

Jennings, Louisiana
March 12, 2025

The Jefferson Davis Parish Police Jury met in a Regular Session on the above date, in the Police Jury Meeting Room of the Sidney Briscoe Building located at 304 North State Street, Jennings, LA., at 5:00 P.M.

The following members were present:

DONALD WOODS	District 1	WAYNE FRUGE	District 8
CHAD WOODS	District 2	DAVID LEJEUNE	District 9
MARCUS PETERSON	District 3	BYRON BULLER	District 10
KORI MYERS	District 4	BUTCH LAFARGUE	District 11
TIM MCKNIGHT	District 5		District 12
MELVIN ADAMS	District 6	BILL LABOUVE	District 13
STEVE EASTMAN	District 7		

BEN BOUDREAUX, Administrator; LANCE PERSON, Legal Counsel

Absent: OWEN CORMIER, District 12

The meeting was called to order by President Steve Eastman. Mrs. Gary gave the Invocation and Mr. Buller led the Pledge of Allegiance.

A Public hearing was held to consider adopting Ordinances amending Chapter 5 ½ Buildings and Construction, Chapter 9 Garbage, Trash, Refuse, Weeds, Litter and Lot Cleanliness, Chapter 10 Health and Sanitation, Chapter 12 ½ Mineral and Natural Resources, Chapter 14 ½ Pipelines, and Chapter 17 Streets Sidewalks, and Public Places. The President asked for any public comments; there were none.

The motion was made by Mr. Adams, seconded by Ms. Myers, and carried, to adopt the following Ordinance, to-wit:

ORDINANCE NO. 2457

An Ordinance Amending Chapter 5½ BUILDINGS AND CONSTRUCTION

WHEREAS, the Jefferson Davis Parish Police Jury is empowered to adopt amendments and revisions of its ordinances by Louisiana Revised Statutes.

WHEREAS, the Jefferson Davis Parish Police Jury is desirous of exercising said power; now therefore

BE IT ORDAINED by the Jefferson Davis Parish Police Jury, and it is hereby ordained by the same:

Chapter 5½ BUILDINGS AND CONSTRUCTION, is hereby amended to read as follows:

ARTICLE I. IN GENERAL

Sec. 5½-1. Sewage disposal systems.

- (a) Every premise, public or private, where people live, work, or congregate, shall be provided with approved toilet facilities, including handwashing facilities. Said facilities shall be properly connected to an approved private or public sewage system, or to a private sewage disposal system specifically approved for the premises by the state office of public health or its duly authorized representative, after inspection and determination that the system complies with all applicable laws and regulations including, but not limited to, the state sanitary code in compliance with R.S. 40:4 et seq. It shall be the duty of the owner, manager or agent of any occupied premise, public or private, where people live, work or congregate to provide an approved method of sewage disposal.
- (b) No person, partnership, institution, corporation or other organization shall install or cause to be installed an individual sewage disposal system of any kind without first having obtained a work authorization for such installation from the state health officer or his duly authorized representative. No individual sewage disposal system shall be used or placed in operation without final approval in the form of a permit issued by the state health officer or his duly authorized representative.

No electrical utility company authorized to do or doing business in the parish shall do any of the following:

- (1) Install or connect permanent service to any mobile home or movable structure until a final permit is issued;
- (2) Install or connect temporary service to any new construction unless a work authorization has been issued by the parish;
- (3) Install or connect permanent electrical service until a final permit has been issued by the state health officer as required hereinabove.

Sewage disposal systems having existing buildings or movable structures shall be exempt from these requirements for the period of time that any owner or occupant of said property inhabits the premises or that the use of the premises not change.

The change of location of any mobile home, modular home or other structures shall require that a new health permit be secured in the same manner as required for new dwellings.

The mobile home or modular home installation shall comply with all requirements for location of a normal dwelling unit. All requirements for individual sewage systems shall also apply.

- (c) Any violation of the provisions of this article shall be a misdemeanor offense and shall be punishable by a fine not to exceed one hundred dollars (\$100.00). Each day that a violation exists shall constitute a separate, punishable offense.
- (d) All ordinances or parts of ordinances in conflict herewith are hereby repealed.
- (e) If any part of this article is declared unconstitutional or unenforceable by any court of competent jurisdiction, the remainder of this article shall not be affected.

(Ord. No. 760, §§ 1—3, 7-8-87; Ord. No. 877, 8-11-92; Ord. No. 1053, 3-24-99)

Editor's note(s)—Ord. No. 760, §§ 1—3, adopted July 8, 1987, did not specifically amend the Code; therefore, inclusion as § 5½-1 was at the discretion of the editor.

****Completely move this 5-1/2-2 Section to 5-1/2-137 Section****

Sec. 5½-2. Reserved

(Ord. No. 2127, 7-11-07; Ord. No. 2133, 9-12-07; Ord. No. 2143, 1-9-08; Ord. No. 2325, 5-18-19)

Sec. 5½-3. Dangerous buildings—Authority generally; enforcement; reoccupancy of unoccupied buildings or structures.

- (a) In accordance with R.S. 33:4754, the police jury may condemn, declare a nuisance, and cause to be impaired, demolished or removed any buildings and structures, other than buildings or appurtenances on agricultural land when such land is used primarily for agricultural purposes, outside the incorporated municipalities within Jefferson Davis Parish which shall be found to have any of the following defects:

- (1) A building or structure so damaged, decayed, dilapidated, unsanitary, unsafe, or vermin-infested that it creates a serious health hazard to the welfare and/or safety of the occupants or the public;
- (2) A building or structure that lacks illumination, ventilation or sanitation facilities adequate to protect the health or safety of the occupants or the public;
- (3) A building or structure which constitutes a fire hazard, or is otherwise dangerous to human life or, which in relation to existing use, constitutes a hazard to the safety or health of the public.

The building official, administrative road supervisor, or his duly authorized representative, shall enforce the provisions of this articles and may enter any buildings, structure, or premises to perform any duty imposed upon him by this article.

- (b) Relative to unoccupied or abandoned buildings or structures, upon completion of inspection, and when the administrative road supervisor has declared a building or structure as unfit for human habitation and constituting a nuisance, the administrative road supervisor is authorized to prohibit reoccupancy pending hearing before the police jury. Notice shall be posed at each entrance to such building, structure, or dwelling stating: "THIS BUILDING IN UNSAFE AND ITS USE OR OCCUPANCY HAS BEEN PROHIBITED BY THE POLICE JURY OF JEFFERSON DAVIS PARISH." This notice shall remain posted on the building or structure provided the police jury approved the written report as prescribed in section 5½-4 of this article. Upon posting of notice prohibiting occupancy of the building or structure, the administrative road supervisor or his authorized representative is authorized to order the disconnection of electrical currents to the building or structures, and further, authorized to provide the manner in which they may be reconnected.

(Ord. No. 2069, 10-27-04; Ord. No. 2125, 5-24-07)

Sec. 5½-4. Same—Demolition or removal recommendation prerequisite to condemnation.

Before the policy jury may condemn any building or structure, there must be submitted to it a written report recommending the demolition or removal of the building or structure signed by the administrative road supervisor.

(Ord. No. 2069, 10-27-04; Ord. No. 2125, 5-24-07)

Section 5½-5. Same—Notice to owner to show cause why building should not be condemned.

- (a) As used in this section, the term "owner of the building or structure" shall mean the person listed as owner of the premise in question according to the current parish property tax rolls, and his address shall be the last address shown on such rolls.
- (b) By direction of the police jury, the administrative road supervisor shall, upon submission of the recommendation referred to in section 5½-4 of this article, serve notice on the owner of the building or structure requiring him to show cause at a meeting of the police jury as to why a building or structure should not be condemned. The date, hour and place of the hearing shall be stated in the notice which shall be served at least fifteen (15) days prior to the date of the hearing and shall include a description of the property sufficient for identification.
- (c) Notice shall be served by one of the following methods:
 - (1) Notice is served upon the owner in the same manner as service of citation or other process, whether made by the sheriff, deputy sheriff or constable, or duly authorized building inspection of the parish.
 - (2) Notice is served by registered or certified mail, return receipt requested, sent to the owner at his actual address or last known address listed on the tax rolls of the parish.
 - (3) Notice is served in the same manner as service of citation or other process upon any mortgagee or any other person who may have a vested or contingent interest in the premises as indicated in the mortgage or other public records of the parish, if the owner is absent or is unable to be served in accordance with the first two (2) paragraphs of this subsection.
 - (4) Notice is made by publication once a week for two (2) consecutive weeks in the official parish journal if the owner is absent or is unable to be served in accordance with the first three (3) paragraphs of this subsection.

- (d) The requirements for notice to the owner shall not apply when any building, dwelling or structure or any part thereof, are in imminent danger of collapse and constitute a menace to public safety.

(Ord. No. 2069, 10-27-04; Ord. No. 2125, 5-24-07)

Sec. 5½-6. Same—Repairs.

- (a) After the hearing provided for in section 5½-5 of this article, if in the opinion of the police jury the facts justify the same, the police jury may allow the owner to repair a building or structure recommended for condemnation. In such a case, a detailed list of repairs and the time period allowed for repairs, not to exceed sixty (60) days, shall be specified in the decision of the police jury. The list of repairs shall be in accordance with the state building code, and all necessary development permits shall be obtained.
- (b) The administrative road supervisor may perform inspections as proof of compliance of the repairs as specified in the decision of the police jury. Tests, as required or to be made, shall be at the expense of the owner, or his agent, by an approved testing laboratory or other approved agency as determined by the administrative road supervisor.
- (c) The decision and order of the police jury shall be in writing and shall be final unless appealed in less than five (5) days as provided in section 5½-10 of this article.

(Ord. No. 2069, 10-27-04; Ord. No. 2125, 5-24-07)

Sec. 5½-7. Same—Condemnation order.

- (a) After the hearing provided for in section 5½-5 of this article, if in the opinion of the police jury the facts justify the same, an order shall be entered condemning the building or structure and ordering that it be demolished or removed within a certain prescribed time period, not to exceed sixty (60) days. The order shall also require that all development permits be secured for demolition and that all debris be removed from the premises.
- (b) The administrative road supervisor may perform inspections as proof of compliance of demolition as specified in the decision of the police jury and as ordered by the police jury. Tests, as required or to be made, shall be at the expense of the owner, or his agent, by an approved testing laboratory or other approved agency as determined by the administrative road supervisor.
- (c) The decision and order of the police jury shall be in writing and shall be final unless appealed in less than five (5) days as provided in section 5½-10 of this article.

(Ord. No. 2125, 5-24-07)

Sec. 5½-8. Same—Posting notice on building or structure.

In accordance with the order of the police jury either to condemn or to repair a building or structure pursuant to this article, each entrance to the building or structure shall be posted with a notice that shall state: "THIS BUILDING HAS BEEN CONDEMNED BY THE JEFFERSON DAVIS POLICE JURY AND ITS OCCUPANCY FOR USE SHALL BE PROHIBITED." Such notice shall remain posted until the required repairs are made or demolition is completed. It shall be unlawful for any person, or his agent, to remove such notice without written permission by the administrative road supervisor, or for any person to enter the building, except for the purpose of making the required repairs or to demolish the building or structure.

(Ord. No. 2125, 5-24-07)

Sec. 5½-9. Same—Extension of time for repairs or demolition.

- (a) The administrative road supervisor shall have authority to approve one or more extensions of time as he may determine reasonable to complete the required repairs or demolition of a building or structure which has been condemned pursuant to this article. A request for extension of time shall be made in writing stating the reasons therefor.
- (b) If the extensions of time, in total, exceed sixty (60) days, approval shall be obtained from the police jury without further public hearing.

(Ord. No. 2125, 5-24-07)

Sec. 5½-10. Same—Appeal from condemnation decision.

- (a) In accordance with subsection 5½-7(c), the owner, occupant, agent or other representative of the owner may appeal a decision of the police jury to condemn a building or structure pursuant to this article to the 31st Judicial District Court. The appeal shall be made by the filing of a suit against the police jury, setting forth the reasons why the decision or order of the police jury is illegal or improper, and the issue shall be tried de novo and by preference in the district court.
- (b) Either party may appeal from the judgment of the district court as in other cases.

(Ord. No. 2125, 5-24-07)

Sec. 5½-11. Same—Compliance with condemnation order.

- (a) *By owner.*
 - (1) The owner, or his designated agent, of a building or structure condemned pursuant to this article may proceed to demolish and remove the building or structure, or have it repaired in accordance with the order of the police jury, within the required time period.
 - (2) If the owner of any lot containing such derelict building, dwelling or structure fails to repair or demolish same when requested to do so by the police jury, within the required time period after receipt of such request by a registered or certified letter or other adequate notice, the police jury may have such building restored to a safe condition or demolished and may charge the property owners therefor in accordance with regulations adopted by the police jury.
- (b) *By parish.* In the event the owner or occupant of the building or structure fails to appeal therefrom within the legal delays provided herein, the jury may then proceed with the demolition or removal of the condemned building or structure, in which case the police jury shall not be liable for damages. Prior to the demolition or removal of the building or structure by the police jury, the administrative road supervisor shall serve notice by registered mail, with service complete upon mailing, to the owner, or his agent, and to the occupant of the building or structure, if there is one, giving the time when the work will begin for the demolition or removal of the building or structure.
- (c) *By state.* In the event the parish has expended all funds relative to the demolition and removal budget, and documentation is provided that all procedural protections and substantive restraints have been adhered to by the parish, the national guard may assist the parish in demolishing or removing building or structures from the property. In the event all procedural protections and substantive restraints have been adhered to, neither the parish nor the national guard shall be liable for any damages resulting from the demolition of the building or structure.

(Ord. No. 2125, 5-24-07)

Sec. 5½-12. Same—Lien for costs of removal by parish; collection.

- (a) The police jury shall have a lien and privilege for the cost of demolishing, removing, or both, the building or structure and for the costs of maintaining property against the property and improvements upon which the building or structure was situated. Maintenance costs may include debris, refuse, discarded or noxious matter, grass cutting, weed abatement, and trash and garbage removal. Such lien shall be placed on property only in the event of the owner's refusal to pay any of these costs incurred by the parish. In order to preserve the lien and privilege, it shall be the duty of the administrative road supervisor, to prepare and sign a sworn statement of fact, giving the description of the property and the costs of demolishing, removing, or both, the building or structure and maintaining property subsequent to demolition, which he shall cause to be filed and recorded in the mortgage records with the parish clerk of court.
- (b) The parish shall add all costs and charges associated with trash removal and securing dangerous buildings to the ad valorem tax bill of the property involved, and the sheriff effecting collection shall be reimbursed by the parish for an amount equal to fifteen (15) percent of the amount of such charges actually collected from the property owner. This collection charge shall be in addition to such charges and shall be added to the ad valorem tax bill of the property owner. The parish shall be the sole and proper defendant in any action contesting such addition to the tax bill.
- (c) The parish shall be entitled to recover the amount of this expense, together with all court costs, fines imposed, attorney fees, and costs incurred in enforcing and collecting the lien, by ordinary process in the 31st Judicial District in and for the parish. The rate of interest on the lien 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.

- (d) In accordance with R.S. 33:4754, the parish is authorized to sell said property if the lien is not paid within six (6) months of the filing of the lien. Furthermore, once the property is sold the owner's right of redemption shall be limited to six (6) months. Alternatively, the parish is authorized to enforce the lien in 31st Judicial District Court either against the property or the owner personally with subsequent seizure and sale or garnishment or other movable or immovable property according to the Code of Civil Procedure. The parish is authorized to cancel all or part of the lien and interest in order to facilitate the sale or disposition of the property for the unpaid lien.

(Ord. No. 2125, 5-24-07)

Sec. 5½-13. Procedure to sell or donate adjudicated property declared to be surplus.

The following procedures shall apply to the sale or donation of the parish's interest in properties which have been adjudicated to the parish for non-payment of ad valorem taxes:

- (1) The president of the police jury is authorized to execute deeds for the sale of the parish's interest in property which has been adjudicated to the parish when the following conditions have been met:
 - (a) The police jury has declared by resolution that the property is surplus, and
 - (b) The procedure for the sale provided in R.S. 47:2201 et seq. has been followed, including but not limited to giving notice to persons who have an interest in the property.
- (2) The president of the police jury is authorized to execute deeds for the donation of the parish's interest in property which has been adjudicated to the parish when the following conditions have been met:
 - (a) The police jury has been notified of the proposed donee and has declared by resolution that the property is surplus;
 - (b) The procedure for the donation provided in R.S. 47:2201 et seq. has been followed, including but not limited to giving notice to persons who have an interest in the property; and
 - (c) The property is abandoned or blighted housing property and the donee is a nonprofit organization which is recognized by the Internal Revenue Service as a 501(c)(3) or 501(c)(4) nonprofit organization and which agrees to renovate and maintain such property until conveyance of the property by such organization.
- (3) The secretary/treasurer and/or assistant secretary/treasurer of the police jury are authorized to promulgate reasonable rules and regulations to implement this division.
- (4) References to Louisiana Revised Statutes herein shall be deemed to refer to said statutes as they exist now or may hereafter be amended. In the event of amendments to the referenced statutes, said amendments shall be applicable to the procedure for sales or donations for which application is made after the effective date of the statutory amendment.

(Ord. No. 2183, 9-21-10)

Secs. 5½-14—5½-19. Reserved.

ARTICLE II. FLOOD DAMAGE PREVENTION¹

DIVISION 1. GENERALLY

¹Editor's note(s)—Ord. No. 2173, adopted Feb. 24, 2010, amended Art. II in its entirety to read as herein set out. Former Art. II, §§ 5½-20—5½-75, pertained to similar subject matter. See the Code Comparative Table for full derivation.

Sec. 5½-20. Statutory authorization.

The Legislature of the State of Louisiana has in statute LRS 38:84 delegated the responsibility of local governmental units to adopt regulations designed to minimize flood losses. Therefore, the Police Jury of Jefferson Davis Parish, Louisiana, does ordain as follows in this article.

(Ord. No. 2173, Art. I, § A, 2-24-10)

Sec. 5½-21. Findings of fact.

- (a) The flood hazard areas of Jefferson Davis 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.

(Ord. No. 2173, Art. I, § B, 2-24-10)

Sec. 5½-22. Statement of purpose.

It is the purpose of this article to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- (1) Protect human life and health;
- (2) Minimize expenditure of public money for costly flood control projects;
- (3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) Minimize prolonged business interruptions;
- (5) 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) Help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood blight areas; and
- (7) Ensure that potential buyers are notified that property is in a flood area.

(Ord. No. 2173, Art. I, § C, 2-24-10)

Sec. 5½-23. Methods of reducing flood losses.

In order to accomplish its purposes, this article uses the following methods:

- (1) Restrict or prohibit uses that are dangerous to health, safety or property in times of flood, or cause excessive increases in flood heights or velocities;
- (2) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (3) Control 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.

(Ord. No. 2173, Art. I, § D, 2-24-10)

Sec. 5½-24. 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.

Alluvial fan flooding - means flooding occurring on the surface of an alluvial fan or similar landform which originates at the apex and is characterized by high-velocity flows; active processes of erosion, sediment transport, and deposition; and unpredictable flow paths.

Apex - means a point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.

Appurtenant structure - means a structure which is on the same parcel of property as the principal structure to be insured and the use of which is incidental to the use of the principal structure.

Area of future conditions flood hazard - means the land area that would be inundated by the one-percent-annual chance (100-year) flood based on future conditions hydrology.

Area of shallow flooding - means a designated AO, AH, AR/AO, AR/AH, or VO zone on a community's flood insurance rate map (FIRM) with a one (1) percent or greater annual chance of flooding to an average depth of one (1) to three (3) 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 (1) 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 rate making has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AO, AH, A1-30, AE, A99, AR, AR/A1-30, AR/AE, AR/AO, AR/AH, AR/A, VO, V1-30, VE or V.

Base flood - means the flood having a one (1) percent chance of being equaled or exceeded in any given year.

Base flood elevation - the elevation shown on the flood insurance rate map (FIRM) and found in the accompanying flood insurance study (FIS) for Zones A, AE, AH, A1-A30, AR, V1-V30, or VE that indicates the water surface elevation resulting from the flood that has a one (1) percent chance of equaling or exceeding that level in any given year - also called the Base Flood.

Basement - means any area of the building having its floor subgrade (below ground level) on all sides.

Breakaway wall - 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.

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 man-made change to improved and unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

Elevated building - means, for insurance purposes, a non-basement building, which has its lowest elevated floor, raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

Existing construction - means for the purposes 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. "Existing construction" may also be referred to as "existing structures."

Existing manufactured home park or subdivision - means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

Expansion to an existing manufactured home park or subdivision - means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

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 elevation study - means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.

Flood insurance rate map (FIRM) - means an official map of a community, on which the Federal Emergency Management Agency has delineated both the special flood hazard areas and the risk premium zones applicable to the community.

Flood insurance study (FIS) - see Flood Elevation Study.

Floodplain or flood-prone area - means any land area susceptible to being inundated by water from any source (see definition of flooding).

Floodplain management - means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

Floodplain management regulations - means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

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 area 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.

Floodproofing - means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodway - see regulatory floodway.

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.

Highest adjacent grade - means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Historic structure - means any structure that is:

- (1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- (4) Individually listed on a local inventory or historic places in communities with historic preservation programs that have been certified either:
 - (a) By an approved state program as determined by the Secretary of the Interior or;
 - (b) Directly by the Secretary of the Interior in states without approved programs.

Levee - means a man-made 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 - means a structure transportable in one (1) 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. The term "manufactured home" does not include a "recreational vehicle".

Manufactured home park or subdivision - means a parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

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 the purpose of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

New manufactured home park or subdivision - means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

Recreational vehicle - means a vehicle which is (i) built on a single chassis; (ii) four hundred (400) square feet or less when measured at the largest horizontal projections; (iii) designed to be self-propelled or permanently towable by a light duty truck; and (iv) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Regulatory floodway - means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

Riverine - means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

Special flood hazard area - see area of special flood hazard.

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, rehabilitation, addition placement, or other improvement was within one hundred eighty (180) days of the permit date. The 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. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure - means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

Substantial damage - means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.

Substantial improvement - means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either: (1) any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or (2) any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure."

Variance - means a grant of relief by a community from the terms of a floodplain management regulation. (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) 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.

(Ord. No. 2173, Art. 2, 2-24-10)

Sec. 5½-25. Lands to which this article applies.

The article shall apply to all areas of special flood hazard with the jurisdiction of Jefferson Davis Parish.

(Ord. No. 2173, Art. 3, § A, 2-24-10)

Sec. 5½-26. Basis for establishing the areas of special flood hazard.

