- (1) All commercial, industrial, institutional and multifamily development for townhouses, apartments, condominiums and nursing home uses that require a building permit or site work permit shall submit a drainage and paving plan with the permit application. Requirements are set forth in section 115-112. Said plan shall be forwarded to the parish engineer for review and approval before the issuance of a building permit.
- (2) It shall be the responsibility of the developer and design engineer to create a site development plan that will complement the drainage and paving plan utilizing site design criteria so as to result in the reduction of runoff from post-development.
- (3) The drainage and paving plan shall be stamped and certified by a licensed state-registered engineer and shall meet the following criteria:
 - a. Parcels zero to two acres in size shall be required to reduce pre-development peak runoff by at least ten percent for a 25-year storm event, with on-site detention ponds optional.
 - b. Parcels two to five acres in size shall be required to reduce pre-development peak water runoff by at least 15 percent for a 25-year storm event, with on-site detention ponds required.
 - c.
 1. Parcels five acres and larger shall meet all drainage requirements for subdivisions established by chapter 125, including a reduction of pre-development peak runoff by at least 25 percent for a 100-year storm event with on-site detention ponds required.
 2. Whenever a parcel that is greater than five acres is proposed to be developed in phases, or subdivided through the minor subdivision process, where any proposed phase or lot is less than five acres, such development shall meet the requirements of subsection (3) of this section and the applicable provisions of section 125-197. The drainage and paving plan must address drainage in terms of the development of the entire parcel, not just the phase currently being proposed to be developed, taking into consideration all of the regulations of the zoning district designation of the property that could be pertinent to drainage, including maximum net density permitted, minimum area regulations, maximum lot coverage, and off-street parking and loading requirements.

- (4) A combination of detention methods may be utilized to meet the criteria as established in this section. Off-site detention facilities may be utilized if approved by the parish engineer.
 - (5) Developments located within the boundaries of Gravity Drainage District No. 5 shall also submit their drainage and paving plans to the district at the time permit application is made to the parish. A building permit or site work permit shall not be issued until the drainage district has had an opportunity to review and make comment on the proposed plans to the parish engineer. All costs associated with the review of the plans by the parish and drainage district shall be assessed to the developer. The parish engineer shall have final authority on approval of the permit application.
 - (6) Developments located within the boundaries of Sub-Drainage District No. 1 of Gravity Drainage District No. 3 shall also submit their drainage and paving plans to the sub-district at the time permit application is made to the parish. A building permit shall not be issued until the sub-drainage district has had an opportunity to review and make comment on the proposed plans to the parish engineer. All costs associated with the review of the plans by the parish and sub-drainage district shall be assessed to the developer. The parish engineer shall have final authority on approval of the permit application.
- (Code 1998, § 7-050.00; Ord. No. 04-0933, 7-1-2004; Ord. No. 07-1490, 1-4-2007; Ord. No. 08-1862, 7-3-2008; Ord. No. 10-2275AA, 6-3-2010; Ord. No. 16-3579, exh. A(7-050.00), 9-1-2016)

Sec. 115-112. Documents required for drainage and paving plan review.

In order to expedite the drainage plan review for all commercial, industrial, institutional and multifamily developments for townhouses, apartments, condominiums and nursing home uses, the department of engineering, when applicable, requires the following documents be provided:

- (1) A vicinity map indicating the location of the proposed project.
- (2) A pre-development drainage plan (existing conditions).
- (3) Identify fill area(s) and associated fill depth(s).
- (4) A post development drainage plan and an as built drainage plan.
- (5) If building has downspouts, an architect's drawing is required.
- (6) If the outfall needs to discharge to the ditch or pond, the invert elevations of associated culvert(s) and bottom elevation of accepted ditch or pond shall be provided.
- (7) If driveway culvert needs to be installed at the state highway ditch, an approval sheet from the state shall be provided prior to the parish approval.

- (8) A hydrological analysis of both pre-development and post-development runoff shall be provided. The applicant shall also provide a water surface profile for 100-year, 50-year, 25-year and ten-year storm events. The hydrological analysis shall meet all applicable parish ordinances and the following requirements:
- a. The developer's engineer shall also study the effect of any proposed development on existing downstream drainage facilities outside the area of development. Local drainage studies, together with any other appropriate study, shall serve as a guide to needed improvements as determined by the department of engineering.
 - b. No development may be constructed or maintained so that surface waters from such development are collected and channeled downstream at such locations or at such volumes or velocities as to cause degradation, alteration or damage to lower adjacent properties.
 - c. Where it is anticipated that the additional runoff incident to the development will increase the water surface profile downstream, the parish shall withhold approval of the development until provisions have been made for the detention of stormwater and resolution of such conditions in conformance with these requirements and the department of engineering. No development shall be approved unless the necessary drainage will be provided to a drainage watercourse or facility that is adequate to receive the proposed drainage without adverse impact on downstream properties.
 - d. No development may be constructed or maintained where such development would impede the flow of water from upstream properties across the property proposed to be developed. All drainage rights-of-way and culverts or other drainage facilities shall be large enough to accommodate runoff from the property proposed to be developed as well as upstream flow originating outside of the proposed development. All existing watercourses passing through the property of the proposed development shall be maintained to accommodate up to the 100-year storm events. Any proposed alteration or relocation of an existing watercourse or drainage facility may only be approved when the department of engineering has determined that any such proposal meets all applicable parish drainage requirements. The developer's engineer shall determine the necessary size of the drainage facilities, assuming conditions of maximum potential watershed development permitted by these regulations.
- (9) If the site is located in an area where known drainage problems exist, a drainage basin study can be required to demonstrate adverse drainage impacts on surrounding properties.
- (10) The department of engineering reserves the right to hold the certificate of occupancy in order to allow for a final inspection.

- (11) In the event of a conflict between any provision within this section, or between a provision in this section and any other drainage or flood control ordinance, the more stringent provision shall be applicable.

All the above drawings and hydrological analysis need to be stamped and certified [signature and date] by a professional engineer registered in the state.

(Code 1998, § 7-051.00; Ord. No. 98-2899, 6-18-1998; Ord. No. 11-2425, 1-6-2011)

Secs. 115-113—115-137. Reserved.

ARTICLE III. DRAINAGE DISTRICT NO. 2*

Sec. 115-138. Reorganization; boundaries.

Acting under the authority of part 1, chapter 6, title 38 of the Louisiana Revised Statutes of 1950, and other constitutional and statutory authority supplemental thereto, the boundaries of the parish Drainage District No. 2 are hereby reorganized and altered into the parish Drainage District No. 2 and the parish Drainage District No. 5.

Drainage District No. 2. A certain piece or portion of ground situated in the State of Louisiana, Parish of St. Tammany, section 34 and a portion of sections 26, 27, 33 and 35, T9S-R14E and a portion of section 4, T10S-R14E, designated as Drainage District #2 and more fully described as follows:

Beginning at the intersection of the southerly right-of-way line of Lakeshore Boulevard east and the easterly right-of-way line of Lakeshore Boulevard south; measure thence S41°48'33"MW a distance of 129.66 feet; thence with a curve turning to the right with an arc length of 149.80 feet, with a radius of 500.00 feet, with a chord bearing of S50°23'32"W, with a chord length of 149.24 feet; thence N48°11'36"W a distance of 92.72 feet; thence S41°48'56"W a distance of 98.35 feet; thence with a curve turning to the left with an arc length of 57.24 feet, with a radius of 550.00 feet, with a chord bearing of S38°49'40"W, with a chord length of 57.22 feet; thence with a reverse curve turning to the right with an arc length of 17.33 feet, with a radius of 300.00 feet, with a chord bearing of S37°30'02"W, with a chord length of 17.32 feet; thence N48°11'27"W a distance of 984.91 feet; thence S41°48'33"W a distance of 227.99 feet; thence N48°11'26"W a distance of 577.37 feet; thence S41°48'33"W a distance of 15.00 feet; thence N48°11'27"W a distance of 552.71 feet; thence with a curve turning to the left with an arc length of 262.97 feet, with a radius of 349.00 feet, with a chord bearing of

***State law references**—Authority of parish to create drainage district in order to drain and reclaim undrained or partially drained marsh, swamp, and overflowed lands that must be leveed and pumped in order to be drained and reclaimed, R.S. 38:1602 et seq.; authority of St. Tammany Parish Drainage District No. 2 to create assessment areas and assess maintenance tax, R.S. 38:1674.15.

N69°46'35"W, with a chord length of 256.79 feet; thence S88°38'16"W a distance of 407.63 feet; thence S88°14'20"W a distance of 5.57 feet; thence S80°18'38"W a distance of 152.96 feet;

Thence with a curve turning to the left with an arc length of 140.49 feet, with a radius of 487.52 feet, with a chord bearing of S73°52'07"W, with a chord length of 140.00 feet; thence S69°35'47"W a distance of 80.00 feet;

Thence with a curve turning to the left with an arc length of 239.70 feet, with a radius of 460.00 feet, with a chord bearing of S41°19'45"W, with a chord length of 237.00 feet; thence S26°23'33" W a distance of 295.73 feet;

Thence with a curve turning to the left with an arc length of 135.52 feet, with a radius of 490.00 feet, with a chord bearing of S18°28'10"W, with a chord length of 135.09 feet; thence with a reverse curve turning to the right with an arc length of 82.97 feet, with a radius of 300.00 feet, with a chord bearing of S18°28'10"W, with a chord length of 82.70 feet; thence S26°23'32"W a distance of 1433.47 feet; thence N63°36'27"W a distance of 82.01 feet; thence S26°23'33"MW a distance of 236.88 feet; thence S63°36'27"E a distance of 112.01 feet; thence S26°23'33"W a distance of 125.00 feet; thence N63°36'27"W a distance of 125.00 feet; thence S26°23'33"MW a distance of 626.33 feet; thence N69°12,15"W a distance of 1.79 feet; thence S28°47'45"W a distance of 428.00 feet; thence N62°13,15"W a distance of 460.40 feet; thence N55°36'00"W a distance of 561.77 feet; thence N25°33'06"W a distance of 587.35 feet; thence N41°48'35"E a distance of 170.87 feet;

Thence N46°34'22"E a distance of 602.08 feet;

Thence N41°48'33"E a distance of 2810.65 feet; thence with a curve turning to the left with an arc length of 682.06 feet, with a radius of 1380.00 feet, with a chord bearing of N07°26'09"E, with a chord length of 675.13 feet;

Thence N06°43'24"W a distance of 272.93 feet; thence with a curve turning to the right with an arc length of 313.41 feet, with a radius of 370.00 feet, with a chord bearing of N17°32'35"E, with a chord length of 304.12 feet;

Thence N41°48,32"E a distance of 100.00 feet; thence with a curve turning to the left with an arc length of 141.37 feet, with a radius of 90.00 feet, with a chord bearing of N03°11'28"W, with a chord length of 127.28 feet; thence N48°11'27"W a distance of 112.00 feet; thence N41°48'33"E a distance of 202.00 feet; thence S48°11'27"E a distance of 100.00 feet; thence with a curve turning to the left with an arc length of 141.37 feet, with a radius of 90.00 feet, with a chord bearing of N86°48'33"E, with a chord length of 127.28 feet; thence N41°48'33"E a distance of 100.00 feet; thence with a curve turning to the right with an arc length of 453.71 feet, with a radius of 406.00 feet, with a chord bearing of N73°04'25"E, with a chord length of 430.47 feet; thence S74°09'32"E a distance of 152.53 feet; thence with a curve turning to the left with an arc length of 299.07 feet, with a radius of 540.00 feet, with a chord bearing of N89°58'30"E, with a chord length of 295.26 feet; thence with a compound curve turning

to the left with an arc length of 308.96 feet, with a radius of 1440.00 feet, with a chord bearing of N67°57'43"E, with a chord length of 308.37 feet; thence N41°48'33"E a distance of 3,678.88 feet; thence with a curve turning to the left with an arc length of 1,895.86 feet, with a radius of 11,234.16 feet, with a chord bearing of N36°58'29"E, with a chord length of 1,893.61 feet; thence S47°47'20"E a distance of 455.56 feet; thence with a curve turning to the right with an arc length of 50.50 feet, with a radius of 11,684.16 feet, with a chord bearing of S32°36'57"W, with a chord length of 50.50 feet; thence S48°35'43"E a distance of 765.06 feet; thence S40°39'21"W a distance of 20.00 feet; thence S49°20'39"E a distance of 115.00 feet; thence S00°32'00"W a distance of 392.33 feet; thence S04°19'35"W a distance of 443.30 feet; thence S37°04'01"W a distance of 300.00 feet; thence S40°49'27"W a distance of 714.56 feet; thence S41°48'33"W a distance of 2,500.01 feet; thence N48°11'27"W a distance of 108.80 feet; thence S03°23'28"E a distance of 1,169.99 feet; thence with a curve turning to the right with an arc length of 423.53 feet, with a radius of 1,810.00 feet, with a chord bearing of S03°18'45"W, with a chord length of 422.57 feet; thence S82°00'38"E a distance of 552.44 feet; thence N89°38'41"E a distance of 463.56 feet; thence S00°21'19"E a distance of 345.00 feet; thence N89°38"E a distance of 363.45 feet; thence S01°26'50"W a distance of 1,224.93 feet; thence with a curve turning to the right with an arc length of 195.50 feet, with a radius of 3,450.00 feet, with a chord bearing of N76°51'21"W, with a chord length of 195.47 feet; thence with a reverse curve turning to the left with an arc length of 439.73 feet, with a radius of 501.55 feet, with a chord bearing of S79°39'03"W, with a chord length of 425.78 feet; thence S54°32'02"W a distance of 271.60 feet; thence S38°10'33"W a distance of 204.45 feet; thence with a curve turning to the right with an arc length of 84.88 feet, with a radius of 755.00 feet, with a chord bearing of N60°52'44"W, with a chord length of 84.84 feet;

Thence N57°39'29"W a distance of 62.92 feet; thence with a curve turning to the left with an arc length of 162.42 feet, with a radius of 845.00 feet, with a chord bearing of N63°09'52"MW, with a chord length of 162.17 feet; thence with a reverse curve turning to the right with an arc length of 141.87 feet, with a radius of 396.89 feet, with a chord bearing of N58°025'51"UW, with a chord length of 141.11 feet; thence N48°11'23"W a distance of 71.65 feet;

Thence S41°48'37"W a distance of 110.00 feet; thence N48°11'27"W a distance of 183.63 feet to a point at the intersection of the southerly right-of-way line of lakeshore boulevard east and the easterly right-of-way line of Lakeshore Boulevard south, the point of beginning.
(Code 1998, § 7-061.00; Ord. of 11-10-1925; Ord. No. 84-01, 1-19-1984; Ord. No. 88-991, 9-15-1988; Ord. No. 94-2057, 8-18-1994; Ord. No. 14-3094, 3-6-2014)

Sec. 115-139. Domicile.

The legal domicile of Drainage District No. 2 is reported to be 4600 Pontchartrain Drive, Slidell, LA 70458.
(Code 1998, § 7-061.01)

Sec. 115-140. Trust fund authorized.

The parish Drainage District No. 2 is hereby authorized (at no cost to the parish Drainage District No. 2) to create a trust account to retire the bonded indebtedness of the district.
(Code 1998, § 7-061.02; Ord. No. 88-991, 9-15-1988)

Sec. 115-141. Landmark land company of Louisiana; bonded debt.

Landmark Land Company of Louisiana, Inc. is authorized (at no cost to St. Tammany Parish or St. Tammany Parish Drainage District No. 2) to create a trust account to retire the bonded indebtedness of the district. Said Landmark Land Company of Louisiana, Inc. be and hereby is further authorized (at no cost to St. Tammany Parish or St. Tammany Parish Drainage District No. 2) to deposit into said trust account funds sufficient to retire the bonded indebtedness.
(Code 1998, § 7-061.03; Ord. No. 88-991, 9-15-1988)

Sec. 115-142. Effective date.

This act with the boundaries as described in a process verbal by J. J. Krebs & Sons, Inc. in section 115-139, shall become effective when all of the statutory requirements of R.S. 38:1614 have been met and upon the depositing of the sums in the said trust account by Landmark Land Company of Louisiana, Inc. and the filing with the parish of an opinion by the law firm of Foley and Judell, Bond Counsel, concerning the defeasance of the outstanding bonds of the district.
(Code 1998, § 7-061.04; Ord. No. 88-991, 9-15-1988)

Sec. 115-143. Name.

The presently existing land remaining on the east side of Interstate 10 shall be named St. Tammany Drainage District No. 2. The land on the west of Interstate 10 shall be named St. Tammany Parish Drainage District No. 5, and each reorganized drainage district shall constitute a body corporate in law and a political subdivision of the state as conferred by the constitution and statutes of the state, including the authority to incur debt, issue bonds, and levy taxes and assessments.
(Code 1998, § 7-061.05; Ord. No. 94-2057, 8-18-1994)

Sec. 115-144. Board of commissioners.

(a) The board of commissioners shall be comprised of five members. There shall be four members nominated and appointed by the parish council. There shall be one member nominated and appointed by the parish president.

(b) All commissioners shall possess the qualifications required by section 1607 of title 38 of the Louisiana Revises Statutes of 1950, as amended (R.S. 38:1607) and, as such, they shall have all the powers and privileges granted and conferred by the constitution and statutes of the state during their respective terms of office and until their successors are duly appointed and have qualified.

(Code 1998, § 7-061.06; Ord. No. 94-2057, 8-18-1994; Ord. No. 00-0157, 6-1-2000)

Sec. 115-145. Appointment.

The commissioners for the parish Drainage District No. 2 shall be comprised of five members with appointments as per the original ordinance. There shall be four members nominated and appointed by the parish council. There shall be one member nominated and appointed by the parish president.

(Code 1998, § 7-061.07; Ord. No. 94-2057, 8-18-1994; Ord. No. 00-0157, 6-1-2000)

Sec. 115-146. Finances.

The funds held on account by the director of finance for the parish in the name of the parish Drainage District No. 2 shall be transferred to the respective districts, with the parish Drainage District No. 2 receiving 87.77 percent of the fund and the newly created the parish Drainage District No. 5 receiving 12.23 percent of the funds and further the director of finance is hereby authorized to transfer these funds and the accounting and financial functions to the respective districts all in accordance with the rules and regulations pertaining thereto.

(Code 1998, § 7-061.08; Ord. No. 94-2057, 8-18-1994)

Secs. 115-147—115-175. Reserved.

ARTICLE IV. GRAVITY DRAINAGE DISTRICT NO. 3*

Sec. 115-176. Established; boundaries.

There is hereby created a gravity drainage district within the parish which shall comprise and embrace all lands within the following described boundaries:

From the point of beginning located at the section corner common to sections 34 and 35, Township 7 south, Range 13 east and sections 2 and 3, Township 8 south, Range 13 east and follow the township line between Townships 7 and 8 to the East Pearl River and state line between Louisiana and Mississippi in the following courses:

- a. From the above stated point of beginning, proceed south 89 degrees, 45 minutes east, 10,560 feet to the northeast corner of section 1, Township 8 south, Range 13

***State law references**—Gravity drainage districts generally, R.S. 38:1751 et seq.; governing authority of St. Tammany Parish Gravity Drainage District No. 3 authorized to create special sales tax district and levy sales and use tax, R.S. 38:1806.

east and the range line between Range 13 and Range 14; thence south 89 degrees, 38 minutes east, 10,506.54 feet to the northeast corner of section 5, Township 8 south, Range 14 east; thence south 89 degrees, 30 minutes east, 5,257.56 feet to the northeast corner of section 4, Township 8 south, Range 14 east; thence south 89 degrees 38 minutes east, 5,238.42 feet to the northeast corner of section 3, Township 8 south, Range 14 east; thence south 89 degrees, 30 minutes east, 10,608.84 feet to the range line between Ranges 14 and 15 east, thence south 89 degrees, 30 minutes east, 5,280 feet to a point at the northeast corner of section 6, Township 8 south, Range 15 east; thence south 89 degrees, 30 minutes east, 5,280 feet to a point at the northeast corner of section 5, Township 8 south, Range 15 east; thence south 89 degrees, 30 minutes east, 5,280 feet to a point at the northeast corner of section 4, Township 8 south, Range 15 east; thence south 89 degrees, 30 minutes east, 5,039.76 feet to the state line on the East Pearl River between Louisiana and Mississippi. Thence following the meanderings of the East Pearl River in a southeasterly direction along the centerline of said river to its intersection with the northern boundary of Lake Borgne and the southeast shoreline of the parish. Thence following the southern shoreline of the parish west to a point where Salt Bayou meets Lake Pontchartrain; thence in a northeasterly direction up Salt Bayou to a point where said bayou crosses the centerline of State Highway 433, "the old New Orleans-Mississippi Highway"; thence in a north-easterly direction 16,675 feet more or less along the centerline of said State Highway 433 to a point; thence north 85 degrees, 45 minutes west, 1,050 feet more or less; thence from the northeast corner of the southeast quarter of the northeast quarter of section 26, Township 9 south, Range 14 east, go south 71 degrees, 33 minutes west, 4,116.7 feet; thence north 47 degrees, 20 minutes west, 3,975.8 feet; thence north 60 degrees, 34 minutes west, 1,286.9 feet; thence south 87 degrees, 54 minutes, 45 seconds west, 3,190.1 feet; thence north 78 degrees, 03 minutes, 15 seconds west, 582.8 feet; thence north 11 degrees, 37 minutes west, 415.9 feet; thence north 76 degrees, 54 minutes west, 2,456 feet; thence north 80 degrees, 18 minutes west, 772.5 feet to the centerline of the right-of-way of the New Orleans and Northeast Railroad; thence southwesterly along said centerline 12,450 feet to the intersection of the shoreline of the parish and Lake Pontchartrain. Thence follow the south shoreline of the parish in a westerly direction to a point where section 22, Township 9 south, Range 13 east, and section 23, Township 9 south, Range 13 east meet Lake Pontchartrain. Thence north 2,237.4 feet to a point at the southwest corner of section 14, Township 9 south, Range 13 east; thence north 3,224.1 feet to the south line of section 41, Township 9 south, Range 13 east; thence west on the section line of above mentioned section 41, Township 9 south, Range 13 east, 3,781.8 feet to the west line of section 41; thence north along said section line 5,723.52 feet to the northwest corner of said section 41; thence east along said

section line 1,172.16 feet to the intersection of the southwest corner of section 40, Township 9 south, Range 13 east and section 41, Township 9 south, Range 13 east; thence north 29 degrees, 45 minutes east, 5,225.88 feet to the southwest corner of section 2, Township 9 south, Range 13 east; thence north 2,349.6 feet to the township line between Townships 8 and 9. Thence from the southwest corner of section 35, Township 8 south, Range 13 east, go north 2 degrees, 30 minutes east, 5,437.74 feet to the southwest corner of section 26, Township 8 south, Range 13 east; thence along the west line of said section 26, Township 8 south, Range 13 east, north 5,330.82 feet to the southwest corner of section 23; thence north along the section line between section 23, Township 8 south, Range 13 east and section 22, Township 8 south, Range 13 east, 21,120 feet, more or less to the point of beginning at the northwest corner of section 2, Township 8 south, Range 13 east.

- b. Less and except: All that certain parcel of land being situated in sections 23 and 24, Township 9 south, Range 14 east, St. Tammany Parish, Louisiana, being more fully described as follows: From the section corner common to sections 13 and 24, Township 9 south, Range 14 east and sections 18 and 19, Township 9 south, Range 15 east, also the point of beginning, go in a southerly direction along the range line, which is the east boundary of the northeast quadrant of section 24, Township 9 south, Range 14 east, to the quarter corner; thence westerly along the southerly line of the southeast quarter of the northeast quarter of said section 24; thence northerly along the west line of the south half of the southeast quarter of the northeast quarter of said section 24; thence westerly along the southerly line of the north half of the southwest quarter of the northeast quarter of said section 24; thence southerly along the easterly line of the south half of the southeast quarter of the northwest quarter of said section 24; thence westerly along the south line of the northwest quarter of said section 24 and the south line of the east half of the northeast quarter of section 23, Township 9 south, Range 14 east; thence northerly along the west line of the east half of the northeast quarter of said section 23 to the northerly right-of-way line of Louisiana Power and Light Servitude; thence south 57 degrees, 16 minutes, 36 seconds west 727.32 feet; thence north 00 degrees, 49 minutes, 53 seconds west 851.08 feet to the easterly right-of-way line of Interstate 10 Service Road; thence along said right-of-way line north 17 degrees, 10 minutes, 07 seconds east 707.16 feet to the southerly right-of-way line of Voters Road; thence along said right-of-way line north 88 degrees, 52 minutes, 22 seconds east 399.52 feet; thence easterly along the northerly line of the east half of the northeast quarter of said section 23 of the section corner common to sections 14, 13, 23 and 24 in said township and range; thence easterly along the north line of said section 24 back to the section corner common to said sections 23

and 24 and sections 18 and 19, Township 9 south, Range 15 east, which is the point of beginning as per section 115-229 of the Code of Ordinances of St. Tammany Parish, Louisiana.

(Code 1998, § 7-076.00; Ord. No. 417, Bk. 6, P. 161, 9-21-1967; Ord. No. 582, Bk. 1, P. 360, 2-21-1974; Ord. No. 614, Bk. 7, P. 486, 2-20-1975; Ord. No. 811, 5-18-1978; Ord. No. 80-50, 9-18-1980; Ord. No. 81-111, 1-22-1981; Ord. No. 81-191, 4-15-1981)

Sec. 115-177. Name, status and powers.

The gravity drainage district herein created, pursuant to R.S. 38:1754, shall be known and is hereby designated as "Gravity Drainage District No. 3 of the Parish of St. Tammany, State of Louisiana," and as thus created shall have and enjoy all the rights, privileges and immunities and be subject to all the obligations and duties appertaining to such gravity drainage districts as required by the laws of the state and any and all powers and rights legally conferred on gravity drainage districts, especially as enumerated in R.S. 38:113, also especially with all the powers of a corporation, including perpetual existence; the power and right to incur debts and contract obligations, levy and order the assessment and collection of taxes in accordance with law; to sue and to be sued and to have a corporate seal and to do and perform any and all acts in corporate capacity and under its corporate name, necessary and proper for the carrying out of the objects and purposes for which said drainage district is created.

(Code 1998, § 7-077.00; Ord. No. 614, Bk. 7, P. 486, 2-20-1975; Ord. No. 417, Bk. 6, P. 161, 9-21-1967; Ord. No. 811, 5-18-1978; Ord. No. 80-50, 9-18-1980)

Sec. 115-178. Board of commissioners.

The board of commissioners for Gravity Drainage District No. 3 shall be comprised of five members and shall consist of persons that are residents of, and domiciled within, the jurisdictional boundaries of Wards 8 or 9. The councilpersons of Ward 8 geographical boundaries shall have the authority to nominate two members for appointment by the council; the councilpersons of Ward 9 geographical boundaries shall have the authority to nominate two members for appointment by the council; there shall be one member nominated and appointed by the parish president.

(Code 1998, § 7-077.01; Ord. No. 96-2507, 9-19-1996; Ord. No. 98-2953, 9-24-1998; Ord. No. 00-0157, 6-1-2000)

Sec. 115-179. Sub-Drainage District No. 1 (parcel) of Gravity Drainage District No. 3.

(a) By virtue of the authority conferred by Act No. 297 of the Regular Session of the Louisiana Legislature of 1987 (the "Act"), and other constitutional and statutory authority supplemental thereto, a sub-drainage district is hereby created within Drainage District No. 3

of the Parish of St. Tammany, State of Louisiana, and Ward 8 of said parish, which sub-drainage district shall comprise and embrace a portion of that territory within said drainage district and ward with boundaries described as follows:

Commencing at the intersection of the centerline of Interstate 12 and the centerline of U.S. Highway 11, also the point of beginning; thence go northeast along the centerline of U.S. Highway 11 to its intersection with the centerline of Haas Road; thence go east along the centerline of Haas Road to its intersection with the centerline of Robert Road, also called Louisiana Highway 1091; thence go south and southwest along the centerline of Robert Road to its intersection with the centerline of Interstate 12; thence go west along the centerline of Interstate 12 to its intersection with the centerline of U.S. Highway 190, also the point of beginning.

(b) The sub-drainage district hereby created shall be known and designated as "Sub-Drainage District No. 1 (Parcel) of Gravity Drainage District No. 3 of the Parish of St. Tammany, State of Louisiana" ("the district"), and as thus created shall constitute apolitical subdivision of the State of Louisiana, and shall have all the rights, powers and privileges granted and conferred by the act and other constitutional and statutory authority, including the authority, to incur debt, to issue bonds and to levy parcel fees.

(c) The governing authority of the district shall be a five-member board of commissioners comprised of persons that are residents of, and domiciled within, the jurisdictional boundaries of District 9. The councilperson of District 9 shall have the authority to nominate four members from the delineated subdivisions for appointment by the council; there shall be one member nominated and appointed by the parish president from the delineated subdivisions.

(d) The domicile of the district shall be the regular meeting place of the parish council; however, the board of commissioners may meet at either such regular meeting place or a location within the district designated by the presiding officer of said board of commissioners. (Ord. No. 87-857, 9-17-1987; Ord. No. 99-3027, 2-25-1999; Ord. No. 00-0157, 6-1-2000)

Sec. 115-180. Drainage/paving requirements, commercial, industrial and institutional districts.

Site development within the boundaries of Sub-Drainage District 1 of Gravity Drainage District 3 requires the review and approval prior to the issuance of building permits, other than single-family residential. The drainage and paving plan and as built drawings shall be stamped and certified by a licensed state registered engineer and shall meet the following criteria:

- (1) Parcels zero to one acre in size shall not have an increase from predevelopment surface water runoff.
- (2) Parcels over one acre in size shall be required to reduce predevelopment surface water runoff by at least 25 percent.

- (3) A site must utilize a retention pond to meet the drainage reduction requirement. The utilization of a parking lot for detention purposes is not allowed to meet the 25 percent predevelopment reduction.
 - (4) For all parcels: A no net fill requirement is imposed.
 - (5) For all parcels within the W-14 Drainage Basin: Parking lots must be constructed with aggregate material and not a paving surface such as asphalt or concrete.
- (Code 1998, § 7-078.01; Ord. No. 95-2249, 6-15-1995; Ord. No. 97-2685, 6-19-1997; Ord. No. 99-3027, 2-25-1999)

Sec. 115-181. Land clearing permit.

All land clearing permits within Sub-Drainage District No. 1 (Parcel) of Drainage District No. 3, shall be reviewed and approved by Sub-Drainage District No. 1 (Parcel) board of commissioners.

(Code 1998, § 12-003.00; Ord. No. 84-231, 10-18-1984; Ord. No. 85-413, 6-20-1985; Ord. No. 86-698, 9-18-1986; Ord. No. 87-826, 7-16-1987; Ord. No. 87-862, 10-15-1987; Ord. No. 87-872, 10-29-1987)

Sec. 115-182. Sub-Drainage District No. 2 of Gravity Drainage District No. 3.

(a) By virtue of the authority conferred by the Act, and other constitutional authority, a sub-drainage district is hereby created within Gravity Drainage District No. 3 of the Parish of St. Tammany, State of Louisiana, which sub-drainage district shall compromise and embrace a portion of that territory within said drainage district and ward with boundaries described as follows, to-wit:

Commencing at the intersection of LA Hwy 1090 (Military Road) and Crowe's Landing Road; thence go east along Crowe's Landing Road to a point where the easternmost boundary of Magnolia Forest Subdivision departs to the south; thence follow the easternmost boundary of Magnolia Forest Subdivision south to its intersection with the section line common to sections 19 and 20, Township 8 south, Range 15 east; thence follow said section line and the section line common to sections 29 and 30 of the same township and range south to its intersection with Davis Landing Road; thence follow Davis Landing Road west to LA Highway 1090 (Military Road); thence follow LA Highway 1090 (Military Road) north to its intersection with Crowe's Landing Road and the point of beginning.

(Code 1998, § 7-079.00; Ord. No. 96-2396, 3-21-1996)

State law reference—Authority of St. Tammany Parish Council to create sub-drainage districts within the boundaries of drainage districts, R.S. 38:1807.

Sec. 115-183. Name, status and powers.

The sub-drainage district hereby created shall be known and designated as "Sub-Drainage District No. 2 of Gravity Drainage District No. 3" of the Parish of St. Tammany, State of

Louisiana" (the "district"), and as thus created shall constitute a political subdivision of the State of Louisiana, and shall have all the rights, powers and privileges granted and conferred by the Act and other constitutional and statutory authority, including the authority to incur debt, to issue bonds, and to levy parcel fees.

(Code 1998, § 7-079.01; Ord. No. 96-2396, 3-21-1996)

Sec. 115-184. Board of commissioners.

The governing authority of the district shall be a board of commissioners comprised of five members with appointments as per the original ordinance. There shall be four members nominated and appointed by the parish council. There shall be one member nominated and appointed by the parish president.

(Code 1998, § 7-079.02; Ord. No. 96-2396, 3-21-1996; Ord. No. 00-0157, 6-1-2000)

Secs. 115-185—115-206. Reserved.

ARTICLE V. GRAVITY DRAINAGE DISTRICT NO. 4*

Sec. 115-207. Established; amended boundaries.

Acting under the authority of part I, chapter 7, title 38 of the Louisiana Revised Statutes of 1950, as amended, and other constitutional statutory authority, the boundaries of Gravity Drainage District No. 4, St. Tammany Parish, Louisiana, are hereby amended to henceforth read as follows, to-wit:

- (1) All that certain area of ground being situated in portions of Township 8 south, Range 11 east, Township 7 south, Range 12 east, Township 8 south, Range 12 east, Greensburg Land District, St. Tammany Parish, State of Louisiana, comprising and embracing the land within the following described boundaries:

Commencing at the intersection of the shore of Lake Pontchartrain and the east boundary line of the North Causeway Approach Road right-of-way; thence following said east boundary line northerly to its merge with the east boundary line of the U.S. Highway 190 right-of-way and thence continuing northerly to its intersection with the Ponchitolowa Creek; thence follow the Ponchitolowa Creek upstream to its intersection with Interstate 12; thence follow Interstate 12 east and southeast to its intersection with the line common to sections 29 and 30, Township 7 south, Range 12 east, thence in a northerly direction along said line common to sections 29 and 30 to the quarter corner common to sections 29 and 30, Township 7 south, Range 12 east, thence in an easterly direction along the north line of the south half of section 29 to the quarter corner

*State law reference—Gravity drainage districts generally, R.S. 38:1751 et seq.

common to sections 28 and 29, Township 7 south, Range 12 east, thence continuing in an easterly direction along the north line of the south half of section 28 to the quarter corner common to sections 27 and 28, Township 7 south, Range 12 east, thence in a southerly direction along a line common to sections 27 and 28 to the corner common to sections 27, 28, 33, and 34, Township 7 south, Range 12 east, thence continuing in a southerly direction along a line common to sections 33 and 24 and its intersection with the northerly right-of-way line of Louisiana Highway 1088, thence in a northeasterly direction along said north right-of-way line of Louisiana Highway 1088 to its intersection with the line common to sections 34 and 35, Township 7 south, Range 12 east to the corner common to sections 34 and 35, Township 7 south, range 12 east and sections 2 and 3, Township 8 south, Range 12 east, thence continuing in a southerly direction along a line common to sections 2 and 3, Township 8 south, Range 12 east to its intersection with the northerly right-of-way line of Interstate 12, thence in a northwesterly direction along the northerly right-of-way line of Interstate 12 to its intersection with the easterly line of section 3, Township 8 south, Range 12 east to the quarter corner common to sections 3 and 10, Township 8 south, Range 12 east, thence in a westerly direction along a line common to sections 3 and 10 to the corner common to sections 3, 4, 9, and 10, Township 8 south, Range 12 east, thence in a southerly direction along a line common to sections 9 and 10, Township 8 south, Range 12 east to the quarter corner common to said sections 9 and 10, thence in a westerly direction to the southwest corner of the southwest quarter of the northeast quarter of section 9, Township 8 south, Range 12 east, thence in a southerly direction to the southeast corner of the northwest quarter of the southeast quarter of section 9, thence in a westerly direction to the southwest corner of the northwest quarter of the southeast quarter of section 9, thence in a southerly direction to the southwest corner of the southeast quarter of the southwest quarter of section 9, thence in a westerly direction along a line common to sections 9 and 16 to the corner common to section 8, 9, 16, 17, Township 8 south, Range 12 east, thence in a southerly direction along a line common to sections 16 and 17, Township 8 south, Range 12 east, to its intersection with the westerly line of section 42, Township 8 south, Range 12 east, thence in a southwesterly direction along the westerly line of section 42 to its intersection with the centerline of the now or formerly Illinois Central Gulf Railroad right-of-way, thence in a northwesterly direction along said centerline of railroad right-of-way to its intersection with the line common to sections 37 and 27, Township 8 south, Range 12 east, thence in a southwesterly direction along the line common to said sections 37 and 47 to its termination and intersection with the range line common to Township 8 south, Range 12 east and Township 8 south, Range 11 east, also being the corner common to sections 37 and 47, Township 8 south, Range 12 east and sections 52 and 53, Township 8 south, Range 11 east, thence continue in a southwesterly direction along the line common to sections 52

and 53, Township 8 south, Range 11 east, to its intersection with the north boundary of Lake Pontchartrain to the east boundary line of the North Causeway Approach Road right-of-way and the point of beginning.

- (2) Amended boundaries, less and except: By virtue of the authority of St. Tammany Home Rule Charter section 8-06 and R.S. 33:1415 and other Constitutional and statutory authority, the boundaries of Gravity Drainage District No. 4 are hereby amended to exclude the following described area from its boundaries, to-wit:

- a. Commence at the intersection of Highway 59 and Interstate 12, the point of beginning; thence follow Highway 59 south to its intersection with Sharp Road; thence follow Sharp Road west to its intersection with the Tammany Trace; thence follow the Tammany Trace south to its intersection with Bayou Chinchuba; thence follow Bayou Chinchuba southwest, south and southwest to its intersection with U.S. Highway 190; thence follow U.S. Highway 190 northwest to its intersection with Asbury Drive (a.k.a. Highway 3228); thence follow Asbury Drive northwest to its intersection with U.S. Highway 190 North; thence follow U.S. Highway North to its intersection with the Ponchitolowa Creek; thence follow the Ponchitolowa Creek northeast to its intersection with Interstate 12; thence follow Interstate 12 southeast to its intersection with Highway 59, also the point of beginning.
- b. The district has constituted since its creation on February 15, 1990, and shall continue to constitute, a public corporation and political subdivision of the State of Louisiana, and has had since its creation, and shall continue to have, all rights, powers and privileges granted by and conferred by the constitution and statutes of the State of Louisiana to gravity drainage districts, including the authority to incur debt, issue bonds and levy taxes.
- c. By virtue of the authority of St. Tammany Home Rule Charter section 8-06 and R.S. 38:1752 and other Constitutional and statutory authority, the boundaries of Gravity Drainage District No. 4 are hereby amended to remove the following described area in its boundaries, to-wit: A certain tract of land situated in the State of Louisiana, Parish of St. Tammany, in a portion of sections 15 and 16, Township 7 south, Range 11 east, Greensburg District, Ward 4, and more fully described as follows:

Commencing at the intersection of Highway 59 and Highway 1088; also the point of beginning, thence proceed north along Highway 59 to Interstate 12; thence proceed along Interstate 12 east to Highway 1088; thence proceed southwest on Highway 1088 to Highway 59 intersection; also the point of beginning.

(Code 1998, § 7-080.00; Ord. No. 90-1231, 2-15-1990; Ord. No. 90-1238, 3-15-1990; Ord. No. 90-1239, 3-15-1990; Ord. No. 92-1669, 11-19-1992; Ord. No. 95-2325, 11-9-1995; Ord. No. 04-0847, 3-4-2004; Ord. No. 06-1318, 6-1-2006; Ord. No. 14-3091, 2-6-2014)

Sec. 115-208. Name, status and powers.

The district hereby created shall be known and designated as "Gravity Drainage District No. 4 of the Parish of St. Tammany, Louisiana," and shall constitute a body corporate in law and a political subdivision of the state and as such shall have all the rights, powers and privileges granted and conferred by the constitution and statutes of the state, including the authority to incur debt, to issue bonds and to levy taxes and assessments.

(Code 1998, § 7-080.01; Ord. No. 90-1231, 2-15-1990; Ord. No. 90-1238, 3-15-1990; Ord. No. 90-1239, 3-15-1990)

Sec. 115-209. Board of commissioners.

The board of commissioners shall be comprised of five members with appointments as per the original ordinance. There shall be four members nominated and appointed by the parish council. There shall be one member nominated and appointed by the parish president.

(Code 1998, § 7-080.02; Ord. No. 90-1231, 2-15-1990; Ord. No. 90-1238, 3-15-1990; Ord. No. 90-1239, 3-15-1990; Ord. No. 93-1704, 2-18-1993; Ord. No. 95-2325, 11-9-1995; Ord. No. 00-0157, 6-1-2000)

Sec. 115-210. Domicile and effective date.

The domicile of said gravity drainage district shall be and the same is hereby designated as the St. Tammany Parish Administrative Complex, 21490 Koop Drive, Mandeville, Louisiana 70471, and the board of commissioners hereby appointed shall meet at said domicile, and proceed to organize and elect their officers all in the manner and form provided by the law.

(Code 1998, § 7-080.03; Ord. No. 90-1231, 2-15-1990; Ord. No. 90-1238, 3-15-1990; Ord. No. 90-1239, 3-15-1990; Ord. No. 95-2325, 11-9-1995)

Secs. 115-211—115-228. Reserved.**ARTICLE VI. DRAINAGE DISTRICT NO. 4*****Sec. 115-229. Created; boundaries.**

There is hereby created a drainage district within the parish, which shall comprise and embrace all of the lands within the following boundaries: A certain piece or portion of land being situated in sections 23 and 24, Township 9 south, Range 14 east, St. Tammany Parish, Louisiana, being more fully described as follows:

Commence at the section corner common to sections 13, 14, 23 and 24. Measure thence north 89 degrees 32 minutes 26 seconds east along the section line common to sections 13

***State law reference**—Authority of parish to create drainage district in order to drain and reclaim undrained or partially drained marsh, swamp, and overflowed lands that must be leveed and pumped in order to be drained and reclaimed, R.S. 38:1602 et seq.

and 24 a distance of 487.96 feet; thence south zero degrees 27 minutes 34 seconds east a distance of 49.31 feet to a point, the point of beginning. Thence from the point of beginning measure north 88 degrees 50 minutes 34 seconds east a distance of 2,178.67 feet; thence south zero degrees 41 minutes 52 seconds east a distance of 0.50 feet; thence north 88 degrees 50 minutes 16 seconds east a distance of 1,671.14 feet; thence in an easterly direction along the arc of a curve to the left having a radius of 830.00 feet, a distance of 118.46 feet; thence in an easterly direction along the arc of a curve to the right having a radius of 870.00 feet, a distance of 108.68 feet; thence north 87 degrees 49 minutes 4 seconds east a distance of 784.65 feet; thence south zero degrees 34 minutes 6 seconds east a distance of 1,344.80 feet; thence south 1 degree 25 minutes 45 seconds east a distance of 1,320.31 feet; thence south 89 degrees 12 minutes 21 seconds west a distance of 1,336.49 feet; thence north zero degrees 41 minutes 52 seconds west a distance of 660.00 feet; thence south 89 degrees 12 minutes 22 seconds west a distance of 668.25 feet; thence south zero degrees 41 minutes 52 seconds east a distance of 660.00 feet; thence south 89 degrees 12 minutes 22 seconds west a distance of 668.25 feet; thence south 88 degrees 47 minutes 19 seconds west a distance of 1,333.90 feet; thence south 89 degrees 4 minutes 51 seconds west a distance of 2,659.54 feet; thence north 1 degree 9 minutes 17 seconds west a distance of 385.37 feet; thence north zero degrees 50 feet 56 minutes west a distance of 1,111.73 feet; thence north 57 degrees 16 minutes 36 seconds east a distance of 2,121.10 feet to a point, the point of beginning.

(Code 1998, § 7-086.00; Ord. No. 812, 5-18-1978; Ord. No. 1144, 4-24-1980)

Sec. 115-230. Name, status and powers.

The drainage district herein created is hereby designated "Drainage District No. 4 of the Parish of St. Tammany, State of Louisiana," and as thus created shall constitute a body corporate in law and a political subdivision of the state and as such, shall have all the rights, powers and privileges granted and conferred by the constitution and statutes of the state, including the authority to incur debt to issue bonds and to levy taxes and assessments.

(Code 1998, § 7-087.00; Ord. No. 812, 5-18-1978)

Sec. 115-231. Domicile.

The domicile of the drainage district created herein is hereby designated as the St. Tammany Parish Building, Slidell, Louisiana.

(Code 1998, § 7-088.00; Ord. No. 812, 5-18-1978)

Sec. 115-232. Board of commissioners.

The board of commissioners for Drainage District No. 4 shall be comprised of five members with appointments as per the original ordinance. There shall be four members nominated and appointed by the parish council. There shall be one member nominated and appointed by the parish president.

(Code 1998, § 7-088.01; Ord. No. 00-0157, 6-1-2000)

Secs. 115-233—115-257. Reserved.

ARTICLE VII. GRAVITY DRAINAGE DISTRICT NO. 5*

Sec. 115-258. Generally.

Drainage District No. 5 is more particularly described in the following sections.
(Code 1998, § 7-089.00)

Sec. 115-259. Created; amended boundaries.

Acting under the authority of part I, chapter 7, title 38 of the Louisiana Revised Statutes of 1950, as amended, and other constitutional and statutory authority, the boundaries of Gravity Drainage District No. 5 of the Parish of St. Tammany, State of Louisiana (the "district") are hereby amended to compromise and embrace all of the territory within the following described boundaries, to-wit:

- (1) Commencing at the intersection of Ponchitolowa Creek and I-12, thence go southeast on I-12 to the eastern boundary of Ward 4, thence follow the boundary of Ward 4 north to the northeast corner of Ward 4, thence go west along the north boundary of Ward 4 to LA Highway 59 and the Abita Springs town limits, thence go north of LA Highway 59 to a point where the Abita Springs town limits depart to the west, thence follow the Abita Springs town west, north, east and north to the Abita River, thence go downstream along the Abita River to U.S. Highway 190, thence go north on U.S. Highway 190 to the Bogue Falaya Creek, thence go downstream along the Bogue Falaya Creek to the Tchefuncte River, thence go downstream along the Tchefuncte River to Bayou Monga, thence go upstream along Bayou Monga to I-12, thence go east on I-12 to U.S. Highway 190, thence go south on U.S. Highway 190 to Ponchitolowa Creek, thence go upstream along Ponchitolowa Creek to I-12 and the point of beginning. (All of said territory encompassed by said boundaries consist of land which drains naturally or by gravity.)
- (2) Amended boundaries, to include: By virtue of the authority of St. Tammany Home Rule Charter section 8-06 and Louisiana Revised Statute 33:1752 and other Constitutional and statutory authority, the boundaries of Gravity Drainage District No. 5 are hereby amended to include the following described area in its boundaries, to-wit:

Commence at the intersection of Highway 59 and Interstate 12, the point of beginning; thence follow Highway 59 south to its intersection with Sharp Road; thence follow Sharp Road west to its intersection with the Tammany Trace; thence follow the Tammany Trace south to its intersection with Bayou Chinchuba; thence follow Bayou Chinchuba southwest, south and southwest to its intersection with U.S. Highway 190;

*State law reference—Gravity drainage districts generally, R.S. 38:1751 et seq.

thence follow U.S. Highway 190 northwest to its intersection with Asbury Drive (a.k.a. Highway 3228); thence follow Asbury Drive northwest to its intersection with U.S. Highway 190 North; thence follow U.S. Highway North to its intersection with the Ponchitolowa Creek; thence follow the Ponchitolowa Creek northeast to its intersection with Interstate 12; thence follow Interstate 12 southeast to its intersection with Highway 59, also the point of beginning.

- (3) By virtue of the authority of St. Tammany Home Rule Charter section 8-06 and R.S. 33:1752 and other Constitutional and statutory authority, the boundaries of Gravity Drainage District No. 5 are hereby amended to include the following described area in its boundaries, to-wit: A certain tract of land situated in the State of Louisiana, Parish of St. Tammany, in a portion of sections 15 and 16, Township 7 south, Range 11 east, Greensburg District, Ward 9, and more fully described as follows:

Commencing at the intersection of Highway 59 and Highway 1088; also the point of beginning, thence proceed north along Highway 59 to Interstate 12; thence proceed along I-12 east to Highway 1088; thence proceed southwest on Highway 1088 to Highway 59 intersection; also the point of beginning.

- (4) The district has constituted since its creation on August 19, 1993, and shall continue to constitute, a public corporation and political subdivision of the state, and has had since its creation, and shall continue to have, all rights, powers and privileges granted by and conferred by the constitution and statutes of the state to gravity drainage districts, including the authority to incur debt, issue bonds and levy taxes.

(Code 1998, § 7-089.01; Ord. No. 93-1792, 8-19-1993; Ord. No. 97-2649, 5-15-1997; Ord. No. 99-3016, 2-25-1999; Ord. No. 06-1318, 6-1-2006; Ord. No. 10-2394, 11-4-2010)

Sec. 115-260. Name, status and powers.

The district hereby created shall be known and is hereby designated as "Gravity Drainage District No. 5 of the Parish of St. Tammany, Louisiana," and as thus created shall constitute a body corporate in law and a political subdivision of the state and as such shall have all the rights, powers and privileges granted and conferred by the constitution and statutes of the state, including the authority to incur debt, to issue bonds and to levy taxes and assessments.

(Code 1998, § 7-089.02; Ord. No. 93-1832, 10-21-1993)

Sec. 115-261. Board of commissioners.

(a) In accordance with the provisions of section 1758 of Title 38 of the Louisiana Revised Statutes of 1950, as amended (R.S. 38:1758), a board of commissioners shall be appointed according to Ordinance No. 00-0157, consisting of five commissioners; two commissioners for a term of two years and three for a term of four years, with all selections or appointments thereafter to be for a term of four years.

(b) As such, they shall have all the powers and privileges granted and conferred by the constitution and statutes of the state during their respective terms of office and until their successors are duly appointed and have qualified.

(Code 1998, § 7-089.03; Ord. No. 93-1792, 8-19-1993)

Sec. 115-262. Domicile.

The domicile of Gravity Drainage District No. 5 is hereby designated as the St. Tammany Parish Council Office, Mandeville, Louisiana, and the board of commissioners hereby appointed shall meet at said domicile and proceed to organize and elect their officers all in the manner and form provided by the law.

(Code 1998, § 7-089.04; Ord. No. 93-1792, 8-19-1993; Ord. No. 93-1832, 10-21-1993)

Secs. 115-263—115-287. Reserved.

**ARTICLE VIII. SUB-DRAINAGE DISTRICT NO. 1 OF GRAVITY DRAINAGE
DISTRICT NO. 5***

Sec. 115-288. Creation.

By virtue of the authority conferred by Act 297 of the Regular Session of the Louisiana Legislature of 1987, and which became R.S. 38:1807, and other constitutional and statutory authority supplemental thereto, a sub-drainage district is hereby created within Gravity Drainage District No. 5 of the parish, which sub-drainage district shall comprise and embrace a portion of the area within said gravity drainage district, commonly known as Brookstone Subdivision, as more fully described as follows.

(Code 1998, § 7-090.00)

Sec. 115-289. Boundaries.

All that certain piece or parcel of land, together with all buildings and improvements thereon and all rights, ways, means, privileges, servitudes, appurtenances and advantages thereon appertaining; situated in part of the E/2 of the W/2, section 23, Township 7 south, Range 11 east, St. Tammany Parish, Louisiana, bounded on the north by the south line of I-12 right-of-way and on the south by the south line of said section 23, containing 96.49 acres and measures as follows:

Beginning at the $\frac{1}{4}$ section corner common to sections 23 and 26, Township 7 south, Range 11 east, measure north 89 degrees 59 minutes west, a distance of 1,357.12 feet to a point; thence north 00 degrees 17 minutes east, a distance of 3,294.24 feet to a point on the southerly line of Interstate Highway 12; thence along the southerly line of Interstate

***State law reference**—Authority of St. Tammany Parish Council to create sub-drainage districts within the boundaries of drainage districts, R.S. 38:1807.

Highway 12, south 74 degrees 03 minutes east, a distance of 674.96 feet to a point; thence continuing along the southerly line of Interstate Highway 12, south 74 degrees 07 minutes east, a distance of 730.73 feet; thence south 00 degrees 13 minutes west, a distance of 2,908.91 feet, to the point of beginning.

(Code 1998, § 7-090.01)

Sec. 115-290. Name, status and powers.

The sub-drainage district hereby created shall be known and designated as "Sub-Drainage District No. 1 of Gravity Drainage District No. 5 of the Parish of St. Tammany, State of Louisiana" ("the district"), and as thus created shall constitute a political subdivision of the state, and shall have all of the rights, powers and privileges granted and conferred by R.S. 38:1807 and other constitutional and statutory authority, including the authority to incur debt, to issue bonds and to levy parcel fees.

(Code 1998, § 7-090.02)

Sec. 115-291. Board of commissioners.

The governing body of the district shall be a five-member board of commissioners comprised of persons that are residents of, and domiciled within, the boundaries of the district. Members shall be appointed by the parish governing authority to four-year terms running concurrently with the terms of office of the governing authority.

(Code 1998, § 7-090.03)

Sec. 115-292. Domicile.

The domicile and regular meeting place of the district shall be that of the parish governing authority; however, the board of commissioner may meet at either such regular meeting place or a location within the district designated by the presiding officer of the board of commissioners.

(Code 1998, § 7-090.04; Ord. No. 06-1335, 7-6-2006)

Secs. 115-293—115-317. Reserved.

**ARTICLE IX. SUB-DRAINAGE DISTRICT NO. 2 OF GRAVITY DRAINAGE
DISTRICT NO. 5***

Sec. 115-318. Creation.

By virtue of the authority conferred by Act 297 of the Regular Session of the Louisiana Legislature of 1987, and which became R.S. 38:1807, and other constitutional and statutory

***State law reference**—Authority of St. Tammany Parish Council to create sub-drainage districts within the boundaries of drainage districts, R.S. 38:1807.

authority supplemental thereto, a sub-drainage district is hereby created within Gravity Drainage District No. 5 of the parish, which sub-drainage district shall comprise and embrace a portion of the area within said gravity drainage district commonly known as Meadowbrook Subdivision, as more fully described as follows.

(Code 1998, § 7-091.00)

Sec. 115-319. Boundaries.

(a) All that certain parcel of land located in sections 34, 38, 39 and 40, T-7-S, R-11-E, and sections 40, 41, T-8-S, R-11-E, St. Tammany Parish, Louisiana more particularly described as follows:

Meadowbrook Subdivision:

Phase 1 Phase 5-A Phase 8.

Phase 2-A Phase 5-B.

Phase 2-B Phase 6.

Phase 3-A Phase 6-A.

Phase 3-B Phase 7, Section 1.

Phase 4-A Phase 7, Section 2.

Phase 4-B Phase 7, Section 3.

(b) All as approved and duly recorded in the official records of the office of the clerk of court, St. Tammany Parish, State of Louisiana.

(Code 1998, § 7-091.01; Ord. No. 07-1654, 9-6-2007)

Sec. 115-320. Name, status and powers.

The sub-drainage district hereby created shall be known and designated as "Sub-Drainage District No. 2 of Gravity Drainage District No. 5 of the Parish of St. Tammany, State of Louisiana" ("the district"), and as thus created shall constitute a political subdivision of the state, and shall have all of the rights, powers and privileges granted and conferred by R.S. 38:1807 and other constitutional and statutory authority, including the authority to incur debt, to issue bonds and to levy parcel fees.

(Code 1998, § 7-091.02)

Sec. 115-321. Board of commissioners.

The governing body of the district shall be a five-member board of commissioners comprised of persons that are residents of, and domiciled within, the boundaries of the district. Members shall be appointed by the parish governing authority to four-year terms running concurrently with the terms of office of the governing authority.

(Code 1998, § 7-091.03)

Sec. 115-322. Domicile.

The domicile and regular meeting place of the district shall be that of the parish governing authority; however, the board of commissioner may meet at either such regular meeting place or a location within the district designated by the presiding officer of the board of commissioners.

(Code 1998, § 7-091.04; Ord. No. 06-1336, 7-6-2006; Ord. No. 07-1654, 9-6-2007)

Secs. 115-323—115-347. Reserved.**ARTICLE X. SUB-DRAINAGE DISTRICT NO. 3 OF GRAVITY DRAINAGE
DISTRICT NO. 5*****Sec. 115-348. Creation.**

By virtue of the authority conferred by Act 297 of the Regular Session of the Louisiana Legislature of 1987, and which became R.S. 38:1807, and other constitutional and statutory authority supplemental thereto, a sub-drainage district is hereby created within Gravity Drainage District No. 5 of the parish, which sub-drainage district shall comprise and embrace a portion of the area within said gravity drainage district, commonly known as Northpark Subdivision Phase III (including sections 1A and 1B, sections 2A and 2B, section 4A, and sections 5A, 5B and 5C), and more fully described in the following sections.

(Code 1998, § 7-092.00)

Sec. 115-349. Boundaries.

A certain tract of land situated in the State of Louisiana, Parish of St. Tammany, in a portion of sections 15 and 16, Township 7 south, Range 11 east, Greensburg District, Ward 9, and more fully described as follows:

Commence at the corner common to sections 9, 10, 15 and 16, Township 7 south, Range 11 east, the point of beginning. Measure thence from the point of beginning south 89 degrees, 53 minutes, 07 seconds east along the line common to sections 10 and 15 a distance of 350 feet; thence south 16 degrees, 13 minutes, 10 seconds west a distance of 418.74 feet; thence south 73 degrees, 46 minutes, 50 seconds east a distance of 74.18 feet; thence south 16 degrees, 13 minutes, 10 seconds west a distance of 371.71 feet; thence south 56 degrees, 40 minutes, 36 seconds east a distance of 412.05 feet; thence along a curve to the left having a radius of 667.60 feet, an arc length of 82.19 feet having a chord bearing of south 29 degrees, 47 minutes, 46 seconds west and a chord distance of 82.14 feet; thence south 63 degrees, 43 minutes, 52 seconds east a distance of 120.00 feet; thence south 51 degrees, 11 minutes, 42

***State law reference**—Authority of St. Tammany Parish Council to create sub-drainage districts within the boundaries of drainage districts, R.S. 38:1807.

seconds east a distance of 294.42 feet; thence south 89 degrees, 53 minutes, 07 seconds east a distance of 200 feet; thence south 00 degrees, 06 minutes, 53 seconds west a distance of 210 feet; thence south 16 degrees, 23 minutes, 00 seconds west a distance of 327.28 feet; thence south 88 degrees, 54 minutes, 18 seconds west a distance of 3,095.22 feet; thence north 00 degrees, 48 minutes, 18 seconds west a distance of 1,893.40 feet to a point on the line common to sections 9 and 16 Township 7 south, Range 11 east; thence north 89 degrees, 50 minutes, 31 seconds east along the said section line a distance of 2,173.02 feet to the corner common to sections 9, 10, 15 and 16, Township 7 south, Range 11 east, the point of beginning. All as more fully shown on a survey by John J. Avery, Jr., dated July 15, 1993, and contains 116.83 acres more or less.

(Code 1998, § 7-092.01)

Sec. 115-350. Name, status and powers.

The sub-drainage district hereby created shall be known and designated as "Sub-Drainage District No. 3 of Gravity Drainage District No. 5 of the Parish of St. Tammany, State of Louisiana" ("the district"), and as thus created shall constitute a political subdivision of the state, and shall have all of the rights, powers and privileges granted and conferred by R.S. 38:1807 and other constitutional and statutory authority, including the authority to incur debt, to issue bonds and to levy parcel fees.

(Code 1998, § 7-092.02)

Sec. 115-351. Board of commissioners.

The governing body of the district shall be a five-member board of commissioners comprised of individuals domiciled within the boundaries of the district. Members shall be appointed by the parish governing authority to four-year terms running concurrently with the terms of office of the governing authority.

(Code 1998, § 7-092.03)

Sec. 115-352. Domicile.

The domicile and regular meeting place of the district shall be that of the parish governing authority; however, the board of commissioners may meet at either such regular meeting place or a location within the district designated by the presiding officer of the board of commissioners.

(Code 1998, § 7-092.04; Ord. No. 08-1902AA, 9-11-2008)

Secs. 115-353—115-377. Reserved.

**ARTICLE XI. SUB-DRAINAGE DISTRICT NO. 4 OF GRAVITY DRAINAGE
DISTRICT NO. 5***

Sec. 115-378. Creation.

By virtue of the authority conferred by Act 297 of the Regular Session of the Louisiana Legislature of 1987, and which became R.S. 38:1807, and other constitutional and statutory authority supplemental thereto, a sub-drainage district is hereby created within Gravity Drainage District No. 5 of the parish, which sub-drainage district shall comprise and embrace a portion of the area within said gravity drainage district, commonly known as Fountains Subdivision.

(Code 1998, § 7-093.00; Ord. No. 10-2373, 11-4-2010)

Sec. 115-379. Boundaries.

A certain tract of land situated in the State of Louisiana, Parish of St. Tammany, in a portion of sections 15 and 16, Township 7 south, Range 11 east, Greensburg District, Ward 9, and more fully described as follows:

Commencing at the intersection of Highway 59 and Highway 1088; also the point of beginning, thence proceed north along Highway 59 to Interstate 12; thence proceed along Interstate 12 east to Highway 1088 to Highway 59 intersection; also the point of beginning.
(Code 1998, § 7-093.01; Ord. No. 10-2373, 11-4-2010)

Sec. 115-380. Name, status and powers.

The sub-drainage district hereby created shall be known and designated as "Sub-Drainage District No. 4 of Gravity Drainage District No. 5 of the Parish of St. Tammany, State of Louisiana," and as thus created shall constitute a political subdivision of the state, and shall have all of the rights, powers and privileges granted and conferred by R.S. 38:1807 and other constitutional and statutory authority, including the authority to incur debt, to issue bonds and to levy parcel fees.

(Code 1998, § 7-093.02; Ord. No. 10-2373, 11-4-2010)

Sec. 115-381. Board of commissioners.

The governing body of the district shall be a five-member board of commissioners comprised of individuals domiciled within the boundaries of the district. Members shall be appointed by the parish governing authority to five-year terms and all of whom shall be domiciled within the boundaries of the district.

(Code 1998, § 7-093.03; Ord. No. 10-2373, 11-4-2010)

***State law reference**—Authority of St. Tammany Parish Council to create sub-drainage districts within the boundaries of drainage districts, R.S. 38:1807.

Sec. 115-382. Domicile.

The domicile and regular meeting place of the district shall be that of the parish governing authority; however, the board of commissioners may meet at either such regular meeting place or a location within the district designated by the presiding officer of the board of commissioners.

(Code 1998, § 7-093.04; Ord. No. 10-2373, 11-4-2010)

Secs. 115-383—115-392. Reserved.**ARTICLE XII. SUB-DRAINAGE DISTRICT NO. 5 OF GRAVITY DRAINAGE DISTRICT NO. 5 (EMERALD OAKS)****Sec. 115-393. Creation; boundaries.**

By virtue of the authority conferred by Act 297 of the Regular Session of the Louisiana Legislature of 1987, and which became R.S. 38:1807, and other constitutional and statutory authority supplemental thereto, a sub-drainage district is hereby created within Gravity Drainage District No. 5 of the parish, which sub-drainage district shall comprise and embrace a portion of the area within said gravity drainage district, commonly known as Emerald Oaks, as more fully described as follows:

EMERALD OAKS CONDOMINIUM, PHASE ONE

A certain piece or portion of ground situated in Section 15, Township 7 South, Range 11 East, St. Tammany Parish, Louisiana, and more fully described as follows:

From the Section Corner common to Sections 9, 10, 15, and 16, Township 7 South, Range 11 East, St. Tammany Parish, Louisiana, go south 89 degrees 30 minutes 06 seconds east 939.02 feet; thence south 00 degrees 02 minutes 41 seconds west 1837.96 feet to the point of beginning. From the point of beginning, go south 00 degrees 12 minutes 59 seconds west 178.34 feet; thence south 89 degrees 52 minutes 58 seconds east 423.99 feet thence south 00 degrees 07 minutes 46 seconds east 376.58 feet thence south 00 degrees 00 minutes 49 seconds west 221.17 feet to a point located on the northerly right-of-way line of Holiday Blvd.; thence go along said right-of-way line north 89 degrees, 20 minutes 26 seconds west 50.00 feet; thence along a curve to the right having a radius of 357.61 feet an arc distance of 180.51 feet; thence leaving said right-of-way line, go north 165.81 feet; thence east 93.00 feet thence north 116.43 feet; thence go north 88 degrees 17 minutes 08 seconds west 80.42 feet; thence west 293.00 feet; thence south 86 degrees 58 minutes 10 seconds west 93.57 feet; thence south 209.79 feet to a point located on the northerly right-of-way line of Holiday Blvd.; thence go along said right-of-way line, north 89 degrees 50 minutes 21 seconds west 123.45 feet; thence

leaving said right-of-way line, go north 00 degrees 05 minutes 08 seconds west 655.71 feet; thence north 89 degrees 17 minutes 14 seconds east 296.81 feet back to the point of beginning.

Said property contains 7.60 acres.

EMERALD OAKS CONDOMINIUM, PHASE TWO

A certain piece or portion of ground situated in Section 15, Township 7 South, Range 11 East, St. Tammany Parish, Louisiana, and more fully described as follows:

From the Section Corner common to Sections 9, 10, 15, and 16, Township 7 South, Range 11 East, St. Tammany Parish, Louisiana, go south 89 degrees 30 minutes 06 seconds east 939.02 feet; thence south 00 degrees 02 minutes 41 seconds west 1837.96 feet; thence south 00 degrees 12 minutes 59 seconds west 178.34 feet; thence south 89 degrees 52 minutes 58 seconds east 423.99 feet; thence south 00 degrees 07 minutes 46 seconds east 376.58 feet; thence south 00 degrees 00 seconds 49 seconds west 221.17 feet to a point located on the northerly right-of-way line of Holiday Blvd.; thence go along said right-of-way line north 89 degrees 20 minutes 26 seconds west 50.00 feet; thence along a curve to the right having a radius of 357.61 feet an arc distance of 180.51 feet to the point of beginning. From the point of beginning, thence leaving said right-of-way line, go north 165.81 feet; thence east 93.00 feet; thence north 116.43 feet; thence go north 88 degrees 17 minutes 08 seconds west 80.42 feet; thence west 293.00 feet; thence south 86 degrees 58 minutes 10 seconds west 93.57 feet; thence south 209.79 feet to a point located on the northerly right-of-way line of Holiday Blvd.; thence go along said right-of-way line, south 89 degrees 50 minutes 21 seconds east 138.88 feet; thence along a curve to the right (clockwise) having a radius of 429.87 feet an arc distance of 236.10 feet; thence go along a curve to the left (counterclockwise) having a radius of 357.61 feet and arc distance of 12.53 feet back to the point of beginning.

Said property contains 2.21 acres.

(Ord. No. 14-3140, 6-5-2014; Ord. No. 14-3165, 7-14-2014)

Sec. 115-394. Name, status and powers.

The sub-drainage district hereby created shall be known and designated as "Sub-Drainage District No. 5 of Gravity Drainage District No. 5 of the Parish of St. Tammany, State of Louisiana" ("the district"), and as thus created shall constitute a political subdivision of the state, and shall have all of the rights, powers and privileges granted and conferred by R.S. 38:1807 and other constitutional and statutory authority, including the authority to incur debt, to issue bonds and to levy parcel fees.

(Ord. No. 14-3140, 6-5-2014; Ord. No. 14-3165, 7-14-2014)

Sec. 115-395. Board of commissioners.

The governing body of the district shall be a five-member board of commissioners comprised of persons that are residents of, and domiciled within, the boundaries of the district. Members shall be appointed by the Parish council to four-year terms running concurrently with the terms of office of the parish council.

(Ord. No. 14-3140, 6-5-2014; Ord. No. 14-3165, 7-14-2014)

Sec. 115-396. Domicile.

The domicile and regular meeting place of the district shall be that of the parish council; however, the board of commissioners may meet at either such regular meeting place or a location within the district designated by the presiding officer of the board of commissioners.

(Ord. No. 14-3140, 6-5-2014; Ord. No. 14-3165, 7-14-2014)

Secs. 115-397—115-407. Reserved.**ARTICLE XIII. GRAVITY DRAINAGE DISTRICT NO. 6*****Sec. 115-408. Creation; boundaries.**

Acting under the authority of part I, ch. 7, title 38 of the Louisiana Revised Statutes of 1950, and other constitutional and statutory authority supplemental thereto, there is hereby created a drainage district within the parish, to compromise and embrace the lands within the following boundaries, to-wit: All that certain portion of ground being situated in portions of T6S-R11 Greensburg District, St. Tammany Parish, State of Louisiana, being more fully described as follows:

Commencing at a point being the junction of River Road and Lee Road and proceeding north of both sides of River Road to the junction of said River Road and Highway 25, thence south of Highway 25 to its junction with Collins Boulevard, U.S. Highway 190; thence along U.S. Highway 190 to its junction with Lee Road; thence north of said Lee Road to the point of beginning.

All set forth on plans in the St. Tammany Department of Public Works entitled "Gravity Drainage District No. 6 of St. Tammany Parish Department of Public Works".

(Code 1998, § 7-102.00; Ord. No. 94-1993, 6-16-1994)

Sec. 115-409. Name, status and powers.

The district created shall be known and designated as "Gravity Drainage District No. 6 of the Parish of St. Tammany, State of Louisiana," and as thus created shall constitute a body

***State law reference**—Gravity drainage districts generally, R.S. 38:1751 et seq.

corporate in law and a political subdivision of the state as conferred by the constitution and statutes of the state, including the authority to incur debt, issue bonds, and levy taxes and assessments.

(Code 1998, § 7-102.01; Ord. No. 94-1993, 6-16-1994)

Sec. 115-410. Board of commissions.

The board of commissioners of Gravity Drainage District No. 6 shall be comprised of five members with appointments as per original ordinance. There shall be four members nominated and appointed by the parish council. There shall be one member nominated and appointed by the parish president.

(Code 1998, § 7-102.02; Ord. No. 94-1993, 6-16-1994; Ord. No. 00-0157, 6-1-2000)

Sec. 115-411. Appointment.

Commissioners for Gravity Drainage District No. 6 shall be appointed according to Ordinance No. 00-0157. The first two named commissioners shall be appointed for terms of two years each and the latter three named commissioners shall be appointed for terms of four years each.

(Code 1998, § 7-102.03; Ord. No. 94-1993, 6-16-1994)

Sec. 115-412. Domicile.

The domicile of said district shall be the parish council office, Mandeville, Louisiana, and the board of commissioners hereby appointed shall meet at said domicile, and proceed to organize and elect their officers all in the manner and form provided by the law.

(Code 1998, § 7-102.04; Ord. No. 94-1993, 6-16-1994)

Secs. 115-413—115-437. Reserved.

ARTICLE XIV. DRAINAGE DISTRICT NO. 5*

Sec. 115-438. Created; boundaries.

A certain portion of land, lying and being situated in sections 26, 27, and 44, Township 9 south, Range 14 east, near the City of Slidell, St. Tammany Parish, Louisiana, and bounded

***Editor's note**—Drainage District No. 5 was created by reorganizing and dividing the boundaries of Drainage District No. 2 and the authority of Ord. No. 94-2057, 8-18-1994.

roughly on the north by the North Diversion Canal, on the east by Interstate 10, on the south by Oak Harbor Boulevard and on the west by U.S. Highway 11; and more particularly described as follows:

Commencing at the corner common to sections 23, 24, 25, and 26 go south 00 degrees, 45 27" east a distance of 1,312.50 feet, thence go north 89 degrees 3 57" east, a distance of 80 feet; thence go north 79 degrees 17 15" east, a distance 191.80 feet; thence go north 70 degrees 10 3" east, a distance of 276.80 feet; thence go north 71 degrees 17 0" east, a distance of 3,688.82 feet to a point; thence go south 49 degrees 20 39" east, a distance of 819.64 feet to a point, thence go south 47 degrees 47 20" east, a distance of 455.46 feet being the point of beginning;

Thence along the westerly right-of-way of Interstate Highway 10; along a curve concave to the right having a radius of 11,234.16 feet, and a length of 1,895.87 feet to a point; thence south 41 degrees 48 33" west, a distance of 1,021.64 feet to a point; thence north 48 degrees 11 27" west, a distance of 87.36 feet to a point; thence along the arc of a curve having a radius of 743.00 feet, and a distance of 1,315.54 feet to the point of reverse curvature of a curve concave to the right; thence along said curve concave to the right having a radius of 623.48 feet a distance of 558.25 feet to the point of tangency; thence north 34 degrees 42 48" west, 336.38 feet to the point of curvature of a curve concave to the left; thence along said curve concave to the left having a radius of 648.00 feet a distance of 395.85 feet to the point of tangency; thence north 69 degrees 42 51" west, a distance of 586.71 feet to the point of curvature of a curve concave to the left; thence along said curve concave to the left having a radius of 595.00 feet, a distance of 728.31 feet to a point; thence south 40 degrees 09 09" west, a distance of 154.76 feet to a point; thence south 64 degrees 25 37" east, a distance of 69.80 feet to a point; thence south 25 degrees 34 23" west, 321.26 feet to the point of curvature of a curve concave to the right; thence along said curve concave to the right having a radius of 598.00 feet, a distance of 753.04 to the point of reverse curvature of a curve concave to the left; thence along said curve concave to the left having a radius of 628.89 feet, a distance of 180.66 feet to the point of reverse curvature of a curve concave to the right; thence along said curve concave to the right having a radius of 991.93 feet, a distance of 414.50 feet to a point; thence north 58 degrees 54 11" west, a distance of 911.92 feet to a point; thence north 34 degrees 29 04" west, 463.97 feet to the point of curvature of a curve concave to the right; thence along said curve concave to the right having a radius of 1,688.00 feet, a distance of 1,1101.51 feet to a point of tangency; thence north 52 degrees 40 57" west, a distance of 1,413.88 feet to the intersection of Oak Harbor Boulevard with the easterly line of U.S. Highway 11; thence along the easterly line of U.S. Highway 11 north 34 degrees 12 14" east, 183.63 feet to the point of curvature of a curve concave to the left having a radius of 6,084.52 feet and a distance of 851.33 feet to the point of tangency; thence north 26 degrees 11 14" east, a distance of 374.93 feet to a point; thence north 14 degrees 02 46" east, a distance of 265.28 feet to the intersection of the easterly line of U.S. Highway 11 with the northerly line of the North Diversion Canal; thence along the northerly line of the North Diversion Canal;

south 75 degrees 57 14" east, 863.37 feet to a point; thence south 13 degrees 16 47" east, 407.98 feet to a point; thence south 78 degrees 19 44" east, 548.04 feet to a point; thence North 87 degrees 31 06" east, 756.70 feet to a point; thence north 86 degrees 43 58" east, 998.82 feet to a point; thence north 87 degrees 15 21" east, 1,450.49 feet to a point; thence south 60 degrees 51 45" east, 1,310.60 feet to a point; thence south 48 degrees 12 44" east, 966.08 feet to a point; thence south 47 degrees 23 00" east, 1,740.96 feet to the intersection of the northerly line of the North Diversion Canal and the westerly line of Interstate Highway 10 to the point of beginning. Said property contains 536.41 acres. All as per the plan of St. Tammany Parish Drainage District No. 5 by J.J. Krebs & Sons, Inc., Joseph J. Krebs, Jr., RPLS, dated February 24, 1994, Job No. 94-5232.
(Code 1998, § 7-103.00; Ord. No. 94-2057, 8-18-1994)

Sec. 115-439. Name.

The presently existing land remaining on the east side of Interstate 10 shall be named St. Tammany Drainage District No. 2. The land on the west of Interstate 10 shall be named St. Tammany Parish Drainage District No. 5, and each reorganized drainage district shall constitute a body corporate in law and a political subdivision of the State of Louisiana as conferred by the constitution and statutes of the state, including the authority to incur debt, issue bonds, and levy taxes and assessments.
(Code 1998, § 7-103.01; Ord. No. 94-2057, 8-18-1994)

Sec. 115-440. Board of commissioners.

The board of commissioners of Drainage District No. 5 shall be comprised of five members with appointments as per the original ordinance. There shall be four members nominated and appointed by the parish council. There shall be one member nominated and appointed by the parish president.
(Code 1998, § 7-103.02; Ord. No. 94-2057, 8-18-1994; Ord. No. 00-0157, 6-1-2000)

Sec. 115-441. Appointment.

Commissioners for St. Tammany Parish Drainage District No. 5 shall be appointed according to Ordinance No. 00-0157. The commissioners shall at their first meeting immediately determine by lot their terms of office, which shall be respectively, one, two, three, four and five years. They shall serve until their successors have been appointed and qualified.
(Code 1998, § 7-103.04; Ord. No. 94-2057, 8-18-1994)

Sec. 115-442. Finances.

The funds held on account by the director of finance for the parish in the name of St. Tammany Parish Drainage District No. 2 shall be transferred to the respective districts, with St. Tammany Parish Drainage District No. 2 receiving 87.77 percent of the fund and the newly

created St. Tammany Parish Drainage District No. 5 receiving 12.23 percent of the funds and further the director of finance is hereby authorized to transfer these funds and the accounting and financial functions to the respective districts all in accordance with the rules and regulations pertaining thereto.

(Code 1998, § 7-103.05; Ord. No. 94-2057, 8-18-1994)

Sec. 115-443. Domicile.

The domicile of the St. Tammany Drainage District No. 5 shall be 300 Oak Harbor Boulevard, Slidell, Louisiana, and the board of commissioners hereby appointed shall meet at said domicile, and proceed to organize and elect their officers all in a manner and form provided by law.

(Code 1998, § 7-103.06; Ord. No. 94-2057, 8-18-1994)

Secs. 115-444—115-469. Reserved.

ARTICLE XV. DRAINAGE COMMISSION

Sec. 115-470. Composition; selection of members.

This commission shall be comprised of nine members with appointments parish-wide. There shall be seven members nominated and appointed by the parish council. There shall be two members nominated and appointed by the parish president. The president shall select his appointments from substantially different geographic areas of the parish, for example, east-west, north-south, rural-nonrural.

(Code 1998, § 7-104.00; Ord. No. 00-0157, 6-1-2000)

Secs. 115-471—115-493. Reserved.

ARTICLE XVI. LEVEE DISTRICT (RESERVED)

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Chapters 116—119

RESERVED

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Chapter 120

PLANNING AND DEVELOPMENT*

Article I. In General

Secs. 120-1—120-18. Reserved.

Article II. Regional Planning Commission for Parishes of Jefferson, Orleans, St. Bernard and St. Tammany

- Sec. 120-19. Regional planning area.
- Sec. 120-20. Commission generally.
- Sec. 120-21. Organization, meetings, and rule of commission.
- Sec. 120-22. Staff and finances.
- Sec. 120-23. Regional development plan; filing; distribution.
- Sec. 120-24. Relationship of commission to municipal and parish planning commissions.
- Sec. 120-25. Local governments and planning agencies; plans and reports; proposals.
- Sec. 120-26. Federal, state and local aid to commission.
- Sec. 120-27. Miscellaneous powers and duties of commission.
- Sec. 120-28. Boundaries.
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Article III. Parish Planning Commission

- Sec. 120-47. Membership.
- Sec. 120-48. Chairperson and vice-chairperson.
- Sec. 120-49. Secretary.
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- Sec. 120-51. Powers and duties.
- Sec. 120-52. Parish council authority on appeal.
- Sec. 120-53. Quorum and necessary vote.
- Sec. 120-54. Meetings, hearings, and procedures.
- Sec. 120-55. Parliamentary rules.
- Sec. 120-56. Voting.
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- Sec. 120-58. Seminars and retreats.
- Sec. 120-59. Committees.
- Sec. 120-60. Executive session.
- Sec. 120-61. Rules of conduct for commissioners.
- Sec. 120-62. Representation.
- Sec. 120-63. Violation of article.
- Sec. 120-64. Amendments to rules of policy and procedure.

***State law references**—Planning commissions generally, R.S. 33:101 et seq.; regional planning generally, R.S. 33:131 et seq.

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Secs. 120-65—120-84. Reserved.

Article IV. Parish Zoning Commission

- Sec. 120-85. Membership.
- Sec. 120-86. Chairperson and vice-chairperson.
- Sec. 120-87. Secretary.
- Sec. 120-88. Zoning staff.
- Sec. 120-89. Powers and duties.
- Sec. 120-90. Review of zoning decisions.
- Sec. 120-91. Quorum and necessary vote.
- Sec. 120-92. Meetings, hearings, and procedures.
- Sec. 120-93. Parliamentary rules.
- Sec. 120-94. Voting.
- Sec. 120-95. General rules of public participation.
- Sec. 120-96. Seminars and retreats.
- Sec. 120-97. Committees.
- Sec. 120-98. Executive session.
- Sec. 120-99. Rules of conduct for commissioners.
- Sec. 120-100. Representation.
- Sec. 120-101. Violation of rules.
- Sec. 120-102. Amendments to rules of policy and procedure.
- Secs. 120-103—120-130. Reserved.

Article V. Industrial District No. 1

- Sec. 120-131. Created; boundaries.
- Sec. 120-132. Name, status and powers.
- Sec. 120-133. Seal.
- Secs. 120-134—120-164. Reserved.

Article VI. Parish Port Commission

- Sec. 120-165. Creation.
- Secs. 120-166—120-183. Reserved.

Article VII. Community Development Districts

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- Secs. 120-184—120-206. Reserved.

Division 2. Lakeshore Villages Master Community Development District

- Sec. 120-207. Authority.
- Sec. 120-208. Created.
- Sec. 120-209. Boundaries.

PLANNING AND DEVELOPMENT

Sec. 120-210. Commissioners.
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Article VIII. Parish/Municipal Infrastructure Interface

Sec. 120-231. Growth management/annexation agreements.
Sec. 120-232. Restrictive standards.
Sec. 120-233. Effective date.
Sec. 120-234. Operating agreements between parish and municipalities enabling legislation.
Secs. 120-235—120-261. Reserved.

Article IX. Economic Development Districts

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Secs. 120-262—120-285. Reserved.

Division 2. Rooms to Go St. Tammany Economic Development District

Sec. 120-286. Authority.
Sec. 120-287. Created.
Sec. 120-288. Boundaries.
Sec. 120-289. Rooms to Go St. Tammany Economic Development District Trust Fund.
Secs. 120-290—120-311. Reserved.

Division 3. Colonial Pinnacle Nord du Lac Economic Development District

Sec. 120-312. Authority.
Sec. 120-313. Created.
Sec. 120-314. Boundaries.
Sec. 120-315. Colonial Pinnacle Nord du Lac Economic Development District Trust Fund.
Secs. 120-316—120-333. Reserved.

Article X. Airport Road Economic Development District

Sec. 120-334. District.
Secs. 120-335—120-356. Reserved.

Article XI. Highway 59 Economic Development District

Sec. 120-357. District.
Secs. 120-358—120-387. Reserved.

Article XII. Highway 1077 Economic Development District

Sec. 120-388. District.
Secs. 120-389—120-419. Reserved.

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Article XIII. Highway 434 Economic Development District

Sec. 120-420. District.

Secs. 120-421—120-438. Reserved.

Article XIV. Highway 1088 Economic Development District

Sec. 120-439. District.

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ARTICLE I. IN GENERAL

Secs. 120-1—120-18. Reserved.

**ARTICLE II. REGIONAL PLANNING COMMISSION FOR PARISHES OF
JEFFERSON, ORLEANS, ST. BERNARD AND ST. TAMMANY***

Sec. 120-19. Regional planning area.

(a) The regional planning area hereby established is to be comprised of the total area of Jefferson Parish, Orleans Parish, St. Bernard Parish, St. Tammany Parish and Plaquemines Parish.

(b) There is hereby established a regional planning commission in accordance with the provisions of Act 239 of the Louisiana Legislature of 1956, as now amended by Acts No. 114 of the Louisiana Legislature of 1966, Nos. 267, section 1 and 288, section 2 of the Louisiana Legislature of 1968, No. 329, section 1 of the Louisiana Legislature of 1970, No. 607, section 1 of the Louisiana Legislature of 1972, No. 112, section 1 of the Louisiana Legislature of 1973, No. 249, section 1 of the Louisiana Legislature of 1974, No. 132, section 1 of the Louisiana Legislature of 1979, No. 377, section 2 of the Louisiana Legislature of 1984 and No. 533, section 1 of the Louisiana Legislature of 1985, for the following purposes:

- (1) To prepare and from time to time revise, amend, extend or add to a plan or plans for the development of the regional planning area, which plan or plans collectively shall be known as the regional development plan. Such plan shall be based on studies of physical, social, economic, and governmental conditions and trends and shall aim at the coordinated development of the regional planning area in order to promote the general welfare and prosperity of its people. In preparing the regional development plan, the planning commission shall take account of and shall seek to harmonize the planning activities of federal, state, parish, municipal or other local agencies within the area. In preparing such plan, or any part thereof, and in preparing, from time to time, revisions, amendments, extensions or additions, the regional planning commission may seek the cooperation and advice of the state, state planning office, and of other appropriate departments, agencies and instrumentalities of federal, state and local government, of other regional planning commissions, educational institutions and research organizations, and of civic groups and private persons and organizations. The

***Editor's note**—Sections 120-19—120-29 have been amended by the authority of Ord. No. 96-2491, adopted 9-11-1996, in order to re-establish the Regional Planning Commission to include the Parish of Plaquemines. The sections mentioned herein are thereby changed in title and content by the effect of this article.

regional development plan shall embody the policy recommendations of the regional planning commission in regard to the physical development of the regional planning area and shall contain:

- a. A statement of the objectives, standards and principles sought to be expressed in the regional development plan;
 - b. Recommendations for the most desirable pattern of land use within the regional planning area, in the light of the best available information concerning topography, climate, soil and underground conditions, watercourses and bodies of water, and other natural or environmental factors, as well as in the light of the best available information concerning the present and prospective economic bases of the regional planning area, trends of industrial, population or other developments, the habits and standards of life of the people of the regional planning area, and the relocation of land use in adjoining areas. Such recommendations shall, insofar as appropriate, indicate areas for residential uses and maximum recommended densities therein; areas for farming and forestry, mining and other extractive industries; areas for manufacturing and industrial uses, with classification of such areas in accordance with their compatibility with land use in adjoining areas; areas for the concentration of wholesale, retail, business and other commercial uses, areas for recreational uses, and for open spaces and areas for mixed uses;
 - c. The circulation pattern recommended for the regional planning area, including routes and terminals of transit, transportation and communication facilities, whether used for movement within the regional planning area or for movement from adjoining areas;
 - d. Recommendations concerning the need for and the proposed location of public and private works and facilities, such as utilities, flood control works, reservoirs, and pollution control facilities, military or defense installations which works or facilities, by reason of their function, size, extent or for any other causes are of regional or metropolitan as distinguished from purely local concern, or which for any other cause are appropriate subjects for inclusion in the regional development plan;
 - e. Such other recommendations of the regional planning commission concerning current and impending problems as may affect the regional planning areas as a whole;
- (2) To make or assist in studies and investigations, insofar as may be relevant to regional or, metropolitan planning, or the resources of the regional planning area and of existing and emerging problems of agriculture, industry, commerce, transportation, population, housing, public service, local government and of allied matters affecting the

development of the regional planning area, and in making such studies to seek the cooperation and collaboration of the state planning office and of appropriate departments, agencies and instrumentalities of federal, state and local government, educational institutions and research organizations, whether public or private, and of civic groups and private persons and organizations;

- (3) To prepare and from time to time revise inventory listings of the region's or metropolitan area's natural resources, and of major public and private works and facilities of all kinds which are deemed of importance to the development of the regional planning area as a whole;
- (4) To cooperate with, and provide planning assistance, including but not limited to surveys, land use studies, urban renewal plans, technical services and other planning work, to parish, municipal or other local government, instrumentalities or planning agencies; coordinate its planning activities with the planning activities of the state, and of the parishes, municipalities or other local units within its regional planning area, and cooperate with and assist departments and other agencies or instrumentalities of federal, state and local government as well as other regional planning commissions in the execution of their planning functions with a view to harmonizing their planning activities with the regional development plan. The commission shall also cooperate and confer with, and upon request supply information to, federal agencies, and to local or regional agencies created pursuant to the federal program or which receive federal support, and shall cooperate and confer, as far as possible, with planning agencies of other states or of regional groups of states adjoining its area. Whenever cooperation or assistance under this subsection includes the rendering of technical services such services may be rendered free or in accordance with an agreement for reimbursement;
- (5) To advise and supply information, as far as available, to civic groups and private persons and organizations who may request such information or advice, and who study or otherwise concern themselves with the region's problems and development in the fields of agriculture, business and industry, labor, natural resources, urban growth, housing and public service activities such as public health and education, insofar as such problems and development may be relevant to regional or metropolitan planning;
- (6) To provide information to officials of departments, agencies, and instrumentalities of state and local government and to the public at large, in order to foster public awareness and understanding of the objectives of the regional development plan and of the functions of regional or metropolitan and local planning, and in order to stimulate public interest and participation in the orderly, integrated development of the region or metropolitan area;
- (7) To accept and receive, in furtherance of its functions, funds, grants and services from the federal government or its agencies, from departments, agencies and instrumentalities of state, parish, municipal or local government, or from private and civic sources;

- (8) To hold public or private hearings and sponsor public forums in any part of its area whenever it deems it necessary or useful in the execution of its other functions;
 - (9) To cooperate, in the exercise of its planning functions, with federal and state agencies in planning for civil defense;
 - (10) Have the power to borrow money from private lenders in order to stabilize its cash flow necessary for the staffs day to day operations, provided that such debt is secured by commission receivables or other collateral;
 - (11) Any two or more of the regional planning commissions are authorized to form an association for purpose of coordinating comprehensive planning/development programs for the resolution of economic, social, physical, and governmental problems of the state and its citizens;
 - (12) The association may exercise any and all powers necessary or appropriate to effectuate this purpose, including but not limited to the following powers:
 - a. To enter into agreements or other transactions with any federal, state, or local governmental agency and with private sector organizations.
 - b. To apply for and receive state and other funds for distribution to the regional planning commissions belonging to the association based upon allocation formulas developed by these commissions.
 - c. To exercise all or any part or combination of powers granted and to do and perform all acts and things necessary or convenient to carry out the general powers expressly granted to the regional planning commissions when authorized by the several regional planning commissions belonging to the association.
 - (13) To exercise all other powers necessary and proper for the discharge of its duties.
- (Code 1998, § 18-016.00; Ord. No. 519, Bk. 7, P. 21; Ord. No. 80-48, 9-11-1980; Ord. No. 85-361, 3-21-1985; Ord. No. 96-2491, 9-11-1996)

Sec. 120-20. Commission generally.

- (a) In order to carry out the purposes contained in section 120-19, there is hereby established a regional planning commission which shall consist of 26 members, five each being legal residents of Jefferson Parish, Orleans Parish, St. Bernard Parish, St. Tammany Parish, Plaquemines Parish, and the director of the state department of transportation and development.
- (b) The members of such commission shall serve without compensation.
- (c) The membership of such commission shall be composed of a simple majority of appointed or elected public officials holding office in the following municipalities and/or parishes, namely Jefferson Parish, Orleans Parish, St. Bernard Parish, St. Tammany Parish, and Plaquemines Parish.

(d) The five members from the Parish of Jefferson shall include the parish president, the council chairperson, and a third member selected by the parish council and approved by the parish president from among the mayors of the municipalities located within the Parish of Jefferson, which member shall represent the municipalities therein located, and two members who must not otherwise hold elected or appointed office in Jefferson Parish, to be appointed by the council and approved by the parish president.

(e) The five members from Orleans Parish shall include the mayor, the two councilmen elected from the parish at large and the remaining two members must not otherwise hold elected or appointed office, and shall be appointed by the mayor, with the approval by the council.

(f) The five members from the Parish of St. Bernard shall include the following:

- (1) The parish president;
- (2) Two council members in the Parish of St. Bernard, provided same is not otherwise prohibited by law, to be appointed by the parish council;
- (3) Two members who must not otherwise hold elected or appointed office in the Parish of St. Bernard, to be appointed by the parish council.

(g) The five members from the Parish of St. Tammany shall include the following:

- (1) The parish president; or the parish president shall appoint or designate any other parish councilperson in his stead to serve on, attend, or otherwise participate in his stead. The appointment or designation by the parish president of a councilperson may be made without the need of parish ordinance or resolution. In the event the councilperson does not desire to attend or participate, then the parish president may appoint or designate any person other than a parish councilperson in his stead to serve, attend or participate without further approval or ratification by the parish council;
- (2) Two members who must otherwise hold elected or appointed office in the parish, provided same is not otherwise prohibited by law, to be appointed by the parish council;
- (3) Two members who must not otherwise hold elected or appointed office in the parish, to be appointed by the parish council.

(h) The five members from the Parish of Plaquemines shall include the following:

- (1) The president of the parish council;
- (2) The chairperson of the Plaquemines parish council;
- (3) One member who otherwise holds elected or appointed office in the Parish of Plaquemines, provided same is not otherwise prohibited by law, to be appointed by the parish council;

(4) Two members who must not otherwise hold elected or appointed office in the Parish of Plaquemines, to be appointed by the parish council.

(i) The governing bodies of Jefferson Parish, St. Bernard Parish, St. Tammany Parish and Plaquemines Parish may remove their respectively appointed members of the commission, after public hearing, for inefficiency, neglect of duty or malfeasance in office. The chief executive of Orleans Parish may remove any of the members, appointed by him, of the commission, after public hearing, for inefficiency, neglect of duty or malfeasance in office.

(j) The secretary of the state department of transportation and development shall serve as a member of the regional planning commission.

(k) Of the members hereof first appointed, those not holding any other elected or appointed public offices shall hold office as follows: One shall hold office for one year, one for a term of two years, one for a term of three years, one for a term of four years, one for a term of five years, and the sixth member shall hold office for a term of six years.

(l) Members of the regional planning commission who may hold other public offices, appointed or elected, including the secretary of the state department of transportation and development (or his designee) shall serve terms co-extensive with their terms of other public office.

(m) The successors of the regional planning commission members first appointed who do not hold any other appointed or elected public office shall be appointed for a term of five years from and after the expiration of the terms of their predecessors in office.

(n) If a vacancy occurs otherwise than by expiration of term, same shall be filled by appointment of the unexpired term. Such appointment shall be made by the original appointing authority.

(Code 1998, § 18-017.00; Ord. No. 519, Bk. 7, P. 21; Ord. No. 80-48, 9-11-1980; Ord. No. 85-361, 3-21-1985; Ord. No. 96-2491, 9-11-1996; Ord. No. 00-0109, 2-17-2000)

Sec. 120-21. Organization, meetings, and rule of commission.

The regional planning commission so established shall elect a chairperson from its membership and create and fill such other of its offices as it may determine. The term of chairperson shall be one year, with eligibility for re-election. The commission shall hold at least one regular meeting in each month. It shall adopt rules for transaction of business and shall keep records of its resolutions, transactions, findings and determinations, and which records shall be public. (Code 1998, § 18-018.00; Ord. No. 519, Bk. 7, P. 21; Ord. No. 96-2491, 9-11-1996)

Sec. 120-22. Staff and finances.

In order to carry out its functions and responsibilities the regional planning commission may appoint such employees as it may deem necessary for its work, whose appointment, promotion,

demotion and removal shall be subject to the same general provisions governing other corresponding civil employees of the parishes and municipality cooperating to engage in regional planning. The commission may also contract with planning experts, engineers, architects, and other consultants for such services as it may require. The expenditures of a commission, exclusive of those made from funds received by gift, grants of federal, state and other such agencies, shall be within the amounts appropriated for the purpose by the cooperating local legislative bodies, which shall provide the funds, equipment and accommodations necessary for the commission's work.

(Code 1998, § 18-019.00; Ord. No. 519, Bk. 7, P. 21; Ord. No. 96-2491, 9-11-1996)

Sec. 120-23. Regional development plan; filing; distribution.

Upon the preparation of the regional development plan or of any phase or functional part thereof, or upon the preparation of any extension of or addition to the plan, the regional planning commission shall file such plan, part of plan, amendment, revision, extension or addition in the office of the state director of public works, and shall transmit copies of the same to the chief administrative officers, the legislative bodies and to the planning agencies of the parishes and municipalities or other local governments within its area, as well as to the regional planning commissions established for adjoining areas. The regional planning commission shall make copies of the regional development plan or part of a plan available for general distribution or sale.

(Code 1998, § 18-020.00; Ord. No. 519, Bk. 7, P. 21; Ord. No. 96-2491, 9-11-1996)

Sec. 120-24. Relationship of commission to municipal and parish planning commissions.

(a) The regional planning commission created herein shall not be authorized to exercise the functions of any municipal planning commission or parish planning commission, where such are established within a regional planning area, except as hereinafter provided.

(b) In a municipality or parish located in the regional planning area as hereinabove defined, the legislative body of the municipality or parish may designate the regional planning commission as the municipal planning commission or the parish planning commission, provided all requirements, if any, of the local home rule charters are met. Upon such designation, the regional planning commission shall have all the powers and functions relating to making, adopting, amending and adding to the master plan of the municipality or parish part thereof, or relating to the planning of the municipality or parish as provided or granted by R.S. 33:101 through 33:119 inclusive or by other laws to the planning commission of the municipality or parish; and the master plan, its parts, amendments and additions made and adopted by the designated commission for the municipality or parish shall have the same force and effect in the municipality or parish as though made and adopted by the municipal planning commission appointed by the municipality or a parish planning commission appointed by the parish. In acting as the planning commission of the municipality, or the parish, the designated regional

planning commission shall follow the procedure specified by the provisions of R.S. 33:101 through 33:119 inclusive, and other laws relating to municipal or parish planning commissions. Any municipality or parish so designating a regional planning commission as its planning commission shall pay to the designated commission that portion of the expenses of the designated commission which is properly chargeable to the planning service rendered to the municipality or parish plan.

(c) In cases where a municipality or a parish has a municipal or a parish planning commission functioning within a regional planning area, then the regional planning commission shall recommend measures for the coordination of plans, and if appropriate, recommend plans for adoption by the said municipal or parish planning commission.

(Code 1998, § 18-021.00; Ord. No. 519, Bk. 7, P. 21; Ord. No. 96-2491, 9-11-1996)

Sec. 120-25. Local governments and planning agencies; plans and reports; proposals.

(a) To facilitate effective and harmonious planning of the region or metropolitan area, all parish and municipal legislative bodies, and all parish, municipal or other local planning agencies shall file with the regional planning commission, for its information, all parish or municipal plans, zoning ordinances, official maps, building codes, subdivision regulations, or amendments or revisions of any of them, as well as copies of their regular and special reports dealing with planning matters.

(b) Parish or municipal legislative bodies, or parish, municipal or other local planning agencies may also submit proposals for such plans, ordinances, maps, codes, regulations, amendments or revisions prior to their adoption, in order to afford an opportunity to the regional planning commission and/or its staff to study such proposals and to render advice thereon.

(Code 1998, § 18-022.00; Ord. No. 519, Bk. 7, P. 21; Ord. No. 96-2491, 9-11-1996)

Sec. 120-26. Federal, state and local aid to commission.

The regional planning commission may request and accept grants of funds or services from the federal government or any of its agencies, from the state government or any of its agencies or from parish, municipal or other local governments within their planning area, or from private sources. The parishes and municipalities are hereby authorized to appropriate funds for the purposes of the regional planning commission established for all or part of their area. The books and accounts of the regional planning commission shall be public records open for public inspection, and shall show the amounts and sources of all receipts and the amount of all disbursements.

(Code 1998, § 18-023.00; Ord. No. 519, Bk. 7, P. 21; Ord. No. 96-2491, 9-11-1996)

Sec. 120-27. Miscellaneous powers and duties of commission.

(a) Members of the commission created herein, when duly authorized by the commission, may attend planning conferences or meetings or planning institutes or hearings upon pending planning legislation, and the commission may, by resolution, pay the reasonable traveling expenses incident to such attendance. When so directed and authorized by the regional planning commission, members thereof who hold no other elected or appointed office may be paid a per diem of \$50.00 each for attendance at regular or specifically called meetings of full commission or the executive committee thereof in no event to exceed two such meetings per month, i.e., in no event is payment of a total per diem per such member to exceed \$100.00 per month, payable out of the funds of the regional planning commission.

(b) All public officials shall, upon request, furnish to the commission, within a reasonable time, such available information as it may require for its work. The commission, its members, officers and employees, in the performance of their functions, may enter upon any land and make examinations and surveys and place and maintain necessary monuments and marks thereon. In general, the commission shall have such powers as may be necessary to enable it to fulfill its functions, promote planning and in all respects carry out the purposes of this article. (Code 1998, § 18-024.00; Ord. No. 519, Bk. 7, P. 21; Ord. No. 96-2491, 9-11-1996)

Sec. 120-28. Boundaries.

The boundaries of the regional planning area hereby established is to be comprised of the total area of Jefferson Parish, Orleans Parish, St. Bernard Parish, St. Tammany Parish and Plaquemines Parish. (Code 1998, § 18-025.00; Ord. No. 96-2491, 9-11-1996)

Sec. 120-29. Effective date.

The effect of this article shall be suspended until such time as the Parishes of Jefferson, Orleans and St. Bernard adopt identical ordinances to the one upon which this article is based. (Code 1998, § 18-026.00; Ord. No. 519, Bk. 7, P. 21)

Secs. 120-30—120-46. Reserved.**ARTICLE III. PARISH PLANNING COMMISSION****Sec. 120-47. Membership.**

(a) The parish planning commission shall be composed of 11 members.

(b) The parish president shall have the unilateral and exclusive right to appoint two members. These exclusive appointments by the parish president do not require action by resolution or ordinance.

(c) The parish council, by resolution, shall have the unilateral and exclusive right to appoint nine members.

(d) Any member who fails to appear at two consecutive planning commission meetings may be removed by his appointing authority. Members may also be removed at any time with or without cause by the appointing authority. A majority vote of the parish council membership is required to remove members appointed by the parish council.

(e) Any vacancy as specifically to the nine parish council appointments shall be unilaterally and exclusively filled by council resolution within 75 days of notice of the vacancy.

(f) Any vacancy as specifically to the two parish president appointments shall be filled unilaterally and exclusively by the parish president within 75 days of notice of the vacancy.

(g) Terms of all planning commission members shall be concurrent with the terms of office of the parish president and parish council.

(h) Planning commission members shall receive a per diem of \$50.00 for each meeting of the commission attended, for a maximum of 24 meetings per year.

(i) No member shall seek, qualify for, or hold an elected public office while seated as a planning commissioner.

(j) A person newly appointed and serving on the planning commission shall receive at least four hours of training prior to or within one year of appointment. Each year, all commissioners shall attend a mandatory four hours of continuing education training provided by the department of planning and development. Should a commissioner be unable to attend the mandatory training session, that commissioner will not take part in commission functions until the four-hour training requirement has been met. Should the parish-sponsored training session not be available, an alternative training session approved by the director of planning and development may be substituted. Commissioners newly appointed, and those continuing to serve, on both the planning commission and the zoning commission are required to obtain a combined total of four hours of training and annual continuing education, respectively.

(Code 1998, § 18-036.00; Ord. No. 04-0880, § 18-036.00, 5-6-2004; Ord. No. 15-3399, § 18-036.00, 10-1-2015)

Sec. 120-48. Chairperson and vice-chairperson.

(a) At the first regular meeting of each calendar year, the members of the planning commission shall elect one of their number as chairman and one of their number as vice-chairman, and the terms shall commence at that meeting.

(b) In the absence of the chairman, the vice-chairman shall act as chair and shall have all the powers of the chairman.

(c) In the absence of both the chairman and the vice-chairman, a quorum may select a member to preside over the meeting.

(d) The chairman may appoint committees, comprised of no more than five members of the commission, as well as other persons, to serve the commission as deemed necessary.

(e) The chairman may engage in discussion and must vote in the same manner as any other member of the commission.

(f) The chairman may suggest motions but may neither make nor second motions.
(Code 1998, § 18-036.01; Ord. No. 04-0880, § 18-036.01, 5-6-2004; Ord. No. 15-3399, § 18-036.01, 10-1-2015)

Sec. 120-49. Secretary.

(a) The director of the department of planning and development, or his designated representative, shall serve as the secretary to the planning commission.

(b) The secretary shall keep the minutes of the proceedings of the commission, and maintain all records of the commission meeting, hearings and proceedings. The minutes shall show the vote of each member upon each question, or if absent or failing to vote, indicating that fact. A copy of the minutes and actions of the commission shall be filed with the parish council.

(c) The secretary shall provide notices of hearings and meetings as may be required by law, and shall prepare all agendas.

(d) The secretary shall receive, determine the completeness of, and review all applications.

(e) The secretary shall serve as the point of contact for all applicants, and shall collect and compile information and report recommendations to the commission. Said recommendation shall be considered and ruled upon by the commission following the required public hearing.
(Code 1998, § 18-036.02; Ord. No. 04-0880, § 18-036.02, 5-6-2004; Ord. No. 15-3399, § 18-036.02, 10-1-2015)

Sec. 120-50. Planning staff.

The staff of the departments of planning and development, engineering, and environmental services shall serve as the support staff of the planning commission and may be requested to provide assistance in the performance of the duties of the commission by the chairman on behalf of the entire commission.

(Code 1998, § 18-036.03; Ord. No. 04-0880, § 18-036.03, 5-6-2004; Ord. No. 15-3399, § 18-036.03, 10-1-2015)

Sec. 120-51. Powers and duties.

The planning commission shall have the following powers and duties:

- (1) To hear, review and propose amendments to chapter 125.
 - (2) To hear, review and approve or disapprove all plats of subdivision, as required in chapter 125. No plat of a subdivision of land within the parish, or a part thereof, requiring commission approval shall be filed or recorded until it has been stamped by a licensed land surveyor, approved by the planning commission, all regulatory requirements have been completed, and the approval entered in writing on the plat bearing the signatures of the planning commission chairman, secretary and director of public works. For purposes of expediency and for the convenience of applicants, facsimile (by stamp or machine) or electronic signature of the planning commission chairman, secretary, and the director of public works, in blue ink only, may be utilized on approved plats upon their respective approvals.
 - a. The planning commission shall approve or disapprove a final subdivision plat by the third consecutive monthly meeting of the commission wherein the final subdivision plat has appeared on its agenda; otherwise said plat shall be deemed to have been approved, and a certificate to that effect shall be issued by the commission upon request.
 - b. An applicant may request the planning commission to postpone its final subdivision plat review, upon written notice, no later than 48 hours before the meeting date. If the commission grants the applicant a postponement at the meeting, the time constraints for the commission to approve or disapprove the final subdivision plat shall begin again and follow the same procedures as set forth above.
 - (3) To adopt a master or comprehensive plan or elements thereof, including graphics, narrative description and policies to guide and accomplish the coordinated, adjusted and harmonious development of the parish.
 - (4) To make careful and comprehensive surveys and studies of present and future growth of the parish and to make periodic reviews and updates to the master plan or comprehensive plan or portions thereof.
 - (5) To review and report on any matter referred to it by the parish president or the parish council (i.e., transportation improvement plan, capital improvement program).
 - (6) To make its special knowledge and expertise as a commission available, upon reasonable written request to any official, department or board.
 - (7) To exercise all of the powers and duties conferred by R.S. 33:102 through 33:119 inclusive, where applicable, and as may be amended by the state legislature.
- (Code 1998, § 18-036.04; Ord. No. 04-0880, § 18-036.04, 5-6-2004; Ord. No. 15-3399, § 18-036.04, 10-1-2015)

Sec. 120-52. Parish council authority on appeal.

(a) Any person claiming to be aggrieved by a decision of the planning commission, except an approval in final subdivision review, may appeal to the parish council, through the parish department of planning and development, in written form within ten days following the commission's hearing. The appeal may be heard by the parish council at its next regularly scheduled meeting following the ten-day appeal period. The parish council shall have the exclusive right to overturn any planning commission decision by a majority vote of the membership of the parish council, with the exception of overturning a planning commission denial in subdivision review which shall require a two-thirds vote of the membership of the parish council.

(b) Any person or persons jointly or severally aggrieved by any decision of the parish council relative to a planning commission appeal may file a petition to the 22nd Judicial District Court in and for the parish for the issuance of a writ of certiorari or for other appropriate legal proceedings. The petition shall be filed within 30 days after the decision of the council becomes final, which shall commence on the day following the effective date of the council's resolution or, when the adoption of an ordinance is required, the day following the effective date of the ordinance. The actions of the parish council shall be subject to review on the grounds of abuse of discretion, unreasonable exercise of police powers, an excessive use of powers granted to the council, or the denial of the right to due process. However, the right to petition for judicial review shall not be limited to the foregoing grounds.

(Code 1998, § 18-036.05; Ord. No. 04-0880, § 18-036.05, 5-6-2004; Ord. No. 15-3399, § 18-036.05, 10-1-2015)

Sec. 120-53. Quorum and necessary vote.

(a) No business shall be conducted by the planning commission without a quorum being present. Unless otherwise herein specified, a quorum shall consist of eight members (two-thirds majority).

(b) To constitute final action on any matter before it, at minimum, a majority vote of the membership of the commission is required, unless a larger vote is required by law.

(Code 1998, § 18-036.06; Ord. No. 04-0880, § 18-036.06, 5-6-2004; Ord. No. 15-3399, § 18-036.06, 10-1-2015)

Sec. 120-54. Meetings, hearings, and procedures.

(a) The regular planning commission meeting shall be held at 6:00 p.m. on the second Tuesday of each month at the St. Tammany Parish Administrative Complex, except where holidays or other conflicts shall require rescheduling.

(b) Special meetings may be called by the chairman, or at the request in writing of any six members of the commission, subject to proper legal notice.

(c) All meetings shall be open to the public and shall be conducted in accordance with State Open Meetings Laws and this article.

(d) The commission shall sit only as a planning commission for all planning applications authorized by chapter 125.

(e) If necessary, the planning commission and the zoning commission may meet on the same day. Separate agendas must be maintained for each commission. If both meetings are held on the same day, one meeting must adjourn before the second is commenced.

(f) The agenda for hearings and meetings of the commission shall be prepared by the secretary with the approval of the chairman.

(g) Applications for amendments to chapter 125 or developmental reviews under this article shall not be considered by the commission unless properly and completely filed for placement on the agenda with the secretary, in accordance with the applicable filing procedures of the department of planning and development and provisions for public notice and the filing deadlines established therein.

(h) Matters that have arisen subsequent to the established filing deadline may be placed on the next appropriate commission meeting agenda by the chairman provided that the request is made to the secretary prior to the deadline for final legal notice of the meeting and that all other requirements for legal notification have been met.

(i) The agenda shall constitute the fixed order of business for the particular public hearing or meeting.

(j) The chairman, without objection from the commission, may arrange individual items on the particular agenda if necessary for the expeditious conduct of business.

(k) Other items of business (discussion items) not requiring action by the commission may be presented at a meeting and placed on the agenda under "New Business" by the chairman with a unanimous vote of the commission members present.

(l) Any person wishing to introduce written materials at the public hearing or meeting shall hand the materials to the secretary for proper recording and distribution to the chairman and commission. In order for this information to be introduced and recorded there must be at a minimum 12 copies of each document to be introduced.

(m) The commission shall review the draft minutes of its meetings as prepared by the secretary and approve or amend said minutes as is necessary to accurately reflect the actions described. Upon adoption, these minutes become part of the public record. When commission meetings are audio and/or video recorded, said recordings shall become a part of the meeting minutes reflecting commission action.

(Code 1998, § 18-036.07; Ord. No. 04-0880, § 18-036.07, 5-6-2004; Ord. No. 15-3399, § 18-036.07, 10-1-2015)

Sec. 120-55. Parliamentary rules.

(a) The latest edition of Robert's Rules of Order is hereby designated as the official manual of the planning commission. If the manual is in conflict with this article, this article shall govern.

(b) A parliamentarian shall be appointed by the chairman.

(c) The chairman shall be familiar with the contents of the manual and may consult with the parliamentarian of the commission and to answer parliamentary inquiries directed to the chairman.

(Code 1998, § 18-036.08; Ord. No. 04-0880, § 18-036.08, 5-6-2004; Ord. No. 15-3399, § 18-036.08, 10-1-2015)

Sec. 120-56. Voting.

(a) In the event of a conflict of interest which does not require a resignation in accordance with the Louisiana Code of Government Ethics, R.S. title 42, ch. 15 (R.S. 42:1101 et seq.), as amended, the involved commissioner shall announce the conflict and shall recuse himself from voting on and participating in the discussion of the matter giving rise to the conflict.

(b) Voting by proxy will not be allowed.

(Code 1998, § 18-036.09; Ord. No. 04-0880, § 18-036.09, 5-6-2004; Ord. No. 15-3399, § 18-036.09, 10-1-2015)

Sec. 120-57. General rules of public participation.

(a) Each person who appears at the public hearing or who submits written materials shall provide their name, address, and, if applicable, the name of the organization which they represent.

(b) Prior to the introduction of agenda items, the chairman shall inform the assembly of the order of business at hand and the order of the presentation in consideration of agenda items, and shall instruct the assembly on the appropriate procedures for addressing the planning commission.

(c) The following order of presentation will normally be observed at public hearings after the introduction of an agenda item by the chairman:

- (1) Presentation of staff report and recommendations.
- (2) Comments by applicant and proponents (ten minutes).
- (3) Comments by opponents and interested citizens (ten minutes).
- (4) Additional comments by applicant and proponents (five minutes).
- (5) Additional comments by opponents (five minutes).

- (6) Hearing closed.
- (7) Commission questions, discussion, consideration and action, if necessary.

The commission may extend the public hearing, by majority vote, to accommodate larger crowds or complex cases. Notwithstanding the expiration of time, any person who desires to be heard and who has not previously been recognized, may be accorded the opportunity to be heard once for a period of no more than two minutes at the discretion of the chairman.

(d) Written comments, documents, photographs, plans, drawings, reports, petitions, letters and written argument and questions are encouraged to be submitted to the commission at or prior to the hearing by delivery to the secretary.

(e) Members of the audience at public hearings and meetings shall observe the following rules of conduct and decorum while the meeting is in progress:

- (1) Refrain from talking to other members of the audience in a loud or otherwise disruptive manner.
- (2) Refrain from initiating private conversations with commission members, staff or legal counsel.
- (3) Refrain from approaching the podium unless invited to do so by the chairman.
- (4) Refrain from engaging in any behavior which is not in keeping with proper and courteous conduct.
- (5) Refrain from cheers, jeers, applause, or any expressions of approval or disapproval of comments made by any speakers or any actions taken by the commission.
- (6) Refrain from discussing matters not on the published agenda, unless the proper procedures have been followed in adding the item to the agenda.
- (7) Refrain from bringing any objects into the building and auditorium where the planning meeting is to be held that are disruptive to the meeting.

The chairman shall take whatever action is necessary to ensure that these rules are observed and the meeting proceeds in an orderly fashion.

(Code 1998, § 18-036.10; Ord. No. 04-0880, § 18-036.10, 5-6-2004; Ord. No. 15-3399, § 18-036.10, 10-1-2015)

Sec. 120-58. Seminars and retreats.

(a) From time to time the planning commission may schedule informal study/work sessions designated as seminars or retreats.

(b) Sessions shall be open to the public and the rules of proper notice of commission meetings shall apply.

(c) The only order of business at a session shall be the presentation, familiarization and discussion of the particular agenda study topics.

(d) The planning staff and/or guest presenters shall moderate the discussions and observe the following order of presentation:

- (1) Presentation of study item.
- (2) Discussion interaction between the commission members.
- (3) Public input (if scheduled as part of the seminar).
- (4) Concluding remarks.

(e) No official action shall be taken by the commission on items presented at the seminar or retreat.

(f) Public comment at the seminar, if scheduled, shall be limited based upon the topic and agenda. Interested parties are welcome to listen and learn from the presentation and discussion with no participation in the discussion unless scheduled as an agenda item.

(Code 1998, § 18-036.11; Ord. No. 04-0880, § 18-036.11, 5-6-2004; Ord. No. 15-3399, § 18-036.11, 10-1-2015)

Sec. 120-59. Committees.

(a) In fulfilling its various charges, the planning commission may utilize committees at its discretion.

(b) The commission may appoint committees, comprised of no more than five commission members, and may include other persons as deemed necessary.

(c) Staff personnel will be made available upon reasonable request to provide any assistance required by the committee.

(d) Committees shall not take any action, which may be construed as an official act of the commission, but instead may make recommendations for action by the commission. Committees shall not publicly advocate or promote committee recommendations as an official position of the commission, unless the commission has first acted on the matter.

(e) Committees shall conduct business by an agenda and keep minutes of all proceedings as a matter of public record.

(f) All committee meetings shall be open to the public and shall be conducted in accordance with state open meetings laws and this article.

(g) Following the first hearing on a matter before the commission, a "community meeting" may be called by the chairman and have up to five commissioners in attendance. Community meetings are intended for dissemination of information and for promoting dialogue among applicants and persons interested in matters being brought before the commission only, and shall not be considered a committee of the commission.

(Code 1998, § 18-036.12; Ord. No. 04-0880, § 18-036.12, 5-6-2004; Ord. No. 15-3399, § 18-036.12, 10-1-2015)

Sec. 120-60. Executive session.

From time to time, the planning commission may find it necessary to discuss matters of personnel or litigation pertaining to the business of the commission and shall enter executive session to do so.

(Code 1998, § 18-036.13; Ord. No. 04-0880, § 18-036.13, 5-6-2004; Ord. No. 15-3399, § 18-036.13, 10-1-2015)

Sec. 120-61. Rules of conduct for commissioners.

(a) Each member of the planning commission shall abide by the Louisiana Code of Government Ethics, R.S. title 42, ch. 15 (R.S. 42:1101 et seq.), as amended. Each member shall certify in writing that he has read and understands the "Louisiana Code of Governmental Ethics" located on the Louisiana Board of Governmental Ethics (LBGE) website at <http://ethics.la.gov>, prior to being seated as a planning commissioner. Each member is responsible to register and participate in at least one hour of ethics training annually through the LBGE website at <http://ethics.la.gov/SeminarRegistration/>. Should a commissioner not complete the ethics training in any calendar year, that commissioner will not take part in commission functions until the ethics training requirement has been met.

(b) A commission member shall not meet or communicate in any fashion with any applicant, proponent, opponent or other interested party, excepting members of the parish administration, parish council and/or the commission staff, to discuss any matter before the commission prior to a legal public hearing on that matter. When more than six months have elapsed since the last public hearing on a matter, no commissioner shall meet or communicate in any fashion with any applicant, proponent, opponent or other interested party until a new legal hearing is again held on that matter. Violation of this section may be cause for dismissal of the offending commission member.

(c) Each member may visit the site in question, but may not have discussions concerning the site or project with any interested party prior to the legal hearing, except as outlined in subsection (b) of this section.

(d) Following the initial required public hearing, the commission may form a committee for the express purpose of attempting to better understand the issues raised in the review of the application, in accordance with section 120-59.

(e) A commission members shall not in any way pledge himself to any party on a matter before the commission, prior to the legal public hearing.

(f) Any commission member who has knowledge of the fact that he will not be able to attend one or more scheduled meetings or hearings shall notify the Secretary at the earliest possible opportunity, and in any event before 4:00 p.m. on the day of the first missed meeting.

(g) Once a meeting is called to order by the chairman, the commission members shall take special care to conduct themselves in a professional and courteous manner and remain attentive to the members of the public testifying before the commission.

(h) Commission members requesting information or clarification relative to an application or business item that is before them for consideration may directly contact the secretary for assistance.

(i) The commission may request information or specific actions from the secretary and such request will be reflected in the minutes.

(j) Each commissioner will sign an acknowledgment of having received and fully read the rules of conduct prior to serving as member of the commission.

(Code 1998, § 18-036.14; Ord. No. 04-0880, § 18-036.14, 5-6-2004; Ord. No. 15-3399, § 18-036.14, 10-1-2015)

Sec. 120-62. Representation.

(a) The chairman shall serve as the official spokesman and representative of the commission in all matters that have been acted upon by the commission. The chairman may appoint a member of the commission to serve as spokesperson or representative. Any member who officially represents or speaks for the commission shall report to the commission on any statements made or actions taken while serving in that capacity at its next regularly scheduled meeting.

(b) In the absence of an official spokesman as described in subsection (a) of this section, the secretary shall act on behalf of the commission before the parish council and shall inform the council of all final decisions and recommendations, along with supporting records and documentation, rendered by the commission.

(c) Commission members shall refrain from making statements or taking action which may be identified as or construed to be an official act or position of the commission.

(d) Commission members shall not publicly advocate or promote individual positions or opinions unless the commission has first acted on the matter.
(Code 1998, § 18-036.15; Ord. No. 04-0880, § 18-036.15, 5-6-2004; Ord. No. 15-3399, § 18-036.15, 10-1-2015)

Sec. 120-63. Violation of article.

Any violation of this article may be deemed as cause for removal of the offending member by the appointing authority.
(Code 1998, § 18-036.16; Ord. No. 04-0880, § 18-036.16, 5-6-2004; Ord. No. 15-3399, § 18-036.16, 10-1-2015)

Sec. 120-64. Amendments to rules of policy and procedure.

All planning commission rules of policy and procedure are established by ordinance and may only be amended by the parish council according to the following applicable procedures:

- (1) Proposed amendments may be initiated by any member of the commission who shall file a written copy of the proposal with the secretary.
- (2) The secretary shall place the proposed amendment on the commission agenda for the next available public meeting.
- (3) The commission shall review the proposed amendment, comments from the public, and recommendations from the secretary and legal counsel prior to taking a vote. A two-thirds vote of the commission as a whole (eight votes) is required to recommend an amendment to this article.
- (4) If approved, the secretary shall forward the amendment to the parish council for consideration of an amending ordinance.

(Ord. No. 15-3399, § 18-036.17, 10-1-2015)

Secs. 120-65—120-84. Reserved.

ARTICLE IV. PARISH ZONING COMMISSION*

Sec. 120-85. Membership.

- (a) The zoning commission shall be composed of 11 members.

(b) The parish president shall have the unilateral and exclusive right to appoint two members. These exclusive appointments by the parish president do not require action by resolution or ordinance.

***State law references**—Parish zoning regulations generally, R.S. 33:4780.40 et seq.; parish zoning commission, R.S. 33:4780.45.

(c) The parish council, by resolution, shall have the unilateral and exclusive right to appoint nine members.

(d) Any member who fails to appear at two consecutive zoning commission meetings may be removed by his appointing authority. Members may also be removed at any time, with or without cause, by the appointing authority. A majority vote of the parish council membership is required to remove members appointed by the parish council.

(e) Any vacancy as specifically to the nine parish council appointments shall be unilaterally and exclusively filled by council resolution within 75 days of notice of the vacancy.

(f) Any vacancy as specifically to the two parish president appointments shall be filled unilaterally and exclusively by the parish president within 75 days of notice of the vacancy.

(g) Terms of all zoning commission members shall be concurrent with the terms of office of the parish president and parish council.

(h) Zoning commission members shall receive a per diem of \$50.00 for each meeting of the commission attended, for a maximum of 24 meetings per year.

(i) No member shall seek, qualify for, or hold an elected public office while seated as a zoning commissioner.

(j) A person newly appointed and serving on the zoning commission shall receive at least four hours of training prior to or within one year of appointment. Each year, all commissioners shall attend a mandatory four hours of continuing education training provided by the department of planning and development. Should a commissioner be unable to attend the mandatory training session, that commissioner will not take part in commission functions until the four-hour training requirement has been met. Should the parish-sponsored training session not be available, an alternative training session approved by the director of planning and development may be substituted. Commissioners newly appointed, and those continuing to serve, on both the planning commission and the zoning commission are required to obtain a combined total of four hours of training and annual continuing education, respectively.

(Code 1998, § 18-051.00; Ord. No. 04-0881, § 18-051.00, 5-6-2004; Ord. No. 15-3399, § 18-051.00, 10-1-2015)

Sec. 120-86. Chairperson and vice-chairperson.

(a) At the first regular meeting of each calendar year, the members of the zoning commission shall elect one of their number as chairman and one of their number as vice-chairman, and the terms shall commence at that meeting.

(b) In the absence of the chairman, the vice-chairman shall act as chair and shall have all the powers of the chairman.

(c) In the absence of both the chairman and the vice-chairman, a quorum of the commission may select a member to preside over the meeting.

(d) The chairman may appoint committees, comprised of no more than five members of the commission, as well as other persons, to serve the commission as deemed necessary.

(e) The chairman may engage in discussion and must vote in the same manner as any other member of the commission.

(f) The chairman may suggest motions but may neither make nor second motions.
(Code 1998, § 18-051.01; Ord. No. 04-0881, § 18-051.01, 5-6-2004; Ord. No. 15-3399, § 18-051.01, 10-1-2015)

Sec. 120-87. Secretary.

(a) The director of the department of planning and development, or his designated representative, shall serve as the secretary to the zoning commission.

(b) The secretary shall keep the minutes of the proceedings of the commission, and maintain all records of the commission meeting, hearings and proceedings. The minutes shall show the vote of each member upon each question, or if absent or failing to vote, indicating that fact. A copy of the minutes and actions of the commission shall be filed with the parish council.

(c) The secretary shall provide notices of hearings and meetings as may be required by law, and shall prepare all agendas.

(d) The secretary shall receive, determine the completeness of, and review all applications.

(e) The secretary shall serve as the point of contact for all applicants, and shall collect and compile information and report recommendations to the commission. Said recommendation shall be considered and ruled upon by the commission following the required public hearing.
(Code 1998, § 18-051.02; Ord. No. 04-0881, § 18-051.02, 5-6-2004; Ord. No. 15-3399, § 18-051.02, 10-1-2015)

Sec. 120-88. Zoning staff.

The staff of the departments of planning and development, engineering and environmental services shall serve as the support staff of the zoning commission and may be requested to provide assistance in the performance of the duties of the commission by the chairman on behalf of the entire commission.

(Code 1998, § 18-051.03; Ord. No. 04-0881, § 18-051.03, 5-6-2004; Ord. No. 15-3399, § 18-051.03, 10-1-2015)

Sec. 120-89. Powers and duties.

The zoning commission shall have the following powers and duties:

- (1) To hear, review and propose amendments to the adopted Unified Development Code, as amended;
 - (2) To adopt a comprehensive plan designed to promote health and the general welfare, and to encourage the most appropriate use of land throughout the parish.
 - (3) To make careful and comprehensive surveys and studies of present and future land use in the parish and to make recommendations, periodic reviews and updates to the parish zoning map, or portions thereof;
 - (4) To review and report on any matter referred to it by the parish president or the parish council. A report shall be issued no later than the second zoning commission meeting after the first publication of the agenda containing said matter provided that any required legal notification to the affected property owner has occurred.
 - (5) To make its special knowledge and expertise as a commission available, upon reasonable written request to any official, department or board.
 - (6) To exercise all of the powers and duties conferred by R.S. title 33, ch. 14 (R.S. 33:4721 et seq.), where applicable, and as may be amended by the state legislature.
- (Code 1998, § 18-051.04; Ord. No. 04-0881, § 18-051.04, 5-6-2004; Ord. No. 15-3316, 5-7-2015; Ord. No. 15-3399, § 18-051.04, 10-1-2015)

Sec. 120-90. Review of zoning decisions.

(a) Any person claiming to be aggrieved by a decision of the zoning commission may appeal to the parish council, through the parish department of planning and development, in written form within ten days following the commission's hearing. The appeal may be heard by the parish council at its next regularly scheduled meeting following the ten-day appeal period. The parish council shall have the exclusive right to overturn any zoning commission decision by a majority vote of the membership of the parish council.

(b) Any person or persons jointly or severally aggrieved by any decision of the parish council relative to a request for amendment, supplement, or change to the regulations, restrictions, zoning district, land use category, or boundaries may file a petition to the 22nd Judicial District Court in and for the parish for the issuance of a writ of certiorari or for other appropriate legal proceedings. The petition shall be filed within 30 days after the decision of the council becomes final, which shall commence on the day following the effective date of the council's resolution or, when the adoption of an ordinance is required, the day following the effective date of the ordinance. The actions of the parish council shall be subject to review on

the grounds of abuse of discretion, unreasonable exercise of police powers, an excessive use of powers granted to the council, or the denial of the right of due process. However, the right to petition for judicial review shall not be limited to the foregoing grounds.

(Code 1998, § 18-051.05; Ord. No. 04-0881, § 18-051.05, 5-6-2004; Ord. No. 08-1761, 3-6-2008; Ord. No. 15-3399, § 18-051.05, 10-1-2015)

Sec. 120-91. Quorum and necessary vote.

(a) No business shall be conducted by the zoning commission without a quorum being present. Unless otherwise herein specified, a quorum shall consist of eight members (two-thirds majority).

(b) To constitute final action on any matter before it, at minimum, a majority vote of the membership of the commission is required, unless a larger vote is required by law.

(Code 1998, § 18-051.06; Ord. No. 04-0881, § 18-051.06, 5-6-2004; Ord. No. 15-3399, § 18-051.06, 10-1-2015)

Sec. 120-92. Meetings, hearings, and procedures.

(a) The regular zoning commission meeting shall be held at 6:00 p.m. on the first Tuesday of each month at the St. Tammany Parish Administrative Complex, except where holidays or other conflicts shall require rescheduling.

(b) Special meetings may be called by the chairman, or at the request in writing of any six members of the commission, subject to proper legal notice.

(c) All meetings shall be open to the public and shall be conducted in accordance with state open meetings laws and this article.

(d) The commission shall sit only as the zoning commission for all zoning applications authorized by the Unified Development Code.

(e) If necessary, the zoning commission and the planning commission may meet on the same day. Separate agendas must be maintained for each commission. If both meetings are held on the same day, one meeting must adjourn before the second is commenced.

(f) The agenda for hearings and meetings of the commission shall be prepared by the secretary with the approval of the chairman.

(g) Applications for amendments to the Unified Development Code under these rules shall not be considered by the commission unless properly and completely filed for placement on the agenda with the secretary, in accordance with the applicable filing procedures of the department of planning and development and provisions for public notice and the filing deadlines established therein.

(h) Matters that have arisen subsequent to the established filing deadline may be placed on the next appropriate commission meeting agenda by the chairman provided that the request is made to the secretary prior to the deadline for final legal notice of the meeting and that all other requirements for legal notification have been met.

(i) The agenda shall constitute the fixed order of business for the particular public hearing or meeting.

(j) The chairman, without objection from the commission, may arrange individual items on the particular agenda if necessary for the expeditious conduct of business.

(k) Other items of business (discussion items) not requiring action by the commission may be presented at a meeting and placed on the agenda under "New Business" by the chairman with a unanimous vote of the commission members present.

(l) Any person wishing to introduce written materials at the public hearing or meeting shall hand the materials to the secretary for proper recording and distribution to the chairman and commission. In order for this information to be introduced and recorded there must be at a minimum 12 copies of each document to be introduced.

(m) The commission shall review the draft minutes of its meetings as prepared by the secretary and approve or amend said minutes as is necessary to accurately reflect the actions described. Upon adoption, these minutes become part of the public record. When commission meetings are audio and/or video recorded, said recordings shall become a part of the minutes reflecting commission action.

(Code 1998, § 18-051.07; Ord. No. 04-0881, § 18-051.07, 5-6-2004; Ord. No. 15-3399, § 18-051.07, 10-1-2015)

Sec. 120-93. Parliamentary rules.

(a) The latest edition of Robert's Rules of Order is hereby designated as the official manual of the zoning commission. If the manual is in conflict with this article, this article shall govern.

(b) A parliamentarian shall be appointed by the chairman.

(c) The chairman shall be familiar with the contents of the manual and may consult with the parliamentarian of the commission and to answer parliamentary inquiries directed to the chairman.

(Code 1998, § 18-051.08; Ord. No. 04-0881, § 18-051.08, 5-6-2004; Ord. No. 15-3399, § 18-051.08, 10-1-2015)

Sec. 120-94. Voting.

(a) In the event of a conflict of interest which does not require a resignation in accordance with the Louisiana Code of Government Ethics, R.S. title 42, ch. 15 (R.S. 42:1101 et seq.), as amended, the involved commissioner shall announce the conflict and shall recuse himself from voting on and participating in the discussion of the matter giving rise to the conflict.

(b) Voting by proxy will not be allowed.
(Code 1998, § 18-051.09; Ord. No. 04-0881, § 18-051.09, 5-6-2004; Ord. No. 15-3399, § 18-051.09, 10-1-2015)

Sec. 120-95. General rules of public participation.

(a) Each person who appears at the public hearing or who submits written materials shall provide their name, address, and, if applicable, the name of the organization which they represent.

(b) Prior to the introduction of agenda items, the chairman shall inform the assembly of the order of business at hand and the order of the presentation in consideration of agenda items, and shall instruct the assembly on the appropriate procedures for addressing the zoning commission.

(c) The following order of presentation will normally be observed at public hearings after the introduction of an agenda item by the chairman:

- (1) Presentation of staff report and recommendations.
- (2) Comments by applicant and proponents (ten minutes).
- (3) Comments by opponents and interested citizens (ten minutes).
- (4) Additional comments by applicant and proponents (five minutes).
- (5) Additional comments by opponents (five minutes).
- (6) Hearing closed.
- (7) Commission questions, discussion, consideration and action, if necessary.

The commission may extend the public hearing, by majority vote, to accommodate larger crowds or complex cases. Notwithstanding the expiration of time, any person who desires to be heard and who has not previously been recognized, may be accorded the opportunity to be heard once for a period of no more than two minutes at the discretion of the chairman.

(d) Written comments, documents, photographs, plans, drawings, reports, petitions, letters and written argument and questions are encouraged to be submitted to the commission at or prior to the hearing by delivery to the secretary.

(e) Members of the audience at public hearings and meetings shall observe the following rules of conduct and decorum while the meeting is in progress:

- (1) Refrain from talking to other members of the audience in a loud or otherwise disruptive manner.
- (2) Refrain from initiating private conversations with commission members, staff or legal counsel.

- (3) Refrain from approaching the podium unless invited to do so by the chairman.
- (4) Refrain from engaging in any behavior which is not in keeping with proper and courteous conduct.
- (5) Refrain from cheers, jeers, applause, or any expressions of approval or disapproval of comments made by any speakers or any actions taken by the commission.
- (6) Refrain from discussing matters not on the published agenda, unless the proper procedures have been followed in adding the item to the agenda.
- (7) Refrain from bringing any objects into the building and auditorium where the zoning meeting is to be held that are disruptive to the meeting.

The chairman shall take whatever action is necessary to ensure that these rules are observed and the meeting proceeds in an orderly fashion.

(Code 1998, § 18-051.10; Ord. No. 04-0881, § 18-051.10, 5-6-2004; Ord. No. 15-3399, § 18-051.10, 10-1-2015)

Sec. 120-96. Seminars and retreats.

(a) From time to time the zoning commission may schedule informal study/work sessions designated as seminars or retreats.

(b) Sessions shall be open to the public and the rules of proper notice of commission meetings shall apply.

(c) The only order of business at a session shall be the presentation, familiarization and discussion of the particular agenda study topics.

(d) The zoning staff and/or guest presenters shall moderate the discussions and observe the following order of presentation:

- (1) Presentation of study item.
- (2) Discussion interaction between the commission members.
- (3) Public input (if scheduled as part of the seminar).
- (4) Concluding remarks.

(e) No official action shall be taken by the commission on items presented at the seminar or retreat.

(f) Public comment at the seminar, if scheduled, shall be limited based upon the topic and agenda. Interested parties are welcome to listen and learn from the presentation and discussion with no participation in the discussion unless scheduled as an agenda item.

(Code 1998, § 18-051.11; Ord. No. 04-0881, § 18-051.11, 5-6-2004; Ord. No. 15-3399, § 18-051.11, 10-1-2015)

Sec. 120-97. Committees.

(a) In fulfilling its various charges, the zoning commission may utilize committees at its discretion.

(b) The commission may appoint committees, comprised of no more than five commission members and may include other persons as deemed necessary.

(c) Staff personnel will be made available upon reasonable request to provide any assistance required by the committee.

(d) Committees shall not take any action, which may be construed as an official act of the commission, but instead may make recommendations for action by the commission. Committees shall not publicly advocate or promote committee recommendations as an official position of the commission, unless the commission has first acted on the matter.

(e) Committees shall conduct business by an agenda and keep minutes of all proceedings as a matter of public record.

(f) All committee meetings shall be open to the public and shall be conducted in accordance with state open meetings laws and this article.

(g) Following the first hearing on a matter before the commission, a "community meeting" may be called by the chairman and have up to five commissioners in attendance. Community meetings are intended for dissemination of information and for promoting dialogue among applicants and persons interested in matters being brought before the commission only, and shall not be considered a committee of the commission.

(Code 1998, § 18-051.12; Ord. No. 04-0881, § 18-051.12, 5-6-2004; Ord. No. 15-3399, § 18-051.12, 10-1-2015)

Sec. 120-98. Executive session.

From time to time, the zoning commission may find it necessary to discuss matters of personnel or litigation pertaining to the business of the commission and shall enter executive session to do so.

(Code 1998, § 18-051.13; Ord. No. 04-0881, § 18-051.13, 5-6-2004; Ord. No. 15-3399, § 18-051.13, 10-1-2015)

Sec. 120-99. Rules of conduct for commissioners.

(a) Each member of the zoning commission shall abide by the Louisiana Code of Government Ethics, R.S. title 42, ch. 15 (R.S. 42:1101 et seq.), as amended. Each member shall certify in writing that he has read and understands the "Louisiana Code of Governmental Ethics" located on the Louisiana Board of Governmental Ethics (LBGE) website at <http://ethics.la.gov>, prior to being seated as a zoning commissioner. Each member is responsible to register and participate in at least one hour of ethics training annually through the LBGE website at

<http://ethics.la.gov/SeminarRegistration/>. Should a commissioner not complete the ethics training in any calendar year, that commissioner will not take part in commission functions until the ethics training requirement has been met.

(b) A commission member shall not meet or communicate in any fashion with any applicant, proponent, opponent or other interested party, excepting members of the parish administration, parish council and/or the commission staff, to discuss any matter before the commission prior to a legal public hearing on that matter. When more than six months have elapsed since the last public hearing on a matter, no commissioner shall meet or communicate in any fashion with any applicant, proponent, opponent or other interested party until a new legal hearing is again held on that matter. Violation of this section may be cause for dismissal of the offending commission member.

(c) Each member may visit the site in question, but may not have discussions concerning the site or project with any interested party prior to the legal hearing, except as outlined in subsection (b) of this section.

(d) Following the initial required public hearing, the commission may form a committee for the express purpose of attempting to better understand the issues raised in the review of the application, in accordance with section 120-97.

(e) A commission member shall not in any way pledge himself to any party on a matter before the commission, prior to the legal public hearing.

(f) Any commission member who has knowledge of the fact that he will not be able to attend a scheduled meeting or hearing shall notify the secretary at the earliest possible opportunity, and in any event before 4:00 p.m. on the day of the meeting.

(g) Once a meeting is called to order by the chairman, the commission members shall take special care to conduct themselves in a professional and courteous manner and remain attentive to the members of the public testifying before the commission.

(h) Commission members requesting information or clarification relative to an application or business item that is before them for consideration may directly contact the secretary for assistance.

(i) The commission may request information or specific actions from the secretary and such requests will be reflected in the minutes.

(j) Each commissioner will sign an acknowledgment of having received and fully read the rules of conduct prior to serving as member of the commission.

(Code 1998, § 18-051.14; Ord. No. 04-0881, § 18-051.14, 5-6-2004; Ord. No. 15-3399, § 18-051.14, 10-1-2015)

Sec. 120-100. Representation.

(a) The chairman shall serve as the official spokesman and representative of the zoning commission in all matters that have been acted upon by the commission. The chairman may appoint a member of the commission to serve as spokesperson or representative. Any member who officially represents or speaks for the commission shall report to the commission on any statements made or actions taken while serving in that capacity at its next regularly scheduled meeting.

(b) In the absence of an official spokesman as described in subsection (a) of this section, the secretary shall act on behalf of the commission before the parish council and shall inform the council of all final decisions and recommendations, along with supporting records and documentation, rendered by the commission.

(c) Commission members shall refrain from making statements or taking action which may be identified as or construed to be an official act or position of the commission.

(d) Commission members shall not publicly advocate or promote individual positions or opinions unless the commission has first acted on the matter.

(Code 1998, § 18-051.15; Ord. No. 04-0881, § 18-051.15, 5-6-2004; Ord. No. 15-3399, § 18-051.15, 10-1-2015)

Sec. 120-101. Violation of rules.

Any violation of this article may be deemed as cause for removal of the offending member by the appointing authority.

(Code 1998, § 18-051.16; Ord. No. 04-0881, § 18-051.16, 5-6-2004; Ord. No. 15-3399, § 18-051.16, 10-1-2015)

Sec. 120-102. Amendments to rules of policy and procedure.

All zoning commission rules of policy and procedure are established by ordinance and may only be amended by the parish council according to the following applicable procedures:

- (1) Proposed amendments may be initiated by any member of the commission who shall file a written copy of the proposal with the secretary.
- (2) The secretary shall place the proposed amendment on the commission agenda for the next available public meeting.
- (3) The commission shall review the proposed amendment, comments from the public, and recommendations from the secretary and legal counsel prior to taking a vote. A two-thirds vote of the commission as a whole (eight votes) is required to recommend an amendment to this article.

(4) If approved, the secretary shall forward the amendment to the parish council for consideration of an amending ordinance.
(Ord. No. 15-3399, § 18-051.17, 10-1-2015)

Secs. 120-103—120-130. Reserved.

ARTICLE V. INDUSTRIAL DISTRICT NO. 1

Sec. 18-131. Created; boundaries.

Under the authority of article XIV, section 14, paragraph b.2 of the constitution of the state for the year 1921, there is hereby created an Industrial District within the parish, which shall comprise all of the territory within the boundaries of Wards 8 and 9 of the parish as they exist on March 16, 1967.
(Code 1998, § 18-065.00; Ord. No. 403, Bk. 6, P. 125)

Sec. 120-132. Name, status and powers.

The industrial district herein created shall be known and is hereby designated as "Industrial District No. 1 of the Parish of St. Tammany, State of Louisiana," and as thus created shall constitute a political and legal subdivision of the state, with full power to sue and be sued in its corporate name, to incur debt and to contract obligations, and to do and perform all acts in its corporate capacity and in its corporate name necessary and proper to carry out its purposes, including the issuance of said bonds, as set forth in article XIV, section 14, paragraph b.2 of the constitution of the state for the year 1921.
(Code 1998, § 18-066.00; Ord. No. 403, Bk. 6, P. 125)

Sec. 120-133. Seal.

The official seal of the parish council is hereby designated and adopted as the official seal of the district created herein.
(Code 1998, § 18-067.00; Ord. No. 403, Bk. 6, P. 125)

Editor's note—Industrial District No. 1 has been inactive, but not formally abolished.

Secs. 120-134—120-164. Reserved.

ARTICLE VI. PARISH PORT COMMISSION

Sec. 120-165. Creation.

(a) There is hereby created a parish port commission to be comprised of seven members with appointments parish wide. There shall be four members nominated and appointed by the parish council.

(b) There shall be three members nominated and appointed by the parish president.
(Code 1998, § 18-075.00; Ord. No. 00-0157, 6-1-2000)

Secs. 120-166—120-183. Reserved.

ARTICLE VII. COMMUNITY DEVELOPMENT DISTRICTS*

DIVISION 1. GENERALLY

Secs. 120-184—120-206. Reserved.

DIVISION 2. LAKESHORE VILLAGES MASTER COMMUNITY DEVELOPMENT DISTRICT

Sec. 120-207. Authority.

By virtue of R.S. 33:9039.14 et seq. and other constitutional and statutory authority, the parish council is authorized to create community development districts in unincorporated areas of the parish.
(Code 1998, § 18-085.01; Ord. No. 07-1540, 4-5-2007)

Sec. 120-208. Created.

The community development district hereby created shall be known and designated as "Lakeshore Villages Master Community Development District" and as such shall have all of the rights, powers and privileges granted and conferred by the Act and other constitutional and statutory authority, including the authority to incur debt, to issue bonds and to levy parcel fees and to acquire or construct infrastructure and provide services.
(Code 1998, § 18-085.02; Ord. No. 07-1540, 4-5-2007)

Sec. 120-209. Boundaries.

The boundaries of the Lakeshore Villages Master Community Development District are described as follows:

General description of property: The property is located east of I-10 Exit 261 and north of Lakeshore Boulevard east and south of North Diversion Canal and west of the east Diversion Canal, including the access roadway of Lakeshore Boulevard east and roadway from I-10 Service Road, both to the property of about 1,250.5 acres within the existing levees. (More fully described as "Outside Toe of New Levee" 1,235.68 acres, "Lakeshore

***State law reference**—Community Development District Act, R.S. 33:9039.11 et seq.

Boulevard east" 9.6992 acres, "90 Access Roadway" 5.134 acres. Complete legal descriptions are attached to referenced Ordinance C.S. No. 07-1497 on file in the official records of the St. Tammany Parish Council office).
(Code 1998, § 18-085.03; Ord. No. 07-1497, 1-4-2007; Ord. No. 07-1540, 4-5-2007)

Sec. 120-210. Commissioners.

The governing body of the Lakeshore Villages Master Community Development District shall be a five-member board of supervisors.
(Code 1998, § 18-085.04; Ord. No. 07-1497, 1-4-2007; Ord. No. 07-1540, 4-5-2007)

Secs. 120-211—120-230. Reserved.

ARTICLE VIII. PARISH/MUNICIPAL INFRASTRUCTURE INTERFACE*

Sec. 120-231. Growth management/annexation agreements.

In accordance with the "Joint Projects and Other Cooperative Endeavors" clause of the Growth Management and Annexation Agreements of 2003 between St. Tammany Parish Government and various municipalities within the boundaries of the parish, the parish government will coordinate infrastructure improvements so that both parish and municipal standards will be considered for all new development within the annexation agreement areas and the more restrictive set of standards, whether they be standards established by the parish or municipal governing body, will be applied to the project.
(Code 1998, § 18-090.00)

Sec. 120-232. Restrictive standards.

For the purposes of this section, the most restrictive standard shall be applied to the following types of infrastructure:

- (1) Drainage design standards;
- (2) Road design standards;
- (3) Potable water standards; and
- (4) Sewer standards.

(Code 1998, § 18-090.01)

***State law reference**—Petition procedures for municipalities and parishes to annex property, R.S. 33:172.

Sec. 120-233. Effective date.

This section shall be considered in affect upon:

- (1) Notice, by certified copy to the parish president, that a municipality located within St. Tammany Parish has adopted similar legislation; and
- (2) The adoption of a resolution by the parish council recognizing said municipal legislation.

(Code 1998, § 18-090.02; Ord. No. 03-0802, 12-4-2003)

Sec. 120-234. Operating agreements between parish and municipalities enabling legislation.

Act No. 159 of the First Extraordinary Session of the 2002 Louisiana Legislature amended and reenacted R.S. 33:172 and provided relative to municipal annexation procedures and the use of operating agreements between certain municipalities and certain parishes. Pursuant to said Act, on March 26, 2003, the parish council adopted ordinances authorizing operating agreements with each of the following municipalities:

- (1) City of Covington, Ordinance C.S. No. 03-0639.
- (2) City of Mandeville, Ordinance C.S. No. 03-0640.
- (3) Town of Abita Springs, Ordinance C.S. No. 03-0641.
- (4) Town of Madisonville, Ordinance C.S. No. 03-0642.
- (5) Town of Pearl River, Ordinance C.S. No. 03-0643.
- (6) Village of Folsom, Ordinance C.S. No. 03-0644.
- (7) Village of Sun, Ordinance C.S. No. 03-0645.

(Code 1998, § 18-091.00)

Editor's note—A copy of each operating agreement is attached to the referenced ordinance as Exhibit A and on file in the parish council office as part of the official record.

Secs. 120-235—120-261. Reserved.

ARTICLE IX. ECONOMIC DEVELOPMENT DISTRICTS*

DIVISION 1. GENERALLY

Secs. 120-262—120-285. Reserved.

***State law reference**—Authority of parish to create and maintain economic development district, R.S. 33:9038.31 et seq.

DIVISION 2. ROOMS TO GO ST. TAMMANY ECONOMIC DEVELOPMENT
DISTRICT

Sec. 120-286. Authority.

By virtue of R.S. 33:9038.31 et seq., and other constitutional and statutory authority, the parish council is authorized to create economic development districts in unincorporated areas of the parish.

(Code 1998, § 18-095.01)

Sec. 120-287. Created.

The economic development district hereby created shall be known and designated as the "Rooms To Go St. Tammany Economic Development District". As provided by the Act, the governing body of the district shall be the parish council. The district shall be a political subdivision of the state and shall possess such powers and authority and have such duties, rights, powers and privileges granted and conferred pursuant to the Act.

(Code 1998, § 18-095.02)

Sec. 120-288. Boundaries.

The boundaries of the Rooms To Go St. Tammany Economic Development District are described as follows:

A certain parcel of land, lying and situated in section 13, Township 8 south, Range 14 east, St. Tammany Parish, Louisiana, and more fully described as follows: From the quarter section corner common between sections 13 and 24, Township 8 south, Range 14 east; thence go north 89 degrees, 02 minutes, 36 seconds east 643.17 feet to a ½ inch iron and the point of beginning.

Thence go north 03 degrees, 47 minutes, 48 seconds west 1873.41 feet to a ½ inch iron rod. Thence north 67 degrees, 05 minutes, 11 seconds east 920.00 feet to a ½ inch iron rod on the westerly right-of-way line of Old Military Road. Thence south 23 degrees, 10 minutes 54 seconds east 1,810.00 feet along said right-of-way line of Old Military Road to a ½ inch iron rod at the intersection with the western right-of-way line of Interstate Highway 1-15. Thence south 09 degrees, 54 minutes, 44 seconds east 554.65 feet along said right-of-way line of I-59 to a ½ inch iron rod and a point of departure from I-59. Thence south 89 degrees, 02 minutes, 36 seconds west 1,530.00 feet to the point of beginning.

Containing 60.238 acres of land, more or less, a certain parcel of land, lying and situated in section 13, Township 8 south, Range 14 east, St. Tammany Parish, Louisiana, in accordance with J.V. Burkes and Associates Survey #20071022, dated April 24, 2007.

(Code 1998, § 18-095.03; Ord. No. 07-1589, 6-7-2007)

Sec. 120-289. Rooms to Go St. Tammany Economic Development District Trust Fund.

(a) In accordance with state law, there is hereby created a special trust fund to be named the "Rooms To Go St. Tammany Economic Development District Trust Fund," the purpose of which will be to fund economic development projects selected by the district.

(b) In accordance with state law, there is levied in the district a new additional sales tax of 0.0075 percent upon sale at retail, use, lease or rental, consumption, and storage for use or consumption, of tangible personal property, upon the lease or rental of tangible personal property and on sales of services in the district.

(c) The Uniform Local Sales Tax Code, as enacted by Act No. 73 of the 2003 Regular Session of the Louisiana Legislature and as it may be amended, shall apply in the assessment, collection, administration and enforcement of the district tax, the provisions of which Uniform Local Sales Tax Code are hereby incorporated by reference.

(d) The entire amount of the district tax is pledged and designated as the local sales tax increment, which is to be deposited in this special trust fund, together with a like amount of state sales tax, to the extent approved by the state, for the furtherance of economic development projects through reimbursement of costs of economic development projects, on a cash basis.

(e) Notwithstanding anything to the contrary contained herein, sales tax increments within the district, if any, shall be used only for projects that meet the definition of "economic development project" as that term is defined in R.S. 33:9038.34(M).

(f) Vendor's compensation. For the purpose of compensating the dealer in accounting for and remitting the district tax levied by this section, each dealer shall be allowed 1.10 percent of the amount of district tax due and accounted for and remitted to the tax collector in the form of a deduction in submitting his report and paying the amount due by the dealer, provided the amount due was not delinquent at the time of payment, and provided the amount of any credit claimed for taxes already paid to a wholesaler shall not be deducted in computing the commission allowed the dealer hereunder.

(g) Exclusions or exemptions. This governing authority adopts none of the optional exclusions or exemptions allowed by state sales tax law, nor does this governing authority adopt any exclusions or exemptions authorized by legislation enacted under article VI, section 29(D)(1) of the constitution of the state of 1974 that are not allowed as an exclusion or exemption from state sales tax. Included within the tax base of the district tax is every transaction, whether sales, use, lease or rental, consumption, storage or service, with no exclusions or exemptions except for those mandated upon political subdivisions by the constitution or statutes of the state.

(h) Tax collector. The district tax is authorized to be collected by a "collector" which term shall mean the sales tax department of the parish sheriff's office. The collector is hereby authorized, empowered and directed to carry into effect the provisions of this article, to appoint deputies, assistants or agents to assist it in the performance of its duties, and in pursuance thereof to make and enforce such rules as it may deem necessary.

(i) With regard to the collection of the district tax on any motor vehicle, automobile, truck, truck-trailer, trailer, semi-trailer, motor bus, home trailer, or any other vehicle subject to the vehicle registration license tax, this governing authority, acting through the collector, on behalf of the district, is authorized to enter into an agreement with the vehicle commissioner, department of public safety and corrections, as provided by R.S. 47:303(B).

(j) All taxes, revenues, funds, assessments, moneys, penalties, fees or other income which may be collected or come into the possession of the collector under any provision or provisions of this section relating to the district tax shall be promptly deposited by the collector for the account of the district in the trust fund, provided, however, any amount which is paid under protest or which is subject to litigation may be transferred to a separate account established by the collector with said fiscal agent pending the final determination of the protest or litigation.

(k) Penalty, interest and attorney's fees. If the amount of district tax due by the dealer is not paid on time, penalties, interest and attorney's fees shall be imposed as provided by law.

(l) No qualified electors. The parish registrar of voters has issued and executed a certificate certifying the absence of any qualified electors in the district, therefore, pursuant to state law, no election shall be required to authorize the levy of the district tax.

(m) Designation of baseline collection rate. The district tax levied is a new sales tax and the full amount thereof is hereby designated by the parish council to be used in determining the local sales tax increment pursuant to the Act. The initial annual baseline collection rate for the district, which is the amount of the district tax collected in the district in the most recent completed fiscal year prior to the establishment of the district, is hereby designated to be \$0.00 (the "initial baseline collection rate"), as the district tax was not levied during the most recently completed fiscal year of this governing authority prior to the establishment of the district. The monthly baseline collection rate, which is the initial annual baseline collection rate divided by 12, is hereby designated to be \$0.00 (the "monthly baseline collection rate").

(n) CFO certification. The chief financial officer of the parish has issued and executed a certificate certifying as to the accuracy of the initial annual baseline collection rate and monthly baseline collection rate, which was previously published one time in the St. Tammany Farmer, the official journal of the parish.

(o) Designation of sales tax increment. The parish council hereby designates the entire amount of the district tax as the local sales tax increment, which is to be deposited in the special trust fund created herein for the furtherance of economic development projects and hereby pledges and dedicates to such purpose the local sales tax increment and a like amount of state sales tax increment, to the extent approved by the state.

(p) Use of sales tax increments. Notwithstanding anything to the contrary contained herein, sales tax increments within the district, if any, shall be used only for projects that meet the definition of "economic development project" as that term is defined in R.S. 33:9038.34(M).

(q) Authorization of officers. The parish president and his staff are hereby authorized, empowered and directed to do any and all things necessary and incidental to carry out the provisions of this section.

(Code 1998, § 18-095.04; Ord. No. 07-1589, 6-7-2007; Ord. No. 07-1590, 6-7-2007; Ord. No. 07-1694, 11-1-2007)

Secs. 120-290—120-311. Reserved.

DIVISION 3. COLONIAL PINNACLE NORD DU LAC ECONOMIC DEVELOPMENT DISTRICT

Sec. 120-312. Authority.

By virtue of R.S. 33:9038.31 et seq., and other Constitutional and statutory authority, the parish council is authorized to create economic development districts in unincorporated areas of the parish.

(Code 1998, § 18-096.01)

Sec. 120-313. Created.

The economic development district hereby created shall be known and designated as the "Colonial Pinnacle Nord du Lac Economic Development District." As provided by the Act, the governing body of the district shall be the parish council. The district shall be a political subdivision of the state and shall possess such powers and authority and have such duties, rights, powers and privileges granted and conferred pursuant to the Act.

(Code 1998, § 18-096.02)

Sec. 120-314. Boundaries.

The boundaries of the Colonial Pinnacle Nord du Lac Economic Development District are described as follows: A certain piece or portion of land situated in section 47, Township 7 south, Range 11 east, St. Tammany Parish, Louisiana being more fully described as follows:

- (1) Tract "A." A certain piece or portion of land situated in section 47, Township 7 south, range 11 east, St. Tammany Parish, Louisiana being more fully described as follows:

Commencing from the corner common to sections 12, 13 and 46, Township 7 south, range 10 east, St. Tammany Parish, Louisiana run north 00 degrees 40 minutes 50 seconds east for a distance of 1,423.63 feet to a point; thence run north 89 degrees 23 minutes 30 seconds east for a distance of 1,109.12 feet to a point; thence run north 89 degrees 14 minutes 55 seconds east for a distance of 95.62 feet to a point; thence run north 89 degrees 17 minutes 06 seconds east for a distance of 700.84 to a point on the north right-of-way of Interstate 12 and the east right-of-way of Louisiana Highway 21 also being the point of beginning.

From the point of beginning and leaving said north right-of-way and running along said east right-of-way north 28 degrees 42 minutes 20 seconds east for a distance of 228.29 feet to a point; thence run north 33 degrees 51 minutes 41 seconds east for a distance of 37.00 feet to a point on the south right-of-way of pinnacle parkway; thence leaving said south right-of-way of Louisiana State Highway 21 and running along said south right-of-way of Pinnacle Parkway south 56 degrees 08 minutes 18 seconds east for a distance of 135.18 feet to a point on a curve to the right (clockwise and tangent); thence run along said curve with a radius of 280.00 feet and an arc length of 129.81 feet to a point; thence run south 29 degrees 34 minutes 34 seconds east for a distance of 77.97 feet to a point on a curve to the left (counterclockwise and tangent); thence run along said curve with a radius of 440.00 feet and an arc length of 88.65 feet to a point; Thence leaving said right-of-way run south 51 degrees 51 minutes 57 seconds west for a distance of 221.63 feet to a point on the north right-of-way of Interstate 12; thence run along said right-of-way north 48 degrees 43 minutes 29 seconds west for a distance of 326.61 feet back to the point of beginning. Said parcel of land contains 2.25 acres or 98,068.70 square feet more or less.

- (2) Tract "B." A certain piece or portion of land situated in section 47, Township 7 south, range 11 east, St. Tammany Parish, Louisiana being more fully described as follows:

Commencing from the corner common to sections 12, 13 and 46, Township 7 south, range 10 east, St. Tammany Parish, Louisiana run north 00 degrees 40 minutes 50 seconds east for a distance of 1,423.63 feet to a point; thence run north 89 degrees 23 minutes 30 seconds east for a distance of 1,109.12 feet to a point; thence run north 89 degrees 14 minutes 55 seconds east for a distance of 95.62 feet to a point; thence run north 89 degrees 17 minutes 06 seconds east for a distance of 700.84 to a point on the north right-of-way of Interstate 12 and the east right-of-way of Louisiana State Highway 21; thence leaving said north right-of-way and running along said east right-of-way north 28 degrees 42 minutes 20 seconds east for a distance of 228.29 feet to a point; thence run north 33 degrees 51 minutes 41 seconds east for a distance of 127.00 feet to a point on the north right-of-way of Pinnacle Parkway also being the point of beginning.

From the point of beginning and leaving said north right-of-way of Pinnacle Parkway and running along said south right-of-way of Louisiana State Highway 21 north 33 degrees 51 minutes 41 seconds east for a distance of 131.04 feet to a point; thence run north 12 degrees 58 minutes 10 seconds west for a distance of 31.42 feet to a point; thence leaving said right-of-way run south 55 degrees 34 minutes 51 seconds east for a distance of 200.00 feet to a point; thence run north 33 degrees 50 minutes 05 seconds east for a distance of 200.16 feet to a point; thence run south 56 degrees 03 minutes 45 seconds east for a distance of 133.27 feet to a point; thence run south 34 degrees 02 minutes 02 seconds west for a distance of 393.82 feet to a point; thence run south 29

degrees 34 minutes 34 seconds east for a distance of 68.51 feet to a point on a curve to the left (counterclockwise and tangent); thence run along said curve with a radius of 350.00 feet and an arc length of 37.83 feet to a point; thence run north 89 degrees 15 minutes 56 seconds east for a distance of 2,228.41 feet to a point; thence run south 21 degrees 01 minutes 24 seconds west for a distance of 288.34 feet to a point; thence run south 24 degrees 03 minutes 50 seconds east for a distance of 129.53 feet to a point; thence run south 68 degrees 58 minutes 39 seconds east for a distance of 2,372.21 feet to a point; thence run south 21 degrees 01 minutes 30 seconds west for a distance of 675.48 feet to a point; thence run north 68 degrees 58 minutes 39 seconds west for a distance of 446.91 feet to a point; thence run south 21 degrees 01 minutes 21 seconds west for a distance of 221.43 feet to a point; thence run south 60 degrees 15 minutes 51 seconds east for a distance of 361.74 feet to a point; thence run south 30 degrees 33 minutes 52 seconds west for a distance of 177.94 feet to a point on the north right-of-way of Interstate 12.

- (3) Thence run along said north right-of-way the following:

North 68 degrees 55 minutes 27 seconds west for a distance of 214.25 feet to a point; south 67 degrees 31 minutes 58 seconds west for a distance of 415.14 feet to a point; north 68 degrees 56 minutes 31 seconds west for a distance of 2,148.28 feet to a point on a curve to the right (clockwise and tangent); along said curve with a radius of 23,068.31 feet and an arc length of 252.24 feet to a point; north 64 degrees 20 minutes 14 seconds west for a distance of 101.17 feet to a point; north 69 degrees 53 minutes 37 seconds west for a distance of 704.32 feet to a point; north 55 degrees 10 minutes 42 seconds west for a distance of 315.57 feet to a point; north 36 degrees 18 minutes 47 seconds west for a distance of 272.27 feet to a point; north 10 degrees 45 minutes 52 seconds west for a distance of 298.56 feet to a point; thence leaving said right-of-way run north 51 degrees 51 minutes 57 seconds east for a distance of 401.51 feet to a point on the south right-of-way of Pinnacle Parkway; thence run along said right-of-way south 65 degrees 54 minutes 56 seconds east for a distance of 33.00 feet to a point; thence leaving said right-of-way run north 37 degrees 47 minutes 40 seconds east for a distance of 82.35 feet to a point on the north right-of-way of Pinnacle Parkway.

- (4) Thence run along said right-of-way the following:

North 65 degrees 54 minutes 56 seconds west for a distance of 91.00 feet to a point on a curve to the right (clockwise and tangent); along said curve with a radius of 360.00 feet and an arc length of 228.33 feet to a point; north 29 degrees 34 minutes 34 seconds west for a distance of 77.97 feet to a point on a curve to the left (counterclockwise and tangent); along said curve with a radius of 360.00 feet and an arc length of 48.58 feet to a point; north 29 degrees 52 minutes 30 seconds west for a distance of 50.74 feet to a point on a curve to the left (counterclockwise and non-tangent); along said curve with a radius of 370.00 feet with an arc length of 71.14 feet, a chord bearing of north 50

degrees 37 minutes 49 seconds west and a chord length of 71.03 feet to a point; north 56 degrees 08 minutes 18 seconds west for a distance of 135.18 feet back to the point of beginning.

(5) Said parcel of land contains 137.41 acres or 5,985,593.63 square feet, more or less. (Code 1998, § 18-096.03; Ord. No. 07-1591, 6-7-2007; Ord. No. 07-1717, 12-6-2007)

Sec. 120-315. Colonial Pinnacle Nord du Lac Economic Development District Trust Fund.

(a) In accordance with state law, there is hereby created a special trust fund to be named the "Colonial Pinnacle Nord du Lac Economic Development District Trust Fund," the purpose of which will be to fund economic development projects selected by the district.

(b) In accordance with state law, there is levied in the district a new additional sales tax of 0.0075 percent upon sale at retail, use, lease or rental, consumption, and storage for use or consumption, of tangible personal property, upon the lease or rental of tangible personal property and on sales of services in the district.

(c) The additional local sales levied pursuant to this section is desired to be levied and used solely from the area described herein.

(d) The Uniform Local Sales Tax Code, as enacted by Act No. 73 of the 2003 Regular Session of the Louisiana Legislature and as it may be amended, shall apply in the assessment, collection, administration and enforcement of the district tax, the provisions of which Uniform Local Sales Tax Code are hereby incorporated by reference.

(e) The entire amount of the district tax is pledged and designated as the local sales tax increment, which is to be deposited in this special trust fund, together with a like amount of state sales tax, to the extent approved by the state, for the furtherance of economic development projects through reimbursement of costs of economic development projects, on a cash basis.

(f) Notwithstanding anything to the contrary contained herein, sales tax increments within the district, if any, shall be used only for projects that meet the definition of "economic development project" as that term is defined in R.S. 33:9038.34(M).

(g) Vendor's compensation. For the purpose of compensating the dealer in accounting for and remitting the district tax levied by this section, each dealer shall be allowed 1.10 percent of the amount of district tax due and accounted for and remitted to the tax collector in the form of a deduction in submitting his report and paying the amount due by the dealer, provided the amount due was not delinquent at the time of payment, and provided the amount of any credit claimed for taxes already paid to a wholesaler shall not be deducted in computing the commission allowed the dealer hereunder.

(h) Exclusions or exemptions. This governing authority adopts none of the optional exclusions or exemptions allowed by state sales tax law, nor does this governing authority adopt any exclusions or exemptions authorized by legislation enacted under article VI, section 29(D)(1) of

the constitution of the state of 1974 that are not allowed as an exclusion or exemption from state sales tax. Included within the tax base of the district tax is every transaction, whether sales, use, lease or rental, consumption, storage or service, with no exclusions or exemptions except for those mandated upon political subdivisions by the constitution or statutes of the state.

(i) Tax collector. The district tax is authorized to be collected by a "collector" which term shall mean the sales tax department of the parish sheriff's office. The collector is hereby authorized, empowered and directed to carry into effect the provisions of this article, to appoint deputies, assistants or agents to assist it in the performance of its duties, and in pursuance thereof to make and enforce such rules as it may deem necessary.

(j) With regard to the collection of the district tax on any motor vehicle, automobile, truck, truck-trailer, trailer, semi-trailer, motor bus, home trailer, or any other vehicle subject to the vehicle registration license tax, this governing authority, acting through the collector, on behalf of the district, is authorized to enter into an agreement with the vehicle commissioner, department of public safety and corrections, as provided by R.S. 47:303(B).

(k) All taxes, revenues, funds, assessments, moneys, penalties, fees or other income which may be collected or come into the possession of the collector under any provision or provisions of this article relating to the district tax shall be promptly deposited by the collector for the account of the district in the trust fund, provided, however, any amount which is paid under protest or which is subject to litigation may be transferred to a separate account established by the collector with said fiscal agent pending the final determination of the protest or litigation.

(l) Penalty, interest and attorney's fees. If the amount of district tax due by the dealer is not paid on time, penalties, interest and attorney's fees shall be imposed as provided by law.

(m) No qualified electors. The parish registrar of voters has issued and executed a certificate certifying the absence of any qualified electors in the district, therefore, pursuant to state law, no election shall be required to authorize the levy of the district tax.

(n) Designation of baseline collection rate. The district tax levied is a new sales tax and the full amount thereof is hereby designated by the parish council to be used in determining the local sales tax increment pursuant to the Act. The initial annual baseline collection rate for the district, which is the amount of the district tax collected in the district in the most recent completed fiscal year prior to the establishment of the district, is hereby designated to be \$0.00 (the "initial baseline collection rate"), as the district tax was not levied during the most recently completed fiscal year of this governing authority prior to the establishment of the district. The monthly baseline collection rate, which is the initial annual baseline collection rate divided by 12, is hereby designated to be \$0.00 (the "monthly baseline collection rate").

(o) CFO certification. The chief financial officer of the parish has issued and executed a certificate certifying as to the accuracy of the initial annual baseline collection rate and monthly baseline collection rate, which was previously published one time in the St. Tammany Farmer, the official journal of the parish.

(p) Designation of sales tax increment. The parish council hereby designates the entire amount of the district tax as the local sales tax increment, which is to be deposited in the special trust fund created herein for the furtherance of economic development projects and hereby pledges and dedicates to such purpose the local sales tax increment.

(q) Authorization of officers. The parish president and his staff are hereby authorized, empowered and directed to do any and all things necessary and incidental to carry out the provisions of this section.

(Code 1998, § 18-096.04; Ord. No. 07-1591, 6-7-2007; Ord. No. 07-1592, 6-7-2007; Ord. No. 07-1692, 11-1-2007)

Secs. 120-316—120-333. Reserved.

ARTICLE X. AIRPORT ROAD ECONOMIC DEVELOPMENT DISTRICT

Sec. 120-334. District.

(a) The parish council proposes to create an economic development district within the parish to be known as the "Airport Road Economic Development District" (the "district").

(b) An economic development district is hereby created within the parish, to be named the "Airport Road Economic Development District," having the geographical boundaries set forth below, all pursuant to the Act. As provided by the Act, the governing body of the district shall be the parish council. As provided by the Act, the district shall be a political subdivision of the state and shall possess such powers and authority and have such duties as provided in the Act and other law.

(c) The boundaries of the Airport Road Economic Development District are described as follows:

All that certain piece or parcel of land situated in St. Tammany Parish, Louisiana, being more fully described as, commencing at a point located at the section corner common to sections 1 and 12, Township 8 south, Range 13 east and sections 7 and 7, Township 9 south, Range 14 east, said point being the point of beginning;

From the point of beginning proceed north 89 degrees 41 minutes 16.0 seconds east, 7,956.402 feet;

Thence proceed south 0 degrees 0 minutes 0.0 seconds west, 5,307.216 feet;

Thence proceed north 89 degrees 54 minutes 21.0 seconds east, 2,733.419 feet;

Thence proceed north 89 degrees 53 minutes 58.0 seconds east, 2,852.633 feet;
 Thence proceed south 0 degrees 10 minutes 23.0 seconds east, 6,503.294 feet;
 Thence proceed south 89 degrees 33 minutes 42.0 seconds east, 1,125.316 feet;
 Thence proceed south 1 degrees 10 minutes 19.0 seconds east, 1,364.517 feet;
 Thence proceed south 89 degrees 51 minutes 50.0 seconds west, 8,230.285 feet;
 Thence proceed north 1 degrees 0 minutes 21.6 seconds west, 7,109.55 feet;
 Thence proceed north 7 degrees 40 minutes 16.4 seconds east, 806.858 feet;
 Thence proceed south 88 degrees 54 minutes 55.1 seconds west, 1,749.784 feet;
 Thence proceed south 10 degrees 1 minutes 24.4 seconds east, 805.226 feet;
 Thence proceed south 1 degrees 14 minutes 7.3 seconds east, 1,782.815 feet;
 Thence proceed north 88 degrees 45 minutes 52.8 seconds east, 101.656 feet;
 Thence proceed south 1 degrees 14 minutes 7.3 seconds east, 1,385.608 feet;
 Thence proceed north 78 degrees 30 minutes 4.4 seconds west, 516.837 feet;
 Thence proceed north 0 degrees 16 minutes 43.0 seconds west, 1,206.578 feet;
 Thence proceed north 89 degrees 53 minutes 16.0 seconds west, 4,349.587 feet;
 Thence proceed north 1 degrees 23 minutes 5.2 seconds west, 2,642.089 feet;
 Thence proceed north 1 degrees 6 minutes 53.9 seconds west, 5,275.049 feet to the point of beginning.
 (Code 1998, ch. 18, art. X; Ord. No. 14-3082, 2-20-2014)

Secs. 120-335—120-356. Reserved.

ARTICLE XI. HIGHWAY 59 ECONOMIC DEVELOPMENT DISTRICT

Sec. 120-357. District.

(a) The parish council proposes to create an economic development district within the Parish to be known as the " Highway 59 Economic Development District," (the "district").

(b) An economic development district is hereby created within the parish, to be named the " Highway 59 Economic Development District," having the geographical boundaries set forth below, all pursuant to the Act. As provided by the Act, the governing body of the district shall be the parish council. As provided by the Act, the district shall be a political subdivision of the state and shall possess such powers and authority and have such duties as provided in the Act and other law.

(c) The boundaries of the Highway 59 Economic Development District are described as follows:

All that certain piece or parcel of land situated in St. Tammany Parish, Louisiana, being more fully described as, commencing at a point located at the Section corner common to Sections 17, 18, 19, and 20, Township 7 south, Range 12 east proceed south 87 degrees 54 minutes 20 seconds west a distance of 1,297.67 feet to a point, said point being the point of beginning;

From the point of beginning proceed south 0 degrees 2 minutes 56 seconds west, 1,293.298 feet;

Thence proceed north 88 degrees 30 minutes 47 seconds east, 260.143 feet;

Thence proceed south 66 degrees 8 minutes 4 seconds east, 193.391 feet;

Thence proceed south 37 degrees 8 minutes 57 seconds east, 210.61 feet;

Thence proceed south 26 degrees 53 minutes 0 seconds east, 83.667 feet;

Thence proceed south 6 degrees 31 minutes 11 seconds east, 145.599 feet;

Thence proceed south 28 degrees 58 minutes 4 seconds west, 264.548 feet;

Thence proceed south 88 degrees 46 minutes 12 seconds west, 1,873.652 feet;

Thence proceed south 3 degrees 2 minutes 51 seconds east, 620.072 feet;

Thence proceed south 88 degrees 48 minutes 49 seconds west, 1,334.882 feet;

Thence proceed south 0 degrees 0 minutes 40 seconds east, 1,973.447 feet;

Thence proceed north 89 degrees 59 minutes 53 seconds west, 410.498 feet;

Thence proceed south 2 degrees 10 minutes 55 seconds west, 249.973 feet;

Thence proceed south 89 degrees 35 minutes 26 seconds west, 658.171 feet;

Thence proceed south 0 degrees 26 minutes 23 seconds east, 681.555 feet to a point on the northern right-of-way of Commercial Boulevard;

Thence proceed south 89 degrees 0 minutes 18 seconds west along said right-of-way, 200.995 feet to a point on the eastern right-of-way of Highway 59;

Thence proceed south 0 degrees 25 minutes 3 seconds west along said right-of-way, 1,300.387 feet;

Thence leaving the eastern right-of-way of Highway 59 proceed north 56 degrees 32 minutes 20 seconds east, 133.2 feet;

Thence proceed south 72 degrees 37 minutes 31 seconds east, 399.9 feet;

Thence proceed south 23 degrees 58 minutes 7 seconds west, 717.58 feet;

Thence proceed south 63 degrees 18 minutes 40 seconds east, 980.644 feet;

Thence proceed north 28 degrees 56 minutes 17 seconds east, 650.365 feet to a point on the southern right-of-way of I-12;

Thence proceed south 57 degrees 50 minutes 28 seconds east along said right-of-way, 4,705.709 feet;

Thence leaving the southern right-of-way of I-12 proceed south 0 degrees 11 minutes 3 seconds east, 276.475 feet;

Thence proceed north 62 degrees 54 minutes 18 seconds west, 4,345.626 feet;

Thence proceed south 0 degrees 21 minutes 39 seconds east, 1,792.253 feet;

Thence proceed south 89 degrees 48 minutes 11 seconds west, 1,506.362 feet;

Thence proceed south 0 degrees 29 minutes 36 seconds west, 353.251 feet;

Thence proceed north 89 degrees 46 minutes 41 seconds west, 356.569 feet to a point on the western right-of-way of Highway 59;

Thence proceed north 4 degrees 5 minutes 48 seconds east along said right-of-way, 571.568 feet;

Thence leaving said right-of-way proceed north 88 degrees 56 minutes 31 seconds west, 628.697 feet;

Thence proceed north 1 degrees 8 minutes 39 seconds west, 443.898 feet;

Thence proceed north 89 degrees 50 minutes 25 seconds west, 1,122.855 feet;

Thence proceed north 10 degrees 48 minutes 13 seconds east, 1,352.356 feet;

Thence proceed north 89 degrees 53 minutes 24 seconds west, 2,145.671 feet;

Thence proceed north 1 degrees 32 minutes 4 seconds west, 1,384.266 feet;

Thence proceed north 90 degrees 0 minutes 0 seconds east, 510.677 feet;

Thence proceed north 0 degrees 14 minutes 42 seconds west, 1,313.632 feet;

Thence proceed north 89 degrees 47 minutes 48 seconds east, 1,370.784 feet;

Thence proceed north 40 degrees 11 minutes 2 seconds east, 428.383 feet;

Thence proceed north 63 degrees 8 minutes 59 seconds west, 643.5 feet;

Thence proceed north 57 degrees 49 minutes 3 seconds west, 1,346.904 feet;

Thence proceed north 58 degrees 19 minutes 48 seconds west, 773.65 feet;

Thence proceed north 0 degrees 15 minutes 43 seconds west, 2,225.527 feet;

Thence proceed south 89 degrees 59 minutes 25 seconds east, 3,458.367 feet to the centerline of the Tammany Trace;

Thence proceed north 10 degrees 31 minutes 48 seconds east along the centerline of the Tammany Trace, 2,415.268 feet;

Thence leaving the centerline of the Tammany Trace proceed north 90 degrees 0 minutes 0 seconds east, 232.416 feet;

Thence proceed north 0 degrees 40 minutes 41 seconds west, 246.466 feet;

Thence proceed north 88 degrees 40 minutes 37 seconds east, 2,898.188 feet;

Thence proceed south 14 degrees 4 minutes 18 seconds east, 279.369 feet;

Thence proceed south 0 degrees 3 minutes 33 seconds west, 533.507 feet;

Thence proceed south 23 degrees 40 minutes 2 seconds east, 586.403 feet;

Thence proceed north 87 degrees 54 minutes 20 seconds east, 865.542 feet to the point of beginning.

(Code 1998, ch. 18, art. XI; Ord. No. 14-3083, 2-20-2014)

Secs. 120-358—120-387. Reserved.

ARTICLE XII. HIGHWAY 1077 ECONOMIC DEVELOPMENT DISTRICT

Sec. 120-388. District.

(a) The parish council proposes to create an economic development district within the parish to be known as the "Highway 1077 Economic Development District" (the "district").

(b) An economic development district is hereby created within the parish, to be named the "Highway 1077 Economic Development District," having the geographical boundaries set forth below, all pursuant to the Act. As provided by the Act, the governing body of the district shall be the parish council. As provided by the Act, the district shall be a political subdivision of the state and shall possess such powers and authority and have such duties as provided in the Act and other law.