The areas of special flood hazard identified by the Federal Emergency Management Agency in the current scientific and engineering report entitled, "The Flood Insurance Study (FIS) for Jefferson Davis Parish and incorporated areas," dated July 22, 2010, with accompanying Flood Insurance Rate Maps (FIRM) dated July 22, 2010, and any revisions thereto are hereby adopted by reference and declared to be a part of this article.

(Ord. No. 2173, Art. 3, § B, 2-24-10)

Sec. 5½-27. Establishment of development permit.

A floodplain development permit shall be required to ensure conformance with the provisions of this article.

(Ord. No. 2173, Art. 3, § C, 2-24-10)

Sec. 5½-28. Compliance.

No structure or land shall hereafter be located, altered, or have its use changed without full compliance with the terms of this article and other applicable regulations.

(Ord. No. 2173, Art. 3, § D, 2-24-10)

Sec. 5½-29. 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 ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

(Ord. No. 2173, Art. 3, § E, 2-24-10)

Sec. 5½-30. Interpretation.

In the 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.

(Ord. No. 2173, Art. 3, § F, 2-24-10)

Sec. 5½-31. 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 man-made 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 hereunder.

(Ord. No. 2173, Art. 3, § G, 2-24-10)

Sec. 5½-32. Exemptions.

Small accessory buildings, five hundred (500) square feet or less that does not require electricity or plumbing shall be exempt from flood zone requirements.

(Ord. No. 2257, 10-22-14)

Secs. 5½-33—5½-50. Reserved.

DIVISION 2. ADMINISTRATION

Sec. 5½-51. Designation of the floodplain administrator.

The building permit clerk is hereby appointed the floodplain administrator to administer and implement the provisions of this article and other appropriate sections of 44 CFR (Emergency Management and Assistance - National Flood Insurance Program Regulations) pertaining to floodplain management.

(Ord. No. 2173, Art. 4, § A, 2-24-10; Ord. No. 2265, 3-25-15)

Sec. 5½-52. Duties and responsibilities of the floodplain administrator.

Duties and responsibilities of the floodplain administrator shall include, but not be limited to, the following:

- (1) Maintain and hold open for public inspection all records pertaining to the provisions of this article.
- (2) Review permit application to determine whether to ensure that the proposed building site project, including the placement of manufactured homes, 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 U.S.C. 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 transportation and development, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
- (7) Assure 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 5½-26, 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 3.
- (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 (1) foot at any point within the community.

- (10) Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Program regulations, a community may approve certain development in Zones A1-30, AE, AH, on the community's FIRM which increases the water surface elevation of the base flood by more than one (1) foot, provided that the community first completes all of the provisions required by Section 65.12.

(Ord. No. 2173, Art. 4, § B, 2-24-10)

Sec. 5½-53. Permit procedures.

- (1) Application for a floodplain development permit shall be presented to the floodplain administrator on forms furnished by him/her 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, including the placement of manufactured homes, and the location of the foregoing in relation to areas of special flood hazard. Additionally, the following information is required:
 - (a) Elevation (in relation to mean sea level), of the lowest floor (including basement) of all new and substantially improved structures;
 - (b) Elevation in relation to mean sea level to which any nonresidential structure shall be floodproofed;
 - (c) A certificate from a registered professional engineer or architect that the nonresidential floodproofed structure shall meet the floodproofing criteria of subsection 5½-72(2);
 - (d) Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development;
 - (e) Maintain a record of all such information in accordance with subsection 5½-52(1);
- (2) Approval or denial of a floodplain development permit by the floodplain administrator shall be based on all of the provisions of this article and the following relevant factors:
 - (a) The danger to life and property due to flooding or erosion damage;
 - (b) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - (c) The danger that materials may be swept onto other lands to the injury of others;
 - (d) The compatibility of the proposed use with existing and anticipated development;
 - (e) The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - (f) 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;
 - (g) 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;
 - (h) The necessity to the facility of a waterfront location, where applicable;
 - (i) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use.

(Ord. No. 2173, Art. 4, § C, 2-24-10)

Sec. 5½-54. Variance procedures.

- (1) The appeal board, as established by the community, shall hear and render judgment on requests for variances from the requirements of this article.
- (2) 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.
- (3) Any person or persons aggrieved by the decision of the appeal board may appeal such decision in the courts of competent jurisdiction.

- (4) 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.
- (5) 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.
- (6) Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half (½) acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in subsection 5½-53(2) of this article have been fully considered. As the lot size increases beyond the one-half (½) acre, the technical justification required for issuing the variance increases.
- (7) 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 this article (section 5½-22).
- (8) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- (9) Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
- (10) Prerequisites for granting variances:
 - (a) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - (b) Variances shall only be issued upon: (i) showing a good and sufficient cause; (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) 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.
 - (c) Any application to which 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.
- (11) 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 (i) the criteria outlined in subsections 5½-54(1)—(9) are met, and (ii) 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.

(Ord. No. 2173, Art. 4, § D, 2-24-10)

Secs. 5½-55—5½-70. Reserved.

DIVISION 3. PROVISIONS FOR FLOOD HAZARD REDUCTION

Sec. 5½-71. General standards.

In all areas of special flood hazards the following provisions are required for all new construction and substantial improvements:

- (1) All new construction or 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 materials resistant to flood damage;

- (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;
- (6) 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; and,
- (7) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

(Ord. No. 2173, Art. 5, § A, 2-24-10)

Sec. 5½-72. Specific standards.

In all areas of special flood hazards where base flood elevation data has been provided as set forth in (i) section 5½-26, (ii) 5½-54(8), or (iii) 5½-73(3), the following provisions are required:

- (1) *Residential construction.* New construction and substantial improvement 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 certification to the floodplain administrator that the standard of this subsection, as proposed in subsection 5½-53(1)(a), is satisfied.
- (2) *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. A record of such certification which includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be maintained by the floodplain administrator.
- (3) *Enclosures.* New construction and substantial improvements, with fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which 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:
 - (a) A minimum of two (2) openings on separate walls having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided.
 - (b) The bottom of all openings shall be no higher than one (1) foot above grade.
 - (c) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
- (4) *Manufactured homes.*
 - (a) Require that all manufactured homes to be placed within Zone A on a community's FHBM or FIRM shall be installed using methods and practices which minimize flood damage. For the purposes 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.
 - (b) Require that manufactured homes that are placed or substantially improved within Zones A1-30, AH, and AE on the community's FIRM on sites (i) outside of a

manufactured home park or subdivision, (ii) in a new manufactured home park or subdivision, (iii) in an expansion to an existing manufactured home park or subdivision, or (iv) in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

- (c) Require that manufactured homes be placed or substantially improved on sites in an existing manufactured home park or subdivision with Zones A1-30, AH and AE on the community's FIRM that are not subject to the provisions of paragraph (4) of this section be elevated so that either:
 - (i) The bottom of the longitudinal structural I beam of the manufactured home is at or above the base flood elevation, or
 - (ii) The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than thirty-six (36) inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
- (5) *Recreational vehicles.* Require that recreational vehicles placed on sites within Zones A1-30, AH, and AE on the community's FIRM either (i) be on the site for fewer than one hundred eighty (180) consecutive days, or (ii) be fully licensed and ready for highway use, or (iii) meet the permit requirements of subsection 5½-53(1), and the elevation and anchoring requirements for "manufactured homes" in paragraph (4) of this section. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

(Ord. No. 2173, Art. 5, § B, 2-24-10; Ord. No. 2180, 8-25-10)

Sec. 5½-73. Standards for subdivision proposals.

- (1) All subdivision proposals including the placement of manufactured home parks and subdivisions shall be consistent with sections 5½-20—5½-23 of this article.
- (2) All proposals for the development of subdivisions including the placement of manufactured home parks and subdivisions shall meet floodplain development permit requirements of sections 5½-37, 5½-53 and the provisions of division 3 of this article.
- (3) Base flood elevation data shall be generated for subdivision proposals and other proposed development including the placement of manufactured home parks and subdivisions which is greater than fifty (50) lots or five (5) acres, whichever is lesser, if not otherwise provided pursuant to section 5½-27 and subsection 5½-52(8) of this article.
- (4) All subdivision proposals including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.
- (5) All subdivision proposals including the placement of 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.

(Ord. No. 2173, Art. 5, § C, 2-24-10)

Sec. 5½-74. Standards for areas of shallow flooding (AO/AH zones).

Located within the areas of special flood hazard established in section 5½-26, are areas designated as shallow flooding. These areas have special flood hazards associated with flood depths of one (1) to three (3) 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; therefore, the following provisions apply:

- (1) All new construction and substantial improvements of residential structures have the lowest floor (including basement) elevated to or above the base flood elevation or the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two (2) feet if no depth number is specified).
- (2) All new construction and substantial improvements of nonresidential structures:

- (a) Have the lowest floor (including basement) elevated to or above the base flood elevation or the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two (2) feet if no depth number is specified), or
 - (b) Together with attendant utility and sanitary facilities be designed so that below the base specified flood depth in an AO Zone, or below the base flood elevation in an AH Zone, 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 of effects of buoyancy.
- (3) A registered professional engineer or architect shall submit a certification to the floodplain administrator that the standards of this section, as proposed in section 5½-53 are satisfied.
 - (4) Require within Zones AH or AO adequate drainage paths around structures on slopes, to guide floodwaters around and away from proposed structures.

(Ord. No. 2173, Art. 5, § D, 2-24-10)

Sec. 5½-75. Floodways.

Floodways located within areas of special flood hazard established in section 5½-26, are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles and erosion potential, the following provisions shall apply:

- (1) Encroachments are prohibited, including fill, new construction, substantial improvements and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.
- (2) If subsection 5½-75(1) above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of division 3.
- (3) Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Program Regulation, a community may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that the community first completes all of the provisions required by Section 65.12.

(Ord. No. 2173, Art. 5, § E, 2-24-10)

Sec. 5½-76. Severability.

If any section, clause, sentence, or phrase of this article is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this article.

(Ord. No. 2173, Art. 5, § F, 2-24-10)

Sec. 5½-77. Penalties for noncompliance.

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this article and other applicable regulations. Violation of the provisions of this article by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this article or fails to comply with any of its requirements shall upon conviction thereof be fined not more than five hundred dollars (\$500.00) or imprisoned for not more than six (6) months, or both, for each violation. Each day the violation continues shall be deemed a new violation. In addition, the violator shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent Jefferson Davis Parish from taking such other lawful action as is necessary to prevent or remedy any violation.

(Ord. No. 2173, Art. 5, § G, 2-24-10)

Secs. 5½-78—5½-100. Reserved.

**ARTICLE III. MINIMUM STANDARDS FOR COMMUNICATIONS TOWERS IN
THE UNINCORPORATED AREAS OF
JEFFERSON DAVIS PARISH**

DIVISION 1. GENERALLY

Sec. 5½-101. Title.

This article shall be known as, and may be cited and referred to as, the "Jefferson Davis Parish Tower Ordinance."

(Ord. No. 1077, 3-8-00; Ord. No. 1081, 5-24-00)

Sec. 5½-102. Scope.

This article applies to all towers located within the unincorporated areas of Jefferson Davis Parish. Operators of amateur radios licensed under Part 97 of the Federal Communications Commission regulations, antennas for individual home usage, and onsite commercial two-way radio towers under one hundred (100) feet in height are specifically excluded from the requirements of this article.

(Ord. No. 1077, 3-8-00; Ord. No. 1081, 5-24-00; Ord. No. 2073, 1-12-05; Ord. No. 2100, 4-12-06)

Sec. 5½-103. Purpose.

The expansion of communication technology requires the construction of a network of servicing communication facilities and related equipment. In order to accommodate the communication needs of residents and business while protecting the public health, safety and general welfare of the community, no person shall develop, install, locate or construct any tower in any district in parish except as expressly authorized in this chapter and in conformance with all ordinances of the parish.

(Ord. No. 1077, 3-8-00; Ord. No. 1081, 5-24-00)

DIVISION 2. DEFINITIONS

Sec. 5½-104. Definitions.

Antenna: Any structure or device for the purpose of collecting or transmitting electromagnetic waves, including but not limited to directional antennas, such as panels, microwave dishes, and satellite dishes, and omni-directional antennas, such as whip antennas.

Colocation: Locating wireless communications equipment from more than one (1) provider on one (1) site.

Communication tower: A tower, pole, or similar structure which supports a telecommunications antenna operated for commercial purposes above ground in a fixed location, freestanding, guyed, or on a building.

Equipment shelter: A constructed or prefabricated building or other structure located on a telecommunications site designed principally to enclose equipment, switches, communications lines, and other related facilities in conjunction with telecommunications transmissions.

Service provider: A company licensed by the federal government to furnish technology.

Telecommunications: As defined in the federal Telecommunications Act of 1996, means the transmission between or among points specified by the user's choosing, without change in the form or content of the information as sent and received.

Tower: Any ground or roof mounted pole, spire, structure or combination thereof taller than fifteen (15) feet, including lines, cables, wires, braces and masts, intended primarily for the purpose of mounting an antenna, meteorological device or similar apparatus above grade.

Notwithstanding any other provisions of this Code, *height* of a communication tower is the distance from the base of the tower to the top of the structure.

(Ord. No. 1077, 3-8-00; Ord. No. 1081, 5-24-00)

DIVISION 3. ADMINISTRATION AND ENFORCEMENT

Sec. 5½-105. Powers and duties.

- (a) The parish police jury, or designee, is hereby authorized, empowered, and directed to enforce all provisions of this article.
- (b) Any tower owner in violation of this article shall correct said violation within thirty (30) days of receipt of written notice via certified mail. If violation is not corrected by said deadline, the tower may be removed from the property. Notice to remove shall be sent by the police jury.
- (c) Any person feeling aggrieved by the receipt of said notice to correct may, within ten (10) days of receipt of this notice, file for application to appeal directly to the police jury. In such event, the matter will be stayed pending the disposition of the appeal.
- (d) 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 five hundred dollars (\$500.00), or imprisonment, not to exceed thirty (30) days, or both, at the discretion of the court. Each act in violation of any of the provisions hereof shall be deemed a separate offense.
- (e) If the tower owner fails to remove such tower following written notice, the police jury may have the tower removed at the expense of the tower owner.

(Ord. No. 1077, 3-8-00; Ord. No. 1081, 5-24-00)

Sec. 5½-106. Obsolete/unused installations.

- (a) All obsolete or unused towers must be removed within six (6) months of cessation of operation at the site. Written notification of the cessation of operation at the site shall be provided to the police jury by the operator of the site within thirty (30) days of the termination of operations. The provisions of this article shall remain in effect until removal as provided in this paragraph.

(Ord. No. 1077, 3-8-00; Ord. No. 1081, 5-24-00)

DIVISION 4. DEVELOPMENT STANDARDS

Sec. 5½-107. Lighting.

- (a) "Light" will mean 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.
- (b) When tower lighting is not required by the Federal Aviation Administration or other federal or state authority for a particular tower, continuously illuminated red beacons shall be installed on towers greater than or equal to one hundred (100) feet in height.
- (c) Federal restrictions shall supersede these requirements as may be required by law.
- (d) When lighting is required and is permitted by the Federal Aviation Administration or other federal or state authority, dual lighting shall be employed. For the purposes of this article, and to minimize intrusion into other areas, dual lighting shall be considered as strobe lighting during the daylight hours (if necessary) and red lighting at night. In no case shall lighting shine downward during nighttime hours, such lights shall be focuses upward if necessary.
- (e) Any guy wires used for support of any tower shall include tana wire markers that enable aircraft pilots to identify the location of such guy wires.
- (f) All towers required to be illuminated or lighted under this section shall be equipped with a generator or other additional power supply sufficient to maintain illumination and/or lighting during periods of electrical or power outage.

(g) On existing structures, owners, developers, contractors, and/or businesses must comply with said lighting requirements within a period not to exceed six (6) months from the effective date of this article.

(h) All Tana wire markers and outer legs of towers shall be marked with reflective tape.

(Ord. No. 1077, 3-8-00; Ord. No. 1081, 5-24-00; Ord. No. 2089, 10-26-05; Ord. No. 2308, 5-23-18)

Sec. 5½-108. Landscaping/fencing.

(a) Walls or fences constructed of wood, brick, masonry, and chainlink shall be used to secure the site and provide a barrier. All walls and fencing shall be used in conjunction with landscaping where required.

(b) Existing mature tree growth on affected sites shall be preserved to the maximum extent possible. At the discretion of the police jury, additional landscaping may be required as needed.

(Ord. No. 1077, 3-8-00; Ord. No. 1081, 5-24-00)

Sec. 5½-109. Structural integrity/wind loads.

(a) All tower installments shall be certified by an engineer, registered in the state, to withstand a minimum wind load of ninety-five (95) miles per hour. The tower and any other transmissions equipment must be certified to meet any structural standards for steel antenna towers and support structures set in the Electronic Industries Association/Telecommunications Association Standards referenced as EIA/TTA-222-E and as amended hereafter.

(Ord. No. 1077, 3-8-00; Ord. No. 1081, 5-24-00; Ord. No. 1099, 6-13-01)

Sec. 5½-110. Setbacks.

(a) The minimum lot size on which a communications installation is to be located shall be the minimum lot size for the zoning district, and shall be of sufficient size to contain, on-site, any structural debris from tower or antennae failure.

(b) The installations and equipment shelters which service the installation shall adhere to standard setback requirements for the affected zoning districts.

(c) In cases where the tower site abuts a residential zoning district or use, the setback from the affected property line(s) on abutting sides shall be greater than or equal to one half (½) of the height of the tower including all antennas and attachments. This requirement shall not apply in cases where the abutting residential use or property is owned by the service provider or lessor.

(d) The residential setback requirement may be waived following the execution of a waiver by all adjacent property owners. This waiver must be submitted to the police jury by the communications company.

(Ord. No. 1077, 3-8-00; Ord. No. 1081, 5-24-00)

Sec. 5½-111. Colocation.

(a) All new or upgraded communications towers shall have the capacity to permit multiple users. At a minimum, monopoles shall be able to accommodate two (2) users, and at a minimum, transmission towers shall be able to accommodate three (3) users.

(b) The applicant's proposal for a new communications tower shall not be approved until documentation is provided by the applicant or service provider that the proposed facility cannot be accommodated on an existing or approved tower located within the search area due to one (1) or more of the following reasons:

(1) The planned equipment would exceed the structural capacity of the existing or approved towers which cannot be reinforced to accommodate the service provider's proposed facility at a reasonable cost;

(2) The planned equipment would cause radio frequency interference with other existing or planned equipment for those towers, and the interference cannot be prevented at a reasonable cost;

- (3) Existing or approved towers do not have space on which the service provider's equipment can be placed so it can function effectively and reasonably in parity with other similar equipment in place or approved;
 - (4) The existing or approved tower does not meet geographic service requirements of the applicant; or
 - (5) The service provider is able to show sufficient proof that colocation agreement could not be obtained.
- (c) No new tower installation shall be allowed within a one thousand (1,000) foot radius (measured from center of the tower) of an existing communications tower. No new site may be established if there is a technically suitable place available on an existing communications tower within the search area that the new tower site is to serve. For the purposes of this article, the search area is defined as the grid for the placement of the telecommunications structure.
 - (d) Tower owners shall not prohibit any other service provider from collocating on an existing tower so long as the service provider pays the tower owner reasonable compensation according to industry standards for space on the tower and pays for any and all costs. If the tower owner fails to allow colocation in this situation, the police jury may prohibit that owner from submitting any applications requiring approval by the parish.

(Ord. No. 1077, 3-8-00; Ord. No. 1081, 5-24-00)

Sec. 5½-112. Equipment shelter.

- (a) Repair or maintenance equipment shall not be stored outside of enclosed structures on the tower site. Outdoor areas shall be kept free of debris, supplies, and/or related equipment.
- (b) When located within one hundred fifty (150) feet of a residential zoning district or use, the facade of the equipment shelter must be constructed with brick or wood in order to blend with surrounding environment. This requirement shall not apply in cases where the residential use or property is owned by the service provider or lessor.
- (c) The residential facade requirement may be waived following the execution of a waiver by all property owners within the one hundred fifty (150) feet. This waiver must be submitted to the police jury by the communications company.

(Ord. No. 1077, 3-8-00; Ord. No. 1081, 5-24-00)

DIVISION 5. ZONING

Sec. 5½-113. Permitted uses.

- (a) Communication transmission towers, masts, aerials, antennas, and related communications equipment shelters are permitted in the following zoning districts: I-1 (Light Industrial), I-2 (Heavy Industrial), I-2R (Heavy Industrial Restricted), I-3 (Hazardous Industrial).
- (b) In all other districts, communications towers may be permitted as an exception by the police jury.

(Ord. No. 1077, 3-8-00; Ord. No. 1081, 5-24-00)

DIVISION 6. PERMITTING

Sec. 5½-114. Permitting requirements.

- (a) An applicant for a permit for a tower installation shall pay a permit fee of five dollars (\$5.00) per linear foot of tower height in addition to the established permit fee schedule, as adopted by the police jury.
- (b) A colocation on an existing structure is specifically excluded from the requirements of this section, unless a new equipment shelter is planned.
- (c) In addition to submittal requirements elsewhere in this article, development applications for towers shall include the following supplemental documentation:

- (1) Identification of owners of all antennae and equipment to be located on the site;
- (2) Written authorization from site owner for application;
- (3) Copies of easements, if applicable;
- (4) Evidence that a valid Federal Communications Commission license for the proposed activity has been issued;
- (5) Documentation that the proposed tower complies with regulations administered by the FAA;
- (6) Documentation that all manufactured equipment to be installed on the structure meets or exceeds the FCC standards;
- (7) A site plan drawn to scale showing property boundaries, tower location, tower height, guy wires and anchors, existing structures, photographs or elevation drawings depicting typical design of proposed structures, fences, and existing land uses on adjacent property;
- (8) A copy of typical specifications for proposed structures and antennas, including description of design characteristics and material;
- (9) A tower application form to be provided by the police jury; and
- (10) Any additional information required by the police jury.

(Ord. No. 1077, 3-8-00; Ord. No. 1081, 5-24-00)

Sec. 5½-115. Time limit on construction.

- (a) Once a tower installation is permitted for construction, the completion of the permitted project must occur within one (1) year of permit issuance. Extensions may be granted at the discretion of the police jury, following request by the applicant.

(Ord. No. 1077, 3-8-00; Ord. No. 1081, 5-24-00)

DIVISION 7. NONCONFORMING USES

Sec. 5½-116. Nonconforming uses.