(c) The boundaries of the Highway 1077 Economic Development District are described as follows:

All that certain piece or parcel of land, commencing at a point located at the section corner common to sections 33 and 34, Township 6 south, Range 10 east and sections 4 and 5, Township 7 south, Range 10 east to a point, said point being the point of beginning;

From the point of beginning proceed north 89 degrees 55 minutes 19 seconds east along the section line common to sections 34, Township 6 south, Range 10 east and section 3, Township 7 south, Range 10 east, 2,278.655 feet to a point on the centerline of Highway 1077;

Thence following said centerline proceed south 24 degrees 18 minutes 53 seconds east, 2,973.642 feet to a point on the centerline of Highway 1085;

Thence following said centerline proceed north 88 degrees 45 minutes 36 seconds east, 921.075 feet;

Thence leaving said centerline proceed south 4 degrees 43 minutes 21 seconds east, 947.543 feet;

Thence proceed south 4 degrees 54 minutes 7 seconds east, 368.2 feet;

Thence proceed south 27 degrees 23 minutes 4 seconds east, 306.76 feet;

Thence proceed north 89 degrees 8 minutes 17 seconds east, 732.408 feet;

Thence proceed south 1 degrees 0 minutes 42 seconds east, 1,046.415 feet;

Thence proceed north 89 degrees 28 minutes 36 seconds east, 1,663.848 feet;

Thence proceed north 89 degrees 33 minutes 1 seconds east, 0.264 feet;

Thence proceed north 89 degrees 37 minutes 26 seconds east, 989.242 feet;

Thence proceed south 0 degrees 56 minutes 33 seconds east, 1,295.128 feet;

Thence proceed north 89 degrees 58 minutes 28 seconds east, 2,679.55 feet;

Thence proceed south 1 degrees 7 minutes 11 seconds east, 1,217.593 feet to a point on the northern right-of-way of I-12;

Thence following said right-of-way proceed north 72 degrees 1 minutes 57 seconds west, 2,832.609 feet;

Thence leaving said right-of-way proceed south 1 degrees 2 minutes 1 seconds east, 1,670.928 feet;

Thence proceed south 89 degrees 50 minutes 55 seconds west, 2,650.9 feet;

Thence proceed north 0 degrees 33 minutes 2 seconds west, 671.971 feet;

Thence proceed south 89 degrees 45 minutes 11 seconds west, 1,335.04 feet;

Thence proceed north 1 degrees 29 minutes 58 seconds west, 1,986.503 feet;

Thence proceed north 74 degrees 38 minutes 19 seconds west, 1.309 feet;

Thence proceed north 71 degrees 41 minutes 18 seconds west, 1,417.242 feet;

Thence proceed south 0 degrees 55 minutes 59 seconds east, 1,235.647 feet;

Thence proceed north 89 degrees 38 minutes 35 seconds west, 684.872 feet;

Thence proceed north 0 degrees 48 minutes 24 seconds west, 1,393.475 feet;

Thence proceed south 89 degrees 11 minutes 0 seconds west, 572.579 feet;

Thence proceed south 1 degrees 5 minutes 53 seconds east, 753.454 feet;

Thence proceed north 69 degrees 25 minutes 10 seconds west, 1,526.122 feet;
Thence proceed north 1 degrees 23 minutes 52 seconds west, 1,96.673 feet;
Thence proceed south 89 degrees 39 minutes 3 seconds west, 510.546 feet; -
Thence proceed south 89 degrees 37 minutes 11 seconds west, 782.558 feet;
Thence proceed south 83 degrees 55 minutes 0 seconds west, 50.836 feet;
Thence proceed north 0 degrees 19 minutes 35 seconds west, 385.495 feet;
Thence proceed south 89 degrees 55 minutes 19 seconds west, 1,380.465 feet to a point on the eastern right-of-way of Perrilloux Road;
Thence following said right-of-way proceed north 0 degrees 30 minutes 5 seconds west, 561.304 feet to its intersection with the southern right-of-way of Highway 1085;
Thence following said right-of-way proceed north 33 degrees 6 minutes 23 seconds west, 248.3 feet;
Thence proceed north 16 degrees 8 minutes 17 seconds east, 126.2 feet;
Thence proceed north 62 degrees 7 minutes 48 seconds east, 519.098 feet;
Thence proceed north 55 degrees 31 minutes 48 seconds east, 394.584 feet;
Thence proceed north 53 degrees 33 minutes 40 seconds east, 845.746 feet;
Thence proceed north 57 degrees 52 minutes 40 seconds east, 450.546 feet;
Thence proceed north 66 degrees 40 minutes 30 seconds east, 217.086 feet;
Thence proceed north 77 degrees 29 minutes 45 seconds east, 323.139 feet;
Thence proceed north 89 degrees 46 minutes 57 seconds east, 1,773.136 feet;
Thence leaving said right-of-way proceed north 1 degrees 6 minutes 50 seconds west, 575.661 feet;
Thence proceed north 76 degrees 51 minutes 25 seconds west, 109.05 feet;
Thence proceed north 45 degrees 3 minutes 38 seconds west, 424.09 feet;
Thence proceed north 63 degrees 23 minutes 29 seconds west, 480.74 feet;
Thence proceed north 67 degrees 52 minutes 55 seconds west, 217.13 feet;
Thence proceed north 64 degrees 4 minutes 32 seconds west, 341.368 feet;
Thence proceed north 0 degrees 45 minutes 59 seconds west, 1,390.514 feet to the point of beginning.

(Code 1998, ch. 18, art. XII; Ord. No. 14-3085, 2-20-2014)

Secs. 120-389—120-419. Reserved.

ARTICLE XIII. HIGHWAY 434 ECONOMIC DEVELOPMENT DISTRICT

Sec. 120-420. District.

(a) The parish council proposes to create an economic development district within the parish to be known as the "Highway 434 Economic Development District" (the "district").

(b) An economic development district is hereby created within the parish, to be named the "Highway 434 Economic Development District," having the geographical boundaries set forth below. As provided by the Act, the governing body of the district shall be the parish council. As provided by the Act, the district shall be a political subdivision of the state and shall possess such powers and authority and have such duties as provided in the Act and other law.

(c) The boundaries of the Highway 434 Economic Development District are described as follows:

All that certain piece or parcel of land, commencing at the section corner common to sections 8, 9, 16 and 17, Township 8 south, Range 13 east, said point being the point of beginning;

From the point of beginning proceed south 0 degrees 1 minute 39 seconds west, 4,013.798 feet to a point on the northern right-of-way of North Dixie Ranch Road;

Thence following the northern right-of-way of North Dixie Ranch Road proceed south 89 degrees 48 minutes 24 seconds west, 1,333.996 feet;

Thence proceed north 59 degrees 29 minutes 23 seconds west, 2,681.299 feet;

Thence leaving the northern right-of-way of North Dixie Ranch Road proceed south 44 degrees 22 minutes 23 seconds west, 436.942 feet;

Thence proceed south 0 degrees 14 minutes 37 seconds east, 489.888 feet;

Thence proceed south 72 degrees 51 minutes 23 seconds west, 1,193.644 feet;

Thence proceed south 27 degrees 39 minutes 28 seconds west, 240.871 feet;

Thence proceed north 88 degrees 15 minutes 51 seconds west, 583.214 feet to a point of the eastern right-of-way of Highway 434;

Thence following the eastern right-of-way of Highway 434 proceed south 30 degrees 46 minutes 19 seconds west, 1,507.705 feet;

Thence leaving the eastern right-of-way of Highway 434 proceed north 89 degrees 41 minutes 15 seconds west, 1,769.347 feet;

Thence proceed north 18 degrees 4 minutes 10 seconds east, 440.251 feet;

Thence proceed north 31 degrees 8 minutes 24 seconds east, 360.13 feet;

Thence proceed north 1 degrees 24 minutes 53 seconds east, 519.62 feet;

Thence proceed north 57 degrees 10 minutes 54 seconds west, 147.74 feet;
Thence proceed north 4 degrees 7 minutes 43 seconds east, 1,186.463 feet;
Thence proceed north 24 degrees 7 minutes 8 seconds east, 2,037.063 feet to a point on the southern right-of-way of I-12;
Thence following the southern right-of-way of I-12 proceed south 58 degrees 35 minutes 50 seconds east, 515.315 feet;
Thence leaving the southern right-of-way of I-12 proceed north 23 degrees 49 minutes 46 seconds east, 261.78 feet;
Thence proceed south 89 degrees 34 minutes 25 seconds east, 1,319.253 feet;
Thence proceed north 0 degrees 47 minutes 23 seconds west, 925.948 feet to the section corner common to sections 7, 8, 17 and 18, Township 8 south, Range 13 east;
Thence proceed north 0 degrees 48 minutes 10 seconds west, 824.56 feet;
Thence proceed north 89 degrees 36 minutes 49 seconds east, 1,579.189 feet;
Thence proceed north 30 degrees 36 minutes 46 seconds east, 1,714.055 feet;
Thence proceed south 59 degrees 8 minutes 2 seconds east, 600.596 feet to a point on the western right-of-way of Highway 434;
Thence following the western right-of-way of Highway 434 proceed north 30 degrees 23 minutes 19 seconds east, 7,929.632 feet;
Thence leaving the western right-of-way of Highway 434 proceed south 60 degrees 23 minutes 21 seconds east, 737.793 feet;
Thence proceed south 68 degrees 44 minutes 56 seconds east, 113.722 feet;
Thence proceed south 81 degrees 1 minutes 38 seconds east, 113.265 feet;
Thence proceed north 75 degrees 25 minutes 33 seconds east, 304.206 feet;
Thence proceed south 27 degrees 21 minutes 0 seconds east, 192.252 feet;
Thence proceed south 8 degrees 44 minutes 46 seconds east, 309.797 feet;
Thence proceed south 45 degrees 0 minutes 0 seconds west, 566.262 feet;
Thence proceed south 55 degrees 37 minutes 11 seconds west, 135.56 feet;
Thence proceed south 6 degrees 45 minutes 58 seconds west, 349.849 feet;
Thence proceed south 25 degrees 46 minutes 59 seconds west, 771.643 feet;
Thence proceed south 19 degrees 19 minutes 24 seconds east, 480.47 feet;
Thence proceed south 6 degrees 12 minutes 12 seconds west, 272.459 feet;
Thence proceed south 5 degrees 39 minutes 54 seconds east, 451.031 feet;

Thence proceed south 89 degrees 1 minutes 42 seconds west, 2,275.861 feet to the section corner common to sections 8, 9, 16 and 17, Township 8 south, Range 13 east;

Thence proceed north 89 degrees 57 minutes 57 seconds west, 282.482 feet to a point on the eastern right-of-way of Highway 434;

Thence following the eastern right-of-way of Highway 434 proceed south 31 degrees 5 minutes 7 seconds west, 1,536.767 feet;

Thence leaving the eastern right-of-way of Highway 434 proceed north 88 degrees 40 minutes 41 seconds east, 1,095.478 feet;

Thence proceed south 0 degrees 50 minutes 23 seconds east, 1,383.638 feet;

Thence proceed north 88 degrees 35 minutes 35 seconds east, 1,028.983 feet;

Thence proceed south 1 degrees 19 minutes 46 seconds east, 2,593.03 feet;

Thence proceed south 89 degrees 27 minutes 50 seconds west, 1,050.084 feet to the point of beginning.

(Code 1998, ch. 18, art. XIII; Ord. No. 14-3095, 3-6-2014)

Secs. 120-421—120-438. Reserved.

ARTICLE XIV. HIGHWAY 1088 ECONOMIC DEVELOPMENT DISTRICT

Sec. 120-439. District.

(a) The parish council proposes to create an economic development district within the parish to be known as the "Highway 1088 Economic Development District" (the "district").

(b) An economic development district is hereby created within the parish, to be named the " Highway 1088 Economic Development District," having the geographical boundaries set forth below. As provided by the Act, the governing body of the district shall be the parish council. As provided by the Act, the district shall be a political subdivision of the state and shall possess such powers and authority and have such duties as provided in the Act and other law.

(c) The boundaries of the Highway 1088 Economic Development District are described as follows:

All that certain piece or parcel of land, commencing at a point located at the section corner common to sections 28, 29, 32, and 33, Township 7 south, Range 12 east, said point being the point of beginning;

From the point of beginning proceed north 35 degrees 29 minutes 17 seconds east, 4,907.294 feet;

Thence proceed north 0 degrees 0 minutes 0 seconds east, 6,670 feet;

Thence proceed south 89 degrees 3 minutes 52 seconds west, 670 feet;
Thence proceed north 0 degrees 31 minutes 28 seconds west, 6,791.19 feet;
Thence proceed south 77 degrees 47 minutes 42 seconds east, 3,227.255 feet;
Thence proceed north 1 degrees 41 minutes 2 seconds west, 1,900.906 feet;
Thence proceed south 74 degrees 52 minutes 50 seconds east, 448.876 feet;
Thence proceed south 74 degrees 48 minutes 7 seconds east, 6,747.593 feet;
Thence proceed south 13 degrees 49 minutes 52 seconds west, 927.308 feet;
Thence proceed south 75 degrees 44 minutes 1 seconds east, 258.831 feet;
Thence proceed south 13 degrees 32 minutes 41 seconds west, 607.3 feet;
Thence proceed south 74 degrees 54 minutes 8 seconds east, 37.08 feet;
Thence proceed north 26 degrees 26 minutes 27 seconds east, 95.68 feet;
Thence proceed north 88 degrees 15 minutes 31 seconds east, 808.69 feet;
Thence proceed north 89 degrees 28 minutes 36 seconds east, 1,635.9 feet;
Thence proceed north 33 degrees 2 minutes 30 seconds east, 58.26 feet;
Thence proceed north 83 degrees 51 minutes 26 seconds east, 55.78 feet;
Thence proceed south 0 degrees 15 minutes 3 seconds east, 2,911.448 feet;
Thence proceed south 89 degrees 2 minutes 18 seconds west, 3,566.998 feet;
Thence proceed north 14 degrees 7 minutes 40 seconds west, 87.214 feet;
Thence proceed north 21 degrees 2 minutes 24 seconds west, 170.524 feet;
Thence proceed north 25 degrees 49 minutes 40 seconds west, 207.451 feet;
Thence proceed north 70 degrees 7 minutes 19 seconds west, 1,785.354 feet;
Thence proceed north 62 degrees 30 minutes 20 seconds west, 1,223.489 feet;
Thence proceed south 27 degrees 23 minutes 15 seconds east, 3,052.608 feet;
Thence proceed south 2 degrees 27 minutes 4 seconds east, 891.214 feet;
Thence proceed south 21 degrees 48 minutes 5 seconds west, 2,813.741 feet;
Thence proceed south 1 degrees 47 minutes 13 seconds west, 817.412 feet;
Thence proceed south 7 degrees 44 minutes 1 seconds east, 1,146.463 feet;
Thence proceed south 86 degrees 27 minutes 16 seconds west, 1,017.914 feet;
Thence proceed north 55 degrees 37 minutes 11 seconds west, 1,503.602 feet;
Thence proceed south 90 degrees 0 minutes 0 seconds west, 979.684 feet;

Thence proceed south 0 degrees 35 minutes 55 seconds east, 895.468 feet;
Thence proceed south 0 degrees 14 minutes 21 seconds west, 933.333 feet;
Thence proceed north 86 degrees 25 minutes 25 seconds east, 1,047.037 feet;
Thence proceed south 50 degrees 36 minutes 33 seconds east, 1,661.547 feet;
Thence proceed north 64 degrees 28 minutes 7 seconds east, 1,974.234 feet;
Thence proceed north 53 degrees 12 minutes 19 seconds east, 1,682.793 feet;
Thence proceed south 81 degrees 22 minutes 33 seconds east, 813.968 feet;
Thence proceed south 1 degrees 7 minutes 24 seconds west, 2,145.608 feet;
Thence proceed north 89 degrees 47 minutes 21 seconds east, 689.506 feet;
Thence proceed south 0 degrees 34 minutes 31 seconds east, 961.651 feet;
Thence proceed south 81 degrees 49 minutes 51 seconds west, 1,514.383 feet;
Thence proceed south 5 degrees 11 minutes 39 seconds west, 375.946 feet;
Thence proceed south 14 degrees 2 minutes 10 seconds east, 771.845 feet;
Thence proceed north 80 degrees 57 minutes 21 seconds east, 324.78 feet;
Thence proceed north 87 degrees 56 minutes 38 seconds east, 1,038.332 feet;
Thence proceed south 0 degrees 34 minutes 31 seconds east, 572.505 feet;
Thence proceed north 84 degrees 19 minutes 58 seconds east, 3,714.456 feet;
Thence proceed south 0 degrees 31 minutes 9 seconds east, 598.928 feet;
Thence proceed south 89 degrees 57 minutes 5 seconds east, 1,972.667 feet;
Thence proceed south 0 degrees 17 minutes 46 seconds west, 5,559.914 feet;
Thence proceed south 89 degrees 51 minutes 36 seconds west, 2,181.595 feet;
Thence proceed south 89 degrees 34 minutes 17 seconds west, 2,660.181 feet;
Thence proceed south 0 degrees 7 minutes 25 seconds west, 3,796.254 feet;
Thence proceed north 63 degrees 19 minutes 45 seconds west, 1,1771.75 feet;
Thence proceed north 2 degrees 18 minutes 43 seconds east, 1,063.369 feet;
Thence proceed south 64 degrees 59 minutes 26 seconds west, 452.235 feet;
Thence proceed south 25 degrees 39 minutes 29 seconds west, 82.45 feet;
Thence proceed south 0 degrees 7 minutes 57 seconds west, 329.46 feet;
Thence proceed south 8 degrees 51 minutes 41 seconds east, 290.882 feet;

Thence proceed north 63 degrees 19 minutes 45 seconds west, 2,548.624 feet to the point of beginning.

(Code 1998, ch. 18, art. XIV; Ord. No. 14-3096, 3-6-2014)

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Chapters 121—124

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Chapter 125

SUBDIVISION REGULATIONS*

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*State law reference—Regulation of subdivisions, R.S. 33:111 et seq., 33:1236(20).

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Appendix I. Supplemental Section

- [Sec. I-1. Tentative subdivision approval check sheet and flow diagram.]
- [Sec. I-2. Preliminary subdivision approval check sheet.]
- [Sec. I-3. Preliminary approval drainage check sheet and flow diagram.]
- [Sec. I-4. Final subdivision approval check sheet.]
- [Sec. I-5. Final approval paving and drainage check sheet and flow diagram.]
- [Sec. I-6. Environmental assessment data form.]
- [Sec. I-7. Street name and traffic control signs.]

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ARTICLE I. IN GENERAL**Sec. 125-1. Introduction.**

(a) Realizing the importance of adequate planning and to facilitate the logical and sound development of the parish, the council, under the authority delegated by the State Enabling Act, R.S. 33, ch. I, part IV, subpart A, created, by the enactment of Ordinance No. 293, the "St. Tammany Parish Planning Commission."

(b) It is mandatory upon any subdivider of an area of land within the unincorporated portions of the parish to obtain the approval of the parish planning commission before any subdivision shall be recorded with the clerk of court's office and before any act of sale from such subdivision shall be recorded.

(c) Violations of these regulations shall be punishable by a penalty of \$500.00, as prescribed per statutory law, for each lot or parcel transferred or sold, and the description of said lot or parcel by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring, shall not exempt the transaction from such penalties or from the remedies herein provided.

(d) The parish shall enjoin such transfer or sale or agreement by suit for injunction brought in by the 22nd Judicial District Court, State of Louisiana, and may recover the penalty by civil action in said court.

(Ord. No. 499, § 40-000.0, 5-21-1970; Ord. No. 567, Bk. 7, P. 299; Ord. No. 904, 12-21-1978; Ord. No. 88-897, 1-21-1988)

Sec. 125-2. Definition of terms.

The following words, terms and phrases, when used in this UDC, shall have the meanings ascribed to them in this article, except where the context clearly indicates a different meaning:

Area of shallow flooding means a designated AO/AH zone on a community's flood insurance rate map (FIRM) with base flood depths from one to three feet. This condition occurs where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

Area of special flood hazard means the land in the designated floodplain within a community subject to a one percent or greater chance of flooding in any given year (flood zones).

Base flood means the flood having a one percent chance of being equaled or exceeded in any given year.

Block means a division of the subdivision into parcels of land separated by streets, roads, boulevards or avenues.

Boulevard or avenue means a double street or roadway separated by a neutral ground.

Building setback line means a specified minimum parallel distance between the street line or property line and any building or structure on any lot.

Developer means the person, firm or corporation who proposes to subdivide property into smaller lots or parcels to be subsequently used as commercial or residential sites.

Development means the land to be subdivided and platted along with the improvements made thereon.

Director of planning and development means the official employed as the director of planning and development to assist all concerned with the implementation of the regulations.

Driveway means a private servitude for gaining access to not more than two individual residences or property that will utilize said access exclusively for two residences or use (i.e., apartments, condominiums, shopping centers). Multiple use (more than two) of a driveway shall warrant and constitute the definition of a "street," and therefore subject to the same specifications, construction standards, surety obligations and subdivision regulations (if applicable) that are required for streets within this chapter.

Easement means a grant by the owner of the land for a certain specified use of said land by a person, or the general public through some governing body.

Final plat means the plat which is to be given final approval by the planning commission and will be placed on file with the clerk of court as a part of the public record.

Limited access street means a major highway to which access is limited to certain safe entrances and exits.

Local traffic street means a street paralleling a major highway to give limited access to said highway for safety.

Lot means the smallest portion or parcel of land into which the subdivision or blocks or squares of the subdivision is to be divided.

Major street plan means the comprehensive plan adopted by the planning commission after public hearing which is designed to guide the future development of the parish.

Planning commission means the body duly appointed by the parish council and charged with the responsibility of formulating a comprehensive plan, to keep it up to date, and to prescribe and administer necessary rules and regulations for the successful implementation of the comprehensive plan, a part of which being the subdivision regulations.

Preliminary plat means the plat which is to be the basis for all construction of improvements and is to receive preliminary approval by the planning commission prior to issuance of a work permit.

Resubdivision means a further division of an existing subdivision or a portion thereof.

Right-of-way (ROW) means a strip of land granting the right of passage over the strip of land specified, for the use of the public in the manner as defined and specified (a road, street, pipeline, drain, easement, etc.) on the plat by the developer.

Roof shed area means the area located directly underneath the roof, eaves or other structural components of a structure or building.

Service street means a street upon which no lot fronts.

State Enabling Act means the Act adopted by the state legislature identified as R.S. 33:101 through 33:130, which delegated to the council of the parish the authority to create a planning commission.

Street means an access way set aside for travel which affords the principal means of access to abutting property.

Subdivider. See Developer.

Subdivision means a portion or parcel of land that is to be sold, leased or rented, or offered for sale, lease or rent, in small portions or lots, for the purpose of future development for residential or commercial occupancy, which portions or lots are, or are to be, identified either by numbers or letters or by metes and bounds; whether or not such portions or lots are delineated on a plan of such subdivision.

Subdivision restrictions means restrictive covenants to be legally recorded which the developer places upon the use of the lots by future owners for the well-being of all owners, to protect values and to prevent abuses and nuisances that would disturb other occupants in the subdivision.

Tentative plan means a generalized conceptual plan designating the proposed development by showing the lot and street layout and the surrounding land uses.

Work permit means a permit shall be issued by the department of engineering, granting the developer permission to proceed with the construction of proposed improvements after approval of the preliminary plan and upon payment of the prescribed fees. This permit will be valid for one year from date of issue. In the event that the work permitted is not completed within this time, the developer will be required to have the work permit extended, and if construction has not commenced within one year or has been dormant for same said period, the project must be resubmitted for preliminary approval.

(Ord. No. 499, § 40-010.0, 5-21-1970; Ord. No. 88-897, 1-21-1988; Ord. No. 90-1344, 10-20-1990; Ord. No. 90-1345, 10-20-1990)

Secs. 125-3—125-22. Reserved.

ARTICLE II. GENERAL REGULATIONS

Sec. 125-23. General provisions.

(a) A subdivision or resubdivision of land must be compatible with the major street plan adopted by the planning commission. Necessary rights-of-way for any proposed roads or streets shown on the major street plan or rights-of-way for construction and maintenance of necessary proposed or existing drainage channels, through the proposed subdivision, must be formally dedicated in perpetuity to the public through the parish council. No building of any sort may be erected upon rights-of-way so dedicated.

(b) Site grading and fill operations must not interfere with natural watercourses or natural surface water flow.

(c) No individual, firm or corporation shall deepen, widen, fill or reroute, or change the location of any existing ditch, stream or drainage canal or reclaim, fill, dredge or otherwise change the natural condition of land without first obtaining a permit and work order from the council and any other agency having jurisdiction.

(d) Fire hydrants shall be required in all new subdivision developments which have community type central water facilities within a parish fire protection district. Additionally, blue reflectors shall be placed on all streets during the construction phase of the developments in order to indicate the location of fire hydrants. All fire hydrants shall be located within an easement and shall be spaced no further than 500 feet apart.

(e) Any additional requirements, stipulations and/or specifications regarding fire hydrants and/or their placement within new subdivision developments, shall be regulated as per section 125-86, central water systems. For the purpose of improving safety, the fire chief within the fire district that the development is located, shall have the authority to require additional regulatory standards.

(Ord. No. 499, § 40-030.01, 5-21-1970; Ord. No. 88-897, 1-21-1988)

Sec. 125-24. Right of appeal.

(a) Any person or persons claiming to be aggrieved by a decision or decisions of the planning commission with regards to a tentative or preliminary subdivision plat review, may appeal in written form to the parish council through the department of development no later than ten days after the planning commission meeting date.

(b) Any person or persons claiming to be aggrieved by a decision or decisions of the planning commission in regards to final subdivision plat review may only appeal a denial verdict rendered by the planning commission to the parish council in written form through the department of development no later than ten days after the planning commission meeting date.

(c) The procedure for appeals to the parish council is contained within section 120-59.
(Ord. No. 499, § 40-030.02, 5-21-1970; Ord. No. 02-0417, 1-10-2002)

Sec. 125-25. Zoning compliance.

(a) Prior to an application for tentative plat approval for any residential subdivision which creates more than five lots or requires the construction of either public or private roads, application must be made to the zoning commission for a zoning change to one of the following zoning classifications: A-1 Suburban District, A-2 Suburban District, A-3 Suburban District, A-4 Single-Family Residential District, A-5 Two-Family Residential District, A-6 General Multiple Family Residential District, PUD Planned Unit Development District, or MH Mobile Home District. The proposed tentative plat must comply with the specific requirements of the requested zoning classification.

(b) Prior to an application for tentative plat approval for any commercial or industrial subdivision which creates more than five lots or requires the construction of either public or private roads, application must be made to the zoning commission for a zoning change to one of the following zoning classifications: LC Light Commercial District, C-1 Neighborhood Commercial District, C-2 Highway Commercial District, C-3 Planned Commercial District, M-1 Light Industrial District, M-2 Intermediate Industrial District and M-3 Heavy Industrial District. The proposed tentative plat must comply with the specific requirements of the requested zoning classification.

(Ord. No. 499, § 40-030.03, 5-21-1970; Ord. No. 00-0172, 7-6-2000)

Sec. 125-26. Construction.

Unless otherwise provided for within this chapter, no construction of homes or other permanent structures may begin on a subdivision lot covered by these regulations until final approval of the subdivision has been obtained.

(Ord. No. 499, § 40-031.0, 5-21-1970; Ord. No. 904, 12-21-1978)

Secs. 125-27—125-55. Reserved.

ARTICLE III. STREET REGULATIONS

Sec. 125-56. Streets.

(a) The arrangement of streets shall be structured to enable the continuation of the existing streets in adjoining areas. All street intersections shall be safe for traffic. Offset streets shall be avoided. Minimum offsets shall be at least 125 feet between the centerlines of two opposing offset streets. All lots within new subdivisions must have either a public or private street or road frontage constructed for the full lot frontage in accordance with the provisions as established within this section.

(b) In special cases, where in the opinion of the planning commission, the requirements of safety demand, especially where subdivisions front on heavily traveled thoroughfares, such thoroughfares may be designated as limited access roads, and in such cases, local traffic roads shall be required adjoining and paralleling the thoroughfares, with access thereto at specified intervals only. In no case will lots be positioned with direct access onto a Class A state highway.

(c) In the interest of public health and safety, to provide for efficient traffic flow at subdivision entrances, and to promote aesthetic qualities, all proposed subdivisions where only one entrance is provided shall be required to build the entrance to the following minimum standards:

- (1) *Right-of-way.* An 80-foot by 100-foot right-of-way shall be reserved at the entrance of subdivisions with only one access.
- (2) *Street.* The developer shall design one 14-foot-wide ingress travel lane on one side of the median and a minimum of two ten-foot-wide each egress travel lanes on the other side of the median. Note: The street width requirements shall apply only to the first 100 feet in depth from the entrance.
- (3) *Median.* For subdivisions that have over 40 lots, the developer shall design and construct a median at the entrance to segregate traffic flow.
 - a. The minimum width of the median shall be six feet by a depth of 100 feet with a minimum radius at both ends of three feet.
 - b. The median shall be of a curb and crowned design with a turf cover.
 1. The curbing shall have a minimum of five inches in height and eight inches in width. Materials used to construct the curbing shall be compatible with that of the street.
 2. The turf cover shall be made up of grass and/or any other combination of living landscape materials such as trees, bushes, shrubs and flower beds.
- (4) *Maintenance.* Maintenance of the median shall be the responsibility of the developer and/or homeowners association when and if established.

(d) Dead-end streets are prohibited; however, cul-de-sacs may be used by developers, provided that the following minimum standards are utilized:

- (1) The radius of a cul-de-sac shall be 60 feet when the design employs open swale ditches and 55 feet when subsurface drainage is used. In addition, the inside turning radius shall be a minimum of 26 feet.
- (2) A street terminated by a cul-de-sac shall be no greater than 700 feet in length. However, some exceptions may apply due to extenuating circumstances. In such cases, the planning commission shall reserve the right to waive the length standards.

- (3) The entrance to a street terminated by a cul-de-sac shall be posted with a sign stating "No Outlet."
- (4) The planning commission has the authority to waive the minimum design standards for streets terminated by a cul-de-sac only when it is deemed reasonable and compatible with topography, aesthetics, planning, development or need.

(e) Minimum width of right-of-way of public or private streets in any subdivision shall be 60 feet except where concrete curb and gutter streets with subsurface drainage are provided. Streets having these features may be 50 feet in width. However, in the case of a planned unit development (PUD), if a developer wishes to maintain the streets privately, the developer may request a reduction of established right-of-way width requirement for streets if the developer can justify such a reduction in accordance with the standards and practices of the departments of public works and engineering.

(f) Boulevards or avenues in any subdivision shall have a minimum width of 80 feet.

(g) Streets that are obviously in alignment with others already existing shall bear the names of the existing streets.

(h) Duplication of street names shall be avoided. In no case shall there be a duplication of a street or road name within a fire protection district or of new street names within any of the municipalities of the parish.

(i) A uniform street sign system marking each street intersection will be installed by the developer prior to obtaining final approval, in accordance with the specifications referenced within this article.

(j) Traffic control signs will be installed by the developer, prior to obtaining final approval, in accordance with the specifications listed within this article. The developer shall be responsible for the maintenance of all streets and drainage ditches until all improvements have been completed and the streets and drainage ditches have been accepted for maintenance by the parish council.

(Ord. No. 499, § 40-032.0, 5-21-1970; Ord. No. 87-7621, 1-15-1987; Ord. No. 92-1698, 6-18-1992; Ord. No. 02-0472, 5-2-2002; Ord. No. 04-0977, 10-7-2004; Ord. No. 14-3064, § 40-032.0, 1-9-2014)

Sec. 125-57. Definitions relating to streets.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Apron means the access or egress roadbed and road-wearing surface leading to and from a subdivision hereafter approved.

Department of engineering means that department as defined in this Code, or any successor agency thereto; should that department be hereafter divided in function, the parish department herein with jurisdiction over streets and roads shall be the department referred to herein.

Main street or thoroughfare includes any road, roadbed and road-wearing surface, situated in any subdivision, which constitutes the main road or traffic artery situated therein for the purpose of ingress or egress of vehicular traffic into and out of the subdivision and within the subdivision; same shall also automatically include roads which are separated by a median or other separation and also four-lane roads providing for two lanes each for opposing traffic; whether or not so divided by a median or other device situated therein.

Reinforcement includes mesh, rods and/or a mixture of materials so as to provide the per-square-inch strength imposed and required by the state department of transportation and development for the installation and construction of highway traffic arteries.

Responsibility for on-site inspections means the responsibility of the developer to retain a registered civil engineer, to provide for on-site inspections and observation during all construction activities, including those contingent herein and drainage. Said engineer shall provide periodic inspection reports to the engineering department for review and filing.

Subdivision. See *Subdivision* in section 125-2.

Testing means the sampling of a roadbed material for composition, compaction, depth and such other requirements applicable thereto, and of the road surface (all at such intervals as standard testing procedures provide) to determine through state of the art methodology, proper compliance with the specifications imposed.

Utility line means any wire, pipe and/or conduit in a system of pipes and/or conduits for conveying utility services, including, but not limited to, water, sanitary sewer, natural gas, electricity, steam, fiber, data/communications.

(Ord. No. 499, § 40-032.01, 5-21-1970; Ord. No. 14-3064, § 40-032.01, 1-9-2014; Ord. No. 14-3171, § 40-032.01, 8-7-2014; Ord. No. 16-3503, exh. A(40-032.01), 5-5-2016)

Sec. 125-58. Approval (street construction plans mandatory).

Preliminary or final subdivision approval shall not be approved until the design details and specifications of the construction of the road base and wearing surfaces have been submitted and approved by the department of engineering. This includes the detail of the ingress and egress roads therein, with and to the approach road to the subdivision, and any and all main streets or thoroughfares situated within said subdivision shall have been approved by the department of engineering.

(Ord. No. 499, § 40-032.02, 5-21-1970; Ord. No. 14-3064, § 40-032.02, 1-9-2014)

Sec. 125-59. Roadway testing and inspection standards for residential and commercial subdivisions.

(a) *Roadway subgrade preparation.*

- (1) The roadway alignment shall be stripped of all topsoil with organics and other deleterious materials. The topsoil in the parish is generally underlain by moisture-sensitive silty soils. These near-surface silty deposits shall be examined at the time of construction since they tend to lose their support capabilities if they become wet. Consequently, depending on the site condition at the time of construction, the moisture-sensitive soils may have to be undercut and replaced with compacted structural fill.
- (2) Once the roadway alignment is stripped and undercut to the required subgrade elevation, the roadway subgrade shall be proofrolled using a single or a tandem axle dump truck or similar heavily loaded rubber-tired vehicle weighing about 20 tons. Soils which are observed to rut or deflect under the moving load shall be undercut and replaced with compacted structural fill, disked open to dry or treated to form a stable non-yielding subgrade prior to fill placement. Proofrolling the roadway subgrade shall be witnessed by parish inspection personnel or their representative prior to proceeding with fill placement. The approval of the subgrade is valid for 48 hours. Therefore, the subgrade shall be protected and covered with fill as soon as possible. Should the subgrade be exposed to excessive amount of precipitation, re-approval of the subgrade will be required.

(b) *Roadway fill.* Fill placed along the roadway alignment shall consist of sandy clays, clayey or silty sands free of organics and other deleterious materials. The fill shall have a maximum liquid limit of 40 and a plasticity index less than 20 percent. The structural fill shall be placed in maximum lifts of eight inches of loose materials and shall be compacted within one percentage point below to three percentage points above the optimum moisture content. The fill shall be compacted to at least 95 percent of the fill's maximum dry density as determined by ASTM D698 (AASHTO T99). Each lift of fill shall be tested by the parish-approved testing laboratory and approved prior to placement of subsequent lifts. The edge of the fill shall extend at least two feet beyond the edge of the road or face of curb. Field density tests shall be conducted in accordance with ASTM D2922 at 500-foot intervals along the roadway alignment.

(c) *Aggregate base course.* The roadway aggregate base shall consist of Class II base including 610 limestone or crushed concrete meeting the requirements of the latest edition of Louisiana Standard Specifications for Roads and Bridges (LSSRB), section 1003.3D. The aggregate base shall be compacted to at least 95 percent of the aggregate's maximum dry density determined by ASTM D698 (AASHTO T99). Field density tests shall be conducted on the base material in accordance with ASTM D2922 at 500-foot intervals along the roadway alignment. In addition, depth checks shall be conducted at the density test locations to verify compliance with the pavement design and parish requirements.

(d) *Lime-treated subgrade.*

- (1) Lime treatment may be used to stabilize the clay subgrade or to dry the in situ soil. It is not intended for use as a pavement base. Lime treatment shall be conducted after the soil has been classified and the plasticity index of the soil is determined to optimize the quantity of lime needed to treat the soil. The following percent of hydrated lime, by weight, is a guide to treat the cohesive soil. The actual amount shall be verified by the approved testing laboratory prior to field application.

<i>% of Hydrated Lime by Weight</i>	<i>Clay Soil Plasticity Index (%)</i>
2	18 to 30
4	31 to 45

- (2) The percent of lime required to stabilize clays with plasticity indices over 45 percent shall be determined by the independent testing laboratory. Lime treatment of silty soils shall be conducted for drying purposes only.
- (3) Lime treatment shall be designated by type in accordance with LSSRB, section 304. When lime is used to treat the clay sub-base or to prepare for cement treatment, Type B and Type C shall be used, respectively. For Type B and Type C treatments, the pulverized treated soil shall yield 95 percent passing the three-fourths-inch sieve and 50 percent passing the No. 4 sieve, by weight. The mixture shall be compacted to at least 95 percent of the maximum dry density as determined by ASTM D698 (AASHTO T-99). Field density tests shall be conducted at intervals of 500 linear feet of roadway. The mixture shall be protected against drying in accordance with LA DOTD specifications.

(e) *Cement-treated base.*

- (1) Cement treatment of roadways shall be conducted in general accordance with LSSRB, section 303. Cement treated base generally involves treatment of the existing subgrade soils or treatment of imported embankment fill to be used as a base course in flexible or rigid pavement sections.
- (2) The in situ or embankment fill considered for cement treatment shall have a plasticity index of less than 15 percent. Soils with higher plasticity indices shall be lime treated prior to cement treatment. Cement-treated bases for roadways shall be designed to yield a minimum compressive strength of 300 psi at seven days as determined by a mix design in accordance with DOTD TR 432 Standard Procedure. The mix design shall be conducted on representative samples of the subgrade soil by an independent testing laboratory. Unless the results of the mix design indicate otherwise, the silty soils encountered generally in the parish shall be treated with at least ten percent of Portland cement, by volume. The roadway shall be prepared in general accordance with LSSRB, section 303-04. The moisture content of the mixture shall be within two percent of the optimum moisture at the time of treatment. Pulverization of the treated soils shall yield a mixture with at least 60 percent passing the No. 4 sieve.

- (3) Compaction and finishing of a treated roadway section shall be completed within three hours of the initial cement application to the base course materials. The treated base shall be compacted to at least 95 percent of the mixture's maximum dry density as determined by ASTM D698 (AASHTO T-99). Field density tests shall be conducted on the cement-treated base at a frequency of not less than one test per 500 linear feet of road.
 - (4) Thickness of the cement-treated base shall be verified for compliance with the roadway design. The depth of treatment shall be checked during placement at a frequency of not less than one test per 500 linear feet of road. The cement-treated base shall be immediately protected against rapid drying by applying an asphalt curing membrane. The treated section shall be allowed to cure for a period of at least seven days prior to exposure to construction traffic. The contractor shall protect the treated base from damage until the surface course is placed. Damaged base course shall be repaired by the contractor and approved by the engineering department prior to application of the surface course.
- (f) *Portland cement concrete.*
- (1) Portland cement concrete for parish roadways shall be placed on approved roadway bases. The concrete mix design shall be reviewed in accordance with ACI 301 for compliance with the strength requirements. All materials used in the concrete mix shall be from DOTD approved sources. The materials shall be proportioned, batched, cured and placed in accordance with LSSRB, section 901.
 - (2) Prior to placement of concrete, depth checks shall be conducted by string lines trained across the forms to verify the pavement thickness at a frequency of not less than 50 feet and shall be witnessed by a parish inspector or his representative. Deficiencies noted shall be corrected and approved prior to concrete placement.
 - (3) During placement of Portland cement concrete pavement, observation and testing shall be done on a full-time basis. At a minimum, slump, air content and mix temperature test shall be conducted every 100 cubic yards of placed concrete. Four compressive strength cylinders shall be cast every 100 cubic yards placed. Cylinders shall be tested as follows: one cylinder at seven days, two cylinders at 28 days and one cylinder shall be placed on hold. Additional cylinders shall be cast when high/early mix is used and early concrete strength is required to open the road to traffic with the approval of the engineering department. The placed concrete shall be finished, cured and protected in accordance with LSSRB requirements. At the discretion of the engineering department, cores may be obtained for verification of pavement thickness.
- (g) *Asphaltic concrete.*
- (1) All materials used in the mixture shall be from DOTD-approved sources. The materials shall be proportioned to produce a pavement mix meeting LSSRB requirements. The proposed mix design shall be submitted for approval to the engineering department. The asphaltic concrete mixture shall be placed on a stable and approved base.

- (2) During placement of asphaltic concrete, observation and testing shall be on a full-time basis. For each 1,000 tons of materials placed, or a fraction thereof in one day, a sample shall be tested at the plant for percent void, void mineral aggregate (VMA), asphalt content and gradation. The results will be used to control the mixture and form a basis for acceptance of the pavement.
 - (3) Mix temperature shall be checked on each truck load in the field. Loads with low temperatures not meeting specifications shall not be placed.
 - (4) The final pavement thickness and density of the mixture shall be verified by obtaining four-inch diameter cores at a minimum frequency of one core per 1,000 linear feet of road and not less than two cores per roadway section. The density of the pavement core shall not be less than 92 percent of the maximum theoretical density. The thickness of the cores shall be within one-fourth inch of the design thickness. The parish reserves the right to accept or reject the pavement based on the test results.
- (h) *Drainage trench backfill.*
- (1) Backfill material for culverts and storm drains shall be placed and compacted in general accordance with LSSRB, section 701, except as specifically addressed in this subsection (h).
 - (2) Cross drains and side drains under roadway areas shall be backfilled with granular fill A-3 material or better. The backfill shall be placed near optimum moisture and shall be compacted in lifts not exceeding 12 inches. Field density tests shall be performed during the backfill operation from one foot above the pipe up to the finished grade. Each layer shall be compacted to 95 percent of the fill's maximum dry density as determined by ASTM D698 (AASHTO T-99). The field density tests shall be conducted at a minimum frequency of one test per 100 linear feet.
 - (3) Bedding material shall be provided under the drainage lines with a minimum of six inches placed under the pipe and extending one-half of the pipe diameter beyond the edge of either side of the pipe or minimum of 12 inches, whichever is greater. The pipe shall be side bedded to the mid-height of the pipe or to the pipe spring line, if arch pipe is used. The bedding material shall consist of free-draining granular material meeting the requirements of #57 limestone or crushed concrete. Other bedding materials may be considered by engineering department. A geotextile fabric shall also be placed around the pipe at each joint to reduce potential migration of the fill into the joints of the pipe.
 - (4) Drainage trench backfill in non-paved areas shall be either granular material or selected soils as defined by LSSRB, section 701.08. The fill shall be compacted in lifts to the density of the surrounding soil but not less than 90 percent of the fill's maximum dry density as determined by ASTM D698 (AASHTO T-99).

(i) *Utility trench backfill.* Utility lines located in non-paved areas or areas not subject to vehicular traffic will not be required to conform to LSSRB section 701. Utility lines located within paved areas will be required to conform to LSSRB section 701. Utility lines located in paved areas and installed prior to proof rolling the roadway subgrade will not be required to conform to LSSRB section 701, provided the proofroll passes inspection.

(Ord. No. 499, § 40-032.03, 5-21-1970; Ord. No. 14-3064, § 40-032.03, 1-9-2014; Ord. No. 16-3503, exh. A(40-032.03), 5-5-2016)

Sec. 125-60. Roadway design standards for residential subdivisions.

The purpose of this section is to provide for roadway design and construction standards to serve as a guide for acceptance of new private roadways that will be dedicated to the public and placed into the parish roadway system for maintenance. It also provides guidelines for acceptance of existing roadways under consideration into the roadway system.

(1) *New roadways built by developers and accepted into the parish roadway system.*

- a. Upon approval of preliminary plans by the planning commission, a geotechnical investigation, including a pavement design, shall be conducted by a state-licensed geotechnical engineering firm retained by the developer. The geotechnical report shall be submitted to the department of engineering for review and approval.
- b. The subsurface soil investigation shall have an adequate scope to sufficiently design the roadway embankment. The scope of the subsurface soil survey shall include, but not be limited to, the following:
 1. Soil borings shall be drilled to a depth of six feet at 500-foot intervals and not less than three borings per roadway section. At a minimum, the borings shall indicate the various soil stratifications and groundwater elevation.
 2. Laboratory testing shall be conducted on selected samples, including, but not limited to, moisture content, unconfined compressive strength, Atterberg limits determination and percent fines. Other laboratory testing and analysis, such as consolidation tests and embankment stability analysis for high fill areas, shall be performed, if necessary, at the discretion of the geotechnical engineer and department of engineering.
 3. The pavement design shall be based on the geotechnical investigation field data and laboratory test results, as well as a projected average daily traffic which includes the traffic resulting from the complete development of all land to be served by the subject roadway, including traffic forecast to be generated by the development, both internal and external to the development under consideration. The average daily traffic shall include heavy truck traffic as a percent of the average daily traffic for a minimum design life of 20 years. Design of a single double 32-kip axle load shall be used to define a

heavy axle load. An estimate of the average daily traffic, including an estimate of the number and weight of heavy axle loads expected during the design life of the pavement, shall be furnished to the department of engineering. In the absence of a detailed traffic analysis report furnished by a traffic engineer, the information provided below shall be an estimate of heavy truck traffic for various types of streets or highways:

Type of Street	Approximate Number of Heavy Trucks Per Design Period
Residential streets, rural farm and residential roads	25,000 — 50,000
Urban minor collector streets, rural minor collector roads	70,000 — 150,000
Urban minor arterial and light industrial streets, rural major collector and minor arterial highways	700,000 — 1,500,000

- (2) Existing or recently constructed private roadways considered by the parish to be accepted into the parish roadway system.
- a. Should an existing or recently built private roadway be considered for inclusion in the parish roadway system, the following geotechnical investigation shall be conducted by the developer's consultant to verify compliance with the parish roadway design standards. This includes, but is not limited to, verification of pavement thickness as well as type and thickness of roadway base and sub-base.

1. Roadway cores shall be obtained at 500-foot intervals.

(i) For rigid pavement, the thickness shall be recorded and the compressive strength of the concrete shall be tested on the pavement cores for compliance with the parish roadway design requirements.

(ii) For flexible pavement, the thickness and density of the pavement cores shall be verified for compliance with the roadway design requirements.

2. At the core locations, soil borings shall be conducted to a depth of at least three feet below the bottom of the pavement to verify the type and thickness of the pavement base and sub-base.

3. Laboratory testing shall be conducted on selected samples from the roadway borings to classify the fill used for compliance with the roadway design and parish requirements.

4. Available reports of testing and inspection, conducted during construction by the developer or contractor, shall be provided to the engineering depart-

ment for review. This shall include testing and inspection reports of Portland cement concrete or asphaltic concrete, reports of field density tests conducted on the roadway base material and any underlying fill.

5. Analysis of the pavement design for the existing roadway shall be based on the findings from the geotechnical investigation as well as the anticipated average daily traffic in the area.
 6. Acceptance of the roadway will be decided by the engineering department based on the results of the pavement analysis. Furthermore, the parish may require funded certification of conformance through the establishment of performance and/or warranty letters of credit, to ensure that the developer's obligation to construct the roads to the required standards is accomplished.
- b. Should the roadway be found not to be in compliance with parish standards, the roadway may be rejected or recommendations may be provided by the department of engineering to bring it up to parish roadway standards. Furthermore, the parish may require a minimum of two years and a maximum of five years funded warranty letters of credit to ensure the integrity and durability of the street. The parish reserves the right to accept or reject streets that are deemed not up to parish standards.
- (3) *Minimum street pavement sections.* All parish-wide streets or roadways within new subdivision developments shall be designed based on the results of a soil investigation conducted on the roadway. However, the following subsection provides minimum pavement sections for public roadways which may be used for preliminary planning purposes or for estimating requirements for subdivision development. The minimum roadway section shall be in accordance with the following minimum specifications:
- a. Roadway materials shall be from approved sources in accordance with the Louisiana Standard Specifications for Roads and Bridges (LSSRB), latest edition.
 - b. Minimum roadway sections for lightly traveled subdivision streets shall consist of the following:
 1. Rigid pavement:
 - (i) Six inches of Portland cement concrete underlain by either 12 inches of A-3 or better base material over a proofrolled stable subgrade.
 - (ii) An alternative to the base material, eight inches of the subgrade soil (if suitable) may be treated with cement. Otherwise, structural fill may be placed and treated with cement. The appropriate amount of cement shall be determined by an approved testing laboratory and approved by the department of engineering.

2. Flexible pavement:
 - (i) Four inches of asphaltic concrete underlain by eight inches of Class II base over a minimum of 12 inches of A-4 or better sub-base structural fill placed over a proofrolled stable subgrade.
 - (ii) An alternative to the aggregate base and sub-base, ten inches of the subgrade or fill may be treated with cement. Otherwise, structural fill may be placed and treated with cement. The appropriate percent of cement shall be determined by an approved testing laboratory and approved by the department of engineering.
 - c. Minimum roadway section for a collector or major arterial shall consist of the following:
 1. Rigid pavement:
 - (i) Eight inches of Portland cement concrete underlain by either 12 inches of A-3 or better sub-base or ten inches of cement-treated base placed on top of a proofrolled stable subgrade.
 - (ii) An alternative to the base material, ten inches of the subgrade soil (if suitable) may be treated with cement. Otherwise, structural fill may be placed and treated with cement. The appropriate amount of cement shall be determined by an approved testing laboratory and approved by the department of engineering.
 2. Flexible pavement:
 - (i) Five inches of asphaltic concrete underlain by either 12 inches of Class II base over a minimum of 12 inches of A-4 sub-base structural fill placed on top of a proofrolled stable subgrade.
 - (ii) An alternative to the aggregate base and sub-base, 12 inches of the subgrade (if suitable) or fill may be treated with cement. Otherwise, structural fill may be placed and treated with cement. The appropriate percent of cement shall be determined by an approved testing laboratory and approved by the department of engineering.
 - d. The engineering department can waive any of these requirements or approve alternative sections whenever a pavement design can be justified by a state-licensed civil engineer and based on a geotechnical investigation conducted for the roadway by an approved geotechnical engineering firm in the state.
- (4) *Roadway widening.* The design for a widened roadway shall take into consideration the anticipated new traffic load the road will be subjected to. At a minimum, the widened section of the road shall have a pavement section that is equivalent to the existing road

or better if additional traffic load is anticipated. A subsurface investigation shall be conducted along the new section of the road that will be widened. The scope of the subsurface soil investigation shall include, but not be limited to, the following:

- a. Soil borings shall be drilled to a depth of six feet at 500-foot intervals, but not less than three borings per roadway section. Pavement cores shall be obtained from the existing roadway alignment at 1,000-foot intervals with a minimum of two cores per roadway section. The existing thickness of the pavement and underlying base as well as the sub-base type shall be investigated and considered in the pavement design.
- b. Laboratory testing shall be conducted on selected samples including, but not limited to, moisture content, unconfined compressive strength, Atterberg limits and percent fines.
- c. The pavement design shall be based on the geotechnical investigation field data and laboratory test results as well as a projected average daily traffic including the anticipated future traffic for the widened road.

- (5) *Roadway elevation.* The minimum elevation for any street as measured at the lowest point of the travel lanes shall be at least 6.0 feet NAVD '88 GEOID 03. This requirement may be adjusted when site conditions make compliance unsafe or infeasible as determined by the director of public works or the director's designee.

(Ord. No. 499, § 40-032.04, 5-21-1970; Ord. No. 14-3064, § 40-032.04, 1-9-2014; Ord. No. 14-3171, § 40-032.04, 8-7-2014; Ord. No. 14-3205, § 40-032.04, 10-2-2014)

Sec. 125-61. Additional requirements for streets.

It shall be the responsibility of the developer to select the independent laboratory for testing the wearing surfaces, composition, compaction and suitability of the streets within a developer's subdivision. In addition, the developer's engineer shall coordinate with the department of engineering the scope of work required and the costs involved.

(Ord. No. 499, § 40-032.05, 5-21-1970)

Sec. 125-62. Blocks.

Block length in all subdivisions shall not be more than 1,500 feet.

(Ord. No. 499, § 40-033.0, 5-21-1970)

Secs. 125-63—125-82. Reserved.

ARTICLE IV. STANDARDS OF DESIGN

Sec. 125-83. Lots.

(a) *Lot size requirements.*

- (1) *Lots with central sewage.* Lots in subdivisions having central sewage systems shall have a minimum lot area of 12,500 square feet with a minimum lot frontage of 90 feet and depth of 120 feet.
- (2) *Lots without central sewage.* Lots in subdivisions that do not have central sewage shall have a minimum lot area of 40,000 square feet and a minimum lot width of 150 feet and depth of 120 feet.
- (3) *Exceptions.* Lots within A-3 Suburban and A-4 Single-Family Residential zoning districts having central sewerage must have a minimum road frontage of 60 feet on a cul-de-sac, and 100 feet and 90 feet respectively on a curve with a radius of 180 feet or more.
- (4) *Lots on a curve.* The road frontage for lots on a curve with a radius under 180 feet shall not be less than 90 feet and 80 feet, respectively.
- (5) *Lots without central sewerage.* Lots within A-1 and A-2 Suburban zoning districts without central sewerage must have a minimum road frontage of 100 feet and 90 feet, respectively on a cul-de-sac, and 300 feet and 150 feet respectively on a curve with a radius of 180 feet or more.
- (6) *Lots on a curve.* The road frontage for a lot on a curve with a radius under 180 feet shall not be less than 240 feet and 120 feet, respectively.

(b) *Exceptions from minimum requirements.* Any lot provided for in subsection (a) of this section may have as much as ten percent less road frontage, building set-back width and area than is required for each lot provided that the lots in each square or block have an average frontage, building setback width, and area which is equal to that required for each lot in subsection (a) of this section.

(c) *Angles of side lines.* All side lines of lots shall be at right angles to straight road lines or radial to curved road lines unless a lot is affected by or is adjacent to a servitude (easement), or an artificial or natural drain, or an unusual natural feature such as a rise or fall in elevation, or unless a variation of this rule will result in a better road or lot plan. Lots with double frontage should be avoided.

(d) *Resident number, mailing address.* All lots, in addition to a lot number, will be assigned a resident number or numbers which shall become the permanent mailing address. The developer should coordinate addresses with the parish 911 addressing office.

(e) *Definition of "road."* The term "road," as used in this section, shall include a street, highway, boulevard and any other way, whether public or not.
(Ord. No. 499, § 40-034.0, 5-21-1970; Ord. No. 85-476, 9-19-1985; Ord. No. 94-2143, 12-12-1994)

Sec. 125-84. Contiguous lot rule.

(a) The purpose and intent of this section is to require an owner to combine contiguous residential substandard lots of record, through the parish's resubdivision process, in order for said lots to conform with minimum standards relative to lot size and the provision of central water, community sewerage and adequate drainage. These standards shall apply only to subdivisions properly recorded with the parish clerk of court prior to July 28, 1967.

(b) For the purposes of this section, the following definitions shall apply:

Buildable lot of record means any residential lot located within a subdivision created prior to July 28, 1967, and having a minimum lot width of 50 feet and a minimum lot area of 5,000 square feet.

Buildable substandard lot means a lot which has been determined, upon review of the planning commission, to meet all of the requirements of section 125-84(b)(4) and, therefore, may be constructed upon following the subsequent review and approval of the department of engineering in accordance with the provisions hereof. For the purposes of this section, the division of lots to create smaller lots will not be permitted:

- (1) If two or more contiguous residential lots or combination of lots and portions of lots are in single ownership, and if all or part of the lots do not equal or exceed the minimum lot area and width requirements of a buildable lot of record, then said lots or combination of lots or portions thereof shall be construed as substandard lots of record; and therefore, must be combined together to conform with the buildable lot of record area and width requirements.
- (2) The following shall constitute a violation of this section and subject to the provisions set forth in subsection (b)(5) of this section:
 - a. It shall be a violation for any individual, corporation or other legal entity who owns contiguous residential substandard lots of record to sell a lot or lots, or portions thereof, to another person or legal entity if the remaining balance of the lots retained, or lots sold to another, does not meet or exceed the minimum standards of a buildable lot of record.
 1. Under the following limited circumstances set forth in this subsection, a contiguous residential substandard lot may be sold, provided that: the sale does not result in the seller retaining a lot or portion of lots that, either individually or combined, would not meet or exceed the minimum standards

of a buildable lot of record; the entire width along the rear boundary of the contiguous residential substandard lot that is sold abuts the rear boundary of the purchaser's lot; and, either a principal structure exists on the purchaser's lot, at the time of the sale, the purchaser's lot is a buildable lot of record, or the purchaser satisfies the requirements for establishing a buildable substandard lot, which requirements are set forth in subsection (b)(2)a.4 of this section.

2. A sale authorized under the provisions of subsection (b)(2)a.1 of this section shall not be construed as authorizing the creation of a buildable residential substandard lot or the issuance of a building permit for a principal structure to be placed on the substandard lot being purchased, except in the following limited circumstances: the building permit is issued in conjunction with the demolition of, and the replacement of, the principal structure that exists on the purchaser's lot at the time of his purchase of the rear abutting residential substandard lot; or if no principal structure existed on the purchaser's lot at the time of purchasing the rear abutting substandard lot, but the owner otherwise satisfies the requirements for establishing that the lot he owned, at the time of purchasing the rear abutting substandard lot, is a buildable substandard lot, which requirements are set forth in subsection (b)(4) of this section. In either case, the two lots must be combined and a building permit may be issued for one principal residential structure.
 - b. It shall also be a violation for any person or entity to commence construction or to place fill on a substandard lot prior to review and approval of the planning commission, review and approval of the department of engineering and issuance of a building permit.
 - c. Failure to adhere to the fill and construction requirements of the department of engineering shall also constitute a violation of the provisions of this section.
- (3) Resubdivision requirements and payment of fees.
- a. Prior to an owner selling a combination of contiguous residential substandard lots to another, or filing for a building permit, an application for resubdivision must be filed and submitted as set forth in section 125-216, resubdivision review. Said resubdivision application must reflect the combination of substandard lots of record into larger lots to create buildable lots of record.
 - b. For the purposes of this section, the resubdivision of existing conforming lots in order to create smaller lots shall not be permitted.
- (4) A building permit may only be issued on a substandard lot of record when the applicant satisfies the following requirements of a buildable substandard lot, which must be done

at the time of the public hearing before the parish planning commission, and the application has been reviewed and approved within the guidelines of the departments of planning and development and engineering:

- a. At the public hearing before the planning commission, the applicant must establish that he does not currently own and has not sold, nor has any predecessor in title sold, during the period following the initial adoption of the ordinance that required substandard lots of record to be combined (PGS No. 94-1899), any contiguous lots or portions thereof which could have been combined with the lot or lots in question to create a buildable lot of record; and
 - b. Only after the planning commission determines that the applicant has satisfied the above requirements and grants buildable lot of record status, the applicant shall then submit an application for a building permit. The application must be reviewed by the department of engineering for consideration of adverse drainage impacts resulting from the placement of fill and construction. The department of engineering shall determine, based on best engineering practices, the amount of fill that may be placed on the property, if any, and whether the proposed residence may be built on a slab or must be elevated. A building permit shall not be issued until the application has been reviewed and approved by the department of engineering.
- (5) A violation of any provision of this section, and knowingly providing false information in connection with an application filed pursuant to this section, shall constitute a misdemeanor that is punishable by a fine not to exceed \$500.00 per day for each day that the violation continues, and imprisonment in the parish jail for not more than 30 days, or both such fine and imprisonment. In addition thereto, or in lieu thereof, the parish is authorized to take all legal action that may be necessary to address and remedy any violation of these provisions.
- (6) In the case of Bayou Gardens Subdivision (Lacombe), all regulations outlined above shall apply, except that all lots less than 100 feet in width shall be combined to create lots at least 100 feet in width and 12,500 square feet in area.

Conforming lot of record means any residential lot located within a subdivision created prior to July 28, 1967, and having a minimum lot width of 90 feet and a minimum lot area of 12,500 square feet.

Residential lot means any lot used for residential purposes in any of the following zoning districts: R-Rural, SA Suburban Agriculture, A-1, A-2 and A-3 Suburban, A-4 Single-Family Residential and A-5 Two-Family Residential.

Substandard lot of record means any residential lot with less than 50 feet of street frontage or less than 5,000 square feet in area, and created prior to July 28, 1967.

(Ord. No. 499, § 40-034.01, 5-21-1970; Ord. No. 03-0761, 10-2-2003; Ord. No. 05-1037, 1-6-2005; Ord. No. 07-1501, 2-1-2007)

Sec. 125-85. Sanitary provisions.

(a) Water supply and sewage disposal plans acceptable to the parish health department and the state board of health must be provided. A letter recommending minimum sewage requirements shall be obtained from the state department of health and hospitals, as a part of the preliminary plan. No residences may be occupied before water and sewer systems are installed.

(b) If the developer anticipates the installation of a water distribution system with fire hydrants, then, and in that event, the plans for the system must be submitted to the state fire rating bureau for their recommendations. All hydrants to be installed shall be of a three-way type with national standard threads.

(c) It shall be unlawful for any person to transmit to the state department of health and hospitals, its review or approval, any subdivision plans or specifications or documentation, until same is first submitted to and approval given by the parish department of engineering.

(d) All community-type central sewage and water facilities shall meet all applicable performance standards as set forth in this Code.

(Ord. No. 499, § 40-036.0, 5-21-1970; Ord. No. 630, Bk. 7, P. 543; Ord. No. 80-41, 9-11-1980; Ord. No. 86-631, 6-19-1986)

Sec. 125-86. Central water systems.

(a) *Central water systems; when required.*

(1) Except when not expressly provided for in subsection (b) of this section, any subdivision development which is to be located in or partially in any A-2 or subsequently enumerated suburban district or any other more relevantly restricted or progressive residential or planned land use district shall have a central water system comprised of water source, treatment (as may be required), storage, and distribution elements. The water source of any central water system shall be a public water supply as defined in chapter XII of the sanitary code of the state.

(2) Whenever the average lot size of a proposed subdivision to be located entirely within an A-2 Suburban District is greater than two acres, the planning commission, at the time of its consideration of the tentative plan for the subject subdivision, may waive the requirement provided in subsection (a)(1) of this section upon the showing by the developer that the implementation of the provisions of said subsection would prove to be a manifestly unreasonable financial hardship.

(b) *System requirements.* The installation of an appropriate central water system for a subdivision development in a subject residential or planned land use district shall conform with the following minimum requirements:

<i>Number of Service Connections</i>	<i>Well Screen Diameter</i>	<i>Pumping Capacity (GPM)</i>	<i>Storage Vessel* (Gallons)</i>	<i>Water Main Diameter</i>
15 through 24	2.5-inch	75	3,000	6-inch
25 through 49	4-inch	125	5,000	6-inch
50 through 74	6-inch	250	10,000	8-inch
75 through 124	6-inch	375	15,000	8-inch
125 through 499	8-inch	500	20,000	8-inch
500 or greater	10-inch	1,000	40,000	10-inch**

*The volume of water shall equal 40 times the pumping capacity of the water source.

**Trunk lines only, lateral lines may be appropriately reduced according to generally accepted principles of hydraulic engineering.

(c) *Construction or modification of a central water system.*

- (1) The department of environmental services of the parish (the commission) shall have authority over all construction necessary or incidental to the provision of water. Plans and specifications for a central water system to be constructed or modified shall be submitted to and approved by the commission prior to initiating such construction, and the conduct of such construction shall be subject to inspection by the commission. Copies of any amendments to said plans and specifications shall also be submitted to the commission, and the commission shall approve such amendments prior to operation of the subject system.
- (2) Prior to the start of construction or modification of a central water system, detailed plans and specifications shall be submitted by the responsible person for the system to be constructed or modified and shall be reviewed and, contingent upon any revisions to such plans and specifications as may be required to meet compliance, approved by the commission in accordance and compliance with applicable law which shall include the Ten-State Standards and the state water well rules, regulations, and standards. Whenever an existing central water system is designated for connection to a proposed subdivision development, the detailed plans and specifications shall include the public water supply identification number (PWS ID Number) as established by the office of public health of the state department of health and hospitals.
- (3) Approval by commission.
 - a. As such relates to the provisions of subsection (d)(2) of this section, whenever there is a participatory and coordinated effort between the commission and the district engineer of the office of public health of the state department of health and hospitals, the commission shall affirm any approval granted by the said state entity when the subject plans and specifications for the central water system to be constructed or modified are in accordance and compliance with applicable law.

- b. Upon the expiration of one year from the date on which such approval was granted and the proposed construction or modification is not complete, any approval or affirmation thereof by the commission of the subject plans and specifications shall be void. Accordingly, prior to the conduct of any proposed or subsequent construction or modification, the responsible party shall again comply with the provisions of subsection (b) of this section.
 - c. However, upon written application to, and at the discretion of the commission, a conditional or absolute waiver of the effect of the provisions of this article may be issued.
- (4) Any review and subsequent approval of the plans and specifications for the construction or modification of a central water system is for the use and benefit of the commission and shall not be considered as an affirmation that the construction, modification, or operation of the central water system is or will be in accordance or compliance with applicable law which shall include the Ten-State Standards and the state water well rules, regulations, and standards.
- (5) Every central water system shall be constructed or modified in accordance with the plans and specifications for installation which have been approved in advance by the commission prior to the start of construction or modification.
- (6) Inspections.
 - a. To monitor the construction or modification of any central water system, the commission may authorize any employee or agent of the commission to inspect at a reasonable time and in a reasonable manner any such central water system in order to determine that the construction or modification of such system is conducted in accordance and compliance with the plans and specifications for installation which have been approved in advance by the commission prior to the start of construction or modification. In carrying out this power, the authorized employee or agent of the commission may enter private and public properties.
 - b. Any inspection of a central water system conducted pursuant to a provision of this section is for the use and benefit of the commission and shall not be considered as an affirmation that the construction, modification, or operation of the inspected central water system is or will be in accordance or compliance with applicable law which shall include the Ten-State Standards and the state water well rules, regulations and standards.
- (7) The provision of water shall not occur until the constructed or modified central water system has been inspected by the commission or appropriate state authority and determined to be constructed or modified in accordance with the applicable and appropriate plans and specifications for installation which have been approved in advance by the commission and/or appropriate state authority prior to the start of

construction or modification. Prior to the granting of final approval of a subdivision approval by the parish planning commission, three duplicate originals of the as-built drawing(s) and detail sheet(s) for a subject central water system as prepared by a licensed professional engineer shall be submitted to the commission so that an appropriate distribution of said documents can be made, such recipients to include the director of the parish department of engineering and the chief of the fire district wherein the subdivision development is located. When appropriate and applicable, said documents to be submitted shall reflect or include the PWS ID number, and/or a copy of the water well registration form issued by the state department of transportation and development.

(d) *Fire hydrants.*

- (1) Fire hydrants shall be required in any subdivision development which is required to have a central water system.
- (2) There shall be a fire hydrant at each street intersection with intermediate fire hydrants located not more than 500 feet apart. All fire hydrants shall be located in a right-of-way.
- (3) Fire hydrants shall have at least two outlets; one outlet shall be a pumper outlet and the other outlet shall be 2.5-inch nominal size. All fire hydrants shall conform to the provisions of the American Water Works Association Standards for Hydrants (AWWA C-502 or C-503).
- (4) Classification and paint color.
 - a. Fire hydrants, when tested in accordance with the said AWWA standards, are classified as follows:
 1. *Class A.* Fire hydrants that on individual test usually have a flow capacity of 1,000 gpm or greater.
 2. *Class B.* Fire hydrants that on individual test usually have a flow capacity of 500 to 1,000 gpm.
 3. *Class C.* Fire hydrants that on individual test usually have a flow capacity of less than 500 gpm.
 - b. The barrel of a fire hydrant shall be painted chrome yellow and the top and nozzle caps of a fire hydrant in the class outlined in subsection (b) of this section are to be painted as follows:
 1. Class A: Green.
 2. Class B: Orange.
 3. Class C: Red.

- (5) To facilitate the location of a fire hydrant by emergency personnel, a blue colored, raised reflective marker shall be securely affixed on the roadway in proximity to the fire hydrant.

(Ord. No. 499, § 40-036.01, 5-21-1970)

Sec. 125-87. Development plan for community sewerage systems.

(a) *Community sewerage systems, general provisions.* For the purpose of complying with R.S. 33:4064.6(A), the provision of sewage disposal by use of community sewerage systems is a best management practice which results in the protection of public health and the environment.

(b) *Community sewerage system, when required.* Community sewerage shall be provided in subdivisions comprised of 15 lots or more. This requirement shall apply to all new subdivision developments. The use of individual sewerage systems in lieu of a community sewerage system may be authorized and will be considered under the following circumstances:

- (1) In subdivisions comprised of less than 15 lots with a minimum lot size of two acres or greater and a minimum frontage of 125 feet, when the developer submits a comprehensive drainage plan, as well as a proposal for restrictive covenants which detail requirements for perpetual maintenance of drainage. Whenever the average lot size of a proposed subdivision is greater than five acres, the DES may waive the requirement for a community sewerage system upon the demonstration by the developer that the implementation of such provisions would prove to be a manifestly unreasonable financial hardship.
- (2) For the purposes of this section, the term "community sewerage system" means any sewerage system which consists of a collection and/or transport system which serves multiple connections, and/or a pumping facility, and/or a treatment facility. The term "facility" means any and all the apparatus and appurtenances which may be associated with the subject element of the community sewerage system and may mean more than one facility.

(c) *Qualified community sewerage system, when required.*

- (1) Whenever the department of environmental services of the parish (the "ESC") determines that a subdivision or development which is subject to the provisions of subsection (b) of this section is in proximity to the sewage collection or treatment facility of a qualified community sewerage system, said subdivision or development shall be required to connect thereto.
- (2) For the purposes of this subsection, the term "qualified community sewerage system" means a community sewerage system:
 - a. Which has the actual and/or anticipated capacity which will be required to realize the peak sewage demand of the subject subdivision or development; and

- b. The operation and maintenance of which is likely to be in accordance and compliance with all regulatory requirements; all as determined by the ESC.
- (3) The planning commission, at the time of its consideration of the preliminary plan for the subject subdivision or development, may waive the requirement in subsection (d)(1) of this section upon the showing by the developer that the implementation of the provisions of said subsection would prove to be a manifestly unreasonable financial hardship.
- (d) *Construction or modification of a community sewerage system.*
- (1) All as set forth in R.S. 33:4064.1 et seq., and as further provided in the rules and regulations of the department of environmental services of the parish (the "ESC"), the ESC shall have authority over all construction necessary or incidental to the provision of sewage disposal in the unincorporated portion of the parish. Plans and specifications for a community sewerage system to be constructed in said portion of the parish shall be submitted to and approved by the ESC prior to initiating such construction, and the conduct of such construction shall be subject to inspection by the ESC. Copies of any amendments to plans and specifications for such systems shall also be submitted to the ESC, and the ESC shall approve such amendments prior to operation of such systems.
- (2) Prior to the start of construction or modification of a community sewerage system, detailed plans and specifications shall be submitted by the responsible person for the system to be constructed or modified and shall be reviewed and, contingent upon any revisions to such plans and specifications as may be required to meet compliance, approved by the ESC in accordance and compliance with applicable law which shall include the relevant provisions of chapter XIII of the state sanitary code. Whenever an existing community sewerage system is designated for connection to a proposed subdivision or development, the detailed plans and specifications shall include the discharge permit number issued by the state department of environmental quality.
- (3) Approval.
- a. As such relates to the provisions of subsection (d)(2) of this section, whenever there is a participatory and coordinated effort between the ESC and the district engineer of the office of public health of the state department of health and hospitals, the ESC shall affirm any approval granted by the said state entity when the subject plans and specifications for the community sewerage system to be constructed or modified are in accordance and compliance with applicable law.
 - b. Upon the expiration of one year from the date on which such approval was granted and the proposed construction or modification is not complete, any approval or affirmation thereof by the ESC of the subject plans and specifications

shall be void. Accordingly, prior to the conduct of any proposed or subsequent construction or modification, the responsible party shall again comply with the provisions of subsection (d) of this section.

- c. However, upon written application to, and at the discretion of the ESC, a conditional or absolute waiver of the effect of the provisions of this subsection may be issued.
- (4) Any review and subsequent approval of the plans and specifications for the construction or modification of a community sewerage system is for the use and benefit of the ESC and shall not be considered as an affirmation that the construction, modification, or operation of the system is or will be in accordance or compliance with applicable law which shall include the relevant provisions of chapter XIII of the state sanitary code.
 - (5) Every community central sewerage system shall be constructed or modified in accordance with the plans and specifications for installation which have been approved in advance by the ESC prior to the start of construction or modification.
 - (6) Inspection.
 - a. To monitor the construction or modification of any community sewerage system, the ESC may authorize any employee or agent of the ESC to inspect at a reasonable time and in a reasonable manner any such system in order to determine that its construction or modification is conducted in accordance and compliance with the plans and specifications for installation which have been approved in advance by the ESC prior to the start of construction or modification. In carrying out this power, said authorized employee or agent may enter private and public properties.
 - b. Any inspection of a community sewerage system pursuant to a provision of this section is for the use and benefit of the ESC and shall not be considered as an affirmation that the construction, modification, or operation of the inspected system is or will be in accordance or compliance with applicable law.
 - (7) The provision of sewage disposal shall not occur until the constructed or modified community sewerage system has been inspected by the ESC or appropriate state authority and determined to be constructed or modified in accordance with the applicable and appropriate plans and specifications for installation which have been approved in advance by the ESC and/or appropriate state authority prior to the start of construction or modification. Prior to the granting of final approval of a subdivision or development plan by the parish planning commission, the as-built drawings and detail sheets for a system as prepared by a licensed professional engineer shall be submitted to the ESC for its review and comment.

(e) *Responsibility and authority of the department of environmental services of the parish.* As such relates to any or all of the provisions of this section and to the extent provided in R.S. 33:4064.1 et seq., the department of environmental services of the parish (the "ESC") is authorized to adopt rules and regulations, the purpose of which shall be to plan, adjust, and relocate community sewerage systems within the unincorporated portion of the parish to conform with this development plan, and to that end, the ESC shall establish in its rules and regulations objective standards, guidelines, and practices which may be necessary to effect the provisions of this section, or may avail itself of the provisions of R.S. 33:4064.5(D), or both. (Ord. No. 499, § 40-036.02, 5-21-1970; Ord. No. 05-1056, 2-3-2005)

Sec. 125-88. Drainage.

(a) *The drainage and flood control provisions to apply.* The drainage and flood control provisions of the parish Code of Ordinances are incorporated herein and shall be applicable to the placement of any fill material and/or construction on any lot or parcel of property, or any part thereof, which property and/or activity is governed by the drainage and flood control provisions. In the event of any conflict between the drainage and flood control provisions and those contained within this section, the more stringent or restrictive provision shall apply.

(b) *Drainage systems.*

- (1) A drainage system shall be provided and designed in accordance with the best modern engineering practices so as to adequately contain and carry off, to the point of ultimate disposal, such runoff as can be expected in the area, taking into consideration the number and type of buildings or structures to be erected in the subdivision and certifying that the runoff will not be increased by the proposed development.
- (2) All culverts positioned within the drainage system shall be constructed of concrete, metal or plastic in accordance with state department of transportation and development (DOTD) Engineering Directives and Standards Manual (EDSM) Nos. 11.2.1.1, 11.2.1.6 and 11.2.1.13, dated July 20, 1992, as amended, and within standards acceptable to the department of public works.
 - a. All culverts may be constructed of durable concrete, however corrugated metal pipe and plastic pipe may be used for residential driveways and subsurface conveyance where there is no traffic load.
 - b. All corrugated metal pipe shall be a minimum of 16 gauge, bituminous coated and installed with concrete headwalls.
 - c. All plastic pipe shall be ribbed or corrugated, double wall and installed with concrete headwalls.
- (3) Permanent bench marks shall be installed by the developers engineer at convenient locations as approved by the parish engineer in each subdivision before final approval is granted. Bench marks can be made with concrete, a spike driven into a permanent

tree, or other suitable material approved by the parish engineer. The location and elevation of each bench mark shall be clearly noted on the plat of the subdivision filed for record with the clerk of court. Whenever practical, the elevation of the bench mark shall accurately be related to mean sea level as established by the U.S. Coast and Geodetic Survey, the U.S. Army Corps of Engineers, or the state department of highways.

- (4) The elevation of the center of the completed streets shall also be noted on the "file" plat at intervals not to exceed 1,500 feet, and said elevations are to be established from the bench mark after completion.

- (5) Final "as-built" paving and drainage plans must indicate the invert elevation of the roadside ditch at each property line

(Ord. No. 499, § 40-037.0, 5-21-1970; Ord. No. 549, Bk. 7, P. 234; Ord. No. 2979, 9-25-1997; Ord. No. 05-1089, 4-7-2005)

Sec. 125-89. Subsurface drainage installation requirements in Parish Council District 13.

(a) The parish requires on-site inspections by a license civil engineer within Parish Council District 13 as it exists in 1996, for subsurface drainage installation.

(b) This inspection shall be made prior to the back fill of soil over the subsurface pipes. The developer shall provide field verification that the approved construction techniques were utilized in accordance with either/or:

- (1) St. Tammany Parish Subdivision Regulations.
- (2) Louisiana Standard Specifications for Roads and Bridges, 1992 edition, section 701: Culverts and Storm Drains.

(c) The field verification shall be submitted to the department of engineering in a format acceptable to the department of engineering. This information is required prior to the issuance of final approval.

(d) The cost of the inspections is the responsibility of the developer.

(Ord. No. 499, § 40-037.01, 5-21-1970; Ord. No. 96-2511, 10-17-1996)

Sec. 125-90. Residential retention/detention ponds; acceptance into parish maintenance system.

(a) The following procedures are hereby established for acceptance of retention/detention ponds, existing as of the date of this article, into the parish maintenance system:

- (1) The petition from owner requesting that the pond be taken into the parish maintenance system. This should include a copy of title and survey.

- (2) The petition will be reviewed by the department of engineering and department of public works to determine what is needed prior to acceptance of the pond. The minimum requirements shall be:
 - a. Minimum 15 feet access to the area around the pond; ten feet must be on a flat surface and not a pond side slope;
 - b. Adequate access to the pond for maintenance equipment;
 - c. Other safety measures as may be required, to be reviewed on a case-by-case basis; and
 - d. The petitioner is responsible to turn over an operational structure.
- (3) The petitioner will be advised of what is needed for acceptance and will be advised that acceptance by the parish is for maintenance purposes and not for aesthetic purposes.
- (4) If the petitioner agrees with the criteria for acceptance, they will be responsible for providing the following documentation to the parish:
 - a. An "act of correction" to the subdivision plat; and
 - b. An "act of dedication" with a legal description of the property to be dedicated to the parish.

(b) The following requirements are hereby established for retention/detention ponds, constructed after the adoption of the ordinance from which this article is derived. Compliance with all standards as set forth below must be verified by the department of engineering prior to acceptance into the parish maintenance system. The detention pond may be designed as a wet or dry pond as per the following criteria:

- (1) *Requirements for a wet pond.*
 - a. Minimum low stage depth must be five feet.
 - b. Side slopes must have a minimum 3H:1V slope.
 - c. Minimum access servitude width from pond to parish road must be 25 feet.
 - d. Clear buffer around the periphery of pond must be 20 feet; ten feet must be on a flat surface and not a pond side slope.
- (2) *Requirements for a dry pond.*
 - a. Exit structure invert elevation must be five-tenths feet lower than the lowest elevation of the pond bottom.
 - b. A narrow low stage ditch may be constructed at the exit structure invert elevation.
 - c. Side slopes must have a minimum 3H:1V slope.
 - d. Minimum access servitude width from pond to parish road must be 25 feet.

- e. Clear buffer around periphery of pond must be 20 feet pond; ten feet must be on a flat surface and not a pond side slope.
- f. The developer must furnish a copy of the title to the land.
- g. An "Act of Dedication" with a legal description of the property to be dedicated to the parish must be furnished.
- h. The petitioner will be advised of what is needed for acceptance and will be advised that acceptance by the parish is for maintenance purposes only and not for aesthetic purposes.
- i. The parish engineer can waive any of these requirements or approve alternative methods whenever justification is presented by a state-licensed civil engineer.

(Ord. No. 499, § 40-037.02, 5-21-1970)

Sec. 125-91. Diameter.

Any driveway culvert installed in Parish Council District No. 1 shall be at least a minimum of 18 inches in diameter.

(Ord. No. 499, § 40-037.03, 5-21-1970; Ord. No. 98-2989, 12-17-1998)

Sec. 125-92. Placement of fill on lots less than 90 feet in width for which no drainage plan exists.

The purpose of this article is to restrict the placement of fill material on lots less than 90 feet width to prevent so that stormwater from being displaced onto adjacent property thereby increasing the potential or actual flood damage to adjacent property. These restrictions are applicable only to the placement or relocation of fill on residential lots less than 90 feet in width which are located in a subdivision for which there is no drainage plan approved by the department of engineering.

(1) *General provisions (all lots).*

- a. Any applications to place fill on lots less than 90 feet in width shall detail the existing, preconstruction, natural and manmade drainage features located on the lot in question.
- b. All applications to place fill on lots less than 90 feet in width must be reviewed for compliance with all other relevant parish regulations.
- c. All fill/excavation activities within jurisdictional wetlands shall receive necessary authorization from the U.S. Army Corps of Engineers and any other applicable local, state or federal agencies before such activities are commenced.
- d. The placement of fill on any lot located within a flood hazard zone shall be permitted only when a development plan for the lot has been submitted and approved.

- e. The drainage and flood control provisions of the parish Code of Ordinances are incorporated herein and shall be applicable to the placement of any fill material and/or construction on any lot or parcel of property, or any part thereof, which property and/or activity is governed by the drainage and flood control provisions. In the event of any conflict between the drainage and flood control provisions and those contained within this section, the more stringent or restrictive provision shall apply.

(2) *Flood Zone V and areas of shallow flooding.*

- a. *Flood Zone V.* The placement of fill on any lot located within Flood Zone V shall be exclusively governed, regulated and controlled by and shall in all ways be consistent with the relevant provisions of the rules and regulations promulgated by the Federal Emergency Management Agency (FEMA) and the National Flood Insurance Program (NFIP).
- b. *Areas of shallow flooding.*
 - 1. Off-site fill shall be limited to the roof-shed area of a lot's proposed primary structure.
 - 2. A concrete slab shall be permitted under the primary structure provided that the finished surface slab or footing does not exceed an average of 12 inches above natural ground grade.
 - 3. Construction shall be accomplished using pier or piling construction according to applicable building codes for finished elevations in excess of 12 inches.
 - 4. Site improvements (structures, driveways, roadways, landscaping, etc.) shall not impede natural drainage pathways or parish drainage easements.
 - 5. There shall be no net change in the average elevation of the natural grade of the lot outside of the roof-shed.
 - 6. The drainage and flood control provisions of the parish Code of Ordinances are incorporated herein and shall be applicable to the placement of any fill material and/or construction on any lot or parcel of property, or any part thereof, which property and/or activity is governed by the drainage and flood control provisions. In the event of any conflict between the drainage and flood control provisions and those contained within this section, the more stringent or restrictive provision shall apply.
- c. *Flood Zones A-, A+, B and C.*
 - 1. Fill shall be limited to the roof-shed area of the proposed primary structure and necessary access to the site.

2. The volume of fill on the site shall not exceed that which is necessary to prepare an adequate building footprint, as verified by the department of engineering.
3. Construction activities that involve the finished floor of a structure exceeding an average of 24 inches above natural ground elevation shall utilize pier or piling construction or retainer type construction as provided for in applicable building codes. Fill for foundations resulting in a finished floor elevation with an average of 24 inches or less above natural ground grade shall taper from the foundation edge at a slope of one vertical foot for every two horizontal feet.
4. Fill for driveways must not exceed an average of 12 inches above natural ground grade except where fill is part of the transition from the foundation for the primary structure, carport or garage. Fill may also be placed adjacent to the driveway to soften the transition between elevations to a slope not steeper than one vertical foot for every four horizontal feet.
5. The placement of fill may not encroach into the required side yard setbacks, except as otherwise permitted in these regulations.
6. Fill for noncontiguous landscaping areas within the front and rear yards resulting in the finished ground elevation up to an average of six inches above natural ground grade for each such area is permitted, provided that an equal volume of fill is removed from the lot.
7. The drainage and flood control provisions of the parish Code of Ordinances are incorporated herein and shall be applicable to the placement of any fill material and/or construction on any lot or parcel of property, or any part thereof, which property and/or activity is governed by the drainage and flood control provisions. In the event of any conflict between the drainage and flood control provisions and those contained within this section, the more stringent or restrictive provision shall apply.

(3) *Administrative variances.*

- a. The director of the department of engineering shall review individual cases for variance from the provisions of this article, upon written request by the property owner. The property owner must provide evidence that circumstances exist which warrant the requested variance.
- b. Upon documentation that such circumstances do exist, as determined by the director of the department of engineering, an administrative variance shall be granted. Upon the granting of said variance a full report must be included in the permanent building permit file. That report shall include a detailed description of

such circumstances, mitigation (if required), a copy of any written correspondence relative to the lot and the variance request, and a detailed description of the variance rationale and final determination.

- c. The decision of the director of the department of engineering may be appealed to the legislative body of the governing authority within 14 calendar days of the written decision of the director of the department of engineering. Appeals must be filed with the department of engineering at seven calendar days prior to the regularly scheduled meeting of the governing authority. The director of the department of engineering will cause the appeal to be placed upon the regular agenda of the governing authority for consideration.

(4) *Processing.*

- a. A permit shall be required for the placement of fill coming from off site for any lot than 90 feet in width. In the case of new construction, this permit shall be in the form of an approval of the "culvert data sheet," the "permit data review sheet" or a general work order presently required for construction activity to occur. The ordinance shall be administered by the department of engineering with the assistance of any other parish personnel that are deemed necessary by the governing authority and/or its regulations.
- b. A detailed description of fill activity, including volume of fill to be brought in from off site, the footprint of the deposition of that fill material, volume and source location of fill being removed from the site, the ultimate disposition of the fill being removed (including flood zone of the deposition site), the direction of flow across the site, and a profile through the improvement footprints showing the natural and finished elevations of the construction site, as well as the proposed sediment retention measures, must accompany the building permit or development proposal and be reviewed by the department of engineering before approval of the culvert data sheet or the permit data tracking sheet or the issuance of a general work order.

(5) *Enforcement.* Violations will be processed by code enforcement, department of engineering or permit inspections personnel using standard code violation protocol. (Ord. No. 499, § 40-037.04, 5-21-1970; Ord. No. 99-3081, 6-17-1999; Ord. No. 01-0336, 6-5-2001; Ord. No. 05-1089, 4-7-2005)

Sec. 125-93. Placement of fill on lots more than 90 feet in width applicability.

The purpose of this article is to regulate the placement of fill on lots 90 feet and greater in width, including undivided parcels of land, within the 100-year designated floodplain. These regulations are applicable to the placement or relocation of fill on residential lots 90 feet and

greater in width which are located in a new or existing subdivision for which there is no drainage plan approved by the department of engineering and new subdivision not yet approved, as well as to undivided parcels of land.

(1) *Flood Zone V and areas of shallow flooding.*

- a. *Flood Zone V.* The placement of fill on any lot or undivided parcel of land located within Flood Zone V shall be exclusively governed, regulated and controlled by and shall in all ways be consistent with the relevant provisions of the rules and regulations promulgated by the Federal Emergency Management Agency (FEMA) and the National Flood Insurance Program (NFIP).
- b. *Areas of shallow flooding.*
 1. The placement of fill on any parcel located within an AO/AH Flood Hazard Zone shall be permitted only when a development plan has been submitted and approved by the department of engineering.
 2. Fill shall be limited to the roof-shed area of a parcel's primary structure.
 3. A concrete slab shall be permitted under the primary structure provided that the finished surface slab or footing is no more than 12 inches above natural ground grade.
 4. There shall be no net change in the average elevation of the natural ground.
 5. Construction shall be accomplished using pier or piling construction according to applicable building codes.
 6. Access roadways and other site improvements (buildings, driveways, roadways, landscaping, etc.) shall not impede natural drainage pathways or parish drainage easements.
 7. The drainage and flood control provisions of the parish Code of Ordinances are incorporated herein and shall be applicable to the placement of any fill material and/or construction on any lot or parcel of property, or any part thereof, which property and/or activity is governed by the drainage and flood control provisions. In the event of any conflict between the drainage and flood control provisions and those contained within this section, the more stringent or restrictive provision shall apply.

(2) *Flood Zones A1-A30.*

- a. The placement of fill on any parcel located within any "A" flood hazard zone shall be permitted only when a development plan has been submitted and approved.
- b. Fill shall be limited to the roof-shed area of the proposed structure and required access to the site.
- c. The volume of fill on the site shall not exceed that which is necessary to prepare an adequate building footprint.

- d. Construction activities that involve the finished floor of a structure exceeding an average of 24 inches above natural ground elevation shall utilize pier or piling construction or retainer type construction as provided for in current applicable building codes. Fill for foundations resulting in a finished floor elevation 24 inches or less above natural ground grade shall taper from the foundation edge at a slope of three horizontal feet for every one foot vertical.
 - e. At no time shall fill for any site improvements exceed 12 inches above natural ground grade.
 - f. Fill for driveways must not exceed six inches above natural ground grade except where fill is part of the foundation for the main residence, carport, or garage. Fill may also be placed to soften the transition between elevations to a slope not steeper than one vertical foot for every four horizontal feet.
 - g. Access roadways and other site improvements (buildings, driveways, roadways, parking areas, etc.) shall not impede upon natural drainage pathways or parish drainage easements.
 - h. The drainage and flood control provisions of the parish Code of Ordinances are incorporated herein and shall be applicable to the placement of any fill material and/or construction on any lot or parcel of property, or any part thereof, which property and/or activity is governed by the drainage and flood control provisions. In the event of any conflict between the drainage and flood control provisions and those contained within this section, the more stringent or restrictive provision shall apply.
- (3) *New subdivisions.* Subdivisions approved after enactment of this article, which establish to the satisfaction of the parish engineer that, at the time of preliminary approval, such subdivision development will not result in a reduction in the 100-year floodplain storage capacity, will be approved in total.
- (4) *Exemptions.* Areas enclosed by levees from which the runoff is mechanically pumped shall be exempt from this chapter.
- (5) *Variances.* The parish engineer shall review individual cases for variance from the provisions of this article, upon written request by the applicant. The applicant must provide evidence that circumstances exist which warrant the requested variance.
- (6) *Reference regional detention ordinance.* If the applicant is granted a variance, he shall purchase storage space in regional detention equal to the volume of fill in excess of that which is allowed under this article.
- (7) *Processing.*
- a. A permit shall be required for the placement of fill coming from off site for any lot greater than 90 feet in width. In case of new construction, this permit shall be in the form of an approval of the "culvert data sheet," the "permit data review sheet" or a general work order presently required for construction activity to occur.

- b. A permit shall be required for the placement of fill coming from off site for any lot greater than 90 feet in width. In case of new construction, this permit shall be in the form of an approval of the "culvert data sheet," the "permit data review sheet" or a general work order presently required for construction activity to occur.
 - c. A detail of fill activity, prepared by a licensed civil engineer or licensed land surveyor, including volume of fill to be brought in from off site, the footprint of the deposition of that fill, volume and source location of fill being removed from the site, the ultimate deposition of the fill being removed (including flood zone of the deposition site), the direction of flow across the site, and a profile through the improvement footprints showing the natural and finished elevations of the construction site, as well as the proposed sediment retention measures, must accompany the building permit or development proposal and be reviewed by the department of engineering before approval of the culvert data sheet or the permit data tracking sheet or the issuance of general work order.
 - d. Three submittals are required during the permit process.
 1. The initial plan must be submitted in accordance with the requirements of this chapter. The applicant shall submit a survey plot plan that depicts the minimum elevations necessary to determine the average elevation of the construction area; for example the lot corners and maybe an intermediate elevation in between corners could be used. The survey must state the flood zone.
 2. The applicant must submit the elevation of the slab form board or lowest habitable floor. This elevation must be submitted on the original detail of fill activity plan. This information must be submitted prior to the pre-pour slab inspection.
 3. Prior to the granting of the certificate of occupancy the permit applicant must furnish a plot plan, certified by a licensed surveyor or licensed civil engineer, clearing verifying that the property has been constructed upon in accordance with this chapter.
- (8) *Enforcement violations.* Enforcement violations will be processed by the code enforcement, department of engineering or permit inspections personnel using standard code violation protocol.
- (Ord. No. 499, § 40-037.05, 5-21-1970; Ord. No. 01-0336, 6-5-2001; Ord. No. 05-1089, 4-7-2005)

Sec. 125-94. Miscellaneous.

The planning commission shall review whether subdivision plans meet the minimum requirements, and shall consider whether the plans ensure and conform to the best interests of public

health, safety and welfare. The planning commission shall reserve the right to stipulate any reasonable additional requirements for subdivisions. These considerations may include, but are not limited to, the following:

- (1) Recreational areas.
 - (2) General street design and construction specifications.
 - (3) Buffer zones and screening.
 - (4) Lot designs and configurations.
- (Ord. No. 499, § 40-038.0, 5-21-1970; Ord. No. 91-1528, 11- 21-1991)

Sec. 125-95. Greenspace requirements.

(a) The developer of each subdivision with more than 25 lots shall set aside land within their development for the use of the residents for recreational purposes. Said land shall be exclusive of green belts, reserved easements or servitude and golf courses.

(b) Subdivisions with more than 25 lots shall provide greenspace area at a ratio of not less than 580 square feet per residential lot.

(c) In cases where a subdivision is to be developed in phases, the greenspace area shall be dedicated and included within the first phase.

(d) The developer shall establish within a legal instrument the dedication and maintenance of said greenspace area in favor of a homeowners association or property owners, once the developers interests within the subdivision is reduced to less than 50 percent of lot ownership.

- (1) Said instrument shall include the developers responsibility of maintaining the greenspace areas prior to the establishment and assumption by the homeowners association or property owners.
- (2) The instrument shall be referenced to within each property title.
- (3) The developer shall submit a copy of the legal instrument to the department of planning and development upon recordation.

(e) With the consent of the planning commission, the developer of a subdivision may, in lieu of dedicating land for greenspace, agree to pay to the parish a sum of money equal to 40 percent of the post-development value of the land that would otherwise have to be dedicated for greenspace.

- (1) The post development value of the land shall be based on the median sales price of all of the lots within the subdivision development. Once the median value has been determined, said value shall be converted into a value per square foot and applied to the acreage that would have been dedicated for greenspace.

- (2) The median value shall be determined by either the appraiser of the development whom must be state certified, and in which case a copy of the appraisal must be submitted to the planning commission for review, or some other clear evidence of value. In either case, the state certified appraiser or the other clear evidence of value, must validate the median value by remitting an affidavit. Said affidavit must include the methodology used to determine the median value and a statement of truth.
 - (3) Any funds collected shall be deposited into an escrow account earmarked for recreation to benefit the areas impacted by the development.
 - (4) If a recreational district does not exist in the areas of the subdivision development, the parish council may earmark such escrowed funds for parish wide recreational use or enact legislation to establish a new recreation district for the areas impacted by the development.
 - (5) Provisions may be adopted establishing standards for the application and use of the funds in accordance with accepted practices.
 - (6) The developer shall pay the full amount of money owed to the parish prior to the recordation of the final subdivision plat. Said funds shall be remitted to the department of finance with disclosure regarding the use of the funds, as well as any other provisions agreed to or established by the parish council and/or planning commission.
- (Ord. No. 499, § 40-039.0, 5-21-1970)

Sec. 125-96. Hearing required; notice.

- (a) The developer of a proposed subdivision must request a zone which comprises a zoning district classification prescribed by the Unified Development Code, that conforms as nearly as possible with the proposed land use, lot size, restrictive covenants, phase, or addition thereto.
- (b) An initial zoning request for a proposed subdivision development must be reviewed at a public hearing before the parish zoning commission prior to said development having a tentative subdivision review hearing before the parish planning commission.
- (c) The developer must submit his rezoning petition, if applicable, to the department of planning and development, and said petition shall be advertised and placed on the zoning commission docket for review and consideration.
- (d) The department of planning and development and/or the department of engineering shall be responsible for advertising the proposed tentative, preliminary and/or final subdivision application request for public hearing no less than twice during a ten-day period prior to the hearing in the official parish journal and/or paper or local circulation in the vicinity of said subdivision indicating the date, time and place of the hearing. No application for tentative, preliminary and/or final review can be acted upon or administered to without the benefit of a hearing thereon.

(e) In addition, it shall be the obligation of the department of planning and development and/or the department of engineering to ensure that proper public notice, by way of signs, be posted on or in the vicinity of the subdivision at least ten days prior to the public hearing. Said signs shall indicate the date, time and place thereon that same shall be reviewed.
(Ord. No. 499, § 40-040.0, 5-21-1970; Ord. No. 96-2510, 10-17-1996)

Secs. 125-97—125-120. Reserved.

ARTICLE V. DEVELOPMENTAL AGREEMENTS

Sec. 125-121. Legislative authority to initiate agreements.

The state legislature articulated Act 505 of 1988, pursuant to subpart G, part I, ch. 14, title 33, of the Louisiana Revised Statutes of 1950, for which act created the ability and authorization for local governing authorities to enter into voluntary developmental agreements with developers of land; and to provide for within said developmental agreements, the contents, periodic review, enforcement and applicability of such agreements, amendment, cancellation, modification or suspension; and to provide for any related matters pursuant to the procurement of said agreement.
(Ord. No. 499, § 40-041.01, 5-21-1970)

Sec. 125-122. Purpose.

The purpose of this article is to encourage the voluntary participation of an individual, firm or corporation, within the planning process, by entering into a developmental agreement, when said individual, firm or corporation develops land within the parish. Furthermore, said agreement shall set forth the responsibilities of the developer for providing additional governmental services for said project or development, that would not otherwise be provided for by the local governing authority due to capital and/or fiscal constraints.
(Ord. No. 499, § 40-041.02, 5-21-1970)

Sec. 125-123. Applicability.

If an individual, firm or corporation wishes to participate in the parish's voluntary developmental agreement process, an application must be filed with the tentative subdivision submission documentation. If said individual, firm or corporation elects not to participate in the developmental agreement process at the tentative subdivision review stage, that shall not preclude their rights or ability to participate at a later time during the subdivision process.
(Ord. No. 499, § 40-041.03, 5-21-1970; Ord. No. 05-1082, 4-7-2005)

Sec. 125-124. The developmental agreement.

(a) A developmental agreement for the purposes of this article, shall be defined as a binding contractual agreement between an individual, firm or corporation and the governing authority of the parish.

(b) The agreement shall be reviewed by and through the parish planning commission at the time of the tentative subdivision review, wherein said commission and participating parties shall establish the guidelines, criteria and parameters of the agreement to be entered into.

(c) Upon completion of the developmental agreement process, wherein the developer voluntarily agrees to enter into a binding contractual agreement with the governing authority of the parish; the parish planning commission shall forward the final agreement for endorsement by said authority, only after the prescribed legal requirements for public notice have been satisfied as set forth in section 125-96.

(Ord. No. 499, § 40-041.04, 5-21-1970)

Sec. 125-125. Contents of the agreement.

(a) A developmental agreement shall specify the duration of the agreement, the permitted uses of the property, the density and intensity of use, and any other provisions deemed appropriate by both the developer and the parish. The agreement may include conditions, terms, restrictions and requirements for subsequent discretionary actions, provided that said actions shall not prevent the development of the land for the uses and to the density or intensity of development as set forth within the agreement.

(b) The agreement may provide for the starting and completion dates of construction for the entire development or portions thereof.

(c) Examples of what might be included within a developmental agreement include, but are not limited to: impact studies, traffic control improvements (on- and off-site), improved street and drainage design and construction (on- and off-site); and the dedication of land, monies, materials and equipment.

(d) Developmental impact fees may be a part of the developmental agreement if voluntarily offered by the developer. Said fees would be negotiated during the developmental agreement review process and would be levied on a per lot basis.

- (1) The fees shall be placed into specifically mandated escrow accounts for use to make improvements to the street and drainage infrastructure in and around the development for which the fees have been collected.
- (2) Collection of the developmental impact fees may be procured in the following ways:
 - a. Directly from the developer;
 - b. At the act of sale;

c. At the building permit stage.
(Ord. No. 499, § 40-041.05, 5-21-1970)

Sec. 125-126. Application and procurement.

(a) The department of planning and development shall furnish the developer of a new subdivision with the necessary documentation for voluntary submission of an application to enter into a developmental agreement. The finalized version of an application must be completed by the applicant and returned to the department of planning and development at least ten working days prior to the scheduled tentative subdivision review hearing date before the planning commission.

(b) If the applicant agrees to voluntarily enter into a developmental agreement with the parish, the applicant shall be required to remit an application fee of \$75.00 in order to cover advertisement costs.

(c) Once an application has been filled out and returned by the applicant, the director or his designer shall request an informal application pre-agreement conference to discuss the relevant points for the agreement in relationship to the applicants project or development. After informal negotiations have taken place, the director or his designer shall forward said application and recommendations to the planning commission for review and consideration.

(d) Subsequent to the planning commission review, the commission shall forward its recommendations to the parish council for their review and final dispensation.
(Ord. No. 499, § 40-041.06, 5-21-1970)

Sec. 125-127. Rules, regulations and official policies.

Unless otherwise provided by the developmental agreement, the rules, regulations and official policies governing permitted uses of the land, governing density and governing design, improvement, and construction standards and specifications applicable to development of the property subject to a developmental agreement, shall be those rules, regulations and official policies in force at the time of execution of the agreement. A developmental agreement shall not prevent the parish, in subsequent actions applicable to the property, from applying new rules, regulations and policies which do not conflict with those rules, regulations and policies applicable to the property as set forth herein, nor shall a development agreement prevent the parish from denying or conditionally approving any subsequent development project application on the basis of such existing or new rules, regulations and policies.
(Ord. No. 499, § 40-041.07, 5-21-1970)

Sec. 125-128. Public advertisement.

A public hearing on an application for a developmental agreement and notice of intention to consider the adoption of a developmental agreement, shall be published three times in the

official parish journal at least ten days prior to the actual planning commission hearing date. This advertising requirement shall also be applicable with respects to a hearing before the parish council.

(Ord. No. 499, § 40-041.08, 5-21-1970)

Sec. 125-129. Approval by ordinance and recordation.

A developmental agreement shall be approved by ordinance by the parish council and shall be recorded within the parish clerk of courts office no longer than ten days after the parish enters into a developmental agreement with a developer and signatures of all parties apart thereto have been obtained. Said document shall be filed within the mortgage records of said office, which shall describe the land subject thereto. From and after the time of such recordation, the agreement shall impart such notice thereof to all persons as is afforded by the recording laws of the state. The burdens of the agreement shall be binding upon, and the benefits of the agreement shall ensure, to all successors in interest to the parties to the agreement.

(Ord. No. 499, § 40-041.09, 5-21-1970)

Sec. 125-130. Noncompliance.

Any parties that enter into a developmental agreement with parish that fail to comply with the spirit, intent and binding nature of said agreement, shall cause the governing authority to rescind, suspend and or stay any further activities upon the parties property. Furthermore, the governing authority may seek judicial relief in order to force compliance of the agreement and claim any punitive damages as a result from a breach of contract through the 22nd Judicial District Court.

(Ord. No. 499, § 40-041.10, 5-21-1970; Ord. No. 92-1655, 9-17-1992)

Secs. 125-131—125-158. Reserved.

ARTICLE VI. TRAFFIC IMPACT ANALYSIS

Sec. 125-159. Purpose and intent.

The purpose and intent of this section are to protect the health, safety and welfare of the citizens and visitors of the parish by ensuring the provision of safe and adequate roadway facilities. The provisions of this section establish requirements for transportation studies that provide information on traffic projected to be generated by proposed developments. It is the further intent of this section to establish requirements for the identification of any potential traffic operational problems or concerns, as well as potential solutions to such problems or concerns.

(Ord. No. 499, § 40-042.10, 5-21-1970)

Sec. 125-160. When required.

A transportation impact analysis (TIA) study shall be required for all subdivisions or developments when the following project threshold levels are met or exceeded. In the event that alternative threshold levels are specified (i.e., units vs. square footage) the more restrictive shall prevail.

<i>Subdivision/Development Type</i>	<i>Threshold</i>
Single-family residential	50 units
Multifamily residential	5 acres or 50 units
Office	3 acres or 50,000 square feet
Commercial/institutional	2 acres or 75,000 square feet
Industrial	8 acres or 100,000 square feet
Restaurants or beverage outlets with drive-thru service	None

(Ord. No. 499, § 40-042.20, 5-21-1970)

Sec. 125-161. Procedures.

(a) If a TIA is required for a project pursuant to the provisions of this section, the developer shall hire a qualified TIA analyst from a list published by the parish department of development in accordance with section 125-162.

(b) The TIA shall be submitted with the tentative plat or conditional use application. In the event that a TIA is required and no subdivision or conditional use application is required, the TIA shall be submitted prior to, or at the time of the filing for a building permit. In no case shall a building permit be issued for a development that is required by these regulations to provide a TIA until said TIA has been submitted and approval.

(Ord. No. 499, § 40-042.30, 5-21-1970)

Sec. 125-162. TIA analysis.

(a) Following a request for qualifications, the director of development and the parish engineer shall review all submissions and publish a list of qualified TIA analysts. This list shall include all individuals qualified to perform the traffic impact analysis required in these regulations. In order to be considered for qualification as a TIA analyst, an individual must be a registered professional engineer or an AICP certified planner.

(b) Subsequent to the publication of this list, all individuals desiring to be qualified as a TIA analyst for the purposes of this article must submit a list of qualifications to the director of development and the parish engineer for review. If that individual is deemed qualified to perform TIAs in accordance with this section, their name shall be added to the list of qualified TIA analysts to be maintained by the department of planning and development and permits.

(c) A qualified TIA analyst may be disqualified by the director of planning and development and permits and the parish engineer from preparing TIAs for the purposes of these regulations for cause. Cause for disqualification includes, but is not limited to, the intentional submission of false or misleading information; unethical or illegal activities intended to influence the evaluation of a TIA; or consistent failure to provide information required for the submission of a TIA in accordance with this section.

(Ord. No. 499, § 40-042.40, 5-21-1970)

Sec. 125-163. The TIA report.

The TIA report shall be prepared documenting the study, the data used, the findings and the recommendations of the study. The TIA shall be prepared and signed by the TIA analyst responsible for the supervision of the study and preparation of the TIA. The TIA shall be reviewed by both the parish engineer and the planning commission. If the planning commission determines that the TIA is inadequate or not in accordance with this section, the applicant may be required to supplement the TIA to address any deficiencies.

(Ord. No. 499, § 40-042.50, 5-21-1970)

Sec. 125-164. TIA contents and format.

The contents of a TIA, as well as the TIA study area radius shall vary depending on the site and prevailing conditions. The analyst shall submit a proposed scope of work to the department of engineering and the department of development. Content requirements shall be established by the department of engineering and the department of development after reviewing said scope of work. The analyst may not proceed with the TIA until these said approvals are given. Such requirements shall address site, project and corridor level traffic and transportation issues. The TIA study shall be prepared in the following format:

- (1) Description of TIA study area, specifying boundaries of study area and count and analysis sites;
- (2) Existing conditions;
- (3) Trip generation estimates and design hour traffic volumes;
- (4) Trip distribution and traffic assignments;
- (5) Existing and projected traffic volumes within the TIA study area;
- (6) Capacity analysis;
- (7) Traffic accidents;
- (8) Traffic improvements;

- (9) Conclusions; and
 - (10) Summary and findings and recommendations.
- (Ord. No. 499, § 40-042.60, 5-21-1970)

Sec. 125-165. Trip generation rates.

For the purpose of determining whether the requirements of this section are applicable to the proposed project and for the purpose of preparing required transportation impact analyses, applicants shall use the trip rates contained in the most recent edition of the Institute of Transportation Engineers' (ITE) Trip Generation Manual. Other trip generation rates may be used if a traffic engineer demonstrates that the unique characteristics of a development shall result in different trip generation rates and if such different rates are approved by the parish engineer.

(Ord. No. 499, § 40-042.70, 5-21-1970)

Sec. 125-166. Actions based on TIA.

A proposed development which is subject to the TIA requirements of this section shall be disapproved when the results of the required TIA demonstrate that the proposed project shall overburden the roadway system or cause a reduction in service of affected roadways below the adopted level of service of "D." An applicant may modify the development proposal to minimize the identified traffic related impacts. Modifications to applications for projects may include, but shall not be limited to:

- (1) A reduction in the projected vehicle trips per day;
- (2) Dedication of additional right-of-way;
- (3) Rerouting of traffic and proposed access points serving the proposed project; or
- (4) Participation in funding transportation facilities, including signals and intersection improvements.

(Ord. No. 499, § 40-042.80, 5-21-1970; Ord. No. 02-0469, 4-2-2004)

Sec. 125-167. Minor subdivision review.

(a) *Approval.* Minor subdivision approval may be granted as an administrative approval when the following criteria are met:

- (1) The subdivision will result in the creation of five or less lots, one of which must have direct frontage on a public road.
- (2) The subdivision will not result in any new public streets.

- (3) All lots created shall meet the minimum lot size and dimension standards for the zoning district in which they are located pursuant to Land Use Ordinance No. 523, or a minimum of one acre in size, whichever constitutes the greater area. The calculation for the area of a lot shall be exclusive of any public street right-of-way or private drive.
- (4) The proposal is in compliance with section 125-85, sanitary provisions.
- (5) The proposal is in compliance with section 125-88, drainage.
- (6) Any private drive that services more than one lot or parcel for the purposes of this article must be constructed to the minimum construction standards as set forth within section 125-168, minimum construction standards for a private drive.

(b) *Submission requirements.* The following information must be presented to the department of parish development for a minor subdivision review to be considered:

- (1) Submit a signed letter from the owner or owners of property involved within the resubdivision request, stating their reasons for the proposal.
- (2) Submit ten blue or black line prints of a bona fide survey on either (eight-inch by 11-inch), (8½-inch by 14-inch) or (11-inch by 17-inch) paper, indicating the following:
 - a. The proposed resubdivision of the lots indicating: the total square footage of all of the property involved within the resubdivision request, individual square footage of each new lot created, and the section, township and range.
 - b. Surveyors live stamp or seal on all of the survey plats.
 - c. The accurate location of all buildings and/or structures on the lots.
 - d. Information on the survey indicating the name of the subdivision, phase, lot number, section, township and range, and any other data pertinent and germane to the resubdivision request.
 - e. Spaces for the signatures of the secretary of the planning commission, parish engineer, clerk of court and spaces for the date and map file number.
 - f. A copy of the subdivision restrictions or covenants of the subdivision, if any, including a maintenance agreement if a private drive is to be constructed.
 - g. The fees for a minor subdivision request are based on \$90.00 per acre (pro-rata after the first acre) up to a maximum of \$800.00. The fees are based on the total land area (all properties where lot lines will be adjusted) to be subdivided. An additional and separate fee shall be required for the recordation of the survey plat as per the fee schedule of the clerk of court.

(c) *Procedure.*

- (1) Notwithstanding the provisions of section 125-25, zoning compliance, minor subdivisions may be reviewed and approved within the R Rural or SA Suburban Agricultural zoning districts.

- (2) The director of development shall review and approve the minor resubdivision application for administrative compliance within 14 days after submission.
 - (3) Upon granting approval of the application, the applicant must then coordinate with the department of engineering by providing plans for the construction of the private drive and drainage improvements.
 - (4) Once all construction has been completed and approved by the department of engineering, the minor subdivision plat will be recorded within seven days after the approval and copies of the recorded plats shall be forwarded to the applicants engineer or surveyor, unless instructed by the petitioner/owner in written form to do otherwise.
 - (5) The director may not grant waivers for any applicable regulations; therefore, if a request is denied by the director of development, or a waiver of an applicable regulation is requested, the applicant may appeal said request to the planning commission in accordance with section 125-225, waiver of regulations.
 - (6) Exemption. A resubdivision of property shall be exempt from the minor subdivision review process if an original tract of land is being re-subdivided into only two parcels, with one parcel having direct access to a public road or street and the other a private drive.
- (Ord. No. 499, § 40-045.0, 5-21-1970)

Sec. 125-168. Minimum construction standards for a private drive.

(a) With the exception of a private drive accessing one lot or parcel, the following minimum construction standards shall apply:

- (1) An owner who creates a private drive to access more than one lot or parcel, but no more than five, shall dedicate through title, deed and/or covenant, a perpetual servitude of access with a minimum width of 35 feet.
- (2) The actual driving surface shall be a minimum of 20 feet in width with two foot shoulders on each side of the drive and 5½ feet on each side of the shoulder devoted to ditching/drainage and/or utilities.
- (3) The drive shall be constructed with suitable compacted sub-base materials and overlaid with an aggregate material (i.e., shell, gravel, limestone, three-course treatment, asphalt, concrete, etc.) that is acceptable to the department of engineering.
- (4) A ditch or ditches shall be constructed on either one or both sides of a drive in accordance to standard practices adopted by the department of engineering in order to provide adequate drainage.

(b) Plans for the construction of the private drive and drainage must be submitted to the department of engineering for review and approval prior to the initiation of work.

(c) After the private drive has been constructed and drainage improvements made, the responsible owner shall contact the department of engineering for a final inspection of the work performed.

(d) Once the private drive has been constructed and all drainage improvements completed and approved by the department of engineering, then, and only then can the minor subdivision be recorded for public record in the clerk of courts office and the lots sold or donated.

(e) The owner selling or donating lots or parcels to others shall be solely responsible for establishing a maintenance agreement specifying the entity or entities whom shall provide maintenance and upkeep for the private drive. Copies of the agreement must be provided to the departments of engineering and development for their files.

(f) A private drive cannot, under any circumstances, be dedicated as a public right-of-way, unless said drive is upgraded to meet the definition and standards of a "private street" or "public street" pursuant to this article.

(g) Only one main private drive shall be permitted per each minor subdivision.
(Ord. No. 499, § 40-045.01, 5-21-1970; Ord. No. 05-1065, 3-3-2005)

Secs. 125-169—125-189. Reserved.

ARTICLE VII. STUDIES, PLANS, AND REVIEW PROCEDURES

Sec. 125-190. Tentative subdivision review.

(a) As a part of the tentative application submission, the developer shall submit to the department of development, 20 copies of the proposed tentative subdivision plan. If the subdivision is to be developed in phases, two copies of the overall master plan must be furnished showing the relationship of the phase to be developed with the entire property to be developed. It is recommended that the tentative plan be drafted by a qualified engineer, land surveyor or architect. However it is not mandatory, therefore; if the developer chooses to defer from said recommendation, then said plan must be drawn neatly to scale at a minimum size of 24 inches by 36 inches. Additionally, said plans must be folded in a rectangular or square shaped fashion with the parish signature lines shown on the front face.

(b) The following items are required to be delineated and/or demonstrated on the tentative subdivision plat prior to review by the parish planning commission:

- (1) The name of the subdivision (centered at the top of plat and highlighted) and location. Display the section, township and range locations below title.
- (2) Vicinity map displaying the names of major streets and collector roads in the area of the development (upper left-hand corner of plat).

- (3) Parish-enforced subdivision restrictions/covenants as per section 125-215 (upper right-hand corner of plat).
- (4) Typical cross-street section details for streets, cul-de-sac and entrances (middle to lower left side quadrant of plat).
- (5) Information block indicating zoning, total acreage, number of lots, total length of streets, sewer and water facilities proposed, average lot size and maximum block length (middle to lower right side quadrant of plat).
- (6) Developmental agreement application form signed by the developer/owner.
- (7) Environmental assessment data form signed and dated.
- (8) Wetland demarcation lines, as determined by the Army Corp of Engineers.
- (9) Flood Zone A demarcation lines (indicate FIRM map and panel number).
- (10) Legal description prepared on 8½-inch by 11-inch paper.
- (11) North direction arrow.
- (12) Scale of drawings.
- (13) Phases within the development, proposed and future.
- (14) Total number of blocks and lots and their dimensions.
- (15) Location of proposed or existing easements and/or servitudes.
- (16) Proposed front yard and corner side yard setbacks (delineate with dashed lines).
- (17) Existing streets leading to the development.
- (18) Documents indicating the ultimate disposal of surface drainage (USGS quadrangle map).
- (19) Proposed street or road names.
- (20) Adjoining land uses.
- (21) Need for limited access streets and lots (delineate with dashed lines).
- (22) Existing structures (delineate on plat).
- (23) Coordination of land use and collector streets for development.
- (24) Proposed park, playground or greenspace areas.
- (25) Location of any landfill or dump site on the property.

There may be additional requirements to meet that are not specifically listed above, but that can be found on the tentative approval check sheet. Said check sheet must be completed by the developer or his engineer/surveyor and submitted with the tentative subdivision review application.

(c) The director of planning and development, or his designee, will review the tentative plan and indicate to the developer whether or not the tentative plan meets the minimum requirements of this Code. Recommended revisions required to meet the provisions of this Code will be marked in red on the tentative plan by the director, or his designee, and a copy will be returned to the developer for corrections. If the developer accepts the recommended revisions, he shall submit a revised tentative plan to the planning commission. The developer shall also provide a copy of the tentative plan, and revised tentative plan, if any, to the department of environmental services for its review and comment.

(d) The planning commission must approve the tentative subdivision plan before the developer can submit plans for preliminary review.

(e) Exemption. Tentative and preliminary subdivision review may be submitted simultaneously, if the proposed subdivision does not have more than 25 lots and is not required to provide, nor is providing, a community type central sewerage and water system.

- (1) Tentative subdivisions that have been granted approval by the planning commission shall remain in effect for a period of not more than two years from the date of the approval.
- (2) If no portion or phase of an original subdivision granted tentative approval is granted preliminary approval within a two-year period, the developer shall be required to resubmit for tentative subdivision review and pay all applicable subdivision and publication fees.
- (3) Preliminary approval of a subdivision phase initiates a new two-year time period in which the next portion or phase of the subdivision must receive preliminary approval, or otherwise the developer shall be required to resubmit for tentative subdivision review and pay all applicable subdivision and publication fees.
- (4) All tentative subdivisions that were approved prior to the passage of this section shall be granted a two-year time period from the date of adoption of this section in which to secure preliminary subdivision approval of a portion or phase.

(Ord. No. 499, § 40-050.0, 5-21-1970; Ord. No. 88-897, 1-21-1988; Ord. No. 00-0160, 6-1-2000; Ord. No. 01-0365, 9-6-2001)

Sec. 125-191. Sewerage and water plans and specifications.

(a) The developer shall submit three sets of plans and specifications for the proposed subdivision's sewerage and water systems to the parish department of environmental services prior to receiving a preliminary subdivision hearing. Said plans and specifications shall include the type and source of sewerage disposal and treatment, and water distribution proposed. The parish department of environmental services shall advise the planning commission whether the proposed systems are approved, or not.

(b) If the advice is that either or both systems is not approved, then preliminary subdivision approval shall not be granted by the planning commission. Approval of the plans and specifications of either or both the sewerage and water systems is for the use and benefit of the parish department of environmental services and shall not be considered as a warranty that the plans and specifications submitted are complete and accurate, or that construction in accordance therewith shall result in the desired result being achieved.

(Ord. No. 499, § 40-050.01, 5-21-1970; Ord. No. 01-0334, 6-7-2001)

Sec. 125-192. Authority to procure and rights of appeal.

The planning commission shall have the authority to grant or deny tentative subdivisions and any other matters brought before it where their purview and jurisdiction prevails; however, any person claiming to be aggrieved by the decision of the commission may appeal such decision in written form to the parish council no later than ten days after the planning commission's meeting date. A two-thirds majority vote of the parish council is required to override the decision of the planning commission.

(Ord. No. 499, § 40-050.02, 5-21-1970)

Sec. 125-193. Procedure; legal effect of subdivision plat approval.

(a) The planning commission shall approve or disapprove a subdivision plat within 60 days after the submission thereof to it, or by the third consecutive meeting of the commission whereby the subdivision plat has been scheduled on the docket; otherwise, said plat shall be deemed to have been approved, and a certificate to that effect shall be issued by the commission upon request.

(b) The 60-day time period shall commence after the subdivision plat has been reviewed by the commission and a formal vote taken.

(c) An applicant may request the planning commission to table their subdivision plat review, upon written notice, no later than 48 hours before the meeting date. In that event, or if the commission grants the applicant a tabling action at the meeting, the time constraints for the commission to approve or disapprove the subdivision plat shall start over and follow the same procedures as set forth in subsection (a) of this section.

(Ord. No. 499, § 40-050.03, 5-21-1970)

Sec. 125-194. Essential utilities disclosure requirement.

A developer shall be required to submit a notarized letter with tentative subdivision application stating that all major utility companies, mainly those providing sewer, water, telephone and electric service to the new subdivision development, have been contacted regarding the need for the establishment of any utility easements, servitudes or rights. Said letter must include the names of those utility companies contacted.

(Ord. No. 499, § 40-050.04, 5-21-1970; Ord. No. 03-0608, 2-6-2003)

Sec. 125-195. Preliminary subdivision review.

(a) As part of the preliminary application submission, the developer shall submit to the department of development, only after streets and blocks have been surveyed on the ground, and before the construction of any streets and drainage structures or channels; 15 copies of the preliminary subdivision plan for approval by the planning commission. Said plans shall be 24 inches by 36 inches and folded in a rectangular or square shape with the parish signature lines shown on the face. The preliminary plan is the detailed plan of the subdivision by which the construction of sewerage and/or water systems, streets, drainage structures and channels will be executed by the developer. It is necessary for the subdivision to be surveyed on the ground to ensure that the plan is feasible and practical, and can be followed on the ground by the inspector to determine its adequacy.

(b) The following information shall be provided as a prerequisite for preliminary approval:

- (1) Total number of lots.
- (2) Total length of streets to be constructed.
- (3) Vicinity map.
- (4) Subdivision boundary and legal description.
- (5) Section corner one-quarter corner tie.
- (6) Engineering certification.
- (7) Signature lines for the chairperson of the planning commission, secretary of the planning commission, parish engineer, clerk of court and map file number on plat.
- (8) Name of president, treasurer, and secretary of corporation, if any, on plat.
- (9) Culvert size for each lot.
- (10) House or municipal number on each lot.
- (11) Board of health approval letter.
- (12) Subdivision restrictions or covenants.
- (13) Appropriate zoning action taken, if applicable.
- (14) Cross-section of road base.
- (15) Existing street conditions.
- (16) Designated flood areas (show on plat with demarcation lines or shading).
- (17) Right-of-way grants.
- (18) Coastal zone approval, if applicable.
- (19) Total acres in development.
- (20) Profile drawings showing all centerline street grades and ditch bottom grades.

- (21) Profile of ditch/canal bottoms that are not in street rights-of-way.
 - (22) Location of permanent markers by surveyor or engineer.
 - (23) Total acres in easements to be dedicated to the parish.
 - (24) Existing and proposed easements.
 - (25) Building setback lines.
 - (26) Interstate land sales compliance (letter from state).
 - (27) Soil analysis report.
 - (28) Street lighting plan, if applicable.
 - (29) Three sets of detailed plans and specifications for central sewerage and/or water systems (should include a total number of linear feet of sewer and water piping and other apparatus).
 - (30) True scale of the plat.
 - (31) North direction arrow.
 - (32) Name of subdivision centered and bolded on plat with underlying section, township and range.
 - (33) Street names on plat.
- (Ord. No. 499, § 40-060.0, 5-21-1970; Ord. No. 00-0160, 6-1-2000; Ord. No. 03-0735, 8-7-2003)

Sec. 125-196. Additional requirements to preliminary.

(a) In addition to the preliminary subdivision plats and sewer and water plans; 18 separate paving and drainage plats shall be submitted providing the following information:

- (1) Topography of the area to be developed with the contour lines at one-foot vertical intervals.
- (2) Vicinity map.
- (3) Proposed street cross-sections and surfacing.
- (4) Areas subject to inundation at flood stage.
- (5) Ultimate surface water disposal (shown on quadrangle map).
- (6) Datum used for elevation control.
- (7) Direction of flow of surface water in street ditches and canals.
- (8) Location, size and type of drainage structures including minimum driveway structures.
- (9) Sections and profiles of canals to be constructed.
- (10) Proposed drainage easements for parish maintenance.

- (11) Rerouting of existing canals or natural drains proposed.
- (12) Rights-of-way required.
- (13) Recommended floor elevation of residences to ensure safety in flood conditions.
- (14) Certificates by a registered professional engineer.
- (15) Subdivision restrictions or covenants.
- (16) Width and cross-section of a typical proposed street.
- (17) Type of surfacing materials to be applied.
- (18) Engineering specifications for the construction of proposed streets, if different from the parish minimum street specifications.

(b) Design and construction of all drainage shall be in accordance with specifications and standards of the state department of transportation and development (DOTD). The design engineer shall certify that all drainage plans shall include open ditch and subsurface designs. Driveway culverts shall be designed in accordance with the subsurface design. Design information shall be submitted to the department of public works. In addition to meeting current DOTD specifications and standards, the following requirements for drainage design and construction shall be met:

- (1) All roadside open ditch design and construction shall reflect a 3:1 side slope (three feet horizontal to each one foot vertical).
- (2) All subsurface drainage installation within Parish Council District 13 shall be required to meet the standards as set forth in section 125-89.

(c) After the plans have been reviewed by the department of public works, the developer will be notified if there are any corrections needed on the plans prior to the preliminary subdivision hearing before the planning commission. If corrections are required, the developer shall submit 18 revised drawings prior to said hearing. Upon preliminary approval, a work order/permit shall be issued by the parish engineer whom shall authorize the developer to begin construction. No work toward the construction of the street, drainage and lot infrastructure can begin until said work order/permit has been issued.

(d) Prior to preliminary plat approval, the proposal must have followed the legally described rezoning requirements under section 125-25 and be in compliance with the specific requirements of the Unified Development Code.

(e) Indicate the location of any closed landfill/dump on the property.

(f) Culvert sizes for each lot shall be noted on the final subdivision plat and drainage plan.

(g) A street lighting plan is required in Lighting District No. 4. The developer shall be required to submit a street lighting plan for the purpose of providing ample lighting to protect the health and safety of the residents during the nocturnal hours. Street lighting plan specifications shall fall within the established guidelines listed below:

- (1) Street lighting poles shall be constructed of either aluminum, concrete (gray) or wood.
- (2) The type of illumination shall be mercury vapor fixtures which are available in 175-watt, 250-watt, and 400-watt. The 250-watt and 400-watt shall require a taller than normal pole when used.
- (3) High-pressure sodium fixtures can also be used and are available to municipal, parish, state and highway lighting districts or through a metering system to private developers. Developers must coordinate their metering systems for sodium fixtures with the public utility company serving the area.
- (4) The minimum street light pole height shall be 20 feet measured from ground elevation to bracket and light fixture connection. Heights of over 26 feet must be reviewed and approved by the public utility company serving the area.
- (5) Street lighting poles and fixtures must be located in such a way as not to cause potential hazards to traffic or pedestrian, interfere with existing power lines, or place unnecessary glare on residences.
- (6) Street lighting poles shall be spaced accordingly to provide a consistent and even illumination pattern within the subdivision development.
- (7) Specific design and construction standards shall meet the standards of the public utility company serving the area. These standards can be obtained from the public utility company serving the area.
- (8) Maintenance and operation of the lighting facilities within each subdivision, once established, shall be managed by the lighting district.

(h) A traffic signage plan required. The developer shall be required to submit a traffic signage plan for the purpose of providing proper traffic signage. Traffic signage plan specifications shall be in accordance with "Street Identification and Traffic Control Signs; Installation Regulated," as depicted in the supplemental section of this subdivision ordinance.

(Ord. No. 499, § 40-061.0, 5-21-1970; Ord. No. 85-393, 5-16-1985; Ord. No. 00-172, 7-6-2000; Ord. No. 05-1039, 2-3-2005)

Sec. 125-197. Hydrological study and plan.

(a) A hydrological study/plan shall be completed by a qualified hydrologist and shall be submitted by all developers of new subdivision developments.

(b) For the purpose of this section, a qualified hydrologist shall be a state registered civil engineer. When a qualified hydrologist creates a study/plan for a particular drainage area, said study/plan must determine the effects, if any, of the proposed development on the drainage basin; and the qualified hydrologist shall present engineering proposals, if any, to certify that the rate of runoff will not be increased by the proposed development.

- (1) The Rational Method may be used for determining the stormwater runoff when the contributing areas is less than or equal to 200 acres up to the time of concentration. The runoff coefficient shall be selected by the design engineer and shall be appropriate for the subject property and must account for the duration and intensity of the rainfall event.
- (2) When the SCS method or equivalent is used, the following requirements shall apply:
 - a. Curve numbers shall be those published by the state department of transportation and development and/or the "National Engineering Handbook, Hydrology: section 4, chs. 6—12."
 - b. When using the SCS Method, adjustments requiring disclosure include, but are not limited to:
 1. Changes to the 484 IUH coefficient in the peak flow equation.
 2. Adjustments for ponding, imperviousness and channel improvements.
 3. Antecedent soil moisture condition.
 4. Slope and sub area length over width ratio assumptions.
 5. Storm intensity distribution, but only if approved by the parish engineering director.
 6. Proper lag time equations.
 - c. The time of concentration shall be determined for both pre- and post-conditions using methods accepted by the engineering community, e.g., "National Engineering Handbook, Hydrology: section 4, ch. 15," and appropriate for the conditions as approved by the parish engineer. If the lag method is used, the following restrictions shall apply:
 1. The appropriate area slope and defined by lag equation shall be used.
 2. Adjustments shall be made for channel improvements and impervious areas.
 3. Detention design shall be a part of the hydrologic study/plan and shall include detention ponds and metering structures. Linear detention within roadside ditches is not acceptable and shall not be included as storage areas in the drainage calculations. The plan shall be developed in accordance with the department of engineering's review and approval.
 - (i) On-site detention requirements may be waived or modified based on hydrological analysis of existing conditions, location of the develop-

ment within the drainage basin and analysis assuring no negative effect within the basin of the waiver. A waiver is expressly prohibited for developments located within the upper one-third of the drainage basin, unless the runoff resulting from the development can be routed to a regional detention facility. After technical review, the department of engineering shall accept or reject the proposed waiver. The waiver will be presented to the planning commission for preliminary approval.

- (ii) If a waiver is accepted pursuant to the previous subsection, in lieu of on-site detention, the developer shall be assessed a drainage fee. This fee shall be payable to the parish or designated drainage district for the sole purpose to make or making improvements to the affected drainage basin. The fee shall be due prior to the issuance of any work orders by the parish.
- (iii) The drainage fee shall be per acre, as follows:

A-1, A-2 and A-3 subdivisions	\$1,500.00
A-4 and A-5 subdivisions	\$2,000.00
A-6, commercial and industrial subdivisions	\$3,500.00

PUDs of same density as above subdivision designations shall follow the same fee structure. The fee shall be used solely for planning, acquisition and/or construction of regional detention facilities and/or system improvements within the affected basin.

(Ord. No. 499, § 40-061.01, 5-21-1970)

Sec. 125-198. Proposed central sewerage and water systems.

Alternatively, if a subdivision is proposed with central sewerage and/or water systems, the developer may submit to the director of public works, or his successor, a preliminary subdivision plan of the development for preliminary approval by the planning commission provided the submission is made of such systems in a schematic design or other plan satisfactory to the director of public works. Conditional preliminary approval may be granted by the planning commission based on the schematic design or plan pending approval of the systems by the department of environmental services of the parish. However, no submission for final approval of the subdivision plan by the planning commission shall be made or considered until the approval of the central sewerage and/or water systems by the department of environmental services of the parish has been received by the planning commission; and the developer is not relieved of any other requirements of submission within this article.

(Ord. No. 499, § 40-061.02, 5-21-1970)

Sec. 125-199. Soil analysis required.

A geotechnical investigation and soil analysis report is required to be submitted to the department of public works upon approval of preliminary plans by the parish planning

commission. Data for soil boring and soil mechanics laboratory tests is to be included. The report will include a summary of findings and recommendations. The work shall be performed by a state certified testing laboratory and at the expense of the developers.
(Ord. No. 499, § 40-061.05, 5-21-1970)

Sec. 125-200. Roadway grade and soil information required.

The proposed roadway grade should be furnished. The subgrade soil survey should be adequate as determined by the projects engineer, to sufficiently design the roadway embankment. Any deviation therefrom shall require the approval of the department of public works. In general, the information shall consist of a soil survey of the subgrade showing the classification and characteristics of different layers of soil, elevation of the water table, field moisture, the density of the in-place material along the centerline (amuck deposits, rock formations, quicksand, if applicable, shall be identified). Consolidation tests and embankment stability analysis for high fills and organic tests in questionable areas shall be performed if necessary at the discretion of the aforementioned department.
(Ord. No. 499, § 40-061.06, 5-21-1970; Ord. No. 88-918, 2-21-1988)

Sec. 125-201. Traffic conditions.

(a) The consulting engineer shall consider traffic conditions and repetitive loads in roadway and paving design. An estimate of the number and weight of heavy axle loads expected during the design life of the pavement shall be furnished to the department of public works. Design of a single 32-kip axle load is used to define a heavy axle load. In the absence of a detailed traffic analysis report furnished by a traffic engineer, the information provided below shall be an estimate of such loads and used to design adequate pavement thickness.

<i>Type of Street or Highway</i>	<i>Approximate Number of Heavy Trucks per Design Period</i>
Parking lots, driveways, light traffic residential streets, light traffic farm roads	7,000
Residential streets, rural farm and residential roads	7,000—15,000
Urban minor collector streets, rural minor collector roads	70,000—150,000
Urban minor arterial and light industrial streets, rural major collector and minor arterial highways	700,000—1,500,000
Urban freeways, expressways and other principal arterial highways, rural interstate and other principal arterial	2,000,000—4,500,000

(b) All drainage structures shall be designed to provide for reductions in peak rate of runoff for all storm events up to the 100-year storm. The peak rate of runoff for the 25-, 50- and 100-year storm shall be reduced by 25 percent. At no time shall the peak rate of runoff exceed

that of the predevelopment conditions of the subject parcel. Calculations shall be provided for the 25-, 50- and 100-year storm events that display the effects of a two- and 24-hour duration.

(c) Predevelopment calculations shall be based on the "heavily forested" condition unless otherwise approved by the department of engineering.

(d) No fill shall be placed in any flood zones designated as AO/AH or A1-A30 without an approved fill plan. All fill for residential home construction shall conform to Ordinance No. 2183-AA adopted July 5, 2001. Finished floor elevation shall be at least six inches above nearest adjacent road and also conform to the rules and regulations promulgated by Federal Emergency Management Agency (FEMA) and the National Flood Insurance Program (NFIP).

(e) All subdivisions receiving tentative approval prior to the effective date of the ordinance from which this chapter is derived will be governed by the previous drainage requirements.

(f) A subdivision development located within the boundaries of Gravity Drainage District No. 5 shall, at the same time, also submit its hydrological study and plan to the district for review and comment to the parish engineer. All costs associated with the review of the plans by the drainage district shall be assessed to the developer. The district shall submit its comments to the parish engineer within 30 days of receipt of the plan. The parish engineer shall have final authority on approval of the proposed hydrological plan.

- (1) A developer of a subdivision may start construction of model homes or homes for resale (more commonly known as "spec" homes) at the time preliminary approval (work order) is granted only upon receiving final zoning action.
- (2) Building permits must be acquired for any homes started under the authority of the subsection (f)(1) of this section and according to the guidelines as set forth in the Unified Development Code.
- (3) The construction of model homes shall be limited to five home sites or ten percent of the total number of lots within each phase of the development receiving preliminary approval, whichever is the lesser amount.
 - a. Should work not commence within one year after the issuance of a work permit in any subdivision for which approval of the preliminary plan was given by the planning commission, or its successor in office, no work can thereafter commence unless and until the planning commission, or its successor in office, extends the time thereof. The governing authority need not extend the time for commencement and may require the reprocessing thereof in the same manner and to the same extent, including payment of fees pertaining hereto, as if said subdivision were a new proposed development. However, in any case, a work permit must be granted by the parish within one year after receiving preliminary approval by the

planning commission; otherwise, the development must be resubmitted for preliminary review and subject to all applicable advertising requirements and payment of fees.

- b. If development and construction ceases within a subdivision for a period of one year after the release of the work order/permit, said subdivision developer must refile for preliminary approval and may be required to pay refiling fees subject to review by the planning commission.
 1. Reserved.
 2. With the subgrade soils information, traffic conditions and concrete modules of rupture now known, the design of the pavement section can be determined by:
 - (i) Using the approximate range-number of heavy trucks expected during the design period, a stress ratio can be obtained.
 - (ii) The stress ratio is the ratio of maximum allowable stress in the concrete to the modules of rupture of the concrete, and since the rupture factors are known, the maximum allowable stress can be determined.

(Ord. No. 499, § 40-061.07, 5-21-1970; Ord. No. 03-0688, 6-5-2003; Ord. No. 03-0725, 8-7-2003; Ord. No. 04-0949, 9-2-2004)

Sec. 125-202. Maintenance obligations.

(a) Maintenance obligations are established when the developer has received preliminary approval. Said obligation shall be used to ensure the repair of any damage to a parish road or drainage system resulting from construction activity in connection with the subdivision.

- (1) The amount of the obligation will be based upon the existing condition of the affected parish road, its type of construction (e.g., gravel, concrete, asphalt), the length of the road exposed to construction traffic, and other such factors as may be deemed appropriate such as existing terrain, anticipated amounts of heavy traffic, etc.
- (2) The amount of a maintenance obligation is not expected to exceed:
 - a. \$10.00/linear foot for gravel roads or streets.
 - b. \$20.00/linear foot for asphalt roads or streets.
 - c. \$30.00/linear foot for concrete roads or streets.
- (3) The amount of the obligation will be determined by the department of public works and prescribed within the work order. Maintenance obligations must be established for at least one year or the duration of construction within the subdivision, whichever comes first.

- (4) After completion of the subdivision, and upon written request from the developer, the department of public works may release the maintenance obligation by same written request to the department of finance.

(b) All maintenance obligations established by the department of public works must have acceptable securities submitted to and on file with the department of finance, and no work orders will be issued until such action has been completed.

(c) Acceptable securities are required to be posted by a developer of a newly constructed subdivision development in order to ensure that monies are available, if needed, to make repairs to any existing parish roads if the developer defaults on his obligations.

(d) Acceptable security, as set forth by the department of finance, to ensure fulfillment of maintenance obligations shall be:

- (1) Cash, to be held in escrow by the department of finance.
- (2) Letter of credit from a financial institution with a Scheshunoff Bank Quarterly rating of C+ or above. If the financial institution rating falls below a C+ rating during the term of the obligation, the parish council will allow one additional quarter for the rating to rise to an acceptable level. If the rating does not rise to an acceptable level, the developer will have 15 days to provide acceptable alternative security, or the developer will be considered in default of his obligation, and the letter of credit will be called. If the financial institutions rating falls to a NR (not rated) level, the developer will have 15 days to provide acceptable alternative security, or the developer will be considered in default on his obligation, and the letter of credit will be called.
- (3) Certificate of deposit from a financial institution with a Scheshunoff Bank Quarterly rating of C+ or above. The certificate of deposit must be pledged to the parish council, and held with a safekeeping agreement in a safekeeping account. If the financial institution rating falls to a C during the term of the obligation, the parish council will allow one additional quarter for the rating to rise to an acceptable level. If the rating does not rise to an acceptable level, the developer will have 15 days to provide acceptable alternative security, or the developer will be considered in default on his obligation, and the certificate of deposit will be called. If the financial institutions rating falls to a NR (not rated) level, the developer will have 15 days to provide acceptable alternative security, or the developer will be considered in default on his obligation, and the certificate of deposit will be called.
- (4) U.S. Treasury Bills or U.S. Treasury Notes, pledged to the parish council to be held in a safekeeping account with a safekeeping agreement.
- (5) Bond issued by a surety company listed on the Federal Register, licensed in the state and acceptable to the parish.

(e) The parish treasurer is charged with the responsibility to ensure that securities do not lapse or expire. In addition, the parish treasurer shall be responsible for notifying the developer at least 90 days prior to the expiration of the obligation and further informing said parties that a public hearing will be held regarding the disposition of said obligation.

(f) The parish engineer shall determine whether the developer has complied with all applicable requirements of development before any obligation can be released. In the event that a developer requests or the staff recommends an extension, renewal or reduction of an obligation, the department of public works shall have the sole authority to move on any said request.

(g) If a developer defaults and cannot or will not meet his obligation at or on the prescribed date and time that said obligation is due to expire, the department of public works shall have the authority to call any outstanding security on the property in question and instruct the department of finance via the parish treasurer to seize those securities necessary to complete any maintenance obligation germane to the development.

(Ord. No. 499, § 40-061.08, 5-21-1970; Ord. No. 99-3077, 5-20-1999)

Sec. 125-203. Final subdivision review.

As part of the final application process, the developer shall submit to the department of development, after completion of all construction and after the final inspection and recommendation of approval by said department of engineering, 15 copies of the final subdivision plat for approval, and provide the appropriate signature lines for the planning commission chairperson, planning commission secretary, parish engineer and clerk of court, and provide the appropriate spaces for the map file number and filing date. The final subdivision plat shall be folded in a rectangular or square shape with the parish signatures on the face, and shall provide the following information and include the following items, data and certifications:

- (1) Name of subdivision.
- (2) Name and address of developer.
- (3) Location of development (section, township, range).
- (4) Name and address of surveyor and/or engineer.
- (5) Vicinity map inset.
- (6) Boundary survey.
- (7) Scale of plat.
- (8) North direction arrow.
- (9) Section corner tie.
- (10) Location of permanent markers at each lot corner in accordance with R.S. 33:5051.
- (11) Subdivision restrictions or covenants.

- (12) Statement concerning the admittance or omission of mobile homes.
 - (13) Act of dedication of streets and drainage servitudes.
 - (14) Engineers certification and seal on plat.
 - (15) Surveyors certification and seal on plat.
 - (16) Board of health letter of approval.
 - (17) Sewerage and water plans.
 - (18) Total acres in subdivision.
 - (19) Total number of lots and dimensions.
 - (20) Building setback lines.
 - (21) Existing street conditions.
 - (22) Total length of streets.
 - (23) Names of all streets (on plat).
 - (24) All intersections at 90 degrees.
 - (25) Street elevations.
 - (26) Bench marks (NGVD).
 - (27) Flood zone and wetland demarcation lines or shading.
 - (28) Existing and proposed easements and servitudes.
 - (29) Surrounding land uses (on plat).
 - (30) Municipal mailing address for each lot.
 - (31) As-built drawings for central sewage, water facilities, and street and drainage infrastructure.
 - (32) Legal instrument for recordation stating responsibility for maintenance and upkeep of the greenspace areas.
 - (33) Traffic control devices and street sign plan.
 - (34) Two copies of the final subdivision plat and drainage plan on a 3.5-inch floppy disk in either AutoCAD DXF file or any other version of AutoCAD DWG format as per section 125-207, computer disk requirements.
 - (35) The applicant shall produce clear mortgage and conveyance certificates from the office of the clerk of court run in the names of all parties having ownership and/or controlling interest in access to the property, and on the "caption" of what the applicant proposes to dedicate to the parish council.
- (Ord. No. 499, § 40-070.0, 5-21-1970; Ord. No. 86-630, 6-19-1986; Ord. No. 00-0160, 6-1-2000)

Sec. 125-204. Compliance with Interstate Land Sales Act.

An affirmative response to the Interstate Land Sales Act, signifies that the developer has:

- (1) Provided an affidavit that the developer is exempt by statute from the provisions of the Interstate Land Sale Act;
- (2) Furnished a certified copy of a letter to the office of interstate land sales registration indicating that the developer has applied to the office of interstate land sales registration for an exemption; or
- (3) Furnished a certified copy of a letter to the office of interstate land sales registration indicating that the developer is applying for registration with the office of interstate land sales registration.

(Ord. No. 499, § 40-070.01, 5-21-1970)

Sec. 125-205. Final plan procurement.

(a) Once the planning commission approves a development and the plats are signed and recorded, copies of the approved final plan will be sent to the following:

- (1) The clerk of court's office.
- (2) The developer (four copies).
- (3) The assessor's office.
- (4) The department of planning and development.
- (5) The department of public works.

(b) Upon receiving approval of the subdivision, the clerk of court will be notified to record acts of sale of lots in the subject subdivision. Changes to the original tracing subsequent to final approval will require review by the planning commission.

(c) Violations of this section will be subject to the penalties as set forth in section 125-1, introduction.

(Ord. No. 499, § 40-070.02, 5-21-1970)

Sec. 125-206. Industrial subdivision exceptions.

(a) Subdivisions intended for industrial use (zoned industrial) are to follow the normal procedures for subdivision development, with the exception that the developer is not required to show lots or parcels on the subdivision plan, and may choose to create large tracts of three acres or more without additional review before the planning commission, if the following conditions are met:

- (1) Revised plats are completed by a duly licensed surveyor/engineer, platting the new parcels as said parcels are created.

- (2) Revised plans are completed by a duly licensed surveyor/engineer showing any associated street, drainage, utility, sewage or other changes in previous plans that arise because of the creation of the new parcels.
- (3) Revised plans and plats must be submitted to and approved by the department of public works, the department of permits and inspections, and the department of development prior to the sale of any parcel or construction related to the parcel.

(b) If any administrative official who does not approve the revised plan as per the referenced section above, the official shall notify the developer by certified mail. The developer may then appeal the disapproval of the new parcels/plans to the planning commission. Such appeal must be received in writing by the secretary of the planning commission within 15 calendar days of the notice of disapproval.

(Ord. No. 499, § 40-070.03, 5-21-1970; Ord. No. 88-897, 1-21-1988; Ord. No. 88-918, 2-21-1988; Ord. No. 00-0172, 7-6-2000)

Sec. 125-207. Computer disk requirements.

The developers engineer shall submit two copies of the final subdivision plat and drainage plan in either an AutoCAD DXF file or any other version of AutoCAD DWG format. Said drawings must be able to be connected to state plane coordinates and shall have several specified layers and polygons. These drawings must be organized in the following manner:

- (1) The drawings must contain two points to tie the subdivision into state plane coordinates;
- (2) The centerline of all roadways must be clearly marked;
- (3) The subdivision phase boundary and individual lots and roads must be separated into polygons; and
- (4) Road names, road dimensions, lot numbers, lot size, lot dimensions, elevations, building setbacks, drainage servitudes, green space, gravity drainage features, including detention/retention ponds and outfall structures, subsurface drainage features, utilities, vicinity map, title block features and any other text data must be separated into layers.

(Ord. No. 499, § 40-070.04, 5-21-1970)

Sec. 125-208. Direction of flow of surface water for individual lots or parcels.

The developer's engineer shall indicate on the "as-built" paving and drainage plan the direction of flow of surface water for individual lots or parcels. The surface drainage must be designed to flow toward the roadway or to a ditch which is adjacent to the lot or parcel. The ditch must be located within a parish servitude when it is a public access subdivision or within a private servitude when it is a private subdivision.

(Ord. No. 499, § 40-070.05, 5-21-1970; Ord. No. 00-0139, 5-4-2000)

Sec. 125-209. Street address on final drawings.

(a) A developer's surveyor shall be responsible for meeting with the 911 addressing office for the purpose of obtaining street addresses for each lot within a subdivision after the planning commission has approved the final subdivision plat drawing.

(b) The surveyor shall include street addresses on all approved final subdivision plat drawings and submit 13 final subdivision plat drawings to the department of planning and development for recordation.

(c) The 911 address office shall review the drawings for conformance to either a uniform numbering or lettering system prior to the recordation of the final subdivision plat drawings. (Ord. No. 499, § 40-070.06, 5-21-1970; Ord. No. 00-0221, 11-2-2000)

Sec. 125-210. Final approval prior to and after completion of improvements.

Final subdivision approval can be granted by the planning commission upon written request and after formal public hearings conducted before said commission in accordance with parish law and after receiving certification from the developer that the following items have been satisfactorily addressed:

- (1) Streets and other improvements are certified by the developer to be substantially complete insofar as to provide safe and efficient all weather access and traffic flow.
- (2) Drainage improvements are substantially complete and a letter from the department of environmental services approving the sewer and water systems proposed.
- (3) A surety obligation pledged to the parish in the form of either and/or a funded performance or warranty letter of credit from a qualified bank or financial institution in good standing and doing business within the parish, or by providing cash and/or its equivalent to be held in receipt by the department of finance.

(Ord. No. 499, § 40-071.0, 5-21-1970)

Sec. 125-211. Warranty and performance obligations.

(a) Performance obligations are established when the developer has received final subdivision approval and has substantially completed the project and/or due to some extenuating circumstances, has not completed all of the construction, which warrants said performance obligation.

- (1) The amount of a performance obligation shall be based upon the following current estimated costs of construction of a street and supporting improvements:
 - a. Concrete streets: \$60.00 per linear foot.
 - b. Asphalt streets: \$40.00 per linear foot.
 - c. Gravel streets: \$20.00 per linear foot.

- (2) The planning commission shall establish and set forth the amount of the performance obligation as well as the duration. Performance obligations shall be set for six-month or one-year periods or until the work requiring the establishment of said obligation has been satisfactorily completed and accepted by the parish engineer.
 - (3) The parish engineer shall determine whether the developer has complied with all applicable requirements of development before any obligation can be released and only after notification is given in writing to the parish council member in whose district the project is located. In the event that a developer requests or the staff recommends an extension or renewal of obligation, the department of engineering shall have the sole authority to move on any said request.
 - (4) If a developer defaults and cannot or will not meet the obligation at or on the prescribed date and time that said obligation is due to expire, the department of engineering shall have the authority to call any outstanding security on the property in question and instruct the department of finance to seize those securities necessary to complete any performance obligation germane to the development.
- (b) Warranty obligations are established upon final acceptance of the subdivision which includes the construction of all street and drainage improvements. Said warranty obligation assures the parish that all construction work, completed by the developer, is in accordance with the plans and specifications of the development and free from any structural defects.
- (1) The amount of a warranty obligation shall be based upon the following current estimated repair costs for a street and supporting improvements:
 - a. Concrete streets: \$25.00 per linear foot.
 - b. Asphalt streets: \$22.00 per linear foot.
 - c. Gravel streets: \$20.00 per linear foot.
 - (2) The planning commission shall establish and set forth the amount of the warranty obligation as well as the duration. Warranty obligations shall be set for a minimum period of two years to insure serviceability and structural integrity of the street and drainage infrastructure.
- (c) All performance and/or warranty obligations must be secured by acceptable securities submitted to and on file with the department of finance, and no lots can be sold until such action has been procured.
- (d) Acceptable security is required to be posted by a developer of a newly constructed subdivision development in order to ensure that monies are available, if needed, to complete all construction requirements and to assure the serviceability and maintenance of all roadways within said development in the event a developer defaults on his obligation.

(e) Acceptable security, as set forth by the department of finance, to ensure fulfillment of maintenance obligations shall be:

- (1) Cash, to be held in escrow by the department of finance.
- (2) Letter of credit from a financial institution with a Scheshunoff Bank quarterly rating of C+ or above. If the financial institution rating falls below a C+ rating during the term of the obligation, the parish council will allow one additional quarter for the rating to rise to an acceptable level. If the rating does not rise to an acceptable level, the developer will have 15 days to provide acceptable alternative security, or the developer will be considered in default of his obligation, and the letter of credit will be called. If the financial institution's rating falls to a NR (not rated) level, the developer will have 15 days to provide acceptable alternative security, or the developer will be considered in default on his obligation, and the letter of credit will be called.
- (3) Certificate of deposit from a financial institution with a Scheshunoff Bank quarterly rating of C+ or above. The certificate of deposit must be pledged to the parish council, and held with a safekeeping agreement in a safekeeping account. If the financial institution rating falls to a C during the term of the obligation, the parish council will allow one additional quarter for the rating to rise to an acceptable level. If the rating does not rise to an acceptable level, the developer will have 15 days to provide acceptable alternative security, or the developer will be considered in default on his obligation, and the certificate of deposit will be called. If the financial institution's rating falls to a NR (not rated) level, the developer will have 15 days to provide acceptable alternative security, or the developer will be considered in default on his obligation, and the certificate of deposit will be called.
- (4) U.S. Treasury bills or U.S. Treasury notes, pledged to the parish council to be held in a safekeeping account with a safekeeping agreement.
- (5) Bond issued by a surety company listed on the Federal Register, licensed in the state and acceptable to the parish.
- (6) The director of the department of finance is charged with the responsibility to ensure that securities do not lapse or expire. In addition, the Department of Finance Director shall be responsible for notifying the developer and financial institution holding the pledged securities at least 90 days prior to the expiration of the obligation and further informing said parties that a public hearing will be held regarding the disposition of said obligation.
- (7) The Parish Engineer shall determine whether the developer has complied with all applicable requirements of development at least 120 days prior to the expiration of the obligation and before any obligation can be released. The Engineer shall furnish the developer and developer's engineer with a punch list of required work. The developer's engineer must certify to the parish engineer at least 60 days prior to the expiration of the

obligation, that the punch list has been completed. If not, the obligation will be automatically extended for one year or until the work has been satisfactorily completed. The obligation shall not be extended beyond one year and will not be reduced, otherwise the obligation shall be called. The Engineering Department will reinspect for warranty release only after receiving certification from the developer's engineer that the work has been satisfactorily accomplished. If the work is not completed to the satisfaction of the Engineering Department, said department shall impose a \$100.00 inspection fee any subsequent reinspection required. In the event that a developer requests or the staff recommends an extension, the Department of Engineering shall have the sole authority to move on any said request with the exception of releasing warranty obligations, which shall be the duty and function of the council.

- (8) If a developer defaults and cannot or will not meet his obligation at or on the prescribed date and time that said obligation is due to expire, the parish engineer with regards to performance obligations established by the planning commission and/or the council with regards to warranty obligations shall have the authority to call any outstanding security on the property in question and instruct the department of finance to seize those securities necessary to complete any performance or warranty obligations germane to the development.

(Ord. No. 499, § 40-071.01, 5-21-1970; Ord. No. 99-3077, 5-20-1999; Ord. No. 99-3176, 1999; Ord. No. 14-3064, § 40-071.01, 1-9-2014)

Sec. 125-212. Minimum standards for street construction and improvements.

(a) The improvements proposed and constructed for all developments under these regulations shall meet the specifications found in the Louisiana Standard Specifications for Roads and Bridges (LSSRB), as amended, and any special provisions in the roadway design and construction standards, as found in this chapter. Any subsequent amendments or editions hereto of said state specifications shall apply when adopted by the state department of transportation. The improvements must also be constructed in accordance with the approved design of the developer's engineer.

(b) All newly constructed streets in subdivisions shall be constructed to the following minimum standards:

- (1) Paving width shall be a minimum of 20 feet wide;
- (2) Shoulders shall be a minimum of four feet wide on each side of the paving consisting of an aggregate surface;
- (3) Swell ditches, if provided, shall be graded at 3:1 slopes; and
- (4) The minimum road base design shall include a six-inch layer of sand, clay and gravel.

(c) If the developer should decide not to dedicate the streets to the parish, desiring said streets to remain privately owned, the planning commission may still grant final approval for the subdivision development. However, construction standards and surety obligations for said private streets will remain the same as required for publicly dedicated streets.

(d) In addition, the developer must clearly note within the final subdivision plat and within the deed restrictions of each title of land sold; that the streets are privately owned and maintained and cannot therefore be accepted into the parish road maintenance system until said streets can meet the current construction standards established and regulated by the parish.

(Ord. No. 499, § 40-072.0, 5-21-1970; Ord. No. 90-1344, 10-20-1990; Ord. No. 14-3064, § 40-072.0, 1-9-2014)

Sec. 125-213. Acceptance of streets into the parish road system.

(a) No streets in a subdivision development shall be accepted into the parish road maintenance system unless they conform to the minimum state department of transportation and development standards and rules adopted in accordance with R.S. 48:35 and 48:35.1, and in accordance to parish accepted construction standards. Further, the parish shall require funded certification of conformance through the establishment of performance and/or warranty letters of credit, to ensure that the developers obligation to construct the roads shall be accomplished.

(b) Subdivision streets that have been constructed in accordance with subsection (a) of this section shall be automatically accepted in the parish road maintenance system, when final approval is granted by the planning commission and the plats have been subsequently recorded. In order for a subdivision to receive final approval, the developer shall be required to provide a funded letter of credit for performance and/or warranty purposes in the manner as set forth in section 125-211, or as the same as may be hereafter amended.

(c) Streets in existing or dormant subdivisions that may never have been constructed to parish standards (usually private streets), could be accepted into the parish road maintenance system, but by parish ordinance only, and subject to the following requirements:

- (1) The streets must be inspected and certified by the engineering department as being in substantial compliance to parish construction standards;
- (2) If streets are not in substantial compliance to parish construction standards, the engineering department can require that said streets be improved;
- (3) Provisions made for a minimum two-year and maximum of five-year funded warranty letter of credit to ensure the integrity and durability of the streets.

(d) Before the expiration date of the warranty letter of credit, the department of engineering shall inspect the streets to determine their condition. Upon completion of the inspection, said department shall determine whether the developer has complied with all applicable requirements of development, or whether an extension should be given, a renewal of obligation be required, or enforcement of a performance obligation be instituted.

(Ord. No. 499, § 40-073.0, 5-21-1970; Ord. No. 14-3064, § 40-073.0, 1-9-2014)

Sec. 125-214. Subdivision restrictions and/or covenants.

(a) Protective covenants are essential to the sound development of proposed residential areas. Covenants properly prepared and legally sound contribute to the establishment of the character of a neighborhood and to the maintenance of value levels through the regulation of type, size and placement of buildings, lot sizes, reservation of easements, and prohibition of nuisances and other land uses that might affect the desirability of a residential area.

(b) The covenants should provide enforcement provisions, be recorded in public land records and be made superior to the lien of any mortgages that may be on record prior to recording of the protective covenants.

(c) Protective covenants regulating the use of land represent an express agreement between the subdivider and the lot purchasers. Through this agreement, all parties seek to gain certain advantages; the subdivider to aid his land development program and the purchasers to protect their investments. Strict enforcement of suitable protective covenants gives the best assurance to each lot owner that no other lot owners within the protected area can use property in a way that will destroy values, lower the character of the neighborhood, or create a nuisance.

(d) In zoned communities protective covenants are an important supplementary aid in maintaining neighborhood character and values. The extent of zoning protection is limited to governmental exercise of police powers of maintaining and promoting public health, safety and welfare. Protective covenants being agreements between private parties can go much further in meeting the needs of a particular neighborhood and in providing maximum possible protection.

(e) Development sponsors should have their protective covenants drafted by legal counsel. The preliminary draft of the covenants should be submitted to the planning and development director for comment at the time the developer presents his tentative subdivision plan for approval.

(f) The proper form of protective covenants varies. A generally acceptable and enforceable form is written declaration by the owner of the entire tract which is recorded in land office records. When a separate declaration is made, it is good practice to record it simultaneously with the recordation of the subdivision map.

(g) The written declaration of protective covenants is a preferable form for establishing a uniform scheme for the development and protection for an entire area. Piecemeal control by inserting covenants in individual deeds at the time properties are conveyed is not conducive to harmonious development.

(h) Protective restrictive covenants should be listed at the top right hand corner of all final subdivision plats so as to afford the opportunity for potential buyers of property as well as owners who have already purchased property to clearly see and understand the guidelines for the development and enforcement provisions established for the subdivision.

(Ord. No. 499, § 40-074.0, 5-21-1970; Ord. No. 88-916, 2-18-1988)

Sec. 125-215. Parish enforced subdivision restrictions and/or covenants.

In order to protect the health, safety and general welfare of the owners of property within parish approved subdivisions, the following covenants will run with each deed or title and will be listed at the top right hand corner of the final subdivision plat. The following restrictions shall be enforceable by the parish planning commission:

- (1) No certificate of occupancy shall be issued before the sewerage and water systems are installed and operable or otherwise connected to a community (central) sewerage and/or water systems, all as approved by the department of environmental services of the parish. Whenever a subdivision is served by a community (central) water system (supply), no private water supply may be drilled or otherwise constructed on any lot for the purpose of supplying potable water to any building or structure, except for the purpose of irrigation, and in no event shall there be a physical connection between any such source and any element of the community (central) water system (supply).
- (2) Construction of any nature is prohibited in parish drainage or street easement.
- (3) Lots may not be used for the storage of trash or junk vehicles.
- (4) The minimum finished flood elevation required in areas subject to periodic inundation (flood zones A and V) shall be indicated.
- (5) No lot will be further subdivided without approval of the parish planning commission and the department of environmental services.
- (6) The minimum culvert size to be used for driveways shall be stated.
- (7) Driveways on corner lots shall not be located any closer than 60 feet from a corner of said property closest to the intersection as measured from the corner of the property where the said two street rights-of-way intersect.
- (8) The aforementioned restrictions shall be recited in each title or deed in addition to the required listing on the final subdivision plat.

(Ord. No. 499, § 40-074.01, 5-21-1970; Ord. No. 88-916, 2-18-1988; Ord. No. 94-2142, 12-15-1994)

Sec. 125-216. Resubdivision review.

A resubdivision of a lot or lots in existing subdivisions that are recorded for public record and inspection must receive the approval in accordance with the following procedures before any parcel is sold. Resubdivisions of lots are not exempt for any reason from the following application and procurement requirements:

- (1) *Major resubdivision.* When more than five lots will be created or a waiver is requested of any applicable subdivision regulation, a public hearing review in accordance with the following procedures will be required:
 - a. Submit a signed letter from the owner or owners of property involved within the resubdivision request, stating their reasons for the proposal.
 - b. Submit ten blue or black line prints of a bona fide survey on either (eight-inch by 11-inch), (8½-inch by 14-inch) or (11-inch by 17-inch) paper, indicating the following:
 1. The proposed division of the lots indicating the total square footage of all of the property involved within the resubdivision request and the individual square footage of each new lot created.
 2. Surveyors live stamp or seal on all survey plats.
 3. The accurate location of all buildings and/or structures on the lots.
 4. Information on the survey indicating the name of the subdivision, phase, lot number, section, township and range, and any other data pertinent and germane to the resubdivision request. An additional and separate fee shall be required for the recordation of the survey plat as per the fee schedule of the clerk of court.
 5. Spaces for the signatures of the chairperson of the planning commission, secretary of the planning commission, parish engineer, clerk of court and spaces for the date and map file number.
 - c. Submit a copy of the subdivision restrictions or covenants of the subdivision.
 - d. The fees for a resubdivision request are based on \$90.00 per acre (pro-rata after the first acre) up to a maximum of \$800.00. The fees are based on the total land area (all properties were lot lines will be adjusted) to be resubdivided.
 - e. The department of planning and development staff will review the proposed resubdivision request and present said request before the regularly scheduled meeting of the planning commission, who in turn will consider said request based on the validity, merit and according to regulations contained within this chapter.

- f. If the resubdivision request is approved, the survey plat will be recorded within ten to 14 days after the planning commission meeting and copies of the recorded plats shall be forwarded to the applicants engineer or surveyor, unless instructed by the petitioner/owner in written form to do otherwise.
- (2) *Minor resubdivision.* When five or fewer lots will be created and all newly created lots meet all other applicable requirements as established by ordinance, an administrative review will be required in accordance with the following procedure:
 - a. Submit a signed letter from the owner or owners of property involved within the resubdivision request, stating their reasons for the proposal.
 - b. Submit ten blue or black line prints of a bona fide survey on either (eight-inch by 11-inch), (8½-inch by 14-inch) or (11-inch by 17-inch) paper, indicating the following:
 - 1. The proposed division of the lots indicating the total square footage of all of the property involved within the resubdivision request and the individual square footage of each new lot created.
 - 2. Surveyors live stamp or seal on at least one of the survey plats.
 - 3. The accurate location of all buildings and/or structures on the lots.
 - 4. Information on the survey indicating the name of the subdivision, phase, lot number, section, township and range, and any other data pertinent and germane to the resubdivision request.
 - 5. Spaces for the signatures of the secretary of the planning commission, parish engineer, clerk of court and spaces for the date and map file number.
- (3) Submit a copy of the subdivision restrictions or covenants of the subdivision.
- (4) The fees for a resubdivision request are based on \$90.00 per acre (pro-rata after the first acre) up to a maximum of \$800.00. The fees are based on the total land area (all properties where lot lines will be adjusted) to be re-subdivided. An additional and separate fee shall be required for the recordation of the survey plat as per the fee schedule of the clerk of court.
- (5) The director of the department of planning and development shall approve or deny the application within 14 days of acceptance of the application. The director may not grant waivers to any applicable regulations.
- (6) If the resubdivision request is approved, the survey plat will be recorded within seven days after the approval and copies of the recorded plats shall be forwarded to the applicants engineer or surveyor, unless instructed by the petitioner/owner in written form to do otherwise.

- (7) If a request is denied by the department of planning and development or a waiver of an applicable regulation is requested, the applicant may appeal said request to the planning commission in accordance with these regulations.

(Ord. No. 499, § 40-080.0, 5-21-1970; Ord. No. 01-0242, 2001)

Sec. 125-217. Dormant subdivision review.

A subdivision of land duly filed for record in the office of the clerk of court, where actual on site improvements, (i.e., drainage, roads, building construction, etc.) have never been constructed or have deteriorated substantially, or where said improvements have been lacking or neglected due to the lack of appreciable development.

- (1) The planning commission reserves the right to impose certain requirements on dormant subdivisions, with regard to the health, safety and general welfare of the public.
- (2) Construction or reconstruction of any streets in dedicated parish rights-of-way must first receive planning commission approval prior to commencement of construction.

(Ord. No. 499, § 40-081.0, 5-21-1970; Ord. No. 88-897, 1-21-1988)

Sec. 125-218. Subdivisions (special uses) review.

The parish recognizes the need for flexibility with the regulations with regards to the development of some subdivisions that have unique and distinct characteristics particular to them, that would not otherwise be provided for by the strict interpretation and enforcement of these subdivision regulations. Therefore, the following regulations shall apply to those types of developments referenced to in the following sections.

(Ord. No. 499, § 40-082.0, 5-21-1970)

Sec. 125-219. Commercial shopping centers.

(a) Due to the wide variation in purpose and design of commercial shopping centers, each development will have its particular effect on public safety, health, and welfare. The developer is required to consult with the department of planning and development, department of public works, and department of environmental services of the parish, and then with the planning commission at a point early in the planning process to establish the requirements for a particular site and project.

(b) Where reasonable and practical, commercial shopping centers shall follow the same procurement process as regular subdivision development.

(Ord. No. 499, § 40-083.0, 5-21-1970)

Sec. 125-220. Mobile home parks.

The cost of laboratory testing and inspections for aggregate or hard surfaced road will be borne by the mobile home park developer and will be invoiced through the testing laboratory selected to do the testing.

- (1) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Mobile home means a structure, transportable in one or more sections which is eight body-feet or more in width and is 32 body-feet or more in length, and which is built on a permanent basis, and designed to be used as a dwelling with or without a permanent stand, when connected to the required utilities.

Mobile home park means a parcel (or contiguous parcels) of land which has been designated and improved so that it contains four or more mobile or modular home spaces available to the general public for lease or rent and shall be regulated by subdivision regulations. The tract or tracts which comprise the mobile home park shall consist of a minimum of ten acres of land, which cannot be sold or otherwise alienated, except as an individual unit during the existence of the park.

Mobile home space means a designated parcel of land in a mobile home park designed for the accommodation of one mobile home, its accessory buildings or structures and accessory equipment for the exclusive use of the occupants.

Mobile home stand means the area of a mobile home space which has been reserved for the placement of a mobile home.

- (2) *General requirements.*

- a. A minimum of ten acres is required for a mobile home park.
- b. Lot lines need not be delineated within the park; however, each mobile home site must be clearly designated on the subdivision plat and meet minimum setback requirements.
- c. All mobile home parks must receive state fire marshal approval as per the NFPA Life Safety Code Pamphlet 501A prior to issuance of a work permit.

- (3) *Density.* A mobile home park shall have a gross density of not more than eight units per acre.

- (4) *Setbacks.*

- a. All mobile homes shall be located at least 25 feet from any roadway.
- b. No mobile home shall be situated in a manner so that any part of such mobile home will obstruct any roadway or walkway in a mobile home park.

- (5) *Roadways.*
- a. Safe and convenient access shall be provided for vehicular traffic and emergency vehicles at all times.
 - b. Each mobile home lot within a mobile home park shall have direct access to a park street or public street. The access shall be an unobstructed area not less than ten feet in width which may be pedestrian in character.
 - c. All roadways shall be hard surfaced in accordance with subdivision regulations with the exception that one-way streets shall have a 40-foot minimum right-of-way with a 16-foot compacted sub-base, with four-foot shoulders and a 12-foot, hard surfaced road. Composition of base material shall be according to subdivision regulations. Said roadways are acceptable in mobile home parks solely for the purpose of this section. When so installed, they shall not be eligible for nor accepted into the parish road maintenance system.
 - d. Streets and walkways designed for the general use of mobile home park residents shall be lighted during the hours of darkness. Such lighting shall not be under the control of the mobile home occupant. Poles shall not exceed 35 feet in height, and longitudinal spacing shall not exceed 200 feet.
- (6) *Sidewalks.* If sidewalks are provided, they shall be located not less than one foot from the property line. Sidewalks shall connect individual homes with parking areas. In no case shall sidewalks be less than four feet wide.
- (7) *Vehicle parking.*
- a. Two off-street automobile parking spaces shall be required for each mobile home stand. The minimum dimension of these spaces shall be nine feet wide by 20 feet deep. In no event shall parking be located over 100 feet from the corresponding mobile home stand.
 - b. Parking spaces are required to be composed of a minimum of a four-inch compacted sub-base of clay, sand and gravel, with a two-inch surface course of gravel or shell.
- (8) *Recreation/open space.*
- a. Twenty-five percent of the total land area shall be open space reserved for the exclusive use of the residents of the park.
 - b. This area shall be maintained in a clean and sanitary condition at all times.
- (9) *Floodplain provision.* Any mobile home park or portion thereof that is located within the special floodplain hazard area defined by the Federal Insurance Administration

shall be required to comply with conditions placed upon the park by the planning commission and the department of public works, including, but not limited to, the following requirements:

- a. Construction or modification of sewerage, water supply, and drainage facilities to meet appropriate approval by the department of environmental services and/or department of public works;
- b. Requirements for protective measures such as dikes or levees;
- c. Use of paints, membranes or mortar to reduce seepage of water through walls; and
- d. Construction of water supply and waste treatment systems so as to prevent the entrance of floodwaters.

(10) *General lot requirements.*

- a. Mobile homes shall be installed on a mobile home stand which must provide a second base for structural support of the mobile home to secure the structure against uplifting, sliding, overturning, shifting or uneven settling.
- b. Anchorage to resist flotation and lateral movement must be provided.

(11) *Mobile home stand.* Each mobile home stand shall have, as a minimum for support, one 16-inch by 16-inch concrete pad four inches in thickness for every 50 square feet of floor area.

(12) *Maintenance requirements.*

- a. The mobile home park shall be maintained in a clean sanitary condition at all times.
- b. The storage of automobiles is prohibited.
- c. No pets shall be allowed to roam the mobile home park; if pets are allowed, they shall be confined in a fenced yard or on a leash.
- d. Trash receptacles shall be screened by a six-foot sight obscuring fence.
- e. Grass, weeds, and other vegetation not considered as part of the ornamental landscape shall not exceed 12 inches in height.

(13) *Electrical systems.*

- a. Underground utilities shall be provided.
- b. Electric hookups shall be provided to all mobile home stands and there shall be at least one electrical single-phase outlet supplying a minimum of 115/230 volts.

(14) *Water system.*

- a. Pure potable water shall be supplied to each and every mobile home occupied in mobile home parks.

- b. This system shall be designed, constructed, and protected in accordance with current health, plumbing, electrical and fire protection standards, codes and ordinances adopted and administered by the state and/or the parish.
- (15) *Sewage disposal system.* Central sewerage systems are required for all mobile home parks under inspection of, and regulated by the department of environmental services of the parish and any appropriate state agencies.
- (16) *Fences.* If fences are provided, fences for privacy purposes shall be connected to the mobile home and shall not exceed six feet in height and shall not be placed closer than five feet to any other mobile home.
- (17) *Fire protection.* Access to a mobile home for fire protection services shall be such as to permit fire apparatus to approach within 100 feet of each mobile home.
- (18) *Responsibilities of owner.*
- a. The owner of the mobile home park shall be responsible for the supervision, operation and maintenance of the park. The owner or his designer shall be available or on call at all times in the event of an emergency.
 - b. The owner shall be responsible for ensuring that each mobile home within his mobile home park complies with the provisions of these regulations.
- (19) *Compliance with subdivision regulations.* Mobile home subdivisions are required to follow the subdivision regulations and procedures as specified within this chapter.
- (20) *Fees.* Upon the initial submission of the plats to the planning commission, the mobile home park developer shall pay the following fees and charges connected with the procuring, inspection, building, testing and evaluating of the mobile home park submitted:
- a. One hundred dollars per one acre of land or fraction thereof;
 - b. Twenty-five percent of said amount shall be paid to the parish planning commission for those inspections and reviews which are equivalent to tentative approval; and
 - c. Seventy-five percent of said amount shall be paid to the parish department of public works at the time of those inspections and reviews which are equivalent to preliminary approval.
- (21) *Fines.* Any person who violates any provision of these regulations shall upon conviction be punished by a fine of not less than \$100.00 per day for each days failure to comply with any provision herein.

- (22) *Licenses.* It shall be unlawful for any person to operate or maintain any mobile home park within the unincorporated areas of the parish unless he holds a valid license issued by the parish department of planning and development or its successor authorized representative of the parish council. Said license shall be issued in the name of the current property owner for the specific mobile home park.
- a. *License fees.* For each license issued under the provisions of these regulations, there shall be paid to the parish department of planning and development an annual fee based on the number of mobile home spaces in the park for which the license is issued. The fee shall be \$5.00 per space for the first five spaces and \$2.00 per space for each additional space.
 - b. *New licenses.* Application for a license required by a new, altered or extended mobile home park shall be in writing and on a form provided by the parish department of planning and development. The license shall be applied for at the same time tentative plans are submitted to the department of planning and development. Said license shall be approved by the planning commission prior to tentative approval. New licenses shall be valid for one calendar year.
 - c. *Renewal licenses.* A license for a mobile home park shall be valid for the calendar year in which it is issued by the department of planning and development. Application for such license shall be in writing on a form provided by the department of planning and development and shall be renewed annually upon a satisfactory inspection in which the applicants mobile home park is found to be in compliance with these regulations. Prior to issuance of a renewal license by the department of planning and development, the applicant shall possess and present a current title to said property for examination to operate and maintain a mobile home park.
 - d. *Transfer of license.* Upon the sale, transfer, or donation of a licensed mobile home park, the vendor (licensee) shall notify the department of planning and development in writing within five working days of said sale, transfer, or donation. Such notice shall include the name and address of the vendee of the mobile home park. No mobile home park shall be sold or otherwise alienated except as a whole unit during the existence of the park. Upon application in writing for transfer of the license, the parish shall transfer the license which will remain valid until its expiration.
 - e. *License revocation or suspension.* When the department of planning and development determines that any person holding a license under these regulations has or may have violated any of the provisions of this section or any health regulations of the state, a written notice shall be served on such licensee in person or by registered mail, specifying the violation and requiring correction within 30 days. If correc-

tions have not been made within 30 days, the parish shall have the right to revoke all licenses pertaining to said park and require that the property owner rid the park of all trailers or mobile homes.

(Ord. No. 499, § 40-084.0, 5-21-1970; Ord. No. 88-987, 1-21-1988)

Sec. 125-221. Mobile home parks (nonconforming).

(a) *Purpose.* The purpose of this section is to provide a means for nonconforming mobile home parks (prior to December 18, 1980) to qualify for licensing purposes, by providing minimum quality regulatory standards as established by the parish within this section.

(b) *Application requirements.* An application containing the following minimum quality standards for nonconforming mobile home parks, shall be submitted to the department of planning and development.

- (1) Three copies of a site development plan (11-inch by 17-inch minimum size) shall be submitted and drawn to scale indicating the following items:
 - a. Name of development.
 - b. Name of developer/owner.
 - c. Section, township and range.
 - d. Vicinity map at top left-hand corner of plan.
 - e. North arrow.
 - f. Total number of sites within development (indicate sites by using rectangular boxes).
 - g. Setbacks from all streets.
 - h. Existing streets and type of surfacing.
 - i. Total acreage of development.
 - j. Type of sewage disposal.
 - k. Disclosure of any open space or recreational areas.
 - (2) A legal description that defines the boundaries of the development.
 - (3) A copy of the maintenance and/or operation agreement for the development.
 - (4) Upon satisfactory completion of the application requirements, the department of public works and/or planning commission shall issue a mobile home park license to the developer/owner of the mobile home park.
- (c) *Fees.*
- (1) There shall be a one-time processing fee of \$50.00 to cover administrative costs for reviewing the application requirements.

- (2) All licensing fees shall conform to the established fees as set forth within section 125-220, mobile home parks.

(d) *Expansion of nonconforming mobile home parks.* Any expansion of nonconforming mobile home parks shall be required to conform to the established rules and regulations as set forth in section 125-220, mobile home parks.

(Ord. No. 499, § 40-085.0, 5-21-1970; Ord. No. 88-897, 1-21-1988)

Sec. 125-222. Planned unit developments.

(a) Persons desiring to use land as a planned unit development shall first submit the necessary plans and documentation as required by the Planned Unit Development District provisions under the UDC.

(b) It is the intent of this section that a project site plan, which sets forth the proposed concept, layout, design, and intended land uses, shall be submitted to the parish department of development simultaneously with the application for the rezoning of a planned unit development as described per UDC. Further, the applicant shall submit an application for tentative subdivision review as described per this section to the parish department of development prior to any development or construction activity commencing on the property.

(c) Preliminary and final review and approval shall be carried out in accordance to section 125-195, preliminary subdivision review and section 125-203, final subdivision review, and any and all other applicable sections of these regulations.

(d) For PUD zones containing a total of 25 acres of land or less, tentative, preliminary and final approvals can only be given for a single phased development.

(Ord. No. 499, § 40-086.0, 5-21-1970; Ord. No. 00-0138, 5-4-2000; Ord. No. 03-0609, 2-6-2003)

Sec. 125-223. Recreational vehicle park and camping ground subdivision.

(a) Recreational park subdivisions are required to follow the subdivision regulations and procedures as specified by this article as amended.

(b) Developers of all recreational camping grounds and/or recreational vehicle park subdivisions shall apply for the appropriate zoning classification as prescribed by the UDC.

(c) The development of recreational camping ground and/or recreation vehicle park subdivision shall conform to all applicable guidelines established in section 130-2112(34), "RVP Recreational Vehicle Park District" or the UDC, as well as conform to the provisions in this article.

(d) Floodplain provisions. Any recreational park or portion thereof that is located within the special floodplain hazard area defined by the Federal Insurance Administration shall be required to comply with conditions placed upon the park by the council and the planning commission including but not limited to the following:

- (1) Construction or modification of sewerage, water supply, and drainage facilities to meet appropriate approval by the department of environmental services of the parish and/or department of public works.

- (2) Requirements of protective measures such as dikes or levees.
- (3) Use of paints, membranes, or mortar to reduce seepage of water through walls.
- (4) Construction of water supply and waste treatment systems so as to prevent the entrance of floodwater.
- (e) Responsibilities of the owner/developer.
 - (1) The owner of the recreational park shall be responsible for the supervision, operation, and maintenance of the park. The owner or his designer shall be available or on call at all times in the event of an emergency.
 - (2) The owner shall be responsible for ensuring that each campsite within his recreational park complies with the provisions of these regulations.

(f) Licenses. It shall be unlawful for any person to operate or maintain any recreational park within the unincorporated areas of the parish unless he holds a valid license issued by the parish department of public works or its successor authorized representative of the parish council. Said license is to be issued in the name of the current property owner for the specific recreational park.

- (1) *License fees.* For each license issued under the provisions of these regulations, there shall be paid to the parish department of planning and development an annual fee based on the number of campsite spaces in the park for which the license is issued. The fee shall be \$5.00 per space for the first five spaces and \$2.00 per space for each additional space.
- (2) *New license.* Application for a license required by a new, altered or extended recreational park shall be in writing and on a form provided by the parish department of planning and development. The license shall be applied for at the same time tentative plans are submitted to the department of planning and development. Said license shall be approved by the planning commission prior to tentative approval. New licenses shall be valid for one calendar year.
- (3) *Renewal of license.* A license for a recreational park shall be valid for the calendar year in which it is issued by the department of planning and development. Application for such license shall be in writing on a form provided by the department of planning and development and shall be renewed annually upon a satisfactory inspection in which the applicants recreational park is found to be in compliance with these regulations. Prior to issuance of a renewal license by the department of planning and development, the applicant shall possess and present a current title to said property for examination to operate and maintain a mobile home park.
- (4) *Transfer of license.* Every person holding a license to operate and maintain a recreational park shall give written notice in writing to the department of planning and development no later than five working days after having sold, transferred, given away

or otherwise disposed of said recreational park. Such notice shall include the name and address of the vendee of the recreational park. No recreational park shall be sold or otherwise alienated except as a whole unit during the existence of the park. Upon application in writing for transfer of the license, the parish shall transfer the license which will remain valid until its expiration.

- (5) *Revocation or suspension of license.* When the department of planning and development determines that any person holding a license under these regulations has or may have violated any of the provisions of this section or any health regulations of the state, a written notice shall be served on such licensee in person or by registered mail, specifying the violation(s) and requiring correction within 30 days. If corrections have not been made within 30 days, the parish shall have the right to revoke all licenses pertaining to said park and require that the property owner rid the park of all recreational vehicles.
- (6) *Fines.* Any person who violates any provision of these regulations shall upon conviction be punished by a fine of not less than \$100.00 per day for each days failure to comply with any such provision.

(Ord. No. 499, § 40-087.0, 5-21-1970; Ord. No. 88-987, 1-21-1988)

Sec. 125-224. Schedule of fees.

The following is a schedule of fees charged by the parish for the processing, inspection, testing and other administrative and indirect services incurred involving development of property, as set forth, and subject to, the requirements of this article:

- (1) *Residential (including) dormant, commercial, and industrial subdivisions.*
 - a. *Tentative subdivision stage.*

Lot fee	\$100.00 filing fee plus \$15.00 per lot
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- b. *Preliminary subdivision stage.*

Lot fee	\$30.00 per lot
Sewerage and water (review fee)	\$10.00 per lot
Linear feet of water distribution pipe	\$0.06 per linear foot
Water supply facility	\$30.00 per facility
Linear feet of sewerage collection pipe	\$0.11 per linear foot
Collection/treatment facility	\$30.00 per facility

- c. *Final subdivision stage.*

Lot fee	\$60.00 per lot
Sewerage and water (review fee)	\$15.00 per lot, plus \$20.00

Note: Subdivisions requiring minimal construction and improvements shall be charged a one-time processing fee at the discretion of the department of planning and development subject to appeal by the petitioner to the parish planning commission.

- (2) *Resubdivisions.*
- a. Ninety dollars per acre of total land area to be resubdivided with a maximum fee of \$800.00. (Minimum fee of \$90.00, pro-rata after the first acre.)
 - b. Recordation check made out to clerk of court: \$15.00 (8½" x 14" survey size) or \$20.00 (11" x 17" survey size).
- (3) *Planned unit developments.* PUD Planned Unit Development fees shall be the same as established for industrial, commercial and residential subdivisions as referenced to above.
- (4) *Special construction.* Special construction requiring the review and inspection by the parish engineer and/or his representative shall have fees established at their discretion subject to appeal by the petitioner to the parish planning commission. Examples of special construction are as follows: bulkheads, revetments, subsurface drainage, canals and water systems, miscellaneous construction involving the public health, welfare and safety, etc.
- (5) *Commercial shopping centers.* Fees for commercial shopping centers including "strip" shopping centers, where lots are not created, shall be an initial \$250.00 processing fee and \$100.00 per acre.
- (6) *Mobile home parks.* Subdivision fees, where sites are offered for lease or rent, shall be in accordance and prescribed as per section 125-220(20), mobile home parks, fees. In the event that sites or lots are sold, fees shall be in accordance with fees established for industrial, commercial and residential subdivisions. License fees for the operation of mobile home parks are prescribed as per section 125-220(22)a., mobile home parks, licenses.
- (7) *Mobile home parks (nonconforming).* A \$50.00 one-time processing fee to cover administrative costs.
- (8) *Recreational vehicle parks and camping grounds.* Development fees shall be discretionary and determined based on the size and complexity of the development. If the developer feels that the fees, when determined, are to excessive, said developer can exercise his right to appeal the fees to the planning commission. License fees are as prescribed per section 125-223(f)(1), recreational vehicle park and camping ground, licenses.
- (9) *Lab testing.* The costs of laboratory testing and inspections for hard surfaced roads will be borne by the developer and will be invoiced through the testing laboratory selected to do the testing.

(Ord. No. 499, § 40-090.0, 5-21-1970)

Sec. 125-225. Waiver of regulations.

(a) Cases will occur where certain articles of the regulations cannot reasonably be complied with without causing undue hardship. If the developer or property owner of record cannot comply with certain articles, he may make a request in writing to the chairperson of the planning commission, stating that he is requesting a waiver of a particular section or sections that affect him and the reasons therefor.

(b) The planning commission may grant any such waiver as it deems proper by a resolution adopted by not less than a two-thirds majority affirmative vote of the planning commission membership.

(c) Such approved waivers shall be filed with the director of the department of public works and/or development and will be so noted in the files.

(Ord. No. 499, § 40-100.0, 5-21-1970; Ord. No. 88-897, 1-21-1988)

Sec. 125-226. Amending of the regulations.

All regulations, stipulations, procedures and requirements within this article, shall be amended or revised at such times as needed by ordinance and supported for adoption by at least ten members of the parish council.

(Ord. No. 499, § 40-101.0, 5-21-1970; Ord. No. 957, 4-19-1979)

APPENDIX I. SUPPLEMENTAL SECTION*

***Editor's note**—Printed herein is the supplemental section of Ordinance No. 499, as adopted by the parish on May 21, 1970. Amendments to the ordinance are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original ordinance. Obvious misspellings and punctuation errors have been corrected without notation. For stylistic purposes, section numbers and catchlines have been added. Additions made for clarity are indicated by brackets.

[Sec. I-1. Tentative subdivision approval check sheet and flow diagram.]

TENTATIVE SUBDIVISION APPROVAL CHECK SHEET

The Developer shall submit to the Department of Planning a minimum of ten (10) 24" x 36" folded copies of the proposed subdivision plat. If the proposed subdivision is to be developed in stages/phases, two (2) copies of the master plan must be furnished depicting all of the proposed phases to the subdivision. The subdivision plat must be drawn to scale inclusive of providing all relevant information as described below.

Subdivision Name: _____ Section-Township-Range _____

Developer's Name: _____

Developer's Address: _____
Street City State Zip Code

Developer's Phone No. _____
(Business) (Cell) (Fax)

Engineer's Name/Firm: _____

Engineer's Address: _____
Street City State Zip Code

Developer's Phone No. _____
(Business) (Cell) (Fax)

TENTATIVE SUBDIVISION CHECKLIST

Please check the appropriate boxes below to insure that the proper information and documentation for the tentative subdivision approval process, as well as items to be depicted on the tentative subdivision plat, have been included with your application.

- ☐ Tentative subdivision fees (\$15.00 per lot, plus \$100.00)

☐ Flood zone A (lines of demarcation)
- ☐ 10 folded copies of the tentative subdivision plat

☐ North direction arrow
- ☐ Traffic Impact Analysis Study (if applicable)

☐ Scale of drawings
- ☐ Typed legal description (on 8 ½" x 11" paper)

☐ Phases within subdivision (proposed and future)
- ☐ Environmental Assessment Data Form (attached)

☐ Proposed front and corner yard setback lines
- ☐ Illustration showing the ultimate disposal of drainage

☐ Typical lot sizes and dimensions
- ☐ Utility Disclosure Letter (notarized)

☐ Location of proposed or existing servitudes
- ☐ Subdivision name (top center of plat)

☐ Proposed street and road names
- ☐ Section, Township and Range (under subdivision name)

☐ Adjoining land uses
- ☐ Wetland determination (depict lines of demarcation)

☐ Existing structures
- ☐ Vicinity map inset detail (upper left-hand corner of plat)

☐ Proposed parks and playgrounds
- ☐ Location of sewerage and water facilities

☐ Any land fills on property (notation on plat)
- ☐ Parish restrictive covenants (upper right-hand corner)

☐ Enhanced subdivision entrance (inset detail)
- ☐ Typical street cross-section detail (lower left-hand corner)

☐ Declaration of street ownership (private or public)

- ☐ Information block (zoning, streets, number of lots, acreage, maximum block length, average lot size, etc....)

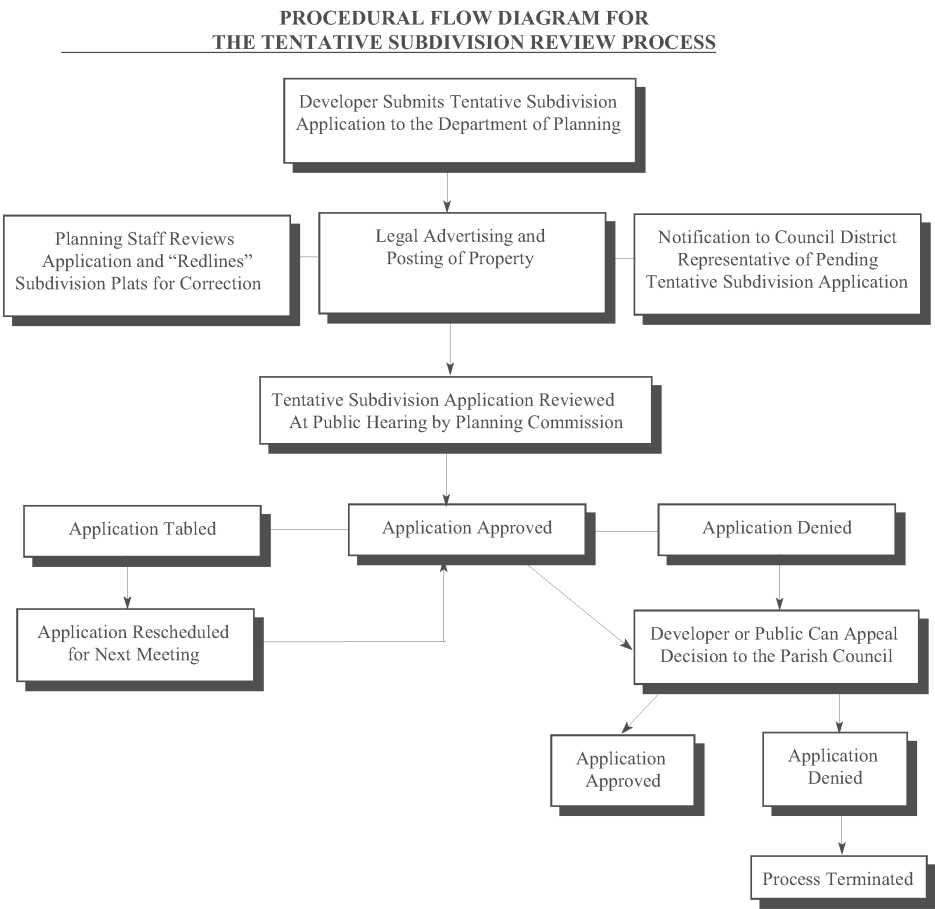
☐ Street and road right-of-way widths
- ☐ Proposed form of detention (note or illustrate on plat)

☐ Flood Zone (A, B, C or V to be depicted on plat)

☐ PUD zoning plan compliance letter (if applicable)

Please refer to Section 40-050.0 Tentative Subdivision Review, of Subdivision Regulatory Ordinance No. 499 for additional criteria and requirements.

PRE-PRESS COPY



[Sec. I-2. Preliminary subdivision approval check sheet.]

PRELIMINARY SUBDIVISION APPROVAL CHECK SHEET

The Developer shall submit to the Department of Planning a minimum of eighteen (18) 24" x 36" folded copies of the proposed preliminary subdivision plat. The subdivision plat constitutes the detailed plan of the subdivision by which the construction of the streets, drainage, structure and channels will be executed by the developer. It is therefore necessary that the plat be an actual ground survey to insure that the plan will be feasible and practical. The subdivision plats must be drawn to scale inclusive of providing all relevant information as described below.

Subdivision Name: _____

Section-Township-Range _____

Developer's Name: _____

Developer's Address: _____

StreetCityStateZip Code

Developer's Phone No. _____

(Business)(Cell)(Fax)

Engineer's Name/Firm: _____

Engineer's Address: _____

StreetCityStateZip Code

Developer's Phone No. _____

(Business)(Cell)(Fax)

PRELIMINARY SUBDIVISION CHECKLIST

Please check the appropriate boxes below to insure that the proper information and documentation for the preliminary subdivision approval process, as well as items to be depicted on the preliminary subdivision plat, have been included with your application.

- ☐ Preliminary subdivision fees (\$40.00 per lot, S & W fees)

☐ (18) folded copies of the preliminary subdivision plat

☐ Total length of streets to be constructed

☐ Environmental Assessment Data Form (completed)

☐ Vicinity map

☐ Legal description (on 8 1/2" x 11" paper)

☐ Section corner tie

☐ Engineering certification

☐ Signature lines for parish officials and clerk of court

☐ Signature lines for developer/owner (if applicable)

☐ Culvert size for each lot

☐ Board of Health letter

☐ Restrictive covenants (top right-hand corner of plat)
- ☐ Total acres in development

☐ Total number of lots

☐ Coastal Zone review (if applicable)

☐ Ditch/canal profile bottoms not in street ROW

☐ Total acres of easements to be dedicated

☐ Existing easements

☐ Proposed easements

☐ Building setback lines

☐ Interstate land sales compliance letter

☐ Street lighting plan (if applicable)

☐ Right-of-way grants (if any)

☐ Areas subject to inundation (100 year flood)

☐ Detention pond maintenance: whom (note on plat)

- ☐ Cross-section of road (to scale)

☐ Plat corrections per tentative subdivision approval

☐ Three (3) sets of detailed plans and specs for central sewerage and/or water systems (including piping, etc.)
- ☐ Cross-section of detention pond(s)

☐ Sedimentation barriers

☐ Signage plan and blue reflectors

Please refer to Section 40-060.0 Preliminary Subdivision Review, and Section 40-061.0 Additional Requirements to Preliminary, at el, of Subdivision Regulatory Ordinance No. 499 for additional criteria and requirements.

I hereby certify that all information provided relative to the preliminary subdivision review submission is true, accurate and correct and in accordance to St. Tammany Parish code requirements.

DEVELOPER/ENGINEER OR ASSIGN
(SIGNATURE)

DATE

PRE-PRESS COPY

[Sec. I-3. Preliminary approval drainage check sheet and flow diagram.]

PRELIMINARY APPROVAL DRAINAGE CHECK SHEET

In addition to submitting the eighteen (18) preliminary subdivision plats to the Department of Planning, a separate set of eighteen (18) plats (24" x 36") folded copies must be submitted providing the following items, information or data.

Please check the appropriate boxes below to insure compliance:

- ☐ Vicinity map
- ☐ Topographical map of subdivision depiction one (1') foot contours
- ☐ Flood Zone A and V areas using lines of demarcation to depict said areas
- ☐ Datum used for elevation control
- ☐ Ultimate surface disposal (U.S.G.S. Quad Map) or vicinity map
- ☐ Direction of flow of surface water in street ditches, canals and on lots
- ☐ Location, size and type of drainage structures
- ☐ Sections and profiles of canals to be constructed
- ☐ Proposed drainage easements for parish maintenance (must conform to Parish standards)
- ☐ Any right-of-ways required
- ☐ Minimum floor elevations for residential structures
- ☐ Certificates by a registered professional engineer
- ☐ Copy of restrictive covenants for the subdivision
- ☐ Proposed street cross-sections (to scale) and surfacing criteria

Preliminary Subdivision Fees to be Paid:

(Subdivision Fees)

_____ lots @ \$30.00 per lot \$_____

(Sewerage & Water Fees)

_____ lots @ \$10.00 per lot \$_____

_____ Linear feet of water distribution pipe @ \$0.06 \$_____

_____ Linear feet of sewerage collection pipe @ \$0.11 \$_____

_____ Water supply facilities @ \$30.00 per facility \$_____

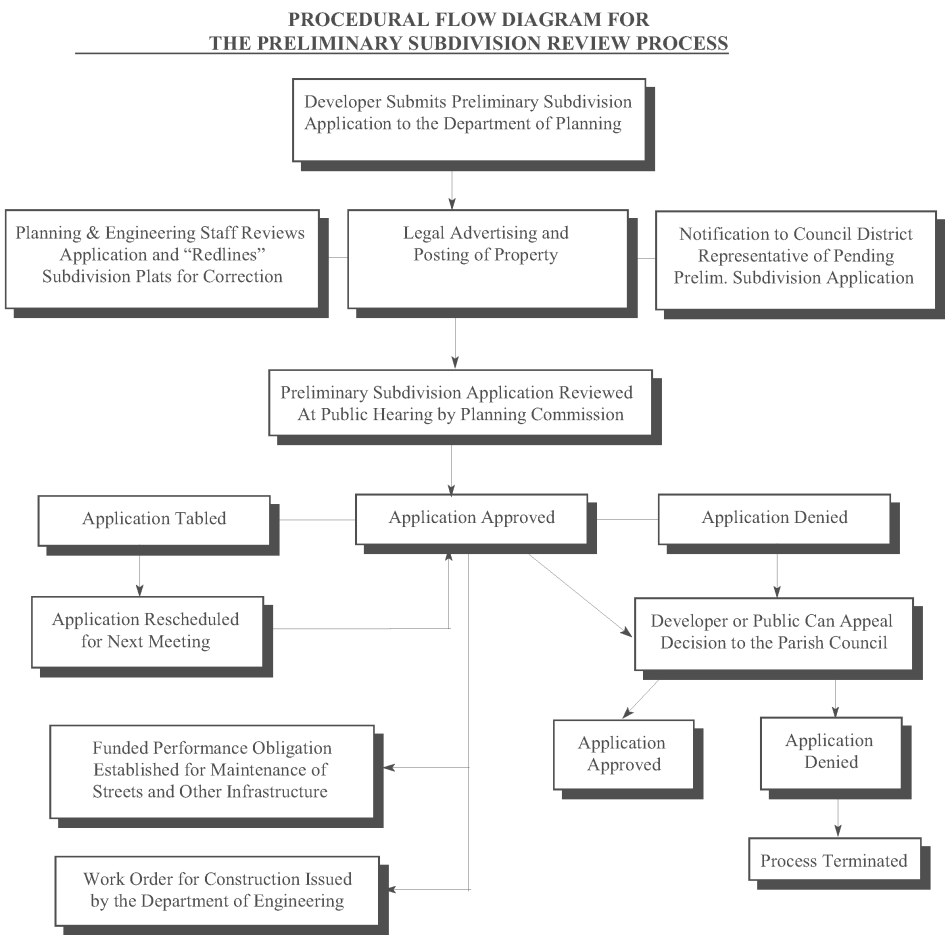
_____ Sewerage collection treatment facilities @ \$30.00 per facility \$_____

_____ **Total Amount Paid** \$_____

I hereby certify that all information provided relative to the preliminary subdivision review submission is true, accurate and correct and in accordance to St. Tammany Parish code requirements.

DEVELOPER/ENGINEER OR ASSIGN
(SIGNATURE)

DATE



(Ord. No. 16-3586, 9-1-2016)

[Sec. I-4. Final subdivision approval check sheet.]

FINAL SUBDIVISION APPROVAL CHECK SHEET

The Developer shall submit to the Department of Planning a minimum of eighteen (18) 24" x 36" folded copies of the proposed final subdivision plat. To obtain final subdivision approval, all work must be completed, or an acceptable funded performance obligation posted to insure completion of the work. The subdivision plats must be drawn to scale inclusive of providing all relevant information as described below.

Subdivision Name: _____

Section-Township-Range _____

Developer's Name: _____

Developer's Address: _____

StreetCityStateZip Code

Developer's Phone No. _____

(Business)(Cell)(Fax)

Engineer's Name/Firm: _____

Engineer's Address: _____

StreetCityStateZip Code

Developer's Phone No. _____

(Business)(Cell)(Fax)

FINAL SUBDIVISION CHECKLIST

Please check the appropriate boxes below to insure that the proper information and documentation for the final subdivision approval process, as well as items to be depicted on the final subdivision plat, have been included with your application.

- ☐ Final subdivision fees (\$75.00 per lot, plus a \$20.00 one-time inspection fee)

☐ (18) folded copies of the final subdivision plat and paving and drainage plans

☐ Scale of plan

☐ North direction arrow

☐ Vicinity map inset detail

☐ Boundary Survey

☐ Section corner tie

☐ Location of permanent markers at each lot corner

☐ As-built drawing for community sewerage and water facilities (3 sets minimum)

☐ Legal instrument for recordation stating responsibility for maintenance and upkeep of green space/park areas
- ☐ Signature of dedication (roads and drainage)

☐ Approval and recordation signatures

☐ Engineer's certificate and stamp

☐ Blue reflectors relative to fire hydrants

☐ Surveyor's certificate and stamp

☐ Board of Health letter

☐ Compliance with Interstate Land Sales Act

☐ Required easements

☐ FEMA Flood Delineation per last panel

☐ Total acres (information block on plat)

☐ Number of lots (information block on plat)

☐ Lot dimensions (information block on plat)

☐ Depict building setback lines for lots

☐ Depict existing street connections

- ☐ Restrictive covenants

☐ Statement prohibiting mobile homes (if applicable)

☐ Act of dedication (roads and drainage)

☐ Intersection safety

☐ Elevations of streets

☐ Depict bench marks (if applicable)

☐ Proposed flood protection (if applicable)

☐ Recordation check made out to Clerk of Court
- ☐ Dead-end streets (not permitted)

☐ Length of streets (information block on plat)

☐ Street names

☐ Indicate adjacent land uses (on plat)

☐ Street name signs

☐ Traffic signs and blue reflectors

☐ Municipal street addresses for all lots

☐ Existing easements

Please refer to Section 40-070.0 Final Subdivision Review, at el, of Subdivision Regulatory Ordinance No. 499 for additional criteria and requirements.

I hereby certify that all information provided relative to the final subdivision review submission is true, accurate and correct and in accordance to St. Tammany Parish code requirements.

DEVELOPER/ENGINEER OR ASSIGN
(SIGNATURE)

DATE

PRE-PRESS COPY

[Sec. I-5. Final approval paving and drainage check sheet and flow diagram.]

FINAL APPROVAL PAVING & DRAINAGE CHECK SHEET

In addition to submitting the eighteen (18) final subdivision plats to the Department of Planning, a separate set of eighteen (18) plats (24" x 36") folded copies must be submitted providing the following items, information or data. Please check the appropriate boxes below to insure compliance:

- ☐ All checks as per the preliminary drainage check sheet
- ☐ Elevation of streets and roads

The subdivision plat shall depict the paving and drainage as actually constructed and whether or not there are any deviations from the preliminary plans that were approved by this office.

Final Subdivision Fees to be Paid:

(Subdivision Fees)

_____ lots @ \$60.00 per lot \$ _____

(Sewerage & Water Fees)

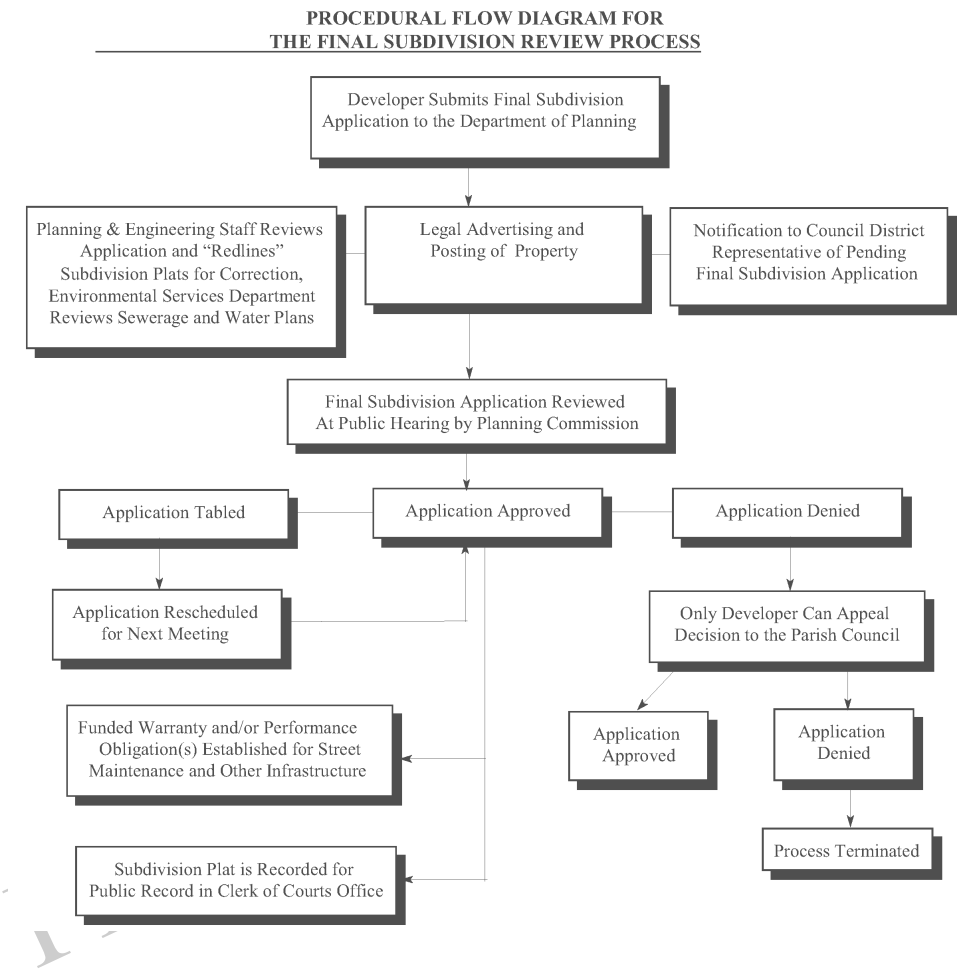
_____ lots @ \$15.00 per lot, plus a \$20.00 one-time inspection fee \$ _____

Total Amount Paid \$ _____

I hereby certify that all information provided relative to the final subdivision review submission is true, accurate and correct and in accordance to St. Tammany Parish code requirements.

DEVELOPER/ENGINEER OR ASSIGN
(SIGNATURE)

DATE



[Sec. I-6. Environmental assessment data form.]

ENVIRONMENTAL ASSESSMENT DATA FORM

Applicant's Name: _____

Developer's Address: _____

StreetCityStateZip Code

Developer's Phone No. _____

(Business)(Cell)

Subdivision Name: _____

Number of Acres in Development: _____ Number of Lots/Parcels in Development: _____

Ultimate Disposal of Surface Drainage: _____

Water Surface Runoff Mitigation Proposed: _____

(Please check the following boxes below, where applicable:)

- Type of Sewerage System Proposed: ☐ Community ☐ Individual

- Type of Water System Proposed: ☐ Community ☐ Individual

- Type of Streets and/or Roads Proposed: ☐ Concrete ☐ Asphalt ☐ Aggregate ☐ Other

- Land Formation: ☐ Flat ☐ Rolling Hills ☐ Marsh ☐ Swamp ☐ Inundated ☐ Tittle Flow

- Existing Land Use: ☐ Undeveloped ☐ Residential ☐ Commercial ☐ Industrial ☐ Other

- Proposed Land Use: ☐ Undeveloped ☐ Residential ☐ Commercial ☐ Industrial ☐ Other

- Surrounding Land Use: ☐ Undeveloped ☐ Residential ☐ Commercial ☐ Industrial ☐ Other

- Does the subdivision conform to the major street plan? ☐ Yes ☐ No

- What will the noise level of the working development be? ☐ Very Noisy ☐ Average ☐ Very Little

- Will any hazardous materials have to be removed or brought on-site for the development? ☐ Yes ☐ No
If yes, what are the hazardous materials? _____

- Does the subdivision front on any waterways? ☐ Yes ☐ No
If yes, what major streams or waterways? _____

- Does the subdivision front on any major arterial streets? ☐ Yes ☐ No
If yes, which major arterial streets? _____

- Will any smoke, dust or fumes be emitted as a result of operational construction? ☐ Yes ☐ No
If yes, please explain? _____

- Is the subdivision subject to inundation? ☐ Frequently ☐ Infrequently ☐ None at all

- Will canals or waterways be constructed in conjunction with this subdivision? ☐ Yes ☐ No

(Does the proposed subdivision development...)

- a.) have or had any landfill(s) located on the property?

☐ Yes☐ No

b.) disrupt, alter or destroy any historical or archeological sites or district?

☐ Yes☐ No

c.) have a substantial impact on natural, ecological recreation, or scenic resources?

☐ Yes☐ No

d.) displace a substantial number of people?

☐ Yes☐ No

e.) conform with the environmental plans and goals that have been adopted by the parish?

☐ Yes☐ No

- f.)

cause an unwarranted increase in traffic congestion within or near the subdivision?

☐ Yes

☐ No
- g.)

have substantial esthetic or adverse visual impact within or near the subdivision?

☐ Yes

☐ No
- h.)

breach any Federal, State or Local standards relative to:

•

air quality

☐ Yes

☐ No

•

noise

☐ Yes

☐ No

•

water quality

☐ Yes

☐ No

•

contamination of any public or private water supply

☐ Yes

☐ No

•

ground water levels

☐ Yes

☐ No

•

flooding/inundation

☐ Yes

☐ No

•

erosion

☐ Yes

☐ No

•

sedimentation

☐ Yes

☐ No

•

rare and/or endangered species of animal or plant habitat

☐ Yes

☐ No

•

interfering with any movement of resident or migratory fish or wildlife species

☐ Yes

☐ No

•

inducing substantial concentration of population

☐ Yes

☐ No

•

dredging and spoil placement

☐ Yes

☐ No

I hereby certify to the best of knowledge and ability, that this subdivision development will not adversely impact the surrounding environment, inclusive of all the information contained herein; and further, said information provided and answered above is accurate, true and correct.

ENGINEER/SURVEYOR/OR DEVELOPER
(SIGNATURE)

DATE

[Sec. I-7. Street name and traffic control signs.]**STREET NAME AND TRAFFIC CONTROL SIGNS**

The intent of these provisions is to achieve the objectives of public safety and functionality of infrastructure parish-wide. Parish maintained traffic controls and signage will be updated in conformity with these regulations in accordance with a plan of the Parish Department of Public Works.

All privately maintained traffic controls and signage in Subdivisions, Planned Unit Developments (PUDs), and Traditional Neighborhood Developments (TNDs) receiving final subdivision approval prior to March 01, 2016, are generally exempt from the requirements of these regulations, except when and until the replacement of all traffic controls, signage and mounting poles within the development becomes necessary.

All owners of property who wish to develop new Subdivisions, PUDs, and TNDs within St. Tammany Parish shall install uniform street name signs, stop signs, and any other regulatory signage deemed necessary by St. Tammany Parish Government (the "Parish") in accordance with the following specifications and the most current version of the Manual on Uniform Traffic Control Devices (MUTCD), Association of State Highway and Transportation Officials (AASHTO) Roadside Design Guide, and Louisiana Law. In the event of a conflict Parish specifications are to be followed.

(A.) STOP Signs (R1-1)

STOP signs shall be an octagon with a white message and border on a red background. The standard size of the sign shall be thirty (30") inches by thirty (30") inches. Where greater emphasis or visibility is required, a larger size sign may be required.

At intersections where all approaches are controlled by STOP signs, an ALL WAY supplemental plaque shall be mounted below each stop sign. The ALL WAY plaque shall have a white legend and border on a red background and shall have a standard size of eighteen (18") inches by six (6") inches. The message shall state ALL WAY. Supplemental plaques with legends such as 2-WAY, 3-WAY, 4-WAY or other numbers of ways shall not be used with stop signs.

Specifications for STOP Signs:

Material: Parish Maintained - Aluminum - .080 inch thickness. Privately Maintained - MUTCD Compliant

For other specification guidelines see section (M).

All mounting poles shall follow standards as specified in section (K).

(B.) STREET NAME Signs (D3-1)

Street Name signs should be erected in urban areas at all street intersections regardless of other route markings that may be present. In business or commercial areas and on principle arteries, Street Name signs should be placed at least on diagonally opposite corners. In residential areas, at least one Street Name sign should be installed at each intersection. Signs naming both streets should be installed at each intersection. They should be mounted with their faces parallel to the streets they name.

Street Name signs may also be placed above a regulatory or STOP or YIELD sign with no vertical separation.

The legend and background of the signs shall be contrasting colors. For roads that will be dedicated to and maintained by the Parish, and whose signs will be maintained by the Parish, the sign shall have white lettering (legend) on a blue background. For Street Name signs that will be privately maintained by the developer or homeowners' association after final subdivision approval, the legend and background shall be contrasting colors, but may have an alternative background color. The only acceptable alternative background colors for Street Name signs other than blue shall be green, brown, or white. Regardless of whether green, blue, or brown is used as the background color for Street Name signs, the legend (and border, if used) shall be white. For Street Name signs that use a white background, the legend (and border, if used) shall be black.

Specifications for Street Name Signs:

Material: Parish Maintained - Aluminum - .080 inch thickness. Privately Maintained - MUTCD Compliant.

For other specification guidelines see section (M).

All mounting poles shall follow standards as specified in section (K).

(C.) YIELD Signs (R1-2)

Yield signs shall be a downward pointing equilateral triangle having a red border band and a white interior and the word yield in red inside the border band. The border band must be five (5") inches for the thirty-six (36") inch sign and six (6") inches for the forty-eight (48") inch sign.

Yield signs may be used on a minor road at the entrance to an intersection where it is necessary to assign right-of-way to the major road, but where a STOP sign is not necessary at all times, and where the safe approach speed on the minor road exceeds ten (10) mile per hour.

Yield signs shall be located in the same manner as a STOP sign.

Specifications for Yield Signs:

Material: Parish Maintained - Aluminum - .080 inch thickness. Privately Maintained - MUTCD Compliant.

For other specification guidelines see section (M)

All mounting poles shall follow standards as specified in section (K).

(D.) SPEED LIMIT Signs (R2-1)

Speed Limit signs shall display the limit established by law or by regulation. In accordance with the MUTCD, speed limits shown shall be in multiples of five (5) miles per hour.

Specifications for Speed limit Signs:

Material: Parish Maintained - Aluminum - .080 inch thickness. Privately Maintained - MUTCD Compliant

For other specification guidelines see section (M).

All mounting poles shall follow standards as specified in section (K).

(E.) NO U-TURN Signs (R3-4):

A No U-Turn sign is intended for use at or between intersections to indicate where U-turns are prohibited.

Specifications for No U-Turn Signs:

Material: Parish Maintained - Aluminum - .080 inch thickness. Privately Maintained - MUTCD Compliant.

For other specification guidelines see section (M).

All mounting poles shall follow standards as specified in section (K).

(F.) DO NOT ENTER Signs (R5-1):

To prohibit traffic from entering a restricted road section, Do Not Enter signs should be conspicuously placed in the most appropriate position at the end of a One Way Roadway or Ramp. The signs shall be a thirty (30") inch white square on which is inscribed a twenty-nine (29") inch diameter red circle with a white band five (5") inches in width placed horizontally across the center of the circle.

Specifications for Do Not Enter Signs:

Material: Parish Maintained - Aluminum - .080 inch thickness. Privately Maintained - MUTCD Compliant.

For other specification guidelines see section (M).

All mounting poles shall follow standards as specified in section (K).

(G.) WRONG WAY Signs (R5-1a):

Wrong Way signs may be used as a supplement to the DO NOT ENTER sign.

Specifications for Wrong Way Signs:

Material: Parish Maintained - Aluminum - .080 inch thickness. Privately Maintained - MUTCD Compliant.

For other specification guidelines see section (M).

All mounting poles shall follow standards as specified in section (K).

(H.) ONE WAY Signs (R6-1 & R6-2):

One Way signs shall be used when required to indicate streets or roadways upon which vehicular traffic is allowed to travel in a one way direction.

Specifications for One Way Signs:

Material: Parish Maintained - Aluminum - .080 inch thickness. Privately Maintained - MUTCD Compliant.

For other specification guidelines see section (M).

All mounting poles shall follow standards as specified in section (K).

(I.) NO OUTLET Signs (W14-2):

No Outlet signs are intended for use to warn of a street or road which has no outlet and which terminates in a dead end or cul-de-sac. The color must be a black legend and border on a yellow background. For single-entrance subdivisions, the No Outlet sign is to be placed at the entrance to the subdivision only.

Specifications for No Outlet Signs:

Material: Parish Maintained - Aluminum - .080 inch thickness. Privately Maintained - MUTCD Compliant.

For other specification guidelines see section (M).

All mounting poles shall follow standards as specified in section (K).

(J.) END OF ROADWAY Markers (OM4-1, OM3-L, OM3-R):

End of Roadway markers in conjunction with Type III Object Markers are used to warn and alert road users of the end of a roadway in other than temporary traffic control zones. Type III Object Markers used on the right side of the end of road shall be right object markers (OM3-R). Type III Object Markers used on the left side of the end of road shall be left object markers (OM3-L). Where conditions warrant, more than one marker, or a larger marker with or without a Type III barricade may be used at the end of the roadway. Where barricades are required, they shall be built according to specifications set forth by the Department of Engineering.

Specifications for End of Roadway Markers (OM4-1):

Material: Parish Maintained - Aluminum - .080 inch thickness. Privately Maintained - MUTCD Compliant.

For other specification guidelines see section (M).

All mounting poles shall follow standards as specified in section (K).

(K.) MOUNTING POLES:

The standard mounting pole on street signs maintained by the Parish shall comply with the following:

- (a.) U-Channel Standard: Hot rolled from high tensile steel galvanized with pre-punched holes three-eighths ($\frac{3}{8}$ ") of an inch on one (1) inch centers. Height and placement location requirements shall be in accordance with the most current MUTCD guidelines.
- (b.) Signs with wood or specialty mounting poles will not be accepted into the Parish Road Maintenance System.
- (c.) Signs with wood borders will not be accepted into the Parish Road Maintenance System.

(L.) SPECIALTY STREET NAME SIGNS, TRAFFIC CONTROL SIGNS and MOUNTING POLES:

1. New Subdivisions, Planned Unit Developments (PUDs), and Traditional Neighborhood Developments (TNDs) applying for Preliminary Subdivision Approval after March 01, 2016.
 - (a.) The owner, developer, and/or contractor of a new Subdivision, PUD, or TND who upon completion of the development intends to dedicate the roads to the Parish for acceptance into the Parish Road Maintenance System, shall be responsible for installing uniform Street Name and Traffic Control signage, including the associated mounting poles, in accordance with these regulations. A signage plan must be produced as part of the preliminary and final subdivision reviews and must be approved by the Department of Engineering. The signage plan shall include the GPS location of each Street Name and Traffic Control sign in the subdivision. The developer's engineer must certify that the Street Name signs, Traffic Control signs, and associated mounting poles comply with the most current MUTCD and AASHTO guidelines, as well as Sections (A) through (K) listed above, before being accepted into the Parish Road Maintenance System.
 - (b) For Subdivisions, PUDs, and TNDs whose roads will be dedicated to the Parish for acceptance into the Parish Road Maintenance System upon completion of the subdivision, but whose Street Name signs, Traffic Control

signs, and associated mounting poles will be privately maintained by the developer, or homeowners' association, or other stated owner, a signage plan must also be produced as part of the preliminary and final subdivision reviews and must be approved by the Department of Engineering, but specialty mounting poles and sign borders are permitted as long as they meet the installation, crashworthiness and breakaway requirements set forth in the most current AASHTO and MUTCD guidelines as certified by the developer's engineer. The signage plan shall include the GPS location of each Street Name sign or Traffic Control sign in the subdivision.

- (c) Any variance from the provisions of these regulations regarding sign size, mounting height or mounting placement must be approved by the Department of Engineering and will be granted only in the event that engineering judgment determines that a variance is warranted.

A specialty mounting pole is defined as any Street Name sign or Traffic Control sign mounting pole other than the U-channel Standard pole described in Section (K) above.

The material specification for the blades of the signs must be Type III-high intensity retroreflective, and any framing of the blade cannot alter the sign shape, minimum size, or color, or in any way obscure the blade of the sign, including its border. Privately maintained Street Name signs must also conform to one of the color schemes listed in Section (B) above.

In the event that any development elects to install and maintain more decorative signage, the responsibility for the ongoing maintenance must be clearly indicated on the final plats for that development.

All standards set forth in the most current MUTCD and AASHTO Roadside Design Guide must be met per federal Law.

The developer, as part of the final subdivision approval, shall certify that all specialty mounting poles and their attendant Street Name or Traffic Control signs will be installed and maintained in perpetuity at the developer's or homeowners' association's (or other stated owner's) expense. However, the Parish maintains the right to immediately replace any and all damaged or missing Street Name signs, Traffic Control signs, and specialty mounting poles with standard Parish signs and mounting poles described in Sections (A) through (K) above if the developer or homeowners' association (or other stated owner) fails to repair or replace said Street Name sign, Traffic Control sign, and/or mounting pole and the Parish receives notification of the deficient condition. Furthermore, the Parish reserves the right to replace any privately maintained Street Name sign, Traffic Control sign, and mounting pole which poses any safety risk with standard Parish signs described in

Sections (A) through (K). Under no circumstances will the Parish be responsible for installing, maintaining, or repairing specialty mounting poles. The Parish installed signs and mounting poles shall remain until replaced and returned to the Parish by the developer or homeowners association (or other stated owner).

2. Subdivisions, Planned Unit Developments (PUDs), and Traditional Neighborhood Developments (TNDs) having received Final Subdivision Approval prior to March 01, 2016.

The provisions of these regulations shall not apply to Subdivisions, PUDs, and TNDs with privately maintained Street Name signs and Traffic Control signs which have received final subdivision approval prior to March 01, 2016. However, if the developer, homeowners' association, or other stated owner of an existing subdivision plans to replace all Street Name signs, Traffic Control signs, and attendant mounting poles within the subdivision, a signage plan shall be submitted to the Parish by a professional engineer, and shall comply with the provisions of Section (L.)1.b) above.

If any development exempt under this section requests that the parish assume maintenance of signage, it must first bring all existing signage up to the new standards described in (L.)1 above.

3. For subdivisions that will privately maintain Street Name signs and Traffic Control signs, the Developer shall include on the final subdivision plat an affirmative declaration that the Street Name signs and Traffic Control signs within the subdivision shall be privately maintained by the developer, homeowners association, or other owner for the subdivision as an affirmative obligation of that person or entity.

(M.) Additional Specifications Reference Guidelines:

Federal Highway Administration Manual on Uniform Traffic Control Devices (MUTCD).

American Association of State Highway and Transportation Officials (AASHTO).

St. Tammany Parish Department of Planning and Development, <http://www.stpgov.org/departments/planning>.

(Ord. No. 16-3474, att., 3-3-2016)

Chapters 126—129

RESERVED

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Chapter 130

UNIFIED DEVELOPMENT CODE*

Article I. In General

- Sec. 130-1. General provisions.
- Sec. 130-2. Rules of district boundaries.
- Sec. 130-3. Application of district regulations.
- Sec. 130-4. Protection of major street rights-of-way.
- Sec. 130-5. Definitions.
- Secs. 130-6—130-28. Reserved.

Article II. Administration and Enforcement

Division 1. Generally

- Sec. 130-29. Administrative official.
- Sec. 130-30. Fee schedules.
- Sec. 130-31. Duties of administrative official and board of adjustments.
- Sec. 130-32. Board of adjustment.
- Secs. 130-33—130-52. Reserved.

Division 2. Amendment of Regulations

- Sec. 130-53. Amendments or changes to development regulations or district map.
- Sec. 130-54. Amendments or changes.
- Sec. 130-55. Notice requirements.
- Sec. 130-56. Voting.
- Secs. 130-57—130-85. Reserved.

Division 3. Violations

- Sec. 130-86. Complaints regarding violations.
- Sec. 130-87. Enforcement and penalties for violation.
- Sec. 130-88. Miscellaneous offenses.
- Secs. 130-89—130-119. Reserved.

Division 4. "After the Fact" Building Permits

- Sec. 130-120. General provisions for obtaining building permit.
- Secs. 130-121—130-138. Reserved.

*State law reference—Parish zoning generally, R.S. 33:4780.40 et seq., 33:4877.1.

ST. TAMMANY PARISH CODE

Article III. Nonconformities

Division 1. Generally

Secs. 130-139—130-159. Reserved.

Division 2. Types of Nonconformities

Sec. 130-160. Legal nonconforming lots.
Sec. 130-161. Legal nonconforming buildings.
Sec. 130-162. Legal nonconforming uses.
Sec. 130-163. Legal nonconforming outdoor storage.
Secs. 130-164—130-194. Reserved.

Division 3. Abandonment of or Restoration After Damage

Sec. 130-195. Provisions for reconstruction after damage.
Secs. 130-196—130-213. Reserved.

Division 4. Expansions

Sec. 130-214. Provisions for expansions of legal nonconforming uses.
Secs. 130-215—130-236. Reserved.

Article IV. Zoning Districts

Division 1. Generally

Secs. 130-237—130-265. Reserved.

Division 2. E-1 Estate District

Sec. 130-266. Purpose.
Sec. 130-267. Permitted uses.
Sec. 130-268. Administrative permits.
Sec. 130-269. Site and structure provisions.
Sec. 130-270. District standards.
Sec. 130-271. Fee schedules.
Secs. 130-272—130-290. Reserved.

Division 3. E-2 Estate District

Sec. 130-291. Purpose.
Sec. 130-292. Permitted uses.
Sec. 130-293. Administrative permits.
Sec. 130-294. Site and structure provisions.
Sec. 130-295. District standards.
Sec. 130-296. Fee schedules.
Secs. 130-297—130-325. Reserved.

UNIFIED DEVELOPMENT CODE

Division 4. E-3 Estate District

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PRE-PRESS COPY

ARTICLE I. IN GENERAL**Sec. 130-1. General provisions.**

(a) *Short title.* These regulations shall be known as the "St. Tammany Parish Development Regulations" and may be called the "development regulations" or "these regulations."

(b) *Authority.* These regulations are enacted under the authority of article VI, section 17 of the Louisiana Constitution of 1974, R.S. 33:101 through 33:119, R.S. 33:4780.40 through 33:4780.50, all other constitutional and statutory authority which may be applicable hereto, and the St. Tammany Parish Home Rule Charter.

(c) *Purpose.* The purpose of these regulations is to:

- (1) Promote the health, safety, morals and general welfare of the parish.
- (2) Lessen congestion, prevent overcrowding of land, protect from fire and panic.
- (3) Provide adequate light and air, avoid undue concentration of population.
- (4) Facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements.

(d) *Applicability.*

- (1) These regulations shall apply to all property located within the unincorporated parish, except as otherwise limited or exempted within these regulations. These regulations shall apply to all public and private persons and entities. See section 130-3, application of district regulations.
- (2) The regulations promulgated in this document shall not be applied to any property until a comprehensive rezoning has been completed in a specific area or region. They do not automatically replace the zoning classifications or regulations in those areas or regions where a comprehensive rezoning has not been completed.

(e) *Conflicting provisions.* Where these regulations are inconsistent with other regulations, ordinances, statutes or policies, the more restrictive provision shall apply.

(f) *Effective date.* These regulations are to become effective at or after 12:01 a.m. on May 3, 2007.

(Code 1998, app. C, § 1.01; Ord. No. 07-1548, § 1.01, 5-3-2007)

Sec. 130-2. Rules of district boundaries.

(a) If, in accordance with the provisions of these regulations and statutes, changes are made in district boundaries or other matters portrayed on the official land use map, such changes shall be made on the official land use map within 90 days after such changes have been approved by the parish council, and attached to these regulations. Each such change of the map shall be dated, signed and certified.

(b) No change of any nature shall be made in this official land use map or matter shown thereon, except in conformity with the procedure set forth in these regulations. Any unauthorized changes of whatever kind, by any person or persons, shall be considered a violation of the ordinance and punishable under article II, division 3 of these regulations.

(c) The official zoning map and Ordinance No. 523, inclusive of all amendments made thereto, shall be located in the offices of the parish department of planning and development and shall be the final authority as to the current land use status of land, buildings and other structures in the parish.

(d) Where uncertainties exist, such as "approximately following the centerlines of streets, highways, or alleys," boundaries shall be construed to follow such centerlines.

(e) Boundaries indicated as approximately following platted lot lines shall be construed to follow such lot lines.

(f) Boundaries indicated as approximately following town limits shall be construed as following town limits.

(g) Boundaries indicated as following railroad lines shall be construed to be midway between the tracks.

(h) Boundaries indicated as following shorelines shall be construed to follow such shorelines along the mean low water mark and, in the event of change in the shoreline, shall be construed as moving with the actual shoreline.

(i) Boundaries indicated as parallel to or extensions of features indicated in the above listed subsections shall be so construed. Distances not specifically indicated on the land use map shall be determined by the scale of map.

(j) Boundaries indicated following other boundary lines, watercourses and other natural topography features, shall be construed to be such commonly recognized features.

(k) Where street or property layout existing on the ground is at variance with that shown on the official land use map, or in other circumstances not covered by the above listed subsections, the board of adjustment shall interpret the district boundaries, provided such adjustment does not exceed one acre in area.

(Code 1998, app. C, § 1.02; Ord. No. 07-1548, § 1.02, 5-3-2007)

Sec. 130-3. Application of district regulations.

(a) Except in the case of a nonconforming building, sign and/or use, following the effective date of the ordinance from which these regulations are derived, no building, structure or land shall thereafter be used or occupied, and no building or structure or part thereof shall thereafter be erected, constructed, reconstructed or structurally altered unless in conformity with all of the regulations herein specified for the district in which it is located.

(b) No building or other structure shall hereafter be erected or altered:

- (1) To exceed the height;
- (2) To accommodate or house a greater number of families;
- (3) To occupy a greater percentage of lot area;
- (4) To have narrower or smaller rear yards, front yards, side yards or other open spaces than herein required or in any other manner contrary to the provisions of this chapter.

(c) No part of a yard, or other open space, or off-street parking, or loading space required about or in connection with any building for the purpose of complying with these regulations shall be included as part of a yard, open space or off-street parking or loading space similarly required for any other building, unless specifically allowed under district regulations.

(d) No yard or lot existing at the time of passage of the ordinance from which this chapter is derived shall be reduced in size of area below the minimum requirements set forth herein. Yards of lots created after the effective date of the ordinance from which these regulations are derived shall meet at least the minimum requirements established by these regulations.

(e) Regulations of land underwater. All lands within the parish which are underwater and are not shown as included within any district shall be subject to all the regulations of the district adjacent to the water area. If the water area adjoins two or more districts the boundaries of each district shall be construed to extend into the water area in a straight line.

(f) Location of streets and public ways. Whenever any street, alley, or public way is vacated by official action of the parish council the land use district adjoining each side of such street or way shall automatically extend to the center of same, and all area included therein shall then become subject to all appropriate regulations of the extended districts.

(Code 1998, app. C, § 1.03; Ord. No. 07-1548, § 1.03, 5-3-2007)

Sec. 130-4. Protection of major street rights-of-way.

In computing the front and side yard, set back depths of every building or structure erected on any lot abutting on any street shown as designated major street on the street plan or future land use plan showing major streets, the required set back, hereafter shown, shall be increased by an amount equal to 50 feet or one-half right-of-way as specified on the major street plan when larger rights-of-way are required. Such setbacks shall be measured from the centerline of the existing roadway.

(Code 1998, app. C, § 1.04; Ord. No. 07-1548, § 1.04, 5-3-2007)

Sec. 130-5. Definitions.

The following words, terms and phrases, when used in these development regulations, shall have the meanings ascribed to them in this article, except where the context clearly indicates a different meaning:

Accessory building, accessory structure or uses means an accessory building, accessory structure or use which:

- (1) Is subordinate to and serves a principal building or principal use.
- (2) Is subordinate in area, extent or purpose to the principal building or principal use served.
- (3) Contributes to the comfort, convenience or necessity of occupants of the principal building or principal use served.
- (4) Is located on the same zoning lot as the principal building or principal use served with the single exception of such accessory off-street parking facilities as are permitted to locate elsewhere than on the same zoning lot with the building or use served.
- (5) Occupies not more than 7½ percent of the area of the lot on which the main building is situated and which is not higher than the principal building and in residentially zoned districts shall not exceed 20 feet in height.

Accessory use means a use that is incidental and secondary to the principle use on a property. The term "accessory use" in business or commercial zoning districts includes, but is not limited to, storage of merchandise normally carried in stock on the same lot with any retail service or business use, unless such storage is excluded by the district regulations.

Accessway means a way of approaching or entering a property.

Activity means an economic unit designated in the classification system given in the 1987 Standard Industrial Classification (SIC) Manual published by the U.S. Department of Commerce, Office of Federal Statistical Policy and Standards.

Addition means an extension or increase in floor area or height of a building or structure.

Adult cabarets mean any place or establishment that as a substantial or significant portion of its business features or provides any of the following:

- (1) Persons who appear semi-nude;
- (2) Live performances that are distinguished or characterized by an emphasis on the exposure, depiction or description of specified anatomical areas or the conduct or simulation of specified sexual activities;

- (3) Films, motion pictures, video or audio cassettes, slides, computer displays or other visual representations or recordings of any kind that are distinguished or characterized by an emphasis on the exposure, depiction or description of specified anatomical areas, or the conduct or simulation of specified sexual activities; or
- (4) Any live entertainment which excludes minors or from which minors are prohibited by statute or ordinances, and whether or not any such business is licensed to sell alcoholic beverages.

Adult store means any place or establishment which sells offers for sale or rents, for any form of consideration, any one or more of the following:

- (1) Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, slides or other visual representations or recordings, novelties and devices, which have as their primary or dominant theme, matter depicting, illustrating, describing or relating to specific sexual activities or specified anatomical areas; or instruments, devices or paraphernalia which are designed for use in connection with specified sexual activities.
- (2) An adult store includes a place with only a portion or section of its area set aside for the display or sale to adults of materials listed in subsection (1) of this definition, except that any place, otherwise included within this definition, that derives not more than ten percent of its gross income from the sale of materials listed in subsection (1) of this definition, shall be exempt from the provisions of this subsection.

Adult theater means any place or establishment that as a substantial or significant portion of its business features or provides for viewing on site:

- (1) Films, motion pictures, video or audio cassettes, slides or other visual representations or recordings that are distinguished or characterized by an emphasis on the exposure, depiction or description of specified anatomical areas, or the conduct or simulation of specified sexual activities; or
- (2) Live performances that are distinguished or characterized by an emphasis on the exposure, depiction or description of specified anatomical areas or the conduct or simulation of specified sexual activities. Adult theaters offering viewing of film, photograph material or live performances to audiences smaller in size than five persons per seating, are expressly prohibited.

Advanced manufacturing means the development and production of high-value-added goods, including, but not limited to, electronics, medical equipment, and technology components, and information technologies.

Agricultural building or structure implies any building or structure existing or erected on land used principally for agricultural purposes, with the exception of dwelling units.

Agricultural waste means nonhazardous waste resulting from the production and processing of agricultural products, including manures, prunings and crop residues.

Agriculture means the use of land for agricultural purposes, including farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture and animal and poultry husbandry and the necessary accessory uses for packing, treating or storing the produce; provided however, that the operation of any such accessory uses shall be secondary to that of the normal agricultural activities.

Airport (landing strip, heliport or aircraft stop) means any premises which are used or intended for use, for the landing and takeoff of aircraft; and any appurtenant areas which are used or intended for use for buildings incidental to aircraft services, including hangars, facilities for refueling and repair, and various accommodations for passengers, together with all buildings and structures thereon.

Aisle means the traveled way by which cars enter and depart parking spaces.

Alcohol and drug treatment center means a center or clinic sponsored or operated by a nonprofit, charitable or for-profit entity or by a public agency and subject to licensing by the state whose purpose is the treatment of chemically dependent persons. No dispensing of controlled substances in connection with or related to the rehabilitation program is permitted.

Alley means a narrow service way providing a secondary means of public access to premises or service entrances of buildings abutting and which is not generally used a thoroughfare by both pedestrians and vehicles, or which is not used for general traffic circulation or which is not in excess of 30 feet in width at its intersection with a street.

Ambulance service means a commercial facility for the housing, maintenance, and dispatch of vehicles designed to transport sick or injured persons to medical facilities.

Amusement center means any indoor place or enclosure in which is maintained or operated for the amusement, patronage or recreation of the public any coin-controlled amusement device of any description, commonly known as video games, pool or billiards, and pinball amusement games.

Antique shop means an establishment for the retail sale of articles such as glass, china, furniture, or similar furnishings and decorations that have value and significance as a result of age, design or sentiment.

Apartment means one or more rooms in an apartment building or combination apartment and commercial building, arranged, intended or designed or occupied as a dwelling unit of a single-family, an individual, or a group of individuals.

Apartment building means a multiple-family dwelling originally designed and constructed to accommodate four or more apartments, designed with more than one dwelling unit connected to a common corridor or entranceway in contrast to single- or two-family dwellings converted for multiple-family use or other attached dwellings (party-wall type) as defined herein.

Apartment, garage, means a building designed to accommodate both the storage of automobiles and which second story may be utilized for residential purposes.

Apartment hotel means a building designed for or containing both dwelling units and individual guest rooms or suites of rooms, which building may include accessory uses such as a cigar store or coffee shop, when such uses are accessible only from the lobby. Lodging as board is provided for a single family indicates a group and offer for compensation and it is open to the public in contra-distinction to a boardinghouse, lodginghouse or an apartment which are defined separately.

Arcade means a continuous area at ground level opening to a street or plaza, which is open and unobstructed to a height of not less than 12 feet, and which is accessible to the public at all times. Any portion of an arcade occupied by building columns, landscaping, statuary, or pools shall be considered to be a part of an arcade for the purpose of computing a floor area. The term "arcade" shall not include off-street loading areas, driveways, off-street parking areas, or pedestrian ways accessory thereto.

Architectural detail means any projection, relief, cornice, column, change of building material, window or door opening on any building.

Area, gross floor, means the area within the inside perimeter of the exterior walls.

Area, net, means the area actually occupied not including accessory unoccupied areas.

Art gallery means an establishment for the loan or display of objects of art.

Athletic field means a site providing recreational areas for activities such as soccer, baseball, softball and football.

Auto parts sales means a facility for the retail sale of auto parts, tools and related items.

Automobile body shop means any building, or portion thereof, used for the repair or straightening of a motor vehicle body or frame, and/or painting of motor vehicles. Maintenance, service and engine repair may be performed as an ancillary function to the body work.

Automotive repair means a facility for the maintenance, service and engine repair of motor vehicles.

Automobile sales means the use of any building, land area or other premises for the display and sale of new or used automobiles, panel trucks, vans, trailers or recreational vehicles including warranty repair work and other repair services conducted as an accessory use.

Automobile service station means any building, land area or portion thereof, used or intended to be used for the retail dispensing or sale of vehicular fuels; and including as an accessory use the sale and installation of lubricants, tires, batteries and similar accessories. This use may include one or more ways in which vehicle washing, lubrication, minor replacement, adjustment or repair services are offered.

Aviation easement means an air rights easement precluding future or additional development of land.

Awning means a cloth, plastic or nonstructural covering that either is permanently attached to a building or can be raised or retracted to a position against the building when not in use.

Bakery means a facility for preparing, cooking, baking and the retail sale of candy, baked goods or other sweets.

Banner means a sign composed of a logo or design on a lightweight material either enclosed or not enclosed in a rigid frame and secured or mounted to allow movement caused by the atmosphere.

Batching plant means a facility for the mixing of concrete or asphalt.

Beacon means a strong or bright light focused or directed in one or more directions.

Billboard and poster panel means any structure affixed to the surface of the land or to any building, tower, or other structure designed, arranged, used, or intended to be used exclusively for outdoor advertising and which is rented, leased or otherwise used in outdoor advertising where a consideration is charged.

Billboards. See *Off-premises signs*.

Block means that property on one side of a street between two adjacent streets which intersect the street in question.

Board means the board of adjustment established in division 1 of article II of these regulations.

Boardinghouse means a structure that is rented to occupants for 30 consecutive days or more and contains more than five units with living and sleeping accommodations, but no kitchen.

Boat sales means the use of any building, land area or other premises for the display and sale of new or used boats including warranty repair work and other repair services conducted as an accessory use.

Boatel means a building or group of buildings which:

- (1) Contains living or sleeping accommodations used primarily for transient occupancy; and
- (2) Is immediately accessible by boat.

Boulevard or avenue means a double street or roadway separated by a median.

Buffer planting area. See the definition in section 130-1874(a).

Buildable area means the space remaining on a zoning lot after the minimum open space requirements and environmental standards of these regulations have been complied with.

Building means a permanent structure having a foundation, and a roof supported by columns or walls, for the enclosure of persons, animals, chattels or moveable property of any kind. When said structure is separated by division walls from the ground up and without openings, each portion of such structure shall be deemed as a separate building.

Building, completely enclosed, means a building separated on all sides from the adjacent open space, or from other buildings or other structures by a permanent roof and by exterior walls or party walls, pierced only by windows and normal entrance or exit doors.

Building, detached, means a building surrounded by open space, said open space being on the same zoning lot as the building.

Building, nonconforming. See *Nonconforming building*.

Building, principal, means a nonaccessory building in which the principal use on the zoning lot on which it is located is conducted.

Building, temporary, means a structure without a foundation, having a roof, supported by columns or walls for the enclosure of persons, animals, chattels or moveable property of any kind.

Building area means a maximum horizontal projected area of a building and its accessory buildings, excluding only cornices projecting not more than 24 inches, open steps and terraces.

Building coverage means the horizontal area measurement within the outside of the exterior walls of the ground floor of all principal and accessory buildings.

Building facade planting area. See the definition in section 130-1875(a).

Building height means the average vertical distance measured from grade as follows: the average elevation at the corners of the foundation, measured at the finished grade:

- (1) To the highest point of the coping of a flat roof;
- (2) To the deck line of a mansard; or
- (3) To the mean height level between the eaves and the ridge for gable, hip, and gambrel roofs.

Building inspector means the individual designated by the appointing authority to ensure the provisions of the building codes.

Building line means a line formed by the outer face of the closing wall of a building, structure or portion thereof and the surface of the ground.

Building permit means written permission issued by the department of permits and regulatory authorizing construction, repairs, alterations, additions or changes of use and plan revisions to any structure.

Building setback line means a line parallel to the street at a distance equal to the depth of the yard required by the zoning district or the depth required by the average building line whichever is more restrictive.

Bulk means the term used to describe the size of buildings or other structures, and their relationships to each other and to open areas and lot lines, and therefore includes:

- (1) The size of buildings or other structures;
- (2) The area of the zoning lot upon which a residential building is located;
- (3) The number of dwelling units or rooms within such building in relation to the area of the zoning lot;
- (4) The shape of the buildings or other structures in relation to other walls of the same building, to legally required windows, or to other structures; and
- (5) All open areas relating to buildings or other structures and their relationship hereto.

Bulk plant means any place where flammable liquids are received by tanker, barge, pipeline, tank car or tank vessel or truck and are stored or blended in bulk for the purpose of distributing such liquids by tank truck, pipeline, tank car, tank vessel or container.

Bulkhead means a retaining wall created along a body of water behind which fill is placed.

Business, commerce, when used in this chapter, means the engaging in the purchase, sale, barter, or exchange of goods, wares, or merchandise; or the maintenance or operation of offices or recreational or amusement enterprises.

Business school means an enterprise offering instruction and training in a service industry or the arts such as secretarial, barber, commercial artist, computer software and similar training.

Caliper means the diameter of a tree trunk. Specific details on the method of measuring caliper as described in section 130-1871.

Camper trailer means a vehicle equipped for use as dwelling and designed to be hauled along a highway. The term "camper trailer" also means a vehicle standing on wheels or rigid supports which is used for living or sleeping purposes for short periods of time.

Campground means any area or tract of land used to accommodate two or more camping parties, including cabins, tents, house trailers or other camping outfits.

Car wash means a facility for the washing or the steam cleaning of passenger vehicles.

Carport means a roofed structure providing the space for the parking or storage of motor vehicles and enclosed on no more than three sides.

Carnival/circus means a temporary traveling show or exhibition that has no permanent structure or installation.

Carry-out grocery or *retail* means an establishment which by design of physical facilities or by service or packaging procedures permits or encourages the purchase of items by telephone order or mail. There is no retail display area and receipt of purchases occurs primarily off of the premises. This use is targeted to the retail market and as such shall not be confused with distribution centers or wholesale merchandise brokers.

Carry-out restaurant means an establishment which by design of physical facilities or by service or packaging procedures permits or encourages the purchase of ready-to-eat foods intended primarily to be consumed off of the premises, and where consumption of food on the premises is not permitted.

Catering service means an establishment that serves and supplies food to be consumed off premises.

Cemetery means property used for interring the dead in above ground chambers or burying them beneath the ground.

Certification of compliance means a document issued by the department of permits and regulatory which certifies that the plans for a proposed use meets all applicable parish codes and regulations.

Change of use permit means a permit which authorizes any use substantially different from the previous use of a building or land.

Christmas tree farm means a land area cultivated for the growing of Christmas trees for market and distribution.

Church means a building, together with its accessory buildings and uses, where persons regularly assemble for religious worship, and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship.

Clinic means an establishment where patients who are not lodged overnight are admitted for examination and treatment by a group of physicians practicing medicine together.

Closed landfill/dump means a facility that is no longer in operation.

Club means buildings and facilities owned and operated by a corporation or association of persons for social or recreational purposes, but not operated primarily for profit or to render a service which is customarily carried on as a business.

Collection facility means a facility, at which one or more containers are located, that is used to accumulate solid waste generated by and delivered by more than one household or commercial establishment for pickup by a transporter, including, but not limited to, facilities typically located in rural areas where garbage collection does not occur. This definition does not include containers that receive only solid waste generated on property that is contiguous with the property on which the container is located (e.g., containers located at and receiving solid waste only from a multiunit dwelling or a commercial establishment or an industrial establishment).

College means an educational institution authorized by the state to award associate and bachelor's degrees.

Commercial greenhouse means a structure in which plants, vegetables, flowers and similar materials are grown for sale.

Commercial recreation means facilities engaged in providing amusement, entertainment or recreation for a fee, admission charge or in association with the sale of products on the premises, including such activities as dance halls, dance studios, theatrical productions, bands, orchestras, other musical entertainment, bowling alleys, billiard and pool establishments, commercial sports arenas, racetracks, miniature golf courses, off track betting establishments, golf courses and game parlors.

Commercial solid waste means all types of solid waste generated by stores, offices, restaurants, warehouses, and other nonmanufacturing activities, excluding residential and industrial solid wastes.

Commission means the zoning commission of the parish.

Community center means a building designed to serve as the social center of a town, district, etc.

Community home means residential living options that are certified, licensed, or monitored by the state department of health and human resources (DHHR) to provide residential services to six or fewer persons who are disabled (see *Disabled person*). Community homes that provide for six or fewer persons who are mentally retarded or developmentally disabled shall have 24-hour supervision including at least one but not more than two 24-hour attendants. Such a residential facility shall be considered a single family unit. Notwithstanding the foregoing, in accordance with federal law, the definition (including the interpretation and application) of the term "community home" in this chapter shall also include the definition of "shelter care home" as per L.A.C. title 48, ch. 88 (in current form and as hereafter amended), but in no event shall said community home have more than ten residents under any circumstances (or such lesser amount as allowed by the DHHR license).

Compatible use. See *Use, compatible*.

Composting means a controlled process of degrading organic matter with microorganisms.

Composting facility means a facility where organic matter is processed by natural or mechanical means to aid the microbial decomposition of the organic matter.

Comprehensive rezoning study area (CRSA) means those areas designated by the parish government for consideration in a large scale comprehensive zoning review. Generally conducted at the neighborhood, community or other scale larger than a request for specific development proposals, the CRSA should be properly sized to provide for a comprehensive and holistic review of the interaction of the land use classifications.

Conditional use. See *Use, conditional*.

Condominium means a building or group of buildings in which units are owned individually and the structure, common areas and facilities are owned by all owners on a proportional undivided basis.

Condominium, commercial, means a building or group of buildings used for office, businesses, professional services and other commercial enterprises, organized and maintained as a condominium.

Condominium, industrial, means an industrial building or group of buildings organized, owned, and maintained as a condominium.

Condominium association means the community association which administers and maintains the common property and common elements of a condominium.

Construction/demolition (C&D) debris means nonhazardous waste generally considered not water-soluble that is produced in the process of construction, remodeling, repair, renovation or demolition of structures, including buildings of all types (both residential and nonresidential). Solid waste that is not C&D debris, even if resulting from the construction, remodeling, repair, renovation or demolition of structures, includes, but is not limited to, regulated asbestos-containing material (RACM) as defined in LAC 33:111.5151.B, white goods, creosote-treated lumber, and any other item not an integral part of the structure.

Construction/sales office, temporary, means a structure or other facility temporarily used as a construction office or sales office.

Contiguous means next to, abutting or touching and having a common boundary or portion thereof.

Contractor's storage yard means a site visually screened for the storage and maintenance of contractor's supplies and operational equipment.

Convalescent home. See *Nursing home*.

Convenience store means a small retail establishment, usually located within or associated with another use, that offers for sale convenience goods, such as packaged food items, staple

groceries, snacks, tobacco, periodicals, and other household goods and may also sell gasoline and other fuel as an accessory use, when permitted; but does not include automobile service stations, or vehicle repair shops.

Convent means the living quarters or dwelling units for a religious order or for the congregation of persons under religious vows.

Conversion means the changing of use or occupancy of a dwelling by alteration or by other reorganization so as to increase the number of families or dwelling units in a structure.

Conveyance to work means a vehicle, usually a commercial vehicle, which serves as the primary transportation to work by a resident of a property.

Corner lot means a lot at the junction of and fronting on two or more intersecting streets.

Country club means a private recreational club containing a golf course and a club house that is available only to the country club members and their guests.

Court means an open unoccupied space, other than a yard, on the same lot with a building or group of building and which is bound on two or more sides by such building or buildings.

Coverage means that percentage of the plot or lot area covered by the building area.

Cul-de-sac means the turnaround at the end of a dead end street.

Curvilinear street means a pattern of streets which are curved.

Day care center means a child care facility receiving nine or more children for care during all or part of the day.

Day care home means a residence which cares for not more than eight children during all or part of the day. The term "day care home" is not to be construed as a day care center. The maximum of eight children includes the natural or adopted children under the age of 16 of the occupants of the residence. The use shall be secondary to the use of the property as a residence. The day care home must only be operated and the care of the children done by a person who resides in the residence where the day care home is to be located.

DBH means diameter breast high.

Decibel means a unit of sound pressure level.

Decorative fences. See the definition in section 130-1873(e)(1).

Deed means a legal document conveying ownership of real property.

Density means the number of families, individuals, dwelling units or housing structures per unit of land.

Developer means the person, firm or corporation who proposes to subdivide property into smaller lots or parcels to be subsequently used as commercial or residential sites.

Development means the division of a parcel of land into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any structure, any mining, excavation, landfill or land disturbance and any use in extension of the use of land.

Development cluster means a planned development or subdivision of a tract of land into residential lots where only a portion of the property is developed with the remainder being protected from future development on a permanent basis.

Direct light means light emitted directly from the lamp, off of the reflector or reflector diffuser, or through the refractor or diffuser lens, of a luminaire.

Director of planning and development means the official employed as the parish director of planning and development to assist all concerned with the implementation of these regulations.

Disabled person means any person who has a physical or mental impairment which substantially limits one or more of the following major life activities:

- (1) Self-care.
- (2) Receptive or expressive language.
- (3) Learning.
- (4) Mobility.
- (5) Self direction.
- (6) Capacity for independent living.
- (7) Economic self-sufficiency.

The term "disabled person" does not include persons, not otherwise disabled, who are currently using illegal drugs or currently abusing alcohol, and the term "disabled person" does not include persons, not otherwise disabled, currently under sentence or parole from any criminal violation.

Disability glare means glare resulting in reduced visual performance and visibility. It is often accompanied by discomfort.

Disposal means the discharge, deposit, injection, dumping, spilling, leaking or placing of any solid waste on or into any land or water so that such solid waste, or any constituent thereof, may have the potential for entering the environment or being emitted into the air or discharged into any waters of the state. Abandonment of solid waste, whether or not it comes into contact with land or water, is also considered disposal.

Distribution center means an establishment associated with a specific establishment, or establishments, used for the dispersion of goods and materials to other locations. This use may or may not be associated with warehousing facilities.

District means a part of the parish wherein the regulations of these regulations are uniform.

Dormitory means a building used as group living quarters for a student body or religious order as an accessory use for college, university, boarding school, orphanage, convent, monastery or other similar institutional use.

Drip line means the outer edge of the foliage of a tree extending in all directions parallel to the ground.

Drive-in-restaurant means a building or portion thereof where food and/or beverages are sold in a form ready for consumption and where all or a significant portion of consumption takes place or is designed to take place outside the confines of the building often in an automobile or other vehicle on site.

Drive-in-use means an establishment which by design of the physical facilities, size or by packaging procedures encourages or permits customers to receive services and obtain goods in a motor vehicle.

Driveway means generally, a space that is specifically designated and reserved on a site for movement of vehicles from one location to another location, on a particular site, or from the site to a public street. A private servitude, whether constructed to parish road standards or not, is limited to gaining access to not more than two individual residences, two parcels of property, or two uses. Apartment use, condominium use and shopping center use, by way of illustration, are each considered to be separate uses. The number of separate buildings or structures is not considered in determining the number of uses. Multiple use (more than two) of such access shall warrant and constitute the definition of a "street" and therefore subject to the same specifications, construction standards, surety obligations and subdivision regulations (if applicable) that are required for streets within these regulations.

Duplex means two dwelling units affixed as one structure located on a lot.

Dwelling means a building or portion thereof designed or used exclusively for residential occupancy, including one-family dwelling units, two-family dwelling units and multiple-family dwelling units, but not including hotels, boardinghouses or lodginghouses.

Dwelling, attached, (group, row, or townhouses), means a building, or a portion of a building, containing three or more dwelling units joined by a party wall, provided those dwellings are not either straight above or below a dwelling intended for use by another separate, independent family. Permitted dwelling units above commercial establishments will be exempt from this definition.

Dwelling, converted, means any building which was originally designed and constructed as a one-, two- or three-family dwelling, but which has been changed or altered by the construction of additional dwelling units to provide for more families than the original building.

Dwelling, detached, means a dwelling entirely surrounded by open space, said open space being on the same zoning lot as the dwelling.

Dwelling, multiple-family, means a dwelling containing three or more dwelling units designed with more than one dwelling unit connecting to a common corridor or entranceway, originally constructed for said purpose, and not including converted dwellings or attached row dwellings (party wall type) as defined herein.

Dwelling, semi-detached (duplex), means a dwelling unit joined to one other dwelling unit by a party wall.

Dwelling, single-family, means a dwelling containing accommodations for and occupied by one family unit.

Dwelling, two-family, means a building designed exclusively for occupancy by two families living independently of each other.

Dwelling unit means one or more rooms in a structure designed for occupancy by one family for living purposes and having its own permanently installed cooking and sanitary facilities.

Easement means a grant of one or more of the property rights by the property owners to and/or for use by the public, a corporation, or another person or entity.

Easement, drainage, means an easement required for the installation of stormwater sewers or drainage ditches, and/or required for the preservation or maintenance of a natural stream or watercourse or other drainage facility.

Eating and drinking establishment means retail establishments selling food and nonalcoholic beverages for the consumption on the premises.

Educational institution means public, parochial, charitable, or nonprofit junior college, college, or university, other than trade or business schools, including instructional and recreational uses, with or without living quarters, dining rooms, restaurants, heating plants and other incidental facilities for students, teachers and employees.

Electrical energy generating plant means a facility that generates electricity from mechanical power produced by gas, coal or nuclear fission.

Electrical substation means a facility for transforming electricity for distribution to individual customers.

Encroachment means any obstruction located in a designated floodway, right-of-way, or adjacent land.

Enlargement means an increase in size.

Escort means a person who, for compensation, agrees or offers to engage in any of the following acts:

- (1) Act as a social companion or date for another person.
- (2) Privately to model lingerie with the intention of and for the purpose of providing sexual stimulation or sexual gratification to the customer.
- (3) Privately to disrobe for another person with the intention of and for the purpose of providing sexual stimulation or sexual gratification to the customer.
- (4) Agrees to come to a specified location for the purpose of disrobing and for the purpose of providing sexual stimulation or sexual gratification to the customer.
- (5) To perform a massage for the purpose of providing sexual stimulation or sexual gratification to the customer.

Escort agency means a person or business association who, whether on or off the licensed premises, furnishes, offers to furnish, or advertises to furnish escorts, as defined herein, for compensation.

Establishment means a separate place of business having the following characteristics. The ownership and management of all operations conducted within such establishment are separate and distinct from the ownership and management of operations conducted within other establishments of the same or adjacent zoning lot. Direct public access to such "business establishment" is separate and distinct from direct access to any other "business establishment."

Excavation means removal or recovery by any means whatsoever of rock, minerals, mineral substances, or organic substances other than vegetation from water or land on or beneath the land surface, whether exposed or submerged.

Existing use means the use of a lot or structure at the time of the enactment of a zoning ordinance.

Fabrication and assembly means the manufacturing from standardized parts of a distinct object differing from the individual components.

Facade means the exterior wall of a building exposed to public view or that wall viewed by persons not within the building.

Family means an individual, or two or more persons related by blood, marriage or adoption, or a group of not more than three persons (excluding servants), not related by blood, marriage or adoption, living together as a single housekeeping unit in a dwelling unit, but not including sororities, fraternities or other similar organizations.

Farm means a parcel of land used for agricultural purposes.

Farm stand means a booth or stall located on a farm at which produce and farm products are sold to the general public.

Farming means the business of cultivating land, or employing it for the purposes of husbandry; the cultivation and fertilization of the soil as well as caring for and harvesting the crops.

Fast food restaurant means an establishment whose principle business is the sale of pre-prepared or rapidly prepared food directly to the customer in a ready to eat state for consumption either within the restaurant building or off premises.

Fence, general, means a structure used to delineate a boundary or as a means of confinement or for confinement.

Fence, solid, means a fence having a regular pattern of no more than ten percent openings throughout the length of the fence.

Fill means sand, gravel, earth or other materials of any composition placed or deposited by humans.

Final plat means the plat which is to be given final approval by the planning commission and will be placed on file with the clerk of court as a part of the public record.

Fish farm means an agricultural area devoted to the cultivation of fish and other seafood.

Fixture means the assembly that houses the lamp or lamps and can include all or some of the following parts: a housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirror, and/or a refractor or lens.

Flags, banners, and seals means flags, banners and seals are mottos, emblems, designs, shapes or symbols on cloth, plastic, canvas or devices of similar type and materials intended to convey any message or to identify any person, place, idea or thing other than duly adopted flags or seals of nations, states, parishes or municipalities.

Flashing lights means any light or light source or reflection of light source which is intermittent in duration, color or intensity or which creates or is designed to create an illusion of intermittent duration, color or intensity.

Flea market means a market place held in an open area where groups of individual sellers offer goods for sale to the public.

Fleet storage means outdoor storage of vehicles used for business purposes.

Flood or spot light means any light fixture or lamp that incorporates a reflector or a refractor to concentrate the light output into a directed beam in a particular direction.

Floor area (for determining floor area ratio) means the sum of the gross horizontal area of the several floors of the building measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings. The floor area of a building shall include basement floor area when more than one-half of the basement height is above the established curb level or above the finished lot grade level where curb level has been established, elevator

shafts and stairwells at each floor, floor space used for mechanical equipment; except equipment, open or enclosed, located on the roof; penthouses, attic space having headroom of seven feet, six inches or more, interior balconies and mezzanines, enclosed porches and floor area devoted to accessory uses. However, any space devoted to off-street parking or loading shall not be included in the term "floor area." The floor area of structures devoted to bulk storage or materials, including, but not limited to, grain elevators and petroleum storage tanks shall be determined on the basis of height in feet; i.e., ten feet in height shall equal one floor.

Floor area, gross, (for determining off-street parking and loading requirements) means the sum of the gross horizontal areas of the several floors of a building or structure measured from the interior faces of the interior walls or from the interior line of walls separating two buildings or structures, including the following:

- (1) The floor area of a building shall include:
 - a. Floor area of the basement if it is not used for other than storage, except as required for subsection (1)g of this definition below.
 - b. Penthouses.
 - c. Attics having headroom of seven feet or more.
 - d. Interior balconies and mezzanines.
 - e. Enclosed porches.
 - f. Space devoted to accessory uses.
 - g. Accessory storage areas located within selling or working spaces such as counters, racks or closets, or storage use in the conduct of business or use and calculated in the gross leasable area for multitenant buildings.
 - h. Space devoted to retailing activities, to the production or processing of goods, or to business or professional offices.
- (2) The floor area of a building shall not include:
 - a. Elevator shafts and stairwells on each floor.
 - b. Floor space used for mechanical, telephone and electrical equipment.
 - c. Attics having headroom of less than seven feet.
 - d. Areas used for storage, except as required by subsection (1)g of this definition above.
 - e. Space devoted to off-street parking or loading facilities.
 - f. Entrance lobbies.
 - g. Washrooms, intended for general public use.

Floor area ratio (FAR) means the floor area ratio of the building or buildings on any zoning lot is the floor area of the building or buildings on that zoning lot divided by:

- (1) The area of such zoning lot; or
- (2) In the case of planned developments, by the net site area.

Food processing means an industrial establishment in which food is processed or prepared in large quantities for consumption off premises or for canning, bottling or distribution.

Foot-candles means a unit of measure for luminance; a unit of luminance on a surface that is everywhere one foot from a uniform point source of light of one candle and equal to one lumen per square foot.

Foster home means a facility licensed by the state as a foster home and that provides room, board, ordinary care and supervision to individuals under 18 years of age, who are not related to the resident family, and not to be confused with institutional housing.

Front foot means a measure of distance, being one foot as measured along the front property line.

Front yard. See *Yard, front*.

Front yard planting area means an area of land between the property line and any vehicular use areas or building that is intended for the replacement or preservation of landscape materials.

Frontage means that side of a lot abutting a street between the two nearest intersecting streets, measured along the line of the street. If the street is a dead-end, then the frontage is that side of a lot abutting the street between an intersecting street and the dead end of the street.

Full cut-off type fixture means a luminaire or light fixture that, by design of the housing, does not allow any light dispersion or direct glare to shine above a 90-degree, horizontal plane from the base of the fixture and that is installed in a vertical position to prevent disability glare.

Fully shielded fixture means a luminaire or fixture constructed in such a manner that an opaque shield extends, on the top and all sides, below the lowest direct-light-emitting part (LDLEP) of the luminaire. The lowest edge of such a shield shall surround the LDLEP and be level with the horizontal plane, regardless of the orientation of the luminaire or fixture.

Funeral home means a dwelling or other structure used and occupied by a professional licensed mortician for burial preparation and funeral services.

Garden shop/plant sales means a facility for the growing, display and sale of garden or flower seeds, plants and related items.

Garage, bus, means any building used or intended to be used for the storage of three or more passenger motor buses or motor coaches used in public transportation, including school buses.

Garage, private, means a detached accessory building or portion of the main building, designed, arranged, used or intended to be used for the storage of passenger automobiles of the occupants of the premises.

Garage, public, means a structures utilized for storage of motor vehicles for profit and with maximum undivided space used for storage of said vehicles.

Garbage means solid waste that includes animal and vegetable matter from the handling, preparation, cooking, and serving of foods (including grease trap waste), but that does not include industrial solid waste.

Glare. See *Disability glare*.

Golf course means a comparatively large unobstructed acreage involving enough room over which to walk or ride, point to point, over a generally prescribed course, and to strive to send a ball long distances with variable accuracy, all without unreasonably endangering other players or intruding upon them.

Grade, street, means the elevation of the established street in front of the building measured at curb level at the center of such front. Where no street grade has been established, the parish engineer shall establish such street grade or its equivalent for the purpose of these regulations.

Gravel pit means an open land area where sand, gravel and other fragments are mined or excavated for sale.

Ground cover means plant material which reaches a maximum height of not more than 12 inches.

Ground cover, decorative, means any mulch material (vegetative or mineral) that is used to cover the surface of the ground to prevent erosion or retain moisture.

Ground cover, vegetative, means plant material which reaches a maximum height of not more than 12 inches at maturity, including turf.

Group home means residential living options that are certified, licensed, or monitored by the state department of health and human resources for the personal care or supervisory care of not more than 15 individuals not related by blood, marriage or adoption. These facilities provide supervisory or personal care for individuals who are mentally disabled, abused, neglected or emotionally disturbed.

Guest home means an accessory structure to an existing residence, that is to be used as temporary housing and not to be used as a source of income for the resident family.

Halfway house means a profit or nonprofit boarding home, rest home, or other home for the sheltered care of adult persons which, in addition to providing food and shelter to four or more persons unrelated to the proprietor, also provides any personal care or service beyond food, shelter and laundry.

Handicapped person. See *Disabled person*.

Hazardous waste means waste identified as hazardous in the current state hazardous waste regulations (LAC 33:V., subpart 1) and/or by the federal government under the Resource Conservation and Recovery Act and subsequent amendments.

Health studio/physical culture salon means a facility operated to promote physical fitness or weight control.

Height of luminaire means the height of a luminaire shall be the vertical distance from the normal finished grade directly below the centerline of the luminaire to the lowest direct-light-emitting part of the luminaire.

Heliport means an area, either at ground level or elevated on a structure, licensed or approved for the loading and take off of helicopters, including auxiliary facilities such as parking, fueling and maintenance equipment.

Helistop means a landing pad for the occasional and infrequent use of rotary wing aircraft.

Historical district means any area which contains improvements which:

- (1) Have a special character of special historical or aesthetic interest or value;
- (2) Represent one or more periods or styles of architecture typical of one or more eras in the history of the parish;
- (3) Cause such area, by reason of such factors, to constitute a distinct section of the parish; and
- (4) Has been designated as a historic district.

Home for the retired means an establishment operated for the purpose of providing domiciliary care for a group of persons who by reason of age are unable to provide such care for themselves and who are not in need of medical or nursing treatment, except in the case of temporary illness.

Home occupation means any activity or accessory use conducted for financial gain by a member of the household residing therein; which is clearly incidental and secondary to the use of the property for residential purposes.

Home professional office means an activity conducted for financial gain by a member of the household residing therein consisting of an office of a practitioner of a recognized and customary profession; which is clearly incidental and secondary to the use of the property for residential purposes.

Homeowners' association means a community association, other than a condominium association, which is organized in a development in which individual owners share common interests in open space or facilities.

Horizontal luminance means the measurement of brightness from a light source, usually measured in foot-candle or lumens, which is taken through a light meter's sensor at a horizontal position.

Hospice means a facility used to care for the terminally ill.

Hospital or *sanitarium* means an institution devoted primarily to the maintenance and operation of facilities for the diagnosis, treatment, or care for not less than 24 hours in any week, for three or more nonrelated individuals suffering from illness, disease, injury, deformity, or other abnormal physical conditions. The term "hospital" does not apply to institutions operating primarily for treatment of insane persons, drug addicts, liquor addicts or other types of cases necessitating restraint of patients, and the term "hospital" does not include convalescent, nursing, shelter or boarding homes.

Hotel means a facility offering transient lodging accommodations to the general public and providing additional services such as restaurants, meeting rooms and recreational facilities.

Household agriculture means that growing of vegetables, poultry and livestock for the use of the residents of the property whereon it is grown or kept. Permitted animals and insects include, but are not limited to, those raised for consumption or as food producers (cows, goats, bees, rabbits, chickens, etc.) or those used for pleasure (horses, birds, turtles, dogs, cats, etc.). Poisonous, wild or dangerous animals are not permitted (snakes, lions, tigers, bears, etc.). Guard dogs are permitted. All animals must be housed in such a manner as to not create a nuisance to the adjoining residents by way of sight, smell or sound.

Impermeable means not permitting the passage of water.

Incinerator means any enclosed device using controlled flame combustion that neither meets the criteria for classification as a boiler nor is listed as an industrial furnace, and is not a boiler or an industrial furnace as defined in LAC 33 means V.109.

Incinerator ash means residual solid waste that has been received, thermally oxidized, and/or decomposed by an incinerator.

Incinerator waste-handling facility means a facility that processes solid waste which has been received, thermally oxidized, and/or decomposed by an incinerator.

Incompatible use. See *Use, incompatible*.

Industrial solid waste means solid waste generated by a manufacturing, industrial, or mining process, or that is contaminated by solid waste generated by such a process. Such waste may include, but is not limited to, waste resulting from the following manufacturing processes: electric power generation; fertilizer/agricultural chemicals; food and related products; byproducts; inorganic chemicals; iron and steel manufacturing; leather and leather products; nonferrous

metals manufacturing/foundries; organic chemicals; plastics and resins manufacturing; pulp and paper industry; rubber and miscellaneous plastic products; stone, glass, clay, and concrete products; textile manufacturing; and transportation equipment.

Industrial solid waste facility means a facility for the processing, storage, and/or disposal of industrial solid waste.

Indirect light means direct light that has been reflected or has scattered off of other surfaces.

Infectious waste means waste that contains pathogens of sufficient virulence and quantity that exposure to it could result in an infectious disease in a susceptible host.

Inn. See *Boardinghouse*.

Institution means a facility or federal, state or local government, public or private utility, public or private school or college, church, public agency or tax-exempt organization that provides a public service.

Institutional housing means any structure or building which is owned and/or operated by a public or private institution and is used for or intended to be used for rehabilitative programs, shelter programs, and/or special housing for mentally or physically handicapped persons, where the occupants are allowed to interact with the community while in residence. Institutional housing shall be allowed only when licensed by the appropriate state and/or local agency, and under such terms and conditions which the parish council deem necessary to protect the occupant and the surrounding area.

Interior landscape area means any landscaped area within the interior of a development site and beyond the required periphery landscape area that is planted with trees, shrubs and ground covering material to provide for infiltration of runoff, shade of parking areas or aesthetic enhancement of the site.

Intersecting street means any street or public way or court, 30 feet or more in width which joins another at an angle, whether or not it crosses the other.

Junk yard means any parcel of land where waste, scrap metal, paper, rags or similar materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including auto and building wrecking yards, but excluding similar uses taking place entirely within a completely enclosed building.

Kennel means any premises, except where accessory to an agricultural use, where dogs of ten weeks in age or older are housed, groomed, bred, boarded or trained for the use of the residents of the premises.

Kennel, commercial, means any lot or premises or portion thereof on which household domestic animals, over four months of age, are kept or boarded for compensation or kept for sale.

Laboratory, commercial, means a place devoted to experimental study such as testing and analyzing; manufacturing, assembly or packaging of products is not included within this definition.

LAC 3 means the Louisiana Administrative Code, title 33, Environmental Regulatory Code.

Lamp means the component of a luminaire that produces the actual light.

Landfarm means a facility for the disposal of solid wastes in which wastes are applied to the land and/or incorporated into the soil for biological reduction and soil attenuation.

Landfill means a facility for the disposal of solid waste, other than landfarms or surface impoundments, that disposes of solid waste by placing it on or into the land surface and usually also compacting and covering with suitable cover material to a depth and at a frequency sufficient to control disease vectors and odors and in a manner that protects human health and the environment.

Landfill/dump means all property, including negative and positive easements and water and air rights, which have been used by public and private entities for the disposal of solid wastes.

Landmark means any improvement, any part of which is 30 years old or older, which has a special character or special historical aesthetic interest or value as part of the development, heritage, or cultural characteristics of the parish, state or nation and which has been designated as a landmark.

Landmark site means an improvement, parcel, or part thereof, on which is situated a landmark and any abutting improvement, parcel or part thereof, used as and constituting part of the premises on which has been designated as a landmark site.

Landscaping material means material, including, but not limited to, living trees, shrubs, vines, lawn grass, ground cover, landscape water features, and nonliving durable materials commonly used in landscaping including, but not limited to, rocks, pebbles, sands, decorative walls and fences, brick pavers, earthen mounds, but excluding paving for vehicular use.

Laser means a device emitting a narrow, very intense beam of light waves that have been amplified and concentrated by stimulated atoms, or the light produced by such device.

Library means an establishment for the loan or display of books or objects.

Light trespass means the shining of light produced by a luminaire beyond the boundaries of the property on which it is located.

Limited access highway means a traffic way, including expressways and toll roads for through traffic, in respect to which owners or occupants of abutting property or lands and other persons have no legal right of access to or from the same, except at such points only and in such manner as may be determined by the public authority having jurisdiction over such traffic way.

Limited wastewater treatment facility means, as such relate to a community sewerage system, a sewage treatment facility that is designed, constructed and authorized to treat not more than 499,999 gallons per day of sewage.

Loading and unloading space, off-street, means an open, hard-surfaced area of land, other than a street or public way, the principal use of which is for the standing, loading and unloading of motor trucks, tractors and trailers, to avoid undue interference with the public of the streets and alleys. Such space shall not be less than 12 feet in width, 50 feet in length and 14 feet in height, exclusive of access aisles and maneuvering space.

Local traffic street means a street paralleling a major highway to give limited access to said highway for safety.

Lodge or fraternal order means a hall or meeting place of a local branch or the members composing such a branch of a fraternal order, or society, such as the Masons, Knights of Columbus, Moose, American Legion and other similar organizations. It may be permissible to serve food and meals on such premises, providing adequate dining room space and kitchen facilities are available. The sale of alcoholic beverages to members and their guests may be allowed provided it is secondary and incidental to the promotion of some other common objective by the organization and further provided that such sale of alcoholic beverages is in compliance with the applicable federal, state and parish laws.

Logistics industry means the industry whose facilities focus on the management of the flow of resources between the point of origin and the point of consumption. The resources managed in logistics can include physical items, such as food, materials, equipment, liquids, and staff, as well as abstract items, such as time, information, particles, and energy.

Lot means a parcel of land occupied or to be occupied by one building and accessory buildings and uses and including the open spaces required under these regulations. A lot may be land so recorded on the records of the clerk of court of the parish, but it may include parts of or a combination of such lots when adjacent to one another, provided such is used for only one improvement and resubdivided or combined and properly recorded.

Lot, double frontage, means a lot having frontage on two nonintersecting streets as distinguished from a corner lot.

Lot, interior, means a lot other than a corner lot.

Lot, through, means a lot, other than a corner lot, having frontage on more than one street. (See *Double frontage lot*.)

Lot coverage means the area of a zoning lot occupied by the principal building or buildings and accessory buildings.

Lot depth means the mean horizontal distance between the front and rear lot lines.

Lot line, adjoining a street, means a front lot line or a side lot line of a corner lot which abuts a street, or a rear line of a double frontage lot.

Lot line, front, means the front property line of a zoning lot. For a corner lot, the property line lying exclusively between the front yard and the street right-of-way is the front lot line.

Lot line, interior, means a side lot line common with another lot.

Lot line, rear, means the rear lot line is the lot line or lot lines most nearly parallel to and most remote from the front lot line. Lot lines other than front or rear lot lines are side lot lines.

Lot of record means a lot which is a part of a subdivision, the plat of which has been recorded in the office of the clerk of court of the parish, pursuant to statute.

Lot width means the horizontal distance between the side lot lines measured at right angles to the lot depth at the established front building line.

Lounge means an establishment for the sale and consumption of alcoholic beverages on the premises.

Lowest direct-light emitting part (LDLEP) means the lowest part of the lamp or lamps, the reflector or mirror, and/or refractor or lens.

Lumen means a unit of luminous flux. One foot-candle is one lumen per square foot. For the purposes of this section, the lumen-output values shall be the initial lumen output ratings of a lamp.

Luminaire means a complete lighting system, and includes a lamp or lamps and a fixture.

Major street plan means the transportation element of the comprehensive plan adopted by the planning commission after public hearing which is designed to guide the future development of the parish.

Manufactured housing means a factory-built, single-family structure, which is manufactured or constructed under authority of 42 USC 5403, Federal Manufactured Home Construction and Safety Standards, and is to be used as a place for human habitation, but which is not constructed with a permanent hitch or other device allowing it to be moved other than for the purpose of moving to a permanent site and which does not have permanently attached to its body or frame any wheels or axles. A mobile home is not a manufactured home unless it has been converted to real property and is taxed as a site-built dwelling.

Massage parlor means any place, establishment, club or business by whatever name designated which offers, advertises or is equipped or arranged so far as to provide as its primary purpose or as a substantial or significant portion of its services any of the following: physical

massage of the person, body rubs, alcohol rubs, baths, steam baths, hot box, magnetic baths or any other similar services commonly rendered by such establishments; the following, however, shall not be included within this definition of massage parlor:

- (1) Establishments or businesses which routinely provide such services by a licensed physician, a licensed chiropractor, a licensed practical nurse or a registered professional nurse, or a massage therapist, licensed pursuant to R.S. 37:3551 et seq.;
- (2) Establishments or businesses which provide electrolysis treatment by a licensed operator or electrolysis equipment;
- (3) Hospitals, nursing homes, medical clinics or medical offices;
- (4) Barbershops or beauty parlors which offer massage to the scalp, the face, the neck or the shoulders only or which are operated by or employ licensed cosmetologists or licensed barbers performing functions authorized under the license held; and
- (5) Any establishment or business operated by or employing licensed physical therapists, or licensed athletic trainers performing functions authorized under the license held.

Methadone center or clinic means a methadone center or clinic sponsored or operated by a nonprofit, charitable or for-profit entity or by a public agency and subject to licensure by the state whose purpose is the dispensing of controlled substances in connection with or related to the rehabilitation of drug abusers.

Miniwarehouse. See *Warehousing, mini and warehousing, public.*

Mobile food truck means a double-axle vehicle (truck or trailer unit) that is completely mobile with no permanent fixed location, the vendor of which prepares all or most of its victuals on board the vehicle to serve or distribute to customers, in a form suitable for immediate ingestion or consumption.

Mobile home means any vehicle or similar portable structure mounted or designed for mounting on wheels, used or intended for use for dwelling purposes, including structural additions, except parked and unoccupied camping-type trailers constructed prior to the adoption of 42 USC 5403, Federal Manufactured Home Construction and Safety Standards.

Mobile home lot means a designated site within a mobile home court for the exclusive use of the occupants of a single mobile home or manufactured home.

Mobile home park means a site which requires improvements and utilities for the long term parking of mobile homes or manufactured homes which may include sewers and facilities for the residents.

Modular housing (also modular home) means a dwelling unit constructed in accordance with the locally adopted building code and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation.

Monastery means the living quarters or dwelling units for a religious order or for the congregation of persons under religious vows.

Motel means an establishment consisting of a group of attached or detached living or sleeping accommodations with bathroom and closet space located on a single zoning lot and designed for use by transient automobile tourists. A motel furnishes customary hotel services such as maid service and laundering of linen, telephone and secretarial or desk service, and the use and upkeep of furniture. In a motel, less than 50 percent of the living and sleeping accommodations are occupied or designed for occupancy by persons other than transient, automobile tourists.

Motor vehicle means any passenger vehicle, truck, tractor, tractor-trailer, truck-trailer, trailer or semitrailer propelled or drawn by mechanical power.

Mulch means any material that is used to cover the ground surface to prevent erosion, retain moisture and protect plant material.

Multiple-family means three or more dwelling units located on a lot.

Multioccupancy center means a single building or group of buildings situated in close proximity to each other that house more than one tenant or owner and whose parking facilities may be in common with other tenants, owner or buildings, except those businesses which engage in the sale of automobile fuel products and other goods and services including, but not limited to, fast food restaurants and convenience stores.

Municipal solid waste landfill or *MSW landfill* means an entire disposal facility in a contiguous geographical space where residential solid waste and/or commercial solid waste is placed in or on land. The term "municipal solid waste" does not limit the ownership or source of materials to municipalities.

Murals means a work of art painted or otherwise applied to exterior wall surfaces that do not serve as advertisement for any specific use by virtue of the use of trademarks, corporate names or logos.

Museum means a nonprofit, noncommercial establishment operated as a repository or a collection of nature, scientific or literary curiosities or objects of interest of works of art, not including the regular sale or distribution of the objects collected.

Neighborhood means an area of a community with characteristics that distinguish it from other community areas and which may include distinct ethnic or economic characteristics, schools or social clubs, or boundaries defined by physical barriers such as major highways, railroads or natural features.

Neon lighting means any white or tubular lighting of which the primary source of light is gaseous, not limited to the use of neon gas.

Nonconforming building means a building or a structure or portion thereof lawfully existing at the time of adoption of the ordinance from which this chapter is derived, which was designed, erected or structurally altered for a use that does not conform to the use regulations of the district in which it is located.

Nonconforming sign means any sign structure or sign which was lawfully erected and maintained prior to such time as it came within the purview of this Code or any amendments thereto and which fails to conform to all applicable regulations and restrictions of this Code, or a nonconforming sign for which a special permit has been issued.

Nonconforming use means a use which lawfully occupied a building or land at the time of adoption of the ordinance from which this chapter is derived and which does not conform with the use regulations of the district in which it is located.

Nonprocessing transfer station means a solid waste facility where solid waste is transferred from collection vehicles to other vehicles for transportation without processing.

Noxious matter or materials means matter which is capable of causing injury to living organisms by chemical reaction or is capable of causing detrimental effects upon the physical or economic well-being of individuals.

Nursery means and shall be any land used to raise trees, shrubs, flowers and other plants for sale for transplanting.

Nursery school means schools designed to provide daytime care or instruction for two or more children from two to five years of age inclusive, and operated on a regular basis.

Nursing home means a home for the aged, chronically ill, or incurable persons in which three or more persons not of the same immediate family are received, kept, or provided with food and shelter or care for compensation; but not including hospitals, clinics or similar institutions devoted primarily to the diagnosis and treatment of the sick or injured.

Occupancy pertains to and is the purpose for which a building is used or intended to be used. A change of occupancy is not intended to include a change of tenants or proprietors.

Odorous matter means any matter or material that yields an odor which is offensive in any way.

Office means a room or building in which a person transacts his business or carries on his stated occupation.

Office building means a building designed for or used as the offices of professional, commercial, industrial, religious, public or semipublic persons or organizations.

Office warehouse means a facility which has the combined uses of office and showroom or warehouse for the primary purpose of wholesale trade, display and distribution of products. Size of the office should not exceed 20 percent of the total square footage of the building.

Official zoning map means the legally adopted map that conclusively shows the location of all parish zoning.

Off-site means located outside the lot lines of the lot in question or development location.

Off-street parking means a temporary storage area for motor vehicles directly accessible to an access aisle, and which is not located on a dedicated street or right-of-way.

On-site means located on the lot that is the subject of a development location.

Open burning means the combustion of solid waste without control of combustion air to maintain adequate temperature for efficient combustion, containment of the combustion reaction in an enclosed device to provide sufficient residence time and mixing for complete combustion, and control of the emission of the combustion products.

Open dump means a solid waste processing or disposal facility that has been issued a temporary permit and may not comply with the standards set by these regulations.

Open space means an unoccupied space open to the sky on the same lot with the building, or, in the case of a PUD overlay, land and/or water area retained for use as active or passive recreation areas or for resource protection in an essentially undeveloped state.

Ordinance means a legally adopted law or regulation.

Outdoor display area of pre-assembled accessory building, pool and playground equipment means a facility for the display, service and retail sale of pre-assembled building, pool and playground equipment.

Outdoor lighting means the nighttime illumination of an outside area or object by any manmade device located outdoors that produces light by any means.

Outdoor retail sales and storage yards means a facility for the sales of home, lawn, and garden supplies, brick, lumber and other similar building material, use in conjunction with a home improvement center, a hardware store or a department store.

Outdoor storage yard means a lot used for the outside placement, for a period in excess of 24 hours for items that are customarily used or stored outside and made of a material that is resistant to damage or deterioration from exposure to the outside environment.

Park means a parcel of ground set apart for recreation for the public, to promote its health and enjoyment.

Parking, on-street, means a temporary storage area for motor vehicles which is located on a dedicated right-of-way.

Parking access means the area of a parking lot that allows motor vehicle's ingress and egress from the street.

Parking area, private, means an open, hard-surfaced area, other than a street or alley, used for the parking of private passenger automobiles only, of occupants of the building or buildings for which the parking area is developed and is accessory to the building.

Parking area, public, means an open, hard-surfaced area, other than a street or alley, used for the storage of passenger automobiles and commercial vehicles under 1½-ton capacity and available to the public, whether for compensation, free or as an accommodation to clients or customers.

Parking lot means an off-street ground level area, usually surfaced and improved, for the temporary storage of motor vehicles.

Parking space, available, means space within a public or private parking area of not less than 180 square feet (nine feet by 20 feet) exclusive of access drives or aisles, ramps, columns or office and work areas, for the storage of one passenger automobile or commercial vehicle under 1½-ton capacity.

Particulate matter means a material, other than water, which is suspended in or discharged into the atmosphere in a finely divided form as a liquid or solid.

Performance standard means a criterion established to control noise, odor, smoke, toxic or noxious matter, vibration, fire and explosive hazards, or glare or heat generated by, or inherent in, uses of land or buildings.

Pervious surface means any material that permits full or partial absorption of stormwater.

Planned business center means any commercial development, consisting of one or more buildings containing two or more stores or offices, with an aggregate gross floor space of more than 50,000 square feet, which development may be planned or developed as a coordinated unit or which development may be characterized by an integrated arrangement of stores, offices, buildings and facilities, shall be consider as a single unit for all purposes within the meaning and scope of these regulations.

Planned development means a tract of land which is developed as a unit under single ownership or control, which includes two or more principal buildings and which is at least three acres. In residential districts, said planned development includes a group housing project (whether separately located or separated only, but completely by fire walls), where existing or contemplated street or streets and lot layouts make it impractical to apply the bulk regulations of these regulations to the individual units in such housing project.

Planning commission means the body, created by ordinance of the parish government, with the powers, functions and responsibilities set forth in R.S. 33:101-33:120.1, the parish ordinances and the parish Home Rule Charter.

Plant material means any plant including trees, vines, shrubs, ground covers and annuals or vegetation of any size, species or description.

Planting area means any area designed for landscape material installation having a minimum area of 25 square feet, with a minimum depth of five feet.

Porch means a roofed-over structure, projecting out from the wall of a main structure and commonly open to the weather in part.

Portable storage containers mean a portable, weather-resistant receptacle designed and used for the storage or shipment of household goods, wares, building materials or merchandise.

Preliminary plat means the plat which is to be the basis for all construction of improvements and is to receive preliminary approval by the planning commission prior to issuance of a work permit.

Premises means land and all buildings and structures thereon.

Principal use means the primary purpose or function that a lot serves or is intended to serve.

Processing means a series of operations, usually in a continuous and regular action or succession of action carried on in a definite manner.

Processing transfer station means a Type I-A or II-A solid waste processing facility where solid waste is transferred from collection vehicles, processed and placed in other vehicles for transportation (e.g., a facility that separates recyclables from industrial or putrescible waste streams).

Professional office means the office of a person engaged in any occupation, vocation or calling not purely commercial, mechanical or agricultural which a professed knowledge or skill in some department of science or learning is used by its practical application.

Public building means any building held, used or controlled exclusively for public purposes by any department or branch of government, state, county, parish or municipality, without reference as to the ownership of the building or of the realty upon which it is situated.

Public open space means any publicly-owned open area, including, but not limited to, the following: parks, playgrounds, school sites, parkways and streets.

Public utility means any person, firm or corporation duly authorized to furnish, under public regulation, to the public, electricity, gas, steam, telephone, telegraph, transportation, water or sewerage system.

Public way means any sidewalk, street, alley, highway or other public thoroughfare.

Pumping station means a facility for the transmission of water.

Pylon sign means a permanent, freestanding sign with a support structure enclosed with a skin or veneer whose height exceeds its width. Support structure shall not consist of a single pole.

Quarrying means the digging out of stone or slate from an open excavation.

Quorum means a majority of the full authorized membership of a board or agency.

Railroad right-of-way means a strip of land with tracks and auxiliary facilities for track operation, but not including depots, loading platforms, stations, train sheds, warehouses, car shops car yards, locomotive shops or water towers.

Rear yard means an open space, including driveways and parking areas, occupied other than by permitted accessory buildings or uses, extending from the rear building line of a principal building to the rear lot line, between the side building lines, projected to the rear lot line.

Recreation, active, means leisure time activities usually requiring equipment taking place at prescribed places or sites.

Recreation, passive, means any leisure time activity not considered active.

Rectilinear street system means a pattern of streets that is characterized by a right angle roadway grid pattern blocks and four way intersections.

Regional commercial/office center means a planned commercial or office development being designed by a single developer with a distinct identifying name/image bearing all of the following characteristics:

- (1) Located with at least 1,250 of frontage on the Interstate Highway System, inclusive of frontage roads constructed as part of the development and on/off ramps.
- (2) Property is located within an HC-3, PBC-1 or PBC-2 zoning classification where the combined adjacent area of the zoning districts is at least 100 acres in size.

Regional wastewater treatment facility means, as such relates to a community sewerage system, a sewage treatment facility that is designed, constructed, and authorized to treat more than 499,999 gallons per day of sewage.

Religious use means a structure or place in which worship, ceremonies and rituals pertaining to a particular system of belief are held.

Research laboratory means an establishment or other facility for carrying on investigation in the natural, physical or surreal sciences, engineering and development as an extension of investigation with the object of creating end products.

Residence means a home, abode or place where an individual is actively living at a specific point in time.

Residential solid waste means any solid waste (including garbage, trash, yard trash and sludges from residential septic tanks and wastewater treatment facilities) derived from households, including single and multiple residences, hotels and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds and day-use recreation areas.

Rest home or nursing home means a private home for the care of children or the aged or infirmed. Such home does not contain equipment for surgical care or for treatment of disease or injury and is not primarily developed for mental patients or alcoholics.

Restaurant means a business establishment whose purpose and primary function is to take orders for and serve food and food items for consumption primarily within the principal building and is equipped with, or will be equipped with, a permanent wet bar equipped with a nonmovable sink and a backbar or similar equipment for public display and to inform the public of brands and flavors for sale so as to qualify for the issuance of a Class A-General Retail permit where beverage alcohol is sold on the premises for consumption on the premises by paying customers.

Restaurant without lounge means a restaurant that shall not be permitted to be equipped with a permanent wet bar equipped with a nonmovable sink and a backbar or similar equipment for public display and to inform the public of brands and flavors for sale so as to qualify for the issuance of a Class A-General Retail permit where beverage alcohol is sold on the premises for consumption on the premises by paying customers. A premises that is issued, or otherwise qualifies for the issuance of, a Class A-General Retail permit shall not be considered a restaurant without a lounge.

Restrictive covenant means a restriction on the use of land set forth in a deed.

Resubdivision means the creation of one or more new lots or parcels from an existing parcel or further division of an existing subdivision or portion thereof.

Retail means establishments engaged in selling goods, merchandise or providing food or specific services to the general public for sale of such goods or services.

Retail food store means an establishment for the display and retail sale of foods and associated items.

Retirement center means a facility for the prolonged or permanent care of persons over 65 years of age.

Rezone means to change the zoning classification of particular lots or parcel of land.

Right-of-way (ROW) means a strip of land granting the right of passage over the strip of land specified, for the use of the public in the manner as defined and specified (a road, street, pipeline, drain, easement, etc.) on the plat by the developer.

Roof means an overhead structure used for protection or shielding from the sun, rain or other elements of weather.

Salvage means the utilization of waste material.

School means a building or part thereof designed, constructed or used for educational or instructional purposes.

Searchlight means a strong or bright light with a reflector in a swivel so that the beam may be sent or directed in various directions.

Seasonal use means a temporary use carried on for only a part of the year.

Separation facility means a Type III solid waste processing facility at which recyclables are separated from a nonputrescible solid waste stream for future use. The nonputrescible waste stream received by the separation facility shall not contain more than a de minimis amount of putrescible waste.

Septage means the contents of a septic tank, cesspool or other individual sewage-treatment facility that receives domestic-sewage wastes.

Septic system means an underground system with a septic tank used for the decomposition of domestic wastes.

Septic tank means a water lined receptacle that receives discharge of sewage from a building, sewer or part thereof, and is designed and constructed so as to permit settling of solids from this liquid, digestion of this organic matter and discharge of the liquid portion into a disposal.

Service street means a street upon which no lot fronts. (See *Alley*.)

Setback means the minimum horizontal distance between the street wall of a building and the street property line.

Sewage sludge means sludge resulting from treatment of wastewater from publicly or privately owned or operated sewage-treatment plants.

Shall. For purposes of construction of these regulations, the term "shall" in its usual signification denotes a mandatory duty. However, words and phrases shall be read with their context and shall be construed according to the common and approved usage of the language. Technical words and phrases, and such others as may have acquired a peculiar and appropriate meaning in the law, shall be construed and understood according to such peculiar and appropriate meaning. Except in those cases where the particular phrase or provision declares that the duty is mandatory, the determination of whether a requirement should be given mandatory or directory effect is to be based on a comparison of the results to which each such construction would lead. A mandatory provision generally prescribes, in addition to requiring the doing of the thing specified, the result that will follow if they are not done; whereas, if directory, their terms are limited to what is required to be done.

Shopping center means a group of commercial establishments planned, constructed and managed as a total entity with customer and employee parking provided on site. The provision of goods delivery is separated from customer access.

Shredder means a solid waste facility that reduces the particle size of solid waste by grinding, milling, shredding or rasping.

Shrub means a relatively low-growing bushy plant, usually with woody stems. For the purposes of this definition, ground cover, trees and annuals are not considered shrubs.

Side and rear yard planting area means an area of land between the property line and any vehicular use areas or building that is intended for the placement or preservation of landscape materials.

Sight obscuring screen means a 100 percent opaque visual screen with a minimum height of six feet, if nonliving material is used. Living material is used, it shall be at least 70 percent sight obscuring and be a minimum of four feet in height immediately after planting and shall consist of plants that reach a minimum of six feet in height at maturity.

Sight triangle means the triangular shaped portion of land established at either side of an accessway or public right-of-way intersections in which nothing is erected, placed, planted or allowed to grow in such a manner as to limit or obstruct the sight of motorists along the intersection with sides of a specific length each along the public right-of-way and/or accessway.

Sign means a medium of communication, including its structure and component parts, which is used or intended to be used to attract attention to its subject matter or location usually for advertising purposes, including paint on the surface of a building. Each distinctive message painted or placed on a building or other structure shall be considered an individual sign.

Sign, abandoned off-premises, means an abandoned off-premises sign which:

- (1) No longer correctly directs or exhorts any person;
- (2) Has fallen into disrepair or otherwise deteriorated as a result of a lack of maintenance, repair or upkeep; or
- (3) With regard to billboards, which carries no advertising message other than a message concerning its availability for lease or hire on its structure for any period of 180 consecutive days.

Sign, abandoned on-premises, means an abandoned on-premises sign which no longer correctly directs or exhorts any person, advertises a bona fide business, lessor, owner, entity, product or actively conducted, or product available on the premises where such sign is displayed.

Sign, address, means a sign which only convey the numeric address of the premises on which it is located.

Sign, attached, means an attached sign is any sign which is physically connected to and derives structural support from a building or building appurtenance.

Sign, audible, means an audible sign is any sign which is designed to or which does produce sound.

Sign, bench, means a bench sign is an advertising message on any portion of a bench or other nonmobile structure or device intended for public seating or convenience.

Sign, billboard, means a sign which directs attention to a business, commodity, service or entertainment, which is conducted, sold or offered at a location other than the premises on which the sign is located.

Sign, changeable message, means a changeable message sign is a sign on which the copy, message or sign panels may be, when specifically issued a permit as a changeable message changed either electronically or manually in the field through the removal, replacement or rearrangement of letters, symbols, blocks or panels designed for attachment to said sign.

Sign, construction, means a construction sign is a temporary sign erected and maintained by an architect, contractor, developer, financial institution, subcontractor or materials supplier upon premises for which said person or persons is presently furnishing labor, materials, services or capital financing.

Sign, directional, means signs limited to directional messages, principally for pedestrians or vehicular traffic.

Sign, directory, means a directory sign is an outdoor sign listing and identifying the occupants within shopping centers, industrial centers, retail centers, office centers, and other multiuse commercial or industrial sites.

Sign, flashing, means any illuminated sign on which the artificial light is not maintained stationary and constant in intensity and color at all times when such sign is in use. For the purpose of these regulations, any revolving, illuminated sign shall be considered a flashing sign.

Sign, for sale, (concerning real estate) means a temporary sign advertising the private sale of homes, businesses or parcels of land.

Sign, freestanding, means a freestanding sign is a sign supported by a sign structure secured in the ground and which is wholly independent of any guy wire, support wire, building, fence, vehicle or object other than the sign structure, for support.

Sign, ground, means a ground sign is a monument sign or a pole sign supported by a sign structure secured in the ground and which is wholly independent of any guy wire, support wire, building, fence, vehicle or object other than the sign structure, for support.

Sign, home occupation, means any on-premises sign advertising a home occupation.

Sign, identification, means an identification sign is a sign which is limited to the name, address, and/or number of a building or institution, person or entity which is primary to the identification of the premises and to a general statement of the activity carried on in the building or institution.

Sign, illuminated, means any sign which has characters, letters, figures, designs or outlines illuminated by an interior or exterior light source which is primarily designed to illuminate such sign.

Sign, individual letter, means any sign made of self-contained letters that are mounted directly on the face of a building, a parapet, a roof edge of a building or on or below a marquee without being attached to a structure defined herein as a sign face.

Sign, inflatable, means any sign dependent in whole or in part for its structural integrity on the infusion into said sign of compressed air or other fluids, specifically including balloons larger than two feet in diameter or two-foot-square in area or other gas- or helium-filled figures.

Sign, marquee, means any sign attached to and made part of a marquee. The term "marquee" is defined as a permanent roof-like structure projecting beyond a building wall at an entrance to a building or extending along and projecting beyond the building's wall and generally designed and constructed to provide protection against the weather. Signs painted or sewn onto awnings or canopies shall be considered marquee signs.

Sign, message, means the words or symbols on a sign face which convey a message to those viewing the sign.

Sign, monument, means a freestanding ground sign:

- (1) Which is of monolithic construction in which the sign's base or support is of uniform composition with the material comprising the sign area of said sign and the base or support of said sign is directly affixed in or to the ground;
- (2) The sign face of which is encompassed on the top, sides and bottom by a border or column of the same or compatible material which border or column is not less than 12 inches wide and not more than 24 inches wide, and which border or column complements and enhances the aesthetic effect of the sign; and
- (3) A double-faced monument sign shall be made of back-to-back sides unless visibility of such sign is impeded in which case the two sides may form a V shape in which the interior angle does not exceed 45 degrees.

Sign, moving, means a sign which changes physical portions by any movement or rotation or which gives the usual impression of such movement or rotation.

Sign, moving message or *changing image,* means any sign, including public service signs, designed to convey sign copy which changes in form or content with greater frequency than once an hour or which otherwise includes action or motion or the illusion of action or motion within its message or sign copy.

Sign, neon, means any white or colored tubular lighting bent or formed into a design or lettering of which the primary source of light is gaseous. Anything within the boundary of the outline of the neon will be considered a part of the sign face, not limited to the use of neon gas.

Sign, nonconforming. means any sign structure or sign which was lawfully erected and maintained prior to such time as it came within the purview of this Code or any amendments thereto and which fails to conform to all applicable regulations and restrictions of this Code, or a nonconforming sign for which a special permit has been issued.

Sign, off-premises. The following definitions are to be applied when considering regulations concerning billboards:

- (1) *On-premises outdoor advertising sign.* Any outdoor advertising; display; figure; painting; drawing; message; plaque; poster; billboard; or any other thing which is designed, intended, or used to advertise or inform, any part of which advertising or informational content is visible from any place on the main traveled way of any public highway system. The term includes signs advertising or identifying only on-premises products, services, or activities sold, produced or furnished on the premises and provided further that the advertising relates to a primary activity on the premises and the owner of the premises does not receive income from the advertising; such on-premises advertising structures is exempt from the provisions of these minimum standards and none of the terms or conditions shall be applicable thereto. Provided, however, that should the owner of the premises receive income therefrom, such outdoor advertising structures shall be classified as commercial and shall be deemed to have the status of an off-premises outdoor advertising sign for the purpose hereof and same in subject to all of the terms and conditions of these standards.
- (2) *Off-premises outdoor advertising sign.* Any outdoor structure, display, figure, painting, drawing, message, plaque, poster, billboard, or any other thing which is designed, intended or use to advertise or inform, any part of which is visible from any place on the main traveled way of any public highway system; provided that such signs advertise or identify, in whole or in part, any off-premises products, services, or activities.
- (3) *Distance between structures.* Spacing and the measurement thereof is the measurement in feet along the nearest edge of the pavement or surface between points directly opposite the signs on each side of the highway and shall apply only to structures located along the same side of the highway, spacing restrictions shall apply to property facing on the highway or interstate system and all other property within 200 feet of the nearest edge of the right-of-way of the highway or interstate which is zoned to permit outdoor advertising signs. For the purposes hereof, each side of the state and federal highway or interstate system shall be considered separately.
- (4) *Height.* The elevation measured in feet from either the ground level of the sign at its support or the nearest edge of the main traveled way, whichever is higher.
- (5) *Lighting.* The illumination of whatsoever nature or kind which is attached to, connected with or designed on or off-structure to provide or enhance visibility for any off-premises outdoor advertising; same included: flood lights, thin line or goose neck reflectors.

- (6) *Setback.* The minimum distance measured in feet as to the location of an off-premises sign from the highway right of way or the setback of an existing building.
- (7) *Sight line.* The triangular area formed by the right-of-way line and a line connecting them at points specified herein.
- (8) *Size.* The maximum area as measured in square feet, inclusive of any border or trim but excluding the base or apron, supports and other structural members; the area shall be measured by the smallest square, rectangle, triangle, circle or combination thereof which shall encompass the entire sign; the maximum size limitations shall apply to each side of the sign structure; and signs may be placed back to back or in V-type construction with not more than one display on each facing, and such sign structure shall be considered as one.

Sign, on-premises, means a sign identifying or advertising a business, person, firm, corporation, activity, goal, product or service located or available on the premises where the sign is installed and maintained or which is displayed and maintained by the owner or occupant of the premises on which it is located.

Sign owner means that person who owns a sign and/or who is responsible for a sign. In those cases in which the sign owner cannot be determined; the owner of the premises upon which the sign is located shall be deemed the owner of the sign.

Sign premises means the contiguous land in the same ownership which is not divided by any highway, street, alley or right-of-way. For purposes of this article a single premises:

- (1) May include more than one lot of record when such lots are devoted to a single unit of use; or
- (2) May consist of a separate structure on the same lot of record when, in the opinion of the department of planning and development, such separate structure appears to be a separate premises.

Sign, parapet, means a sign extending above a roof line or which serves as a parapet.

Sign, pole, means a ground sign:

- (1) The structure of which consists of one or more vertical poles which are partially placed in the ground for stability, and which may have a horizontal pole at or near the top of a single vertical pole and which may be joined together by a horizontal pole;
- (2) The sign face or faces of which are attached to the vertical poles and/or horizontal pole and may be chained, cabled or attached to the vertical poles; and
- (3) The sign faces of which do not touch the ground and, therefore, leave an open space between the bottom of the sign face and the ground.

A pole sign cannot be connected to or affixed to a building.

Sign, political, means any sign urging the election or defeat of any candidate seeking any political office, or urging the passage or defeat of any ballot measure, but not including any billboard owned or maintained by a commercial firm or advertising company when leased or used as a political sign.

Sign, portable, means any sign other than a trailer or vehicle sign that is not permanently affixed to a building, structure or the ground or a sign designed to be moved from place to place. These signs primarily include, but are not limited to: A frame or sandwich board signs, signs attached to wood or metal frames, and signs designed to be self-supporting and moveable.

Sign, private directional, means on-premises signs directing vehicular or pedestrian traffic movement into a premises or within premises.

Sign, project, means a temporary sign announcing a proposed land development or construction project.

Sign, projected, means a sign or visual image created by the projection of light onto a surface.

Sign, projecting, means any sign other than a wall sign affixed to any building or wall which sign has a leading edge extending 12 inches or more beyond such building or wall. Projecting signs are of two types:

- (1) *Fixed*. A projection other than a wall which extends outward 12 inches or more from the facade of any building and is rigidly affixed thereto.
- (2) *Swinging*. A sign projecting 12 inches or more from the outside wall or walls of any building which is supported by only one rigid support affixed thereto.

Sign, public directional, means either:

- (1) Signs permanently or temporarily erected in the public right-of-way or on public property with the approval of the parish council which denote the name or route to any educational institution, public building or facility, historic place, shrine, church, synagogue, hospital, library or similar facility or institution; or
- (2) Signs permanently or temporarily erected identifying a person or entity who has undertaken to plant or maintain landscaping of that portion of the right-of-way.

Sign, public service, means a sign, the primary purpose of which is to provide information as a service to the general public such as time, temperature or the promotion or announcement of public events, or other events of a civic, philanthropic, charitable or religious purpose of general interest to the public.

Sign, real estate, means a real estate sign is any temporary sign pertaining to the sale, lease or rental of land or buildings, which is erected or displayed on the lot or parcel to which it applies.

Sign, resident identification, means a resident identification sign is any on-premises sign limited in content to no more than the name of the premises, its municipal address and the names of the present occupant or occupants of the premises.

Sign, revolving or rotating, means a revolving or rotating sign is any sign whose sign face is designed to move or turn on any axis.

Sign, roof, means a roof sign is any sign erected or painted upon, against or directly above a roof or on top of or above the parapet of a building.

Sign, snipe, means a snipe sign is a sign which is tacked, nailed, posted, pasted, glued or otherwise attached to poles, stakes, fences, or to other like objects.

Sign, street banner, means a street banner sign is any banner sign which is stretched across and hung over a public right-of-way.

Sign structure, means a sign structure is the supporting structure upon which a sign or sign face is fastened, attached or displayed or is intended to be fastened, attached or displayed; provided however, this definition shall not include a building or fence.

Sign, temporary, means any sign, the display of which is limited by law, ordinance, or regulation and which advertises a situation or event that is designed, intended, or expected to occur and be completed within a reasonably short or definite period after the erection of such sign.

Sign, trailer, means a trailer sign is any sign or sign structure attached to or composed in whole or in part of a trailer frame or chassis or skid or skid frame or body or of any materials which have ever previously constituted in whole or in part such a trailer, skid, frame, chassis or body.

Sign, vehicle, means a vehicle sign is any sign displayed on or from any mode of transportation, including but not limited to cars, buses, trucks/trailers, trains, boats, or airplanes.

Sign, wall, means a wall sign is a sign other than a parapet sign which is painted on or which projects less than 12 inches from the wall of a building, and is painted on, attached to or erected against any exterior wall or window of a building or structure with the exposed face of the sign being in a plane parallel to the plane of said wall or window and not extending above the building.

Sign, window, means a window sign is any sign which is painted on, applied to, attached to or projected upon the exterior or interior of a building glass area, including doors, or located within one foot of the interior of a building glass area, including doors, whose identification, message, symbol, insignia, visual representation, logo type or any other form which communicates information, can be perceived from any off-premises contiguous property or public right-of-way.

Sign area means the area of a sign shall be defined as the square foot area enclosed within the perimeter of the sign face with each face contributing to the aggregate area of any sign. With respect to signs which are composed of individual symbols, letters, figures, illustrations, messages, forms or panels, the sign area shall be defined as that area enclosed by one continuous line connecting the extreme points or edges of the advertising message. In cases where there is no definable simple geometric shape, the simplest geometric shape or rectangle enclosing the outer edges of the advertising message shall determine the sign area. In cases of back-lighted awnings with advertising messages, the entire area of the awning shall be considered as the sign area.

Sign face means the part of the sign that is or can be used to identify, advertise, communicate, inform or convey a visual representation which attracts the attention of the public for any purpose. The term "sign face" includes any background material, panel, trim, frame, color and direct or self-illumination that differentiates the sign from the building, structure, backdrop surface or object upon which or against which it is placed. The sign structure shall not be included as a portion of the sign face provided that no message, symbol or any of the aforementioned sign face criteria are displayed on or designed as part of the sign structure, unless it is outlined in neon.

Sign height means the vertical distance from the finished grade to the highest point of either the sign or sign structure.

Signable area means an area which is free of architectural details on the facade of a building or part of a building in which an activity is located.

Single-family means one dwelling unit located on a lot.

Single-plane lens means a refractor of lens, mounted in the horizontal plane which allows direct light to be emitted only through the horizontal plane.

Site means the physical location, including land area and appurtenances, of an existing or proposed storage, processing, or disposal facility. A site may consist of a number of facilities, each subject to a permit to process or dispose of solid waste.

Skateboard park means a building, structure or open area containing or developed with slopes, hills, passageways and other challenges where people use skate boards to practice the sport for a fee, rental or sale of skate boards. Related equipment may be included.

Sludge means residue produced by or precipitated from a treatment process.

Solar energy means radiant energy received from the sun at wave lengths suitable for heat transfer, photo-synthetic use, or photovoltaic use.

Solid waste means any garbage, refuse, or sludge from a waste treatment plant, water-supply treatment plant, or air pollution-control facility, and other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, mining,

and agricultural operations, and from community activities. The term "solid waste" does not include solid or dissolved material in domestic sewage; solid or dissolved materials in irrigation return flows or industrial discharges that are point sources as specifically described in the definitions section of LAC 33.

Solid waste management facility means a facility which collects, transports, stores, processes or disposes of any garbage, refuse, or sludge from a waste treatment plant, water-supply treatment plant, or air pollution-control facility, and other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, mining, and agricultural operations, and from community activities, including but not limited to construction debris landfills, nonprocessing transfer station, processing transfer station, compost facility, separation facility (recycling facility), sewage treatment facility, septage treatment facility, municipal solid waste landfill, industrial solid waste facility and incinerator.

Specialty food processing means the use of a site for the production of a prepared food or foodstuff for wholesale distribution in a structure with not more than 20,000 square feet. This use includes wholesale bakeries, commercial kitchens, produce and other specialty food processing or packaging shops. All processing must be conducted within an enclosed structure.

Specified anatomical areas means a less than completely and opaquely covered:

- (1) Human genitals or pubic region;
- (2) Human buttocks;
- (3) Human female breasts below a point immediately above the top of the areola.

Specified sexual activities means:

- (1) Human genitals in a state of sexual stimulation, arousal or swelling;
- (2) Acts of human anilingus, bestiality, buggery, cunnilingus, coprophagy, coprophilia, fellatio, flagellation, masochism, masturbation, necrophilia, pederasty, pedophilia, sadism, sadomasochism, sapphism, sexual intercourse, sodomy, urolagnia or zoerasty;
- (3) Fondling or other erotic touching of human genitals, pubic region, buttocks, anus or female breast; and
- (4) Excretory functions as part of or in connection with any of the activities.

Stable means a structure that is used for the care of horses.

Stadium means a large open or enclosed place used for games and major events and partly or completely surrounded by tiers of seats for spectators.

Start, commencement, means the first placement of building forms or the placement of structural supports, i.e., pilings or tiers, or other structural supports on the site such as footings. For mobile homes, the start of construction shall be considered the placement of the mobile home on the site.

Store means a use or building devoted exclusively to the retail sale of a commodity or commodities.

Storefront means the facade of a space in a building, regardless of the type use of the space, which space must have a direct entrance, by door, from the exterior of the building through the facade, and which facade must face a street or a parking lot for the building.

Story means that portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is not floor above it, then the space between the floor and the ceiling next above it. Any portion of a story exceeding 14 feet in height shall be considered as an additional story for each 14 feet or fraction thereof.

Story, half, means that portion of a building under a gable, hip or mansard roof, the wall plates of which, on at least two opposite exterior walls, are not more than 4½ feet above the finished floor of such story. In the case of multiple-family dwellings three or more stories in height, a half-story shall be counted as a story.

Street means all property dedicated or intended for public highway, freeway or roadway purposes or subject to public easements thereof.

Street line or right-of-way line means the dividing line between a lot, its property line or lines, and a public right-of-way, a public street, road, or highway; or a private street, road or highway, over which two or more abutting owners have an easement or right-of-way.

Street planting; area. See the definition in section 130-1873(a).

String of lights means a string of electrical conductors containing two or more lights or light sockets.

Structural alterations means any change in either the supporting members of a building, such as bearing walls, columns, beams, or girders, or in the roof and exterior walls.

Structure means anything constructed or erected, the use of which requires permanent location on the ground or attached to something having a permanent location on the ground, including but without limiting the generality of the foregoing, to advertising signs, billboards, back stops for tennis courts and pergolas.

Structure, portable, means a structure of a temporary nature which is designed to be removable from a site. Examples include portable buildings, tents and trailers.

Subdivider. See *Developer*.

Subdivision means the division of a lot, tract or parcel of land into two or more tracts, parcels or other divisions of land in accord with R.S. 33:101—33:120.1.

Subdivision restrictions means restrictive covenants to be legally recorded which the developer places upon the use of the lots by future owners for the well-being of all owners, to protect values and to prevent abuses and nuisances that would disturb other occupants in the subdivision.

Swim, golf or tennis club means a voluntary or corporate association owned solely by its members, the objectives, pursuits, and purposes of which are social or recreational, operating or formed for the purposes of operating a club on a membership basis and not operated for profit, the principal facilities of which shall be a swimming pool or pools, golf course and/or tennis court or courts owned by it and maintained on land owned or leased by it, and which may maintain and operate on the same premises such accessory facilities owned by it as are usually provided by a swim, golf or tennis club.

Technical school means a business enterprise offering instruction and training in a trade such as welding, bricklaying, machinery operation and other similar trades or crafts.

Telephone exchange means an unattended telephone switching or transmitting service.

Temporary outdoor light means the specific illumination of an outside area or object by any manmade device located outdoors that produces light by any means for a period of less than 45 days, with at least 180 days passing before being used again.

Temporary use. See *Use, temporary*.

Tentative plan means a generalized conceptual plan or plans designating the proposed development by showing the lot and street layout and the surrounding land uses.

Theater means a building or part of a building devoted to showing motion pictures or for dramatic, musical or live performances.

Through lot means a lot having its front and rear lot lines on adjacent and substantially parallel streets, otherwise known as a double-frontage lot.

Top soil means the organic upper layer soil material to a depth of six inches which is usually darker and richer than the subsoil.

Tot lot means an improved and prepped play area for small children usually up to elementary school age.

Tower/radio, television or microwave means a structure supporting antennae that transmit or receive any portion of the electromagnetic spectrum.

Townhouse means a single-family dwelling constructed as part of a series of dwellings, all of which are either attached to the adjacent dwelling or dwellings by party walls or are located immediately adjacent thereto with no visible separation between walls or roofs.

Transfer station (nonprocessing). See *Nonprocessing transfer station*.

Transfer station (processing). See *Processing transfer station*.

Transport means to move industrial solid waste off-site and/or to move solid waste of a commercial establishment or more than one household to a transfer station or processing or disposal facility.

Transportation terminal means any building or area of land in which or upon which a business, service, or industry involving the maintenance, servicing, storage or repair of commercial vehicles is conducted or rendered including the dispensing of motor fuel or other petroleum products directly into motor vehicles, the sale of accessories or equipment for trucks and similar commercial vehicles. This use may also include overnight accommodations and restaurant facilities solely for the use of truck crews.

Transporter means any person who moves industrial solid waste off-site and/or who moves solid waste of a commercial establishment or more than one household to a transfer station or processing or disposal facility.

Trash means nonputrescible refuse including, but not limited to, white goods, furniture, and wood and metal goods.

Tree, class A, means any self-supporting woody plant of a species which normally grows to an overall height of a minimum of 50 feet, usually with one main stem or trunk although some species may have multiple trunks, and with many branches. A list of class A native trees can be found in section 130-1880(b).

Tree, class B, means any self-supporting woody plant of a species which normally grows to an overall height of a minimum of 25 feet, with one or more main stems or trunks and many branches. A list of species considered to be class B native trees can be found in section 130-1880(c).

Tree preservation means the preservation of existing trees on a parcel of property through the development and construction process. For tree preservation, the following definitions shall apply:

- (1) *Unimproved land.* Where no grading, street surfacing, curbs, gutters, sidewalks, water mains, fire hydrants, sanitary sewers, storm sewers, culverts and/or other improvements to the natural state of the land have not occurred and occupancy permits have not yet been given or public improvements accepted.
- (2) *Partially improved land.* Where grading, street surfacing, curbs, gutters, sidewalks, water mains, fire hydrants, sanitary sewers, storm sewers, culverts and/or other improvements to the natural state of the land have occurred but occupancy permits have not yet been given or public improvements accepted.
- (3) *Tree removal.* Any act by which a tree is caused to no longer live. Included is any act which causes a tree to die within a period of two years, including, but not limited to,

damage inflicted upon the root systems by machinery, storage of materials and solid compaction; changing the natural grade above the root system or around the trunk; damage indicated on the tree permitting infection or pest infestation; excessive pruning; paving with concrete, asphalt or other impervious material within the proximity as to be harmful to the tree.

- (4) *Improved land.* Where grading, street surfacing, curbs, gutters, sidewalks, water mains, fire hydrants, sanitary sewers, storm sewers, culverts and/or other improvements have occurred and occupancy permits have been given and public improvements accepted.

Tree root zone means that area that extends outward from the trunk to the drip line of the tree.

Truck stop. See *Transportation terminal*.

Type I facility means a facility used for disposing of industrial solid wastes (e.g., a landfill, surface impoundment, or landfarm). If the facility is used for disposing of residential or commercial solid waste, it is also a type II facility.

Type I-A facility means a facility used for processing industrial solid waste (e.g., a transfer station (processing), shredder, baler, etc.). If the facility is used for processing residential or commercial solid waste, it is also a type II-A facility.

Type II facility means a facility used for disposing of residential and/or commercial solid waste (e.g., a landfill, surface impoundment, or landfarm). If the facility is used for disposing of industrial solid waste, it is also a type I facility.

Type II-A facility means a facility used for processing residential, infectious, or commercial solid waste (e.g., a transfer station (processing), composting municipal solid waste facility, refuse-derived fuel facility, shredder, baler, autoclave, etc.). If the facility is used for processing industrial solid waste, it is also a type I-A facility.

Type III facility means a facility used for disposing or processing of construction/demolition debris or woodwaste, composting organic waste to produce a usable material, or separating recyclable wastes (e.g., a construction/demolition-debris or woodwaste landfill, separation facility, or composting facility).

Understory plants means an underlying layer of low vegetation including all shrubs and trees 35 feet or smaller.

Undeveloped land means land in its natural state before development.

Unobstructed open space means land not covered by buildings or structures.

University means an accredited academic institution of higher learning beyond the level of secondary school.

Uplighting means any light source that distributes illumination above a 90-degree horizontal plane.

Use means any activity, occupation, business or operation carried on within a building, structure or on a tract of land.

Use, compatible, means a use which is capable of existing in harmony with other uses situated in its immediate vicinity.

Use, conditional, means a use which may be permitted in a district through the granting by the zoning commission of a special exception upon a finding by the board that it meets special conditions.

Use, incompatible, means a use which is incapable of existing in harmony with other uses situated in its immediate vicinity.

Use, nonconforming. See *Nonconforming use*.

Use, permitted, means a use which may be lawfully established in a particular district or districts, provided it conforms with all requirements, regulations and performance standards (if any) of such district.

Use, principal, means the main use of land or buildings as distinguished from a subordinate or accessory use. A principal use may be either "permitted" or "conditional."

Use, temporary, means a use established for a fixed period of time with the intent to discontinue such use upon the expiration of the time period.

Utility means establishments engaged in the generation, transmission, and/or distribution of electricity, gas or steam, including water and irrigation systems, sanitary systems used for the collection and disposal of garbage, sewage and other wastes.

Utility servitude. See *Easement*.

Variance means a departure from the provisions of a zoning ordinance relating to setbacks, site yards, frontage requirements, and lot size, but not involving actual use of structure. Lot size variances are limited to five percent of the required lot size.

Vehicular access area means driveways, accessways, parking areas and other areas which vehicles use.

Veterinary clinic, small animal, means an establishment used by veterinarians, or practitioners in related specialties, for the purpose of practicing veterinary medicine and where small animals are admitted for examination or treatment, and less than 20 animals are lodged or kept overnight. Limited laboratory and other diagnostic services may be offered on an outpatient basis. For the purpose of this section, small animals shall include but may not be limited to the following domestic animals: dogs, cats, rabbits, hamsters and birds. Reptiles, lizards, hoofed animals, exotic birds or animals and wild animals shall not be considered as small animals.

Veterinary hospital means an establishment used by veterinarians, or practitioners in related specialties, for the practice of veterinary medicine where small animals are admitted for examination or treatment and greater than 20 animals are lodged or kept overnight. Limited laboratory and other diagnostic services may be offered on an outpatient basis. For the purpose of this section, small animals shall include the following domestic animals: dogs, cats, rabbits, hamsters and birds. Reptiles, lizards, hoofed animals, exotic birds or animals and wild animals shall not be considered as small animals.

Warehouse means a building used primarily for storage of goods and materials.

Warehousing, mini, means a structure containing separate storage space of varying sizes leased or rented on an individual basis. (See also *Warehousing, public*.) Individual storage units may not exceed 500 square feet in size.

Warehousing, private, means terminal facilities operated for a specific commercial establishment or group of establishments in a particular industrial or economic field usually including distribution centers.

Warehousing, public, means terminal facilities available to the general public at a fee for the storage of furniture, household goods, commercial or private goods of any nature.

Wastewater treatment facilities means a regional wastewater treatment facility or a limited wastewater treatment facility, either and both of which as defined in this section.

Wholesale broker/agent means establishments or places of business primarily engaged in selling merchandise to retailers, to industrial, commercial, institutional, professional business uses, other wholesale brokers or agents; or selling such merchandise to such individuals or companies.

Wholesale storage. See *Warehousing, private*.

White goods means discarded domestic and commercial appliances, such as refrigerators, ranges, washers, and water heaters.

Woodwaste means yard trash and types of waste generated by land and right-of-way clearing operations, sawmills, plywood mills, and woodyards associated with the lumber and paper industry, such as wood residue, cutoffs, wood chips, sawdust, wood shavings, bark, wood refuse, woodfired boiler ash, wood ash, and plywood or other bonded materials that contain only polyurethane, phenolic-based glues, or other glues that are approved specifically by the administrative authority. Uncontaminated, un-treated or unpainted lumber or wooden pallets are considered woodwaste under this definition.

Yard means an open space on the same zoning lot with a principal building or group of buildings which is unoccupied and unobstructed from its lowest level upward, except as

otherwise permitted in these regulations and which extends along a lot line and at right angles thereto to a depth or width specified in the yard regulations for the district in which the zoning lot is located.

Yard, front, means a yard extending across the full width of the zoning lot in accordance with the setback requirements of these regulations. (See definition of *Setback*.) Corner lots: see definition for *Corner lots*.

Yard, rear, means a yard which is bounded by side lot lines, rear lot lines and rear yard line.

Yard, rear, depth of, means the mean horizontal distance between the rear line of the buildings and the centerline of the alley, where an alley exists, otherwise the rear lot line.

Yard, side, means a yard which is bounded by the interior side lot line, side yard line, the front building line and rear yard line.

Yard line, front. See *Building line*.

Yard line, rear, means a line or lines in a lot which is parallel to the rear lot line or lines which is not nearer to the rear lot line or lines at any point than the required rear yard depth.

Yard lines, side, means a line in a lot which is parallel to the side lot line and which is not nearer to the side lot line at any point than the required side yard depth.

Yard lines, side adjoining a street, means a line in a lot which is parallel to the lot line adjoining a street and which is not nearer to the lot line adjoining the street at any point than the depth of the front yard for that lot, unless otherwise permitted in this or other ordinances.

Yard trash means vegetative matter resulting from landscaping, maintenance, or land-clearing operations, including trees and shrubbery, leaves and limbs, stumps, grass clippings, and flowers.

Youth camp means any parcel or parcel of land having the general characteristics of a camp as the term is generally understood, used wholly or partially for recreational or educational purposes and accommodating five or more children under the age of 18, for a period of, or portions of, two days or more and including a site that is operated as a day camp or as a resident camp.

Zoning commission means that body of appointed officials granted the authority to administer land use regulations in accordance with title 33, Sections 101 through 119, Louisiana Revised Statutes Annotated (R.S. 33:101—33:119), as amended, and under title 33, sections 4776.40 through 4776.50, Louisiana Revised Statutes Annotated (R.S. 33:4776.40—33:4776.50), as amended, the St. Tammany Parish Home Rule Charter Commission, adopted under the authority of article VI, section 5, of the Constitution of Louisiana and R.S. 33:1395, as amended, and this article I of these regulations.

Zoning lot means a lot or parcel of land that meets the minimum lot area and frontage requirements of the zoning district wherein the zoning lot is located.

Zoning map. See *Official zoning map*.

Zoning parcel means a plot of ground, made up of one or more zoning lots, which is or may be occupied by a use, building or buildings including the open spaces required by these regulations.

(Code 1998, app. C, art. 2; Ord. No. 07-1548, art. 2, 5-3-2007; Ord. No. 09-2169, 12-3-2009; Ord. No. 10-2217, 3-4-2010; Ord. No. 10-2232, 4-1-2010; Ord. No. 10-2246, 4-1-2010; Ord. No. 10-2290, 7-1-2010; Ord. No. 10-2364, 11-4-2010; Ord. No. 10-2366, 11-4-2010; Ord. No. 11-2523, 5-5-2011; Ord. No. 11-2547, 7-7-2011; Ord. No. 14-3117, 4-3-2014; Ord. No. 14-3182, 9-4-2014; Ord. No. 14-3241, 11-6-2014; Ord. No. 17-3659, exh. A(2), 1-5-2017)

Secs. 130-6—130-28. Reserved.

ARTICLE II. ADMINISTRATION AND ENFORCEMENT

DIVISION 1. GENERALLY

Sec. 130-29. Administrative official.

The administrative official shall be director of the department of planning and development or his designee as appointed by the parish president. He may be provided with the assistance of such other persons as necessary. If the director of the department of planning and development finds that any of the provisions of are being violated, he shall notify in writing the persons responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings or structures, or of additions, alterations, or structural changes thereto; discontinuance of any illegal work being done; or shall take other action authorized by to ensure compliance with or to prevent violation of its provisions.

(Code 1998, app. C, § 3.0101; Ord. No. 07-1548, § 3.0101, 5-3-2007)

Sec. 130-30. Fee schedules.

Fees for site plan review shall be as required by chapter 2, article XVII.

(Code 1998, app. C, § 3.0102; Ord. No. 07-1548, § 3.0102, 5-3-2007)

Sec. 130-31. Duties of administrative official and board of adjustments.

(a) *Intent.* It is the intent of these regulations that all questions of interpretation and enforcement shall be first presented to the administrative officials and that such questions shall be presented to the board of adjustment only on appeal from the decision of the administrative officials, and that recourse from the decision of the board of adjustments shall be to the courts as provided in the Louisiana Revised Statutes, as amended.

(b) *Enforcing officer.* The director of the department of planning and development shall be the chief zoning official responsible charged with the interpretation, administration, and enforcement of these regulations. The director of the department of planning and development may designate staff members to assist in the administration or interpretation of these regulations.

(Code 1998, app. C, § 3.0103; Ord. No. 07-1548, § 3.0103, 5-3-2007)

Sec. 130-32. Board of adjustment.

(a) *Creation of board.*

- (1) There is herewith recreated and reestablished a board of adjustment for the parish pursuant to the authority granted in Act 518 of 1954.
- (2) The board of adjustment shall consist of five members who shall be freeholders and qualified voters. The membership of the first board shall serve respectively, one for one year, one for two years, one for three years, one for four years, and one for five years.
- (3) Thereafter, members shall be appointed for terms of five years each. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant.
- (4) All appointments shall be made by resolution of the parish council.
- (5) All members shall be removable for cause by the appointment authority upon written charges and after public hearings; provided however that any member who shall be absent for three consecutive meetings, regardless of cause, shall be deemed to have removed himself from membership on the board and that appointment shall be automatically vacated as a result of such nonattendance.
- (6) The board shall elect its own chairperson from its membership. The chairperson shall serve for one year.
- (7) The board shall adopt rules in accordance with provisions of any ordinance adopted pursuant to this act. Meetings of the board shall be held at the call of the chairperson and at such other times as the board may determine. Such chairperson, or in his absence the acting chairperson, may administer oaths and compel the attendance of witnesses. All meetings of the board shall be open to the public. The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating that fact and shall keep records of its examinations and other official actions, all of which shall be filed immediately in the office of the board and shall be public record. All testimony, objections thereto and rulings thereon, shall be taken down by a reporter employed by the board for the purpose. Appeals to the board of adjustment may be taken by any person aggrieved or by an officer, department, board or bureau of the parish affected by any decision of the department of planning and development and/or the department of permits and regulatory.

- (8) Such appeal shall be taken within a reasonable time, as provided by the rules of the board, by filing with the department from whom the appeal is taken and with the board of adjustment a notice of appeal specifying the grounds thereof. The department from whom the appeal is taken shall forthwith transmit to the board all the papers constituting the record upon which the action appealed from was taken.
 - a. An appeal stays all proceedings in furtherance of the action appealed from unless the department director from whom the appeal is taken certifies to the board of adjustment after the notice of appeal shall have been filed with him, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril of life or property. In such case, the proceeding shall not be stayed otherwise than by a restraining order which may be granted by the board of adjustment or by a court of record on application or notice to the officer from whom the appeal is taken and on due cause shown.
 - b. The board of adjustment shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the interested parties, and decide the same within a reasonable time. Upon the hearing any party may appear in person or by agent or by attorney.
- (b) *Powers of the board.*
 - (1) The board of adjustment shall have the following powers:
 - a. To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the department of planning and development and/or the department of permits and regulatory in the enforcement of Act 518 of 1954 of the state legislature or of any ordinance adopted pursuant thereto.
 - b. To hear and decide all matters referred to it or upon which it is required to pass under such ordinance.
 - c. In passing upon appeals, where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of such ordinance, to vary or modify the application of any of the regulations or provisions of such ordinance relating to the construction or alteration of buildings or structures so that the spirit of the ordinance shall be observed, public safety and welfare secured, and substantial justice done.
 - (2) In exercising the above mentioned powers such board may, in conformity with the provisions of this act, reverse or affirm wholly or partly or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have the powers of the department from whom the appeal is taken.

(c) *Voting.* The concurring vote of four members of the board shall be necessary to reverse any order, requirement, decision or determination of any such administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under any such ordinance, or to effect any variation in such ordinance.

(d) *Secretary.* The board shall have the power and authority to appoint a secretary who shall not necessarily be a member of the board, in which event the salary of such secretary shall be fixed by the board. It shall be the duty of the secretary to keep a true and correct record of all proceedings at such meetings, both general and special of said board, in a book or books, to be kept specifically for that purpose. Certified copies of the minutes of all such proceedings shall be furnished to the chairperson of the planning commission.

(e) *Appeals from the board of adjustment.* Any person or persons jointly or severally aggrieved by any decision of the board of adjustment, or any officer, department, board or bureau of the said parish, may present to the district court of the parish a petition duly verified, setting forth that such decision is illegal, in whole or part, specifying the grounds of the illegality. Such petition shall be presented to the court within 30 days after the filing of the decision in the office of the board. Upon the presentation of such petition, the court may allow a writ of certiorati directed to the board of adjustment to review such decision of the board of adjustment and shall prescribe therein the time within which a return less than ten days and may be extended by the court. The allowance of the writ shall not stay proceedings upon the decision appealed from but the court may, on application or notice to the board and due cause shown, grant a restraining order. The board of adjustment shall not be required to return certified or sworn copies thereof or such portions thereof as may be called for by such writ. The return shall concisely set forth such other facts as may be pertinent and material to show the grounds of the decision appealed from and shall be verified. If, upon the hearing, it shall appear to the court that testimony is necessary for the proper disposition of the matter, it may take additional evidence or appoint a referee to take such evidence as it may direct and report the same to the court with his findings of fact and conclusion of law, which shall constitute a part of the proceedings upon which the determination of the court shall be made. The court may reverse or affirm, wholly or in part, or may modify the decision brought up for review. Costs shall not be allowed against the board unless it shall appear to the court that it acted with gross negligence, or in bad faith, or with malice in making the decision appealed from. All issues in any proceedings under this section shall have preference over all other civil actions and proceedings.

(Code 1998, app. C, § 3.0104; Ord. No. 07-1548, § 3.0104, 5-3-2007)

Secs. 130-33—130-52. Reserved.

DIVISION 2. AMENDMENT OF REGULATIONS

Sec. 130-53. Amendments or changes to development regulations or district map.

(a) The parish council may, from time to time, amend, supplement or change the regulations, restrictions, zoning districts, or boundaries as subsequently established in accordance with the provisions of this section.

(b) No amendment, supplement or change of the development regulations shall become effective unless and until there shall have been held a public hearing in relations thereto before the zoning commission at which parties in interest and citizens shall have had an opportunity to be fully heard.

(c) Notice of such public hearings by the zoning commission shall give the time and place of hearing and shall be published once a week in three different weeks in the official journal of the parish, together with a similar publication in a newspaper of general circulation in the area wherein the property is located, as determined by the director of planning and development. At least 30 days' notice of time and date of the public hearing shall be published in the official journal. Should there be no official journal, then the publication in the newspaper of general circulation in the area wherein the property is located shall be sufficient.

(Code 1998, app. C, § 3.0201; Ord. No. 07-1548, § 3.0201, 5-3-2007)

Sec. 130-54. Amendments or changes.

Amendments or changes may be initiated in the following ways:

- (1) By action of the parish council itself by introduction of an ordinance or by adoption of a resolution or motion;
- (2) Upon recommendation by the zoning commission, after determination by the planning and development director that the amendment, or supplement or change to the regulations, restriction, zoning district or boundaries should be made; or
- (3) On application or petition of property owners, by filing through the planning and development department, to the standards and requirements of the planning and development director a petition to amend or change the comprehensive zoning ordinance, provided that no petition for change in the classification of property shall be considered or acted upon unless such petition is duly signed by the owners or authorized agents of not less than 50 percent of the area of the land for which a change of classification is requested; provided, however, that where any lot located in the afore-said area is owned in division, all co-owners or their authorized agents must sign and petition for that lot to be included in the 50 percent provision.

(Code 1998, app. C, § 3.0202; Ord. No. 07-1548, § 3.0202, 5-3-2007)

Sec. 130-55. Notice requirements.

(a) For all proposed changes, except comprehensive zoning changes and text changes, a printed notice in bold type shall be posted for not less than 15 consecutive days prior to the public hearing conducted by the parish zoning commission on signs not less than one square foot in area, prepared, furnished, and placed by the director of planning and development or his designated appointee upon the principal and accessible rights-of-way adjoining the area proposed for a zoning change. Said signs shall contain the case number, the time and place of the public hearing as provided above. The parish council shall take no action until it has received the final report of the zoning commission.

(b) No such posting is required of the area within or adjoining an area to be affected by any proposed text change provided there is compliance with the publication requirements set above.

(c) Comprehensive rezoning proposals need be posted under the requirements set out above only within the area to be affected in general geographic terms and need not list the specific zone proposed for all land within that area. The zoning commission may then adopt the final map after a public hearing on a ward or comprehensive rezoning area zoning change.

(Code 1998, app. C, § 3.0203; Ord. No. 07-1548, § 3.0203, 5-3-2007)

Sec. 130-56. Voting.

(a) Any amendment that has failed to receive the approval of the zoning commission shall not be passed by the parish council except by the affirmative vote of a simple majority of the legislative body.

(b) A final yea and nay vote shall have been taken on the proposal by the parish council within 125 days dated from the introduction of an ordinance in correct form.

(c) In case, however, of a protest against such change signed by the owner of 20 percent or more either of the area of the lots included in such proposed change, or in those immediately adjacent, extending 200 feet from said lot, or those directly opposite thereto extending 500 feet from the street frontage of such opposite lots, such amendments shall not become effective except by the favorable vote of at least a simple majority of the governing body.

(d) After published notice, the parish council may hold any public hearing requiring by this article or the state statutes pertaining to land use jointly with any public hearing required to be held by the parish planning commission, but the parish council shall not take action until it has received the final report of the zoning commission.

(e) Whenever a petition or application for a site or cumulative acreage of less than 20 acres is filed requesting or proposing a zoning change to this chapter and said petition or application has been received, officially advertised and subsequently a public hearing has been held, the parish council shall not consider any further petition or application requesting or proposing

such change for the same property within one year from the date of the parish council's final action on said petition or application. The provisions of this subsection shall not apply in cases where the parish council wishes to consider a comprehensive zoning revision of an area.

(f) Whenever a proposed change has been forwarded to the parish council with a recommendation for approval, and no protest or appeal has been filed with the department of planning and development and permits as outlined in these regulations, the proposed change shall be placed upon the consent agenda for final adoption at the next appropriate parish council meeting.

(Code 1998, app. C, § 3.0204; Ord. No. 07-1548, § 3.0204, 5-3-2007)

Secs. 130-57—130-85. Reserved.

DIVISION 3. VIOLATIONS

Sec. 130-86. Complaints regarding violations.

Whenever a violation of these regulations occurs or is alleged to have occurred, any person may file a written complaint. Such complaint, stating fully the cause and basis thereof, shall be filed with an administrative official authorized to enforce the provision that is alleged to have been violated. The administrative official is to properly record such complaint, promptly investigate and take such action as is warranted under the facts and the applicable provisions of this chapter.

(Code 1998, app. C, § 3.0301; Ord. No. 07-1548, § 3.0301, 5-3-2007)

Sec. 130-87. Enforcement and penalties for violation.

(a) *Violations.* It shall be illegal to violate any ordinance governing land use, zoning, or the construction, placement, operation and/or maintenance of buildings or other structures that either are permanently affixed to the land or considered to be a temporary component part thereof, such as, for example, a mobile home that has not become immovable pursuant to an act recorded in accordance with state law.

(b) *Issuance of citation and/or summons.* The director of permits and regulatory, the director of planning and development, code enforcement officers and all other persons appointed as acting inspectors of the parish are empowered to post a notice of violation at the location of the violation and to issue and to serve, either by personal service, domiciliary service or by certified mail, a citation and/or summons upon persons charged with a violation of any provision contained in the articles hereof, and of the Parish Code of Ordinances, relative to land use, zoning and the building code ordinances and regulations. The director of permits and regulatory, director of planning and development, and all persons appointed as code enforcement officers shall be so commissioned and designated by the parish for the purpose of enforcing the provisions herein.

(c) *Contents of citation and/or summons.* As used in this section, the term "citation and/or summons" means a written or printed notice served upon the person charged with a misdemeanor violation. Such citation and/or summons shall include the following information:

- (1) The name of the person cited and/or summoned.
- (2) The date and place of violation.
- (3) The number of the section of the ordinance provision violated, followed by a short description of the violation.
- (4) The date and place at which the person shall appear and a notice that if the person does not appear a warrant may be issued for such person's arrest.
- (5) A notice that the person charged may be represented by counsel and that he has a right to a court hearing.

(d) *Penalties for violations.* Unless otherwise provided in a particular section or provision of these regulations, a violation of any provision of these regulations, or a failure to comply with any of the requirements hereof, shall constitute a misdemeanor punishable as follows: A violation of any provision of a particular section of these regulations, or the failure to comply with any of the requirements of such section, shall be punishable by a fine not to exceed \$500.00 per day and imprisonment in the parish jail for not more than 30 days, or both such fine and imprisonment. Each day that the violation continues shall constitute a separate offense. In addition thereto, the court may tax said violator with all costs and expenses associated with the case.

(e) *Participation in violation.* The owner, occupant and/or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, or other person who either commits, participates in, aids or assists in a violation hereof, may each be cited for a violation and, in such case, shall be subject to the penalties herein provided.

(f) *False information.* The filing of any application that is known, or should have been known, by an applicant to contain any materially false information shall also constitute a violation hereof and shall be subject to the penalties herein provided.

(g) *Remedy of violation.* Nothing herein provided shall be deemed to prevent or preclude the parish from taking such other legal action that is necessary to prevent or remedy any violation.

(h) *Commencing a project without a permit.* Except for those instances where a permit is not required, whenever a person has deliberately commenced a project without a building permit, the director of permits and regulatory may increase the applicable building permit fee by an amount up to 100 percent.

(Code 1998, app. C, § 3.0302; Ord. No. 07-1548, § 3.0302, 5-3-2007)

Sec. 130-88. Miscellaneous offenses.

(a) No structure (temporary or permanent), fill, deposit, obstruction, storage of materials, equipment, machinery, junk, trash, garbage, debris, abandoned or inoperable vehicles, and/or any other unauthorized things or materials, shall be placed, or be allowed to remain, on any parish right-of-way, road, ditch, drainage canal or waterway of any kind.

(b) It shall further be prohibited to cause injury or endanger the comfort, repose health or safety of others. Nuisances shall include but not be limited to the following:

- (1) Accumulation of rubbish, trash, refuse, junk, inoperable or abandoned vehicles and other abandoned materials.
 - (2) Any conditions which provide harborage for rats, mice, snakes and other vermin.
 - (3) Any building or other structure which is in a condition that is unfit for human habitation, kept in an unsanitary condition so that it is a menace to the health and safety of residents in the area or presents a more than ordinarily dangerous fire hazard in the vicinity to where it is located.
 - (4) Contractor's rubble, residue from construction, building demolition or parts of whole structures, including building debris.
 - (5) Contractors burning within residential subdivisions shall be prohibited.
- (Code 1998, app. C, § 3.0303; Ord. No. 07-1548, § 3.0303, 5-3-2007)

Secs. 130-89—130-119. Reserved.

DIVISION 4. "AFTER THE FACT" BUILDING PERMITS

Sec. 130-120. General provisions for obtaining building permit.

Notwithstanding any provisions of division 3 of this article, as a remedy for failure on the part of any owner, lessor, or tenant, having an interest, expressed or unexpressed in a development of land, to obtain a building permit prior to the commencement of the erection, placement or construction of any structure in an area of the parish the following provisions shall be followed:

- (1) Immediately upon obtaining knowledge of such violation, code enforcement officer for the parish shall affix in a prominent place on the premises a yellow citation and/or summons briefly stating the building permit requirements the parish and ordering the owner, lessor or tenant to immediately cease all construction on said premises until a fully issued building permit has been obtained from the parish department of permits and regulatory.
- (2) Said citation and/or summons shall be executed in triplicate with the original copy being affixed to the premises, duplicate copy being retained in the permanent record of

the department of permits and regulatory, and the triplicate copy being forwarded within ten days of the issuance to the parish district attorney's office and or the parish bureau of administrative adjudication.

- (3) Nothing herein shall interfere with the ability of the parish district attorney's office to obtain an injunction at any time in order to prevent further construction on the premises and/or proceed in a civil action to collect any late penalties.
 - (4) The owner or tenant of any building, structure, premises, or part thereof, any architect, builder, contractor, agent or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.
 - (5) Nothing herein contained shall prevent the parish from taking such other lawful actions as is necessary to prevent or remedy any violation.
- (Code 1998, app. C, § 3.04; Ord. No. 07-1548, § 3.04, 5-3-2007)

Secs. 130-121—130-138. Reserved.

ARTICLE III. NONCONFORMITIES

DIVISION 1. GENERALLY

Secs. 130-139—130-159. Reserved.

DIVISION 2. TYPES OF NONCONFORMITIES

Sec. 130-160. Legal nonconforming lots.

The owner of any residential substandard lot of record lawfully existing at the time of enactment of these regulations shall be continued as a legal nonconforming use even though said lot does not conform with the provisions of these regulations for the use district in which it is located, except that an owner of a contiguous substandard lot of record shall be required to combine said lots to create buildable lots of record in accordance with chapter 125.

(Code 1998, app. C, § 4.0101; Ord. No. 07-1548, § 4.0101, 5-3-2007)

Sec. 130-161. Legal nonconforming buildings.

Any building or structure lawfully existing at the time of enactment of these regulations may be continued as legal nonconforming building or structure even though said building or structure does not conform with the provisions of these regulations for the zoning district in

which it is located. Similarly, whenever use district shall be changed thereafter, then the existing lawful use may be continued. Legal nonconforming buildings shall be subject to the following regulations:

- (1) *Alterations.* Structural alterations to a legal nonconforming building or structure may be permitted only when there is not an increase in the cubical content of the building.
 - (2) *Expansions.* Expansions including structural additions to a legal nonconforming building or structure may be permitted, provided that:
 - a. The total expansion shall not exceed 25 percent of the total area of the existing structures or uses.
 - b. The proposed expansion shall not infringe on the side, front and rear yard requirements for the particular district in which the legal nonconforming use is located.
 - c. The parking requirements for the use shall be satisfied.
 - d. The proposed expansion will not merely serve as a convenience to the applicant, but will relieve some demonstrated hardship.
 - e. The proposed expansion shall not result in a diminution of surrounding conforming uses, or cause any diminution or depreciation of property values of any surrounding property nor alter the essential character of the locality.
 - f. The proposed expansion will not be detrimental to the public welfare or seriously affect or be injurious to other property or improvements in the neighborhood in which located, in that it will not impair an adequate supply of light and air, or increase substantially the congestion in the public streets, create a parking hazard, or permit inadequate parking, or increase the danger of fire, or substantially overburden existing drainage or sewerage systems, or endanger the public safety nor cause serious annoyance or injury to occupants of adjoining premises by reason of emission of odors, fumes, gases, dust, smoke, noise or vibration, light or glare or other nuisances.
 - g. Any proposed expansion of a nonconformity shall not require the rezoning of adjacent properties to accommodate said expansion (i.e., provide additional required parking).
 - (3) *Expiration.* The petitioner shall have six months to obtain the appropriate building permits or occupy the expansion from the date of approval of the parish zoning commission, unless otherwise stipulated by the parish zoning commission.
- (Code 1998, app. C, § 4.0102; Ord. No. 07-1548, § 4.0102, 5-3-2007)

Sec. 130-162. Legal nonconforming uses.

(a) Legal nonconforming uses shall be defined as any use lawfully existing at the time of enactment of these regulations may be continued as a legal nonconforming use even though such use does not conform to the provisions of these regulations for the zoning district in which it is located. Similarly, whenever a use district shall be changed thereafter, then the existing lawful use may be continued.

(b) Nonconforming uses shall be subject to the following regulations:

- (1) Continuance alteration shall conform to provisions of the use district in which it is located unless approved by the parish. No nonconforming use shall hereafter be extended or intensified, unless such extension or council as forth below in section 130-214.
- (2) Change in use. A legal nonconforming use may be changed to one of a similar or less intensive use. However, no building, structure or tract of land in which a legal nonconforming use has been changed shall be used as a more intense use unless a zoning change comparable to that use has been approved by the parish council.
- (3) A building or structure which has a legal nonconforming use that does not involve or permit the sale and consumption of alcoholic beverages on the premises shall not be changed to a use which involves, permits or authorizes the sale and consumption of alcoholic beverages on the premises.
- (4) No building or structure or premises within where a legal nonconforming use has ceased for reasons other than those stated in division 3 of this article for a period of more than six months or has changed to a permitted or conforming use, shall again be used as a legal nonconforming use. Should the new legal nonconforming use be less intense than the original use, the new legal nonconforming, use shall establish the degree of the nonconformity relative to intensity after the same period of time.

(Code 1998, app. C, § 4.0103; Ord. No. 07-1548, § 4.0103, 5-3-2007)

Sec. 130-163. Legal nonconforming outdoor storage.

Any outdoor storage use such as junk yards, salvage yards and storage yards, existing at the time of enactment or subsequent amendment of these regulations, but not in conformity with its provisions, may be continued longer than six months from and after the enactment of these regulations as long as they are enclosed and screened from view by walls and/or fences and/or planting of not less six feet in height in a manner prescribed by the director of planning and development.

(Code 1998, app. C, § 4.0104; Ord. No. 07-1548, § 4.0104, 5-3-2007)

Secs. 130-164—130-194. Reserved.

DIVISION 3. ABANDONMENT OF OR RESTORATION AFTER DAMAGE

Sec. 130-195. Provisions for reconstruction after damage.

(a) Any legal nonconforming building or structure which has been damaged to the extent of not exceeding 50 percent of its replacement valuation by reason of fires, flood, explosion, earthquake, riot, war or act of God, may be re-constructed and re-used as before if done within six months from the time such damage occurred, provided that there is no increase in cubical content of the building or structure. Except as provided in subsection (b) of this section, if such damage is greater than 50 percent of the replacement valuation, such building or structure may only be reconstructed to conform to the provisions of the use district in which it is situated. If any structure or building is removed from the site, other than a manufactured home, such structure or building shall only be replaced if it conforms to current land use regulations or meet all criteria within the current zoning district in which it is located.

(b) A manufactured home damaged by an event set forth in subsection (a) of this section may be removed from the site and replaced if done within one year from the time such damage occurred.

(c) The provisions of subsection (a) of this section shall not apply in those cases where the damage was occasioned by the intentional act of the owner.
(Code 1998, app. C, § 4.02; Ord. No. 07-1548, § 4.02, 5-3-2007; Ord. No. 10-2298, 7-1-2010)

Secs. 130-196—130-213. Reserved.

DIVISION 4. EXPANSIONS

Sec. 130-214. Provisions for expansions of legal nonconforming uses.

Expansions of legal nonconforming uses, including structural additions to a legal nonconforming building or structure may be permitted, provided:

(1) *Standards.*

- a. The total expansion shall not exceed 25 percent or the total area of the existing structures or uses.
- b. The proposed expansion shall not infringe on the side, front and rear yard requirements for the particular district in which the legal nonconforming use is located.
- c. The parking requirements for the use shall be satisfied.
- d. The proposed expansion will not merely serve as a convenience to the applicant, but will relieve some demonstrated hardship.

- e. The proposed expansion shall not result in a diminution of surrounding conforming uses, or cause any diminution or depreciation of property values of any surrounding property nor alter the essential character or the locality.
 - f. The proposed expansion will not be detrimental to the public welfare or seriously affect or be injurious to other property or improvements in the neighborhood in which located, in that it will not impair an adequate supply of light and air, or increase substantially the congestion in the public streets, create a parking hazard, or permit inadequate parking, or increase the danger of fire, or substantially overburden existing drainage or sewerage systems, or endanger the public safety nor cause serious annoyance or injury to occupants of adjoining premises by reason of emission of odors, fumes, gases, dust, smoke, noise or vibration, light or glare or other nuisances.
- (2) *Application.* An application verified by the owner of record or authorized agent of said owner of the property involved shall be filed with the department of planning and development for the attention of the zoning commission upon a form prescribed therefor, which shall contain, or be accompanied by, all required information.
- (3) *Public hearings.* Upon receipt of such verified application, the department of planning and development shall notice of a public hearing by posting the affected site in a conspicuous place at least 15 consecutive days prior to the intended permit hearing. Notice of such public hearing shall also be published in the official journal of the parish at least ten days prior to the intended public hearing. A record of pertinent information presented to the public hearing shall be made and maintained by the zoning commission as part of their permanent record relative to the applicant.
- (4) *Determination.*
- a. The zoning commission shall then make its findings and the permit decision shall not become effective for ten days, during which time an appeal can be made in written form to the department of planning and development. Should the next scheduled parish council meeting occur prior to the expiration of the appeal period, the appeal must be filed in time for placement on the regular agenda.
 - b. Upon the filing of an appeal, all permits for said request shall be suspended and shall not be issued until a determination has been made by the parish council.
- (5) *Appeal.* The parish council may sustain the decision of the zoning commission by majority vote or may overturn the decision of the zoning commission by a vote of a simple majority of the legislative body.
- (6) *Expiration.*
- a. The petitioner shall have six months to obtain the appropriate building permits or occupy the expansion from the date of approval of the zoning commission, unless otherwise stipulated by the zoning commission.

b. In the case of an appeal, the six-month provision shall commence at such time as a determination has been made by the parish council.
(Code 1998, app. C, § 4.03; Ord. No. 07-1548, § 4.03, 5-3-2007)

Secs. 130-215—130-236. Reserved.

ARTICLE IV. ZONING DISTRICTS

DIVISION 1. GENERALLY

Secs. 130-237—130-265. Reserved.

DIVISION 2. E-1 ESTATE DISTRICT

Sec. 130-266. Purpose.

The E-1 Estate District is intended to provide a single-family residential environment on large, multi-acre lots. The E-1 district is located primarily in less populated areas where the character of the area should be preserved through low densities. To protect the intention of the district, permitted activities are limited to single-family dwellings, certain specified agricultural, and utility uses. All strictly commercial uses are prohibited in the E-1 Estate District. Planned unit development overlays shall not be used in the E-1 Estate District.
(Code 1998, app. C, § 5.0101; Ord. No. 07-1548, § 5.0101, 5-3-2007)

Sec. 130-267. Permitted uses.

Only the following permitted uses shall be allowed in the E-1 Estate District and no structure or land shall be devoted to any other use other than a use permitted hereunder with the exception of uses lawfully established prior to the effective date of the ordinance from which this section is derived or accessory uses in compliance with the provisions of this section.

(1) *Residential uses.*

- a. One single-family dwelling.
- b. Private garages and accessory structures.
- c. Garage apartment or guest house under 1,000 square feet of habitable floor space.

(2) *Miscellaneous uses.*

- a. Community central water treatment, wall, and storage facilities.
- b. Household agriculture.

- (3) *Similar and compatible uses.* Other uses which are similar and compatible with the allowed uses of the E-1 Estate District as determined by the director of planning and development acting in the capacity of zoning administrator.
(Code 1998, app. C, § 5.0102; Ord. No. 07-1548, § 5.0102, 5-3-2007)

Sec. 130-268. Administrative permits.

The purpose of an administrative permit is to provide for a staff review of certain uses. The following uses are prohibited unless application for the use has been processed by the department of planning and development and the use is in conformance with the minimum standards for that use as outlined in section 130-2112:

- (1) Home office, provided the area for the use does not exceed 600 square feet and the proposal is in accordance with section 130-2112.
- (2) Roadside stands under 200 square feet adjacent to an existing agricultural use.
- (3) On-site real estate sales offices under 600 square feet.
- (4) Subdivision entrance signs may be reviewed for appropriate location, size and construction methods.
- (5) Fairs, festivals and assemblies associated with churches, schools, public lands or nonprofit organizations.
 - a. Fairs, festivals and assemblies are limited to a maximum three-day period annually.
 - b. Total building area is limited to 5,000 square feet.
 - c. No more than 200 vehicle trips per day are permitted.
- (6) Signs. (Article VI, division 3 of these regulations applies.)
- (7) Private cultural and recreational uses associated with subdivisions:
 - a. Parks.
 - b. Botanical gardens.
 - c. Playgrounds.
 - d. Nature preserves and sanctuaries.
 - e. Stables.
 - f. Tennis courts.
 - g. Swimming pools.
 - h. Golf courses and related uses.

- (8) Agricultural and decorative ponds utilized exclusively by the resident and in which neither the excavated material is removed from the site nor commercial excavation occurs.
- (9) Agricultural uses.
 - a. Agricultural buildings and structures.
 - b. Cultivation of garden crops.
 - c. Farms.
 - d. Wholesale greenhouses and nurseries.
 - e. Roadside farm stands over 200 square feet adjacent to an existing agricultural use.
- (10) Community homes for handicapped persons as defined in R.S. 28:477.
- (11) Public utility surface structures.
 - a. Electrical substations.
 - b. Telephone relay facilities.
 - c. Utility substations.
 - d. Wastewater treatment facilities.
 - e. Utility distribution systems.
 - f. Stormwater pumping stations.
 - g. Potable water pumping stations.
- (12) Temporary plants and related construction facilities for a single development.
- (13) Day care homes.
- (14) Temporary residences subject to the minimum standards as established under section 130-2112(56).
- (15) On-location television or film productions where no sets/structures are being constructed that would require the issuance of a building permit; specifically, structures must be of a temporary nature and not capable of being occupied under the International Building Code/International Residential Code as determined by the chief building official, or his assigns.
- (16) Other administrative uses which are similar and compatible with the E-1 Estate District as determined by the director of planning and development acting in the capacity of zoning administrator.

(Code 1998, app. C, § 5.0103; Ord. No. 07-1548, § 5.0103, 5-3-2007; Ord. No. 09-2169, 12-3-2009; Ord. No. 10-2219, 3-4-2010; Ord. No. 15-3393, exh. A(5.0103), 9-3-2015)

Sec. 130-269. Site and structure provisions.**(a) *Minimum lot area.***

- (1) *Residential uses.* The lot area of each zoning lot shall not be less than 20 acres.
- (2) *Nonresidential uses.* The lot area of each zoning lot shall not be less than 20 acres, except that public utility facilities may be located on lots of lesser area with administrative approval.

(b) *Minimum area regulations.*

- (1) *Minimum lot width.* The width of each zoning lot shall not be less than 300 feet.
- (2) *Front yard.* Front building lines shall conform to the average building lines established in a developed block. In all cases, this front building line shall be set back a minimum of 50 feet from the front property line.
- (3) *Side yard.* There shall be two side yards, one on each side of the building, having a minimum width of 15 feet each, plus one additional foot for each foot in building height over 20 feet above base flood elevation.
- (4) *Rear yard.* There shall be a rear yard having a depth of not less than 25 feet, plus one additional foot, for every foot in building height over 20 feet above base flood elevation.