- (a) The lawful use of any communications tower existing, at the time of enactment of this article, may be continued, although such use does not conform with the provisions of this article, excluding the lighting provisions.
- (b) No communication tower shall contain advertising or other signs. The use of any portion of a tower for other than warning or equipment information signs is prohibited.

(Ord. No. 1077, 3-8-00; Ord. No. 1081, 5-24-00)

DIVISION 8. REGISTRATION

Sec. 5½-117. Registration of existing sites.

- (a) Within ninety (90) days of adoption of this article, a current map, drawn to scale, showing locations of existing towers and a tower registration form shall be submitted by all service providers to the police jury. The registration application shall be on a form provided by the police jury.
- (b) The purpose of this registration is to identify those structures which do not conform to the provisions of this article.
- (c) If the tower owner fails to register the structure, the police jury may prohibit that tower owner from submitting any applications requiring approval by the police jury.
- (d) For registration purposes, an official tower map will be kept on file by the police jury, as an addendum to this article.

(Ord. No. 1077, 3-8-00; Ord. No. 1081, 5-24-00)

Secs. 5½-118—5½-129. Reserved.

ARTICLE IV. BUILDING CODES AND PERMITS

Sec. 5½-130. Definitions.

Jefferson Davis Parish Building Official shall mean that employee or individual appointed by the Jefferson Davis Parish Police Jury to serve as the building official for Jefferson Davis Parish and to serve as building codes enforcement officer for Jefferson Davis Parish outside of any incorporated area of the parish.

(Ord. No. 2116, § 1, 12-27-06)

Sec. 5½-131. Reserved.

Sec. 5½-132. Adoption of state uniform construction code.

Pursuant to R.S. 40:1730.26 and R.S. 40:1730.28 et seq., the following codes are hereby adopted as the regulations governing the construction of buildings and other structures in Jefferson Davis Parish. Unless specified all standards contained in a referenced code are adopted and included for purposes of this ordinance. Unless referenced by name or letter designation, no appendix or appendices to a code is adopted.

- (1) The International Building Code, 2021 Edition, not including Chapter 1—Administration, Chapter 11—Accessibility, and Chapter 27—Electrical, including any standards referenced therein, but not including any appendices thereto and;
- (2) The International Existing Building Code 2021 Edition, not including Chapter 1—Administration, and the standards referenced in that code for regulation of construction within this state.
- (3) The International Residential code, 2021 Edition, not including Parts 1—Administrative, and VIII—Electrical.
- (4) The International Mechanical Code, 2021 Edition and the standards referenced in that code for regulation of construction within this state.
- (5) The International Plumbing Code, 2021 Edition. (Part XIV (Plumbing) of the State Sanitary code).
- (6) The International Fuel Gas Code, 2021 Edition and the standards referenced in that code for regulation of construction within this state.
- (7) The National Electrical code, 2020 Edition and the standards referenced in that code for regulation of construction in this state.
- (8) International Energy Conservation Code (IECC), 2021 Edition and standards referenced in that code for regulation of construction in this state.

(Ord. No. 2116, § 1, 12-27-06; Ord. No. 2303, 2-14-18)

Sec. 5½-133. Reserved.

Sec. 5½-134. Permits.

It shall be unlawful to construct, enlarge, alter, repair, move, demolish, or change the occupancy of any building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by the technical codes adopted in section 5½-132, or to cause any such work to be done, without obtaining a properly issued permit from the Jefferson Davis Parish Building Official for that work.

(Ord. No. 2116, § 1, 12-27-06)

Sec. 5½-135. Reserved.

Editor's note(s)—Ord. No. 2325, adopted May 8, 2019, repealed former § 5½-135 in its entirety which pertained to plan review and inspection fees and derived from Ord. No. 2118, 2-14-07; Ord. No. 2129, 8-22-07; Ord. No. 2142, 1-9-08; Ord. No. 2235, 3-12-14; Ord. No. 2290, 12-28-16.

Sec. 5½-136. Application for permit.

The permit mandated under section 5½-134 shall only be issued after the owner or his designee has submit an application for a construction permit to the Jefferson Davis Parish Building Official and that official has approved the application for permit. The application shall, at a minimum, include the following information:

- (1) Name, address, and daytime telephone number of owner;
- (2) Name, address, and daytime telephone number of any and all contractors;
- (3) Location of the construction;
- (4) Description of the construction, including but not limited to square footage, type of construction, intended occupancy, and whether any work will involve following types:
 - a. Electrical,
 - b. Concrete or masonry,
 - c. Plumbing,
 - d. Structural, and
 - e. Natural gas, liquefied gas, or other gas fuel
- (5) Anticipated completion of construction; and
- (6) Certification, under penalty of perjury, that the construction will be done in compliance with the applicable codes and standards.

(Ord. No. 2116, § 1, 12-27-06)

Sec. 5½-137. Building permit fees, plan review, and inspection fees.

Before beginning construction, the owner or general agent of any property upon which construction is to be performed shall first obtain a building permit according to the following fee schedule:

- (1) Flood determination letter \$10.00
- (2) Any and all plan review fees shall be collected in advance of the review.
- (3) Accessory buildings less than five hundred (500) square feet will be exempt from plan review and inspections. Minimum permit fee shall be fifty dollars (\$50.00).
- (4) The Building Permit Fee Schedule for Jefferson Davis Parish shall be kept on file and available at the Police Jury Office, Permit Division.

All political subdivisions of the Jefferson Davis Parish Police Jury are exempt from fees paid solely to the Police Jury listed in this section.

Sec. 5½-138. Certification of compliance.

It shall be unlawful for any structure or other construction which is required to be permitted under section 5½-134 to be occupied, used, or otherwise put in service before the owner or his designee has filed a certificate of completion and compliance on the form provided by the Jefferson Davis Parish Building Official. The certificate of completion and compliance shall include the following information:

- (1) Name, address, and daytime telephone number of owner;
- (2) Name, address, and daytime telephone number of any and all contractors;
- (3) Location of the construction;
- (4) Description of the construction, including but not limited to square footage, type of construction, and intended occupancy;
- (5) Date of construction; and
- (6) Certification, under penalty of perjury, that the construction was done in compliance with the applicable codes and standards.

(Ord. No. 2116, § 1, 12-27-06)

Sec. 5½-139. Reserved.

Sec. 5½-140. Enforcement of construction code.

The Building Official of Jefferson Davis Parish may, through the parish attorney, seek to enjoin further construction or work which is required to be permitted under this chapter and which construction or work does not have a validly issued permit. Further, the building official may seek to enjoin the occupancy or use of any building or structure which has, without compliance with this chapter, been, in whole or in part, constructed, enlarged, altered, repaired, moved, demolished, or the occupancy changed or for which the electrical, gas, mechanical or plumbing system has been erected, installed, enlarged, altered, repaired, removed, converted or replaced in any fashion.

(Ord. No. 2116, § 1, 12-27-06)

Sec. 5½-141. Construction silt.

- (a) Contractors/homeowners shall be responsible for making every effort to keep construction silt out of road ditches. Jefferson Davis Police Jury shall not be responsible for construction silt in parish rights-of-way. Construction silt shall not impede road drainage.
- (b) Cost of removal of dirt shall be a minimum one thousand dollars (\$1,000.00) which shall be charged to property owner.

(Ord. No. 2340, 1-13-20)

Sec. 5½-142. Building official.

There shall be a Jefferson Davis Parish Building Official who shall be the parish building code enforcement officer responsible for the administration and enforcement of the Louisiana State Uniform Construction Code in the unincorporated areas of Jefferson Davis Parish.

(Ord. No. 2116, § 1, 12-27-06)

Sec. 5½-143. Reserved.

Sec. 5½-144. Penalties.

- (a) Any person, partnership, or corporation who fails to apply for a permit in a timely manner in accordance with this section shall be charged an administrative fee of two hundred dollars (\$200.00) for residential permits and three hundred dollars (\$300.00) for commercial permits in addition to the proper permit fee.
- (b) Any person, partnership, or corporation who violates any of the provisions of this chapter or aids or abets in the violation of any of the provisions of this chapter shall be guilty of a misdemeanor and shall be punished by a fine not exceeding five hundred dollars (\$500.00), nor less than one hundred dollars (\$100.00) for each offense.

(Ord. No. 2116, 1, 12-27-06; Ord. No. 2131, § 1, 9-12-07)

Sec. 5½-145. Wind speed map.

The original of the parish wind speed map shall be retained in the police jury office as Appendix A to this section. The map shall be maintained by police jury personnel and copies shall be made available to the public as requested.

(Ord. No. 2118, 2-14-07)

- 1) Remediation. The decommissioning plan must provide for the remediation of any environmental hazards remaining on the site, as determined by the EPA, state DEQ, or the Police Jury.
 - 2) Timeframe. The timeframe for completion of removal and decommissioning activities must begin within 60 days of termination of site use, abandonment, or revocation of permit and be completed within 12 months unless otherwise extended by the Police Jury within its sole discretion for good cause shown.
 - 3) Reservation of Rights. The Police Jury may establish additional decommissioning plan requirements and conditions, from time to time, at its discretion.
 - 4) Sale and Lease Requirements. If the Solar Power Plant, the contract, lease, property, or any other interest in the Solar Power Plant, is going to be sold or leased, the new owners must follow the above steps required for the decommissioning plan. The Police Jury must be provided written notice thirty (30) days prior to the sale or lease.
 - 5) Remedies. Upon any failure to initiate or complete any decommission plan, the Police Jury or its authorized representative may take any action as authorized by law, including but limited to calling the bond, revoking any previously issued permits, or initiating any civil action or criminal action as described below.
- h) *Inspections.* The Parish Engineer is authorized and shall be permitted to inspect, at any time and during any phase, the site of the Solar Power Plant, and any buildings, structures, or other equipment on the site, to ensure compliance and identify violations of this Section. The Parish Engineer shall follow all reasonable safety requirements of the facility.
- i) *Violations.*
- 1) Upon finding of any inappropriate or illegal activities on the part of any person which would violate the provisions of this ordinance, the Police Jury or its authorized representative shall notify in writing the person(s) responsible for such actions indicating the following:
 - i) The nature of the violations.
 - ii) The actions necessary to correct the violations.
 - iii) The date by which corrective actions should be taken and completed.
 - iv) Action(s) which will take place if such corrective action is not taken.
 - v) When such corrective action has not been taken or is deemed inadequate based upon the conditions listed in this section, previously issued permits may be revoked by the Police Jury and/or an order for the discontinuance of the use or occupation of any land, building or structure or any illegal additions, alterations or structural changes thereto may be issued.
 - vi) Additionally, any other action authorized by this ordinance may be taken by the Police Jury to ensure compliance with or to prevent violation of any provision.
 - 2) Any person violating any provision of this section shall be guilty of a misdemeanor and upon conviction shall be punished for each offense not more than \$500.00 or imprisonment not to exceed 30 days. Each day such violation continues shall be deemed to be a separate offense.

THUS DONE AND PASSED BY THE POLICE JURY ON JEFFERSON DAVIS PARISH, LOUISIANA, on this 12th day of March, 2025.

It was moved by Mr. LaBouve, seconded by Ms. Myers, and carried, to adopt the following Ordinance, to-wit:

ORDINANCE NO. 2458

An Ordinance Amending Chapter 9 GARBAGE, TRASH, REFUSE, WEEDS, LITTER AND LOT CLEANLINESS

WHEREAS, the Jefferson Davis Parish Police Jury is empowered to adopt amendments and revisions of its ordinances by Louisiana Revised Statutes.

WHEREAS, the Jefferson Davis Parish Police Jury is desirous of exercising said power; now therefore

BE IT ORDAINED by the Jefferson Davis Parish Police Jury, and it is hereby ordained by the same:

Chapter 9 GARBAGE, TRASH, REFUSE, WEEDS, LITTER AND LOT CLEANLINESS, is hereby amended to read as follows:

ARTICLE I. GARBAGE, TRASH, AND LITTER

Sec. 9-1. Use of public dumping grounds restricted.

- (a) *Certain deposits prohibited.* No person shall dump or abandon any motor vehicle bodies or the bodies of dead animals in any public dumping grounds outside the corporate limits of municipalities.
- (b) *Scavenging prohibited.* No person shall operate as a scavenger by picking through material dumped in public dumping grounds and carrying away any part of the refuse and trash previously dumped therein.
- (c) *Burning prohibited.* No person shall knowingly or intentionally burn any trash or refuse in public dumping grounds in areas outside the corporate limits of municipalities.
- (d) *Penalty.* Whoever violates this section shall, upon conviction, be fined not less than two hundred fifty dollars (\$250.00) and not more than five hundred dollars (\$500.00) or be imprisoned not less than one (1) day, nor more than fifteen (15) days, or both.

(Ord. No. 2299, 10-11-17)

Sec. 9-2. Litter.

- (a) No person shall throw, drop, deposit, discard, permit the intentional or accidental ejection, emission or escape of, or otherwise dispose of litter upon any public place in the parish, upon private property in this parish not located in rural areas in 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:
 - (1) When such property is designated by the state or by any of its agencies or political subdivisions for the disposal of garbage and refuse and such person is authorized to use such property for such purpose; or
 - (2) When litter is placed into a litter receptacle in such a manner that the litter will be prevented from being carried away or deposited by the elements upon any parts of said private or public property or waters.
- (b) If the throwing, dumping, or depositing of litter was done 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, it shall be prima facie evidence that the throwing, dumping, or depositing was done by the driver of the conveyance. Likewise, once it is established that thrown, dumped or deposited litter was possessed by a specific person, firm, or corporation, immediately before the act of dumping, there shall be a permissive rebuttable presumption that the possessor committed the act of throwing, dumping, or depositing.

- (1) A person may be found guilty and fined under this, section although the commission of the offense did not occur in the presence of the law enforcement officer if the evidence presented to the court indicates that the defendant has committed the offense, beyond a reasonable doubt.
 - (2) When litter dumped in violation of this section is discovered to contain any article or articles, including but not limited to letters, bills, publications, or other writings which display the name of a person or in any manner indicates that the article belongs or belonged to such person, it shall be a permissive rebuttable presumption that such person has violated this article; provided, however, that should such person or persons produce proper evidence or testimony that he, she, or they have a contract with or can produce receipt from a commercial or other hauler indicated that payment was made thereto to haul the garbage, trash, refuse, or litter, then the prima facie rebuttable presumption herein established shall be considered to have been rebutted.
- (c) The offender shall be cited for the offense by means of a ticket, summons, or other means provided by law.
 - (d) Whoever violated the provisions of this section shall be fined and required to remove litter from state or parish highways or roads, public rights-of-way, public playgrounds, public parks, or any other appropriate locations. This distance of litter removal along roadways shall be five hundred (500) feet on both sides of the roadway. The fines are one hundred dollars (\$100.00) for the first offense, two hundred fifty dollars (\$250.00) for the second offense, and five hundred dollars (500.00) for the third offense. The only offenders that may not be required to remove litter will be those individuals that can show a handicap and offenders that are considered to be out of towners. Those handicapped individuals and out of towners will be required to pay double the fine according to the offense. The only individuals that will not be required to pay the fine are individuals who can show an excessive hardship. Those hardship individuals will be required to remove double the amount of litter according to the offense. Violators of this section will have thirty (30) days to satisfy the justice of the peace or ward constable as to the removal of litter in the area specified. Upon a third or subsequent conviction, an offender shall be fined not less than five hundred dollars (\$500.00).
 - (e) Any violation of this section may be tried in the 31st Judicial District or any appropriate justice of the peace court in and for Jefferson Davis parish in accordance with R.S. 33:1236(54) and R.S. 13:2586 (c)(2) and (d) and R. S. 13:2587.1.
 - (f) All fines collected by the justice of the peace of the peace courts for litter violations pursuant to this section shall be paid to the Jefferson Davis Parish Police Jury. The Jefferson Davis Parish Police Jury shall reimburse the justice of the peace courts and ward constable offices who handle litter violations for the time spent and expenses incurred, pursuant to R.S. 13:2589(b). This reimbursement shall be in the amount of twenty-five (25) percent of said fines to be reimbursed to the justice of the peace courts and twenty-five (25) percent to the ward constable offices.

(Ord. No. 2299, 10-11-17)

Secs. 9-3—9-5. Reserved.

Sec. 9-6. Exclusive franchise for collection and disposal authorized.

- (a) The president of the police jury is hereby authorized to execute an exclusive franchise agreement with a contractor to provide the collection and disposal of said waste, garbage, and trash in the unincorporated areas of Jefferson Davis Parish upon the terms and conditions approved by the parish police jury.
- (b) Any person or commercial business residing or located in the unincorporated areas of Jefferson Davis Parish who desires to have its respective solid waste, garbage, or trash collected and disposed, shall contract with the contractor who the parish police jury awards the exclusive franchise agreement to provide the solid waste collection and disposal service in the unincorporated areas of the parish, and the resident or commercial business shall be subject to the terms and conditions set forth in the exclusive franchise agreement.

(Ord. No. 2299, 10-11-17)

Sec. 9-7—9-20. Reserved.

ARTICLE II. GRASS, WEED, AND LOT CLEANLINESS.

Sec. 9-21. Lot cleanliness.

- (a) In accordance with R.S. 33:4754, it shall be unlawful for person(s) owning or occupying lots within the unincorporated areas of Jefferson Davis Parish to fail to regulate the growth or accumulation of grass, obnoxious weeds, or other deleterious or unhealthful growths, garbage, trash, debris, refuse, or discarded or noxious matter.
- (1) The road administrator or building official of the police jury or designee is hereby authorized to determine non-compliance of any lot described in section 9-21 based on the following criteria:
- b. Height of grass and weeds exceeding sixteen (16) inches.
 - c. Property constituting a public nuisance.
 - d. Property constituting a health and/or safety hazard, i.e., fire potential, rodent infested, etc.

All lots in this section must also meet one of the following conditions:

- i. Property must abut recognized subdivision on 1 side.
 - ii. Property must abut an occupied residential lot on at least one (1) side.
 - iii. Property is subdivided by metes and bounds and developed for residential purposes on property zoned A-1.
 - iv. Lot with an immovable residential dwelling.
- (2) The following described properties will be exempt from the provisions of this section:
- a. Properties over 5 acres.
 - b. Properties currently used for agricultural purposes.
 - c. Properties located within a recognized industrial area.
 - d. Properties for which the parish has received official notification from the U.S. Corps of Engineers putting the parish on notice that such properties have been designated as wetland areas.

(Ord. No. 2299, 10-11-17)

Sec. 9-22. Notice to cut or remove; performance by parish at owner's expense upon owner's failure to comply with notice.

- (a) The owner of any lot as described in section 9-21 heretofore shall cut or remove such grass, obnoxious weeds, or other deleterious or unhealthful growths, garbage, trash, debris, refuse, or discarded or noxious matter, when requested to do so after notice has been given by the parish in accordance with (b) hereunder.
- (b) Notice shall be served by using one of the following methods:
- (1) Notice is served by registered or certified mail, return receipt requested, sent to the owner at his actual know address listed on the tax rolls of the parish.
 - (2) Notice is made by publication once a week for two (2) weeks consecutively in the official parish journal, if the owner is absent or is unable to be served in accordance with the first paragraph of this subsection.
 - (3) Notice is served in accordance with the first two (2) paragraphs upon any mortgagee or any other person who may have a vested interest in the premises as indicated in the mortgage or other public records of the parish, if the owner is absent or is unable to be served.
- (c) If the owner fails to cut or remove such grass, obnoxious weed, or other deleterious or unhealthful growths, garbage, trash, debris, refuse, or discarded or noxious matter, within thirty (30) days after receipt of the notice or after the second publication of the notice, as set forth in (b), the parish shall have such grass, obnoxious weeds, or other deleterious or

unhealthful growths, garbage, trash, debris, refuse, or discarded or noxious matter, cut or removed and shall charge such property owner only the actual amount charged by and paid to the party cutting or removing such grass, obnoxious weeds, or other deleterious or unhealthful growths, garbage, trash, debris, refuse, or discarded or noxious matter, plus a fifteen (15) percent service charge thereon, such service charge not exceeding fifty dollars (\$50.00).

(Ord. No. 2299, 10-11-17)

Sec. 9-23. Lien.

- (a) Upon failure of any such property owner(s) to pay such charges, the parish shall file a certified copy of such charges plus the costs charged by the recorder of mortgages for filing and recordation, 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 on which said grass, obnoxious weeds, or other deleterious or unhealthful growths, garbage, trash, debris, refuse, or discarded or noxious matter, was cut or removed.
- (b) The parish shall add unpaid cutting and removal charges and related charges to the annual ad valorem tax bill of the property involved, and the sheriff effecting collection shall be reimbursed by the parish for an amount equal to fifteen (15) percent of the amount of such charges actually collected from the property owner. This collection charge shall be in addition to such charges and shall also be added to the ad valorem tax bill of the property involved.

(Ord. No. 2299, 10-11-17)

THUS DONE AND PASSED BY THE POLICE JURY ON JEFFERSON DAVIS
PARISH, LOUISIANA, on this 12th day of March, 2025.

Mr. Peterson made the motion, seconded by Mr. Fruge, and carried, to adopt the following Resolution, to-wit:.

ORDINANCE NO. 2459

An Ordinance Amending Chapter 10 HEALTH AND SANITATION

WHEREAS, the Jefferson Davis Parish Police Jury is empowered to adopt amendments and revisions of its ordinances by Louisiana Revised Statutes.

WHEREAS, the Jefferson Davis Parish Police Jury is desirous of exercising said power; now therefore

BE IT ORDAINED by the Jefferson Davis Parish Police Jury, and it is hereby ordained by the same:

Chapter 10 HEALTH AND SANITATION is hereby amended to read as follows:

ARTICLE I. IN GENERAL

Sec. 10-1. Cleaning, repair or installation of septic tanks, disposal drain lines, filter beds or grease traps—License required.

No person, firm, partnership or corporation shall engage in the business of cleaning, repairing or installation of septic tanks, disposal drain lines, filter beds, or grease traps within the confines of the parish, outside the limits of incorporated municipalities, unless such person, firm, partnership or corporation shall first have obtained an occupational license for the pursuit of such business from the state and from the parish.

(Ord. No. 498, § 1, 7-28-65)

Sec. 10-2. Same—Inspection and approval of work by state board of health required.

All work described in section 10-1 shall be inspected and approved by agents of the state board of health.

(Ord. No. 498, § 1, 7-28-65)

Sec. 10-3. Same—Marking of trucks.

All persons, firms, partnerships or corporations engaged in the business of cleaning, repairing or installation of septic tanks, disposal drain lines, filter beds or grease traps within the confines of the parish shall prominently display on all vehicles engaged in such work signs showing the name, address and telephone number of the owner or operator of such business.