(c) *Maximum lot coverage.*

- (1) *Residential uses.* The lot coverage of all principle and accessory buildings on a zoning lot shall not exceed 15 percent of the total area of the lot.
- (2) *Nonresidential uses.* The lot coverage of all principal and accessory buildings on a zoning lot shall not exceed 40 percent of the total area of the lot.

(d) *Height regulations.*

- (1) No building or dwelling for residential or business purposes shall exceed 35 feet in height above the natural grade of the property at the location of the structure or base flood elevation as established in chapter 115, article II of this Land Development Code, whichever is higher.
- (2) Uses incidental to farming, such as silos, windmills, etc., and any other nonhabitable structure (e.g., radio, television tower) may exceed this height limitation, provided, however, that there be one foot setback for every one foot over 45 feet from existing dwellings or residences and/or property lines.

(e) *Off-street parking and loading requirements.* Off-street parking and loading shall be provided as put forth in article VI, division 8 of these regulations.

(Code 1998, app. C, § 5.0104; Ord. No. 07-1548, § 5.0104, 5-3-2007)

Sec. 130-270. District standards.

All uses of land and structures in the E-1 Estate District are subject to the general standards and regulations of these regulations. In addition, all uses located in the E-1 Estate District shall be subject to the following standards:

- (1) *Environmental quality.*
 - a. *Flood zones.* Construction of any structures or alteration of land which occurs in the 100-year flood zone as established by the Federal Emergency Management Agency shall require approval from the parish engineer prior to issuance of a building permit.
 - b. *Tree preservation, landscaping and screening.* Tree preservation, landscaping and screening shall be subject to the provisions of article VI, division 2 of these regulations.
- (2) *Signs, lighting and landscaping.*
 - a. *Landscaping.* Landscaping shall be subject to the provisions of article VI, division 2 of these regulations.
 - b. *Signs.* Signs shall be subject to the provisions of article VI, division 3 of these regulations.
 - c. *Lighting.* Lighting shall be subject to the provisions of article VI, division 4 of these regulations.
- (3) *Utilities.*
 - a. *Sewer.*
 1. *Residential.* On lots without central sewerage facilities, an individual sewer system must meet department of health and human resources standards and be approved by the parish health department.
 2. *Nonresidential.* On lots without central sewerage facilities, an individual sewer system must meet department of health and human resources standards and be approved by the parish health department.
 - b. *Water.* On lots without central water facilities, any well must be 50 feet from any sewer disposal unit.

(Code 1998, app. C, § 5.0105; Ord. No. 07-1548, § 5.0105, 5-3-2007)

Sec. 130-271. Fee schedules.

Fees for site plan review shall be as required by chapter 2, article XVII.
(Code 1998, app. C, § 5.0106; Ord. No. 07-1548, § 5.0106, 5-3-2007)

Secs. 130-272—130-290. Reserved.

DIVISION 3. E-2 ESTATE DISTRICT

Sec. 130-291. Purpose.

The E-2 Estate District is intended to provide a single-family residential environment on large, multi-acre lots. The E-2 district is located primarily in less populated areas where the character of the area should be preserved through low densities. To protect the intention of the district, permitted activities are limited to single-family dwellings, certain specified agricultural, and utility uses. All strictly commercial uses are prohibited in the E-2 Estate District. Planned unit development overlays shall not be used in the E-2 district.

(Code 1998, app. C, § 5.0201; Ord. No. 07-1548, § 5.0201, 5-3-2007)

Sec. 130-292. Permitted uses.

Only the following permitted uses shall be allowed in the E-2 Estate District and no structure or land shall be devoted to any other use other than a use permitted hereunder with the exception of uses lawfully established prior to the effective date of the ordinance from which this article is derived or accessory uses in compliance with the provisions of this section.

- (1) *Residential uses.*
 - a. One single-family dwelling.
 - b. Private garages and accessory structures.
 - c. Garage apartment or guest house under 1,000 square feet of habitable floor space.
- (2) *Miscellaneous uses.*
 - a. Community central water treatment, wall, and storage facilities.
 - b. Household agriculture.
- (3) *Similar and compatible uses.* Other uses which are similar and compatible with the allowed uses of the E-2 Estate District as determined by the director of planning and development acting in the capacity of zoning administrator.

(Code 1998, app. C, § 5.0202; Ord. No. 07-1548, § 5.0202, 5-3-2007)

Sec. 130-293. Administrative permits.

The purpose of an administrative permit is to provide for a staff review of certain uses. The following uses are prohibited unless application for the use has been processed by the department of planning and development and the use is in conformance with the minimum standards for that use as outlined in section 130-2112:

- (1) Home office, provided the area for the use does not exceed 600 square feet and the proposal is in accordance with section 130-2112.
- (2) Roadside stands under 200 square feet adjacent to an existing agricultural use.

- (3) On-site real estate sales offices under 600 square feet.
- (4) Subdivision entrance signs may be reviewed for appropriate location, size and construction methods.
- (5) Fairs, festivals and assemblies associated with churches, schools, public lands or nonprofit organizations.
 - a. Fairs, festivals and assemblies are limited to a maximum three-day period annually.
 - b. Total building area is limited to 5,000 square feet.
 - c. No more than 200 vehicle trips per day are permitted.
- (6) Signs. (Article VI, division 3 of these regulations applies.)
- (7) Private cultural and recreational uses associated with subdivisions:
 - a. Parks.
 - b. Botanical gardens.
 - c. Playgrounds.
 - d. Nature preserves and sanctuaries.
 - e. Stables.
 - f. Tennis courts.
 - g. Swimming pools.
 - h. Golf courses and related uses.
- (8) Agricultural and decorative ponds utilized exclusively by the resident and in which neither the excavated material is removed from the site nor commercial excavation occurs.
- (9) Agricultural uses.
 - a. Agricultural buildings and structures.
 - b. Cultivation of garden crops.
 - c. Farms.
 - d. Wholesale greenhouses and nurseries.
 - e. Roadside farm stands over 200 square feet adjacent to an existing agricultural use.
- (10) Community homes for handicapped persons as defined in R.S. 28:477.
- (11) Public utility surface structures.
 - a. Electrical substations.
 - b. Telephone relay facilities.

- c. Utility substations.
 - d. Wastewater treatment facilities.
 - e. Utility distribution systems.
 - f. Stormwater pumping stations.
 - g. Potable water pumping stations.
- (12) Temporary plants and related construction facilities for a single development.
- (13) Day care homes.
- (14) Temporary residences subject to the minimum standards as established under section 130-2112(56).
- (15) On-location television or film productions where no sets/structures are being constructed that would require the issuance of a building permit; specifically structures must be of a temporary nature and not capable of being occupied under the International Building Code/International Residential Code as determined by the chief building official, or his assigns.
- (16) Other administrative uses which are similar and compatible with the E-2 Estate District as determined by the director of planning and development acting in the capacity of zoning administrator.
- (Code 1998, app. C, § 5.0203; Ord. No. 07-1548, § 5.0203, 5-3-2007; Ord. No. 09-2169, 12-3-2009; Ord. No. 10-2219, 3-4-2010; Ord. No. 15-3393, exh. A(5.0203), 9-3-2015)

Sec. 130-294. Site and structure provisions.

- (a) *Minimum lot area.*
- (1) *Residential uses.* The lot area of each zoning lot shall not be less than 15 acres.
 - (2) *Nonresidential uses.* The lot area of each zoning lot shall not be less than 15 acres, except that public utility facilities may be located on lots of lesser area with administrative approval.
- (b) *Minimum area regulations.*
- (1) *Minimum lot width.* The width of each zoning lot shall not be less than 300 feet.
 - (2) *Front yard.* Front building lines shall conform to the average building lines established in a developed block. In all cases, this front building line shall be set back a minimum of 50 feet from the front property line.
 - (3) *Side yard.* There shall be two side yards, one on each side of the building, having a minimum width of 15 feet each, plus one additional foot for each foot in building height over 20 feet above base flood elevation.

- (4) *Rear yard.* There shall be a rear yard having a depth of not less than 25 feet, plus one additional foot, for every foot in building height over 20 feet above base flood elevation.

(c) *Maximum lot coverage.*

- (1) *Residential uses.* The lot coverage of all principle and accessory buildings on a zoning lot shall not exceed 15 percent of the total area of the lot.
- (2) *Nonresidential uses.* The lot coverage of all principal and accessory buildings on a zoning lot shall not exceed 40 percent of the total area of the lot.

(d) *Height regulations.*

- (1) No building or dwelling for residential or business purposes shall exceed 35 feet in height above the natural grade of the property at the location of the structure or base flood elevation as established in chapter 115, article II of this Land Development Code, whichever is higher.
- (2) Uses incidental to farming, such as silos, windmills, etc., and any other nonhabitable structure (e.g., radio, television tower) may exceed this height limitation, provided, however, that there be one foot setback for every one foot over 45 feet from existing dwellings or residences and/or property lines.

(e) *Off-street parking and loading requirements.* Off-street parking and loading shall be provided as put forth in article VI, division 8 of these regulations.

(Code 1998, app. C, § 5.0204; Ord. No. 07-1548, § 5.0204, 5-3-2007)

Sec. 130-295. District standards.

All uses of land and structures in the E-2 Estate District are subject to the general standards and regulations of these regulations. In addition, all uses located in the E-2 Estate District shall be subject to the following standards:

- (1) *Environmental quality.*
 - a. *Flood zones.* Construction of any structures or alteration of land which occurs in the 100-year flood zone as established by the Federal Emergency Management Agency shall require approval from the parish engineer prior to issuance of a building permit.
 - b. *Tree preservation, landscaping and screening.* Tree preservation, landscaping and screening shall be subject to the provisions of article VI, division 2 of these regulations.
- (2) *Signs, lighting and landscaping.*
 - a. *Landscaping.* Landscaping shall be subject to the provisions of article VI, division 2 of these regulations.

- b. *Signs.* Signs shall be subject to the provisions of article VI, division 3 of these regulations.
- c. *Lighting.* Lighting shall be subject to the provisions of article VI, division 4 of these regulations.

(3) *Utilities.*

a. *Sewer.*

- 1. *Residential.* On lots without central sewerage facilities, an individual sewer system must meet department of health and human resources standards and be approved by the parish health department.
- 2. *Nonresidential.* On lots without central sewerage facilities, an individual sewer system must meet department of health and human resources standards and be approved by the parish health department.

- b. *Water.* On lots without central water facilities, any well must be 50 feet from any sewer disposal unit.

(Code 1998, app. C, § 5.0205; Ord. No. 07-1548, § 5.0205, 5-3-2007)

Sec. 130-296. Fee schedules.

Fees for site plan review shall be as required by chapter 2, article XVII.
(Code 1998, app. C, § 5.0206; Ord. No. 07-1548, § 5.0206, 5-3-2007)

Secs. 130-297—130-325. Reserved.

DIVISION 4. E-3 ESTATE DISTRICT

Sec. 130-326. Purpose.

The E-3 Estate District is intended to provide a single-family residential environment on large, multi-acre lots. The E-3 district is located primarily in less populated areas where the character of the area should be preserved through low densities. To protect the intention of the district, permitted activities are limited to single-family dwellings, certain specified agricultural, and utility uses. All strictly commercial uses are prohibited in the E-3 Estate District. Planned unit development overlays shall not be used in the E-3 Estate District.

(Code 1998, app. C, § 5.0301; Ord. No. 07-1548, § 5.0301, 5-3-2007)

Sec. 130-327. Use by right.

Only the following permitted uses shall be allowed in the E-3 Estate District and no structure or land shall be devoted to any other use other than a use permitted hereunder with the exception of uses lawfully established prior to the effective date of the ordinance from which this section is derived or accessory uses in compliance with the provisions of this section.

(1) *Residential uses.*

- a. One single-family dwelling.
- b. Private garages and accessory structures.
- c. Garage apartment or guest house under 1,000 square feet of habitable floor space.

(2) *Miscellaneous uses.*

- a. Community central water treatment, wall, and storage facilities.
- b. Household agriculture.

(3) *Similar and compatible uses.* Other uses which are similar and compatible with the allowed uses of the E-3 Estate District as determined by the director of planning and development acting in the capacity of zoning administrator.

(Code 1998, app. C, § 5.0302; Ord. No. 07-1548, § 5.0302, 5-3-2007)

Sec. 130-328. Administrative permits.

The purpose of an administrative permit is to provide for a staff review of certain uses. The following uses are prohibited unless application for the use has been processed by the department of planning and development and the use is in conformance with the minimum standards for that use as outlined in section 130-2112:

- (1) Home office, provided the area for the use does not exceed 600 square feet and the proposal is in accordance with section 130-2112.
- (2) Roadside stands under 200 square feet adjacent to an existing agricultural use.
- (3) On-site real estate sales offices under 600 square feet.
- (4) Subdivision entrance signs may be reviewed for appropriate location, size and construction methods.
- (5) Fairs, festivals and assemblies associated with churches, schools, public lands or nonprofit organizations.
 - a. Fairs, festivals and assemblies are limited to a maximum three-day period annually.
 - b. Total building area is limited to 5,000 square feet.
 - c. No more than 200 vehicle trips per day are permitted.

- (6) Signs. (Article VI, division 3 of these regulations applies.)
- (7) Private cultural and recreational uses associated with subdivisions:
 - a. Parks.
 - b. Botanical gardens.
 - c. Playgrounds.
 - d. Nature preserves and sanctuaries.
 - e. Stables.
 - f. Tennis courts.
 - g. Swimming pools.
 - h. Golf courses and related uses.
- (8) Agricultural and decorative ponds utilized exclusively by the resident and in which neither the excavated material is removed from the site nor commercial excavation occurs.
- (9) Agricultural uses.
 - a. Agricultural buildings and structures.
 - b. Cultivation of garden crops.
 - c. Farms.
 - d. Wholesale greenhouses and nurseries.
 - e. Roadside farm stands over 200 square feet adjacent to an existing agricultural use.
- (10) Community homes for handicapped persons as defined in R.S. 28:477.
- (11) Public utility surface structures.
 - a. Electrical substations.
 - b. Telephone relay facilities.
 - c. Utility substations.
 - d. Wastewater treatment facilities.
 - e. Utility distribution systems.
 - f. Stormwater pumping stations.
 - g. Potable water pumping stations.
- (12) Temporary plants and related construction facilities for a single development.
- (13) Day care homes.
- (14) Temporary residences subject to the minimum standards as established under section 130-2112(56).

- (15) On-location television or film productions where no sets/structures are being constructed that would require the issuance of a building permit; specifically structures must be of a temporary nature and not capable of being occupied under the International Building Code/International Residential Code as determined by the chief building official, or his assigns.
 - (16) Other administrative uses which are similar and compatible with the E-3 Estate District as determined by the director of planning and development acting in the capacity of zoning administrator.
- (Code 1998, app. C, § 5.0303; Ord. No. 07-1548, § 5.0303, 5-3-2007; Ord. No. 09-2169, 12-3-2009; Ord. No. 10-2219, 3-4-2010; Ord. No. 15-3393, exh. A(5.0303), 9-3-2015)

Sec. 130-329. Site and structure provisions.

(a) *Minimum lot area.*

- (1) *Residential uses.* The lot area of each zoning lot shall not be less than ten acres.
- (2) *Nonresidential uses.* The lot area of each zoning lot shall not be less than ten acres, except that public utility facilities may be located on lots of lesser area with administrative approval.

(b) *Minimum area regulations.*

- (1) *Minimum lot width.* The width of each zoning lot shall not be less than 300 feet.
- (2) *Front yard.* Front building lines shall conform to the average building lines established in a developed block. In all cases, this front building line shall be set back a minimum of 50 feet from the front property line.
- (3) *Side yard.* There shall be two side yards, one on each side of the building, having a minimum width of 15 feet each, plus one additional foot for each foot in building height over 20 feet above base flood elevation.
- (4) *Rear yard.* There shall be a rear yard having a depth of not less than 25 feet, plus one additional foot, for every foot in building height over 20 feet above base flood elevation.

(c) *Maximum lot coverage.*

- (1) *Residential uses.* The lot coverage of all principle and accessory buildings on a zoning lot shall not exceed 15 percent of the total area of the lot.
- (2) *Nonresidential uses.* The lot coverage of all principal and accessory buildings on a zoning lot shall not exceed 40 percent of the total area of the lot.

(d) *Height regulations.*

- (1) No building or dwelling for residential or business purposes shall exceed 35 feet in height above the natural grade of the property at the location of the structure or base flood elevation as established in chapter 115, article II of this Land Development Code, whichever is higher.
- (2) Uses incidental to farming, such as silos, windmills, etc., and any other nonhabitable structure (e.g., radio, television tower) may exceed this height limitation, provided, however, that there be one foot setback for every one foot over 45 feet from existing dwellings or residences and/or property lines.

(e) *Off-street parking and loading requirements.* Off-street parking and loading shall be provided as put forth in article VI, division 8 of these regulations.

(Code 1998, app. C, § 5.0304; Ord. No. 07-1548, § 5.0304, 5-3-2007)

Sec. 130-330. District standards.

All uses of land and structures in the E-3 Estate District are subject to the general standards and regulations of these regulations. In addition, all uses located in the E-3 Estate District shall be subject to the following standards:

(1) *Environmental quality.*

- a. *Flood zones.* Construction of any structures or alteration of land which occurs in the 100-year flood zone as established by the Federal Emergency Management Agency shall require approval from the parish engineer prior to issuance of a building permit.
- b. *Tree preservation, landscaping and screening.* Tree preservation, landscaping and screening shall be subject to the provisions of article VI, division 2 of these regulations.

(2) *Signs, lighting and landscaping.*

- a. *Landscaping.* Landscaping shall be subject to the provisions of article VI, division 2 of these regulations.
- b. *Signs.* Signs shall be subject to the provisions of article VI, division 3 of these regulations.
- c. *Lighting.* Lighting shall be subject to the provisions of article VI, division 4 of these regulations.

(3) *Utilities.*

- a. *Sewer.*
 1. *Residential.* On lots without central sewerage facilities, an individual sewer system must meet department of health and human resources standards and be approved by the parish health department.

2. *Nonresidential.* On lots without central sewerage facilities, an individual sewer system must meet department of health and human resources standards and be approved by the parish health department.

- b. *Water.* On lots without central water facilities, any well must be 50 feet from any sewer disposal unit.

(Code 1998, app. C, § 5.0305; Ord. No. 07-1548, § 5.0305, 5-3-2007)

Sec. 130-331. Fee schedules.

Fees for site plan review shall be as required by chapter 2, article XVII.
(Code 1998, app. C, § 5.0306; Ord. No. 07-1548, § 5.0306, 5-3-2007)

Secs. 130-332—130-350. Reserved.

DIVISION 5. E-4 ESTATE DISTRICT

Sec. 130-351. Purpose.

The E-4 Estate District is intended to provide a single-family residential environment on large, multi-acre lots. The E-4 district is located primarily in less populated areas where the character of the area should be preserved through low densities. To protect the intention of the district, permitted activities are limited to single-family dwellings, certain specified agricultural, and utility uses. All strictly commercial uses are prohibited in the E-4 Estate District. Planned unit development overlays shall not be used in the E-4 Estate District.
(Code 1998, app. C, § 5.0401; Ord. No. 07-1548, § 5.0401, 5-3-2007)

Sec. 130-352. Permitted uses.

Only the following permitted uses shall be allowed in the E-4 Estate District and no structure or land shall be devoted to any other use other than a use permitted hereunder with the exception of uses lawfully established prior to the effective date of the ordinance from which this division is derived or accessory uses in compliance with the provisions of this section.

- (1) *Residential uses.*
 - a. One single-family dwelling.
 - b. Private garages and accessory structures.
 - c. Garage apartment or guest house under 1,000 square feet of habitable floor space.
- (2) *Miscellaneous uses.*
 - a. Community central water treatment, wall, and storage facilities.
 - b. Household agriculture.

- (3) *Similar and compatible uses.* Other uses which are similar and compatible with the allowed uses of the E-4 Estate District as determined by the director of planning and development acting in the capacity of zoning administrator.
(Code 1998, app. C, § 5.0402; Ord. No. 07-1548, § 5.0402, 5-3-2007)

Sec. 130-353. Administrative permits.

The purpose of an administrative permit is to provide for a staff review of certain uses. The following uses are prohibited unless application for the use has been processed by the department of planning and development and the use is in conformance with the minimum standards for that use as outlined in section 130-2112:

- (1) Home office, provided the area for the use does not exceed 600 square feet and the proposal is in accordance with section 130-2112.
- (2) Roadside stands under 200 square feet adjacent to an existing agricultural use.
- (3) On-site real estate sales offices under 600 square feet.
- (4) Subdivision entrance signs may be reviewed for appropriate location, size and construction methods.
- (5) Fairs, festivals and assemblies associated with churches, schools, public lands or nonprofit organizations.
 - a. Fairs, festivals and assemblies are limited to a maximum three-day period annually.
 - b. Total building area is limited to 5,000 square feet.
 - c. No more than 200 vehicle trips per day are permitted.
- (6) Signs. (Article VI, division 3 of these regulations applies.)
- (7) Private cultural and recreational uses associated with subdivisions:
 - a. Parks.
 - b. Botanical gardens.
 - c. Playgrounds.
 - d. Nature preserves and sanctuaries.
 - e. Stables.
 - f. Tennis courts.
 - g. Swimming pools.
 - h. Golf courses and related uses.

- (8) Agricultural and decorative ponds utilized exclusively by the resident and in which neither the excavated material is removed from the site nor commercial excavation occurs.
- (9) Agricultural uses.
 - a. Agricultural buildings and structures.
 - b. Cultivation of garden crops.
 - c. Farms.
 - d. Wholesale greenhouses and nurseries.
 - e. Roadside farm stands over 200 square feet adjacent to an existing agricultural use.
- (10) Community homes for handicapped persons as defined in R.S. 28:477.
- (11) Public utility surface structures.
 - a. Electrical substations.
 - b. Telephone relay facilities.
 - c. Utility substations.
 - d. Wastewater treatment facilities.
 - e. Utility distribution systems.
 - f. Stormwater pumping stations.
 - g. Potable water pumping stations.
- (12) Temporary plants and related construction facilities for a single development.
- (13) Day care homes.
- (14) Temporary residences subject to the minimum standards as established under section 130-2112(56).
- (15) On-location television or film productions where no sets/structures are being constructed that would require the issuance of a building permit; specifically structures must be of a temporary nature and not capable of being occupied under the International Building Code/International Residential Code as determined by the chief building official, or his assigns.
- (16) Other administrative uses which are similar and compatible with the E-4 Estate District as determined by the director of planning and development acting in the capacity of zoning administrator.

(Code 1998, app. C, § 5.0403; Ord. No. 07-1548, § 5.0403, 5-3-2007; Ord. No. 09-2169, 12-3-2009; Ord. No. 10-2219, 3-4-2010; Ord. No. 15-3393, exh. A(5.0403), 9-3-2015)

Sec. 130-354. Site and structure provisions.**(a) Minimum lot area.**

- (1) *Residential uses.* The lot area of each zoning lot shall not be less than seven acres.
- (2) *Nonresidential uses.* The lot area of each zoning lot shall not be less than seven acres, except that public utility facilities may be located on lots of lesser area with administrative approval.

(b) Minimum area regulations.

- (1) *Minimum lot width.* The width of each zoning lot shall not be less than 300 feet.
- (2) *Front yard.* Front building lines shall conform to the average building lines established in a developed block. In all cases, this front building line shall be set back a minimum of 50 feet from the front property line.
- (3) *Side yard.* There shall be two side yards, one on each side of the building, having a minimum width of 15 feet each, plus one additional foot for each foot in building height over 20 feet above base flood elevation.
- (4) *Rear yard.* There shall be a rear yard having a depth of not less than 25 feet, plus one additional foot, for every foot in building height over 20 feet above base flood elevation.

(c) Maximum lot coverage.

- (1) *Residential uses.* The lot coverage of all principle and accessory buildings on a zoning lot shall not exceed 15 percent of the total area of the lot.
- (2) *Nonresidential uses.* The lot coverage of all principal and accessory buildings on a zoning lot shall not exceed 40 percent of the total area of the lot.

(d) Height regulations.

- (1) No building or dwelling for residential or business purposes shall exceed 35 feet in height above the natural grade of the property at the location of the structure or base flood elevation as established in chapter 115, article II of this Land Development Code, whichever is higher.
- (2) Uses incidental to farming, such as silos, windmills, etc., and any other nonhabitable structure (e.g., radio, television tower) may exceed this height limitation, provided, however, that there be one foot setback for every one foot over 45 feet from existing dwellings or residences and/or property lines.

(e) Off-street parking and loading requirements. Off-street parking and loading shall be provided as put forth in article VI, division 8 of these regulations.

(Code 1998, app. C, § 5.0404; Ord. No. 07-1548, § 5.0404, 5-3-2007)

Sec. 130-355. District standards.

All uses of land and structures in the E-4 Estate District are subject to the general standards and regulations of these regulations. In addition, all uses located in the E-4 Estate District shall be subject to the following standards:

- (1) *Environmental quality.*
 - a. *Flood zones.* Construction of any structures or alteration of land which occurs in the 100-year flood zone as established by the Federal Emergency Management Agency shall require approval from the parish engineer prior to issuance of a building permit.
 - b. *Tree preservation, landscaping and screening.* Tree preservation, landscaping and screening shall be subject to the provisions of article VI, division 2 of these regulations.
- (2) *Signs, lighting and landscaping.*
 - a. *Landscaping.* Landscaping shall be subject to the provisions of article VI, division 2 of these regulations.
 - b. *Signs.* Signs shall be subject to the provisions of article VI, division 3 of these regulations.
 - c. *Lighting.* Lighting shall be subject to the provisions of article VI, division 4 of these regulations.
- (3) *Utilities.*
 - a. *Sewer.*
 1. *Residential.* On lots without central sewerage facilities, an individual sewer system must meet department of health and human resources standards and be approved by the parish health department.
 2. *Nonresidential.* On lots without central sewerage facilities, an individual sewer system must meet department of health and human resources standards and be approved by the parish health department.
 - b. *Water.* On lots without central water facilities, any well must be 50 feet from any sewer disposal unit.

(Code 1998, app. C, § 5.0405; Ord. No. 07-1548, § 5.0405, 5-3-2007)

Sec. 130-356. Fee schedules.

Fees for site plan review shall be as required by chapter 2, article XVII.
(Code 1998, app. C, § 5.0406; Ord. No. 07-1548, § 5.0406, 5-3-2007)

Secs. 130-357—130-385. Reserved.

DIVISION 6. A-1(D) SUBURBAN DISTRICT

Sec. 130-386. Purpose.

The A-1(D) Suburban District is intended to provide a single-family residential environment at a low density level. The A-1(D) district is located primarily in less populated areas where the character of the area should be preserved through low densities. To protect the intention of the district, permitted activities are limited to single-family dwellings, certain specified agricultural, and utility uses. All strictly commercial uses are prohibited in the A-1(D) Suburban District. Planned unit development overlays may be used in the A-1(D) Suburban District.

(Code 1998, app. C, § 5.0501; Ord. No. 07-1548, § 5.0501, 5-3-2007)

Sec. 130-387. Permitted uses.

Only the following permitted uses shall be allowed in the A-1(D) Suburban District and no structure or land shall be devoted to any other use other than a use permitted hereunder with the exception of uses lawfully established prior to the effective date of the ordinance from which this division is derived or accessory uses in compliance with the provisions of this section:

- (1) *Residential uses.*
 - a. One single-family dwelling.
- (2) *Accessory uses.*
 - a. Private garages and accessory structures.
 - b. Garage apartment or guest house under 1,000 square feet of habitable floor space when the subject lot, parcel or tract is no less than one acre in area.
- (3) *Miscellaneous uses.*
 - a. Community central water treatment, well, and storage facilities.
 - b. Household agriculture.
- (4) *Similar and compatible uses.* Other uses which are similar and compatible with the allowed uses of the A-1(D) Suburban District as determined by the director of planning and development acting in the capacity of zoning administrator.

(Code 1998, app. C, § 5.0502; Ord. No. 07-1548, § 5.0502, 5-3-2007)

Sec. 130-388. Administrative permits.

The purpose of an administrative permit is to provide for a staff review of certain uses. The following uses are prohibited unless application for the use has been processed by the department of planning and development and the use is in conformance with the minimum standards for that use as outlined in section 130-2112:

- (1) Home office, provided the area for the use does not exceed 600 square feet and the proposal is in accordance with section 130-2112.

- (2) Roadside stands under 200 square feet adjacent to an existing agricultural use.
- (3) On-site real estate sales offices under 600 square feet.
- (4) Subdivision entrance signs may be reviewed for appropriate location, size and construction methods.
- (5) Fairs, festivals and assemblies associated with churches, schools, public lands or nonprofit organizations.
 - a. Fairs, festivals and assemblies are limited to a maximum three day-period annually.
 - b. Total building area is limited to 5,000 square feet.
 - c. No more than 200 vehicle trips per day are permitted.
- (6) Signs. (Article VI, division 3 of these regulations applies.)
- (7) Private cultural and recreational uses associated with subdivisions:
 - a. Parks.
 - b. Botanical gardens.
 - c. Playgrounds.
 - d. Nature preserves and sanctuaries.
 - e. Stables.
 - f. Tennis courts.
 - g. Swimming pools.
 - h. Golf courses and related uses.
- (8) Agricultural and decorative ponds utilized exclusively by the resident and in which neither the excavated material is removed from the site nor commercial excavation occurs.
- (9) Agricultural uses.
 - a. Agricultural buildings and structures.
 - b. Cultivation of garden crops.
 - c. Farms.
 - d. Wholesale greenhouses and nurseries.
 - e. Roadside farm stands over 200 square feet adjacent to an existing agricultural use.
- (10) Community homes for handicapped persons as defined in R.S. 28:477.
- (11) Public utility surface structures.
 - a. Electrical substations.

- b. Telephone relay facilities.
 - c. Utility substations.
 - d. Wastewater treatment facilities.
 - e. Utility distribution systems.
 - f. Stormwater pumping stations.
 - g. Potable water pumping stations.
- (12) Temporary plants and related construction facilities for a single development.
- (13) Day care homes.
- (14) Temporary residences subject to the minimum standards as established under section 130-2112(56).
- (15) On-location television or film productions where no sets/structures are being constructed that would require the issuance of a building permit; specifically structures must be of a temporary nature and not capable of being occupied under the International Building Code/International Residential Code as determined by the chief building official, or his assigns.
- (16) Other administrative uses which are similar and compatible with the permitted uses of this district as determined by the director of planning and development acting in the capacity of zoning administrator.
- (Code 1998, app. C, § 5.0503; Ord. No. 07-1548, § 5.0503, 5-3-2007; Ord. No. 09-2169, 12-3-2009; Ord. No. 10-2219, 3-4-2010; Ord. No. 15-3393, exh. A(5.0503), 9-3-2015)

Sec. 130-389. Site and structure provisions.

- (a) *Maximum density/minimum lot area.*
- (1) *Residential uses.* The maximum net density permitted on shall be 0.2 units per acre (one unit per five acres).
 - (2) *Nonresidential uses.* The lot area of each zoning lot shall not be less than 40,000 square feet, except that public utility facilities may be located on lots of lesser area with administrative approval.
- (b) *Minimum area regulations.*
- (1) *Minimum lot width.* The width of each zoning lot shall not be less than 300 feet. There shall be no minimum lot width in the A-1(D) district if the standards of the planned unit development overlay are met.
 - (2) *Front yard.* Front building lines shall conform to the average building lines established in a developed block. In all cases, this front building line shall be set back a minimum of 50 feet from the front property line.

- (3) *Side yard.* There shall be two side yards, one on each side of the building, having a minimum width of 15 feet each, plus one additional foot for each foot in building height over 20 feet above base flood elevation.
- (4) *Rear yard.* There shall be a rear yard having a depth of not less than 25 feet, plus one additional foot, for every foot in building height over 20 feet above base flood elevation.
- (c) *Maximum lot coverage.*
 - (1) *Residential uses.* The lot coverage of all principle and accessory buildings on a zoning lot shall not exceed 15 percent of the total area of the lot.
 - (2) *Nonresidential uses.* The lot coverage of all principal and accessory buildings on a zoning lot shall not exceed 40 percent of the total area of the lot.
- (d) *Height regulations.*
 - (1) No building or dwelling for residential or business purposes shall exceed 35 feet in height above the natural grade of the property at the location of the structure or base flood elevation as established in chapter 115, article II of this Land Development Code, whichever is higher.
 - (2) Uses incidental to farming, such as silos, windmills, etc., and any other nonhabitable structure (e.g., radio, television tower) may exceed this height limitation, provided, however, that there be one foot setback for every one foot over 45 feet from existing dwellings or residences and/or property lines.
- (e) *Off-street parking and loading requirements.* Off-street parking and loading shall be provided as put forth in article VI, division 8 of these regulations.
(Code 1998, app. C, § 5.0504; Ord. No. 07-1548, § 5.0504, 5-3-2007)

Sec. 130-390. District standards.

All uses of land and structures in the A-1(D) Suburban District are subject to the general standards and regulations of these regulations. In addition, all uses located in the A-1(D) Suburban District shall be subject to the following standards:

- (1) *Environmental quality.*
 - a. *Flood zones.* Construction of any structures or alteration of land which occurs in the 100-year flood zone as established by the Federal Emergency Management Agency shall require approval from the parish engineer prior to issuance of a building permit.
 - b. *Tree preservation, landscaping and screening.* Tree preservation, landscaping and screening shall be subject to the provisions of article VI, division 2 of these regulations.

(2) *Signs, lighting and landscaping.*

- a. *Landscaping.* Landscaping shall be subject to the provisions of article VI, division 2 of these regulations.
- b. *Signs.* Signs shall be subject to the provisions of article VI, division 3 of these regulations.
- c. *Lighting.* Lighting shall be subject to the provisions of article VI, division 4 of these regulations.

(3) *Utilities.*

- a. *Sewer.*
 1. *Residential.* On lots without central sewerage facilities, an individual sewer system must meet department of health and human resources standards and be approved by the parish health department.
 2. *Nonresidential.* On lots without central sewerage facilities, an individual sewer system must meet department of health and human resources standards and be approved by the parish health department.
- b. *Water.* On lots without central water facilities, any well must be 50 feet from any sewer disposal unit.

(Code 1998, app. C, § 5.0505; Ord. No. 07-1548, § 5.0505, 5-3-2007)

Sec. 130-391. Fee schedules.

Fees for site plan review shall be as required by chapter 2, article XVII.
(Code 1998, app. C, § 5.0506; Ord. No. 07-1548, § 5.0506, 5-3-2007)

Secs. 130-392—130-410. Reserved.

DIVISION 7. A-1A(D) SUBURBAN DISTRICT

Sec. 130-411. Purpose.

The A-1A(D) Suburban District is intended to provide a single-family residential environment on large, multi-acre lots. The A-1A(D) district is located primarily in less populated areas where the character of the area should be preserved through low densities. To protect the intention of the district, permitted activities are limited to single-family dwellings, certain specified agricultural, and utility uses. All strictly commercial uses are prohibited in the A-1A(D) Suburban District. Planned unit development overlays may be used in the A-1A(D) Suburban District.

(Code 1998, app. C, § 5.0601; Ord. No. 07-1548, § 5.0601, 5-3-2007)

Sec. 130-412. Permitted uses.

Only the following permitted uses shall be allowed in the A-1A(D) Suburban District and no structure or land shall be devoted to any other use other than a use permitted hereunder with the exception of uses lawfully established prior to the effective date the ordinance from which this division is derived or accessory uses in compliance with the provisions of this section and no structure or land shall be devoted to any other use other than a use permitted hereunder with the exception of (a) uses lawfully established prior to the effective date of the ordinance from which these regulations are derived; (b) conditional uses in compliance with the provisions of section 130-413; or (c) accessory uses in compliance with the provisions of this article.

(1) *Residential uses.*

- a. One single-family dwelling.

(2) *Accessory uses.*

- a. Private garages and accessory structures.
- b. Garage apartment or guest house under 1,000 square feet of habitable floor space when the subject lot, parcel or tract is no less than one acre in area.

(3) *Miscellaneous uses.*

- a. Community central water treatment, well, and storage facilities.
- b. Household agriculture.

(4) *Similar and compatible uses.* Other uses which are similar and compatible with the allowed uses of the A-1A(D) Suburban District as determined by the director of planning and development acting in the capacity of zoning administrator.

(Code 1998, app. C, § 5.0602; Ord. No. 07-1548, § 5.0602, 5-3-2007)

Sec. 130-413. Administrative permits.

The purpose of an administrative permit is to provide for a staff review of certain uses. The following uses are prohibited unless application for the use has been processed by the department of planning and development and the use is in conformance with the minimum standards for that use as outlined in section 130-2112:

- (1) Home office, provided the area for the use does not exceed 600 square feet and the proposal is in accordance with section 130-2112.
- (2) Roadside stands under 200 square feet adjacent to an existing agricultural use.
- (3) On-site real estate sales offices under 600 square feet.
- (4) Subdivision entrance signs may be reviewed for appropriate location, size and construction methods.

- (5) Fairs, festivals and assemblies associated with churches, schools, public lands or nonprofit organizations.
 - a. Fairs, festivals and assemblies are limited to a maximum three-day period annually.
 - b. Total building area is limited to 5,000 square feet.
 - c. No more than 200 vehicle trips per day are permitted.
- (6) Signs. (Article VI, division 3 of these regulations applies.)
- (7) Private cultural and recreational uses associated with subdivisions:
 - a. Parks.
 - b. Botanical gardens.
 - c. Playgrounds.
 - d. Nature preserves and sanctuaries.
 - e. Stables.
 - f. Tennis courts.
 - g. Swimming pools.
 - h. Golf courses and related uses.
- (8) Agricultural and decorative ponds utilized exclusively by the resident and in which neither the excavated material is removed from the site nor commercial excavation occurs.
- (9) Agricultural uses.
 - a. Agricultural buildings and structures.
 - b. Cultivation of garden crops.
 - c. Farms.
 - d. Wholesale greenhouses and nurseries.
 - e. Roadside farm stands over 200 square feet adjacent to an existing agricultural use.
- (10) Community homes for handicapped persons as defined in R.S. 28:477.
- (11) Public utility surface structures.
 - a. Electrical substations.
 - b. Telephone relay facilities.
 - c. Utility substations.
 - d. Wastewater treatment facilities.
 - e. Utility distribution systems.

- f. Stormwater pumping stations.
 - g. Potable water pumping stations.
 - (12) Temporary plants and related construction facilities for a single development.
 - (13) Day care homes.
 - (14) Temporary residences subject to the minimum standards as established under section 130-2112(56).
 - (15) On-location television or film productions where no sets/structures are being constructed that would require the issuance of a building permit; specifically structures must be of a temporary nature and not capable of being occupied under the International Building Code/International Residential Code as determined by the chief building official, or his assigns.
 - (16) Other administrative uses which are similar and compatible with the permitted uses of this district as determined by the director of planning and development acting in the capacity of zoning administrator.
- (Code 1998, app. C, § 5.0603; Ord. No. 07-1548, § 5.0603, 5-3-2007; Ord. No. 09-2169, 12-3-2009; Ord. No. 10-2219, 3-4-2010; Ord. No. 15-3393, exh. A(5.0603), 9-3-2015)

Sec. 130-414. Site and structure provisions.

- (a) *Maximum density/minimum lot area.*
 - (1) *Residential uses.* The maximum net density permitted on shall be 0.35 units per acre. (Approximately one unit per three acres.)
 - (2) *Nonresidential uses.* The lot area of each zoning lot shall not be less than 40,000 square feet, except that public utility facilities may be located on lots of lesser area with administrative approval.
- (b) *Minimum area regulations.*
 - (1) *Minimum lot width.* The width of each zoning lot shall not be less than 200 feet. There shall be no minimum lot width in the A-1(D) district if the standards of the planned unit development overlay are met.
 - (2) *Front yard.* Front building lines shall conform to the average building lines established in a developed block. In all cases, this front building line shall be set back a minimum of 50 feet from the front property line.
 - (3) *Side yard.* There shall be two side yards, one on each side of the building, having a minimum width of 15 feet each, plus one additional foot for each foot in building height over 20 feet above base flood elevation.

- (4) *Rear yard.* There shall be a rear yard having a depth of not less than 25 feet, plus one additional foot, for every foot in building height over 20 feet above base flood elevation.
- (c) *Maximum lot coverage.*
 - (1) *Residential uses.* The lot coverage of all principle and accessory buildings on a zoning lot shall not exceed 15 percent of the total area of the lot.
 - (2) *Nonresidential uses.* The lot coverage of all principal and accessory buildings on a zoning lot shall not exceed 40 percent of the total area of the lot.
- (d) *Height regulations.*
 - (1) No building or dwelling for residential or business purposes shall exceed 35 feet in height above the natural grade of the property at the location of the structure or base flood elevation as established in chapter 115, article II of this Land Development Code, whichever is higher.
 - (2) Uses incidental to farming, such as silos, windmills, etc., and any other nonhabitable structure (e.g., radio, television tower) may exceed this height limitation, provided, however, that there be one foot setback for every one foot over 45 feet from existing dwellings or residences and/or property lines.
- (e) *Off-street parking and loading requirements.* Off-street parking and loading shall be provided as put forth in article VI, division 8 of these regulations.
(Code 1998, app. C, § 5.0604; Ord. No. 07-1548, § 5.0604, 5-3-2007)

Sec. 130-415. District standards.

All uses of land and structures in the A-1A(D) Suburban District are subject to the general standards and regulations of these regulations. In addition, all uses located in the A-1A(D) Suburban District shall be subject to the following standards:

- (1) *Environmental quality.*
 - a. *Flood zones.* Construction of any structures or alteration of land which occurs in the 100-year flood zone as established by the Federal Emergency Management Agency shall require approval from the parish engineer prior to issuance of a building permit.
 - b. *Tree preservation, landscaping and screening.* Tree preservation, landscaping and screening shall be subject to the provisions of article VI, division 2 of these regulations.
- (2) *Signs, lighting and landscaping.*
 - a. *Landscaping.* Landscaping shall be subject to the provisions of article VI, division 2 of these regulations.

- b. *Signs.* Signs shall be subject to the provisions of article VI, division 3 of these regulations.
- c. *Lighting.* Lighting shall be subject to the provisions of article VI, division 4 of these regulations.

(3) *Utilities.*

- a. *Sewer.*
 - 1. *Residential.* On lots without central sewerage facilities, an individual sewer system must meet department of health and human resources standards and be approved by the parish health department.
 - 2. *Nonresidential.* On lots without central sewerage facilities, an individual sewer system must meet department of health and human resources standards and be approved by the parish health department.
- b. *Water.* On lots without central water facilities, any well must be 50 feet from any sewer disposal unit.

(Code 1998, app. C, § 5.0605; Ord. No. 07-1548, § 5.0605, 5-3-2007)

Sec. 130-416. Fee schedules.

Fees for site plan review shall be as required by chapter 2, article XVII.
(Code 1998, app. C, § 5.0606; Ord. No. 07-1548, § 5.0606, 5-3-2007)

Secs. 130-417—130-445. Reserved.

DIVISION 8. A-2(D) SUBURBAN DISTRICT

Sec. 130-446. Purpose.

The A-2(D) Suburban District is intended to provide a single-family residential environment on large, multi-acre lots. The A-2(D) district is located primarily in less populated areas where the character of the area should be preserved through low densities. To protect the intention of the district, permitted activities are limited to single-family dwellings, certain specified agricultural, and utility uses. All strictly commercial uses are prohibited in the A-2(D) Suburban District. Planned unit development overlays may be used in the A-2(D) Suburban District.
(Code 1998, app. C, § 5.0701; Ord. No. 07-1548, § 5.0701, 5-3-2007)

Sec. 130-447. Permitted uses.

Only the following permitted uses shall be allowed in the A-2(D) Suburban District and no structure or land shall be devoted to any other use other than a use permitted hereunder with the exception of uses lawfully established prior to the effective date of the ordinance from which this division is derived or accessory uses in compliance with the provisions of this section.

- (1) *Residential uses.*
 - a. One single-family dwelling.
- (2) *Accessory uses.*
 - a. Private garages and accessory structures.
 - b. Garage apartment or guest house under 1,000 square feet of habitable floor space when the subject lot, parcel or tract is no less than one acre in area.
- (3) *Miscellaneous uses.*
 - a. Community central water treatment, well, and storage facilities.
 - b. Household agriculture.
- (4) *Similar and compatible uses.* Other uses which are similar and compatible with the allowed uses of the A-2(D) Suburban District as determined by the director of planning and development acting in the capacity of zoning administrator.

(Code 1998, app. C, § 5.0702; Ord. No. 07-1548, § 5.0702, 5-3-2007)

Sec. 130-448. Administrative permits.

The purpose of an administrative permit is to provide for a staff review of certain uses. The following uses are prohibited unless application for the use has been processed by the department of planning and development and the use is in conformance with the minimum standards for that use as outlined in section 130-2112:

- (1) Home office, provided the area for the use does not exceed 600 square feet and the proposal is in accordance with section 130-2112.
- (2) Roadside stands under 200 square feet adjacent to an existing agricultural use.
- (3) On-site real estate sales offices under 600 square feet.
- (4) Subdivision entrance signs may be reviewed for appropriate location, size and construction methods.
- (5) Fairs, festivals and assemblies associated with churches, schools, public lands or nonprofit organizations.
 - a. Fairs, festivals and assemblies are limited to a maximum three-day period annually.
 - b. Total building area is limited to 5,000 square feet.

- c. No more than 200 vehicle trips per day are permitted.
- (6) Signs. (Article VI, division 3 of these regulations applies.)
- (7) Private cultural and recreational uses associated with subdivisions:
 - a. Parks.
 - b. Botanical gardens.
 - c. Playgrounds.
 - d. Nature preserves and sanctuaries.
 - e. Stables.
 - f. Tennis courts.
 - g. Swimming pools.
 - h. Golf courses and related uses.
- (8) Agricultural and decorative ponds utilized exclusively by the resident and in which neither the excavated material is removed from the site nor commercial excavation occurs.
- (9) Agricultural uses.
 - a. Agricultural buildings and structures.
 - b. Cultivation of garden crops.
 - c. Farms.
 - d. Wholesale greenhouses and nurseries.
 - e. Roadside farm stands over 200 square feet adjacent to an existing agricultural use.
- (10) Community homes for handicapped persons as defined in R.S. 28:477.
- (11) Public utility surface structures.
 - a. Electrical substations.
 - b. Telephone relay facilities.
 - c. Utility substations.
 - d. Wastewater treatment facilities.
 - e. Utility distribution systems.
 - f. Stormwater pumping stations.
 - g. Potable water pumping stations.
- (12) Temporary plants and related construction facilities for a single development.
- (13) Day care homes.

- (14) Temporary residences subject to the minimum standards as established under section 130-2112(56).
 - (15) On-location television or film productions where no sets/structures are being constructed that would require the issuance of a building permit; specifically structures must be of a temporary nature and not capable of being occupied under the International Building Code/International Residential Code as determined by the chief building official, or his assigns.
 - (16) Other administrative uses which are similar and compatible with the permitted uses of this district as determined by the director of planning and development acting in the capacity of zoning administrator.
- (Code 1998, app. C, § 5.0703; Ord. No. 07-1548, § 5.0703, 5-3-2007; Ord. No. 09-2169, 12-3-2009; Ord. No. 10-2219, 3-4-2010; Ord. No. 15-3393, exh. A(5.0703), 9-3-2015)

Sec. 130-449. Site and structure provisions.

- (a) *Maximum density/minimum lot area.*
 - (1) *Residential uses.* The maximum net density permitted on shall be one unit per acre.
 - (2) *Nonresidential uses.* The lot area of each zoning lot shall not be less than 40,000 square feet, except that public utility facilities may be located on lots of lesser area with administrative approval.
- (b) *Minimum area regulations.*
 - (1) *Minimum lot width.* The width of each zoning lot shall not be less than 150 feet. There shall be no minimum lot width in the A-2(D) district if the standards of the planned unit development overlay are met.
 - (2) *Front yard.* Front building lines shall conform to the average building lines established in a developed block. In all cases, this front building line shall be set back a minimum of 50 feet from the front property line.
 - (3) *Side yard.* There shall be two side yards, one on each side of the building, having a minimum width of 15 feet each, plus one additional foot for each foot in building height over 20 feet above base flood elevation.
 - (4) *Rear yard.* There shall be a rear yard having a depth of not less than 25 feet, plus one additional foot, for every foot in building height over 20 feet above base flood elevation.
- (c) *Maximum lot coverage.*
 - (1) *Residential uses.* The lot coverage of all principle and accessory buildings on a zoning lot shall not exceed 15 percent of the total area of the lot.
 - (2) *Nonresidential uses.* The lot coverage of all principal and accessory buildings on a zoning lot shall not exceed 40 percent of the total area of the lot.

(d) *Height regulations.*

- (1) No building or dwelling for residential or business purposes shall exceed 35 feet in height above the natural grade of the property at the location of the structure or base flood elevation as established in chapter 115, article II of this Land Development Code, whichever is higher.
- (2) Uses incidental to farming, such as silos, windmills, etc., and any other nonhabitable structure (e.g., radio, television tower) may exceed this height limitation, provided, however, that there be one foot setback for every one foot over 45 feet from existing dwellings or residences and/or property lines.

(e) *Off-street parking and loading requirements.* Off-street parking and loading shall be provided as put forth in article VI, division 8 of these regulations.

(Code 1998, app. C, § 5.0704; Ord. No. 07-1548, § 5.0704, 5-3-2007)

Sec. 130-450. District standards.

All uses of land and structures in the A-2(D) Suburban District are subject to the general standards and regulations of these regulations. In addition, all uses located in the A-2(D) Suburban District shall be subject to the following standards:

(1) *Environmental quality.*

- a. *Flood zones.* Construction of any structures or alteration of land which occurs in the 100-year flood zone as established by the Federal Emergency Management Agency shall require approval from the parish engineer prior to issuance of a building permit.
- b. *Tree preservation, landscaping and screening.* Tree preservation, landscaping and screening shall be subject to the provisions of article VI, division 2 of these regulations.

(2) *Signs, lighting and landscaping.*

- a. *Landscaping.* Landscaping shall be subject to the provisions of article VI, division 2 of these regulations
- b. *Signs.* Signs shall be subject to the provisions of article VI, division 3 of these regulations.
- c. *Lighting.* Lighting shall be subject to the provisions of article VI, division 4 of these regulations.

(3) *Utilities.*

- a. *Sewer.*
 1. *Residential.* On lots without central sewerage facilities, an individual sewer system must meet department of health and human resources standards and be approved by the parish health department.

2. *Nonresidential.* On lots without central sewerage facilities, an individual sewer system must meet department of health and human resources standards and be approved by the parish health department.

- b. *Water.* On lots without central water facilities, any well must be 50 feet from any sewer disposal unit.

(Code 1998, app. C, § 5.0705; Ord. No. 07-1548, § 5.0705, 5-3-2007)

Sec. 130-451. Fee schedules.

Fees for site plan review shall be as required by chapter 2, article XVII.

(Code 1998, app. C, § 5.0706; Ord. No. 07-1548, § 5.0706, 5-3-2007)

Secs. 130-452—130-470. Reserved.

DIVISION 9. A-3(D) SUBURBAN DISTRICT

Sec. 130-471. Purpose.

The A-3(D) Suburban District is intended to provide a single-family residential environment on moderate sized lots which are served by central utility systems and other urban services. The A-3(D) District is located in areas appropriate for urbanized single-family development in areas convenient to commercial and employment centers. To protect the intention of the district, permitted activities are limited to single-family dwellings and utility uses. All strictly commercial uses are prohibited in the A-3(D) district. Planned unit development overlays may be used in the A-3(D) Suburban District.

(Code 1998, app. C, § 5.0801; Ord. No. 07-1548, § 5.0801, 5-3-2007; Ord. No. 09-2169, 12-3-2009)

Sec. 130-472. Permitted uses.

Only the following permitted uses shall be allowed in the A-3(D) Suburban District and no structure or land shall be devoted to any other use other than a use permitted hereunder with the exception of uses lawfully established prior to the effective date of the ordinance from which this division is derived or accessory uses in compliance with the provisions of this section.

- (1) *Residential uses.*

- a. One single-family dwelling.

- (2) *Accessory uses.*

- a. Private garages and accessory structures.
 - b. Garage apartment or guest house under 1,000 square feet of habitable floor space when the subject lot, parcel or tract is no less than one acre in area.

- (3) *Miscellaneous uses.*
 - a. Community central water treatment, well, and storage facilities.
 - b. Household agriculture.
- (4) *Similar and compatible uses.* Other uses which are similar and compatible with the allowed uses of the A-4 Single-Family Residential District as determined by the director of planning and development acting in the capacity of zoning administrator. (Code 1998, app. C, § 5.0802; Ord. No. 07-1548, § 5.0802, 5-3-2007; Ord. No. 09-2169, 12-3-2009)

Sec. 130-473. Administrative permits.

The purpose of an administrative permit is to provide for a staff review of certain uses. The following uses are prohibited unless application for the use has been processed by the department of planning and development and the use is in conformance with the minimum standards for that use as outlined in section 130-2112:

- (1) Home office, provided the area for the use does not exceed 600 square feet and the proposal is in accordance with section 130-2112.
- (2) Roadside stands under 200 square feet adjacent to an existing agricultural use.
- (3) On-site real estate sales offices under 600 square feet.
- (4) Subdivision entrance signs may be reviewed for appropriate location, size and construction methods.
- (5) Fairs, festivals and assemblies associated with churches, schools, public lands or nonprofit organizations.
 - a. Fairs, festivals and assemblies are limited to a maximum three-day period annually.
 - b. Total building area is limited to 5,000 square feet.
 - c. No more than 200 vehicle trips per day are permitted.
- (6) Signs. (Article VI, division 3 of these regulations applies.)
- (7) Private cultural and recreational uses associated with subdivisions:
 - a. Parks.
 - b. Botanical gardens.
 - c. Playgrounds.
 - d. Nature preserves and sanctuaries.
 - e. Stables.
 - f. Tennis courts.

- g. Swimming pools.
 - h. Golf courses and related uses.
- (8) Agricultural and decorative ponds utilized exclusively by the resident and in which neither the excavated material is removed from the site nor commercial excavation occurs.
- (9) Agricultural uses.
- a. Agricultural buildings and structures.
 - b. Cultivation of garden crops.
 - c. Farms.
 - d. Wholesale greenhouses and nurseries.
 - e. Roadside farm stands over 200 square feet adjacent to an existing agricultural use.
- (10) Community homes for handicapped persons as defined in R.S. 28:477.
- (11) Public utility surface structures.
- a. Electrical substations.
 - b. Telephone relay facilities.
 - c. Utility substations.
 - d. Wastewater treatment facilities.
 - e. Utility distribution systems.
 - f. Stormwater pumping stations.
 - g. Potable water pumping stations.
- (12) Temporary plants and related construction facilities for a single development.
- (13) Day care homes.
- (14) On-location television or film productions where no sets/structures are being constructed that would require the issuance of a building permit; specifically structures must be of a temporary nature and not capable of being occupied under the International Building Code/International Residential Code as determined by the chief building official, or his assigns.
- (15) Other administrative uses which are similar and compatible with the permitted uses of this district as determined by the director of planning and development acting in the capacity of zoning administrator.
- (Code 1998, app. C, § 5.0803; Ord. No. 07-1548, § 5.0803, 5-3-2007; Ord. No. 09-2169, 12-3-2009; Ord. No. 15-3393, exh. A(5.0803), 9-3-2015)

Sec. 130-474. Site and structure provisions.

(a) *Maximum density/minimum lot area.*

- (1) *Residential uses.* The maximum net density permitted on shall be two units per acre.
- (2) *Nonresidential uses.* The lot area of each zoning lot shall not be less than 40,000 square feet, except that public utility facilities may be located on lots of lesser area with administrative approval.

(b) *Minimum area regulations.*

- (1) *Minimum lot width.* The width of each zoning lot shall not be less than 100 feet. There shall be no minimum lot width in the A-3(D) district if the standards of the planned unit development overlay are met.
- (2) *Front yard.* Front building lines shall conform to the average building lines established in a developed block, in all cases, this front building line shall be set back a minimum of 30 feet from the front property line.
- (3) *Side yard.* There shall be two side yards, one on each side of the building, having a minimum width of ten feet each, plus one additional foot for each one foot in building height over 20 feet above base flood elevation.
- (4) *Rear yard.* There shall be a rear yard having a depth of not less than 25 feet, plus one additional foot for every one foot in building height over 20 feet above base flood elevation.

(c) *Maximum lot coverage.*

- (1) *Residential uses.* The lot coverage of all principal and accessory buildings on a zoning lot shall not exceed 50 percent of the total area of the lot. For single-family cluster developments (zero lot line), the lot coverage of all principal and accessory buildings on a zoning lot shall not exceed 70 percent of the total area of the lot.
- (2) *Nonresidential uses.* The lot coverage of all principal and accessory buildings on a zoning lot shall not exceed 40 percent of the total area of the lot.

(d) *Height regulations.* No building or dwelling for residential or business purposes shall exceed 35 feet in height above the natural grade of the property at the location of the structure or base flood elevation as established in chapter 115, article II, whichever is higher.

(e) *Off-street parking and loading requirements.* Off-street parking and loading shall be provided as put forth in article VI, division 8 of these regulations.

(Code 1998, app. C, § 5.0804; Ord. No. 07-1548, § 5.0804, 5-3-2007; Ord. No. 09-2169, 12-3-2009)

Sec. 130-475. District standards.

All uses of land and structures in the A-3(D) Suburban District area subject to the general standards and regulations of these regulations. In addition, all uses located in the A-3(D) district shall be subject to the following standards:

- (1) *Environmental quality.*
 - a. *Flood zones.* Construction of any structures or alteration of land which occurs in the 100-year flood zone as established by the Federal Emergency Management Agency shall require approval from the parish engineer prior to issuance of a building permit.
 - b. *Tree preservation, landscaping and screening.* Tree preservation, landscaping and screening shall be subject to the provisions of article VI, division 2 of these regulations.
- (2) *Signs, lighting and landscaping.*
 - a. *Landscaping.* Landscaping shall be subject to the provisions of article VI, division 2 of these regulations
 - b. *Signs.* Signs shall be subject to the provisions of article VI, division 3 of these regulations.
 - c. *Lighting.* Lighting shall be subject to the provisions of article VI, division 4 of these regulations.
- (3) *Utilities.*
 - a. *Water and sewer, residential and nonresidential uses.* Central water and sewerage facilities shall be provided where applicable as per chapter 125.

(Code 1998, app. C, § 5.0805; Ord. No. 07-1548, § 5.0805, 5-3-2007; Ord. No. 09-2169, 12-3-2009)

Sec. 130-476. Fee schedules.

Fees for site plan review shall be as required by chapter 2, article XVII.
(Code 1998, app. C, § 5.0806; Ord. No. 07-1548, § 5.0806, 5-3-2007; Ord. No. 09-2169, 12-3-2009)

Secs. 130-477—130-505. Reserved.**DIVISION 10. A-4(D) SINGLE-FAMILY RESIDENTIAL DISTRICT****Sec. 130-506. Purpose.**

The A-4(D) district is intended to provide single-family residential dwellings in a setting of moderate urban density. Central utility systems, convenience to commercial and employment

centers and efficient access to major transportation routes are locational characteristics of this district. To protect the intention of the district, permitted activities are limited to single-family dwellings and utility uses. All strictly commercial uses are prohibited in the A-4(D) district. Planned unit development overlays may be used in the A-4(D) Suburban District. (Code 1998, app. C, § 5.0901; Ord. No. 07-1548, § 5.0901, 5-3-2007)

Sec. 130-507. Permitted uses.

Only the following permitted uses shall be allowed in the A-4(D) Single-Family Residential District and no structure or land shall be devoted to any other use other than a use permitted hereunder with the exception of uses lawfully established prior to the effective date of these regulations or accessory uses in compliance with the provisions of this section.

- (1) *Residential uses.*
 - a. One single-family dwelling.
- (2) *Accessory uses.*
 - a. Private garages and accessory structures.
 - b. Garage apartment or guest house under 1,000 square feet of habitable floor space when the subject lot, parcel or tract is no less than one acre in area.
- (3) *Miscellaneous uses.*
 - a. Community central water treatment, well, and storage facilities.
 - b. Household agriculture.
- (4) *Similar and compatible uses.* Other uses which are similar and compatible with the allowed uses of the A-4 Single-Family Residential District as determined by the director of planning and development acting in the capacity of zoning administrator.

(Code 1998, app. C, § 5.0902; Ord. No. 07-1548, § 5.0902, 5-3-2007)

Sec. 130-508. Administrative permits.

The purpose of an administrative permit is to provide for a staff review of certain uses. The following uses are prohibited unless application for the use has been processed by the department of planning and development and the use is in conformance with the minimum standards for that use as outlined in section 130-2112:

- (1) Home office, provided the area for the use does not exceed 600 square feet and the proposal is in accordance with section 130-2112.
- (2) Roadside stands under 200 square feet adjacent to an existing agricultural use.
- (3) On-site real estate sales offices under 600 square feet.
- (4) Subdivision entrance signs may be reviewed for appropriate location, size and construction methods.

- (5) Fairs, festivals and assemblies associated with churches, schools, public lands or nonprofit organizations.
 - a. Fairs, festivals and assemblies are limited to a maximum three-day period annually.
 - b. Total building area is limited to 5,000 square feet.
 - c. No more than 200 vehicle trips per day are permitted.
- (6) Signs. (Article VI, division 3 of these regulations applies.)
- (7) Private cultural and recreational uses associated with subdivisions:
 - a. Parks.
 - b. Botanical gardens.
 - c. Playgrounds.
 - d. Nature preserves and sanctuaries.
 - e. Stables.
 - f. Tennis courts.
 - g. Swimming pools.
 - h. Golf courses and related uses.
- (8) Agricultural and decorative ponds utilized exclusively by the resident and in which neither the excavated material is removed from the site nor commercial excavation occurs.
- (9) Agricultural uses.
 - a. Agricultural buildings and structures.
 - b. Cultivation of garden crops.
 - c. Farms.
 - d. Wholesale greenhouses and nurseries.
 - e. Roadside farm stands over 200 square feet adjacent to an existing agricultural use.
- (10) Community homes for handicapped persons as defined in R.S. 28:477.
- (11) Public utility surface structures.
 - a. Electrical substations.
 - b. Telephone relay facilities.
 - c. Utility substations.
 - d. Wastewater treatment facilities.
 - e. Utility distribution systems.

- f. Stormwater pumping stations.
 - g. Potable water pumping stations.
 - (12) Temporary plants and related construction facilities for a single development.
 - (13) On-location television or film productions where no sets/structures are being constructed that would require the issuance of a building permit; specifically structures must be of a temporary nature and not capable of being occupied under the International Building Code/International Residential Code as determined by the chief building official, or his assigns.
 - (14) Other administrative uses which are similar and compatible with the permitted uses of the district as determined by the director of planning and development acting in the capacity of zoning administrator.
- (Code 1998, app. C, § 5.0903; Ord. No. 07-1548, § 5.0903, 5-3-2007; Ord. No. 15-3393, exh. A(5.0903), 9-3-2015)

Sec. 130-509. Site and structure provisions.

- (a) *Maximum density/minimum lot area.*
 - (1) *Residential uses.* The maximum net density permitted on shall be four units per acre.
 - (2) *Nonresidential uses.* The lot area of each zoning lot shall not be less than 40,000 square feet, except that public utility facilities may be located on lots of lesser area with administrative approval.
 - (3) *Open space.* A minimum of 25 percent of the gross area of each tract of land in a single-family cluster development (zero lot line) must be reserved and dedicated for public or common use. Improved drainage facilities, lakes, streets and other impermeable surfaced areas and any other unusable land may not be included in determining the required open space for the development.
- (b) *Minimum area regulations.*
 - (1) *Minimum lot width.* The width of each zoning lot shall not be less than 90 feet. There shall be no minimum lot width in the A-4(D) district if the standards of the planned unit development overlay are met.
 - (2) *Front yard.* Front building lines shall conform to the average building lines established in a developed block, in all cases, this front building line shall be set back a minimum of 30 feet from the front property line.
 - (3) *Side yard.* There shall be two side yards, one on each side of the building, having a minimum width of ten feet each, plus one additional foot for each one foot in building height over 20 feet above base flood elevation. For single-family cluster developments (zero lot line) there shall be at least one side yard, having a minimum width of 25 feet,

plus one additional foot for each foot in building height over 20 feet above base flood elevation. However, for structures located on corner lots, there shall be a side yard setback from the side street of not less than 20 feet.

- (4) *Rear yard.* There shall be a rear yard having a depth of not less than 25 feet, plus one additional foot for every one foot in building height over 20 feet above base flood elevation.

(c) *Maximum lot coverage.*

- (1) *Residential uses.* The lot coverage of all principal and accessory buildings on a zoning lot shall not exceed 50 percent of the total area of the lot. For single-family cluster developments (zero lot line), the lot coverage of all principal and accessory buildings on a zoning lot shall not exceed 70 percent of the total area of the lot.

- (2) *Nonresidential uses.* The lot coverage of all principal and accessory buildings on a zoning lot shall not exceed 40 percent of the total area of the lot.

(d) *Height regulations.* No building or dwelling for residential or business purposes shall exceed 35 feet in height above the natural grade of the property at the location of the structure or base flood elevation as established in chapter 115, article II of this Land Development Code, whichever is higher.

(e) *Off-street parking and loading requirements.* Off-street parking and loading shall be provided as put forth in article VI, division 8 of these regulations.

(Code 1998, app. C, § 5.0904; Ord. No. 07-1548, § 5.0904, 5-3-2007)

Sec. 130-510. District standards.

All uses of land and structures in the A-4(D) Single-Family Residential District area subject to the general standards and regulations of these regulations. In addition, all uses located in the A-4(D) district shall be subject to the following standards:

(1) *Environmental quality.*

- a. *Flood zones.* Construction of any structures or alteration of land which occurs in the 100-year flood zone as established by the Federal Emergency Management Agency shall require approval from the parish engineer prior to issuance of a building permit.
- b. *Tree preservation, landscaping and screening.* Tree preservation, landscaping and screening shall be subject to the provisions of article VI, division 2 of these regulations.

(2) *Signs, lighting and landscaping.*

- a. *Landscaping.* Landscaping shall be subject to the provisions of article VI, division 2 of these regulations.

- b. *Signs.* Signs shall be subject to the provisions of article VI, division 3 of these regulations.
- c. *Lighting.* Lighting shall be subject to the provisions of article VI, division 4 of these regulations.

(3) *Utilities.*

- a. *Water and sewer; residential and nonresidential uses.* Central water and sewerage facilities shall be provided where applicable as per chapter 125.

(Code 1998, app. C, § 5.0905; Ord. No. 07-1548, § 5.0905, 5-3-2007)

Sec. 130-511. Fee schedules.

Fees for site plan review shall be as required by chapter 2, article XVII.

(Code 1998, app. C, § 5.0906; Ord. No. 07-1548, § 5.0906, 5-3-2007)

Secs. 130-512—130-530. Reserved.

DIVISION 11. A-4A(D) SINGLE-FAMILY RESIDENTIAL DISTRICT

Sec. 130-531. Purpose.

The A-4A(D) district is intended to provide single-family residential dwellings in a setting of moderate urban density. Central utility systems, convenience to commercial and employment centers and efficient access to major transportation routes are characteristics of this district. To protect the intention of the district, permitted activities are limited to single-family dwellings and certain and utility uses. All strictly commercial uses are prohibited in the A-4A(D) district. Planned unit development overlays may be used in the A-4A(D) Suburban District.

(Code 1998, app. C, § 5.1001; Ord. No. 07-1548, § 5.1001, 5-3-2007)

Sec. 130-532. Permitted use.

Only the following permitted uses shall be allowed in the A-4A(D) Single-Family Residential District and no structure or land shall be devoted to any other use other than a use permitted hereunder with the exception of uses lawfully established prior to the effective date of these regulations or accessory uses in compliance with the provisions of this section.

(1) *Residential uses.*

- a. One single-family dwelling.

(2) *Accessory uses.*

- a. Private garages and accessory structures.
- b. Garage apartment or guest house under 1,000 square feet of habitable floor space when the subject lot, parcel or tract is no less than one acre in area.

- (3) *Miscellaneous uses.*
 - a. Community central water treatment, well, and storage facilities.
 - b. Household agriculture.
- (4) *Similar and compatible uses.* Other uses which are similar and compatible with the allowed uses of the A-4A(D) Single-Family Residential District as determined by the director of planning and development acting in the capacity of zoning administrator.
(Code 1998, app. C, § 5.1002; Ord. No. 07-1548, § 5.1002, 5-3-2007)

Sec. 130-533. Administrative permits.

The purpose of an administrative permit is to provide for a staff review of certain uses. The following uses are prohibited unless application for the use has been processed by the department of planning and development and the use is in conformance with the minimum standards for that use as outlined in section 130-2112:

- (1) Home office, provided the area for the use does not exceed 600 square feet and the proposal is in accordance with section 130-2112.
- (2) Roadside stands under 200 square feet adjacent to an existing agricultural use.
- (3) On-site real estate sales offices under 600 square feet.
- (4) Subdivision entrance signs may be reviewed for appropriate location, size and construction methods.
- (5) Fairs, festivals and assemblies associated with churches, schools, public lands or nonprofit organizations.
 - a. Fairs, festivals and assemblies are limited to a maximum three-day period annually.
 - b. Total building area is limited to 5,000 square feet.
 - c. No more than 200 vehicle trips per day are permitted.
- (6) Signs. (Article VI, division 3 of these regulations applies.)
- (7) Private cultural and recreational uses associated with subdivisions:
 - a. Parks.
 - b. Botanical gardens.
 - c. Playgrounds.
 - d. Nature preserves and sanctuaries.
 - e. Stables.
 - f. Tennis courts.
 - g. Swimming pools.

- h. Golf courses and related uses.
 - (8) Agricultural and decorative ponds utilized exclusively by the resident and in which neither the excavated material is removed from the site nor commercial excavation occurs.
 - (9) Agricultural uses.
 - a. Agricultural buildings and structures.
 - b. Cultivation of garden crops.
 - c. Farms.
 - d. Wholesale greenhouses and nurseries.
 - e. Roadside farm stands over 200 square feet adjacent to an existing agricultural use.
 - (10) Community homes for handicapped persons as defined in R.S. 28:477.
 - (11) Public utility surface structures.
 - a. Electrical substations.
 - b. Telephone relay facilities.
 - c. Utility substations.
 - d. Wastewater treatment facilities.
 - e. Utility distribution systems.
 - f. Stormwater pumping stations.
 - g. Potable water pumping stations.
 - (12) Temporary plants and related construction facilities for a single development.
 - (13) On-location television or film productions where no sets/structures are being constructed that would require the issuance of a building permit; specifically structures must be of a temporary nature and not capable of being occupied under the International Building Code/International Residential Code as determined by the chief building official, or his assigns.
 - (14) Other administrative uses which are similar and compatible with the uses permitted in this district as determined by the director of planning and development acting in the capacity of zoning administrator.
- (Code 1998, app. C, § 5.1003; Ord. No. 07-1548, § 5.1003, 5-3-2007; Ord. No. 15-3393, exh. A(5.1003), 9-3-2015)

Sec. 130-534. Site and structure provisions.

- (a) *Maximum density/minimum lot area.*
- (1) *Residential uses.* The maximum net density permitted on shall be six units per acre.

- (2) *Nonresidential uses.* The lot area of each zoning lot shall not be less than 40,000 square feet, except that public utility facilities may be located on lots of lesser area with administrative approval.
 - (3) *Open space.* A minimum of 25 percent of the gross area of each tract of land in a single-family cluster development (zero lot line) must be reserved and dedicated for public or common use. Improved drainage facilities, lakes, streets and other impermeable surfaced areas and any other unusable land may not be included in determining the required open space for the development.
- (b) *Minimum area regulations.*
- (1) *Minimum lot width.* The width of each zoning lot shall not be less than 60 feet. There shall be no minimum lot width in the A-4A(D) district if the standards of the planned unit development overlay are met.
 - (2) *Front yard.* Front building lines shall conform to the average building lines established in a developed block, in all cases, this front building line shall be set back a minimum of 30 feet from the front property line.
 - (3) *Side yard.* There shall be two side yards, one on each side of the building, having a minimum width of ten feet each, plus one additional foot for each one foot in building height over 20 feet above base flood elevation. For single-family cluster developments (zero lot line) there shall be at least one side yard, having a minimum width of 25 feet, plus one additional foot for each foot in building height over 20 feet above base flood elevation. However, for structures located on corner lots, there shall be a side yard setback from the side street of not less than 20 feet.
 - (4) *Rear yard.*
 - a. *Standard requirement.* There shall be a rear yard having a depth of not less than 25 feet, plus one additional foot for every one foot in building height over 20 feet above base flood elevation.
 - b. *Special requirement.*
 - 1. Lakeview Drive, Slidell. Except as provided in subsection (4)b.2 of this section, all properties fronting the south side of Lakeview Drive shall adhere to the standard rear yard requirements and, in addition, shall not extend the distance of the primary structure on the property more than 135 feet lakeward of the front property line adjacent to the Lakeview Drive right-of-way.
 - 2. All properties with road frontage along Lakeview Drive where any portion of said frontage is within 700 feet of the eastern right-of-way of U.S. Highway

11 may have a primary structure located beyond the setback provided for, except that no primary structure shall be located more than 350 feet from the front property line.

(c) *Maximum lot coverage.*

- (1) *Residential uses.* The lot coverage of all principal and accessory buildings on a zoning lot shall not exceed 50 percent of the total area of the lot. For single-family cluster developments (zero lot line), the lot coverage of all principal and accessory buildings on a zoning lot shall not exceed 70 percent of the total area of the lot.
- (2) *Nonresidential uses.* The lot coverage of all principal and accessory buildings on a zoning lot shall not exceed 40 percent of the total area of the lot.

(d) *Height regulations.* No building or dwelling for residential or business purposes shall exceed 35 feet in height above the natural grade of the property at the location of the structure or base flood elevation as established in chapter 115, article II, whichever is higher.

(e) *Off-street parking and loading requirements.* Off-street parking and loading shall be provided as put forth in article VI, division 8 of these regulations.
(Code 1998, app. C, § 5.1004; Ord. No. 07-1548, § 5.1004, 5-3-2007; Ord. No. 12-2714, 5-3-2012)

Sec. 130-535. District standards.

All uses of land and structures in the A-4A(D) Single-Family Residential District area subject to the general standards and regulations of these regulations. In addition, all uses located in the A-4A(D) district shall be subject to the following standards:

(1) *Environmental quality.*

- a. *Flood zones.* Construction of any structures or alteration of land which occurs in the 100-year flood zone as established by the Federal Emergency Management Agency shall require approval from the parish engineer prior to issuance of a building permit.
- b. *Tree preservation, landscaping and screening.* Tree preservation, landscaping and screening shall be subject to the provisions of article VI, division 2 of these regulations.

(2) *Signs, lighting and landscaping.*

- a. *Landscaping.* Landscaping shall be subject to the provisions of article VI, division 2 of these regulations.
- b. *Signs.* Signs shall be subject to the provisions of article VI, division 3 of these regulations.
- c. *Lighting.* Lighting shall be subject to the provisions of article VI, division 4 of these regulations.

(3) *Utilities.*

- a. *Water and sewer; residential and nonresidential uses.* Central water and sewerage facilities shall be provided where applicable as per chapter 125.

(Code 1998, app. C, § 5.1005; Ord. No. 07-1548, § 5.1005, 5-3-2007)

Sec. 130-536. Fee schedules.

Fees for site plan review shall be as required by chapter 2, article XVII.

(Code 1998, app. C, § 5.1006; Ord. No. 07-1548, § 5.1006, 5-3-2007)

Secs. 130-537—130-565. Reserved.

DIVISION 12. A-5(D) TWO-FAMILY RESIDENTIAL DISTRICT

Sec. 130-566. Purpose.

The A-5(D) district is intended to provide a greater density of residential use by permitting the placement of two-family dwelling units without the more intense uses of general multifamily districts. This district is to primarily be located in a GMA and be characterized by central utility systems, convenience to commercial and employment centers, and efficient access to major transportation routes. To protect the intention of the district, permitted activities are limited to residential dwellings of one or two units and utility uses. All strictly commercial uses are prohibited in the A-5(D) district. Planned unit development overlays may be used in the A-5(D) Suburban District.

(Code 1998, app. C, § 5.1101; Ord. No. 07-1548, § 5.1101, 5-3-2007)

Sec. 130-567. Permitted uses.

Only the following permitted uses shall be allowed in the A-5(D) Two-Family Residential District and no structure or land shall be devoted to any other use other than a use permitted hereunder with the exception of uses lawfully established prior to the effective date of the ordinance from which these regulations are derived or accessory uses in compliance with the provisions of this section.

(1) *Residential uses.*

- a. One single-family dwelling.
b. Two-family dwellings.

(2) *Accessory uses.*

- a. Private garages and accessory structures.
b. Garage apartment or guest house under 1,000 square feet of habitable floor space when the subject lot, parcel or tract is no less than one acre in area.

- (3) *Miscellaneous uses.*
 - a. Community central water treatment, wall, and storage facilities.
 - b. Household agriculture.
- (4) *Similar and compatible uses.* Other uses which are similar and compatible with the allowed uses of the A-5(D) Two-Family Residential District as determined by the director of planning and development acting in the capacity of zoning administrator. (Code 1998, app. C, § 5.1102; Ord. No. 07-1548, § 5.1102, 5-3-2007)

Sec. 130-568. Administrative permits.

The purpose of an administrative permit is to provide for a staff review of certain uses. The following uses are prohibited unless application for the use has been processed by the department of planning and development and the use is in conformance with the minimum standards for that use as outlined in section 130-2112:

- (1) Home office, provided the area for the use does not exceed 600 square feet and the proposal is in accordance with section 130-2112.
- (2) Roadside stands under 200 square feet adjacent to an existing agricultural use.
- (3) On-site real estate sales offices under 600 square feet.
- (4) Subdivision entrance signs may be reviewed for appropriate location, size and construction methods.
- (5) Fairs, festivals and assemblies associated with churches, schools, public lands or nonprofit organizations.
 - a. Fairs, festivals and assemblies are limited to a maximum three-day period annually.
 - b. Total building area is limited to 5,000 square feet.
 - c. No more than 200 vehicle trips per day are permitted.
- (6) Signs. (Article VI, division 3 of these regulations applies.)
- (7) Private cultural and recreational uses associated with subdivisions:
 - a. Parks.
 - b. Botanical gardens.
 - c. Playgrounds.
 - d. Nature preserves and sanctuaries.
 - e. Stables.
 - f. Tennis courts.
 - g. Swimming pools.

- h. Golf courses and related uses.
 - (8) Agricultural and decorative ponds utilized exclusively by the resident and in which neither the excavated material is removed from the site nor commercial excavation occurs.
 - (9) Agricultural uses.
 - a. Agricultural buildings and structures.
 - b. Cultivation of garden crops.
 - c. Farms.
 - d. Wholesale greenhouses and nurseries.
 - e. Roadside farm stands over 200 square feet adjacent to an existing agricultural use.
 - (10) Community homes for handicapped persons as defined in R.S. 28:477.
 - (11) Public utility surface structures.
 - a. Electrical substations.
 - b. Telephone relay facilities.
 - c. Utility substations.
 - d. Wastewater treatment facilities.
 - e. Utility distribution systems.
 - f. Stormwater pumping stations.
 - g. Potable water pumping stations.
 - (12) Temporary plants and related construction facilities for a single development.
 - (13) On-location television or film productions where no sets/structures are being constructed that would require the issuance of a building permit; specifically structures must be of a temporary nature and not capable of being occupied under the International Building Code/International Residential Code as determined by the chief building official, or his assigns.
 - (14) Other administrative uses which are similar and compatible with the permitted uses of this district as determined by the director of planning and development acting in the capacity of zoning administrator.
- (Code 1998, app. C, § 5.1103; Ord. No. 07-1548, § 5.1103, 5-3-2007; Ord. No. 15-3393, exh. A(5.1103), 9-3-2015)

Sec. 130-569. Site and structure provisions.

(a) *Maximum/minimum lot area.*

- (1) *Residential uses.* The maximum net density permitted shall be eight dwelling units per acre.
- (2) *Nonresidential uses.* The lot area of each zoning lot shall not be less than 40,000 square feet, except that public utility facilities may be located on lots of lesser area with administrative approval.

(b) *Minimum area regulations.*

- (1) *Minimum lot width.* The width of each zoning lot shall not be less than 75 feet. There shall be no minimum lot width in the A-5(D) district if the standards of the planned unit development overlay are met.
- (2) *Front yard.* Front building lines shall conform to the average building lines established in a developed block, in all cases, this front building line shall be setback a minimum of 40 feet from the property line.
- (3) *Side yard.* There shall be two side yards, one on each side of the building, having a minimum width of ten feet each, plus one additional foot for each foot in building height over 20 feet above base flood elevation. However, for structures located on corner lots, there shall be a side yard setback from the side street of not less than ten feet.
- (4) *Rear yard.* There shall be a rear yard having a depth of not less than 25 feet, plus one additional foot for every one foot in building height over 20 feet above base flood elevation.

(c) *Maximum lot coverage.*

- (1) *Residential uses.* The lot coverage of all principle and accessory buildings on a zoning lot shall not exceed 50 percent of the total area of the lot.
- (2) *Nonresidential uses.* The lot coverage of all principle and accessory buildings on a zoning lot shall not exceed 40 percent of the total area of the lot.

(d) *Height regulations.* No building or dwelling for residential or business purposes shall exceed 35 feet in height above the natural grade of the property at the location of the structure or base flood elevation as established in chapter 115, article II of this Land Development Code, whichever is higher.

(e) *Off-street parking and loading requirements.* Off-street parking and loading shall be provided as put forth in article VI, division 8 of these regulations.

(Code 1998, app. C, § 5.1104; Ord. No. 07-1548, § 5.1104, 5-3-2007)

Sec. 130-570. District standards.

All uses of land and structures in the A-5(D) Two-Family Residential District are subject to the general standards and regulations of these regulations. In addition, all uses located in the A-5(D) district shall be subject to the following standards:

- (1) *Environmental quality.*
 - a. *Flood zones.* Construction of any structures or alteration of land which occurs in the 100-year flood zone as established by the Federal Emergency Management Agency shall require approval from the parish engineer prior to issuance of a building permit.
 - b. *Tree preservation, landscaping and screening.* Tree preservation, landscaping and screening shall be subject to the provisions of article VI, division 2 of these regulations.
- (2) *Signs, lighting and landscaping.*
 - a. *Landscaping.* Landscaping shall be subject to the provisions of article VI, division 2 of these regulations.
 - b. *Signs.* Signs shall be subject to the provisions of article VI, division 3 of these regulations.
 - c. *Lighting.* Lighting shall be subject to the provisions of article VI, division 4 of these regulations.
- (3) *Utilities.*
 - a. *Sewer.* All uses, residential and nonresidential must be provided with central sewerage systems.
 - b. *Water.* All uses, residential and nonresidential must be provided with central water systems.

(Code 1998, app. C, § 5.1105; Ord. No. 07-1548, § 5.1105, 5-3-2007)

Sec. 130-571. Fee schedules.

Fees for site plan review shall be as required by chapter 2, article XVII.
(Code 1998, app. C, § 5.1106; Ord. No. 07-1548, § 5.1106, 5-3-2007)

Secs. 130-572—130-590. Reserved.**DIVISION 13. A-6(D) MULTIPLE-FAMILY RESIDENTIAL DISTRICT; DENSITY****Sec. 130-591. Purpose.**

The A-6(D) Multiple-Family Residential District is intended to provide medium density residential development in an urbanized location where it may serve as a transitional district

between less intense commercial or industrial environments. This district is to be served by central utility systems, be convenient to commercial and employment centers, and have easy access to thoroughfares and collector streets. To protect the intentions of the district, permitted activities are limited to residential uses, both private and public, and utility uses. All strictly commercial uses are prohibited in the A-6(D) district. Planned unit development overlays may be used in the A-6(D) Multiple-Family Residential District.

(Code 1998, app. C, § 5.1201; Ord. No. 07-1548, § 5.1201, 5-3-2007)

Sec. 130-592. Permitted uses.

Only the following permitted uses shall be allowed in the A-6(D) Multiple-Family Residential District and no structure or land shall be devoted to any other use other than a use permitted hereunder with the exception of uses lawfully established prior to the effective date of the ordinance from which these regulations are derived or accessory uses in compliance with the provisions of this section.

(1) *Residential uses.*

- a. Multiple-family dwellings.
- b. Townhouse and condominiums.
- c. Nursing homes.

(2) *Accessory uses.*

- a. Private garages and accessory structures.
- b. Garage apartment or guest house under 1,000 square feet of habitable floor space when the subject lot, parcel or tract is no less than one acre in area.

(3) *Miscellaneous uses.*

- a. Community central water treatment, wall, and storage facilities.
- b. Household agriculture.

(4) *Similar and compatible uses.* Other uses which are similar and compatible with the allowed uses of the A-6(D) Multiple-Family Residential District as determined by the director of planning and development acting in the capacity of zoning administrator.

(Code 1998, app. C, § 5.1202; Ord. No. 07-1548, § 5.1202, 5-3-2007)

Sec. 130-593. Administrative permits.

The purpose of an administrative permit is to provide for a staff review of certain uses. The following uses are prohibited unless application for the use has been processed by the department of planning and development and the use is in conformance with the minimum standards for that use as outlined in section 130-2112:

- (1) Home office, provided the area for the use does not exceed 600 square feet and the proposal is in accordance with section 130-2112.

- (2) Roadside stands under 200 square feet adjacent to an existing agricultural use.
- (3) On-site real estate sales offices under 600 square feet.
- (4) Subdivision entrance signs may be reviewed for appropriate location, size and construction methods.
- (5) Fairs, festivals and assemblies associated with churches, schools, public lands or nonprofit organizations.
 - a. Fairs, festivals and assemblies are limited to a maximum three-day period annually.
 - b. Total building area is limited to 5,000 square feet.
 - c. No more than 200 vehicle trips per day are permitted.
- (6) Signs. (Article VI, division 3 of these regulations applies.)
- (7) Private cultural and recreational uses associated with subdivisions:
 - a. Parks.
 - b. Botanical gardens.
 - c. Playgrounds.
 - d. Nature preserves and sanctuaries.
 - e. Stables.
 - f. Tennis courts.
 - g. Swimming pools.
 - h. Golf courses and related uses.
- (8) Agricultural and decorative ponds utilized exclusively by the resident and in which neither the excavated material is removed from the site nor commercial excavation occurs.
- (9) Agricultural uses.
 - a. Agricultural buildings and structures.
 - b. Cultivation of garden crops.
 - c. Farms.
 - d. Wholesale greenhouses and nurseries.
 - e. Roadside farm stands over 200 square feet adjacent to an existing agricultural use.
- (10) Community homes for handicapped persons as defined in R.S. 28:477.
- (11) Public utility surface structures.
 - a. Electrical substations.

- b. Telephone relay facilities.
- c. Utility substations.
- d. Wastewater treatment facilities.
- e. Utility distribution systems.
- f. Stormwater pumping stations.
- g. Potable water pumping stations.

(12) Temporary plants and related construction facilities for a single development.

(13) On-location television or film productions where no sets/structures are being constructed that would require the issuance of a building permit; specifically structures must be of a temporary nature and not capable of being occupied under the International Building Code/International Residential Code as determined by the chief building official, or his assigns.

(14) Other administrative uses which are similar and compatible with the permitted uses in this district as determined by the director of planning and development acting in the capacity of zoning administrator.

(Code 1998, app. C, § 5.1203; Ord. No. 07-1548, § 5.1203, 5-3-2007; Ord. No. 15-3393, exh. A(5.1203), 9-3-2015)

Sec. 130-594. Site and structure provisions.

(a) *Minimum lot area.*

- (1) *Residential uses.* The lot area of each zoning lot shall not be less than 20,000 square feet.
- (2) *Nonresidential uses.* The lot area of each zoning lot shall not be less than 6,000 square feet, except that public utility facilities may be located on a lot of lesser area with administrative approval.

(b) *Maximum density regulations.* The maximum net density permitted shall not exceed one unit per 4,000 square feet of property.

(c) *Minimum area regulations.*

- (1) *Front yard.* Front building lines shall conform to the average building lines established in a developed block; in all cases, this front building line shall be set back a minimum of 25 feet from the front of the property line.
- (2) *Side yard.* There shall be two side yards, one on each side of the building, having a minimum width of five feet each, plus one additional foot for each one foot in building height over 25 feet above base flood elevation. However, for structures located on corner lots, there shall be a side yard setback from the side street of not less than ten feet.

- (3) *Rear yard.* There shall be a rear yard having a depth of not less than 25 feet, plus one additional foot for every 25 feet above base flood elevation.

- (d) *Maximum lot coverage.*

- (1) *Residential uses.* The lot coverage of all principal and accessory buildings on a zoning lot shall not exceed 50 percent of the total area of the lot.
- (2) *Nonresidential uses.* The lot coverage of all principal and accessory buildings on a zoning lot shall not exceed 40 percent of the total area of the lot.

(e) *Height regulations.* No building or dwelling for residential or business purposes shall exceed 35 feet in height above the natural grade of the property at the location of the structure or base flood elevation as established in chapter 115, article II of this Land Development Code, whichever is higher.

(f) *Off-street parking and loading requirements.* Off-street parking and loading areas shall be provided as put forth in article VI, division 8 of these regulations.
(Code 1998, app. C, § 5.1204; Ord. No. 07-1548, § 5.1204, 5-3-2007)

Sec. 130-595. District standards.

All use of land and structures in the A-6(D) Multiple-Family Residential District are subject to the general standards and regulations of these regulations. In addition, all uses located in the A-6(D) district shall be subject to the following standards:

- (1) *Environmental quality.*
- a. *Flood zones.* Construction of any structures or alteration of land which occurs in the 100-year flood zone as established by the Federal Emergency Management Agency shall require approval from the parish engineer prior to issuance of a building permit.
 - b. *Tree preservation, landscaping and screening.* Tree preservation, landscaping and screening shall be subject to the provisions of article VI, division 2 of these regulations.
- (2) *Signs, lighting and landscaping.*
- a. *Landscaping.* Landscaping shall be subject to the provisions of article VI, division 2 of these regulations.
 - b. *Signs.* Signs shall be subject to the provisions of article VI, division 3 of these regulations.
 - c. *Lighting.* Lighting shall be subject to the provisions of article VI, division 4 of these regulations.

(3) *Utilities.*

- a. *Sewer.* All structures must be served by central sewerage systems.
- b. *Water.* All structures must be served by central water systems.
- c. *Street improvements.* Any road or street constructed to serve four or more residential units or any nonresidential use must meet standards set forth in chapter 125.

(Code 1998, app. C, § 5.1205; Ord. No. 07-1548, § 5.1205, 5-3-2007)

Sec. 130-596. Fee schedules.

Fees for site plan review shall be as required by chapter 2, article XVII.
(Code 1998, app. C, § 5.1206; Ord. No. 07-1548, § 5.1206, 5-3-2007)

Secs. 130-597—130-625. Reserved.

DIVISION 14. A-7(D) MULTIPLE-FAMILY RESIDENTIAL DISTRICT

Sec. 130-626. Purpose.

The A-7(D) Multiple-Family Residential District is intended to provide high density residential development in an urbanized location where it may serve as a transitional district between less intense commercial or industrial environments. This district is to be served by central utility systems, be convenient to commercial and employment centers, and have easy access to thoroughfares and collector streets. To protect the intentions of the district, permitted activities are limited to residential uses, both private and public, and certain utility uses. All strictly commercial uses are prohibited in the A-7(D) district. Planned unit development overlays may be used in the A-7(D) Multiple-Family Residential District.

(Code 1998, app. C, § 5.1301; Ord. No. 07-1548, § 5.1301, 5-3-2007)

Sec. 130-627. Permitted uses.

Only the following permitted uses shall be allowed in the A-7(D) Multiple-Family Residential District and no structure or land shall be devoted to any other use other than a use permitted hereunder with the exception of uses lawfully established prior to the effective date of the ordinance from which these regulations are derived or accessory uses in compliance with the provisions of this section.

(1) *Residential uses.*

- a. Multiple-family dwellings.
- b. Townhouse and condominiums.
- c. Nursing homes.

- (2) *Accessory uses.*
 - a. Private garages and accessory structures.
 - b. Garage apartment or guest house under 1,000 square feet of habitable floor space when the subject lot, parcel or tract is no less than one acre in area.
- (3) *Miscellaneous uses.*
 - a. Community central water treatment, wall, and storage facilities.
 - b. Household agriculture.
- (4) *Similar and compatible uses.* Other uses which are similar and compatible with the allowed uses of the A-7(D) Multiple-Family Residential District as determined by the director of planning and development acting in the capacity of zoning administrator.
(Code 1998, app. C, § 5.1302; Ord. No. 07-1548, § 5.1302, 5-3-2007)

Sec. 130-628. Administrative permits.

The purpose of an administrative permit is to provide for a staff review of certain uses. The following uses are prohibited unless application for the use has been processed by the department of planning and development and the use is in conformance with the minimum standards for that use as outlined in section 130-2112:

- (1) Home office, provided the area for the use does not exceed 600 square feet and the proposal is in accordance with section 130-2112.
- (2) Roadside stands under 200 square feet adjacent to an existing agricultural use.
- (3) On-site real estate sales offices under 600 square feet.
- (4) Subdivision entrance signs may be reviewed for appropriate location, size and construction methods.
- (5) Fairs, festivals and assemblies associated with churches, schools, public lands or nonprofit organizations.
 - a. Fairs, festivals and assemblies are limited to a maximum three-day period annually.
 - b. Total building area is limited to 5,000 square feet.
 - c. No more than 200 vehicle trips per day are permitted.
- (6) Signs. (Article VI, division 3 of these regulations applies.)
- (7) Private cultural and recreational uses associated with subdivisions:
 - a. Parks.
 - b. Botanical gardens.
 - c. Playgrounds.

- d. Nature preserves and sanctuaries.
 - e. Stables.
 - f. Tennis courts.
 - g. Swimming pools.
 - h. Golf courses and related uses.
- (8) Agricultural and decorative ponds utilized exclusively by the resident and in which neither the excavated material is removed from the site nor commercial excavation occurs.
- (9) Agricultural uses.
- a. Agricultural buildings and structures.
 - b. Cultivation of garden crops.
 - c. Farms.
 - d. Wholesale greenhouses and nurseries.
 - e. Roadside farm stands over 200 square feet adjacent to an existing agricultural use.
- (10) Community homes for handicapped persons as defined in R.S. 28:477.
- (11) Public utility surface structures.
- a. Electrical substations.
 - b. Telephone relay facilities.
 - c. Utility substations.
 - d. Wastewater treatment facilities.
 - e. Utility distribution systems.
 - f. Stormwater pumping stations.
 - g. Potable water pumping stations.
- (12) Temporary plants and related construction facilities for a single development.
- (13) On-location television or film productions where no sets/structures are being constructed that would require the issuance of a building permit; specifically structures must be of a temporary nature and not capable of being occupied under the International Building Code/International Residential Code as determined by the chief building official, or his assigns.
- (14) Other administrative uses which are similar and compatible with permitted uses of this district as determined by the director of planning and development acting in the capacity of zoning administrator.

(15) Fees are as set forth in section 9.0106.
(Code 1998, app. C, § 5.1303; Ord. No. 07-1548, § 5.1303, 5-3-2007; Ord. No. 15-3393, exh. A(5.1303), 9-3-2015)

Sec. 130-629. Site and structure provisions.

(a) *Minimum lot area.*

- (1) *Residential uses.* The lot area of each zoning lot shall not be less than 20,000 square feet.
- (2) *Nonresidential uses.* The lot area of each zoning lot shall not be less 6,000 square feet, except that public utility facilities may be located on a lot of lesser area with administrative approval.

(b) *Maximum density regulations.* The maximum net density permitted shall not exceed one unit per 2,500 square feet of property.

(c) *Minimum area regulations.*

- (1) *Front yard.* Front building lines shall conform to the average building lines established in a developed block; in all cases, this front building line shall be set back a minimum of 25 feet from the front of the property line.
- (2) *Side yard.* There shall be two side yards, one on each side of the building, having a minimum width of five feet each, plus one additional foot for each one foot in building height over 25 feet above base flood elevation. However, for structures located on corner lots, there shall be a side yard setback from the side street of not less than ten feet.
- (3) *Rear yard.* There shall be a rear yard having a depth of not less than 25 feet, plus one additional foot for every 25 feet above base flood elevation.

(d) *Maximum lot coverage.*

- (1) *Residential uses.* The lot coverage of all principal and accessory buildings on a zoning lot shall not exceed 50 percent of the total area of the lot.
- (2) *Nonresidential uses.* The lot coverage of all principal and accessory buildings on a zoning lot shall not exceed 40 percent of the total area of the lot.

(e) *Height regulations.*

- (1) Except as otherwise provided in subsection (e)(2) of this section, no building or dwelling for residential or business purposes shall exceed 60 feet in height above the natural grade of the property at the location of the structure or base flood elevation as established in chapter 115, article II, whichever is higher.
- (2) No portion of a building for residential or business purposes that is located within 100 feet of a single-family residentially zoned property shall exceed 35 feet in height above

natural grade of the property at the location of the structure or base flood elevation as established in chapter 115, article II of this Land Development Code, whichever is higher.

(f) *Off-street parking and loading requirements.* Off-street parking and loading areas shall be provided as put forth in article VI, division 8 of these regulations.
(Code 1998, app. C, § 5.1304; Ord. No. 07-1548, § 5.1304, 5-3-2007)

Sec. 130-630. District standards.

All use of land and structures in the A-7(D) Multiple-Family Residential District are subject to the general standards and regulations of these regulations. In addition, all uses located in the A-7(D) Multiple-Family Residential District shall be subject to the following standards:

- (1) *Environmental quality.*
 - a. *Flood zones.* Construction of any structures or alteration of land which occurs in the 100-year flood zone as established by the Federal Emergency Management Agency shall require approval from the parish engineer prior to issuance of a building permit.
 - b. *Tree preservation, landscaping and screening.* Tree preservation, landscaping and screening shall be subject to the provisions of article VI, division 2 of these regulations.
- (2) *Signs, lighting and landscaping.*
 - a. *Landscaping.* Landscaping shall be subject to the provisions of article VI, division 2 of these regulations.
 - b. *Signs.* Signs shall be subject to the provisions of article VI, division 3 of these regulations.
 - c. *Lighting.* Lighting shall be subject to the provisions of article VI, division 4 of these regulations.
- (3) *Utilities.*
 - a. *Sewer.* All structures must be served by central sewerage systems.
 - b. *Water.* All structures must be served by central water systems.
 - c. *Street improvements.* Any road or street constructed to serve four or more residential units or any nonresidential use must meet standards set forth in chapter 125.

(Code 1998, app. C, § 5.1305; Ord. No. 07-1548, § 5.1305, 5-3-2007)

Sec. 130-631. Fee schedules.

Fees for site plan review shall be as required by chapter 2, article XVII.
(Code 1998, app. C, § 5.1306; Ord. No. 07-1548, § 5.1306, 5-3-2007)

Secs. 130-632—130-650. Reserved.**DIVISION 15. A-8(D) MULTIPLE-FAMILY RESIDENTIAL DISTRICT****Sec. 130-651. Purpose.**

The A-8(D) Multiple-Family Residential District is intended to provide high density residential development in an urbanized location where it may serve as a transitional district between less intense commercial or industrial environments. This district is to be served by central utility systems, be convenient to commercial and employment centers, and have easy access to thoroughfares and collector streets. To protect the intentions of the district, permitted activities are limited to residential uses, both private and public, and certain utility uses. All strictly commercial uses are prohibited in the A-8(D) district. Planned unit development overlays may be used in the A-8(D) Multiple-Family Residential District.
(Code 1998, app. C, § 5.1301A; Ord. No. 07-1548, § 5.1301A, 5-3-2007)

Sec. 130-652. Permitted uses.

Only the following permitted uses shall be allowed in the A-8(D) Multiple-Family Residential District and no structure or land shall be devoted to any other use other than a use permitted hereunder with the exception of uses lawfully established prior to the effective date of the ordinance from which these regulations are derived or accessory uses in compliance with the provisions of this section.

(1) *Residential uses.*

- a. Multiple-family dwellings.
- b. Townhouse and condominiums.
- c. Nursing homes.

(2) *Accessory uses.*

- a. Private garages and accessory structures.
- b. Garage apartment or guest house under 1,000 square feet of habitable floor space when the subject lot, parcel or tract is no less than one acre in area.

(3) *Miscellaneous uses.*

- a. Community central water treatment, wall, and storage facilities.
- b. Household agriculture.

(4) *Similar and compatible uses.* Other uses which are similar and compatible with the allowed uses of the A-8(D) Multiple-Family Residential District as determined by the director of planning and development acting in the capacity of zoning administrator. (Code 1998, app. C, § 5.1302A; Ord. No. 07-1548, § 5.1302A, 5-3-2007)

Sec. 130-653. Administrative permits.

(a) The purpose of an administrative permit is to provide for a staff review of certain uses. The following uses are prohibited unless application for the use has been processed by the department of planning and development and the use is in conformance with the minimum standards for that use as outlined in section 130-2112:

- (1) Home office, provided the area for the use does not exceed 600 square feet and the proposal is in accordance with section 130-2112.
- (2) Roadside stands under 200 square feet adjacent to an existing agricultural use.
- (3) On-site real estate sales offices under 600 square feet.
- (4) Subdivision entrance signs may be reviewed for appropriate location, size and construction methods.
- (5) Fairs, festivals and assemblies associated with churches, schools, public lands or nonprofit organizations.
 - a. Fairs, festivals and assemblies are limited to a maximum three-day period annually.
 - b. Total building area is limited to 5,000 square feet.
 - c. No more than 200 vehicle trips per day are permitted.
- (6) Signs. (Article VI, division 3 of these regulations applies.)
- (7) Private cultural and recreational uses associated with subdivisions:
 - a. Parks.
 - b. Botanical gardens.
 - c. Playgrounds.
 - d. Nature preserves and sanctuaries.
 - e. Stables.
 - f. Tennis courts.
 - g. Swimming pools.
 - h. Golf courses and related uses.

- (8) Agricultural and decorative ponds utilized exclusively by the resident and in which neither the excavated material is removed from the site nor commercial excavation occurs.
 - (9) Agricultural uses.
 - a. Agricultural buildings and structures.
 - b. Cultivation of garden crops.
 - c. Farms.
 - d. Wholesale greenhouses and nurseries.
 - e. Roadside farm stands over 200 square feet adjacent to an existing agricultural use.
 - (10) Community homes for handicapped persons as defined in R.S. 28:477.
 - (11) Public utility surface structures.
 - a. Electrical substations.
 - b. Telephone relay facilities.
 - c. Utility substations.
 - d. Wastewater treatment facilities.
 - e. Utility distribution systems.
 - f. Stormwater pumping stations.
 - g. Potable water pumping stations.
 - (12) Temporary plants and related construction facilities for a single development.
 - (13) On-location television or film productions where no sets/structures are being constructed that would require the issuance of a building permit; specifically structures must be of a temporary nature and not capable of being occupied under the International Building Code/International Residential Code as determined by the chief building official, or his assigns.
 - (14) Other administrative uses which are similar and compatible with permitted uses of this district as determined by the director of planning and development acting in the capacity of zoning administrator.
- (b) Fees are as set forth in chapter 2, article XVII.
(Code 1998, app. C, § 5.1303A; Ord. No. 07-1548, § 5.1303A, 5-3-2007; Ord. No. 15-3393, exh. A(5.1303A), 9-3-2015)

Sec. 130-654. Site and structure provisions.

- (a) *Minimum lot area.*
- (1) *Residential uses.* The lot area of each zoning lot shall not be less than 20,000 square feet.

- (2) *Nonresidential uses.* The lot area of each zoning lot shall not be less than 6,000 square feet, except that public utility facilities may be located on a lot of lesser area with administrative approval.
- (b) *Maximum density regulations.* The maximum net density permitted shall not exceed one unit per 1,500 square feet of property.
- (c) *Minimum area regulations.*
 - (1) *Front yard.* Front building lines shall conform to the average building lines established in a developed block; in all cases, this front building line shall be set back a minimum of 25 feet from the front of the property line.
 - (2) *Side yard.* There shall be two side yards, one on each side of the building, having a minimum width of five feet each, plus one additional foot for each one foot in building height over 25 feet above base flood elevation. However, for structures located on corner lots, there shall be a side yard setback from the side street of not less than ten feet.
 - (3) *Rear yard.* There shall be a rear yard having a depth of not less than 25 feet, plus one additional foot for every 25 feet above base flood elevation.
- (d) *Maximum lot coverage.*
 - (1) *Residential uses.* The lot coverage of all principal and accessory buildings on a zoning lot shall not exceed 50 percent of the total area of the lot.
 - (2) *Nonresidential uses.* The lot coverage of all principal and accessory buildings on a zoning lot shall not exceed 40 percent of the total area of the lot.
- (e) *Height regulations.*
 - (1) Except as otherwise provided in subsection (e)(2) of this section, no building or dwelling for residential or business purposes shall exceed 60 feet in height above the natural grade of the property at the location of the structure or base flood elevation as established in chapter 115, article II, whichever is higher.
 - (2) No portion of a building for residential or business purposes that is located within 100 feet of a single-family residentially zoned property shall exceed 35 feet in height above natural grade of the property at the location of the structure or base flood elevation as established in chapter 115, article II of this Land Development Code, whichever is higher.
- (f) *Off-street parking and loading requirements.* Off-street parking and loading areas shall be provided as put forth in article VI, division 8 of these regulations.

(Code 1998, app. C, § 5.1304A; Ord. No. 07-1548, § 5.1304A, 5-3-2007)

Sec. 130-655. District standards.

All use of land and structures in the A-8(D) Multiple-Family Residential District are subject to the general standards and regulations of these regulations. In addition, all uses located in the A-8(D) Multiple-Family Residential District shall be subject to the following standards:

- (1) *Environmental quality.*
 - a. *Flood zones.* Construction of any structures or alteration of land which occurs in the 100-year flood zone as established by the Federal Emergency Management Agency shall require approval from the parish engineer prior to issuance of a building permit.
 - b. *Tree preservation, landscaping and screening.* Tree preservation, landscaping and screening shall be subject to the provisions of article VI, division 2 of these regulations.
- (2) *Signs, lighting and landscaping.*
 - a. *Landscaping.* Landscaping shall be subject to the provisions of article VI, division 2 of these regulations.
 - b. *Signs.* Signs shall be subject to the provisions of article VI, division 3 of these regulations.
 - c. *Lighting.* Lighting shall be subject to the provisions of article VI, division 4 of these regulations.
- (3) *Utilities.*
 - a. *Sewer.* All structures must be served by central sewerage systems.
 - b. *Water.* All structures must be served by central water systems.
 - c. *Street improvements.* Any road or street constructed to serve four or more residential units or any nonresidential use must meet standards set forth in chapter 125.

(Code 1998, app. C, § 5.1305A; Ord. No. 07-1548, § 5.1305A, 5-3-2007)

Sec. 130-656. Fee schedules.

Fees for site plan review shall be as required by chapter 2, article XVII.
(Code 1998, app. C, § 5.1306A; Ord. No. 07-1548, § 5.1306A, 5-3-2007)

Secs. 130-657—130-685. Reserved.

DIVISION 16. NC-1 PROFESSIONAL OFFICE DISTRICT

Sec. 130-686. Purpose.

The purpose of this district is to provide for the location of small professional office in close proximity to residential development in order to provide small scale services to the residents of the neighborhood with minimal impact.

(Code 1998, app. C, § 5.1401; Ord. No. 07-1548, § 5.1401, 5-3-2007)

Sec. 130-687. Permitted uses.

Use by right, subject to any minimum standards as listed in section 130-2112:

(1) *Commercial uses.*

1. Law offices.
2. Architectural offices.
3. Accountant offices.
4. Real estate offices.
5. Insurance offices.
6. Business offices.
7. Daytime doctor, dentist, and chiropractor offices.
8. Other professional offices.

(2) *Residential uses.*

1. One single-family dwelling.

(3) *Accessory uses.*

1. Private garages and accessory structures.
2. Garage apartment or guest house under 1,000 square feet of habitable floor space when the subject lot, parcel or tract is no less than one acre in area.

(Code 1998, app. C, § 5.1402; Ord. No. 07-1548, § 5.1402, 5-3-2007; Ord. No. 14-3111, 3-6-2014)

Sec. 130-688. Administrative permits.

The purpose of an administrative permit is to provide for a staff review of certain uses. The following uses are prohibited unless application for the use has been processed by the department of planning and development and the use is in conformance with the minimum standards for that use as outlined in section 130-2112:

- (1) On-location television or film productions where no sets/structures are being constructed that would require the issuance of a building permit; specifically structures

must be of a temporary nature and not capable of being occupied under the International Building Code/International Residential Code as determined by the chief building official, or his assigns.

- (2) On-location television or film productions where any sets/structures requiring the issuance of a building permit as determined by the chief building official, or his assigns, are permitted when the set/structure meets all applicable codes of the relevant zoning district.
 - (3) Mobile food trucks when meeting the minimum standards for specific uses outlined in section 130-2112(22).
- (Code 1998, app. C, § 5.1403; Ord. No. 07-1548, § 5.1403, 5-3-2007; Ord. No. 15-3393, exh. A(5.1403), 9-3-2015; Ord. No. 17-3659, exh. A(5.1403), 1-5-2017)

Sec. 130-689. Site and structure provisions.

- (a) *Maximum building size.* The maximum building size in the NC-1 district shall be 5,000 square feet.
- (b) *Minimum lot area.* No new lot shall be created that is less than 20,000 square feet in area.
- (c) *Minimum area regulations.*
 - (1) *Minimum lot width.* For each zoning lot provided with central water and sewerage facilities, the minimum lot width shall not be less than 60 feet. For each zoning lot without either central water or sewerage facilities, the minimum lot width shall be 80 feet.
 - (2) *Street planting areas.* All areas along the street or road which a property abuts shall comply with the standards of section 130-1873, street planting areas.
 - (3) *Side and rear planting areas.* All areas located along the side and rear interior property lines shall comply with section 130-1874, side and rear buffer planting area requirements of these regulations.
 - (4) *Transitional yard.* Where an NC district adjoins a residential district, transitional yards shall be provided in accordance with subsections (c)(1) and (2) of this section or the following regulations whichever is more restrictive:
 - a. Where lots in an NC district front on a street and at least 80 percent of the frontage directly across the street between two consecutive intersecting streets is in a residential district, the setback regulations for the residential district shall apply to the said lots in the commercial district.
 - b. In an NC district, where a side lot line coincides with a side or rear lot line of property in an adjacent residential district, a yard shall be provided along such

side lot line. Such yard shall be equal in dimension to the minimum side yard which would be required under these regulations for a residential use on the adjacent property in the residential district.

- c. In an NC district, where a rear lot line coincides with a rear or side lot line of property in an adjacent residential district, a yard shall be provided along such rear lot line. Such yard shall be equal in dimensions to the minimum rear yard which would be required under these regulations for a residential use on the adjacent property in the residential district.
- d. In an NC district, where the extension of a front or side lot line coincides with the front line of an adjacent lot located in a residential district, a yard equal in depth to the minimum setback required by these regulations on such adjacent lot in the residential district shall be provided along such front or side lot line for a distance of at least 25 feet, including the width of any intervening alley from such lot in the residential district.
- e. Where a building is taller than 25 feet in height, one additional foot of setback shall be required in each yard. Each facade is measured separately and the additional depth is required perpendicular to that facade.
- f. Maximum lot coverage. The lot coverage of all principal and accessory buildings on a zoning lot shall not exceed 50 percent of the total area of the lot. However, parking and landscape requirements for the intended use must be met in all instances. Therefore, maximum lot coverage may in some cases be less.

(d) *Height regulations.* No building or dwelling for residential or business purposes shall exceed 35 feet in height above the natural grade of the property at the location of the structure or base flood elevation as established in chapter 115, article II of this Land Development Code, whichever is higher.

(e) *Design criteria.*

- (1) *Landscaping.* All landscaping shall be in compliance with the provisions of article VI, division 2 of these regulations.
- (2) *Signage.* All signage shall be in compliance with article VI, division 3 of these regulations.
- (3) *Lighting.* All site lighting shall be in compliance with article VI, division 4 of these regulations.
- (4) *Parking/loading.* All parking and loading will be in compliance with article VI, division 8 of these regulations.

(Code 1998, app. C, § 5.1404; Ord. No. 07-1548, § 5.1404, 5-3-2007)

Secs. 130-690—130-706. Reserved.

DIVISION 17. NC-2 INDOOR RETAIL AND SERVICE DISTRICT

Sec. 130-707. Purpose.

The purpose of this district is to provide for the location of small retail and services in close proximity to residential development in order to provide goods and services to the residents of the neighborhood with minimal impact.

(Code 1998, app. C, § 5.1501; Ord. No. 07-1548, § 5.1501, 5-3-2007)

Sec. 130-708. Permitted uses.

- (a) Use by right, subject to any minimum standards as listed in section 130-2112.
- (b) All uses permitted in the NC-1 district, and:
 - (1) Antique shops.
 - (2) Art and school supply stores.
 - (3) Art galleries.
 - (4) Bakeries.
 - (5) Barbershops and beauty shops.
 - (6) Book or stationary store.
 - (7) Utility collection office.
 - (8) Custom dressmaking and sewing shops.
 - (9) Florists.
 - (10) Delicatessens.
 - (11) Drugstores.
 - (12) Dry cleaning pick-up/drop-off (no dry cleaning equipment).
 - (13) Garden supply centers and greenhouses.
 - (14) Gift shops.
 - (15) Hardware stores.
 - (16) Hobby shops.
 - (17) Ice cream shops.
 - (18) Interior decorating shops.
 - (19) Jewelry stores.
 - (20) Photography shops and studios.
 - (21) Restaurants without lounge.

- (22) Shoe stores and repair shops.
 - (23) Sporting goods stores.
 - (24) Toy stores.
 - (25) Wearing apparel shops.
- (Code 1998, app. C, § 5.1502; Ord. No. 07-1548, § 5.1502, 5-3-2007)

Sec. 130-709. Administrative permits.

The purpose of an administrative permit is to provide for a staff review of certain uses. The following uses are prohibited unless application for the use has been processed by the department of planning and development and the use is in conformance with the minimum standards for that use as outlined in section 130-2112:

- (1) On-location television or film productions where no sets/structures are being constructed that would require the issuance of a building permit; specifically structures must be of a temporary nature and not capable of being occupied under the International Building Code/International Residential Code as determined by the chief building official, or his assigns.
 - (2) On-location television or film productions where any sets/structures requiring the issuance of a building permit as determined by the chief building official, or his assigns, are permitted when the set/structure meets all applicable codes of the relevant zoning district.
 - (3) Mobile food trucks when meeting the minimum standards for specific uses outlined in section 130-2112(22).
- (Code 1998, app. C, § 5.1503; Ord. No. 07-1548, § 5.1503, 5-3-2007; Ord. No. 15-3393, exh. A(5.1503), 9-3-2015; Ord. No. 17-3659, exh. A(5.1503), 1-5-2017)

Sec. 130-710. Site and structure provisions.

- (a) *Maximum building size.* The maximum building size in the NC-2 district shall be 5,000 square feet.
- (b) *Minimum lot area.* No new lot shall be created that is less than 20,000 square feet in area.
- (c) *Minimum area regulations.*
 - (1) *Minimum lot width.* For each zoning lot provided with central water and sewerage facilities, the minimum lots width shall not be less than 60 feet. For each zoning lot without either central water or sewerage facilities, the minimum lot width shall be 80 feet.

- (2) *Street planting areas.* All areas along the street or road which a property abuts shall comply with the standards of section 130-1873, street planting areas of these regulations.
- (3) *Side and rear planting areas.* All areas located along the side and rear interior property lines shall comply with section 130-1874, side and rear buffer planting area requirements of these regulations.
- (4) *Transitional yard.* Where an NC district adjoins a residential district, transitional yards shall be provided in accordance with subsections (c)(1) and (2) of this section or the following regulations whichever is more restrictive:
- a. Where lots in an NC district front on a street and at least 80 percent of the frontage directly across the street between two consecutive intersecting streets is in a residential district, the setback regulations for the residential district shall apply to the said lots in the commercial district.
 - b. In an NC district, where a side lot line coincides with a side or rear lot line of property in an adjacent residential district, a yard shall be provided along such side lot line. Such yard shall be equal in dimension to the minimum side yard which would be required under these regulations for a residential use on the adjacent property in the residential district.
 - c. In an NC district, where a rear lot line coincides with a rear or side lot line of property in an adjacent residential district, a yard shall be provided along such rear lot line. Such yard shall be equal in dimensions to the minimum rear yard which would be required under these regulations for a residential use on the adjacent property in the residential district.
 - d. In an NC district, where the extension of a front or side lot line coincides with the front line of an adjacent lot located in a residential district, a yard equal in depth to the minimum setback required by these regulations on such adjacent lot in the residential district shall be provided along such front or side lot line for a distance of at least 25 feet, including the width of any intervening alley from such lot in the residential district.
 - e. Where a building is taller than 25 feet in height, one additional foot of setback shall be required in each yard. Each facade is measured separately and the additional depth is required perpendicular to that facade.
- (d) *Maximum lot coverage.* The lot coverage of all principal and accessory buildings on a zoning lot shall not exceed 50 percent of the total area of the lot. However, parking and landscape requirements for the intended use must be met in all instances. Therefore, maximum lot coverage may in some cases be less.

(e) *Height regulations.* No building or dwelling for residential or business purposes shall exceed 35 feet in height above the natural grade of the property at the location of the structure or base flood elevation as established in chapter 115, article II of this Land Development Code, whichever is higher.

(f) *Design criteria.*

(1) *Landscaping.* All landscaping shall be in compliance with the provisions of article VI, division 2 of these regulations.

(2) *Signage.* All signage shall be in compliance with article VI, division 3 of these regulations.

(3) *Lighting.* All site lighting shall be in compliance with article VI, division 4 of these regulations.

(4) *Parking/loading.* All parking and loading will be in compliance with article VI, division 8 of these regulations.

(Code 1998, app. C, § 5.1504; Ord. No. 07-1548, § 5.1504, 5-3-2007)

Secs. 130-711—130-733. Reserved.

DIVISION 18. NC-3 LODGING DISTRICT

Sec. 130-734. Purpose.

The purpose of this district is to provide for the location of small scale uses providing overnight accommodations which can successfully operate in a neighborhood setting without having negative impacts upon nearby residences and neighborhood businesses.

(Code 1998, app. C, § 5.1601; Ord. No. 07-1548, § 5.1601, 5-3-2007)

Sec. 130-735. Permitted uses.

(a) Use by right, subject to any minimum standards as listed in section 130-2112.

(b) All uses permitted in the NC-2 district, and:

(1) Bed and breakfast under ten rooms.

(2) Inns or guest houses under ten rooms.

(Code 1998, app. C, § 5.1602; Ord. No. 07-1548, § 5.1602, 5-3-2007)

Sec. 130-736. Administrative permits.

The purpose of an administrative permit is to provide for a staff review of certain uses. The following uses are prohibited unless application for the use has been processed by the department of planning and development and the use is in conformance with the minimum standards for that use as outlined in section 130-2112:

- (1) On-location television or film productions where no sets/structures are being constructed that would require the issuance of a building permit; specifically structures must be of a temporary nature and not capable of being occupied under the International Building Code/International Residential Code as determined by the chief building official, or his assigns.
- (2) On-location television or film productions where any sets/structures requiring the issuance of a building permit as determined by the chief building official, or his assigns, are permitted when the set/structure meets all applicable codes of the relevant zoning district.
- (3) Mobile food trucks when meeting the minimum standards for specific uses outlined in section 130-2112(22).

(Code 1998, app. C, § 5.1603; Ord. No. 07-1548, § 5.1603, 5-3-2007; Ord. No. 15-3393, exh. A(5.1603), 9-3-2015; Ord. No. 17-3659, exh. A(5.1603), 1-5-2017)

Sec. 130-737. Site and structure provisions.

(a) *Maximum building size.* The maximum building size in the NC-3 district shall be 10,000 square feet.

(b) *Minimum lot area.* No new lot shall be created that is less than 20,000 square feet in area.

(c) *Minimum area regulations.*

- (1) *Minimum lot width.* For each zoning lot provided with central water and sewerage facilities, the minimum lots width shall not be less than 60 feet. For each zoning lot without either central water or sewerage facilities, the minimum lot width shall be 80 feet.
- (2) *Street planting areas.* All areas along the street or road which a property abuts shall comply with the standards of section 130-1873, street planting areas, of these regulations.
- (3) *Side and rear planting areas.* All areas located along the side and rear interior property lines shall comply with section 130-1874, side and rear buffer planting area requirements, of these regulations.

(4) *Transitional yard.* Where an NC district adjoins a residential district, transitional yards shall be provided in accordance with subsections (c)(1) and (2) of this section or the following regulations whichever is more restrictive:

- a. Where lots in an NC district front on a street and at least 80 percent of the frontage directly across the street between two consecutive intersecting streets is in a residential district, the setback regulations for the residential district shall apply to the said lots in the commercial district.
- b. In an NC district, where a side lot line coincides with a side or rear lot line of property in an adjacent residential district, a yard shall be provided along such side lot line. Such yard shall be equal in dimension to the minimum side yard which would be required under these regulations for a residential use on the adjacent property in the residential district.
- c. In an NC district, where a rear lot line coincides with a rear or side lot line of property in an adjacent residential district, a yard shall be provided along such rear lot line. Such yard shall be equal in dimensions to the minimum rear yard which would be required under these regulations for a residential use on the adjacent property in the residential district.
- d. In an NC district, where the extension of a front or side lot line coincides with the front line of an adjacent lot located in a residential district, a yard equal in depth to the minimum setback required by these regulations on such adjacent lot in the residential district shall be provided along such front or side lot line for a distance of at least 25 feet, including the width of any intervening alley from such lot in the residential district.
- e. Where a building is taller than 25 feet in height, one additional foot of setback shall be required in each yard. Each facade is measured separately and the additional depth is required perpendicular to that facade.

(d) *Maximum lot coverage.* The lot coverage of all principal and accessory buildings on a zoning lot shall not exceed 50 percent of the total area of the lot. However, parking and landscape requirements for the intended use must be met in all instances. Therefore, maximum lot coverage may in some cases be less.

(e) *Height regulations.* No building or dwelling for residential or business purposes shall exceed 35 feet in height above the natural grade of the property at the location of the structure or base flood elevation as established in chapter 115, article II of this Land Development Code, whichever is higher.

(f) *Design criteria.*

(1) *Landscaping.* All landscaping shall be in compliance with the provisions of article VI, division 2 of these regulations.

- (2) *Signage.* All signage shall be in compliance with article VI, division 3 of these regulations.
 - (3) *Lighting.* All site lighting shall be in compliance with article VI, division 4 of these regulations.
 - (4) *Parking/loading.* All parking and loading will be in compliance with article VI, division 8 of these regulations.
- (Code 1998, app. C, § 5.1604; Ord. No. 07-1548, § 5.1604, 5-3-2007)

Secs. 130-738—130-757. Reserved.

DIVISION 19. NC-4 NEIGHBORHOOD INSTITUTIONAL DISTRICT

Sec. 130-758. Purpose.

The purpose of this district is to provide for the location of uses which provide a service at the neighborhood level but could result in a large influx of customers or clientele at a specific time because of scheduled gatherings, classes or meetings.

(Code 1998, app. C, § 5.1701; Ord. No. 07-1548, § 5.1701, 5-3-2007)

Sec. 130-759. Permitted uses.

- (a) Use by right, subject to any minimum standards as listed in section 130-2112.
- (b) All uses permitted in the NC-3 district, and:
 - (1) Dance studios.
 - (2) Music studios.
 - (3) Aerobic/weight-loss studios.
 - (4) Educational learning centers.
 - (5) Churches, temples, synagogues, and mosques.
 - (6) Religious educational facilities.
 - (7) Clubs and lodges.
 - (8) Fraternal and religious institutions.
 - (9) Child day care centers.
 - (10) Nursery schools.

(Code 1998, app. C, § 5.1702; Ord. No. 07-1548, § 5.1702, 5-3-2007)

Sec. 130-760. Administrative permits.

The purpose of an administrative permit is to provide for a staff review of certain uses. The following uses are prohibited unless application for the use has been processed by the department of planning and development and the use is in conformance with the minimum standards for that use as outlined in section 130-2112:

- (1) On-location television or film productions where no sets/structures are being constructed that would require the issuance of a building permit; specifically structures must be of a temporary nature and not capable of being occupied under the International Building Code/International Residential Code as determined by the chief building official, or his assigns.
 - (2) On-location television or film productions where any sets/structures requiring the issuance of a building permit as determined by the chief building official, or his assigns, are permitted when the set/structure meets all applicable codes of the relevant zoning district.
 - (3) Mobile food trucks when meeting the minimum standards for specific uses outlined in section 130-2112(22).
- (Code 1998, app. C, § 5.1703; Ord. No. 07-1548, § 5.1703, 5-3-2007; Ord. No. 15-3393, exh. A(5.1703), 9-3-2015; Ord. No. 17-3659, exh. A(5.1703), 1-5-2017)

Sec. 130-761. Site and structure provisions.

- (a) *Maximum building size.* The maximum building size in the NC-4 district shall be 12,500 square feet footprint with no more than 20 percent additional upstairs mezzanine space for storage.
- (b) *Minimum lot area.* No new lot shall be created that is less than 20,000 square feet in area.
- (c) *Minimum area regulations.*
 - (1) *Minimum lot width.* For each zoning lot provided with central water and sewerage facilities, the minimum lots width shall not be less than 60 feet. For each zoning lot without either central water or sewerage facilities, the minimum lot width shall be 80 feet.
 - (2) *Street planting areas.* All areas along the street or road which a property abuts shall comply with the standards of section 130-1873, street planting areas, of these regulations.
 - (3) *Side and rear planting areas.* All areas located along the side and rear interior property lines shall comply with section 130-1874, side and rear buffer planting area requirements, of these regulations.

(4) *Transitional yard.* Where an NC district adjoins a residential district, transitional yards shall be provided in accordance with subsections (c)(1) and (2) of this section or the following regulations whichever is more restrictive:

- a. Where lots in an NC district front on a street and at least 80 percent of the frontage directly across the street between two consecutive intersecting streets is in a residential district, the setback regulations for the residential district shall apply to the said lots in the commercial district.
- b. In an NC district, where a side lot line coincides with a side or rear lot line of property in an adjacent residential district, a yard shall be provided along such side lot line. Such yard shall be equal in dimension to the minimum side yard which would be required under these regulations for a residential use on the adjacent property in the residential district.
- c. In an NC district, where a rear lot line coincides with a rear or side lot line of property in an adjacent residential district, a yard shall be provided along such rear lot line. Such yard shall be equal in dimensions to the minimum rear yard which would be required under these regulations for a residential use on the adjacent property in the residential district.
- d. In an NC district, where the extension of a front or side lot line coincides with the front line of an adjacent lot located in a residential district, a yard equal in depth to the minimum setback required by these regulations on such adjacent lot in the residential district shall be provided along such front or side lot line for a distance of at least 25 feet, including the width of any intervening alley from such lot in the residential district.
- e. Where a building is taller than 25 feet in height, one additional foot of setback shall be required in each yard. Each facade is measured separately and the additional depth is required perpendicular to that facade.

(d) *Maximum lot coverage.* The lot coverage of all principal and accessory buildings on a zoning lot shall not exceed 50 percent of the total area of the lot. However, parking and landscape requirements for the intended use must be met in all instances. Therefore, maximum lot coverage may in some cases be less.

(e) *Height regulations.* No building or dwelling for residential or business purposes shall exceed 35 feet in height above the natural grade of the property at the location of the structure or base flood elevation as established in chapter 115, article II of this Land Development Code, whichever is higher.

(f) *Design criteria.*

(1) *Landscaping.* All landscaping shall be in compliance with the provisions of article VI, division 2 of these regulations.

- (2) *Signage.* All signage shall be in compliance with article VI, division 3 of these regulations.
 - (3) *Lighting.* All site lighting shall be in compliance with article VI, division 4 of these regulations.
 - (4) *Parking/loading.* All parking and loading will be in compliance with article VI, division 8 of these regulations.
- (Code 1998, app. C, § 5.1704; Ord. No. 07-1548, § 5.1704, 5-3-2007; Ord. No. 11-2587, 9-1-2011)

Secs. 130-762—130-790. Reserved.

DIVISION 20. NC-5 RETAIL AND SERVICE DISTRICT

Sec. 130-791. Purpose.

The purpose of this district is to provide for the location of small scale retail and services near residential neighborhood to provide products and services to nearby residents.
(Code 1998, app. C, § 5.1801; Ord. No. 07-1548, § 5.1801, 5-3-2007)

Sec. 130-792. Permitted uses.

- (a) Use by right, subject to any minimum standards as listed in section 130-2112.
 - (b) All uses permitted in the NC-4 district, and:
 - (1) Farmers market.
 - (2) Restaurant greater than 5,000 square feet.
 - (3) Restaurant with lounge.
 - (4) Food store under 3,000 square feet (no gas service allowed).
 - (5) Dry cleaning, laundries and self-service laundries.
- (Code 1998, app. C, § 5.1802; Ord. No. 07-1548, § 5.1802, 5-3-2007)

Sec. 130-793. Administrative permits.

The purpose of an administrative permit is to provide for a staff review of certain uses. The following uses are prohibited unless application for the use has been processed by the department of planning and development and the use is in conformance with the minimum standards for that use as outlined in section 130-2112:

- (1) On-location television or film productions where no sets/structures are being constructed that would require the issuance of a building permit; specifically structures

must be of a temporary nature and not capable of being occupied under the International Building Code/International Residential Code as determined by the chief building official, or his assigns.

- (2) On-location television or film productions where any sets/structures requiring the issuance of a building permit as determined by the chief building official, or his assigns, are permitted when the set/structure meets all applicable codes of the relevant zoning district.
 - (3) Mobile food trucks when meeting the minimum standards for specific uses outlined in section 130-2112(22).
- (Code 1998, app. C, § 5.1803; Ord. No. 07-1548, § 5.1803, 5-3-2007; Ord. No. 15-3393, exh. A(5.1803), 9-3-2015; Ord. No. 17-3659, exh. A(5.1803), 1-5-2017)

Sec. 130-794. Site and structure provisions.

(a) *Maximum building size.* The maximum building size in the NC-5 district shall be 12,500 square feet footprint with no more than 20 percent additional upstairs mezzanine space for storage.

(b) *Minimum lot area.* No new lot shall be created that is less than 20,000 square feet in area.

(c) *Minimum area regulations.*

(1) *Minimum lot width.* For each zoning lot provided with central water and sewerage facilities, the minimum lots width shall not be less than 60 feet. For each zoning lot without either central water or sewerage facilities, the minimum lot width shall be 80 feet.

(2) *Street planting areas.* All areas along the street or road which a property abuts shall comply with the standards of section 130-1873, street planting areas, of these regulations.

(3) *Side and rear planting areas.* All areas located along the side and rear interior property lines shall comply with section 130-1874, side and rear buffer planting area requirements, of these regulations.

(4) *Transitional yard.* Where an NC district adjoins a residential district, transitional yards shall be provided in accordance with subsections (c)(1) and (2) of this section or the following regulations whichever is more restrictive:

- a. Where lots in an NC district front on a street and at least 80 percent of the frontage directly across the street between two consecutive intersecting streets is in a residential district, the setback regulations for the residential district shall apply to the said lots in the commercial district.

- b. In an NC district, where a side lot line coincides with a side or rear lot line of property in an adjacent residential district, a yard shall be provided along such side lot line. Such yard shall be equal in dimension to the minimum side yard which would be required under these regulations for a residential use on the adjacent property in the residential district.
- c. In an NC district, where a rear lot line coincides with a rear or side lot line of property in an adjacent residential district, a yard shall be provided along such rear lot line. Such yard shall be equal in dimensions to the minimum rear yard which would be required under these regulations for a residential use on the adjacent property in the residential district.
- d. In an NC district, where the extension of a front or side lot line coincides with the front line of an adjacent lot located in a residential district, a yard equal in depth to the minimum setback required by these regulations on such adjacent lot in the residential district shall be provided along such front or side lot line for a distance of at least 25 feet, including the width of any intervening alley from such lot in the residential district.
- e. Where a building is taller than 25 feet in height, one additional foot of setback shall be required in each yard. Each facade is measured separately and the additional depth is required perpendicular to that facade.

(d) *Maximum lot coverage.* The lot coverage of all principal and accessory buildings on a zoning lot shall not exceed 50 percent of the total area of the lot. However, parking and landscape requirements for the intended use must be met in all instances. Therefore, maximum lot coverage may in some cases be less.

(e) *Height regulations.* No building or dwelling for residential or business purposes shall exceed 35 feet in height above the natural grade of the property at the location of the structure or base flood elevation as established in chapter 115, article II, whichever is higher.

(f) *Design criteria.*

- (1) *Landscaping.* All landscaping shall be in compliance with the provisions of article VI, division 2 of these regulations.
- (2) *Signage.* All signage shall be in compliance with article VI, division 3 of these regulations.
- (3) *Lighting.* All site lighting shall be in compliance with article VI, division 4 of these regulations.
- (4) *Parking/loading.* All parking and loading shall be in compliance with article VI, division 8 of these regulations.

(Code 1998, app. C, § 5.1804; Ord. No. 07-1548, § 5.1804, 5-3-2007; Ord. No. 11-2587, 9-1-2011)

Secs. 130-795—130-811. Reserved.

DIVISION 21. NC-6 PUBLIC, CULTURAL AND RECREATIONAL DISTRICT

Sec. 130-812. Purpose.

The purpose of this district is to provide for the location of public, cultural and recreational facilities in near proximity to residential areas while mitigating the impacts of these facilities, such as traffic and lighting.

(Code 1998, app. C, § 5.1901; Ord. No. 07-1548, § 5.1901, 5-3-2007)

Sec. 130-813. Permitted uses.

- (a) Use by right, subject to any minimum standards as listed in section 130-2112.
- (b) All uses permitted in the NC-5 district, and:
 - (1) Golf courses and practice ranges.
 - (2) Community centers.
 - (3) Parks and playgrounds.
 - (4) Sports or gymnasiums.
 - (5) Athletic fields.
 - (6) Convention and conference centers.
 - (7) Marina.
 - (8) Recreational vehicle parks.

(Code 1998, app. C, § 5.1902; Ord. No. 07-1548, § 5.1902, 5-3-2007)

Sec. 130-814. Administrative permits.

The purpose of an administrative permit is to provide for a staff review of certain uses. The following uses are prohibited unless application for the use has been processed by the department of planning and development and the use is in conformance with the minimum standards for that use as outlined in section 130-2112:

- (1) On-location television or film productions where no sets/structures are being constructed that would require the issuance of a building permit; specifically structures must be of a temporary nature and not capable of being occupied under the International Building Code/International Residential Code as determined by the chief building official, or his assigns.

- (2) On-location television or film productions where any sets/structures requiring the issuance of a building permit as determined by the chief building official, or his assigns, are permitted when the set/structure meets all applicable codes of the relevant zoning district.

- (3) Mobile food trucks when meeting the minimum standards for specific uses outlined in section 130-2112(22).

(Code 1998, app. C, § 5.1903; Ord. No. 07-1548, § 5.1903, 5-3-2007; Ord. No. 15-3393, exh. A(5.1903), 9-3-2015; Ord. No. 17-3659, exh. A(5.1903), 1-5-2017)

Sec. 130-815. Site and structure provisions.

(a) *Maximum building size.* The maximum building size in the NC-6 district shall be 10,000 square feet.

(b) *Minimum lot area.* No new lot shall be created that is less than 20,000 square feet in area.

(c) *Minimum area regulations.*

(1) *Minimum lot width.* For each zoning lot provided with central water and sewerage facilities, the minimum lots width shall not be less than 60 feet. For each zoning lot without either central water or sewerage facilities, the minimum lot width shall be 80 feet.

(2) *Street planting areas.* All areas along the street or road which a property abuts shall comply with the standards of section 130-1873, street planting areas, of these regulations.

(3) *Side and rear planting areas.* All areas located along the side and rear interior property lines shall comply with section 130-1874, side and rear buffer planting area requirements, of these regulations.

(4) *Transitional yard.* Where an NC district adjoins a residential district, transitional yards shall be provided in accordance with subsections (c)(1) and (2) of this section or the following regulations whichever is more restrictive:

- a. Where lots in an NC district front on a street and at least 80 percent of the frontage directly across the street between two consecutive intersecting streets is in a residential district, the setback regulations for the residential district shall apply to the said lots in the commercial district.
- b. In an NC district, where a side lot line coincides with a side or rear lot line of property in an adjacent residential district, a yard shall be provided along such side lot line. Such yard shall be equal in dimension to the minimum side yard which would be required under these regulations for a residential use on the adjacent property in the residential district.

- c. In an NC district, where a rear lot line coincides with a rear or side lot line of property in an adjacent residential district, a yard shall be provided along such rear lot line. Such yard shall be equal in dimensions to the minimum rear yard which would be required under these regulations for a residential use on the adjacent property in the residential district.
- d. In an NC district, where the extension of a front or side lot line coincides with the front line of an adjacent lot located in a residential district, a yard equal in depth to the minimum setback required by these regulations on such adjacent lot in the residential district shall be provided along such front or side lot line for a distance of at least 25 feet, including the width of any intervening alley from such lot in the residential district.
- e. Where a building is taller than 25 feet in height, one additional foot of setback shall be required in each yard. Each facade is measured separately and the additional depth is required perpendicular to that facade.

(d) *Maximum lot coverage.* The lot coverage of all principal and accessory buildings on a zoning lot shall not exceed 50 percent of the total area of the lot. However, parking and landscape requirements for the intended use must be met in all instances. Therefore, maximum lot coverage may in some cases be less.

(e) *Height regulations.* No building or dwelling for residential or business purposes shall exceed 35 feet in height above the natural grade of the property at the location of the structure or base flood elevation as established in chapter 115, article II of this Land Development Code, whichever is higher.

(f) *Design criteria.*

- (1) *Landscaping.* All landscaping shall be in compliance with the provisions of article VI, division 2 of these regulations.
- (2) *Signage.* All signage shall be in compliance with article VI, division 3 of these regulations.
- (3) *Lighting.* All site lighting shall be in compliance with article VI, division 4 of these regulations.
- (4) *Parking/loading.* All parking and loading will be in compliance with article VI, division 8 of these regulations.

(Code 1998, app. C, § 5.1904; Ord. No. 07-1548, § 5.1904, 5-3-2007)

Secs. 130-816—130-838. Reserved.

DIVISION 22. PBC-1 PLANNED BUSINESS CAMPUS

Sec. 130-839. Purpose.

(a) The purpose of the PBC-1 district is to provide for class A office space with supporting uses in a campus type setting. This district is located particularly near the intersection of major arterials or a major and a minor arterial. The PBC-1 district is intended to provide flexibility in meeting the needs of both the public and private sectors for large scale office development.

(b) The site must be large enough to accommodate internal traffic flows, parking, buffer and landscape, and a variety of uses and building types is a characteristic of this district. In no case shall the PBC-1 district be less than ten acres in area.

(Code 1998, app. C, § 5.1901A; Ord. No. 07-1548, § 5.1901A, 5-3-2007)

Sec. 130-840. Permitted uses.

Use by right, subject to any minimum standards as listed in section 130-2112:

- (1) Mid-rise office and residential buildings.
- (2) Hotels, motels and convention centers.
- (3) College, universities, and research centers.
- (4) Public utility facilities.
- (5) Parking lots and decks.
- (6) Freestanding restaurants (no drive-through service permitted).
- (7) Mixed use centers, including residential, restaurants and retail uses provided they do not exceed 20 percent of the developed floor area of any structures located in the district.

(Code 1998, app. C, § 5.1902A; Ord. No. 07-1548, § 5.1902A, 5-3-2007)

Sec. 130-841. Administrative permits.

The purpose of an administrative permit is to provide for a staff review of certain uses. The following uses are prohibited unless application for the use has been processed by the department of planning and development and the use is in conformance with the minimum standards for that use as outlined in section 130-2112:

- (1) On-location television or film productions where no sets/structures are being constructed that would require the issuance of a building permit; specifically structures must be of a temporary nature and not capable of being occupied under the International Building Code/International Residential Code as determined by the chief building official, or his assigns.

- (2) On-location television or film productions where any sets/structures requiring the issuance of a building permit as determined by the chief building official, or his assigns, are permitted when the set/structure meets all applicable codes of the relevant zoning district.

- (3) Mobile food trucks when meeting the minimum standards for specific uses outlined in section 130-2112(22).

(Code 1998, app. C, § 5.1903A; Ord. No. 07-1548, § 5.1903A, 5-3-2007; Ord. No. 15-3393, exh. A(5.1903A), 9-3-2015; Ord. No. 17-3659, exh. A(5.1903A), 1-5-2017)

Sec. 130-842. Site and structure provisions.

(a) *Maximum floor area ratio.* The maximum floor area ratio (FAR) in the PBC-1 district shall be three.

(b) *Minimum lot area.* No new lot shall be created that is less than 20,000 square feet in area.

(c) *Minimum area regulations.*

(1) *Minimum lot width.* There shall be no minimum lot width in this district.

(2) *Street planting areas.* All areas along the street or road which a property abuts shall comply with the standards of section 130-1873, planting areas, of these regulations.

(3) *Side and rear planting areas.* All areas located along the side and rear interior property lines shall comply with section 130-1874, side and rear buffer planting area requirements, of these regulations.

(4) *Transitional yard.* Where a PBC-1 district adjoins a residential district, transitional yards shall be provided in accordance with subsections (c)(1) and (2) of this section or the following regulations whichever is more restrictive:

a. Where lots in a PBC district front on a street and at least 80 percent of the frontage directly across the street between two consecutive intersecting streets is in a residential district, the setback regulations for the residential district shall apply to the said lots in the commercial district.

b. In a PBC district, where a side lot line coincides with a side or rear lot line of property in an adjacent residential district, a yard shall be provided along such side lot line. Such yard shall be equal in dimension to the minimum side yard which would be required under these regulations for a residential use on the adjacent property in the residential district.

c. In a PBC district, where a rear lot line coincides with a rear or side lot line of property in an adjacent residential district, a yard shall be provided along such rear lot line. Such yard shall be equal in dimensions to the minimum rear yard which would be required under these regulations for a residential use on the adjacent property in the residential district.

- d. In a PBC district, where the extension of a front or side lot line coincides with the front line of an adjacent lot located in a residential district, a yard equal in depth to the minimum setback required by these regulations on such adjacent lot in the residential district shall be provided along such front or side lot line for a distance of at least 25 feet, including the width of any intervening alley from such lot in the residential district.
- e. Where a building is taller than 65 feet in height, one additional foot of setback shall be required in each yard. Each facade is measured separately and the additional depth is required perpendicular to that facade.

(d) *Maximum lot coverage.* The lot coverage of all principal and accessory buildings on a zoning lot shall not exceed 50 percent of the total area of the lot. However, parking and landscape requirements for the intended use must be met in all instances. Therefore, maximum lot coverage may in some cases be less.

(e) *Height regulations.* No building or dwelling for residential or business purposes shall exceed 100 feet in height above the natural grade of the property at the location of the structure or base flood elevation as established in chapter 115, article II, whichever is higher.

(f) *Design criteria.*

- (1) *Landscaping.* All landscaping shall be in compliance with the provisions of article VI, division 2 of these regulations.
- (2) *Signage.* All signage shall be in compliance with article VI, division 3 of these regulations.
- (3) *Lighting.* All site lighting shall be in compliance with article VI, division 4 of these regulations.
- (4) *Parking/loading.* All parking and loading will be in compliance with article VI, division 8 of these regulations.

(Code 1998, app. C, § 5.1904A; Ord. No. 07-1548, § 5.1904A, 5-3-2007)

Secs. 130-843—130-862. Reserved.

DIVISION 23. PBC-2 PLANNED BUSINESS CAMPUS

Sec. 130-863. Purpose.

(a) The purpose of the PBC-2 district is to provide for class A office space with supporting uses in a campus type setting. This district is located particularly near the intersection of major arterials or a major and a minor arterial. The PBC-2 district is intended to provide flexibility in meeting the needs of both the public and private sectors for large scale office development.

(b) The site must be large enough to accommodate internal traffic flows, parking, buffer and landscape, and a variety of uses and building types is a characteristic of this district. In no case shall the PBC-2 district be less than 20 acres in area.

(Code 1998, app. C, § 5.1901B; Ord. No. 07-1548, § 5.1901B, 5-3-2007)

Sec. 130-864. Permitted uses.

Use by right, subject to any minimum standards as listed in section 130-2112:

- (1) High-rise office and residential buildings.
- (2) Hotels, motels and convention centers.
- (3) College, universities, and research centers.
- (4) Public utility facilities.
- (5) Parking lots and decks.
- (6) Freestanding restaurants (no drive-through service permitted).
- (7) Mixed use centers, including residential, restaurants and retail uses provided they do not exceed 20 percent of the developed floor area of any structures located in the district.

(Code 1998, app. C, § 5.1902B; Ord. No. 07-1548, § 5.1902B, 5-3-2007)

Sec. 130-865. Administrative permits.

The purpose of an administrative permit is to provide for a staff review of certain uses. The following uses are prohibited unless application for the use has been processed by the department of planning and development and the use is in conformance with the minimum standards for that use as outlined in section 130-2112:

- (1) On-location television or film productions where no sets/structures are being constructed that would require the issuance of a building permit; specifically structures must be of a temporary nature and not capable of being occupied under the International Building Code/International Residential Code as determined by the chief building official, or his assigns.
- (2) On-location television or film productions where any sets/structures requiring the issuance of a building permit as determined by the chief building official, or his assigns, are permitted when the set/structure meets all applicable codes of the relevant zoning district.
- (3) Mobile food trucks when meeting the minimum standards for specific uses outlined in section 130-2112(22).

(Code 1998, app. C, § 5.1903B; Ord. No. 07-1548, § 5.1903B, 5-3-2007; Ord. No. 15-3393, exh. A(5.1903B), 9-3-2015; Ord. No. 17-3659, exh. A(5.1903B), 1-5-2017)

Sec. 130-866. Site and structure provisions.

(a) *Maximum floor area ratio.* The maximum floor area ratio (FAR) in the PBC-2 district shall be six.

(b) *Minimum lot area.* No new lot shall be created that is less than 20,000 square feet in area.

(c) *Minimum area regulations.*

(1) *Minimum lot width.* There shall be no minimum lot width in this district.

(2) *Street planting areas.* All areas along the street or road which a property abuts shall comply with the standards of section 130-1873, street planting areas, of these regulations.

(3) *Side and rear planting areas.* All areas located along the side and rear interior property lines shall comply with section 130-1874, side and rear buffer planting area requirements, of these regulations.

(4) *Transitional yard.* Where a PBC-2 district adjoins a residential district, transitional yards shall be provided in accordance with subsections (c)(1) and (2) of this section or the following regulations whichever is more restrictive:

- a. Where lots in a PBC district front on a street and at least 80 percent of the frontage directly across the street between two consecutive intersecting streets is in a residential district, the setback regulations for the residential district shall apply to the said lots in the commercial district.
- b. In a PBC district, where a side lot line coincides with a side or rear lot line of property in an adjacent residential district, a yard shall be provided along such side lot line. Such yard shall be equal in dimension to the minimum side yard which would be required under these regulations for a residential use on the adjacent property in the residential district.
- c. In a PBC district, where a rear lot line coincides with a rear or side lot line of property in an adjacent residential district, a yard shall be provided along such rear lot line. Such yard shall be equal in dimensions to the minimum rear yard which would be required under these regulations for a residential use on the adjacent property in the residential district.
- d. In a PBC district, where the extension of a front or side lot line coincides with the front line of an adjacent lot located in a residential district, a yard equal in depth to the minimum setback required by these regulations on such adjacent lot in the residential district shall be provided along such front or side lot line for a distance of at least 25 feet, including the width of any intervening alley from such lot in the residential district.

- e. Where a building is taller than 65 feet in height, one additional foot of setback shall be required in each yard. Each facade is measured separately and the additional depth is required perpendicular to that facade.

(d) *Maximum lot coverage.* The lot coverage of all principal and accessory buildings on a zoning lot shall not exceed 50 percent of the total area of the lot. However, parking and landscape requirements for the intended use must be met in all instances. Therefore, maximum lot coverage may in some cases be less.

(e) *Height regulations.* No building or dwelling for residential or business purposes shall exceed 200 feet in height above the natural grade of the property at the location of the structure or base flood elevation as established in chapter 115, article II of this Land Development Code, whichever is higher.

(f) *Design criteria.*

- (1) *Landscaping.* All landscaping shall be in compliance with the provisions of article VI, division 2 of these regulations.
- (2) *Signage.* All signage shall be in compliance with article VI, division 3 of these regulations.
- (3) *Lighting.* All site lighting shall be in compliance with article VI, division 4 of these regulations.
- (4) *Parking/loading.* All parking and loading will be in compliance with article VI, division 8 of these regulations.

(Code 1998, app. C, § 5.1904B; Ord. No. 07-1548, § 5.1904B, 5-3-2007)

Secs. 130-867—130-895. Reserved.

DIVISION 24. HC-1 HIGHWAY COMMERCIAL DISTRICT

Sec. 130-896. Purpose.

The purpose of this district is to provide for the location of limited scale highway commercial uses, generally located along major collectors and arterials designed to provide services to a portion of the parish.

(Code 1998, app. C, § 5.2001; Ord. No. 07-1548, § 5.2001, 5-3-2007)

Sec. 130-897. Permitted uses.

- (a) Use by right, subject to any minimum standards as listed in section 130-2112.
- (b) Any uses permitted in the NC districts, and:
 - (1) Automotive parts stores.

- (2) Business college or business schools operated as a business enterprise.
 - (3) Catering establishments.
 - (4) Department stores.
 - (5) Funeral homes and mausoleum.
 - (6) Instruction of fine arts.
 - (7) Physical culture and health establishments.
 - (8) Enclosed plumbing, electrical and home building supply showrooms and sales centers with associated assembly processes.
 - (9) Printing, lithography and publishing establishments.
 - (10) Wholesale merchandise broker/agent including associated offices and indoor storage facilities. Any warehousing uses provided shall not exceed 3,000 square feet. However, if more than one use occupies a building, the entire building shall not exceed 9,000 square feet gross floor area.
 - (11) Drugstores.
 - (12) Dry cleaning, laundries and self-service laundries.
 - (13) Food stores.
 - (14) Public parking lots and garages.
 - (15) Single-family dwelling units above the first floor in a building designed for business uses. Dwelling units shall not exceed one story in height.
 - (16) Veterinary clinics (no outdoor kennels).
 - (17) Public or private auditoriums.
 - (18) Restaurants and restaurants with lounges.
 - (19) Car wash.
 - (20) Warehouse and distribution centers and associated uses such as offices and retail sales with a maximum of combined uses totaling 9,000 square feet or less of gross floor area.
 - (21) Indoor research and testing laboratories.
 - (22) Specialty food processing.
- (Code 1998, app. C, § 5.2002; Ord. No. 07-1548, § 5.2002, 5-3-2007; Ord. No. 10-2364, 11-4-2010)

Sec. 130-898. Administrative permits.

(a) The purpose of an administrative permit is to provide for a staff review of certain uses. The following uses are prohibited unless application for the use has been processed by the department of planning and development and the use is in conformance with the minimum standards for that use as outlined in section 130-2112:

- (1) Snowball stands between April 1 and September 30.
- (2) Christmas tree sales between November 1 and January 1.
- (3) Seasonal seafood peddlers using temporary structures, provided that the use is temporary and valid for a period not greater than six months.
- (4) Seasonal produce stands, provided that the use is temporary and valid for a period not greater than six months.
- (5) Fireworks sales (where allowed).
- (6) On-location television or film productions where no sets/structures are being constructed that would require the issuance of a building permit; specifically structures must be of a temporary nature and not capable of being occupied under the International Building Code/International Residential Code as determined by the chief building official, or his assigns.
- (7) On-location television or film productions where any sets/structures requiring the issuance of a building permit as determined by the chief building official, or his assigns, are permitted when the set/structure meets all applicable codes of the relevant zoning district.
- (8) Mobile food trucks when meeting the minimum standards for specific uses outlined in section 130-2112(22).

(b) All temporary uses not specifically permitted in these regulations are expressly prohibited.

(Code 1998, app. C, § 5.2003; Ord. No. 07-1548, § 5.2003, 5-3-2007; Ord. No. 09-2151, 11-5-2009; Ord. No. 15-3393, exh. A(5.2003), 9-3-2015; Ord. No. 17-3659, exh. A(5.2003), 1-5-2017)

Sec. 130-899. Site and structure provisions.

(a) *Maximum building size.* The maximum building size in the HC-1 district shall be 20,000 square feet.

(b) *Minimum lot area.* No new lot shall be created that is less than 20,000 square feet in area.

(c) *Minimum area regulations.*

- (1) *Minimum lot width.* For each zoning lot provided with central water and sewerage facilities, the minimum lots width shall not be less than 80 feet.
- (2) *Street planting areas.* All areas along the street or road which a property abuts shall comply with the standards of section 130-1873, planting areas, of these regulations.
- (3) *Side and rear planting areas.* All areas located along the side and rear interior property lines shall comply with section 130-1874, side and rear buffer planting area requirements, of these regulations.
- (4) *Transitional yard.* Where an HC-1 district adjoins a residential district, transitional yards shall be provided in accordance with subsections (c)(1) and (2) of this section or the following regulations whichever is more restrictive:
 - a. Where lots in an HC district front on a street and at least 80 percent of the frontage directly across the street between two consecutive intersecting streets is in a residential district, the setback regulations for the residential district shall apply to the said lots in the commercial district.
 - b. In an HC district, where a side lot line coincides with a side or rear lot line of property in an adjacent residential district, a yard shall be provided along such side lot line. Such yard shall be equal in dimension to the minimum side yard which would be required under these regulations for a residential use on the adjacent property in the residential district.
 - c. In an HC district, where a rear lot line coincides with a rear or side lot line of property in an adjacent residential district, a yard shall be provided along such rear lot line. Such yard shall be equal in dimensions to the minimum rear yard which would be required under these regulations for a residential use on the adjacent property in the residential district.
 - d. In an HC district, where the extension of a front or side lot line coincides with the front line of an adjacent lot located in a residential district, a yard equal in depth to the minimum setback required by these regulations on such adjacent lot in the residential district shall be provided along such front or side lot line for a distance of at least 25 feet, including the width of any intervening alley from such lot in the residential district.
 - e. Where a building is taller than 25 feet in height, one additional foot of setback shall be required in each yard. Each facade is measured separately and the additional depth is required perpendicular to that facade.

(d) *Maximum lot coverage.* The lot coverage of all principal and accessory buildings on a zoning lot shall not exceed 50 percent of the total area of the lot. However, parking and landscape requirements for the intended use must be met in all instances. Therefore, maximum lot coverage may in some cases be less.

(e) *Height regulations.*

- (1) No portion of a building or dwelling for residential or business purposes located within 100 feet of a residentially zoned property shall exceed 35 feet in height above the natural grade of the property at the location of the structure or base flood elevation as established in chapter 115, article II of this Land Development Code, whichever is higher.
- (2) In no case shall any building or dwelling for residential or business purposes exceed 60 feet in height above the natural grade of the property at the location of the structure or base flood elevation as established in chapter 115, article II of this Land Development Code, whichever is higher.

(f) *Design criteria.*

- (1) *Landscaping.* All landscaping shall be in compliance with the provisions of article VI, division 2 of these regulations.
 - (2) *Signage.* All signage shall be in compliance with article VI, division 3 of these regulations.
 - (3) *Lighting.* All site lighting shall be in compliance with article VI, division 4 of these regulations.
 - (4) *Parking/loading.* All parking and loading will be in compliance with article VI, division 8 of these regulations.
- (Code 1998, app. C, § 5.2004; Ord. No. 07-1548, § 5.2004, 5-3-2007)

Secs. 130-900—130-916. Reserved.

DIVISION 25. HC-2 HIGHWAY COMMERCIAL DISTRICT

Sec. 130-917. Purpose.

The purpose of this district is to provide for the location of moderately scaled, more intense retail, office and service uses, generally located along major collectors and arterials designed to provide services to a portion of the parish.

(Code 1998, app. C, § 5.2101; Ord. No. 07-1548, § 5.2101, 5-3-2007)

Sec. 130-918. Permitted uses.

- (a) Use by right, subject to any minimum standards as listed in section 130-2112.
- (b) All uses permitted in the HC-1 district, and:
 - (1) Banks and financial institutions (greater than 3,000 square feet).
 - (2) Convenience stores (with gas), when the criteria of section 130-2112(56)a, are met.

- (3) Drive-in restaurants.
 - (4) Liquor stores.
 - (5) Any private office use that is a permitted use in the NC district over 20,000 square feet.
 - (6) Clubs, lodges, fraternal and religious institutions, meeting halls (over 20,000 square feet).
 - (7) Veterinary clinics (with outdoor kennels).
 - (8) Parcel post delivery stations.
 - (9) Mini-warehouses.
 - (10) Commercial kennels.
 - (11) Outdoor storage yards that do not occupy an area greater than 50 percent of land area, and are enclosed by an eight-foot opaque perimeter fence, located on the same parcel as, and are accessory to an existing mini-warehouse, not to be located on the street side.
 - (12) Lodging, 100 rooms or less (including apartments, hotels, motels).
 - (13) Automotive repair and service facilities not to exceed 10,000 square feet.
 - (14) Automotive sales not to exceed two acres of display and storage.
 - (15) Outdoor retail sales and storage yards.
 - (16) Portable storage containers use for storage.
 - (17) Outdoor display area of pre-assembled building, pool and playground equipment.
- (Code 1998, app. C, § 5.2102; Ord. No. 07-1548, § 5.2102, 5-3-2007; Ord. No. 09-2083, 7-2-2009; Ord. No. 10-2290, 7-1-2010; Ord. No. 10-2366, 11-4-2010; Ord. No. 11-2532, 6-2-2011)

Sec. 130-919. Administrative permits.

(a) The purpose of an administrative permit is to provide for a staff review of certain uses. The following uses are prohibited unless application for the use has been processed by the department of planning and development and the use is in conformance with the minimum standards for that use as outlined in section 130-2112:

- (1) Snowball stands between April 1 and September 30.
- (2) Christmas tree sales between November 1 and January 1.
- (3) Seasonal seafood peddlers using temporary structures, provided that the use is temporary and valid for a period not greater than six months.
- (4) Seasonal produce stands, provided that the use is temporary and valid for a period not greater than six months.
- (5) Fireworks sales (where allowed).

- (6) On-location television or film productions where no sets/structures are being constructed that would require the issuance of a building permit; specifically structures must be of a temporary nature and not capable of being occupied under the International Building Code/International Residential Code as determined by the chief building official, or his assigns.
 - (7) On-location television or film productions where any sets/structures requiring the issuance of a building permit as determined by the chief building official, or his assigns, are permitted when the set/structure meets all applicable codes of the relevant zoning district.
 - (8) Mobile food trucks when meeting the minimum standards for specific uses outlined in section 130-2112(22).
- (b) All temporary uses not specifically permitted in these regulations are expressly prohibited.
- (Code 1998, app. C, § 5.2103; Ord. No. 07-1548, § 5.2103, 5-3-2007; Ord. No. 09-2151, 11-5-2009; Ord. No. 15-3393, exh. A(5.2103), 9-3-2015; Ord. No. 17-3659, exh. A(5.2103), 1-5-2017)

Sec. 130-920. Site and structure provisions.

- (a) *Maximum building size.* The maximum building size in the HC-2 district shall be 40,000 square feet.
- (b) *Minimum lot area.* No new lot shall be created that is less than 20,000 square feet in area.
- (c) *Minimum area regulations.*
- (1) *Minimum lot width.* For each zoning lot provided with central water and sewerage facilities, the minimum lots width shall not be less than 80 feet.
 - (2) *Street planting areas.* All areas along the street or road which a property abuts shall comply with the standards of section 130-1873, planting areas, of these regulations.
 - (3) *Side and rear planting areas.* All areas located along the side and rear interior property lines shall comply with section 130-1874, side and rear buffer planting area requirements, of these regulations.
 - (4) *Transitional yard.* Where an HC-2 district adjoins a residential district, transitional yards shall be provided in accordance with subsections (c)(1) and (2) of this section or the following regulations whichever is more restrictive:
 - a. Where lots in an HC district front on a street and at least 80 percent of the frontage directly across the street between two consecutive intersecting streets is in a residential district, the setback regulations for the residential district shall apply to the said lots in the commercial district.

- b. In an HC district, where a side lot line coincides with a side or rear lot line of property in an adjacent residential district, a yard shall be provided along such side lot line. Such yard shall be equal in dimension to the minimum side yard which would be required under these regulations for a residential use on the adjacent property in the residential district.
- c. In an HC district, where a rear lot line coincides with a rear or side lot line of property in an adjacent residential district, a yard shall be provided along such rear lot line. Such yard shall be equal in dimensions to the minimum rear yard which would be required under these regulations for a residential use on the adjacent property in the residential district.
- d. In an HC district, where the extension of a front or side lot line coincides with the front line of an adjacent lot located in a residential district, a yard equal in depth to the minimum setback required by these regulations on such adjacent lot in the residential district shall be provided along such front or side lot line for a distance of at least 25 feet, including the width of any intervening alley from such lot in the residential district.
- e. Where a building is taller than 25 feet in height, one additional foot of setback shall be required in each yard. Each facade is measured separately and the additional depth is required perpendicular to that facade.

(d) *Maximum lot coverage.* The lot coverage of all principal and accessory buildings on a zoning lot shall not exceed 50 percent of the total area of the lot. However, parking and landscape requirements for the intended use must be met in all instances. Therefore, maximum lot coverage may in some cases be less.

(e) *Height regulations.*

- (1) No portion of a building or dwelling for residential or business purposes located within 100 feet of a residentially zoned property shall exceed 35 feet in height above the natural grade of the property at the location of the structure or base flood elevation as established in chapter 115, article II of this Land Development Code, whichever is higher.
- (2) In no case shall any building or dwelling for residential or business purposes exceed 60 feet in height above the natural grade of the property at the location of the structure or base flood elevation as established in chapter 115, article II of this Land Development Code, whichever is higher.

(f) *Design criteria.*

- (1) *Landscaping.* All landscaping shall be in compliance with the provisions of article VI, division 2 of these regulations.

- (2) *Signage.* All signage shall be in compliance with article VI, division 3 of these regulations.
 - (3) *Lighting.* All site lighting shall be in compliance with article VI, division 4 of these regulations.
 - (4) *Parking/loading.* All parking and loading will be in compliance with article VI, division 8 of these regulations.
- (Code 1998, app. C, § 5.2104; Ord. No. 07-1548, § 5.2104, 5-3-2007)

Secs. 130-921—130-930. Reserved.

DIVISION 26. HC-2A HIGHWAY COMMERCIAL DISTRICT

Sec. 130-931. Purpose.

The purpose of the HC-2A Highway Commercial District is to provide for the location of moderate to large scale, intense retail, office and service uses, generally located along major collectors and arterials designed to provide services to a portion of the parish.
(Ord. No. 12-2783, exh. A(5.2101), 8-2-2012)

Sec. 130-932. Permitted uses.

- (a) Use by right subject to any minimum standards as listed in section 130-2112.
- (b) All uses permitted in the HC-1 district, and:
 - (1) Banks and financial institutions.
 - (2) Convenience stores (w/gas), when the criteria of section 130-2112(57) are met, inclusive of the limitation on the number of fuel pumping units permitted based on parcel size.
 - (3) Drive-in restaurants.
 - (4) Liquor stores.
 - (5) Any private office use that is a permitted use in the NC district over 20,000 square feet.
 - (6) Clubs, lodges, fraternal and religious institutions, meeting halls.
 - (7) Veterinary clinics (with outdoor kennels).
 - (8) Parcel post delivery stations.
 - (9) Mini-warehouses.
 - (10) Commercial kennels.
 - (11) Outdoor storage yards that do not occupy an area greater than 50 percent of land area, and are enclosed by an eight-foot opaque perimeter fence, located on the same parcel as and are accessory to an existing mini-warehouse, not to be located on the street side.

- (12) Lodging, 200 rooms or less (including apartments, hotels, motels).
 - (13) Automotive repair and service facilities not to exceed 10,000 square feet.
 - (14) Automotive sales not to exceed two acres of display and storage.
 - (15) Outdoor retail sales and storage yards.
 - (16) Portable storage containers used for storage.
 - (17) Outdoor display area of pre-assembled building, pool and playground equipment.
- (Ord. No. 12-2783, exh. A(5.2102), 8-2-2012)

Sec. 130-933. Administrative permits.

(a) The purpose of an administrative permit is to provide for a staff review of certain uses. The following uses are prohibited unless application for the use has been processed by the department of planning and development and the use is in conformance with the minimum standards for that use as outlined in section 130-2112:

- (1) Snowball stands between April 1 and September 30.
- (2) Christmas tree sales between November 1 and January 1.
- (3) Seasonal seafood peddlers using temporary structures provided that the use is temporary and valid for a period not greater than six months.
- (4) Seasonal produce stands, provided that the use is temporary and valid for a period not greater than six months.
- (5) Fireworks sales (where allowed).
- (6) On-location television or film productions where no sets/structures are being constructed that would require the issuance of a building permit; specifically structures must be of a temporary nature and not capable of being occupied under the International Building Code/International Residential Code as determined by the chief building official, or his assigns.
- (7) On-location television or film productions where any sets/structures requiring the issuance of a building permit as determined by the chief building official, or his assigns, are permitted when the set/structure meets all applicable codes of the relevant zoning district.
- (8) Mobile food trucks when meeting the minimum standards for specific uses outlined in section 130-2112(22).

(b) All temporary uses not specifically permitted in these regulations are expressly prohibited.

(Ord. No. 12-2783, exh. A(5.2103), 8-2-2012; Ord. No. 15-3393, exh. A(5.2103A), 9-3-2015; Ord. No. 17-3659, exh. A(5.2103A), 1-5-2017)

Sec. 130-934. Site and structure provisions.

(a) *Maximum building size.* The maximum building size in the HC-2A district shall be 75,000 square feet.

(b) *Minimum lot area.* No new lot shall be created that is less than 20,000 square feet in area.

(c) *Minimum area regulations.*

(1) *Minimum lot width.* For each zoning lot provided with central water and sewerage facilities, the minimum lots width shall not be less than 80 feet.

(2) *Street planting areas.* All areas along the streets or roads which a property abuts shall comply with the standards of section 130-1873.

(3) *Side and rear planting areas.* All areas located along the side and rear interior property lines shall comply with section 130-1874.

(4) *Transitional yard.* Where a HC district adjoins a residential district, transitional yards shall be provided in accordance with subsections (c)(1) and (2) of this section or the following regulations, whichever is more restrictive:

- a. Where lots in a HC district front on a street and at least 80 percent of the frontage directly across the street between two consecutive intersecting streets is in a residential district, the setback regulations for the residential district shall apply to the said lots in the commercial district.
- b. In a HC district, where a side lot line coincides with a side or rear lot line of property in an adjacent residential district, a yard shall be provided along such side lot line. Such yard shall be equal in dimension to the minimum side yard which would be required under this ordinance for a residential use on the adjacent property in the residential district.
- c. In a HC district, where a rear lot line coincides with a rear or side lot line of property in an adjacent residential district, a yard shall be provided along such rear lot line. Such yard shall be equal in dimensions to the minimum rear yard which would be required under this division for a residential use on the adjacent property in the residential district.
- d. In a HC district, where the extension of a front or side lot line coincides with the front line of an adjacent lot located in a residential district, a yard equal in depth to the minimum setback required by this division on such adjacent lot in the residential district shall be provided along such front or side lot line for a distance of at least 25 feet, including the width of any intervening alley from such lot in the residential district.

- e. Where a building is taller than 25 feet in height, one additional foot of setback shall be required in each yard. Each facade is measured separately and the additional depth is required perpendicular to that facade.

(d) *Maximum lot coverage.* The lot coverage of all principal and accessory buildings on a zoning lot shall not exceed 50 percent of the total area of the lot. However, parking and landscape requirements for the intended use must be met in all instances. Therefore, maximum lot coverage may in some cases be less.

(e) *Height regulations.*

- (1) No portion of a building or dwelling for residential or business purposes located within 100 feet of a residentially zoned property shall exceed 35 feet in height above the natural grade of the property at the location of the structure or base flood elevation as established in chapter 115, article II of this Land Development Code, whichever is higher.
- (2) In no case shall any building or dwelling for residential or business purposes exceed 60 feet in height above the natural grade of the property at the location of the structure or base flood elevation as established in chapter 115, article II of this Land Development Code, whichever is higher.

(f) *Design criteria.*

- (1) *Landscaping.* All landscaping shall be in compliance with the provisions of article VI, division 2 of these regulations.
- (2) *Signage.* All signage shall be in compliance with article VI, division 3 of these regulations.
- (3) *Lighting.* All site lighting shall be in compliance with article VI, division 4 of these regulations.
- (4) *Parking/loading.* All parking and loading will be in compliance with article VI, division 8 of these regulations.

(Ord. No. 12-2783, exh. A(5.2104), 8-2-2012)

Secs. 130-935—130-943. Reserved.

DIVISION 27. HC-3 HIGHWAY COMMERCIAL DISTRICT

Sec. 130-944. Purpose.

The purpose of this district is to provide for the location of larger scale, heavy commercial retail, office and service uses with primary accesses being collectors constructed for the development of arterial roadways.

(Code 1998, app. C, § 5.2201; Ord. No. 07-1548, § 5.2201, 5-3-2007)

Sec. 130-945. Permitted uses.

- (a) Use by right, subject to any minimum standards as listed in section 130-2112.
 - (b) All uses permitted in the HC-2 district, and:
 - (1) Automotive service, stations, centers, and sales.
 - (2) Indoor recreations establishments, such as bowling alleys, skating rinks and movie theaters.
 - (3) Drive-in movie theaters.
 - (4) Storage facilities associated with insurance companies or related offices for wrecked or impounded vehicles. (Minimum standards apply.)
 - (5) Commercial recreation, excluding riverboat gaming and associated facilities.
 - (6) Outdoor (no lights).
 - (7) Lodging. Greater than 100 rooms (including apartments, hotels, motels).
 - (8) Nightclubs, bars and lounges.
 - (9) Entertainment which typically consists of live or programmed performances.
 - (10) Bus, truck or other transportation terminals.
 - (11) Outdoor retail sales and storage yards.
 - (12) Portable storage containers use for storage.
 - (13) Outdoor display area of pre-assembled building, pool and playground equipment.
- (Code 1998, app. C, § 5.2202; Ord. No. 07-1548, § 5.2202, 5-3-2007; Ord. No. 10-2366, 11-4-2010)

Sec. 130-946. Administrative permits.

(a) The purpose of an administrative permit is to provide for a staff review of certain uses. The following uses are prohibited unless application for the use has been processed by the department of planning and development and the use is in conformance with the minimum standards for that use as outlined in section 130-2112:

- (1) Snowball stands between April 1 and September 30.
- (2) Christmas tree sales between November 1 and January 1.
- (3) Seasonal seafood peddlers using temporary structures provided that the use is temporary and valid for a period not greater than six months.
- (4) Seasonal produce stands, provided that the use is temporary and valid for a period not greater than six months.
- (5) Fireworks sales (where allowed).

- (6) On-location television or film productions where no sets/structures are being constructed that would require the issuance of a building permit; specifically structures must be of a temporary nature and not capable of being occupied under the International Building Code/International Residential Code as determined by the chief building official, or his assigns.
- (7) On-location television or film productions where any sets/structures requiring the issuance of a building permit as determined by the chief building official, or his assigns, are permitted when the set/structure meets all applicable codes of the relevant zoning district.
- (8) Mobile food trucks when meeting the minimum standards for specific uses outlined in section 130-2112(22).

(b) All temporary uses not specifically permitted in these regulations are expressly prohibited.

(Code 1998, app. C, § 5.2203; Ord. No. 07-1548, § 5.2203, 5-3-2007; Ord. No. 09-2151, 11-5-2009; Ord. No. 15-3393, exh. A(5.2203), 9-3-2015; Ord. No. 17-3659, exh. A(5.2203), 1-5-2017)

Sec. 130-947. Site and structure provisions.

(a) *Maximum building size.* The maximum building size in the HC-3 district shall be 200,000 square feet.

(b) *Minimum lot area.* No new lot shall be created that is less than 20,000 square feet in area.

(c) *Minimum area regulations.*

(1) *Minimum lot width.* For each zoning lot provided with central water and sewerage facilities, the minimum lots width shall not be less than 80 feet.

(2) *Street planting areas.* All areas along the street or road which a property abuts shall comply with the standards of section 130-1873, planting areas, of these regulations.

(3) *Side and rear planting areas.* All areas located along the side and rear interior property lines shall comply with section 130-1874, side and rear buffer planting area requirements, of these regulations.

(4) *Transitional yard.* Where an HC-3 district adjoins a residential district, transitional yards shall be provided in accordance with subsections (c)(1) and (2) of this section or the following regulations whichever is more restrictive:

- a. Where lots in an HC district front on a street and at least 80 percent of the frontage directly across the street between two consecutive intersecting streets is in a residential district, the setback regulations for the residential district shall apply to the said lots in the commercial district.

- b. In an HC district, where a side lot line coincides with a side or rear lot line of property in an adjacent residential district, a yard shall be provided along such side lot line. Such yard shall be equal in dimension to the minimum side yard which would be required under these regulations for a residential use on the adjacent property in the residential district.
- c. In an HC district, where a rear lot line coincides with a rear or side lot line of property in an adjacent residential district, a yard shall be provided along such rear lot line. Such yard shall be equal in dimensions to the minimum rear yard which would be required under these regulations for a residential use on the adjacent property in the residential district.
- d. In an HC district, where the extension of a front or side lot line coincides with the front line of an adjacent lot located in a residential district, a yard equal in depth to the minimum setback required by these regulations on such adjacent lot in the residential district shall be provided along such front or side lot line for a distance of at least 25 feet, including the width of any intervening alley from such lot in the residential district.
- e. Where a building is taller than 25 feet in height, one additional foot of setback shall be required in each yard. Each facade is measured separately and the additional depth is required perpendicular to that facade.

(d) *Maximum lot coverage.* The lot coverage of all principal and accessory buildings on a zoning lot shall not exceed 50 percent of the total area of the lot. However, parking and landscape requirements for the intended use must be met in all instances. Therefore, maximum lot coverage may in some cases be less.

(e) *Height regulations.*

- (1) No portion of a building or dwelling for residential or business purposes located within 100 feet of a residentially zoned property shall exceed 35 feet in height above the natural grade of the property at the location of the structure or base flood elevation as established in chapter 115, article II, whichever is higher.
- (2) In no case shall any building or dwelling for residential or business purposes exceed 60 feet in height above the natural grade of the property at the location of the structure or base flood elevation as established in chapter 115, article II, whichever is higher.

(f) *Design criteria.*

- (1) *Landscaping.* All landscaping shall be in compliance with the provisions of article VI, division 2 of these regulations.
- (2) *Signage.* All signage shall be in compliance with article VI, division 3 of these regulations.

- (3) *Lighting.* All site lighting shall be in compliance with article VI, division 4 of these regulations.
 - (4) *Parking/loading.* All parking and loading will be in compliance with article VI, division 8 of these regulations.
- (Code 1998, app. C, § 5.2204; Ord. No. 07-1548, § 5.2204, 5-3-2007)

Secs. 130-948—130-967. Reserved.

DIVISION 28. HC-4 HIGHWAY COMMERCIAL DISTRICT

Sec. 130-968. Purpose.

The purpose of this district is to provide for the location of smaller scale specialized uses in addition to limited retail, office and service uses.
(Code 1998, app. C, § 5.2301; Ord. No. 07-1548, § 5.2301, 5-3-2007)

Sec. 130-969. Permitted uses.

- (a) Use by right, subject to any minimum standards as listed in section 130-2112.
 - (b) All uses permitted in the HC-3 district, and:
 - (1) Truck stops with video poker.
 - (2) Horse and dog race tracks.
 - (3) Automobile racing.
- (Code 1998, app. C, § 5.2302; Ord. No. 07-1548, § 5.2302, 5-3-2007)

Sec. 130-970. Administrative permits.

(a) The purpose of an administrative permit is to provide for a staff review of certain uses. The following uses are prohibited unless application for the use has been processed by the department of planning and development and the use is in conformance with the minimum standards for that use as outlined in section 130-2112:

- (1) Snowball stands between April 1 and September 30.
- (2) Christmas tree sales between November 1 and January 1.
- (3) Seasonal seafood peddlers using temporary structures provided that the use is temporary and valid for a period not greater than six months.
- (4) Seasonal produce stands, provided that the use is temporary and valid for a period not greater than six months.
- (5) Fireworks sales (where allowed).

- (6) On-location television or film productions where no sets/structures are being constructed that would require the issuance of a building permit; specifically structures must be of a temporary nature and not capable of being occupied under the International Building Code/International Residential Code as determined by the chief building official, or his assigns.
 - (7) On-location television or film productions where any sets/structures requiring the issuance of a building permit as determined by the chief building official, or his assigns, are permitted when the set/structure meets all applicable codes of the relevant zoning district.
 - (8) Mobile food trucks when meeting the minimum standards for specific uses outlined in section 130-2112(22).
- (b) All temporary uses not specifically permitted in these regulations are expressly prohibited.
- (Code 1998, app. C, § 5.2303; Ord. No. 07-1548, § 5.2303, 5-3-2007; Ord. No. 09-2151, 11-5-2009; Ord. No. 15-3393, exh. A(5.2303), 9-3-2015; Ord. No. 17-3659, exh. A(5.2303), 1-5-2017)

Sec. 130-971. Site and structure provisions.

- (a) *Maximum building size.* The maximum building size in the HC-4 district shall be 20,000 square feet.
- (b) *Minimum lot area.* No new lot shall be created that is less than 20,000 square feet in area.
- (c) *Minimum area regulations.*
- (1) *Minimum lot width.* For each zoning lot provided with central water and sewerage facilities, the minimum lots width shall not be less than 80 feet.
 - (2) *Street planting areas.* All areas along the street or road which a property abuts shall comply with the standards of section 130-1873, street planting areas.
 - (3) *Side and rear planting areas.* All areas located along the side and rear interior property lines shall comply with section 130-1874, side and rear buffer planting area requirements.
 - (4) *Transitional yard.* Where an HC district adjoins a residential district, transitional yards shall be provided in accordance with subsections (c) (1) and (2) of this section or the following regulations whichever is more restrictive:
 - a. Where lots in an HC district front on a street and at least 80 percent of the frontage directly across the street between two consecutive intersecting streets is in a residential district, the setback regulations for the residential district shall apply to the said lots in the commercial district.