(Ord. No. 498, § 2, 7-28-65)

Sec. 10-4. Permits and approval required to drain into streets, rights-of-way, etc.

No person shall install any discharge pipe or drainage pipe which shall empty into or attach to any parish street, road, gutter, ditch, drain, or right-of-way until such time as any such installation, alteration or connection has been submitted to and approved by the proper permit official in the police jury office and a written permit has been issued. No drainage or discharge pipe shall extend into the parish street, road, gutter, ditch, drain or right-of-way further than the edge of such structure a distance sufficient to allow drainage.

(Ord. No. 2033, § 1, 6-11-03)

Sec. 10-5. Obstruction of drainage.

No person shall impede or obstruct the passage or flow of water on any street, road, gutter, ditch, drain or right of way of whatever nature under the control, possession, ownership or being maintained by the parish. Nor shall any person construct, install, alter or connect any driveway, culvert, discharge pipe or drainage pipe which shall obstruct the flow of water, allow any material or debris to collect or build up, or to interfere with the regular maintenance and repair of any street, road, gutter, ditch, drain or right-of-way outlined above.

(Ord. No. 2033, § 1, 6-11-03)

Sec. 10-6. Connection to sanitary sewerage collection system—Required.

Within six (6) months after any established, constructed and operating sanitary sewerage collection system has been tied into the trunk system of the district as provided herein, all improved premises in the district and within three hundred (300) feet of the system shall be tied to and connected with the collection system, and the failure of the owner of any improved property in the district and within three hundred (300) feet of an established sanitary sewerage system to tie in and connect with the system after notice as provided herein, shall be guilty of a misdemeanor, punishable, upon conviction, by a fine of not more than two hundred dollars (\$200.00), or imprisonment for not more than twenty (20) days, or both, at the discretion of the district judge.

(Ord. No. 2058, 7-14-04)

Sec. 10-7. Same—Responsibility and authority of road supervisor.

The road supervisor shall be charged with the responsibility of inspecting all areas within the consolidated sewerage district for the purpose of requiring all improved property therein and within three hundred (300) feet of any established sanitary sewerage collection system to be tied into and connected with the system by means of an approved installation.

(Ord. No. 2058, 7-14-04)

Sec. 10-8. Same—Notice to connect; failure to comply with notice.

Whenever the road supervisor or his representative, shall determine that a premises within three hundred (300) feet of a sanitary sewerage collection system is not connected with the system, the owner of the premises shall be given notice, by certified letter, directed to their last known address, to make connection with the sanitary sewerage system, and if the work of making connection with the sewerage system is not begun at the end of ten (10) days from the date the certified notice is deposited in the post office, the owner of the premises shall be guilty of a misdemeanor as hereinabove provided, and punishable in accordance with the provisions of R.S. 2:313.

(Ord. No. 2058, 7-14-04)

Sec. 10-9. Same—Authority of police jury to have connection made.

In addition and supplemental to the penalties provided for herein, for failure to connect with an established sanitary sewerage collection system after due notice, the police jury shall have the authority, upon the recommendation of the director of public works, to compel the connection of improved property with the sanitary sewerage collection system by having the connection installed in the manner herein provided, and the cost thereof charged to the owner of the improved property for which the connection is provided.

(Ord. No. 2058, 7-14-04)

Sec. 10-10. Same—procedure.

Whenever the police jury shall deem it necessary for the public health, that owners of one (1) or more premises connect their premises with the sanitary sewerage system, the owner shall be so notified by certified mail, directed to his last known address. If the work of making the connection is not begun at the end of ten (10) days from the day the certified notice is deposited in the post office, the road supervisor is hereby authorized to prepare plans and specifications for making connection. When such plans and specifications have been prepared, the police jury shall adopt an ordinance ordering the sewerage connection and authorizing the secretary of the police jury to advertise for bids for the purpose of having the connection installed.

(Ord. No. 2058, 7-14-04)

Sec. 10-11. Same—Assessment against owners.

Whenever the police jury shall order such connections installed, the entire cost of the sewerage connection, including the equipment, pipes, water connections, service pipes, labor engineering and other incidental items, shall be assessed against the owner of the improved premises for which the connection is provided, which assessment shall be levied and be payable according to the provisions of R.S. 4044 et seq. A certified copy of the ordinance levying the assessment, upon passage, shall be filed for record in the office of the clerk and recorder of mortgages, and when so filed and recorded, shall operate as a lien and privilege in favor of the parish and the consolidated sewerage district.

(Ord. No. 2058, 7-14-04)

Secs. 10-12—10-14. Reserved.

ARTICLE II. AMBULANCES²

Sec. 10-15. Definitions.

As used in this article, the following terms shall have the meanings indicated:

Advanced life support (ALS). Advanced level of prehospital, interhospital, and emergency service care rendered by personnel certified at the EMT-Basic and EMT-Paramedic level working under direct orders from physicians at a resource hospital.

Air ambulance. Any rotor-winged aircraft 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.

Ambulance. 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. "Ambulance" shall not mean a hearse or other funeral home vehicle utilized for the transportation of the dead.

Bureau. The department of health and hospitals, office of public health, bureau of emergency medical services. Certified emergency medical technician. An individual who is certified as any one of the following:

- (1) A certified emergency medical technician-basic;
- (2) A certified emergency medical technician-intermediate;
- (3) A certified emergency medical technician-paramedic.

Certified emergency medical technician-basic. An individual who has successfully completed an emergency medical technician-basic training program developed and promulgated by the United States Department of Transportation and adopted by the bureau, who is nationally registered, and who is certified by the bureau.

Certified emergency medical technician-intermediate. An individual who has successfully completed an emergency medical technician-intermediate training program developed and promulgated by the United States Department of Transportation and adopted by the bureau, who is nationally registered, and who is certified by the bureau.

Certified emergency medical technician-paramedic. An individual who has successfully completed an emergency medical technician-paramedic training program developed and promulgated by the

²Editor's note(s)—Ord. No. 2048, adopted Dec. 30, 2003, enacted provisions designated as §§ 10-15—10-28. Former §§ 10-15—10-22, which pertained to similar subject matter and were derived from Ord. No. 847, adopted March 27, 1991; Ord. No. 918, Dec. 29, 93; and Ord. No. June 27, 2001, have been deleted as having been superseded by Ord. No. 2048. Inasmuch as the Code already contained provisions numbered §§ 10-24—10-28 which pertained to different subject matter, the last five sections of Ord. No. 2048 have been renumbered as §§ 10-23.1—10-23.5 at the editor's discretion.

Cross reference(s)—Motor vehicles and traffic, Ch. 13.

United States Department of Transportation and adopted by the bureau, who is nationally registered, and who is certified by the bureau.

Communications district. Jefferson Davis Parish Public Safety Communications District (E-911).

Driver. Any person who drives an ambulance.

Emergency. An unforeseen condition of a pathophysiological or psychological nature in which a prudent layperson, possessing an average knowledge of health and medicine, would judge to require urgent and unscheduled medical attention.

Emergency medical personnel or emergency service person(s). Individuals who are certified first responders or certified emergency medical technicians.

Emergency medical response vehicle. 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. Included are such vehicles referred to but not limited to the designation as "sprint car," "quick response vehicle," "special response vehicle," "triage trucks," "staff cars," "supervisor units," and other similar designations. Emergency medical response vehicles 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. A system that represents the combined efforts of several professionals and agencies to provide prehospital emergency care to the sick and injured.

Industrial ambulance. 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.

LERN. The Louisiana Emergency Response Network (LERN) is an agency of the state government created by Louisiana legislature in 2004 charged with the responsibility of developing and maintaining a statewide system of care coordination of patients suddenly stricken by serious traumatic injury or time sensitive illness such as heart attack and stroke. It is a system designed to serve as a vital healthcare resource in the event of large-scale emergencies and natural disasters. LA R.S. 40:2841—2846.

Office of emergency preparedness (OEP). The Jefferson Davis Parish Police Jury Office of Emergency Preparedness.

Owner or operator. Any person who owns or controls an ambulance service, ground or air, for purposes of providing both emergency medical care and transportation.

Parish. The unincorporated areas [of] Jefferson Davis Parish as well as any municipalities within Jefferson Davis Parish adopting the ordinance [from which this article is derived] through interlocal cooperation agreements.

Physician. A physician licensed to practice medicine by the Louisiana State Board of Medical Examiners.

Police jury. Jefferson Davis Parish Police Jury.

Police jury ambulance regulatory committee. A standing committee of the Jefferson Davis Parish Police Jury.

Primary responder. The ambulance service provider with primary responsibility for emergency medical response as assigned by the communications district for each ambulance call.

PSAP. Public safety answering point.

(Ord. No. 2048, 12-30-03; Ord. No. 2369, 4-14-21)

Sec. 10-16. Permit required.

- (a) No owner or operator of an ambulance service shall respond to any request for ambulance services originating within the parish without first obtaining a permit from the police jury to operate an ambulance service.
- (b) No license, permit or certificate issued hereunder shall be assignable or transferable by the owner or operator to whom issued.

- (c) The provisions of this section shall not apply to industrial ambulances providing transportation from a job site to the nearest appropriate medical facility for employees who become sick or injured during the course of their employment.

(Ord. No. 2048, 12-30-03)

Sec. 10-17. Application for permit.

Applications for permits shall be made to the police jury upon forms prescribed by the police jury, and shall include:

- (1) The name and address of the owner or operator or the ambulance, the address and phone number of the central place of business.
- (2) The trade name under which the applicant does or proposes to do business.
- (3) The address or the place or places from which such ambulance(s) is intended to operate in the parish.
- (4) Financial statements, including balance sheets and profit and loss statements, for a period of not less than two (2) years or, in the case of an applicant for a permit who has not been providing ambulance service for a minimum of two (2) years, certified and audited financial statements, including balance sheets and profit and loss statements, and federal tax returns of the principals of such applicant, for a period of not less than two (2) years.
- (5) Proof of insurance in such form and in such amounts as required under section 10-18.
- (6) *Reserved.*
- (7) A description of the ambulance(s), including the make, model, year of manufacture, mileage, Louisiana license number for the current year, motor and chassis number, records of ownership of same and a statement regarding the length of time the vehicle has been in use.
- (8) The applicant must demonstrate that its ambulances are equipped with radios and/or mobile data terminals to communicate with the system in place in the parish including communications with the communications district for the purpose of coordinating operations.
- (9) The applicant must purchase and maintain equipment compatible with the communications district equipment necessary to receive automatic number identification (ANI) and automatic location information (ALI) on calls transferred to the applicant via 911.
- (10) An annual permit fee (initial and renewals) of two hundred dollars (\$200.00) to cover costs of processing the application, administrative costs of regulating such services including legal fees associated with permitting, enforcement and rate regulation. Permits are to be renewed on January 1st of each year.

(Ord. No. 2048, 12-30-03; Ord. No. 2324, 4-4-19)

Sec. 10-18. Insurance required.

- (a) Before any permit is issued hereunder, the applicant must file with the police jury policies of general liability insurance, automobile liability insurance, workers' compensation insurance and medical legal liability insurance issued by an insurance company qualified to do business in the State of Louisiana, which shall contain the following conditions and stipulations and shall be approved as to form by the risk management department of the police jury:
- (1) The term of such insurance policies shall be for a period of not less than one (1) year.
 - (2) The general liability and automobile liability insurance policies shall provide for limits of not less than one million dollars (\$1,000,000.00) per occurrence and one million dollars (\$1,000,000.00) aggregate.
 - (3) The medical malpractice insurance policy(ies) shall provide limits of liability of not less than five hundred thousand dollars (\$500,000.00) per occurrence.
 - (4) The worker's compensation insurance policy(ies) shall provide coverage for statutory benefits up to an aggregate amount for any one claim in the amount of one million dollars (\$1,000,000.00).
 - (5) Such policy shall, by its terms, provide that it may not be canceled except after thirty (30) days written notice thereof to the police jury.

- (b) The permit of any owner or operator who fails to secure another policy of insurance prior to cancellation of an existing policy shall automatically and without notice of hearing be suspended until such time that a valid insurance policy has been filed with the police jury.
- (c) Participation in the patient's compensation fund of the State of Louisiana shall be deemed to be medical legal liability insurance within the contemplation of this division.
- (d) Any person who operates an ambulance without having such insurance in force shall be punished as hereinafter provided.

(Ord. No. 2048, 12-30-03)

Sec. 10-19. Qualification for permit.

- (a) In determining whether a permit shall be issued, the police jury shall give weight and due regard, among other things, to:
 - (1) The financial ability of the applicant to respond to damages and the past experience in payment of applicant's costs of operation, judgments and satisfaction of claims, arising out of the operation of such vehicles; and applicant shall be required to furnish upon request a list of all items of litigation in which applicant is a defendant within twelve (12) months of filing for the permit.
 - (2) The probable performance and quality of the service offered by the applicant.
 - (3) The experience that the applicant has had in the rendering of services in the parish or elsewhere.
 - (4) The ability of an applicant to provide air ambulance services by rotor wing helicopter in accordance with the provisions of section 10-20.
 - (5) Such other information as the police jury shall find reasonably necessary to make a fair determination of whether the provisions of this division have been complied with.
 - (6) That all requirements of this division and all other applicable laws and ordinances have been complied with.
- (b) Upon finding that a permit shall be issued, the police jury shall issue to the applicant a permit authorizing the owner or operator of an ambulance service to operate within the parish.

(Ord. No. 2048, 12-30-03)

Sec. 10-20. Availability of services required.

- (a) Proof of the establishment and maintenance of a bona fide office in the parish from which the service is offered, and availability to serve all areas of the parish subject to section 10-22 of this article.
- (b) Emergency ambulance response with advanced life support (ALS) capabilities, with vehicles staffed twenty-four (24) hours each day, seven (7) days a week with a minimum of one emergency medical technician paramedic and an emergency medical technician-basic.
- (c) Air ambulance service by rotor wing helicopter, within 25 miles of the parish line with a back-up within forty (40) miles of the parish line. The air ambulance service shall include full-time access to a rotor wing helicopter medically configured in accordance with state regulations which is capable of providing for the transportation of patients at the direction of a physician, a medical facility or an emergency responder. The full-time access requirement is satisfied when there is a minimum of one (1) crew on duty at the location of dispatch of the air ambulance or on call. Any air ambulance utilized for such purposes shall be licensed by the State of Louisiana. Revocation of such license by the State of Louisiana shall be grounds for termination or suspension of the permit issued to any person under the provisions of this article.
- (d) An automated vehicle located (AVL) system capable of determining the closest ambulance it has available to respond to an emergency ambulance call, with each dispatch to go to the closest ambulance for each call received.

(Ord. No. 2048, 12-30-03)

Sec. 10-21. Operational and equipment requirements.

- (a) *Licensure:* No owner or operator shall conduct, manage, operate, or maintain an ambulance service in the parish without a valid current license from the Louisiana Department of Health and Hospitals in accordance with the requirements stipulated in LSA R.S. 40:1235.2.
- (b) *Qualifications of emergency medical personnel:* Any emergency medical personnel providing services in any capacity on any ambulance or emergency response vehicle in the parish must meet the requirements set forth under LSA R.S. 40:1234, 40:1235, and 40:1235.1.
- (c) *Standards for ambulance equipment.* Any owner or operator of an ambulance service in the parish must carry with it as part of its equipment the list of equipment for emergency ambulances as prescribed in rules and regulations promulgated by the Louisiana Department of Health and Hospitals in accordance with LSA R.S. 40:1235.1(B).
- (d) *Standards for ambulance drivers:* Any person driving an ambulance, and any ambulance service owner or operator in the Parish must meet the driver requirements set forth under LSA R.S. 40:1235.
- (e) *Standards for mechanical operation of emergency ambulance vehicles:* All emergency ambulances operating in the parish must be certified to be in proper mechanical condition in accordance with LSA R. S. 40: 1235.1(B)(3).
- (f) *Drug testing program:* Any owner or operator of an ambulance service must maintain a drug testing program for its emergency medical personnel and other employees which requires the following: pre-employed testing, random testing, reasonable suspicion, and post-accident testing. Procedures to be used shall meet standards as defined under Federal Motor Carrier Safety Regulations, Part 40: Procedures for Transportation Workplace Drug and Alcohol Testing Programs.

(Ord. No. 2048, 12-30-03)

Sec. 10-22. Medical protocols; response times.

- (a) *Medical protocols:* Any owner or operator of an ambulance service shall follow medical protocols for the treatment of patients as established by the office of emergency preparedness in consultation with the quality assurance review panel and other local medical providers. These medical protocols shall govern ambulance service for both ground and air and for selecting a destination hospital in life-threatening incidents, and in non-life-threatening incidents wherein the patient expresses no hospital preference.
 - (1) The use of the Louisiana Emergency Response Network. This will ensure the proper routing of critically injured and or time sensitive illness to a definitive care facility as defined in LA 40:2841—2846 with signed agreement for participation on Louisiana Emergency Response Network by and between Louisiana Emergency Response network board and the pre hospital agency.

Note: This ensures trauma and time sensitive patients (stroke and heart attack) are routed to the correct facilities capable of treating these patients.
- (b) *Response time standards:* Any owner or operator of an ambulance service shall adhere to response time standards for defined zones as set by the police jury upon recommendation of the Jefferson Davis Parish local Ambulance Regulatory Committee.
 - (1) *Response zones.*
 - a. *Urban zone.* The city limits of Jennings.
 - b. *Suburban zone.* Twelve-mile radius from the center of Jennings.
 - c. *Rural zone.* All areas within the parish but outside of the above-mentioned zones.
 - (2) *Response times.*
 - a. *Urban zone.* Within eight (8) minutes—Equal to or less than 8:59.
 - b. *Suburban zone.* Within fifteen (15) minutes—Equal to or less than 15:59.
 - c. *Rural zone.* Within twenty-two (22) minutes—Equal to or less than 22:59.

Note: these distances are computed with the average posted speed limits not to exceed seventy-five (75) mph for all zones.

Response times shall start when the call is placed in que by the receiving ambulance services call taker or dispatcher. Ambulance services shall be held to eighty (80) percent on time rate for each zone. Failure to meet the eighty-percent requirement is subject to review by the ambulance committee and may result in fines as listed in subsection 10.23.5(d).

Example: One hundred (100) calls in the urban zone, eighty (80) of the calls must have a unit on the scene in less than eight (8) minutes fifty-nine (59) seconds in order to be in compliance.

Any call in the urban zone that exceeds twelve (12) minutes will be subject to review by the ambulance committee and may result in fines as listed in subsection 10-23.5(d).

Any call in the suburban zone that exceeds twenty-three (23) minutes will be subject to review by the ambulance committee and may result in fines as listed in subsection 10-23.5(d).

Any call in the rural zone that exceeds thirty-three (33) minutes will be subject to review by the ambulance committee and may result in fines as listed in subsection 10-23.5(d).

(Ord. No. 2048, 12-30-03; Ord. No. 2369, 4-14-21)

Sec. 10-23. Responding to emergencies.

- (a) The Jefferson Davis Parish communications district shall be designated as the primary public safety answering point (PSAP) and dispatch for all emergency medical service calls in the parish.
- (b) No emergency medical response vehicle will utilize flashing lights, sirens or similar devices en route to any emergency located on a public thoroughfare or property customarily open to the public or which would require the involvement or investigation by any public safety agency unless the communications district has designated that ambulance provider to be the primary responder responsible for the transportation of the patients from the scene of the emergency to an appropriate medical facility. This subsection shall not apply to emergency calls that are received directly by an ambulance provider.

(Ord. No. 2048, 12-30-03)

Sec. 10-23.1. Daily logs and records.

- (a) Each owner or operator who is granted an ambulance permit by the parish shall maintain a response time report upon which shall be recorded the date, time of service request, point and time of dispatch, time of arrival at patient location, and total response time. In addition, all of the aforementioned information shall be recorded by electronic device in real time. Each owner or operator shall provide the parish with a copy of its response time report on a monthly basis due by the tenth of each month. Each owner or operator shall retain and preserve all time reports and recordings for at least twelve (12) months, and such reports and recordings shall be available for inspection by the parish.
- (b) Each owner or operator who is granted an ambulance permit by the parish shall keep accurate records of the receipts and expenses from operations. Each owner or operator shall maintain such records at a place readily accessible for examination by the parish.
- (c) Monthly reports.
 - (1) The ambulance service/services shall provide a monthly report to the Jefferson Davis Parish Police Jury by the 10th of the month on all emergency response times during the previous month. In the exception section they shall explain why the ambulance service was in excess of their required time limits as listed in section 10-22(b). Each owner or operator shall retain and preserve all time reports and recordings for at least twelve (12) months, and such reports and recordings shall be available for inspection by the parish.

(2) Monthly report requirements.

- a. Each owner operator who is granted an ambulance permit by the parish shall maintain a response time report, upon which shall be recorded the following information as indicated.
 1. Division: Jefferson Davis Parish.
 2. Area: Indicates which zone the call falls under, i.e., urban zone eight (8) minutes, suburban zone fifteen (15) minutes, rural zone twenty-two (22) minutes.
 3. Date: Indicates the date of service.
 4. Response number: Indicates the call number given to the call by the ambulance service.
 5. Origin name: Indicates the name of the location. i.e. nursing home, name of business.
 6. Origin address: Indicates the address of the location.
 7. Origin city: Indicates the name of the city the call originated in.
 8. Origin zip code: Indicated the zip code of the response.
 9. Call in que: Indicates when the ambulance service received the call. Formatted in hours:minutes:seconds
 10. Call taking complete: Indicates when the call taker completed taking the information on the call. Formatted in hours:minutes:seconds.
 11. At scene: Indicates the time the ambulance assigned to the call arrived on scene at the patient's location. Formatted in hours:minutes:seconds.
 12. Response time: Indicates total response time. Formatted in hours:minutes:seconds.
 13. Priority: Indicates the priority of the call as assigned by the dispatcher.
 14. Chief complaint: Indicates the type of emergency call (what is the patient's complaint).
 15. Caller type: Indicates nursing facility, employee, patient, family member, so on.
 16. Call back phone number: Indicates the phone number the call was received from.
 17. Cancel reason: Indicates the reason for cancelling the response.
 18. Destination: Indicates the destination the patient was transported to.
 19. Destination city: Indicates the city the patient was transported to.
 20. Transports: Indicates whether or not the patient was transported.
- (b) Timely rollover calls: When two (2) or more ambulance providers are operating in Jefferson Davis Parish, each ambulance provider shall notify the Jefferson Davis Parish Police Jury by the 10th of each month the number of calls they received from Jefferson Davis 911 and the number of emergency calls they had to roll over to another provider for the previous month.

(d) Exceptions.

- (1) The parish police jury agrees that the delayed response which was no fault of the ambulance service shall not be deemed the fault of the ambulance service and shall not be penalized.
- (2) List of authorized exceptions:
 - a. Faulty address data or insufficient information from the caller.
 - b. Response during periods of abnormally severe weather that could substantially impair response times.
 - c. Unusual road conditions, blocked bridges, railroad crossings that could substantially impair response times.
 - d. Prank calls.
 - e. Three (3) emergency calls to the same service simultaneously in progress within Jefferson Davis Parish. The exception starts after the second call.

- f. Declared disaster.
 - (3) Unit 10-97 (on-scene) will not be allowed as an exception unless C.A.D. (Computer Aided Dispatch) A.V.L. (Automatic Vehicle Locator) or GPS data can be provided.
 - (e) The ambulance service failing to meet the deadlines listed above in section 10-23.1 shall be reviewed by the ambulance regulatory committee and subject to penalties as listed in section 10-23.5.
- (Ord. No. 2048, 12-30-03; Ord. No. 2372, 4-14-21)

Sec. 10-23.2. Enforcement authority.

- (a) The Jefferson Davis Parish Police Jury is hereby given authority to promulgate such reasonable rules and procedures as may be necessary to enforce the provisions of this article.
 - (b) The Ambulance Regulatory Committee shall oversee all aspects of the ambulance ordinance, regulation and penalties of any and all ambulance providers holding a permit in the parish.
 - (1) Their recommendations will be sent to the full police jury for a vote.
- (Ord. No. 2048, 12-30-03; Ord. No. 2373, 4-14-21)

Sec. 10-23.3. Denial, suspension and revocation.

- (a) Each owner or operator permitted under this article shall comply with the provisions hereof and with all local, state and federal laws. Failure to do so may result in the police jury suspending or revoking the permit.
- (b) The police jury shall have the sole discretion to deny any application for permit if, following appropriate notice and hearing thereof, it is determined that the applicant does not possess the necessary qualifications for such a permit.
- (c) Consideration of suspension or revocation of an existing permit must be brought to the police jury's ambulance regulatory committee at a scheduled hearing, at which the permitted ambulance service provider is given the opportunity to be present. The ambulance regulatory committee, after said hearing, shall make a recommendation to the full police jury regarding the permit suspension.
- (d) The police jury, upon recommendation from the police jury's ambulance regulatory committee, may suspend or revoke any permit issued under this division when it appears that one or more of the following conditions are met:
 - (1) The permit holder has failed or refused to comply with provision of this article;
 - (2) The permit holder has refused or failed to render the full service authorized by his permit;
 - (3) The permit holder has been finally convicted of a felony or other offense involving moral turpitude;
 - (4) The permit holder has persisted in permitting his vehicles to be operated in violation of any law;
 - (5) The permit was obtained by an application in which any material fact was intentionally omitted or falsely stated;
 - (6) The permit holder has charged excessive rates or membership fees;
 - (7) The permit holder or his agent in bad faith induced or sought to induce a change or destination to or from a hospital or other place specified by the person hiring the ambulance;
 - (8) The permit holder or his agent has been guilty of willfully operating his service in a negligent manner;
 - (9) The permit holder has allowed his insurance, as required herein, to be cancelled, withdrawn or terminated;
 - (10) The permit holder has allowed any of his vehicles or equipment to become damaged, deteriorated, or unclean to the extent that is unsatisfactory for public use;
 - (11) The permit holder fails to show financial responsibility to maintain services in compliance with the terms thereof;

(12) The permit holder has knowingly allowed uncertified (whether temporary or permanent) emergency medical personnel to provide emergency medical care to any person who has contracted with the permit holder for such treatment while the uncertified emergency medical personnel is in the employment of the permit holder; or

(13) The permit holder has continued to demonstrate an excessive response.

(Ord. No. 2048, 12-30-03)

Sec. 10-23.4. Rates.

(a) For ambulance service rendered within the parish, a schedule of rates was adopted by the police jury on December 30, 2003, was ratified by the police jury on December 30, 2003, and is on file in the police jury office. These rates may be adjusted annually.

(b) No rate increases may be implemented without approval of the police jury.

(Ord. No. 2048, 12-30-03; Ord. No. 2181, 7-14-10)

Sec. 10-23.5. Penalties and violations.

(a) The police jury shall establish, maintain, and enforce the schedule of fines for violations of this division, originally approved by the police jury on July 18, 2002, and on file in the police jury office. The fines shall apply to violations relating to failure to meet operational or equipment requirements, response time standards, medical protocols, or approved rate structure.

(b) Any ambulance provider aggrieved by the issuance of a fine may appeal the violation by written notice to the police jury by personal delivery or by mail, return receipt requested. The appeal must be made within ten (10) days of the notification of the police jury's decision to issue the fine. With appropriate notification of appeal, a hearing will be scheduled by the police jury's ambulance regulatory committee for a recommendation to the police jury for a final decision regarding the fine. In the event the fine is overturned, reimbursement will be made to the ambulance service provider.

(c) Any ambulance operator found to be in noncompliance with operational requirements or the approved rate schedule shall have fifteen (15) calendar days to correct the violation, or be subject to a fine of one hundred dollars (\$100.00) per day for each day of noncompliance after the fifteen-day deadline.

(d) Penalties and fines.

(1) Any ambulance service found in excess of the thresholds outlined in section 10-22(b) can be fined up per occurrence. Monthly reports to the Jefferson Davis Parish Police Jury shall be reviewed by the Ambulance Regulatory Committee Chairman.

(2) Any ambulance service found to be in violation of any section of this article can be fined up per occurrence.

a. *First offense.* Written warning outlining the offense.

b. *Second offense within one (1) year.* Shall receive five hundred dollar (\$500.00) fine with written warning outlining the offense.

c. *Third offense within one (1) year.* Shall receive a one thousand dollar (\$1,000.00) fine and temporary revocation of permit pending ambulance regulatory committee review.

(3) If an ambulance service is found in repeated offense of these response times as stated in section 10-22(b), it gives grounds to the parish police jury to suspend or terminate the issued permit as stated in section 10-23.3. The parish police jury also agrees that the delayed response which was no fault of the ambulance service shall not be deemed the fault of the ambulance service (reference section 10-23.1 Exceptions) and shall not be penalized.

(Ord. No. 2048, 12-30-03; Ord. No. 2368, 4-14-2021)

ARTICLE III. HAZARDOUS SUBSTANCES

Sec. 10-24. Regulations adopted.

The Code of Federal Regulations Title 49, Parts 100 to 177, revised as of November 1, 1983, is incorporated herein by reference.

(Ord. No. 770, 2-10-88)

Sec. 10-25. Definitions.

Hazardous substances shall be defined for the purposes of this article as any substance that meets at least one (1) of the following criteria:

- (a) Any petroleum product that is used as a lubricant or fuel.
- (b) Any mixture or solution containing a material identified by the letter "E" in column 1 of the table to CFR 49 Section 172.010 if it is in a concentration equal to or greater than that shown in the following table based on the reportable quantity (RG) specified for the materials in column 2 of the table to CFR 49 Section 172.101.

Concentration by Weight			
RQ Pounds	RQ Kilograms	Per Cent	PPM
5000	2270	10	100,000
1000	454	2	20,000
100	45.4	0.2	2,000
10	4.54	0.02	200
1	0.45	0.002	20

- (c) Any of the nine (9) classes of hazardous materials as defined in CFR 49 and outlined as follows:

Class I. Explosives.

Class A explosive: Detonating or otherwise of maximum hazard. The nine (9) types of Class A explosives are defined in CFR 49 Section 173.53.

Class B explosive: In general, function by rapid combustion rather than detonation and include some explosive devices such as special fireworks, flash powders, etc. Flammable hazard. (CFR 49 Sec. 173.88)

Class C explosive: Certain types of manufactured articles containing Class A or Class B explosives, or both, as components but in restricted quantities, and certain types of fireworks. Minimum hazard. (CFR 49 Sec. 173.100)

Blasting agent: A material designed for blasting which has been tested in accordance with Section 173.114a(b) and found to be so insensitive that there is a very little probability of accidental initiation of explosion or of transition from deflagration to detonation. (CFR 49 Sec. 173.114a[a])

Class II. Gases.

Flammable gas: Any compressed gas meeting the requirements for lower flammability limit, flammability limit range, flame projection, or flame propagation criteria as specified in CFR 49 Section 173.300(b).

Non-flammable gas: Any compressed gas other than a flammable compressed gas.

Class III. Flammable/combustible liquids.

Combustible liquid: Any liquid having a flash point one hundred degrees Fahrenheit or above and below two hundred degrees Fahrenheit as determined by tests listed in CFR 49 Section 173.115(d). For exceptions see CFR 49 Section 173.115(a).

Flammable liquid: Any liquid having a flash point below one hundred degrees Fahrenheit as determined by tests listed in CFR 49 Section 173.115(d). For exceptions see CFR 49 Section 173.115(a).

Class IV. Flammable solids

Flammable solid: Any solid materials, other than an explosive, which is liable to cause fires through friction, retained heat from manufacturing or processing, or which can be ignited readily, and when ignited burns so vigorously and persistently as to create a serious transportation hazard. (CFR 49 Sec. 173.150)

Class V. Oxidizers.

Organic peroxide: An organic compound containing the bivalent -O-O structure and which may be considered a derivative of hydrogen peroxide where one or more of the hydrogen atoms have been replaced by organic radicals. (See CFR 49 Sec. 173.151(a) for details and exceptions.)

Class VI. Poisons.

Poison A: Extremely dangerous poisons. Poisonous gases or liquids of such nature that a very small amount of the gas or vapor of the liquid, mixed with air is dangerous to life. (CFR 49 Sec. 173.326)

Poison B: Less dangerous poisons. Substances, liquids, or solids (including pastes and semi-solids), other than Class A or irritating materials, which are known to be so toxic to man as to afford a hazard during transportation; or which, in the absence of adequate data on human toxicity, are presumed to be toxic to man. (CFR 49 Sec. 173.343)

Irritating material: A liquid or solid substance which upon contact with fire or when exposed to air gives off dangerous or intensely irritating fumes, but not including any Class A poisonous materials.

Class VII. Radioactives.

Radioactive material: Any material, or combination of materials, that spontaneously emits ionizing radiation, and having a specific activity greater than 0.002 microcuries per gram. (CFR 49 Sec. 173.389)

Note: See CFR 49. Sec. 173.389(a) through (1) for details.

Class VIII. Corrosives.

Corrosive material: Any liquid or solid that causes visible destruction of human skin tissue, or a liquid that has a severe corrosive rate on steel. (See CFR 49 Sec. 173.240(a) and (b) for details.)

Class IX. Other regulated materials (ORM).

ORM: May pose an unreasonable risk to health and safety or property when transported in commerce. (See CFR 49 Sec. 173.500 for details.)

(Ord. No. 770, 2-10-88)

Sec. 10-26. Responsibility for costs of cleanup.

- (a) The owner and/or operator of any container, package, vehicle or vessel is responsible for all costs incurred during cleanup and restoration of the area contaminated by any hazardous substance defined herein.
- (b) The owner and/or operator is also responsible for all costs incurred by the responding fire or police authority as well as other parish agencies involved during said cleanup and restoration.
- (c) If there is no actual discharge, leak, release or spill of a hazardous substance, but rather a danger or possibility of such a discharge, leak, release or spill, as determined by the responding fire or police authority, the owner and/or operator will be responsible for all costs incurred by the responding fire or police authority as well as all other parish agencies, due exclusively to the presence of a hazardous substance.

(Ord. No. 770, 2-10-88)

Sec. 10-27. Penalties.

Any owner and/or operator who willfully or negligently violates this article shall be punished by a fine of not more than five hundred dollars (\$500.00) or by imprisonment for not more than thirty (30) days, or both. Each day on which the violation occurs shall be considered a separate offense.

(Ord. No. 770, 2-10-88)

Sec. 10-28. Severability.

It is hereby declared to be the intention of the police jury that the sections, paragraphs, sentences, clauses and phrases of this article are severable, and if any section, paragraph, sentence, clause or phrase of this article shall be declared unconstitutional by the valid judgment of any court of competent jurisdiction, such unconstitutionality shall not affect any remaining sections, paragraphs, sentences, clauses and phrases of this article.

(Ord. No. 770, 2-10-88)

Sec. 10-29. Conflicting ordinances.

It is hereby declared to be the intention of the police jury that all ordinances in conflict herewith be and are hereby repealed.

(Ord. No. 770, 2-10-88)

Secs. 10-30—10-50. Reserved.

ARTICLE IV. GROUNDWATER PROTECTION

Sec. 10-51. Title and purpose.

This article, titled Groundwater Protection, establishes a zoning overlay district to be known as the drinking water protection critical area.

(Ord. No. 2112, § 1, 11-8-06)

Sec. 10-52. Authority.

The drinking water protection critical area is an overlay district superimposed on the zoning districts in the Parish of Jefferson Davis, and shall apply to all new construction, reconstruction, or expansion of existing buildings and new or expanded uses. Activities/facilities/uses must comply with the requirements of both the drinking water protection critical area and any underlying zoning district.

(Ord. No. 2112, § 2, 11-8-06)

Sec. 10-53. 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 water well. A well that's use has been permanently discontinued; its pumping equipment has been permanently removed; the well is such a state of disrepair that it cannot be used to supply water and/or has the potential for transmitting surface contaminants into an aquifer; the well poses potential health or safety hazards; or the well is in such a condition that it cannot be placed in the active, standby, or inactive status.

Applicant. Person of persons applying for a special permit for a facility within the drinking water protection critical area.

Animal feedlot/dairies. Defined as having one thousand (1,000) cattle or comparable "animal units" of other livestock.

Aquifer. A water-bearing rock, sand or gravel layer that will yield water in a usable quantity to a well or spring.

Class I well. Wells used to inject hazardous wastes or dispose of nonhazardous industrial waste and treated municipal sewage below the deepest underground source of drinking water.

Class II well. Wells used to inject fluids associated with the production of oil and natural gas or fluids and compounds used for enhanced hydrocarbon recovery. These wells normally inject below the deepest underground source of drinking water (USDW) except in cases where the USDW contains producible quantities of oil or gas.

Class III well. Wells that inject fluids used in subsurface mining of minerals.

Class IV well. Wells used to dispose of hazardous or radioactive wastes into or above formations that are within 1/4 mile of underground sources of drinking water, including septic systems and cesspools. These wells are typically associated with hazardous waste generators, waste management facilities, or radioactive waste disposal sites, posing significant risks to groundwater resources.

Class V wells. Wells not included in the other classes that inject nonhazardous fluids into or above an underground source or drinking water. (The seven (7) major types of Class V wells include drainage wells, geothermal reinjection wells, domestic wastewater disposal wells, mineral and fossil fuel recovery related wells, industrial/commercial/utility disposal wells, recharge wells and miscellaneous wells. Class V injection wells also include all large-capacity cesspools and motor vehicle waste disposal wells.)

Class VI wells. Wells used for the injection of carbon dioxide (CO₂) into deep rock formations for long-term underground storage, a process known as geologic sequestration. These wells are designed to prevent the migration of CO₂ into underground sources of drinking water and are primarily used to mitigate greenhouse gas emissions.

Contamination. The presence of a material that may cause or significantly contribute to a present or potential risk to human health, safety, welfare, or that is present in groundwater resources or to the natural environment such that it degrades the quality of the resource so as to constitute a hazard and/or impair its use.

Delineation. Determining the outline or shape of a drinking water protection area.

Drinking water protection area. The area around a drinking water source, such as a well or surface water intake, such as delineated by the Louisiana Department of Environmental Quality as part of the source water assessment program. (Based on research, the natural breakdown and degradation of many contaminants beyond one thousand (1,000) feet reduces the risk of contaminants outside the critical area from reaching the well).

Groundwater. The water contained in the interconnected pores located below the ground in an aquifer.

Hazardous materials. A material that may cause or significantly contribute to a present or potential risk to human health, safety, welfare, to groundwater resources or to the natural environment.

or

That is defined in the following categories:

Ignitable: A gas, liquid or solid which may cause fires through friction, absorption of moisture, or which has low flash points. Examples: white phosphorus and gasoline.

Carcinogenic: A gas, liquid, or solid which is normally considered to be cancer causing or mutagenic. Examples: PCB's in some waste oils.

Explosive: A reactive gas, liquid or solid that will vigorously and energetically react uncontrollably if exposed to heat, shock, pressure or combinations thereof. Examples: dynamite, organic peroxides and ammonium nitrate.

Highly toxic: A gas, liquid, or solid so dangerous to man as to afford unusual hazard of life. Example: chlorine gas.

Moderately toxic: A gas, liquid or solid that through repeated exposure or in a single large dose can be hazardous to man.

Corrosive: Any material, whether acid or alkaline, which will cause severe damage to human tissue, or in case of leakage might damage or destroy other containers of hazardous materials and cause the release of their contents. Examples: battery acid and phosphoric acid.

or

The following items listed below and by-products, reaction products, or waster products generated from the use, handling, storage, or production of these items: Acid and base cleaning solutions, antifreeze

and coolants, new or used, arsenic and arsenic compounds, batteries, new and used, brake and transmission fluid, oils/greases, lubricants, brine solution casting and foundry chemicals, caulking agents and sealants, cleaning solvents, cutting fluids, degreasing solvents, disinfectants, electroplating solutions, explosives, fertilizers, food processing wastes, fuels and additives, glues, adhesives, and resins, greases, hydraulic fluid industrial and commercial janitorial supplies, industrial sludges and still bottoms, inks, printing and photocopying chemical, laboratory chemicals, metal finishing solutions, oils (petroleum based), paints, primers, thinners, dyes, stains, wood preservatives, paint solvents, and paint removing compounds, pesticides and herbicides, plastic resins and catalysts, plasticizers, photo development chemicals, pool chemicals, roofing chemicals and sealers, solders and fluxes, tanning industry chemicals, transformer and capacitor oil/fluids.

Impervious surface. A surface covered by a material that is relatively impermeable to water.

Inactive water well. A well is considered to be inactive if it is not presently operating but is maintained in such a way that it can be put back in operation, with a minimum of effort, to supply water.

Normal household use. Storage or use of a hazardous material in quantities less than five (5) gallons if liquid or fifty (50) pounds if solid.

Person. An individual, corporation, joint venture, incorporated association, public or private corporation, partnership, governmental body or other similar entity, public or private.

Promiscuous dump. Any collection of solid waste either dumped or caused to be dumped or placed on any property either public or private, whether or not regularly used, and not authorized by the administrative authority (Louisiana Department of Environmental Quality).

Public water supply. A water supply that provides water through constructed conveyances to the public for a least fifteen (15) service connections or regularly serves an average of at least twenty-five (25) individuals daily for at least sixty (60) days per year. The water system may consist of one or more public supply wells.

Sanitary landfill. 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, and in such a manner that minimizes the risk to human health and the environment.

Secured storage. Natural or created barrier to site ingress and egress around the entire perimeter of the hazardous materials storage area.

Source water assessment program. Section 1453 of the Safe Drinking Water Act Amendment of 1996 required each state to develop a source water assessment program that will: delineate areas providing drinking water for all public water supplies (groundwater and surface water) and inventory drinking water supplies for potential contaminants which may have adverse effects on human health.

Well. Any excavation that is drilled, cored, bored, washed, driven, dug, jetted, or otherwise constructed for conveying groundwater to the surface, monitoring groundwater levels or other characteristics, providing cathodic protection, or providing a method of injecting water into the aquifer system from above the earth's surface.

(Ord. No. 2112, § 3, 11-8-06)

Sec. 10-54. Establishment and delineation of the drinking water protection critical area.

For the purpose of this district, there are hereby established within the parish certain drinking water protection critical areas. The drinking water protection critical area is defined as the area within a one thousand (1,000) foot radial boundary from any public or municipal drinking water well that has been identified and mapped by the Louisiana Department of Environmental Quality as part of the source water assessment program. The maps are available for viewing at the office of the Jefferson Davis Parish Police Jury.

(Ord. No. 2112, § 4, 11-8-06)

Sec. 10-55. Prohibited uses.

The following uses, unless granted a special exception, are prohibited within the drinking water protection critical area: abandoned water wells, above ground storage tanks, agriculture chemical-formulation/distribution facilities, airports, animal feed lots/dairies, asphalt plants, auto/boat/tractor/small engine shops, battery recyclers, body shop/paint shops, car washes, cemeteries, chemical plants, class I injection wells, class II injection wells, class III injection wells, class IV injection wells, class V injection wells, class VI injection wells, dry cleaner/laundromats, funeral homes, furniture stripping facilities, military facilities, non-functional septic systems, nuclear plants, oil/gas wells and associated drilling activities, oil/gas tank batteries, oxidation ponds, paper mills, petroleum bulk plants, pipeline compressor stations, plant nurseries, port facilities, power plants, printing shops, promiscuous dumps, railroad yards-switching/loading and offloading/maintenance, salvage yards, sand/gravel pits, sanitary landfills, sewer lift stations, sewer treatment plants, truck terminals, underground storage tanks, wood preserving plants.

(Ord. No. 2112, § 5, 11-8-06)

Sec. 10-56. Exceptions for above ground storage tanks for irrigation.

- (a) It should be noted concerning the above exception that best management practices are encouraged since placing an irrigation well with its associated above ground storage tank within one thousand (1,000) feet of a public supply well increases the risk of contamination of the drinking water aquifer and also the zone of influence of each of the two (2) wells may interfere with one another. Likewise, placing a public supply well within one thousand (1,000) feet of an irrigation well is discouraged for the same reasons.
- (b) Any of the land uses, facilities or activities identified in section 10-55 lawfully in existence on August 16, 2005, may continue to exist on the parcel upon which it is located. Replacement or repair will be granted.
- (c) Uses and activities requiring special permit. The following uses and activities are permitted only upon the issuance of a special permit by the Jefferson Davis Parish Police Jury Environmental Committee under such conditions as there exists and undue hardship and as they may require:
 - (1) Enlargement or alteration of existing uses that do not conform to the drinking water protection critical area;
 - (2) Those activities that involve the handling of hazardous materials in quantities greater than those associated with normal household use, permitted in underlying zoning (except as prohibited in section 10-55).

The burden is on the applicant to show undue hardship.