- b. In an HC district, where a side lot line coincides with a side or rear lot line of property in an adjacent residential district, a yard shall be provided along such side lot line. Such yard shall be equal in dimension to the minimum side yard which would be required under these regulations for a residential use on the adjacent property in the residential district.
- c. In an HC district, where a rear lot line coincides with a rear or side lot line of property in an adjacent residential district, a yard shall be provided along such rear lot line. Such yard shall be equal in dimensions to the minimum rear yard which would be required under these regulations for a residential use on the adjacent property in the residential district.
- d. In an HC district, where the extension of a front or side lot line coincides with the front line of an adjacent lot located in a residential district, a yard equal in depth to the minimum setback required by these regulations on such adjacent lot in the residential district shall be provided along such front or side lot line for a distance of at least 25 feet, including the width of any intervening alley from such lot in the residential district.
- e. Where a building is taller than 25 feet in height, one additional foot of setback shall be required in each yard. Each facade is measured separately and the additional depth is required perpendicular to that facade.

(d) *Maximum lot coverage.* The lot coverage of all principal and accessory buildings on a zoning lot shall not exceed 50 percent of the total area of the lot. However, parking and landscape requirements for the intended use must be met in all instances. Therefore, maximum lot coverage may in some cases be less.

(e) *Height regulations.*

- (1) No portion of a building or dwelling for residential or business purposes located within 100 feet of a residentially zoned property shall exceed 35 feet in height above the natural grade of the property at the location of the structure or base flood elevation as established in chapter 115, article II of this Land Development Code, whichever is higher.
- (2) In no case shall any building or dwelling for residential or business purposes exceed 60 feet in height above the natural grade of the property at the location of the structure or base flood elevation as established in chapter 115, article II of this Land Development Code, whichever is higher.

(f) *Design criteria.*

- (1) *Landscaping.* All landscaping shall be in compliance with the provisions of article VI, division 2 of these regulations.

- (2) *Signage.* All signage shall be in compliance with article VI, division 3 of these regulations.
 - (3) *Lighting.* All site lighting shall be in compliance with article VI, division 4 of these regulations.
 - (4) *Parking/loading.* All parking and loading will be in compliance article VI, division 8 of these regulations.
- (Code 1998, app. C, § 5.2304; Ord. No. 07-1548, § 5.2304, 5-3-2007)

Secs. 130-972—130-1000. Reserved.

DIVISION 29. HC-5 HIGHWAY COMMERCIAL DISTRICT

Sec. 130-1001. Purpose.

The purpose of this district is to provide for the location of smaller scale specialized uses in addition to limited retail, office and service uses.
(Code 1998, app. C, § 5.2301A; Ord. No. 07-1548, § 5.2301A, 5-3-2007)

Sec. 130-1002. Permitted uses.

- (a) Use by right, subject to any minimum standards as listed in section 130-2112 of these regulations.
- (b) All uses permitted in the HC-4 district, and:
 - (1) Adult uses—Establishments consisting of, including, or having the characteristics of any of the following:
 - a. Adult theaters.
 - b. Adult cabarets.
 - c. Adult stores.
 - d. Massage parlors.
 - e. Escort agencies.

(Code 1998, app. C, § 5.2302A; Ord. No. 07-1548, § 5.2302A, 5-3-2007)

Sec. 130-1003. Administrative permits.

(a) The purpose of an administrative permit is to provide for a staff review of certain uses. The following uses are prohibited unless application for the use has been processed by the department of planning and development and the use is in conformance with the minimum standards for that use as outlined in section 130-2112:

- (1) Snowball stands between April 1 and September 30.

- (2) Christmas tree sales between November 1 and January 1.
 - (3) Seasonal seafood peddlers using temporary structures provided that the use is temporary and valid for a period not greater than six months.
 - (4) Seasonal produce stands, provided that the use is temporary and valid for a period not greater than six months.
 - (5) Fireworks sales (where allowed).
 - (6) On-location television or film productions where no sets/structures are being constructed that would require the issuance of a building permit; specifically structures must be of a temporary nature and not capable of being occupied under the International Building Code/International Residential Code as determined by the chief building official, or his assigns.
 - (7) On-location television or film productions where any sets/structures requiring the issuance of a building permit as determined by the chief building official, or his assigns, are permitted when the set/structure meets all applicable codes of the relevant zoning district.
 - (8) Mobile food trucks when meeting the minimum standards for specific uses outlined in section 130-2112(22).
 - (b) All temporary uses not specifically permitted in these regulations are expressly prohibited.
- (Code 1998, app. C, § 5.2303A; Ord. No. 07-1548, § 5.2303A, 5-3-2007; Ord. No. 09-2151, 11-5-2009; Ord. No. 15-3393, exh. A(5.2303A), 9-3-2015; Ord. No. 17-3659, exh. A(5.2303A), 1-5-2017)

Sec. 130-1004. Site and structure provisions.

- (a) *Maximum building size.* The maximum building size in the HC-5 district shall be 20,000 square feet.
- (b) *Minimum lot area.* No new lot shall be created that is less than 20,000 square feet in area.
- (c) *Minimum area regulations.*
 - (1) *Minimum lot width.* For each zoning lot provided with central water and sewerage facilities, the minimum lots width shall not be less than 80 feet.
 - (2) *Street planting areas.* All areas along the street or road which a property abuts shall comply with the standards of section 130-1873, street planting areas.
 - (3) *Side and rear planting areas.* All areas located along the side and rear interior property lines shall comply with section 130-1874, side and rear buffer planting area requirements.

(4) *Transitional yard.* Where an HC-5 district adjoins a residential district, transitional yards shall be provided in accordance with subsections (c)(1) and (2) of this section or the following regulations whichever is more restrictive:

- a. Where lots in an HC district front on a street and at least 80 percent of the frontage directly across the street between two consecutive intersecting streets is in a residential district, the setback regulations for the residential district shall apply to the said lots in the commercial district.
- b. In an HC district, where a side lot line coincides with a side or rear lot line of property in an adjacent residential district, a yard shall be provided along such side lot line. Such yard shall be equal in dimension to the minimum side yard which would be required under these regulations for a residential use on the adjacent property in the residential district.
- c. In an HC district, where a rear lot line coincides with a rear or side lot line of property in an adjacent residential district, a yard shall be provided along such rear lot line. Such yard shall be equal in dimensions to the minimum rear yard which would be required under these regulations for a residential use on the adjacent property in the residential district.
- d. In an HC district, where the extension of a front or side lot line coincides with the front line of an adjacent lot located in a residential district, a yard equal in depth to the minimum setback required by these regulations on such adjacent lot in the residential district shall be provided along such front or side lot line for a distance of at least 25 feet, including the width of any intervening alley from such lot in the residential district.
- e. Where a building is taller than 25 feet in height, one additional foot of setback shall be required in each yard. Each facade is measured separately and the additional depth is required perpendicular to that facade.

(d) *Maximum lot coverage.* The lot coverage of all principal and accessory buildings on a zoning lot shall not exceed 50 percent of the total area of the lot. However, parking and landscape requirements for the intended use must be met in all instances. Therefore, maximum lot coverage may in some cases be less.

(e) *Height regulations.*

- (1) No portion of a building or dwelling for residential or business purposes located within 100 feet of a residentially zoned property shall exceed 35 feet in height above the natural grade of the property at the location of the structure or base flood elevation as established in chapter 115, article II, whichever is higher.
- (2) In no case shall any building or dwelling for residential or business purposes exceed 60 feet in height above the natural grade of the property at the location of the structure or base flood elevation as established in chapter 115, article II, whichever is higher.

(f) *Design criteria.*

- (1) *Landscaping.* All landscaping shall be in compliance with the provisions of article VI, division 2 of these regulations.
- (2) *Signage.* All signage shall be in compliance with article VI, division 3 of these regulations.
- (3) *Lighting.* All site lighting shall be in compliance with article VI, division 4 of these regulations.
- (4) *Parking/loading.* All parking and loading will be in compliance with article VI, division 8 of these regulations.

(Code 1998, app. C, § 5.2304A; Ord. No. 07-1548, § 5.2304A, 5-3-2007)

Secs. 130-1005—130-1021. Reserved.

DIVISION 30. I-1 INDUSTRIAL DISTRICT

Sec. 130-1022. Purpose.

The purpose of this district is to provide for the location of industrial uses of moderate size and intensity along major collectors and arterials in such a fashion and location as to minimize the conflict with nearby residential uses.

(Code 1998, app. C, § 5.2401; Ord. No. 07-1548, § 5.2401, 5-3-2007)

Sec. 130-1023. Permitted uses.

Use by right, subject to any minimum standards as listed in section 130-2112.

- (1) Radio and television studios and broadcasting stations.
- (2) Auto body shops (minimum standards apply).
- (3) Outdoor storage yards and lots and contractor's storage yards in conjunction with an affiliated office provided that this provision shall not permit wrecking yards or yards used in whole or in part for a scrap or salvage operation. Minimum standards for contractor's yards apply.
- (4) Welding shops (greater than 3,000 square feet).
- (5) Indoor recreational facilities including a restaurant without lounge.
- (6) Office warehouse.
- (7) Portable storage containers use for storage.
- (8) Outdoor display pre-assembled building, pool and playground equipment.

(Code 1998, app. C, § 5.2402; Ord. No. 07-1548, § 5.2402, 5-3-2007; Ord. No. 10-2217, 3-4-2010; Ord. No. 10-2366, 11-4-2010; Ord. No. 11-2486, 4-7-2011)

Sec. 130-1024. Administrative permits.

(a) The purpose of an administrative permit is to provide for a staff review of certain uses. The following uses are prohibited unless application for the use has been processed by the department of planning and development and the use is in conformance with the minimum standards for that use as outlined in section 130-2112:

- (1) Snowball stands between April 1 and September 30.
- (2) Christmas tree sales between November 1 and January 1.
- (3) Seasonal seafood peddlers using temporary structures provided that the use is temporary and valid for a period not greater than six months.
- (4) Seasonal produce stands, provided that the use is temporary and valid for a period not greater than six months.
- (5) Fireworks sales (where allowed).
- (6) Commercial excavation, subject to the minimum standards as established in section 130-2112(55).
- (7) On-location television or film productions where no sets/structures are being constructed that would require the issuance of a building permit; specifically structures must be of a temporary nature and not capable of being occupied under the International Building Code/International Residential Code as determined by the chief building official, or his assigns.
- (8) On-location television or film productions where any sets/structures requiring the issuance of a building permit as determined by the chief building official, or his assigns, are permitted when the set/structure meets all applicable codes of the relevant zoning district.
- (9) Mobile food trucks when meeting the minimum standards for specific uses outlined in section 130-2112(22).

(b) All temporary uses not specifically permitted in these regulations are expressly prohibited.

(Code 1998, app. C, § 5.2403; Ord. No. 07-1548, § 5.2403, 5-3-2007; Ord. No. 09-2151, 11-5-2009; Ord. No. 10-2407, 12-2-2010; Ord. No. 15-3393, exh. A(5.2403), 9-3-2015; Ord. No. 17-3659, exh. A(5.2403), 1-5-2017)

Sec. 130-1025. Site and structure provisions.

(a) *Maximum building size.* The maximum building size in the I-1 district shall be 40,000 square feet.

(b) *Minimum lot area.* No new lot shall be created that is less than 20,000 square feet in area.

(c) *Minimum area regulations.*

- (1) *Minimum lot width.* For each zoning lot provided with central water and sewerage facilities, the minimum lots width shall not be less than 80 feet.
- (2) *Street planting areas.* All areas along the street or road which a property abuts shall comply with the standards of section 130-1873, street planting areas.
- (3) *Side and rear planting areas.* All areas located along the side and rear interior property lines shall comply with section 130-1874, side and rear buffer planting area requirements.
- (4) *Transitional yard.* Where an I-1 district adjoins a residential district, transitional yards shall be provided in accordance with subsections (c) (1) and (2) of this section or the following regulations whichever is more restrictive:
 - a. Where lots in an I-1 district front on a street and at least 80 percent of the frontage directly across the street between two consecutive intersecting streets is in a residential district, the setback regulations for the residential district shall apply to the said lots in the commercial district.
 - b. In an I-1 district, where a side lot line coincides with a side or rear lot line of property in an adjacent residential district, a yard shall be provided along such side lot line. Such yard shall be equal in dimension to the minimum side yard which would be required under these regulations for a residential use on the adjacent property in the residential district.
 - c. In an I-1 district, where a rear lot line coincides with a rear or side lot line of property in an adjacent residential district, a yard shall be provided along such rear lot line. Such yard shall be equal in dimensions to the minimum rear yard which would be required under these regulations for a residential use on the adjacent property in the residential district.
 - d. In an I-1 district, where the extension of a front or side lot line coincides with the front line of an adjacent lot located in a residential district, a yard equal in depth to the minimum setback required by these regulations on such adjacent lot in the residential district shall be provided along such front or side lot line for a distance of at least 25 feet, including the width of any intervening alley from such lot in the residential district.
 - e. Where a building is taller than 25 feet in height, one additional foot of setback shall be required in each yard. Each facade is measured separately and the additional depth is required perpendicular to that facade.

(d) *Maximum lot coverage.* The lot coverage of all principal and accessory buildings on a zoning lot shall not exceed 50 percent of the total area of the lot. However, parking and landscape requirements for the intended use must be met in all instances. Therefore, maximum lot coverage may in some cases be less.

(e) *Height regulations.* No building or dwelling for residential or business purposes shall exceed 45 feet in height above the natural grade of the property at the location of the structure or base flood elevation as established in chapter 115, article II, whichever is higher.

(f) *Design criteria.*

(1) *Landscaping.* All landscaping shall be in compliance with the provisions of article VI, division 2 of these regulations.

(2) *Signage.* All signage shall be in compliance with article VI, division 3 of these regulations.

(3) *Lighting.* All site lighting shall be in compliance with article VI, division 4 of these regulations.

(4) *Parking/loading.* All parking and loading will be in compliance with article VI, division 8 of these regulations.

(Code 1998, app. C, § 5.2404; Ord. No. 07-1548, § 5.2404, 5-3-2007)

Secs. 130-1026—130-1048. Reserved.

DIVISION 31. I-2 INDUSTRIAL DISTRICT

Sec. 130-1049. Purpose.

The purpose of this district is to provide for the location of industrial uses of large scale and highly intense industrial uses along major collectors and arterials in such a fashion and location as to minimize the conflict with nearby residential uses.

(Code 1998, app. C, § 5.2501; Ord. No. 07-1548, § 5.2501, 5-3-2007)

Sec. 130-1050. Permitted uses.

Use by right, subject to any minimum standards as listed in section 130-2112.

- (1) Any permitted use under an I-1 district.
- (2) Book binderies.
- (3) Cellophane products manufacturing.
- (4) Cleaning and dyeing works.
- (5) Confectionery manufacturing.
- (6) Dairy products manufacturing.
- (7) Electrical parts, assembly and manufacturing.
- (8) Fiber products and manufacturing.
- (9) Fruit or vegetable canneries.

- (10) Furniture manufacturing.
 - (11) Garment manufacturing.
 - (12) Foundry casting and extruding mills of lightweight nonferrous metal.
 - (13) Millwork and wood product manufacturing.
 - (14) Sheet metal products.
 - (15) Television and radio broadcasting transmitters.
 - (16) Tool manufacturing.
 - (17) Toy manufacturing.
 - (18) Well drilling services.
 - (19) Public utility facilities.
 - (20) Outdoor storage yards that occupy greater than ten percent of the area of the developed site.
 - (21) Beverage distilling.
 - (22) Food products manufacturing.
 - (23) Glass products manufacturing.
 - (24) Paint manufacturing and treatment.
 - (25) Pharmaceutical manufacturing.
 - (26) Shop fabricating and repair.
 - (27) Structural fabrication (steel and concrete).
 - (28) Tire retreading, recapping or rebuilding.
 - (29) General, multi-use office buildings of 40,000 square feet of gross floor area or less.
 - (30) Indoor recreational facilities including a restaurant without lounge.
 - (31) Portable storage containers use for storage.
- (Code 1998, app. C, § 5.2502; Ord. No. 07-1548, § 5.2502, 5-3-2007; Ord. No. 09-2082, 7-2-2009; Ord. No. 10-2308, 8-5-2010; Ord. No. 10-2366, 11-4-2010; Ord. No. 11-2486, 4-7-2011)

Sec. 130-1051. Administrative permits.

(a) The purpose of an administrative permit is to provide for a staff review of certain uses. The following uses are prohibited unless application for the use has been processed by the department of planning and development and the use is in conformance with the minimum standards for that use as outlined in section 130-1221:

- (1) Snowball stands between April 1 and September 30.

- (2) Christmas tree sales between November 1 and January 1.
 - (3) Seasonal seafood peddlers using temporary structures provided that the use is temporary and valid for a period not greater than six months.
 - (4) Seasonal produce stands, provided that the use is temporary and valid for a period not greater than six months.
 - (5) Fireworks sales (where allowed).
 - (6) Commercial excavation, subject to the minimum standards as established in section 130-2112(55).
 - (7) On-location television or film productions where no sets/structures are being constructed that would require the issuance of a building permit; specifically structures must be of a temporary nature and not capable of being occupied under the International Building Code/International Residential Code as determined by the chief building official, or his assigns.
 - (8) On-location television or film productions where any sets/structures requiring the issuance of a building permit as determined by the chief building official, or his assigns, are permitted when the set/structure meets all applicable codes of the relevant zoning district.
 - (9) Mobile food trucks when meeting the minimum standards for specific uses outlined in section 130-2112(22).
- (b) All temporary uses not specifically permitted in these regulations are expressly prohibited.
- (Code 1998, app. C, § 5.2503; Ord. No. 07-1548, § 5.2503, 5-3-2007; Ord. No. 09-2151, 11-5-2009; Ord. No. 10-2407, 12-2-2010; Ord. No. 15-3393, exh. A(5.2503), 9-3-2015; Ord. No. 17-3659, exh. A(5.2503), 1-5-2017)

Sec. 130-1052. Site and structure provisions.

- (a) *Maximum building size.* The maximum building size in the I-2 district shall be 200,000 square feet.
- (b) *Minimum lot area.* No new lot shall be created that is less than 20,000 square feet in area.
- (c) *Minimum area regulations.*
 - (1) *Minimum lot width.* For each zoning lot provided with central water and sewerage facilities, the minimum lots width shall not be less than 80 feet.
 - (2) *Street planting areas.* All areas along the street or road which a property abuts shall comply with the standards of section 130-1873, street planting areas.

- (3) *Side and rear planting areas.* All areas located along the side and rear interior property lines shall comply with section 130-1874, side and rear buffer planting area requirements.
- (4) *Transitional yard.* Where an I-2 district adjoins a residential district, transitional yards shall be provided in accordance with subsections (c)(1) and (2) of this section or the following regulations whichever is more restrictive:
- a. Where lots in an I-2 district front on a street and at least 80 percent of the frontage directly across the street between two consecutive intersecting streets is in a residential district, the setback regulations for the residential district shall apply to the said lots in the commercial district.
 - b. In an I-2 district, where a side lot line coincides with a side or rear lot line of property in an adjacent residential district, a yard shall be provided along such side lot line. Such yard shall be equal in dimension to the minimum side yard which would be required under these regulations for a residential use on the adjacent property in the residential district.
 - c. In an I-2 district, where a rear lot line coincides with a rear or side lot line of property in an adjacent residential district, a yard shall be provided along such rear lot line. Such yard shall be equal in dimensions to the minimum rear yard which would be required under these regulations for a residential use on the adjacent property in the residential district.
 - d. In an I-2 district, where the extension of a front or side lot line coincides with the front line of an adjacent lot located in a residential district, a yard equal in depth to the minimum setback required by these regulations on such adjacent lot in the residential district shall be provided along such front or side lot line for a distance of at least 25 feet, including the width of any intervening alley from such lot in the residential district.
 - e. Where a building is taller than 25 feet in height, one additional foot of setback shall be required in each yard. Each facade is measured separately and the additional depth is required perpendicular to that facade.

(d) *Maximum lot coverage.* The lot coverage of all principal and accessory buildings on a zoning lot shall not exceed 50 percent of the total area of the lot. However, parking and landscape requirements for the intended use must be met in all instances. Therefore, maximum lot coverage may in some cases be less.

(e) *Height regulations.* No building or dwelling for residential or business purposes shall exceed 45 feet in height above the natural grade of the property at the location of the structure or base flood elevation as established in chapter 115, article II, whichever is higher.

(f) *Design criteria.*

- (1) *Landscaping.* Landscaping shall be in compliance with article VI, division 2 of these regulations.
- (2) *Signage.* All signage shall be in compliance with article VI, division 3 of these regulations.
- (3) *Lighting.* All site lighting shall be in compliance with article VI, division 4 of these regulations.
- (4) *Parking/loading.* All parking and loading will be in compliance with article VI, division 8 of these regulations.

(Code 1998, app. C, § 5.2504; Ord. No. 07-1548, § 5.2504, 5-3-2007)

Secs. 130-1053—130-1072. Reserved.

DIVISION 32. I-3 HEAVY INDUSTRIAL DISTRICT

Sec. 130-1073. Purpose.

The purpose of this district is to provide for the location of industrial uses of large scale and highly intense industrial uses along major collectors and arterials in such a fashion and location as to minimize the conflict with nearby residential uses.

(Code 1998, app. C, § 5.2601; Ord. No. 07-1548, § 5.2601, 5-3-2007)

Sec. 130-1074. Permitted uses.

Use by right, subject to any minimum standards as listed in section 130-2112.

- (1) Bulk storage of petroleum products and gases provided that all above/below ground storage tanks comply with applicable standards set forth in the rules and regulations of the state fire marshal.
- (2) Canneries not listed in I-2.
- (3) Grain elevators.
- (4) Natural gas gathering plants.
- (5) Nonatomic electric generating plants.
- (6) Paper products manufacturing.
- (7) Petroleum and petroleum base products refining/processing/manufacturing.
- (8) Rubber products manufacturing.
- (9) Steel mills.
- (10) Wood products manufacturing not listed in I-2.

(11) Pleasure boat dry dock hull repair.

(12) Outdoor salvage yard.

(Code 1998, app. C, § 5.2602; Ord. No. 07-1548, § 5.2602, 5-3-2007; Ord. No. 10-2366, 11-4-2010)

Sec. 130-1075. Administrative permits.

(a) The purpose of an administrative permit is to provide for a staff review of certain uses. The following uses are prohibited unless application for the use has been processed by the department of planning and development and the use is in conformance with the minimum standards for that use as outlined in section 130-2112:

- (1) Snowball stands between April 1 and September 30.
- (2) Christmas tree sales between November 1 and January 1.
- (3) Seasonal seafood peddlers using temporary structures provided that the use is temporary and valid for a period not greater than six months.
- (4) Seasonal produce stands, provided that the use is temporary and valid for a period not greater than six months.
- (5) Fireworks sales (where allowed).
- (6) Commercial excavation, subject to the minimum standards as established in section 130-2112(55).
- (7) On-location television or film productions where no sets/structures are being constructed that would require the issuance of a building permit; specifically structures must be of a temporary nature and not capable of being occupied under the International Building Code/International Residential Code as determined by the chief building official, or his assigns.
- (8) On-location television or film productions where any sets/structures requiring the issuance of a building permit as determined by the chief building official, or his assigns, are permitted when the set/structure meets all applicable codes of the relevant zoning district.
- (9) Mobile food trucks when meeting the minimum standards for specific uses outlined in section 130-2112(22).

(b) All temporary uses not specifically permitted in these regulations are expressly prohibited.

(Code 1998, app. C, § 5.2603; Ord. No. 07-1548, § 5.2603, 5-3-2007; Ord. No. 09-2151, 11-5-2009; Ord. No. 10-2407, 12-2-2010; Ord. No. 15-3393, exh. A(5.2603), 9-3-2015; Ord. No. 17-3659, exh. A(5.2603), 1-5-2017)

Sec. 130-1076. Site and structure provisions.

(a) *Maximum building size.* The maximum building size in the I-3 district shall be 500,000 square feet.

(b) *Minimum lot area.* No new lot shall be created that is less than 20,000 square feet in area.

(c) *Minimum area regulations.*

(1) *Minimum lot width.* For each zoning lot provided with central water and sewerage facilities, the minimum lots width shall not be less than 80 feet.

(2) *Street planting areas.* All areas along the street or road which a property abuts shall comply with the standards of section 130-1873, street planting areas.

(3) *Side and rear planting areas.* All areas located along the side and rear interior property lines shall comply with section 130-1874, side and rear buffer planting area requirements.

(4) *Transitional yard.* Where an I-3 district adjoins a residential district, transitional yards shall be provided in accordance with subsections (c)(1) and (2) of this section or the following regulations whichever is more restrictive:

- a. Where lots in an I-3 district front on a street and at least 80 percent of the frontage directly across the street between two consecutive intersecting streets is in a residential district, the setback regulations for the residential district shall apply to the said lots in the commercial district.
- b. In an I-3 district, where a side lot line coincides with a side or rear lot line of property in an adjacent residential district, a yard shall be provided along such side lot line. Such yard shall be equal in dimension to the minimum side yard which would be required under these regulations for a residential use on the adjacent property in the residential district.
- c. In an I-3 district, where a rear lot line coincides with a rear or side lot line of property in an adjacent residential district, a yard shall be provided along such rear lot line. Such yard shall be equal in dimensions to the minimum rear yard which would be required under these regulations for a residential use on the adjacent property in the residential district.
- d. In an I-3 district, where the extension of a front or side lot line coincides with the front line of an adjacent lot located in a residential district, a yard equal in depth to the minimum setback required by these regulations on such adjacent lot in the residential district shall be provided along such front or side lot line for a distance of at least 25 feet, including the width of any intervening alley from such lot in the residential district.

- e. Where a building is taller than 25 feet in height, one additional foot of setback shall be required in each yard. Each facade is measured separately and the additional depth is required perpendicular to that facade.

(d) *Maximum lot coverage.* The lot coverage of all principal and accessory buildings on a zoning lot shall not exceed 50 percent of the total area of the lot. However, parking and landscape requirements for the intended use must be met in all instances. Therefore, maximum lot coverage may in some cases be less.

(e) *Height regulations.* No building or dwelling for residential or business purposes shall exceed 45 feet in height above the natural grade of the property at the location of the structure or base flood elevation as established in chapter 115, article II of this Land Development Code, whichever is higher.

(f) *Design criteria.*

- (1) *Landscaping.* All landscaping shall be in compliance with the provisions of article VI, division 2 of these regulations.
- (2) *Signage.* All signage shall be in compliance with article VI, division 3 of these regulations.
- (3) *Lighting.* All site lighting shall be in compliance with article VI, division 4 of these regulations.
- (4) *Parking/loading.* All parking and loading will be in compliance with article VI, division 8 of these regulations.

(Code 1998, app. C, § 5.2604; Ord. No. 07-1548, § 5.2604, 5-3-2007)

Secs. 130-1077—130-1105. Reserved.

DIVISION 33. I-4 HEAVY INDUSTRIAL DISTRICT

Sec. 130-1106. Purpose.

The purpose of this district is to provide for the location of industrial uses of large scale and highly intense industrial uses along major collectors and arterials in such a fashion and location as to minimize the conflict with nearby residential uses.

(Code 1998, app. C, § 5.2601A; Ord. No. 07-1548, § 5.2601A, 5-3-2007)

Sec. 130-1107. Permitted uses.

Use by right, subject to any minimum standards as listed in section 130-2112.

- (1) Outdoor salvage yard.

(Code 1998, app. C, § 5.2602A; Ord. No. 07-1548, § 5.2602A, 5-3-2007; Ord. No. 10-2366, 11-4-2010)

Sec. 130-1108. Conditional uses.

Uses that may be approved by the parish council following a site specific review as outlined in section 130-1111.

- (1) Sanitary landfills for the disposal of solid waste.
 - (2) Atomic generating plants.
 - (3) Chemical processing plants.
 - (4) Shipbuilding and repair.
 - (5) Asphalt batching plant, except those temporarily erected for a specific construction project.
 - (6) Concrete batching plants, except those temporarily erected for a specific construction project.
- (Code 1998, app. C, § 5.2603A; Ord. No. 07-1548, § 5.2603A, 5-3-2007)

Sec. 130-1109. Administrative permits.

(a) The purpose of an administrative permit is to provide for a staff review of certain uses. The following uses are prohibited unless application for the use has been processed by the department of planning and development and the use is in conformance with the minimum standards for that use as outlined in section 130-2112:

- (1) Snowball stands between April 1 and September 30.
- (2) Christmas tree sales between November 1 and January 1.
- (3) Seasonal seafood peddlers using temporary structures provided that the use is temporary and valid for a period not greater than six months.
- (4) Seasonal produce stands, provided that the use is temporary and valid for a period not greater than six months.
- (5) Fireworks sales (where allowed).
- (6) Commercial excavation, subject to the minimum standards as established in section 130-2112(55).
- (7) On-location television or film productions where no sets/structures are being constructed that would require the issuance of a building permit; specifically structures must be of a temporary nature and not capable of being occupied under the International Building Code/International Residential Code as determined by the chief building official, or his assigns.

- (8) On-location television or film productions where any sets/structures requiring the issuance of a building permit as determined by the chief building official, or his assigns, are permitted when the set/structure meets all applicable codes of the relevant zoning district.
- (9) Mobile food trucks when meeting the minimum standards for specific uses outlined in section 130-2112(22).

(b) All temporary uses not specifically permitted in these regulations are expressly prohibited.

(Code 1998, app. C, § 5.2604A; Ord. No. 07-1548, § 5.2604A, 5-3-2007; Ord. No. 09-2151, 11-5-2009; Ord. No. 10-2216, 3-4-2010; Ord. No. 15-3393, exh. A(5.2603A), 9-3-2015; Ord. No. 17-3659, exh. A(5.2603A), 1-5-2017)

Sec. 130-1110. Site and structure provisions.

(a) *Maximum building size.* The maximum building size in the I-4 district shall be 500,000 square feet.

(b) *Minimum lot area.* No new lot shall be created that is less than 20,000 square feet in area.

(c) *Minimum area regulations.*

- (1) *Minimum lot width.* For each zoning lot provided with central water and sewerage facilities, the minimum lots width shall not be less than 80 feet.
- (2) *Street planting areas.* All areas along the street or road which a property abuts shall comply with the standards of section 130-1873, street planting areas.
- (3) *Side and rear planting areas.* All areas located along the side and rear interior property lines shall comply with section 130-1874, side and rear buffer planting area requirements.
- (4) *Transitional yard.* Where an I-4 district adjoins a residential district, transitional yards shall be provided in accordance with subsections (c)(1) and (2) of this section or the following regulations whichever is more restrictive:
 - a. Where lots in an I-4 district front on a street and at least 80 percent of the frontage directly across the street between two consecutive intersecting streets is in a residential district, the setback regulations for the residential district shall apply to the said lots in the commercial district.
 - b. In an I-4 district, where a side lot line coincides with a side or rear lot line of property in an adjacent residential district, a yard shall be provided along such side lot line. Such yard shall be equal in dimension to the minimum side yard which would be required under these regulations for a residential use on the adjacent property in the residential district.

- c. In an I-4 district, where a rear lot line coincides with a rear or side lot line of property in an adjacent residential district, a yard shall be provided along such rear lot line. Such yard shall be equal in dimensions to the minimum rear yard which would be required under these regulations for a residential use on the adjacent property in the residential district.
- d. In an I-4 district, where the extension of a front or side lot line coincides with the front line of an adjacent lot located in a residential district, a yard equal in depth to the minimum setback required by these regulations on such adjacent lot in the residential district shall be provided along such front or side lot line for a distance of at least 25 feet, including the width of any intervening alley from such lot in the residential district.
- e. Where a building is taller than 25 feet in height, one additional foot of setback shall be required in each yard. Each facade is measured separately and the additional depth is required perpendicular to that facade.

(d) *Maximum lot coverage.* The lot coverage of all principal and accessory buildings on a zoning lot shall not exceed 50 percent of the total area of the lot. However, parking and landscape requirements for the intended use must be met in all instances. Therefore, maximum lot coverage may in some cases be less.

(e) *Height regulations.* No building or dwelling for residential or business purposes shall exceed 45 feet in height above the natural grade of the property at the location of the structure or base flood elevation as established in chapter 115, article II of this Land Development Code, whichever is higher.

(f) *Design criteria.*

- (1) *Landscaping.* All landscaping shall be in compliance with the provisions of article VI, division 2 of these regulations.
- (2) *Signage.* All signage shall be in compliance with article VI, division 3 of these regulations.
- (3) *Lighting.* All site lighting shall be in compliance with article VI, division 4 of these regulations.
- (4) *Parking/loading.* All parking and loading will be in compliance with article VI, division 8 of these regulations.

(Code 1998, app. C, § 5.2605A; Ord. No. 07-1548, § 5.2605A, 5-3-2007)

Sec. 130-1111. Industrial conditional use process and procedure.

In order to accomplish the general purpose of these regulations, there are certain uses which must be recognized in addition to the regular permitted uses of a district because of unusual characteristics or the service they provide the public. Because the principle objective of this

zoning ordinance is to promote an orderly arrangement of compatible building and land uses, these conditional uses require special regulation to achieve a compatibility with existing or planned development. Often the effect of these uses on the surrounding environment cannot be foreseen and evaluated until a specific site has been proposed. The conditions controlling the location and operation of such conditional uses are established by the following provisions of these regulations:

- (1) *Authority, conditions and general standards for approval of conditional uses.*
 - a. *Approval.* The zoning commission shall have the authority to permit the conditional uses of land or structures listed in each zoning district. However, if a formal appeal is lodged with the director of planning and development, the final decision of any request to such approval or denial made by the zoning commission shall rest with the parish council.
 - b. *Conditions.*
 1. All regulations of the district in which a conditional use is located shall apply to such uses, except where specific differences in requirements of any section of these regulations apply, or where requirements are specifically amended by the conditions under which the conditional use is granted.
 2. Zoning commission may attach such conditions to the conditional use as are necessary to ensure continuous conformance to all applicable standards and requirements.
 3. Failure to observe the conditions of the commission, imposed pursuant to the issuance of the conditional use, shall be deemed to be a violation of these regulations and may be grounds for revocation of the conditional use.
 4. The zoning commission may approve uses subject to the regulations, and to any additional requirements imposed in the public interest to cover circumstances unique to the selected site including a drainage analysis of the site by an independent engineering firm.
 - c. *General standards.*
 1. The location and size of the use, the nature and intensity of the operation involved in, or conducted in connection with, the use, the size of the site in relation to the use, and the location of the site with respect to streets giving access to the site shall be such that the use will be in harmony with the land uses in the district in which it is located.
 2. Time limit requirement for length of permit use.
 3. Hours of operation for use, buffering and/or landscaping above the minimum parish requirements.

4. The location, nature and height of structures, walls and fences, and the nature and extent of landscaping on the site shall be such that the use will not hinder or discourage the development and use of adjacent land and structures.
 5. Parking areas shall be of adequate size for the particular use, properly located and suitably screened from adjoining residential uses, and the ingress and egress drives shall be laid out so as to achieve maximum safety.
 6. Conditional uses may be approved on lots of less than the minimum lot size in any zoning district and the zoning commission may require alternate standards for landscaping and parking.
 7. Conditional uses are not transferable. Once the use has ceased activity, a new permit must be acquired to occupy the site or reactivate the previous use.
- d. *General criteria.* In deliberating on any application, the zoning commission shall not grant approval of any conditional use permit unless it makes findings based upon the evidence presented to it that each case shall indicate the following:
1. The permit, if granted, will not cause any diminution or depreciation of property values of any surrounding property or will not alter the essential character of the locality.
 2. The permit, if granted, will tend to preserve and advance the property and general welfare of the neighborhood and community.
 3. The granting of the conditional use permit will not be detrimental to the public welfare or seriously affect or be injurious to other property or improvements in the neighborhood in which the property is located, in that it will not impair an adequate supply of light and air, or increase substantially the congestion in the public streets, create a traffic hazard, or permit inadequate parking, or increase the danger of fire, or substantially affect or overburden existing drainage or sewerage systems, or endanger the public safety, nor cause serious annoyance or injury to occupants of adjoining premises by reason of emissions of odors, fumes, gases, dust, smoke, noise or vibration, light or glare or other nuisances.
- e. *Expiration.* The petitioner shall have one year to obtain the appropriate building permits or occupy the site from the date of approval of the parish zoning commission, unless otherwise stipulated by the parish zoning commission.
- (2) *Procedures.*
- a. *Application.*
 1. An application verified by the owner of record or authorized agent of said owner of the property involved shall be filed with the department of plan-

ning and development for the attention of the zoning commission upon a form prescribed therefore, which shall contain, or be accompanied by, all required information.

2. A transportation impact analysis (TIA) study shall be required for all conditional uses in accordance with the requirements for TIAs as described in chapter 125.

- b. *Public hearings.* Upon receipt of such verified application, the department of planning and development shall give notice of a public hearing by posting the affected site in a conspicuous place at least 15 days prior to the intended permit hearing. A record of pertinent information presented at the public hearing shall be made and maintained by the zoning commission as part of their permanent record relative to the applicant.
- c. *Determination.* The zoning commission shall then make its findings and the permit decision shall not become effective for ten days, during which time an appeal can be made in written form to the parish council through the parish department of planning and development. The procedure for appeals to the parish council is contained within this Code.

(Code 1998, app. C, § 5.2606A; Ord. No. 07-1548, § 5.2606A, 5-3-2007)

Secs. 130-1112—130-1130. Reserved.

DIVISION 34. MD-1 MEDICAL RESIDENTIAL DISTRICT

Sec. 130-1131. Purpose.

The purpose of this district is to provide for the location of facilities for the long term care and housing of individuals in need of regular supervision or health care services due to ongoing medical conditions.

(Code 1998, app. C, § 5.2701; Ord. No. 07-1548, § 5.2701, 5-3-2007)

Sec. 130-1132. Permitted uses.

Use by right, subject to any minimum standards as listed in article VII of these regulations.

- (1) Hospices not to exceed 100 beds for overnight stay.
- (2) Nursing homes.
- (3) Assisted living facilities.
- (4) Convalescent homes.

(Code 1998, app. C, § 5.2702; Ord. No. 07-1548, § 5.2702, 5-3-2007)

Sec. 130-1133. Administrative permits.

The purpose of an administrative permit is to provide for a staff review of certain uses. The following uses are prohibited unless application for the use has been processed by the department of planning and development and the use is in conformance with the minimum standards for that use as outlined in section 130-2112:

- (1) On-location television or film productions where no sets/structures are being constructed that would require the issuance of a building permit; specifically structures must be of a temporary nature and not capable of being occupied under the International Building Code/International Residential Code as determined by the chief building official, or his assigns.
 - (2) On-location television or film productions where any sets/structures requiring the issuance of a building permit as determined by the chief building official, or his assigns, are permitted when the set/structure meets all applicable codes of the relevant zoning district.
 - (3) Mobile food trucks when meeting the minimum standards for specific uses outlined in section 130-2112(22).
- (Code 1998, app. C, § 5.2703; Ord. No. 07-1548, § 5.2703, 5-3-2007; Ord. No. 15-3393, exh. A(5.2703), 9-3-2015; Ord. No. 17-3659, exh. A(5.2703), 1-5-2017)

Sec. 130-1134. Site and structure provisions.

- (a) *Minimum lot area.* No new lot shall be created that is less than 20,000 square feet in area.
- (b) *Minimum area regulations.*
 - (1) *Minimum lot width.* For each zoning lot provided with central water and sewerage facilities, the minimum lots width shall not be less than 60 feet. For each zoning lot without either central water or sewerage facilities, the minimum lot width shall be 80 feet.
 - (2) *Street planting areas.* All areas along the street or road which a property abuts shall comply with the standards of section 130-1873, street planting areas.
 - (3) *Side and rear planting areas.* All areas located along the side and rear interior property lines shall comply with section 130-1874, side and rear buffer planting area requirements.
 - (4) *Transitional yard.* Where an MD district adjoins a residential district, transitional yards shall be provided in accordance with the following regulations:
 - a. Where lots in an MD district front on a street and at least 80 percent of the frontage directly across the street between two consecutive intersecting streets is in a residential district, the setback regulations for the residential district shall apply to the said lots in the commercial district.

- b. In an MD district, where a side lot line coincides with a side or rear lot line of property in an adjacent residential district, a yard shall be provided along such side lot line. Such yard shall be equal in dimension to the minimum side yard which would be required under these regulations for a residential use on the adjacent property in the residential district.
- c. In an MD district, where a rear lot line coincides with a rear or side lot line of property in an adjacent residential district, a yard shall be provided along such rear lot line. Such yard shall be equal in dimensions to the minimum rear yard which would be required under these regulations for a residential use on the adjacent property in the residential district.
- d. In an MD district, where the extension of a front or side lot line coincides with the front line of an adjacent lot located in a residential district, a yard equal in depth to the minimum setback required by these regulations on such adjacent lot in the residential district shall be provided along such front or side lot line for a distance of at least 25 feet, including the width of any intervening alley from such lot in the residential district.

(c) *Maximum lot coverage.* The lot coverage of all principal and accessory buildings on a zoning lot shall not exceed 50 percent of the total area of the lot. However, parking and landscape requirements for the intended use must be met in all instances. Therefore, maximum lot coverage may in some cases be less.

(d) *Height regulations.*

- (1) No portion of a building or dwelling for residential or business purposes located within 100 feet of a residential zoned property shall exceed 30 feet in height above the natural grade of the property at the location of the structure or base flood elevation as established in chapter 115, article II, whichever is higher.
- (2) In no case shall any building or dwelling for residential or business purposes exceed 50 feet in height above the natural grade of the property at the location of the structure or base flood elevation as established in chapter 115, article II, whichever is higher.

(e) *Design criteria.*

- (1) *Landscaping.* All landscaping shall be in compliance with the provisions of article VI, division 2 of these regulations.
- (2) *Signage.* All signage shall be in compliance with article VI, division 3 of these regulations.
- (3) *Lighting.* All site lighting shall be in compliance with article VI, division 4 of these regulations.

- (4) *Parking/loading.* All parking and loading will be in compliance with article VI, division 8 of these regulations.
(Code 1998, app. C, § 5.2704; Ord. No. 07-1548, § 5.2704, 5-3-2007; Ord. No. 10-2246, 4-1-2010)

Secs. 130-1135—130-1161. Reserved.

DIVISION 35. MD-2 MEDICAL CLINIC DISTRICT

Sec. 130-1162. Purpose.

The purpose of this district is to provide for the location of small scale medical or veterinary care for localized populations. Uses should be located on, or with easy access to the arterial or collector streets network.

(Code 1998, app. C, § 5.2801; Ord. No. 07-1548, § 5.2801, 5-3-2007)

Sec. 130-1163. Permitted uses.

Use by right, subject to any minimum standards as listed in section 130-2112.

- (1) Clinics, limited to 100 outpatients per day or less.
 - (2) Veterinary clinics (less than 3,000 square feet).
 - (3) Medical laboratories related to an adjacent medical facility, not greater than 3,000 square feet.
- (Code 1998, app. C, § 5.2802; Ord. No. 07-1548, § 5.2802, 5-3-2007)

Sec. 130-1164. Administrative permits.

The purpose of an administrative permit is to provide for a staff review of certain uses. The following uses are prohibited unless application for the use has been processed by the department of planning and development and the use is in conformance with the minimum standards for that use as outlined in section 130-2112:

- (1) On-location television or film productions where no sets/structures are being constructed that would require the issuance of a building permit; specifically structures must be of a temporary nature and not capable of being occupied under the International Building Code/International Residential Code as determined by the chief building official, or his assigns.
- (2) On-location television or film productions where any sets/structures requiring the issuance of a building permit as determined by the chief building official, or his assigns, are permitted when the set/structure meets all applicable codes of the relevant zoning district.

- (3) Mobile food trucks when meeting the minimum standards for specific uses outlined in section 130-2112(22).
(Code 1998, app. C, § 5.2803; Ord. No. 07-1548, § 5.2803, 5-3-2007; Ord. No. 15-3393, exh. A(5.2803), 9-3-2015; Ord. No. 17-3659, exh. A(5.2803), 1-5-2017)

Sec. 130-1165. Site and structure provisions.

- (a) *Minimum lot area.* No new lot shall be created that is less than 20,000 square feet in area.
- (b) *Minimum area regulations.*
- (1) *Minimum lot width.* For each zoning lot provided with central water and sewerage facilities, the minimum lots width shall not be less than 60 feet. For each zoning lot without either central water or sewerage facilities, the minimum lot width shall be 80 feet.
 - (2) *Street planting areas.* All areas along the street or road which a property abuts shall comply with the standards of section 130-1873, street planting areas.
 - (3) *Side and rear planting areas.* All areas located along the side and rear interior property lines shall comply with section 130-1874, side and rear buffer planting area requirements.
 - (4) *Transitional yard.* Where an MD district adjoins a residential district, transitional yards shall be provided in accordance with the following regulations:
 - a. Where lots in an MD district front on a street and at least 80 percent of the frontage directly across the street between two consecutive intersecting streets is in a residential district, the setback regulations for the residential district shall apply to the said lots in the commercial district.
 - b. In an MD district, where a side lot line coincides with a side or rear lot line of property in an adjacent residential district, a yard shall be provided along such side lot line. Such yard shall be equal in dimension to the minimum side yard which would be required under these regulations for a residential use on the adjacent property in the residential district.
 - c. In an MD district, where a rear lot line coincides with a rear or side lot line of property in an adjacent residential district, a yard shall be provided along such rear lot line. Such yard shall be equal in dimensions to the minimum rear yard which would be required under these regulations for a residential use on the adjacent property in the residential district.
 - d. In an MD district, where the extension of a front or side lot line coincides with the front line of an adjacent lot located in a residential district, a yard equal in depth to the minimum setback required by these regulations on such adjacent lot in the

residential district shall be provided along such front or side lot line for a distance of at least 25 feet, including the width of any intervening alley from such lot in the residential district.

(c) *Maximum lot coverage.* The lot coverage of all principal and accessory buildings on a zoning lot shall not exceed 50 percent of the total area of the lot. However, parking and landscape requirements for the intended use must be met in all instances. Therefore, maximum lot coverage may in some cases be less.

(d) *Height regulations.*

- (1) No portion of a building or dwelling for residential or business purposes located within 100 feet of a residential zoned property shall exceed 30 feet in height above the natural grade of the property at the location of the structure or base flood elevation as established in chapter 115, article II, whichever is higher.
- (2) In no case shall any building or dwelling for residential or business purposes exceed 50 feet in height above the natural grade of the property at the location of the structure or base flood elevation as established in chapter 115, article II, whichever is higher.

(e) *Design criteria.*

- (1) *Landscaping.* All landscaping shall be in compliance with the provisions of article VI, division 2 of these regulations.
- (2) *Signage.* All signage shall be in compliance with article VI, division 3 of these regulations.
- (3) *Lighting.* All site lighting shall be in compliance with article VI, division 4 of these regulations.
- (4) *Parking/loading.* All parking and loading will be in compliance with article VI, division 8 of these regulations.

(Code 1998, app. C, § 5.2804; Ord. No. 07-1548, § 5.2804, 5-3-2007; Ord. No. 10-2246, 4-1-2010)

Secs. 130-1166—130-1193. Reserved.

DIVISION 36. MD-3 MEDICAL FACILITY DISTRICT

Sec. 130-1194. Purpose.

The purpose of this district is to provide for the location of medical and veterinarian facilities for regional populations. Properties should be located adjacent to, or with adequate access to, the major street network.

(Code 1998, app. C, § 5.2901; Ord. No. 07-1548, § 5.2901, 5-3-2007)

Sec. 130-1195. Permitted uses.

Use by right, subject to any minimum standards as listed in section 130-2112.

- (1) Medical laboratories related to an adjacent medical facility, greater than 3,000 square feet.
 - (2) Hospitals.
 - (3) Veterinary clinics (greater than 3,000 square feet).
- (Code 1998, app. C, § 5.2902; Ord. No. 07-1548, § 5.2902, 5-3-2007)

Sec. 130-1196. Administrative permits.

The purpose of an administrative permit is to provide for a staff review of certain uses. The following uses are prohibited unless application for the use has been processed by the department of planning and development and the use is in conformance with the minimum standards for that use as outlined in section 130-2112:

- (1) On-location television or film productions where no sets/structures are being constructed that would require the issuance of a building permit; specifically structures must be of a temporary nature and not capable of being occupied under the International Building Code/International Residential Code as determined by the chief building official, or his assigns.
 - (2) On-location television or film productions where any sets/structures requiring the issuance of a building permit as determined by the chief building official, or his assigns, are permitted when the set/structure meets all applicable codes of the relevant zoning district.
 - (3) Mobile food trucks when meeting the minimum standards for specific uses outlined in section 130-2112(22).
- (Code 1998, app. C, § 5.2903; Ord. No. 07-1548, § 5.2903, 5-3-2007; Ord. No. 15-3393, exh. A(5.2903), 9-3-2015; Ord. No. 17-3659, exh. A(5.2903), 1-5-2017)

Sec. 130-1197. Site and structure provisions.

- (a) *Minimum lot area.* No new lot shall be created that is less than 20,000 square feet in area.
- (b) *Minimum area regulations.*
 - (1) *Minimum lot width.* For each zoning lot provided with central water and sewerage facilities, the minimum lots width shall not be less than 60 feet. For each zoning lot without either central water or sewerage facilities, the minimum lot width shall be 80 feet.
 - (2) *Street planting areas.* All areas along the street or road which a property abuts shall comply with the standards of section 130-1873, street planting areas.

- (3) *Side and rear planting areas.* All areas located along the side and rear interior property lines shall comply with section 130-1874, side and rear buffer planting area requirements.
- (4) *Transitional yard.* Where an MD district adjoins a residential district, transitional yards shall be provided in accordance with the following regulations:
- a. Where lots in an MD district front on a street and at least 80 percent of the frontage directly across the street between two consecutive intersecting streets is in a residential district, the setback regulations for the residential district shall apply to the said lots in the commercial district.
 - b. In an MD district, where a side lot line coincides with a side or rear lot line of property in an adjacent residential district, a yard shall be provided along such side lot line. Such yard shall be equal in dimension to the minimum side yard which would be required under these regulations for a residential use on the adjacent property in the residential district.
 - c. In an MD district, where a rear lot line coincides with a rear or side lot line of property in an adjacent residential district, a yard shall be provided along such rear lot line. Such yard shall be equal in dimensions to the minimum rear yard which would be required under these regulations for a residential use on the adjacent property in the residential district.
 - d. In an MD district, where the extension of a front or side lot line coincides with the front line of an adjacent lot located in a residential district, a yard equal in depth to the minimum setback required by these regulations on such adjacent lot in the residential district shall be provided along such front or side lot line for a distance of at least 25 feet, including the width of any intervening alley from such lot in the residential district.

(c) *Maximum lot coverage.* The lot coverage of all principal and accessory buildings on a zoning lot shall not exceed 50 percent of the total area of the lot. However, parking and landscape requirements for the intended use must be met in all instances. Therefore, maximum lot coverage may in some cases be less.

(d) *Height regulations.*

- (1) No portion of a building or dwelling for residential or business purposes located within 100 feet of a residential zoned property shall exceed 30 feet in height above the natural grade of the property at the location of the structure or base flood elevation as established in chapter 115, article II, whichever is higher.
- (2) In no case shall any building or dwelling for residential or business purposes exceed 60 feet in height above the natural grade of the property at the location of the structure or base flood elevation as established in chapter 115, article II, whichever is higher.

(e) *Design criteria.*

- (1) *Landscaping.* All landscaping shall be in compliance with the provisions of article VI, division 2 of these regulations.
- (2) *Signage.* All signage shall be in compliance with article VI, division 3 of these regulations.
- (3) *Lighting.* All site lighting shall be in compliance with article VI, division 4 of these regulations.
- (4) *Parking/loading.* All parking and loading will be in compliance with article VI, division 8 of these regulations.

(Code 1998, app. C, § 5.2904; Ord. No. 07-1548, § 5.2904, 5-3-2007; Ord. No. 10-2246, 4-1-2010)

Secs. 130-1198—130-1227. Reserved.

DIVISION 37. MD-4 MEDICAL RESEARCH DISTRICT

Sec. 130-1228. Purpose.

The purpose of this district is to provide for the location of medical, bio-medical and veterinary facilities whose primary function is medical research oriented toward education, research and development, offices, medical uses, and high technology activities and uses.

(Code 1998, app. C, § 5.2901A; Ord. No. 07-1548, § 5.2901A, 5-3-2007; Ord. No. 11-2459, 2-3-2011)

Sec. 130-1229. Permitted uses.

Use by right, subject to any minimum standards as listed in article VIII of these regulations and in accordance with section 130-1228.

- (1) Laboratories for research, development, testing, and related production activities.
- (2) Medical research and manufacturing facilities including, but not limited to, pharmaceuticals, chemicals, biomedical technologies medical instruments and supplies, surgical appliances and supplies, dental equipment and supplies, X-ray apparatus, and electro-medical equipment, when in conjunction with a research facility.
- (3) Educational, scientific, and research activities.
- (4) Laboratories that are or are related to: medical, bio-medical, dental, optical, and/or pharmaceutical uses.
- (5) Medical, surgical, and dental production and supply businesses both wholesale and retail.
- (6) Office buildings: medical, government, general office and professional.

- (7) Animal housing space (indoor and outdoor) for all animals including nonhuman primates.
 - (8) Hospitals, clinics, medical offices, and other treatment facilities used in the care and treatment of humans, nonhuman primates, other animals, and other living creatures.
 - (9) Animal husbandry, care, feeding and breeding of research animals including, but not limited to, nonhuman primates.
 - (10) Conference center, meeting facilities, classrooms, auditoriums training facilities.
 - (11) Fire safety and security facilities (private and public).
 - (12) Cafeteria and food preparation, as part of a permitted medical research facility.
 - (13) Housing and support facilities for resident staff, as part of a permitted medical research facility.
 - (14) Any accessory uses, buildings and/or structures as defined in article I of these regulations which are compatible and necessary for the operation of the permitted uses as determined by the director of planning and development acting in the capacity of zoning administrator.
- (Code 1998, app. C, § 5.2902A; Ord. No. 07-1548, § 5.2902A, 5-3-2007; Ord. No. 11-2459, 2-3-2011)

Sec. 130-1230. Administrative permits.

The purpose of an administrative permit is to provide for a staff review of certain uses. The following uses are prohibited unless application for the use has been processed by the department of planning and development and the use is in conformance with the minimum standards for that use as outlined in section 130-2112:

- (1) On-location television or film productions where no sets/structures are being constructed that would require the issuance of a building permit; specifically structures must be of a temporary nature and not capable of being occupied under the International Building Code/International Residential Code as determined by the chief building official, or his assigns.
 - (2) On-location television or film productions where any sets/structures requiring the issuance of a building permit as determined by the chief building official, or his assigns, are permitted when the set/structure meets all applicable codes of the relevant zoning district.
 - (3) Mobile food trucks when meeting the minimum standards for specific uses outlined in section 130-2112(22).
- (Code 1998, app. C, § 5.2903A; Ord. No. 07-1548, § 5.2903A, 5-3-2007; Ord. No. 11-2459, 2-3-2011; Ord. No. 15-3393, exh. A(5.2903A), 9-3-2015; Ord. No. 17-3659, exh. A(5.2903A), 1-5-2017)

Sec. 130-1231. Site and structure provisions.

- (a) *Minimum lot area.* No new lot shall be created that is less than 20,000 square feet in area.
- (b) *Minimum area regulations.*
 - (1) *Minimum lot width.* For each zoning lot provided with central water and sewerage facilities, the minimum lots width shall not be less than 60 feet. For each zoning lot without central water or sewerage facilities, the minimum lot width shall be 80 feet.
 - (2) *Street planting areas.* All areas along the street or road which a property abuts shall comply with the standards of section 130-1873, street planting areas.
 - (3) *Side and rear planting areas.* All areas located along the side and rear interior property lines shall comply with section 130-1874, side and rear buffer planting area requirements.
 - (4) *Transitional yard.* Where an MD district adjoins a residential district, transitional yards shall be provided in accordance with the following regulations:
 - a. Where lots in an MD district front on a street and at least 80 percent of the frontage directly across the street between two consecutive intersecting streets is in a residential district, the setback regulations for the residential district shall apply to the said lots in the MD-4 district.
 - b. In an MD district, where a side lot line coincides with a side or rear lot line of property in an adjacent residential district, a yard shall be provided along such side lot line. Such yard shall be equal in dimension to the minimum side yard which would be required under these regulations for a residential use on the adjacent property in the residential district.
 - c. In an MD district, where a rear lot line coincides with a rear or side lot line of property in an adjacent residential district, a yard shall be provided along such rear lot line. Such yard shall be equal in dimensions to the minimum rear yard which would be required under these regulations for a residential use on the adjacent property in the residential district.
 - d. In an MD district, where the extension of a front or side lot line coincides with the front line of an adjacent lot located in a residential district, a yard equal in depth to the minimum setback required by these regulations on such adjacent lot in the residential district shall be provided along such front or side lot line for a distance of at least 25 feet, including the width of any intervening alley from such lot in the residential district.
- (c) *Maximum lot coverage.* The lot coverage of all principal and accessory buildings on a zoning lot shall not exceed 50 percent of the total area of the lot. However, parking and landscape requirements for the intended use must be met in all instances. Therefore, maximum

lot coverage may in some cases be less. For the purpose of this zoning classification, exterior fenced areas used for housing of nonhuman primates or other purposes would not be considered coverage. These fenced areas would be considered open areas when making lot coverage calculations.

(d) *Buffer, setback and height regulations.*

- (1) No portion of any building shall exceed 100 feet in height above the natural grade of the property at the location of the structure or base flood elevation as established in chapter 115, article II, whichever is higher.
- (2) Where MD-4 zoned property abuts a residentially zoned property (the common property line) being hereinafter defined as the boundary line.
 - a. The first 75 feet from the common property line shall be maintained as a no cut buffer, except that diseased and/or dead trees and vegetation may be removed and new trees and/or new vegetation shall be planted. A path not to exceed ten feet in width, with a natural ground or soft or hard surface, may be cleared next to the common property line to allow for the installation and/or maintenance of a fence on the common property line, to facilitate surveillance of the perimeter of the MD-4 zoned property, and installation and/or maintenance of utility lines.
 - b. No building shall be constructed within 75 feet from the common property line.
 - c. Between the distance of 75 feet and 150 feet from the common property line, no portion of any building shall exceed 45 feet in height above the natural grade of the property at the location of the structure or base flood elevation as established in chapter 115, article II, whichever is higher.
 - d. Between the distance of 150 feet and 250 feet from the common property line, no portion of any building shall exceed 75 feet in height above the natural grade of the property at the location of the structure or base flood elevation as established in chapter 115, article II, whichever is higher.
 - e. At a distance of 250 feet and greater from the common property line, no portion of any building shall exceed 100 feet in height above the natural grade of the property at the location of the structure or base flood elevation as established in chapter 115, article II, whichever is higher.
 - f. Exterior fenced areas used for animal housing are not permitted within 200 feet of the common property line.

(e) *Design criteria.*

- (1) *Landscaping.* All landscaping shall be in compliance with the provisions of article VI, division 2 of these regulations.

- (2) *Signage.* All signage shall be in compliance with article VI, division 3 of these regulations.
 - (3) *Lighting.* All site lighting shall be in compliance with article VI, division 4 of these regulations.
 - (4) *Parking/loading.* All parking and loading will be in compliance with article VI, division 8 of these regulations.
- (Code 1998, app. C, § 5.2904A; Ord. No. 07-1548, § 5.2904A, 5-3-2007; Ord. No. 11-2459, 2-3-2011)

Secs. 130-1232—130-1250. Reserved.

DIVISION 38. PF-1 PUBLIC FACILITIES DISTRICT

Sec. 130-1251. Purpose.

The purpose of this district is to provide for the location of governmental and other uses providing institutional uses to the public.
(Code 1998, app. C, § 5.3001; Ord. No. 07-1548, § 5.3001, 5-3-2007)

Sec. 130-1252. Permitted uses.

Use by right, subject to any minimum standards as listed in section 130-2112.

- (1) Post office.
 - (2) Funerary parlor, crematoriums, cemeteries.
 - (3) Passengers transportation terminals.
 - (4) Churches, temples and synagogues greater than 10,000 square feet.
 - (5) Government offices.
 - (6) Government maintenance facilities.
- (Code 1998, app. C, § 5.3002; Ord. No. 07-1548, § 5.3002, 5-3-2007)

Sec. 130-1253. Administrative permits.

(a) The purpose of an administrative permit is to provide for a staff review of certain uses. The following uses are prohibited unless application for the use has been processed by the department of planning and development and the use is in conformance with the minimum standards for that use as outlined in section 130-2112:

- (1) Snowball stands between April 1 and September 30.
- (2) Christmas tree sales between November 1 and January 1.

- (3) Seasonal seafood peddlers using temporary structures provided that the use is temporary and valid for a period not greater than six months.
 - (4) Seasonal produce stands, provided that the use is temporary and valid for a period not greater than six months.
 - (5) Fireworks sales (where allowed).
 - (6) On-location television or film productions where no sets/structures are being constructed that would require the issuance of a building permit; specifically structures must be of a temporary nature and not capable of being occupied under the International Building Code/International Residential Code as determined by the chief building official, or his assigns.
 - (7) On-location television or film productions where any sets/structures requiring the issuance of a building permit as determined by the chief building official, or his assigns, are permitted when the set/structure meets all applicable codes of the relevant zoning district.
 - (8) Mobile food trucks when meeting the minimum standards for specific uses outlined in section 130-2112(22).
- (b) All temporary uses not specifically permitted in these regulations are expressly prohibited.
- (Code 1998, app. C, § 5.3003; Ord. No. 07-1548, § 5.3003, 5-3-2007; Ord. No. 09-2151, 11-5-2009; Ord. No. 15-3393, exh. A(5.3003), 9-3-2015; Ord. No. 17-3659, exh. A(5.3003), 1-5-2017)

Sec. 130-1254. Site and structure provisions.

- (a) *Minimum lot area.* No new lot shall be created that is less than 20,000 square feet in area.
- (b) *Minimum area regulations.*
 - (1) *Minimum lot width.* For each zoning lot provided with central water and sewerage facilities, the minimum lot width shall not be less than 60 feet. For each zoning lot without either central water or sewerage facilities, the minimum lot width shall be 80 feet.
 - (2) *Street planting areas.* All areas along the street or road which a property abuts shall comply with the standards of section 130-1873, street planting areas.
 - (3) *Side and rear planting areas.* All areas located along the side and rear interior property lines shall comply with section 130-1874, side and rear buffer planting area requirements.

(4) *Transitional yard.* Where a PF district adjoins a residential district, transitional yards shall be provided in accordance with the following regulations:

- a. Where lots in a PF district front on a street and at least 80 percent of the frontage directly across the street between two consecutive intersecting streets is in a residential district, the setback regulations for the residential district shall apply to the said lots in the commercial district.
- b. In a PF district, where a side lot line coincides with a side or rear lot line of property in an adjacent residential district, a yard shall be provided along such side lot line. Such yard shall be equal in dimension to the minimum side yard which would be required under these regulations for a residential use on the adjacent property in the residential district.
- c. In a PF district, where a rear lot line coincides with a rear or side lot line of property in an adjacent residential district, a yard shall be provided along such rear lot line. Such yard shall be equal in dimensions to the minimum rear yard which would be required under these regulations for a residential use on the adjacent property in the residential district.
- d. In a PF district, where the extension of a front or side lot line coincides with the front line of an adjacent lot located in a residential district, a yard equal in depth to the minimum setback required by these regulations on such adjacent lot in the residential district shall be provided along such front or side lot line for a distance of at least 25 feet, including the width of any intervening alley from such lot in the residential district.

(c) *Maximum lot coverage.* The lot coverage of all principal and accessory buildings on a zoning lot shall not exceed 50 percent of the total area of the lot. However, parking and landscape requirements for the intended use must be met in all instances. Therefore, maximum lot coverage may in some cases be less.

(d) *Height regulations.* No building or dwelling for residential or business purposes shall exceed 45 feet in height above the natural grade of the property at the location of the structure or base flood elevation as established in chapter 115, article II, whichever is higher.

(e) *Design criteria.*

- (1) *Landscaping.* All landscaping shall be in compliance with the provisions of article VI, division 2 of these regulations.
- (2) *Signage.* All signage shall be in compliance with article VI, division 3 of these regulations.
- (3) *Lighting.* All site lighting shall be in compliance with article VI, division 4 of these regulations.

- (4) *Parking/loading.* All parking and loading will be in compliance with article VI, division 8 of these regulations.
(Code 1998, app. C, § 5.3004; Ord. No. 07-1548, § 5.3004, 5-3-2007)

Secs. 130-1255—130-1281. Reserved.

DIVISION 39. PF-2 PUBLIC FACILITIES DISTRICT

Sec. 130-1282. Purpose.

The purpose of this district is to provide for the location of public or nonprofit owned facilities dedicated to historic, conservation, environmental education or outdoor activities.
(Code 1998, app. C, § 5.3001A; Ord. No. 07-1548, § 5.3001A, 5-3-2007)

Sec. 130-1283. Permitted uses.

Use by right, subject to any minimum standards as listed in section 130-2112.

- (1) State or federal wildlife management areas.
 - (2) State parks and commemorative areas.
 - (3) Local, state or national parks.
 - (4) Privately owned conservation areas.
 - (5) Habitat and wetland mitigation banks.
 - (6) Passive recreational facilities.
 - (7) Marinas and boat launches, overlooks, boardwalks, hiking and bicycle paths.
 - (8) Pavilions, displays, and similar structures accessory to the above mentioned uses used to enhance environmental education programs.
- (Code 1998, app. C, § 5.3002A; Ord. No. 07-1548, § 5.3002A, 5-3-2007)

Sec. 130-1284. Administrative permits.

(a) The purpose of an administrative permit is to provide for a staff review of certain uses. The following uses are prohibited unless application for the use has been processed by the department of planning and development and the use is in conformance with the minimum standards for that use as outlined in section 130-2112:

- (1) Snowball stands between April 1 and September 30.
- (2) Christmas tree sales between November 1 and January 1.
- (3) Seasonal seafood peddlers using temporary structures provided that the use is temporary and valid for a period not greater than six months.

- (4) Seasonal produce stands, provided that the use is temporary and valid for a period not greater than six months.
 - (5) Fireworks sales (where allowed).
 - (6) On-location television or film productions where no sets/structures are being constructed that would require the issuance of a building permit; specifically structures must be of a temporary nature and not capable of being occupied under the International Building Code/International Residential Code as determined by the chief building official, or his assigns.
 - (7) On-location television or film productions where any sets/structures requiring the issuance of a building permit as determined by the chief building official, or his assigns, are permitted when the set/structure meets all applicable codes of the relevant zoning district.
 - (8) Mobile food trucks when meeting the minimum standards for specific uses outlined in section 130-2112(22).
 - (b) All temporary uses not specifically permitted in these regulations are expressly prohibited.
- (Code 1998, app. C, § 5.3003A; Ord. No. 07-1548, § 5.3003A, 5-3-2007; Ord. No. 09-2151, 11-5-2009; Ord. No. 15-3393, exh. A(5.3003A), 9-3-2015; Ord. No. 17-3659, exh. A(5.3003A), 1-5-2017)

Sec. 130-1285. Site and structure provisions.

- (a) *Minimum lot area.* No new lot shall be created that is less than 20,000 square feet in area.
- (b) *Minimum area regulations.*
 - (1) *Minimum lot width.* For each zoning lot provided with central water and sewerage facilities, the minimum lots width shall not be less than 60 feet. For each zoning lot without either central water or sewerage facilities, the minimum lot width shall be 80 feet.
 - (2) *Street planting areas.* All areas along the street or road which a property abuts shall comply with the standards of section 130-1873, street planting areas.
 - (3) *Side and rear planting areas.* All areas located along the side and rear interior property lines shall comply with section 130-1874, side and rear buffer planting area requirements.
 - (4) *Transitional yard.* Where a PF district adjoins a residential district, transitional yards shall be provided in accordance with the following regulations:
 - a. Where lots in a PF district front on a street and at least 80 percent of the frontage directly across the street between two consecutive intersecting streets is in a residential district, the setback regulations for the residential district shall apply to the said lots in the commercial district.

- b. In a PF district, where a side lot line coincides with a side or rear lot line of property in an adjacent residential district, a yard shall be provided along such side lot line. Such yard shall be equal in dimension to the minimum side yard which would be required under these regulations for a residential use on the adjacent property in the residential district.
- c. In a PF district, where a rear lot line coincides with a rear or side lot line of property in an adjacent residential district, a yard shall be provided along such rear lot line. Such yard shall be equal in dimensions to the minimum rear yard which would be required under these regulations for a residential use on the adjacent property in the residential district.
- d. In a PF district, where the extension of a front or side lot line coincides with the front line of an adjacent lot located in a residential district, a yard equal in depth to the minimum setback required by these regulations on such adjacent lot in the residential district shall be provided along such front or side lot line for a distance of at least 25 feet, including the width of any intervening alley from such lot in the residential district.

(c) *Maximum lot coverage.* The lot coverage of all principal and accessory buildings on a zoning lot shall not exceed 50 percent of the total area of the lot. However, parking and landscape requirements for the intended use must be met in all instances. Therefore, maximum lot coverage may in some cases be less.

(d) *Height regulations.* No building or dwelling for residential or business purposes shall exceed 45 feet in height above the natural grade of the property at the location of the structure or base flood elevation as established in chapter 115, article II, whichever is higher.

(e) *Design criteria.*

- (1) *Landscaping.* All landscaping shall be in compliance with the provisions of article VI, division 2 of these regulations.
- (2) *Signage.* All signage shall be in compliance with article VI, division 3 of these regulations.
- (3) *Lighting.* All site lighting shall be in compliance with article VI, division 4 of these regulations.
- (4) *Parking/loading.* All parking and loading will be in compliance with article VI, division 8 of these regulations.

(Code 1998, app. C, § 5.3004A; Ord. No. 07-1548, § 5.3004A, 5-3-2007)

Secs. 130-1286—130-1313. Reserved.

DIVISION 40. CBF-1 COMMUNITY BASED FACILITIES DISTRICT

Sec. 130-1314. Purpose.

The purpose of this district is to provide for the location of public and quasi-public uses that are appropriate within close proximity to residential districts.

(Code 1998, app. C, § 5.3001B; Ord. No. 07-1548, § 5.3001B, 5-3-2007; Ord. No. 09-2131, 9-3-2009)

Sec. 130-1315. Permitted uses.

Use by right, subject to any minimum standards as listed in section 130-2112.

- (1) Golf courses and recreational facilities owned by public or private entities, including restaurants, clubhouses, grills and retail, including sale of alcohol, when accessory to recreational facilities.
- (2) Churches, temples and synagogues.
- (3) Religious educational facilities.
- (4) Clubs and lodges.
- (5) Fraternal and religious institutions.

(Code 1998, app. C, § 5.3002B; Ord. No. 07-1548, § 5.3002B, 5-3-2007; Ord. No. 09-2131, 9-3-2009)

Sec. 130-1316. Administrative permits.

(a) The purpose of an administrative permit is to provide for a staff review of certain uses. The following uses are prohibited unless application for the use has been processed by the department of planning and development and the use is in conformance with the minimum standards for that use as outlined in section 130-2112:

- (1) Snowball stands between April 1 and September 30.
- (2) Christmas tree sales between November 1 and January 1.
- (3) Seasonal seafood peddlers using temporary structures provided that the use is temporary and valid for a period not greater than six months.
- (4) Seasonal produce stands, provided that the use is temporary and valid for a period not greater than six months.
- (5) Fireworks sales (where allowed).
- (6) On-location television or film productions where no sets/structures are being constructed that would require the issuance of a building permit; specifically structures

must be of a temporary nature and not capable of being occupied under the International Building Code/International Residential Code as determined by the chief building official, or his assigns.

- (7) On-location television or film productions where any sets/structures requiring the issuance of a building permit as determined by the chief building official, or his assigns, are permitted when the set/structure meets all applicable codes of the relevant zoning district.
- (8) Mobile food trucks when meeting the minimum standards for specific uses outlined in section 130-2112(22).

(b) All temporary uses not specifically permitted in these regulations are expressly prohibited.

(Code 1998, app. C, § 5.3003B; Ord. No. 07-1548, § 5.3003B, 5-3-2007; Ord. No. 09-2131, 9-3-2009; Ord. No. 09-2151, 11-5-2009; Ord. No. 15-3393, exh. A(5.3003B), 9-3-2015; Ord. No. 17-3659, exh. A(5.3003B), 1-5-2017)

Sec. 130-1317. Site and structure provisions.

- (a) *Minimum lot area.* No new lot shall be created that is less than 20,000 square feet in area.
- (b) *Minimum area regulations.*
 - (1) *Minimum lot width.* For each zoning lot provided with central water and sewerage facilities, the minimum lots width shall not be less than 60 feet. For each zoning lot without either central water or sewerage facilities, the minimum lot width shall be 80 feet.
 - (2) *Street planting areas.* All areas along the street or road which a property abuts shall comply with the standards of section 130-1873, street planting areas.
 - (3) *Side and rear planting areas.* All areas located along the side and rear interior property lines shall comply with section 130-1874, side and rear buffer planting area requirements.
 - (4) *Transitional yard.* Where a CBF district adjoins a residential district, transitional yards shall be provided in accordance with the following regulations:
 - a. Where lots in a CBF district front on a street and at least 80 percent of the frontage directly across the street between two consecutive intersecting streets is in a residential district, the setback regulations for the residential district shall apply to the said lots in the commercial district.
 - b. In a CBF district, where a side lot line coincides with a side or rear lot line of property in an adjacent residential district, a yard shall be provided along such

side lot line. Such yard shall be equal in dimension to the minimum side yard which would be required under these regulations for a residential use on the adjacent property in the residential district.

- c. In a CBF district, where a rear lot line coincides with a rear or side lot line of property in an adjacent residential district, a yard shall be provided along such rear lot line. Such yard shall be equal in dimensions to the minimum rear yard which would be required under these regulations for a residential use on the adjacent property in the residential district.
- d. In a CBF district, where the extension of a front or side lot line coincides with the front line of an adjacent lot located in a residential district, a yard equal in depth to the minimum setback required by these regulations on such adjacent lot in the residential district shall be provided along such front or side lot line for a distance of at least 25 feet, including the width of any intervening alley from such lot in the residential district.

(c) *Maximum lot coverage.* The lot coverage of all principal and accessory buildings on a zoning lot shall not exceed 50 percent of the total area of the lot. However, parking and landscape requirements for the intended use must be met in all instances. Therefore, maximum lot coverage may in some cases be less.

(d) *Height regulations.* No building or dwelling for residential or business purposes shall exceed 45 feet in height above the natural grade of the property at the location of the structure or base flood elevation as established in chapter 115, article II of this Land Development Code, whichever is higher.

(e) *Maximum structure size.*

- (1) No structure may have a ground floor footprint greater than 30,000 square feet in floor area.
- (2) No structure located within 200 feet of any residentially zoned property may have a floor area exceeding 500 square feet in area.
- (3) Notwithstanding the provisions of article II, division 3 of these regulations, abandonment of or restoration after damage, nothing in these regulations is intended to prevent the reconstruction of damaged or destroyed properties or the replacement of the existing structure within the original footprint of that structure.

(f) *Design criteria.*

- (1) *Landscaping.* All landscaping shall be in compliance with the provisions of article VI, division 2 of these regulations.
- (2) *Signage.* All signage shall be in compliance with article VI, division 3 of these regulations.

(3) *Lighting.* All site lighting shall be in compliance with article VI, division 4 of these regulations.

(4) *Parking/loading.* All parking and loading will be in compliance with article VI, division 8 of these regulations.

(Code 1998, app. C, § 5.3004B; Ord. No. 07-1548, § 5.3004B, 5-3-2007; Ord. No. 09-2131, 9-3-2009)

Secs. 130-1318—130-1347. Reserved.

DIVISION 41. ED-1 PRIMARY EDUCATION DISTRICT

Sec. 130-1348. Purpose.

The purpose of this district is to provide for the location of public or private schools that are generally served by buses or serve smaller student populations.

(Code 1998, app. C, § 5.3101; Ord. No. 07-1548, § 5.3101, 5-3-2007)

Sec. 130-1349. Permitted uses.

Use by right, subject to any minimum standards as listed in section 130-2112.

(1) Elementary or middle schools, public or private.

(2) Institution of fine arts.

(3) Adult secondary education classes.

(4) Day care, nursery school, pre-school, kindergarten, and karate/dance/gymnastics schools limited with a total building size limited to 10,000 square feet in area.

(Code 1998, app. C, § 5.3102; Ord. No. 07-1548, § 5.3102, 5-3-2007; Ord. No. 09-2118, 9-3-2009)

Sec. 130-1350. Administrative permits.

The purpose of an administrative permit is to provide for a staff review of certain uses. The following uses are prohibited unless application for the use has been processed by the department of planning and development and the use is in conformance with the minimum standards for that use as outlined in section 130-2112:

(1) On-location television or film productions where no sets/structures are being constructed that would require the issuance of a building permit; specifically structures must be of a temporary nature and not capable of being occupied under the International Building Code/International Residential Code as determined by the chief building official, or his assigns.

- (2) On-location television or film productions where any sets/structures requiring the issuance of a building permit as determined by the chief building official, or his assigns, are permitted when the set/structure meets all applicable codes of the relevant zoning district.

- (3) Mobile food trucks when meeting the minimum standards for specific uses outlined in section 130-2112(22).

(Code 1998, app. C, § 5.3103; Ord. No. 07-1548, § 5.3103, 5-3-2007; Ord. No. 15-3393, exh. A(5.3103A), 9-3-2015; Ord. No. 17-3659, exh. A(5.3103A), 1-5-2017)

Sec. 130-1351. Site and structure provisions.

- (a) *Minimum lot area.* No new lot shall be created that is less than 20,000 square feet in area.

- (b) *Minimum area regulations.*

- (1) *Minimum lot width.* For each zoning lot provided with central water and sewerage facilities, the minimum lots width shall not be less than 60 feet. For each zoning lot without either central water or sewerage facilities, the minimum lot width shall be 80 feet.

- (2) *Street planting areas.* All areas along the street or road which a property abuts shall comply with the standards of section 130-1873, street planting areas.

- (3) *Side and rear planting areas.* All areas located along the side and rear interior property lines shall comply with section 130-1874, side and rear buffer planting area requirements.

- (4) *Transitional yard.* Where an ED district adjoins a residential district, transitional yards shall be provided in accordance with the following regulations:

- a. Where lots in an ED district front on a street and at least 80 percent of the frontage directly across the street between two consecutive intersecting streets is in a residential district, the setback regulations for the residential district shall apply to the said lots in the commercial district.
- b. In an ED district, where a side lot line coincides with a side or rear lot line of property in an adjacent residential district, a yard shall be provided along such side lot line. Such yard shall be equal in dimension to the minimum side yard which would be required under these regulations for a residential use on the adjacent property in the residential district.
- c. In an ED district, where a rear lot line coincides with a rear or side lot line of property in an adjacent residential district, a yard shall be provided along such rear lot line. Such yard shall be equal in dimensions to the minimum rear yard which would be required under these regulations for a residential use on the adjacent property in the residential district.

- d. In an ED district, where the extension of a front or side lot line coincides with the front line of an adjacent lot located in a residential district, a yard equal in depth to the minimum setback required by these regulations on such adjacent lot in the residential district shall be provided along such front or side lot line for a distance of at least 25 feet, including the width of any intervening alley from such lot in the residential district.

(c) *Maximum lot coverage.* The lot coverage of all principal and accessory buildings on a zoning lot shall not exceed 50 percent of the total area of the lot. However, parking and landscape requirements for the intended use must be met in all instances. Therefore, maximum lot coverage may in some cases be less.

(d) *Height regulations.* No building or dwelling for residential or business purposes shall exceed 35 feet in height above the natural grade of the property at the location of the structure or base flood elevation as established in chapter 115, article II of this Land Development Code, whichever is higher.

(e) *Design criteria.*

- (1) *Landscaping.* All landscaping shall be in compliance with the provisions of article VI, division 2 of these regulations.
- (2) *Signage.* All signage shall be in compliance with article VI, division 3 of these regulations.
- (3) *Lighting.* All site lighting shall be in compliance with article VI, division 4 of these regulations.
- (4) *Parking/loading.* All parking and loading will be in compliance with article VI, division 8 of these regulations.

(Code 1998, app. C, § 5.3104; Ord. No. 07-1548, § 5.3104, 5-3-2007)

Secs. 130-1352—130-1370. Reserved.

DIVISION 42. ED-2 HIGHER EDUCATION DISTRICT

Sec. 130-1371. Purpose.

The purpose of this district is to provide for the location of public or private schools that serve students of driving age or serve larger student populations.

(Code 1998, app. C, § 5.3201; Ord. No. 07-1548, § 5.3201, 5-3-2007)

Sec. 130-1372. Permitted uses.

Use by right, subject to any minimum standards as listed in section 130-2112:

- (1) High school.

- (2) Community college.
 - (3) Satellite college campus.
 - (4) Vocational schools.
 - (5) Professional training campuses.
 - (6) Day care, nursery school, pre-school, kindergarten (over 20,000 square feet).
- (Code 1998, app. C, § 5.3202; Ord. No. 07-1548, § 5.3202, 5-3-2007)

Sec. 130-1373. Administrative permits.

The purpose of an administrative permit is to provide for a staff review of certain uses. The following uses are prohibited unless application for the use has been processed by the department of planning and development and the use is in conformance with the minimum standards for that use as outlined in section 130-2112:

- (1) On-location television or film productions where no sets/structures are being constructed that would require the issuance of a building permit; specifically structures must be of a temporary nature and not capable of being occupied under the International Building Code/International Residential Code as determined by the chief building official, or his assigns.
- (2) On-location television or film productions where any sets/structures requiring the issuance of a building permit as determined by the chief building official, or his assigns, are permitted when the set/structure meets all applicable codes of the relevant zoning district.
- (3) Mobile food trucks when meeting the minimum standards for specific uses outlined in section 130-2112(22).

(Code 1998, app. C, § 5.3203; Ord. No. 07-1548, § 5.3203, 5-3-2007; Ord. No. 15-3393, exh. A(5.3203A), 9-3-2015; Ord. No. 17-3659, exh. A(5.3203A), 1-5-2017)

Sec. 130-1374. Site and structure provisions.

- (a) *Minimum lot area.* No new lot shall be created that is less than 20,000 square feet in area.
- (b) *Minimum area regulations.*
 - (1) *Minimum lot width.* For each zoning lot provided with central water and sewerage facilities, the minimum lots width shall not be less than 60 feet. For each zoning lot without either central water or sewerage facilities, the minimum lot width shall be 80 feet.
 - (2) *Street planting areas.* All areas along the street or road which a property abuts shall comply with the standards of section 130-1873, street planting areas.

- (3) *Side and rear planting areas.* All areas located along the side and rear interior property lines shall comply with section 130-1874, side and rear buffer planting area requirements.
- (4) *Transitional yard.* Where an ED district adjoins a residential district, transitional yards shall be provided in accordance with the following regulations:
- a. Where lots in an ED district front on a street and at least 80 percent of the frontage directly across the street between two consecutive intersecting streets is in a residential district, the setback regulations for the residential district shall apply to the said lots in the commercial district.
 - b. In an ED district, where a side lot line coincides with a side or rear lot line of property in an adjacent residential district, a yard shall be provided along such side lot line. Such yard shall be equal in dimension to the minimum side yard which would be required under these regulations for a residential use on the adjacent property in the residential district.
 - c. In an ED district, where a rear lot line coincides with a rear or side lot line of property in an adjacent residential district, a yard shall be provided along such rear lot line. Such yard shall be equal in dimensions to the minimum rear yard which would be required under these regulations for a residential use on the adjacent property in the residential district.
 - d. In an ED district, where the extension of a front or side lot line coincides with the front line of an adjacent lot located in a residential district, a yard equal in depth to the minimum setback required by these regulations on such adjacent lot in the residential district shall be provided along such front or side lot line for a distance of at least 25 feet, including the width of any intervening alley from such lot in the residential district.
- (c) *Maximum lot coverage.* The lot coverage of all principal and accessory buildings on a zoning lot shall not exceed 50 percent of the total area of the lot. However, parking and landscape requirements for the intended use must be met in all instances. Therefore, maximum lot coverage may in some cases be less.
- (d) *Height regulations.* No building or dwelling for residential or business purposes shall exceed 35 feet in height above the natural grade of the property at the location of the structure or base flood elevation as established in chapter 115, article II of this Land Development Code, whichever is higher.
- (e) *Design criteria.*
- (1) *Landscaping.* All landscaping shall be in compliance with the provisions of article VI, division 2 of these regulations.

- (2) *Signage.* All signage shall be in compliance with article VI, division 3 of these regulations.
 - (3) *Lighting.* All site lighting shall be in compliance with article VI, division 4 of these regulations.
 - (4) *Parking/loading.* All parking and loading will be in compliance with article VI, division 8 of these regulations.
- (Code 1998, app. C, § 5.3204; Ord. No. 07-1548, § 5.3204, 5-3-2007)

Secs. 130-1375—130-1390. Reserved.

DIVISION 43. AT-1 ANIMAL TRAINING/HOUSING DISTRICT

Sec. 130-1391. Purpose.

The purpose of this district is to provide for the location of large scale animal related functions to minimize the conflict with nearby residential uses.
(Code 1998, app. C, § 5.3301; Ord. No. 07-1548, § 5.3301, 5-3-2007)

Sec. 130-1392. Permitted uses.

Use by right, subject to any minimum standards as listed in section 30-2112:

- (1) Horse riding.
 - (2) Animal training.
 - (3) Commercial stables.
 - (4) Commercial kennels.
- (Code 1998, app. C, § 5.3302; Ord. No. 07-1548, § 5.3302, 5-3-2007)

Sec. 130-1393. Administrative permits.

The purpose of an administrative permit is to provide for a staff review of certain uses. The following uses are prohibited unless application for the use has been processed by the department of planning and development and the use is in conformance with the minimum standards for that use as outlined in section 130-2112:

- (1) On-location television or film productions where no sets/structures are being constructed that would require the issuance of a building permit; specifically structures must be of a temporary nature and not capable of being occupied under the International Building Code/International Residential Code as determined by the chief building official, or his assigns.

- (2) On-location television or film productions where any sets/structures requiring the issuance of a building permit as determined by the chief building official, or his assigns, are permitted when the set/structure meets all applicable codes of the relevant zoning district.
 - (3) Mobile food trucks when meeting the minimum standards for specific uses outlined in section 130-2112(22).
- (Code 1998, app. C, § 5.3303; Ord. No. 07-1548, § 5.3303, 5-3-2007; Ord. No. 15-3393, exh. A(5.3303A), 9-3-2015; Ord. No. 17-3659, exh. A(5.3303A), 1-5-2017)

Sec. 130-1394. Site and structure provisions.

- (a) *Maximum building size.* The maximum building size in the AT-1 district shall be 40,000 square feet.
- (b) *Minimum lot area.* No new lot shall be created that is less than 20,000 square feet in area.
- (c) *Minimum area regulations.*
 - (1) *Minimum lot width.* For each zoning lot the minimum lot width shall be 100 feet.
 - (2) *Street planting areas.* All areas along the street or road which a property abuts shall comply with the standards of section 130-1873, street planting areas.
 - (3) *Side and rear planting areas.* All areas located along the side and rear interior property lines shall comply with section 130-1874, side and rear buffer planting area requirements.
 - (4) *Transitional yard.* Where an AT district adjoins a residential district, transitional yards shall be provided in accordance with subsections (c)(1) and (2) of this section or the following regulations whichever is more restrictive:
 - a. Where lots in an AT district front on a street and at least 80 percent of the frontage directly across the street between two consecutive intersecting streets is in a residential district, the setback regulations for the residential district shall apply to the said lots in the commercial district.
 - b. In an AT district, where a side lot line coincides with a side or rear lot line of property in an adjacent residential district, a yard shall be provided along such side lot line. Such yard shall be equal in dimension to the minimum side yard which would be required under these regulations for a residential use on the adjacent property in the residential district.
 - c. In an AT district, where a rear lot line coincides with a rear or side lot line of property in an adjacent residential district, a yard shall be provided along such rear lot line. Such yard shall be equal in dimensions to the minimum rear yard which would be required under these regulations for a residential use on the adjacent property in the residential district.

- d. In an AT district, where the extension of a front or side lot line coincides with the front line of an adjacent lot located in a residential district, a yard equal in depth to the minimum setback required by these regulations on such adjacent lot in the residential district shall be provided along such front or side lot line for a distance of at least 25 feet, including the width of any intervening alley from such lot in the residential district.
- e. Where a building is taller than 25 feet in height, one additional foot of setback shall be required in each yard. Each facade is measured separately and the additional depth is required perpendicular to that facade.

(d) *Maximum lot coverage.* The lot coverage of all principal and accessory buildings on a zoning lot shall not exceed 50 percent of the total area of the lot. However, parking and landscape requirements for the intended use must be met in all instances. Therefore, maximum lot coverage may in some cases be less.

(e) *Height regulations.* No building or dwelling for residential or business purposes shall exceed 35 feet in height above the natural grade of the property at the location of the structure or base flood elevation as established in chapter 115, article II of this Land Development Code, whichever is higher.

(f) *Design criteria.*

- (1) *Landscaping.* All landscaping shall be in compliance with the provisions of article VI, division 2 of these regulations.
- (2) *Signage.* All signage shall be in compliance with article VI, division 3 of these regulations.
- (3) *Lighting.* All site lighting shall be in compliance with article VI, division 4 of these regulations.
- (4) *Parking/loading.* All parking and loading will be in compliance with article VI, division 8 of these regulations.

(Code 1998, app. C, § 5.3304; Ord. No. 07-1548, § 5.3304, 5-3-2007)

Secs. 130-1395—130-1408. Reserved.

DIVISION 44. RBG RIVERBOAT GAMING DISTRICT

Sec. 130-1409. Purpose.

The purpose of the RBG Riverboat Gaming District is to provide for the location and permitting of a riverboat gaming facility including miscellaneous service activities. Because the use in this district is intended to serve the southeastern region of the state, the impact of the proposed development must be carefully studied as to its effects and compatibility on surround-

ing land use, traffic patterns including off-site commuting patterns, environment including our expansive natural shoreline, and drainage. Specific location and performance standards shall be met prior to approval of this district.

(Code 1998, app. C, § 5.3401; Ord. No. 07-1548, § 5.3401, 5-3-2007)

Sec. 130-1410. Permitted uses.

(a) *Gaming establishment.* An establishment for the conducting of gaming, gaming operations, or gaming activities, whereby a person risks the loss of anything of value in order to realize a profit, as is further defined by the provision of chapter 9 of title 4 of the Revised Statutes of 1950, R.S. 4:501 through 4:462, the Louisiana Riverboat Economic Development and Gaming Control Act, and Chapter 10 of the Revised Statutes of 1950, R.S. 4:601 through 4:686, the Louisiana Economic Development and Gaming Corporation Law.

(b) *Accessory uses.* Any use that is accessory or incidental to the conducting of the gaming, gaming operation, or gaming activities or to the operation of a gaming establishment, such as, by way of illustration, berthing facilities for a riverboat used in the conducting of gaming activities or parking areas for the employees or patrons of a gaming establishment.

(Code 1998, app. C, § 5.3402; Ord. No. 07-1548, § 5.3402, 5-3-2007)

Sec. 130-1411. Administrative permits.

The purpose of an administrative permit is to provide for a staff review of certain uses. The following uses are prohibited unless application for the use has been processed by the department of planning and development and the use is in conformance with the minimum standards for that use as outlined in section 130-2112:

- (1) On-location television or film productions where no sets/structures are being constructed that would require the issuance of a building permit; specifically structures must be of a temporary nature and not capable of being occupied under the International Building Code/International Residential Code as determined by the chief building official, or his assigns.
- (2) On-location television or film productions where any sets/structures requiring the issuance of a building permit as determined by the chief building official, or his assigns, are permitted when the set/structure meets all applicable codes of the relevant zoning district.
- (3) Mobile food trucks when meeting the minimum standards for specific uses outlined in section 130-2112(22).

(Ord. No. 15-3393, exh. A(5.3403A), 9-3-2015; Ord. No. 17-3659, exh. A(5.3403A), 1-5-2017)

Sec. 130-1412. Location standards.

In addition to all of the applicable regulations of this district regarding parking, landscaping, and signage the following performance standards shall be adhered to in the establishment of the district and proposed use within the district:

- (1) The district must be located in close proximity to an expressway, major or minor arterial highway.
 - (2) The district must contain existing docking or mooring facilities. These facilities are defined as follows: shall be considered to be sufficient shoreline modifications in place at the time of this zoning amendment to provide for the safe mooring of a commercial vessel of similar and appropriate size and also provide for safe of that vessel from adjacent land for loading passengers or cargo. Generally, these facilities should include piers, wharves, docks, jetties of appropriate length to accommodate the vessel and/or sufficient mooring. Existing docking facilities must also provide water depth that allows for the unrestricted passage of a commercial vessel of similar and appropriate size under normal operating conditions. These facilities must be in a location that is freely accessible from open sea (or possibly the boat's construction site) by the large commercial vessel in question without the aid of dredging activities or any other water bottom alteration. Any facility in a location where access requires any type of bottom alteration shall not be considered to be a satisfactory existing facility.
 - (3) The district must be located at least one mile from a church, school, public playground, or library. The distance will be measured in a straight line from the property line extending outward around the entire circumference of the site.
 - (4) The district must have a minimum area of 100 acres.
- (Code 1998, app. C, § 5.3403; Ord. No. 07-1548, § 5.3403, 5-3-2007)

Sec. 130-1413. Performance standards.

- (a) A site and construction plan detailing traffic circulation, access, drainage, and buffering must be approved by the parish planning commission.
- (b) The site must be served by a central water and sewerage systems.
- (c) The site must receive all regulatory (environmental) permits from local, state and/or federal agencies.
- (d) The site must not exceed residential noise levels as established by the parish's noise ordinance.
- (e) The zoning commission, planning commission or the parish council may require additional performance standards during their review of the project.

(f) Riverboat vessels are only allowed to dock on waterways as designated by the state legislature. Riverboats are not allowed to dock on private waterways such as private canals or lagoons.

(Code 1998, app. C, § 5.3404; Ord. No. 07-1548, § 5.3404, 5-3-2007)

Sec. 130-1414. Procedure and regulations.

(a) *Plan approval.* Prior to submitting a riverboat gaming development rezoning petition, and on participating in an informal pre-application conference, the applicant must have secured a preliminary certificate of approval and/or modification of a preliminary certificate of approval from the riverboat gaming commission and a license and/or modification of a license from the riverboat gaming division of the department of public safety. The purpose of this conference shall be to discuss riverboat gaming parameters and to bring the overall petition as nearly as possible into conformity with parish regulations.

(b) *Conceptual plan.* Following the pre-application conference, a conceptual plan shall be submitted with the rezoning application. This plan shall provide the following information:

- (1) The title of the project and the names of the project planner and developer.
- (2) Plat indicating scale, date, north arrow, and general vicinity map indicating existing land uses within one mile of all boundaries of the proposed development shall be designated. This plat shall include all existing physical features such as existing streets, buildings, watercourses, easements, soil conditions, vegetative cover and topography.
- (3) Maximum total land area, minimum public open space, streets, off-street parking and loading areas. Breakdown by percent of total land area devoted to each use such as:
 - a. Primary use.
 - b. Accessory use.
 - c. Open-space.
 - d. Access parking and loading areas.
 - e. Drainage easements.
- (4) If the riverboat gaming development is proposed to be constructed in phases, indicate proposed development scheduling in detail including:
 - a. The approximate date when construction of each phase of the project can be expected to begin; and
 - b. The order in which the phases of the project will be built.
- (5) Circulation element indicating the proposed principal movement of vehicles, goods and pedestrians.

- (6) The zoning commission, the planning commission or the parish council may require additional material such as plans, maps, aerial photographs, studies and reports which may be needed in order to make the necessary findings and determinations that the applicable parish standards and guidelines have been achieved.

(c) *Zoning commission recommendation.* The zoning commission shall forward a recommendation to approve or deny the Riverboat Gaming District to the parish council after the required public hearing. The zoning commission reserves the right to add stipulations and conditions to its approval and shall determine if the applicant has met all or part of the required parameters including:

- (1) The tract for the proposed zoning is suitable in terms of its relationships to the parish comprehensive plan and that the areas surrounding the proposed zoning can continue to be developed in coordination and substantial compatibility with the proposed Riverboat Gaming District.
- (2) The tract for the proposed zoning meets all applicable standards in sections 130-1412 and 130-1413.
- (3) That the desirable modifications of general zoning regulations as applied to the particular case, justify such modifications of regulations and at least an equivalent degree the regulations modified, based on the design and amenities incorporated in the site development plan.
- (4) That increased open space over conventional development is provided for the occupants of the proposed zoning and the general public, and desirable natural features indigenous to the site and considered in the development plan presented.

(d) *Binding nature of approval for the RBG Riverboat Gaming District.* All terms, conditions, safeguards, and stipulations made at the time of approval for the zoning shall be binding upon the applicant or any successors in interest. Deviations from approved plans or failure to comply with any requirements, conditions, or safeguards shall constitute a violation of these zoning regulations.

(e) *Final development plan.* After approval of the conceptual development plan by the parish council the applicant shall submit a final plan to the department of planning and development indicating all terms, conditions, safeguards and stipulations required by the zoning commission, the planning commission and the parish council.

(Code 1998, app. C, § 5.3405; Ord. No. 07-1548, § 5.3405, 5-3-2007)

Sec. 130-1415. Appeals.

The property owner or its representative or aggrieved property owner within the surrounding area may appeal the zoning commission decision within ten days of the decision. Appeal is made in written form to the parish council through the department of planning and development. The procedure for appeals to the parish council is contained within this Code.

(Code 1998, app. C, § 5.3406; Ord. No. 07-1548, § 5.3406, 5-3-2007)

Sec. 130-1416. Amendment to the RBG Riverboat Gaming District.

Amendments to the RBG Riverboat Gaming District shall be classified as either major or minor in character.

- (1) Major amendments to the zoning shall require the developer to submit revised plans to the department of planning and development. Upon review of the proposed amendments to the zoning by the staff, a public hearing shall be established for the review of the changes by the zoning commission. The zoning commission shall have the authority to review and approve or deny all major changes to the RBG Riverboat Gaming District. Public advertisement shall be required at least 15 days prior to the meeting date and shall run in the official journal of the parish at least twice during that time period. Furthermore, the developer shall pay additional fees for procurement of his proposed zoning changes. The additional fees shall be established by the department of planning and development upon initial review of the proposed amendments.
- (2) Major changes to the zoning plan include:
 - a. The use of the land;
 - b. The use, bulk and location of significant buildings and structures;
 - c. The quantity, quality and location of open spaces; and
 - d. Intensity of use and/or the change or density.
- (3) Minor amendments to the zoning shall be construed as all other changes not considered major amendments. Minor amendments change shall be submitted for review by the department of planning and development and may be put into effect only after a letter of no objection is filed and submitted from the department of planning and development to the chairperson of the zoning commission.

(Code 1998, app. C, § 5.3407; Ord. No. 07-1548, § 5.3407, 5-3-2007)

Sec. 130-1417. Site and structure provisions.

- (a) *Minimum area regulations.*
 - (1) The lot or parcel shall not be less than 100 acres.
 - (2) The minimum lot width shall not be less than 300 feet.

- (3) **Building and parking setback lines.** All building and parking setback lines (front, side and rear) shall be no less than 100 feet from the property line. In cases of property lines which extend into a water body, the current shoreline is considered the property line. Structures within the waterside setback are limited to access structures.

(b) *Maximum lot coverage.* The lot coverage of all principle and accessory structures shall not exceed 50 percent of the total area of the parcel.

(Code 1998, app. C, § 5.3408; Ord. No. 07-1548, § 5.3408, 5-3-2007)

Sec. 130-1418. Signs, lighting and landscaping.

(a) *Landscaping.* Landscaping shall be subject to the provisions of article VI, division 2 of these regulations.

(b) *Signs.* Signs shall be subject to the provisions of article VI, division 3 of these regulations.

(c) *Lighting.* Lighting shall be subject to the provisions of article VI, division 4 of these regulations.

(Code 1998, app. C, § 5.3409; Ord. No. 07-1548, § 5.3409, 5-3-2007)

Sec. 130-1419. Parking requirements.

One space for every two patrons based on maximum occupancy as established by the state fire marshal, plus two for every three employees.

(Code 1998, app. C, § 5.3410; Ord. No. 07-1548, § 5.3410, 5-3-2007)

Secs. 130-1420—130-1446. Reserved.

DIVISION 45. TND-1 TRADITIONAL NEIGHBORHOOD DEVELOPMENT DISTRICT

Sec. 130-1447. Purpose.

The purpose of the TND-1 Traditional Neighborhood Development Zoning District (TND-1 District) is to encourage mixed-use, compact development and facilitate the efficient use of services. A TND-1 district diversifies and integrates land uses within close proximity to each other, and it provides for the daily recreational and shopping needs of the residents. A TND-1 district is a sustainable, long-term community that provides economic opportunity and environmental and social equity for the residents. These regulations' intent is to encourage its use by providing incentives, rather than prohibiting conventional development. The TND-1 district provides for a lower density that can provide for a TND design in area of infill where a higher density TND would not be desirable. A traditional neighborhood development:

- (1) Is designed for the human scale;

- (2) Provides a mix of uses, including residential, commercial, civic, and open space uses in close proximity to one another within the neighborhood;
 - (3) Provides a variety of housing types, and sizes to accommodate households of all ages, sizes, and incomes;
 - (4) Includes residences, shops, workplaces and civic buildings interwoven within the neighborhood, all within close proximity;
 - (5) Incorporates a system of relatively narrow, interconnected streets, roads, drives, and other thoroughfare types with sidewalks and bikeways, that offer multiple routes for motorists, pedestrians, and bicyclists and provides for the connections of those thoroughfare types to existing and future developments;
 - (6) Includes compatibility of buildings and other improvements as determined by their arrangement, bulk, form, character and landscaping to establish a livable, harmonious and diverse environment;
 - (7) Incorporates environmental features into the design;
 - (8) Coordinates transportation systems with a hierarchy of appropriately designed facilities for pedestrians, bicycles, and vehicles;
 - (9) Provides well-configured squares, plazas, greens, landscaped streets, preserves, greenbelts and parks woven into the pattern of the neighborhood;
 - (10) Incorporates architecture, landscape, lighting and signage standards integrated with the zoning provisions that respond to the unique character of the region; and
 - (11) Provides an increased range of options than are allowed by conventional zoning.
- (Code 1998, app. C, § 5.3501; Ord. No. 07-1548, § 5.3501, 5-3-2007; Ord. No. 10-2186, 1-7-2010)

Sec. 130-1448. Overview.

(a) A TND-1 district consists of an area of not less than 50 contiguous acres. In this article, property is considered contiguous even if separated by a public roadway.

(b) A TND-1 district is divided into at least two types of areas, and each type of area has different land use and site development regulations. A TND-1 district must have one neighborhood center area (also sometimes referred to as town center or village center) and at least one mixed residential area. A TND-1 district may also have a neighborhood edge area, civic spaces and green spaces.

(c) A "neighborhood center area" serves as the focal point of a TND-1 district, containing retail, commercial, civic, and/or public services to meet the daily needs of community residents. A neighborhood center is pedestrian-oriented, and it is designed to encourage pedestrian movement. A square may be located in a neighborhood center area. Retail and commercial uses

should generally be located adjacent to a square. The neighborhood center uses include retail shops, restaurants, offices, banks, hotels, post office, governmental offices, churches, community centers, and attached residential dwellings.

(d) A "mixed residential area" includes a variety of residential land uses, including single-family residential, duplex, townhome, and multifamily. Residential scale retail and commercial uses are permitted within a mixed residential area with strict architectural and land use controls. Retail and commercial uses in a mixed residential area are required to blend into the residential character of the neighborhood. A mixed residential area includes open spaces including small squares, pocket parks, community parks, and greenbelts. A mixed residential area promotes pedestrian activity through well designed and varied streetscapes that also provide for the safe and efficient movement of vehicular traffic. Mixed residential area uses include single-family homes, condominiums, townhomes, apartments, offices, restaurants, neighborhood scale retail, and civic uses. Mixed residential areas often utilize alleys.

(e) A "neighborhood edge area" is the least dense portion of a TND-1 district, with larger lots and greater setbacks than the rest of the neighborhood. Alleys are not required, and direct vehicular access to streets is permitted. Only single-family residential dwellings (attached or detached) are permitted. A neighborhood edge area is appropriate along the perimeter of the neighborhood. A portion of a TND-1 district that adjoins existing or platted conventional low density housing must be designated as a neighborhood edge area.

(f) Large office, low-impact manufacturing uses and industrial uses that are not appropriate for a neighborhood center area or a mixed residential area but which serve the local residents may be located in a specified district.

(g) Civic uses that are oriented to the general public are permitted in a neighborhood center area and a mixed residential area. These uses are essential components of the social and physical fabric of a TND-1 district. Civic space shall be integrated in residential and commercial areas in the TND-1 district. TND-1 districts shall incorporate civic common open spaces to be maintained by the municipality and/or private open spaces to be maintained by the community or landowners within the TND-1 district. Special attention should be paid to the location of government offices, libraries, museums, schools, churches, and other prominent public buildings to create focal points and landmarks for the community. The locations of these major public civic uses are designated on the development plan at the time of commission approval of a particular development.

(h) Open space is a significant part of a TND-1 district design. Formal and informal open spaces are required. These serve as areas for community gatherings, landmarks, and as organizing elements for the neighborhood. Open space includes squares, plazas, greens, preserves, parks, and greenbelts.

(i) A TND-1 district is designed to be pedestrian oriented. To accomplish this goal, pattern and design of the various thoroughfare types are used to reduce vehicle travel speeds and encourage pedestrian activity. An interconnected network of streets, and other thoroughfare types, is required. Streets may be smaller than in conventional development and more varied in size and form to control traffic and give character to the neighborhood.

(j) Thoroughfares and utilities in TND-1 districts shall connect to existing thoroughfares and utilities, or dead-end as stubs intended for connection to future thoroughfares, unless otherwise prohibited by topography, environmental constraints or other considerations, as further described in section 130-1450(h).

(Code 1998, app. C, § 5.3502; Ord. No. 07-1548, § 5.3502, 5-3-2007; Ord. No. 10-2186, 1-7-2010)

Sec. 130-1449. TND-1 district definitions.

For the purposes of this section only, the following definitions shall be observed and applied, except when the context clearly indicates otherwise. Words used in the present tense shall include the future tense. Words used in the singular form shall include the plural form. Words used in the plural form shall include the singular.

Abutting means having a border with, or being separated from such common border by, an alley or easement.

Access means an entry to or exit from a property, lot, building, parking lot, or other area within the TND-1 district.

Accessory building means a building which:

- (1) Is subordinate to and serves a principal structure or principal use;
- (2) Is subordinate in area, extent and purpose to the principal structure or principal use;
- (3) Is located on the same lot as the principal structure or principal use; and
- (4) Is customarily incidental to the principal structure or principal use; any portion of a principal building which is devoted to an accessory use is not an accessory building.

Accessory use means a use which:

- (1) Is subordinate to and serves a principal structure or principal use;
- (2) Is subordinate in area, extent, and purpose to the principal structure or principal use served;
- (3) Is located on the same lot as the principal structure or principal use served except as otherwise expressly authorized by provisions of these regulations; and
- (4) Is customarily incidental to the principal structure or principal use.

Acre means 43,560 square feet.

Alley means a public or private way permanently reserved as a secondary means of access to abutting property. (See standards in Table 1.)

Appeal means a means for obtaining review of a decision, determination, order, or failure to act under the terms of these regulations.

Application means an application filed by a developer/applicant for TND-1 district zoning.

Association means the association of all the owners of property in the TND-1 charged with the ownership and maintenance of common open space and associated facilities and operated pursuant to articles of incorporation and bylaws. Initially, the developer shall maintain control of the association until such time as two-thirds of lots in the TND-1 district have been sold, or as otherwise set forth in its articles or bylaws. A TND-1 may have a residential association and a commercial association.

Block means a unit of land bounded by thoroughfares or by a combination of thoroughfare types, public land, railroad rights-of-way, waterways, or any other barrier to the continuity of development.

Boulevard means a major thoroughfare for carrying a large volume of through traffic in the area, normally controlled by traffic signs and signals with relatively few intersections and/or drives.

Buffer or *buffer yard* means a unit of land, together with a specified type and amount of planting and any fencing which may be required between land uses to minimize conflicts between them.

Building means a structure built, maintained, or intended for use as a shelter or enclosure of persons, animals, or property. The term "building" includes any part of the structure. Where independent units with separate entrances are divided by party walls, each unit is a building.

Building height or *height* means the vertical distance measured from the lowest ground elevation to the highest point of the building or structure. The building height may be prescribed as a maximum number of stories or as a dimension from sidewalk grade to the eave. The height limit shall not apply to chimneys.

Building setback means the distance from the street right-of-way line to the closest point of the foundation of a building or projection thereof.

Collector means a street designed to carry moderate volumes of traffic from local streets to boulevards or from boulevard to boulevard. Collectors are also referred to as avenues. (See standards in Table 1.)

Commercial street means a very urban condition which comprises a street with raised curbs drained by inlets. Wide sidewalks along both sides are separated from the thoroughfare by

small separate tree wells. Trees along the commercial street consist of a single species aligned in a row or rows. Tree spacing may be irregular to stay clear of shop entrances. Commercial streets have the highest pedestrian use.

Commissions means the planning commission and the zoning commission, individually and collectively.

Common open space means a parcel or parcels of land and/or an area of water within a development that are held in some form of common ownership and designated, designed and intended for benefit, use or enjoyment of the occupants of the development. It may contain such complementary structures and improvements as necessary and appropriate for the benefit and enjoyment of the occupants of such development as set forth in section 130-1450(e), including those uses set forth in section 10.1.1, III, B of the Development Code.

Council means the St. Tammany Parish Council.

Density means a measure of the intensity of development. In these regulations, density for residential development is calculated in terms of units per acre.

Developer means the legal or beneficial owner of a lot or parcel of any land proposed for inclusion in a development, including the holder of an option or contract to purchase.

Development means the division of a parcel of land into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any buildings or structures; any use or change in use of any buildings or land; or any extension of any use of land or any clearing, grading, or other movement of land.

Drainage means the removal of surface water or groundwater from land by drains, grading, or other means. The term "drainage" includes the control of runoff to minimize erosion and sedimentation during and after development and includes the means necessary for water supply preservation or the prevention or alleviation of flooding.

Drive or driveway means a vehicular accessway within a lot.

Dwelling means any building or portion of a building which is designated or used for residential purposes.

Dwelling, multi- or multifamily, means a building that contains more than one dwelling unit.

Dwelling, single- or single-family, means a building that contains only one living unit, including attached buildings in the case of townhomes when said living units are each on a separate legal lot or parcel.

Flood or flooding means a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters, or the unusual and rapid accumulation or runoff of surface waters from any source.

Floor area means the sum of the gross floor area for each of a building's or structure's stories measured from the exterior limits of the faces of the building or structure. The floor areas of the building include the basement floor area. The floor area includes the attic only if it is habitable floor area.

General implementation plan means the initial plan of development for a TND-1 which an applicant/developer submits to the commission containing all those items described in the general implementation plan checklist, including written and graphic documents, which represents a general plan of the proposed land uses and their overall impact on the land and surrounding land for redesignation of the land to TND-1 Planned.

General implementation plan checklist means a list containing items which must be included in a general implementation plan submitted to the commissions for TND approval.

Highway means a long-distance, speed-movement thoroughfare designed for vehicle use, traversing open countryside. A highway should be relatively free of intersections, driveways and adjacent buildings, otherwise it becomes strip development which interferes with traffic flow and human comfort. Variants include freeways, expressways and parkways.

Land Development Code means the St. Tammany Parish Unified Development Code as contained in this part of the Code of Ordinances.

Livework unit means those dwelling structures or units that combine a residence and a workplace, as permitted in these regulations.

Lot means a parcel of land undivided by any street or private road and occupied or intended for occupancy by, or designated to be developed for, one building or principal use and the accessory buildings or accessory uses customarily incidental to such building, use or development, including such open spaces and yards as are designed and arranged or required by these regulations for such building use or development.

Lot area means the area contained within the boundary lines of lot.

Lot line means a line bounding a lot which divides one lot from another or from a street or any public or private space.

Lot width means the horizontal distance between side lot lines measured at the front setback. Where there is only one side lot line, lot width shall be measured between such lot line and the opposite lot line or future right-of-way line.

Major change means a change to an approved traditional neighborhood development as set forth in section 130-1460(a) through (c).

Minor change means a change to an approved traditional neighborhood development as set forth in section 130-1460(d).

Net acre means an acre of land excluding street rights-of-way and other publicly dedicated improvements such as parks, open space, and stormwater detention and retention facilities.

Owner means the person or persons having the right of legal title to, or beneficial interest in, a lot or parcel of land.

Parcel means the area within the boundary lines of a development.

Parish means the Parish of St. Tammany, State of Louisiana.

Passage means a pedestrian connector passing between buildings. Passages provide short-cuts through long blocks and connect rear parking areas with street frontages. Passages may be roofed over and lined by shopfronts. Variants include courts, a passage that is wide enough to be landscaped, being the frontage for buildings which are otherwise provided with vehicular access only by rear alleys.

Path means a pedestrian way traversing a park or the countryside. Paths should connect directly with the sidewalk network at the urban edge.

Person means an individual, firm, partnership, corporation, company, association, joint stock association or government entity; including a trustee, a receiver, and assignee, or a similar representative of any of them.

Planning commission means the body duly appointed by the parish government and charged with the responsibility of formulating a comprehensive plan, to keep it up to date, and to prescribe and administer necessary rules and regulations for the successful implementation of the comprehensive plan, a part of which being chapter 125, in accordance with R.S. 33:101 through 33:120.1.

Planning staff or *commissions staff* means professional and nonprofessional personnel employed by the parish government to carry out and fulfill the directives and responsibilities of the commissions. Staff functions may be conducted by private or public consultants.

Principal building means a building in which the principal use of the lot on which the building is located is conducted or intended to be conducted.

Principal use means the specific primary purpose for which land is used.

Public improvement means any improvement, facility, or service, together with customary improvements and appurtenances thereto, necessary to provide for such public needs as vehicular and pedestrian circulation systems, storm sewers, flood control improvements, water supply and distribution facilities, sanitary sewage disposal and treatment, public utility, and energy services.

Queuing means the use of one travel lane on local streets with parking, usually an intermittent parking pattern, on both sides.

Rear alley means a narrow service accessway to the rear of more urban buildings providing service areas, parking access, and utility easements. Alleys, as they are used by trucks and must accommodate dumpsters, should be paved from building face to building face, with drainage by inverted crown at the center. Buildings facing the alley must have windows.

Rear lane means a vehicular accessway located to the rear of a lot providing access to parking and outbuildings as well as easements for utilities. Rear lanes are paved as lightly as possible to driveway standards or with gravel. Rear lanes should be as rural as possible in character. Buildings facing the rear lane must have windows. Posted speed should equal design speed.

Rear lot line means that lot line which is parallel to and most distant from the front lot line of the lot; in the case of an irregular or triangular lot, a line 20 feet in length, entirely within the lot, parallel to and at the maximum possible distance from the front line, shall be considered to be the rear lot line. In the case of lots which have frontage on more than one road or street, the rear lot line shall be opposite the lot line along which the lot takes access to a street.

Restrictive, more (less), means a regulation imposed by these regulations is more (less) restrictive than another if it prohibits or limits development to a greater (lesser) extent or by means of more (less) detailed specifications.

Right-of-way means a strip of ground dedicated by the developer for public use, title to which shall rest in the public for the purpose stated in the dedication.

Road means a thoroughfare with open swales drained by runoff percolation and an informal walking path or bicycle trail along one side. Trees along roads consist of multiple species composed in clusters. Roads have low pedestrian use. Design speed can exceed the posted speed.

Rural road means a thoroughfare with open swales drained by runoff percolation and no separate pedestrian path. Trees along rural roads consist of multiple species composed in clusters.

Secondary dwelling unit, means an additional dwelling unit located within the principal dwelling on the lot, in a freestanding building or above a residential garage.

Servitude or easement means a strip existing or to be reserved by the developer for public utilities, drainage and other public purposes, the title to which shall remain with the property owner, subject to the right of use designated in the reservation of servitude; or a strip of ground designated or intended to be used for access to buildings and other portions of property.

Side lot line means any lot line other than a front or rear lot line.

Sign means any structure, part thereof, or device attached thereto or painted or represented thereon, or any material or thing, illuminated or otherwise, which displays or includes any numeral, letter, word, model, pennant, streamer, banner, emblem, insignia, device, trademark or other representation used as, or in the nature of, an announcement, advertisement, direction

or designation of any person, firm, group, organization, place, commodity, product, service, business, profession, enterprise or industry which is located upon any land or on any building.

Story means a space in a building between the surface of any floor and the surface of the next floor above, or if there is no such floor above, then the space between such floor and the ceiling or roof above.

Street means a strip of land, including the entire right-of-way, publicly or privately owned, serving as a means of slow vehicular travel, and furnishing access to abutting properties, which may also be used to provide space for sewers, public utilities, shade trees, and sidewalks. A street may be public or private.

Structure means an object, including a mobile object, constructed or installed by man, including but without limitation, buildings, towers, cranes, and overhead transmission lines.

Subdivision means any division, subdivision or re-division of a subdivision, tract, parcel, or lot of land into two or more lots, plots, sites, parts, or other division of land by means of mapping, platting, conveyance, or change of rearrangement of boundaries for the purpose of sale, lease or development, whether immediate or future. All subdivisions are also developments.

Thoroughfare means a paved vehicular way with moving lanes and parking lanes accompanied by streetscapes at the sides, both within and outside of a public right-of-way, and including all of the thoroughfare types as set forth and described herein.

Thoroughfare types means boulevards, roads, rural roads, streets, commercial streets, collectors, driveways, highways, passages, paths, rear alleys, and rear lanes.

Townhome means two or more attached living units with common or party sidewalls between units, designated so that each unit may be sold independently as a lot with its own yards and parking spaces.

Traditional neighborhood or traditional neighborhood development means a compact, walkable, mixed-use neighborhood where residential, commercial and civic buildings are within close proximity to each other as contemplated under these regulations.

- (1) *TND-1 concept*. The designation of property for development as a traditional neighborhood development through the comprehensive rezoning process or in accordance with the time limitations and procedures set forth in section 130-1469.
- (2) *TND-1 planned*. The designation of property for development as a traditional neighborhood development following approval of the general implementation plan.
- (3) *TND-1*. The redesignation of property for TND planned on the official map, upon approval of a specific implementation plan and the final plat.

Transit stop means a location where passengers board and alight. Transit stops can serve one or more routes and include various levels of amenities depending on the level of actual or anticipated riders. Amenities can include transit stop sign pole, benches, trash receptacles, shelters and lighting. Transit stops can be placed within the public right-of-way or on private property depending on service needs and passenger comfort.

Tree means any self-supporting perennial woody plant that is at least four inches in diameter.

Urban street means a typical urban condition which comprises a street with raised curbs drained by inlets. A narrower, continuous planter separates wide sidewalks along both sides from the thoroughfare. Trees along urban streets consist of a single species aligned in a row or rows.

Use means the purpose or activity for which land or any building thereon is designed, arranged, or intended, or for which it is occupied or maintained.

Variance means permission to depart from the literal requirements of these regulations granted by the council.

Zoning commission means that body of appointed officials granted the authority to administer land use regulations in accordance with title 33, sections 101 through 119, Louisiana Revised Statutes Annotated (R.S. 33:101—33:119), as amended, and under title 33, sections 4776.40 through 4776.50, Louisiana Revised Statutes Annotated (R.S. 33:4776.40—33:4776.50), as amended, the St. Tammany Parish Home Rule Charter Commission, adopted under the authority of article VI, section 5, of the Constitution of Louisiana and R.S. 33:1395, as amended and article I of these regulations.
(Code 1998, app. C, §5.3503; Ord. No. 07-1548, § 5.3503, 5-3-2007; Ord. No. 10-2186, 1-7-2010)

Sec. 130-1450. TND-1 district design requirements.

(a) *Association.*

- (1) Conditions, covenants, and restrictions for all the property within a TND-1 district must be filed in the parish records by the owner before a lot is sold and/or a building permit is issued.
- (2) In addition to other terms and conditions acceptable to the applicant, the conditions, covenants, and restrictions must create one or more property owners associations with mandatory membership for each property owner, governed by articles of incorporation and bylaws, which shall:
 - a. Be organized by the applicant and operated with a financial subsidy from the applicant before the sale of any lots within the TND-1 district;
 - b. Provide for the conditions and timing of transferring control of the association from the applicant to the property owners;

- c. Be responsible for maintenance of insurance and taxes on all common open space, enforceable by liens placed on the association by the parish, as provided in the association bylaws;
- d. At all times, cause all owners to have access to the common open space within the TND-1 district;
- e. Establish architectural standards that are in conformity with the requirements of these regulations which shall be subject to review and approval by the board of directors of the association or the architectural control committee, as described below;
- f. Create an architectural control committee to review development for compliance with the architectural standards, to issue certificates of approval, and to review and approve the development's architect, designer, and/or other professionals contributing to the development;
- g. Provide for the ownership, development, management, and maintenance of private open space (except plazas owned by individual property owners), community parking facilities, community meeting hall, and other common areas;
- h. Provide for a maintenance program for all property within the TND-1, including landscaping and trees within the streetscape;
- i. Require the collection of assessments from members in an amount sufficient to pay for its functions; and
- j. Be effective for a term of not less than 50 years.

(b) *Land use allocations.* Each lot within a TND-1 district must be allocated particular permitted land use categories. Areas which would permit the sale or consumption of alcohol must be approved for an alcohol license by the alcohol and beverage board.

(c) *Neighborhood uses.* In order to achieve the proximity necessary to make neighborhoods walkable, it is important to mix land uses. A TND-1 district should consist of a mix of residential uses, a mixed use area, and open space as provided below:

- (1) *Mixed residential uses.* A mix of residential uses of the following types can occur anywhere in the TND-1 district, provided that attached or detached single-family dwellings shall account for at least 50 percent of the residential units in the TND. For infill development, the mix of residential uses may be satisfied by existing residential uses adjacent to the TND-1 district by including some and/or all of the following:
 - a. Single-family detached dwellings, including manufactured homes;
 - b. Single-family attached dwellings, including duplexes, townhomes, row houses;
 - c. Multifamily dwellings, including senior housing;
 - d. Secondary dwelling units ("granny flats");

- e. Special needs housing, such as community living arrangements and assisted living facilities;
 - f. Residential units above commercial uses, which shall be considered multifamily units.
- (2) *Mixed use area.* Mixed use area, of commercial, residential, civic or institutional, and open space uses as identified below. All residents should be within approximately one-half mile or a 15-minute walk from existing or proposed commercial, civic, and open space areas.
- a. *Commercial.* Commercial uses may include the following:
 - 1. *Food services.* Food services, including, without limitation, neighborhood grocery stores; butcher shops; bakeries; restaurants (including the sale and consumption of alcohol, not including drive-throughs; cafes; coffee shops; neighborhood taverns, bars or pubs); delis, ice cream parlors, specialty foods, and/or outside dining patios and areas;
 - 2. *Retail.* Retail uses, including, without limitation, retail sales, florists or nurseries; gas stations, hardware stores; stationery stores; bookstores; galleries, studios and shops of artists and artisans, drugstores, apparel, antiques, furniture, music, pets, farmers market, and toys;
 - 3. *Services.* Services, including, without limitation, child care centers; music, dance or exercise studios; offices, including professional and medical offices; financial and banks; medical clinics, barber; laundromats; educational, hair salon; dry cleaning, health or fitness, dry cleaners, tailor shops, repair and service shops, and postal;
 - 4. *Accommodations.* Accommodations, bed and breakfast establishments, small hotels or inns; and
 - 5. *Clubs and organizations.* Clubs and organizations, including fraternal organizations.
 - b. *Residential.* Residential uses may include the following, for sale or rent:
 - 1. Single-family attached dwellings, including duplexes, townhomes, row houses;
 - 2. Multifamily dwellings, including senior housing;
 - 3. Residential units located on upper floors above commercial uses or to the rear of storefronts;
 - 4. Live/work units that combine a residence and the resident's workplace; and
 - 5. "Special needs" housing, such as community living arrangements and assisted living facilities.

- c. *Civic or institutional.* Civic or institutional uses may include the following:
 - 1. Municipal offices, fire stations, libraries, museums, community meeting facilities, and post offices;
 - 2. Places of worship;
 - 3. Transit shelters;
 - 4. Philanthropic institutions; and
 - 5. Educational facilities.
 - d. *Office.* Office, which may include the following:
 - 1. Art galleries and studios;
 - 2. Banks;
 - 3. Child care centers;
 - 4. Clubs;
 - 5. Offices;
 - 6. Medical clinics.
 - e. *Open space.* Open space uses may include the following:
 - 1. Central square;
 - 2. Neighborhood parks;
 - 3. Recreational facilities; and
 - 4. Playgrounds.
- (3) *Open space.* Open space uses identified below should be incorporated in the TND-1 district as appropriate. Large outdoor recreation areas should be located at the periphery of neighborhoods rather than central locations. Common open space is more particularly described in subsection (e) of this section.
- a. Environmental corridors;
 - b. Protected natural areas;
 - c. Community parks;
 - d. Streams, ponds, and other water bodies; and
 - e. Stormwater detention/retention facilities.
- (d) *Development units.* The number of residential dwelling units and the amount of nonresidential development, excluding open spaces, shall be determined as follows, provided that single-family detached dwellings shall account for at least 50 percent of the total number of residential units in the TND, and two-family units, townhomes, and multifamily units shall comprise less than 50 percent of the units:
- (1) *Mixed residential uses.* In areas devoted to mixed residential uses:
- a. The number of single-family detached units permitted shall be 2.5 to five dwelling units per net acre;

- b. The number of single-family attached units permitted shall be five to eight dwelling units per net acre;
- c. The number of multifamily units shall be five to 20 dwelling units per net acre.
- d. Secondary dwelling units shall be permissible in addition to the number of dwelling units authorized under this section. However, the total number of secondary dwelling units shall not be more than ten percent of the total number of single-family attached and detached units.
- e. For each affordable housing unit provided under this section, one additional dwelling unit shall be permitted, up to a maximum 15 percent increase in dwelling units.

(2) *Mixed use areas.* In mixed-use areas:

- a. The number of single-family and multifamily dwelling units permitted shall be calculated the same as above plus an additional number of units not to exceed ten percent of the amount permitted above.
- b. All dwelling units constructed above commercial uses shall be permissible in addition to the number of dwelling units authorized under this section. However, the total number of dwelling units shall not be increased by more than ten dwelling units or ten percent, whichever is greater.
- c. The total ground floor area of nonresidential development uses, including off-street parking areas, shall not exceed 25 percent of the TND-1 district.

(e) *Additional common open space requirements.* At least 20 percent of the gross acreage of the TND-1 district must be open space. At least 25 percent of the common open space must be dedicated to the public for parkland. Ninety percent of the lots within the areas devoted to mixed residential uses shall be within a one-half mile or a 15-minute walk from common open space.

(1) The following uses may account for common open space with the stated limitations:

- a. Parks and other open greenbelt areas which are readily accessible must account for not less than 25 percent of the common open space.
- b. Trees along thoroughfare types located within designated landscape common areas or landscape servitude and located within a street right-of-way may not exceed 25 percent of the common open space. There shall be one street tree per 40 feet of frontage. However, common open space within vehicle use areas or any noncontiguous green area of less than 1,000 square feet may not be included.
- c. Lake and ponds, including stormwater wet detention basins provided that they are designed so that a minimum of 20 percent of the abutting shoreline is made accessible for the common use of the development, but in no event less than 300 feet of frontage.

- d. Stormwater dry detention basins of not less than one acre; but may not exceed 25 percent of the common open space and must be designed to provide for acceptable maintenance and upkeep of the detention basin.
 - e. Golf courses may account for up to 50 percent of the common open space.
 - f. Wetlands with not less than 50 percent bottomland hardwood, pine savannah, and/or brackish marshland.
 - g. Hard surface recreation areas such as recreational courts and pedestrian plazas may account for up to 25 percent of the common open space.
 - h. Areas including servitudes with existing below ground utilities and/or facilities with a width of not less than 50 feet.
 - i. Electrical transmission line servitudes with a width of not less than 150 feet.
 - j. School sites, excluding the area devoted to buildings.
 - k. An existing building or buildings that have historical or cultural significance may be located in a common area space; however, the enclosed building area may not be included in the common open space requirement.
 - l. Common open space for the use by the general public, if agreed to by the appropriate governmental authority, in each case in an amount to be determined by the commissions.
- (2) Common open space shall not include:
- a. Required:
 - 1. Yards which are not accessible for the common use of the development;
 - 2. Parking areas;
 - 3. Drives;
 - 4. Utility with above ground improvements or road easements/servitudes except as specified above;
 - b. Structures (unless a part of the open space such as gazebos);
 - c. Drainage ditches or canals; and
 - d. Areas reserved for the exclusive use and benefit of an individual tenant or owner.
- (3) No more than 20 percent of the common open space shall be devoted to paved areas and structures such as courts or recreation buildings. Parking lots and on-street parking shall not be located within or along the side of a street or road bordering parks, greens and squares.
- (4) Common open space shall be permanently set aside for the sole benefit, use, and enjoyment of present and future occupants of the traditional neighborhood develop-

ment through covenant, deed restriction, open space servitude, or similar legal instrument; or, if agreed to by governmental agency, the open space may be conveyed to a governmental agency for the use of the general public.

- (5) The commissions may consider a traditional neighborhood development with a lesser amount of common open space if it is clear that the proposed traditional neighborhood development substantially provides for the intent of a traditional neighborhood development. It is noted that common open space is a very important element of a traditional neighborhood development and reductions to the common open space provision should be granted only as a result of specific, clearly documented reasons (i.e., the traditional neighborhood development may be located on a relatively small site in an area where a respective 15 percent or 20 percent provision would detract from building continuity or historic preservation efforts).
- (6) In the event land shown on a specific implementation plan (as hereinafter defined) as common open space is dedicated to the parish, the council may, but shall not be required to, accept the open space provided:
 - a. Such land is accessible to the residents of the parish;
 - b. There is no cost of acquisition other than the costs incidental to the transfer of ownership; and
 - c. The parish agrees to and has access to maintain such lands.
- (7) Common open space shall be protected against building development and environmental damage by conveying to the municipality, parish, association, or land trust an open space servitude restricting the area in perpetuity against any future building and against the removal of soil, trees and other natural features, except as the commissions determine is consistent with conservation or recreational purposes.

(f) *Stormwater management.* The design and development of the TND-1 district should minimize off-site stormwater runoff, promote on-site filtration, and minimize the discharge of pollutants to groundwater and surface water. Natural topography and existing land cover should be maintained/protected to the maximum extent practicable. New development and redevelopment shall meet the following requirements:

- (1) Untreated, direct stormwater discharges to wetlands or surface waters are not allowed.
- (2) A drainage analysis shall be submitted in conformance with chapter 115 and/or chapter 125.
- (3) Erosion and sediment controls must be implemented.
- (4) Redevelopment stormwater management systems should improve existing conditions and meet standards to the extent practicable.

- (5) All treatment systems or BMPs must have operation and maintenance plans to ensure that systems function as designed.
- (g) *Lot and block standards.*
 - (1) *Block and lot size diversity.* Thoroughfare layouts should provide for perimeter blocks that are generally in the range of 200 to 400 feet deep by 400 to 800 feet long. Block length shall not exceed 2,000 feet in perimeter. The commissions may approve block perimeters of more than 2,000 feet if required because of existing topography. A block longer than 500 feet in length shall be traversed near the midpoint by a pedestrian path. A variety of lot sizes should be provided to facilitate housing diversity and choice and meet the projected requirements of people with different housing needs.
 - (2) *Lot widths.* Lot widths should create a relatively symmetrical street or road cross section that reinforces the public space of the street or road as a simple, unified public space.
 - (3) *Building setback, front, mixed use area.* Structures in the mixed-use area have no minimum setback. Commercial and civic or institutional buildings should abut the sidewalks in the mixed-use area.
 - (4) *Building setback, front, areas of mixed residential uses.* Single-family detached residences shall have a building setback in the front as specified in the conditions, covenants and restrictions (CCR). The CCR must establish a specific or range of setback between zero and 25 feet in depth. Single-family attached residences and multifamily residences shall have a building setback in the front between zero and 15 feet.
 - (5) *Building setback, rear, areas of mixed residential uses.* The principal building on lots devoted to single-family detached residences shall be setback no less than 30 feet from the rear lot line.
 - (6) *Side setbacks.* Provision for zero lot-line single-family dwellings should be made, provided that a reciprocal access easement is recorded for both lots and townhomes or other attached dwellings, provided that all dwellings have pedestrian access to the rear yard through means other than the principal structure.
- (h) *Thoroughfare network.*
 - (1) *Modes of transportation.* The circulation system shall allow for different modes of transportation.
 - (2) *Circulation system.* The circulation system shall provide functional and visual links within the residential areas, mixed-use area, and open space of the TND-1 district and shall be connected to existing and proposed external development. The circulation system shall provide adequate traffic capacity, provide connected pedestrian and bicycle routes, especially off-street bicycle or multi-use paths or bicycle lanes on the

streets where required and ADA-approved crosswalks and sidewalks, control through traffic, provide adequate transit stops, limit lot access to streets of lower traffic volumes, and promote safe and efficient mobility through the TND-1 district.

- (3) *Street design guidelines.* The general requirements of table 1 in section 130-1469 shall apply, which may be modified by the commissions.
- (4) *Pedestrian circulation.* Convenient pedestrian circulation systems that minimize pedestrian-motor vehicle conflicts shall be provided continuously throughout the TND. Where feasible, any existing pedestrian routes through the site shall be preserved and enhanced. All streets, except for alleys, shall be bordered by sidewalks on both sides in accordance with the specifications listed in table 1. The following provisions also apply:
 - a. *Sidewalks in residential areas.* Clear and well-lighted sidewalks, three to five feet in width, depending on projected pedestrian traffic, shall connect all dwelling entrances to the adjacent public sidewalk. Sidewalks shall be provided along both sides of each street in residential areas. For pedestrian safety, sidewalks shall be separated at least seven feet from the curb.
 - b. *Sidewalks in mixed-use areas.* Clear and well-lighted walkways shall connect building entrances to the adjacent public sidewalk and to associated parking areas. Such walkways shall be a minimum of five feet in width. Sidewalks shall be provided along both sides of each thoroughfare type located within a mixed-use area. For pedestrian safety, sidewalks shall be separated at least seven feet from the curb.
 - c. *Disabled accessibility.* Sidewalks shall comply with the applicable requirements of the Americans with Disabilities Act.
 - d. *Crosswalks.* Intersections of sidewalks with thoroughfares shall be designed with clearly defined edges. Crosswalks shall be well lit and clearly marked with contrasting paving materials at the edges or with striping.
- (5) *Bicycle circulation.* Bicycle circulation shall be accommodated on streets and/or on dedicated bicycle paths. Where feasible, any existing bicycle routes through the site shall be preserved and enhanced. Facilities for bicycle travel may include off-street bicycle paths (generally shared with pedestrians and other nonmotorized users) and separate, striped, four-foot bicycle lanes on streets. If a bicycle lane is combined with a lane for parking, the combined width should be 14 feet.
- (6) *Public transit access.* Where public transit service is available or planned, convenient access to transit stops shall be provided. Where transit shelters are provided, they shall be placed in highly visible locations that promote security through surveillance, and shall be well lighted.

- (7) *Motor vehicle circulation.* Motor vehicle circulation shall be designed to minimize conflicts with pedestrians and bicycles. Traffic calming features such as "queuing streets," curb extensions, traffic circles, and medians may be used to encourage slow traffic speeds.
- (8) *Thoroughfare network of the TND.* The thoroughfare network of the TND shall be connected to existing thoroughfares, unless the commissions and council determine that topography, requirements of traffic circulation or other considerations make such connections impractical. In suburban areas, TND streets should be laid out to allow extensions to future neighborhoods. Dead-end streets are prohibited unless the commissions and council determine otherwise.
- (9) *Design of thoroughfares.*
- a. *Generally.*
1. Thoroughfares consist of moving lanes, parking lanes, curbs or swales, planters, trees, street lights and sidewalks.
 2. Thoroughfare types shall be designated in the specific implementation plan.
 3. Roads, streets, and commercial streets may be modified to become avenues, boulevards and drives.
 4. Thoroughfares passing from one use area to another shall change appropriately except those designated as a "connector" in the specific implementation plan.
 5. The exact locations of trees and lights along thoroughfares may be adjusted for specific conditions, such as building entrances.
 6. Thoroughfares that exist in or near a TND at the time of rezoning and are consistent with the intent of these regulations may become an approved standard for use in that TND. An example of such a condition is commonly found in a nearby historic neighborhood.
 7. If striped, on-street parallel parking spaces shall be striped collectively, not individually.
 8. The full width of all paths, passages, rural lanes, lanes and alleys shall be designated a utility easement. Only in the absence of these thoroughfare types are utility easements permitted elsewhere.
 9. Traffic signals shall be timed on 60-second/30-second intervals, with exceptions only for unorthodox intersections with an unusually high number of turning motions as determined by the department of engineering.
 10. All thoroughfares within a TND shall terminate at other thoroughfares, forming a network. Cul-de-sacs shall be granted only when justified by site conditions.

b. *Design of thoroughfares in commercial areas.*

1. All lots shall enfront on a thoroughfare, except that a maximum of 20 percent of lots served by a real lane or alley may enfront a path or passage.
2. Thoroughfares may intersect at nonorthogonal angles as acute as 30 degrees.

c. *Design of thoroughfares in civic areas.* Thoroughfares enfronting civic buildings or civic spaces shall follow the standards of the underlying use area.

(i) *Parking requirements.* Parking areas for shared or community use should be encouraged. On-street parking shall count toward the parking requirements. Side and rear parking shall be allowed. In addition:

- (1) In the mixed-use area, any parking lot shall be located at the rear or side of a building. If located at the side, screening shall be provided as specified in subsection (n) of this section.
- (2) A parking lot or garage may not be adjacent to or opposite a street, or other thoroughfare, intersection.
- (3) In the mixed-use area, a commercial use must provide one parking space for every 500 feet of gross building area.
- (4) Parking lots or garages must provide not less than one bicycle parking space for every ten motor vehicle parking spaces.
- (5) Adjacent on-street parking may apply toward the minimum parking requirements.
- (6) In the mixed residential areas, parking may be provided on-site. One off-street parking space with unrestricted ingress and egress shall be provided for each secondary dwelling unit.
- (7) Multifamily uses must provide one parking space for every dwelling unit and 0.5 parking space for each additional bedroom.
- (8) In residential areas, garage doors which face the front of a lot shall be placed 20 feet beyond the setback of the principal structure. However, the commissions may modify this requirement for no more than 20 percent of the dwelling units if warranted by topography or other environmental conditions.
- (9) In nonresidential areas, parking lots shall be located to the rear or side of buildings. Side parking lots shall account for no more than 25 percent of parking, and shall be screened from sidewalks by a combination of low walls or fences and landscaping.
- (10) In the case of commercial or office uses which have shop or store fronts adjacent to sidewalks and thoroughfares, parking along the thoroughfare directly in front of the lot shall count toward fulfilling the parking requirements.

- (11) The required number of spaces for commercial and office uses may be further reduced by demonstrating the use of shared parking.
 - (12) If a developer desires additional customer parking for nonresidential uses, it shall be provided on grassy, pervious surfaces (of reinforced/plastic grid, reinforced block or similar material) which are adequate to sustain parked vehicles.
 - (13) Off-street parking shall be located in mid-block parking lots located behind the buildings.
 - (14) Parking shall be accessed by alley or rear lane, when available. However, there shall be no parking in an alley or lane.
 - (15) Parking shall be prohibited within 30 feet of intersections to enable public service and emergency vehicles adequate turning radii, and in mid-block sections such that emergency vehicles can park and operate within 125 feet of all buildings on the block.
 - (16) Required parking may be provided within a five-minute (one-quarter mile) radius of the site which it serves.
 - (17) The location of permitted parking along thoroughfares should be coordinated to allow access to mail boxes.
 - (18) One bicycle rack space shall be provided for every ten vehicular parking spaces.
 - (19) Parking lots greater than two double loaded parking rows should be carefully arranged to minimize breaks between pedestrian destinations.
 - (20) Shared parking.
 - a. If an office use and a retail sales and service use share parking, the parking requirement for the retail sales and service use may be reduced by 20 percent, provided that the reduction shall not exceed the minimum parking requirement for the office use.
 - b. If a residential use shares parking with a retail and service use other than lodging uses, eating and drinking establishments or entertainment uses, the parking requirement for the residential use may be reduced by 30 percent, provided that the reduction does not exceed the minimum parking requirement for the retail and service use.
 - c. If an office and a residential use share off-street (or other thoroughfare) parking, the parking requirement for the residential use may be reduced by 50 percent, provided that the reduction shall not exceed the minimum parking requirement for the office use.
- (j) *Architectural standards.* A variety of architectural features and building materials is encouraged to give each building or group of buildings a distinct character. In order to achieve harmonious design throughout the TND-1 district, architectural design guidelines for the

residential, commercial, office and civic and institutional uses shall be submitted to the commissions and used in creating the development by the developer, as set forth in section 130-1456 and in the general implementation plan checklist.

(1) *Guidelines for existing structures.*

- a. Existing structures, if determined to be historic or architecturally significant, shall be protected from demolition or encroachment by incompatible structures or landscape development.
- b. The U.S. Secretary of the Interior's Standards for Rehabilitation of Historic Properties shall be used as the criteria for renovating historic or architecturally significant structures.

(2) *Guidelines for new structures.*

- a. *Height.* New structures within a TND-1 district shall be no more than three stories for single-family residential, or five stories for commercial, multifamily residential, or mixed use.
- b. *Entries, facades, windows, doors and roofs.*
 1. The architectural features, materials, and the articulation of a facade of a building shall be continued on all sides visible from a public thoroughfare.
 2. The front facade of the principal building on any lot in a TND-1 district shall face onto a public thoroughfare.
 3. The front facade shall not be oriented to face directly toward a parking lot.
 4. Porches, pent roofs, roof overhangs, hooded front doors or other similar architectural elements shall define the front entrance to all residences.
 5. For commercial buildings, a minimum of 50 percent of the front facade on the ground floor shall be glass (transparent), including window or door openings allowing views into and out of the interior.
 6. New structures on opposite sides of the same thoroughfare should follow similar design guidelines. This provision shall not apply to buildings bordering civic uses.
 7. Building and parking placement within the neighborhood center, or town center, should be arranged to create appropriately scaled continuous building facades with as few nonpedestrian oriented breaks as possible.
 8. Building wall materials may be combined on each facade only horizontally, with the heavier generally below the lighter.
 9. Walls along thoroughfares shall be made of brick, or block and stucco, or other material to match the facade of the principal building.
 10. Windows shall use clear glass panels.

11. All openings including porches, galleries, arcades and windows, with the exception of storefronts, shall be square or vertical in proportion.
 12. Openings above the first story shall not exceed 50 percent of the total building wall area, with each facade being calculated independently.
 13. The facades on retail frontages shall be detailed as storefronts and glazed no less than 50 percent of the sidewalk-level story.
 14. Doors and windows that operate as sliders are prohibited along frontages.
 15. Pitched roofs, if provided, shall be symmetrically sloped no less than 5:12, except that porches may be attached sheds with slopes no less than 2:12.
 16. Flat roofs shall be enclosed by parapets a minimum of 42 inches high, or as required to conceal mechanical equipment to the satisfaction of the developer, board or directors and architectural control committee.
- c. *Dwelling units.* Dwelling units may be constructed above the ground floor in commercial and office buildings.
 - d. *Commercial and office development.* Commercial and office development within the TND shall have an architectural design compatible with the design of residential buildings.
- (3) *Utilities.* All utilities shall be placed underground and/or shall run within alley easements within the TND.
- (k) *Guidelines for garages and secondary dwelling units.* Garages and secondary dwelling units may be placed on a single-family detached residential lot within the principal building or an accessory building provided that the secondary dwelling unit shall not exceed 800 square feet. Garage doors shall have a minimum setback of 20 feet.
- (l) *Guidelines for exterior signage.* Comprehensive sign guidelines are required for the entire TND-1 district which establishes a uniform sign theme. Such guidelines shall be submitted to the board of directors of the architectural control committee, if any, for approval. Signs shall share a common style, as to size, shape, and material. In the mixed-use area, all signs shall be wall signs or cantilever signs; provided, however, that no billboards shall be allowed within the TND. Cantilever signs shall be mounted perpendicular to the building face and shall not exceed eight square feet.
- (m) *Guidelines for lighting.*
- (1) *Lighting along thoroughfares.* Lighting along thoroughfares, including pedestrian scale lighting, shall be provided along all thoroughfares. Generally more, smaller lights, as opposed to fewer, high-intensity lights, should be used. Lights shall be installed on both sides of streets at intervals of no greater than 75 feet apart. The lighting design shall meet the minimum standards developed by the Illumination Engineering Society.

- (2) *Exterior lighting.* Exterior lighting shall be directed downward in order to reduce glare onto adjacent properties.
- (n) *Landscaping and screening standards.*
 - (1) *Overall composition and location.* Overall composition and location of landscaping shall complement the scale of the development and its surroundings. In general, larger, well-placed contiguous planting areas shall be preferred to smaller, disconnected areas. Where screening is required by these regulations, it shall be at least three feet in height, unless otherwise specified. Required screening shall be at least 50 percent opaque throughout the year. Required screening shall be satisfied by one or some combination of a decorative fence not less than 50 percent behind a continuous landscaped area, a masonry wall, or a hedge.
 - (2) *Yard.* A yard 1,000 square feet or less in size is not required to be landscaped.
 - (3) *Trees along thoroughfares.*
 - a. A minimum of one deciduous canopy tree per 40 feet of frontage, or fraction thereof, shall be required. Trees can be clustered and do not need to be evenly spaced, subject to further provisions as set forth herein.
 - b. Trees should preferably be located between the sidewalk and the curb, within the landscaped area of a boulevard, or in tree wells installed in pavement or concrete.
 - c. If placement of trees within the right-of-way will interfere with utility lines, trees may be planted within the front yard setback adjacent to the sidewalk.
 - d. Native shade trees which grow to a minimum height of 40 feet at maturity shall be planted along all streets at a maximum average spacing of 30 feet on center.
 - e. Trees shall have a minimum caliper of 2½ inches at the time of planting.
 - (4) *Parking area landscaping and screening.*
 - a. All parking and loading areas fronting public thoroughfares or sidewalks, and all parking and loading areas abutting residential districts or users, shall provide a landscaped area at least five feet wide along the public thoroughfare or sidewalk; screening at least three feet in height and not less than 50 percent opaque; and one tree for each 25 linear feet of parking lot frontage.
 - b. Parking area interior landscaping. The corners of parking lots, "islands," and all other areas not used for parking or vehicular circulation shall be landscaped. Vegetation may include turf grass, native grasses or other perennial flowering plants, vines, shrubs or trees. Such spaces may include architectural features such as benches, kiosks or bicycle parking.
 - c. For all parking lots with more than six spaces, the landscaped area shall be comprised of a minimum of 20 percent of the total parking lot area.

- d. In large parking lots containing more than 200 parking spaces, an additional landscaped area of at least 200 square feet shall be provided for each 25 parking spaces or fraction thereof, containing one native shade tree or canopy tree. The remainder shall be covered with turf grass, native grasses or other perennial flowering plants, vines or shrubs.

- (5) *Landscape materials.* Landscape materials that are used for screening shall be of a size that allows growth to the desired height and opacity within two years.

(o) *Environmental standards.* All uses in the traditional neighborhood development shall conform to all applicable federal, state and local laws and regulations regarding the environment such as laws and regulations concerning noise, air quality, water quality, radiation, and radioactivity.

(Code 1998, app. C, § 5.3504; Ord. No. 07-1548, § 5.3504, 5-3-2007; Ord. No. 10-2186, 1-7-2010)

Sec. 130-1451. Fees.

The council may, by resolution, establish fees for the administration of this chapter.

(Code 1998, app. C, § 5.3505; Ord. No. 07-1548, § 5.3505, 5-3-2007; Ord. No. 10-2186, 1-7-2010)

Sec. 130-1452. Other code and ordinances applicability.

- (a) This chapter and chapter 125 apply to a TND-1 district unless:

- (1) These regulations expressly provide otherwise; and
- (2) Only as long as such other codes and ordinances do not impede the accomplishment of the stated purpose of the TND-1 district as described in these regulations.

- (b) The requirements of this article supersede any inconsistent provision of any other codes and ordinances.

- (c) A TND-1 district is a separate and distinct zoning district which shall allow the permitted uses as provided in the general implementation plan, notwithstanding any other zoning classification provided in other codes and ordinances.

(Code 1998, app. C, § 5.3506; Ord. No. 07-1548, § 5.3506, 5-3-2007; Ord. No. 10-2186, 1-7-2010)

Sec. 130-1453. Unified control.

All land included in any TND-1 district shall be under the complete, unified and legal control of the applicant, whether the applicant be an individual, partnership, limited liability company, corporation and/or other person. Upon request by the parish, the applicant shall furnish the parish sufficient evidence to the satisfaction of the parish that the applicant is in the complete, legal and unified control of the entire area of the proposed traditional neighborhood development. Upon request by the parish, the applicant shall provide the parish all agreements,

contracts, guarantees and other necessary documents and information that may be required by the parish to assure the parish that the development project may be lawfully completed according to the plans sought to be approved.

(Code 1998, app. C, § 5.3507; Ord. No. 07-1548, § 5.3507, 5-3-2007; Ord. No. 10-2186, 1-7-2010)

Sec. 130-1454. Application procedure and approval process; general.

(a) Prior to the issuance of any permits for development of a traditional neighborhood development, the following three steps shall be completed according to the procedures outlined in this section:

- (1) Pre-application conference;
- (2) Approval of a general implementation plan by the commissions and the council for the entire traditional neighborhood development;
- (3) Approval of a specific implementation plan by the planning commission; and
- (4) Approval of a final plat by the planning commission.

(b) If the development includes the division of property into lots, the specific implementation plan shall be approved concurrently with a preliminary plat.

(c) Subdivisions of property within a TND-1 district after general implementation plan approval, but prior to specific implementation plan approval, shall meet the zoning requirements of the most restrictive zoning district allowed for each designated use for that portion of the general implementation plan. These subdivisions shall require planning commission approval and will not allow development or building permit approval until a specific implementation plan is approved.

(d) Where the development is to be developed in phases, the general implementation plan that is presented for review and approval shall be the general implementation plan for the entire development and shall identify the proposed phasing. Each phase of a development shall have an individual specific implementation plan.

(e) Independent consultants may be retained by the commissions and/or the council to seek assistance to properly review the general implementation plans and specific implementation plans. The reasonable cost of such review shall be reimbursed by the applicant. The applicant shall be advised of the estimated fees and costs and may withdraw their request from consideration at that time. All required fees must be paid regardless of whether the proposed plans are approved, amended, rejected or withdrawn.

(Code 1998, app. C, § 5.3508; Ord. No. 07-1548, § 5.3508, 5-3-2007; Ord. No. 10-2186, 1-7-2010)

Sec. 130-1455. Pre-application conference.

(a) The pre-application conference shall be held with the director of planning and development or the director of planning and development's designee for the purpose of exchanging information, providing guidance to the applicant and determining the eligibility of the request for consideration as a traditional neighborhood development.

(b) A request for a pre-application conference shall be made to the director of planning and development. As part of the pre-application conference, the applicant shall submit five copies of a proposed general implementation plan, at least ten days in advance of the pre-application conference, which shows the property location, boundaries, significant natural features, thoroughfare network (vehicular and pedestrian circulation), land uses for the entire site, and a statement indicating financial responsibility sufficient to complete the public improvements shown on the conceptual plan.

(c) The director of planning and development or the director of planning and development's designee shall advise the applicant of the proposed general implementation plan for the traditional neighborhood development with the intent and objectives of a traditional neighborhood development, whether it appears to qualify under the minimum requirements of sections 130-1447, 130-1448, and 139-1450, and whether the general plan appears to be substantially consistent with the parish master plan and the parish land use plan. No formal action will be taken at a pre-application conference, nor will statements made at the pre-application conference be considered legally binding commitments.

(Code 1998, app. C, § 5.3509; Ord. No. 07-1548, § 5.3509, 5-3-2007; Ord. No. 10-2186, 1-7-2010)

Sec. 130-1456. General implementation plan.

Following the pre-application conference, the applicant shall submit a completed application (general implementation plan) to the director of planning and development. When the director of planning and development determines the application to be complete, the application shall be sent to the commission for a public workshop session if deemed necessary by the director of planning and development, followed at a later date by a public hearing. The general implementation plan shall contain all information required in the general implementation plan checklist, including architectural design guidelines as described in section 139-1450(j).

- (1) *Procedures for general implementation plan approval.* All applications for traditional neighborhood developments shall be processed in the following manner:
 - a. The general implementation plan shall follow the procedures for approval of planning items before the planning commission and zoning cases before the zoning commission and the council which are not in conflict with this section.
 - b. At least 14 days prior to review and determination by the commissions, all abutting property owners shall be notified by regular mail of the traditional

neighborhood development and given an opportunity to submit written comments. Notice shall also be published in the parish's official journal at least ten days prior to the review.

- c. Following required public notice, the commissions shall hold a public hearing on the proposed traditional neighborhood development. Following the hearing, the commissions shall review traditional neighborhood development request and general implementation plan and any comments submitted by any adjoining property owners and shall make a recommendation to the council to approve, approve with conditions, or deny the general implementation plan. In its recommendation to the council, the commissions shall include the reasons for such recommendation.

(2) *Approval of a general implementation plan.*

- a. After receiving the recommendation of the commissions, the council shall review the application, including the general implementation plan, the record of the commissions' proceedings and the recommendation, and shall approve, approve with conditions, or deny the application in accordance with the standards and purposes set forth in sections 130-1447, 130-1448, and 130-1450. An approval with conditions shall not be considered final (and the rezoning is not final until such time) until the applicant submits a written acceptance of the conditions and all necessary revisions to the general implementation plan to the council.
- b. If approved by the council, the general implementation plan and all other information and material formally submitted with the application shall be adopted as an amendment to these development regulations and shall become the standards of development for the traditional neighborhood development. All future development shall conform to the standards adopted for the traditional neighborhood development regardless of changes in ownership.
- c. Upon approval of the general implementation plan, the property shall be designated "TND-1 Planned" on the official zoning map.

(Code 1998, app. C, § 5.3510; Ord. No. 07-1548, § 5.3510, 5-3-2007; Ord. No. 10-2186, 1-7-2010)

Sec. 130-1457. Specific implementation plan and final plat.

(a) *Submittal.* Within 36 months of the council's approval of the general implementation plan, and except as permitted under general implementation plan approval, the applicant shall submit a specific implementation plan to the director of planning and development prior to commencing construction on property designated TND-1 planned. The applicant may request an extension of up to 12 additional months from the council if the specific implementation plan has not been approved. If the applicant fails to submit a specific implementation plan within the time allowed, then the general implementation plan (not the TND-1 concept designation)

shall be invalid. If the traditional neighborhood development is to be developed in phases, the applicant must submit a specific implementation plan for the first phase within 36 months of the council's approval of the general implementation plan, and within consecutive 12-month periods thereafter for each subsequent phase. If the applicant fails to submit a specific implementation plan, then the general implementation plan incorporating all phases not already approved as a specific implementation plan shall be invalid. The specific implementation plan shall contain all information required in the specific implementation plan checklist.

(b) *Certification.* The following design professionals shall certify direct involvement in the preparation of the specific implementation plan. A final plat shall be certified by a:

- (1) Architect or civil engineer; and
- (2) Landscape architect.

(c) *Final plat.*

- (1) A final plat shall be submitted with the specific implementation plan, drawn in ink to a scale of one inch equals 100 feet in one or more sheets whose dimensions are 24 inches by 36 inches, and contain the information required by chapter 125.
- (2) The title of the final plat shall read "Final Plat of [Name of Traditional Neighborhood Development], [section, Township, and Range]".
- (3) Where the traditional neighborhood development is of unusual size or shape, the commission may permit a variation in the scale or size of the final plat.

(d) *Landscape plan.* A landscape plan is required for all traditional neighborhood development specific implementation plans.

(e) *Substantial compliance of specific implementation plan.* The specific implementation plan shall be in substantial compliance with the general implementation plan. It is not intended that the traditional neighborhood development so approved shall be inflexibly applied, but rather, the traditional neighborhood development shall be in conformance with the general implementation plan subject to modification due to changed economic, social, market or demographic conditions. The burden shall be upon the applicant to show the planning commission good cause for major change (as defined below) between the general implementation plan and the specific implementation plan as submitted for final approval. If the specific implementation plan, as submitted, contains substantial variations from the general implementation plan, or major changes as defined in section 130-1460, the planning commission may, after a meeting with the applicant, within five days of such meeting, advise the applicant in writing why said variations are not in the public interest, and deny the proposed variations. Nothing contained herein shall prohibit an applicant from requesting a change to an approved traditional neighborhood development as set forth in section 130-1460.

(f) *Procedure for approval.* The specific implementation plan and final plat shall follow the procedure for planning items going to the planning commission with a public hearing. Procedure for approval of a specific implementation plan and final plat for a traditional neighborhood development shall be processed in the following manner:

- (1) The department of engineering shall review and approve the construction plans for any public improvements shown on the specific implementation plan prior to any construction. Improvements may be completed or bonded for final approval in the same manner as required under chapter 125.
- (2) The planning commission shall issue a notice of public hearing by posting the affected site in a conspicuous place at least ten days prior to the hearing date. A record of information and materials presented at the public hearing shall be kept and maintained by the commission as part of the applicant's permanent record.
- (3) Following required public notice, the planning commission shall hold a public hearing on the proposed specific implementation plan and final plat. Following the hearing, the planning commission shall review the specific implementation plan and final plat request and any comments submitted by any adjoining property owners and shall approve, approve with conditions, or deny the request.
- (4) Upon such approval and subsequent amendment of the specific implementation plan, construction may proceed for public and/or approved private thoroughfares, utility installations, common open space, recreational facilities, governmental structures, and similar uses provided that a preliminary subdivision plat has also been approved for the development in accordance with this Unified Development Code.
- (5) Any other proposed modifications, including yard variances and/or setback waivers, affecting the traditional neighborhood development's legal description shall require a review and approval of the traditional neighborhood development specific implementation plan and/or the final plat by the commission's staff. The burden shall be upon the applicant to demonstrate to the planning commission justification for any variation from the approved specific implementation plan.
- (6) Upon approval of a specific implementation plan and the final plat, the property shall be redesignated from "TND-1 Planned" to "TND-1" on the official zoning map. Once land is redesignated "TND-1" on the official zoning map, the provisions of these regulations are mandatory.

(Code 1998, app. C, § 5.3511; Ord. No. 07-1548, § 5.3511, 5-3-2007; Ord. No. 10-2186, 1-7-2010)

Sec. 130-1458. Consolidated general implementation plan and specific implementation plan.

The applicant may file a general implementation plan, specific implementation plan and final plat simultaneously with the specific implementation plan conforming in all respects to the requirements of the general implementation plan.

(Code 1998, app. C, § 5.3512; Ord. No. 07-1548, § 5.3512, 5-3-2007; Ord. No. 10-2186, 1-7-2010)

Sec. 130-1459. Additional regulations for phased developments.

A traditional neighborhood development may be developed in phases or stages in accordance with the following requirements:

- (1) *Boundaries.* The boundaries of all proposed traditional neighborhood development phases shall be shown on the general implementation plan.
- (2) *Data.* All data required for the project, as a whole, shall be given for each phase shown on the general implementation plan.
- (3) *Improvements.* The phasing plan shall be consistent with the traffic circulation, drainage, common open space, and utilities plans for the entire traditional neighborhood development. Traditional neighborhood developments that are to be developed in phases or stages shall be required to provide public improvements, common open space, and other amenities attributed to such phase at the same time as or before the construction of principal buildings and structures associated with individual phases. The nature, type, and amount of public improvements, common open space, and other project amenities provided during an individual phase of the project shall be commensurate with and proportionate to the overall development of the phase.

(Code 1998, app. C, § 5.3513; Ord. No. 07-1548, § 5.3513, 5-3-2007; Ord. No. 10-2186, 1-7-2010)

Sec. 130-1460. Changes to an approved specific implementation plan.

(a) *Types of changes.* There are three types of changes: Major use change, major site change, and minor change. A major use change and a major site change are collectively referred to herein as a "major change." Any measurement used to establish a "percentage of change" shall utilize the original specific implementation plan as the baseline.

(b) *Major use change.* A major use change is one that will have significant impacts on the approved uses within the traditional neighborhood development, or on the site surrounding the traditional neighborhood development. Major use changes include, but are not limited to:

- (1) An increase in the development site area of more than five percent;
- (2) An increase in density of any permitted land use, including the number of housing units, by more than five percent;
- (3) In residential areas, a change in the mix of single-dwelling and multi-dwelling structures by more than five percent;
- (4) An increase in the amount of land in nonresidential uses by more than five percent;
- (5) Involve any land use not specified on the approved general implementation plan or the list of permitted uses;
- (6) Substantial and material reduction in the amenities proffered by the applicant; and/or

- (7) Material changes in the permitted land use authorized in the traditional neighborhood development which in the opinion of the zoning officer will have a material adverse change with the traditional neighborhood development or on the site surrounding the traditional neighborhood development.

(c) *Major site change.* A major site change ("major site change") is a major change (other than a major use change) that will have significant impact on the site and layout of the development in the traditional neighborhood development which is not a major use change, or on the site surrounding the traditional neighborhood development. Major site changes include, but are not limited to:

- (1) Changes that vary the individual lot area requirement as submitted in the general implementation plan by more than ten percent;
- (2) Changes in nonresidential floor areas by more than five percent of the total floor area within a component of the traditional neighborhood development;
- (3) Deleting or changing the purpose of flood hazard servitudes or easements;
- (4) Changes to the thoroughfare network which result in a significant adverse change in the amount or location of thoroughfares and shared driveways, common parking areas, circulation patterns, and access to the traditional neighborhood development;
- (5) Changes in the allocation of prescribed land uses such that it would result in an increase in the number of vehicle trips generated in excess of ten percent;
- (6) Changes which are material in the typical sections of thoroughfare design;
- (7) Changes in the designation of thoroughfares between private and public; and/or
- (8) Material changes in the approved overall layout of the site plan and/or matters related to onsite and/or offsite infrastructure requirements authorized in the traditional neighborhood development which in the opinion of the zoning officer will have a material adverse change with the traditional neighborhood development or on the site surrounding the traditional neighborhood development.

(d) *Minor change.* A minor change ("minor change") is a change that will not alter the basic design and character of the traditional neighborhood development, nor any specified conditions imposed as part of the original approval. Minor changes include, but are not limited to:

- (1) Changes in location of the neighborhood center area, a mixed residential area, a neighborhood edge area, a civic area, green area, common open space or other designated areas, if the director of planning and development determines that:
 - a. The basic layout of the TND-1 district remains the same; and
 - b. The TND-1 district functions as well as before the revision;

- (2) Changes in size of a neighborhood center area, a mixed residential area, a neighborhood edge area, a civic area, green area, common open space or other designated areas, if the size is increased or decreased by not more than ten percent, and the director of planning and development determines that:
 - a. The basic layout of the TND-1 district remains the same; and
 - b. The district functions as well as before the revision;
- (3) Changes in the general location of a major civic use, if the director of planning and development determines that:
 - a. The revised location is appropriate; and
 - b. The thoroughfare network, the infrastructure, and the overall land use mix are not adversely affected. The director of planning and development may not approve a revision that includes the addition of a major civic use within 500 feet of an area that is part of a final plat in a mixed residential area or neighborhood edge area;
- (4) Changes in the location of a commercial use in a mixed residential area, if the director of planning and development determines that the revised location is appropriate;
- (5) Change in the layout of a thoroughfare network, if the director of planning and development determines that:
 - a. The basic layout remains the same; and
 - b. The revised layout functions as well as the previous layout;
- (6) Change in the location or size of a private open space, if the overall amount of private open space acreage does not decrease by more than ten percent, and the director of planning and development determines that the quality and functionality of the revised private open space is the same or better. The director of planning and development may not approve a revision that includes the deletion of a private open space within 500 feet of an area that is part of a final plat in a mixed residential area or neighborhood edge area;
- (7) Change in the location or size of a public open space, if the overall amount of public open space acreage does not decrease by more than ten percent, and the director of planning and development determines that the quality and functionality of the revised public open space is the same or better. The director of planning and development may not approve a revision that includes the deletion of a public open space within 500 feet of an area that is part of a final plat in a mixed residential area or neighborhood edge area;
- (8) Change in the location or description of a major private open space improvement, if the director of planning and development determines that the revised improvement is as beneficial to the residents as the previous improvement;

- (9) Change in a construction phasing plan for major private open space improvements if the change extends a deadline by not more than 24 months;
 - (10) Change in the location or type of a drainage or water quality control, if the director of planning and development determines that:
 - a. The basic layout of the TND-1 district remains the same; and
 - b. The revised location or type of control functions as well as the previous location or type of control;
 - (11) Change in the location of a 100-year floodplain, if the director of planning and development determines that the revision more accurately describes the location of the floodplain;
 - (12) Change in the locations of major utility facilities and easements, if the director of planning and development determines that the revised locations are more appropriate or functional;
 - (13) Change in a preliminary architectural standard, if the director of planning and development determines that the revised standard is consistent with the architectural character of the TND-1 district;
 - (14) Reduction of the size of any building;
 - (15) Movement of buildings and/or signs by no more than ten feet, but in no event in required buffers and/or setbacks;
 - (16) Landscaping approved in the specific implementation plan that is replaced by similar landscaping to an equal or greater extent;
 - (17) Changes in nonresidential floor plans, of up to five percent of the total floor area, which do not alter the character of the use or increase the amount of required parking;
 - (18) Internal rearrangement of a parking lot that does not affect the number of parking spaces or alter access locations or design;
 - (19) Changes required or requested by the parish and other state or federal authorities in order to conform to other laws or regulations;
 - (20) On balance, compared to the approved traditional neighborhood development, the change will equally or better meet the purposes and approval criteria set forth in sections 130-1447, 130-1448, and 130-1450 in the opinion of the director of planning and development; and/or
 - (21) Any adverse impacts caused by the change are mitigated to the satisfaction of the director of planning and development.
- (e) *Permitted uses.* Any changes to the permitted uses within the TND-1 district must be approved by the council.

(f) *Review procedures.* Requests for changes to an approved traditional neighborhood development are processed as follows:

(1) *Major use changes.*

- a. *Application for major use changes.* The owner of record of the property shall file an application with the director of planning and development, upon a form prescribed therefore, which shall contain the reason for the classification of the change as a major use change, as described in section 130-1460(b), and the resulting impacts from the major use change on the development.
- b. *Public hearing.* Upon receipt and verification of the completion of the application by the director of planning and development, the director of planning and development shall forward the application to the commissions. The commissions shall issue a notice of public hearing by posting the affected site in a conspicuous place at least ten days prior to the hearing date. A record of information and materials presented at the public hearing shall be kept and maintained by the commissions as part of the applicant's permanent record.
- c. *Findings and recommendations.* The commissions shall make their findings on the major use change based on the information set forth in the application and the approval criteria set forth in section 130-1460(b), and submit recommendations to the council within 15 days from the hearing date. The commissions shall forward a copy of their findings and recommendations to the applicant.
- d. *Adoption of major use change.* The council shall adopt or reject the proposed major use change within 15 days from receipt of the recommendations from the commissions. The council shall submit reasons for its decision to the applicant.

(2) *Major site changes.*

- a. *Application for major site changes.* The owner of record of the property shall file an application with the director of planning and development, upon a form prescribed therefore, which shall contain the reason for the classification of the change as a major site change, as described in section 130-1460(c), and the resulting impacts from the major site change on the development.
- b. *Public hearing.* Upon receipt and verification of the completion of the application by the director of planning and development, the director of planning and development shall forward the application to the planning commission. The planning commission shall issue a notice of public hearing by posting the affected site in a conspicuous place at least ten days prior to the hearing date. A record of information and materials presented at the public hearing shall be kept and maintained by the planning commission as part of the applicant's permanent record.

- c. *Findings and recommendations.* The planning commission shall make its findings on the major site change based on the information set forth in the application and the approval criteria set forth in section 130-1460(c). The planning commission shall forward a copy of its findings and recommendations to the applicant.
- d. *Appeal.* The applicant may appeal the decision by the planning commission pursuant to section 130-1466.

(3) *Minor changes.*

- a. *Application.* The owner of record of the property shall file an application with the director of planning and development, upon a form prescribed therefore, which shall contain the reason for the classification of the change as a minor change, as described in section 130-1460(d), and the resulting immaterial impacts from the change on the development, if any.
- b. *Findings and recommendations.* Upon receipt and verification of the completion of the application by the director of planning and development, the director of planning and development shall make its findings based on the information set forth in the application and the approval criteria set forth in section 130-1460(d), and notify the applicant of its decision. If the director of planning and development determines the change to be a minor change, the director of planning and development's decision shall be final and no appeal shall be available.

- (4) *Appeal of classification as major use change or major site change.* If the director of planning and development determines the change to be a major use change or a major site change, the applicant may appeal the decision by the director of planning and development pursuant to section 130-1466.

(g) *Subdivision of land.* If the TND-1 district involves the subdivision of land as defined in chapter 125, the applicant shall submit all required land division documents in accordance with the requirements of chapter 125. If there is a conflict between the design standards of the subdivision ordinance and the design guidelines of these regulations, the provisions of these regulations shall apply. It being understood that the size and configuration of lots within a TND-1 district may otherwise be disallowed under the parish's subdivision regulations (chapter 125), but encouraged and permitted within a TND-1 district.

(Code 1998, app. C, § 5.3514; Ord. No. 07-1548, § 5.3514, 5-3-2007; Ord. No. 10-2186, 1-7-2010)

Sec. 130-1461. Maintaining a specific implementation plan.

(a) *Ownership and maintenance of public space.* Provision shall be made for the ownership and maintenance of public thoroughfares, squares, parks, open space, and other public spaces in a TND-1 district by dedication to the parish and/or associations.

(b) *Construction.* Construction may take place only within such portions of a traditional neighborhood development for which a current specific implementation plan is in effect.

(c) *Development agreement.* All "TND" zoning granted on the basis of specific implementation plan approval shall be subject to a parish/applicant agreement prior to or contemporaneous with final plat approval. Prior to final approval, the applicant shall be required to enter into a parish/applicant agreement with the parish. This agreement is designed and intended to reflect the agreement of the parish and the applicant as to the phasing of construction to ensure the timely and adequate provisions of public works facilities and public type improvements. This parish/applicant agreement is also intended to ensure balanced intensity of development to avoid overloading existing public facilities during the construction phase. This parish/applicant agreement will be individually negotiated for each project, but should address the following issues:

- (1) Any agreement on cost sharing for the installation or oversizing of major utility systems, lines or facilities.
- (2) Any agreement on cost sharing for the installation of interior or perimeter roadways or thoroughfare network.
- (3) Any agreement as to a mandatory construction or dedication schedule for common open space area or improvements, school sites, landscaping or greenbelt development or other comparable items to be dedicated or constructed for each acre of property within the traditional neighborhood development released for construction by specific implementation plan approval. This requirement is intended to allow the parish to ensure that pre-planned public type facilities, improvements or amenities are installed concurrently with other development on the basis of a negotiated formula.
- (4) Any agreement as to the establishment of a maximum residential density or commercial intensity of use during the construction process. This requirement is intended to allow the parish to establish a maximum development intensity that cannot be exceeded while each phase of the project is being completed. Under this provision, the parish may establish a maximum overall density for each phase of the project to be applicable only during the construction phase of the traditional neighborhood development. This restriction would require concurrent development of lower density or intensity of use activities with higher density or intensity of use activities.
- (5) Any agreement by the applicant or association to maintain all common open space at no cost to the parish.

(d) *Development schedule.* The development schedule shall contain the following information:

- (1) The order of construction of the proposed stages delineated in the specific implementation plan.
- (2) The proposed date for the beginning of construction of each stage.
- (3) The proposed date for the completion of construction of each stage.

- (4) The proposed schedule for the construction and improvement of common area within each stage including any accessory buildings.

(e) *Enforcement of the development schedule.*

- (1) The construction and provision of all common open spaces and public facilities and infrastructure which are shown on the specific implementation plan must proceed at no slower a rate than the construction of dwelling units or other structures of a commercial nature. The planning commission may, at any time, compare the actual development accomplished with the approved development schedule. If the planning commission finds that the rate of construction of dwelling units or other commercial structures is substantially greater than the rate at which common open spaces and public facilities and infrastructure have been constructed and provided, then either or both of the following actions may be taken:

- a. The planning commission shall cease to approve any additional specific implementation plans for subsequent phases; and/or
- b. The building official shall discontinue issuance of building permits.

- (2) In any instance where the above actions are taken, the planning commission shall gain assurance that the relationship between the construction of dwellings or other structures of a commercial nature and the provision of common open spaces and public facilities and infrastructure are brought into adequate balance prior to the continuance of construction.

(f) *Permits.* No building permit for a structure other than a temporary contractor's office or temporary storage building shall be issued for a lot or parcel within an approved traditional neighborhood development prior to a determination by the fire marshal or designee that adequate fire protection and access for construction needs exists. No occupancy permit for a structure other than a temporary contractor's office or other approved temporary building shall be issued for a structure on a lot or parcel within an approved traditional neighborhood development prior to final inspection and approval of all required improvements which will serve such lot or parcel to the satisfaction of the director of the department of public works and the building official.

(Code 1998, app. C, § 5.3515; Ord. No. 07-1548, § 5.3515, 5-3-2007; Ord. No. 10-2186, 1-7-2010)

Sec. 130-1462. Expiration and lapse of specific implementation plans.

Specific implementation plan approval shall expire three years from the date of planning commission approval of a specific implementation plan. The applicant may request an extension from the planning commission for not more than one year if the project is not complete after three years. Nothing herein shall be construed to limit the time limitations for phased developments as set forth in section 130-1457(a).

(Code 1998, app. C, § 5.3516; Ord. No. 07-1548, § 5.3516, 5-3-2007; Ord. No. 10-2186, 1-7-2010)

Sec. 130-1463. The approved final development plan.

Development restrictions and/or conditions, as required by the commissions and/or the council, shall be recorded by the applicant with the clerk of court of the parish within 15 days of the date of the final approval of the general implementation plan and/or the specific implementation plan by the commissions or council, as the case may be. Certified copies of these documents shall also be filed with the office of the commissions. The applicant shall record development restrictions and other required documents, which pertain to a subdivision within the approved specific implementation plan, with the clerk of court of the parish within 15 days of the signing of the final plat, as provided in this section.

(Code 1998, app. C, § 5.3517; Ord. No. 07-1548, § 5.3517, 5-3-2007; Ord. No. 10-2186, 1-7-2010)

Sec. 130-1464. Filing and distribution of specific implementation plan final plat.

The applicant shall have a total of ten blackline prints of the approved final plat to be disbursed as required by the commission's staff.

(Code 1998, app. C, § 5.3518; Ord. No. 07-1548, § 5.3518, 5-3-2007; Ord. No. 10-2186, 1-7-2010)

Sec. 130-1465. Violations.

Any violation of the general implementation plan and/or specific implementation plan or any other phase or plan adopted as part of the amendment to this Unified Development Code shall constitute a violation of these regulations. Any person or legal entity violating any provision of these regulations, or who shall violate or fail to comply with any order made hereunder; or who shall continue to work upon any structure after having received written notice from the director of planning and development to cease work, shall be guilty of a misdemeanor and punishable by a fine not to exceed \$500.00 per violation. Each day such violation shall be permitted to exist shall constitute a separate offense. Notice of violation shall be sufficient if directed to such owner, the agent of the owner, or the contractor and/or left at his known place of residence or place of business.

(Code 1998, app. C, § 5.3519; Ord. No. 07-1548, § 5.3519, 5-3-2007; Ord. No. 10-2186, 1-7-2010)

Sec. 130-1466. Appeal.

An applicant may appeal the findings and recommendations of the commissions or director of planning and development, as applicable, by filing an objection in writing to the council within five days of receipt of the commissions' or director of planning and development's recommendations. The council shall grant or deny the appeal, and the council's decision shall be final. If the council grants the appeal, the council shall submit a notice to the commissions or director of planning and development stating reasons for its grant of the appeal.

(Code 1998, app. C, § 5.3520; Ord. No. 07-1548, § 5.3520, 5-3-2007; Ord. No. 10-2186, 1-7-2010)

Sec. 130-1467. Rezoning of property designated "TND-1 Planned" District to prior zoning district.

The director of planning and development shall request that the council initiate the rezoning of property designated "TND-1 Planned," only as to that portion of the property which has not been developed, if:

- (1) Upon final review, an application for approval of a specific implementation plan for a portion of the property has been denied;
- (2) A specific implementation plan was not timely submitted in accordance with the provisions of section 130-1457; or
- (3) An approved specific implementation plan expires or lapses, pursuant to the provisions of section 130-1462.

(Code 1998, app. C, § 5.3521; Ord. No. 07-1548, § 5.3521, 5-3-2007; Ord. No. 10-2186, 1-7-2010)

Sec. 130-1468. Relation to zoning districts.

An approved traditional neighborhood development shall be considered to be a separate zoning district in which the development plan, as approved, establishes the restrictions and regulations according to which development shall occur, and may depart from the normal procedures, standards, and other requirements of the other sections of the zoning ordinance and subdivision regulations to the extent provided herein. Upon approval of the general implementation plan, the official zoning map will be changed to indicate the area as "TND-1 Planned," or if final approval is granted, then as "TND-1." Every approval of a traditional neighborhood development shall be considered an amendment to the zoning ordinance.

(Code 1998, app. C, § 5.3522; Ord. No. 07-1548, § 5.3522, 5-3-2007; Ord. No. 10-2186, 1-7-2010)

Sec. 130-1469. Comprehensive rezoning and subsequent designation procedure.

(a) Any property designated as traditional neighborhood development as part of the comprehensive rezoning process shall be designated as "TND-1 Concept," until said property has undergone the application procedure and approval process as outlined in section 130-1466, except that in such cases, the commission decision relative to the general implementation plan will be considered the final determination, subject to appeal to the parish council in accordance with section 130-1466.

(b) Other than through the comprehensive rezoning process set forth in subsection (a) of this section, a parcel of property may only be designated as TND-1 Concept when, within one year following the effective date of an ordinance establishing the comprehensive rezoning of a specific area under this Unified Development Code, the process of amending or changing the designation of the property to TND-1 Concept has been initiated in accordance with section 130-54 of these regulations. The review of any amendment or change shall be conducted in accordance with article II, division 2 of these regulations.