- (d) Procedures for issuance of special permit.
 - (1) The special permit granting authority (SPGA) for this article shall be the Jefferson Davis Parish Police Jury Environmental Committee. Such special permit shall be granted if the SPGA determines that the intent of this article, as well as its specific criteria, is met. The SPGA shall not grant a special permit under this section unless the petitioner's application materials include, in the SPGA's opinion, sufficiently detailed, definite, and credible information to support positive findings in relation to the standards given in this section.
 - (2) The SPGA may grant the required special permit only upon finding that the proposed use meets the prohibited uses standards as specified in section 10-55 of this bylaw, all federal, state and local regulations, and any regulations or guidelines adopted by SPGA.
 - (3) The applicant shall file two (2) copies of a site plan and attachments. The site plan shall be drawn at a proper scale as determined by the SPGA. The site plan and its attachments shall at a minimum include provisions to protect against the discharge of hazardous materials or wastes to the environment due to spillage, accidental damage, corrosion, leakage, or vandalism, including spill containment and cleanup procedures; provisions for indoor, secured storage of hazardous materials and wastes with impervious floor surfaces.
 - (4) Appeals from denial of special permits shall be submitted in writing to the Jefferson Davis Parish Police Jury (any appeal board, executive committee of police jury, or other body) within thirty (30) days of receipt of denial. The police jury shall conduct a review and render a decision within thirty (30) days of receipt of appeal request. Adverse decision of the police jury shall be appealed to the state district court.

(Ord. No. 2112, § 6, 11-8-06)

Sec. 10-57. Complaints.

- (a) Any person may submit a verbal or written complaint alleging a violation of this article.
- (b) Upon receipt of the complaint, the jurisdiction shall conduct a brief investigation of the substances of the complaint, including a meeting with the landowner involved.
- (c) Based upon the determination that there is a violation of this article, the jurisdiction shall conduct an attempt at informal reconciliation with the violator. As part of such informal reconciliation the jurisdiction shall:
 - (1) Notify the violator by mail of the violation of this article and desire of the jurisdiction to correct the violation through informal reconciliation. The statement shall also indicate that should the violator refuse to allow the recommended corrective actions within the time set forth by the jurisdiction, action may be taken to correct the violation and the violator will be billed for the cost of taking the corrective action.
 - (2) Make a good faith effort to meet the violator and resolve/correct the violation.
- (d) If after taking the steps above and after a period of fifteen (15) days following the mailing of the notice of this violation, the jurisdiction in good faith determines that the violator is unwilling to participate in informal reconciliation and take the corrective actions prescribed, the jurisdiction shall notify the violator by mail of the termination of the informal reconciliation.
- (e) The jurisdiction may take corrective actions deemed necessary following 15 days after notifying the violator by mail of the notice of termination of the informal reconciliation, and bill the violator for the reasonable cost of such action.

(Ord. No. 2112, § 8, 11-8-06)

Sec. 10-58. Enforcement.

- (a) *Civil.* This article may be enforced civilly by suit for injunctive relief or by any other appropriate civil remedy.
- (b) *Criminal.* In lieu of a civil enforcement proceeding, a person found in violation of this article shall be imprisoned for a period of time not to exceed six (6) months or pay a fine of not more than one thousand dollars (\$1,000.00) or both.

(Ord. No. 2112, § 9, 11-8-06)

THUS DONE AND PASSED BY THE POLICE JURY ON JEFFERSON DAVIS PARISH, LOUISIANA, on this 12th day of March, 2025.

The motion was made by Mr. LaBouve, seconded by Mr. Chad Woods, and carried, to adopt the following Ordinance, to-wit:

ORDINANCE NO. 2460

An Ordinance Amending Chapter 12½ MINERAL AND NATURAL RESOURCES

WHEREAS, the Jefferson Davis Parish Police Jury is empowered to adopt amendments and revisions of its ordinances by Louisiana Revised Statutes.

WHEREAS, the Jefferson Davis Parish Police Jury is desirous of exercising said power; now therefore

BE IT ORDAINED by the Jefferson Davis Parish Police Jury, and it is hereby ordained by the same:

Chapter 12½ MINERAL AND NATURAL RESOURCES, is hereby amended to read as follows:

ARTICLE I. IN GENERAL

Sec. 12½-1. Drilling operations—Application for permit.

All persons, corporations, firms or anyone desiring to conduct drilling operations, including working well operations, , workover rig operations and any other drilling operation on new or existing sites in Jefferson Davis Parish, shall apply for a drilling operations permit from the police jury in the form and under the terms and conditions made part of this article.

(Ord. No. 2119, § 1, 3-28-07)

Sec. 12½-2. Same—Permit required.

It shall be unlawful for all persons, corporations, or firms, to conduct any drilling operations within this parish for oil, gas, or other minerals, without first having procured a written permit from the police jury authorizing such work or to conduct such operations in a manner not inconsistent with said permit, or to conduct such operations after said permit is revoked.

(Ord. No. 2119, § 2, 3-28-07)

Sec. 12½-3. Drilling Operations Permit

All persons, corporations, firms or anyone desiring to conduct drilling operations in Jefferson Davis Parish, shall apply for and execute a development permit from the police jury in the form and under the terms and conditions made part of this article, as follows:

General conditions under which permit is granted:

1. Names, addresses, residences and telephone numbers of owners, partners or shareholders, whichever is applicable, of the applicant.
2. site survey prepared by a Louisiana registered surveyor, civil engineer or architect showing the location of the proposed facility.
3. Detailed information on the drilling operations.
4. All permit applications and accompanying data submitted to any other local, state or federal agency having jurisdiction over the proposed facility and any permit application submitted in connection therewith.
5. All other information required pursuant to the parish building code or other local ordinances.
6. The applicant to whom this permit is granted, agrees to hold harmless the Jefferson Davis Parish police jury and its duly appointed agents and employees against any action for personal injury or property damage sustained by reason of the exercise of this permit.
7. Drilling Operations shall comply with any zoning or land use requirements in effect at the time of the permit application.
8. All state and federal laws must be met to protect sovereign public

Sec. 12½-4. Same—Permit and inspection fee.

- (a) The amount of the drilling operations permit and inspection fee required in connection with this permit shall be set at five hundred dollars (\$500.00) per drill site.

- (b) The permit and inspection fee shall accompany the application and shall be nonrefundable. In the event drilling operations begin without a parish permit, a nonrefundable late fee penalty of one thousand five hundred dollars (\$1,500.00) shall be assessed.
- (c) Each applicant for a permit shall be required to pay a refundable five thousand dollars (\$5,000.00) deposit to be used in case of damages done to parish roads. This deposit shall remain in the possession of the police jury as long as operations are continuing on the permitted drill or well site and shall only be refunded upon proof that the permitted site has been plugged and abandoned. In the event that the original deposit is used for repair and maintenance of parish roads, the applicant shall be required to post additional deposits of five thousand dollars (\$5,000.00) until such time as operations have ceased and the site has been plugged and abandoned.
- (d) These charges shall apply to each application for any drilling operations on each drill site.

(Ord. No. 2119, § 3, 3-28-07)

Sec. 12½-5. Penalty, Injunction relief.

- (a) Each violation of this article shall be punishable by a fine of not more than one thousand five hundred dollars (\$1,500.00) or imprisonment for not more than thirty (30) days, or both, such fine and imprisonment, and each day a violation continues shall be a separate offense.
- (b) The district attorney of Jefferson Davis Parish shall be empowered to seek injunctive relief against a party in violation of this article enjoining operation of the facility until compliance with this article is established.

Secs. 12½-6—12½-20. Reserved.

ARTICLE II. GEOLOGICAL STRUCTURE EXPLORATION³

Sec. 12½-21. Project permit.

All persons, corporations, firms or anyone desiring to conduct geological or seismic sensing in Jefferson Davis Parish, shall apply for and execute a project permit from the police jury in the form and under the terms and conditions made part of this article, as follows:

General conditions under which permit is granted:

- (1) The permit to do work in the parish is limited to the specific area described above.
- (2) No blasting or vibration work shall be done on public road rights-of-way. Such work shall be done on private property only after procuring the necessary written permission of all landowners. No cables may be laid on the parish road rights-of-way without obtaining permission of landowners on both sides of the road.
- (3) Copies of at least eighty (80) percent of all landowners' written permission along with a plat, all being clearly legible, shall be attached to the application.
- (4) The permit shall be valid for ninety (90) days from the date of approval by the police jury.
- (5) The parish road supervisor shall be given twenty-four (24) hours' advance notice before commencement of seismic operations and upon completion of seismic operations the parish road supervisor shall be notified within twenty-four (24) hours.
- (6) The applicant to whom this permit is granted, agrees to hold harmless the Jefferson Davis Parish police jury and its duly appointed agents and employees against any action for personal injury or property damage sustained by reason of the exercise of this permit.
- (7) All seismic work shall be in accordance with all these provisions and violation of such can result in this permit being revoked.

³Editor's note(s)—Ord. No. 707, §§ 1—3, adopted January 26, 1983, did not specifically amend the Code, therefore codification as §§ 12½-21—12½-23 and § 12½-25 was at the discretion of the editor. Ord. No. 715, § 1, adopted March 28, 1984, and Ord. No. 722, adopted July 25, 1974, were amendatory of Ord. No. 707, but did not specifically amend the Code, therefore codification as § 12½-24 and § 12½-21(8) respectively was at the discretion of the editor.

- (8) A copy of the parish permit as required by this section shall be maintained on the job site at all times and shall be produced immediately upon request by the parish road supervisor or any employee or duly appointed agent of the Jefferson Davis Parish police jury.
- (9) Application to the police jury for geological exploration work shall include the name and address of the company's home or base office; name and address of a company official, who can be contacted in cases of emergency; and name and address of person(s), corporation(s), firm(s) or anyone for whom geological data is being collected.

(Ord. No. 707, § 1, 1-26-83; Ord. No. 722, 7-25-84; Ord. No. 724, 9-12-84; Ord. No. 989, 5-8-96)

Sec. 12½-22. Permit required.

It shall be unlawful for all persons, corporations, or firms, to conduct any geophysical operations within the parish, by the use of torsion balance, seismograph, detector, pick-up, or any other machine, device or apparatus used for the purpose of determining whether or not there are geological structures underneath favorable to the accumulation of oil, gas, or other minerals, without first having procured a written permit from the police jury authorizing such exploration work or to conduct such operations in a manner not inconsistent with said permit, or to conduct such operations after said permit is revoked.

(Ord. No. 707, § 2, 1-26-83)

Sec. 12½-23. Subject to referral and state regulations.

Any permit issued under this section shall be subject to such regulations and restrictions as may be imposed by any state or federal agency.

(Ord. No. 707, § 2(a), 1-26-83)

Sec. 12½-24. Permit and inspection fee.

- (a) The amount of permit and inspection fee shall be required in connection with this permit and shall be calculated as follows:

First line \$100.00

Second line \$100.00

Each line thereafter \$50.00

- (b) The permit and inspection fee shall accompany the application and shall be nonrefundable.
- (c) These charges shall apply to each application and plat and the number of lines per plat shall not be limited.

(Ord. No. 715, § 1, 3-28-84; Ord. No. 1061, 7-14-99)

Sec. 12½-25. Penalty, Injunction Relief.

- (a) Each violation of this article shall be punishable by a fine of not more than one thousand five hundred dollars (\$1,500.00) or imprisonment for not more than thirty (30) days, or both, such fine and imprisonment, and each day a violation continues shall be a separate offense.
- (b) The district attorney of Jefferson Davis Parish shall be empowered to seek injunctive relief against a party in violation of this article enjoining operation of the facility until compliance with this article is established.

(Ord. No. 707, § 3, 1-26-83)

Secs. 12½-26—12½-30. Reserved.

ARTICLE III. OPEN-PIT STORAGE AND WASTE-DISPOSAL FACILITIES⁴

Sec. 12½-31. Definitions.

For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them:

- (a) *Oil field waste.* By-products of drilling operations for oil, gas or other minerals, including geothermal energy, and including, but not limited to, water-based muds, oil-based drilling muds, waste drilling muds and salt water.
- (b) *Water-based drilling muds.* Any water-based fluid composed of fresh water or salt water, clays, drilled solids and additives for fluid loss control, viscosity, thinning, PH control, etc., for downhole rheology and stability.
- (c) *Oil-based drilling muds.* Any oil-based drilling fluid composed of a water in oil emulsion, organophillic clays, drilled solids and additives for downhole rheology and stability such as fluid loss control materials, thinner, weighing agents, etc.
- (d) *Waste drilling muds.* Any colloidal slurry composed of drilling fluid, drilled solids, cuttings, and commingled water present in the reserve or mud pit at the time of completion of drilling operations, and equipment move-off that cannot be reused or reconditioned for sale.

(Ord. No. 748, § 1, 11-12-86)

Sec. 12½-32. Permit required.

No person, firm, corporation or commercial establishment shall begin construction of any type of open-pit storage or disposal facility for the offsite, storage, processing or disposal of oil field waste, water-based drilling mud, oil-based drilling mud, waste drilling muds in the boundaries of Jefferson Davis Parish without first obtaining a permit from the Jefferson Davis Parish police jury, upon recommendation of the Jefferson Davis Parish environmental committee.

(Ord. No. 748, § 2, 11-12-86)

Sec. 12½-33. Prohibited areas.

No permit shall be issued to allow any oil field waste to be stored or disposed in open pits within the boundaries of Jefferson Davis Parish unless the proposed location of the facility is located:

- (1) Outside of the area which has been designated by the United States Department of Housing and Urban Development - Federal Insurance Administration as a flood hazard area.
- (2) A minimum of one thousand five hundred (1,500) feet from any existing residential structure or commercial facility.
- (3) A minimum of one thousand five hundred (1,500) feet from any water well producing water for human or animal consumption.
- (4) A minimum of five hundred (500) feet from existing neighboring property line, any naturally occurring body of water or publicly maintained drainage system.

(Ord. No. 748, § 3, 11-12-86)

⁴Editor's note(s)—Ord. No. 748, §§ 1—5, adopted November 12, 1986, did not specifically amend the Code; therefore, inclusion as §§ 12½-31—12½-35 was at the discretion of the editor.

Sec. 12½-34. Applications; content, procedures.

- (a) Any person, firm, corporation or other commercial establishment desiring to obtain a permit to locate or construct an open pit or storage facility for the offsite storage, processing or disposal of oil field waste shall contact the Jefferson Davis Parish permit director in order to obtain a permit application for such construction. A copy of the applicant's state permit application for such operations shall be presented to the director before the parish permit application can be filed, and shall become an attachment to the parish permit application. Upon completion of the application, the applicant shall return the same to the Jefferson Davis Parish permit director, who shall then transmit the application to the Jefferson Davis Environmental Committee for its consideration, who will after review submit same with their recommendation to the Jefferson Davis Parish police jury within a reasonable length of time.
- (b) For each permit application, the applicant shall present a fee of one hundred dollars (\$100.00) payable to the Jefferson Davis Parish police jury.
- (c) When applying for a permit, the applicant shall submit a survey plat showing the location of the facility in relation to existing residential structures or commercial facilities, water wells, bodies of water, publicly maintained drainage systems and neighboring property lines. It shall also contain a certificate signed by a civil engineer or surveyor licensed under the laws of the State of Louisiana that all of the requirements established by this article have been complied with.

(Ord. No. 748, § 4, 11-12-86)

Sec. 12½-35. Penalties; injunction relief.

- (a) Any person, firm, corporation or other commercial establishment who shall violate the provisions of this article shall be punishable by a fine of not more than one thousand five hundred dollars (\$1,500.00) or imprisonment in the parish jail for not more than thirty (30) days, or both. Each day that the party shall remain in noncompliance with this article shall be considered a separate offense.
- (b) The district attorney of Jefferson Davis Parish shall be empowered to seek injunctive relief against a party in violation of this article enjoining operation of the facility until compliance with this article is established.

(Ord. No. 748, § 5, 11-12-86)

ARTICLE IV. LOGGING OPERATIONS

Sec. 12½-36. Logging Permit.

All persons, corporations, firms or anyone desiring to conduct logging operations in the parish shall apply for and execute a Logging Permit from the police jury in the form and under the terms and conditions made part of this article, as follows:

"General conditions under which permit is granted:

- "(1) A Logging Permit shall be obtained for each noncontiguous tract of land of each landowner to be harvested by a logging company.
- "(2) A copy of the signed timber deed(s) from the landowner(s) to the logging company, a full legal description of the tract(s) being harvested, and a plat or plats, all being clearly legible, shall be attached to the application for the Logging Permit.
- "(3) The Logging Permit shall be valid for a period of six months from the date of approval. If, in the event of poor weather conditions, the locations specified for logging operations on any Logging Permits granted to a logging company operating under a Logging Permit are not completely harvested during the six month term, the police jury may, within its discretion, grant an extension of time within which the logging company may complete its operations under the original permit.

- "(4) No blasting work shall be done on public road rights-of-way. Such work shall be done on private property only after procuring the necessary written permission of all landowners. Copies of all landowners written permission along with a plat, all being clearly legible, shall be attached to the application.
- "(5) The applicant shall also include a map or written description of the travel route to be taken by all heavy loads and/or equipment, whether hauled by the applicant or a subcontractor. All heavy loads and/or equipment shall then be moved only along that designated route. Each instance of non-compliance with this provision shall be designated as a violation of this permit, thereby subjecting the applicant to the penalties as provided in Article III, Sec. 12½-40 of the Jefferson Davis Parish code of ordinances.
- "(6) The applicant shall be held solely responsible for present and future damages caused by the applicant's operations or a sub-contractor's operations on parish roads.
- "(7) The parish road supervisor shall be given twenty-four (24) hours advance notice before commencement of logging operations on each separate tract of land to be harvested, and upon completion of logging operations the parish road supervisor shall be notified within twenty-four (24) hours of the movement of the logging company.
- "(8) The applicant to whom this permit is granted, agrees to hold harmless the Jefferson Davis Parish Police Jury and its duly appointed agents and employees against any action for personal injury or property damage sustained by reason of the exercise of this permit.
- "(9) All logging operations shall be in accordance with all these provisions and violation of such can result in this permit being revoked.
- "(10) A copy of the Logging Permit issued by the police jury shall be maintained on the job site at all times and shall be produced immediately upon request by the parish road supervisor or any employee or duly appointed agent of the Jefferson Davis Parish Police Jury.
- "(11) Application to the police jury for a Logging Permit shall include the name and address of the company's home or base office and the name, address and telephone number of a company official, who can be contacted in cases of emergency. Any changes in the above required information shall be immediately reported to the police jury and duly noted in any Logging Permits issued by the police jury.

Sec. 12½-38. Subject to federal and state regulations.

Any permit issued under this section shall be subject to such regulations and restrictions as may be imposed by any state or federal agency.

(Ord. No. 832, 9-26-90)

Sec. 12½-39. Permit and inspection fee.

- (a) The amount of the logging permit and inspection fee required in connection with this permit shall be set at ten dollars (\$10) per acre.
- (b) The permit and inspection fee shall accompany the application and shall be nonrefundable. In the event logging operations begin without a parish permit, a nonrefundable late fee penalty of one thousand, five hundred dollars (\$1,500.00) shall be assessed.
- (c) Prior to the issuance by the police jury of a permit, as required by this article, the applicant shall make a guarantee deposit in the form of a certified check or surety bond made payable to the Jefferson Davis Parish Police Jury. This deposit shall serve as a guarantee that the applicant shall make all repairs as designated by grantor's inspector and may be used by grantor as set out previously if applicant fails to timely make such repairs. This guarantee deposit shall be in the amount of one hundred dollars (\$100) per acre or two thousand five hundred dollars (\$2,500), whichever is greater. In the event that the original deposit is used for repair and maintenance of parish roads, the applicant shall be required to post additional deposits of two thousand five hundred dollars (\$2,500.00) until such time as operations have ceased and the site has been and abandoned. For large parcels of land where more than one parish road is used as a primary access, each parish road used as a primary access shall require a road bond.

(Ord. No. 832, 9-26-90; Ord. No. 2046, 12-30-03; Ord. No. 2092, 12-14-05)

Sec. 12½-40. Penalty; Injunction Relief.

- (a) Each violation of this article shall be punishable by a fine of not more than one thousand five hundred dollars (\$1500.00) or imprisonment for not more than thirty (30) days, or both such fine and imprisonment; and each day a violation continues shall be considered a separate offense.
- (b) The district attorney of Jefferson Davis Parish shall be empowered to seek injunctive relief against a party in violation of this article enjoining operation of the facility until compliance with this article is established.

(Ord. No. 832, 9-26-90)

Secs. 12½-41—12½-59. Reserved.

ARTICLE V. INJECTION WELLS

Sec. 12½-60. Application for permit required.

All persons, corporations, firms or anyone desiring to install an Injection well in Jefferson Davis Parish, shall apply for a permit from the police jury in the form and under the terms and conditions made part of this article.

Sec. 12½-61. Permit required.

It shall be unlawful for all persons, corporations, or firms, to conduct any drilling operations within this parish, for injection well purposes without first having procured a written permit from the police jury authorizing such work or to conduct such operations in a manner not inconsistent with said permit, or to conduct such operations after said permit is revoked.

Sec. 12½-62. Permit subject to referral and state regulations.

Any permit issued under this section shall be subject to such regulations and restrictions as may be imposed by any state or federal agency.

Sec. 12½-63. Injection Permit

All persons, corporations, firms or anyone desiring to install an injection well in Jefferson Davis Parish, shall apply for and execute a development permit from the police jury in the form and under the terms and conditions made part of this article, as follows:

General conditions under which permit is granted:

Names, addresses, residences and telephone numbers of owners, partners or shareholders, whichever is applicable, of the applicant.

1. Site survey prepared by a Louisiana registered surveyor, civil engineer or architect showing the location of the proposed facility.
2. Detailed information on the drilling operations.
3. Type or types of materials proposed to be injected and volume of material proposed to be injected.
4. Method of storage, treatment, transferal, or disposal intended to be used, including any waste treatment to be undertaken.
5. Detailed engineering reports, diagrams, blueprints and drawings showing design of storage, treatment, transfer or disposal facility.

6. Detailed geologic reports, maps, drawings, blueprints and diagrams showing, among other things, all underground strata through which any injection well is intended to be drilled and all strata at least one thousand (1,000) feet below the intended bottom depth of the well; and any geologic faults within a five-mile radius of the proposed injection well; and all underground streams or aquifer, including fresh and salt water streams and aquifers.
7. A map or site plan must be submitted to police jury engineering department and filed in the clerk of court office. The map or site plan must display all parcels of property within the projected and actual/projected plume location, including all wells used for monitoring of injection wells and all closed and active oil wells in the vicinity of the plume. The mapped area must display and extend a minimum of three (3) miles beyond the plume. The projected and actual plume must be displayed and distinguished on the map. The map must be updated every five (5) years. All water wells and water systems must be clearly displayed on the map. Pipelines locations that supply injection wells shall also be shown.
8. The operator of the injection well and pipeline supply system shall produce a two maps of proposed truck routing. One map shall show truck routing during pipeline and well construction. The second shall show routing during pipeline and well operation. Maps shall be submitted to the Jefferson Davis Parish Police Jury engineering department for review and approval.
9. All permit applications and accompanying data submitted to any other local, state or federal agency having jurisdiction over the proposed facility and any permit application submitted in connection therewith.
10. All other information required pursuant to the parish building code or other local ordinances.
11. The applicant to whom this permit is granted, agrees to hold harmless the Jefferson Davis Parish police jury and its duly appointed agents and employees against any action for personal injury or property damage sustained by reason of the exercise of this permit.
12. Injection wells shall comply with any zoning or land use requirements in effect at the time of the permit application.
13. All state and federal laws must be met to protect sovereign public.
14. A lease agreement must be signed by all property owners where the projected and planned plume is being stored below ground and filed at the Clerk of Court's office.
15. No injection well may be drilled in an area where an improperly abandoned or active oil well is within the projected and/or actual plume.
16. The injection well project shall have a federally secured security bond in place for the duration of the project. This bond shall be in place to cover the expense of capping, decommissions or closing of any and all wells.

Sec. 12½-64. Additional Requirements, subject to waste material being injected.

1. Prohibited within a one (1) mile radius of any house, mobile home, apartment, condominium, school, commercial structure or other structure used as a residence or business.
2. Any water wells and water systems located within five (5) miles of the projected plume must be tested and analyzed for any contaminants biannually at the expense of the owner and/or operator of the injection wells.
3. A community alarm and notification system shall be required and activated in the event and incident occurs and an evacuation is needed. The alarm and notification system must be tested monthly. The alarm and notification system shall have the ability to notify all residents extending three (3) miles beyond the projected plume. The community alarm notification system plans shall be submitted to and approved by the Jefferson Davis Parish Administration, Jefferson Davis Parish Sheriff's Office 911 Communications Director and Jefferson Davis Parish Office of Homeland Security Director.
4. The owner and/or operator must have an emergency response plan capable of handling any emergency due to any type of injection well failure or any type of injection material release. The plan shall include local government and state agency state responders, including local fire departments. Local fire departments must be supplied with all necessary equipment and training needed to respond to the incident. The equipment, training and staffing shall be supplied by and at the expense of the owner and/or operator of the injection well.

Sec. 12½-65. Permit Issuance, Conditions

1. All approvals shall be subject to a public hearing.

2. Upon compliance by the applicant with all requirements of this chapter, the parish building and fire codes and zoning ordinances, and all state and federal laws, the police jury may issue a special permit for proposed injection well.
3. The police jury may require, as conditions for the issuance and maintenance of the permit, that the applicant:
 - (1) Agree in writing that the police jury shall have access to the site and facility at all times to monitor the activities at the site and facility.
 - (2) Post and maintain, at applicant's expense, a bond sufficient to cover the costs of any personal injury or property damage, including environmental damage, that may occur as a result of the activities at the facility. The amount of the bond shall provide coverage of at least one million dollars (\$1,000,000.00) per incident or more if the police jury so requires.
 - (3) Any other conditions deemed appropriate pursuant to building, fire, zoning, land use, or other codes or to protect the well-being of parish citizens.
4. Prior to the grant of any permit to any facility, the police jury shall consider the history of violations and compliance by the applicant for that facility. In considering the granting or denial of the permit, due consideration shall be given to the violation and compliance history of the applicant and that facility.
5. No hazardous waste or other waste shall be stored or disposed of in the following areas or sites.
 - (1) Wetlands or waterways.
 - (2) Any area within a one (1) mile radius of any house, mobile home, apartment, condominium, school, commercial structure or other structure used as a residence or business, unless the structure is located at and used on the site where the waste is stored or disposed of.
 - (3) Any area designated as an area of particular concern by the Jefferson Davis Parish Police Jury, including historical landmarks, graveyards, or other area of particular concern as defined by the Coastal Management Section of the Louisiana Department of Natural Resources or as defined in any local coastal zone management ordinances or regulations.

Sec. 12½-66. Same—Permit and inspection fee.

- (a) The initial application for a permit shall be accompanied by a non-refundable fee, paid by certified check, in the amount of two thousand dollars (\$2,000.00) plus all other permit fees required by the building code and any other parish ordinance to begin review. Note: An additional fee shall be assessed upon completion of the permit review process in order to cover costs for advanced review and any review or analysis required to be performed beyond the Police Jury's capability to perform in-house. Additional fees shall be calculated based on any and all actual documentable costs expended during the review process plus a 10% parish permit handling and maintenance fee. This additional fee shall be paid by cashier's check prior to the issuance of the final permit.
- (b) The permit and inspection fee shall accompany the application and shall be nonrefundable. In the event drilling operations begin without a parish permit, a nonrefundable late fee penalty of four thousand dollars (\$4,000.00) shall be assessed.
- (c) Each applicant for a permit shall be required to pay a refundable five thousand dollars (\$5,000.00) deposit to be used in case of damages done to parish roads. This deposit shall remain in the possession of the police jury as long as operations are continuing on the permitted drill or well site and shall only be refunded upon proof that the permitted site has been plugged and abandoned. In the event that the original deposit is used for repair and maintenance of parish roads, the applicant shall be required to post additional deposits of five thousand dollars (\$5,000.00) until such time as operations have ceased and the site has been plugged and abandoned.
- (d) These charges shall apply to each application for any drilling operations on each drill site.

Sec. 12½-67. Penalty, Injunction relief.

- (a) Each violation of this article shall be punishable by a fine of not more than one thousand five hundred dollars (\$1,500.00) or imprisonment for not more than thirty (30) days, or both, such fine and imprisonment, and each day a violation continues shall be a separate offense.
- (b) The district attorney of Jefferson Davis Parish shall be empowered to seek injunctive relief against a party in violation of this article enjoining operation of the facility until compliance with this article is established.

ARTICLE VI. SOLAR ENERGY

Sec. 12½-68. Renewable energy power plants (solar energy).

- (a) *Purpose.* The purpose of this section is to establish minimum requirements and regulations for the placement, construction, and modification of solar power plants, as defined herein, while promoting the safe, effective, and efficient use of such energy systems.
- (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:
 - (1) *Abandonment.* If any solar power plant falls into a state of disrepair for a one (1) year period, such solar power plant shall be deemed abandoned. Should the cause of the disrepair be due to any natural disaster, or other force majeure, the owner/operator shall request an extension beyond the one (1) year date and submit a plan of repair to the police jury.
 - (2) *Accessory solar energy systems* includes any photovoltaic, concentrated solar thermal, or solar hot water devices that are accessory to and incorporated into the development of an authorized use of the property, and which are designed for the purpose of reducing or meeting on-site energy needs.
 - (3) *Concentrating solar thermal devices or concentrated solar thermal power (CST)* means systems that use lenses or mirrors, and often tracking systems, to focus or reflect a large area of sunlight into a small area. The concentrated energy is absorbed by a transfer fluid or gas and used as a heat source for either a conventional power plant, such as a steam power plant, or a power conversion unit, such as a sterling engine. Although several concentrating solar thermal technologies exist, the most developed types are the solar trough, parabolic dish, and solar power tower.
 - (4) *Photovoltaics (PV)* means a technology that converts light directly into electricity.
 - (5) *Solar power plant*, except as expressly limited below, means any use of land where a series of one (1) or more solar energy systems are placed in an area on a parcel of land for the purpose of converting sunlight into electricity, photovoltaics (PV), for the primary purpose of wholesale or retail sales of generated electricity.
- (c) Nothing in this section shall, in any way, replace, excuse, obviate, or preclude the application or enforcement of other applicable and/or required local, state, or federal permits, licenses, costs/taxes/fees, applications, approvals, certificates, or other rules and regulations, including, but not limited to, those found in the Jefferson Davis Parish Code of Ordinances.
- (d) *General regulations.*
 - (1) All solar power plants must comply with the minimum regulations and design standards set forth in this section.
 - (2) *Local, state, and federal permits.* A solar power plant must be required to obtain all necessary permits from the state department of environmental quality, including the state division of air quality and the state division of water quality; the state department of natural resources; and any applicable permits required by the Police Jury, and applicable federal permits.
 - (3) This section shall be supplemental to and shall not abridge any other applicable local state, or federal rules, regulations, or laws, including without limitation any more restrictive provision set forth in this chapter. Should any state or federal legislation go into effect, the owner/developer must comply with any such rules which may apply.
 - (4) A valid conceptual plan, building permit, electrical permit and ongoing compliance to this section is mandatory for all solar power plants.
- (e) *Design standards.*
 - (1) *Minimum site size.* No solar power plant will be erected on any site less than ten (10) acres in size.
 - (2) *Agreements/Easements.* If the land on which the project is proposed is to be leased, rather than owned, by the solar energy development company, all property within the project boundary must be included in a recorded easement(s), lease(s), or consent agreement(s) specifying the applicable uses for the duration of the project. All necessary leases, easements, or other agreements between the solar development company and the affected parties must be in place prior to commencing construction, unless specified otherwise by

the conditional use permit. A copy of any signed lease memorandum must be submitted with the application and filed with the Jefferson Davis Parish Clerk of Court.

- (3) Maximum height. The height of solar panels shall be measured from the highest natural grade below each solar panel to the top of that panel. Panel height will not exceed fifteen (15) feet. Poles and wires reasonably necessary to connect to public electric utilities shall not be subject to this requirement.
- (4) Setbacks and screening. Solar power plant must be set back from all project boundary lines which make up the site perimeter with at least a fifty (50) foot vegetative buffer. In addition, solar power plant structures must be located at least five hundred (500) feet from all existing occupied residences, places of worship or occupied structures. Additional setbacks may be required to mitigate noise, or to provide for designated road or utility corridors, as identified through the review process.
- (5) Safety/Access. Fencing and gates are required around the perimeter of all solar power plants. Nothing contained herein shall be construed to block reasonable access to any solar power plant including required vegetative buffer.
 - a. A security fence of at least six (6) feet must be placed around the perimeter.
 - b. Lock boxes and keys must be provided at locked entrances for emergency personnel access.
 - c. A 12-foot access easement inside the fence is required for emergency access. The plan for this access must be included in the application process.
 - d. Appropriate warning signage must be placed at the entrance and perimeter of the solar power plant project every two hundred (200) feet.
- (6) Noise. No operating solar power plant shall produce noise that exceeds sixty (60) dBA, as measured at the property lines of the project boundary, unless the owner of the affected property and the planning commission agree to a higher noise level. Adequate setbacks must be provided to comply with these limitations. Noise shall be measured and reported according to ASTM E1014 standard guide for measurement of outdoor a-weighted sound levels, latest edition.
- (7) Visual appearance. Lighting of the solar power plant and accessory structures must be limited to the minimum necessary. Lights must be shielded and downcast.
- (8) Fire protection. All solar power plants must have a defensible space for fire protection in accordance with State of Louisiana and the Parish Fire Code.
- (9) Electrical interconnections and distribution components must comply with all applicable codes and public utility requirements.
- (10) Power inverters and other sound producing equipment must be no less than three hundred (300) feet from any dwelling unit at the time of construction.
- (11) The individual panels must be arranged in a fashion that allows the passage of runoff between each module, thereby minimizing the creation of concentrated runoff, and allows for the growth of vegetation beneath the panels.
- (12) Power inverters and other sound producing equipment must be no less than three hundred (300) feet from any dwelling unit at the time of construction.
- (13) A vegetative maintenance plan is required for general upkeep of the premises. Adherence to the plan will be subject to periodic inspections by the parish.
- (14) Vegetated areas will not be subject to chemical fertilization or herbicide/pesticides application, except for those applications necessary to establish the vegetative cover and in accordance with the approved vegetative maintenance plan.
- (15) None of the ground on the site of a solar power plant shall be kept bare, without vegetation.
- (16) Solar power plants must be constructed with one (1) of the two (2) following screening options:
 - a. Natural screening: composed of healthy plants which possess growth characteristics of such a nature as to produce a dense, compact visual screen not less than six (6) feet in height. Natural buffers may contain deciduous or perennial vegetation but shall contain existing or planted evergreen shrubs and trees suitable to local growing conditions that will provide an opaque visual screen during all seasons of the year.

- b. Structural screening: Walls or fencing solid in appearance, at least seven (7) feet in height. Fencing may be wood stockade or chain link with slats a color similar to hunter green or forest green.
- (f) Process. First, a conceptual plan must be submitted to be reviewed by the parish engineer and approved or disapproved by the police jury. Second, if the conceptual plan is approved by the police jury, then a permit application must be submitted to be reviewed by the parish engineer, and then approved or disapproved by the police jury.
- (1) Conceptual plan requirements. All conceptual plans for solar power production must include all the following:
 - a. An application fee of seven hundred fifty dollars (\$750.00).
 - b. Name of the project, names and addresses of the business owners, names of the property owners and the engineers and surveyors.
 - c. If the site is leased, a lease memorandum executed by all parties to the lease.
 - d. Date, scale and accurate north arrow of the site plan showing all property to be included in the project.
 - e. Boundaries and actual dimensions and shape of parcel, including total acreage, with bearings and distances.
 - f. Site plan showing streets, circulations, driveways, service buildings, easements, arrangement and number of solar panels, and streets; also fencing, gates and vegetative buffer.
 - g. Horizontal and vertical (elevation) to scale drawing with dimensions that show the location of the solar panels and system on the property.
 - h. Vicinity map showing the location and surrounding land use.
 - i. Names and addresses of adjoining property owners.
 - j. Elevation certificate for structures proposed in a regulatory flood zone and preliminary drainage plan.
 - k. Land contours.
 - l. Plan illustrating the intended layout and green space.
 - m. Traffic plan during construction phase.
 - n. General estimate of annual taxes.
 - o. Any parcels that are part of the project that is interrupted by a road or other parcels not part of the project must be identified on the site plan labeled as individual areas.
- (2) Permit application. Following the provisions of the Jefferson Davis Code, additional or more thorough consideration shall be given to the following as the police jury determines whether the project needs to be approved, denied, or conditionally approved.
 - a. A permit fee of sixty dollars (\$60.00) per acre, with a minimum of eight thousand five hundred dollars (\$8,500.00).
 - b. Solar panel materials must be listed and labeled by a nationally recognized testing agency. Documentation of compliance must be provided with the seal and signature of a licensed design professional in the state.
 - c. All plans must be certified by licensed state engineer.
 - d. The permit and its application shall expire three (3) years from the date of issuance unless construction has commenced.
 - e. A permit application is required for each identified area (a, b, c) submitted as part of a project.
- (3) Permit application requirements:
 - a. Project rationale, including estimated construction schedule, project life, phasing, and likely buyers or markets for the generated energy.
 - b. Siting considerations, such as avoiding areas with a high potential for conflict with biology/wildlife, county and state parks, or special management areas; avoiding visual corridors that are prominent scenic areas; avoiding erodible slopes and soils, where concerns for water quality, severe erosion, or high storm runoff potential have been identified.

- c. Site and development plans, which identify existing and proposed structures; setbacks; access routes; proposed road improvements; any existing inhabitable structures within one-quarter (¼) mile; existing utilities, pipelines, and transmission lines; proposed utility lines; utility and maintenance structures; existing topographic contours; existing and proposed drainageways; proposed grading; revegetation areas and methods; dust and erosion control; and any floodplains or wetlands. All maps and visual representations must be drawn at an appropriate scale.
 - d. Detailed estimate of annual taxes.
 - e. Visual impacts caused by components of the project such as above-ground electrical lines, accessory structures, access roads, utility trenches and installations, and alteration of vegetation. A photo simulation is required.
 - f. Environmental analysis, including soil erosion (water and wind), flora, and water quality and water supply in the area.
 - g. Solid waste or hazardous waste plans, including spill prevention, clean-up, and disposal of fuels, oils, and hazardous wastes, as well as collection methods for solid waste generated by the project.
 - h. FAA hazard review if within five (5) nautical miles of a FAA-regulated airport.
 - i. A transportation plan for construction and operation phases, prior to work and during all construction until complete.
 - j. Drainage plan, which must follow the latest development drainage requirements of the parish.
 - k. Stormwater pollution prevention plan (SWPPP), a site-specific written document and drawings required by the EPA and LDEQ for 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.
 - l. The intended route for connecting to the power grid and the alternative locations of any substation must be disclosed with the application for the solar power plant.
 - m. Decommissioning plan, describing the decommissioning and final land reclamation plan to be followed after the anticipated useful life, or abandonment, or termination of the project, including evidence of proposed commitments with affected parties (parish, any lessor or property owner, etc.) that ensure proper final reclamation of the solar energy project. Among other things, revegetation and road repair activities should be addressed in the plan.
 - n. Other state and federal permits.
 - o. Substantial modifications to any previous police jury approved site plan.
- (4) As-built plans. Upon completion of site construction, a certified as-built plan by an engineer must be submitted to the parish engineer and/or drainage district engineer for approval. The as-built plan shall receive approval prior to final inspection and prior to issuance of any letter of completion and/or the notice to proceed to any utility provider. Once approved, it must be filed with the clerk of court.
- (g) *Decommissioning, abandonment, hazard abatement.* The plan must be approved by the parish engineer, and shall include the following terms and be subject to the following conditions:
- (1) A signed and notarized decommissioning plan must be submitted to the police jury. It must be in a form suitable to be recorded with the clerk of court, and include a signed statement from the party responsible for completing the decommissioning plan acknowledging such responsibility.
 - (2) Abandonment. If any solar power plant falls into a state of disrepair for a one (1) year period, such solar power plant shall be deemed abandoned.
 - a. Should the cause of the disrepair be due to any natural disaster, or other force majeure, the owner/operator shall request an extension beyond the one (1) year date and submit a plan of repair to the police jury, for approval at the police jury's discretion.
 - (3) Bond. A five (5) year bond in the amount of the anticipated decommissioning cost, the amount of which shall be approved by the parish engineer.

- a. The cost of decommissioning must be reevaluated every five (5) years and a new bond must be posted to reflect the anticipated cost. Every quarter, a certified letter must be submitted to the police jury showing a record of all premiums paid.
 - b. The first year of the bond's premiums must be paid upon commencement of the project, with monthly payments (which will each be a year in advance) to recur thereafter.
 - c. Any failure to pay a month's premium a year in advance of when due shall be a premium payment default, for which the police jury may revoke the solar power plant's permit.
 - d. The police jury shall be additionally named as beneficiary of the bond, and shall have the right therein to call the bond pursuant to the terms and conditions of the decommissioning plan.
- (4) **Removal.** Complete removal of all non-utility-owned equipment conduits, structures, fencing, roads, and foundations; and restoration of property to a condition prior to development of the solar power plant, unless the landowner requests in writing that the access roads or other land surface areas not be restored.
 - (5) **Remediation.** The decommissioning plan must provide for the remediation of any environmental hazards remaining on the site, as determined by the EPA, state DEQ, or the police jury.
 - (6) **Timeframe.** The timeframe for completion of removal and decommissioning activities must begin within sixty (60) days of termination of site use, abandonment, or revocation of permit and be completed within twelve (12) months unless otherwise extended by the police jury within its sole discretion for good cause shown.
 - (7) **Reservation of rights.** The police jury may establish additional decommissioning plan requirements and conditions, from time to time, at its discretion.
 - (8) **Sale and lease requirements.** If the solar power plant, the contract, lease, property, or any other interest in the solar power plant, is going to be sold or leased, the new owners must follow the above steps required for the decommissioning plan. The police jury must be provided written notice thirty (30) days prior to the sale or lease.
 - (9) **Remedies.** Upon any failure to initiate or complete any decommission plan, the police jury or its authorized representative may take any action as authorized by law, including but limited to calling the bond, revoking any previously issued permits, or initiating any civil action or criminal action as described below.
- (h) *Inspections.* The parish engineer is authorized and shall be permitted to inspect, at any time and during any phase, the site of the solar power plant, and any buildings, structures, or other equipment on the site, to ensure compliance and identify violations of this section. The parish engineer shall follow all reasonable safety requirements of the facility.
- (i) *Violations.*
- (1) Upon finding of any inappropriate or illegal activities on the part of any person which would violate the provisions of this section, the police jury or its authorized representative shall notify in writing the person(s) responsible for such actions indicating the following:
 - a. The nature of the violations.
 - b. The actions necessary to correct the violations.
 - c. The date by which corrective actions should be taken and completed.
 - d. Action(s) which will take place if such corrective action is not taken.
 - e. When such corrective action has not been taken or is deemed inadequate based upon the conditions listed in this section, previously issued permits may be revoked by the police jury and/or an order for the discontinuance of the use or occupation of any land, building or structure or any illegal additions, alterations or structural changes thereto may be issued.
 - f. Additionally, any other action authorized by this section may be taken by the police jury to ensure compliance with or to prevent violation of any provision.
 - (2) Any person violating any provision of this section shall be guilty of a misdemeanor and upon conviction shall be punished for each offense not more than five hundred dollars (\$500.00) or imprisonment not to exceed thirty (30) days. Each day such violation continues shall be deemed to be a separate offense.

(Ord. No. 2403, 12-14-22; Ord. No. 2405, 12-28-22)

ARTICLE XIV. BORROW PITS

Sec. 12½-69 Applicability.

The provisions of this article shall apply to all borrow pits located within the unincorporated areas of Jefferson Davis Parish. Existing borrow pits in operation prior to the effective date of this article will not require a permit; however, they must comply with all other requirements set forth in this article.

In cases where ownership of an unpermitted borrow pit changes, the new owner will be required to obtain a permit to continue operations.

Sec. 12½-70. Permit requirements.

No person, firm, corporation, partnership, limited liability company or other such entity shall own, construct, operate or maintain a borrow pit in the unincorporated areas of Jefferson Davis Parish without first obtaining a permit for such operations duly approved and signed by the Road Administrator or Parish Engineer. Each borrow pit shall require a separate permit, even if constructed on a single tract of land. Additionally, all borrow pits shall be approved by the parish planning and zoning commission for proper land use.