Table 1: Street Design Guidelines in a TND District
(Subject to Modification by the Commissions)

	<i>Collector or Avenue</i>	<i>Subcollector or Drive</i>	<i>Local Street or Road</i>	<i>Alley</i>
Average daily trips	750 or more	250-750	Less than 250	Not applicable
Right-of-way	76-88 feet	58-72 feet	35-50 feet	15-30 feet
Auto travel lanes	Two or three 12-foot lanes	Two 10 foot lanes	Two 10-foot lanes, or one 14 foot (queuing) lane	Two 8-foot lanes for two-way traf-fic, or one 12-foot lane for yield traffic
Bicycle lanes	Two 6-foot lanes combined with parking lanes	4-foot lanes with no parking, or 6 foot lanes com-bined with park-ing lanes	None	None
Parking	Both sides, 8 feet	None, one, or both sides, 8 feet	None or one both side, 8 feet	None (access to individual drives & garages out-side right-of-way)
Curb and gutter	Required	Required	Not required	Not required
Planting Strips	Minimum 6 feet	Minimum 6 feet	Minimum 3 feet	None
Sidewalks	Both sides, 5 feet minimum	Both sides, 3-5 feet	Both sides, 3-5 feet	None

(Code 1998, app. C, § 5.3523; Ord. No. 07-1548, § 5.3523, 5-3-2007; Ord. No. 10-2186, 1-7-2010)

Secs. 130-1470—130-1486. Reserved.

DIVISION 46. TND-2 TRADITIONAL NEIGHBORHOOD DEVELOPMENT
ZONING DISTRICT

Sec. 130-1487. Purpose.

The purpose of a TND-2 traditional neighborhood development zoning district ("TND-2 district") is to encourage mixed-use, compact development and facilitate the efficient use of services. A TND-2 district diversifies and integrates land uses within close proximity to each other, and it provides for the daily recreational and shopping needs of the residents. A TND-2 district is a sustainable, long-term community that provides economic opportunity and envi-

ronmental and social equity for the residents. This division's intent is to encourage its use by providing incentives, rather than prohibiting conventional development. Traditional neighborhood development:

- (1) Is designed for the human scale;
 - (2) Provides a mix of uses, including residential, commercial, civic, and open space uses in close proximity to one another within the neighborhood;
 - (3) Provides a variety of housing types, and sizes to accommodate households of all ages, sizes, and incomes;
 - (4) Includes residences, shops, workplaces and civic buildings interwoven within the neighborhood, all within close proximity;
 - (5) Incorporates a system of relatively narrow, interconnected streets, roads, drives, and other thoroughfare types with sidewalks and bikeways, that offer multiple routes for motorists, pedestrians, and bicyclists and provides for the connections of those thoroughfare types to existing and future developments;
 - (6) Includes compatibility of buildings and other improvements as determined by their arrangement, bulk, form, character and landscaping to establish a livable, harmonious and diverse environment;
 - (7) Incorporates environmental features into the design;
 - (8) Coordinates transportation systems with a hierarchy of appropriately designed facilities for pedestrians, bicycles, and vehicles;
 - (9) Provides well-configured squares, plazas, greens, landscaped streets, preserves, greenbelts and parks woven into the pattern of the neighborhood;
 - (10) Incorporates architecture, landscape, lighting and signage standards integrated with the zoning provisions that respond to the unique character of the region; and
 - (11) Provides an increased range of options than are allowed by conventional zoning.
- (Code 1998, app. C, § 5.3501A; Ord. No. 07-1548, § 5.3501A, 5-3-2007; Ord. No. 10-2186, 1-7-2010)

Sec. 130-1488. Overview.

(a) A TND-2 district consists of an area of not less than 50 contiguous acres. In this article, property is considered contiguous even if separated by a public roadway.

(b) A TND-2 district is divided into at least two types of areas, and each type of area has different land use and site development regulations. A TND-2 district must have one neighborhood center area (also sometimes referred to as town center or village center) and at least one mixed residential area. A TND-2 district may also have a neighborhood edge area, civic spaces and green spaces.

(c) A "neighborhood center area" serves as the focal point of a TND-2 district, containing retail, commercial, civic, and/or public services to meet the daily needs of community residents. A "neighborhood center" is pedestrian-oriented, and it is designed to encourage pedestrian movement. A square may be located in a neighborhood center area. Retail and commercial uses should generally be located adjacent to a square. The neighborhood center uses include retail shops, restaurants, offices, banks, hotels, post office, governmental offices, churches, community centers, and attached residential dwellings.

(d) A "mixed residential area" includes a variety of residential land uses, including single-family residential, duplex, townhome, and multifamily. Residential scale retail and commercial uses are permitted within a mixed residential area with strict architectural and land use controls. Retail and commercial uses in a mixed residential area are required to blend into the residential character of the neighborhood. A mixed residential area includes open spaces including small squares, pocket parks, community parks, and greenbelts. A mixed residential area promotes pedestrian activity through well designed and varied streetscapes that also provide for the safe and efficient movement of vehicular traffic. Mixed residential area uses include single-family homes, condominiums, townhomes, apartments, offices, restaurants, neighborhood scale retail, and civic uses. Mixed residential areas often utilize alleys.

(e) A "neighborhood edge area" is the least dense portion of a TND-2 district, with larger lots and greater setbacks than the rest of the neighborhood. Alleys are not required, and direct vehicular access to streets is permitted. Only single-family residential dwellings (attached or detached) are permitted. A neighborhood edge area is appropriate along the perimeter of the neighborhood. A portion of a TND-2 district that adjoins existing or platted conventional low density housing must be designated as a neighborhood edge area.

(f) Large office, low-impact manufacturing uses and industrial uses that are not appropriate for a neighborhood center area or a mixed residential area but which serve the local residents may be located in a specified district.

(g) Civic uses that are oriented to the general public are permitted in a neighborhood center area and a mixed residential area. These uses are essential components of the social and physical fabric of a TND-2 district. Civic space shall be integrated in residential and commercial areas in the TND. TND-2 districts shall incorporate civic common open spaces to be maintained by the municipality and/or private open spaces to be maintained by the community or landowners within the TND-2 district. Special attention should be paid to the location of government offices, libraries, museums, schools, churches, and other prominent public buildings to create focal points and landmarks for the community. The locations of these major public civic uses are designated on the development plan at the time of commission approval of a particular development.

(h) Open space is a significant part of a TND-2 district design. Formal and informal open spaces are required. These serve as areas for community gatherings, landmarks, and as organizing elements for the neighborhood. Open space includes squares, plazas, greens, preserves, parks, and greenbelts.

(i) A TND-2 district is designed to be pedestrian oriented. To accomplish this goal, pattern and design of the various thoroughfare Types are used to reduce vehicle travel speeds and encourage pedestrian activity. An interconnected network of streets, and other thoroughfare types, is required. Streets may be smaller than in conventional development and more varied in size and form to control traffic and give character to the neighborhood.

(j) Thoroughfares and utilities in TND-2 districts shall connect to existing thoroughfares and utilities, or dead-end as stubs intended for connection to future thoroughfares, unless otherwise prohibited by topography, environmental constraints or other considerations, as further described in section 130-1450(h).

(Code 1998, app. C, § 5.3502A; Ord. No. 07-1548, § 5.3502A, 5-3-2007; Ord. No. 10-2186, 1-7-2010)

Sec. 130-1489. TND-2 district definitions.

For the purposes of this section only, the following definitions shall be observed and applied, except when the context clearly indicates otherwise. Words used in the present tense shall include the future tense. Words used in the singular form shall include the plural form. Words used in the plural form shall include the singular.

Abutting means having a border with, or being separated from such common border by, an alley or easement.

Access means an entry to or exit from a property, lot, building, parking lot, or other area within the TND-2 district.

Accessory building means a building which is:

- (1) Subordinate to and serves a principal structure or principal use;
- (2) Is subordinate in area, extent and purpose to the principal structure or principal use;
- (3) Is located on the same lot as the principal structure or principal use; and
- (4) Is customarily incidental to the principal structure or principal use. Any portion of a principal building which is devoted to an accessory use is not an accessory building.

Accessory use means a use which:

- (1) Is subordinate to and serves a principal structure or principal use;
- (2) Is subordinate in area, extent, and purpose to the principal structure or principal use served;
- (3) Is located on the same lot as the principal structure or principal use served except as otherwise expressly authorized by provisions of these regulations; and
- (4) Is customarily incidental to the principal structure or principal use.

Acre means 43,560 square feet.

Alley means a public or private way permanently reserved as a secondary means of access to abutting property. (See standards in table 1.)

Appeal means a means for obtaining review of a decision, determination, order, or failure to act under the terms of these regulations.

Application means an application filed by a developer/applicant for a TND district zoning.

Association or associations means the association or associations of all the owners of property in the TND-2 district charged with the ownership and maintenance of common open space and associated facilities and operated pursuant to articles of incorporation and bylaws. Initially, the developer shall maintain control of the association until such time as two-thirds of lots in the TND have been sold, or as otherwise set forth in its articles or bylaws. A TND-2 district may have a residential association and a commercial association.

Block means a unit of land bounded by thoroughfares or by a combination of thoroughfare types, public land, railroad rights-of-way, waterways, or any other barrier to the continuity of development.

Boulevard means a major thoroughfare for carrying a large volume of through traffic in the area, normally controlled by traffic signs and signals with relatively few intersections and/or drives.

Buffer or buffer yard means a unit of land, together with a specified type and amount of planting and any fencing which may be required between land uses to minimize conflicts between them.

Building means a structure built, maintained, or intended for use as a shelter or enclosure of persons, animals, or property. The term "building" includes any part of the structure. Where independent units with separate entrances are divided by party walls, each unit is a building.

Building height or height means the vertical distance measured from the lowest ground elevation to the highest point of the building or structure. The building height may be prescribed as a maximum number of stories or as a dimension from sidewalk grade to the eave. The height limit shall not apply to chimneys.

Building setback means the distance from the street right-of-way line to the closest point of the foundation of a building or projection thereof.

Collector means a street designed to carry moderate volumes of traffic from local streets to boulevards or from boulevard to boulevard. Collectors are also referred to as avenues. (See standards in table 1.)

Commercial street means a very urban condition which comprises a street with raised curbs drained by inlets. Wide sidewalks along both sides are separated from the thoroughfare by

small separate tree wells. Trees along the commercial street consist of a single species aligned in a row or rows. Tree spacing may be irregular to stay clear of shop entrances. Commercial streets have the highest pedestrian use.

Commissions means the planning commission and the zoning commission, individually and collectively.

Common open space means a parcel or parcels of land and/or an area of water within a development that are held in some form of common ownership and designated, designed and intended for benefit, use or enjoyment of the occupants of the development. It may contain such complementary structures and improvements as necessary and appropriate for the benefit and enjoyment of the occupants of such development as set forth in section 130-1450(e), including those uses set forth in section 10.1.1, III., B of the Development Code.

Council means the St. Tammany Parish Council.

Density means a measure of the intensity of development. In these regulations, density for residential development is calculated in terms of units per acre.

Developer means the legal or beneficial owner of a lot or parcel of any land proposed for inclusion in a development, including the holder of an option or contract to purchase.

Development means the division of a parcel of land into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any buildings or structures; any use or change in use of any buildings or land; or any extension of any use of land or any clearing, grading, or other movement of land.

Development Code means the St. Tammany Parish Unified Development Code and Subdivision Regulations.

Drainage means the removal of surface water or groundwater from land by drains, grading, or other means. The term "drainage" includes the control of runoff to minimize erosion and sedimentation during and after development and includes the means necessary for water supply preservation or the prevention or alleviation of flooding.

Drive or driveway means for the purposes of this section only a vehicular accessway within a lot.

Dwelling means any building or portion of a building which is designated or used for residential purposes.

Dwelling, multi- or multifamily means a building that contains more than one dwelling unit.

Dwelling, single- or single-family means a building that contains only one living unit, including attached buildings in the case of townhomes when said living units are each on a separate legal lot or parcel.

Flood or flooding means a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters, or the unusual and rapid accumulation or runoff of surface waters from any source.

Floor area means the sum of the gross floor area for each of a building's or structure's stories measured from the exterior limits of the faces of the building or structure. The floor areas of the building include the basement floor area. The floor area includes the attic only if it is habitable floor area.

General implementation plan means the initial plan of development for a TND which an applicant/developer submits to the commissions containing all those items described in the general implementation plan checklist, including written and graphic documents, which represents a general plan of the proposed land uses and their overall impact on the land and surrounding land for redesignation of the land to TND-2 Planned.

General implementation plan checklist means a list containing items which must be included in a general implementation plan submitted to the commissions for TND approval.

Highway means a long-distance, speed-movement thoroughfare designed for vehicle use, traversing open countryside. A highway should be relatively free of intersections, driveways and adjacent buildings, otherwise it becomes strip development which interferes with traffic flow and human comfort. Variants include freeways, expressways and parkways.

Live/work unit means those dwelling structures or units that combine a residence and a workplace, as permitted in these regulations.

Lot means a parcel of land undivided by any street or private road and occupied or intended for occupancy by, or designated to be developed for, one building or principal use and the accessory buildings or accessory uses customarily incidental to such building, use or development, including such open spaces and yards as are designed and arranged or required by these regulations for such building use or development.

Lot area means the area contained within the boundary lines of lot.

Lot line means a line bounding a lot which divides one lot from another or from a street or any public or private space.

Lot width means the horizontal distance between side lot lines measured at the front setback. Where there is only one side lot line, lot width shall be measured between such lot line and the opposite lot line or future right-of-way line.

Major change means a change to an approved traditional neighborhood development as set forth in section 130-1460(a) through (c).

Minor change means a change to an approved traditional neighborhood development as set forth in section 130-1460(d).

Net acre means an acre of land excluding street rights-of-way and other publicly dedicated improvements such as parks, open space, and stormwater detention and retention facilities.

Owner means the person or persons having the right of legal title to, or beneficial interest in, a lot or parcel of land.

Parcel means the area within the boundary lines of a development.

Parish means the Parish of St. Tammany, State of Louisiana.

Passage means a pedestrian connector passing between buildings. Passages provide short-cuts through long blocks and connect rear parking areas with street frontages. Passages may be roofed over and lined by shopfronts. Variants include courts, a passage that is wide enough to be landscaped, being the frontage for buildings which are otherwise provided with vehicular access only by rear alleys.

Path means a pedestrian way traversing a park or the countryside. Paths should connect directly with the sidewalk network at the urban edge.

Person means an individual, firm, partnership, corporation, company, association, joint stock association or government entity; including a trustee, a receiver, and assignee, or a similar representative of any of them.

Planning commission means the body duly appointed by the St. Tammany Government and charged with the responsibility of formulating a comprehensive plan, to keep it up to date, and to prescribe and administer necessary rules and regulations for the successful implementation of the comprehensive plan, a part of which being chapter 125, in accordance with R.S. 33:101—33:120.1.

Planning staff or commissions staff means professional and nonprofessional personnel employed by the parish government to carry out and fulfill the directives and responsibilities of the commissions. Staff functions may be conducted by private or public consultants.

Principal building means a building in which the principal use of the lot on which the building is located is conducted or intended to be conducted.

Principal use means the specific primary purpose for which land is used.

Public improvement means any improvement, facility, or service, together with customary improvements and appurtenances thereto, necessary to provide for such public needs as vehicular and pedestrian circulation systems, storm sewers, flood control improvements, water supply and distribution facilities, sanitary sewage disposal and treatment, public utility, and energy services.

Queuing means the use of one travel lane on local streets with parking, usually an intermittent parking pattern, on both sides.

Rear alley means a narrow service accessway to the rear of more urban buildings providing service areas, parking access, and utility easements. Alleys, as they are used by trucks and must accommodate dumpsters, should be paved from building face to building face, with drainage by inverted crown at the center. Buildings facing the alley must have windows.

Rear lane means a vehicular accessway located to the rear of a lot providing access to parking and outbuildings as well as easements for utilities. Rear lanes are paved as lightly as possible to driveway standards or with gravel. Rear lanes should be as rural as possible in character. Buildings facing the rear lane must have windows. Posted speed should equal design speed.

Rear lot line means that lot line which is parallel to and most distant from the front lot line of the lot; in the case of an irregular or triangular lot, a line 20 feet in length, entirely within the lot, parallel to and at the maximum possible distance from the front line, shall be considered to be the rear lot line. In the case of lots which have frontage on more than one road or street, the rear lot line shall be opposite the lot line along which the lot takes access to a street.

Restrictive, more (less), means a regulation imposed by these regulations is more (less) restrictive than another if it prohibits or limits development to a greater (lesser) extent or by means of more (less) detailed specifications.

Right-of-way means a strip of ground dedicated by the developer for public use, title to which shall rest in the public for the purpose stated in the dedication.

Road means a thoroughfare with open swales drained by runoff percolation and an informal walking path or bicycle trail along one side. Trees along roads consist of multiple species composed in clusters. Roads have low pedestrian use. Design speed can exceed the posted speed.

Rural road means a thoroughfare with open swales drained by runoff percolation and no separate pedestrian path. Trees along rural roads consist of multiple species composed in clusters.

Secondary dwelling unit means an additional dwelling unit located within the principal dwelling on the lot, in a freestanding building or above a residential garage.

Servitude or easement means a strip existing or to be reserved by the developer for public utilities, drainage and other public purposes, the title to which shall remain with the property owner, subject to the right of use designated in the reservation of servitude; or a strip of ground designated or intended to be used for access to buildings and other portions of property.

Side lot line means any lot line other than a front or rear lot line.

Sign means any structure, part thereof, or device attached thereto or painted or represented thereon, or any material or thing, illuminated or otherwise, which displays or includes any numeral, letter, word, model, pennant, streamer, banner, emblem, insignia, device, trademark or other representation used as, or in the nature of, an announcement, advertisement, direction

or designation of any person, firm, group, organization, place, commodity, product, service, business, profession, enterprise or industry which is located upon any land or on any building.

Story or stories means a space in a building between the surface of any floor and the surface of the next floor above, or if there is no such floor above, then the space between such floor and the ceiling or roof above.

Street means a strip of land, including the entire right-of-way, publicly or privately owned, serving as a means of slow vehicular travel, and furnishing access to abutting properties, which may also be used to provide space for sewers, public utilities, shade trees, and sidewalks. A street may be public or private.

Structure means an object, including a mobile object, constructed or installed by man, including but without limitation, buildings, towers, cranes, and overhead transmission lines.

Subdivision means any division, subdivision or re-division of a subdivision, tract, parcel, or lot of land into two or more lots, plots, sites, parts, or other division of land by means of mapping, platting, conveyance, or change of rearrangement of boundaries for the purpose of sale, lease or development, whether immediate or future. All subdivisions are also developments.

Thoroughfare means a paved vehicular way with moving lanes and parking lanes accompanied by streetscapes at the sides, both within and outside of a public right-of-way, and including all of the thoroughfare types as set forth and described herein.

Thoroughfare types means boulevards, roads, rural roads, streets, commercial streets, collectors, driveways, highways, passages, paths, rear alleys, and rear lanes.

Townhome means two or more attached living units with common or party sidewalls between units, designated so that each unit may be sold independently as a lot with its own yards and parking spaces.

Traditional neighborhood or traditional neighborhood development means a compact, walkable, mixed-use neighborhood where residential, commercial and civic buildings are within close proximity to each other as contemplated under these regulations.

- (1) "TND-2 Concept." The designation of property for development as a traditional neighborhood development through the comprehensive rezoning process or in accordance with the time limitations and procedures set forth in section 130-1509.
- (2) "TND-2 Planned." The designation of property for development as a traditional neighborhood development following approval of the general implementation plan.
- (3) "TND-2." The redesignation of property for "TND planned" on the official map, upon approval of a specific implementation plan and the final plat.

Transit stop means a location where passengers board and alight. Transit stops can serve one or more routes and include various levels of amenities depending on the level of actual or anticipated riders. Amenities can include transit stop sign pole, benches, trash receptacles, shelters and lighting. Transit stops can be placed within the public right-of-way or on private property depending on service needs and passenger comfort.

Tree means any self-supporting perennial woody plant that is at least four inches in diameter.

Urban street means a typical urban condition which comprises a street with raised curbs drained by inlets. A narrower, continuous planter separates wide sidewalks along both sides from the thoroughfare. Trees along urban streets consist of a single species aligned in a row or rows.

Use means the purpose or activity for which land or any building thereon is designed, arranged, or intended, or for which it is occupied or maintained.

Variance means permission to depart from the literal requirements of these regulations granted by the council.

Zoning commission means that body of appointed officials granted the authority to administer land use regulations in accordance with title 33, sections 101 through 119, Louisiana Revised Statutes Annotated (R.S. 33:101—33:119), as amended, and under title 33, sections 4776.40 through 4776.50, Louisiana Revised Statutes Annotated, as amended (R.S. 33:4776.40—33:4776.50), the St. Tammany Parish Home Rule Charter Commission, adopted under the authority of article VI, section 5, of the Constitution of Louisiana and R.S. 33:1395, as amended and article I of these regulations.

(Code 1998, app. C, § 5.3503A; Ord. No. 07-1548, § 5.3503A, 5-3-2007; Ord. No. 10-2186, 1-7-2010)

Sec. 130-1490. TND-2 district design requirements.

(a) *Association.*

- (1) Conditions, covenants, and restrictions for all the property within a TND district must be filed in the parish records by the owner before a lot is sold and/or a building permit is issued.
- (2) In addition to other terms and conditions acceptable to the applicant, the conditions, covenants, and restrictions must create one or more property owners' associations with mandatory membership for each property owner, governed by articles of incorporation and bylaws, which shall:
 - a. Be organized by the applicant and operated with a financial subsidy from the applicant before the sale of any lots within the TND district;
 - b. Provide for the conditions and timing of transferring control of the association from the applicant to the property owners;

- c. Be responsible for maintenance of insurance and taxes on all common open space, enforceable by liens placed on the association by the parish, as provided in the association bylaws;
- d. At all times, cause all owners to have access to the common open space within the TND district;
- e. Establish architectural standards that are in conformity with the requirements of these regulations which shall be subject to review and approval by the board of directors of the association or the architectural control committee, as described below;
- f. Create an architectural control committee to review development for compliance with the architectural standards, to issue certificates of approval, and to review and approve the development's architect, designer, and/or other professionals contributing to the development;
- g. Provide for the ownership, development, management, and maintenance of private open space (except plazas owned by individual property owners), community parking facilities, community meeting hall, and other common areas;
- h. Provide for a maintenance program for all property within the TND, including landscaping and trees within the streetscape;
- i. Require the collection of assessments from members in an amount sufficient to pay for its functions; and
- j. Be effective for a term of not less than 50 years.

(b) *Land use allocations.* Each lot within a TND district must be allocated particular permitted land use categories. Areas which would permit the sale or consumption of alcohol must be approved for an alcohol license by the alcohol and beverage board.

(c) *Neighborhood uses.* In order to achieve the proximity necessary to make neighborhoods walkable, it is important to mix land uses. A TND district should consist of a mix of residential uses, a mixed use area, and open space as provided below:

- (1) A mix of residential uses of the following types can occur anywhere in the TND district, provided that attached or detached single-family dwellings shall account for at least 50 percent of the residential units in the TND. For infill development, the mix of residential uses may be satisfied by existing residential uses adjacent to the TND district by including some and/or all of the following:
 - a. Single-family detached dwellings, including manufactured homes;
 - b. Single-family attached dwellings, including duplexes, townhomes, row houses;
 - c. Multifamily dwellings, including senior housing;
 - d. Secondary dwelling units ("granny flats");

- e. "Special needs" housing, such as community living arrangements and assisted living facilities;
 - f. Residential units above commercial uses, which shall be considered multifamily units.
- (2) Mixed use area, of commercial, residential, civic or institutional, and open space uses as identified below. All residents should be within approximately one-half mile or a 15-minute walk from existing or proposed commercial, civic, and open space areas.
- a. Commercial uses may include the following:
 - 1. Food services (including without limitation, neighborhood grocery stores; butcher shops; bakeries; restaurants (including the sale and consumption of alcohol), not including drive-throughs; cafes; coffee shops; neighborhood taverns, bars or pubs); delis, ice cream parlors, specialty foods, and/or outside dining patios and areas;
 - 2. Retail uses (including without limitation, retail sales, florists or nurseries; gas stations, hardware stores; stationery stores; bookstores; galleries, studios and shops of artists and artisans, drugstores, apparel, antiques, furniture, music, pets, farmers market, and toys);
 - 3. Services (including without limitation, child care centers; music, dance or exercise studios; offices, including professional and medical offices; financial and banks; medical clinics, barber; laundromats; educational, hair salon; dry cleaning, health or fitness, dry cleaners, tailor shops, repair and service shops, and postal);
 - 4. Accommodations (bed and breakfast establishments, small hotels or inns); and
 - 5. Clubs and organizations, including fraternal organizations.
 - b. Residential uses may include the following, for sale or rent:
 - 1. Single-family attached dwellings, including duplexes, townhomes, row houses;
 - 2. Multifamily dwellings, including senior housing;
 - 3. Residential units located on upper floors above commercial uses or to the rear of storefronts;
 - 4. Live/work units that combine a residence and the resident's workplace; and
 - 5. "Special needs" housing, such as community living arrangements and assisted living facilities.
 - c. Civic or institutional uses may include the following:
 - 1. Municipal offices, fire stations, libraries, museums, community meeting facilities, and post offices;

2. Places of worship;
3. Transit shelters;
4. Philanthropic institutions; and
5. Educational facilities.
- d. Office which may include the following:
 1. Art galleries and studios;
 2. Banks;
 3. Child care centers;
 4. Clubs;
 5. Offices;
 6. Medical clinics.
- e. Open space uses may include the following:
 1. Central square;
 2. Neighborhood parks;
 3. Recreational facilities;
 4. Playgrounds; and
 5. Open space uses identified below should be incorporated in the TND district as appropriate. Large outdoor recreation areas should be located at the periphery of neighborhoods rather than central locations. Common open space is more particularly described in subsection (e) of this section.
 - (i) Environmental corridors;
 - (ii) Protected natural areas;
 - (iii) Community parks;
 - (iv) Streams, ponds, and other water bodies; and
 - (v) Stormwater detention/retention facilities.

(d) *Development units.* The number of residential dwelling units and the amount of nonresidential development, excluding open spaces, shall be determined as follows, provided that single-family detached dwellings shall account for at least 50 percent of the total number of residential units in the TND, and two-family units, townhomes, and multifamily units shall comprise less than 50 percent of the units:

- (1) In areas devoted to mixed residential uses:
 - a. The number of single-family attached and detached units permitted shall be 5—8+ dwelling units per net acre.
 - b. The number of multifamily units shall be 8—40 dwelling units per net acre.

- c. Secondary dwelling units shall be permissible in addition to the number of dwelling units authorized under this section. However, the total number of secondary dwelling units shall not be more than ten percent of the total number of single-family attached and detached units.
 - d. For each affordable housing unit provided under this section, one additional dwelling unit shall be permitted, up to a maximum 15 percent increase in dwelling units.
- (2) In mixed-use areas:
- a. The number of single-family and multifamily dwelling units permitted shall be calculated the same as above plus an additional number of units not to exceed ten percent of the amount permitted above.
 - b. All dwelling units constructed above commercial uses shall be permissible in addition to the number of dwelling units authorized under this section. However, the total number of dwelling units shall not be increased by more than ten dwelling units or ten percent, whichever is greater.
 - c. The total ground floor area of nonresidential development uses, including off-street parking areas, shall not exceed 25 percent of the TND district.
- (e) *Additional common open space requirements.* At least 20 percent of the gross acreage of the TND district must be open space. At least 25 percent of the common open space must be dedicated to the public for parkland. Ninety percent of the lots within the areas devoted to mixed residential uses shall be within a one-half mile or a 15-minute walk from common open space.
- (1) The following uses may account for common open space with the stated limitations:
- a. Parks and other open greenbelt areas which are readily accessible must account for not less than 25 percent of the common open space.
 - b. Trees along thoroughfare types located within designated landscape common areas or landscape servitude and located within a street right-of-way may not exceed 25 percent of the common open space. There shall be one street tree per 40 feet of frontage. However, common open space within vehicle use areas or any noncontiguous green area of less than 1,000 square feet may not be included.
 - c. Lake and ponds, including stormwater wet detention basins provided that they are designed so that a minimum of 20 percent of the abutting shoreline is made accessible for the common use of the development, but in no event less than 300 feet of frontage.
 - d. Stormwater dry detention basins of not less than one acre; but may not exceed 25 percent of the common open space and must be designed to provide for acceptable maintenance and upkeep of the detention basin.

- e. Golf courses may account for up to 50 percent of the common open space.
 - f. Wetlands with not less than 50 percent bottomland hardwood, pine savannah, and/or brackish marshland.
 - g. Hard surface recreation areas such as recreational courts and pedestrian plazas may account for up to 25 percent of the common open space.
 - h. Areas including servitudes with existing below ground utilities and/or facilities with a width of not less than 50 feet.
 - i. Electrical transmission line servitudes with a width of not less than 150 feet.
 - j. School sites, excluding the area devoted to buildings.
 - k. An existing building or buildings that have historical or cultural significance may be located in a common area space; however, the enclosed building area may not be included in the common open space requirement.
 - l. Common open space for the use by the general public, if agreed to by the appropriate governmental authority, in each case in an amount to be determined by the commissions.
- (2) Common open space shall not include:
- a. Required:
 - 1. Yards which are not accessible for the common use of the development;
 - 2. Parking areas;
 - 3. Drives;
 - 4. Utility with above ground improvements or road easements/servitudes except as specified above;
 - b. Structures (unless a part of the open space such as gazebos);
 - c. Drainage ditches or canals; and
 - d. Areas reserved for the exclusive use and benefit of an individual tenant or owner.
- (3) No more than 20 percent of the common open space shall be devoted to paved areas and structures such as courts or recreation buildings. Parking lots and on-street parking shall not be located within or along the side of a street or road bordering parks, greens and squares.
- (4) Common open space shall be permanently set aside for the sole benefit, use, and enjoyment of present and future occupants of the traditional neighborhood development through covenant, deed restriction, open space servitude, or similar legal instrument; or, if agreed to by governmental agency, the open space may be conveyed to a governmental agency for the use of the general public.

- (5) The commissions may consider a traditional neighborhood development with a lesser amount of common open space if it is clear that the proposed traditional neighborhood development substantially provides for the intent of a traditional neighborhood development. It is noted that common open space is a very important element of a traditional neighborhood development and reductions to the common open space provision should be granted only as a result of specific, clearly documented reasons (i.e., the traditional neighborhood development may be located on a relatively small site in an area where a respective 15 percent or 20 percent provision would detract from building continuity or historic preservation efforts).
 - (6) In the event land shown on a specific implementation plan (as hereinafter defined) as common open space is dedicated to the parish, the council may, but shall not be required to, accept the open space provided:
 - a. Such land is accessible to the residents of the parish;
 - b. There is no cost of acquisition other than the costs incidental to the transfer of ownership; and
 - c. The parish agrees to and has access to maintain such lands.
 - (7) Common open space shall be protected against building development and environmental damage by conveying to the municipality, parish, association, or land trust an open space servitude restricting the area in perpetuity against any future building and against the removal of soil, trees and other natural features, except as the commissions determine is consistent with conservation or recreational purposes.
- (f) *Stormwater management.* The design and development of the TND district should minimize off-site stormwater runoff, promote on-site filtration, and minimize the discharge of pollutants to groundwater and surface water. Natural topography and existing land cover should be maintained/protected to the maximum extent practicable. New development and redevelopment shall meet the following requirements:
- (1) Untreated, direct stormwater discharges to wetlands or surface waters are not allowed.
 - (2) A drainage analysis shall be submitted in conformance with chapter 115 and chapter 125.
 - (3) Erosion and sediment controls must be implemented.
 - (4) Redevelopment stormwater management systems should improve existing conditions and meet standards to the extent practicable.
 - (5) All treatment systems or BMPs must have operation and maintenance plans to ensure that systems function as designed.

(g) *Lot and block standards.*

- (1) *Block and lot size diversity.* Thoroughfare layouts should provide for perimeter blocks that are generally in the range of 200-400 feet deep by 400-800 feet long. Block length shall not exceed 2,000 feet in perimeter. The commissions may approve block perimeters of more than 2,000 feet if required because of existing topography. A block longer than 500 feet in length shall be traversed near the midpoint by a pedestrian path. A variety of lot sizes should be provided to facilitate housing diversity and choice and meet the projected requirements of people with different housing needs.
- (2) *Lot widths.* Lot widths should create a relatively symmetrical street or road cross section that reinforces the public space of the street or road as a simple, unified public space.
- (3) *Building setback, front, mixed use area.* Structures in the mixed-use area have no minimum setback. Commercial and civic or institutional buildings should abut the sidewalks in the mixed-use area.
- (4) *Building setback, front.* Areas of mixed residential uses. Single-family detached residences shall have a building setback in the front as specified in the conditions, covenants and restrictions (CCR). The CCR must establish a specific or range of setback between zero and 25 feet in depth. Single-family attached residences and multifamily residences shall have a building setback in the front between zero and 15 feet.
- (5) *Building setback, rear, areas of mixed residential uses.* The principal building on lots devoted to single-family detached residences shall be setback no less than 30 feet from the rear lot line.
- (6) *Side setbacks.* Provision for zero lot-line single-family dwellings should be made, provided that a reciprocal access easement is recorded for both lots and townhomes or other attached dwellings, provided that all dwellings have pedestrian access to the rear yard through means other than the principal structure.

(h) *Thoroughfare network.*

- (1) *Modes of transportation.* The circulation system shall allow for different modes of transportation.
- (2) *Circulation system.* The circulation system shall provide functional and visual links within the residential areas, mixed-use area, and open space of the TND district and shall be connected to existing and proposed external development. The circulation system shall provide adequate traffic capacity, provide connected pedestrian and bicycle routes, especially off-street bicycle or multi-use paths or bicycle lanes on the

streets where required and ADA-approved crosswalks and sidewalks, control through traffic, provide adequate transit stops, limit lot access to streets of lower traffic volumes, and promote safe and efficient mobility through the TND district.

- (3) *Street design guidelines.* The general requirements of table 1 in section 130-1509 shall apply, which may be modified by the commissions.
- (4) *Pedestrian circulation.* Convenient pedestrian circulation systems that minimize pedestrian-motor vehicle conflicts shall be provided continuously throughout the TND. Where feasible, any existing pedestrian routes through the site shall be preserved and enhanced. All streets, except for alleys, shall be bordered by sidewalks on both sides in accordance with the specifications listed in table 1. The following provisions also apply:
 - a. *Sidewalks in residential areas.* Clear and well-lighted sidewalks, three to five feet in width, depending on projected pedestrian traffic, shall connect all dwelling entrances to the adjacent public sidewalk. Sidewalks shall be provided along both sides of each street in residential areas. For pedestrian safety, sidewalks shall be separated at least seven feet from the curb.
 - b. *Sidewalks in mixed-use areas.* Clear and well-lighted walkways shall connect building entrances to the adjacent public sidewalk and to associated parking areas. Such walkways shall be a minimum of five feet in width. Sidewalks shall be provided along both sides of each thoroughfare type located within a mixed-use area. For pedestrian safety, sidewalks shall be separated at least seven feet from the curb.
 - c. *Disabled accessibility.* Sidewalks shall comply with the applicable requirements of the Americans with Disabilities Act.
 - d. *Crosswalks.* Intersections of sidewalks with thoroughfares shall be designed with clearly defined edges. Crosswalks shall be well lit and clearly marked with contrasting paving materials at the edges or with striping.
- (5) *Bicycle circulation.* Bicycle circulation shall be accommodated on streets and/or on dedicated bicycle paths. Where feasible, any existing bicycle routes through the site shall be preserved and enhanced. Facilities for bicycle travel may include off-street bicycle paths (generally shared with pedestrians and other nonmotorized users) and separate, striped, four-foot bicycle lanes on streets. If a bicycle lane is combined with a lane for parking, the combined width should be 14 feet.
- (6) *Public transit access.* Where public transit service is available or planned, convenient access to transit stops shall be provided. Where transit shelters are provided, they shall be placed in highly visible locations that promote security through surveillance, and shall be well lighted.

- (7) *Motor vehicle circulation.* Motor vehicle circulation shall be designed to minimize conflicts with pedestrians and bicycles. Traffic calming features such as "queuing streets," curb extensions, traffic circles, and medians may be used to encourage slow traffic speeds.
- (8) *Connection.* The thoroughfare network of the TND shall be connected to existing thoroughfares, unless the commissions and council determine that topography, requirements of traffic circulation or other considerations make such connections impractical. In suburban areas, TND streets should be laid out to allow extensions to future neighborhoods. Dead-end streets are prohibited unless the commissions and council determine otherwise.
- (9) *Design of thoroughfares.*
- a. *Generally.*
1. Thoroughfares consist of moving lanes, parking lanes, curbs or swales, planters, trees, street lights and sidewalks.
 2. Thoroughfare types shall be designated in the specific implementation plan.
 3. Roads, streets, and commercial streets may be modified to become avenues, boulevards and drives.
 4. Thoroughfares passing from one use area to another shall change appropriately except those designated as a "connector" in the specific implementation plan.
 5. The exact locations of trees and lights along thoroughfares may be adjusted for specific conditions, such as building entrances.
 6. Thoroughfares that exist in or near a TND at the time of rezoning and are consistent with the intent of these regulations may become an approved standard for use in that TND. An example of such a condition is commonly found in a nearby historic neighborhood.
 7. If striped, on-street parallel parking spaces shall be striped collectively, not individually.
 8. The full width of all paths, passages, rural lanes, lanes and alleys shall be designated a utility easement. Only in the absence of these thoroughfare types are utility easements permitted elsewhere.
 9. Traffic signals shall be timed on 60-second/30-second intervals, with exceptions only for unorthodox intersections with an unusually high number of turning motions as determined by the department of engineering.
 10. All thoroughfares within a TND shall terminate at other thoroughfares, forming a network. Cul-de-sacs shall be granted only when justified by site conditions.

- b. *Design of thoroughfares in commercial areas.*
 - 1. All lots shall enfront on a thoroughfare, except that a maximum of 20 percent of lots served by a real lane or alley may enfront a path or passage.
 - 2. Thoroughfares may intersect at nonorthogonal angles as acute as 30 degrees.
- c. *Design of thoroughfares in civic areas.* Thoroughfares enfronting civic buildings or civic spaces shall follow the standards of the underlying use area.
- d. *Parking requirements.* Parking areas for shared or community use should be encouraged. On-street parking shall count toward the parking requirements. Side and rear parking shall be allowed. In addition:
 - 1. In the mixed-use area, any parking lot shall be located at the rear or side of a building. If located at the side, screening shall be provided as specified in section 130-1450(n).
 - 2. A parking lot or garage may not be adjacent to or opposite a street, or other thoroughfare, intersection.
 - 3. In the mixed-use area, a commercial use must provide one parking space for every 500 feet of gross building area.
 - 4. Parking lots or garages must provide not less than one bicycle parking space for every ten motor vehicle parking spaces.
 - 5. Adjacent on-street parking may apply toward the minimum parking requirements.
 - 6. In the mixed residential areas, parking may be provided on site. One off-street parking space with unrestricted ingress and egress shall be provided for each secondary dwelling unit.
 - 7. Multifamily uses must provide one parking space for every dwelling unit and 0.5 parking space for each additional bedroom.
 - 8. In residential areas, garage doors which face the front of a lot shall be placed 20 feet beyond the setback of the principal structure. However, the commissions may modify this requirement for no more than 20 percent of the dwelling units if warranted by topography or other environmental conditions.
 - 9. In nonresidential areas, parking lots shall be located to the rear or side of buildings. Side parking lots shall account for no more than 25 percent of parking, and shall be screened from sidewalks by a combination of low walls or fences and landscaping.
 - 10. In the case of commercial or office uses which have shop or store fronts adjacent to sidewalks and thoroughfares, parking along the thoroughfare directly in front of the lot shall count toward fulfilling the parking requirements.

11. The required number of spaces for commercial and office uses may be further reduced by demonstrating the use of shared parking.
12. If a developer desires additional customer parking for nonresidential uses, it shall be provided on grassy, pervious surfaces (of reinforced/plastic grid, reinforced block or similar material) which are adequate to sustain parked vehicles.
13. Off-street parking shall be located in mid-block parking lots located behind the buildings.
14. Parking shall be accessed by alley or rear lane, when available. However, there shall be no parking in an alley or lane.
15. Parking shall be prohibited within 30 feet of intersections to enable public service and emergency vehicles adequate turning radii, and in mid-block sections such that emergency vehicles can park and operate within 125 feet of all buildings on the block.
16. Required parking may be provided within a five-minute (one-quarter mile) radius of the site which it serves.
17. The location of permitted parking along thoroughfares should be coordinated to allow access to mail boxes.
18. One bicycle rack space shall be provided for every ten vehicular parking spaces.
19. Parking lots greater than two double loaded parking rows should be carefully arranged to minimize breaks between pedestrian destinations.
20. Shared parking.
 - (i) If an office use and a retail sales and service use share parking, the parking requirement for the retail sales and service use may be reduced by 20 percent, provided that the reduction shall not exceed the minimum parking requirement for the office use.
 - (ii) If a residential use shares parking with a retail and service use other than lodging uses, eating and drinking establishments or entertainment uses, the parking requirement for the residential use may be reduced by 30 percent, provided that the reduction does not exceed the minimum parking requirement for the retail and service use.
 - (iii) If an office and a residential use share off-street (or other thoroughfare) parking, the parking requirement for the residential use may be reduced by 50 percent, provided that the reduction shall not exceed the minimum parking requirement for the office use.

(i) *Architectural standards.* A variety of architectural features and building materials is encouraged to give each building or group of buildings a distinct character. In order to achieve harmonious design throughout the TND district, architectural design guidelines for the residential, commercial, office and civic and institutional uses shall be submitted to the commissions and used in creating the development by the developer, as set forth in section 130-1456 and in the general implementation plan checklist.

(1) *Guidelines for existing structures.*

- a. Existing structures, if determined to be historic or architecturally significant, shall be protected from demolition or encroachment by incompatible structures or landscape development.
- b. The U.S. Secretary of the Interior's Standards for Rehabilitation of Historic Properties shall be used as the criteria for renovating historic or architecturally significant structures.

(2) *Guidelines for new structures.*

- a. *Height.* New structures within a TND district shall be no more than three stories for single-family residential, or five stories for commercial, multifamily residential, or mixed use.
- b. *Entries, facades, windows, doors and roofs.*
 1. The architectural features, materials, and the articulation of a facade of a building shall be continued on all sides visible from a public thoroughfare.
 2. The front facade of the principal building on any lot in a TND district shall face onto a public thoroughfare.
 3. The front facade shall not be oriented to face directly toward a parking lot.
 4. Porches, pent roofs, roof overhangs, hooded front doors or other similar architectural elements shall define the front entrance to all residences.
 5. For commercial buildings, a minimum of 50 percent of the front facade on the ground floor shall be glass (transparent), including window or door openings allowing views into and out of the interior.
 6. New structures on opposite sides of the same thoroughfare should follow similar design guidelines. This provision shall not apply to buildings bordering civic uses.
 7. Building and parking placement within the neighborhood center, or town center, should be arranged to create appropriately scaled continuous building facades with as few nonpedestrian oriented breaks as possible.
 8. Building wall materials may be combined on each facade only horizontally, with the heavier generally below the lighter.

9. Walls along thoroughfares shall be made of brick, or block and stucco, or other material to match the facade of the principal building.
 10. Windows shall use clear glass panels.
 11. All openings including porches, galleries, arcades and windows, with the exception of storefronts, shall be square or vertical in proportion.
 12. Openings above the first story shall not exceed 50 percent of the total building wall area, with each facade being calculated independently.
 13. The facades on retail frontages shall be detailed as storefronts and glazed no less than 50 percent of the sidewalk-level story.
 14. Doors and windows that operate as sliders are prohibited along frontages.
 15. Pitched roofs, if provided, shall be symmetrically sloped no less than 5:12, except that porches may be attached sheds with slopes no less than 2:12.
 16. Flat roofs shall be enclosed by parapets a minimum of 42 inches high, or as required to conceal mechanical equipment to the satisfaction of the developer, board or directors and architectural control committee.
- c. *Dwelling units.* Dwelling units may be constructed above the ground floor in commercial and office buildings.
 - d. *Commercial and office development.* Commercial and office development within the TND shall have an architectural design compatible with the design of residential buildings.
- (3) *Utilities.* All utilities shall be placed underground and/or shall run within alley easements within the TND.
- (j) *Guidelines for garages and secondary dwelling units.* Garages and secondary dwelling units may be placed on a single-family detached residential lot within the principal building or an accessory building provided that the secondary dwelling unit shall not exceed 800 square feet. Garage doors shall have a minimum setback of 20 feet.
- (k) *Guidelines for exterior signage.* Comprehensive sign guidelines are required for the entire TND district which establishes a uniform sign theme. Such guidelines shall be submitted to the board of directors of the architectural control committee, if any, for approval. Signs shall share a common style, as to size, shape, and material. In the mixed-use area, all signs shall be wall signs or cantilever signs; provided, however, that no billboards shall be allowed within the TND. Cantilever signs shall be mounted perpendicular to the building face and shall not exceed eight square feet.
- (l) *Guidelines for lighting.*
- (1) *Lighting along thoroughfares.* Lighting along thoroughfares, including pedestrian scale lighting, shall be provided along all thoroughfares. Generally more, smaller lights, as

opposed to fewer, high-intensity lights, should be used. Lights shall be installed on both sides of streets at intervals of no greater than 75 feet apart. The lighting design shall meet the minimum standards developed by the Illumination Engineering Society.

- (2) *Exterior lighting.* Exterior lighting shall be directed downward in order to reduce glare onto adjacent properties.
- (m) *Landscaping and screening standards.*
 - (1) *Overall composition and location.* Overall composition and location of landscaping shall complement the scale of the development and its surroundings. In general, larger, well-placed contiguous planting areas shall be preferred to smaller, disconnected areas. Where screening is required by these regulations, it shall be at least three feet in height, unless otherwise specified. Required screening shall be at least 50 percent opaque throughout the year. Required screening shall be satisfied by one or some combination of a decorative fence not less than 50 percent behind a continuous landscaped area, a masonry wall, or a hedge.
 - (2) *Yard.* A yard 1,000 square feet or less in size is not required to be landscaped.
 - (3) *Trees along thoroughfares.*
 - a. A minimum of one deciduous canopy tree per 40 feet of frontage, or fraction thereof, shall be required. Trees can be clustered and do not need to be evenly spaced, subject to further provisions as set forth herein.
 - b. Trees should preferably be located between the sidewalk and the curb, within the landscaped area of a boulevard, or in tree wells installed in pavement or concrete.
 - c. If placement of trees within the right-of-way will interfere with utility lines, trees may be planted within the front yard setback adjacent to the sidewalk.
 - d. Native shade trees which grow to a minimum height of 40 feet at maturity shall be planted along all streets at a maximum average spacing of 30 feet on center.
 - e. Trees shall have a minimum caliper of 2½ inches at the time of planting.
 - (4) *Parking area landscaping and screening.*
 - a. All parking and loading areas fronting public thoroughfares or sidewalks, and all parking and loading areas abutting residential districts or users, shall provide a landscaped area at least five feet wide along the public thoroughfare or sidewalk; screening at least three in height and not less than 50 percent opaque; and one tree for each 25 linear feet of parking lot frontage.
 - b. Parking area interior landscaping. The corners of parking lots, "islands," and all other areas not used for parking or vehicular circulation shall be landscaped.

Vegetation may include turf grass, native grasses or other perennial flowering plants, vines, shrubs or trees. Such spaces may include architectural features such as benches, kiosks or bicycle parking.

- c. For all parking lots with more than six spaces, the landscaped area shall be comprised of a minimum of 20 percent of the total parking lot area.
- d. In large parking lots containing more than 200 parking spaces, an additional landscaped area of at least 200 square feet shall be provided for each 25 parking spaces or fraction thereof, containing one native shade tree or canopy tree. The remainder shall be covered with turf grass, native grasses or other perennial flowering plants, vines or shrubs.

(5) *Landscape materials.* Landscape materials that are used for screening shall be of a size that allows growth to the desired height and opacity within two years.

(n) *Environmental standards.* All uses in the traditional neighborhood development shall conform to all applicable federal, state and local laws and regulations regarding the environment such as laws and regulations concerning noise, air quality, water quality, radiation, and radioactivity.

(Code 1998, app. C, § 5.3504A; Ord. No. 07-1548, § 5.3504A, 5-3-2007; Ord. No. 10-2186, 1-7-2010)

Sec. 130-1491. Fees.

The council may, by resolution, establish fees for the administration of these regulations. (Code 1998, app. C, § 5.3505A; Ord. No. 07-1548, § 5.3505A, 5-3-2007; Ord. No. 10-2186, 1-7-2010)

Sec. 130-1492. Other code and ordinances applicability.

(a) This chapter and chapter 125 apply to a TND district unless:

- (1) These regulations expressly provide otherwise; and
- (2) Only as long as such other codes and ordinances do not impede the accomplishment of the stated purpose of the TND district as described in these regulations.

(b) The requirements of this article supersede any inconsistent provision of any other codes and ordinances.

(c) A TND district is a separate and distinct zoning district which shall allow the permitted uses as provided in the general implementation plan, notwithstanding any other zoning classification provided in other codes and ordinances.

(Code 1998, app. C, § 5.3506A; Ord. No. 07-1548, § 5.3506A, 5-3-2007; Ord. No. 10-2186, 1-7-2010)

Sec. 130-1493. Unified control.

All land included in any TND district shall be under the complete, unified and legal control of the applicant, whether the applicant be an individual, partnership, limited liability company, corporation and/or other person. Upon request by the parish, the applicant shall furnish the parish sufficient evidence to the satisfaction of the parish that the applicant is in the complete, legal and unified control of the entire area of the proposed traditional neighborhood development. Upon request by the parish, the applicant shall provide the parish all agreements, contracts, guarantees and other necessary documents and information that may be required by the parish to assure the parish that the development project may be lawfully completed according to the plans sought to be approved.

(Code 1998, app. C, § 5.3507A; Ord. No. 07-1548, § 5.3507A, 5-3-2007; Ord. No. 10-2186, 1-7-2010)

Sec. 130-1494. Application procedure and approval process; general.

(a) Prior to the issuance of any permits for development of a traditional neighborhood development, the following three steps shall be completed according to the procedures outlined in this section:

- (1) Pre-application conference;
- (2) Approval of a general implementation plan by the commissions and the council for the entire traditional neighborhood development;
- (3) Approval of a specific implementation plan by the planning commission; and
- (4) Approval of a final plat by the planning commission.

(b) If the development includes the division of property into lots, the specific implementation plan shall be approved concurrently with a preliminary plat.

(c) Subdivisions of property within a TND district after general implementation plan approval, but prior to specific implementation plan approval, shall meet the zoning requirements of the most restrictive zoning district allowed for each designated use for that portion of the general implementation plan. These subdivisions shall require planning commission approval and will not allow development or building permit approval until a specific implementation plan is approved.

(d) Where the development is to be developed in phases, the general implementation plan that is presented for review and approval shall be the general implementation plan for the entire development and shall identify the proposed phasing. Each phase of a development shall have an individual specific implementation plan.

(e) Independent consultants may be retained by the commissions and/or the council to seek assistance to properly review the general implementation plans and specific implementation plans. The reasonable cost of such review shall be reimbursed by the applicant. The applicant shall be advised of the estimated fees and costs and may withdraw their request from consideration at that time. All required fees must be paid regardless of whether the proposed plans are approved, amended, rejected or withdrawn.

(Code 1998, app. C, § 5.3508A; Ord. No. 07-1548, § 5.3508A, 5-3-2007; Ord. No. 10-2186, 1-7-2010)

Sec. 130-1495. Pre-application conference.

(a) The pre-application conference shall be held with the director of planning and development or the director of planning and development's designee for the purpose of exchanging information, providing guidance to the applicant and determining the eligibility of the request for consideration as a traditional neighborhood development.

(b) A request for a pre-application conference shall be made to the director of planning and development. As part of the pre-application conference, the applicant shall submit five copies of a proposed general implementation plan, at least ten days in advance of the pre-application conference, which shows the property location, boundaries, significant natural features, thoroughfare network (vehicular and pedestrian circulation), land uses for the entire site, and a statement indicating financial responsibility sufficient to complete the public improvements shown on the conceptual plan.

(c) The director of planning and development or the director of planning and development's designee shall advise the applicant of the proposed general implementation plan for the traditional neighborhood development with the intent and objectives of a traditional neighborhood development, whether it appears to qualify under the minimum requirements of sections 130-1487, 130-1488, and 130-1490, and whether the general plan appears to be substantially consistent with the parish master plan and the parish land use plan. No formal action will be taken at a pre-application conference, nor will statements made at the pre-application conference be considered legally binding commitments.

(Code 1998, app. C, § 5.3509A; Ord. No. 07-1548, § 5.3509A, 5-3-2007; Ord. No. 10-2186, 1-7-2010)

Sec. 130-1496. General implementation plan.

Following the pre-application conference, the applicant shall submit a completed application (general implementation plan) to the director of planning and development. When the director of planning and development determines the application to be complete, the application shall be sent to the commission for a public workshop session if deemed necessary by the

director of planning and development, followed at a later date by a public hearing. The general implementation plan shall contain all information required in the general implementation plan checklist, including architectural design guidelines as described in section 130-1490(j).

- (1) *Procedures for general implementation plan approval.* All applications for traditional neighborhood developments shall be processed in the following manner:
 - a. The general implementation plan shall follow the procedures for approval of planning items before the planning commission and zoning cases before the zoning commission and the council which are not in conflict with this section.
 - b. At least 14 days prior to review and determination by the commissions, all abutting property owners shall be notified by regular mail of the traditional neighborhood development and given an opportunity to submit written comments. Notice shall also be published in the parish's official journal at least ten days prior to the review.
 - c. Following required public notice, the commissions shall hold a public hearing on the proposed traditional neighborhood development. Following the hearing, the commissions shall review traditional neighborhood development request and general implementation plan and any comments submitted by any adjoining property owners and shall make a recommendation to the council to approve, approve with conditions, or deny the general implementation plan. In its recommendation to the council, the commissions shall include the reasons for such recommendation.
- (2) *Approval of a general implementation plan.*
 - a. After receiving the recommendation of the commissions, the council shall review the application, including the general implementation plan, the record of the commissions' proceedings and the recommendation, and shall approve, approve with conditions, or deny the application in accordance with the standards and purposes set forth in sections 130-1487, 130-1488, and 130-1490. An approval with conditions shall not be considered final (and the rezoning is not final until such time) until the applicant submits a written acceptance of the conditions and all necessary revisions to the general implementation plan to the council.
 - b. If approved by the council, the general implementation plan and all other information and material formally submitted with the application shall be adopted as an amendment to this development code and shall become the standards of development for the traditional neighborhood development. All future development shall conform to the standards adopted for the traditional neighborhood development regardless of changes in ownership.

- c. Upon approval of the general implementation plan, the property shall be designated "TND-2 Planned" on the official zoning map.

(Code 1998, app. C, § 5.3510A; Ord. No. 07-1548, § 5.3510A, 5-3-2007; Ord. No. 10-2186, 1-7-2010)

Sec. 130-1497. Specific implementation plan and final plat.

(a) *Submittal.* Within 36 months of the council's approval of the general implementation plan, and except as permitted under general implementation plan approval, the applicant shall submit a specific implementation plan to the director of planning and development prior to commencing construction on property designated "TND-2 Planned." The applicant may request an extension of up to 12 additional months from the council if the specific implementation plan has not been approved. If the applicant fails to submit a specific implementation plan within the time allowed, then the general implementation plan (not the "TND-2 Concept" designation) shall be invalid. If the traditional neighborhood development is to be developed in phases, the applicant must submit a specific implementation plan for the first phase within 36 months of the council's approval of the general implementation plan, and within consecutive 12-month periods thereafter for each subsequent phase. If the applicant fails to submit a specific implementation plan, then the general implementation plan incorporating all phases not already approved as a specific implementation plan shall be invalid. The specific implementation plan shall contain all information required in the specific implementation plan checklist.

(b) *Certification.* The following design professionals shall certify direct involvement in the preparation of the specific implementation plan. A final plat shall be certified by:

- (1) An architect or civil engineer; and
- (2) A landscape architect.

(c) *Final plat.*

- (1) A final plat shall be submitted with the specific implementation plan, drawn in ink to a scale of one inch equals 100 feet in one or more sheets whose dimensions are 24 inches by 36 inches, and contain the information required by chapter 125.
- (2) The title of the final plat shall read "Final Plat of [Name of traditional neighborhood development], [Section, Township, and Range]".
- (3) Where the traditional neighborhood development is of unusual size or shape, the commission may permit a variation in the scale or size of the final plat.

(d) *Landscape plan.* A landscape plan is required for all traditional neighborhood development specific implementation plans.

(e) *Substantial compliance of specific implementation plan.* The specific implementation plan shall be in substantial compliance with the general implementation plan. It is not intended that the traditional neighborhood development so approved shall be inflexibly applied, but rather,

the traditional neighborhood development shall be in conformance with the general implementation plan subject to modification due to changed economic, social, market or demographic conditions. The burden shall be upon the applicant to show the planning commission good cause for major change (as defined below) between the general implementation plan and the specific implementation plan as submitted for final approval. If the specific implementation plan, as submitted, contains substantial variations from the general implementation plan, or major changes as defined in section 130-1460, the planning commission may, after a meeting with the applicant, within five days of such meeting, advise the applicant in writing why said variations are not in the public interest, and deny the proposed variations. Nothing contained herein shall prohibit an applicant from requesting a change to an approved traditional neighborhood development as set forth in section 130-1460.

(f) *Procedure for approval.* The specific implementation plan and final plat shall follow the procedure for planning items going to the planning commission with a public hearing. Procedure for approval of a specific implementation plan and final plat for a traditional neighborhood development shall be processed in the following manner:

- (1) The department of engineering shall review and approve the construction plans for any public improvements shown on the specific implementation plan prior to any construction. Improvements may be completed or bonded for final approval in the same manner as required under chapter 125.
- (2) The planning commission shall issue a notice of public hearing by posting the affected site in a conspicuous place at least ten days prior to the hearing date. A record of information and materials presented at the public hearing shall be kept and maintained by the commission as part of the applicant's permanent record.
- (3) Following required public notice, the planning commission shall hold a public hearing on the proposed specific implementation plan and final plat. Following the hearing, the planning commission shall review the specific implementation plan and final plat request and any comments submitted by any adjoining property owners and shall approve, approve with conditions, or deny the request.
- (4) Upon such approval and subsequent amendment of the specific implementation plan, construction may proceed for public and/or approved private thoroughfares, utility installations, common open space, recreational facilities, governmental structures, and similar uses provided that a preliminary subdivision plat has also been approved for the development in accordance with this Unified Development Code.
- (5) Any other proposed modifications, including yard variances and/or setback waivers, affecting the traditional neighborhood development's legal description shall require a review and approval of the traditional neighborhood development specific implemen-

tation plan and/or the final plat by the commission's staff. The burden shall be upon the applicant to demonstrate to the planning commission justification for any variation from the approved specific implementation plan.

- (6) Upon approval of a specific implementation plan and the final plat, the property shall be redesignated from "TND-2 Planned" to "TND-2" on the official zoning map. Once land is designated "TND-2" on the official zoning map, the provisions of these regulations are mandatory.

(Code 1998, app. C, § 5.3511A; Ord. No. 07-1548, § 5.3511A, 5-3-2007; Ord. No. 10-2186, 1-7-2010)

Sec. 130-1498. Consolidated general implementation plan and specific implementation plan.

The applicant may file a general implementation plan, specific implementation plan and final plat simultaneously with the specific implementation plan conforming in all respects to the requirements of the general implementation plan.

(Code 1998, app. C, § 5.3512A; Ord. No. 07-1548, § 5.3512A, 5-3-2007; Ord. No. 10-2186, 1-7-2010)

Sec. 130-1499. Additional regulations for phased developments.

A traditional neighborhood development may be developed in phases or stages in accordance with the following requirements:

- (1) *Boundaries.* The boundaries of all proposed traditional neighborhood development phases shall be shown on the general implementation plan.
- (2) *Data.* All data required for the project, as a whole, shall be given for each phase shown on the general implementation plan.
- (3) *Improvements.* The phasing plan shall be consistent with the traffic circulation, drainage, common open space, and utilities plans for the entire traditional neighborhood development. Traditional neighborhood developments that are to be developed in phases or stages shall be required to provide public improvements, common open space, and other amenities attributed to such phase at the same time as or before the construction of principal buildings and structures associated with individual phases. The nature, type, and amount of public improvements, common open space, and other project amenities provided during an individual phase of the project shall be commensurate with and proportionate to the overall development of the phase.

(Code 1998, app. C, § 5.3513A; Ord. No. 07-1548, § 5.3513A, 5-3-2007; Ord. No. 10-2186, 1-7-2010)

Sec. 130-1500. Changes to an approved specific implementation plan.

(a) *Types of changes.* There are three types of changes: Major use change, major site change, and minor change. A major use change and a major site change are collectively referred to herein as a "major change." Any measurement used to establish a "percentage of change" shall utilize the original specific implementation plan as the baseline.

(b) *Major use change.* A major use change ("major use change") is one that will have significant impacts on the approved uses within the traditional neighborhood development, or on the site surrounding the traditional neighborhood development. Major use changes include, but are not limited to:

- (1) An increase in the development site area of more than five percent;
- (2) An increase in density of any permitted land use, including the number of housing units, by more than five percent;
- (3) In residential areas, a change in the mix of single-dwelling and multi-dwelling structures by more than five percent;
- (4) An increase in the amount of land in nonresidential uses by more than five percent;
- (5) Involve any land use not specified on the approved general implementation plan or the list of permitted uses;
- (6) Substantial and material reduction in the amenities proffered by the applicant; and/or
- (7) Material changes in the permitted land use authorized in the traditional neighborhood development which in the opinion of the zoning officer will have a material adverse change with the traditional neighborhood development or on the site surrounding the traditional neighborhood development.

(c) *Major site change.* A major site change ("major site change") is a major change (other than a major use change) that will have significant impact on the site and layout of the development in the traditional neighborhood development which is not a major use change, or on the site surrounding the traditional neighborhood development. Major site changes include, but are not limited to:

- (1) Changes that vary the individual lot area requirement as submitted in the general implementation plan by more than ten percent;
- (2) Changes in nonresidential floor areas by more than five percent of the total floor area within a component of the traditional neighborhood development;
- (3) Deleting or changing the purpose of flood hazard servitudes or easements;
- (4) Changes to the thoroughfare network which result in a significant adverse change in the amount or location of thoroughfares and shared driveways, common parking areas, circulation patterns, and access to the traditional neighborhood development;

- (5) Changes in the allocation of prescribed land uses such that it would result in an increase in the number of vehicle trips generated in excess of ten percent;
- (6) Changes which are material in the typical sections of thoroughfare design;
- (7) Changes in the designation of thoroughfares between private and public; and/or
- (8) Material changes in the approved overall layout of the site plan and/or matters related to onsite and/or offsite infrastructure requirements authorized in the traditional neighborhood development which in the opinion of the zoning officer will have a material adverse change with the traditional neighborhood development or on the site surrounding the traditional neighborhood development.

(d) *Minor change.* A minor change ("minor change") is a change that will not alter the basic design and character of the traditional neighborhood development, nor any specified conditions imposed as part of the original approval. Minor changes include, but are not limited to:

- (1) Changes in location of the neighborhood center area, a mixed residential area, a neighborhood edge area, a civic area, green area, common open space or other designated areas, if the director of planning and development determines that:
 - a. The basic layout of the TND district remains the same; and
 - b. The TND district functions as well as before the revision;
- (2) Changes in size of a neighborhood center area, a mixed residential area, a neighborhood edge area, a civic area, green area, common open space or other designated areas, if the size is increased or decreased by not more than ten percent, and the director of planning and development determines that:
 - a. The basic layout of the TND district remains the same; and
 - b. The district functions as well as before the revision;
- (3) Changes in the general location of a major civic use, if the director of planning and development determines that:
 - a. The revised location is appropriate; and
 - b. The thoroughfare network, the infrastructure, and the overall land use mix are not adversely affected.

The director of planning and development may not approve a revision that includes the addition of a major civic use within 500 feet of an area that is part of a final plat in a mixed residential area or neighborhood edge area;

- (4) Changes in the location of a commercial use in a mixed residential area, if the director of planning and development determines that the revised location is appropriate;

- (5) Change in the layout of a thoroughfare network, if the director of planning and development determines that:
 - a. The basic layout remains the same; and
 - b. The revised layout functions as well as the previous layout;
- (6) Change in the location or size of a private open space, if the overall amount of private open space acreage does not decrease by more than ten percent, and the director of planning and development determines that the quality and functionality of the revised private open space is the same or better. The director of planning and development may not approve a revision that includes the deletion of a private open space within 500 feet of an area that is part of a final plat in a mixed residential area or neighborhood edge area;
- (7) Change in the location or size of a public open space, if the overall amount of public open space acreage does not decrease by more than ten percent, and the director of planning and development determines that the quality and functionality of the revised public open space is the same or better. The director of planning and development may not approve a revision that includes the deletion of a public open space within 500 feet of an area that is part of a final plat in a mixed residential area or neighborhood edge area;
- (8) Change in the location or description of a major private open space improvement, if the director of planning and development determines that the revised improvement is as beneficial to the residents as the previous improvement;
- (9) Change in a construction phasing plan for major private open space improvements if the change extends a deadline by not more than 24 months;
- (10) Change in the location or type of a drainage or water quality control, if the director of planning and development determines that:
 - a. The basic layout of the TND district remains the same; and
 - b. The revised location or type of control functions as well as the previous location or type of control;
- (11) Change in the location of a 100-year floodplain, if the director of planning and development determines that the revision more accurately describes the location of the floodplain;
- (12) Change in the locations of major utility facilities and easements, if the director of planning and development determines that the revised locations are more appropriate or functional;

- (13) Change in a preliminary architectural standard, if the director of planning and development determines that the revised standard is consistent with the architectural character of the TND district;
 - (14) Reduction of the size of any building;
 - (15) Movement of buildings and/or signs by no more than ten feet, but in no event in required buffers and/or setbacks;
 - (16) Landscaping approved in the specific implementation plan that is replaced by similar landscaping to an equal or greater extent;
 - (17) Changes in nonresidential floor plans, of up to five percent of the total floor area, which do not alter the character of the use or increase the amount of required parking;
 - (18) Internal rearrangement of a parking lot that does not affect the number of parking spaces or alter access locations or design;
 - (19) Changes required or requested by the parish and other state or federal authorities in order to conform to other laws or regulations;
 - (20) On balance, compared to the approved traditional neighborhood development, the change will equally or better meet the purposes and approval criteria set forth in sections 130-1487, 130-1488, and 130-1490, in the opinion of the director of planning and development; and/or
 - (21) Any adverse impacts caused by the change are mitigated to the satisfaction of the director of planning and development.
- (e) *Permitted uses.* Any changes to the permitted uses within the TND district must be approved by the council.
- (f) *Review procedures.* Requests for changes to an approved traditional neighborhood development are processed as follows:
- (1) *Major use changes.*
 - a. *Application for major use changes.* The owner of record of the property shall file an application with the director of planning and development, upon a form prescribed therefore, which shall contain the reason for the classification of the change as a major use change, as described in subsection (b) of this section, and the resulting impacts from the major use change on the development.
 - b. *Public hearing.* Upon receipt and verification of the completion of the application by the director of planning and development, the director of planning and development shall forward the application to the commissions. The commissions shall issue a notice of public hearing by posting the affected site in a conspicuous

place at least ten days prior to the hearing date. A record of information and materials presented at the public hearing shall be kept and maintained by the commissions as part of the applicant's permanent record.

- c. *Findings and recommendations.* The commissions shall make their findings on the major use change based on the information set forth in the application and the approval criteria set forth in this section, and submit recommendations to the council within 15 days from the hearing date. The commissions shall forward a copy of their findings and recommendations to the applicant.
- d. *Adoption of major use change.* The council shall adopt or reject the proposed major use change within 15 days from receipt of the recommendations from the commissions. The council shall submit reasons for its decision to the applicant.

(2) *Major site changes.*

- a. *Application for major site changes.* The owner of record of the property shall file an application with the director of planning and development, upon a form prescribed therefore, which shall contain the reason for the classification of the change as a major site change, as described in subsection (c) of this section, and the resulting impacts from the major site change on the development.
- b. *Public hearing.* Upon receipt and verification of the completion of the application by the director of planning and development, the director of planning and development shall forward the application to the planning commission. The planning commission shall issue a notice of public hearing by posting the affected site in a conspicuous place at least ten days prior to the hearing date. A record of information and materials presented at the public hearing shall be kept and maintained by the planning commission as part of the applicant's permanent record.
- c. *Findings and recommendations.* The planning commission shall make its findings on the major site change based on the information set forth in the application and the approval criteria set forth in subsection (c) of this section. The planning commission shall forward a copy of its findings and recommendations to the applicant.
- d. *Appeal.* The applicant may appeal the decision by the planning commission pursuant to section 130-1506.

(3) *Minor changes.*

- a. *Application.* The owner of record of the property shall file an application with the director of planning and development, upon a form prescribed therefore, which

shall contain the reason for the classification of the change as a minor change, as described in subsection (d) of this section, and the resulting immaterial impacts from the change on the development, if any.

- b. *Findings and recommendations.* Upon receipt and verification of the completion of the application by the director of planning and development, the director of planning and development shall make its findings based on the information set forth in the application and the approval criteria set forth in subsection (d) of this section, and notify the applicant of its decision. If the director of planning and development determines the change to be a minor change, the director of planning and development's decision shall be final and no appeal shall be available.

- (4) *Appeal of classification as major use change or major site change.* If the director of planning and development determines the change to be a major use change or a major site change, the applicant may appeal the decision by the director of planning and development pursuant to section 130-1506.

(g) *Subdivision of land.* If the TND district involves the subdivision of land as defined in chapter 125, the applicant shall submit all required land division documents in accordance with the requirements of chapter 125. If there is a conflict between the design standards of chapter 125 and the design guidelines of these regulations, the provisions of these regulations shall apply. It being understood that the size and configuration of lots within a TND district may otherwise be disallowed under chapter 125, but encouraged and permitted within a TND district.

(Code 1998, app. C, § 5.3514A; Ord. No. 07-1548, § 5.3514A, 5-3-2007; Ord. No. 10-2186, 1-7-2010)

Sec. 130-1501. Maintaining a specific implementation plan.

(a) *Ownership and maintenance of public space.* Provision shall be made for the ownership and maintenance of public thoroughfares, squares, parks, open space, and other public spaces in a TND district by dedication to the parish and/or associations.

(b) *Construction.* Construction may take place only within such portions of a traditional neighborhood development for which a current specific implementation plan is in effect.

(c) *Development agreement.* All "TND" zoning granted on the basis of specific implementation plan approval shall be subject to a parish/applicant agreement prior to or contemporaneous with final plat approval. Prior to final approval, the applicant shall be required to enter into a parish/applicant agreement with the parish. This agreement is designed and intended to reflect the agreement of the parish and the applicant as to the phasing of construction to ensure the timely and adequate provisions of public works facilities and public type improvements. This parish/applicant agreement is also intended to ensure balanced intensity of development

to avoid overloading existing public facilities during the construction phase. This parish/applicant agreement will be individually negotiated for each project, but should address the following issues:

- (1) Any agreement on cost sharing for the installation or oversizing of major utility systems, lines or facilities.
 - (2) Any agreement on cost sharing for the installation of interior or perimeter roadways or thoroughfare network.
 - (3) Any agreement as to a mandatory construction or dedication schedule for common open space area or improvements, school sites, landscaping or greenbelt development or other comparable items to be dedicated or constructed for each acre of property within the traditional neighborhood development released for construction by specific implementation plan approval. This requirement is intended to allow the parish to ensure that pre-planned public type facilities, improvements or amenities are installed concurrently with other development on the basis of a negotiated formula.
 - (4) Any agreement as to the establishment of a maximum residential density or commercial intensity of use during the construction process. This requirement is intended to allow the parish to establish a maximum development intensity that cannot be exceeded while each phase of the project is being completed. Under this provision, the parish may establish a maximum overall density for each phase of the project to be applicable only during the construction phase of the traditional neighborhood development. This restriction would require concurrent development of lower density or intensity of use activities with higher density or intensity of use activities.
 - (5) Any agreement by the applicant or association to maintain all common open space at no cost to the parish.
- (d) *Development schedule.* The development schedule shall contain the following information:
- (1) The order of construction of the proposed stages delineated in the specific implementation plan.
 - (2) The proposed date for the beginning of construction of each stage.
 - (3) The proposed date for the completion of construction of each stage.
 - (4) The proposed schedule for the construction and improvement of common area within each stage including any accessory buildings.
- (e) *Enforcement of the development schedule.* The construction and provision of all common open spaces and public facilities and infrastructure which are shown on the specific implementation plan must proceed at no slower a rate than the construction of dwelling units or other structures of a commercial nature. The planning commission may, at any time, compare the

actual development accomplished with the approved development schedule. If the planning commission finds that the rate of construction of dwelling units or other commercial structures is substantially greater than the rate at which common open spaces and public facilities and infrastructure have been constructed and provided, then either or both of the following actions may be taken:

- (1) The planning commission shall cease to approve any additional specific implementation plans for subsequent phases; and/or
- (2) The building official shall discontinue issuance of building permits.

In any instance where the above actions are taken, the planning commission shall gain assurance that the relationship between the construction of dwellings or other structures of a commercial nature and the provision of common open spaces and public facilities and infrastructure are brought into adequate balance prior to the continuance of construction.

(f) *Permits.* No building permit for a structure other than a temporary contractor's office or temporary storage building shall be issued for a lot or parcel within an approved traditional neighborhood development prior to a determination by the fire marshal or designee that adequate fire protection and access for construction needs exists. No occupancy permit for a structure other than a temporary contractor's office or other approved temporary building shall be issued for a structure on a lot or parcel within an approved traditional neighborhood development prior to final inspection and approval of all required improvements which will serve such lot or parcel to the satisfaction of the director of the department of public works and the building official.

(Code 1998, app. C, § 5.3515A; Ord. No. 07-1548, § 5.3515A, 5-3-2007; Ord. No. 10-2186, 1-7-2010)

Sec. 130-1502. Expiration and lapse of specific implementation plans.

Specific implementation plan approval shall expire three years from the date of planning commission approval of a specific implementation plan. The applicant may request an extension from the planning commission for not more than one year if the project is not complete after three years. Nothing herein shall be construed to limit the time limitations for phased developments as set forth in section 130-1497(a).

(Code 1998, app. C, § 5.3516A; Ord. No. 07-1548, § 5.3516A, 5-3-2007; Ord. No. 10-2186, 1-7-2010)

Sec. 130-1503. The approved final development plan.

Development restrictions and/or conditions, as required by the commissions and/or the council, shall be recorded by the applicant with the clerk of court of the parish within 15 days of the date of the final approval of the general implementation plan and/or the specific implementation plan by the commissions or council, as the case may be. Certified copies of

these documents shall also be filed with the office of the commissions. The applicant shall record development restrictions and other required documents, which pertain to a subdivision within the approved specific implementation plan, with the clerk of court of the parish within 15 days of the signing of the final plat, as provided in this section.

(Code 1998, app. C, § 5.3517A; Ord. No. 07-1548, § 5.3517A, 5-3-2007; Ord. No. 10-2186, 1-7-2010)

Sec. 130-1504. Filing and distribution of specific implementation plan final plat.

The applicant shall have a total of ten blackline prints of the approved final plat to be disbursed as required by the commission's staff.

(Code 1998, app. C, § 5.3518A; Ord. No. 07-1548, § 5.3518A, 5-3-2007; Ord. No. 10-2186, 1-7-2010)

Sec. 130-1505. Violations.

Any violation of the general implementation plan and/or specific implementation plan or any other phase or plan adopted as part of the amendment to this Land Development Code shall constitute a violation of this Land Development Code. Any person or legal entity violating any provision of these regulations, or who shall violate or fail to comply with any order made hereunder; or who shall continue to work upon any structure after having received written notice from the director of planning and development to cease work, shall be guilty of a misdemeanor and punishable by a fine not to exceed \$500.00 per violation. Each day such violation shall be permitted to exist shall constitute a separate offense. Notice of violation shall be sufficient if directed to such owner, the agent of the owner, or the contractor and/or left at his known place of residence or place of business.

(Code 1998, app. C, § 5.3519A; Ord. No. 07-1548, § 5.3519A, 5-3-2007; Ord. No. 10-2186, 1-7-2010)

Sec. 130-1506. Appeal.

An applicant may appeal the findings and recommendations of the commissions or director of planning and development, as applicable, by filing an objection in writing to the council within five days of receipt of the commissions' or director of planning and development's recommendations. The council shall grant or deny the appeal, and the council's decision shall be final. If the council grants the appeal, the council shall submit a notice to the commissions or director of planning and development stating reasons for its grant of the appeal.

(Code 1998, app. C, § 5.3520A; Ord. No. 07-1548, § 5.3520A, 5-3-2007; Ord. No. 10-2186, 1-7-2010)

Sec. 130-1507. Rezoning of property designated "TND-2 Planned."

The director of planning and development shall request that the council initiate the rezoning of property designated "TND-2 Planned," only as to that portion of the property which has not been developed, if:

- (1) Upon final review, an application for approval of a specific implementation plan for a portion of the property has been denied;
- (2) A specific implementation plan was not timely submitted in accordance with the provisions of section 130-1497; or
- (3) An approved specific implementation plan expires or lapses, pursuant to the provisions of section 130-1502.

(Code 1998, app. C, § 5.3521A; Ord. No. 07-1548, § 5.3521A, 5-3-2007; Ord. No. 10-2186, 1-7-2010)

Sec. 130-1508. Relation to zoning districts.

An approved traditional neighborhood development shall be considered to be a separate zoning district in which the development plan, as approved, establishes the restrictions and regulations according to which development shall occur, and may depart from the normal procedures, standards, and other requirements of the other sections of the zoning ordinance and subdivision regulations to the extent provided herein. Upon approval of the general implementation plan, the official zoning map will be changed to indicate the area as "TND-2 Planned," or if final approval granted then as "TND-2." Every approval of a traditional neighborhood development shall be considered an amendment to the zoning ordinance.

(Code 1998, app. C, § 5.3522A; Ord. No. 07-1548, § 5.3522A, 5-3-2007; Ord. No. 10-2186, 1-7-2010)

Sec. 130-1509. Comprehensive rezoning and subsequent designation procedure.

(a) Any property designated as traditional neighborhood development as part of the comprehensive rezoning process shall be designated as "TND-2 Concept," until said property has undergone the application procedure and approval process as outlined in section 130-1494, except that in such cases, the commission decision relative to the general implementation plan will be considered the final determination, subject to appeal to the parish council in accordance with section 130-1466.

(b) Other than through the comprehensive rezoning process set forth in subsection (a) of this section, a parcel of property may only be designated as TND-2 Concept when, within one year following the effective date of an ordinance establishing the comprehensive rezoning of a specific area under the Unified Development Code, the process of amending or changing the

designation of the property to TND-2 Concept has been initiated in accordance with section 130-54. The review of any amendment or change shall be conducted in accordance with section 130-54.

Table 1: Street Design Guidelines in a TND District
(Each subject to Modification by the Commissions)

	<i>Collector or Avenue</i>	<i>Sub-Collector or Drive</i>	<i>Local Street or Road</i>	<i>Alley</i>
Average daily trips	750 or more	250-750	Less than 250	Not applicable
Right-of-way	76-88 feet	58-72 feet	35-50 feet	15-30 feet
Auto travel lanes	Two or three 12-foot lanes	Two 10-foot lanes	Two 10-foot lanes, or one 14-foot (queuing) lane	Two 8-foot lanes for two-way traffic, or one 12-foot lane for yield traffic
Bicycle lanes	Two 6-foot lanes combined with parking lanes	4-foot lanes with no parking, or 6-foot lanes combined with parking lanes	None	None
Parking	Both sides, 8 feet	None, one, or both sides, 8 feet	None or one both side, 8 feet	None (access to individual drives and garages outside right-of-way)
Curb and gutter	Required	Required	Not required	Not required
Planting strips	Minimum 6 feet	Minimum 6 feet	Minimum 3 feet	None
Sidewalks	Both sides, 5 feet minimum	Both sides, 3-5 feet	Both sides, 3-5 feet	None

(Code 1998, app. C, § 5.3523A; Ord. No. 07-1548, § 5.3523A, 5-3-2007; Ord. No. 10-2186, 1-7-2010)

Secs. 130-1510—130-1536. Reserved.

DIVISION 47. SWM-1 SOLID WASTE MANAGEMENT DISTRICT

Sec. 130-1537. Purpose.

The purpose of this district is to provide for the location of uses including and generally compatible with the collection of solid waste material for transport to processing facilities.
(Code 1998, app. C, § 5.3601; Ord. No. 07-1548, § 5.3601, 5-3-2007)

Sec. 130-1538. Permitted uses.

(a) Use by right, subject to any minimum standards as listed in article VII of these regulations:

- (1) Nonprocessing transfer station.
- (2) Yard waste and compost collection facility.
- (3) Sorted recyclables collection facility.
- (4) White goods collection facility.
- (5) Radio and television studios and broadcasting stations.
- (6) Auto body shops. (Minimum standards apply.)
- (7) Outdoor storage yards and lots and contractor's storage yards in conjunction with an affiliated office provided that this provision shall not permit wrecking yards or yards used in whole or in part for a scrap or salvage operation. Minimum standards for contractor's yards apply.
- (8) Welding shops.
- (9) Office warehouse.
- (10) Portable storage containers use for storage.
- (11) Outdoor display pre-assembled building, pool and playground equipment.
- (12) Book binderies.
- (13) Cellophane products manufacturing.
- (14) Cleaning and dyeing works.
- (15) Electrical parts, assembly and manufacturing.
- (16) Fiber products and manufacturing.
- (17) Furniture manufacturing.
- (18) Garment manufacturing.
- (19) Foundry casting and extruding mills of lightweight nonferrous metal.
- (20) Millwork and wood product manufacturing.
- (21) Sheet metal products.
- (22) Television and radio broadcasting transmitters.
- (23) Tool manufacturing.
- (24) Toy manufacturing.
- (25) Well drilling services.

- (26) Public utility facilities.
- (27) Glass products manufacturing.
- (28) Paint manufacturing and treatment.
- (29) Shop fabricating and repair.
- (30) Structural fabrication (steel and concrete).
- (31) Tire retreading, recapping or rebuilding.
- (32) General, multi-use office buildings of 40,000 square feet of gross floor area or less.

(b) In keeping with the stated purpose of creating the solid waste management district, after the adoption of the ordinance from which this division is derived, the following public utility facilities, utility and/or uses that were not previously issued a permit or in operation shall be a permitted use only in the Solid Waste Management District (SWM-1 or SWM-2):

- (1) Nonprocessing transfer station;
- (2) Yard waste and compost collection facility;
- (3) Sorted recyclables collection facility; and
- (4) White goods collection facility.

(Code 1998, app. C, § 5.3602; Ord. No. 07-1548, § 5.3602, 5-3-2007)

Sec. 130-1539. Administrative permits.

The purpose of an administrative permit is to provide for a staff review of certain uses. The following uses are prohibited unless application for the use has been processed by the department of planning and development and the use is in conformance with the minimum standards for that use as outlined in section 130-2112:

- (1) Mobile food trucks when meeting the minimum standards for specific uses outlined in section 130-2112(22).

(Ord. No. 17-3659, exh. A(5.3603A), 1-5-2017)

Sec. 130-1540. Prohibited uses.

The processing of any waste materials except for the limited processing permitted by nonprocessing transfer stations is expressly prohibited.

(Code 1998, app. C, § 5.3603; Ord. No. 07-1548, § 5.3603, 5-3-2007)

Sec. 130-1541. Site and structure provisions.

(a) *Maximum building size.* The maximum building size in the SWM-1 district shall be 40,000 square feet.

(b) *Minimum lot area.* No new lot shall be created that is less than 20,000 square feet in area.

(c) *Minimum area regulations.* Applicable except where more specific standards are required as per article VII of these regulations, minimum standards for specific uses.

- (1) *Minimum lot width.* For each zoning lot provided with central water and sewerage facilities, the minimum lot width shall not be less than 100 feet.
- (2) *Street planting areas.* All areas along the street or road which a property abuts shall comply with the standards of section 130-1873, street planting areas.
- (3) *Side and rear planting areas.* All areas located along the side and rear interior property lines shall comply with section 130-1874, side and rear buffer planting area requirements.
- (4) *Transitional yard.* Where SWM-1 district adjoins a residential district, transitional yards shall be provided in accordance with subsections (c)(1) and (2) of this section or the following regulations whichever is more restrictive:
 - a. Where lots in SWM-1 district front on a street and at least 80 percent of the frontage directly across the street between two consecutive intersecting streets is in a residential district, the setback regulations for the residential district shall apply to the said lots in the commercial district.
 - b. In SWM-1 district, where a side lot line coincides with a side or rear lot line of property in an adjacent residential district, a yard shall be provided along such side lot line. Such yard shall be equal in dimension to the minimum side yard which would be required under these regulations for a residential use on the adjacent property in the residential district.
 - c. In SWM-1 district, where a rear lot line coincides with a rear or side lot line of property in an adjacent residential district, a yard shall be provided along such rear lot line. Such yard shall be equal in dimensions to the minimum rear yard which would be required under these regulations for a residential use on the adjacent property in the residential district.
 - d. In SWM-1 district, where the extension of a front or side lot line coincides with the front line of an adjacent lot located in a residential district, a yard equal in depth to the minimum setback required by these regulations on such adjacent lot in the residential district shall be provided along such front or side lot line for a distance of at least 25 feet, including the width of any intervening alley from such lot in the residential district.
 - e. Where a building is taller than 25 feet in height, one additional foot of setback shall be required in each yard. Each facade is measured separately and the additional depth is required perpendicular to that facade.

- f. The following specific permitted uses will require a 200-foot setback from the property line to any active portion of the operation, the outer 100 feet of which will be a no cut buffer:
1. Nonprocessing transfer station.
 2. Yard waste and compost collection facility.
 3. Sorted recyclables collection facility.
 4. White goods collection facility.

(d) *Maximum lot coverage.* The lot coverage of all principal and accessory buildings on a zoning lot shall not exceed 50 percent of the total area of the lot. However, parking and landscape requirements for the intended use must be met in all instances. Therefore, maximum lot coverage may in some cases be less.

(e) *Height regulations.* No building or dwelling for residential or business purposes shall exceed 45 feet in height above the natural grade of the property at the location of the structure or base flood elevation as established in chapter 115, article II of this Land Development Code, whichever is higher.

(f) *Design criteria.*

- (1) *Landscaping.* All landscaping shall be in compliance with the provisions of article VI, division 2 of these regulations.
- (2) *Signage.* All signage shall be in compliance with article VI, division 3 of these regulations.
- (3) *Lighting.* All site lighting shall be in compliance with article VI, division 4 of these regulations.
- (4) *Parking/loading.* All parking and loading will be in compliance with article VI, division 8 of these regulations.

(Code 1998, app. C, § 5.3604; Ord. No. 07-1548, § 5.3604, 5-3-2007)

Secs. 130-1542—130-1568. Reserved.

DIVISION 48. SWM-2 SOLID WASTE MANAGEMENT DISTRICT

Sec. 130-1569. Purpose.

The purpose of this district is to provide for the location of uses including and generally compatible with the transport, processing, treatment, of solid waste materials.

(Code 1998, app. C, § 5.3701; Ord. No. 07-1548, § 5.3701, 5-3-2007)

Sec. 130-1570. Permitted uses.

(a) Use by right, subject to any minimum standards as listed in article VII of these regulations:

- (1) All uses permitted in the SWM-1 district.
- (2) Septage treatment facility.
- (3) White goods processing facility.
- (4) Waste tire collection and processing facility.
- (5) Construction and debris landfill.
- (6) Separation facility (recycling facility).

(b) In keeping with the stated purpose of creating the solid waste management district, after the adoption of this ordinance from which this division is derived, the following uses shall be a permitted use only in the Solid Waste Management District-2 (SWM-2): White goods processing facility, waste tire collection and processing facility, construction and debris landfill and separation facility (recycling facility). A septage (sludge) treatment facility use, heretofore considered to be a permitted public utility facilities and/or utility use in the I-2 Industrial District, may continue to be located as such use in the I-2 Industrial District.

(Code 1998, app. C, § 5.3702; Ord. No. 07-1548, § 5.3702, 5-3-2007)

Sec. 130-1571. Administrative permits.

The purpose of an administrative permit is to provide for a staff review of certain uses. The following uses are prohibited unless application for the use has been processed by the department of planning and development and the use is in conformance with the minimum standards for that use as outlined in section 130-2112:

- (1) Mobile food trucks when meeting the minimum standards for specific uses outlined in section 130-2112(22).

(Ord. No. 17-3659, exh. A(5.3703A), 1-5-2017)

Sec. 130-1572. Prohibited uses.

The processing of any waste materials except in accordance with permitted uses identified in section 130-1538 is expressly prohibited.

(Code 1998, app. C, § 5.3703; Ord. No. 07-1548, § 5.3703, 5-3-2007)

Sec. 130-1573. Site and structure provisions.

(a) *Maximum building size.* The maximum building size in the SWM-2 district shall be 40,000 square feet.

(b) *Minimum lot area.* No new lot shall be created that is less than 20,000 square feet in area.

(c) *Minimum area regulations applicable except where more specific standards are required as per article VII of these regulations, minimum standards for specific uses.*

- (1) *Minimum lot width.* For each zoning lot provided with central water and sewerage facilities, the minimum lot width shall not be less than 100 feet.
- (2) *Street planting areas.* All areas along the street or road which a property abuts shall comply with the standards of section 130-1873, street planting areas.
- (3) *Side and rear planting areas.* All areas located along the side and rear interior property lines shall comply with section 130-1874, side and rear buffer planting area requirements.
- (4) *Transitional yard.* Where the SWM-2 district adjoins a residential district, transitional yards shall be provided in accordance with subsections (c)(1) and (2) of this section or the following regulations whichever is more restrictive:
 - a. Where lots in the SWM-2 district front on a street and at least 80 percent of the frontage directly across the street between two consecutive intersecting streets is in a residential district, the setback regulations for the residential district shall apply to the said lots in the commercial district.
 - b. In the SWM-2 district, where a side lot line coincides with a side or rear lot line of property in an adjacent residential district, a yard shall be provided along such side lot line. Such yard shall be equal in dimension to the minimum side yard which would be required under these regulations for a residential use on the adjacent property in the residential district.
 - c. In the SWM-2 district, where a rear lot line coincides with a rear or side lot line of property in an adjacent residential district, a yard shall be provided along such rear lot line. Such yard shall be equal in dimensions to the minimum rear yard which would be required under these regulations for a residential use on the adjacent property in the residential district.
 - d. In the SWM-2 district, where the extension of a front or side lot line coincides with the front line of an adjacent lot located in a residential district, a yard equal in depth to the minimum setback required by these regulations on such adjacent lot in the residential district shall be provided along such front or side lot line for a distance of at least 25 feet, including the width of any intervening alley from such lot in the residential district.
 - e. Where a building is taller than 25 feet in height, one additional foot of setback shall be required in each yard. Each facade is measured separately and the additional depth is required perpendicular to that facade.

f. The following specific permitted uses will require a 200 foot setback from the property line to any active portion of the operation, the outer 100 feet of which will be a no cut buffer:

1. Nonprocessing transfer station.
2. Yard waste and compost collection facility.
3. Sorted recyclables collection facility.
4. White goods collection facility.
5. Septage treatment facility.
6. White goods processing facility.
7. Waste tire collection and processing facility.
8. Construction and debris landfill.

(d) *Maximum lot coverage.* The lot coverage of all principal and accessory buildings on a zoning lot shall not exceed 50 percent of the total area of the lot. However, parking and landscape requirements for the intended use must be met in all instances. Therefore, maximum lot coverage may in some cases be less.

(e) *Height regulations.* No building or dwelling for residential or business purposes shall exceed 45 feet in height above the natural grade of the property at the location of the structure or base flood elevation as established in chapter 115, article II of this Land Development Code, whichever is higher.

(f) *Design criteria.*

- (1) *Landscaping.* All landscaping shall be in compliance with the provisions of article VI, division 2 of these regulations.
- (2) *Signage.* All signage shall be in compliance with article VI, division 3 of these regulations.
- (3) *Lighting.* All site lighting shall be in compliance with article VI, division 4 of these regulations.
- (4) *Parking/loading.* All parking and loading will be in compliance with article VI, division 8 of these regulations.

(Code 1998, app. C, § 5.3704; Ord. No. 07-1548, § 5.3704, 5-3-2007)

Secs. 130-1574—130-1586. Reserved.

DIVISION 49. AML ADVANCED MANUFACTURING AND LOGISTICS DISTRICT

Sec. 130-1587. Purpose.

The purpose of the AML Advanced Manufacturing and Logistics District is to provide for the location of very large scale facilities for the research and development, manufacturing and transportation/logistics industries. Such facilities should be located in close proximity to major transportation routes, with the ideal location allowing for multimodal opportunities.
(Ord. No. 14-3117, exh. A(5.3801), 4-3-2014)

Sec. 130-1588. Permitted uses.

Use by right subject to any minimum standards as listed in section 130-2112:

- (1) Aeronautics and aerospace research, development and manufacturing.
 - (2) Automotive research, development and manufacturing.
 - (3) Computer, electrical and electronics research, development and manufacturing.
 - (4) Data centers and data warehousing.
 - (5) Distribution and warehousing facilities.
 - (6) Durable goods manufacturing.
 - (7) Food products processing and manufacturing.
 - (8) Furniture manufacturing.
 - (9) Garment manufacturing.
 - (10) Glass, plastic and paint research, development and manufacturing.
 - (11) Hydraulics and robotics research, development and manufacturing.
 - (12) Pharmaceutical and medical research, development and manufacturing.
 - (13) Software development and programming.
 - (14) Scientific research and development services.
 - (15) General offices and services which provide support to any of the permitted uses provided for in this section.
- (Ord. No. 14-3117, exh. A(5.3802), 4-3-2014)

Sec. 130-1589. Administrative permits.

The purpose of an administrative permit is to provide for a staff review of certain uses. The following uses are prohibited unless application for the use has been processed by the department of planning and development and the use is in conformance with the minimum standards for that use as outlined in section 130-2112:

- (1) Public utility surface structures.
- (2) Electrical substations.
- (3) Telephone relay facilities.
- (4) Utility substations.
- (5) Wastewater treatment facilities.
- (6) Utility distribution systems.
- (7) Potable water pumping stations.
- (8) Mobile food trucks when meeting the minimum standards for specific uses outlined in section 130-2112(22).

(Ord. No. 14-3117, exh. A(5.3803), 4-3-2014; Ord. No. 17-3659, exh. A(5.3803), 1-5-2017)

Sec. 130-1590. Site and structure provisions.

(a) *Maximum building size.* The maximum building size in the AML district shall be 1,000,000 square feet.

(b) *Minimum lot area.* No new lot shall be created that is less than 20,000 square feet in area.

(c) *Minimum area regulations.*

(1) *Minimum lot width.* For each zoning lot provided with central water and sewerage facilities, the minimum lots width shall not be less than 80 feet.

(2) *Street planting areas.* All areas along the streets or roads which a property abuts shall comply with the standards of section 130-1873.

(3) *Side and rear planting areas.* All areas located along the side and rear interior property lines shall comply with section 130-1874.

(4) *Transitional yard.* Where an AML district adjoins a residential district, transitional yards shall be provided in accordance with subsections (c)(1) and (2) of this section or the following regulations, whichever is more restrictive:

- a. Where lots in an AML district front on a street and at least 80 percent of the frontage directly across the street between two consecutive intersecting streets is in a residential district, the setback regulations for the residential district shall apply to the said lots in the commercial district.

- b. In an AML district, where a side lot line coincides with a side or rear lot line of property in an adjacent residential district, a yard shall be provided along such side lot line. Such yard shall be equal in dimension to the minimum side yard which would be required under this division for a residential use on the adjacent property in the residential district.
- c. In an AML district, where a rear lot line coincides with a rear or side lot line of property in an adjacent residential district, a yard shall be provided along such rear lot line. Such yard shall be equal in dimensions to the minimum rear yard which would be required under this division for a residential use on the adjacent property in the residential district.
- d. In an AML district, where the extension of a front or side lot line coincides with the front line of an adjacent lot located in a residential district, a yard equal in depth to the minimum setback required by this division on such adjacent lot in the residential district shall be provided along such front or side lot line for a distance of at least 25 feet, including the width of any intervening alley from such lot in the residential district.
- e. Where a building is taller than 25 feet in height, one additional foot of setback shall be required in each yard. Each facade is measured separately and the additional depth is required perpendicular to that facade.

(d) *Maximum lot coverage.* The lot coverage of all principal and accessory buildings on a zoning lot shall not exceed 50 percent of the total area of the lot. However, parking and landscape requirements for the intended use must be met in all instances. Therefore, maximum lot coverage may in some cases be less.

(e) *Height regulations.* No building or dwelling for residential or business purposes shall exceed 100 feet in height above the natural grade of the property at the location of the structure or base flood elevation as established in chapter 115, article II of this Land Development Code, whichever is higher.

(f) *Design criteria.*

- (1) *Landscaping.* Landscaping shall be in compliance with article VI, division 2 of these regulations.
- (2) *Signage.* All signage shall be in compliance with article VI, division 3 of these regulations.
- (3) *Lighting.* All site lighting shall be in compliance with article VI, division 4 of these regulations.
- (4) *Parking/loading.* All parking and loading will be in compliance with article VI, division 8 of these regulations.

(Ord. No. 14-3117, exh. A(5.3804), 4-3-2014)

Secs. 130-1591—130-1602. Reserved.

ARTICLE V. OVERLAYS

DIVISION 1. GENERALLY

Secs. 130-1603—130-1632. Reserved.

DIVISION 2. PUD PLANNED UNIT DEVELOPMENT OVERLAY

Sec. 130-1633. Purpose.

(a) The purpose of the planned unit development overlay (PUD) is to encourage flexibility in the development of land, creative design, more orderly development and to promote and preserve the scenic features of the site. The following criteria represent the objectives of the PUD:

- (1) Environmentally sensitive design that is of a higher quality than would be possible under the regulations otherwise applicable to the property.
- (2) Diversification and variation in the relationship of residential uses, open space and the setbacks and height of structures in developments intended as cohesive, unified projects.
- (3) Functional and beneficial uses of open space areas.
- (4) Preservation of natural features of a development site.
- (5) Creation of a safe and desirable living environment for residential areas characterized by a unified building and site development program.
- (6) Rational and economically sound development in relation to public services.
- (7) Efficient and effective traffic circulation, both within and adjacent to the development site.
- (8) Creation of a variety of housing compatible with surrounding neighborhoods to provide a greater choice of types of environment and living units.

(b) The planned unit development overlay shall not be used in the E Estate districts.
(Code 1998, app. C, § 6.0101; Ord. No. 07-1548, § 6.0101, 5-3-2007)

Sec. 130-1634. General standards and criteria.

In order for the zoning commission and parish council to make competent and definitive decisions concerning a planned unit development's proper makeup, the following general standards and criteria shall be applicable:

- (1) *Physical characteristics of the site.* The site shall be ten or more acres in size and suitable for development in the manner proposed without hazard to persons or property adjacent to the site, in conformance with the standards and parameters established in this section.
 - (2) *Relation to major transit routes.* PUDs shall be properly located with respect to interstate, major highways and major arterial streets so as not to create major shifts of traffic generation to intermediate collectors and/or minor streets.
 - (3) *Mixed use PUD.* PUDs may incorporate nonresidential uses subject to the following criteria:
 - a. If the underlying zoning classification is residential in nature, the nonresidential uses are limited to those permitted in the NC-1, NC-2, NC-3, NC-4, NC-5, MD-1, and ED-1 districts.
 - b. If the underlying zoning classification is any other classification, the underlying classification controls the permitted land uses.
- (Code 1998, app. C, § 6.0102; Ord. No. 07-1548, § 6.0102, 5-3-2007)

Sec. 130-1635. Plan approval.

(a) *Conceptual plan.* Prior to submitting a PUD rezoning petition, an informal pre-application conference with designated staff from the parish department of planning and development shall be required. The purpose of this conference shall be to discuss PUD parameters and to bring the overall petition as nearly as possible into conformity with parish regulations. Following the PUD pre-application conference, a conceptual plan shall be submitted with the rezoning application. This plan shall provide the following information:

- (1) The title of the project and the names of the project planner and developer.
- (2) A legal description of the property including township, section and range.
- (3) Plat indicating scale, date, north arrow, and general vicinity map indicating existing land uses within 500 feet of all boundaries of the proposed PUD shall be designated. This plat shall include all existing physical features such as existing streets, buildings, watercourses, easements, soil conditions, vegetative cover and topography.

- (4) Net density shall be set based upon the underlying zoning classification utilizing one of the following options:
- a. The number of lots/units may be established in accordance with the maximum net density of the underlying zoning classification as applied to the following formula:
$$\text{Total Area} \times 0.75 = \text{_____} \times \text{maximum net density} = \text{_____} \text{ lots (units).}$$
 - b. The number of lots/units may be established by a yield plan consisting of conventional street layouts including but not limited to basic topography, soil conditions, drainage, vegetative cover, locations of wetlands, and 100-year floodplains. Said yield plan shall be based upon the standards of the underlying zoning district and comply with all applicable development standards.
 - c. Pending the comprehensive rezoning review of unincorporated St. Tammany Parish, the zoning commission shall have the authority to establish appropriate density levels for all properties zoned R Rural and SA Suburban Agricultural at the time of the PUD request. Once the area in which the subject property is located has undergone a comprehensive rezoning review the standards of the newly adopted zoning classification shall govern, in accordance with article IV of this chapter.
- (5) Site information including the following criteria shall be provided:
- a. Boundaries of the property involved;
 - b. Average size and maximum number of lots;
 - c. Parcels or sites to be developed or occupied by buildings;
 - d. The general location and maximum amount of area to be developed for parking;
 - e. The general location of areas to be devoted to open space, including those areas to be dedicated or conveyed for parks, playgrounds or school sites;
 - f. Public buildings and other common use areas;
 - g. The approximate location of ingress, egress and access streets;
 - h. The approximate location of pedestrian and vehicular ways;
 - i. The extent of landscaping and planting;
 - j. Location and/or source of water and sewer facilities; and
 - k. Front, side and rear yard setback lines.
- (6) Tabulation of the maximum square footage of each use.
- (7) The proposed maximum height of any building or structure.

- (8) Maximum total land area, minimum public and private open space, streets, off-street parking and loading areas. Breakdown by percent of total land area devoted to each use, such as:
- a. Residential uses.
 - b. Commercial/institutional uses limited to those permitted in the NC-1, NC-2, NC-3, NC-4, NC-5, MD-1, and ED-1 districts or any uses permitted in the underlying zoning district.
 - c. Open space (as defined in section 130-5).
 1. A minimum of 25 percent of open space is required for all PUDs.
 2. In no case shall required open space along the existing road frontage be less than one-fourth acre in area and less than 100 feet in width.
 3. In no case shall required open space along other boundary lines (without road frontage) be less than one-fourth acre in area and less than 50 feet in width.
 4. No more than 50 percent of the required open space shall be satisfied using limited use land. The term "limited use land" shall mean land which is inundated by water for a period of greater than four months within each calendar year. Two acres of limited use land are required to satisfy one acre of required open space.
 5. Active recreation shall include such comparable uses as playgrounds, ball fields, swimming pools, tennis courts, etc.
 6. Passive recreational uses shall include comparable uses such as picnic areas, permeable nature trails, undisturbed habitat, etc.
 - d. Access parking and loading areas.
 - e. Location of the existing and proposed easements to the extent they are reasonably ascertainable with the understanding that the future easements may be needed based on more complete engineering studies.
- (9) Restrictive covenants, including the assurance of maintenance of common areas and the continued protection of the PUD. The department of planning and development must review and approve the restrictive covenants prior to recordation thereof with the clerk of court.
- (10) Circulation element indicating the proposed principal movement of vehicles, goods and pedestrians.
- (11) Environmental assessment data form (signed and dated).
- (12) Initial wetland delineation as determined by a qualified wetlands consultant.
- (13) Flood zone demarcation lines (indicate FIRM map and panel number).

- (14) Documents indicating ultimate disposal of surface drainage.
- (15) The zoning commission or the parish council may require additional material such as plans, maps, aerial photographs, studies and reports which may be needed in order to make the necessary findings and determinations that the applicable parish standards and guidelines have been achieved.

(b) *Formal review.* The planning staff shall hold a formal review of the PUD submission two weeks prior to the public hearing by the zoning commission and note areas of concern to the applicant in writing within one week of the review. The purpose of this review is to provide constructive feedback to the developer on compliance with the PUD requirements.

(c) *Public hearing.* The zoning commission shall hold the formal public hearing on the zoning overlay request and forward a recommendation to approve or deny the PUD to the parish council after the required public hearing. The zoning commission reserves the right to add stipulations and conditions to its approval and shall determine if the applicant has met all or part of the PUD parameters including:

- (1) The tract for the proposed PUD is suitable in terms of its relationships to the parish comprehensive plan and that the areas surrounding the proposed PUD can continue to be developed in coordination and substantial compatibility with the PUD proposed.
- (2) That the desirable modifications of general zoning regulations as applied to the particular case, justify such modifications of regulations and at least an equivalent degree the regulations modified, based on the design and amenities incorporated in the site development plan.
- (3) That increased open space over conventional development is provided for the occupants of the proposed PUD and the general public, and desirable natural features indigenous to the site in accordance with the open space parameters as follows:
 - a. Open spaces shall be required within the PUD and should be devoted to active and/or passive recreational purposes.
 - b. Protects all floodplains and wetlands in accordance with parish regulation pertaining to fill.
 - c. Preserves and maintain to the extent possible mature woodlands and buffers.
 - d. Protects rural roadside character and improves public safety by minimizing development fronting and accessing directly onto the public road.
 - e. Provides for pedestrian circulation between properties and features of the site and continuity of open spaces where possible.
- (4) Internal planned unit development parameters:
 - a. The density of the proposal shall not exceed the density permitted in accordance with the requirements of article IV of this chapter.

- b. Every dwelling unit or other use within the PUD shall have direct access to a public or private street via pedestrian ways, courts or other access related easements. It should not be construed that access for permitted uses must front on a dedicated street.
 - c. If lots and/or parcels are created within the boundaries of the PUD, no minimum size or yards shall be required, except as approved as part of the individual PUD proposal.
- (5) Central sewerage and water systems shall be provided to all uses within this overlay. Septic tanks and individual water wells are prohibited in PUD developments.
- (d) *Binding nature of approval for PUD.* All terms, conditions, safeguards, and stipulations made at the time of approval for PUD shall be binding upon the applicant or any successors in interest. Deviations from approved plans or failure to comply with any requirements, conditions, or safeguards shall constitute a violation of these zoning regulations.
- (1) Tentative-preliminary-final development plans. Plans for development of land approved for PUD shall be processed in accordance with the procedures established by chapter 125 if required. The PUD approval may be substituted for the tentative plat approval required by chapter 125.
 - (2) Final development plan. After approval of the conceptual development plan by the parish council, the applicant shall submit a final plan to the department of planning and development indicating all terms, conditions, safeguards and stipulations required by the zoning commission and the parish council.
 - (3) Review and approval of a PUD overlay is a multi-step process, requiring zoning commission and planning commission approval (except in those cases where minor subdivision approval is authorized, or an exemption applies). Approval of a PUD overlay does not change the underlying zoning classification of the property until approval of the preliminary plat. PUD overlay approvals that have been granted approval by the parish council, after consideration by the zoning commission, shall remain in effect for a period of not more than two years from the date of approval by the parish council, unless a portion or phase of the proposed development has been granted preliminary plat approval by the planning commission in accordance with chapter 125.
 - (4) If no portion or phase of the original PUD, which has been granted zoning approval by the parish council, is granted preliminary approval within two years of the date of the parish council's original approval of the PUD, the owner/developer shall be required to submit an application for a new PUD overlay review and approval by the zoning commission and parish council, and pay all applicable fees.

(Code 1998, app. C, § 6.0103; Ord. No. 07-1548, § 6.0103, 5-3-2007; Ord. No. 14-3241, § 6.0103, 11-6-2014)

Sec. 130-1636. Amendment to the planned unit development.

Amendments to the PUD shall be classified as either major or minor in character.

- (1) *Major amendments.* Major amendments to the PUD shall require the developer to submit revised plans to the department of planning and development. Upon review of the proposed amendments to the PUD by the staff, a public hearing shall be established for the review of the major changes by the zoning commission.
 - a. The zoning commission shall have the authority to review and approve all major changes to the PUD. Public advertisement shall be required at least 15 days prior to the meeting date and shall run in the official journal of the parish at least twice during that time period.
 - b. Furthermore, the developer shall pay the processing fees according to chapter 2, article XVII, for the proposed major PUD changes.
 - c. Major changes to the PUD plan include changes to:
 1. The use of the land;
 2. The location of significant buildings and structures;
 3. A cumulative reduction in, the total of the originally approved overall acreage of open space by more than five percent and/or below the minimum of 25 percent of required open space;
 4. A cumulative increase in the density of a development by more than five percent of the total of the originally approved overall acreage; and/or
 5. A setback adjustment for an entire phase and/or section of a subdivision of ten lots or more. All other request of setback adjustment affecting less than ten lots will have to be appealed to the board of adjustments.
- (2) *Minor amendments.* Minor amendments to the PUD shall be construed as all other changes not considered major amendments. Minor amendments change shall be submitted for review and approval of the director of the department of planning and development.

(Code 1998, app. C, § 6.0104; Ord. No. 07-1548, § 6.0104, 5-3-2007; Ord. No. 14-3241, § 6.0104, 11-6-2014)

Secs. 130-1637—130-1655. Reserved.

DIVISION 3. MHO MANUFACTURED HOUSING OVERLAY

Sec. 130-1656. Purpose.

The purpose of the Manufactured Housing Overlay (MHO) is to provide for areas where manufactured homes may be placed on individual lots as permitted uses. It is intended to provide various areas and settings for a quality living environment for manufactured home residents.

(Code 1998, app. C, § 6.0201; Ord. No. 07-1548, § 6.0201, 5-3-2007; Ord. No. 10-2185, 1-7-2010)

Sec. 130-1657. General standards and criteria.

Any manufactured home proposed to be located within a MHO Manufactured Home Overlay shall be permitted by-right, provided that:

- (1) The manufactured home must meet the minimum standards as a HUD manufactured home unit in accordance with the Manufactured Home Construction and Safety Standards (HUD Code) for location within the parish;
- (2) The manufactured home must display a red certification label on the exterior of each transportable section;
- (3) The manufactured home is attached to and installed on a permanent foundation and the provisions of R.S. 9:1149.4 are complied with and the structure must meet the minimum standards as established in the most recent building codes adopted by the parish government;
- (4) The minimum floor area of the manufactured home is not less than 720 square feet;
- (5) The wheels, tongue and traveling lights must be removed within 15 days after the manufactured home is placed upon the lot;
- (6) Appropriate skirting is affixed to the manufactured home; and
- (7) The proposal must comply with all other development standards of the underlying zoning district.

(Code 1998, app. C, § 6.0202; Ord. No. 07-1548, § 6.0202, 5-3-2007; Ord. No. 10-2185, 1-7-2010)

Sec. 130-1658. Permit application.

Any request for a manufactured home within a MHO Manufactured Home Overlay shall be processed in accordance with the same building permit process as any other home with the exception that the request will be reviewed for compliance with the standards and criteria of this section by the department of planning and development.

(Code 1998, app. C, § 6.0203; Ord. No. 07-1548, § 6.0203, 5-3-2007; Ord. No. 10-2185, 1-7-2010)

Sec. 130-1659. Establishment of Manufactured Home Overlay (MHO).

A Manufactured Home Overlay (MHO) may be established by the parish council after review and approval of area in question in accordance with the procedures for established to consider zoning changes as outlined in these regulations.

(Code 1998, app. C, § 6.0204; Ord. No. 07-1548, § 6.0204, 5-3-2007; Ord. No. 10-2185, 1-7-2010)

Secs. 130-1660—130-1686. Reserved.

DIVISION 4. SAO SLIDELL AIRPORT OVERLAY

Sec. 130-1687. Purpose.

(a) To provide protection from the hazard created by structures or trees that in effect reduce the size of the area available for the landing, takeoff, and maneuvering of aircraft; and in the interest of the public health, public safety, and general welfare to prevent airport hazards to the extent legally possible, and by the exercise of its police power as the governing authority of the parish, the parish council hereby designates this section as the Slidell Airport Overlay.

(b) It is further declared that both the prevention of the creation or establishment of airport hazards and the elimination, removal, alteration, mitigation, or marking and lighting of existing airport hazards are public purposes for which political subdivisions may raise and expend public funds and acquire land or interest in land.

(Code 1998, app. C, § 6.0301; Ord. No. 07-1548, § 6.0301, 5-3-2007; Ord. No. 11-2505, 5-5-2011)

Sec. 130-1688. Definitions.

For the purposes of this section only, the words, terms and phrases used in this section, shall have the following meanings ascribed to them, except where the context clearly indicates a different meaning:

Airport (Slidell) means the Slidell Municipal Airport generally located north of Interstate 12 at the northern end of Airport Road, Slidell, Louisiana.

Airport elevation means the highest point of an airport's usable landing area measured in feet from mean sea level.

Airport hazard means any structure or object of natural growth located on or in the vicinity of a public airport, or any use of land near such airport, which obstructs the airspace required for the flight of aircraft in landing or takeoff at such airport or is otherwise hazardous to such landing or takeoff of aircraft.

Airport manager (Slidell) means that person appointed by the mayor of Slidell to manage the day to day operation of the Slidell Airport.

Approach, transitional, horizontal, and conical zones means those zones which apply to the area under the approach, transitional, and conical surfaces defined in FAR part 77.

Federal Aviation Administration (FAA) means that agency of the United States Department of Transportation with authority to regulate and oversee all aspects of civil aviation in the United States.

Height, for the purpose of determining the height limits in all zones set forth in this division and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.

Local governing authority means that authority with jurisdiction over building permits, zoning and other similar regulatory functions for the property in question.

Nonconformance use means any pre-existing structure, object, of natural growth, or use of land which is inconsistent with the provisions of this division or an amendment thereto.

Nonprecision instrument runway means a runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in nonprecision instrument approach procedure has been or planned, and for which no precision approach facilities are planned or indicated on an FAA planning document or military service's military airport planning document.

Person means an individual, firm, partnership, company, association, joint stock association, or governmental entity. The term "person" includes a trustee, receiver, assignee, or similar representative of any of them.

Primary surface means a surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway; but when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The width of the primary surface of a runway will be that width prescribed in part 77 of the Federal Aviation Regulations (FAR), for the most precise approach existing or planned for either end of that runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

Runway means a defined area on an airport prepared for landing and takeoff of aircraft along its length.

Structure means an object constructed or installed by man, including, but without limitation to, buildings, towers, smokestacks, earth information, and overhead transmission lines.

Tree means any object of natural growth.

Utility runway means a runway that is constructed for and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight and less.

Visual runway means a runway intended solely for the operation of aircraft using visual approach procedures with no straight-in instrument approach procedure and no instrument designation indicated on an FAA approved airport layout plan, a military service's approved military airport layout plan, or by any planning document submitted to the FAA by competent authority.

(Code 1998, app. C, § 6.0302; Ord. No. 07-1548, § 6.0302, 5-3-2007; Ord. No. 11-2505, 5-5-2011)

Sec. 130-1689. District location.

The Slidell Airport Overlay is established as follows: All property within 14,200 feet from the edge of the runway area designated on the Slidell Airport Hazard Zoning Map consisting of one sheet prepared by Hamilton, Meyer, and Associates, and dated June 23, 1980.

(Code 1998, app. C, § 6.0303; Ord. No. 07-1548, § 6.0303, 5-3-2007; Ord. No. 11-2505, 5-5-2011)

Sec. 130-1690. Application of overlay (district) regulations.

All projects located within the Slidell Airport Overlay which exceed 150 feet in height from grade shall be reviewed by the airport manager for compliance with the provisions of this overlay district.

(Code 1998, app. C, § 6.0304; Ord. No. 07-1548, § 6.0304, 5-3-2007; Ord. No. 11-2505, 5-5-2011)

Sec. 130-1691. Airport zones.

(a) In order to carry out the provisions of this division, there are hereby created and established certain zones which include all of the land lying within the approach zones, transitional zones, horizontal zones, and conical zones as they apply to a particular airport.

(b) Such zones are shown on Slidell Airport Hazard Zoning Map consisting of one sheet prepared by Hamilton, Meyer, and Associates, and dated June 23, 1980 which is attached to Ordinance No. 91-1543, adopted December 19, 1991, and made a part hereof by reference. An area located in more than one of the following zones is considered to be only in the zone with the more restrictive height limitation. The various zones are hereby established and defined as follows:

- (1) *Horizontal zone.* The horizontal zone is hereby established by swinging arcs of 10,000 feet radii from the center of each end of the primary surface of each runway, and connecting the adjacent arcs of drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.
- (2) *Conical zone.* The conical zone is hereby established as the area that commences at the periphery of the horizontal zone and extends outward therefrom a horizontal distance of 4,000 feet. The conical zone does not include the precision instrument approach zones and the transitional zones.

- (3) *Precision instrument runway approach zone.* The inner edge of this approach zone coincides with the width of the primary surface and is 1,000 feet wide. The approach zone expands outward uniformly to a width of 16,000 feet at a horizontal distance of 50,000 feet from the primary surface. Its centerline being the continuation of the centerline of the runway.
 - (4) *Runway larger than utility with a visibility minimum as greater than three-fourths mile nonprecision instrument approach zone.* The inner edge of this approach zone coincides with the width of the primary surface and is 1,000 feet wide. The approach zone expands outward uniformly to a width of 3,500 feet at a horizontal distance of 10,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
- (Code 1998, app. C, § 6.0305; Ord. No. 07-1548, § 6.0305, 5-3-2007; Ord. No. 11-2505, 5-5-2011)

Sec. 130-1692. Airport zone height limitations.

Except as otherwise provided in this division, no structure or tree shall be erected, altered, allowed to grow, or be maintained in any zone created by this division to a height in excess of the applicable height limit herein established for such zone. Such applicable height limitations are hereby established for each of the zones in question as follows:

- (1) *Transitional zones.* Slopes upward and outward seven feet horizontally for each foot vertically beginning at the sides of the same elevation as the primary surface and the approach zones, and extending to a height of 150 feet above the airport elevation which is 27 feet above mean sea level. In addition to the foregoing, there are established height limits sloping upward and outward seven feet horizontally for each foot vertically beginning at the sides of and at the same elevation as the approach zones and extending to where they intersect the conical surface. Where the precision instrument runway approach zone projects beyond the conical zone, height limits sloping upward and outward seven feet horizontally for each foot vertically shall be maintained beginning at the sides of and at the same elevation as precision instrument runway approach surface, and extending to a horizontal distance of 5,000 feet measured at 90-degree angles to the extended runway centerline.
- (2) *Horizontal zone.* 150 feet above the airport elevation or a height of 178 feet above mean sea level.
- (3) *Conical zone.* Slopes upward and outward 20 feet horizontally for each foot vertically beginning at the periphery of the horizontal zone and at 150 feet above the airport elevation and extending to a height of 350 feet above the airport elevation.
- (4) *Precision instrument runway approach zone.* Slopes upward 50 feet vertically beginning at the end of and at the same elevation as the primary surface and extending to a

horizontal distance of 10,000 feet along the extended runway centerline; thence slope upward 40 feet horizontally for each foot vertically to an additional horizontal distance of 40,000 feet along the extended runway centerline.

- (5) *Runway larger than utility with a visibility minimum greater than three-fourths mile nonprecision instrument approach zone.* Slopes upward 34 feet horizontally for each foot vertically beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline.
- (6) *Height limitations.* Nothing in this division shall be construed as prohibiting the growth, construction, or maintenance of any tree or structure to a height up to 50 feet above the surface of the land. Where an area is covered by more than one height limitation, the more restrictive limitation shall prevail.

(Code 1998, app. C, § 6.0306; Ord. No. 07-1548, § 6.0306, 5-3-2007; Ord. No. 11-2505, 5-5-2011)

Sec. 130-1693. Use restrictions.

Notwithstanding any other provisions of this division, no use may be made of land or water within any zone established by this division in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport or otherwise in any way create a hazard or endanger the landing, takeoff, or maneuvering of aircraft intending to use the airport.

(Code 1998, app. C, § 6.0307; Ord. No. 80-29, 8-21-1980; Ord. No. 91-1543, 12-19-1991; Ord. No. 07-1548, § 6.0307, 5-3-2007; Ord. No. 11-2505, 5-5-2011)

Sec. 130-1694. Nonconforming uses.

(a) *Regulations not retroactive.* The regulations prescribed by this division shall not be construed to require the removal, lowering, or other changes or alterations of any structure or tree not conforming to the regulations as of the effective date of the ordinance from which this division is derived, or otherwise interfere with the continuance of a nonconforming use. Nothing contained herein shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of the ordinance from which this division is derived, and is diligently prosecuted.

(b) *Marking and lighting.* Notwithstanding the preceding provisions of this section, the owner of any existing nonconforming structure or tree is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the airport manager to indicate to the operators of aircraft in the vicinity of the airport, the presence of such airport hazards. Such markers and lights shall be installed, operated, and maintained at the expense of the local governing authority.

(Code 1998, app. C, § 6.0308; Ord. No. 07-1548, § 6.0308, 5-3-2007; Ord. No. 11-2505, 5-5-2011)

Sec. 130-1695. Permits.

(a) *Future uses.* No material change shall be made in the use of land and no structure or tree shall be erected, altered, planted, or otherwise established in any zone hereby created unless a permit therefore shall have been applied for and granted.

- (1) However, a permit for a tree or structure of less than 75 feet of vertical height above the ground shall not be required in the horizontal distance of 4,200 feet from each end of the runway except when such tree or structure, because of terrain, land contour, or topographic features, would extend above the height limit prescribed for the respective zone.
- (2) Each application for a permit shall indicate the purpose for which the permit is desired with sufficient particulars to determine whether the resulting use, structure, or tree would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted.

(b) *Existing uses.* No permit shall be granted that would allow the establishment or creation of an airport hazard or permit a conforming use, structure, or tree to become a greater hazard to air navigation than it was on the effective date of the ordinance from which this division is derived or any amendments thereto or than it is when the application for a permit is made. Except as indicated, all applications for such a permit shall be granted.

(c) *Nonconforming uses abandoned or destroyed.* Whenever the airport manager determines that a nonconforming tree or structure, upon approval of parish building inspector, has been abandoned or more than 80 percent torn down, physically deteriorated, or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations.

(d) *Variances.* Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use his property not in accordance with the regulations prescribed in this division, may apply to the airport manager for a variance from such regulations. Such variances shall be allowed where it is duly found that a literal application or enforcement of the regulations would result in practical difficulty or unnecessary hardship and relief granted would not be contrary to the public interest, but will do substantial justice and be in accordance with the spirit of this division, and as permissible by all applicable FAA regulations.

(e) *Hazard marking and lighting.* Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this division and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to permit the local governing authority at its own expense, to install, operate, and maintain thereon such markers and lights as may be necessary to indicate to pilots the presence of an airport hazard. (Code 1998, app. C, § 6.0309; Ord. No. 07-1548, § 6.0309, 5-3-2007; Ord. No. 11-2505, 5-5-2011)

Sec. 130-1696. Enforcement.

(a) It shall be the duty of the director of the parish department of planning and development to identify the potential conflict between any proposed structure and these regulations and refer them to the airport manager for review.

(b) It shall be the duty of the airport manager to administer and cause to enforce the regulations prescribed herein through the various enforcement agencies of the local governing authority. Applications for permits and variances shall be made to the airport manager upon a form furnished by him. Applications required by this division to be submitted to the airport manager shall be promptly considered and granted or denied by him.

(Code 1998, app. C, § 6.0310; Ord. No. 07-1548, § 6.0310, 5-3-2007; Ord. No. 11-2505, 5-5-2011)

Sec. 130-1697. Appeals.

(a) Any person aggrieved or any taxpayer affected by any decision of the airport manager made in his administration of this division, may appeal to board of adjustment of the local governing authority.

(b) All appeals under this section must be taken within a reasonable time as provided by the rules of the board of adjustment, by filing with the staff of the board of adjustment a notice of appeal specifying the grounds thereof. The staff of the board of adjustment shall forthwith transmit to the board of adjustment all the papers constituting the record upon which the action appealed from was taken.

(c) An appeal shall stay all proceedings in furtherance of the action appealed from unless the airport manager certifies to the board of adjustment, after the notice of appeal has been filed with it, that by reason of the facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed except by order of the board of adjustment on notice to the airport manager and on due cause shown.

(d) The board of adjustment shall fix a reasonable time for hearing appeals, give public notice and due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing, any party may appear in person or by agent or by attorney.

(e) The board of adjustment may, in conformity with the provision of this division, reverse or affirm, in whole or in part, or modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination, as may be appropriate under the circumstances.

(Code 1998, app. C, § 6.0311; Ord. No. 07-1548, § 6.0311, 5-3-2007; Ord. No. 11-2505, 5-5-2011)

Secs. 130-1698—130-1717. Reserved.

DIVISION 5. MIO MUNICIPAL INTERFACE OVERLAY DISTRICT

Sec. 130-1718. Purpose.

The purpose of this division is to provide the planning department of the City of Mandeville a courtesy right to review and comment with respect to certain specified matters regarding properties which are located near, but outside the city limits of Mandeville.

(Code 1998, app. C, § 6.0402; Ord. No. 07-1548, § 6.0402, 5-3-2007)

Sec. 130-1719. Applicability.

This division shall only be applicable to the properties outside of the city limits of Mandeville, with frontage along on the following portions of the following highways or roads:

- (1) North approach, from Florida Street North to Louisiana Highway 22.
- (2) U.S. Highway 190 East Service Road from U.S. Highway 190 North to Marquette Street.
- (3) U.S. Highway 190 West Service Road from Louisiana Highway 22 North to 7th Street.
- (4) La. 22 from Ridgewood Drive East to U.S. Highway 190.
- (5) U.S. Highway 190 from Louisiana Highway 22 East to Bayou Castine.
- (6) West Causeway approach from Louisiana Highway 22 East to North Causeway approach.
- (7) Highway 59 from U.S. Highway 190 North to Dupard Street.

(Code 1998, app. C, § 6.0403; Ord. No. 07-1548, § 6.0403, 5-3-2007)

Sec. 130-1720. Submittals to municipality.

(a) *Signs, lighting, and landscape variances.* Within five business days after application is made to the parish for a variance from sign, lighting or landscape regulations requiring a hearing before the board of zoning adjustments, the applicant shall transmit, to the department of planning of the City of Mandeville (with a copy of the transmittal letter being directed to the parish department of planning and development), a complete copy of the documents filed with the board of zoning adjustments.

(b) *New or altered building construction not requiring a variance.* In the event an application is made to the parish for the construction of a new building or the alteration of an existing building on properties with frontage along highways or roads described in section 130-1719 which do not require a variance from the board of zoning adjustments from the signs, lighting or landscaping regulations, the applicant shall within two business days transmit, to the

department of planning of the City of Mandeville (with a copy of the transmittal letter being directed to the parish department of planning and development), a complete copy of the documents filed with the parish department of permits.

(Code 1998, app. C, § 6.0404; Ord. No. 07-1548, § 6.0404, 5-3-2007)

Sec. 130-1721. Comments of municipality.

If the department of planning of the City of Mandeville so desires, it may transmit written comments to the director of the department of planning and development or the director of the department of permits of the parish with respect to such submittals; provided that, a copy of such written comments shall be simultaneously transmitted to the applicant. The comments of the department of planning of the City of Mandeville may be considered by the department of planning and development, the board of zoning adjustments and other agencies of the parish, but shall not be binding on the department of planning and development, the board of zoning adjustments or other agencies of the parish. At no time shall any action of the parish, such as the granting of a permit or variance, be delayed to await comments from the department of planning of the City of Mandeville.

(Code 1998, app. C, § 6.0405; Ord. No. 07-1548, § 6.0405, 5-3-2007)

Sec. 130-1722. Zoning regulations applicable.

Although the department of planning of the City of Mandeville is provided a right of review and comment as provided in section 130-1721, the zoning and other regulations of the City of Mandeville shall not be applicable to the properties which are the subject of this division, and the applicant shall only be required to meet the zoning and other regulations of the parish with respect to such properties.

(Code 1998, app. C, § 6.0406; Ord. No. 07-1548, § 6.0406, 5-3-2007)

Sec. 130-1723. Special street planting area rules for U.S. Highway 190 between Louisiana Highway 22 and Bayou Castine.

(a) Applicability; definitions.

- (1) *Applicability.* This section is applicable to that portion of the MIO district, outside of the city limits of Mandeville, located along U.S. Highway 190 from Louisiana Highway 22 (the centerline of the North Causeway Approach Overpass over Louisiana Highway 22/U.S. Highway 190) to Bayou Castine (currently the eastern city limits of the City of Mandeville).

- (2) *Definitions for this section.* The following definitions are applicable to this section :

Present Highway 190 right-of-way line means the right-of-way line of U.S. Highway 190 from Louisiana Highway 22 to Bayou Castine prior to acquisition of right-of-way by DOTD for the U.S. Highway 190 widening project. Subsequent Highway 190

right-of-way line: The right-of-way line of U.S. Highway 190 from Louisiana Highway 22 to Bayou Castine after the acquisition of right-of-way by DOTD for the U.S. Highway 190 widening project.

U.S. Highway 190 widening project means the highway widening project, by the Louisiana Department of Transportation and Development (DOTD) along U.S. Highway 190 from Louisiana Highway 22 (the centerline of the North Causeway Approach Overpass over Louisiana Highway 22/U.S. Highway 190) to Bayou Castine (currently the eastern city limits of the City of Mandeville). As of the date of the adoption of this section, this project currently is described as DOTD State Project No. 700-30-0270, but this definition includes not only that project number, but any other project number that may be used for the widening along U.S. Highway 190 from Louisiana Highway 22 to Bayou Castine.

(b) *Effect, purpose of U.S. Highway 190 widening project.*

- (1) *Effect of U.S. Highway 190 widening project.* This section is necessitated because the U.S. Highway 190 widening project will affect many properties with frontage along U.S. Highway 190 which already have buildings and improvements constructed thereon and which, in many instances, are limited in depth. Since under the provisions of section, street planting areas are measured 25 feet back (20 feet back in the case of lots with two street frontages) from the street property line, the U.S. Highway 190 widening project, without the provisions of this section, would cause the street planting areas to extend from the subsequent U.S. Highway 190 right-of-way line into the property a distance of 25 feet (20 feet in the case of lots with two street frontages), thereby resulting in significant problems and/or diminishment of property values for the properties which will be subject to the U.S. Highway 190 widening project.
- (2) *Purpose of this section.* The purpose of this section is to minimize the effect of the U.S. Highway 190 widening project on property owners with frontage along this highway and to minimize the land acquisition costs to DOTD for the U.S. Highway 190 widening project, while seeking to maintain as much as possible of the intended landscaping effect of the street planting areas as provided for in section 130-1873.

(c) *Street planting area prior to land acquisition for the U.S. Highway 190 widening project.* Prior to land acquisition for the U.S. Highway 190 widening project, the street planting areas along U.S. Highway 190 shall be 25 feet wide or deep (20 feet for properties having more than one street frontage) measured from the present U.S. Highway 190 right-of-way line and shall be subject to the other provisions of section 130-1873.

(d) *Street planting area after land acquisition for the U.S. Highway 190 widening project.* After the land acquisition for the U.S. Highway 190 widening project, the width (depth) of the street planting area after such acquisition shall be reduced by one foot (or fraction thereof) for

each foot (or fraction thereof) that the right-of-way for U.S. Highway 190 is widened by such acquisition. The following are examples of the application of this rule at points along the right-of-way line of U.S. Highway 190 after such acquisition:

<i>Extended Width of Right-of-Way</i>	<i>Street Planting Width or Depth After Land Acquisition</i>
Zero (No widening)	25 feet (20 feet for properties with more than one frontage)
Right-of-way widened 5 feet	20 feet (15 feet for properties with more than one frontage)
Right-of-way widened 10 feet	15 feet (10 feet for properties with more than one frontage)
Right-of-way widened 15 feet	10 feet (5 feet for properties with more than one frontage)
Right-of-way widened 20 feet	5 feet (no front planting area for properties with more than one frontage)
Right-of-way widened 25 feet	No front planting area
Right-of-way widened 30 feet	No front planting area

(e) *Planting requirements in street planting areas after U.S. Highway 190 widening project.* After land acquisitions for the U.S. Highway 190 widening project, the planting requirements in street planting areas as set forth in section 130-1873(f) shall be as follows:

- (1) *Street planting area widths of 15 or more feet.* If the street planting area width (depth) is 15 or more feet after the land acquisition for the U.S. Highway 190 widening project, the planting requirements set forth in section 130-1873(f) shall be satisfied within such 15 or more feet.
- (2) *Street planting area widths of less than 15 feet.* If the street planting area width (depth) is less than 15 feet after the land acquisition for the U.S. Highway 190 widening project:
 - a. The applicant shall submit a landscape and tree preservation plan to the department of planning and development which achieves as much of the planting required in section 130-1873(f) as is reasonably feasible.
 - b. The department of planning and development shall review such plan and make such additional requirements as it deems appropriate. The department of planning and development's decision shall be final except that it is subject to appeal to the board of zoning adjustments.

(f) *Utilities in street planting areas.* If, after the acquisition of land for the U.S. Highway 190 widening project, a utility easement or servitude is located within the street planting area and is adjacent to and runs along a street or road, the width of the street planting area shall not be increased beyond the width required in subsection (e) of this section.

(g) *Required information.*

- (1) In order to receive the benefits of this section, the applicant shall submit to the department of planning and development:
 - a. A copy of the acquisition (judgment of expropriation or voluntary sale or grant of right-of-way) by DOTD for the U.S. Highway 190 widening project.
 - b. A copy of the right-of-way map of DOTD showing the property acquired for the U.S. Highway 190 widening project.
 - c. A copy of a survey by a licensed surveyor showing the right-of-way line before and after the acquisition for the U.S. Highway 190 widening project.
- (2) The department of planning and development may waive submission of one or more of these items required to be submitted, provided that the submitted item or items are sufficient to determine the right-of-way line before and after the acquisition for the U.S. Highway 190 widening project.

(h) *Special street planting area rules take precedence.* The provisions of this section shall take precedence over other provisions of article VI, division 2 of these regulations relating to street planting areas so that if there is any conflict, the provisions of this section shall prevail.

(i) *Intergovernmental agreement.* It is understood that the parish may enter into an intergovernmental agreement with the DOTD to use part of the extended right-of-way resulting from the U.S. Highway 190 widening project for the purposes of landscaping in order to mitigate the effects of the reduction in width of the street planting areas due to such widening.

(Code 1998, app. C, § 6.0407; Ord. No. 07-1548, § 6.0407, 5-3-2007)

Secs. 130-1724—130-1754. Reserved.

DIVISION 6. PLANNED CORRIDOR DISTRICT

Sec. 130-1755. Purpose.

The purpose of this district is to provide for the preservation of the certain existing special standards for all development, excepting single-family residential, along the Louisiana Highway 21 Corridor and the Tammany Trace. The permitted uses are determined by the underlying zoning classification upon which the overlay rests. Minimum standards such as signs and lighting, landscaping, parking, height and setbacks shall be as set forth in the other provisions of these regulations, except that the special design standards set forth in this division shall be applicable if they are more restrictive than said minimum standards.

(Code 1998, app. C, § 6.0501; Ord. No. 07-1548, § 6.0501, 5-3-2007; Ord. No. 11-2427, 1-6-2011)

Sec. 130-1756. History.

The Highway 21 Planned Corridor (1989) and the Tammany Trace Overlay Districts were created for the protection of the scenic benefits of that corridor. With a revision to the general development regulations in 2002, a desire was expressed by the residents of these areas to maintain the high development standards in these corridors. A determination was made to consolidate these standards into the planned corridor district standards found in this section. (Code 1998, app. C, § 6.0502; Ord. No. 07-1548, § 6.0502, 5-3-2007; Ord. No. 11-2427, 1-6-2011)

Sec. 130-1757. Applicability.

These sections apply to all lots with frontage along Highway 21 between the Tchefuncte River and Highway 1077; and lots with frontage along the Tammany Trace. (Code 1998, app. C, § 6.0503; Ord. No. 07-1548, § 6.0503, 5-3-2007; Ord. No. 11-2427, 1-6-2011)

Sec. 130-1758. General standards.

The zoning commission shall have the authority to grant the plan review permit with the recommendations of the department of planning and development. The plan review permit will be processed in accordance to section 130-1759, development review procedures.

- (1) The zoning commission may attach such conditions on the plan review permit as are necessary to ensure the continuous conformance to all applicable standards and the integrity of the district.
- (2) The zoning commission may approve additional standards as may be recommended by the department of planning and development imposed in the public interest for signage, landscaping, parking, setbacks and fascia appearance standards in the overlay district.
- (3) Failure to observe the conditions of the commission imposed pursuant to the issuance of the plan review permit shall be deemed to be grounds for violation and subject to the revocation of the plan review permit.

(Code 1998, app. C, § 6.0504; Ord. No. 07-1548, § 6.0504, 5-3-2007; Ord. No. 11-2427, 1-6-2011)

Sec. 130-1759. Development review procedures.

(a) *General review procedures.* Requests for development or redevelopment in the designated planned corridors shall be submitted to the parish department of planning and development. The requirement of a plan review shall be determined by the department of planning and development in accordance with subsection (c) of this section, compliance with the established overlay district. The applicant shall submit fully detailed plans in accordance with subsection (e) of this section, site plan submittal. When the subject property is located in the Louisiana Highway 21 Corridor, or along Tammany Trace, the site plan submittal shall be required to undergo plan review with a public hearing before the zoning commission site plan review in accordance with these procedures. The final disposition of which shall be determined by the

zoning commission of the parish. Variations in the planned corridor regulations may be granted by the parish zoning commission through the plan review process provided the following criteria are met:

- (1) The granting of the variation is not inconsistent with the general provisions and intent of the planned corridor.
- (2) Harmony and compatibility with adjacent land uses are not adversely affected.
- (3) Special conditions and circumstances exists peculiar to land, structures or buildings which are not applicable to other land structures or buildings in the same district and which a site related hardship can be demonstrated.

(b) *Determination.* After a decision is rendered by the zoning commission, the permit decision shall not become effective for ten days of the decision, during which time an appeal can be made in written form to the parish council through the department of planning and development. The procedure for appeals to the parish council is contained within this Code.

(c) *Compliance with the established overlay.*

- (1) *Existing development; conditions for compliance.* Development and structures existing prior to adoption of the planned corridor shall comply with the planned corridor district regulations and undergo plan review before the zoning commission in accordance to subsection (a) of this section, general review procedures, when any of the following conditions are met:
 - a. *Change of permitted use or occupancy.* Structures utilized by a single business which are not a part of a development with multiple land uses such as a shopping center, and which structures were in existence prior to the adoption of the planned corridor, shall comply with the planned corridor district regulations upon change of permitted use or a change of occupancy that would require an increase in the number of parking and loading spaces needed to service the structure.
 - b. *Vacancy.* Any single use development that is vacant for a six-month period, or a multi-use site where 51 percent or more of the development is vacant for the same six-month period, shall comply with the planned corridor district regulations.
 - c. *Additions.* Any additions to the development or structures, including construction of parking lots, that adds 50 percent or more to the size of the original development shall comply to the planned corridor district regulations.
 - d. *Signs.* Signs existing at the time of the planned corridor designation shall comply with the planned corridor district regulations when there is a change in sign structure, support, or area. The replacement of the face or panels of all nonconforming signs shall be approved by the director of planning and development or

designee without need for a public hearing so long as the area of the sign face is not increased, illumination is not added and/or the degree of nonconformance (i.e., height, setbacks) is not increased.

- (2) *New development.* New development shall comply fully with the district regulations of the planned corridor. Plan review with public hearings is required before the zoning commission in accordance to subsection (a) of this section, general review procedures.

(d) *Plan review procedures.*

- (1) *Pre-application conference.* Prior to the submission of an application for plan review in a planned corridor, a pre-application conference with a designated representative of the department of planning and development is required. The purpose of the pre-application conference is to thoroughly discuss the proposal and to bring the petition in conformity with the planned corridor district regulations.
- (2) *Application.* An application for plan review in a planned corridor shall be filed with the department of planning and development and shall contain the following information:
- a. *Interest and ownership.* The petitioner's and the property owner's name, address, phone number, and signatures.
 - b. *Zoning classification.*
 - c. *Legal description.*
 - d. *Fees.* Fees for site plan review shall be as required by chapter 2, article XVII of the Parish Code of Ordinances, parish fees and service charges.
 - e. *Site plan.* A site plan shall be submitted in accordance to subsection (e) of this section, site plan submittal.
 - f. *Additional information.* The zoning commission may require additional material such as plans, maps, studies and reports which may be needed in order to make the necessary findings and determinations that the applicable parish standards and guidelines have been achieved.

(e) *Site plan submittal.*

- (1) *Procedure.* Prior to issuance of a building permit, a site plan for the proposal shall be submitted to the department of planning and development as specified in subsection (a) of this section, general review procedures, for review and determination.
- (2) *Site plan requirements.* Drawing submissions shall be required to be 24 inches by 36 inches or smaller. If the applicant fails to submit such drawings, additional fees may be required. The following minimum information shall be submitted to the department of planning and development in the form of a site plan:
- a. The title of the project and the names of the project planner and developer.

- b. Plat indicating scale, date, north arrow, and general vicinity map indicating existing land uses within 500 feet of all boundaries of the proposed development shall be included.
- c. All existing physical features such as existing streets, buildings, watercourses, easements, parking spaces, service bays and loading areas, sidewalks, and signs.
- d. Boundaries of the property involved.
- e. Parking layout indicating the number of required and proposed parking spaces, the location of ingress, egress and access streets, and the location of pedestrian and vehicular ways; circulation element indicating the movement of pedestrians, goods and vehicles.
- f. A landscape plan of the site showing the type, size and number of plants; location of existing trees to be preserved; the location and dimensions of proposed planting beds, barrier curbs, site triangles, fences, buffers and screening; elevations of all fences and type of materials to be used; and total square footage of landscaping.
- g. Tabulation of the maximum square footage of each use.
- h. The proposed height and setback of any building or structure.
- i. Fascia treatment of the buildings or structures including elevations, and type of materials.
- j. The location, dimensions, area, type of materials and elevations of all signs and support structures.
- k. Location of trash disposal system and details of screening, including type, height and elevation of dumpster and fence.
- l. Lighting plan of the site showing location, number, type, height and materials of fixtures.
- m. Illustrative approved drainage plan by the department of engineering.
- n. If the proposed development is to be constructed in phases, indicate proposed development scheduling in detail including:
 - 1. The approximate date when construction of each phase of the project can be expected to begin.
 - 2. The order in which the phases of the project will be built.
 - 3. The infrastructure and on-site improvements that will be included in each phase delineated for the development, including but not limited to service areas, access drives, parking, landscaping, buildings and other structures.

4. If no phasing schedule is provided at the time of application, the project shall be completed as a single unit, or has to go through another site plan review when any changes are proposed.

(Code 1998, app. C, § 6.0505; Ord. No. 07-1548, § 6.0505, 5-3-2007; Ord. No. 11-2427, 1-6-2011)

Sec. 130-1760. Special design standards.

The minimum standards for the Highway 21 Planned Corridor Overlay will be the same as the standards for all commercial development unless otherwise stated below:

(1) *Site and structure provisions.*

- a. Minimum lot area.
- b. Minimum area regulations.
- c. Height regulations.
- d. Off-street parking and loading requirements. The parking area shall be located no less than 50 feet from the property line nor shall it encroach on the required street planting area.
- e. Landscaping regulations. Landscape regulations shall be the same as for other commercial properties, except that the following additional standards shall apply:

1. *Planting requirements.*

(i) *Street planting area requirements.*

- A. The street planting area shall be a minimum of 25 feet in depth. For lots greater than 150 feet in depth, the street planting area shall include one additional foot for every ten feet in depth.
- B. The street planting area shall contain a minimum of one class A tree per every 300 square feet of the street planting area and one class B tree per every 200 square feet of the street planting area.
- C. Planting beds near signage and structures are recommended.
- D. Grass or groundcover are recommended for areas without trees.

(ii) *Buffer planting area requirements.* A nonresidential property abutting a residential district shall have a minimum side yard and rear yard requirement of 30 feet.

(iii) *Parking area requirements.*

- A. The parking area shall be screened from view when the parking area is oriented to the side and/or the front of the structure to reduce visibility of the parking area from the highway using one of the following methods:
 - i. Seventy percent sight obscuring screen of living material.

- ii. One hundred percent sight obscuring screen six feet in height of nonliving material.
 - iii. Earth berm with a minimum height of three feet.
 - B. Planting areas shall be a minimum of ten percent of the paved parking area.
 - 2. *Protection of landscape areas.* The placement of barrier curbs or wheel stops to protect landscape areas from vehicular damage shall be required.
 - f. Sign regulations. Sign regulations shall be the same as for other commercial properties, except that the following additional standards shall apply:
 - 1. Area and height provisions for ground signs:
 - (i) Single occupancy:
 - A. Area allowed: 25 square feet.
 - B. Height allowed: six feet.
 - (ii) Multiple occupancy:
 - A. Area allowed: 50 square feet.
 - B. Height allowed: eight feet.
 - 2. No internal illumination.
 - 3. White light only, no colored lighting.
 - 4. Spectrum colors only, no iridescent colors permitted.
 - 5. Personal identification signs with any dimensions exceeding 24 inches shall require an administrative permit. Such signs shall not exceed four square feet.
 - g. Lighting requirements.
 - h. Utility requirements.
 - i. Setback requirements. For lots with frontage along Highway 21 only, the following setback requirements shall be applied:
 - 1. Principal buildings: 100 feet from the property line.
 - 2. Accessory structures: 100 feet from the property line.
- (Code 1998, app. C, § 6.0506; Ord. No. 07-1548, § 6.0506, 5-3-2007; Ord. No. 11-2427, 1-6-2011)

Sec. 130-1761. Special design standards for the Tammany Trace Overlay.

The minimum standards for the Tammany Trace Overlay will be the same as the standards for all commercial development unless otherwise stated below:

- (1) *Site and structure provisions.*
 - a. Minimum lot area.

- b. Minimum area regulations.
- c. Height regulations. No portion of a building for business purposes located 25 feet from the Tammany Trace shall exceed 35 feet in height above the natural grade of the property at the location of the structure or base flood elevation as established in chapter 115, article II of this Land Development Code, whichever is higher. Where a building is taller than 35 feet in height, one additional foot of setback shall be required for each one foot in building height over 35 feet.
- d. Off-street parking and loading requirements.
- e. Landscaping regulations. Landscape regulations shall be the same as for other commercial properties, except that the following additional standards shall apply:
 - 1. *Planting requirements.*
 - (i) *Planting area requirements along the Tammany Trace.*
 - A. The planting area abutting the Tammany Trace shall be a minimum of 25 feet in depth. If the site has not been previously cleared, all trees and underbrush shall be preserved wherever they may be located, within the 25-foot planting area.
 - B. Only trees that are unsound, hazardous, diseased or infested with insects as determined by a licensed arborist, located within the buffer planting area, can be removed.
 - C. Trees and shrubs required. In the case where the site has previously been cleared or the trees that are unsound, hazardous, diseased or infested with insects have to be removed, the required minimum number of trees shall be provided in the planting area or areas as set under article VI, division 2 of these regulations.
 - D. As required under article VI, division 2 of these regulations, the location, dimensions, depth and description of any retention/detention ponds or retention/detention areas on, or to be placed on the site, shall be shown on the site plan. However, the required retention/detention pond shall be located outside the required 25-foot planting area.
 - E. A path or trail can be provided through the required planting area to access the Tammany Trace. The width of the cleared area for the construction of the path shall not exceed ten feet and the width of the pavement shall not exceed five feet.
- f. Facade. Facades of the buildings having frontage on the Tammany Trace shall maintain the same standard of design as the front facade. The finish of the facades shall be limited to cement plaster (stucco), brick or wood.

(Code 1998, app. C, § 6.0507; Ord. No. 07-1548, § 6.0507, 5-3-2007; Ord. No. 11-2427, 1-6-2011)

Secs. 130-1762—130-1785. Reserved.

DIVISION 7. RO RURAL OVERLAY

Sec. 130-1786. Purpose.

The RO Rural Overlay is established to permit agriculture uses, to encourage the maintenance of the rural countryside, to preserve forests and other undeveloped lands away from areas of population growth, and to allow residents to retain their traditional ways of life. The preferred land use in the district is agricultural, either active in the form of crops or passive in the form of forest management or pasture lands. Permitted uses would include single-family residences and certain accessory structures and uses for the conduct of agriculture support and related business.

(Code 1998, app. C, § 6.0601; Ord. No. 07-1548, § 6.0601, 5-3-2007)

Sec. 130-1787. Permitted uses.

Only the following permitted uses shall be allowed in the RO Rural Overlay and no structure or land shall be devoted to any use other than a use permitted hereunder with the exception of uses lawfully established prior to the effective date of the ordinance from which this section is derived:

- (1) *Agriculture uses.*
 - a. Farming and any other agricultural.
 - b. Agricultural buildings.
 - c. Limited commercial and industrial uses supporting the agricultural production limited to buildings no larger than 5,000 square feet.
 - d. Wholesale/retail greenhouses and nurseries.
 - e. Roadside farm stands.
 - f. Dirt hauling equipment storage, including operable, licensed bobtail dump trucks, tractor trailers, and excavation equipment when stored on a operable, licensed transport vehicle, where the area utilized for storage is not more than ten percent of the property.
- (2) *Residential uses.* When located on property that is zoned for nonresidential uses:
 - a. Single-family dwelling units.
 - b. Private garages and accessory structures.
 - c. One garage apartment or guest house under 1,000 square feet of habitable floor space.

d. Accessory single or multifamily farm tenant dwellings on un-subdivided farm land when residents are employed on the property and when gross density does not exceed one family per acre.

e. Private landing strips or heliports.

(Code 1998, app. C, § 6.0602; Ord. No. 07-1548, § 6.0602, 5-3-2007)

Sec. 130-1788. Administrative permits.

The following uses are permitted through the administrative permit process in addition to those already permitted in the underlying zoning. The purpose of an administrative permit is to provide for a staff review and approval of certain uses as set forth below:

- (1) Religious uses including churches, temples, synagogues, camps, convents and monasteries.
- (2) One garage apartment or guest house under 1,000 square feet of habitable floor space on lots of less than 40,000 square feet.
- (3) Seasonal seafood peddlers using temporary structures. State inland waters shrimping seasons shall be considered as the seasons during which the regulations shall apply and inspectors may periodically check for conformance; including temperature of seafood storage and waste disposal.
- (4) Seasonal produce stands other than seafood peddlers and Christmas tree sales, provided that the use is temporary and valid for a period not greater than six months. Concurrent permits for a single site may not extend this six-month limit. For occupancy of a site on a permanent basis a conditional use permit is required. Signs are allowed provided they are professionally rendered and approved by the department of planning and development.
- (5) Fireworks sales using temporary structures during periods established by ordinance of the parish council except where prohibited by ordinance. Signs are allowed provided all are professionally rendered and approved by the department of planning and development.
- (6) Snowball stands between April 1 and September 30.
- (7) Nonprofit/family cemeteries.
- (8) Bed and breakfast.
- (9) Excavations for the purpose of creating a decorative or farm pond of not to exceed one acre in area and when located on a parcel of at least five acres in area.

- (10) Similar and compatible uses. Other administrative uses which are similar and compatible with the administrative uses of the rural district as determined by the director of planning and development acting in the capacity of zoning administrator.
(Code 1998, app. C, § 6.0603; Ord. No. 07-1548, § 6.0603, 5-3-2007)

Sec. 130-1789. Site and structure provisions.

When property is located with a residentially zoned district, the site and structure provisions of the underlying zoning district apply. This section shall apply to residential uses when located in a nonresidential zoning district.

- (1) *Minimum lot area.* The minimum lot area for any use other than agricultural uses shall be one acre in size.
- (2) *Minimum area regulations.*
 - a. *Minimum lot size.* The density shall be established as one dwelling unit per acre unless it is within an established subdivision of record, commonly referred to as older paper subdivision, established prior to the enactment of chapter 125.
 - b. *Minimum lot width.* The width of each zoning lot shall not be less than 100 feet.
 - c. *Front yard.* Residential structures shall be set back a minimum of 40 feet from the right-of-way of adjoining major or minor arterial and 30 feet from the right-of-way of any public road. Agricultural uses require no front yard.
 - d. *Side yard.* Side yards shall be not less than 30 feet from the right-of-way of any public road and 15 feet in all other instances. This setback shall apply to structures only.
 - e. *Rear yard.* All structures shall have a rear yard of not less than 30 feet; however, agricultural uses require no rear yard.
- (3) *Maximum lot coverage.* The lot coverage of all principle and accessory buildings on a zoning lot shall not exceed 25 percent of the total area of the lot.
- (4) *Height regulations.*
 - a. No building or dwelling for residential or business purposes shall exceed 35 feet in height above the base flood elevation as set forth in chapter 115 of this Land Development Code.
 - b. Uses incidental to farming, such as silos, windmills, etc., and any other nonhabitable structure (e.g., radio, television tower) may exceed this height limitation, provided, however, that there be one-foot setback for every one foot over 45 feet from existing dwellings and/or residences or property lines.

(5) *Off-street parking and loading requirements.* Off-street parking and loading shall be provided as put forth in article VI of these regulations.
(Code 1998, app. C, § 6.0604; Ord. No. 00-0181, 8-24-2000; Ord. No. 07-1548, § 6.0604, 5-3-2007)

Secs. 130-1790—130-1811. Reserved.

DIVISION 8. ABITA AIRPORT OVERLAY

Sec. 130-1812. Purpose.

(a) To provide protection from the hazard created by structures or trees that in effect reduce the size of the area available for the landing, takeoff, and maneuvering of aircraft; and in the interest of the public health, public safety, and general welfare to prevent airport hazards to the extent legally possible, and by the exercise of its police power as the governing authority of the parish, the parish council hereby designates this section as the Abita Airport Overlay.

(b) It is further declared that both the prevention of the creation or establishment of airport hazards and the elimination, removal, alteration, mitigation, or marking and lighting of existing airport hazards are public purposes for which political subdivisions may raise and expend public funds and acquire land or interest in land.

(Code 1998, app. C, § 6.0701; Ord. No. 07-1548, § 6.0701, 5-3-2007)

Sec. 130-1813. Definitions.

For the purposes of this section only, the words, terms and phrases used in this section, shall have the following meanings ascribed to them, except where the context clearly indicates a different meaning:

Airport (Abita) means the St. Tammany Regional Airport generally located south of Louisiana Highway 36 approximately three miles southeast of Abita Springs, Louisiana.

Airport elevation means the highest point of an airport's usable landing area measured in feet from mean sea level.

Airport hazard means any structure or object of natural growth located on or in the vicinity of a public airport, or any use of land near such airport, which obstructs the airspace required for the flight of aircraft in landing or takeoff at such airport or is otherwise hazardous to such landing or takeoff of aircraft.

Airport manager (Abita) means that person appointed by the parish president to manage the day to day operation of the St. Tammany Regional Airport.

Approach, transitional, horizontal, and conical zones. These zones apply to the area under the approach, transitional, and conical surfaces defined in FAR Part 77.

Federal Aviation Administration (FAA) means that agency of the United States Department of Transportation with authority to regulate and oversee all aspects of civil aviation in the United States.

Height, for the purpose of determining the height limits in all zones set forth in this division and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.

Local governing authority means the authority with jurisdiction over building permits, zoning and other similar regulatory functions for the property in question.

Nonconformance use means any pre-existing structure, object, of natural growth, or use of land which is inconsistent with the provisions of this division or an amendment thereto.

Nonprecision instrument runway means a runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in nonprecision instrument approach procedure has been or planned, and for which no precision approach facilities are planned or indicated on an FAA planning document or military service's military airport planning document.

Person means an individual, firm, partnership, company, association, joint stock association, or governmental entity. It includes a trustee, receiver, assignee, or similar representative of any of them.

Primary surface means a surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway; but when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The width of the primary surface of a runway will be that width prescribed in Part 77 of the Federal Aviation Regulations, (FAR) for the most precise approach existing or planned for either end of that runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

Runway means a defined area on an airport prepared for landing and takeoff of aircraft along its length.

Structure means an object constructed or installed by man, including, but without limitation to, buildings, towers, smokestacks, earth information, and overhead transmission lines.

Tree means any object of natural growth.

Utility runway means a runway that is constructed for and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight and less.

Visual runway means a runway intended solely for the operation of aircraft using visual approach procedures with no straight-in instrument approach procedure and no instrument

designation indicated on an FAA approved airport layout plan, a military service's approved military airport layout plan, or by any planning document submitted to the FAA by competent authority.

(Code 1998, app. C, § 6.0702; Ord. No. 07-1548, § 6.0702, 5-3-2007)

Sec. 130-1814. District location.

The Abita Airport Overlay is established as follows:

- (1) All property within 14,200 feet from the edge of the runway area designated on the St. Tammany Regional Airport.
- (2) Airport Layout Plan Update. Airport Airspace Plan consisting of one sheet (being three of eight) prepared by Buchart Horn, Inc., and dated June 4, 2008.

(Code 1998, app. C, § 6.0703; Ord. No. 07-1548, § 6.0703, 5-3-2007)

Sec. 130-1815. Application of overlay (district) regulations.

All projects located within the Abita Airport Overlay which exceed 150 feet in height from grade shall be reviewed by the airport manager for compliance with the provisions of this overlay district.

(Code 1998, app. C, § 6.0704; Ord. No. 07-1548, § 6.0704, 5-3-2007)

Sec. 130-1816. Airport zones.

(a) *Created and established.* In order to carry out the provisions of this division, there are hereby created and established certain zones which include all of the land lying within the approach zones, transitional zones, horizontal zones, and conical zones as they apply to a particular airport.

(b) *St. Tammany Regional Airport; airport layout plan update.* The Airport Airspace Plan consisting of one sheet (being three of eight) prepared by Buchart Horn, Inc., and dated June 4, 2008, is made apart hereof by reference. An area located in more than one of the following zones is considered to be only in the zone with the more restrictive height limitation. The various zones are hereby established and defined as follows:

- (1) *Horizontal zone.* The horizontal zone is hereby established by swinging arcs of 10,000 feet radii from the center of each end of the primary surface of each runway, and connecting the adjacent arcs of drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.
- (2) *Conical zone.* The conical zone is hereby established as the area that commences at the periphery of the horizontal zone and extends outward therefrom a horizontal distance of 4,000 feet. The conical zone does not include the precision instrument approach zones and the transitional zones.

- (3) *Precision instrument runway approach zone.* The inner edge of this approach zone coincides with the width of the primary surface and is 1,000 feet wide. The approach zone expands outward uniformly to a width of 16,000 feet at a horizontal distance of 50,000 feet from the primary surface. Its centerline being the continuation of the centerline of the runway.
- (4) *Runway larger than utility with a visibility minimum as greater than three-fourths mile nonprecision instrument approach zone.* The inner edge of this approach zone coincides with the width of the primary surface and is 1,000 feet wide. The approach zone expands outward uniformly to a width of 3,500 feet at a horizontal distance of 10,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

(Code 1998, app. C, § 6.0705; Ord. No. 07-1548, § 6.0705, 5-3-2007)

Sec. 130-1817. Airport zone height limitations.

Except as otherwise provided in this division, no structure or tree shall be erected, altered, allowed to grow, or be maintained in any zone created by this division to a height in excess of the applicable height limit herein established for such zone. Such applicable height limitations are hereby established for each of the zones in question as follows:

- (1) *Transitional zones.* Slopes upward and outward seven feet horizontally for each foot vertically beginning at the sides of the same elevation as the primary surface and the approach zones, and extending to a height of 150 feet above the airport elevation which is 27 feet above mean sea level. In addition to the foregoing, there are established height limits sloping upward and outward seven feet horizontally for each foot vertically beginning at the sides of and at the same elevation as the approach zones and extending to where they intersect the conical surface. Where the precision instrument runway approach zone projects beyond the conical zone, height limits sloping upward and outward seven feet horizontally for each foot vertically shall be maintained beginning at the sides of and at the same elevation as precision instrument runway approach surface, and extending to a horizontal distance of 5,000 feet measured at 90-degree angles to the extended runway centerline.
- (2) *Horizontal zone.* One hundred and fifty feet above the airport elevation or a height of 178 feet above mean sea level.
- (3) *Conical zone.* Slopes upward and outward 20 feet horizontally for each foot vertically beginning at the periphery of the horizontal zone and at 150 feet above the airport elevation and extending to a height of 350 feet above the airport elevation.
- (4) *Precision instrument runway approach zone.* Slopes upward 50 feet vertically beginning at the end of and at the same elevation as the primary surface and extending to a

horizontal distance of 10,000 feet along the extended runway centerline; thence slope upward 40 feet horizontally for each foot vertically to an additional horizontal distance of 40,000 feet along the extended runway centerline.

- (5) *Runway larger than utility with a visibility minimum greater than three-fourths mile nonprecision instrument approach zone.* Slopes upward 34 feet horizontally for each foot vertically beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline.
- (6) *Height limitations.* Nothing in this division shall be construed as prohibiting the growth, construction, or maintenance of any tree or structure to a height up to 50 feet above the surface of the land. Where an area is covered by more than one height limitation, the more restrictive limitation shall prevail.

(Code 1998, app. C, § 6.0706; Ord. No. 07-1548, § 6.0706, 5-3-2007)

Sec. 130-1818. Use restrictions.

Notwithstanding any other provisions of this division, no use may be made of land or water within any zone established by this division in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport or otherwise in any way create a hazard or endanger the landing, takeoff, or maneuvering of aircraft intending to use the airport.

(Code 1998, app. C, § 6.0707; Ord. No. 80-29, 8-21-1980; Ord. No. 91-1543, 12-19-1991; Ord. No. 07-1548, § 6.0707, 5-3-2007)

Sec. 130-1819. Nonconforming uses.

(a) *Regulations retroactive.* The regulations prescribed by this division shall not be construed to require the removal, lowering, or other changes or alterations of any structure or tree not conforming to the regulations as of the effective date of the ordinance from which this division is derived, or otherwise interfere with the continuance of a nonconforming use. Nothing contained herein shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of the ordinance from which this division is derived, and is diligently prosecuted.

(b) *Marking and lighting.* Notwithstanding the preceding provisions of this section, the owner of any existing nonconforming structure or tree is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the airport manager to indicate to the operators of aircraft in the vicinity of the airport, the presence of such airport hazards. Such markers and lights shall be installed, operated, and maintained at the expense of the local governing authority.

(Code 1998, app. C, § 6.0708; Ord. No. 07-1548, § 6.0708, 5-3-2007)

Sec. 130-1820. Permits.

(a) *Future uses.* No material change shall be made in the use of land and no structure or tree shall be erected, altered, planted, or otherwise established in any zone hereby created unless a permit therefor shall have been applied for and granted.

- (1) However, a permit for a tree or structure of less than 75 feet of vertical height above the ground shall not be required in the horizontal distance of 4,200 feet from each end of the runway except when such tree or structure, because of terrain, land contour, or topographic features, would extend above the height limit prescribed for the respective zone.
- (2) Each application for a permit shall indicate the purpose for which the permit is desired with sufficient particulars to determine whether the resulting use, structure, or tree would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted.

(b) *Existing uses.* No permit shall be granted that would allow the establishment or creation of an airport hazard or permit a conforming use, structure, or tree to become a greater hazard to air navigation than it was on the effective date of the ordinance from which this division is derived or any amendments thereto or than it is when the application for a permit is made. Except as indicated, all applications for such a permit shall be granted.

(c) *Nonconforming uses abandoned or destroyed.* Whenever the airport manager determines that a nonconforming tree or structure, upon approval of the parish building inspector, has been abandoned or more than 80 percent torn down, physically deteriorated, or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations.

(d) *Variances.* Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use his property not in accordance with the regulations prescribed in this division, may apply to the airport manager for a variance from such regulations. Such variances shall be allowed where it is duly found that a literal application or enforcement of the regulations would result in practical difficulty or unnecessary hardship and relief granted would not be contrary to the public interest, but will do substantial justice and be in accordance with the spirit of this division, and as permissible by all applicable FAA regulations.

(e) *Hazard marking and lighting.* Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this division and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to permit the local governing authority at its own expense, to install, operate, and maintain thereon such markers and lights as may be necessary to indicate to pilots the presence of an airport hazard. (Code 1998, app. C, § 6.0709; Ord. No. 07-1548, § 6.0709, 5-3-2007)

Sec. 130-1821. Enforcement.

(a) It shall be the duty of the director of the parish department of planning and development to identify the potential conflict between any proposed structure and these regulations and refer them to the airport manager for review.

(b) It shall be the duty of the airport manager to administer and cause to enforce the regulations prescribed herein through the various enforcement agencies of the local governing authority. Applications for permits and variances shall be made to the airport manager upon a form furnished by him. Applications required by this division to be submitted to the airport manager shall be promptly considered and granted or denied by him.

(Code 1998, app. C, § 6.0710; Ord. No. 07-1548, § 6.0710, 5-3-2007)

Sec. 130-1822. Appeals.

(a) Any person aggrieved or any taxpayer affected by any decision of the airport manager made in his administration of this division, may appeal to the board of adjustment of the local governing authority.

(b) All appeals hereunder must be taken within a reasonable time as provided by the rules of the board of adjustment, by filing with the staff of the board of adjustment a notice of appeal specifying the grounds thereof. The staff of the board of adjustment shall forthwith transmit to the board of adjustment all the papers constituting the record upon which the action appealed from was taken.

(c) An appeal shall stay all proceedings in furtherance of the action appealed from unless the airport manager certifies to the board of adjustment, after the notice of appeal has been filed with it, that by reason of the facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed except by order of the board of adjustment on notice to the airport manager and on due cause shown.

(d) The board of adjustment shall fix a reasonable time for hearing appeals, give public notice and due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing, any party may appear in person or by agent or by attorney.

(e) The board of adjustment may, in conformity with the provisions of this division, reverse or affirm, in whole or in part, or modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination, as may be appropriate under the circumstances.

(Code 1998, app. C, § 6.0711; Ord. No. 07-1548, § 6.0711, 5-3-2007)

Secs. 130-1823—130-1830. Reserved.

DIVISION 9. REGIONAL BUSINESS CENTER OVERLAY (RBC OVERLAY)

Sec. 130-1831. Purpose.

The purpose of the regional business center overlay is to provide for coordinated flexible design standards for planned commercial or office developments that meet the definition of a regional business center by establishing design zones in which certain design standards may be revised to provide for a high-quality design without regard for the location of internal property lines and other limiting factors. The permitted uses are determined by the underlying zoning classification upon which the overlay rests. Minimum standards for design elements such as signs and lighting, landscaping, parking, height and setbacks shall be as set forth in the other provisions of this chapter, except that the special design standards and flexibility set forth in this division shall be applicable.

(Ord. No. 12-2863, exh. A(6.0801), 12-6-2012)

Sec. 130-1832. Applicability.

The RBC overlay may be applied to any property meeting the definition of a regional commercial/office center and approved as such in accordance with the provisions of this division.

(Ord. No. 12-2863, exh. A(6.0802), 12-6-2012)

Sec. 130-1833. General standards and criteria.

In order for the zoning commission and parish council to make competent and definitive decisions concerning a regional business center, the following general standards and criteria shall be applicable:

- (1) The proposal must be a planned commercial or office development designed with a distinct identifying name/image bearing all of the following characteristics:
 - a. The property shall be located with at least 1,250 feet of frontage on the Interstate Highway System, inclusive of interstate frontage roads and on/off ramps.
 - b. Property shall be at least 100 acres in size and the underlying zoning bear the HC-3, PBC-1 or PBC-2 zoning classifications or a combination thereof. For properties exceeding 100 acres, the remainder of the overlay acreage may bear a zoning classification other than those stated above.
- (2) Approval of an RBC overlay does not change the underlying zoning classification of the property. All regulations and standards still apply to the property unless specific authority to deviate from that standard is granted as part of the approval.

(Ord. No. 12-2863, exh. A(6.0803), 12-6-2012; Ord. No. 15-3429, § 6.0803, 10-3-2015)

Sec. 130-1834. Plan approval.

(a) Prior to submitting an RBC overlay rezoning petition, an informal pre-application conference with the planning officer or his designee shall be required. The purpose of this conference shall be to discuss RBC overlay parameters and to bring the overall petitions into conformity with parish regulations.

(b) Following the RBC overlay pre-application conference, a conceptual plan shall be submitted with the rezoning application. This plan shall provide the following information:

- (1) The title of the project and the names of the project planner and developer.
- (2) A legal description of the property including township, section and range.
- (3) Plat indicating scale, date, north arrow, and general vicinity map indicating existing land uses within 500 feet of all boundaries of the proposed RBC shall be designated. This plat shall include all existing physical features such as existing streets, buildings, water courses, easements, soil conditions, vegetative cover and topography.
- (4) Site information including the following criteria shall be provided:
 - a. Boundaries of the proposed RBC.
 - b. Parcels or sites to be developed or occupied by buildings.
 - c. Design zones as requested by the applicant.
 - d. Public buildings and other common use areas.
 - e. The approximate location of ingress, egress and access streets.
 - f. The approximate location of pedestrian and vehicular ways.
- (5) Architectural and design guidelines to be imposed as part of the RBC overlay, including, but not limited to, the following:
 - a. Building site guidelines.
 - b. Building design guidelines.
 - c. Landscaping guidelines.
 - d. Parking guidelines.
 - e. Signage guidelines.
 - f. Lighting guidelines.
 - g. Driveway guidelines.
 - h. Miscellaneous guidelines:
 1. Loading, storage, and refuse areas.
 2. Utilities.
 3. Walls, fences and screening.

4. Other equipment and site furniture.

- (6) The zoning commission or the parish council may require additional material such as plans, maps, aerial photographs, studies and reports which may be needed in order to make the necessary findings and determinations that the applicable parish standards and guidelines have been achieved.

(c) The planning staff shall hold a formal staff review of the RBC overlay submission two weeks prior to the public hearing by the zoning commission and note areas of concern to the applicant in writing within one week of the review. The purpose of this review is to provide constructive feedback to the developer on compliance with the RBC overlay requirements.

(d) the zoning commission shall hold the formal public hearing on the zoning overlay request and forward a recommendation to approve or deny the RBC overlay to the parish council. The zoning commission shall reserve the right to add stipulations and conditions to its approval and shall determine if the applicant has met all or part of the RBC overlay parameters, including:

- (1) The tract for the proposed RBC overlay is suitable in terms of its relationships to the parish comprehensive plan and that the areas surrounding the proposed RBC overlay can continue to be developed in coordination and substantial compatibility with the RBC overlay proposed.
- (2) That the desirable modifications of general zoning regulations as applied to the particular case, justify such modifications of regulations and meets the original intent of the said regulation based on the design and amenities incorporated in the site development plan.
- (3) Design zones should not cross public roads, major private roads or other physical features which create a clear design edge or boundary.
- (4) Establishment of design zones. As part of the RBC overlay approval, the zoning commission will establish design zones, being designated areas in which some discretion is granted to the planning staff to allow for deviation from the strict standards of article VI of these regulations.
 - a. Within a specific design zone driveways may parallel to and over property lines so as to service each contiguous parcel. The landscape buffers will be placed on each side of said driveway as opposed to abutting the common property line or provide planting buffers elsewhere within the project so long as the overall quantity of landscaping area and material is not diminished.
 - b. Within a specific design zone parking lots may be located over property lines where cross parking servitudes allow for parking on each contiguous parcel, provided parking requirements as per code are met (in global).

- c. Within each specific design zone, the intensity of parking lot lighting may exceed maximum candle power at property line if abutting parking spaces/lot on contiguous parking where reciprocal cross parking servitudes exist between the parcels.
- d. Monument signage located on any lot within a specific design zone will not be considered to be off-premises signage and shall be limited only to the level which it would have been if located on the same lot as the main use.
- e. Zero lot lines may be allowed and/or lot coverage requirements may be waived for interior lot lines and/or interior parcels.
- f. Within a specific design zone, some deviation may be allowed in the location of plant material so long as the overall quantity of landscaping area and material is not diminished.
- g. Flexibility will be allowed for tree replacement and/or removal through tree bank and/or mitigation process.
- h. When approved by the department of engineering, the drainage requirements of an RBC overlay may be met on a multiple-parcel basis.

(e) Binding nature of approval for RBC overlay. All terms, conditions, safeguards, and stipulations made at the time of approval for RBC overlay shall be binding upon the applicant or any successors in interest. Deviations from approved plans or failure to comply with any requirements, conditions, or safeguards shall constitute a violation of this chapter.

(f) Amendments to the RBC overlay. Any request to deviate from the standards of the underlying zoning district or from the specific design flexibility allowed by the RBC overlay shall be considered an amendment to the RBC overlay and require a hearing before the zoning commission and parish council as outlined in this section.

(Ord. No. 12-2863, exh. A(6.0804), 12-6-2012)

Secs. 130-1835—130-1847. Reserved.

ARTICLE VI. SUPPLEMENTAL DISTRICT REGULATIONS

DIVISION 1. GENERALLY

Secs. 130-1848—130-1867. Reserved.

DIVISION 2. LANDSCAPE AND TREE PRESERVATION REGULATIONS

Sec. 130-1868. Purpose.

The purpose of these landscape and tree preservation requirements is to promote the health, safety, and general welfare of the public; to facilitate the creation of a convenient, attractive and

harmonious community; to conserve natural resources including adequate air and water; to conserve properties and their values; to preserve the character of an area by preserving and enhancing the scenic quality of the area; and to encourage the appropriate use of the land. More specifically these landscape requirements are intended to minimize the harmful impact of noise, dust and other debris, motor vehicle headlight glare or other artificial light intrusion, and other objectionable activities or impacts conducted on or created by an adjoining or nearby use or street. Additionally, these landscape requirements are intended to require the landscaping of certain parking lots in order to reduce the harmful effects of wind and air turbulence, heat and noise; to preserve underground water reservoirs and to permit the return of precipitation to the ground water strata; to act as a natural drainage system and ameliorate stormwater drainage problems; to reduce the level of carbon dioxide and return pure oxygen to the atmosphere; to prevent storm erosion; to provide shade; and to enhance the blighted appearance of parking lots.

(Code 1998, app. C, § 7.0101; Ord. No. 07-1548, § 7.0101, 5-3-2007)

Sec. 130-1869. Applicability; permits; variances; appeals.

(a) *Applicability.* The provisions of this section shall apply to all commercial, industrial, multifamily of three units or more, religious, educational and institutional uses. This section is not applicable to land clearing permits which are governed by the provisions of article VII, division 2 of these regulations.

(b) *Landscape permit.* A landscape permit shall be obtained from the department of planning and development when site plan approval is required by these regulations and/or when an application is made for a building permit and/or when any change is sought to existing landscaping to which these landscape and tree preservation regulations are applicable.

(c) *Variances by board of zoning adjustments.* If the application for a landscape permit shows that all requirements of this section are complied with, the director of planning and development shall issue a permit without the necessity of any public hearing before the zoning commission or any other public body. If the application for the permit is denied because of the requirements of this section, the applicant may, subject to the provisions of section 130-1869(d), seek a variance from the board of zoning adjustments pursuant to the provisions of article II of these regulations. Appeals from the board of zoning adjustments shall be made to the district court for the parish as provided in article II of these regulations.

(d) *Criteria for variances and waivers.* Pursuant to section 130-1869(d), the board of zoning adjustments may grant variances from the regulations in this section. Such variances and waivers may be granted in accordance with the applicable sections of these regulations, to diminish the requirements of this section when one or more of the following exists: unusual elevations or shape of the lot, unusual landscaping and/or tree preservation problems, unusual effect of the requirements of the landscape and tree preservation requirements, problems with servitudes, and when more than 30 percent of the lot is required for the aggregate of street

planting areas, buffer areas, parking lot landscaping areas, building facade planting areas and any other required landscape areas. Furthermore, the board of zoning adjustments may grant variances from the provisions of this division due to any hardships or other matters that are a proper basis for a variance.

(Code 1998, app. C, § 7.0102; Ord. No. 07-1548, § 7.0102, 5-3-2007)

Sec. 130-1870. Procedures for obtaining landscape permits.

(a) *Application for landscape permit.* The application for a landscape permit shall contain the following basic information and shall be subject to the following:

- (1) *Interest and ownership.* The applicant's and the property owner's name, address, phone number, and signatures, together with an affidavit by the owners of the property certifying that they are the owners.
- (2) *Zoning classification.* The present zoning classification of the property and all surrounding property within 500 feet.
- (3) *Legal description.* A full written legal description of the property.
- (4) *Fees.* Fees for site plan review and landscape plan review shall be as required by chapter 2, article XVII of the Parish Code of Ordinances.
- (5) *Site plan.* A site plan shall be submitted, in accordance with subsection (b) of this section, site plan.
- (6) *Landscape and tree preservation plan.* A landscape and tree preservation plan shall be submitted, in accordance with subsection (d) of this section, landscape and tree preservation plan requirements.
- (7) *Additional requirements.* The department of planning and development may require additional material such as plans, maps, studies and reports which may be needed in order to make the necessary findings and determinations that the applicable parish standards have been achieved.

(b) *Necessity of permit, verification of compliance, appropriate method of security.*

- (1) *Prohibited installation or change in landscaping.* Except in instances where public safety necessitates immediate action, installation and/or change in landscaping and/or tree removal is prohibited unless a landscape permit is obtained.
- (2) *Verification of compliance.* Upon completion of construction and prior to the issuance of an occupancy permit, the owner shall submit a letter signed by a landscape architect or licensed landscape contractor verifying that all required landscaping was installed. Upon receipt of such letter, the department of planning and development shall make its final inspection, and, if satisfied, grant its final approval. No certificate of occupancy

shall be issued until such final approval is granted; provided that, if an appropriate method of security is issued pursuant to subsection (b)(3) of this section, then a certificate of occupancy may be granted before completion of the landscaping.

- (3) *Performance security.* It is recognized that vegetation used in landscaping and screening should be planted at certain times of the year to ensure the best chance of survival. In order to ensure compliance with this section and to reduce the potential expense of replacing landscaping or screening materials which were installed in an untimely or improper fashion, in lieu of requiring the completion and installation of these improvements prior to the issuance of a certificate of occupancy, the planning and development director may enter into an agreement with the owner/developer whereby the owner/developer shall agree to complete all required landscaping and screening. Once said agreement is completed and the security required is provided, the certificate of occupancy may be approved.
- a. The owner/developer shall provide an appropriate method of security, as determined by the department of finance, equal to the cost of purchasing, installing and completing the landscaping and screening materials required in this division as determined by a landscape contractor. The duration of the appropriate method of security shall be until such time as the landscape improvements are accepted by the parish. In any event, the owner/developer shall complete the landscaping requirements of this division within six months of the issuance of a certificate of occupancy. Said security shall be issued by a bank authorized to do business in the state with one or more offices located in the parish.
 - b. Upon failure to complete the required improvements in a timely manner as spelled out in said security, then the surety or bank shall pay to the parish said funds as is necessary to complete all or any portion of the required landscaping improvements.
 - c. The director of planning and development shall administer said security, and the director of planning and development shall have the power and authority to extend said security and to call said security.

(c) *Site plan.*

- (1) *Procedure.* In connection with the application for a building permit, or any other application requiring a site plan review, a site plan for the project shall be submitted to the department of planning and development for review and approval.
- (2) *Site plan requirements.* Unless otherwise approved by the department of planning and development, drawing submissions shall be required to be both in a 24-inch by 36-inch

format and in an 11-inch by 17-inch format. Two copies of each format shall be submitted. The following minimum information shall be submitted to the department of planning and development in the form of a site plan:

- a. The title of the project and the names of the project planner, developer, and owner, and scale, date, north arrow, and general vicinity map indicating existing land uses abutting all boundaries of the proposed development.
- b. All existing physical features such as existing streets, buildings, structures, water-courses, easements, servitudes parking spaces, service bays and loading areas, sidewalks, and signs.
- c. Boundaries and zoning of the property involved and zoning of adjacent properties.
- d. Parking layout indicating the number of required and proposed parking spaces, the location of ingress, egress and access streets, and the location of pedestrian and vehicular ways and a circulation element indicating the movement of pedestrians, goods and vehicles.
- e. Tabulation of the maximum square footage of each use.
- f. The proposed height, footprint and setback of any building or structure.
- g. The location, dimensions, area, type of materials and elevations of all signs and support structures.
- h. Location of trash disposal system and details of screening, including type and height of dumpster and fence.
- i. Lighting standards and fixtures for the site showing location, number, and height.
- j. If the proposed development is to be constructed in phases, indicate proposed development scheduling in detail including:
 1. The approximate date when construction of each phase of the project can be expected to begin;
 2. The order in which the phases of the project will be built; and
 3. The infrastructure and on-site improvements that are proposed to be included in each phase delineated for the development, including but not limited to service areas, access drives, parking, landscaping, buildings and other structures.
- k. Exact text from section 130-1879, maintenance and replacement.

(d) *Landscape and tree preservation plan.*

- (1) *Procedure.* In connection with the application for a building permit, developmental land clearing permit or any other application requiring a landscape permit, a landscape and tree preservation plan, for the project, shall be submitted to the department of planning and development for review and approval.

- (2) *Requirements, landscape and tree preservation plan.* The landscape and tree preservation plan shall be prepared under the supervision and control of, and signed by a landscape architect, licensed in any state in the United States, or a landscape contractor, licensed by the state. The following minimum information shall be submitted to the department of planning and development on the landscape and tree preservation plan in addition to the site plan requirements previously set forth:
- a. The area, expressed in acres and square footage, of:
 1. The entire property;
 2. The aggregate area of the street planting area, any required buffers, the building facade planting area, and interior landscaped areas such as parking; and
 3. The area expressed in square footage of any street planting area that varies in depth under the provisions of section 130-1873(b).
 - b. Existing and proposed landscaping, including landscaping and screening that is required by this division, the location and dimension of planting areas, street planting areas, parking areas, building facade areas, side and rear buffer areas and the size, height and materials used for walls and fences.
 - c. The number, location and size in caliper of all existing trees which are six inches DBH, or greater, and which are located within street planting areas, within any required side or rear buffers and within the street right-of-way between the street property lines and the surface of the street, indicating which of these trees the applicant seeks to preserve and which of these trees the applicant seeks to remove, and showing the color of the flagging as required in section 130-1872.
 - d. All live oak trees six inches DBH, or greater, wherever located on the property or within the street right-of-way between the street property line and the surface of the street, showing the color of the flagging as required in section 130-1872.
 - e. Location of all trees and landscape material to be placed within the street planting areas and within any required side or rear buffers and within all other landscaped areas, indicating the species of such trees and the species of such landscape material. A mere general reference to class A or class B trees or to other landscape material will not suffice.
 - f. Location, height and description of any fountains or other landscape architectural features placed or to be placed on the property.
 - g. Location, dimensions, depth and description of any retention/detention ponds or retention/detention areas on, or to be placed on, the property together with a description of what planting will be made and/or what measures will be taken to make the retention/detention pond or retention/detention area into an aesthetic amenity for the property, as is required by section 130-1878.

(Code 1998, app. C, § 7.0103; Ord. No. 07-1548, § 7.0103, 5-3-2007)

Sec. 130-1871. General standards for required landscaping.

(a) *Plant condition and installation.*

- (1) *Condition of plants.* All plant materials shall be alive and in a healthy condition when planted.
- (2) *Installation of plants.* All plant material shall be installed in a fashion that ensures the availability of sufficient soil and water to sustain healthy growth.

(b) *Definition of trees and shrubs, native species.*

- (1) *Class A and B trees and shrubs.* The definitions of class A and class B trees and shrubs are contained in section 130-1882.
- (2) *Native species.* Species of trees and shrubs referred to as native species are set forth in section 130-1880. Native species is a defined term as used in this division, and only those species listed in section 130-1880 shall be deemed to be native species for purposes of the landscape and tree preservation regulations of this division and no species omitted from section 130-1880 shall be deemed to be a native species for purposes of the landscape and tree preservation regulations of this division.

(c) *Minimum caliper and height of trees and shrubs.*

- (1) *Class A trees.* All class A trees, at the time of planting, shall have a minimum caliper of at least 2½ inches, measured six inches above the root ball, and a minimum height of ten to 12 feet, as per the National Nursery Association Standards.
- (2) *Class B trees.* All class B trees and all trees, other than class A trees, at the time of planting, shall have a minimum caliper of at least 1½ inches, measured six inches above the root ball and a minimum height of eight feet to ten feet as per the National Nursery Association Standards.
- (3) *Shrubs.* All shrubs, at the time of planting, shall have a minimum height of two feet.

(d) *Landscaping design.*

- (1) *Professional design.* A professionally acceptable composition, spacing and mix of vegetation is required.
- (2) *Native species.* At least 60 percent, of the aggregate in number, of all required trees and shrubs (the sum of all trees and shrubs required in street planting areas, buffer planting areas, parking areas, building facade planting areas and any other areas where trees and shrubs are required in this division) shall be a native species of trees and shrubs as identified in section 130-1880. None of the required ground cover need be a native species.
- (3) *Substitution of class A trees for required class B trees.* With the approval of the department of planning and development, the applicant may substitute a class A tree

for a required class B tree, except that class A trees shall not be permitted within servitudes with overhead power lines as referred to in section 130-1873(f)(2). Among the considerations to be made by the department of planning and development in granting such approval is the size of the planting area.

- (4) *Substitution of class A and class B trees for shrubs.* With the approval of the department of planning and development, the applicant may substitute class A or class B trees for shrubs in the building facade planting area; provided that:

- a. The trees are sufficiently distant from a building or structure; and
- b. There is a sufficient planting area for a tree.

(Code 1998, app. C, § 7.0104; Ord. No. 07-1548, § 7.0104, 5-3-2007)

Sec. 130-1872. Tree preservation.

- (a) *Identifying and locating existing trees; proposed driveways.*

- (1) *Staking of street planting areas and buffers.* On or before the time the landscape and tree preservation plan is submitted to the department of planning and development, the applicant shall monument, by stakes placed in the ground, the street planting area and any required buffer planting area so that immediately after the application is submitted and before any work is done, the department of planning and development can inspect the areas that will become the street planting areas and buffers. The following shall be complied with in respect to such monuments or stakes:

- a. *Type of stakes.* The stakes used shall be wood or metal placed in the ground, and such stakes shall be of sufficient strength and durability and placed deeply enough in the ground to remain until the completion of construction. Any removed, broken, substantially bent or damaged stakes shall be replaced so that all stakes shall remain in place during construction.
- b. *Location of stakes.* Such stakes shall be located at least every 50 feet:
 1. Along the street frontage of the street planting area and along the rear line of the street planting area; and
 2. Along the side and rear property line where side or rear buffers are required and along the interior lines of such buffers.
- c. *Height and flagging of stakes.* Such stakes shall extend upward from the ground at least three feet and shall be flagged yellow in color or some other flagging approved in advance by the department of planning and development.
- d. *Clearing lines.* If the lines of the street planting areas and buffers are too thick to walk or sight down, they shall be cleared sufficient for walking and sighting.

(2) *Flagging of existing trees.*

- a. *Live oaks.* All live oaks, wherever they may be situated on the property or the adjacent street right-of-way, which are over six inches DBH shall be flagged with blue colored flagging or some other flagging approved in advance by the department of planning and development.
 - b. *Trees over six inches DBH.* All trees over six inches DBH located within the street planting area or within any required buffers shall be flagged with green colored flagging or some other flagging approved in advance by the department of planning and development.
 - c. *Trees applicant proposes to remove.* All trees set forth in subsections (a)(2)a and b of this section, which the applicant seeks to remove, shall be flagged with orange colored flagging or some other flagging approved in advance by the department of planning and development.
- (3) *Driveway cuts.* All areas of ingress or egress, through street planting areas and buffers, shall be clearly defined with stakes marked "driveway."
- (4) *Retention/detention ponds.* All areas to be included within a retention/detention pond shall be clearly defined with stakes marked "R/D Pond."
- (b) *Preservation of trees; inspections.*
- (1) *Preservation of live oak trees.* All live oak trees over six inches DBH shall be preserved wherever they may be located on the property and even if they are located between the property line and the roadway surface.
 - (2) *Trees to be preserved in the street planting area and required buffers.* In the street planting areas and required buffer planting areas, all trees over six inches DBH shall be preserved except for the following (none of these exceptions apply to live oaks):
 - a. Trees within any permitted driveway within a street planting area or buffer planting area.
 - b. Trees that must be removed for utilities or drainage within a street planting area or buffer planting area.
 - c. Trees that are unsound, hazardous, diseased or infested with insects as determined by a licensed arborist within a street planting area or buffer planting area.
 - d. Trees that will be too close to a paved area or areas to have a reasonable probability of surviving, as determined by the department of planning and development within a street planting area or buffer planting area.
 - e. Trees, within a buffer planting area, required to be removed for a retention/detention pond as provided for in sections 130-1874(d)(1) and 130-1878.

- f. Trees, within a street planting area, required to be removed for a retention/detention pond as provided for in sections 130-1873(e)(1) and 130-1878; provided that the aggregate of the trees removed for driveways and retention/detention ponds shall not exceed 50 percent of the trees in excess of six inches DBH.
- (3) *Initial inspection.* After the application for the landscape permit is made and before the issuance of a landscape permit, the department of planning and development shall make its initial physical inspection of the street planting areas and buffers to determine whether they are properly monumented, staked and flagged and to reach a determination as to whether the applicant is preserving the trees that are required to be preserved under this division.
- (4) *Subsequent inspections.* The department of planning and development shall make such subsequent inspections as may be necessary, but not less frequently than monthly, to ensure that the trees are preserved which are required to be preserved and to determine whether the landscape plan is being complied with.
- (5) *Reports on inspections.* Upon each inspection, the department of planning and development shall file a report in the case file as to what was observed during the inspection and whether this division is being complied with, and, to the extent feasible, the department of planning and development shall document its inspections with photographs which shall show the date the photograph is taken and the name of the person taking the photograph.
- (c) *Removal of live oak trees.*
 - (1) *Application submittal.* A live oak tree shall be permitted to be removed if the live oak tree denies or precludes reasonable use of a parcel of property. In order to determine if a live oak tree shall be removed from a parcel of property, the following documents shall be provided to the director of parish development or his subordinate:
 - a. A complete land clearing permit application form.
 - b. A survey or scale drawing of the parcel of the property accurately depicting the location of the live oak tree including the minimum protective radius required by these regulations around the tree and its impact on the buildable area of that parcel of property.
 - c. A letter describing any special circumstances affecting the development of that parcel of property, including without limitation, any unusual topography and fill requirements.
 - (2) *Application approval.* An application for tree removal and replacement shall be granted by the director of parish development when he determines that one of the following conditions exist:
 - a. The live oak tree is determined to be "hazardous" by the parish landscaping inspector or by an International Society of Arboriculture certified arborist.

- b. The live oak tree is located in an area where a structure or improvement will be placed, or where a structure or improvement currently exists, and, if not removed, will deny reasonable use of the property or cause serious damage to an existing building. For new construction, if the development can be reasonably reconfigured to provide reasonable use, then such reconfiguration shall be made.
 - c. The live oak tree creates unsafe vision on a public street or right-of-way and cannot be trimmed to correct the unsafe vision.
 - d. The protected tree is required to be removed for an approved infrastructure improvement or structure.
 - e. The live oak tree prevents access to a proposed structure or access to a necessary part of a building site, and a redesign of the development plan is not feasible.
 - f. The live oak tree is located in an area where fill will be placed on a parcel pursuant to a development order and/or a grade-fill excavation permit has been issued and the applicant has demonstrated it is not reasonably practicable to utilize arboricultural techniques to preserve a protected tree.
- (3) *Conditions of application.* Conditions shall be imposed upon any approved application to remove a live oak tree six inches in caliper or greater, such as requiring the planting of additional live oak trees on the site or payment to the tree bank program.
- (4) *Replacement trees.* Removal of any six inches in caliper or greater live oak tree shall be replaced with an equal number of inches of live oaks at a minimum of 2.5-inch live oaks.
- (5) *Grade of trees.* The department of planning and development shall inspect any protected tree requested for removal and grade it based on its existing condition. The grade will determine the number of mitigation inches required. The mitigation will be based on the average quality of the tree, as described below:
- a. *Grade A.* Healthy: 100 percent replacement.
 - b. *Grade B.* Poor form: 75 percent replacement.
 - c. *Grade C.* Ailing/diseased: 50 percent replacement.
 - d. *Grade D.* Topped/dead: zero percent replacement.
- (6) *Appeal.* The property owner or the owner's authorized representative may appeal the denial of the land clearing application to remove an oak tree to the board of adjustment. The board may grant a variance to remove live oak trees pursuant to the criteria as established in this subsection (c). The board may also require the applicant to provide compensation for the removal of said live oak trees, which may include:
- a. Replacing the removed trees with either the same number, or more.
 - b. Establishing the caliper of trees to be replanted.

- c. Planting a divergence of Class A trees, including live oaks, to replace the trees; and as an alternative to replacing trees on site.
- d. Payment to the tree bank program.

(d) *Tree and root protection standards.*

- (1) *Protective barriers; type required.* Prior to grading, construction or other land disturbing activity, protective barriers shall be installed in accordance with the provisions of this subsection (d). Barriers shall include, but not be limited to, temporary fencing. This fencing shall be constructed from any highly visible material substantial enough to protect the roots, trunk and crown of the trees, such as silt fencing, orange safety fencing and wire fencing.
- (2) *Location of barriers.* For all trees, except live oaks, which are provided for in subsection (d)(4) of this section, barriers shall be installed, prior to commencement of clearing and dirt work, at least one foot outward, from trees to be preserved within a street planting area or buffer, for each inch of trunk diameter with a minimum distance of two feet required from the edge of the trunk; provided that, the barriers shall be limited to the perimeter of the street planting area or required buffer and the perimeter of the permitted driveways through the street planting area and permitted driveways through required buffers.
- (3) *Activity within barriers.*
 - a. No significant soil disturbance or compaction, stock piling of soil or other construction materials, vehicular traffic, storage of heavy equipment are allowed within the area for which a barrier is required.
 - b. The tracks of any tracked equipment used within the area for which a barrier is required shall be constructed or buffered by rubber or similar material to minimize root disturbance, and any other tracks are prohibited to be used within such areas.
 - c. No more than one inch of fill shall be allowed around the tree root zone of a tree that is to be preserved.
 - d. No ropes, signs, wires, unprotected electrical installation or other device or material, shall be secured or fastened around or through a tree or shrub.
 - e. Barriers shall not be removed until landscaping operations are undertaken within the area required to be protected by a barrier or until utility or drainage installation is required within the area required to be protected by a barrier. Barriers that have been removed shall be reinstalled unless the project is so advanced that there is no risk to the roots, trunk and crown of the tree.

- (4) *Live oak protection.* For live oaks required to be protected by this division:
- a. A barrier shall be constructed along the drip line of the tree.
 - b. No activity of any kind is permitted within such barrier except as may be approved by the department of planning and development.

(e) *Credit for existing trees.*

(1) *Exchange rate.*

- a. All trees greater than 2.5 inches DBH that are located in the street planting and buffer areas and preserved as required in this section, or any trees preserved in the parking area, shall be credited towards the satisfaction of the minimum landscape planting requirements at the following exchange rate:

<i>DBH Caliper of Preserved Tree</i>	<i>Credits Toward Required Trees</i>
2.5"—4"	1 tree
5"—8"	2 trees
9"—14"	3 trees

- b. One credit for each six-inch caliper of preserved trees.

Example:

- 1. Six inches to 12 inches = 2 credits.
- 2. Thirteen inches to 18 inches = 3 credits.
- 3. Sixty inches = 10 credits.

(2) *Location of trees to obtain credit.* These credits shall only be given if the trees preserved or its canopy are located within 15 feet of the specific area (street/buffer planting areas and parking area). For example: The trees preserved in the street planting area shall be given credit for the street planting requirements only. Credit for trees preserved in the parking area shall apply only to the parking requirements, etc.

(f) *Replacement of preserved trees that die.* If any preserved tree that has been credited dies, and, at the time of such death, there are not then a sufficient number of trees of the required caliper (2.5 inches) and height (ten to 12 feet for Class A trees and eight feet to ten feet for Class B trees) in the street planting area, buffer areas or other required landscaped areas (the requirements of each such area to be computed separately) to meet the requirements of this division, the dead tree shall be removed and replaced by the owner with a tree of the same class equal to the number of trees for which a credit was originally given, but not to exceed the number of trees required in the street planting area, buffer areas or other required landscaped areas (the requirement of each such area to be computed separately). It shall be the responsibility of the owner to replace said tree within six months of the death of the preserved tree.

(g) *Tree bank program.*

- (1) *Purpose.* The purpose of the tree bank program is to maintain the overall canopy balance within the parish by assessing fees for affected canopy in order to fund mitigation projects within the parish.
- (2) *Mitigation.* Mitigation is not permitted outright, but shall be used as a last resort. If on-site mitigation is not feasible, where site conditions preclude compliance with this division, the property owner or owner's authorized representative shall pay into the parish's tree bank program as determined by the department of planning and development or the board of adjustment, whichever is applicable.
- (3) *Site assessment and fee.* The department of planning and development shall conduct an assessment of the affected trees and calculate fees due according to a formula that will be based on industry standards. The formula is provided in chapter 2, article XVII.
- (4) *Fee collection.* The parish shall establish an escrow account, as deemed necessary by the director of finance. All fees collected under the tree bank program are to be immediately deposited into the escrow account.
- (5) *Fee expenditure.* The funds collected under the tree bank program are to be utilized for the purpose of landscaping green spaces on public land such as public rights-of-way, boulevards, parks, etc. Tree bank projects that provide additional benefits such as water quality, stormwater runoff and erosion control will get preference. The director of planning and development or an authorized designee must review and approve project scopes for eligibility in accordance with the standards of this section before tree bank program funds can be utilized.

(Code 1998, app. C, § 7.0105; Ord. No. 07-1548, § 7.0105, 5-3-2007; Ord. No. 12-2720, 5-3-2012; Ord. No. 14-3238, 11-6-2014)

Sec. 130-1873. Street planting areas.

(a) *Definition; width.*

- (1) A street planting area is the area along the street or road along which a property abuts which is designated for the preservation of trees and for landscaping. If a property abuts only one street or road, the street planting area shall be as follows:

STREET PLANTING AREA WIDTH, ONE STREET FRONTAGE

<i>Average Depth of Property</i>	<i>Street Planting Area Width</i>
Less than 300 feet	25 feet
300—399 feet	30 feet
400 feet and greater	35 feet

- (2) If a property abuts two or more streets or roads, the street planting area shall be as follows on all streets upon which the property abuts:

STREET PLANTING AREA WIDTH, MULTIPLE STREET FRONTAGES

<i>Average Depth of Property</i>	<i>Street Planting Area Width</i>
Less than 300 feet	20 feet
300—399 feet	25 feet
400 feet and greater	30 feet

(b) *Flexibility of depth of street planting areas.* The required depth of the street planting area may be adjusted so the depth of the street planting area may be reduced to a minimum of ten feet, up to a maximum of 20 percent of the length of the street planting area, provided that a depth greater than the required depth is added to other areas of the street planting area to maintain the overall required street planting area.

(c) *Driveways through street planting areas.* For street frontage of less than 200 linear feet, no more than two one-way driveways, a minimum of 12 feet in width and a maximum of 15 feet in width, or one two-way driveway, a minimum of 24 feet in width and a maximum of 35 feet in width, shall be permitted through the street planting area. For street frontage of 200 linear feet but less than 600 linear feet, one additional two-way driveway or two additional one-way driveways, of the minimum and maximum width specified, are permitted. Similarly, one additional two-way driveway or two additional one-way driveways, of the minimum and maximum width specified, are permitted for each additional 400 linear feet of frontage beginning with and in excess of 600 linear feet.

(d) *Utilities in street planting areas.*

- (1) *Utilities along streets.* If a utility easement or servitude is located within the street planting area and is adjacent to and runs along a street or road, the width of the street planting area shall not be increased beyond the width required in subsection (a) of this section, except that the width of the street planting area shall be increased as necessary so that ten feet of the street planting area shall be unencumbered by a utility easement or servitude, which shall be accomplished as follows:

<i>Street Planting Area Width</i>	<i>Servitude Width</i>	<i>Increase in Street Planting Area Width</i>
25 feet	Greater than 15 feet	One foot for each foot of servitude width in excess of 15 feet
20 feet	Greater than 10 feet	One foot for each foot of servitude width in excess of 10 feet

- (2) *Utilities crossing street planting areas.* Utility easements or servitudes crossing street planting areas are permitted and do not require that the width of street planting areas be increased.

- (e) *Allowed and prohibited things in street planting area.*
- (1) *Allowed in street planting area.* Trees, shrubs, landscaping, fountains and any other landscape architectural feature, specifically approved by the department of planning and development, are allowed. Subject to the other rules and limitations provided for in this division and other provisions of these regulations, sidewalks, driveways, signs, utility easements and servitudes, retention/detention ponds, drainage ways and facilities, and decorative fences are allowed in street planting areas. Decorative fences are wrought iron, picket and any other similar fence approved by the department of planning and development; provided that:
- a. Such fences must be able to be seen through (not more than one-third opaque); and
 - b. Picket fences cannot be greater than 36 inches high and posts for picket fences cannot be more than 44 inches in height.
- (2) *Prohibited in street planting area.* Everything, not specifically allowed in subsection (e)(1) of this section, is prohibited in street planting areas.
- (f) *Planting requirements in street planting area.*
- (1) *Plants required in street planting area.*
- a. *Trees and shrubs required.* Subject to the reduction and credit for existing trees as set forth in section 130-1872, the following minimum number of trees and shrubs shall be planted in the street planting area or areas (if the property abuts more than one street); each street planting area to be computed separately if there is more than one street planting area:

<i>Width of Street Planting Area</i>	<i>Class A Trees Required</i>	<i>Class B Trees Required</i>	<i>Shrubs Required</i>
25 feet	1 per 30 linear feet (or fraction thereof) of street or road front-age	1 per 30 linear feet (or fraction thereof) of street or road front-age	1 per 10 linear feet (or fraction thereof) of street or road front-age
30 feet	1 per 25 linear feet (or fraction thereof) of street or road front-age	1 per 25 linear feet (or fraction thereof) of street or road front-age	1 per 10 linear feet (or fraction thereof) of street or road front-age
35 feet	1 per 20 linear feet (or fraction thereof) of street or road front-age	1 per 20 linear feet (or fraction thereof) of street or road front-age	1 per 10 linear feet (or fraction thereof) of street or road front-age

- b. *Ground cover required.* Living vegetative ground cover material covering the entire surface of the street planting area other than driveways, sidewalks, retention/detention ponds, drainage ways and facilities, fountains, signs and other areas which are not plantable due to landscape architectural features approved by the department of planning and development.
- (2) *Location of required trees and shrubs within street planting area.* All required trees and shrubs shall be located within the street planting area as follows:

Category	Placement/Location
No servitude or easement within street planting area	Locate class A and B trees and shrubs anywhere within street planting area
Overhead line servitude or easement, along street or road, within street planting area	Locate class A trees outside of servitude or easement; locate class B trees within servitude or easement; locate shrubs anywhere within street planting area
Underground line servitude or easement, along street or road, within street planting area	Locate class A and B trees outside servitude or easement; locate shrubs within servitude or easement
Crossing servitude or easement, overhead or underground, within street planting area	Locate all class A trees outside servitude or easement; if overhead, locate some class B trees within servitude or easement; if underground, locate some shrubs within servitude or easement

(Code 1998, app. C, § 7.0106; Ord. No. 07-1548, § 7.0106, 5-3-2007)

Sec. 130-1874. Side and rear buffer planting area requirements.

- (a) *Definition.* A buffer planting area is defined as an area of land located along the side and rear property lines, common to adjacent properties, designated for the preservation of trees and landscaping. Buffer planting areas terminate at, and do not include any area within, street planting areas. Buffer planting areas shall be designed to provide a horizontal distance and landscaped open space between properties.
- (b) *Buffer planting area width.* Buffer planting area width shall be a minimum of ten feet, except that buffer planting area width for an industrial use abutting a nonindustrial use shall be a minimum of 25 feet.
- (c) *Driveways through side buffer planting areas.* In order to provide off-street ingress and egress among adjacent properties, no more than two one-way driveways, a minimum of 12 feet in width and a maximum of 15 feet in width, or one two-way driveway, a minimum of 24 feet in width and a maximum of 35 feet in width, shall be permitted through the side buffer planting area.

(d) *Allowed and prohibited things in buffer planting areas.*

- (1) *Allowed in buffer planting areas.* Trees, shrubs, landscaping, fountains and any other landscape architectural feature, specifically approved by the department of planning and development, are allowed in buffer planting areas. Eaves and other building overhangs, not in excess of 2.5 feet, are also allowed. Subject to the other rules provided for in this division and other provisions of these regulations, sidewalks, driveways, utility and drainage easements and servitudes, retention/detention ponds, drainage ways or facilities, and fences as provided for in subsection (f) of this section, are allowed in buffer planting areas.
- (2) *Prohibited in buffer planting areas.* Everything not specifically allowed in subsection (d)(1) of this section is prohibited in buffer planting areas.

(e) *Planting requirements in buffer planting areas.*

- (1) *Trees required if unencumbered by utility servitude.* Subject to the reduction and credit for existing trees as set forth in section 130-1872, the following minimum number of trees shall be planted in the buffer planting areas which are not encumbered by a servitude or easement:

Category	Number
Class A trees	One for each 30 linear feet of the buffer planting area
Class B trees	One for each 30 linear feet of the buffer planting area

- (2) *Trees required if encumbered by overhead utility servitude.* Subject to the reduction and credit for existing trees as set forth in section 130-1872, the following minimum number of trees shall be planted in the buffer planting areas which are encumbered by overhead utility servitude or easement:

Category	Number
Class B trees	Two for each 30 linear feet of the buffer planting area

- (3) *Shrubs required if encumbered by an underground utility servitude.* If the buffer planting area is encumbered by an underground utility servitude or easement, the shrubs are required as follows:

Category	Number
Shrubs	One for each 10 linear feet of the buffer planting area

- (4) *Ground cover required.* Living vegetative ground cover material covering the entire surface of the buffer planting area other than driveways, sidewalks, retention/detention ponds, drainage ways and facilities, fountains, signs and other areas which are not plantable due to landscape architectural features approved by the department of planning and development.

- (f) *Fences in buffer planting areas.*
- (1) *Fences required.* One hundred percent opaque wood or masonry fences, a minimum of eight feet high, shall be required, along the side and rear property lines at the perimeter of the buffer planting areas, as follows:

<i>Use of Property</i>	<i>Zoning of Adjacent Property</i>
Commercial, industrial, or institutional uses	Any residential zoning including zoning districts A-1 through A-8 and any residential within a planned unit development or traditional neighborhood development
All multifamily uses except duplexes	Single-family residential zoning, being zoning districts A-1 through A-4 and any single-family within a planned unit development or traditional neighborhood development

- (2) *Fences allowed.* In addition to the fences required in subsection (d)(1) of this section, fences are allowed along the side and rear property lines at the perimeter of the buffer planting areas. Such allowed fences shall be not greater than eight feet in height, and they may be constructed of wood, masonry, wrought iron, wire link, or such other material as may be approved by the department of planning and development.

(Code 1998, app. C, § 7.0107; Ord. No. 07-1548, § 7.0107, 5-3-2007)

Sec. 130-1875. Building facade planting area.

(a) *Definition.* The building facade planting area occurs when the exterior walls of the building, which contain the primary entrances to the building, faces vehicular access areas, and the building facade planting area is the area between such exterior walls and such vehicular access areas.

(b) *Area, location, width, length.* The building facade area shall be the full length of the building exterior walls facing the vehicular access areas. This area shall be no less than four feet in width.

(c) *Allowed in building facade planting areas.* Concrete sidewalks, not to exceed four feet in width. Trees, shrubs, landscaping, fountains and any other landscape architectural feature, specifically approved by the department of planning and development. Entrances, drainage ways, underground utilities, eaves and other building overhangs are allowed in building facade planting areas. Everything not specifically allowed in this subsection (c) is prohibited in building facade planting areas.

(Code 1998, app. C, § 7.0108; Ord. No. 07-1548, § 7.0108, 5-3-2007)

Sec. 130-1876. Parking landscaping requirements.

- (a) *Screening for parking area.*
- (1) *Where screening is required.* Whenever parking or vehicular use areas are located adjacent to a street planting area, shrubs shall be planted in the street planting area to screen the parking area from view from the street or road.

- (2) *Location of shrubs within street planting area.* Shrubs shall be located within the street planting area in a row (straight or curvilinear) or clusters to achieve screening. Shrubs shall be planted 2½ feet apart or closer, except that if shrubs are planted in clusters, the clusters shall be four feet apart or closer.
 - (3) *Height of shrubs.* No shrub shall be planted unless it will reach three feet in height within two years after planting, and, thereafter, shrubs shall be maintained at three feet in height or higher.
 - (4) *Credit.* The shrubs required for screening of the parking area shall be credited against the shrubs required in section 130-1873(f) for the street planting area so that if the shrubs required for screening satisfy the number of shrubs required in section 130-1873(f), no additional shrubs are required under section 130-1873(f).
- (b) *General interior parking landscape requirements.*
- (1) *When required.* Interior parking landscape shall be provided in the interior of vehicular use areas greater than eight parking spaces or larger than 3,000 square feet.
 - (2) *Curbing.* The interior parking landscaped areas shall be curbed with permanently anchored material at least six inches in height. Curb material may be concrete, natural stone, railroad ties or landscape timbers.
 - (3) *Connection with street or buffer planting areas.* A required interior parking landscaped area may be connected with a required street or buffer planting area so long as the interior parking landscaped area is in addition to the area of the required street planting or buffer areas.
- (c) *Specific interior parking landscape requirements.*
- (1) *Landscape islands within rows.* No more than 12 parking spaces shall be permitted in a continuous row without being interrupted or terminated by a landscaped island or median of not less than six feet in width (exclusive of curbs) and not less than the length of the parking space.
 - (2) *Landscape islands at end of rows.* Every parking row shall terminate in a landscaped island of not less than nine feet in width (including the curbs) and not less than the length of the parking space; provided that, a landscape island shall not be required at the end of a parking row where the end of the parking row abuts a street planting area or buffer planting area.
 - (3) *Medians between rows.* Every fourth row of parking shall be separated by a median strip for landscaping of not less than nine feet in width (inclusive of curbs).
 - (4) *Required plants.* The landscaped islands shall contain a minimum of one class A tree. One class A tree for every 30 linear feet shall be planted in the required median between rows. The surface of the landscaped islands and medians shall be planted in a living vegetative ground cover.

(5) *Additional planting where no landscape islands or medians are required.* If no landscape islands or medians are required in this subsection (c), one class B tree is required for every four parking spaces. These class B trees may be planted in any landscaped area. (Code 1998, app. C, § 7.0109; Ord. No. 07-1548, § 7.0109, 5-3-2007)

Sec. 130-1877. Trash and garbage screening requirements.

All storage areas containing three or more refuse, garbage, or rubbish containers or one or more dumpsters, shall be screened on all sides with a minimum seven-foot-high opaque fence of wood or masonry.

(Code 1998, app. C, § 7.0110; Ord. No. 07-1548, § 7.0110, 5-3-2007)

Sec. 130-1878. Retention/detention planting area requirements.

(a) *Definition.* The term "retention/detention pond," as used in this division, means any retention or detention pond or basin for water retention, detention, storage or for runoff control.

(b) *Landscape design requirements.* The retention/detention pond shall be designed as a visual amenity to the area in which it is situated, and the design shall meet the following requirements:

- (1) *Strip around retention/detention pond.* A strip of land, a minimum of five feet in width, shall surround the retention/detention pond on the front, rear and all sides, which strip shall be at grade level and shall not be excavated or made a part of the slope of the retention/detention pond. This strip of land shall contain the required landscaping for the area in which the retention/detention pond is located. For instance, if the retention/detention pond is located in a street planting area, the trees and shrubs required in such area shall be planted on such strip.
- (2) *Preserved trees in street planting area.* Within a street planting area, trees over six inches DBH can only be removed for a retention/detention pond as provided for in section 130-1872(a)(4).
- (3) *Slopes.* If the banks of the retention/detention pond are sloped, the slope shall be at such a ratio so that vegetation will grow thereon so that it can be maintained. Vegetation is required on such slopes.
- (4) *Fences.* Any fences around the retention/detention pond shall be an ornamental fence as defined in section 130-1873(e)(3); except the fences required along the side and rear property lines at the perimeter of the buffer planting areas shall meet the requirements of section 130-1874(f)(1).

(c) *Plan requirements.* The plan for the retention/detention pond shall be shown on the landscape and tree preservation plan or on a separate plan. This plan shall be submitted to the department of planning and development for its review and approval in connection with the issuance of the landscape permit.

(Code 1998, app. C, § 7.0111; Ord. No. 07-1548, § 7.0111, 5-3-2007)

Sec. 130-1879. Maintenance and replacement.

(a) *Maintenance.* The owner or his agent shall be responsible for the maintenance and repair of all landscaping materials and barriers as may be required by the provisions of this section.

- (1) Planting beds shall be mulched to prevent weed growth and maintain soil moisture.
- (2) Plant materials shall be pruned as required to maintain good health and character.
- (3) Turf areas shall be mowed periodically.
- (4) All roadways, curbs and sidewalks shall be edged when necessary in order to prevent encroachment from the adjacent grassed areas.
- (5) The owner of the property shall be responsible for the provision of adequate water, fertilizer and nutrients to the required plant materials.

(b) *Replacement.* Subject to the provisions of section 130-1872(f), replacement of preserved trees that die, trees and plants that die must be replaced within six months of the death of the tree or plant with trees or plants that meet the requirements of this division. Barriers and curbs that are damaged or destroyed beyond repair shall be replaced within six months after the damage or destruction.

(Code 1998, app. C, § 7.0112; Ord. No. 07-1548, § 7.0112, 5-3-2007)

Sec. 130-1880. Native trees and shrubs.

(a) *Required native trees and shrubs.* Section 130-1871(d)(2) provides:

- (1) At least 60 percent, of the aggregate in number, of all required trees and shrubs (the sum of all trees and shrubs required in street planting areas, buffer planting areas, parking areas, building facade planting areas and any other areas where trees and shrubs are required in this division) shall be a native species of trees and shrubs as identified in this section. None of the required ground cover need be a native species.
- (2) The provisions of subsections (b) through (d) of this section set forth trees and shrubs that are considered native species of trees and shrubs for the purpose of section 130-1871(d)(2), above quoted.

(b) *Class A native trees.* Class A trees are defined in section 130-1882. The following are class A native tree species:

<i>Common Name</i>	<i>Scientific Name</i>
American Beech	Fagus Grandifolia
American Elm	Ulmus americana
American Sycamore	Platanus Occidentalis
Ash Species	Fraxinus Spp.
Black Cherry	Prunus serotina
Blackjack Oak	Quercus Marilandica
Bald Cypress	Taxodium Distichum
Blackgum	Nyssa Sylvatica
Cherrybark Oak	Quercus Falcata (var.) Pagodaefolia
Hackberry	Celtis Laevigata
Laurel Oak	Quercus Laurifolia
Loblolly Pine	Pinus Taeda
Longleaf Pine	Pinus Palustris
Nuttall Oak	Quercus nuttallii
Overcup Oak	Quercus lyrata
Pecan	Carya Illinoensis
Pond Cypress	Taxodium Ascendens
Red Maple	Acer rubum L. Var.rubum
Red Oak	Quercus falcata
Slash Pine	Pinus Elliottii
Shumard Oak	Quercus slummardii
Southern Magnolia	Magnolia Grandiflora
Southern Live Oak	Quercus Virginiana
Southern Sugar Maple	Acer barbatum
Spruce Pine	Pinus Glabra
Swamp Red Maple	Acer Rubrum Drummond II
Swamp Chestnut Oak	Quercus Michauxii
Sweetbay Magnolia	Magnolia Virginiana
Sweetgum	Liquidambar Styraciflua
Tulip Poplar	Liriodendron Tulipifera
White Oak	Quercus Alba
Willow Oak	Quercus phellos
Winged Elm	Ulmus Alata

(c) *Class B native trees.* Class B trees are defined in section 130-1882. The following are class B native tree species:

<i>Common Name</i>	<i>Scientific Name</i>
American Plum	Prunus americana
American Snowbell	Styras americana
Big Leaf Snowbell	Styrax grandifolius

<i>Common Name</i>	<i>Scientific Name</i>
Big Leaf Wax Myrtle	Myrica heterophylla
Black Willow	Salix nigra
Bottlebrush Buckeye	Aesculus parviflorum
Cassine or Dahoon Holly	Ilex cassine
Cherry Laurel	Prunus caroliniana
Deciduous Holly	Ilex decidua
Dogwood	Cornus florida
Fosters Holly, Greenleaf Holly, Savannah Holly, etc.	Ilex "attenuata" cultivars
Greenhaw	Crataegus viridis
Greybeard	Chionanthus virginicus
Groundsel Bush	Baccharis halimifolia
Hop Hornbeam	Ostrya virginiana
Ironwood or Blue Beech	Carpinus caroliniana
Mayhaw	Crataegus opaca
Mexican Plum	Prunus mexicana
Parsley Hawthorn	Crataegus marshallii
Persimmon	Diospyros virginiana
Possumhaw Viburnum	Viburnum nudum
Red Bay	Persea borbonia
Red Buckeye	Aesculus pavia
Redbud	Cercis canadensis
Red Mulberry	Morus rubra
River Birch	Betula nigra
Silver Bell	Halesia diptera
Southern Catalpa	Catalpa bignonioides
Southern Crabapple	Malus angustifolia
Shining Sumac	Rhus glabra
Smooth Sumac	Rhus copallina
Titi	Cyrilla racemiflora
Tree Huckleberry	Vaccinium arboreum
Walter's Viburnum	Viburnum oboratum
Wax Myrtle	Myrica cerifera
Weeping Yaupon	Ilex vomitoria "pendula"
Yaupon	Ilex vomitoria

(d) *Native shrubs.* The following are native shrub species:

Arrowwood	Viburnum dentatum
Azalea	Azalea indica
Blueberry/Huckleberry	Vaccinium species

Camellia	Camellia susanqua
Clethra	Clethra alnifolia
Dahoon Holly	Ilex myrtifolia
Fetterbush	Lyonia spp.
French Mulberry	Callicarpa americana
Gallberry	Ilex glabra
Honeybells	Agarista populifolia (dwarf available)
Oakleaf Hydrangea	Hydrangea quercifolia
Palmetto	Sabal minor
Southern Cane	Arundinaria gigantea
Starbush	Illicium floradanum
Sweet Shrub	Calycanthus floridus
Virginia Willow	Itea virginica
Wild Azalea	Rhododendron serrulatum
Wild Azalea	Rhododendron canescens
Wild Azalea	Rhododendron austrinum
Winterberry	Ilex verticillata
Yellow Anise	Illicium parviflorum
Dwarf Yaupon	Ilex vomitoria nona

(Code 1998, app. C, § 7.0113; Ord. No. 07-1548, § 7.0113, 5-3-2007)

Sec. 130-1881. Regulation of legally nonconforming landscaping.

- (a) *Definition.* The term "legally nonconforming landscaping" means:
- (1) Any landscaping located within the parish which does not conform with the provisions of this division at the time this division becomes effective; or
 - (2) Any landscaping not yet constructed, but which has been granted a permit or approval, at the time this division becomes effective.
- (b) *Loss of legally nonconforming status.* Legally nonconforming landscaping shall immediately lose its legally nonconforming designation if:
- (1) The buildings on the premises on which the landscaping is situated are:
 - a. Damaged 50 percent or more of its replacement value by reason of fire, flood, explosion, riot, casualty, or act of God; or
 - b. Repaired, renovated or replaced to the extent of 50 percent or more of its replacement value.
 - (2) The footprint of buildings on the premises on which the landscaping is situated is altered, or the cubicle content of the buildings is increased.

(c) *Compliance after loss of legally nonconforming status.*

- (1) On the happening of the event set forth in subsection (b)(1) of this section, the landscaping shall be brought into compliance with this division, and a new landscape permit shall be secured therefor within six months of such event.
- (2) On the happening of the event set forth in subsection (b)(2) of this section that does not constitute an event under subsection (b)(1) of this section, the landscaping shall be brought into compliance with this division to the extent reasonably possible as determined by the department of planning and development, and in connection therewith, the applicant or owner shall submit to the department of planning and development a landscape and tree preservation plan as required by section 130-1870(d) and obtain a landscape permit for the landscaping as approved by the department of planning and development.

(Code 1998, app. C, § 7.0114; Ord. No. 07-1548, § 7.0114, 5-3-2007)

Sec. 130-1882. Definitions for landscape and tree preservation regulations.

The following definitions relate to the landscape and tree preservation regulations contained in this division. These definitions are intended to also be set forth in section 10 simultaneously with the adoption of the ordinance from which this division is derived or at a later date.

Buffer planting area. See the definition in section 130-1874(a).

Building facade planting area. See the definition in section 130-1875(a).

Calculation of the average depth of the property. The depth of the property is calculated from the primary frontage of the property.

DBH means diameter breast high.

Decorative fences. See the definition in section 130-1873(e)(1).

Drip line means the outer edge of the foliage of a tree extending in all directions parallel to the ground.

Ground cover, decorative, means any mulch material (vegetative or mineral) that is used to cover the surface of the ground to prevent erosion or retain moisture.

Ground cover, vegetative, means plant material which reaches a maximum height of not more than 12 inches at maturity, including turf.

Interior landscape area means any landscaped area within the interior of a development site and beyond the required periphery landscape area that is planted with trees, shrubs and ground covering material to provide for infiltration of runoff, shade of parking areas or aesthetic enhancement of the site.

Landscaping material means material such as, but not limited to, living trees, shrubs, vines, turf, ground cover, landscape water features, and nonliving, durable materials commonly used in landscaping including, but not limited to, rocks, pebbles, sands, decorative walls, brick pavers, and earthen mounds, but excluding paving for vehicular use.

Mulch means any material that is used to cover the ground surface to prevent erosion, retain moisture and protect plant material.

Plant material means any plant including trees, vines, shrubs, ground covers and annuals or vegetation of any size, species or description.

Retention/detention pond. See the definition in section 130-1878(a).

Shrub means a relatively low-growing bushy plant, usually with woody stems. For the purposes of this definition, ground cover, trees and annuals are not considered shrubs.

Street planting area. See the definition in section 130-1873(a).

Tree, class A, means any self-supporting woody plant of a species which normally grows to an overall height of a minimum of 50 feet, usually with one main stem or trunk although some species may have multiple trunks, and with many branches. A list of class A native trees can be found in section 130-1880(b).

Tree, class B, means any self-supporting woody plant of a species which normally grows to an overall height of a minimum of 25 feet, with one or more main stems or trunks and many branches. A list of species considered to be class B native trees can be found in section 130-1880(c).

Tree root zone means that area that extends outward from the trunk to the drip line of the tree.

Vehicular access area means driveways, accessways, parking areas and other areas which vehicles use.

(Code 1998, app. C, § 7.0115; Ord. No. 07-1548, § 7.0115, 5-3-2007)

Secs. 130-1883—130-1907. Reserved.

DIVISION 3. SIGN REGULATIONS

Sec. 130-1908. Statement of need and purpose.

The purpose of this section is to facilitate the location and choice of signs to ensure better communication between people and their environment and to avoid visual clutter that is potentially harmful to traffic and pedestrian safety, property values, business opportunities, and community appearance. With these purposes in mind, it is the intent of this section to authorize the use of signs which are compatible to the unique environment of the parish,

appropriate to the activity that displays them, creative and expressive of the identity of both individual activities and the community as a whole, and legible in the environment in which they are seen.

(Code 1998, app. C, § 7.0201; Ord. No. 07-1548, § 7.0201, 5-3-2007)

Sec. 130-1909. Applicability; permits; variances; waivers; appeals and identification.

(a) *Applicability.*

- (1) *General applicability; billboards excluded.* This division is applicable to all signs except billboards and off-premises outdoor advertising signs which are regulated by section 130-2112. No billboard or off-premises outdoor advertising sign shall be allowed except to the extent to which they are allowed and regulated by section 130-2112.
- (2) *Applicability according to land uses.* The sign regulations in this division are categorized so that certain of these regulations are applicable to certain land uses and other of these regulations are made applicable to other land uses. The following is a table of the land uses and the regulations, by section number, applicable to these land uses:

<i>Regulation Uses</i>	<i>Section Numbers</i>
Commercial, industrial and institutional	130-1909
Uses and all uses except residential uses	130-1910—130-1918
Single-family and two-family residential	130-1919
Multifamily residential and condominiums	130-1920
Residential subdivision and center median entrance signs	130-1921

- (3) *Prohibited signs.* Prohibited signs as set forth in section 130-1922 are applicable to all uses.
- (4) *Regulation of legally nonconforming signs.* The regulation of legally nonconforming signs as set forth in section 130-1923 are applicable to all uses.
- (5) *Definitions.* Definitions are set forth in section 130-1924.

(b) *Requirement of sign permit.* A permit is required from the department of planning and development for every new sign and every modification, alteration or repair of a sign except:

- (1) Miscellaneous signs for nonresidential uses as provided for in section 130-1915;
- (2) Temporary signs without permits as provided for in section 130-1917;
- (3) Signs for single-family and two-family residential uses as provided for in section 130-1919; and
- (4) The signs allowed for multiple-family and condominium uses as provided in section 130-1920(1).

(c) *Variances by board of zoning adjustments.* If the application for a new sign or for a modification or alteration of an existing sign shows that all requirements of this division are complied with, the director of planning and development shall issue a permit without the necessity of any public hearing before the zoning commission or any other public body. If the application for the permit is denied, the applicant may, subject to the provisions of this section, seek a variance from the board of zoning adjustments pursuant to the provisions of article II of these regulations. Appeals from the board of adjustments shall be made to the district court for the parish as provided in article II of these regulations.

(d) *Criteria for variances and waivers.* Pursuant to subsection (c) of this section, the board of zoning adjustments may grant variances from the sign regulations in this division. Such variances and waivers may be granted to diminish sign regulation requirements when one or more of the following exists: unusual elevations or shape of the lot, unusual landscaping and/or tree preservation problems, unusual architectural design of the building or structures, unusual effect of the requirements of the signs to be placed on the lot or building, problems with servitudes, and any other problem or matter which affects signage that the board of zoning adjustments determines to be in the public interest to consider; provided that variances and waivers shall not be based solely on cost or economic consideration. Furthermore, the board of zoning adjustments may grant variances from the provisions of this division due to any hardships or other matters that are a proper basis for a variance.

(e) *Permit procedure.* Application for sign permits shall be submitted on forms prepared by the department of planning and development. These forms shall require plans, scaled drawings, specifications, dimensions and height, parcel identification, sign location and such other data with respect to the sign as the department of planning and development shall deem appropriate for the administration and enforcement of this division.

(Code 1998, app. C, § 7.0202; Ord. No. 07-1548, § 7.0202, 5-3-2007)

Sec. 130-1910. Standards applicable to nonresidential uses.

The following standards are applicable to all signs erected or displayed for commercial, industrial and institutional uses and for all other uses except residential uses. Standards specific to such activities along the Interstate 10 service road are found in section 130-1911(e).

- (1) *Internal illumination.* Internal illumination is allowed creating a negative contrast, i.e., light lettering against a dark, opaque background.
- (2) *External illumination.* Externally illuminated signs may be illuminated in white light only, not to exceed 3,000 lumens per side per sign or otherwise unreasonably intrude on a residence and such illumination shall not constitute a traffic hazard.
- (3) *Colors.* Only spectrum colors are allowed. No iridescent colors or reflective lettering is allowed.

- (4) *Plywood and particle board.* Signs (other than temporary signs) may not be constructed of rough or unfinished plywood or particle board.
 - (5) *Neon.* Neon will only be allowed if it is considered as an integral part of the sign being regulated. Anything within the boundary of the outline of the neon will be considered a part of the sign face.
 - (6) *Changeable message sign limitation.* Movie theater signs are allowed changeable message signs without limitation. All other changeable message signs shall be incorporated into a sign face, but the changeable component must occupy less than one-half the total area of the sign face.
 - a. If changeable copy is used, it shall be located adjacent to or integrated into the sign face.
 - b. Lettering of changeable message signs shall be of a single style and shall be of uniform color and size.
 - c. Internal illumination, if any, shall be a negative contrast.
- (Code 1998, app. C, § 7.0203; Ord. No. 07-1548, § 7.0203, 5-3-2007; Ord. No. 10-2306, 8-5-2010)

Sec. 130-1911. Monument signs applicable to designated uses.

- (a) *Definition of ground signs.* Ground signs are specifically defined in section 130-1924, but they consist of monument signs and pole signs. Monument signs are allowed as provided for in this division, but pole signs are prohibited.
- (b) *Number of monument signs.* One monument sign shall be allowed for each 1,000 feet of street frontage or fraction thereof in excess of the 1,000 foot increments. A property with more than one street frontage shall be allowed one monument sign for each 1,000 feet of street frontage or fraction thereof in excess of the 1,000 foot increments.
- (c) *Location of monument signs.* A monument sign, or monument signs if more than one is allowed, may be located at any place from the street property line, including the street planting area, back to the building facade as long as it is set back from the street property line at least five feet. If there is no building facade behind the sign, then the sign may be located up to 50 feet back from the property line. Monument signs shall not be located within a sight clearance triangle as defined below:
 - (1) A sight clearance triangle shall be the triangle at the corner of two intersecting street rights-of-way, two sides of which shall be located along the street lines and shall run a distance of 15 feet from the intersecting corner of the street rights-of-way, and the third side of the triangle shall be a straight line linking the ends of the street lines of the triangle.

- (2) A sight clearance triangle, as described in subsection (c)(1) of this section, between the street rights-of-way and a railroad right-of-way, a street right-of-way and a pedestrian or bicycle right-of-way, and a driveway and a street right-of-way.

(d) *Monument signs for designated uses.*

- (1) *Where allowed.* Monument signs are allowed to be erected and displayed for commercial, industrial and institutional uses and for multifamily and residential condominiums as provided for and subject to the limitations of section 130-1920(2), and for all other uses except other residential uses. Standards specific to such activities along the Interstate 10 service road are found in subsection (e) of this section.

- (2) *Area.* The total sign area for each allowed monument sign constructed shall not exceed the following limits:

<i>Building Type</i>	<i>Square Footage per Side</i>
Single occupancy	32 sq. ft.
Multiple occupancy	70 sq. ft.

- (3) *Height of monument signs.* The height of monument signs shall not be greater than nine feet.

(e) *Standards for properties with frontage along the Interstate 10 Highway system.* The following standards shall be applied to properties with frontage along the Interstate 10 Highway system.

- (1) *Publicly owned events centers.* Publicly owned events centers, when created under the authority of the state in accordance with Title 33, Chapter 11 of the Louisiana Revised Statutes are permitted a single sign as follows:
- a. If the property is located within one mile of an Interstate 10 interchange, the sign may be located on property within 5,000 feet of said interchange when property is owned/leased by the relevant events district.
 - b. Maximum height allowed shall not exceed 35 feet from grade.
 - c. Maximum signage area allowed shall not exceed 1,000 square feet, with no single sign exceeding 425 square feet in area.
 - d. Video display shall be allowed, but shall not exceed 300 square feet in area. This area shall not be calculated as signage area limited by subsection (e)(1)c of this section.
 - e. Interior illumination shall comply with the standards established in section 130-1910(1).

- (2) *Commercial, industrial and institutional uses.* Commercial, industrial and institutional uses with frontage along the Interstate 10 service road are permitted a single sign, located on premises, as follows:

- a. Maximum height allowed shall not exceed 35 feet from grade.
- b. Maximum signage area allowed shall not exceed 250 square feet per side.
- c. Interior illumination shall comply with the standards established in section 130-1910(1).

(Code 1998, app. C, § 7.0204; Ord. No. 07-1548, § 7.0204, 5-3-2007; Ord. No. 10-2306, 8-5-2010)

Sec. 130-1912. Wall signs for nonresidential uses.

In addition to the monument signs allowed under section 130-1911, the following wall signs shall be allowed for each occupant of a single or multi-occupancy premises, for commercial, industrial and institutional uses and all other uses except residential, as follows:

- (1) *Signs, location.* One wall sign per occupant to be sized at a ratio of one square foot of sign area per linear foot of the facade of the store front. For store fronts of less than 32 linear feet, the allowable size sign shall be 32 square feet. All wall signs shall maintain a minimum distance of one foot from the lease line of the occupant's portion of the facade and the linear footage shall be measured along the wall of the facade on which the sign will be located. Each store may have multiple fronts based upon the definition of "store front" in section 130-1924.
- (2) *Corner buildings.* On store frontages located at the corner of a building, which face two different street frontages, or if a business occupies an entire separate structure within a center, additional wall signs, the area of which shall be calculated as per subsection (1) of this section, shall be allowed, provided that a minimum distance of 30 feet, measured along the store front, is maintained between the extremities of any two signs and each sign is mounted on a separate wall facing in a separate direction. However, under no circumstances shall a wall sign be allowed on a wall which is finished in a manner inferior to the quality of the facade where the main entrance is located or on a wall where the placement of the sign will call attention to building equipment or the unfinished side of a false building facade.

(Code 1998, app. C, § 7.0205; Ord. No. 07-1548, § 7.0205, 5-3-2007)

Sec. 130-1913. Awning, marquee or canopy signs applicable to nonresidential uses.

In lieu of a wall sign as provided for in section 130-1912, an occupant, for a commercial, industrial and institutional use and for any other use other than residential, is allowed either an awning, marquee or canopy sign, and all of the provisions of section 130-1912 relating to size, distance from lease line, signs on or extending from inferior quality walls, or signs calling

attention to building equipment or the unfinished side of a false building facade must be adhered to. If the occupant uses an awning, marquee or canopy sign, a wall sign is not allowed. (Code 1998, app. C, § 7.0206; Ord. No. 07-1548, § 7.0206, 5-3-2007)

Sec. 130-1914. Other occupant signs for nonresidential uses.

In addition to the monument signs and wall signs and awning, marquee or canopy signs allowed in sections 130-1911, 130-1912 and 130-1913, the following signs are allowed to occupants with commercial, industrial or institutional uses or any other use other than residential:

- (1) *Rear doors.* One rear identification wall sign must be displayed on or at a rear door of each separate business entity for purposes of emergency access and deliveries only. Such sign shall be limited in size to the minimum size required by the state fire marshal. Any door not utilized as a primary entrance-way for patrons during normal business hours or not opening directly onto the patron area of any premises shall be considered a rear door. No door located on any store frontage on which there exists a door utilized as a primary entrance-way for patrons during normal business hours or which opens directly onto the patron area of any premises shall be considered a rear door.
- (2) *Identification and address signs.* An occupant shall be allowed one nonilluminated identification and address sign not to exceed eight square feet in area identifying the occupant, and such additional sign shall be located on or within ten feet of the primary public entrance of the occupant.

(Code 1998, app. C, § 7.0207; Ord. No. 07-1548, § 7.0207, 5-3-2007)

Sec. 130-1915. Miscellaneous signs for nonresidential uses.

Subject to all provisions and requirements of this division, the following signs may be erected and displayed, for commercial, industrial and institutional uses and any other use other than residential, without the necessity of a sign permit:

- (1) *Public directional signs.* Public directional signs are allowed.
- (2) *Official notices.* Official notices duly issued by any court, public agency or officer are allowed.
- (3) *Flags and insignia of any government.* Flags and insignia of any government, except when displayed in connection with a commercial promotion, are allowed.
- (4) *Integral decorative or architectural features of buildings.* Integral decorative or architectural features of buildings, other than neon lights, letters, trademarks, logos, or any feature containing moving parts or moving or flashing lights, are allowed.
- (5) *Indoor signs.* Indoor neon signs, not greater than six square feet in area are allowed at or near windows, provided that, they do not, in the aggregate, exceed 40 square feet of the

windows in any one side of a building and provided that they do not, in the aggregate, cover more than 25 percent of the area of any windows in which such signs are displayed. Other indoor signs, not visible from any street right-of-way, are also allowed.

- (6) *Private directional signs.* Private directional signs, not exceeding four square feet in sign area per sign, are allowed.
- (7) *Fuel service station pump signs, oil rack signs, and pricing signs.* Fuel service station pump signs, oil rack signs, and pricing signs are allowed pursuant to the following:
 - a. *Fuel service station pump signs.* Fuel service station pump signs may be displayed on fuel pumps to provide required information to the public regarding the available fuel, such as "gallons," "price," "octane rating" and "type of fuel." If a trade name of the business or supplier is incorporated into the name or designation of the different types of fuels available, said trade name and any associated symbols therewith may be displayed on the pumps provided that such signs are flat signs that do not exceed three square feet per sign face and an aggregate area of six square feet of sign face per pump.
 - b. *Oil rack signs.* If a fuel service establishment markets engine oil on the pump island, any identification signs on the merchandise itself visible to the public shall be allowed. Additional signs on the oil rack may be allowed provided that each such sign shall not exceed three square feet per sign face with an aggregate area of six square feet of sign face per rack.
 - c. *Tire rack signs.* If a fuel service station, tire store, auto repair shop or any other business which markets tire displays the tires on racks visible to the public, additional signage on the tire rack identifying the tires displayed on that rack may be allowed, provided that such additional signage shall not exceed three square feet per sign face with an aggregate area of six square feet of sign face per rack.
 - d. *Pricing signs.* A sign advertising the price of motor fuel, other than pump signs, shall be allowed provided that such sign shall be included and made part of the allowable sign area as set forth in section 130-1911.
- (8) *Menu boards.* Menu boards for drive-through facilities providing food for off-premises consumption, which do not exceed 48 square feet in sign area and which are located so as not to be visible from the street right-of-way from which primary access to the premises is obtained, are allowed. Menu boards and similar data for drive-in parking spaces for drive-in restaurants shall not exceed nine square feet.
- (9) *Vehicle and trailer signs.*
 - a. Vehicle and trailer signs may be displayed on any vehicle or trailer operated in the daily conduct of any business enterprise so long as such signs:
 - 1. Are not parked in front of or in line with any greenbelt or planting areas when on the premises of the business entity operating or advertising on such vehicle or trailer.

2. Are on a vehicle or trailer which is operable and not parked primarily for the purpose of signage.
- b. Vehicle and trailer signs shall not be used as off-premises signs and shall not be displayed or parked on sites other than the premises of the business entity operating such vehicle other than when the vehicle is being used in connection with the business operations of the entity operating said vehicle or trailer. Such vehicles and trailers may also be parked at the residence of its operator, so long as such vehicle is operated by a resident of the residential property as conveyance to work on a daily or near daily basis. Billboards may not be erected or displayed on any vehicle or trailer.
- (10) *Licensed roadside vendor sign.* One roadside vendor sign for licensed road vendors will be allowed on signs facing each side not to exceed 16 square feet per side.
- (11) *Handicapped parking and access signs.* Handicapped parking and access signs are allowed and are regulated in accordance with state or federal law.
(Code 1998, app. C, § 7.0208; Ord. No. 07-1548, § 7.0208, 5-3-2007)

Sec. 130-1916. Pylon signs applicable to regional commercial/office centers.

- (a) *Where permitted.* Pylon signs shall only be permitted in planned developments meeting the definition of a regional commercial/office center.
- (b) *Number of pylon signs.* One pylon sign shall be allowed for each 1,250 feet of frontage along an interstate highway. Frontage roads constructed as part of the development along the interstate highway will be considered interstate frontage regardless of ownership status. On/off ramps that are part of the interstate highway system may be used to calculate this frontage.
- (c) *Location of pylon signs.*
 - (1) A pylon sign must be located within 100 feet of the highway or frontage road right-of-way.
 - (2) If a pylon sign is located on the development side of an internal public road it must be set back at least 15 feet from the right-of-way of said public road.
 - (3) If a pylon sign is located between an internal road and an interstate highway right-of-way, the sign must be at least five feet from the internal road right-of-way, and may be placed immediately adjacent to the interstate highway right-of-way, if there is no objection to such placement from the state department of transportation and development.
 - (4) A pylon sign may not be located within a triangular area formed by the street or driveway right-of-way lines and a line connecting them at points 50 feet from the intersection of said rights-of-way.

- (5) No pylon sign may be located within 1,000 feet of another pylon sign.
 - (d) *Standards for pylon signs.*
 - (1) *Area.* The total sign face area (multiple tenant signs) for each allowed pylon sign shall not exceed 400 square feet per side.
 - (2) *Height of pylon signs.* The height of monument signs shall not be greater than 45 feet from grade.
 - (3) The total structure face shall not exceed 1,500 square feet, inclusive of the total sign face.
 - (4) A logo or graphic identified with the development may be placed on each side of the structure not to exceed 100 square feet in area per side.
 - (5) Unless otherwise noted in this section, all pylon signs must comply with section 130-1910, standards applicable to nonresidential uses.
- (Code 1998, app. C, § 7.0208.01; Ord. No. 07-1548, § 7.0208.01, 5-3-2007; Ord. No. 11-2523, 5-5-2011)

Sec. 130-1917. Temporary signs without permits.

The following temporary signs are allowed, without the necessity of a permit, for commercial, industrial and institutional uses and for uses allowed in the RC Recreational/Conservation District:

- (1) *Business award signs.* Chamber of commerce, business of the month, banners for the month of the award are allowed.
- (2) *Temporary window signs.* Temporary window signs displayed on the inside of windows and intended for the purpose of disseminating information about special sales or promotional campaigns are allowed pursuant to the following:
 - a. *Materials.* Shall be constructed of such materials as to indicate the temporary nature of the sign;
 - b. *Area covered.* Shall not, in the aggregate, cover more than 0.25 percent of the area of any windows in which such signs are displayed;
- (3) *Temporary real estate signs.* Temporary real estate signs are allowed pursuant to the following:
 - a. *Number and size.* Signs shall be limited to the owner of or to one real estate sign per listing broker on any premises offered for sale, rent or lease. Such sign shall be nonilluminated. A double-faced real estate sign is allowed, provided that such sign shall not exceed 16 square feet in area per sign face and an aggregate sign face area of 32 square feet for single-family residences and multiple-family residences, or 32 square feet in area per sign face and an aggregate sign face area of 64 square feet

in area for commercial and institutional properties. If freestanding, any such sign, whether single- or double-faced, shall not exceed seven feet in height. Property with two or more premises street frontages shall be allowed to display one additional sign conforming with all of the requirements of this subsection on a second frontage.

- b. *Condominiums.* For purposes of the regulation under this code of real estate signs only, each separately designated unit of a condominium development created by virtue of written instruments duly recorded in the office of the parish clerk of court shall be considered a separate premises and real estate signs relating to any such unit shall be regulated depending upon the use of the unit in question, in accordance with the applicable provisions of this division.
- c. *Construction, placement.* Temporary real estate signs may be attached to stakes or rods which are placed in the ground, they may be constructed of plywood or they may be constructed and placed in any other way that meets the requirements of this division.

(Code 1998, app. C, § 7.0209; Ord. No. 07-1548, § 7.0209, 5-3-2007)

Sec. 130-1918. Temporary signs requiring permits for nonresidential uses.

The following temporary signs are allowed, provided that a permit is obtained, for commercial, industrial and institutional uses and any other use other than residential:

- (1) *Public service signs.* Public service signs including street banner signs are allowed only in connection with the promotion or identification of special events of a civic, philanthropic, charitable or religious purpose.
 - a. *General application.* Any person, firm, corporation or organization in charge of any festival, spectacle, play, show, or other event of such a general civic and public nature and who is in charge of placing, erecting, constructing and maintaining any public service banner, flag, emblem, bunting or freestanding public service sign upon or over any public street, or other public place in the parish shall first secure a temporary permit subject to the approval of the department of planning and development and the conditions provided herein prior to the placement of the sign.
 - b. *Application for permit.* Applications for such a permit shall state the name of the person, firm, corporation or organization sponsoring the event; the location where such device or devices are to be installed and the contemplated dates during which such devices shall remain upon or over any street or other public place in the parish. Such application shall have attached to it a chart or drawing showing that the device would not interfere with traffic or the safety of persons using such public places.

- c. *Duration.* Such signs or banners may be displayed for a period not to exceed 14 consecutive calendar days upon issuance of a temporary permit by the department of planning and development. The sign area of such signs or banners shall not exceed 32 square feet.
- (2) *Flags, streamers, banners and pennants.* Flags, streamers, banners, pinwheels, spinners or pennants may be displayed in connection with grand openings or special events no more than twice a year for any one business entity or applicant. Such signs may be displayed for a period not to exceed 14 consecutive calendar days upon the issuance of a temporary permit by the department of planning and development. Applications for such a temporary permit must state the name of the person, firm, corporation or organization sponsoring the event, the locations where such devices are to be installed and the contemplated dates during which such devices shall remain on display. Banners shall not exceed 32 square feet and shall be limited to one banner per premises.
- (3) *Political, public issue and religious signs.*
- a. *Applicability; political signs.* Political signs are allowed on billboards and on off-premises outdoor advertising signs as provided for in section 130-2112(24) and the provisions of this subsection do not apply to billboards and off-premises outdoor advertising signs.
 - b. *General provisions, political signs.* Any person desiring to distribute or display political signs in connection with an organized campaign in support of or opposition to any candidacy, political slate or ticket, or ballot proposal shall first make application to the department of planning and development for the issuance of a temporary sign permit. Such application shall include the name, address and telephone number of the applicant. The applicant for the permit shall provide the department of planning and development with specimen copies of all signs to be distributed or displayed under the permit.
 - c. *Fee, political signs.* The applicant shall include, with his application for a political sign, a fee in accordance with the following:
 - 1. National offices. \$500.00.
 - 2. United States House of Representatives, United States Senate, and President.
 - 3. Major office. \$500.00.
 - (i) Offices elected statewide.
 - (ii) Public service commissioner, Supreme Court Justice and BESE.
 - (iii) Any office with an election district containing a population in excess of 250,000.
 - 4. District office. \$250.00.

5. Office of a member of the state legislature.
 6. Offices elected parish wide.
 7. Offices elected in more than one parish (unless the population exceeds 250,000).
 8. Offices elected in a district with a population in excess of 35,000 but less than 250,000.
 9. Any other office. \$100.00. The term "any other office" means offices not considered a major district, i.e., offices elected in a district having a population of 35,000 or less and not elected parish wide.
- d. *Distribution, erection and display of political signs.* Said permit for a political sign shall authorize the distribution, erection and display of an unlimited number of signs of the type or types submitted as specimens by the applicant and shall allow for the placement of one sign to be erected per premises/street frontage.
 - e. *Time period of permit for political signs.* Any such permit for a political sign shall be issued for a period of time not to exceed 90 consecutive calendar days; provided, however, that in the event that signs are distributed, erected or displayed under any such permit in connection with any candidacy or ballot proposal which involves more than one election, the permit shall be automatically extended to the tenth day following the date of the general election to which the sign pertains.
 - f. *Political signs prohibited on public rights-of-way.* No political sign shall be erected or displayed in any public right-of-way.
 - g. *Size, political signs.* No political sign shall exceed 32 square feet in sign face area. No political sign can be stacked one on top of the other in billboard fashion.
 - h. *Type, political signs.* Political signs may be attached to rods or stakes placed in the ground or they may be made out of plywood or they may be made in any other way that meets the requirements of this division.
 - i. *Removal of political signs.* The applicant shall remove all political signs erected or displayed under any permit issued to him under the provisions of this section no later than ten calendar days following the last election to which the sign pertains. Upon the failure to timely remove such signs the parish may thereafter remove and dispose of any remaining signs.
- (4) *Religious and public issue signs.* One religious or public issue sign, not to exceed four square feet in sign area, shall be permitted, on any premises, without the necessity of a permit; provided that:
- a. They shall not be placed in a public right-of-way;
 - b. They shall not be in place for more than three months;

- c. They meet the requirements of subsection (3)h of this section; and
 - d. Nothing in this subsection shall affect the rights of religious institutions to erect signs in connection with their buildings or structures as permitted in other provisions of this division.
- (5) *Construction signs.* Nonilluminated construction signs may be allowed on the premises being developed or improved subject to the following conditions and requirements:
- a. *Building permit required.* A building permit for the project must have been obtained prior to the issuance of the sign permit.
 - b. *Residential district.* In residentially zoned districts such signs shall not exceed four square feet in area and shall be limited to the denoting of the architect, engineer, contractor, subcontractor, owner and/or financing agency providing labor, materials, services or financial capital for the proposed construction. Such sign may be displayed only during construction and for a period of not more than ten days after completion of actual construction identified by the first issuance of a certificate.
 - c. *Nonresidential or combined use districts.* In any nonresidential or combined use district, one such sign shall be allowed not to exceed 32 square feet in area and all other signs shall not exceed four square feet in area. All such signs shall be limited to the name of the project and the denoting of the architect, engineer, contractor, subcontractor, owner and/or financing agency providing labor, materials, services or financial capital for the proposed construction. Such signs may be displayed only during actual construction and for a period of not more than ten days after completion of the construction as identified by the first issuance of a certificate of occupancy for the project or development in question or upon expiration of the building permit for the project or development, whichever is first to occur.
 - d. *Set back requirements.* The location of such signs shall be on the property to which the sign is applicable. Without limiting the other provisions of this section, such signs shall not be placed on trees or in street rights-of-way.
- (6) *Proposed project signs.* One nonilluminated temporary sign announcing a proposed land development may be erected on the premises proposed for the project provided that such sign does not exceed 50 square feet in area, is set back at least ten feet from any property line, and is removed within one year from the date the sign permit for its erection was issued or upon the issuance of the sign permit for a construction sign or the lapse of 60 days from the issuance of a building permit for the project whichever is first to occur. The parish may remove the sign, at their discretion, if it is not removed after the permit expires, and the sign permit application shall give the parish the right to remove the sign.

(7) *Temporary signs preceding permanent sign approval.*

- a. *Size; duration.* One temporary attached identification sign not exceeding 32 square feet may be allowed for a period of not more than 30 days for an occupant who has no other on-premises signs to identify the occupant's business subsequent to the filing of a complete application for sign approval and approval of the department of planning and development.
- b. *Extension of time.* An additional 60 days' extension may be requested in writing from the department of planning and development by the sign applicant.

(8) *Seasonal banners.* Temporary seasonal banners such as, but not limited to, those attached to light standards within a parking area may be allowed on multi-occupant premises upon review of and approval by the planning and development department. Prior to issuance of a temporary permit for the display of such banners, the following requirements shall be met:

- a. No seasonal banner shall exceed eight square feet in area.
- b. The total number, location and method of attachment display shall be approved by the planning and development department.
- c. No advertising message shall be conveyed on the banners, however, nonadvertising seasonal greetings are allowed.
- d. The identifying name of the multi-occupant premises may be included on the banner but such name shall not exceed 50 percent of the banner area.

(Code 1998, app. C, § 7.0210; Ord. No. 07-1548, § 7.0210, 5-3-2007)

Sec. 130-1919. Signs for single-family and two-family residential uses.

The following nonilluminated signs, using only spectrum colors, are allowed to be erected and displayed, without a permit, for single-family residential and two-family residential uses:

- (1) *Resident identification signs.* Resident identification signs not exceeding three square feet in sign area are allowed.
- (2) *Home occupation signs.* Home occupation signs, not exceeding two square feet in sign area which are nonilluminated and which are mounted flat against and parallel to the plane of the wall of the building to which the sign is attached, are allowed in zoning districts where home occupations are allowed.
- (3) *Official notices.* Official notices duly issued by any court, public agency or officer are allowed.
- (4) *Flags and insignia.* Flags and insignia are allowed except when displayed in connection with a commercial promotion.
- (5) *Public directional.* Public directional signs are allowed.

- (6) *Temporary real estate signs.* Temporary real estate signs are allowed pursuant to the following:
- a. *Number and size.* Signs shall be limited to the owner of or to one real estate sign per listing broker on any premises offered for sale, rent or lease. Such sign shall be nonilluminated. A double-faced real estate sign is allowed, provided that such sign shall not exceed eight square feet in area per sign face and an aggregate sign face area of 16 square feet. If freestanding, any such sign, whether single- or double-faced, shall not exceed six feet in height. Property with two or more premises street frontages shall be allowed to display one additional sign conforming with all of the requirements of this subsection on a second frontage. Boxes for real estate pamphlets for single-family residential uses are also allowed; provided that, they shall not exceed a size necessary for 8½-inch by 14-inch pamphlets.
 - b. *Condominiums.* For purposes of the regulations under this subsection of real estate signs only, each separately designated unit of a condominium development created by virtue of written instruments duly recorded in the office of the parish clerk of court shall be considered a separate premises and real estate signs relating to any such unit shall be regulated depending upon the use of the unit in question, in accordance with the applicable provisions of this division.
 - c. *Construction, placement.* Temporary real estate signs may be attached to stakes or rods which are placed in the ground, they may be constructed of plywood or they may be constructed and placed in other way that meets the requirements of this division.
- (7) *Temporary yard or garage sale signs.* Temporary yard, real estate directional, open house or garage sale signs shall be limited to one nonilluminated sign displayed on the residential premises at which the sale is conducted; provided that, such erection and display shall be limited to three days in any 60-day period. Such sign shall not exceed six square feet in sign area. Two additional garage sale signs, a maximum of six square feet may be placed off-premises on private property with permission of the property owner.
- (8) *Vehicle and trailer signs.* Vehicle and trailer signs are allowed for single-family and two-family uses to the extent they are allowed in section 130-1915(9).
- (9) *Alarm signs.* Signs for burglar alarms are allowed; provided that they do not exceed an area of three square feet.
- (10) *Beware of dog signs.* Beware of dog signs are allowed without a permit; provided that, they do not exceed an area of three square feet.
- (11) *Residential entrance archways.* Signs constructed across the primary driveways of a residential property greater than ten acres in area, not to exceed 60 square feet in area.
- (Code 1998, app. C, § 7.0211; Ord. No. 07-1548, § 7.0211, 5-3-2007)

Sec. 130-1920. Signs for multiple-family, residential and condominium uses.

The following signs are allowed to be erected and displayed, for multiple-family, residential and condominiums:

- (1) *Multiple-family and condominiums.* Multiple-family and residential condominiums are allowed, without a permit, all of the signs which are allowed to single-family and two-family residential uses in section 130-1919.
- (2) *Multiple-family only.* Additionally, multiple-family residential projects, including residential condominiums, shall be entitled, after having obtained a permit, to monument signs which are allowed for single occupancy buildings as set forth in section 130-1911; E2 and E3, and located as set forth in section 130-1911(c).

(Code 1998, app. C, § 7.0212; Ord. No. 07-1548, § 7.0212, 5-3-2007)

Sec. 130-1921. Subdivision, center median entrance signs and community bulletin board signs.

(a) Residential subdivision entrance signs not greater than 48 square feet in sign area per side may be located on each side of the entrance to approved residential subdivisions (one-sided only) or within the center median (two-sided signs permitted) at the entrance to the approved subdivision.

(b) Residential subdivision entrance signs not greater than 80 square feet in sign area per side may be located on each side of the entrance (one-sided signs only), or within the center median (two-sided signs permitted) at the entrance, only to those approved residential subdivisions fronting on U.S. Highway 190 beginning at its intersection with the East Causeway approach, north, to its intersection with North Causeway Boulevard, or within the center median at the entrance to said approved subdivision.

(c) For commercial or mixed-use subdivisions, a monument sign shall be permitted on each side of, or in the center median at the entrance to a commercial, industrial or institutional subdivision. In the case of signs permitted on either side of an entrance, said signs shall be one-sided. In the case of center median signs, said signs shall be two-sided. In no case may any sign face exceed 85 square feet of signage per side.

(d) The structure of such signs must be of masonry construction and shall not exceed 140 square feet of surface area per side nor eight feet in height. Columns will be permitted not to exceed 12 feet in height or three feet in width and/or depth. Development icons may be permitted on said masonry structure, but shall not contain any letters or numbers.

(e) Community bulletin board signs shall not be greater than 40 square feet in sign area, limited to one side dedicated for display; limited in height to eight feet above the grade level of the nearest road; limited to one per entrance to said approved subdivision; may contain optional external illumination; shall not contain commercial advertising; cannot be located

within 100 feet of a subdivision monument sign; and must be located in the interior of the subdivision in an area not to create a traffic obstruction as determined by the parish engineering department.

(Code 1998, app. C, § 7.0213; Ord. No. 07-1548, § 7.0213, 5-3-2007; Ord. No. 10-2346, 10-7-2010; Ord. No. 12-2698, 4-5-2012)

Sec. 130-1922. Prohibited signs applicable to all uses.

The following types of signs are prohibited:

- (1) Abandoned signs.
- (2) Audible signs.
- (3) Beacons.
- (4) Bench signs.
- (5) Billboards and off-premises outdoor advertising signs except as allowed in section 130-2112(24).
- (6) Flashing signs.
- (7) Inflatable signs except for use in conjunction with grand openings and special events limited to two times per year for a maximum of two days each time.
- (8) Lasers.
- (9) Moving message or changing image sign except public service signs or as permitted in section 130-1911(e)(1).
- (10) Parapet signs.
- (11) Portable signs.
- (12) Projected signs.
- (13) Revolving or rotating signs.
- (14) Roof signs.
- (15) Search lights except as allowed in division 4 of this article.
- (16) Signs attached to trees, shrubs or any living vegetative matter.
- (17) Signs, other than public directional signs, public service signs, public information signs, subdivision signs or official notices which encroach into a public right-of-way.
- (18) Signs resembling traffic control devices or emergency devices.
- (19) Signs which restrict or impair visibility at the intersection of the right-of-way lines of two streets, or of a street and a railroad right-of-way, or of a street and a pedestrian or bicycle right-of-way, or of a driveway and street right-of-way.

- (20) Snipe signs other than temporary real estate signs as allowed in section 130-1917(3)c and political signs as allowed in section 130-1918(3)h.
- (21) Murals that serve to advertise or promote a business, service, product, activity, cause or event.
- (22) String of lights except to the extent allowed in section 130-1955(f).
- (23) Pole signs.
- (24) Signs attached to or made part of a fence.
- (25) Any sign not specifically defined and allowed by the provisions of this division.
(Code 1998, app. C, § 7.0214; Ord. No. 07-1548, § 7.0214, 5-3-2007; Ord. No. 10-2306, 8-5-2010)

Sec. 130-1923. Regulation of legally nonconforming signs.

- (a) *Definition.* The term "legally nonconforming sign" means:
 - (1) Any sign located within the parish which does not conform with the provisions of this division at the time the ordinance from which this division is derived becomes effective; or
 - (2) Any sign not yet constructed, but which has been granted a permit, at the time the ordinance from which this division is derived becomes effective.
- (b) *Loss of legally nonconforming status.* A legally nonconforming sign shall immediately lose its legally nonconforming designation if:
 - (1) The sign is altered in any way, which tends to make the sign less in compliance with the requirements of this division than it was before the alteration;
 - (2) The sign structure is relocated;
 - (3) The sign is abandoned for a period of 180 days or more;
 - (4) The sign is replaced with a sign face which differs in sign message (except for copy on a sign allowed as a changeable message sign);
 - (5) The building on the premises, on which the sign is situated, is no longer allowed under the provisions of article III of these regulations; or
 - (6) It is completely replaced, or if it is repaired or improved by any means to an extent of more than 30 percent of its replacement cost as determined by at least two independent bids from sign vendors at the time of repair or improvement.
- (c) *Compliance after loss of legally nonconforming status.* On the happening of any one of the events in section 130-1920(2), the sign shall be immediately brought into compliance with this division and a new permit secured thereof, or the sign shall be removed. In any event, the

following signs, which are not in compliance with this section upon the date of adoption of the ordinance from which this division is derived must be brought into compliance or removed as follows:

- (1) Signs on any public right-of-way which are not in compliance shall be removed and brought into compliance within 30 days after adoption of the ordinance from which this division is derived, except that entrance signs within a center median shall not be subject to this provision.
- (2) Moving signs or devices designed to attract attention, all or any part of which move by means of fluttering, spinning, etc., which are set in motion by movement of the atmosphere including such signs or devices as pennants, ribbons, streamers, spinners, propellers, or discs, must be removed within 90 days after adoption of the ordinance from which this division is derived.
- (3) Strings of light, except as permitted in section 130-1955(f), shall be removed within 90 days after adoption of the ordinance from which this division is derived.
- (4) Portable signs shall be removed within 90 days after adoption of the ordinance from which this division is derived.
- (5) Snipe signs or other signs attached, affixed, or otherwise located on poles, trees, shrubs or any living vegetative matter shall be removed within 30 days after adoption of the ordinance from which this division is derived.
- (6) Inflatable signs, except as permitted in section 130-1922, shall be removed within 30 days after adoption of the ordinance from which this division is derived.
- (7) Banners, except as permitted in section 130-1918, shall be removed within 30 days after adoption of the ordinance from which this division is derived.

(d) *Substituting panels in nonconforming multi-occupancy signs.* Any new tenant in a multi-occupancy building may substitute a panel in an existing nonconforming multi-occupancy sign without affecting the nonconforming status of the sign as long as the sign is not altered in any way which tends to make the sign less in compliance.

(e) *Maintenance and repair of legally nonconforming signs.* Nothing in this section shall relieve the owners or users of legally nonconforming signs or the owners of the property on which legally nonconforming signs are located from any provisions of this section regarding safety, maintenance and repair of signs; provided, however, that any repainting, cleaning or other normal maintenance or repair of the sign or sign structure does not materially alter or modify the sign.

(f) *Enlargement and alteration causing greater noncompliance.* No legally nonconforming sign may be enlarged or altered in a way which would increase its nonconformity with the provisions of this section.

(g) *Damage to legally nonconforming signs.* Should any legally nonconforming sign be damaged by any means to an extent of more than 30 percent of its replacement cost as determined by at least two independent bids from sign vendors at time of damage, it shall be removed and not reconstructed except in conformity with the provisions of this division.

(h) *Closed businesses.* Any business that has closed shall remove any on- or off-premises signs associated with the business within 60 days after the business is closed. The sign owner shall have the responsibility to remove such signs within the 60-day period.

(i) *Nonconforming signs do not prohibit other conforming signs.* The existence of a nonconforming sign on a single or multiple occupancy premises shall not prevent the erection or placement of another sign on such premises which meets the requirements of this division. (Code 1998, app. C, § 7.0215; Ord. No. 07-1548, § 7.0215, 5-3-2007)

Sec. 130-1924. Definitions for sign regulations.

The following definitions relate to the sign regulations contained in this division. These definitions are intended to also be set forth in section 130-5 simultaneously with the adoption of division or at a later date.

Abandoned off-premises sign means an off-premises sign which:

- (1) No longer correctly directs or exhorts any person;
- (2) Has fallen into disrepair or otherwise deteriorated as a result of a lack of maintenance, repair or upkeep; or
- (3) With regard to billboards, which carries no advertising message other than a message concerning its availability for lease or hire on its structure for any period of 180 consecutive days.

Abandoned on-premises sign means an on-premises sign which no longer correctly directs or exhorts any person, advertises a bona fide business, lessor, owner, entity, product, or actively conducted, or product available on the premises where such sign is displayed.

Activity means an economic unit designated in the classification system given in the 1987 Standard Industrial Classification (SIC) Manual published by the U.S. Department of Commerce, Office of Federal Statistical Policy and Standards.

Address sign means a sign which only conveys the numeric address of the premises on which it is located.

Architectural detail means any projection, relief, cornice, column, change of building material, window or door opening on any building.

Attached sign means any sign which is physically connected to and derives structural support from a building or building appurtenance.

Audible sign means any sign which is designed to or which does produce sound.

Awning means a cloth, plastic or nonstructural covering that either is permanently attached to a building or can be raised or retracted to a position against the building when not in use.

Banner means a sign composed of a logo or design on a lightweight material either enclosed or not enclosed in a rigid frame and secured or mounted to allow movement caused by the atmosphere.

Beacon means a strong or bright light focused or directed in one or more directions.

Bench sign means an advertising message on any portion of a bench or other nonmobile structure or device intended for public seating or convenience.

Changeable message sign means a sign on which the copy, message or sign panels may be, when specifically issued a permit as a changeable message sign, changed either electronically or manually in the field through the removal, replacement, or rearrangement of letters, symbols, blocks or panels designed for attachment to said sign.

Construction sign means a temporary sign erected and maintained by an architect, contractor, developer, financial institution, subcontractor or materials supplier upon premises for which said person or persons is presently furnishing labor, materials, services or capital financing.

Directory sign means an outdoor sign listing and identifying the occupants within shopping centers, industrial centers, retail centers, office centers, and other multi-use commercial or industrial sites.

Flags, banners and seals mean mottos, emblems, designs, shapes or symbols on cloth, plastic, canvas or devices of similar type and materials intended to convey any message or to identify any person, place, idea or thing other than duly adopted flags or seals of nations, states, parishes or municipalities.

Flashing lights means any light or light source or reflection of light source which is intermittent in duration, color or intensity or which creates or is designed to create an illusion of intermittency in duration, color or intensity.

Flashing sign means a light source which, in whole or in part, physically changes in light intensity or gives the appearance of such change at intervals of less than six seconds.

Freestanding sign means a sign supported by a sign structure secured in the ground and which is wholly independent of any guy wire, support wire, building, fence, vehicle or object other than the sign structure, for support.

Ground sign means a monument sign or a pole sign supported by a sign structure secured in the ground and which is wholly independent of any guy wire, support wire, building, fence, vehicle or object other than the sign structure, for support.

Home occupation sign means any on-premises sign advertising a home occupation.

Identification sign means a sign which is limited to the name, address, and/or number of a building or institution, person, or entity which is primary to the identification of the premises and to a general statement of the activity carried on in the building or institution.

Illuminated sign means any sign which has characters, letters, figures, designs or outlines illuminated by an interior or exterior light source which is primarily designed to illuminate such sign.

Individual letter sign means any sign made of self-contained letters that are mounted directly on the face of a building, a parapet, a roof edge of a building or on or below a marquee without being attached to a structure defined herein as a "sign face."

Inflatable sign means any sign dependent in whole or in part for its structural integrity on the infusion into said sign of compressed air or other fluids, and specifically including balloons larger than two feet in diameter or two feet square in area or other gas or liquid filled figures.

Laser means a device emitting a narrow, very intense beam of light waves that have been amplified and concentrated by stimulated atoms, or the light produced by such device.

Marquee sign means any sign attached to and made part of a marquee. The term "marquee" means a permanent roof-like structure projecting beyond a building wall at an entrance to a building or extending along and projecting beyond the building's wall and generally designed and constructed to provide protection against the weather. Signs painted or sewn onto awnings or canopies shall be considered marquee signs.

Monument sign means a freestanding ground sign:

- (1) Which is of monolithic construction in which the sign's base or support is of uniform composition with the material comprising the sign area of said sign and the base or support of said sign is directly affixed in or to the ground;
- (2) The sign face of which is encompassed on the top, sides and bottom by a border or column of the same or compatible material which border or column is not less than 12 inches wide and not more than 24 inches wide, and which border or column complements and enhances the aesthetic effect of the sign; and

A double-faced monument sign shall be made of back-to-back sides unless visibility of such sign is impeded in which case the two sides may form a V shape in which the interior angle does not exceed 45 degrees.

Moving message or changing image sign means any sign including public service signs designed to convey sign copy which changes in form or content with greater frequency than once an hour or which otherwise includes action or motion or the illusion of action or motion within its message or sign copy.

Multi-occupancy center means a single building or group of buildings situated in close proximity to each other that house more than one tenant or owner and whose parking facilities may be in common with other tenants, owner, or buildings, except those businesses which engage in the sale of automobile fuel products and other goods and services including, but not limited to, fast food restaurants and convenience stores.

Murals means a work of art painted or otherwise applied to an exterior wall surface.

Neon signs means any colored tubular lighting bent or formed into a design or lettering of which the primary source of light is gaseous. Anything within the boundary of the outline of the neon will be considered a part of the sign face.

Nonconforming sign means any sign structure or sign which was lawfully erected and maintained prior to such time as it came within the purview of this code or any amendments thereto and which fails to conform to all applicable regulations and restrictions of this code, or a nonconforming sign for which a special permit has been issued.

Off-premises sign means a sign that directs a person to a different premises or location than that on which the sign is located; which identifies advertised goods, products, or services not available on the premises on which the sign is located; or which conveys a nonadvertising idea or message; or identifies or advertises a business, person, firm or corporation not located on or occupying the premises where the sign is located; or which is not otherwise defined as an on-premises sign.

On-premises sign means a sign identifying or advertising a business, person, firm, corporation, activity, goal, product or service located or available on the premises where the sign is installed and maintained or which is displayed and maintained by the owner or occupant of the premises on which it is located.

Parapet sign means a sign extending above a roof line or which serves as a parapet.

Pole sign means a ground sign:

- (1) The structure of which consists of one or more vertical poles which are partially placed in the ground for stability, and which may have a horizontal pole at or near the top of a single vertical pole and which may be joined together by a horizontal pole;
- (2) The sign face or faces of which are attached to the vertical poles and/or horizontal pole and may be chained, cabled or attached to the vertical poles; and
- (3) The sign faces of which do not touch the ground and, therefore, leave an open space between the bottom of the sign face and the ground. A pole sign cannot be connected to or affixed to a building.

Political sign means any sign urging the election or defeat of any candidate seeking any political office, or urging the passage or defeat of any ballot measure, but not including any billboard owned or maintained by a commercial firm or advertising company when leased or used as a political sign.

Portable sign means any sign other than a trailer or vehicle sign that is not permanently affixed to a building, structure or the ground or a sign designed to be moved from place to place. These signs primarily include, but are not limited to: A frame or sandwich board signs, signs attached to wood or metal frames, and signs designed to be self-supporting and moveable.

Private directional signs means on-premises signs directing vehicular or pedestrian traffic movement into a premises or within premises.

Project sign means a temporary sign announcing a proposed land development or construction project.

Projected sign means a sign or visual image created by the projection of light onto a surface.

Projecting sign means any sign other than a wall sign affixed to any building or wall which sign has a leading edge extending 12 inches or more beyond such building or wall. Projecting signs are of two types:

- (1) *Fixed.* A sign, other than a wall sign, which extends outward 12 inches or more from the facade of any building and is rigidly affixed thereto.
- (2) *Swinging.* A sign projecting 12 inches or more from the outside wall or walls of any building which is supported by only one rigid support affixed thereto.

Public directional signs means signs which are either:

- (1) Signs permanently or temporarily erected in the public right-of-way or on public property with the approval of the parish council which denote the name or route to any educational institution, public building or facility, historic place, shrine, church, synagogue, hospital, library or similar facility or institution; or
- (2) Signs permanently or temporarily erected identifying a person or entity who has undertaken to plant or maintain landscaping of that portion of the right-of-way.

Public service sign means a sign the primary purpose of which is to provide information as a service to the general public such as time, temperature or the promotion or announcement of public events, or other events of a civic, philanthropic, charitable or religious purpose of general interest to the public.

Real estate sign means any temporary sign pertaining to the sale, lease or rental of land or buildings, which is erected or displayed on the lot or parcel to which it applies.

Resident identification sign means any on-premises sign limited in content to no more than the name of the premises, its municipal address and the names of the present occupant or occupants of the premises.

Revolving or rotating sign means any sign whose sign face is designed to move or turn on any axis.

Roof sign means any sign erected or painted upon, against or directly above a roof or on top of or above the parapet of a building.

Searchlight means strong or bright light with a reflector in a swivel so that its beam may be sent or directed in various directions.

Sign means a medium of communication, including its structure and component parts, which is used or intended to be used to attract attention to its subject matter or location usually for advertising purposes, including paint on the surface of a building. Each distinctive message painted or placed on a building or other structure shall be considered an individual sign.

Sign area means the square foot area enclosed within the perimeter of the sign face with each face contributing to the aggregate area of any sign. With respect to signs which are composed of individual symbols, letters, figures, illustrations, messages, forms, or panels, the sign area shall be defined as that area enclosed by one continuous line connecting the extreme points or edges of the advertising message. In cases where there is no definable simple geometric shape, the simplest geometric shape or rectangle enclosing the outer edges of the advertising message shall determine the sign area. In cases of backlighted awnings with advertising messages, the entire area of the awning shall be considered as the sign area.

Sign face means the part of the sign that is or can be used to identify, advertise, communicate, inform or convey a visual representation which attracts the attention of the public for any purpose. The term "sign face" includes any background material, panel, trim, frame, color and direct or self-illumination that differentiates the sign from the building, structure, backdrop surface or object upon which or against which it is placed. The sign structure shall not be included as a portion of the sign face provided that no message, symbol or any of the aforementioned sign face criteria are displayed on or designed as part of the sign structure, unless it is outlined in neon.

Sign height means the vertical distance from the finished grade to the highest point of either the sign or sign structure.

Sign message means the words or symbols on a sign face which convey a message to those viewing the sign.

Sign owner means that person who owns a sign and/or who is responsible for a sign. In those cases in which the sign owner cannot be determined; the owner of the premises upon which the sign is located shall be deemed the owner of the sign.

Sign premises means the contiguous land in the same ownership which is not divided by any highway, street, alley or right-of-way. For purposes of this division, a single premises:

- (1) May include more than one lot of record when such lots are devoted to a single unity of use; or
- (2) May consist of a separate structure on the same lot of record when, in the opinion of the department of planning and development, such separate structure appears to be a separate premises.

Sign structure means the supporting structure upon which a sign or sign face is fastened, attached or displayed or is intended to be fastened, attached or displayed; provided however, that the term "sign structure" does not include a building or fence.

Signable area means area which is free of architectural details on the facade of a building or part of a building in which an activity is located.

Snipe sign means a sign which is tacked, nailed, posted, pasted, glued or otherwise attached to poles, stakes, fences, or to other like objects.

Store front means the facade of a space in a building, regardless of the type use of the space, which space must have a direct entrance, by door, from the exterior of the building through the facade, and which facade must face a street or a parking lot for the building.

Street banner sign means any banner sign which is stretched across and hung over a public right-of-way.

String of lights means a string of electrical conductors containing two or more lights or light sockets.

Subdivision sign means a sign identifying the subdivision and denoting the entrance or exit to the subdivision.

Temporary sign means any sign, the display of which is limited by law, ordinance, or regulation and which advertises a situation or event that is designed, intended, or expected to occur and be completed within a reasonably short or definite period after the erection of such sign.

Trailer sign means any sign or sign structure attached to or composed in whole or in part of a trailer frame or chassis or skid or skid frame or body or of any materials which have ever previously constituted in whole or in part such a trailer, skid, frame, chassis or body.

Vehicle sign means any sign displayed on or from any mode of transportation, including but not limited to cars, buses, trucks/trailers, trains, boats or airplanes.

Wall sign means a sign other than a parapet sign which is painted on or which projects less than 12 inches from the wall of a building, and is painted on, attached to or erected against any exterior wall or window of a building or structure with the exposed face of the sign being in a plane parallel to the plane of said wall or window and not extending above the building.

Window sign means any sign which is painted on, applied to, attached to or projected upon the exterior or interior of a building glass area, including doors, or located within one foot of the interior of a building glass area, including doors, whose identification, message, symbol, insignia, visual representation, logo type or any other form which communicates information, can be perceived from any off-premises contiguous property or public right-of-way.
(Code 1998, app. C, § 7.0216; Ord. No. 07-1548, § 7.0216, 5-3-2007)

Secs. 130-1925—130-1946. Reserved.

DIVISION 4. OUTDOOR LIGHTING REGULATIONS

Sec. 130-1947. Statement of need and purpose.

Good outdoor lighting at night benefits everyone. It increases safety, enhances the parish's nighttime character, and helps provide security. New lighting technologies have produced lights that are extremely powerful, and these types of lights may be improperly installed so that they create problems of excessive glare, light trespass, and higher energy use. Excessive glare can be annoying and may cause safety problems. Light trespass reduces everyone's privacy, and higher energy use results in increased costs for everyone. Appropriately regulated, and properly installed, outdoor lighting will contribute to the safety and welfare of the residents of the parish. This division is intended to eliminate problems of glare, minimize light trespass, and help reduce the energy and financial costs of outdoor lighting, by establishing regulations which limit the area that certain kinds of outdoor lighting fixtures can illuminate, and by limiting the total allowable illumination of property located in the parish. Luminaires on all properties, in all zoning districts, shall be installed to keep unnecessary direct light from shining onto abutting properties or streets.

(Code 1998, app. C, § 7.0301; Ord. No. 07-1548, § 7.0301, 5-3-2007)

Sec. 130-1948. Applicability; permits; variances; waivers; appeals.

(a) *Applicability.* All public and private outdoor lighting installed in the parish shall be in conformance with the requirements set forth in this division.

(b) *Permit requirements.*

- (1) *Submission contents.* Application for outdoor lighting permits shall be made to the department of planning and development. The applicant for any electrical permit required by any provision of the laws of this jurisdiction in connection with proposed

work, other than single-family residential, involving outdoor lighting fixtures shall submit (as part of the application for permit) evidence that the proposed work will comply with this division. The submission shall contain but shall not necessarily be limited to the following, all or part of which may be part or in addition to the information required elsewhere in the laws of this jurisdiction upon application for the required permit:

- a. Plans indicating the location on the premises, and the type of illuminating devices, fixtures, lamps, supports, reflectors, and other devices.
 - b. Description of the illuminating devices, fixtures, lamps, supports, reflectors, and other devices and the description may include, but is not limited to, catalog cuts by manufacturers and drawings (including sections where required).
 - c. Photometric data, such as that furnished by manufacturers, or similar showing the angle of cut off or light emissions.
- (2) *Additional submission.* Should additional data be required by the planning and development department for issuance of a permit, it shall be incumbent upon the applicant to provide such material.
- (3) *Lamp or fixture substitution.* Should any outdoor light fixture, or the type of light source therein, be changed after the permit has been issued, a change request must be submitted to the building official for his approval, together with adequate information to ensure compliance with this division, which must be received prior to substitution.

(c) *Variances by board of zoning adjustments.* If the application for a lighting permit shows that all requirements of this division are complied with, the director of planning and development shall issue a permit without the necessity of any public hearing before the zoning commission or any other public body. If the application for the permit is denied, the applicant may, subject to the provisions of subsection (d) of this section, seek a variance from the board of zoning adjustments pursuant to the provisions of article II of these regulations. Appeals from the board of adjustments shall be made to the district court for the parish as provided in article II of these regulations.

(d) *Criteria for variances and waivers.* Pursuant to subsection (c) of this section, the board of zoning adjustments may grant variances from the lighting regulations of this division. Such variances and waivers may be granted to diminish lighting regulation requirements when one or more of the following exists: unusual design of building or structures, unusual effect of the lighting requirements on the structures to be placed on the lot, extraordinarily burdensome result if lighting regulations are not modified, and any other problem or matter that affects the development of the property or the buildings and structures thereon which the board of zoning adjustments determines to be in the public interest to consider; provided that variances and

waivers shall not be based solely on cost or economic consideration. Furthermore, the board of zoning adjustments may grant variances from the provisions of this division due to any hardships or other matters that are a proper basis for a variance.
(Code 1998, app. C, § 7.0302; Ord. No. 07-1548, § 7.0302, 5-3-2007)

Sec. 130-1949. Luminaire design requirements.

(a) *Applicability to uses other than single-family residential.* The provisions of this section shall apply to all uses except single-family residential. Single-family residential uses shall be governed by the provisions of section 130-1951.

(b) *Luminaire design.* Any luminaire with a lamp or lamps rated at an average of more than 3,000 lumens shall be either:

- (1) Full cut-off type fixture with a single plane lens; or
- (2) Fully-shielded fixture.

(c) *Luminaire height.*

- (1) Any luminaire with a lamp or lamps rated at an average of less than 3,000 lumens may be mounted at any height.
- (2) Any luminaire with a lamp or lamps rated an average of more than 3,000 lumens may be mounted up to a height of 35 feet in accordance with the following:

<i>Full Cutoffs with Height Fixture</i>	<i>Single-Plane Lens</i>	<i>Fully Shield</i>
0—25 feet	Acceptable	Shield even with LDLEP
>25—30 feet	Acceptable	Shield 1 inch below LDLEP
>30—35 feet	Acceptable	Shield 2 inches below LPLED

(d) *Luminaire foot-candles.* Total foot-candles measured from three feet above ground level with the measuring instrument held in the horizontal plane shall be in accordance with the following standards:

<i>Maximum Foot-Candle</i>	
<i>Entrances</i>	
Active (pedestrian and/or conveyance)	5
Inactive (normally locked, infrequently used)	1
<i>Building exteriors:</i>	
Vital locations or structures	5
Building surrounds	1
Floodlit buildings and monuments	10
Loading and unloading platforms	20
Automated teller machines	20

	<i>Maximum Foot-Candle</i>
<i>Service stations:</i>	
Approach	1.5
Driveway	1.5
Pump island	20
Service areas	3
<i>Storage yards:</i>	
Active	20
Inactive	1
Retail outdoor lighting	10

(Code 1998, app. C, § 7.0303; Ord. No. 07-1548, § 7.0303, 5-3-2007)

Sec. 130-1950. Lamps that emit 3,000 lumens.

The following rated lamp wattages shall be deemed to emit 3,000 lumens unless the department of planning and development determines, based upon information provided by a lamp manufacturer, that the rated wattage of a lamp emits either more or less than 3,000 lumens:

- (1) Incandescent lamp: 160 or more watts.
- (2) Quartz halogen lamp: 160 or more watts.
- (3) Florescent lamp: 35 or more watts.
- (4) Mercury vapor lamp: 75 or more watts.
- (5) Metal halide lamp: 40 or more watts.
- (6) High pressure sodium lamp: 45 or more watts.
- (7) Low pressure sodium lamp: 25 or more watts.

(Code 1998, app. C, § 7.0304; Ord. No. 07-1548, § 7.0304, 5-3-2007)

Sec. 130-1951. Single-family residential applications.

(a) *Less than 3,000 lumens.* Exterior lighting less than 3,000 lumens including spotlights and floodlights shall be set such that the centerline of the beam or lamp does not exceed 35 degrees from vertical.

(b) *Greater than 3,000 lumens.* All luminaires greater than 3,000 lumens shall conform to the provisions of section 130-1949(b) and (c).

(Code 1998, app. C, § 7.0305; Ord. No. 07-1548, § 7.0305, 5-3-2007)

Sec. 130-1952. Exceptions to luminaire design requirements.

(a) *Luminaire redirection.* Any luminaire with a lamp or lamps rated at 3,000 lumens or less may be used without restriction to light distribution or mounting height, except that no spot or flood luminaire rated 3,000 lumens or less may be aimed, directed, or focused such as to cause direct light from the luminaire to be directed toward residential buildings on adjacent or nearby land, or to create glare perceptible to persons operating motor vehicles on public ways.

(b) *Police or fire departments or other emergency services.* All temporary emergency lighting need by the police or fire departments or other emergency services, as well as all vehicular luminaires, shall be exempt from the requirements of this division.

(c) *Federal regulatory agencies.* All hazard warning luminaires required by federal regulatory agencies are exempt from the requirements of this division, except that all luminaires used must be red and must be shown to be as close as possible to the federally required minimum lumen output requirement for the specific task.

(d) *Flags.* Up-lighting for national, state or foreign nation flags located on poles independent of other structures are exempt from the requirements of this division.

(e) *Trees.* Up-lighting or down-lighting of trees is exempt from the requirements of this division except that the maximum amount of lumens for such lighting shall be 3,000 lumens per fixture.

(f) *Sensor security lighting.* Security lighting controlled by sensors which provides illumination for five minutes or less is exempt from the requirements of this division.

(g) *Street lighting.* Both public and private street lights are exempt from the requirements of this division if they were in existence at the time the ordinance from which this division is derived becomes effective or if a permit or other approval has been granted for these lights at the time the ordinance from which this division is derived becomes effective.

(h) *Church steeples.* Up-lighting of church steeples is permitted as long as said lighting is fully shielded.

(Code 1998, app. C, § 7.0306; Ord. No. 07-1548, § 7.0306, 5-3-2007)

Sec. 130-1953. Outdoor advertising signs.

(a) *Top-mounted fixtures.* Top-mounted fixtures are required. Lighting fixtures used to illuminate an outdoor advertising sign shall be mounted on the top of the sign structure. All such fixtures shall comply with the shielding requirements of this division with the exception of the portion of the luminaire parallel with the sign, provided this portion does not allow any light dispersion or direct glare to shine above a 90-degree horizontal plane.

(b) *Translucent outdoor advertising signs.* Outdoor advertising signs of the type constructed of translucent materials and wholly illuminated from within do not require shielding. Dark backgrounds with light lettering or symbols are required.

(c) *Prohibitions.* Electrical illumination of outdoor advertising off-site signs, other than those located adjacent to interstate highways, between the hours of 11:00 p.m. and sunrise is prohibited.

(d) *Compliance limit.* The lighting for existing outdoor advertising structures shall be brought into conformance with this section no later than January 1, 2006.

(Code 1998, app. C, § 7.0307; Ord. No. 07-1548, § 7.0307, 5-3-2007)

Sec. 130-1954. Recreational facilities (public and private).

Recreational field lighting, public or private, such as, football fields, soccer fields, baseball fields, and softball fields, shall be exempt from the height requirement of 35 feet and total lumen output provided all of the following conditions are met:

- (1) *Parking lots and areas surrounding facility.* Lighting for parking lots and other areas surrounding the playing field, court, or track shall comply with the lighting requirements as defined in this division.
- (2) *Shielding.* All fixtures used for event lighting shall be fully shielded or be designed or provided with sharp cut-off capability, so as to minimize up-light, spill-light, and glare.
- (3) *Time of holding events.* All events shall be scheduled so as to commence before 9:00 p.m., but under no circumstances shall any illumination of the playing field, court, or track be permitted after 11:00 p.m.

(Code 1998, app. C, § 7.0308; Ord. No. 07-1548, § 7.0308, 5-3-2007)

Sec. 130-1955. Prohibitions.

(a) *Laser source light.* The use of laser source light or any similar high intensity light for outdoor advertising or entertainment is prohibited.

(b) *Searchlights.* The operation of searchlights is prohibited except for grand openings and special events for a period not to exceed two days and no more than twice per calendar year. Such use shall not be located within 500 feet of a residential area and shall not be allowed between the hours of 11:00 p.m. and sunrise.

(c) *Outdoor advertising off-site signs.* Electrical illumination of outdoor advertising off-site signs, other than those located adjacent to Interstate Highways, is prohibited between the hours of 11:00 p.m. and sunrise.

(d) *Commercial landscape lighting.* Commercial landscape lighting may not be directed above the horizontal plane.

(e) *Neon lighting*. Neon lighting is prohibited except as provided for regarding signs in, division 3 of this article.

(f) *Strings of lights (nonresidential uses)*. Strings of lights are prohibited except from Thanksgiving Day until January 10. Strings of lights shall include, but not be limited to, lights strung around trees and lights that simulate icicles.

(Code 1998, app. C, § 7.0309; Ord. No. 07-1548, § 7.0309, 5-3-2007)

Sec. 130-1956. Temporary outdoor lighting.

Any temporary outdoor lighting that conforms to the requirements of this section shall be allowed. Nonconforming temporary outdoor lighting may be permitted by an administrative permit granted by the planning and development department after considering:

- (1) The public and/or private benefits that will result from the temporary lighting;
- (2) Any annoyance or safety problems that may result from the use of the temporary lighting; and
- (3) The duration of the temporary nonconforming lighting. The applicant shall submit a detailed description of the proposed temporary nonconforming lighting to the department of planning and development.

(Code 1998, app. C, § 7.0310; Ord. No. 07-1548, § 7.0310, 5-3-2007)

Sec. 130-1957. Regulation of nonconforming luminaires.

(a) *Definition of legally nonconforming luminaires*. The term "legally nonconforming luminaires" means:

- (1) Any luminaire located within the parish which does not conform with the provisions of this division at the time the ordinance from which this division is derived becomes effective; or
- (2) Any luminaire not yet constructed, but which has been granted a permit through the granting of a building permit or other approval, at the time the ordinance from which this division is derived becomes effective.

(b) *Continued existence of legally nonconforming luminaires*. Legally nonconforming luminaires may continue in existence or may be constructed as provided for in subsection (a)(2) of this section, but such luminaires shall lose their legally nonconforming status and shall be amortized and removed or brought into compliance as set forth in subsections (c) and (d) of this section.

(c) *Amortization of nonconforming luminaires.* The rules with respect to amortization of legally nonconforming luminaires are as follows:

- (1) Pole-mounted legally nonconforming luminaires for single-family residences must be brought into compliance when the fixture is changed or repaired or by January 1, 2020, whichever occurs sooner.
- (2) Pole-mounted legally nonconforming luminaires for agricultural uses must be brought into compliance when the fixture is changed or repaired or by January 1, 2020, whichever occurs sooner.
- (3) Except as provided in subsections (c)(1) and (2), and (d) of this section, any other legal nonconforming luminaires shall be brought into compliance as follows:
 - a. Any nonconforming luminaire which has a height of less than 35 feet shall be brought into compliance by January 1, 2006, which is hereby established as the amortization period for such nonconforming luminaires.
 - b. Any nonconforming luminaire which has a height of 35 feet or over shall be fully shielded three inches below LDLEP by January 1, 2006, which is hereby established as the amortization period for such nonconforming luminaires.

(d) *Nonconforming luminaires causing disability glare.* Nonconforming luminaires that direct light toward streets or parking lots that cause disability glare to motorists or cyclists should be either shielded or re-directed within 90 days of notification by the parish, so that the luminaires do not cause a potential hazard to motorists or cyclists.

(Code 1998, app. C, § 7.0311; Ord. No. 07-1548, § 7.0311, 5-3-2007)

Sec. 130-1958. Definitions for outdoor lighting regulations.

The following definitions relate to the outdoor lighting regulations contained in division 4 of this article. These definitions are intended to also be set forth in section 10 simultaneously with the adoption of division 4 of this article or at a later date.

Direct light means light emitted directly from the lamp, off of the reflector or reflector diffuser, or through the refractor or diffuser lens, of a luminaire.

Disability glare means glare resulting in reduced visual performance and visibility. It is often accompanied by discomfort.

Fixture means the assembly that houses the lamp or lamps and can include all or some of the following parts: a housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirror, and/or a refractor or lens.

Floodlight or *spotlight* means any light fixture or lamp that incorporates a reflector or a refractor to concentrate the light output into a directed beam in a particular direction.

Foot-candle means a unit of measure for illuminance; a unit of illuminance on a surface that is everywhere one foot from a uniform point source of light of one candle and equal to one lumen per square foot.

Full cut-off type fixture means a luminaire or light fixture that, by design of the housing, does not allow any light dispersion or direct glare to shine above a 90-degree, horizontal plane from the base of the fixture and that is installed in a vertical position to prevent disability glare.

Fully shielded fixture means a luminaire or fixture constructed in such a manner that an opaque shield extends, on the top and all sides, below the lowest direct-light-emitting part (LDLEP) of the luminaire. The lowest edge of such a shield shall surround the LDLEP and be level with the horizontal plane, regardless of the orientation of the luminaire or fixture.

Glare means light emitting from a luminaire with an intensity great enough to reduce a viewer's ability to see, and in extreme cases causing momentary blindness.

Height of luminaire means the height of a luminaire shall be the vertical distance from the normal finished grade directly below the centerline of the luminaire to the lowest direct-light-emitting part of the luminaire.

Horizontal illuminance means the measurement of brightness from a light source, usually measured in foot-candles or lumens, which is taken through a light meter's sensor at a horizontal position.

Indirect light means direct light that has been reflected or has scattered off of other surfaces.

Lamp means the component of a luminaire that produces the actual light.

Light trespass means the shining of light produced by a luminaire beyond the boundaries of the property on which it is located.

Lowest direct-light-emitting part (LDLEP) means the lowest part of either the lamp or lamps, the reflector or mirror, and/or refractor or lens.

Lumen means a unit of luminous flux. One foot-candle is one lumen per square foot. For the purposes of this section, the lumen-output values shall be the initial lumen output ratings of a lamp.

Luminaire means a complete lighting system, and includes a lamp or lamps and a fixture.

Neon lighting means any tubular lighting of which the primary source of light is gaseous.

Outdoor lighting means the night-time illumination of an outside area or object by any manmade device located outdoors that produces light by any means.

Single-plane lens means a refractor of lens, mounted in the horizontal plane, which by design, allows direct light to be emitted only through the horizontal plane.

Temporary outdoor lighting means the specific illumination of an outside area or object by any manmade device located outdoors that produces light by any means for a period of less than 45 days, with at least 180 days passing before being used again.

Uplighting means any light source that distributes illumination above a 90-degree horizontal plane.

(Code 1998, app. C, § 7.0312; Ord. No. 07-1548, § 7.0312, 5-3-2007)

Secs. 130-1959—130-1984. Reserved.

DIVISION 5. YARDS AND OPEN SPACE

Sec. 130-1985. General regulations.

- (a) Every part of a required yard area shall be open to the sky except as follows:
 - (1) Where accessory buildings are specifically permitted in a rear or side yard under these regulations.
 - (2) A roof, gutter, eave, fixed awning, marquee or canopy, attached to a building but having no other support, may project no more than five feet into a required front, side or rear yard, if a minimum distance of two feet remains open to the sky between the farthest projection and the lot lines.
 - (3) Notwithstanding the foregoing, a canopy or marquee shall be permitted to extend from the entrance door of any church, school, college, hospital, sanitarium, public building, or educational, religious, or philanthropic institution in any district, or from the entrance door of any main building in multiple-family residential, commercial, or industrial district. Where a sidewalk and curb exist, the canopy or marquee may extend to within 18 inches of the curb line. Such canopies or marquees shall not exceed 15 feet in width or 12 feet in height or be screened or enclosed in any manner and shall provide an unobstructed, clear space between the grade and the bottom of the valance of at least seven feet.
 - (4) Movable awnings may be placed over doors or windows in any required yard, but such awnings shall not project closer than two feet to any lot line or be vertically supported.

(b) Where these regulations refer to side streets for corner lots, the side street will normally be the street along which the corner lot has its largest dimensions, but the director of planning and development may be guided by the pattern of development in the vicinity of the lot in question in determining which of the two streets shall be considered the side street.

(c) More than one main building may be located upon a zoning lot or tract in the following instances:

- (1) Institutional buildings.

- (2) Public or semi-public buildings.
- (3) Multiple-family dwellings.
- (4) Commercial or industrial buildings.
- (5) Homes for the aged, nursing homes, convalescent homes, and orphans homes.

The provisions of this exception shall not be construed to allow the location or erection of any main building or portion of a main building outside of the buildable area of lot except as otherwise provided.

(d) In the event that a lot is to be occupied by a group of two or more related buildings to be used for residential purposes, there may be more than one main building on the lot when such buildings are arranged around a court; provided, that said court between buildings that are parallel or within 45 degrees of being parallel, shall have a minimum width of 30 feet for one-story buildings, 40 feet for two-story buildings, and 50 feet for buildings of three stories or more, and in no case, may such buildings be closer to each other than 15 feet.

(e) Where a court is more than 50 percent surrounded by a building, the minimum width of the court shall be at least 15 feet for one-story buildings, 40 feet for two-story buildings, and 50 feet for three story buildings. The width of such a court shall be increased by three feet for each additional story over three stories or each ten feet of height over 35 feet, whichever requires the greater width of court.

(Code 1998, app. C, § 7.0401; Ord. No. 07-1548, § 7.0401, 5-3-2007)

Sec. 130-1986. Front yards.

(a) Where a right-of-way has been established by the parish council for the future widening or opening of a street upon which a lot abuts, then the depth of a front or side yard shall be measured from such official line to the building line.

(b) Except as otherwise provided in these regulations, on through lots, the required front yard shall be provided on each street.

(c) Where a lot is located at the intersection of two or more streets, there shall be a yard of ten feet on the side street; provided however, that said front yard on the side street need not exceed the average front yard established by other buildings in the block which fronts on the side street.

(d) Open, unenclosed porches, raised platforms or raised paved terraces not covered by a roof or canopy, and which do not extend above the level of the first floor of a building, or a maximum of five feet above grade, may extend or project into the front or side yard not more than six feet.

(Code 1998, app. C, § 7.0402; Ord. No. 07-1548, § 7.0402, 5-3-2007)

Sec. 130-1987. Side yards.

(a) For the purpose of the side yard and lot frontage regulations, a two-family, three-family, or four-family dwelling, a group of townhouses, a multiple-family dwelling, electric substation, telephone exchanges, or telephone repeater structures for public utility purposes shall be considered as one building occupying one lot.

(b) Where a side yard is not required, but is provided, such yard shall not be less than three feet in width paralleling the side lot line.

(Code 1998, app. C, § 7.0403; Ord. No. 07-1548, § 7.0403, 5-3-2007)

Sec. 130-1988. Rear yards.

(a) Open or lattice-enclosed fire escapes, fireproof outside stairways, and balconies opening upon fire towers, and the ordinary projections of chimneys and flues into the rear yard are permitted for a distance of not more than five feet.

(b) Where a rear yard is not required, but is provided, such yard shall not be less than three feet in width paralleling the rear lot line.

(Code 1998, app. C, § 7.0404; Ord. No. 07-1548, § 7.0404, 5-3-2007)

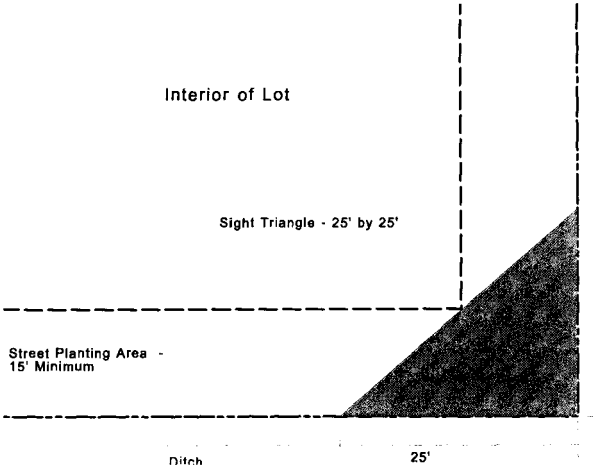
Secs. 130-1989—130-2014. Reserved.

DIVISION 6. SIGHT DISTANCE LINES, FENCES, WALLS AND HEDGES

Sec. 130-2015. Sight triangle; obstructions; landscaping.

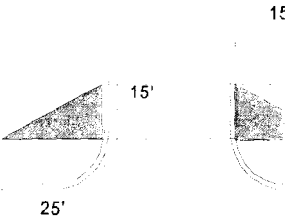
(a) *Sight triangle at intersections of two public streets.* A sight triangle is, on any corner lot, a triangle formed by measuring from the point of intersection of the front and exterior side lot lines a distance of 25 feet along said front and side lot lines and connecting the points so established to form a sight triangle on the area of the lot adjacent to the street intersections.

Sight Triangle



(b) *Sight triangle at the intersection of a public street and a private accessway.* Except for single-family residential accessways, the sight triangle shall have sides of 15 feet along the accessway and 25 feet along the public street.

Sight Triangles



Public Street

(c) *Sight obstructions.* No parking, wall, fence, sign, structure or any plant growth other than grasses shall be placed or maintained within the sight distance area so as not to impede vision between a height of 2½ feet and ten feet above the centerline grades of the intersecting streets and/or drives.

(d) *Landscape materials.* No plant materials except grass or ground cover shall not be located closer than three feet from the edge of any accessway pavement.
(Code 1998, app. C, § 7.0501; Ord. No. 07-1548, § 7.0501, 5-3-2007)

Sec. 130-2016. Fences, walls and hedges.

(a) Notwithstanding other provisions of these regulations, fences, walls or hedges may be located along property lines and within required yards, providing no fence, wall or hedge may be located around or in a required front and side yard within 20 feet of an intersection.

(b) Unless otherwise specifically provided for, fences must be constructed and maintained in accordance to the following regulations:

- (1) Barbed wire shall be prohibited in residential districts of less than five acres. In all cases barbed wire shall not project beyond the property line.
- (2) Fencing may consist of site obscuring materials such as masonry, wood, glass, metal, fabric and plastic. However, none of these materials shall be utilized in a fashion as to cause bodily harm and injury to the general public.

(Code 1998, app. C, § 7.0502; Ord. No. 07-1548, § 7.0502, 5-3-2007)

Secs. 130-2017—130-2040. Reserved.

DIVISION 7. ACCESSORY BUILDINGS AND STRUCTURES

Sec. 130-2041. Accessory building standards.

(a) Any accessory building may be built in a required rear yard. However, an accessory building must be located at least 40 feet from the front lot line, ten feet from an interior rear lot line, ten feet from the nearest interior side lot line and 15 feet from the nearest side street lot line. On through lots, an accessory building must be located at least 40 feet from the designated rear lot line.

(b) Accessory buildings placed on buildable lots of record, or any accessory building under 100 square feet in area, must be located at least 25 feet from the front lot line, five feet from an interior rear lot line, five feet from the nearest interior side lot line and ten feet from the nearest side street lot line. On through lots, an accessory building must be located at least 25 feet from the designated rear lot line.

(c) The size of any accessory buildings shall not exceed 7½ percent of the area of the lot on which the main building is situated.

(d) Accessory buildings or structures permitted in a required rear yard by these regulations shall not be higher than the peak of the roof of the principal building in residentially zoned districts. However, in any case, an accessory building or structure in a residentially zoned district cannot exceed 20 feet in height.

(e) No accessory building may be located in a required front yard. Fences, signs, lighting, paved driveways and other accessory structures may be located in required front yards, subject to meeting parish site triangle requirements, when applicable.

(f) In all single-family residential districts, no accessory buildings or structures, greater than 100 square feet in combined gross area, shall be constructed prior to construction of the primary structure.

(g) The combined length of an accessory structure shall not exceed 50 feet in all residential districts.

(h) The previous provisions notwithstanding, for property zoned A-4 and A-4A, accessory buildings with a size of less than five percent of the area of the lot on which the main building is situated may be located five feet from the nearest interior side lot line, provided the building length does not exceed 30 feet, the building height does not exceed 19 feet and the remaining requirements of this subsection are met.

(i) Agricultural buildings are permitted on lots with a minimum of one acre of land. There are no size limitations for an agricultural building, with the exception of the standard 7½ percent maximum building coverage for nonresidential structures.

(Code 1998, app. C, § 7.0601; Ord. No. 07-1548, § 7.0601, 5-3-2007)

Sec. 130-2042. Boat houses and boat slips.

The following regulations shall apply to accessory boat houses and boat slips in residential districts:

- (1) A boat house may not be used as a dwelling, guest house, or servants' quarters unless specifically permitted by other sections of this chapter.
- (2) The height of a boat house shall not exceed 20 feet as measured from the required lot elevation.
- (3) No boat house shall exceed 1,600 square feet, except that any boat house constructed on a state-designated scenic river shall not exceed a size of 800 square feet.
- (4) Boat houses and boat slips, together with other accessory buildings, may occupy no more than 50 percent of the required rear yard.
- (5) Bulkheads, pilings, breakwaters and other similar structures shall not be located beyond the established shoreline and shall conform to all standards established by applicable regulatory agencies.
- (6) Piers, docks, and other similar structures shall be located by and shall conform to all standards established by applicable regulatory agencies.
- (7) Prior to issuance of any building permit under this section, all applicants shall file a copy of all permits required by the state and the federal government for development of properties affecting natural and scenic rivers.

(Code 1998, app. C, § 7.0602; Ord. No. 07-1548, § 7.0602, 5-3-2007; Ord. No. 14-3204, 10-2-2014; Ord. No. 15-3297, 4-2-2015)

Secs. 130-2043—130-2062. Reserved.

DIVISION 8. OFF-STREET PARKING AND LOADING REGULATIONS

Sec. 130-2063. Purpose.

The purpose of this division is to properly regulate the number of required off-street parking spaces so as to provide for the needs of occupants, customers, visitors or others involved in use or occupancy of any building, structural improvement or place of assembly plus eliminating undue use of the surface street system for parking purposes; to promote and protect the public health, safety, comfort, convenience and general welfare of the people; and to define the powers and duties of the administrative officers responsible for the regulation of this section.

(Code 1998, app. C, § 7.0701; Ord. No. 07-1548, § 7.0701, 5-3-2007; Ord. No. 09-2171, 12-3-2009)

Sec. 130-2064. General requirements.

(a) Off-street parking and loading facilities required by these regulations for residential uses shall be provided on the same lot premises with such structure or land use. Off-street parking and loading spaces required for structures or land uses on two or more adjoining lots may be provided in a single common facility on one or more of said lots; if said lots are owned in common, or are subject to recorded covenants or easement agreements for parking.

(b) For nonresidential uses, all parking spaces required in these regulations may be located on the same lot with the building or use served or within 100 feet of the main building. Where the required parking is not located on the same lot with the building or use served, or where such spaces are collectively or jointly provided and used, such parking space shall be established by a recorded covenant or agreement as parking space to be used in conjunction with the principal use. Parking shall be reserved as such through an encumbrance on the title of the property to be designated as required parking space. This encumbrance is to be valid for the total period the use or uses for which the parking is needed exists. Such agreement or covenant shall be duly recorded in the office of the clerk of court and certificate furnished to the director of planning and development.

(c) Parking and loading facilities as required herein shall be provided for any increase in intensity of use when the intensity or use of any building, structure or premises is increased through an increase in any of the following measures:

- (1) Additional dwelling units;
- (2) Gross floor area;
- (3) Seating capacity; or
- (4) Other common units of measurements.

(d) Whenever the existing use of a building or structure is changed to a new use, parking or loading facilities shall be required as provided for such use. However, if the building or structure was erected prior to the effective date of the ordinance from which these regulations are derived, additional parking or loading facilities are mandatory only in the amount by which the requirements of the new use would exceed those for the existing use.

(e) The approval of the department of planning and development is required for all parking lots over ten spaces to ensure compliance with the parking section of these regulations. The arrangement, character, extent, width, grade and location of all parking areas shall be considered in relation to the following:

- (1) Existing and planned streets.
- (2) Reasonable circulation for traffic within and adjacent to parking areas.
- (3) Topographical conditions.
- (4) Runoff of stormwater.
- (5) Public convenience and safety in relation to the proposed uses to be served.
- (6) Any structures, uses or premises changed, converted or partially altered or enlarged shall conform to all current parking regulations.

(f) In no case shall dedicated public rights-of-way be used to provide facilities required by these regulations.

(g) At least one handicapped parking stall shall be provided in all off-street parking areas larger than 15 spaces. Additional handicapped parking shall be provided as required by the state fire marshal's office. If the state fire marshal does not require said handicapped stalls, the parish will require such stalls as follows: One handicapped stall per 100 standard stalls. Handicapped parking stalls shall be at least 12 feet by 20 feet for 90-degree parking and shall be proportionally larger at other angles. All stalls shall be appropriately marked and signed, be located in close proximity to the principal building and shall offer barrier-free access to the principal building. The designation of handicapped parking stalls shall constitute consent by the property owner to the enforcement of the restriction of such spaces to handicapped motorists by the parish.

(h) When determination of the number of off-street parking spaces required by these regulations results in a requirement of a fractional space, any fraction of one-half or less may be disregarded, while a fraction in excess of one-half shall be counted as one parking space.

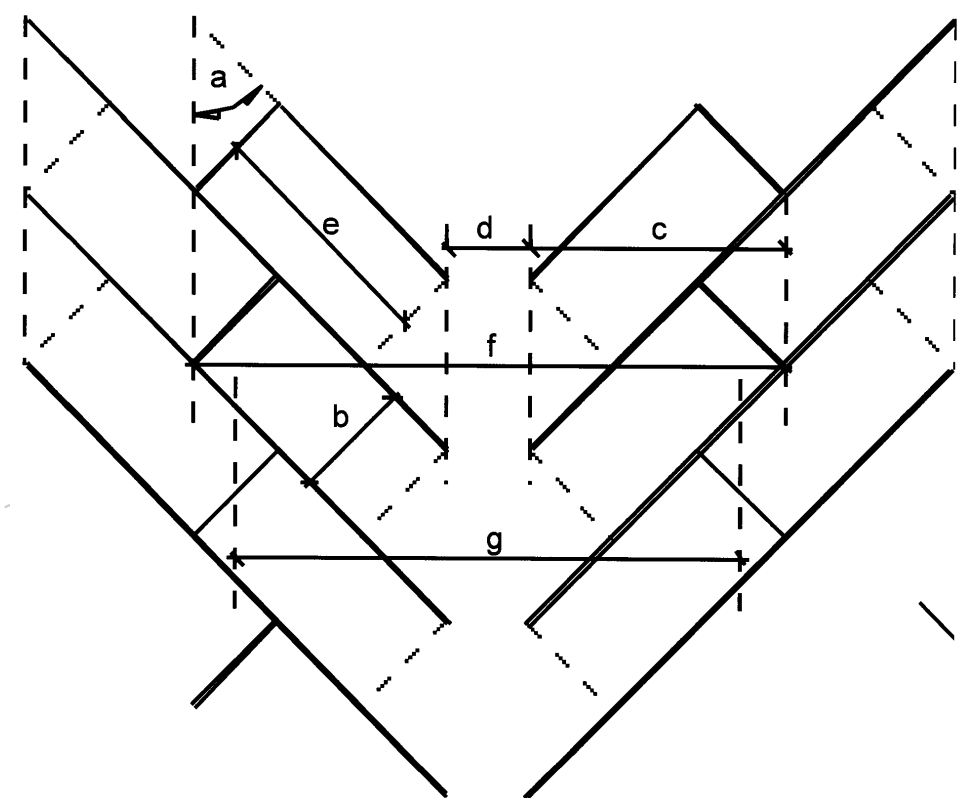
(i) Off-street parking facilities for separate uses may be provided collectively. However, total number of spaces must not be less than the sum of the separate requirements for each such use and provided that all regulations governing location of accessory parking spaces in relation to the use served are adhered to.

(j) The use of any required parking space for storage of any motor vehicle for sale, or for any other purpose other than the parking of motor vehicles, is prohibited.

(k) All on-street parking is prohibited.
(Code 1998, app. C, § 7.0702; Ord. No. 07-1548, § 7.0702, 5-3-2007; Ord. No. 09-2171, 12-3-2009)

Sec. 130-2065. Design standards.

(a) The following minimum design standards shall be observed in laying out off-street parking facilities:



<i>a</i>	<i>b</i>	<i>c</i>	<i>d</i>	<i>e</i>	<i>f</i>	<i>g</i>
<i>Parking Angle</i>	<i>Stall Width</i>	<i>Isle to Curb</i>	<i>Aisle Width</i>	<i>Stall Length</i>	<i>Curb to Curb</i>	<i>Overlap to Curb</i>
0°—15°	9 ft.	9 ft.	12 ft.	23 ft.	30'/38'6"	0'/30'0"
16°—37°	9 ft.	16'9"	11 ft.	18 ft.	44'6"	36'8"
38°—57°	9 ft.	19'7"	13 ft.	18 ft.	52'2"	46'4"
58°—74°	9 ft.	20'0"	18 ft.	18 ft.	58'	55'0"
75°—90°	9 ft.	18'0"	22 ft.	18 ft.	58'	58'0"

(b) Off-street parking facilities shall be drained to eliminate standing water and prevent damage to abutting property and/or public streets and alleys. Off-street parking areas shall be maintained in a clean, orderly and dust-free condition at the expense of the owner or lessee and not used for the sale, repair, or dismantling or servicing of any vehicles, equipment, materials or supplies.

(c) Off-street parking spaces shall be separated from walkways, sidewalks, streets, or alleys by a wall, fence or curbing or other approved protective device, or by distance so that vehicles cannot protrude over publicly owned areas.

(d) Location and design of entrances and exits shall be in accordance with the requirements of applicable parish traffic regulations and standards. Landscaping, curbing or approved barriers shall be provided along lot boundaries to control entrance and exit of vehicles or pedestrians.

(e) Interior drives shall be of adequate width to serve a particular design arrangement of parking spaces.

(f) Parking spaces in lots of more than ten spaces shall be marked by painted lines or curbs or other means to indicate individual spaces. Signs or markers shall be used as necessary to ensure efficient traffic operation of the lot.

(g) Adequate lighting shall be provided if off-street parking spaces are to be used at night. The lighting shall be arranged to eliminate glare on residential property by location of light fixtures or use of fixtures designed to eliminate direct view of luminaries in fixtures from residential property in accordance with article VI, division 4 of these regulations.

(h) When surface off-street parking areas for ten or more automobiles are located closer than 50 feet to a lot in a residential district, or to any lot upon which there is a dwelling as a permitted use under these regulations, and where such parking areas are not entirely screened visually from such lot by an intervening building or structure, there shall be provided along the lot line a continuous visual screen with a minimum height of six feet. Such screen may consist of a compact evergreen hedge or foliage screening or a louvered wall or fence.

(Code 1998, app. C, § 7.0703; Ord. No. 07-1548, § 7.0703, 5-3-2007; Ord. No. 09-2171, 12-3-2009)

Sec. 130-2066. Minimum parking requirements.

The following table shall apply to minimum off-street parking space requirements:

<i>Zoning District Classification or Use</i>	<i>Minimum Off-Street Parking Space Requirement</i>
<i>Residential Single-Family:</i>	
Single- and two-family residential	2.0 per dwelling unit
Single-family attached	2.0 per dwelling unit
<i>Residential Multifamily:</i>	

<i>Zoning District Classification or Use</i>	<i>Minimum Off-Street Parking Space Requirement</i>
Multifamily, 1 bedroom	1.5 per dwelling unit
Multifamily, 2 bedrooms	1.75 per dwelling unit
Multifamily, 3+ bedrooms	2.0 per dwelling unit
Apartment complexes	2.0 per dwelling unit
<i>Other residential uses:</i>	
Apartment hotel	1 space per permanent dwelling unit and/or 1 space per each 2 nontransient sleeping rooms
Tourist homes	1 space per each unit or room plus 1 for the owner or manager
<i>Office/Professional Uses:</i>	
Office/professional office and/or groups of buildings of similar nature	1 space per each 350 square feet of gross floor area excluding storage areas, which shall not exceed 15% of the gross square footage For other permitted uses in such districts, parking space shall be provided on the basis of the appropriate category:
* Uses involving public assembly of groups of people for whatever reason	1 space per each 4 occupants at maximum occupancy as established by the state fire marshal
* Uses involving institutional functions	1 space per each 4 occupants at maximum occupancy as established by the state fire marshal
<i>Health and Medical Uses:</i>	
Institutional and commercial medical uses, clinics, medical office buildings	1 space per each 175 square feet of gross floor area plus 1 space per doctor on duty and 2 for every 3 employees on duty
Out-patient clinics, out-patient facilities a part of hospitals, medical centers, etc.	1 space per each 175 square feet of gross floor area plus 1 space per doctor on duty and 2 for every 3 employees on duty
Nursing homes, sanitariums, convalescent homes, institutions for care of aged, children, etc.	0.5 per bed plus 1 space per doctor on duty and 2 for every 3 employees on duty
Hospital, medical center, other treatment facility	1.75 per bed, plus the number required, based on square feet measurements for office, clinic, testing, research, administrative, teaching and similar activities associated with the principal use, at 1 space per each 175 square feet of gross floor area except for teaching facilities which shall be 1 space per each 4 seats

<i>Zoning District Classification or Use</i>	<i>Minimum Off-Street Parking Space Requirement</i>
Veterinary clinics and hospitals	1 space per 175 square feet of office area excluding area for boarding. A minimum of six spaces shall be provided
<i>Commercial Uses:</i>	
Specialty retail shops for the sale of books, educational and/or arts and craft supplies; floral items; gifts; antiques; and clothing and photographic studios	1 space per each 350 square feet of gross floor area excluding storage areas which shall not exceed 15% of the gross square footage
Dance and music studios	1 space for every 4 students based upon the maximum occupancy, plus 2 for every 3 employees at maximum shift
Retail uses such as barbershops, beauty shops, bakeries, drugstores, hobby shops, dry cleaning and/or laundries, food stores, garden supply stores, hardware stores, stationary stores, jewelers, shoe stores, sporting goods stores, toy stores and accessory uses incidental to such typical uses listed above.	1 space per each 350 square feet of gross floor area excluding storage areas which shall not exceed 15% of the gross square footage
Convenience stores	1 space per each 350 square feet of gross floor area excluding storage areas which shall not exceed 15% of the gross square footage with a minimum of 6 customer spaces
Drive-in banks, and similar uses	1 space per each 350 square feet of gross floor area excluding storage areas which shall not exceed 15% of the gross square footage plus reservoir space as determined by department of planning and development
Automobile service stations and garages for minor repair (excluding body shop, engine repair, painting)	1 space per each 350 square feet of area plus 2 spaces for every 3 employees with a minimum of 6 spaces for customer vehicles
Restaurants and restaurants with lounges	1 space per each 3 occupants at maximum occupancy based on maximum occupant load plus one space for each employees at maximum shift

<i>Zoning District Classification or Use</i>	<i>Minimum Off-Street Parking Space Requirement</i>
Retail and service uses such as banks, financial institutions, bicycle sales and repair, blueprinting and photo-copy establishments, business machine sales and service, carpet stores, interior decorating shops, building supply, paint and wallpaper stores, post offices, television and radio repair shops and accessory uses incidental to such typical uses listed above	1 space per each 400 square feet of gross floor area excluding storage areas which shall not exceed 15% of the gross square footage
Amusement establishments	1 space per each 4 occupants at maximum occupancy based on maximum occupant load plus 2 for each 3 employees at maximum shift
Auto body repair	6 spaces for customer vehicles
Automotive and mobile home sales	1 space per each 400 square feet of gross floor area plus 1 space per each 700 square feet of total outdoor sales area with a minimum of 6 spaces for customers
Car washes	1 space per each employee plus reservoir space for at least 6 times the bay capacity of the facility, with a minimum of 10
Bars and lounges	1 space per each 3 occupants at maximum occupancy based on maximum occupant load plus one spaces for each employees at maximum shift
Catering establishments	1 space per each 4 occupants at maximum occupancy based on maximum occupant load plus 2 spaces for every 3 employees at maximum shift
Hotels and motels	1 space per each room plus additional spaces as required for other functions such as bar, restaurant, etc.
Liquor stores	1 space per each 350 square feet of gross floor area excluding storage areas which shall not exceed 15% of the gross square footage with a minimum of 6 spaces for customer vehicles
Department stores	1 space per each 350 square feet of gross floor area
Motion picture theaters	1 space per each 4 occupants at maximum occupancy based on maximum occupant load
Funeral parlors	1 space per each 4 chapel seats
Mini-warehouses	A minimum of 6 spaces for customer parking. No parking shall block storage bays

<i>Zoning District Classification or Use</i>	<i>Minimum Off-Street Parking Space Requirement</i>
Storage, testing, repairing or similar service uses	1 space per each 700 square feet of storage area plus 1 space per each 400 square feet of office, sales or other space to be used by visitors, customers or salesmen
<i>Industrial Uses:</i>	
Battery and tire stations, building material sales, bus terminals, machinery sales, printing establishments, service establishments, trailer sales and rental and special uses as permitted	1 space per each 400 square feet of gross floor area excluding storage areas which shall not exceed 15% of the gross square footage
Storage, testing, repairing, warehousing or similar establishments	1 space per each 1,000 square feet of storage area plus 1 space per each 350 square feet of office, sales or other space to be used by visitors, customers or salesmen
Other light industrial uses	1 space per 1,000 square feet plus 1 space per each 350 square feet of office, sales or similar space
Assembly, manufacturing, processing, packaging and treatment plants	1 space per 1,250 square feet plus 1 space per each 350 square feet of office, sales or similar space
Canneries; paper, petroleum, rubber or wood product manufacturing; steel mills	1 space per 1,500 square feet plus 1 space per each 350 square feet of office, sales or similar space
Asphalt or concrete batching plants, bulk petroleum product storage uses and landfills	2 spaces for each 3 employees plus 1 space per each 350 square feet of office, sales or similar space
<i>Educational and Related Uses:</i>	
Day care centers	Minimum of 5 spaces plus 2 for every 3 employees, or as determined by department of planning and development
High schools	1 space per each employee plus 1 space for every 10 students
Elementary schools	1 space per each classroom and each other room used by students plus 1 for each 10 full time students
Colleges, junior colleges, technical schools, universities, etc.	As determined by the department of planning and development
Fraternities, sororities, dormitories and related buildings	0.5 per bed
School auditoriums*	1 space per each 4 occupants at maximum occupancy based on maximum occupant load

<i>Zoning District Classification or Use</i>	<i>Minimum Off-Street Parking Space Requirement</i>
School gymnasiums, stadiums, field houses, grandstands and related structures or facilities.*	1 space per each 4 occupants at maximum occupancy based on maximum occupant load *Credit for spaces available on the campus may be granted for up to 100% of the space requirement for these uses.
<i>Recreational Uses:</i>	
Parks, athletic fields, tennis and pool facilities, golf courses, etc.	As determined by department of planning and development
Recreational and community center buildings, recreation clubs, related uses	Spaces equal to 30% of total permitted occupancy or as determined by department of planning and development
Enclosed recreational buildings, specialized facilities and related uses	As determined by department of planning and development
Open recreational facilities including camps, youth facilities, training facilities, etc.	As determined by department of planning and development
Commercial recreation	As determined by department of planning and development
<i>Miscellaneous uses:</i>	
Planned unit development	As required for each individual use or as may be determined by department of planning and development based on the review of project plans and the determination of parking requirements
Public utility or public service uses	As determined by department of planning and development
Religious institutions, churches, temples, chapels, etc.	1 space per each 4 occupants at maximum occupancy based on maximum occupant load
Convents, seminaries, rectories, parish houses, other religious uses	As determined by department of planning and development
Clubs, lodges and fraternal organizations	1 space per each 4 occupants at maximum occupancy based on maximum occupant load plus 2 for each 3 employees at maximum shift
Public libraries, museums and other nonrecreational public facilities	1 space per each 600 square feet of floor area open to the public
Convention centers	1 space per each 4 occupants at maximum occupancy based on maximum occupant load plus 2 spaces for every 3 employees at maximum shift
Marinas	As determined by department of planning and development

<i>Zoning District Classification or Use</i>	<i>Minimum Off-Street Parking Space Requirement</i>
Farmer's markets and vegetable stands	1 space per each 350 square feet of area with a minimum of 6 spaces for customer vehicles.
Home occupations	As determined by department of planning and development

(Code 1998, app. C, § 7.0704; Ord. No. 07-1548, § 7.0704, 5-3-2007; Ord. No. 09-2131, 9-3-2009; Ord. No. 09-2171, 12-3-2009)

Sec. 130-2067. Minimum off-street loading requirements.

(a) Every hospital, institution, hotel, commercial or industrial building or use having a gross floor area in excess of 7,500 square feet of space and requiring delivery trucks shall have at least one permanently maintained off-street loading space for each 7,500 square feet of gross floor area or fraction thereof and so located as not to hinder the free movement of pedestrians and vehicles over sidewalks, streets, and alleys.

(b) Retail operations, wholesale operations and industrial operations with a gross floor area of less than 7,500 square feet shall provide sufficient off-street loading space (not necessarily full berth if shared by an adjacent establishment) so as not to hinder the free movement of pedestrians and vehicles over a sidewalk, street, or alley.

(c) Each required off-street loading and/or unloading space shall be designed with direct access via an approved access drive, to a deeded right-of-way which offers satisfactory ingress and egress for trucks. Access drives or aisles shall be laid out with a width of at least 12 feet for one-way circulation and at least 24 feet for two-way circulation.

(d) Off-street loading and/or unloading space shall be so designed and constructed so that all maneuvering for loading and/or unloading can take place entirely within the property lines of the premises. Such off-street loading and/or unloading space shall be so located as not to hinder the free movement of pedestrians and vehicles over sidewalks, streets, roads, highways or deeded rights-of-way.

(e) The off-street loading and/or unloading requirements, as listed in these regulations, shall apply at any time any building is enlarged or increased in capacity by adding floor area.

(f) Design and maintenance.

(1) *Lighting.* Any lighting used to illuminate off-street loading and/or unloading areas shall be directed away from property in any residential district as well as public roads in such a way as not to create a nuisance.

(2) *Spaces allocated to any off-street loading and/or unloading spaces.* These spaces shall not be used to satisfy the space requirements for any off-street parking facilities or portion thereof.

(Code 1998, app. C, § 7.0705; Ord. No. 07-1548, § 7.0705, 5-3-2007; Ord. No. 09-2171, 12-3-2009)

Sec. 130-2068. Reduction of required spaces.

(a) Joint-use up to 50 percent of required parking spaces may be permitted for two or more uses provided that:

- (1) The applicant for development approval can demonstrate that the uses will not substantially overlap in hours of operation; or
- (2) The proposed development is a bank, office, retail sales establishment, or manufacturing company and the applicant intends to share parking facilities with a church, theater or restaurant.

(b) Joint-use of up to 100 percent of the required parking spaces may be permitted for churches or schools if the parking will be provided off site, the total amount of required parking, provided in conjunction with a bank, office, retail sales establishment or manufacturing company.

(c) If an applicant for development approval can demonstrate that employee parking facilities will be provided off-site, the total amount of required parking, provided on site or within 500 feet of the site, may be reduced up to 15 percent.

(d) Compact car stalls will be allowed only for hotels and office parking. The maximum number of compact car stalls allowed is as follows:

<i>Number of Parking Spaces Provided for the Use</i>	<i>Percentage Compact Spaces Allowed</i>
0—99	0%
100—199	10%
200—299	15%
300—399	20%
400—499	25%

(Code 1998, app. C, § 7.0706; Ord. No. 07-1548, § 7.0706, 5-3-2007; Ord. No. 09-2171, 12-3-2009)

Sec. 130-2069. Sale of motorized vehicles, watercraft and trailers on private property and public rights-of-way.

(a) No person shall park any motor vehicle, watercraft or trailer upon any private property owned by another, at any given time, for the purpose of displaying such motor vehicle, watercraft or trailer for sale, hire or rental without the express written permission of the property owner prominently displayed on the motor vehicle, watercraft or trailer.

(b) No property owner shall give permission to any other person for display of a motor vehicle, watercraft or trailer for sale, hire or rental more frequently than three occasions per calendar year.

(c) The parking of any motor vehicle, watercraft or trailer upon any state or parish rights-of-way for purposes of advertising same for sale, hire or rental is expressly prohibited.

(d) Nothing in this section shall prohibit the display of vehicles upon the property of any duly zoned and permitted new or used car, trailer or watercraft dealership.

(e) Nothing in this section shall prohibit the owner of any motor vehicle, watercraft or trailer from displaying said vehicle for sale, hire or rental on his own private property.

(f) Penalties. Violations of this section by the owner of any private property or the owner of any motor vehicle, watercraft or trailer shall subject either or both parties to the penalties described in section 1-9 of the Parish Code of Ordinances.

(Code 1998, app. C, § 7.0707; Ord. No. 07-1548, § 7.0707, 5-3-2007; Ord. No. 09-2171, 12-3-2009)

Secs. 130-2070—130-2086. Reserved.

DIVISION 9. MODIFICATIONS AND EXCEPTIONS

Sec. 130-2087. Lot of record.

(a) *Minimum area setback requirements.* The minimum lot size requirement, as outlined in the applicable zoning classification, notwithstanding, a single-family dwelling and its accessory buildings may be erected on any lot of record or parcel of land in a residential district or a commercial/industrial structure may be erected on any lot of record in a commercial/industrial district which shall be documented as legally established and defined by deed or act of sale prior to adoption of these regulations. Where applicable, the contiguous lot of record regulations shall apply. (See chapter 125.) The following minimum area setback requirements shall be maintained for residential uses:

- (1) *Front yard setback.* Front yard setback of 25 feet.
- (2) *Rear yard setback.*
 - a. *Standard requirement.* Twenty percent of lot depth or 25 feet, whichever is the lesser.
 - b. *Special requirement.*
 1. Lakeview Drive, Slidell. Except as provided in subsection (a)(2)b.2 of this section, all properties fronting the south side of Lakeview Drive shall adhere to the standard rear yard requirements and, in addition, shall not extend the distance of the primary structure on the property more than 135 feet lakeward of the front property line adjacent to the Lakeview Drive right-of-way.

2. All properties with road frontage along Lakeview Drive where any portion of said frontage is within 700 feet of the eastern right-of-way of U.S. Highway 11 may have a primary structure located beyond the setback provided for immediately hereinabove, except that no primary structure shall be located more than 350 feet from the front property line.
3. Side yard setbacks. Except as otherwise provided in subsections (a)(2)a and b of this section, five feet on each side of lots with widths of 50 feet or less. Seven and one-half feet on each side of lots with widths greater than 50 feet, except that side yard setbacks of five feet may be authorized when the department of engineering has determined that drainage impacts have been adequately addressed, based on review and approval of a drainage plan for developments with lots of record that have widths greater than 50 feet, or the proposed installation of subsurface drainage, in lieu of drainage swales, on an individual lot that would otherwise be required to have 7½-foot setbacks. However, for corner lots, there shall be a side yard setback from the side street of not less than ten feet.
 - (i) Lots with a width of 50 feet located in a critical drainage area. In administering the provisions of section 115-3 of this Land Development Code, use of fill materials prohibited, in addition to meeting all of the requirements applicable to lots 90 feet or less in width, a lot that is 50 feet in width and located in a critical drainage area may be required to have side yard setbacks of 7½ feet on each side when the department of engineering determines, based upon review of the required development plan and application of best engineering practices, that drainage swales are required.
 - (ii) Lots with a width of 50 feet or less in areas of special concern. In the following areas of special concern, lots with widths of 50 feet or less shall have 7½-foot setbacks, except that the setbacks shall be five feet in those cases where a lot with a width less than 50 feet satisfies all of the requirements set forth in section 125-84(b)(4), governing a buildable substandard lot:

Part of Ward 4 and Ward 7: Commence at the corner of the section lines common to sections 2, 3, 10 and 11, T8S, R12E, the point of beginning. Thence proceed in a northerly direction along the section line between sections 2 and 3 to the southern boundary line of the I-12 right-of-way; thence proceed in a south-easterly direction along the southern boundary line of the I-12 right-of-way to the section line common to sections 21 and 22; thence proceed in a southerly direction along the common section line of

sections 21 and 22 to Lake Pontchartrain; thence proceed along the shoreline of Lake Pontchartrain in a westerly, thence in a north and north-westerly direction along the shoreline to Cane Bayou; thence proceed along Cane Bayou in a north, north-easterly direction to the section line common to sections 3 and 10; then proceed west to the point of beginning, all as more particularly depicted on the attached map identified as "St. Tammany Parish Council District 7 Set Backs".

4. No driveway accessing a dwelling or accessory building may be located within any side yard setback.

(b) *Commercial and industrial setbacks.* Commercial and industrial setbacks shall be as provided in these regulations.

(Code 1998, app. C, § 7.0801; Ord. No. 07-1548, § 7.0801, 5-3-2007; Ord. No. 10-2307, 8-5-2010; Ord. No. 12-2714, 5-3-2012; Ord. No. 12-2714, 5-3-2012)

Sec. 130-2088. Exceptions to height requirements.

The following structures shall be limited to 50 feet in height, unless granted written permission from the director of planning and development to exceed that height.

- (1) Churches.
- (2) Schools.
- (3) Hospitals.
- (4) Public service buildings.
- (5) Institutions.
- (6) Barns, silos and other farm structures when located on farms.
- (7) Belfries, cupolas, domes, flagpoles, and monuments.
- (8) Water towers, transmission towers, windmills.
- (9) Chimneys and smoke stacks.
- (10) Fire towers.
- (11) Oil derricks.
- (12) Bulkheads; elevator penthouses; water tanks; cooling towers; scenery; lofts and similar structures, provided that such structures shall cover not more than 25 percent of the total roof area of the building of which such structure is located.

(Code 1998, app. C, § 7.0802; Ord. No. 07-1548, § 7.0802, 5-3-2007)

Sec. 130-2089. Existing railroads and mineral deposits.

Existing railroads may continue to operate and be maintained in dwelling and commercial districts. Mineral deposits may be mined but residential areas shall be protected as set forth under article IV of these regulations.

(Code 1998, app. C, § 7.0803; Ord. No. 07-1548, § 7.0803, 5-3-2007)

Secs. 130-2090—130-2111. Reserved.

ARTICLE VII. MINIMUM STANDARDS FOR SPECIFIC USES

DIVISION 1. GENERALLY

Sec. 130-2112. Minimum standards.

For certain uses in these regulations, the following minimum standards will apply:

(1) *Aluminum collection center.*

- a. This use may only be located on a parking lot in an enclosed vehicle.
- b. An aluminum collection center located on a parking lot may not occupy required off-street parking spaces. An aluminum collection center must be arranged so as to not impede free traffic flow.
- c. Receipt of and payment for aluminum at an aluminum collection center located on a parking lot may take place outside the collection center but at a point no more than 20 feet from the opening of the enclosed vehicle where the aluminum is stored.
- d. The owner of the property and the owner and operator of the aluminum collection center shall not process or flatten aluminum on the site.
- e. The owner of the property and the owner and operator of the aluminum collection center remove aluminum stored at the collection center at least once a week.
- f. The owner of the property and the owner and operator of the aluminum collection center shall keep the aluminum collection center in proper repair and the exterior must have a neat and clean appearance.
- g. The owner of the property and the owner and operator of the aluminum collection center shall keep the building site clean and in a neat appearance and shall dispose of aluminum cans and other litter from the building site where the aluminum collection center is located.

(2) *Ambulance services.*

- a. A site plan shall be submitted to the department of planning and development prior to issuance of a building permit. This plan shall indicate, at a minimum:
 1. Location of all structures on site, including proposed structures.
 2. Proposed traffic movements and points of ingress and egress, including parking and site triangles.
 3. Location and coverage of lighting, signage and fencing.
 4. Adjacent land uses.
 5. Approved landscape plan.
 6. Additional information shall be submitted as determined by the department of planning and development.
- b. If this use abuts any residential district or use, a transitional yard shall be provided equal to the side or rear yard requirements of the residential zoning classification.
- c. A minimum of 20 percent landscaped areas shall be required based on the gross square footage of the first story of all structures on site or as determined by the department of planning and development.
- d. Any fleet storage of vehicles not in operation shall be screened by a six-foot-high screen of either 100 percent opaque nonliving material or 70 percent opaque evergreen plants or as determined by the department of planning and development.

(3) *Animal-related uses.* In all residential districts, these standards apply to all animal-related uses, including animals raised for household agriculture, stables and kennels.

- a. A structure may be erected for a private stable, pen, barn, shed or silo for raising, treating and/or storing products raised on the premises. This structure may not include a dwelling unit.
- b. Standing under roofed stables must be made of a material that provides for proper drainage so as not to create offensive odors, fly breeding or other nuisance.
- c. Fences for pens or similar enclosures must be built with sufficient height and strength to retain the animals. No pen, fence or similar enclosure may be closer than 20 feet to an adjacent property line. The widths of alleys, street rights-of-way, or other public rights-of-way may be used to calculate the ten-foot requirement.
- d. The regulations under this use do not apply to government agencies, governmentally supported organizations, or educational agencies that keep and maintain animals health research or similar purposes, nor do these regulations apply to special events such as circuses and livestock exhibitions which are otherwise regulated.

(4) *Automobile service stations.*

- a. The following uses shall not be performed in conjunction with any automobile service station:
 1. Outdoor repairs, including changing of oil and lubrication of automobiles.
 2. Outdoor painting and body work on automobiles.
 3. The outdoor storage of wrecked or abandoned vehicles. If an operable or wrecked motor vehicles remain outside on the premises for more than 24 hours, the premises shall be considered an outside salvage or reclamation use. However, a premises is not an outside salvage or reclamation use if the premises stores inoperable or wrecked motor vehicles each of which having a valid state registration, current safety inspection certificate, and documentary record of pending repairs or other disposition. All vehicles shall be screened from public view by a 100 percent, six-foot nonliving or 70 percent living screen. Objects shall be stored at a minimum of five feet from this screen.
 4. Sale of two or more automobiles, trailers, trucks, tractors, boats, or any other similar commodity.
 5. Outdoor storage of automotive parts.
 6. Bulk plants.
- b. The minimum lot size for an automobile service station, or any facility with retail gasoline sales, shall be 20,000 square feet. Twenty percent of each site must be landscaped open space.
- c. A site plan must be approved by the zoning commission prior to issuance of a building permit. At a minimum, this plan must illustrate the following:
 1. Location of the main structure and secondary structures;
 2. Location of storage tanks;
 3. Proposed traffic movements and points of ingress and egress;
 4. Approved landscape plan;
 5. Location and coverage of lighting, location and design of signage, and finishes and colors to be used on all surfaces.
- d. If the service station provides minor repairs, a minimum of six parking spaces shall be provided.

(5) *Bars, lounges, and nightclubs.*

- a. Hours of operation should conform to established uses in the neighborhood and may be adjusted by the zoning commission and/or the parish council.

- b. Live entertainment will only be allowed when it does not adversely affect the surrounding neighborhood because of noise and other factors.
- c. The use of neon signs exposed to the exterior shall be limited to two sign units which both are directly related to the subject facility and are not corporate advertisements for products sold in the facility.
- d. The premises on which a bar, lounge or nightclub is located and the public rights-of-way within 100 feet of such facility must be maintained in a clean and orderly manner.

(6) *Camps within the Pearl River Basin.*

- a. Boundaries. The minimum standards in this subsection shall apply to that area of the Pearl River Basin south of Old Highway 11 and east of a line beginning at the intersection of Interstate 59 and Old Highway 11 and following the southerly course of Interstate 59, Military Road and Highway 190 to its intersection with Highway 90, and extended due south to the Rigolets.
- b. For purposes of this subsection, the term "camp" means a dwelling located on or near the banks of a waterway and accessible only by means of a boat or other water vessel.
- c. Any lot of ground on which a camp is to be constructed shall have a minimum water frontage width of 200 feet.
- d. Front building lines for all camps constructed pursuant to this subsection shall be set back a minimum of 50 feet from the natural tree line fronting the waterway on which the camp is located.
- e. No trees having a caliper greater than four inches shall be cut within 25 feet of the natural tree line on the waterway on which the camp is located.
- f. All camps shall have an on-site sewerage and wastewater treatment plant meeting all applicable parish, state and federal regulatory and permitting requirements.

(7) *Car washes.*

- a. A site plan shall be submitted to the department of planning and development prior to issuance of a building permit. This plan shall indicate, at a minimum:
 - 1. Location of all structures on site, including proposed structures.
 - 2. Proposed traffic movements and points of ingress and egress, including parking and site triangles.
 - 3. Approved landscape plan.
 - 4. Location and coverage of lighting, signage and fencing, including materials, textures and colors to be used on all surfaces.
 - 5. Adjacent land uses.

6. Additional information shall be submitted as determined by the department of planning and development.
 - b. If this use abuts any residential district or use, a transitional yard shall be provided equal to the side or rear yard requirements of the residential zoning classification.
 - c. The design of all structures and signage, including materials, textures and colors; shall be harmonious with the surrounding neighborhood.
- (8) *Cemeteries and mausoleums.* In addition to all federal and state laws, the following requirements must be met (excluding family-owned cemeteries, which are limited to the burial of family members):
- a. Graves shall be considered as structures for the purpose of determining setbacks from property lines and in no case located closer than 50 feet from the property line.
 - b. Each lot or group of lots forming a cemetery or mausoleum center shall be fenced to a height of four feet or more.
 - c. Graves containing in-ground burials must not be located within 850 feet of any water well as verified by the owner, operator or manager of the cemetery through the use of a survey.
 - d. Cemeteries located in designated critical drainage areas are required to maintain the bottom of all caskets a minimum of a one-foot clearance above the base flood elevation.
 - e. Twenty-five-foot no cut buffer zones must be maintained within the perimeters of cemeteries and comply with all landscape and tree regulations as specified in article VI, division 2 of these regulations.
- (9) *Churches and other religious institutional uses.*
- a. A site plan shall be submitted to the department of planning and development prior to issuance of a building permit. This plan shall indicate, at a minimum:
 1. Location of all structures on site, including proposed structures.
 2. Proposed traffic movements and points of ingress and egress, including parking and site triangles.
 3. Approved landscape plan.
 4. Location and coverage of lighting, signage and fencing, including materials, textures and colors to be used on all surfaces.
 5. Adjacent land uses.
 6. Additional information shall be submitted as determined by the department of planning and development.

- b. If this use abuts any residential district or use, a transitional yard shall be provided equal to the side or rear yard requirements of the residential zoning classification.

(10) *Commercial recreational uses.*

- a. For freestanding units, a minimum of 20 percent landscaping shall be required based on the gross square footage of the first story of all structures on site or as determined by the department of planning and development.
- b. If the use abuts a residential district, a transitional yard located outside the required screening shall be provided equal to the side or rear yard requirements of the residential district classification.
- c. A site plan shall be approved by the department of planning and development prior to issuance of a building permit. At a minimum, this plan shall include the following:
 - 1. Location of main structures and any secondary structures on the site.
 - 2. Proposed traffic movement and points of ingress and egress, including parking and site triangles.
 - 3. Landscaping.
 - 4. Location and coverage of lighting, signage and any outside facilities.
 - 5. Recreational activity.
 - 6. Additional information shall be provided as determined by the department of planning and development.

(11) *Outdoor contractors' storage yards.*

- a. This use shall be screened from public view along the front, sides and rear by a 100 percent opaque eight-foot tall screen consisting of wood, solid masonry, concrete or other material as approved by the department of planning and development.
- b. If an inoperable or wrecked motor vehicle remains outside on the premises for more than 24 hours, the premises shall be considered an outside salvage or reclamation use and subject to violation. However, a premises is not an outside salvage or reclamation use if the premises stores inoperable or wrecked vehicles each having a valid state registration, current safety inspection certificate and documentary records of pending repairs or other disposition.
- c. Objects shall not be stacked higher than eight feet high within 40 feet of the visual screen. Objects may be stacked one foot above the eight feet for each additional five feet of setback beyond the original 40 feet. However, stacking of portable storage containers is limited to three storage containers in height.
- d. Sales and rentals of portable storage containers shall be considered an allowed use only in the 1-1, 1-2, 1-3 and 1-4 zoning districts.

- e. A site plan shall be submitted to the department of planning and development prior to issuance of a building permit. This plan shall indicate, at a minimum:
 - 1. Location of all structures on site, including proposed structures.
 - 2. Proposed traffic movements and points of ingress and egress, including parking and site triangles.
 - 3. Landscaping. All landscaping shall be in compliance with the provisions of article VI, division 2 of these regulations.
 - 4. Signage. All signage shall be in compliance with article VI, division 3 of these regulations.
 - 5. Lighting. All site lighting shall be in compliance with article VI, division 4 of these regulations.
 - 6. Parking/loading. All parking and loading will be in compliance with article VI, division 8 of these regulations.
 - 7. Additional information shall be submitted as determined by the department of planning and development.

(12) *Day care centers and day care home.*

- a. Prior to issuance of a building permit and/or an administrative permit, a site plan shall be submitted for approval to the department of planning and development indicating the following:
 - 1. Location of all structures on site, including signage.
 - 2. Minimum landscape requirements.
 - 3. Minimum parking requirements.
 - 4. Ingress and egress to the site.
 - 5. Adjacent land uses.
- b. In addition to all federal and state laws, the following requirements must be met:
 - 1. A minimum play area of 50 square feet for each child which is enclosed with an opaque fence of a minimum height of not less than six feet.
 - 2. An off-street loading area shall be provided to accommodate a minimum of five automobiles for day care centers. This loading area shall be provided in addition to the minimum parking requirements, or as determined by the department of planning and development.
 - 3. Where a day care center adjoins any residential zoning district, a buffer yard must be provided, which is a minimum of ten feet in depth and a six-foot tall 100 percent opaque screen is installed.
 - 4. An off-street loading area shall be provided to accommodate a minimum of three automobiles for day care homes.

5. Additional information shall be submitted as determined by department of planning and development.
- (13) *Drive-in banks.* Where drive-through windows are used, automobile stacking areas shall be set back a minimum of ten feet from the property line and five feet from on-site automobile parking areas. The stacking area shall be located so as not to cause patrons parking on-site to move through the stacking area to get from their cars to the entrance.
- (14) *Freestanding drive-through photo stores, banks and similar retail uses.*
- a. A site plan shall be submitted to the department of planning and development prior to issuance of a building permit. This plan shall indicate, at a minimum:
 1. Location of all structures on site, including proposed structures.
 2. Proposed traffic movements and points of ingress and egress, including parking and site triangles.
 3. Adjacent land uses.
 4. Approved landscape plan.
 5. Location and coverage of lighting, signage and fencing, including materials, textures and colors to be used on all surfaces.
 6. Additional information shall be submitted as determined by the department of planning and development.
 - b. If this use abuts any residential district or use, a transitional yard shall be provided equal to the side or rear yard requirements of the residential zoning classification.
- (15) *Heliports.*
- a. When a heliport is allowed, evidence must be submitted to the zoning commission in support of the following criteria:
 1. Location of all structures on site, including any proposed structures.
 2. Location of any storage.
 3. Location of all adjacent land uses.
 4. Location of all abutting streets and intersections.
 5. For all commercial heliports, evidence must be presented to the zoning commission that there is a public need for the facility based on location of existing facilities and market demand.
 6. Evidence must be presented that the heliport will not present a safety hazard or adversely affect existing or logical future development of adjacent properties and neighborhoods.
 7. Adequate transitional yards shall be provided and maintained to shield noncompatible adjacent uses.

- b. No use, object or structure may be erected that causes interference with radio communications or transmissions of electronic signals with the aircraft, impairs the visibility of the aircraft in relation to the lights of the runway, endangers landing, takeoff or maneuvering of the aircraft.
- c. Heliports shall be lighted to provide adequate visibility at night or in inclement weather.
- d. Heliports are limited to helicopters with a gross weight of less than 12,500 pounds.
- e. If fueling is provided on site all storage tanks must be located underground or as approved by the department of planning and development.
- f. Any service uses provided shall be for private use of the property owner or petitioner only.
- g. All heliports must be approved by the Federal Aviation Agency (FAA). Copy of such approval will be kept on file in the department of planning and development and the department of permits and regulatory.
- h. Additional information shall be submitted as determined by the department of planning and development.

(16) *Home occupation (limited).*

- a. Limited home occupation must be clearly incidental and secondary to the primary use of the property as a residence by the applicant.
- b. Limited home occupation is for those business activities which are associated or similar to providing services or products which are primarily a part of hobby oriented activities for services of music, art or dance instruction (similar types of activities) and/or retail products for arts and craft fairs/exhibitions or consignment purposes.
- c. The area allowed for a limited home occupation shall not exceed 15 percent of the primary residence up to a maximum of 600 square feet.
- d. Limited home occupation involving retail sales or product manufacturing. (Additional standards.)
 - 1. Retail sales shall not occur on site.
 - 2. Assembly is allowed as long as it is within an enclosed space such as in the residence, accessory structure or garage.
 - 3. No more than one vehicle trip (round trip) per month which utilizes a parcel delivery service is allowed.

4. Deliveries are not allowed which utilize a vehicle which is larger than a typically parcel service truck (two axles) in residential areas. The maximum amount of unloading time for deliveries made by a private service is 30 minutes.
5. No more than five vehicle trips (round trips) associated with the business are allowed. The temporary unloading of a delivery from a parcel service is not counted as one of the five vehicle trips. A vehicle trip standard for parcel delivery is enumerated above.
6. No more than two vehicles associated with the home office are allowed on the site at any one time.
7. Parking of any vehicle with the exception of temporary provision provided by a parcel service must occur along the driveway or in a garage, unless the provided parking spaces are properly screen. Parking of any vehicle associated with the limited home occupation in the designated road right-of-way is not allowed, including the residents vehicles when they are parked in the right-of-way to allow for parking for the limited home occupation.

(17) *Limited home occupation for educational instruction (additional standards).*

- a. Only one student is allowed per session of instruction, unless the customer is part of a family seeking the service, utilizing one vehicle to arrive at the site.
- b. Instruction to more than one individual, who are not related, is prohibited unless approved by a conditional uses.
- c. Student for instruction cannot arrive before 9:00 a.m. or after 7:00 p.m.
- d. Retail sales of products shall not occur on site.
- e. No assembly of products is allowed on the site.
- f. No more than five vehicle trips (round trips) associated with the business are allowed. The temporary unloading of a delivery from a parcel service is not counted as one of the five vehicle trips. A vehicle trip standard for parcel delivery is enumerated above.
- g. Deliveries by a parcel service or freight service is not allowed.
- h. No more than two vehicles associated with the home office are allowed on the site at any one time.
- i. Parking of any vehicle with the exception of temporary provision provided by a parcel service must occur along the driveway or in a garage, unless the provided parking spaces are properly screen. Parking of any vehicle associated with the limited home occupation in the designated road right-of-way is not allowed, including the residents vehicles when they are parked in the right-of-way to allow for parking for the limited home occupation.

(18) *Home occupation (general)*. Permitted only in any E Estate or the A-1 Suburban Districts.

- a. General home occupation must be clearly incidental and secondary to the primary use of the property as a residence.
- b. No more than one person who is not related to the resident family can be engaged in the operation of such a business.
- c. The area allowed for a home occupation shall not exceed 15 percent of the area of the primary residence.
- d. No retail services can be conducted on the premises.
- e. No construction, assembly or manufacturing of any kind.
- f. No outdoor storage unless the site is over one acre and properly screen and has a maximum area of 400 square feet.
- g. No more than seven vehicle trips (round trips) a day.
- h. No more than three vehicles associated to the home occupation on site at any one time.
- i. No more than one vehicle trip (round trip) per month which utilizes a parcel delivery service is allowed.
- j. Deliveries are not allowed which utilize a vehicle which is larger than a typically parcel service truck (two axles) in residential areas. The maximum amount of unloading time for deliveries made by a private service is 30 minutes.

(19) *Home offices*.

- a. Home office must be clearly incidental and secondary to the primary use of the property as a residence by the applicant.
- b. The area allowed for a home office shall not exceed 15 percent of the area of the primary residence up to a maximum of 400 square feet.
- c. The use of the designated area is to perform clerical functions, such as filing, billing, receiving or making phone call, appointment scheduling, etc., that are typically associated with a business operation.
- d. Retail sales or services, which are not provided at an off-site location or through the mail, phone, or similar activity, cannot be conducted on the premises.
- e. No more than one person who is not related to the resident family can be engaged in the operation of such a business.
- f. No construction, assembly or manufacturing can occur on the premises as part of this administrative permit.

- g. No more than five vehicle trips (round trips) associated with the business are allowed.
- h. No more than two vehicles associated to the home office are allowed on the site at any one time.
- i. Parking of any vehicle associated with the home office must occur along the driveway or in a garage, unless the provided parking spaces are properly screen. Parking of any vehicle associated with the home office in the designated road right-of-way is not allowed, including the residents vehicle when they are parked in the right-of-way to allow for vehicle parking for the home office in the driveway or garage.
- j. Goods, materials or supplies of any kind delivered to or from the site shall be delivered by the resident's passenger vehicle.
- k. This administrative permit for the home office is not transferable to a different applicant or location.
- l. Prohibited uses.
 - 1. No home professional office shall permit the use, sale or exchange of:
 - (i) Alcohol.
 - (ii) Flammable liquids or chemical agents.
 - (iii) Firearms.
 - (iv) Fireworks.
 - (v) Other similar uses.
 - 2. Massage parlors, tattoo parlors, fortune tellers, faith healers and other activities of like character.
 - 3. Engine repairs, including, but not limited to, auto and auto body repairs, boat repairs, equipment repairs.

(20) *Manufactured homes.*

- a. Manufactured homes shall be subject to the regulations in this section, unless elsewhere allowed as a permitted use in a zoning district.
- b. All applications for a manufactured home permit shall be filed with the department of planning and development.
- c. All applications for a manufactured home permit shall include but not limited to the following:
 - 1. Site plan showing the location of the manufactured home or mobile home. This shall include the setbacks of the structure from all property lines, existing structures on site, surrounding land uses, driveways and proposed parking.

2. Vicinity map.
3. Legal description.
4. Photo and/or specifications of the manufactured home or mobile home.
5. Any other information as determined by the department of planning and development.

(21) *Mini-warehouses.*

- a. A minimum of 20 percent landscaping shall be provided, based on gross square footage of a parking lot or gross square footage of the first floor of a multi-story structure or as determined by the department of planning and development. If this use abuts a residential district, a transitional yard shall be provided equal to the side or rear yard requirements of the residential district classification.
- b. A site plan of the use must be approved by the department of planning and development. At a minimum, this plan shall include the following information:
 1. Location of all structures on the site.
 2. Proposed traffic movements and points of ingress and egress, including parking and site triangles.
 3. Location and coverage of lighting, signage and fencing, including materials, textures and colors to be used on all surfaces.
 4. Pedestrian access to adjacent sites.
 5. Approved landscape plan.
 6. Any additional information as determined by the department of planning and development.
- c. A minimum of six parking spaces shall be provided in addition to any other applicable requirements.
- d. A minimum lot area of 20,000 square feet shall be required.
- e. Parking areas shall not block the entrances to storage areas.
- f. Any associated outdoor storage shall be screened with a six-foot-high, 100 percent nonliving screen or 70 percent living screen or as approved the department of planning and development.

(22) *Mobile food trucks.*

- a. An administrative permit shall be applied for, approved, and kept on the site at all times. A copy of the lease and/or written permission from the property owner or authorized agent, which would include the allowable days and hours of operation and duration of the contract, a legal description of the property, survey, copy of

occupational license and a site plan shall be provided. This site plan shall indicate setbacks and location of the mobile food truck on the site, parking, sight triangles, and property dimensions.

- b. The maximum duration of a mobile food truck administrative permit is limited to the allowable number of days and dates indicated on a lease or written permission submitted with the application form.
- c. The mobile food truck must be located entirely on private property and shall not be located in any required setback, sight distance triangle, buffer, or public right-of-way.
- d. The mobile food truck shall not locate in any minimum required parking spaces for the business located on the site. If enough parking cannot be provided for the existing business and the mobile food truck, the use may not be located on the site.
- e. The mobile food truck shall be removed from the location when not in operation.
- f. Trucks may not operate:
 - 1. Within 20 feet of any intersection, stop sign, flashing beacon, yield sign, or other traffic control signal located on the side of a roadway;
 - 2. Within three feet of any public or private driveway, wheelchair ramp or bicycle ramp;
 - 3. In any manner that impedes an exit or entrance of an operating building;
 - 4. In any manner that impedes traffic flow on a public street, private drive or parking aisles.
- g. Vendors must obey all applicable parking, traffic and vehicle safety laws, regulations, and restrictions.
- h. The mobile food truck must meet all applicable state codes.
- i. Trucks can remain on one property no longer than four hours.
- j. Trucks may only sell food; no other goods, wares, or other items may be sold.
- k. No vendor may sell alcoholic beverages unless properly permitted in accordance with all applicable regulations, including, but not limited to, chapter 6, pertaining to alcoholic beverages, and as amended as per law.
- l. No furniture or any other objects can be placed in the street, sidewalk, or any right-of-way, except a trash receptacle.
- m. All vendors shall provide a trash receptacle within three feet of the front or back of the truck.
- n. All vendors must keep a 50-foot radius around the truck clean during operation and upon ceasing operation.

- o. No horns, amplification systems, or other sound-producing devices or music systems which can be heard outside of the truck may be used.
- p. A maximum of one sign not exceeding 16 square feet per side, off the vehicle, will be allowed on the property where the food truck is licensed to operate. Off-premises signs are prohibited. No signs shall be located within public rights-of-way or in sight triangles.
- q. No third-party advertising may be displayed on any mobile food truck.

(23) *New and used car lots.*

- a. A site plan of the use must be approved by the department of planning and development. At a minimum, this plan shall include the following information:
 - 1. Location of all structures on the site.
 - 2. Proposed traffic movements and points of ingress and egress, including parking and sight triangles.
 - 3. Location and coverage of lighting, signage and fencing, including materials, textures and colors to be used on all surfaces.
 - 4. Pedestrian access to adjacent sites.
 - 5. Approved landscape plan.
 - 6. Approved layout of parking areas for vehicles for sale and/or lease.
 - 7. Any additional information as determined by the department of planning and development.
- b. A minimum of six parking spaces shall be provided, in addition to any other applicable requirements.
- c. A minimum lot area of 20,000 square feet shall be required.

(24) *Outdoor advertising (billboards).* In addition to all federal and state laws, the following standards must be met:

- a. *Number and location of off-premises signs.* The number and location of off-premises outdoor advertising signs will be limited as established in these regulations. Off-premises outdoor advertising signs will not be permitted unless in accordance with these and any other applicable regulations.
- b. *Prohibited signs and locations thereof.* No off-premises outdoor advertising signs shall be permitted along parish roads, unless said sign is parallel to and within 200 feet of any state or federal highway.
 - 1. No roof, piggy-back, stack signs, side-by-side and multiple panel signs shall be permitted.

2. No off-premises advertising sign or structure shall be located or situated in a manner as to obscure or otherwise physically interfere with the effectiveness of any official traffic sign, signal or device, or obstruct or physically interfere with the driver's view of approaching, merging or interstate traffic.
- c. *Location standards of off-premises signs.*
1. An off-premises sign must be located within 200 feet of the highway right-of-way. An off-premises sign must be set back at least 15 feet from the highway right-of-way.
 2. An off-premises sign is not allowed within or nearer than 500 feet of a residential zoned district abutting the same highway to which the sign is oriented.
 3. An off-premises sign may not be located within a triangular area formed by the highway rights-of-way lines and a line connecting them at points 50 feet from the rights-of-way intersection or 500 feet from an interstate entrance/exit ramp.
- d. *Size of off-premises signs.*
1. Billboard faces and supporting framework shall not exceed the following sign areas.
 - (i) New billboards shall be a maximum of 300 square feet in area.
 - (ii) Replacement billboards, existing billboards 400 square feet or larger in face area may be replaced at a size up to 400 square feet; billboards with face areas between 399 square feet and 245 square feet shall be replaced at a size up to 300 square feet. Existing billboards of less than 245 square feet shall be restricted to their current size in the event they are relocated.
 2. When two off-premises signs are placed back-to-back or V-type on the same structure with an angle between them of not more than 60 degrees, each sign facing shall conform to the maximum size limitations.
 3. The lowest point of any off-premises sign shall extend not less than ten feet and the highest point shall extend not more than 45 feet measured from either the ground level at its supports or the nearest edge of the main traveled way, whichever is higher in elevation.
- e. *Spacing of off-premises signs.*
1. No two off-premises outdoor advertising structures shall be spaced less than 1,000 feet apart. In determining the physical spacing of billboards, the parish will consider existing billboards and approved billboard locations.

2. V-type or back-to-back signs on the same structure with an angle between them of not more than 60 degrees shall be considered one sign.
- f. *Lighting.* Signs may be illuminated, subject to the following restrictions:
1. No revolving or rotating beam or beacon of light that simulates any emergency light or device shall be permitted as part of any sign. Flashing devices shall not be permitted upon a sign.
 2. External lighting, such as flood lights, thin line and goose neck reflectors are permitted provided the light source is directed on the face of the sign and is effectively shielded so as to prevent beams or rays of light from being directed into any portion of the main travel way of the highway system, or into a residential use area.
 3. No internal illumination or "diamond-vision" type technology may be utilized as part of any outdoor advertising sign.
- g. *Construction.*
1. All structural elements of off-premises signs shall be of metal construction.
 2. A freestanding off-premises sign having a size or area of 400 square feet shall have no more than one support.
 3. Every freestanding off-premises sign shall henceforward be so erected or construed in such a manner as to withstand a wind load factor of 30 pounds per square foot.
- h. *Erection and maintenance of signs.* The following signs shall not be allowed to remain or to be erected:
1. Signs which are obsolete, including outdoor advertising that has been blank for 12 months, out-of-date political advertising and advertising of defunct business, and signs or structures which have been erected without a building permit having been issued.
 2. Signs which are illegal under state laws or regulations.
 3. Signs which are not clean and in good repair.
 4. Signs that are not securely fixed on a substantial structure.
 5. Signs which attempt or appear to attempt to regulate, warn or direct the movement of traffic or which interfere with, imitate or resemble any official traffic sign, signal or device.
 6. Signs which are not consistent with the standards in this section.
 7. Signs located on public property, unless placed thereon under lease arrangements or otherwise permitted by legal authority.

- i. *Vegetation control.* No trees or other vegetation may be cleared, cut or removed on a state right-of-way without first obtaining a state vegetation control permit.
- j. *Permits and fees.* No off-premises outdoor advertising structure shall be erected, nor shall construction commence thereon, without first obtaining a permit from the department of permits and regulatory.
- k. *Billboard credit.* Permits to erect new billboards shall only be issued to those persons possessing a billboard credit.
 - 1. *Billboard credit.* Billboard credits shall be issued by the parish to those billboard owners who have removed a previously existing, lawfully erected billboard after the effective date of the ordinance from which this division is derived. It will be the responsibility of the permit applicant to show the ownership, location and date of removal of the billboard.
 - 2. *Expiration of billboard credit.* Billboard credits shall be utilized within five years from the date of removal of the billboard.
 - 3. *Credit basis.* Billboard credits shall be issued on a per face and per structure basis. One credit shall be issued for each billboard face removed and one credit for each structure removed. If a billboard is not located upon a separate supporting structure, the building or other structure to which the billboard is attached shall constitute a single structure for the purpose of receiving one credit.
 - (i) No credit shall be granted for the partial removal of faces.
 - (ii) No credit shall be granted for the removal of billboard faces which are less than 84 square feet.
 - 4. *Credit utilization.* A billboard credit may only be used in a location which meets all standards of these regulations.
 - 5. *Transfer of credits.* Credits may be transferred between parties through legal means.
 - 6. Credits will allow billboards to be reconstructed at the following sizes:
 - (i) A credit for a new 400 square foot billboard will be issued for billboards which are removed that are in excess of 399 square feet.
 - (ii) A credit for a new 300 square foot billboard will be issued for billboards which are removed that are between 245 square feet and 399 square feet.
 - (iii) A credit will be issued for a new billboard of equal size for billboards which are removed that are less than 245 square feet.
- l. *Cap on number of billboards.*
 - 1. *Restricted corridors.* There shall be a cap on the number of billboards within the restricted corridors. No new billboards shall be allowed with these areas

except with the removal of an existing billboard from the same corridor/area. Permits for new billboards within the restricted corridors will only be issued to those persons possessing a billboard credit indicating they have removed a billboard from the same corridor. All new billboards within restricted corridors shall comply with the design standards as set forth in this Code.

2. *Parish-wide cap.* There shall be a limit of 200 total billboard locations within unincorporated St. Tammany Parish. This limit shall be in place until December 31, 2005, at which time the limit on the number of billboard locations will be reviewed by parish council.

- m. *Exemptions.* This section shall not pertain to the following types of off-premises signs:

1. State approved signs within state highway rights-of-way.
2. Off-premises temporary signs which comply with the provisions of these regulations.

(25) *Outdoor salvage yards.*

- a. This use shall be screened from public view along the front, sides and rear by a 100 percent opaque eight-foot-tall screen consisting of wood, solid masonry, concrete or other material as approved by the department of planning and development.
- b. The owner of an outside salvage or reclamation use shall not stack objects higher than eight feet high within 40 feet of the visual screen. The owner of an outside salvage or reclamation use may stack objects one foot above the eight feet for each additional five feet of setback beyond the original 40 feet.
- c. If an inoperable or wrecked motor vehicle remains outside on the premises for more than 24 hours, the premises shall be considered an outside salvage or reclamation use and subject to violation. However, a premises is not an outside salvage or reclamation use if the premises stores inoperable or wrecked vehicles each having a valid state registration, current safety inspection certificate and documentary records of pending repairs or other disposition.
- d. A minimum distance of 200 feet is required between an outside salvage or reclamation use and a residential district subject to landscape requirements for industrial uses abutting residential districts.
- e. A site plan shall be submitted to the department of planning and development prior to issuance of a building permit. This plan shall indicate, at a minimum:
 1. Location of all structures on site, including proposed structures.
 2. Proposed traffic movements and points of ingress and egress, including parking and site triangles.

3. Landscaping. All landscaping shall be in compliance with the provisions of article VI, division 2 of these regulations.
4. Signage. All signage shall be in compliance with article VI, division 3 of these regulations.
5. Lighting. All site lighting shall be in compliance with article VI, division 4 of these regulations.
6. Parking/loading. All parking and loading will be in compliance with article VI, division 8 of these regulations.
7. Hours of operation.
8. Additional information shall be submitted as determined by the department of planning and development.

(26) *Private landing strips.*

- a. Minimum of five acres is required for this site.
- b. No use, object or structure may be erected that causes interference with radio communications or transmissions of electronic signals with the aircraft, impairs the visibility of the aircraft in relation to the lights of the runway, endangers landing, takeoff or maneuvering of the aircraft.
- c. All commercial landing strips shall be lighted to provide adequate visibility at night or inclement weather.
- d. If fueling is provided on site, all storage tanks must be located underground or located 200 feet from an adjacent runway.
- e. Any service uses provided shall be for private use of the property owner of petitioner only.
- f. All landing strips shall be approved by the Federal Aviation Agency (FAA). Copy of such approval will be kept on file in the department of planning and development and department of permits and regulatory.
- g. A site plan shall be submitted to the department of planning and development indicating at a minimum:
 1. Location of all structures on site, including proposed structures.
 2. Location of fuel storage tanks.
 3. Location and coverage of landing strip, including lighting.
 4. Location of adjacent land uses in relation to the site and any possible signs and/or utility easements.
 5. Evidence shall be presented that the landing strip will not create a hazard or adversely affect existing or logical future development of adjacent properties.

6. Additional information shall be submitted as determined by the department of planning and development.

(27) *Private recreational uses issued as administrative permits.*

- a. For freestanding units, a minimum of 20 percent landscaping shall be required based on the gross square footage of the first story of all structures on site or as determined by the department of planning and development.
- b. If the use abuts a residential district, a transitional yard located outside the required screening shall be provided equal to the side or rear yard requirements of the residential district classification.
- c. A site plan shall be approved by the department of planning and development prior to issuance of a building permit. At a minimum, this plan shall include the following:
 1. Location of main structures and any secondary structures on the site.
 2. Proposed traffic movement and points of ingress and egress, including parking and site triangles.
 3. Approved landscape plan.
 4. Location and coverage of lighting, signage and any outside facilities.
 5. Parking lots and areas designated for open space shall not be used as part of the recreational activity.
 6. Additional information shall be provided as determined by the department of planning and development.

(28) *Public parking lots and garages.*

- a. A minimum of 20 percent landscaping shall be provided based on gross square footage of a parking lot or gross square footage of the first floor of a multi-story structure or as determined by the department of planning and development. If this use abuts a residential district, a transitional yard shall be provided equal to the side or rear yard requirements of the residential district classification.
- b. A site plan of the use must be approved by the department of planning and development. At a minimum, this plan shall include the following information:
 1. Location of all structures on the site.
 2. Proposed traffic movements and points of ingress and egress, including parking and site triangles.
 3. Location and coverage of lighting, signage and fencing, including materials, textures and colors to be used on all surfaces.
 4. Pedestrian access to adjacent sites.
 5. Approved landscape plan.

6. Any additional information as determined by the department of planning and development.

(29) *Public recreational uses, including recreational facilities and private tours (other than commercial recreation).*

- a. When a recreational use is allowed, evidence must be submitted to the zoning commission in support of the following criteria:
 1. Location of existing and proposed structures.
 2. Proposed traffic movements and points of ingress and egress, including parking and site triangles.
 3. Landscaping.
 4. Location and coverage of lighting and signage.
 5. Pedestrian access and movement.
 6. Additional information as determined by the department of planning and development.
- b. Off-street parking shall be provided. No parking shall be permitted on the rights-of-way. Parking shall be screened from view of adjacent residences by a 70 percent living screen or 100 percent nonliving screen.
- c. Signage is permitted with department of planning and development approval.
- d. In residential neighborhoods, no buses greater than 15 passenger occupancy shall be permitted. In all other cases buses greater than 15 passengers shall not be permitted on residential streets.
- e. Additional stipulations may be required as determined by the department of planning and development.

(30) *Recycling collection stations.*

- a. This use may only be located on a lot in enclosed bins.
- b. A transfer station located on a parking lot may not occupy required off-street parking spaces. A collection center must be arranged so as to not impede free traffic flow.
- c. The owner of the property and the owner and operator of the collection center remove stored materials at the collection center at least once a week.
- d. The owner of the property and the owner and operator of the collection center shall keep the aluminum center in proper repair and the exterior must have a neat and clean appearance.

- e. The owner of the property and the owner and operator of the collection center shall keep the building site clean and in a neat appearance and shall dispose of litter from the building site where the collection center is located.

(31) *Recycling transfer stations.*

- a. This use may only be located on a lot in enclosed buildings.
- b. The owner of the property and the owner and operator of the transfer center shall keep the center in proper repair and the exterior must have a neat and clean appearance.
- c. The owner of the property and the owner and operator of the collection center shall keep the building site clean and in a neat appearance and shall dispose of litter from the building site where the collection center is located.
- d. Any associated outdoor storage shall be screened from public view by a 70 percent living or 100 percent non-living screen.
- e. A site plan shall be submitted to the department of planning and development prior to issuance of a building permit. This plan shall indicate, at a minimum:
 - 1. Location of all structures on site, including proposed structures.
 - 2. Proposed traffic movements and points of ingress and egress, including parking and site triangles.
 - 3. Approved landscape plan with a minimum of 20 percent open space shall be required for each site.
 - 4. Adjacent land uses.
 - 5. Additional information shall be submitted as determined by the department of planning and development.

(32) *Restaurants.*

- a. All refuse disposal areas shall be screened as provided for in these regulations.
- b. Where drive-through windows are used, automobile stacking areas shall be set back a minimum of ten feet from the property line and five feet from on-site automobile parking areas. The stacking area shall be so located as not to cause patrons parking on-site to move through the area to get from their cars to the restaurant entrance. Where a stacking area abuts a property line or on-site parking, landscaping shall be provided in the form of a landscaped berm, trees or dense plantings to a minimum height of three feet along the required setback.

(33) *Retail repair establishments; including automobiles, boats, trucks, trailers, tractors and mobile homes.*

- a. Outside body work and painting or other repairs are not permitted.

- b. The outdoor storage of junked, wrecked or abandoned vehicles stored on the premises solely for the purpose of using parts to repair other vehicles shall not be permitted.
 - c. All outdoor storage of vehicles awaiting repair shall be screened from public view by a 100 percent opaque six-foot tall, nonliving screen or a six-foot-tall, 70 percent opaque living screen. Objects shall be stored a minimum of five feet from this screen.
 - d. Sale of two or more vehicles or other similar commodities is prohibited.
 - e. Any fleet storage of vehicles utilized in connection with this use shall be screened by a six-foot-high screen of either 100 percent opaque nonliving material or 70 percent opaque evergreen plants or as determined by the department of planning and development.
 - f. If this use abuts any residential district or use, a transitional yard shall be provided equal to the side or rear yard requirements of the residential zoning classification.
 - g. A site plan shall be submitted to the department of planning and development prior to issuance of a building permit. This plan shall indicate, at a minimum:
 - 1. Location of all structures on site, including proposed structures.
 - 2. Location of fuel storage tanks.
 - 3. Proposed traffic movements and points of ingress and egress, including parking and site triangles.
 - 4. Approved landscape plan.
 - 5. Location and coverage of lighting, signage and fencing, including materials, textures and colors to be used on all surfaces.
 - 6. Additional information shall be submitted as determined by the department of planning and development.
 - h. If an inoperable or wrecked motor vehicle remains outside on the premises for more than 24 hours, the premises shall be considered an outside salvage or reclamation use and subject to violation. However, a premises is not an outside salvage or reclamation use if the premises stores inoperable or wrecked vehicles each having a valid state registration, current safety inspection certificate and documentary records of pending repairs or other disposition.
 - i. A minimum of six parking spaces for public use shall be provided.
- (34) *Outdoor retail sales and storage yards.*
- a. This use shall be screened from public view along the front, sides and rear by a 100 percent opaque eight-foot-tall screen consisting of wood, solid masonry, concrete or other material as approved by the department of planning and development.

- b. Objects shall not be stacked higher than eight feet high within 40 feet of the visual screen. Objects may be stacked one foot above the eight feet for each additional five feet of setback beyond the original 40 feet. However, stacking of portable storage containers is limited to two storage containers in height.
- c. Shall not exceed ten percent or less of the area of the developed site.
- d. The outdoor retail sales and storage yard shall be a secondary use to a home improvement center or department store.
- e. The outdoor retail sales and storage yard shall not be located within the required parking area.
- f. A site plan shall be submitted to the department of planning and development prior to issuance of a building permit. This plan shall indicate, at a minimum:
 - 1. Location of all structures on site, including proposed structures.
 - 2. Proposed traffic movements and points of ingress and egress, including parking and site triangles.
 - 3. Landscaping. All landscaping shall be in compliance with the provisions of article VI, division 2 of these regulations.
 - 4. Signage. All signage shall be in compliance with article VI, division 3 of these regulations.
 - 5. Lighting. All site lighting shall be in compliance with article VI, division 4 of these regulations.
 - 6. Parking/loading. All parking and loading will be in compliance with article VI, division 8 of these regulations.
 - 7. Additional information shall be submitted as determined by the department of planning and development.

(35) *Recreational vehicle parks (RVPs).*

- a. *Purpose.* The purpose of these requirements is to provide for, on a temporary basis, recreational vehicle campers for recreation, camping or travel and accessory uses supporting such activities. A recreational vehicle shall be construed within these regulations as any vehicle or temporary dwelling mobile unit whether motorized or not used for occupancy during its stay in the park. The intent of these requirements is to also provide an assured compatibility with surrounding land uses, and to avoid health and safety hazards.
- b. *Locational standards.*
 - 1. Campgrounds shall not be located adjacent to developed or developing residential areas in such a way that the traffic or noise generated by campgrounds would interfere with the surrounding neighborhoods.

2. The design of campground ingress/egress points and the internal road circulation system shall be regulated so as to be compatible with the surrounding road system as well as safe and convenient for vehicular traffic and emergency traffic at all times.
 3. The location of RV campgrounds shall be located in areas where fragile environmental areas such as wetlands and wildlife domains will not be adversely affected. Also, campgrounds shall not be located near hazardous areas where rapid flooding or ground subsidence occur.
- c. *Permitted uses.*
1. Recreational vehicles.
 2. Offices (for the conducting of campground business).
 3. Boathouse.
 4. Public restrooms.
 5. Laundry room (to serve only those utilizing the campground facilities).
 6. Convenience store no larger than 1,500 square feet and providing a limited range of groceries, toiletries, souvenirs, and recreational equipment.
 7. Recreational facilities, such as, but not limited to, swimming pools, tennis courts, golf courses, trails and bike paths.
 8. Tents for camping purposes.
- d. *Prohibited uses.*
1. The occupancy of a recreational vehicle for a period exceeding three months in any 12-month period shall be deemed permanent occupancy and is prohibited.
 2. Any uses which are not specifically, provisionally or by reasonable implication permitted in this subsection.
- e. *Height regulations.* No building or structures shall exceed 45 feet in height above base flood elevation as set forth in chapter 115 of this Land Development Code.
- f. *Area requirements.*
1. *Campsite area.* Each RV campsite and incidental site shall be at least 1200 square feet in size with minimum dimensions of 30 feet by 40 feet. No campsite or structure shall be located closer than 150 feet from any adjacent residences.
 2. *Front yard.* All structures shall setback a distance of at least 15 feet from any roadway or front campsite line.
 3. *Side yard.* All structures shall setback a distance of at least ten feet from one another. RVs shall not be closer than five feet to a side campsite line.

4. *Rear yard.* All structures shall setback a distance of at least ten feet or 20 percent of the depth of the site, whichever is the less restrictive.
- g. *Parking.* Each campsite shall have at least one ten-foot by 19-foot off-street parking stall composed of shell, gravel or other suitable paving material. All other uses that are permitted in an RV park shall meet the off-street parking rules as set forth in article VI, division 8 of these regulations.
- h. *Development standards.*
 1. *Soil and ground cover.* Exposed ground surface in all parts of the recreational vehicle park shall be paved or covered with stone screenings, or other solid materials, or protected with a vegetative growth that is capable of preventing soil erosion and objectionable dust.
 2. *Drainage requirements.* Surface drainage plans for the entire park shall be submitted and reviewed by the parish council and permit division which shall determine if the plan is compatible with the existing drainage pattern of the area.
 3. *Park size and density.* Each RV park shall be at least five acres in size with a density no greater than 15 campsites per acre.
 4. *Roadways.* All internal roadways shall be paved with concrete or asphalt materials in accordance with parish construction standards if the park density exceeds eight campsites per acre. In all other cases shell or gravel type materials may be used. All roadways shall be at least 20 feet in width for two-way and 12 feet for one-way traffic. All internal roads shall be privately maintained by the developer unless otherwise specified by the parish council at the time of subdivision review.
 5. *Open space and recreational area.* At least 40 percent of the park's total land area shall remain as open space and/or recreational use.
 6. *Buffering and landscaping.* A minimum buffer area of 30 feet shall be imposed around the perimeter of the RV park and shall be landscaped in such a fashion as to achieve a 70 percent visual screen of living plant material at time of planting. Also, at least 50 percent of all the trees within the perimeter of the RV park shall remain intact.
 7. *Water system.* All RV parks shall have a portable water supply. A water station for filling RV water storage tanks shall be provided at a rate of one station per every 100 campsites.
 8. *Sewerage disposal.* Where a public sewer system is available within 300 feet, the RV park shall be required to tie in to the system. If a public sewer system

is not available, a private sewerage collection and disposal facility shall be installed which meets the requirements of the state department of public health and welfare.

9. *Sanitary facilities.* Central toilet and lavatory facilities shall be provided for every ten campsites. A central bathhouse shall also be provided containing at least one shower receptacles for every 15 campsites.
10. *Maintenance requirement.*
 - (i) Storage of vehicles is prohibited.
 - (ii) No pets shall be allowed to roam free within the RV park. Pets shall be confined in a fenced yard or on a leash.
 - (iii) Large trash receptacles shall be screened by a six-foot, sight obscuring fence. Small trash receptacles shall be aesthetically decorated and blend in with the environment of the RV park.
11. *Utilities.* Electrical and/or gas utilities shall be provided for each RV park. However, individual hookups are not required for all RV campsites.
12. *Lighting.* RV parks shall be lighted during the hours of darkness in a way as to ensure the safety of the occupants. Such lighting shall be the responsibility of the developer of the RV park.
- i. *Site plan approval.* All recreational vehicle parks must apply for rezoning as well as comply with the procedures established by chapter 125 for development of land. All applicants filing for zoning of a recreational vehicle park must submit a site development plan to the department of planning and development consisting of the following information.
 1. The title of the project and the names of the project planner and the developer.
 2. Scale, date, north arrow and general location map which indicates existing land use within 500 feet of the proposed RV park.
 3. Boundaries of the property involved; all existing streets, buildings, water-courses, easements, section lines, and other existing streets, buildings, water-courses, easements, section lines, and other existing important physical features in and adjoining the property.
 4. Master plan locations and the acreage of each component thereof of the different uses proposed (e.g., open space designation; campsites, recreational facilities, other uses incidental to the RV park).
 5. Master plan showing access and traffic flow and how vehicular traffic will be separated from pedestrian and other types of traffic.

6. Tabulations of total gross acreage in the development, and the percentage thereof proposed to be devoted to each use.
 - j. *Zoning commission findings and recommendations.* After a public hearing, the zoning commission may recommend approval subject to any stipulations made regarding the companion site development plan.
 - k. *Fire marshal approval.* A certificate attesting to the state fire marshal's approval of plans for all construction and improvements as per the state fire code must be provided to the department of permits and regulatory prior to the issuance of a building permit (chapter 115 of this Land Development Code).
 - l. *Application fee.* Applications with required supporting data should be filed with the department of planning and development. The filing fee shall be as follows: \$150.00 initial fee, \$50.00 per acre up to a maximum of \$1,500.00. An additional \$50.00 shall accompany the application to cover final advertising cost and can be refunded for failure of such zoning application to be adopted.
- (36) *Storage facilities associated with insurance offices and related facilities.*
- a. A site plan shall be submitted to the department of planning and development prior to issuance of a building permit. This plan shall indicate, at a minimum:
 1. Location of all structures on site, including proposed structures.
 2. A minimum of 20 percent landscaped areas shall be required based on the gross square footage of the first story of all structures on site or as determined by the department of planning and development.
 3. Proposed traffic movements and points of ingress and egress.
 4. Location of adjacent land uses.
 5. Location and coverage of lighting, signage and parking lots.
 6. Approved landscape plan.
 7. Additional information shall be submitted as determined by the department of planning and development.
 - b. The proposed facility shall not create a traffic or safety hazard, or adversely affect the existing or logical future growth of the surrounding neighborhood.
 - c. Hours of operation shall conform to existing patterns established in the neighborhood.
 - d. If this use abuts any residential district or use, a transitional yard shall be provided equal to the side or rear yard requirements of the residential zoning classification.
 - e. The design of all structures and signage, including materials, textures and colors; shall be harmonious with the surrounding neighborhood.
 - f. A maximum of 15,000 square feet of storage areas shall be permitted.

- g. Outside body work and painting or other repairs are not permitted.
- h. The outdoor storage of junked, wrecked or abandoned vehicles stored on the premises solely for the purpose of using parts to repair other vehicles shall not be permitted.
- i. All outdoor storage of vehicles awaiting repair shall be screened from public view by a 100 percent opaque six-foot-tall, nonliving screen or a six-foot-tall, 70 percent opaque living screen. Objects shall be stored a minimum of five feet from this screen.
- j. Sale of two or more vehicles or other similar commodities is prohibited.
- k. Any fleet storage of vehicles utilized in connection with this use shall be screened by a six-foot-high screen of either 100 percent opaque nonliving material or 70 percent opaque evergreen plants or as determined by the department of planning and development.
- l. If an inoperable or wrecked motor vehicle remains outside on the premises for more than 24 hours, the premises shall be considered an outside salvage or reclamation use and subject to violation. However, a premises is not an outside salvage or reclamation use if the premises stores inoperable or wrecked vehicles each having a valid state registration, current safety inspection certificate and documentary records of pending repairs or other disposition.

(37) *Swimming pools.*

- a. Swimming pools which are not located within an appropriate commercial zoning district shall not be operated as a business, however private swimming lessons are permitted.
- b. All swimming pools shall be completely enclosed within a permanent and solidly constructed fence or wall of not less than four feet in height.
- c. All gate or door openings through a fence or wall enclosure shall be equipped with a self-closing and self-latching device for keeping the gates or doors closed and locked at all times when not in actual use.
- d. Above ground swimming pools can only be located on the property in either a side or rear yard area. The inside edge, lip or structure of each swimming pool shall setback at least five feet from the side property line and ten feet from the rear property line. However, in no instance shall a swimming pool be located within any documented servitude or easement.
- e. In-ground swimming pools (less than 12 inches above grade) can only be located on the property in either a side or rear yard area. The inside edge, lip or structure

of each swimming pool shall setback at least five feet from the side property line and five feet from the rear property line. However, in no instance shall a swimming pool be located within any documented servitude or easement.

- f. All portable or accessory swimming pools that are less than 18 inches in water depth shall be exempt from any fencing or wall requirements.
- g. No pool may be maintained in such a way that it is attractive to rats, mice, mosquitoes, or other such vermin. No pool may be maintained in such a way as to be hazardous to adjacent property owners.

(38) *Temporary construction and sales offices.*

- a. A temporary construction and/or sales office must be located on a platted lot within the subdivision or site approved by the department of planning and development within an area with an approved preliminary plat.
- b. The department of permits and regulatory shall issue a temporary building permit for a period of one year for a temporary construction or sale office. The parish council may grant up to two extensions of one year each to the building permit for a construction office if the builder maintains active or continuous construction within the subdivision, or for a sales office or model home for display purposes provided a minimum of ten lots in the subdivision are unsold.
- c. A temporary construction or sales office may not be located in another subdivision or used for construction or sale in another subdivision.
- d. All landscaping and parking requirements shall apply.

(39) *Temporary seasonal uses.*

- a. Administrative permit must be secured and kept on the site at all times.
- b. The administrative permit is not transferable to other vendors.
- c. All signs must be professionally rendered and approved by the department of planning and development. Signs located in an MIO must adhere to the regulations of the adjacent municipality.
- d. A maximum of two signs may be permitted.
- e. Total sign area, including both signs for temporary uses, shall not exceed 150 square feet.
- f. No off-premises signs for temporary uses may be permitted.
- g. Signs shall not be located in the rights-of-way.
- h. A minimum of five off-street parking spaces must be provided excluding two spaces for employee parking.
- i. Maximum lot coverage for all uses on the lot shall not exceed 50 percent.

- j. State law mandates restroom facilities must be made available to employees. When an RV is located on the site, the petitioner must provide documentation that restroom facilities shall be provided by either of the following ways.
 - 1. Port-o-lets located on the site, RV facilities shall not be used.
 - 2. Contract between petitioner and a waste disposal company.
 - 3. Letter from adjacent property owners permitting use of restroom facilities and RV.
- k. No alcoholic beverages shall be permitted without prior approval of the parish council.
- l. All structures used in connection with the administrative permit shall be removed ten days after expiration of administrative permit.

(40) *Townhouses.*

- a. These regulations are for townhouses which are permitted in an A-6 district only.
- b. In no case will the density be greater than that allowed in the district where townhouses are to be constructed. However, substandard lots of record may be developed containing an area of not less than 2,000 square feet per unit.
- c. Building frontage, measured at a building line, for individual units of a townhouse may not be less than 15 feet. Lot width for end units shall be adequate to provide required front and side yard for the district in which the townhouses are located.
- d. For the purpose of the side yard regulation, a townhouse building shall be considered as one building on one lot with side yard required for end units only. Townhouses with three or more units, where the side yard is adjacent to a single family residential district, shall not be less than 15 feet.
- e. The yard required for townhouses shall be as required for the district in which they are being constructed.
- f. A detached garage, carport or other accessory building shall be permitted in the required rear yard on a lot occupied by a townhouse, but in no instance shall be permitted in any other required yard area on the lot.
- g. No more than eight dwelling units shall be included in any one townhouse building.
- h. The facades of dwelling units in a townhouse shall be varied by changed front yards of not less than three feet and variation in materials or design so that no more than two abutting units will have the same front yard depth and the same or essentially the same architectural treatment of facades and roof lines.

- i. Required off-street parking space of two spaces per dwelling unit must be provided on the lot or within 150 feet of the lot in any permitted area and cannot occur in the required front yard.

(41) *Truck stops, railroad terminals, bus terminals and other transportation-related uses.*

- a. A site plan shall be submitted to the department of planning and development prior to issuance of a building permit. This plan shall indicate, at a minimum:
 - 1. Location of all structures on site, including proposed structures.
 - 2. A minimum of 20 percent landscaped areas shall be required based on the gross square footage of the first story of all structures on site or as determined by the department of planning and development.
 - 3. Proposed traffic movements and points of ingress and egress.
 - 4. Location of adjacent land uses.
 - 5. Location and coverage of lighting, signage and parking lots.
 - 6. Approved landscape plan.
 - 7. Additional information shall be submitted as determined by the department of planning and development.
- b. Applicant shall indicate present need for this use based upon the location of existing facilities and market demand.
- c. The proposed facility shall not create a traffic or safety hazard, or adversely affect the existing or logical future growth of the surrounding neighborhood.
- d. Hours of operation shall conform to existing patterns established in the neighborhood.
- e. If this use abuts any residential district or use, a transitional yard shall be provided equal to the side or rear yard requirements of the residential zoning classification.
- f. The design of all structures and signage, including materials, textures and colors, shall be harmonious with the surrounding neighborhood.

(42) *Warehouses, distribution centers and similar storage facilities.*

- a. If this use abuts any residential district or use, a transitional yard shall be provided equal to the side or rear yard requirements of the residential zoning classification.
- b. A minimum of 20 percent landscaped areas shall be required based on the gross square footage of the first story of all structures on site or as determined by the department of planning and development.
- c. Any fleet storage of vehicles utilized in connection with this use shall be screened by a six-foot high screen of either 100 percent opaque nonliving material or 70 percent opaque evergreen plants or as determined by the department of planning and development.

(43) *Towers.*

- a. *Permitted.* Towers may be permitted in the following, subject to the applicable minimum standards:
 1. On property owned by the parish, provided, however, that the parish shall authorize the application and use of parish property after the applicant executes a lease agreement acceptable to the parish. The parish shall have no obligation whatsoever to execute such lease even if the applicant can meet the criteria set forth herein.
 2. Towers may be allowed in the following zoning districts, subject to the applicable minimum standards: NC-5, NC-6, all PBC districts, HC districts, I districts, MD districts, PF districts, ED districts, AT districts and the RBG Riverboat Gaming District.
- b. *Minimum standards.* Every tower must meet the following minimum standards:
 1. Prior to the issuance of a building permit, a site development plan shall be presented for approval to the department of planning and development. Each application for a proposed tower shall include all requirements for site development plan approval. The director of planning and development may at the time of application waive all or some of these provisions for stealth towers which are designed to emulate existing structures already on the site, including, but not limited to, light standards or power poles; or for co-location sites with two or more carriers.
 2. A statement shall be submitted, prepared by a professional registered engineer licensed to practice in the state, which through rational engineering analysis certifies the tower's compliance with applicable standards as set forth in the building code and any associated regulations; and describes the tower's capacity, including an example of the number and type of antennas it can accommodate. No tower shall be permitted to exceed its loading capacity. For all towers attached to existing structures, the statement shall include certification that the structure can support the load superimposed from the tower. All towers shall have the capacity to permit multiple users; at a minimum, monopole towers shall be able to accommodate two users and at a minimum, self-support/lattice shall be able to accommodate three users.
 3. Height/setbacks and related location requirements shall be as follows:
 - (i) The height of a tower shall not exceed 250 feet. Tower height shall be measured from the crown of the nearest public street.
 - (ii) Towers, not located on parish owned property, shall be setback from the property line a distance equal to the height of the tower or shall conform with the setbacks established from the underlying zoning district, whichever is greater.

- (iii) Monopole or lattice towers shall not be located within 750 feet of any existing monopole, lattice or guyed tower.
 - (iv) All buildings and other structures to be located on the same property as a tower shall conform with the setbacks established for the underlying zoning district.
- c. *Buffering.*
 - 1. Where a tower site abuts a single family or duplex residentially zoned parcel, or an industrially zoned parcel abutting anything but industrial, the planting area shall be a minimum of 25 feet in depth. The planting area shall contain a minimum of one class C tree (see definition) for every ten feet of lot perimeter with a minimum height of four feet tall. Additionally, an eight-foot opaque fence with one vine per ten feet of fence or a six-foot fence with 70 percent opaque screen of evergreen shrubs shall be provided.
 - 2. Where a tower site abuts a nonresidentially zoned parcel, the planting area shall be a minimum of five feet in depth. The planting area shall contain a minimum of one class C tree (see definition) for every 30 feet of lot perimeter with a minimum height of four feet tall. Additionally, an eight-foot opaque fence or a six-foot fence with 70 percent opaque screen of evergreen shrubs shall be provided.
- d. *Equipment storage.* Mobile or immobile equipment not used in direct support of a tower facility shall not be stored or parked on the site of the tower, unless repairs to the tower are being made.
- e. *Removal of abandoned or unused facilities.* All abandoned or unused tower facilities shall be removed by the tower owner/operator within 180 days of the cessation of use, towers being utilized for other purposes, including, but not limited to, light standards and power poles, may be exempt from this provision. The director of planning and development may extend this time period or waive this requirement if it is shown that the facility has not been abandoned.
- f. *Right of parish.* The parish shall have the right to cause the removal of the facility, including BTS (base transceiver station) and all other items of property related to the tower and its function, in the event of discontinuation of use beyond 180 days. The property owner shall be responsible for and shall reimburse the parish for any and all direct and indirect costs associated with such action, including, but not limited to, attorneys' fees, demolition and disposal costs, overhead, and insurance.
- g. *Signs and advertising.* The use of any portion of a tower for signs or advertising purposes, including company name, banners, streamers, etc., shall be strictly prohibited. This does not apply to an installation where an outdoor advertising sign is used as the base foundation for an antenna installation.

- h. *Accessory buildings or structures.* All accessory buildings or structures shall meet all building design standards as listed in this Code, and be in accordance with the provisions of the Southern Building Code. All accessory buildings or structures shall require a building permit issued by the department of permits.
- i. *Colors.* Except where superseded by the requirements of other parish, state, or federal regulatory agencies possessing jurisdiction over towers, towers or monopoles shall be constructed of galvanized or painted metal. Painted metal shall be designed to blend in with pale blue sky or surrounding environment.
- j. *Application.* Each application to allow construction of a tower shall include a statement that the construction and placement of the tower:
 - 1. Is in compliance with Federal Aviation Administration (FAA) regulations;
 - 2. Is in compliance with the rules and regulations of other federal or state agencies that may regulate tower siting, design and construction;
 - 3. Is in compliance with current radio frequency emissions standards of the Federal Communications Commission (FCC); and
 - 4. Will not interfere with any public safety communications and the usual and customary transmission or reception of radio and television service enjoyed by adjacent residential and nonresidential properties.
- k. *Red obstruction lighting system.* A red obstruction lighting system will be utilized on all towers, and support structures more than 165 feet (46 m) AGL and less than 200 feet (61 m) in height, as follows:
 - 1. At least one red flashing beacon should be installed at the top of the structure in such a manner as to ensure an unobstructed view of one or more lights by a pilot;
 - 2. Two or more steady burning white lights should be installed on diagonally or diametrically opposite positions as a height equal to one-half of the total structure height;
 - 3. If a rod, antenna, or other appurtenance located on the tower, 20 feet or less in height, is incapable of supporting a red flashing beacon, then the beacon may be placed at the base of the appurtenance. If the mounting location does not allow unobstructed viewing of the beacon by a pilot, then additional beacons should be added;
 - 4. If a rod, antenna, or other appurtenance is located on the tower, and exceeding 20 feet in height, is incapable of supporting a red flashing beacon, a supporting mast with one or more beacons should be installed adjacent to the appurtenance. Adjacent installations shall not exceed the height of the appurtenance and shall be within 40 feet of the tip to allow the pilot an unobstructed view of at least one beacon.

- l. *Mosquito abatement district.* If a mosquito abatement district is established in an area with a tower that has been granted a waiver, the tower will have to comply with the lighting standards as established according to the parish lighting guidelines within six months of inclusion in the district.
- m. *Evidence of certified letter.* The applicant shall provide evidence that a certified letter has been sent to the applicable mosquito abatement district and the fixed base operator (FBO) for the Greater St. Tammany Airport and the Slidell Municipal Airport. The letter shall contain the exact location and height of the tower and shall be sent to be received prior to construction.
- n. *Guyed towers.* Guyed towers in excess of 50 feet in height are expressly prohibited.

(44) *Existing towers.*

- a. Notwithstanding the above provisions of this section, antennas shall be permitted uses if placed on existing towers with sufficient loading capacity after approval by the director of planning and development.
- b. Notwithstanding the above provisions of this section, towers in existence as of January 1, 1997, may be replaced with a tower of equal or less visual impact after approval by the director of planning and development. However, if the proposed new tower would not be consistent with the minimum standards under this section, replacement must be approved by the parish.

(45) *Antennas not located on towers.*

- a. *Permitted.* Antennas shall be permitted as follows: Stealth rooftop or building mounted antennas may be permitted as an accessory use in the following zoning districts: All NC districts, PBC districts, HC districts, I districts, MD districts, PF districts, ED districts, AT districts and the RBG district.
- b. *Minimum standards.* Building or rooftop antennas shall be subject to the following minimum standards:
 1. *Commercial advertising.* No commercial advertising shall be allowed on an antenna, unless such antenna is actually located on an existing, approved sign.
 2. *Signals, lights, illumination.* No signals, lights, or illumination shall be permitted on an antenna, unless required by the Federal Aviation Administration.
 3. *Unmanned equipment.* Any related unmanned equipment building shall not contain more than 750 square feet of gross floor area or be more than 14 feet in height.

4. *Roof area.* If the equipment building is located on the roof of the building, the area of the equipment building shall not occupy more than 25 percent of the roof area.
- c. *Application.* Each application shall contain a drawing and description of the antenna including, but not limited to, colors and screening devices. This shall be subject to administrative approval for consistency with the definition of stealth facility.

(46) *Co-location.*

- a. Notwithstanding any other provision of this article, to minimize adverse visual impacts associated with the proliferation and clustering of towers, co-location of facilities on existing or new towers shall be encouraged by:
 1. Issuing permits only to qualified shared facilities at locations where it appears there may be more demand for towers than the property can reasonably accommodate; or
 2. Giving preference to qualified shared facilities over other facilities in authorizing use at particular locations.
- b. For a facility to become a qualified shared facility, the facility owner must show that:
 1. The facility is appropriately designed for sharing; and
 2. The facility owner is prepared to offer adequate space on the facility to others on fair and reasonable, nondiscriminatory terms.
- c. Co-location of communications antennas by more than one provider on existing or new towers shall take precedence over the construction of new single-use telecommunications towers.
- d. For any tower approved for shared use, the owner of the tower shall provide notice of the location of the tower to the parish.
- e. When seeking approval of a new tower location, the applicant must provide the following information to the department of permits and regulatory:
 1. The location of all towers, buildings, or other structures which could serve as a platform for antennas within a two mile radius of the proposed tower site.
 2. A full explanation outlining the reasons that the proposed antennas cannot be placed on the towers, buildings, or structures listed. This explanation must be given on each structure individually.
 3. If the inability to secure a suitable lease arrangement prevents an antenna from being placed upon an otherwise suitable tower, building or structure, the points of disagreement, including, but not limited to, proposed lease payments, must be provided to the zoning commission.

4. Prior to the issuance of a permit for a new tower or co-location, each carrier must provide intermodulation studies by a licensed engineer analyzing the proposed transmission of the carriers and the existing transmissions of public agencies. This study must demonstrate and certify that the carriers signals will not interfere with the signals of the public agencies.

(47) *Transfer of use.*

- a. *Approved telecommunications towers or antennas.* Approved telecommunications towers or antennas may be transferred to successor and assigns of the approved party, subject to all of the conditions which apply to initial approval. Transfer of ownership of towers shall be reported to the department of permits within 30 days of transfer.
- b. *Annual inspections.*
 1. All towers shall be inspected for compliance with applicable parish regulations on an annual basis according to a schedule developed by the department of planning and development. An inspection fee will be charged in accordance with chapter 2, article XVII. The owner/agent shall provide a current structural evaluation of the tower, upon request of the director of planning and development.
 2. Failure to pay for inspection or the failure of any tower to comply with applicable parish regulations may result in fines of \$100.00 per day.

(48) *Community sewerage systems.*

- a. Whenever wastewater treatment facilities or public utility facilities are approved within a land use district established in and subject to the provisions of these regulations, the subject wastewater treatment facility or public utility facility may be approved for expanded use by an administrative permit, but only if all of the following conditions are fulfilled.
 1. The wastewater treatment facility exists and is functional at the time the application for an administrative permit is submitted to the zoning administrator, but that a public utility facility other than a wastewater treatment facility shall be eligible to receive an administrative permit irrespective if such exists or is proposed.
 2. As such relates to the design, construction, and operation of the wastewater treatment facility or public utility facility, all regulatory approvals and authorizations have been issued by appropriate and applicable state and parish regulatory agencies.
 3. The owner and/or operator of the wastewater treatment facility or public utility facility possesses a valid franchise agreement consistent and/or in conformance with the provisions of R.S. 33:4064.6(B).

4. The wastewater treatment facility or public utility facility, and any and all associated or adjunct elements of the subject sewerage system, have the actual and/or anticipated capacity which will be required to realize the peak sewage demand of its actual, anticipated, intended, and/or proposed use, and the operation and maintenance of which are likely to be in accordance and compliance with all regulatory requirements; all as determined and affirmed by the environmental services commission.
- b. Public utility facilities may include a limited wastewater treatment facility, but not a regional wastewater treatment facility, whenever public utility facilities are authorized within a zoning district.
- c. An administrative permit shall not be approved whenever the subject wastewater treatment facility is a regional wastewater treatment facility located within a district other than an industrial or institutional district.
- d. Public utility facilities may include a limited wastewater treatment facility or a regional wastewater treatment facility whenever public utility facilities are authorized as a permitted use within the subject district.
- e. As such relates to any administrative permit which is authorized for the purposes herein, whenever facts and circumstances exist that, in the opinion of the zoning administrator, would merit the imposition of other relevant and reasonable terms and conditions, the zoning administrator is hereby authorized to impose any such term or condition in the administrative permit and/or as a prerequisite to the issuance of the administrative permit.

(49) *Adult uses.*

- a. The distance between any adult use and any residential district or dwelling shall be a minimum of 1,000 feet measured in a straight line, without regard to intervening structures, from the nearest point of the property line of the residential district or dwelling to the nearest point of the property line of the adult use or the property on which it is situated, if it is one of several business establishments on the property, whichever is greater.
- b. The distance between any two adult uses shall be a minimum of 1,000 feet measured in a straight line, without regard to intervening structures, from the closest property lines of each adult use.
- c. The distance between any adult use and any existing school, child care center, church or place of worship, park or recreational area, public library, museum, or community center shall be a minimum of 1,000 feet measured in a straight line, without regard to intervening structures, from the nearest point of the property

line of the adult use to the nearest point of the property line of the school, child care center, church or place of worship, park or recreational area, public library, museum, or community center.

- d. The adult use shall comply with chapter 6 and chapter 28 of the Parish Code of Ordinances, and all necessary state and parish licenses and/or permits as required.
- e. Hours of operation shall conform to established uses in the neighborhood and may be adjusted by the zoning commission and/or the parish council.
- f. Live entertainment, when expressly authorized and permitted, will only be allowed when it does not adversely affect the surrounding neighborhood because of noise, crowd, and other factors.
- g. The use of neon or other similar lighting technology exposed to the exterior shall be limited to one sign unit which conforms to all other code signage requirements, is directly related to the subject facility, and is not advertisement for products or services provided or sold in the facility.
- h. The premises on which the adult use is located and the public rights-of-way within 100 feet of such facility must be maintained in a clean and orderly manner.
- i. The premises in which an adult theater establishment is located shall operate only as an adult theater and shall not contain or offer any items or services consistent with that of an adult cabaret, adult store, massage parlor, or escort agency. Any of the aforementioned businesses shall constitute a separate adult use and must independently conform with all of the requirements of this section.
- j. Adult theaters offering viewing of film, photograph material or live performances to audiences smaller in size than five persons per seating, are expressly prohibited.

(50) *Methadone centers and clinics.*

- a. The distance between any methadone centers and clinics and any residential district or dwelling shall be a minimum of 1,000 feet measured in a straight line, without regard to intervening structures, from the nearest point of the property line of the residential district or dwelling to the nearest point of the property line of the said use or the property on which it is situated, if it is one of several business establishments on the property, whichever is greater.
- b. The distance between any methadone center/clinics and any existing school, child care center, church or place of worship, park or recreational area, public library, museum, or community center shall be a minimum of 1,000 feet measured in a straight line, without regard to intervening structures, from the nearest point of the property line of the methadone center or clinic to the nearest point of the property line of the school, child care center, church or place of worship, park or recreational area, public library, museum, or community center.

- c. The distance between any methadone center or clinic and any other methadone center or clinic shall be a minimum of 1,000 feet measured in a straight line, without regard to intervening structures, from the nearest point of the property line of the methadone center or clinic to the nearest point of the property line of the second methadone center or clinic.
- d. Hours of operation shall conform to established uses in the neighborhood and may be adjusted by the zoning commission and/or the parish council.

(51) *Composting facilities.*

- a. The distance between any composting facility and any residential dwelling shall be a minimum of 1,000 feet measured in a straight line, without regard to intervening structures, from the nearest point of the property line of the residential district or dwelling to the nearest point of the property line of the said use or the property on which it is situated, if it is one of several business establishments on the property, whichever is greater.
- b. Hours of operation shall conform to established uses in the neighborhood and may be adjusted by the zoning commission and/or the parish council.
- c. Any and all additional conditions, as determined by the zoning commission, placed upon the specific operation to mitigate potential negative impacts of the operation.

(52) *Bed and breakfasts.*

- a. A site and landscape plan shall be submitted to the department of planning and development. The plan shall indicate, at a minimum:
 - 1. Location of all structures on site, including proposed structures.
 - 2. Drawing of residence interior and including the number of room and area to be used for the bed and breakfast.
 - 3. Proposed traffic movements and points of ingress and egress, including parking and site triangle.
 - 4. Drawing showing the location of proposed sign, setback from property line and dimensions.
- b. Where a bed and breakfast is allowed, the proposed use shall meet the following criteria:
 - 1. A bed and breakfast facility must be in a one-family dwelling.
 - 2. The exterior of the building shall maintain a residential appearance.
 - 3. The facility shall be the residence of the operator, who is the owner or lease holder of the building.

4. Rooms may not be rented for more than seven consecutive days, and no more than 15 days per person in any 30-day period.
5. A morning meal must be served on premises and included within the room charge for guests of the facility and shall be the only meal provided.
6. The facility must meet applicable parish and state health, safety (including, but not limited to, the uniform building code requirements concerning maximum occupancy) and liability requirements.
7. One off-street parking space will be required for each rented bedroom, in addition to the number of spaces required for each dwelling unit.

(53) *Agricultural and decorative ponds.*

- a. A site plan shall be submitted to the department of planning and development. The plan shall indicate, at a minimum:
 1. Purpose and use of the pond.
 2. Location, size, setbacks and general shape of the pond.
 3. Indicate whether or not dirt will be removed from the site.
 4. Proposed hours and days of operation of heavy equipment.
 5. Indicate time frame to complete the pond.
 6. Show where the dirt removed from the pond will be deposited on site and how it will be used.
 7. Section through the pond showing depth and slopes of pond and levee. Depth of the pond must show the depth measurements at different intervals around the pond.
 8. Indicate with arrows, the general drainage patterns onto and off the site.
- b. The size of the pond shall not exceed one acre on site of five acres or less.
- c. The pond shall be setback a minimum of 25 feet from the front, sides and rear property lines.
- d. The property shall be kept posted with warning signs set no further than 50 feet apart and clearly visible, indicating that the property is an excavation site.
- e. The perimeter of the land containing the excavation shall be fenced by a wire mesh fence or as determined by the department of planning and development of not less than four feet in height and all gates or entrances shall be locked when not in use.
- f. The final depth of the pond shall not exceed 15 feet maximum.
- g. Sloped sides for fishing and swimming at a 2:1 ratio.
- h. The pond shall be inspected and monitored six months after completion.

- i. Road bond must be secured prior to excavation, if required by the parish department of public works.
- j. Plot plan review and approval required from the department of engineering.

(54) *Garage sales.*

- a. *Definition.* The term "garage sale" means the occasional, nonbusiness, public sale of secondhand household goods and other secondhand goods incidental to household use. The term "garage sale" shall include any yard sale, home sale, patio sale or any other sale similarly conducted.
- b. *Frequency; duration.* Not more than one garage sale may be conducted by any person or upon any lot or parcel of land during any period of three consecutive months. Such garage sales shall not be conducted for longer than two consecutive days.
- c. *Other sales prohibited.* The sale of personal property to the general public by means of a garage sale on any residentially zoned real property is prohibited except as permitted by this section.
- d. *Exemptions.* The provisions of this section shall not apply to the following:
 - 1. Charitable or religious organization's occasional sales when the proceeds from such sales are used solely for charitable or religious purposes.
 - 2. Sales conducted pursuant to process or order of any court of competent jurisdiction.

(55) *Commercial excavation.* The following standards shall apply to all newly permitted commercial excavation sites and only those previously existing sites requiring a state or parish permit to expand beyond a currently permitted commercial excavation site or to reactivate a commercial excavation operation when the permit has expired or lapsed due to the cessation of operations (i.e., an abandoned site). A previously existing site shall not be considered a newly permitted commercial excavation site in those cases where the renewal of a permit for an ongoing operation of the site is required, such as an annual renewal, where the form of the permit is changed, which necessitates the issuance of a new permit, or where legislation is adopted requiring a state-wide mining permit, or additional permitting, for the ongoing operation.

- a. *Site plan.* A site plan shall be submitted to the department of planning and development. The plan shall indicate, at a minimum:
 - 1. Purpose and use of the excavation.
 - 2. Location, size, setbacks and general shape of the excavation. Permanent excavation boundary markers shall be placed and GPS coordinates of the markers provided.

3. Hours and days of operation of heavy equipment, subject to approval by the director of planning and development. The determination is to be made based on consideration of the potential adverse impacts of the operation (i.e., noise, dust and traffic) in relation to the proximity of surrounding land uses that could reasonably be expected to be adversely affected thereby.
 4. Indicate time frame to complete the excavation.
 5. Show where the excavated material removed the excavation process will be deposited on site and how it will be processed, if applicable.
 6. Section through the excavation showing depth and slopes of excavation and levee. Depth of the excavation must show the depth measurements at different intervals around the excavation.
 7. Indicate with arrows, the general drainage patterns onto and off the site.
 8. Submit a copy of all plans and documents that are required to be submitted by any state or federal agency or department prior to commencing the proposed commercial excavation activities.
- b. *Criteria.*
1. All commercial sand or gravel extraction operations shall be set back a minimum of 100 feet from the front, sides and rear property lines of the site.
 2. On sites where any property line abuts a state natural and scenic river, a wildlife management area, or the Tammany Trace, the commercial sand or gravel extraction operation shall be set back a minimum of 300 feet from the abutting property line.
 3. On sites which are traversed by a state natural and scenic river, the commercial sand or gravel extraction operation shall be set back 300 feet from the ordinary low water mark of a designated Natural and Scenic River. On sites traversed by the Tammany Trace, the commercial sand or gravel extraction operation shall also be set back a minimum of 300 feet from the centerline of the Tammany Trace.
 4. The property shall be kept posted at all access points and on road frontage with warning signs set no further than 100 feet apart and clearly visible, indicating that the property is an excavation site.
 5. Sloped sides at a 3:1 ratio.
 6. The excavation shall be inspected and monitored in six-month intervals during operations and after final completion.
 7. A road bond must be secured prior to excavation, if required by the parish department of public work.

8. A plot plan review and approval is required from the parish department of engineering.

c. *Variance.*

1. A variance of the 300-foot setback applicable to a wildlife management area may be granted by the director of parish development after consulting with the parish engineering director and the parish environmental services director in cases where it can be objectively demonstrated that the proposed activity will not adversely impact the wildlife management area.
2. Any application for such a variance shall include any supporting engineering, scientific, environmental, ecological, hydrological or other evidence the applicant deems sufficient to grant said variance.
3. Upon submission of an application for a variance, the applicant shall send written notifications of said application by certified mail to all abutting property owners, the directors of any adjoining wildlife management areas and to the parish council.
4. Under no circumstances shall any variance be granted that would reduce the setback applicable to a wildlife management area to less than a minimum of 100 feet.
5. Notice of the filing of the application for a variance shall be published once in the official journal of the parish and no decision by the director of parish development shall be rendered until 15 days have expired from the date of the publication.
6. Any person aggrieved by a decision of the director of parish development regarding a variance may appeal said decision by filing with the director of parish development and with the parish board of adjustments a notice of appeal specifying the grounds thereof within 30 days of said decision.
7. Any person aggrieved by a decision of the parish board of adjustments may appeal said decision by filing a petition with the 22nd Judicial District Court within 30 days of the filing of said decision in the office of the parish board of adjustments.

(56) *Temporary residences.*

- a. A site plan shall be submitted to the department of planning and development. The plan shall indicate the location and size of the permanent residence and the temporary residence and the setbacks.
- b. A building permit for the permanent residence to be constructed on the property must be applied for at the same time as the temporary residence.

- c. The permit for a temporary residence will be valid for a period of not more than 12 months from the date of issuance. However, the permit may be extended if circumstances warrant.
 - d. The sewerage and water facilities shall meet all applicable standards as per the environmental services commission (ESC) for both the temporary and permanent residences.
 - e. The temporary residence shall be disconnected from all utility services prior to obtaining a final occupancy permit for the permanent residence.
 - f. The temporary residence shall be removed from the site no later than 30 days after obtaining a final occupancy permit for the permanent residence.
 - g. The temporary residence permit is only valid for the applicant filing for said permit and is not transferable.
- (57) *Convenience stores (with gas)*. The sale of gas and other fuel shall be an accessory use permitted in the zoning district when the hereinbelow criteria of subsection (54)(a) are met:
- a. In the HC-2 Highway Commercial District, a minimum parcel size of 40,000 square feet is required for such use. On parcels that are a minimum of 40,000 square feet, but less than 60,000 square feet in size, the number of fuel pumping units shall be limited to a total of four units. For purposes of this provision, a fuel pumping unit, also commonly known as a gas pump, is defined as a unit that is capable of dispensing gas or other fuel to no more than two vehicles at the same time, and only when each vehicle to be fueled is positioned on opposite sides of the pump. On parcels that are a minimum of 60,000 square feet but less than 90,000 square feet in size, the number of fuel pumping units shall be limited to a total of six units. On parcels that are 90,000 square feet or greater in size, the number of fuel pumping units shall not exceed eight units.
 - b. A site plan shall be submitted to the department of planning and development prior to issuance of a building permit. This plan shall indicate, at a minimum:
 - 1. The location of each pumping unit. On all parcels, the nearest pumping unit shall be set back a minimum distance of 50 feet, in addition to any street planting area requirement, from any highway, road or street right-of-way.
 - 2. Location of all structures on site, including proposed structures.
 - 3. Proposed traffic movements and points of ingress and egress, including parking and site triangles.
 - 4. Adjacent land uses.
 - 5. Approved landscape plan.

6. Location and coverage of lighting, signage and fencing, including materials, textures and colors to be used on all surfaces.
7. Additional information shall be submitted as determined by the department of planning and development.
- c. If this use abuts any residential district or use, a transitional yard shall be provided equal to the side or rear yard requirements of the residential zoning classification.

(58) *Portable storage containers used for storage.*

- a. Prior to the placement of a portable storage container the property owner must obtain a building permit.
- b. The combined number of containers on any one parcel shall be limited to two storage containers.
- c. The use of portable storage containers shall be a secondary use, requiring that a primary, permanent structure be located on the same parcel.
- d. The use of the portable storage container must be for the sole benefit of the business or primary, permanent structure located on the same parcel.
- e. A portable storage container, shall be used for storage purposes only. No occupancy or other use of the storage container shall be allowed.
- f. Sale or rental of containers. Sales and rentals of portable storage containers shall be considered an allowed use only in the I-1, I-2, I-3 and I-4 zoning districts.
- g. A portable storage container on any parcel may not occupy any parking spaces on that parcel that are required as parking.
- h. All portable storage containers must meet all minimum setback requirements.
- i. Stacking of portable storage containers is prohibited in all zones except an I-1, I-2, I-3 and I-4 zoning districts, industrial zone.
- j. A site plan shall be submitted to the department of planning and development prior to issuance of a building permit. This plan shall indicate, at a minimum:
 1. Location of all structures on site, including proposed structures.
 2. Proposed traffic movements and points of ingress and egress, including parking and site triangles.
 3. Landscaping. All landscaping shall be in compliance with the provisions of article VI, division 2 of these regulations.
 4. Signage. All signage shall be in compliance with article VI, division 3 of these regulations.
 5. Lighting. All site lighting shall be in compliance with article VI, division 4 of these regulations.

6. Parking/loading. All parking and loading will be in compliance with article VI, division 8 of these regulations.
7. Additional information shall be submitted as determined by the department of planning and development.

(59) *Outside display area of pre-assembled accessory building, pool and playground equipment.*

- a. Display or storage of building, pool or playground equipment is prohibited within the required parking area and within the front or side landscaping buffers.
- b. Display of portable storage containers is not allowed on the site.
- c. A site plan shall be submitted to the department of planning and development prior to issuance of a building permit. This plan shall indicate, at a minimum:
 1. Location of all structures on site, including proposed structures.
 2. Proposed traffic movements and points of ingress and egress, including parking and site triangles.
 3. Landscaping. All landscaping shall be in compliance with the provisions of article VI, division 2 of these regulations.
 4. Signage. All signage shall be in compliance with article VI, division 3 of these regulations.
 5. Lighting. All site lighting shall be in compliance with article VI, division 4 of these regulations.
 6. Parking/loading. All parking and loading will be in compliance with article VI, division 8 of these regulations.
 7. Additional information shall be submitted as determined by the department of planning and development.

(Code 1998, app. C, § 8.01; Ord. No. 07-1548, § 8.01, 5-3-2007; Ord. No. 09-2169, 12-3-2009; Ord. No. 10-2219, 3-4-2010; Ord. No. 10-2290, 7-1-2010; Ord. No. 10-2366, 11-4-2010; Ord. No. 10-2407, 12-2-2010; Ord. No. 12-2682, 3-1-2012; Ord. No. 17-3659, exh. A(8.01), 1-5-2017)

Secs. 130-2113—130-2144. Reserved.

DIVISION 2. LAND-CLEARING PERMIT

Sec. 130-2145. General.

- (a) The purpose of this division is to:
 - (1) Promote the health, safety and general welfare of the public;
 - (2) Facilitate the creation of a convenient, attractive and harmonious community;

- (3) Conserve natural resources, including natural stream systems and wetlands which contribute to adequate air and water quality;
- (4) Prevent certain activities from resulting in adverse impacts to the surrounding community;
- (5) Conserve properties and their values;
- (6) Preserve the character of and area by preventing the harmful effects of prejudicial uses; and
- (7) Encourage the appropriate use of the land, including well-operated silviculture and forestry practices.

(b) Live oak and cypress trees six inches DBH (diameter breast height) and over shall not be removed or otherwise damaged by parties engaged in the operation of clearing land in the parish for any purpose whatsoever unless otherwise expressly permitted by the department of planning and development and/or in compliance with the provisions of article VI, division 2 of these regulations.

(c) A land-clearing permit shall be required by all parties engaged in land-clearing activities in the parish, as noted in subsection (d) of this section. This permit shall be issued by the department of planning and development.

(d) The fee for a land-clearing permit shall be \$150.00. All fees shall be paid at the time of application. Land-clearing permits shall be required for the following types of properties:

- (1) Properties fronting on arterials or collectors. All properties one acre in area or greater which are located within Wards 1, 3, 4, 7, 8, 9 or 10 and have frontage on roadway identified as an arterial or collector the adopted major corridor plan shall be required to file for and receive a land-clearing permit in accordance with this section.
- (2) Properties not located on arterials or collectors. All properties three acres in area or greater which are located within Wards 1, 3, 4, 7, 8, 9 or 10, but do not have frontage on roadway identified as an arterial or collector, as identified on the adopted major corridor plan, shall be required to file for and receive a land-clearing permit in accordance with this section.
- (3) Properties located inside of Wards 2, 5 or 6. All properties five acres in area or greater which are located inside of Wards 2, 5 or 6 shall be required to file for and receive a land-clearing permit in accordance with this section.
- (4) All properties zoned for commercial, industrial, multifamily or institutional uses shall be required to file for and receive a land-clearing permit in accordance with this section. This requirement shall apply to all parcels within commercial subdivisions. At no time

shall any permit other than an approved land-clearing permit from the department of planning and development constitute approval to clear a parcel within a commercial or industrial subdivision.

- (5) All commercial, institutional, industrial, or multifamily components of any PUD zoning designation shall be required to file for and receive a land-clearing permit in accordance with this section. At no time shall any permit other than an approved land-clearing permit from the department of planning and development constitute approval to clear a parcel within a PUD subdivision.
- (6) All properties that, regardless of zoning classification, approval for a commercial, institutional, industrial, or multifamily development shall be required to file for and receive a land-clearing permit in accordance with this section.

(e) As used in this section, land-clearing, timber harvesting, tree farming and agriculture, shall be defined as follows:

Agricultural clearing is the removal of trees from a parcel of land designated for agricultural purposes, including farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture and animal and poultry husbandry and the necessary accessory uses for packing, treating, or storing the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of the normal agricultural activities.

Clear cut harvesting is the removal of all trees from a parcel or plot of land.

Land-clearing is the removal of trees, timber, or underbrush, from a tract of land so as to change the land from an agricultural or forestry use to development of any kind.

Timber harvesting is the removal of all or part of merchantable standing timber as part of an ongoing timber producing operation or business which is not part of any development.

Tree farming is an active agricultural production land use which involves the harvesting of timber as a crop to be replenished and in which clear cutting is prohibited unless immediate reforestation is implemented in accordance with recognized practices for active tree farm forest management. This provision includes timber thinning and selective harvesting where reforestation may not be required or desirable.

(Code 1998, app. C, § 8.02(A); Ord. No. 07-1548, § 8.02(A), 5-3-2007; Ord. No. 12-2664, 2-2-2012)

Sec. 130-2146. Application information.

All applicants for land-clearing permits shall submit to the department of planning and development:

- (1) Name, address and phone number of contractor.
- (2) Name, address and phone number of property owner of the site.

- (3) Survey indicating scale, date and north arrow.
 - (4) Copy of recorded deed, title or cash sale and legal description.
 - (5) A statement from the property owner acknowledging his understanding of the applicable local regulatory standards and that liability for compliance with those standards applies to both the landowner and the contractor. This statement is not intended to create a solidity or joint liability between landowner and contractor, where such solidity or joint liability does not exist.
 - (6) Site plan of the property which shall include the following:
 - a. Property boundaries.
 - b. Buffer areas and stream-side management zones, when required. For all development clearing permits, buffer areas shall be documented by an official tree survey of all trees to be preserved within the required buffer areas. Such survey shall be prepared by a licensed arborist, landscape architect, or landscape contractor.
 - c. Access points to public roads. Additional access points required after commencement of logging activities shall be allowed upon notification to the department of planning and development, and additional warranty provisions shall be met, if required. Access points shall not be in excess of 150 feet in width, unless otherwise approved.
 - d. Surrounding land uses.
 - (7) Estimated starting date.
 - (8) Estimated completion date.
- (Code 1998, app. C, § 8.02(B); Ord. No. 07-1548, § 8.02(B), 5-3-2007; Ord. No. 12-2664, 2-2-2012)

Sec. 130-2147. Preparation project implementation, and restoration of lands.

(a) All land-clearing operations, including skidding, yarding, trimming, loading and equipment operation or storage shall be on the site. No operation other than hauling shall take place on parish right-of-way. An entrance roadway to the site shall be constructed to facilitate on site operation. A culvert shall be placed in the parish roadside ditch under this entrance roadway, minimum length 40 feet, and a minimum diameter of 18 inches or greater if determined by the department of public works staff, of sufficient strength as not to bend or collapse while in use. The material used in the construction of this entrance roadway shall be of such quality as to prevent damage to the shoulder or surface of the parish road being entered. Any deviation from this procedure shall require prior approval of the department of public works.

(b) Three working days prior to beginning work and prior to obtaining a land-clearing permit, the contractor shall request a pre-condition inspection by department of planning and development staff. Preparation of the site for the pre-condition inspection shall include

demarcating the areas to be preserved as uncut buffers. At no time shall a land-clearing permit be issued without the completion of such inspection by department of planning and development staff. Within ten days of completion of the clearing operation, a post-condition inspection shall be requested.

(c) All parties conducting land-clearing activities shall exercise due and reasonable caution when traversing public rights-of-way and public lands and water bodies as to minimize disturbance to same. All public rights-of-way, public properties, existing and recognized natural drainage and engineered drainage shall be restored to pre-existing condition with the cessation of the land-clearing activity.

(d) All land-clearing and timber harvesting activities shall be carried out in accordance with any and all applicable best management practices as provided in the current version of "Recommended Forestry Best Management Practices for Louisiana," published by the state department of environmental quality.

(Code 1998, app. C, § 8.02(C); Ord. No. 07-1548, § 8.02(C), 5-3-2007; Ord. No. 12-2664, 2-2-2012)

Sec. 130-2148. Warranty provisions.

(a) Any person who obtains a land-clearing permit shall post security with the department of public works in an amount determined by the department of public works for the repair of any parish roads, parish rights-of-way, parish lands or water bodies and/or drainage easements. This security shall not be released until all provisions of all aspects of the project are found to be in compliance with these regulations upon inspection by parish personnel.

(b) The security required by this section shall be either a funded letter of credit or a bond recognized by the federal register with the parish listed as obligee. An annual blanket security must be provided to ensure that the integrity of the road and/or drainage structure is retained, as per section 35-35, road and drainage security, of the St. Tammany Parish Code of Ordinances. In the event that the above security has to be called for any reason, a new security will be established.

- (1) The amount of security shall be determined by the public works director, public works engineer and public works right-of-way section. The amount of security shall be determined by the condition of the road both surface and sub-base, the age of the road, the amount cut and/or hauled off, the length of the roads, the weather, the location and any other factors that may arise. The amount shall not be less than \$10,000.00 and not greater than the previous year's cost of reconstruction of a road to ensure the integrity of the road and/or drainage structures.
- (2) All existing permits shall be forfeited and no new permits will be issued until new security is posted and prior damage claim has been resolved. Applicants shall be responsible only for damage to roads and/or bridges caused directly by their use thereof.

(c) The security required by this section may be posted by any interested party, including, but not limited to, the landowner, logging contractor, or timber purchaser.

(d) The security posted by the applicant shall remain in effect for one year. Each permit issued shall be applied to the security posted. Upon notification by the applicant that work is complete, the department of public works shall inspect the site and if acceptable, certificate of completion shall be issued and recorded accordingly on security.

(e) Enforcement. It shall be the responsibility of either the department of public works, department of engineering, or department of planning and development to review and inspect the site after completion. In the event that damage is caused to the right-of-way through activity of the logging operation or their agents, the department of public works shall notify the logging company in writing by certified letter. The cost of repairing the damage shall be the sole responsibility of the logging company. Approval shall be required from the department of public works of all specifications, as well as, of the contractor who will perform any corrective action. A reasonable time frame shall be agreed upon by the parish and the logging company for corrective work to be completed.

(f) Procedure for enforcement of security. In the event a logging operation causes damage to parish property resulting in the parish having to take corrective action, at the completion of all such corrective work, the parish will present the invoice for said corrective work to the responsible logging operation, and the logging operation shall have 30 days from its receipt to pay said invoice. In the event the logging operation fails to pay said invoice within the 30 days, the parish may, at its option, take any appropriate action to execute on the security required by subsection (d) of this section.

(Code 1998, app. C, § 8.02(D); Ord. No. 07-1548, § 8.02(D), 5-3-2007; Ord. No. 12-2664, 2-2-2012)

Sec. 130-2149. Monitoring.

It shall be the responsibility of the department of planning and development or the department of engineering to review and inspect the site prior to the commencement of any land-clearing activity and upon the cessation of land-clearing activity and vacation of the site within a period of ten days of the project completion as noted on the application or notice of termination to ensure compliance with this chapter. The department of planning and development shall maintain a land-clearing permit file on each application inclusive of written field reports. Said files shall be made available to the public within 48 hours, upon prior written notice.

(Code 1998, app. C, § 8.02(E); Ord. No. 07-1548, § 8.02(E), 5-3-2007; Ord. No. 12-2664, 2-2-2012)

Sec. 130-2150. Completion.

Upon completion of clearing and cleanup of parish roads, parish rights-of-way, parish lands, water bodies and/or drainage easements, the applicant shall notify the department of planning and development for the final inspection within ten working days.

(Code 1998, app. C, § 8.02(F); Ord. No. 07-1548, § 8.02(F), 5-3-2007; Ord. No. 12-2664, 2-2-2012)

Sec. 130-2151. Expiration.

(a) Permits issued under this section shall be valid for a period of one year after which time the permit automatically expires. After this period of time all permitted activities must be complete and a compliance inspection made by the department of planning and development.

(b) Permits may be extended for one year if the applicant files a notice of continuation of the activity with the department of planning and development. Written notice of continuation of land-clearing or timber harvesting activities must be given by the applicant not less than 45 days of the termination of the original permit. Such notice shall extend the permit for a period of one year. An additional \$150.00 permit fee shall be required.

(Code 1998, app. C, § 8.02(G); Ord. No. 07-1548, § 8.02(G), 5-3-2007; Ord. No. 12-2664, 2-2-2012)

Sec. 130-2152. Violations.

(a) Any person owning a legal interest in a property and/or any contractor involved in the removal of trees from a property, who is violating any of the provisions of this division shall be guilty of a misdemeanor and, upon first conviction, shall be punished by a maximum fine of \$1,500.00. The second offense shall consist of a maximum fine of \$3,000.00 and the revocation of all permits currently active. The third offense shall result in a maximum fine of \$5,000.00, the revocation of all permits currently active, and the applicant and landowner will for the period of two years be subject to a 100 percent increase in the above stated security requirements. The fourth offense shall result in a maximum fine of \$10,000.00 and/or the revocation of all permits currently active and a five-year moratorium on the issuance of future permits for activity within the parish by the applicant or the landowner. Nothing herein contained shall prevent the parish from taking such other lawful actions as necessary to prevent or remedy the violation.

(b) In addition any person removing trees within the required buffers and/or any live oak trees without approval from the department of planning and development shall be subject to imposition of a maximum fine of \$225.00 per one inch DBH of tree removed. In addition, all live oak trees illegally removed shall be replaced with an equal number of inches of live oaks at a minimum of 3.5-inch caliper each on the site. Therefore, a 35-inch live oak tree would be replaced by planting ten 3.5-inch caliper live oaks on the same site.

(c) Any person owning a legal interest in the property upon which the removed trees are located and the contractor who was issued either the land-clearing permit or building permit for construction thereon shall be individually and separately subject to the penalties as set forth herein. In addition, any person other than those enumerated above found to have illegally removed a tree in violation of this division shall be subject to the penalties as set forth herein. It shall not be a defense to this section that the person owning any legal interest in the property upon which the tree is located or the contractor who was issued the tree removal permit or building permit for construction thereon did not have actual knowledge of the tree removal when the violation occurred.

(Code 1998, app. C, § 8.02(H); Ord. No. 07-1548, § 8.02(H), 5-3-2007; Ord. No. 12-2664, 2-2-2012)

Sec. 130-2153. Exemptions.

The following are exempt from the provisions of this division: Golf courses and recreational facilities, when trees to be removed are located within the boundaries of the facility proper. This is not to be perceived as permitting the removal of trees on properties owned by the facility, but not an active part of the facility's operation.

(Code 1998, app. C, § 8.02(I); Ord. No. 07-1548, § 8.02(I), 5-3-2007; Ord. No. 12-2664, 2-2-2012)

Sec. 130-2154. Process.

(a) All fees, applications and warranty provisions shall apply, in addition applicant shall show all buffering requirements on the site plan as may be required in the minimum requirements below. The department of planning and development upon application for a clearing permit will submit the application to the following parish administrative offices for review and recommendations:

- (1) Department of planning and development.
- (2) Department of public works.
- (3) Department of engineering.
- (4) Drainage district engineer (if applicable).

(b) Within three working days of acceptance of the completed application, the director of the department of planning and development, or assigns will:

- (1) Grant the permit outright;
- (2) Grant the permit with conditions submitted as part of the comments supplied in writing through the agency review;
- (3) Delay the application for a period of up to 30 days with or without the concurrence of the applicant; or

- (4) Delay the application for any period necessary to obtain information relative to the compliance of the proposal to provisions of these regulations;
 - (5) Denial of the permit shall only be for one of the following:
 - a. Inability of the applicant to obtain physical access to the site.
 - b. The permitted action would have a negative public health or safety impact.
 - c. The applicant is a habitual offender as evidenced by three previous offenses over a three-year period.
 - d. Aspects of the project do not comply with requirements of these regulations.
- (Code 1998, app. C, § 8.02(J); Ord. No. 07-1548, § 8.02(J), 5-3-2007; Ord. No. 12-2664, 2-2-2012)

Sec. 130-2155. Types of permits.

(a) *Development clearing permit.*

(1) *Generally.*

- a. A development clearing permit shall be required whenever a parcel of land is to be cleared of trees for a development of any kind.
- b. Any property owner, or assign, who has received permission to and has cleared subject property shall be ineligible for a zoning change to a more intense zoning district for a period of three years from the date of the issuance of the development clearing permit.

(2) *Minimum requirements.* The following minimum requirements are mandatory. All buffers required shall be exclusive of all easements, servitudes and/or rights-of-way within the property.

a. *Roadway buffering.*

- 1. A natural uncut buffer of 25 feet in width along improved roadways, unless otherwise approved by the department of planning and development.
- 2. For development clearing permits, a wider buffer may be required by the department of planning and development in accordance with article VI, division 2 of these regulations. For development clearing permits, only trees over six inches diameter breast height must be preserved within the roadway buffer.
- 3. For all permits being sought along a planned corridor, a public hearing shall be required unless the applicant agrees to a 50-foot minimum buffer or more as specified under article V, division 6 of these regulations.

b. *Waterway buffering.* A minimum uncut buffer of 100 feet in depth unless a comprehensive stream-side management zone in accordance with the current

version of "Recommended Forestry Best Management Practices for Louisiana," published by the state department of environmental quality along both banks (mean low-water line) when applicable of all established natural stream beds, and riverbanks and 50 feet in depth along both banks of improved drainage canals, unless otherwise approved by the department of engineering. The establishment of a SMZ with specific mandatory standards approved by the department of engineering may supersede the 100-foot no-cut buffer in the case of natural streams, rivers and improved canals. For all permits being sought along a stream designated scenic by the state or the parish, the following shall apply: For all permits being sought which involve work within the protection areas of state scenic rivers or streams, evidence of compliance with state regulations must be provided.

- c. *Side and rear buffering.* For development clearing permits, the minimum required side and rear landscape buffers are established in accordance with article VI, division 2 of these regulations. For development clearing permits, only trees over six inches DBH diameter breast height must be preserved within this buffer. At the tentative stage of subdivision approval, the planning commission may also alter or realign the area of this buffer requirement.
- d. *Exception.* For development clearing permits, the department of planning and development may modify buffering requirements if the amount of fill to be placed on the site to accommodate the development, in accordance with chapter 115 of this Land Development Code, would preclude the survival of existing trees within the required buffer areas. Prior to obtaining department of planning and development approval for a modification of the buffering requirements, the applicants must provide a letter signed by a licensed arborist, landscape architect, or landscape contractor certifying that the amount of fill required by chapter 115 of this Land Development Code would necessitate the removal of existing trees within the required buffer areas.
- e. *Diseased trees.* If there are diseased trees or specific trees within the buffers that present a safety problem, the owner shall:
 - 1. Petition the department of planning and development to selectively cut and/or thin out the buffer. Prior to obtaining department of planning and development approval for the removal of trees within the buffer, the applicant shall provide a letter signed by a licensed arborist, landscape architect, or landscape contractor that the trees are diseased or present a safety problem.
 - 2. The department of planning and development shall approved this action and specify a replanting schedule with a mixture of class A and class B

vegetation as spelled out in article VI, division 2 of these regulations and schedule a performance inspection of the buffer area within six months of this administrative permit.

- f. *Replanting.* No later than six months from the expiration of the development clearing permit, a building permit or preliminary subdivision approval must be granted for the same site. Should, however, this building permit or subdivision authorization expire without the intended developmental activity being realized, a replanting program would immediately become necessary as follows: The landowner shall be required to implement a replanting schedule of all cleared areas as approved by the department of planning and development. Said replanting schedule must be filed with the department of planning and development within 30 days of expiration of the building permit or subdivision authorization time period (18 months maximum from issuance of the development clearing permit). This replanting schedule shall include a time frame for implementation and shall be site specific for the location of both hardwood and softwood species, including a variation in heights so as to achieve a re-vegetation of the cleared area.
- g. *Open burning of waste.* Open burning of waste resulting from land-clearing activities within 500 linear feet of occupied dwellings and within 500 linear feet of occupied subdivisions, or within any recorded subdivision is prohibited, unless otherwise approved by the department of public works.

(b) *Agricultural clearing permit.*

(1) *Generally.*

- a. An agricultural clearing permit shall be required for all agricultural uses. Agriculture is the use of land for agricultural purposes, including farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture and animal and poultry husbandry and the necessary accessory uses for packing, treating, or storing the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of the normal agricultural activities.
- b. Any property owner, or assign, who has received permission to and has cleared subject property shall be ineligible for a zoning change to a more intense zoning district for a period of three years from the date of the issuance of the agricultural clearing permit.

(2) *General farming and pasture requirements.* All fees, applications and warranty provisions shall apply. In addition the applicant shall provide buffers. A minimum uncut buffer of 25 feet in depth along all roadways and a minimum uncut buffer of 50 feet in depth shall be required if the site is adjacent to A-1, A-1A, A-2, A-3, A-4, A-5, A-6, A-7, A-8, PF-1, PF-2, CB-1, ED-1 and ED-2 zoning districts. If however, at least 75 percent of the cleared land is not maintained in active agricultural uses, then the cleared

areas shall be reforested according to a reforestation schedule approved by the department of planning and development. The reforestation plan shall be implemented no later than six months from the expiration of the land-clearing permit. The schedule shall provide details as to the time frame for tree planting. The plan shall address the areas to be replanted, the density or spacing of trees in that area, the types of trees being replanted, quantities and the sizes of the trees. The minimum size of these trees shall be no less than 12 inches high and shall be required to be no greater than 36 inches high at the time of planting. No more than 50 percent of these trees shall be between 12 inches and 18 inches high, the remainder shall range from 18 inches to 36 inches high. This size provision shall not be applicable to Southern Yellow Pine.

- (3) *Timber harvesting requirements.* All fees, applications and warranty provisions shall apply. In addition the applicant shall provide buffers. A minimum uncut buffer of 25 feet in depth along all roadways and a minimum uncut buffer of 50 feet in depth shall be required if the site is adjacent to A-1, A-1A, A-2, A-3, A-4, A-5, A-6, A-7, A-8, PF-1, PF-2, CB-1, ED-1 and ED-2 zoning districts.
- (4) *Replanting requirements.* Replanting requirements shall vary depending upon the type of cut being made.
- a. Choice-cut harvesting is the removal of trees no less than 24 inches diameter breast height from the site. Choice-cut harvesting shall not require replanting.
 - b. Select-cut harvesting is the removal of selected trees from a parcel or plot of land. Removal of all trees except for the trees in the buffer zones shall not constitute a select-cut. For the purposes of these regulations, a select-cut shall require replanting of the site if more than 60 percent of the trees are being removed from the site and one of the following conditions is not met:
 1. No trees under 12-inches DBH are being removed.
 2. No hardwoods are being removed.
 - c. The replanting plan shall be implemented no later than six months from the expiration of the land-clearing permit. This type of cut does not include trees in the buffer zones. However, no replanting plan shall be required for select cut harvesting inside Wards 2, 5 and 6.
 - d. Clear-cut harvesting is the removal of all trees from a parcel or a plot of land. This type of cut does not allow the removal of trees in the buffers. No replanting plan shall be required for clear cut harvesting inside Wards 2, 5, and 6.
 - e. Select-cut harvesting not meeting all the criteria as set forth in the select cut definition and clear cut harvesting shall require replanting as follows: The replanting plan and schedule shall be submitted as part of the permit application. The schedule shall provide details as to the time frame for tree planting. The plan shall address the areas to be replanted, the density or spacing of trees in that area, the

types of trees being replanted, quantities and the sizes of the trees. The minimum size of these trees shall be no less than 12 inches high and shall be required to be no greater than 36 inches high at the time of planting. No more than 50 percent of these trees shall be between 12 inches and 18 inches high, the remainder shall range from 18 to 36 inches high. This size provision shall not be applicable to southern yellow pines.

(5) *Tree farming requirements.*

- a. Tree farming is an active agricultural production land use which involves the harvesting of timber as a crop to be replenished and in which clear cutting is prohibited unless immediate reforestation is implemented in accordance with recognized practices for active tree farm forest management. This provision includes timber thinning and selective harvesting where reforestation may not be required or desirable.
- b. All fees, applications and warranty provisions shall apply. In addition the applicant shall provide buffers. A minimum uncut buffer of 25 feet in depth along all roadways and a minimum uncut buffer of 50 feet in depth shall be required if the site is adjacent to A-1, A-1A, A-2, A-3, A-4, A-5, A-6, A-7, A-8, PF-1, PF-2, CB-1, ED-1 and ED-2 zoning districts.
- c. The applicant shall be exempt from the replanting provisions of these regulations, if the property owner:
 1. Is a certified member of the American Tree Farm System, participates in the forest stewardship program or provides written proof from the state office of forestry that the site is a recognized tree farm.
 2. Submits a reforestation schedule which includes a time frame for reforestation and a reforestation plan showing numbers, types and sizes of trees used and the locations on the site where the trees will be planted.
 3. Is a landowner with an ongoing forest management plan or is participant in a federal or state cost-sharing forestry program.

(Code 1998, app. C, § 8.02(K); Ord. No. 07-1548, § 8.02(K), 5-3-2007; Ord. No. 12-2664, 2-2-2012)

Appendix A

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Appendix B

PARISH PERSONNEL POLICIES ORDINANCE*

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***Editor's note**—This appendix contains the parish personnel policies adopted by the Parish Council on December 31, 1997. Amendments are indicated by parenthetical history notes following amended provisions.

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APPENDIX B—PARISH PERSONNEL POLICIES ORDINANCE

ST. TAMMANY PARISH PERSONNEL POLICIES

GENERAL PROVISIONS

Policies and Procedures

Purpose. The St. Tammany Parish Personnel Policies (hereinafter referred to as "these Policies") is enacted by St. Tammany Parish (hereinafter referred to as the "Parish") to further the following goals:

1. To provide a uniform system of personnel administration;
2. To ensure that the recruitment, selection, placement, promotion, retention, and separation of employees are based upon the employee's qualifications and fitness and meet Federal and state requirements;
3. To assist the Parish President, CAO and Department Heads in the development of sound management practices and procedures, and to make effective use of human resources;
4. To promote communication between management and staff;
5. To ensure, protect, and clarify the rights and responsibilities of employees; and
6. To reinforce employee values which relate to a constant sense of public service, the pursuit of excellence, a positive response to change, and respect for all individuals.

Scope. To the extent provided herein, these Policies shall apply to the employees of St. Tammany Parish and participating agencies. In the event of conflict between these Policies and a professional services contract, ordinance, or state or federal law, the terms and conditions of such contract, ordinance or law shall prevail. In all other cases, these Policies shall apply. In the event of the amendment of any ordinance, policy or law incorporated in this document or upon which these provisions rely, these Policies shall be deemed amended in conformance with those changes.

Familiarity with these policies. It shall be the responsibility of every employee to know and be familiar with the provisions of these Policies.

Disclaimer. The Parish specifically reserves the right to repeal, modify or amend these Policies at any time, as may be set forth by law, or ordinance. None of these provisions shall be deemed to create a vested contractual right of any employee nor to limit the power of the Parish or the Parish President to interpret or apply these Policies. These Policies are not to be interpreted as promises of specific individual treatment.

Contingency policy. Whenever facts and circumstances exist which would require an immediate addition, deletion, or revision to these Policies, the Parish President is authorized to establish

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such addition, deletion, or revision, the effective date of which shall occur upon the promulgation of such to all affected employees and the term of which shall be for no more than sixty (60) days from said effective date.

(Ord. No. 00-0174, att. A, 7-6-2000)

Definitions, applications, and guidelines.

The terms defined in this section shall have the following meanings and applications unless the context or use thereof clearly indicates otherwise or more explicit definitions are referenced.

1. "Anniversary date" shall mean the annual recurrence of the date on which an employee receives benefits. An anniversary date is not necessarily an employee's date-of-hire, which is the actual date on which an employee is hired.
2. "Benefits" shall mean any or all of the customary emoluments, perquisites, supplements, and advantages which are provided to an employee by virtue of, or as a condition of his/her employment, all subject to applicable eligibility requirements, provisions, and time periods. It is the policy of the Parish that only a permanent employee shall be entitled to receive benefits, and in no event shall an employee whose classification or position is characterized as part-time or any contract employee be entitled to receive benefits.
3. "Classified" shall mean at all times and in any manner subject to a strict and uncompromising application of the provisions of these Policies. Employee positions are categorized as classified, contractual, or unclassified.
4. "Compensation" shall mean the monetary consideration or remuneration, or other consideration mutually agreed upon by the Parish and the employee, which is stated in terms of monthly salary or hourly wage, or other settlement, and provided to an employee in accordance with the schedule for such which is approved by the Parish.
5. "Good standing" shall mean absent any pending or effected disciplinary action which could result or has resulted in the discharge of an employee.
6. "Immediate family member" shall mean an employee's spouse, child, parent, brother, sister, grandparents, parent-in-law, daughter-in-law, son-in-law, or grandchildren, or any person related by blood or marriage who resides with the employee.
7. "Permanent employee" shall mean a regular full-time employee who has completed his/her probationary period to the satisfaction of the CAO, or an unclassified employee. It is the policy of the Parish that only permanent employees and certain other employees who may be serving a probationary period shall be entitled to receive benefits.
8. "Probationary" shall mean subject to a period of testing and trial to ascertain an employee's fitness for the position to which he or she is assigned. Except as provided

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hereafter, whenever the Parish CAO determines during the probationary period that an employee is not capable, competent, or qualified to perform in the position to which he or she is assigned, said employee shall be discharged.

9. "Probationary period" shall mean the period a classified employee serves in a probationary status. Except as otherwise provided herein, a probationary period shall be mandatory and be for ninety (90) days commencing on the date of hire, but may be extended whenever the CAO determines that facts and circumstances exist which warrant a defined extension of the probationary period. As such relates to an employee whose classification or position is characterized as temporary, his/her term of employment shall be considered a probationary period. It is the policy of the Parish that during the probationary period an employee is not entitled to receive benefits unless the employee is receiving benefits prior to the probationary period.
 10. "Department Head" shall mean the director of a department of Parish government, and as applicable and appropriate, a Department Head shall mean any of the unclassified employees as defined elsewhere in these Policies, or an employee who has been designated by a Department Head to exercise a certain supervisory function(s) as set forth on the organizational table for the Parish.
 11. "Personal Time" shall mean the time allotted to an employee, during a regular scheduled work day, to be used as the employee deems necessary.
 12. "Continuous Service" an employee's uninterrupted classified and permanent unclassified service from the most recent date of employment, except that service shall not be interrupted by an approved leave of absence without pay in excess of thirty (30) days.
 13. "Demotion" shall mean a change of a regular employee in the classified service from a position of one class to a position of another class for which a lower pay range is prescribed.
 14. "Dismissal or Removal" the termination of employment for cause.
 15. "Merit Increase" a merit increase is a percentage increase awarded to eligible employees.
 16. "Promotion" shall mean a change of a regular employee in the classified service from a position of one class to a position of another class for which a higher pay range is prescribed.
 17. "Reinstatement" the re-appointment of a permanent employee who had been separated from his position for reasons other than fault or delinquency on his part, to a position of the same class.
 18. "Suspension" the enforced leave of absence without pay of an employee as a result of disciplinary purpose; or during an investigation of alleged misconduct by the employee.
- (Ord. No. 00-0174, att. A, 7-6-2000; Ord. No. 05-1049, 2-3-2005)

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Types of employment

1. Regular Full-Time Employee: A classified employee who is assigned to a position which is expected to continue for an indefinite duration, and who works a schedule which totals no less than 28 hours per week.

2. Regular Part-Time Employee: A classified employee who is assigned to a position which is expected to continue for an indefinite duration, and who works a schedule of 5 hours or more, but less than 28 hours per week.

3. Temporary Full-Time Employee: A classified employee whose work assignment is limited in duration to four months or less, and who works a schedule which totals no less than 28 hours per week.

4. Temporary Part-Time Employee: A classified employee whose work assignment is limited in duration to four months or less, and who works a schedule of 5 hours or more, but less than 28 hours per week.

5. Contract Agent: An individual who is assigned to a position which is expected to continue for an indefinite duration, and who works a regular schedule which is less than 28 hours per week, or which may vary from week to week.

6. Student Intern Employee: A classified employee who is regularly enrolled as a student in a recognized educational institution and is assigned to a temporary or part-time position which, in the case of post-secondary students, is related to the student's course of study, and which continues for no longer than the current semester or term at the student's school; provided, however, that subsequent work assignments may be made for the same student for periods which correspond to the student's subsequent semester or term.

7. Summer Student Intern Employee: A classified employee who would otherwise be considered a student intern employee, but that the term of employment occurs during a recognized semester break which may include the summer break.

8. Unclassified Employee: An unclassified employee who would otherwise be considered a regular full-time employee but is appointed by the Parish President or Parish Council, or participating governing authority, for a specific supervisory or management function. This individual is subject to all aspects of these Policies except for applicable provisions which are appropriately administered by the Parish President or Parish Council, such to be hours of work, annual leave, and compensation/benefits. An unclassified employee is appointed for a specific term and as an executive is deemed to have responsibilities, benefits and authority greater than a classified employee. Although provisions are provided for the direct supervision of all unclassified employees, any such employee may be demoted or discharged only by the respective appointing authority. The employees deemed to be unclassified are those positions shown in Section 2 of St. Tammany Parish Code of Ordinances.

(Ord. No. 00-0174, att. A, 7-6-2000)

APPENDIX B—PARISH PERSONNEL POLICIES ORDINANCE

Americans With Disabilities Act

It is the policy of the Parish that it shall provide a bias-free environment for disabled employees or for disabled persons who seek employment with the Parish. Recruitment and selection processes shall grant equal opportunity for employment to qualified applicants and shall not discriminate on the basis of disability. Reasonable accommodation shall be provided upon request during an application/interview process.

The Parish shall ensure equal opportunities for disabled employees. Every reasonable effort shall be made to provide an accessible work environment and additional accommodations, including auxiliary aids and services. Employment practices (e.g., hiring, training, testing, reassignment, promotion, compensation, benefits, termination, etc.) shall be administered in such a manner as to abate any discrimination of disabled employees.

Employees shall be trained to ensure that disabled persons may participate in and benefit from Parish programs, services, and activities.
(Ord. No. 00-0174, att. A, 7-6-2000)

Equal Employment Opportunity

It is the policy of the Parish to ensure equal employment opportunity for all employees and appointed representatives. This commitment includes a mandate to promote and afford equal treatment and services to all citizens and employees, and to assure equal employment opportunity based on ability and fitness to all persons regardless of race, religion, color, creed, national origin, sex, marital status, age, or the presence of any sensory, mental, or physical disability unless such disability effectively prevents the performance of the essential duties required of the position and which are bona fide occupational qualifications which cannot be accommodated without undue hardship.

The goals and objectives of the Equal Employment Opportunity policy are to:

1. Ensure fair treatment and non-discrimination in hiring and employment.
2. Provide compliance with State and Federal equal opportunity requirements and regulations.
3. Provide a basis for encouraging those who do business with the Parish to practice equal employment opportunity.

Program responsibility. Unless otherwise designated by the Parish, the CAA Director shall serve as the Equal Employment Opportunity Officer to carry out the Equal Employment Opportunity policy and program. The Officer shall be the focal point for the Parish's equal opportunity efforts and shall advise and assist staff and management personnel in all matters regarding implementation of and compliance with the Equal Employment Opportunity policy, and be responsible for the successful execution of the program, utilizing the assistance of appropriate State and community agencies.

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Equal employment opportunity practices. The Equal Employment Opportunity Officer shall perform the following actions to assure equal employment opportunities:

1. Reviews all position qualifications and job descriptions to insure requirements are relevant to the tasks to be performed. Make recommendations as needed to delete requirements not reasonably related to the tasks to be performed.
 2. Assures that pay and fringe benefits depend upon job responsibility and, along with overtime work, are administered on a non-discriminatory basis.
 3. Informs and provides guidance to staff and management personnel who make hiring decisions so that all applications for selection or promotion, including those of minorities and women, are considered without discrimination and all applicants be given equal opportunity regardless of race, creed, color, national origin, gender, marital status, age, or the presence of a sensory, mental, or physical disability unless such disability effectively prevents the performance of essential duties and functions required by the position and which are bona fide occupational qualifications which cannot be accommodated without undue hardship.
 4. Reviews procedures and actions to ensure equal employment opportunity in hiring.
 5. Provides information to existing and new employees which emphasizes how the Parish assures equal opportunity.
- (Ord. No. 00-0174, att. A, 7-6-2000)

EMPLOYMENT

Hours of Work.

Except for unclassified employees, the working hours for an employee under Pay Plan A are seven and one-half (7.5) hours, from 8:00 a.m. to 4:30 p.m., with a one-hour unpaid lunch period. Under Pay Plan B, the working hours for an employee are eight (8) hours, from 7:00 a.m. to 3:30 p.m. with 0.5-hour unpaid lunch period. An employee is expected to be at his/her work location and ready to begin work at the beginning of their work schedule. The lunch period shall be scheduled by the Department Head to allow for continuous staffing of all offices with at least one person.

Occasions may arise when service to the public can be improved through the adjustment of an employee's work hours. The Department Head shall obtain approval of the CAO for any adjustment in work hours. Individual requests for adjustment of working hours for personal reasons shall require approval by the Department Head, with concurrence of the CAO.

Hours for part-time and certain employees may vary from the normal office hours noted above due to the nature of their duties and shall be determined by the Department Head, with concurrence of the CAO.

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An employee is expected to provide his/her Department Head with a notice of anticipated and/or unavoidable tardiness as early as possible. Failure to do so shall be construed as an unexcused absence, and the time missed shall not be paid. If approved by the Department Head, tardiness may be made up during the Payroll Period in which it occurs. Notification by another employee or other person is not considered proper procedure except in an emergency situation whereby the employee is physically unable to make the notification.

The following action shall be taken if employee's explanation for being tardy is unacceptable to the Department Head:

1. The employee shall receive counseling or a warning and a reduction in pay in [8]-hour intervals based upon the time of arrival.
2. If an employee is tardy on two (2) occasions within a Payroll Period, a reprimand shall be issued.
3. On the occasion of a third reprimand, the employee shall receive a three-day suspension, after which the employee may be subject to further disciplinary action if tardiness continues.
4. Consideration shall be given as "justifiable" tardiness for reasons determined by the Department Head to be unavoidable, which may include, but are not limited to, the following: unanticipated automobile trouble, unforeseen traffic, severely inclement weather, illness. However, excessive use of "justifiable" excuses for tardiness, as determined by the Department Head, shall not be allowed and shall result in disciplinary action.

Daily attendance records shall be maintained by each department, including date and time absent and reason for absence. Attendance shall be a consideration in determining promotions, reassignment, satisfactory completion of a probationary period and continued employment. Frequent tardiness or other attendance irregularities shall be cause for disciplinary action. (Ord. No. 00-0174, att. A, 7-6-2000)

Flexible Schedules, Telecommuting.

The Parish recognizes that in the modern workplace there are positions in which face-to face contact with co-workers or customers is not necessary. A telecommuting arrangement that is suitable to both employee and his/her supervisor, and authorized by the CAO, and meets the following requirements, may be entered into:

1. A position and/or project that can be handled by one person, with limited input from others (and with that input working efficiently by telephone or electronically).
2. The nature of the work and/or project should be clearly defined and easily measured so that the supervisor will be able to assess if performance is adequate.

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3. The potential telecommuter is comfortable working essentially alone, without office social contacts; being able to schedule tasks and hold to a schedule; being able to complete said tasks whatever the demands of family; and having exemplified the discipline to perform without a supervisor.
4. Any employee being considered for such a position is an employee who, during their years of service, has consistently attained either a "commendable" or "meritorious" rating on annual personnel performance evaluations.
5. The supervisor of said employee is able to enter into such an arrangement without creating more work for those employees still working the affected department.
6. Ensure that said employee takes care to safeguard electronic devices and information. Telecommuting employees are required to back up data frequently, to have an uninterruptible power source to allow them to save work before the computer goes down, and keep back-up disks and other media in a safe location, if necessary.
7. Ensure that telecommuting employee has homeowner's insurance that covers the computer equipment against theft and damage if said equipment is supplied by the Parish.

A formal agreement between the Parish and the telecommuting employee will be necessary that specifies the following: how often they will be expected to appear at the office; how much notice they need to be called to the office at other times; how many hours they will work; what their schedules will be; whether telecommuting is expected to be temporary or permanent; who the employee reports to; what the promotion possibilities are; the rate of pay; whether or not they will receive benefits, (i.e., health/retirement, holiday/overtime pay, sick/annual leave accrual).

This formal agreement may be terminated either by the employee or employer, at any time, with or without cause.

(Ord. No. 00-0174, att. A, 7-6-2000)

Parish Assigned Vehicles.

Parish owned vehicles shall be assigned based upon the job duties of each position by the Parish President. An employee's position and out of office responsibilities shall determine if the vehicle can be taken home or if it is to be retrieved from a designated lot. Parish vehicles are to be used for official business only and the employee is responsible to insure that the vehicle is locked and parked in a safe place when not in use.

(Ord. No. 01-0353, 8-2-2001)

Personal Time.

A Regular Full-Time Employee in an administrative position may receive one ten-minute break during each four hour work session (8:00 a.m.-12:00 noon being the "morning session"

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and 1:00 p.m.-4:30 p.m. being the "afternoon session"). All Regular Part-Time employees may receive one five minute break during each four hour work session. Temporary Full-Time and Temporary Part-Time employees in administrative positions may receive personal time, but said time will only be given at the discretion of their supervisor. In some departments these breaks are scheduled by the supervisor; in other areas they may be taken at the employee's discretion. Breaks may not be combined into one 20 minute period, added to the lunch break, saved up from day to day, or used to offset arriving at work late or leaving early.
(Ord. No. 00-0174, att. A, 7-6-2000)

Position Descriptions/Class.

Position descriptions and specifications shall be maintained by the Personnel Office for all regular full-time and regular part-time positions. An employee's position description shall be maintained as part of his/her personnel file. The position description shall include: Classification Number, Position Title, Pay Plan Designation, Labor Grade, Position Description, Qualifications, Example of Duties, Special Requirements, Revision Date, and any other relevant information which may be required.

The position description does not constitute an employment agreement between the Parish and the employee and is subject to change as the needs of the Parish and the requirements of the job change. Examples of duties listed in the position description are intended only as illustrations of the various types of work to be performed. The omission of specific examples of duties does not exclude other duties from the position if the work is similarly related or is a reasonable assignment for the position, all as determined by the Department Head.

(Ord. No. 00-0174, att. A, 7-6-2000)

Hiring Process.

The Personnel Office shall administer and coordinate the hiring process for all position vacancies. All hiring efforts shall be conducted in the spirit of equal opportunity. The following procedures shall be adhered to by all departments in the filling regular full-time position vacancies.

Employee new-hire processing and orientation. A new regular full-time or regular part-time employee shall be scheduled to meet with the Personnel Office for general orientation. Upon arrival, the Personnel Office shall distribute and explain the various enrollments forms, etc., that must be prepared. The new employee shall be provided with information on benefits, these Policies, and other orientation subjects. The Personnel Office shall also provide information to the new employee as such relates to their employment, and shall also perform the following:

1. Drug and Alcohol policy.
2. Duties of the position.
3. Hours of work, time cards or reports, leave requests.

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4. Schedule for lunch and breaks.
5. When and to whom to report absence from work.
6. Who is responsible for performance planning and review.
7. Work standards and regulations.
8. Safety rules and procedures, location of safety or protective equipment.
9. Tour of the work area, including location of equipment, supplies, etc.
10. Introduction to co-workers.

Applicant/candidate expenses. Unless approved by the CAO, the Parish shall not reimburse any applicant/candidate for travel costs in conjunction with the hiring process: Relocation costs shall be paid in full by the employee unless otherwise approved by the CAO. The applicant/candidate shall be advised of these provisions prior to reporting for the interview.

Temporary help. Steps 1-8 listed under Recruitment Section of this policy are not required in the recruitment of temporary or part time help. The affected department shall maintain responsibility for screening applications, testing, interviews, reference checks, applicant notification, appointments, and preparation of any necessary Personnel Action Forms. These steps shall be accomplished in accordance with the guidelines listed above.

Reemployment. A former regular full-time employee who has at least five years of service with the Parish and is separated from employment with the Parish in good standing is eligible for reemployment within two years of such separation. Such employee interested in reemployment shall file an application with the Personnel Office and shall be subject to the regular hiring process with other applicants as described in the Hiring Process policy. An individual reemployed in his/her former position may be paid at his/her former pay grade and level. The compensation of an employee rehired to a position other than the former position shall be subject to provisions for new hires. Annual leave accrual shall be based on previous service with the Parish. Reinstatement in the retirement system shall be made in accordance with the rules and regulations set by the State Retirement system.

Nepotism. It is the policy of the Parish that an "immediate family member" shall not be employed in regular full-time or regular part-time positions whenever:

1. One immediate family member would have the authority to supervise, appoint, remove, discipline, or evaluate the performance of the other.
2. One immediate family member would be responsible for auditing or inspecting the work of the other.

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3. Other circumstances exist which would place the immediate family members in a situation in which there is an actual or reasonably foreseeable conflict between the interest of the Parish and their own.

(Ord. No. 00-0174, att. A, 7-6-2000)

Special Employment Programs.

The Personnel Office is responsible for the coordination of all special employment programs funded by an external agency (e.g. Youth Training Program, Job Training Partnership Program, University Internships, Work Training Programs, etc.).

The Department Head shall forward all requests for participation in special employment programs to the Personnel Office for coordination with the appropriate agency. The Personnel Office, in cooperation with the requesting department, shall develop a scope of work and qualifications statement to be used in the recruitment and selection of an employee and in the definition of tasks to be performed during the period of employment. The provider agency shall review scope of work, qualifications, training, level of supervision, and safety for appropriateness.

The Personnel Office shall maintain records on program participants including the contractual agreement between the Parish and provider agency, scope of work and qualifications statement, and personal emergency data. The Department Head shall be responsible for performance evaluations on program participants as required.

(Ord. No. 00-0174, att. A, 7-6-2000)

Special Licenses and Membership Fees.

The Parish shall reimburse an employee who is required by ordinance, or state or federal law to be a member of a professional organization, or who must maintain current a particular certification or license as a condition of employment. Payment shall be made upon approval by the CAO. An employee who belongs to a professional organization that promotes individual professional growth, competence, and effectiveness in functioning as an employee shall be allowed time off with pay to attend local, state, and national meetings, all subject to the approval by the CAO. Membership in any such organizations shall be in the name of the Parish whenever possible.

(Ord. No. 00-0174, att. A, 7-6-2000)

Personnel Records.

The Personnel Office shall be responsible for establishing and maintaining an official personnel file for each employee. Department Heads shall be responsible for the forwarding of documents for inclusion in the Personnel files of those employees assigned to their respective department. Each employee shall be responsible for the verification of information contained in the personnel file. A representative of the Personnel Office shall be present whenever an employee

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reviews his/her file. Only the Personnel Office may remove an item from a personnel file with notification to the respective Department Head. Any review of an employee's file shall be scheduled by the subject employee with the Personnel Office. The purpose of any such review shall be to examine the contents of the file for accuracy and completeness. Identification of information to be included in the employee's personnel file shall be:

1. Permanent Documents - Documents retained in an employee's file throughout his/her employment:
 - A. Employee application.
 - B. Position description and specification information.
 - C. Job performance ratings and evaluations.
 - D. Education/training information.
 - E. Personnel data card.
 - F. Personnel action forms.
2. Temporary Documents - Documents which have limited retention of three (3) calendar years or less, such as:
 - A. Administrative correspondence relating to leave/vacation requests.
 - B. All other administrative documents of limited informational life span.
 - C. Letters of appreciation, commendation, or disciplinary action.

The Personnel office shall treat as confidential all employee information except when requested to verify information relating to position title and status (e.g. regular full-time, etc.), current salary, and date or period of employment. Otherwise, information contained in the personnel file shall not be released without the written permission of the subject employee. Employee records shall be maintained during the tenure of the employee and for five years thereafter. (Ord. No. 00-0174, att. A, 7-6-2000; Ord. No. 05-0149, 2-3-2005)

Promotion.

Following a policy of upward mobility whenever possible, the Parish shall attempt to fill an available position with a qualified employee before advertising the vacancy to the general public. Every employee is encouraged to apply for any vacancy for which he/she may qualify in accordance with these Policies, all as set forth in the section entitled **HIRING PROCESS**. Selection of an employee for a promotion shall be based upon his/her record of performance, qualifications, academic standing, and the knowledge, skill, and abilities specific to the advanced position.

In a situation where only one employee applies for a position and his/her qualifications are known to the Department Head, the formal selection process may be dispensed with upon concurrence by the CAO.

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A temporary appointment may be made by the Department Head as necessary. Such an appointment is made on an "acting" basis and the employee shall return to his/her prior position upon completion of the assignment. The actual salary for an "acting" appointment shall be set by the CAO.

An employee promoted to an advanced position shall be subject to a probationary period, unless such is specifically waived by the CAO. An employee who is promoted shall maintain his/her initial anniversary date.

(Ord. No. 00-0174, att. A, 7-6-2000)

Demotion.

An employee demoted to a position in a lower classification due to disciplinary action, departmental reorganization, or in lieu of a layoff may receive a reduction in pay commensurate with the nature of the demotion as determined by the CAO. An employee shall not be demoted to a position for which he or she does not possess the minimum qualifications.

A demotion in lieu of a layoff may be rescinded by the CAO if the employee's prior position is reopened within a six-month period.

An employee who is demoted shall be subject to a probationary period in the new position, unless such is specifically waived by the CAO. An employee who is demoted shall maintain his/her existing anniversary date.

(Ord. No. 00-0174, att. A, 7-6-2000 Ord. No. 05-0149, 2-3-2005)

Reassignment.

A reassignment of duties, voluntary or otherwise, shall occur only when the best interest of the Parish and the employee is served, all as determined by the CAO. If such is an interdepartmental reassignment, the terms and conditions for such shall be agreed upon by the affected Department Heads and the CAO. An employee who wishes to be reassigned shall request such in writing to the appropriate Department Head. If an interdepartmental reassignment is contemplated, the employee shall provide a copy of the request to his/her Department Head upon or before the submittal of said request.

To be eligible for reassignment, the current salary of the subject employee must be consistent with the salary of the intended position. Whenever an employee's qualifications meet only the minimum requirements for the intended position, the employee's salary shall be at the entry level grade for the intended position irrespective of the employee's current salary. Whenever an employee's qualifications exceed the minimum requirements for the intended position, the employee's salary may be set at a salary consistent with the employee's knowledge, skill, and abilities.

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An employee who is reassigned to a position shall serve a probationary period, unless such is specifically waived by the CAO. A reassignment does not change an employee's anniversary date.

(Ord. No. 00-0174, att. A, 7-6-2000)

Layoffs.

1. When a layoff is necessary it shall be accomplished in accordance with the following procedure:

- A. The appointing authority must target the department and the class or classes for a reduction in positions.
- B. The employee or employees to be displaced from the targeted class in the affected department shall be identified on the basis of class service. The employee with the least class service is laid off first. In the event two (2) or more employees have like seniority, the department head shall have the discretion to select layoff order.
- C. An individual may avoid layoff, at his option, by choosing to retain employment in a position on the grouping and is occupied by the employee having the least class service. To exercise this option the individual must also currently occupy a position requiring the same or greater necessary knowledge, abilities, and skills as the lower listed position. If this option is exercised then the employee with the least class service shall be laid off.

2. The Director shall formulate and amend as required, due to changes in the Classification Plan, a listing of Class groupings and Independent Classes. These lists shall be kept in the Personnel Office.

3. With any proposed layoff, the names and job titles of any regular employees scheduled for layoff shall be submitted to the CAO for approval.

(Ord. No. 00-0174, att. A, 7-6-2000; Ord. No. 05-0149, 2-3-2005)

Position Reclassification.

The revision of a position description within the classification plan shall be made as often as is necessary to provide current information on the positions and classifications. When the duties of an existing position substantially change, the Department Head shall submit a written request to the CAO to reclassify the position, which shall include a full explanation and justification for the reclassification. Said request shall be reviewed by the CAO and Personnel Office. The CAO shall then decide if the position is to be reclassified.

An employee who considers his/her position improperly classified shall first submit a request in writing for reclassification to his/her Department Head who shall review the request and transmit it with written comment and/or recommendations to the CAO.

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In the event that the salary for a position which is reclassified results in an increased salary grade for the position, the affected employee shall remain at his/her current salary at the appropriate step within the advanced grade, or the employee shall assume the entry level step of the advanced grade, whichever is greater.

In the event that the salary for a position which is reclassified results in a decreased salary grade for the position, the affected employee shall remain at his/her current salary at the appropriate step within the decreased grade, or the employee shall assume the maximum level step of the decreased grade, whichever is less.

(Ord. No. 00-0174, att. A, 7-6-2000)

Employee Separation and Out-Processing.

The terms defined in this section shall have the following meanings and applications unless the context or use thereof clearly indicates otherwise or more explicit definitions are referenced:

"Service Retirement" or "Disability Retirement" shall mean the voluntary termination of employment under terms and conditions set forth by and satisfactory to the state retirement system.

"Resignation" shall mean voluntary termination for any reason other than retirement. An employee who wishes to resign in good standing shall provide a written resignation to his/her Department Head no less than ten (10) working days prior to the effective date of resignation. The resignation letter shall include the reason for leaving as well as the proposed effective date. Such notice is understood to mean that the resigning employee shall be available for work during this time so as to aid in the training of a replacement. An exception to the time limit requirement may be granted by the CAO.

"Discharge" shall mean the involuntary termination of employment.

The Parish shall provide an employee with no less than two weeks advance notification of the layoff or, in lieu thereof, compensation of two-weeks' salary. An employee on layoff interested in reemployment, shall keep the Parish informed of the address and telephone number where he/she can be contacted for a period of one year. If the Parish is unable to contact the employee within seven calendar days, consideration to recall the employee shall cease.

An employee shall receive pay for work performed through the last hour worked and for unused benefits as stipulated by policy and laws governing such payments.

The employee's final pay check shall be reduced by any authorized legal deductions; authorized pension plan; credit union, tax sheltered annuity; United Way; and any other amounts specifically agreed upon by the employee and the Parish. Before the final paycheck is issued to the employee, the employee shall be required to complete the clearance process.

Special questions may also be developed by the Personnel Office and/or Department Head for the Exit Interview. Copies of the completed Exit Interview shall be distributed to the appro-

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priate Department Head and the CAO. The Department Head may respond in writing to statements made in the Exit Interview. The response shall be reviewed by the Personnel Office and filed together with the Exit Interview report. The Exit Interview shall be maintained separately from the employee's official personnel file
(Ord. No. 00-0174, att. A, 7-6-2000; Ord. No. 05-0149, 2-3-2005)

Performance Evaluations.

Employee evaluation is a positive process with emphasis on the further development of the individual, the potential for assuming additional responsibility, and an organized program to increase productivity. It is a healthy and on-going process of relating performance to realistic standards, recognizing individual achievements, measuring degrees of improvements, and providing guidance for self-improvement. Ideally, the program will motivate the truly outstanding performers, and inspire those requiring further individual development.

All performance evaluations shall be done in accordance with Employee Performance Evaluation Manual.
(Ord. No. 00-0174, att. A, 7-6-2000)

COMPENSATION

Employee Compensation.

It is the policy of the Parish to establish a compensation plan which allows the Parish to effectively compete for qualified personnel and which ensures that salaries are equitable and commensurate with the duties performed by each employee.

Classification plan. Jobs with similar duties and responsibilities are assigned to the same salary grade. The CAO shall conduct a review of a position whenever there is an indication that an employee is working above or below the established responsibilities for the position. This review shall be initiated at the request of a Department Head and shall be conducted in accordance with the policy on position reclassification.

Salary grades and steps. The schedules of salary grades and steps (Plan A and Plan B) adopted by the Parish shall apply to all employees not covered by a professional contract.

Incremental step increase. In order to retain quality personnel by implementing a competitive salary schedule, a procedure for the granting of incremental pay increases is hereby established. Accordingly, it is the policy of the Parish that an employee's rate of pay shall increase in direct relation to his/her professional growth and achievement through evaluation of performance, all in conformance the schedule of salary grade and steps.

It is the responsibility of the Department Head to monitor the job performance of each employee under his/her supervision or control. Whenever an employee over a defined and

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extended period of time (generally one year) consistently demonstrates his/her competence and effectiveness, the employee's Department Head shall report such in writing to the CAO by means of the Management Report Form. Attached thereto shall be a copy of the employee's most recent Personnel Performance Evaluation Form (the "Evaluation").

It is the responsibility of the CAO to review and consider said Management Report Form and Evaluation. (It should be noted that an Evaluation, regardless of how commendable it reports the employee's job performance to be, shall not by itself initiate or support a pay increase for the employee. Rather, an outstanding Evaluation may be used to sustain the findings and recommendation of the Department Head.) The CAO may determine that the employee warrants an increase in his/her rate of pay, and may order a one-step pay increase: This determination shall be conclusive and not subject the grievance procedure.

Cost-of-living adjustment. A cost-of-living adjustment may be granted by the Parish, but shall apply only to the employees of the St. Tammany Parish Government (other parochial agencies are excluded). If granted, such increases are generally effective beginning on the first full Payroll Period of the following year.

Maintenance of the compensation plan. The Personnel Office shall be responsible for the continuous maintenance and administration of the compensation plan. The review shall include an analysis of prevailing rates of pay for similar positions in comparable labor markets and organizations, cost-of-living factors, budgetary considerations, and other related factors. On the basis of this information, the CAO shall recommend changes to the Parish President in the salary plan which would result in a more uniform and equitable compensation plan.

(Ord. No. 00-0174, att. A, 7-6-2000)

Overtime.

Fair Labor Standards Act (FLSA). This policy shall not contravene the provisions of the FLSA pertaining to the minimum rate of compensation for work performed by an employee beyond the hours in a standard work week (Sunday through Saturday).

The terms defined in this section shall have the following meanings and applications, unless the context or use thereof clearly indicates otherwise or more explicit definitions are referenced:

1. "Overtime" shall mean all work which is authorized by the Department Head and which is performed beyond an employee's regularly scheduled hours.
2. "Overtime rate" shall mean the rate of pay an employee receives for working overtime, such to be calculated at one and one-half times the hourly rate of the employee. It shall be noted, however, that the overtime rate shall be paid only when the overtime hours an employee actually works (compensatory leave and holiday pay included) exceed forty (40) or thirty-seven point five (37.5) hours in a standard work week. Otherwise, the rate of pay an employee receives for working overtime shall be at the regular rate.

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3. "Compensatory leave" shall mean the unpaid compensation provided salaried employees for working overtime (see the section regarding compensatory time)
4. "Employee" shall mean any regular full-time employee or regular part-time employee who is not a salaried employee.
5. "Salaried employee" shall mean any employee whose classification or position is characterized as full-time and who is not normally eligible to earn overtime pay unless said employee performs duties above and beyond the normal scope of their job description during a declared emergency or in order to complete an important project in a timely manner (as approved by either a Department Head or CAO).

Responsibilities.

1. It shall be the responsibility of the Department Head to administer the provisions of this policy.
2. Only the Department Head/CAO is authorized to approve overtime.
3. The Department Head who authorizes overtime shall ensure that the overtime is recorded promptly on the employee's time sheet.
4. The Department Head shall exercise extreme discretion in the utilization of overtime. Temporary adjustments in working hours or realignment of duties within the department shall be considered as alternatives to overtime. Overtime shall be considered necessary only when additional effort is needed to complete a critical task in a timely manner.

(Ord. No. 00-0174, att. A, 7-6-2000)

Compensatory Leave.

Compensatory time is that time which is earned and accrued by an employee in lieu of immediate cash payment for employment in excess of normal work hours and/or employment above an employee's position description.

Compensatory time will be earned at a rate of one and one-half hours for each hour of work completed in excess of normal work hours.

Request for approval of compensatory time accrual will be handled by the CAO or designee; once approval for accrual is granted the time is to be logged with the Personnel office and the department's payroll clerk; request to use compensatory time requires approval by CAO or designee.

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No employee shall be allowed to accumulate compensatory time in excess of the limit imposed by the Fair Labor Standards Act (FLSA).

Conditions for use. An employee shall be permitted to use compensatory time if such requested use does not unduly disrupt the customary work practices of the department in which said employee works. Such work practices include but are not limited to:

- (a) The normal schedule of work;
- (b) Anticipated peak workloads on past experience;
- (c) Emergency requirements for staff and services; and
- ([d]) The availability of qualified substitute staff.

Termination of Employment. An employee shall receive payment of all unused accumulated comp time or opt to rollover into Post Employment Health Plan.
(Ord. No. 00-0174, att. A, 7-6-2000; Ord. No. 05-1049, 2-3-2005; Ord. No. 08-1853, § 1, 7-3-2008)

On-Call Policy.

The following rates are established as "On-Call" pay for those persons within the Department of Public Works in supervisory positions, as designated through separate schedule, within the guidelines reflected below:

Weekend "On Call"	-	\$50.00 per weekend (3:30 p.m. Friday through 7:00 a.m. Monday)
Holiday "On Call"	-	\$25.00 per day
Trace Ranger "On Call"	-	\$ 5.00 per day—Closes at 6:00 pm \$8.00 per day—Closes at 8:00 p.m. (for hours of operation that Trace is open over the normal workday, including pre-work hour from 6:00 am to 7:00 am)

Each Maintenance Area shall designate one (1) employee to be "On Call" for each weekend and holiday. These employees shall be required to be available by beeper to review and appraise emergencies within his or her respective area. These employees shall be paid the "On Call" pay regardless of whether they are called out or not, and shall either receive overtime, or compensatory time (if allowed), for all time that they are required to work over and above their normal work week. These employees shall be responsible and will be authorized to call out parish

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crews, as needed, to address emergency situations within their respective area. Employee "On Call" is to make sure that his or her beeper is operating at all times during the "On Call" period. (Ord. No. 00-0174, att. A, 7-6-2000; Ord. No. 01-0353, 8-2-2001)

Uniform policy—Public Works Field Personnel.

The Parish will provide shirts, jackets and safety equipment to all permanent field employees of the Department of Public Works. Employees shall be required to provide and wear their own steel toe boots and pants, as follows:

Pants—Blue or Black pants or jeans. Pants should be in an acceptable condition and free of large holes or tears.

Steel Toe Boot—Black or Brown in accordance with ANSI Z41-1991.

Each permanent Public Works Field Employee will be eligible to receive a uniform allowance, in the amount of \$25.00 gross pay (\$300.00 gross pay per year), on the last check of each month, as follows:

On the last payroll of each month all permanent Public Works Field Employees, who in the determination of the supervisor have been in complete uniform for the previous month will receive a gross pay add-on of \$25.00 on the last paycheck of each month. If in the determination of the immediate supervisor an employee has not met his/her obligation to report to work and perform his/her duties on a daily basis in complete uniform, same shall be so noted on the time sheet and through written reprimand and the uniform allowance shall be suspended for that month.

Complete uniform shall mean boots, pants and Parish issued shirt, as well as safety equipment issued by the Parish (Field Clerks are exempt from wearing steel toe boots).

Any employee who terminates employment for any reason, prior to the 20th of each month shall not be eligible for the uniform allowance.

Temporary Public Works Field Employees shall be responsible to furnish their own attire, which shall include long pants, shirt and steel toe boots that meet the above guidelines. Safety equipment will be provided by the parish to temporary employees.

For the purpose of this policy, Public Works Field Employees shall include the following: All employees within GMRR (including Field Clerks), Maintenance Barns, Drainage (except pump operator), Tammany Trace Maintenance and Vehicle Maintenance.

It shall be the responsibility of any terminated employee to return all parish issued uniforms and safety equipment to the supervisor on the last date of their employment. (Ord. No. 00-0174, att. A, 7-6-2000)

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Time Sheets/Preparation of Payroll.

The Department Head shall be responsible for preparing the time sheet which is provided by the Personnel Office. The time sheet shall include a complete listing of all employees assigned to the subject work group. The Personnel Office shall be responsible for the computation of all earnings, deductions, etc. Payroll records (time sheet data) shall be maintained by the Personnel Office for seven years. Falsification of time records by any employee shall be cause for disciplinary action.

(Ord. No. 00-0174, att. A, 7-6-2000)

Payroll Periods and Paychecks.

1. There shall be approximately 26 Payroll Periods in a calendar year.
 2. Paychecks shall be issued on the first Wednesday after the close of a Payroll Period. If such day falls on a holiday, paychecks shall be issued on the last working day preceding said Wednesday.
 3. Paychecks shall be distributed by the Personnel Office only to the appropriate Department Head by noon on the subject Wednesday.
 4. An employee's paycheck may be released only by the Department Head to an employee's spouse, family member, or any other person, but only if authorized in writing by the employee.
 5. With each paycheck, an employee shall receive a statement of earnings and any deductions made, as well as appropriate cumulative totals of all leave.
 6. An employee shall cash and/or deposit his/her paycheck on personal time.
- (Ord. No. 00-0174, att. A, 7-6-2000)

Payroll Deductions.

The following items are required to be deducted from each paycheck:

1. Federal Income Tax withholding.
2. Social Security (eligible employees only).
3. Medicare
4. Retirement contributions (eligible employees only).
5. Certain health insurance premiums.
6. Deductions specifically required by a court order, e.g. garnishment.

Additional deductions, which are optional, include:

1. United Way contributions.
2. Payment to a Parish-approved credit union.

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3. Deferred compensation.
4. Payment of supplemental health/life insurance premium (if applicable).
5. Savings Bonds.

It is the responsibility of each employee to maintain current payroll deduction information with the Personnel Office.

(Ord. No. 00-0174, att. A, 7-6-2000)

Garnishment.

"Garnishment" shall mean a deduction from an employee's pay, the purpose of which is to satisfy a debt. The Parish may deduct all funds associated with the garnishment disbursement per a judgement, all as required by a court order, together with all employer fees permitted by law.

The Personnel Office shall be immediately notified of any subject court order and shall effect the deduction from the employee's wages. The amount of said deduction shall be forwarded as directed in the court order.

(Ord. No. 00-0174, att. A, 7-6-2000)

BENEFITS

Leave—General.

The terms defined in this section shall have the following meanings and applications, unless the context or use thereof clearly indicates otherwise or more explicit definitions are referenced:

1. "Leave" shall mean that period of time, used in no less than one-half hour increments, that an employee is absent from his/her work place or assignment, but shall not mean that period of time when an employee is off-duty (which shall include regular day off, holiday, etc.) or is on his/her assigned lunch break. Unless otherwise provided for in this Section, it shall be the responsibility of the Department Head to approve any request for the use of any leave by an employee.
2. "Employee" shall mean at all times and in all circumstances a permanent employee (or permanent employee serving a probationary period) or any other employee for which it is determined by the CAO that the provisions of this Section shall apply.
3. "Work Day" shall mean the period or amount of time (usually expressed in hours) in which the employee is required to work according to his/her salary plan (e.g. 7.5 hours per Work Day, 8 hours per Work Day) Hence, an employee's Payroll Period is the cumulative number of hours the employee is required to work according to his/her Pay Plan (e.g. 75 hours, 80 hours).

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- 4. "Duty" shall mean all of the responsibilities, obligations, and requirements of an employee's position.
- 5. "Years of Service" shall mean the number of years of service as a permanent employee with St. Tammany Parish.

Exception: "Years of Service" for an employee who transfers from another governmental agency and transfers their eligible service to the Parochial Retirement System shall be calculated based upon their most recent continuous starting service date in the Parochial Retirement System.

(Ord. No. 00-0174, att. A, 7-6-2000; Ord. No. 01-0353, 8-2-2001)

Annual Leave.

"Annual leave" shall mean that paid leave which is earned by an employee and used typically as vacation leave. The use of annual leave for rest and recreation is encouraged. It shall be the responsibility of the employee to request the use of annual leave at least five days prior to the requested leave period. Annual leave shall be approved prior to use by the Department Head. When authorized and applicable, annual leave shall be utilized in lieu of sick leave whenever the employee no longer has unused accumulated sick leave.

Annual leave (AL) shall be earned in accordance with the accrual rate schedule as follows:

<i>Years of Service</i>	<i>Annual Leave Earned</i>	<i>Annual Leave hours earned each pay period 75 hours worked</i>	<i>Annual Leave hours earned each pay period 80 hours worked</i>	<i>Total Annual Days Earned Per Year</i>
Less than 2	0.0269230 per hour	2.0192250	2.153840	7
2 through 6	0.0423076 per hour	3.1730700	3.384608	11
7 through 12	0.0576923 per hour	4.3269225	4.615384	15
13 through 18	0.0730769 per hour	5.4807675	5.846152	19
19 or more	0.0884615 per hour	6.6346125	7.076920	23

The accrual of annual leave shall begin on the first day the employee is eligible to receive benefits. Unused annual leave may be accumulated from year to year without limitation. The amount of annual leave to be used may be rounded up to the next whole hour increment.

Each Department Head is authorized to develop and implement additional procedures and policies which relate to the use of annual leave which are not inconsistent with the guidelines set

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forth herein. It is the policy of the Parish that each employee with three or more years of service be on leave from the his/her work place or assignment for five consecutive Work Days (Holidays may be included).

Termination of employment. An employee shall receive payment of all unused accumulated annual leave or opt to rollover into the Post Employment Health Plan. Employees with ten (10) or more years of service may choose to transfer all or part of their balance of unused accumulated annual leave to sick leave for transfer to the Post Employment Health Plan only. (Ord. No. 00-0174, att. A, 7-6-2000; Ord. No. 05-1049, 2-3-2005; Ord. No. 05-1199, § 1, 10-6-2005)

Sick Leave.

"Sick leave" shall mean that paid leave which is earned by an employee and used typically when an employee is unable to perform his or her duties due to any of the following:

- (1) Personal illness, injury, or any other type of physical disability except injuries incurred on the job (job related injuries are covered under those provisions which relate to workmen's compensation).
- (2) Serious illness in the employee's immediate family, such as defined elsewhere in these Policies.

It shall be the responsibility of the employee to request the use of sick leave as soon as the employee determines that he/she will be absent from his/her work place or assignment, and in no event shall such request be made after the first hour of a subject absence.

Sick leave (SL) shall be earned in accordance with the accrual rate as follows:

<i>Sick Leave Earned each pay pe- riod</i>	<i>Sick Leave Earned each pay period</i>	<i>Total Annual Days Earned Per Year</i>
75 hours worked	80 hours worked	
3.4615384	3.6923076	12

The accrual of sick leave shall begin on the first day the employee is eligible to receive benefits. Unused sick leave may be accumulated from year to year without limitation. The amount of sick leave to be used may be rounded up to the next whole hour increment.

Unless specifically waived by the CAO, an employee who has requested sick leave for a period in excess of three (3) Work Days, prior to being compensated therefor, shall provide, no later than his/her return to duty, his/her Department Head with a report from a qualified doctor which shall contain said doctor's authorization for the employee to return to duty. "Qualified doctor" shall mean a licensed doctor of medicine.

Further, an employee who has requested sick leave for the Work Day immediately prior to or subsequent to a holiday, prior to being compensated therefor, shall provide, no later than his/her return to duty, his/her Department Head with a report from a qualified doctor which

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shall contain said doctor's authorization for the employee to return to duty. Failure to do so on the part of the employee shall result in loss of pay for the holiday and the day(s) for which sick leave was requested.

Each Department Head is authorized to develop and implement additional procedures and policies which relate to the use of sick leave which are not inconsistent with the guidelines set forth herein.

(Ord. No. 00-0174, att. A, 7-6-2000)

Termination of Employment.

An employee with three or more years of continuous service and whose employment is terminated in good standing may request and shall receive payment of unused accumulated sick leave, the amount of which shall be payment for one Work Day for each three Work Days of unused accumulated sick leave. The remaining two-thirds of sick leave not paid for, provided employee is vested with ten (10) or more years of service, will be deposited into The Post Employment Health Plan (as defined under Section: Post Employment Health Plan) to be used solely for the purpose of payment of post-employment medical premiums.

An eligible employee who desires to receive payment for accumulated unused sick leave shall request such no less than two weeks prior to the effective date of the employee's termination of employment. Otherwise, it shall be the policy of the Parish that any unused accumulated sick leave for which the employee does not receive payment shall be converted into the PEHP for employees who qualify for such benefit.

(Ord. No. 00-0174, att. A, 7-6-2000)

Sick Leave Sharing.

A regular full-time employee with five years of service shall be entitled to receive sick leave which is voluntarily donated by another employee, as set forth in the terms and conditions hereinafter cited,

The CAO may permit a regular full-time employee to receive a donation of unused sick leave accrued by and donated from other qualified employees under this subsection if all of the following facts and circumstances exist:

- (1) The employee suffers from an illness, injury, impairment, or physical or mental condition which is of an extraordinary or severe nature and which has caused, or is likely to cause, the employee to:
 - (a) Assume leave without pay status, or
 - (b) Terminate employment;
- (2) The employee's absence and the use of shared sick leave are justified;
- (3) The employee has depleted or shortly will deplete his/her annual and sick leave reserves;

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- (4) The employee has abided by these Policies relating to the use of sick leave.

The CAO shall determine the amount of sick leave, if any, which an employee may receive under this section. However, an employee shall not receive in donations an amount which equals more than 90 days of donated sick leave.

Donated sick leave shall be utilized in the order in which it is received by the CAO. Such leave shall be donated in one-day increments as is required by the Pay Plan of the recipient employee. However, no employee may donate more than five days of sick leave in a calendar year or donate any amount of sick leave if the balance of his/her sick leave is, or would result in, less than thirty days of sick leave.

The amount of unused accumulated sick leave which is donated under this provision shall be returned to the donor employee(s) whenever the CAO determines that the leave is no longer needed or will not be needed at a future time in connection with the illness or injury for which the leave was donated.

(Ord. No. 00-0174, att. A, 7-6-2000)

Civil Leave.

"Civil Leave" shall be when an employee is being granted time off without loss of pay when:

1. Performing jury duty.
2. Summoned to appear before court, grand jury, or other public body of commission, except as a plaintiff or defendant.
3. Department head determines employee(s) is prevented from performing duty by an act of God (i.e., flood, hurricane).
4. The employee is a member of reserve component of the Armed Forces of the United States or the National Guard and is ordered to active duty because of a national, state, or local emergency, act of God, civil or criminal insurrection or disobedience, or similar occurrences which threaten or affect the peace or property of the public.

(Ord. No. 00-0174, att. A, 7-6-2000)

Military Leave.

"Military Leave" - Employees who are members of a reserve component of the Armed Forces of the United States or the National Guard shall be granted a leave of absence without loss of pay, time, accumulated leave, or service rating when ordered to annual training by official written military orders for a period not to exceed ten (10) days in any calendar year. Military Leave Pay will not be granted for weekend drill or make-up drills. Time off for such sessions shall be granted but shall be charged to leave without pay or annual leave at the option of the employee.

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Employees who are inducted or ordered to active duty with the Armed Forces of the United States or National Guard for indefinite periods in excess of their annual training shall be placed on military leave without pay for the period of active military pay plus no more than 30 days.

Upon return from military leave without pay as granted above, employees shall be reinstated in the same or similar position vacated provided they were discharged under honorable conditions, are physically and mentally qualified to perform the essential functions of their job, with or without reasonable accommodation, and apply for reinstatement within 30 days of separation.

An employee requesting military leave shall submit with his/her written request for military leave his/her orders as soon as said orders are available. Upon his/her return to duty with the Parish, the employee shall provide pay stubs or other valid documentation from the respective service agency which show all amounts earned during his/her period of military leave. The employee then shall be paid the difference, if any, by the Parish based upon his/her hourly rate to compensate for earnings which were diminished due to his/her service. An employee shall not use annual leave or sick leave in lieu of military leave. An employee who exceeds the ten days of military leave shall be coded "Military Time w/o Pay."
(Ord. No. 00-0174, att. A, 7-6-2000)

Family Medical Leave.

"Family and medical leave" shall mean that leave which is allotted to an employee under terms and conditions which are consistent for such leave as set forth in the Family Medical Leave Act (FMLA), a copy of which shall be available for review in the Personnel Office. In addition thereto, those Parish policies, standards, and guidelines which relate to the administration of such leave shall be established in a supplement to these Policies, a copy of which shall likewise be provided to each employee.
(Ord. No. 00-0174, att. A, 7-6-2000)

Bereavement Leave.

"Bereavement Leave" shall mean that leave which is allotted to an employee whenever an immediate family member (as defined elsewhere in these Policies) of the employee is taken by death. An employee shall request as early as possible the use of bereavement leave. The amount of such leave with pay shall not exceed two (2) Work Days in a calendar year and is used typically to arrange and/or attend funeral activities. Bereavement leave in excess of two (2) Work Days shall be charged to the employee's annual leave balance; and if such is not available, charged to the employee's sick leave balance; and if not available be coded, as "Leave w/o Pay". The employee shall request bereavement leave from his/her Department Head. An employee who fails to return to work on the date and time set by the Department Head without receiving an appropriate extension shall be subject to disciplinary action.
(Ord. No. 00-0174, att. A, 7-6-2000)

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Unpaid Leave.

1. "Unauthorized Leave Without Pay" shall mean that leave which is allotted to an employee whenever the employee is without the benefit of some other leave and/or cannot provide a valid reason to the satisfaction of the Department Head for his/her (the employee's) absence. The use by an employee of any amount of Unauthorized Leave Without Pay shall result in disciplinary action.

2. "Leave without pay" shall mean that leave which is allotted to an employee whenever the employee is without the benefit of some other leave, but has provided a valid reason to the satisfaction of the Department Head for his/her (the employee's) absence.

3. "Administrative leave" shall mean that unpaid leave which is allotted to an employee whenever facts and circumstances exist whereby it is in the best interest of the Parish as determined by the Department Head that the employee be removed or absents himself/herself from the work place or assignment. Use of administrative leave is rare and shall be reserved for an extraordinary situation, instance, or incident (e.g. disciplinary investigation, criminal investigation, leave of absence, other extraordinary or emergency situation, instance, or incident; immediate removal of an employee from his/her work place or assignment shall be warranted in instances involving serious insubordination, theft, destructive or serious illegal acts while on the job, or other substantial reason for immediate removal deemed appropriate by the Department Head). It is the policy of the Parish that administrative leave be unpaid, however, the CAO may authorize the payment for said leave whenever facts and circumstances justify such. (Ord. No. 00-0174, att. A, 7-6-2000)

Holidays.

The Holidays observed by the Parish are:

New Year's Day*

Martin Luther King's Birthday*

President's Day*

Mardi Gras*

Good Friday

Memorial Day*

Independence Day*

Labor Day*

Columbus Day*

Veteran's Day*

Thanksgiving Day* and the Friday thereafter

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Christmas Eve

Christmas Day*

New Year's Eve

Any other Holiday which may be declared from time to time by the Parish.

(*denotes locally observed Federal, Bank, and Postal Holiday)

Whenever a Holiday occurs on a Sunday, the first Work Day thereafter shall be the day on which the Holiday is observed; and whenever a Holiday occurs on a Saturday, the Work Day immediately preceding such shall be the day the Holiday is observed.

The Parish President shall have the right to establish "reduced work force days". A "Reduced Work Force Day" may be designated when a holiday of event occurs such that reduced work force can adequately handle the daily operation and response of parish services. Each Department Head with concurrence of the CAO shall establish in advance a schedule of employees' work schedules within their respective department for the days designated. At no time shall the said departments operate at a staff level less than half normal operations. Employees scheduled to work on a reduced work force day will not be allowed to use annual leave on that day.

Only regular full-time, affected regular part-time employees, and affected probationary employees in such positions shall be entitled to receive payment for a Holiday, all subject to the terms and conditions set forth in these Policies. A Holiday shall not be counted for purposes of determining the use of paid leave.

(Ord. No. 00-0174, att. A, 7-6-2000)

Credit Union.

Employees are eligible to participate in the ASI Federal Credit Union. The credit unions offer a number of services to members, including savings programs, share draft checking, money market accounts, certificates of deposit, individual retirement accounts, loans, check cashing, loan protection insurance, and member account insurance. All contributions are financed 100% by the employee. Employees may arrange to have payroll deductions from their paycheck or they may make a direct deposit or payment to their credit union account.

(Ord. No. 00-0174, att. A, 7-6-2000)

Group Medical Plan.

Health Insurance Coverage—Active Employees Who Are Eligible For Participation In the Parochial Retirement System. Employees who are actively employed and their qualified dependents are eligible for health insurance coverage on the first day of the month following the date of permanent, full time employment status. Full time employment is defined as a minimum of 30 hours per week. The Parish shall pay 100% of the premium for health insurance coverage on those employees electing single coverage. The Parish shall subsidize the cost of family coverage

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for those employees electing family coverage who were hired prior to October 19, 1990. The subsidy amount shall be 76% of the total premium. There is no Parish subsidy for family coverage for employees hired after October 18, 1990.

Health Insurance Coverage—Employees with Less Than Ten Years' Service with the Parish Who Terminate Employment. An employee with less than ten years' service with the Parish who terminates employment, and who qualifies for continuation of coverage under COBRA, may elect COBRA coverage. Full cost of COBRA coverage is paid by said employee.

Health Insurance Coverage—Vested Employees With at Least 5 Years of Parish Service Who Terminated Employment Prior to January 1, 1998. Upon termination from service with the Parish prior to January 1, 1998, an employee with at least 5 years of service with the Parish and vested in the Parochial Retirement System may continue uninterrupted coverage under the Health Plan. Said coverage may continue until terminated employee becomes Medicare or Medicaid eligible. Full cost of coverage shall be paid by terminated employee. Said terminated employee is not eligible for COBRA at time of termination.

Health Insurance Coverage—Employees Who Retired From the Parish Prior to January 1, 1998. The Parish shall pay 75% of the cost of insurance coverage for employees who retired prior to January 1, 1998 who elect to continue coverage under the Parish Health Plan. Retirees electing family coverage shall pay 100% of the additional cost for family coverage.

Health Insurance Coverage—Employees Hired Prior To January 1, 1998 With At Least Ten Years of Service With The Parish Who Retire After December 31, 1997 And Do Not Qualify For Immediate Retirement Under The Parochial Retirement System (Normal Date of Retirement Is Later Than Date of Separation From The Parish). Employees hired prior to January 1, 1998, who have at least 10 years of service with the Parish, are vested in the Parochial Retirement System and do not qualify for immediate retirement under the Parochial Retirement System may continue coverage under the Health Insurance Plan upon separation from the Parish. The separated employee electing to continue coverage under the St. Tammany Parish Health Insurance Plan shall pay 100% of the cost of health insurance coverage until the first full month following the date that the employee would normally qualify for retirement benefits based on age and years of service. If there has been no lapse in insurance coverage between the date of separation from the Parish and the date that the employee would normally qualify for retirement benefits based on age and years of service, the retiree shall be entitled to a reduction in the cost of the health insurance premium in the first full month following said date. The retiree shall pay the following percentage of the cost of the health insurance premium based on years of service with the Parish:

At least 10 and less than 15 years of service with STPG, retiree pays 75% of the retiree's premium.

At least 15 and less than 20 years of service with the STPG, retiree pay 50% of the retiree's premium.

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20 years or more of service with the STPG, retiree pays 25% of the retiree's premium.

Retiree's electing family coverage shall pay 100% of the additional cost for family coverage.

Health Insurance Coverage—Employees Hired Prior To January 1, 1998 Who Retire From The Parish. Employees hired prior to January 1, 1998, who have at least 10 years of service with the Parish, are vested in the Parochial Retirement System and qualify for immediate retirement under the Parochial Retirement System may continue coverage under the Health Insurance Plan upon separation from the Parish. The retiree shall pay the following percentage of the health insurance premium in the first full month following the date the employee would normally qualify for retirement benefits based on age and years of service:

At least 10 and less than 15 years of service with St. Tammany Parish, retiree pays 75% of the premium.

At least 15 and less than 20 years of service with St. Tammany Parish, retiree pays 50% of the premium.

20 years or more of service with the St. Tammany Parish, retiree pays 25% of the premium.

Retiree electing family coverage shall pay 100% of the additional cost for family coverage.

Health Insurance Coverage—Retirees Hired Prior to January 1, 1998, Who, Due To Their Age At The Time Of Employment With The Parish, Were Not Eligible For Participation In The Parochial Retirement System. The Parish shall pay 100% of the cost of a Medicare supplement policy for those retirees hired prior to January 1, 1998 with at least ten years of service with the Parish who, due to their age at the time of employment were not eligible to join the Parochial Retirement System and therefore, are not eligible for continued coverage under the Parish Health Plan.

Health Insurance Coverage—Employees Hired After December 31, 1997 With At Least Ten Years of Service At Date of Termination. Employees hired after December 31, 1997 with at least ten years of service may continue coverage under the Parish Health Plan. Said employee shall pay 100% of the cost of the health insurance premium. Said terminated employee is not eligible for COBRA at time of termination.

Health Insurance Coverage—Continuation of Coverage by Dependents of Deceased Retiree or Employee. Effective July 1, 1998 the dependents of a deceased retiree or employee may continue coverage under the St. Tammany Parish Health Plan if both of the following criteria are met:

1. The retiree or employee had at least twenty years of service with the Parish at the date of death.
2. Dependent coverage was in effect at the time of the employee or retiree's death.

Only those dependents covered under the Health Plan at the date of the employee's or retiree's deaths may continue coverage under the policy. The only exception will be that a spouse who is pregnant at the date of death of the employee or retiree may add the child to the Parish Health

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Plan. The Parish must be notified within 30 days of the birth of the child in order for the child to be added under the Parish Health Plan. Dependents of said deceased employee or retiree may continue coverage by payment of 100% of premium for the applicable single or family rate.

General. A retiree or former employee who cancels coverage may not reinstate said coverage at a late date. All coverages and benefits available and payable under the Health Insurance Plan are further defined in the Plan Document.

Definition.

Retiree is defined as a former Parish employee who, at the date of termination of service from the Parish is vested in the Parochial Retirement System and has met the qualifications to receive immediate or delayed retirement benefits under the Parochial Retirement System and whose employment is terminated in good standing. It is not the desire of the St. Tammany Parish to preclude any Retiree of the Parish, as defined herein, from making the election to withdraw his/her contribution from the Parochial Retirement System upon termination of employment. Therefore, it shall not be required that the former employee/retiree actually receive the monthly retirement benefits from the Parochial Retirement System. Coverages allowed for Retirees, as defined herein, are based upon service to the Parish and not upon the receipt of monthly retirement benefits from the Parochial Retirement System.

Retiree is also defined as a person under the employment of the District Attorney's Office, hired prior to 1/1/98, who at the date of termination of service from the Parish is vested in the District Attorney's Retirement System and has met the qualifications to receive immediate or delayed retirement (when the normal date of retirement is later than the date of separation). Any retiree who chooses to retain health insurance coverage under this definition shall be responsible to pay the full cost of the health insurance premium and no subsidy by the Parish shall be provided.

(Ord. No. 00-0174, att. A, 7-6-2000; Ord. No. 05-1199, § 1, 10-6-2005)

Post-Employment Health Plan.

A Post Employment Health Plan is hereby established for the benefit of public employees who have separated from service. The purpose of the Plan is to provide reimbursement of qualified post-employment expenses for medical premium payments incurred during the Post Employment Period. The following shall comprise the Post Employment Health Plan for employees hired under the Police Jury.

All full time employees employed with St. Tammany Parish Government and Council (District Attorney, 22nd Judicial District Court excluded) with three (3) or more years of service are eligible to participate. Starting on the employees' 3rd Anniversary of employment, the Parish will begin funding a percentage of the employee's annual salary into the PEHP with the employee directing the funds into optional investments that are available. Every quarter and

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upon resignation or retirement, the employee will be notified of their account balance. The money in the employee's account can be used solely for payment of medical premiums incurred after employment ceases.

In addition, the following shall apply to all eligible full time employees with ten (10) or more years of service with St. Tammany Parish upon termination of employment:

1. Remaining²/₃ of sick leave not paid out, will be deposited into PEHP account.*
2. Remaining annual/comp leave over 300 hrs. not paid out, will be deposited into PEHP account.* 1/01/98-1/01/2002, employees have the option to roll over balances into retirement time in lieu of depositing into PEHP account. After this period, hours will be automatically deposited into PEHP accounts.

Employees hired prior to 01/01/98, who retire with the following years of service, will be subject to the below scale:

At least 10 and less than 15 yrs. of service with STPG, retiree pays 75% of the premium.

At least 15 and less than 20 yrs. of service with St. Tammany Parish, retiree pays 50% of the premium.

20 yrs. or more of service with the St. Tammany Parish, retiree pays 25% of the premium.

Permanent employees hired after 01/01/98, will not be subject to the retiree scale, and will rely solely on the money that is funded into their accounts over a period of time, along with any benefit time rolled into accounts at the time of their retirement.

(Ord. No. 00-0174, att. A, 7-6-2000)

Deferred Compensation.

The Parish provides an option to an eligible employee to invest a portion of his/her present earnings in a deferred compensation plan. Enrollment by an eligible employee can be arranged through the Personnel Office.

(Ord. No. 00-0174, att. A, 7-6-2000)

Retirement System.

All regular full-time employees shall participate in the Parochial Employees' Retirement System, all as set forth in those policies, standards, and guidelines which relate to such as promulgated in a supplement to these Policies, a copy of which shall be provided to each employee.

Retirement benefits accrue from both employee and employer contributions. Contributions to the retirement system are mandatory and are deducted from the employee's salary each Payroll Period. Said retirement system provides for retirement benefits and disability protection when the employee meets the plan requirements.

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Upon termination of employment without retiring, the accumulated contributions of the employee are refunded upon his/her request. Employer contributions, however, are not refunded under any circumstances.

Enrollment and benefit forms are available through the Personnel Office and it is the responsibility of the employee to maintain information on file up-to-date as such relates to his/her retirement account (e.g. name, address, beneficiary, etc.).

(Ord. No. 00-0174, att. A, 7-6-2000)

Social Security.

Any employee who is not subject to the retirement system policy set forth herein shall pay Social Security (FICA) tax.

(Ord. No. 00-0174, att. A, 7-6-2000)

Comprehensive Budget Reconciliation Act.

Those policies, standards, and guidelines which relate to COBRA benefits for employees shall be established in a supplement to these Policies, a copy of which shall be provided to each employee.

(Ord. No. 00-0174, att. A, 7-6-2000)

CONDUCT

Employee Conduct.

It shall be the duty of every employee to maintain high standards of cooperation, efficiency, and integrity in his/her work, and to effect his/her conduct in accordance with these Policies. In particular, but not exclusive of any other prohibited or proscribed conduct, an employee shall not:

1. Report to work under the influence of intoxicants or unprescribed/illegal drugs, or use or possess such substances while on Parish property or while on duty.
2. Fail to follow the orders of a supervisor, or fail to comply with any requirement which may be set forth in these Policies or other policies, standards, or guidelines set forth by the Department Head, CAO and Parish President.
3. Be absent from work without permission or fail to report such to the Department Head as set forth elsewhere in these Policies.
4. Be habitually absent or tardy.
5. Fail to perform his/her duties and responsibilities in an efficient and/or effective manner.

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6. Act wasteful or abuse, misuse, misapply, or misappropriate material, property, or working time.
7. Fail to work along or be contrary with fellow employees, the result of which is work performed in an inefficient and/or ineffective manner.
8. Fail to observe proper security procedures.
9. Engage in fighting or provoking or instigating a fight, or engage in any other conduct on the job which violates standards of common decency or morality.
10. Commit any unlawful act, or fail to comply with any law, ordinance, or rules and regulations which may be required in the performance of an employee's duties.
11. Violate any safety rule and regulation, procedure, process, or guideline.
12. Express in any way critical or derogatory remarks towards any person or make false or unfounded accusations, the result of which would likely discredit another employee, or a supervisor, Department Head, or any other public employee or official.
13. Remove without permission, misappropriate or misapply any money, merchandise, or property, which may include any property in the custody of the Parish and any property of the Parish.
14. Lie to a supervisor as such relates to the duties or responsibilities of the employee.
15. Act dishonestly, which shall include intentionally giving false information, falsifying records, or making other false statements.
16. Be on the premises of any Parish property during non-working hours without permission of the Department Head.
17. Divulge or misuse confidential information, which shall include the removal from Parish premises without proper authorization of any employee list or record, or design, drawing, computer record or program, or other confidential information of any kind.
18. Accept a fee, payment, gift, or any other item of value, privilege, or benefit for the performance of the employee's official duties.
19. Act unwilling or reluctant to perform a task which is assigned by a supervisor.
20. Falsify a time record or any other record or account of the Parish.
21. Abuse any leave benefit (e.g. reporting sick when not sick).
22. Use profane or abusive language towards or in the presence of another employee or member of the public.
23. Lobby before the legislature or other governmental agency or organization, or represent the interest of the Parish to any person or entity, without specific authorization from the Parish President and as such relates to the mission or operations of the Parish

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24. Without specific authorization from the respective Department Head, use during the Work Day a television, radio, headset-type radio or recorder, or any other similar electronic amusement device. More specifically, an employee shall not use any such device in the presence of the public or whenever it is foreseeable that such use could occur in the presence of the public.
25. Without specific authorization from the respective Department Head, use any computer program, software, electronic file, peripheral device, etc. More specifically, an employee shall not use or engage in the use of any computer game of any nature whatsoever during the Work Day and whenever in the presence of the public or whenever it is foreseeable that such use could occur in the presence of the public.
26. Without specific authorization from the respective Department Head, peddle or solicit a donation or sale of an item, service, or contribution of any kind whatsoever while on duty or in the work place or in the presence of the public.
27. While on duty engage in, conduct, effect or attempt to engage in, any campaign activity or effort whatsoever for any candidate who has qualified as a candidate for an elected public office.
28. Intentionally participate with any other employee or private person in any act listed above.
29. Order from a company or catalog (i.e. ABC, LTC etc) any personal item which will result in an invoice being issued under the parish's name.
30. Unwillingness or failure to perform the duties of his/her position in a satisfactory manner.
31. The deliberate omission of any act that it was the employee's duty to perform.
32. The commission of any act or acts detrimental to the departmental service, or contrary to public interest.
33. Insubordination.
34. Conduct of a discourteous or offensive nature toward the public. Any parish official or employee; including any dishonest, disgraceful, immoral, or prejudicial behavior.
35. Drinking alcoholic beverages while on duty or reporting for duty while under the influence of these.
36. Using, or promising to use, his/her influence or official authority to secure appointment to, or eligibility for, a position within the classified service for any reason other than qualified merit.
37. Soliciting or receiving any money, goods, or service from any person or group of persons, for any political party or political purpose.

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38. Any act or failure to act that sufficiently indicates that the offender is unsuitable or unfit to be employed in the respective service.
(Ord. No. 00-0174, att. A, 7-6-2000; Ord. No. 05-1049, 2-3-2005)

Disciplinary Action.

It shall be the policy of the Parish to effect disciplinary action in a fair, reasonable, and impartial-manner, all for the purpose of assuring and promoting efficient and effective service to the public. Consequently, the primary purpose of disciplinary action is not punitive in application, but rather is effected to maintain the competency and integrity of Parish service. Disciplinary action shall include counseling, warning, reprimand, suspension, demotion, and discharge.

Whenever the conduct of an employee falls below acceptable standards or is not in accordance with these Policies, he/she shall be subject to disciplinary action which shall be effected only when there is cause for such. It is the responsibility of the Department Head to thoroughly and objectively evaluate the facts and circumstances which relate to the cause for disciplinary action when initiating such. The nature and severity of the infraction and the employee's record shall be considered in the assignment of disciplinary action.

The disciplinary action effected for an employee's conduct and the pertinent information which relates to such disciplinary action shall be reviewed in private with the employee and shall include the following: the cause for the disciplinary action, the facts and circumstances which relate to the cause, the disciplinary action to be imposed, the effective date of such action, and the right of the employee to air a grievance on the matter if such is authorized in these Policies (see Grievance Procedure).

Note: Immediate removal of an employee from his/her work place or assignment shall be warranted and effected in instances involving serious insubordination, theft, destructive or serious illegal acts while on the job, or other substantial reason for immediate removal deemed appropriate by the Department Head.

In every case of disciplinary action an employee in the classified service, the department head shall, within three working days, furnish the employee and Personnel Administrator a written statement giving the complete reasons therefor. The Personnel Administrator shall notify the employee in writing at his last known address informing the employee of the action, grounds for the action, and his/her right to make an appeal in writing. Upon receipt of an appeal the Personnel Administrator shall make an investigation and thereafter process the appeal.

Disciplinary action shall include the following:

Counseling. This type of disciplinary action shall be applied to infractions of a fairly minor degree. The Department Head shall verbally counsel an errant employee 1) as to the subject infraction, 2) as to the proper conduct which is required, and 3) if the condition is not

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corrected, the employee shall be subject to more severe disciplinary action. At the option of the Department Head, a letter of instruction to the employee may accompany or follow the counseling meeting.

Warning. This type of disciplinary action shall be applied to infractions of a relatively minor degree. The Department Head shall verbally inform the employee that the Department Head is issuing a warning, that the employee is being given an opportunity to correct the condition, and if the condition is not corrected, the employee shall be subject to more severe disciplinary action. The Department Head who issues a warning shall report such in a brief summary or in a letter of instruction to the employee and cause such to be placed in the employee's personnel file.

Reprimand. This disciplinary action shall be effected in the event the employee continues to disregard a warning or warnings, or if the infraction is severe enough to warrant a reprimand. Upon learning of the infraction, the Department Head shall issue a written reprimand within three Work Days. The reprimand shall state the nature of the infraction in detail and what corrective action which must be taken by the employee to avoid further disciplinary action as set forth below.

Suspension. This disciplinary action shall be effected in the event the employee's conduct continues to warrant the issuance of a subsequent reprimand, or if the infraction is severe enough to warrant a suspension of the employee from his/her duties and responsibilities. While on suspension for five or less Work Days, the employee shall not be entitled to paid compensation, but shall retain his/her benefits or the accrual thereof. While on suspension for more than five Work Days, the employee shall not be entitled to paid compensation nor the use or accrual of benefits. Any period of suspension may be effected in a "part work/part suspension" arrangement (e.g. the suspension is effected for part of the Work Day(s), or on certain days the suspension is in effect).

Demotion. Demotion may be used in those instances in which an employee's conduct is of such degree that his/her removal from the duties and responsibilities associated with the position is warranted, but discharge is unwarranted. (See policy on Demotion)

Discharge. This disciplinary action shall be effected in the event the employee commits an infraction severe enough to warrant that his/her employment with the Parish be terminated, or in the event that the employee's conduct, after the issuance of lesser disciplinary action(s), continues to be not in compliance with or in violation of any provision of these Policies. An employee may be discharged after repeated infractions of a less serious nature if the infractions have been documented by supervisory staff and an appropriate behavioral change has not resulted from previous progressive disciplinary actions.

With the exception of counseling and a warning, whenever a disciplinary action has been instituted, the employee shall be provided with a copy of the report of disciplinary action at the time the Department Head (supervisor) reviews such with the employee. The employee shall

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sign said report to acknowledge receipt thereof and the original shall be placed in the employee's personnel file. If the employee refuses to sign the acknowledgment, the supervisor shall note on said report that the employee received a copy thereof, but refused to sign such. The superior of the supervisor shall then be made aware of such so that a proper and timely disposition of the matter can be made, which may include increased or escalated disciplinary action.

Although counseling or the issuance of a warning or reprimand cannot be appealed by an employee, a suspension, as a result of disciplinary action may be appealed within five (5) days of the subject disciplinary action by the employee in writing to the CAO for his/her review and consideration. A suspension, as a result of disciplinary action, (or a termination), may be appealed.

(Ord. No. 00-0174, att. A, 7-6-2000; Ord. No. 05-1049, 2-3-2005)

Grievance Procedure.

Every employee is not only permitted, but is encouraged, to air grievances that they may have with regard to their treatment or conditions on the job over which the Parish might be expected to have some control, all as set forth in these Policies. Punitive action shall not be taken against any employee for submitting a grievance in good faith. Any attempt by an employee to bypass a level of supervision in the grievance process shall be considered grounds for disciplinary action. Grievances may be filed for the following reasons:

1. Demotion or Reassignment that involves a decrease in salary.
2. Suspension
3. Discharge as a result of disciplinary action.

An employee who wishes to air a grievance (hereinafter referred to as the "grievant") shall first submit a written grievance outlining the specific and detailed facts to his/her immediate supervisor within five working days after learning of the incident at issue. It shall be the responsibility of the immediate supervisor to study the grievance and attempt to resolve it within five working days. If the grievant feels the immediate supervisor's actions are unsatisfactory or inadequate, there shall be a meeting between the grievant, the immediate supervisor, and the Department Head. The CAO shall also attend this meeting whenever possible. If the decision reached in this meeting is unsatisfactory to the grievant, the grievant may appeal to the Personal Board for the reasons previously noted. The Personal Office shall notify the Board, of time and date of meeting. Admittance to the meeting shall be limited. Notice of such meeting shall be given to the grievant at least ten work days prior to the meeting by certified mail. A grievant shall have the right, but shall not be required, to be represented by counsel.

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The Personal Board shall consist of 5 members in accordance of the provision of the St. Tammany Parish Home Rule Charter.

1. The Board shall decide appeals promptly, but in any event within 30 days after completion of a hearing(s).
2. The Board shall make its decision on hearings on the facts presented by the appellants/ parties concerned.
3. No hearing or meeting to investigate shall be held unless both the employee and appointing authority/department head shall have been advised at least ten days in advance of the date, time and place thereof. If either of the parties fails to appear at the place on the day and the hour fixed for such hearing, the Board may, at its discretion, decide the issue involved on the basis of the evidence presented.
4. The Board shall not be required to have the testimony taken at the hearing transcribed, but either the employee or the appointing authority may, at its own expense, make the necessary arrangements therefor.
5. The decision of the Board, together with its written finding of fact, if required, shall be certified in writing to the appointing authority and shall be forthwith enforced by appointing authority.
6. Any classified employee and any appointing authority shall have the right to appeal from any decision of the Board. This appeal shall lie direct to the court of original and unlimited jurisdiction in the civil suits for the parish of St. Tammany. Such appeal shall be taken by serving the Board, within thirty (30) days after entry of its decision, a written notice of appeal, stating the grounds thereof and demanding that a certified transcript of the record, and/or written findings of facts, and all papers on file in the office of the Board affecting or relating to such decision, be filed with the designated court. The Board shall, within thirty (30) days after filing such notice of appeal, make, certify and file such complete transcript or written findings of facts with designated court.
7. Refusal to testify: Any employee in the classified service who shall willfully refuse or fail to appear before any court or board properly authorized to conduct any hearing or inquiry, or if such employee having appeared, shall refuse to testify or answer any relevant question, except upon the grounds that their testimony or answers would incriminate them, shall, in addition to other penalties to which they may be subjected, forfeit their position and shall not be eligible for appointment to any position in the classified service for a period of six years.
8. Oaths, Subpoenas, Production of Records: The Board, each member of the Board, and the Personnel Administrator shall have the same power to administer oaths, subpoena witnesses, and compel the production of records and papers pertinent to any investi-

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gation or hearing. All applications for the issuance of subpoenas must be in the hands of the Board at least five business days prior to the date established for the hearing and said application shall contain the full name and address of all persons to be subpoenaed.

(Ord. No. 00-0174, att. A, 7-6-2000; Ord. No. 05-1049, 2-3-2005)

Personal Appearance and Hygiene.

It shall be the responsibility of each employee that his/her personal appearance and hygiene best represents a favorable image of the Parish. Whenever possible, an employee shall be well-groomed and dressed in a manner suitable for the public service environment. It likewise shall be the responsibility of the employee to maintain a clean, orderly, and neat work place. Whenever necessary, the Department Head shall discuss in private any of the provisions of this subject with an employee.

(Ord. No. 00-0174, att. A, 7-6-2000)

Dress Code.

All personnel are required to report to work in appropriate attire based on their job class and duties. Administrative policies for specific dress code requirements shall be developed to insure that all staff present to the general public an appropriate and professional appearance.

(Ord. No. 00-0174, att. A, 7-6-2000)

Telephone Calls.

A Parish telephone shall be used only for conducting the business of the Parish, but may be used for personal business on a restricted basis, as set forth herein. Personal telephone calls placed or received during business hours shall be held to both a minimum number and time limit and shall not interfere with the employee's work. Whenever a personal long distance call is to be placed by an employee, the call shall be billed to the employee's home number or personal calling card, or placed collect. It is the employee's responsibility to ensure that no cost to the Parish results from their personal telephone calls. Violation of this policy shall minimally result in cost reimbursement to the Parish and shall subject the employee to disciplinary action.

(Ord. No. 00-0174, att. A, 7-6-2000)

Computer Use.

A Parish computer shall be used only for conducting the business of the Parish, but may be used for personal business on a restricted basis, as set forth herein. Personal computer use during business hours shall be held to a minimum and shall not interfere with the employee's

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work. It is the employee's responsibility to ensure that no cost to the Parish results from his/her personal computer use. Violation of this policy shall minimally result in cost reimbursement to the Parish and shall subject the employee to disciplinary action.

(Ord. No. 01-0285, att. A, 4-5-2001)

Internet.

The Parish provides access to the Internet for business purposes only. The Internet represents a useful tool for the Parish in conducting its business, but like any other tool, it must be used properly.

Any improper use of any internet tools; including the world wide web, FTP, telnet and other communications programs; is strictly prohibited.

The Parish does not permit the downloading or installation on Parish computers of application software from the Internet without authorization of Department of Information Services.

(Ord. No. 01-0285, att. A, 4-5-2001)

Email.

Employees are reminded that computers, computer networks, E-mail, telephone systems (including voice mail), and other electronic communication systems (and all communicates created, received, stored on or transmitted through those systems) are Parish property. The Parish reserves the right to inspect, examine, and monitor the use of its computers, computer networks, E-mail, telephone systems (including voice mail), and all other electronic communication systems at any time and without any notice. Accordingly, employees should have no expectation of privacy regarding any communications made through such systems.

Users often use E-mail for less formal correspondence. Because the E-mail system often feels like a less formal method of communication than paper, and it is not a face-to-face mode of communication, users may feel free to be less cautious or more candid in the contents of messages. Please remember, however, that the E-mail system is not a private mode of communication, and defamatory or inappropriate material or messages distributed through the E-mail system could expose the user to liability as well as disciplinary action.

(Ord. No. 01-0285, att. A, 4-5-2001)

Political Activities.

While on duty, in the work place or on official assignment, employees of the classified service are prohibited from engaging in political activities as follows:

- a. Participate or engage in political activity ("Political activity" means an effort to support or oppose the election of a candidate for political office or to support a particular political party in an election.)
- b. Make or solicit contributions for any political party, faction or candidate.

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- c. Take an active part in the management of the affairs of a political party, faction, candidate, or any political campaign, except to exercise his/her right as a citizen to express his opinion privately, to serve as a commissioner or official watcher at the polls, and to cast his/her vote as desired.
- d. No person shall solicit contributions for political purposes from a classified employee or use or attempt to use their position in the parish to service to punish or coerce the political action of a classified employee.

Any classified employee who qualifies with the Clerk of Court for any of the following elected positions shall be placed on administrative leave.

Parish President, Parish Council Member, State or Federal Office

In lieu thereof and if approved by the Department Head and CAO, an employee may use any accumulated annual leave.

Any employee who qualifies for and/or is elected to any other local elected position is prohibited from engaging in the following activities:

- a. Campaigning during work hours.
- b. Campaigning in parish vehicle.
- c. Use of parish property and supplies for campaign related activities.
- d. Use of parish position to influence a vote.
- e. Conducting any business related to the elected position on parish time.

Violations. It shall be the duty of any employee or parish official to report promptly any violation of this provision to the Personnel Administrator, whose duty it shall be to make a preliminary investigation concerning the alleged violations and report findings to the CAO. (Ord. No. 00-0174, att. A, 7-6-2000)

Employee Ethics.

The purpose of this policy is to establish guidelines for ethical standards of conduct which shall govern employees in the performance of business of the Parish and the duties of their respective jobs. This policy is intended to provide positive direction to employees in order to prevent potential conflicts of interest.

This policy is not intended to be all-encompassing in its application or its definition of conflict of interest. A "reasonable person" theory, as follows, shall apply: Any action or failure to act which may be deemed inappropriate by a reasonable person, whether or not such action or failure to act is specifically cited in this policy, shall be subject to inquiry.

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An employee shall not act or fail to act, the result of which conflicts, or which creates an appearance of conflict, with the performance of the employee's official duties. An employee shall be deemed to have a conflict of interest whenever any of the following facts and circumstances is apparent:

1. The employee directly or indirectly solicits any gift or accepts or receives any gift - whether it be money, services, loan, travel, promise, or any other form - under the following circumstances: (1) it could be reasonably inferred or expected that the gift was intended to influence them in the performance his/her official duties; or (2) the gift was intended to serve as a reward for any official action on his/her part.
2. The employee invests or holds any investment, directly or indirectly, in any financial business, commercial, or other private transaction that creates a conflict with his/her official duties.
3. The employee engages in, solicits, negotiates for, or promises to accept private employment or renders services for private interests or conducts a private business when such employment, service, or business creates a conflict with or impairs the proper discharge of his/her official duties.
4. The employee represents any outside interest before any agency, whether public or private, except with the authorization of, or at the direction of, the Parish President.
5. The employee, acting in his/her role as an employee of the Parish, endorses a commercial product or service by agreeing to use his/her photograph, endorsement, or quotation in paid or other commercial advertisements, whether or not for compensation.
6. Except as may be specifically authorized by the Parish President, the employee requests, uses, or permits the use of Parish-owned vehicles, clothing, equipment, materials, or other property for unauthorized personal convenience, for profit, for private use, or as part of any secondary employment.
7. The employee uses Parish property or his/her on-duty time in any manner to promote any political issue or candidate, or to solicit funds for any political purpose or to influence the outcome of any election.
8. Subject to the opinion of the Louisiana Attorney General, the employee holds an elective office or appointed position in which the holding of such office or position would be incompatible or would substantially interfere with the discharge of the employee's official duties.

A request for an interpretation of any provision of this subject shall be directed in writing to the CAO.

(Ord. No. 00-0174, att. A, 7-6-2000)

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Work Place Safety From Substance Abuse.

It is the policy of the Parish that the consumption of alcohol or other prohibited substances (e.g. drugs, etc.) by an employee shall not be tolerated. The Department Head shall assure that the work place is free of any employee who is under the influence of alcohol or other prohibited substance while on duty, in the work place, or in the presence of the public, or whose job performance may be impaired by the use of alcohol or other prohibited substance while not on duty.

Policies, standards, and guidelines which relate to drug and/or alcohol screening for employees shall be established in a supplement(s) to these Policies, a copy of which shall be provided to each employee.

(Ord. No. 00-0174, att. A, 7-6-2000)

HARASSMENT

Unlawful Harassment.

This policy is intended to ensure an environment which respects the dignity and worth of each individual and is free from all forms of unlawful discrimination, including sexual harassment and harassment because of race, color, religion, gender, national origin, age, ancestry, disability, political affiliation or belief or activity, or any other characteristic prohibited by law. Discriminatory harassment, including sexual harassment will not be tolerated. This policy applies to all harassment occurring in the work environment whether in our offices or elsewhere. The policy covers all employees of the parish.

(Ord. No. 00-0174, att. A, 7-6-2000)

Sexual Harassment.

For purposes of this policy, sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

1. Submission to such conduct is either explicitly or implicitly made a term or condition of an individual's employment; or
2. Submission to or rejection of such conduct is used as a basis for employment decisions affecting the individual; or
3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.

Some examples of what may constitute sexual harassment are: threatening or taking adverse employment actions if sexual favors are not granted; demands for sexual favors in exchange for favorable or preferential treatment; unwelcome and reported flirtations, propositions or advances; unwelcome physical conduct; whistling, leering, improper gestures or offensive re-

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marks, including unwelcome comments about appearance; sexual jokes or inappropriate use of sexually explicit or offensive language; and the display in the workplace of sexually suggestive objects or pictures. The above list is not intended to be all-inclusive.

(Ord. No. 00-0174, att. A, 7-6-2000)

Other Prohibited Harassment.

For purposes of this policy, other prohibited harassment is defined as either verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of his/her race, color, religion, gender, national origin, age, ancestry, disability, or any other characteristic protected by law and that:

1. Has the purpose or effect of creating an intimidating, hostile or offensive work environment; or
2. Has the purpose or effect of unreasonably interfering with an individual's work performance.

Some examples of such harassment include but are not limited to: using epithets or slurs; threatening, intimidating or engaging in hostile acts that focus on a protected characteristic, including jokes or pranks; or circulating in the workplace written or graphic material that denigrates or shows hostility or aversion to a person or group because of a protected characteristic.

(Ord. No. 00-0174, att. A, 7-6-2000)

Reporting Harassment.

The Parish requires the prompt reporting of all incidents or discriminatory harassment. If you believe you are being harassed or have observed harassment, you should promptly notify any Department Head, the CAO or the Personnel Administrator.

When a report of harassment is made, the parish will undertake a prompt and thorough investigation as may be appropriate under the circumstances. The steps to be taken during the investigation will vary depending upon the nature of the allegations. Confidentiality will be maintained throughout the investigatory process to the extent practical and consistent with the organization's needs. Upon completion of the investigation, the outcome will be communicated to the aggrieved party and the person(s) accused and remedial action will be taken, if appropriate.

Individuals who report harassment or are involved in the investigation of a harassment complaint will not be subject to reprisal or retaliation. Retaliation is regarded as a very serious violation of this policy and should be reported immediately.

The managers and supervisors of the parish will be held accountable for adhering to this policy, for reporting promptly any incident of harassment and for maintaining a positive and produc-

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tive work environment. If any manager or supervisor receives a report of harassment or believes he or she has observed harassment, the manager or supervisor is required to promptly notify one of the individuals listed above. Failure to make the required notification may subject the manager or supervisor to discipline, up to and including discharge.
(Ord. No. 00-0174, att. A, 7-6-2000)

Whistle Blower Policy.

The Parish strives to conduct its business with the utmost integrity and in strict accordance with all applicable federal, state and local law. Accordingly, employees are encouraged to bring to the attention of the Parish any improper actions of its officials and employees. The Parish shall not retaliate against any employee who makes such a disclosure in good faith.

An employee is encouraged to utilize the administrative "chain of command" in reporting these actions. Should the employee feel intimidated or otherwise uncomfortable with such an approach, he/she should request a personal meeting with either the CAO, Parish President or the Administrative Attorney before proceeding with such an issue to any agency or entity outside the Parish government system.

Improper actions are actions undertaken by an officer or employee in the performance of his or her official duties which (a) are in violation of any federal, state or local law, (b) constitute an abuse of authority, (c) create a substantial and specific danger to public health or safety, or (d) grossly waste public funds. Improper actions do not include common personnel actions, such as the processing of grievances, decisions regarding hiring, promotion, firing and other disciplinary action.

(Ord. No. 00-0174, att. A, 7-6-2000)

TRAINING AND TRAVEL

Training Programs.

It is the policy of the Parish to encourage and coordinate training opportunities for employees and supervisors in order that services rendered by employees shall be more efficient and effective. "Training" shall mean any work related program, seminar, conference, convention, course or workshop attended by an employee whose tuition and/or expenses are funded in whole or in part by the Parish or while the employee is in a paid status with the Parish.

Academic training. Employees are encouraged to continue training for their respective position through participation in off-duty/non-working hours educational programs. Educational expenses incurred by such participation may be granted for job related courses with prior approval of the CAO, provided funds have been budgeted for. Successful completion shall be defined as receipt of a certificate of satisfactory completion or a grade of "B" (3.0 grade point) or better in the case of academically rated courses (or attainment of pass in a

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pass/fail grading system.) An employee who completes such course/program with less than a grade "B" (3.0 grade point, will be required to reimburse the Parish for the total cost of the tuition. Tuition expenses are for the course only; no expenses shall be allowed for books, lab fees, travel or material costs. Approval for tuition expenses shall only be allowed for courses offered by accredited colleges, universities or vocational training institutes. Training expenses are generally available to an employee who has successfully completed their designated probation period. Consideration of an employee's request for tuition is dependent upon budgetary constraints and the recommendation of the employee's Department Head. Time spent in attendance at these courses shall be considered the employee's personal time and is not counted as time worked.

Other training. Parish-sponsored and required training should be arranged during regularly scheduled work hours. A Department Head may change the standard work hours to accommodate or require attendance at such training activities. Such required training shall be recorded as time worked within the meaning of this policy. An employee who acquires training on his/her own time and expense is encouraged to notify the Personnel Office so the information can be noted in the employee's personnel file.

(Ord. No. 00-0174, att. A, 7-6-2000)

Travel.

Travel expenses while on parish business. It is the policy of the Parish to reimburse employees for reasonable and necessary expenditures made by employees while on official and authorized business. Mileage shall be reimbursed at a rate per mile equal to the allowable IRS rate and all other allowable expenses on an actual cost basis. Claims for reimbursement of travel expenses, other than mileage, shall be accompanied by original invoices and/or receipts showing proof of payment of such claims.

1. All expense reimbursements presented are to be approved by signature of the Department Head prior to submittal for payment.
2. All expense reimbursements of Department Heads are to be approved by signature of the CAO prior to submittal for payment.
3. Requests for travel advances must be submitted seven days in advance of the travel date, and must be approved by signature of the Department Head (or CAO for Department Heads) prior to submittal.
4. All expense account reports detailing travel expenses must be submitted within 30 days of the return to duty by the subject employee. Failure of the employee to submit proper documentation for the amount advanced within said 30-day period shall result in a garnishment of the employee's paycheck.

APPENDIX B—PARISH PERSONNEL POLICIES ORDINANCE

5. Special Meals which are not a part of an employee's travel, but rather are incurred by the employee while performing Parish duties shall be reimbursed in full. When such an expense is incurred, the employee must include the following information on the receipt: date, purpose of meal, all persons present for which the meal was incurred.
(Ord. No. 00-0174, att. A, 7-6-2000; Ord. No. 01-0353, 8-2-2001)

Travel Practices.

1. The Department Head and the CAO shall approve in advance any request for out-of-state or overnight travel.
2. The employee, to the extent which is reasonable and practical, shall obtain lodging which is most economical (e.g., single room at a regular or discount rate)
3. If the employee elects to be accompanied by his or her spouse and/or children, the receipts for lodging and meal expenses shall be noted with the additional cost to be paid by the employee.
4. The cost of alcoholic beverages and bar tabs are not reimbursable expenses.
5. The employee is allowed a flat \$10.00 per day based on a 24-hour period for non-verified, miscellaneous expenses (e.g., parking meter charges, pay telephone calls, bellman tips, soft drink machine use, etc.).
6. Mileage shall not be paid for commuting from an employee's residence to the work place. Mileage reimbursements for assignments within the Parish shall be subject to the CAO approval. The maximum mileage reimbursements to an employee who chooses to drive in lieu of air travel shall not exceed the lowest reasonable cost of an airline ticket to the same destination.
7. Reimbursement for meals shall be allowed only when the employee is attending a seminar or conference as a representative of the Parish, or when the employee's attendance at the event is attendant to the duties and responsibilities of the employee. Reimbursement shall not be allowed for meetings which are of a social nature.
8. Parking fees shall be reimbursed for actual cost and receipts shall be presented whenever possible.

Nonreimbursed expenses:

1. Laundry, cleaning, or valet services (except whenever the period of travel exceeds seven days).
2. Tobacco.
3. Alcoholic beverages.
4. Entertainment.

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5. Personal telephone calls to home (limited to one per day).
 6. First class travel accommodations whenever economy or coach class accommodations are available.
 7. Meals and lodging in lieu of other meals and/or lodging which are included in a conference registration fee.
 8. Fines, forfeitures or penalties.
 9. Rental vehicles, if previously approved by the CAO.
 10. Expenses of a spouse, child, and/or other non-employee.
 11. Loss or damage to personal property.
 12. Barber, beauty parlor, shoe shine, or toiletries.
 13. Personal postage.
- (Ord. No. 00-0174, att. A, 7-6-2000)

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1998 CODE

This table gives the location within this Code of those sections of the 1998 Code, as updated through March 6, 2014, which are included herein. Sections of the 1998 Code, as updated, not listed herein have been omitted as repealed, superseded, obsolete or not of a general and permanent nature. For the location of ordinances adopted subsequent thereto, see the table immediately following this table.

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*Note—The adoption, amendment, repeal, omissions, effective date, explanation of numbering system and other matters pertaining to the use, construction and interpretation of this Code are contained in the adopting ordinance and preface which are to be found in the preliminary pages of this volume.

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