Permit request for borrow pits shall be made on a form provided by the parish and include the following information:

- (1) The name, address, and telephone numbers of the owner(s) and/or operator(s) of the borrow pit;
- (2) The exact size and location of the borrow pit;
- (3) A map, plat or survey of the area to be utilized in connection with the borrow pit clearly showing the location of all adjacent roads, bridges, public buildings, and residential and commercial structures, as well as all public ditches, canals, coulees, channels and streams located throughout the property;
- (4) A statement as to the estimated volume of materials to be excavated from the borrow pit;
- (5) A certification from the owner(s) and/or operator(s) of the borrow pit that all activities conducted in connection with the location, construction, operation and maintenance thereof will be undertaken in accordance with all federal, state and local laws, rules and regulations and that all necessary permits have been obtained from the appropriate federal, state and local regulatory agencies. Copies of each such permit shall be attached to the application;
- (7) Proof of general liability insurance coverage with minimum limits of liability of \$500,000.00 per person and \$1,000,000.00 per event.

Sec. 12½-71. General regulations.

- (a) The owner or operator shall post the original permit, or a copy thereof, at the entrance site of the borrow pit where the applicant accesses the site from a public roadway.
- (b) The owner or operator shall display and maintain a business sign at least four feet by eight feet in size at the nearest state or parish roadway entrance which must display, at a minimum, the name of the owner/operator, contact information and person and method to contact them in case of an emergency.
- (c) The owner/operator of the borrow pit shall remove all dirt, mud and debris on at least a daily basis from all state and parish roads located at or near areas of ingress and egress to the property.
- (d) The owner/operator of the borrow pit shall be liable for any and all damages to parish roads, normal wear and tear excepted.
- (e) All internal roads located within the property comprising the borrow pits used by dump trucks, front end loaders or any other similar machinery and equipment shall be constructed and

maintained in such a manner as to limit the adverse effects of drainage, dust, noise, and other such nuisances upon neighboring residences and businesses.

- (f) All road access and clear areas shall be maintained by the owner or operator in such a manner as to provide ready access for fire and emergency equipment and personnel.
- (g) On each approach to the borrow pit, "Trucks Entering Highway" (W4-14) signs shall be installed and maintained by permittee on all parish roads.
- (h) The property on which the borrow pit site is located shall not be used for the disposal of any material not originally found in the borrow pit or excavation site, except for fill sand or other suitable materials used in connection with the backfilling of the borrow pit or other suitable materials approved by the parish government department of public works.
- (i) Within 30 days from the date on which operations have been completed or abandoned, the owner or operator shall have slope and revegetate the excavation area to avoid erosion and siltation of nearby drainage structures.
- (j) The excavation or removal of material from any borrow pit shall be conducted in such a manner as to maintain a buffer of at least 500 feet from any parks, playgrounds, schools, libraries, hospitals, health care facilities, churches, nursing homes, and assisted living facilities where dust, noise or increased traffic can become a danger or nuisance.
- (k) Borrow pits shall be located 150 feet from public roadways.
- (l) If the site is constructed with the intention to create a pond, such pond shall be constructed in a manner that will allow it to hold water and at the completion of the job, for public health and safety reasons, the edges of the pond shall be sloped at a minimum ratio of 3:1. If the depth of the borrow pit exceeds 15 feet, there shall be a five foot shelf constructed before each additional 15 feet in depth.
- (m) If timber is to be harvested to clear the site, a logging permit is required.
- (n) A water truck or other effective measure must be utilized to mitigate excessive dust.
- (o) At all times, the edges of any such borrow pit and/or pond can be no closer than 150 feet from a neighboring property line.
- (p) To protect neighboring properties from damages to water wells, sewer systems and foundations, no such dirt pit or pond shall be located closer than 150 feet from the existing residential house structure, water well or sewer system of a neighboring property owner;

Sec. 12½-72. Permit and inspection fee.

- (a) The amount of the borrow pit permit and inspection fee required in connection with this permit shall be set at one hundred dollars (\$100.00) per acre for the total tract of land zoned for a borrow pit.
- (b) The permit and inspection fee shall accompany the application and shall be nonrefundable. In the event excavation operations begin without a parish permit, a nonrefundable late fee penalty of one thousand, five hundred dollars (\$1,500.00) shall be assessed.
- (c) Prior to the issuance by the police jury of a permit, as required by this article, the applicant shall make a guarantee deposit in the form of a certified check or surety bond made payable to the Jefferson Davis Parish Police Jury. This deposit shall serve as a guarantee that the applicant shall make all repairs as designated by grantor's inspector and may be used by grantor as set out previously if applicant fails to timely make such repairs. This guarantee deposit shall be in the amount of two hundred dollars (\$200) per surface acre of pit or five thousand dollars (\$5,000.00), whichever is greater. In the event that the original deposit is used for repair and maintenance of parish roads, the applicant shall be required to post additional deposits of five thousand dollars (\$5,000.00) until such time as operations have ceased and the site has been and abandoned.

Sec. 12½-73. Exceptions

The following shall be exempt from a Borrow Pit Permit:

- (1) Mines subject to the jurisdiction of the United States Mine Safety and Health Administration;
- (2) Site activity or excavation in connection with a building, swimming pool, retaining wall or other structure authorized in connection with a validly issued building permit;

- (3) Septic system installation, repair, maintenance and/or alteration;
- (4) Landscaping and sprinkler installation, repair, maintenance and/or alteration;
- (5) Recognized and accepted agricultural practices such as plowing, cultivating, harvesting or construction of agricultural structures, aquaculture ponds;
- (6) Utility or public works installation, repair, maintenance and/or alteration;
- (7) Cemetery graves;
- (8) Minor excavations normally and customarily associated with owner-occupied, single family residences, and such materials are intended for use on the property by the owner or occupant of the property. However, the edge of such excavations shall be no closer than 50 feet from a neighboring property line and for public health and safety purposes sloped at a minimum ratio of 3:1.
- (9) Non-commercial excavations of up to three (3) surface acres, where the excavated material is neither purchased or its transportation costs are covered by a party other than the landowner of the excavation site.
- (10) Ponds and/or retention or detention areas included in and a part of a residential or commercial subdivision whose plats, plans and layout have been approved by the parish planning and zoning commission.

Sec. 12½-74. Penalty; Injunction Relief.

- (a) Each violation of this article shall be punishable by a fine of not more than one thousand five hundred dollars (\$1,500.00) or imprisonment for not more than thirty (30) days, or both such fine and imprisonment; and each day a violation continues shall be considered a separate offense.
- (b) The district attorney of Jefferson Davis Parish shall be empowered to seek injunctive relief against a party in violation of this article enjoining operation of the facility until compliance with this article is established.

THUS DONE AND PASSED BY THE POLICE JURY ON JEFFERSON DAVIS PARISH, LOUISIANA, on this 12th day of March, 2025.

Mr. Chad Woods made the motion, seconded by Mr. Peterson, and carried, to adopt the following Ordinance, to-wit:

ORDINANCE NO. 2461

An Ordinance Amending Chapter 14½ PIPELINES AND UTILITY LINES

WHEREAS, the Jefferson Davis Parish Police Jury is empowered to adopt amendments and revisions of its ordinances by Louisiana Revised Statutes.

WHEREAS, the Jefferson Davis Parish Police Jury is desirous of exercising said power; now therefore

BE IT ORDAINED by the Jefferson Davis Parish Police Jury, and it is hereby ordained by the same:

Chapter 14½ PIPELINES AND UTILITY LINES, is hereby amended to read as follows:

ARTICLE I. IN GENERAL

Secs. 14½-1—14½-10. Reserved.

ARTICLE II. GUIDELINES FOR INSTALLATION OF PIPELINES/UTILITY LINES⁵

Sec. 14½-11. Project permit required.

All persons, corporations, firms or anyone desiring to construct pipelines/utility lines in the Parish of Jefferson Davis, Louisiana, whether such pipelines/utility lines are located on public or privately owned property shall apply for and execute a project permit from the Jefferson Davis Parish Police Jury in the form of and under the terms and conditions made part of this article, as follows:

Sec. 14½-12. General conditions under which permit is granted.

- (a) All fixtures and appurtenances thereto, after having been erected, shall at all times be subject to inspection and the right is reserved to require such changes, additions, repairs, relocations and adjustments as may at any time be considered necessary by the police jury for the public good to permit the relocations, reconstruction, widening and maintaining of the roadway, rights-of-way, ditches, canals, bayous, lakes, streams, levees, or other bodies of water, and to provide proper and safe protection to life and property on or adjacent to the roadway, rights-of-way, ditches, canals, bayous, lakes, streams, levees, or other bodies of water, or in the interest of safety to traffic on the roadway, rights-of-way, ditches, canals, bayous, lakes, streams, levees or other bodies of water, and that the cost of making such changes, additions, repairs, and relocations shall be borne by the applicant.
- (b) Types of construction and other specifications shall be in accordance with accepted standard practice. Suitable barricades, danger signs and lights shall be erected when necessary.
- (c) Data relative to the proposed location shall include:
 - (1) One (1) vicinity map showing the entire pipeline/utility line or appurtenances to be constructed.
 - (2) One (1) scale plan view of each crossing showing size and type line and the distance from a road intersection or section line to the proposed crossing.
 - (3) One (1) scale profile view of the proposed crossing showing type of surface being crossed or type and size of channel.
 - (4) Operating pressure/voltage of the line must also be shown.

Any other information which may be required by the grantor shall be furnished to the grantor by the applicant free of cost, and the applicant shall make any and all changes or additions necessary to make the proposed fixtures and appurtenances thereto satisfactory.

- (d) The applicant agrees to hold harmless the grantor and its duly appointed agents and employees against any action for personal injury or property damage sustained by reason of the exercise of this permit.
- (e) The applicant shall perform any maintenance work, which is occasioned by the installation of the pipeline/utility line, which is required any time after installations or when construction is completed and accepted. Such maintenance work shall include proper filling with suitable material of settled trench or earth fill and repairing of damage caused by such settlement to the road surface or other structures.
- (f) When and so long as the facilities involved in this permit are used in interstate commerce, this permit is conditioned on there being in force a certificate of convenience and necessity issued by

⁵Editor's note(s)—Ord. No. 625, adopted Oct. 26, 1977, as amended by Ord. No. 626, adopted Nov. 9, 1977, did not amend this Code, hence codification as Ch. 14½, Art. II, §§ 14½-1—14½-18, is at the editor's discretion.

the Federal Power Commission, or such other federal agency as may be so authorized by Congress to the applicant and upon the applicant's compliance with all the terms of such certificate and the orders issued in connection therewith. A copy of this certificate shall be presented to the police jury if requested.

- (g) The applicant is required to be familiar with federal, state and local laws and is required to secure all necessary licenses, etc., and shall carry out his work in accordance with all such laws and regulations.
- (h) The applicant, upon being so directed by the grantor or its duly appointed agents, shall remove, replace, rebuild, or make good, at his own expense, any work which may be considered defective, and until such work is corrected, the grantor shall withhold from the applicant's guarantee deposit a just and equitable sum as a guarantee that the applicant will correct his defective work.
- (i) Upon completion of construction, the applicant is to remove from the grantor's property all materials left from the construction, all scaffolding, forms, extra excavation, etc., and is to thoroughly clean and leave the grantor's property in its original condition.
- (j) Upon completion of the construction by the applicant, the police jury shall be notified and will make a final inspection of the work. No refund of deposit guarantee will be made to the applicant without the approval of the grantor or its authorized representative that the work is satisfactorily completed.
- (k) In the event applicant fails to correct any defect after the work is performed, and after ten (10) days notice by mail is made to applicant at his last known address, then grantor shall correct or order corrected any such defect and apply applicant's guarantee deposit to the payment of same.

(Ord. No. 625, 10-26-77; Ord. No. 676, § 1, 11-12-80)

Sec. 14½-13. Standards for the installation of pipelines/utility lines on parish road rights-of-way.

(a) *General.*

- (1) All safety precautions for the protection of the traveling public must be observed. Undue delay to traffic will not be tolerated.
- (2) Installation of pipelines/utility lines shall be jacked or bored under hard-surfaced roadway from right-of-way to right-of-way. When jacking or boring, the bored hole or excavation ahead of the pipeline/utility line shall be just large enough to receive the said utility.
- (3) Installation of pipelines/utility lines under all roadway shall be cased from right-of-way line to right-of-way line. Pipelines/utility lines of six (6) inches in diameter or smaller, operating under pressures of two hundred (200) psi or less, need not be cased; however, no repairs will be allowed on the pipeline/utility line not encased under hard-surface roads, but shall be replaced with a new line.
- (4) Installation of pipelines/utility lines under gravel or shell roads may be laid by open cut method, unless noted otherwise in the special conditions. For these types of installations, trenches shall be backfilled and compacted in six (6) inch lifts, with the top 12 inches backfilled with 610 Road Base. During construction by this method one-half of the road shall be kept open at all times.
- (5) All excavations within the limits of the rights-of-way, and outside of the roadway, shall be backfilled and tamped in six-inch layers. 610 road base.
- (6) When required by the grantor or its duly appointed agents, additional approved materials will be added to any roadway used by the applicant to restore the road surface to its original condition at the cost of the applicant.
- (7) When making repairs to the pipelines/utility lines, these standards shall also govern.

(b) *Parallel to the roadway.* Pipelines/utility lines paralleling the roadway:

- (1) Shall be installed parallel to the right-of-way and be a minimum distance of twelve (12) feet away from the center line of the roadway;
- (2) Shall have a minimum earth cover of thirty-six (36) inches below the shoulder of the road or shall have a minimum clearance of thirty-six (36) inches below existing or proposed drainage structure and side ditches, whichever is greater, unless shown otherwise in the special conditions;
- (3) Need not be encased.

(c) *Crossing the roadway.*

- (1) Pipelines/utility lines shall have an earth cover of not less than thirty-six (36) inches below the flow line of the side ditches, or thirty-six (36) inches below the shoulder of the roadway, whichever is greater.
- (2) Crossings shall be made at as nearly right angles to the roadway as practical. However, in no instance shall the angle of crossing between the center line of the roadway and the pipeline/utility line be less than fifty (50) degrees, except when replacing an existing pipeline/utility line along the same right-of-way. No existing drainage structure under the roadway may be used for this purpose.

(Ord. No. 625, 10-26-77)

Sec. 14½-14. Standards for the installation of pipelines/utility lines on crossing streams or its right-of-way.

(a) *General.*

- (1) Streams shall be defined as any drainage ditch, canal, bayou, river, lake or other body of water over which the grantor has jurisdiction.
- (2) Pipelines/utility lines may be installed by the boring method only unless otherwise noted in the special conditions.
- (3) All construction on streams under the jurisdiction of the Louisiana Department of Transportation and Development and the Corps of Engineers must be constructed in accordance with their requirements. A permit from the Louisiana Department of Transportation and Development for streams under its jurisdiction must accompany this application.
- (4) All streams or drainage ditches must remain open and free of obstructions to allow the free flow of water at all times. Any exception to this rule must be specifically approved by the parish engineer.

(b) *Depth and width requirements.*

- (1) Open waters: Required depth of top of pipe—three (3) feet below bottom, unless a deeper depth is required by other governmental authorities.
- (2) All drainage ditches and canals: Required depth to top of pipe—five (5) feet below flow line of channel.
- (3) Special areas: Subsection (b)(3) is reserved for specific depth and width requirements that are not provided in the general standards for installing pipelines/utility lines in areas that traverse major waterways or other areas which require special protective measures.

(Ord. No. 625, 10-26-77; Ord. No. 626, 11-9-77; Ord. No. 2269, 9-9-15)

Sec. 14½-15. Standards for the installation of overhead utility lines.

- (a) All pole lines shall occupy the last two (2) feet of the right-of-way behind the ditch.
- (b) Lines crossing the roadway shall have a minimum vertical clearance of twenty (20) feet.
- (d) Clearance, types of construction and other specifications shall be in accordance with the provisions of the National Code for supply and communication lines.

(Ord. No. 625, 10-26-77)

Sec. 14½-16. Deposit requirement.

A guarantee deposit of five thousand dollars (\$5,000.00) for any pipeline/utility line casing up to twenty (20) inches or ten thousand dollars (\$10,000.00) for a casing greater than twenty (>20) inches per permit to insure the satisfactory completion of the work shall accompany the permit fee for pipelines installed either by boring or jacking. A guarantee deposit of fifty thousand dollars (\$50,000.00) per permit to insure the satisfactory completion of the work shall accompany the permit fee for pipelines/utility lines installed by the open cut method where approved by the parish road supervisor. The guarantee deposit shall be in the form of a certified check made payable to the Jefferson Davis Parish Police Jury and shall be refunded upon written request of the applicant and approval of the parish road supervisor. In the event that the original deposit is used for repair and maintenance of parish roads, the applicant shall be required to post an additional deposit as previously listed until such time as operations have ceased and the site has been and abandoned.

(Ord. No. 625, 10-26-77; Ord. No. 1059A, 7-14-99; Ord. No. 2233, 12-11-13)

Sec. 14½-17. Permit and inspection fee.

Fee shall accompany the application for permit. This fee shall be in the form of a certified check made payable to Jefferson Davis Parish Police Jury. The amount of the fee shall be two hundred dollars (\$200) for any pipeline/utility line casing three (3) inches or less (if on a gravel road, then only \$100), five hundred dollars (\$500.00) for any pipeline/utility line with or without a casing greater than three (3) inches and less than six (6) inches, one thousand dollars (\$1,000.00) for a casing six to eight (6-8) inches, three thousand dollars (\$3,000.00) for casing greater than eight to twenty (>8- 20) inches, and five thousand dollars (\$5,000.00) for a casing greater twenty (>20) inches per permit. Note, for casing of 3 inches or less, no more than 1 mile of crossings of a single road shall be on a single permit.

(Ord. No. 625, 10-26-77; Ord. No. 1059, 7-14-99; Ord. No. 2045, 12-30-03; Ord. No. 2233, 12-11-13)

Sec. 14½-18. Penalty for failure to obtain permit.

Whoever undertakes the construction of a pipeline/utility line as it affects roadways, rights-of-ways, ditches, canals, bayous, lakes, streams, levees and other bodies of water, without first obtaining a permit as provided herein shall be guilty of a misdemeanor and, upon conviction, shall be fined not less than double the amount of the applicable permit fees as provided herein for that particular project, or serve a term in the parish jail of not more than ten (10) days, at the discretion of the court.

(Ord. No. 625, 10-26-77)

THUS DONE AND PASSED BY THE POLICE JURY ON JEFFERSON DAVIS
PARISH, LOUISIANA, on this 12th day of March, 2025.

It was moved by Mr. Peterson, seconded by Mr. Adams, and carried, to adopt the following Ordinance, to-wit:

ORDINANCE NO. 2462

An Ordinance Amending Chapter 17 STREETS, SIDEWALKS AND PUBLIC PLACES

WHEREAS, the Jefferson Davis Parish Police Jury is empowered to adopt amendments and revisions of its ordinances by Louisiana Revised Statutes.

WHEREAS, the Jefferson Davis Parish Police Jury is desirous of exercising said power; now therefore

BE IT ORDAINED by the Jefferson Davis Parish Police Jury, and it is hereby ordained by the same:

Chapter 17 STREETS, SIDEWALKS AND PUBLIC PLACES, is hereby amended to read as follows:

Sec. 17-1. Parking, fishing, boat launching on public bridges or roads.

It shall be unlawful for any person to park vehicles on public bridges or within one hundred fifty (150) feet of public bridges and to fish from public bridges or on public roads within one hundred fifty (150) feet of public bridges. It shall also be unlawful for any person to launch a boat from a public road or a public bridge.

(Ord. No. 507, § 1, 9-28-66; Ord. No. 2385, 12-29-21)

Sec. 17-2. Use of heavy vehicles on public roads restricted.

- (a) It shall be unlawful and a violation of this section for any person to lock tractor wheels on one side for the purpose of turning around on public roads of the parish or to go upon the public bridges with loads in excess of posted load limits or to go upon public roads with steel lugs or to use any heavy equipment such as tractors, combines, rice carts, landlevellers, bulldozers, trucks, etc., on the public roads, shoulders or ditches in a careless and negligent manner such as to cause unusual and unnecessary damages to the public roads, shoulders or ditches.
- (b) All persons who carelessly and recklessly use and damage the public road beds, shoulders and/or ditches shall be held liable for the costs of repairs.

(Ord. No. 506, § 2, 9-28-66)

Sec. 17-2.1. Designated truck route for access to Jefferson Davis Parish Sanitary Landfill.

- (a) It shall be unlawful for any person operating or driving a garbage truck to use any road for the purpose of going to or leaving from the landfill to use any parish or public road other than the following: Highway 90, Highway 99, Highway 101, North Frontage Road, and Landfill Road. These roads are designated truck routes for garbage truck use and are shown on the attached map.
- (b) This section shall not apply to persons operating trucks servicing customers on or along the other parish and public roads of the parish.
- (c) Any person using any road other than those specified above to access or leave the landfill shall be held liable for the cost of repairs for any and all damages resulting to the public road beds, shoulders and ditches, and may be punished in accordance with the penalties outlined in section 1-3 of this code.

(Ord. No. 2123, 5-9-07)

Sec. 17-3. Unlawful deposits on or in public roads, rights-of-way and ditches.

- (a) It shall be unlawful for any person, persons, association of persons or corporations to place discarded tin cans, bottles, glass or other waste materials of any character on any public road, right-of-way, or in any public ditch within the parish, and to permit such rubbish, tin cans, bottles, glass or waste material to remain on any public road, right-of-way or in any public ditch within the parish for more than five (5) days.
- (b) A written notice shall be directed by the secretary of the police jury to any and all owners of property from which a violation of this section shall have originated, such notice to be directed to the owner(s) as shown and determined by the parish tax assessment rolls, stating that the requirements of this section be complied with within five (5) days from the date of receipt of the notice.
- (c) Any notice shall be forwarded as certified mail with a return receipt requested to the owner(s) last known address.
- (d) In the event the owner(s) fail(s) to satisfactorily remove those items stipulated in the written notice and return the road and/or ditch to the condition existing prior to the violation, within the five-day period provided, or fail to accept the certified notice as evidenced by the return of said notice unopened and marked "refused" or "unclaimed" by the U.S. Postal Service, the police jury or its representative is hereby authorized and empowered to remove the unlawful deposits and perform any other corrective measures as necessary to return the road and/or road ditch to the condition it was in prior to the incident prompting the notice, at the expense of the owner(s).
- (e) The secretary of the police jury is hereby authorized to prepare and file with the clerk of court for the parish a certificate of the cost, showing the name(s) of the owner(s) and a description of the property involved, such certificate to be prepared and filed within ten (10) days after the work has been done; and the certificate so filed shall be listed in a book to be kept by the clerk of court and shall operate from the date of filing as a tax lien or assessment on such property and shall continue to subsist and endure as such for a period of ten (10) years from the date of filing and shall be enforceable by the parish in a summary manner against the property the same way as other tax liens and assessments are collectible by law, and subject to the same period.

(Ord. No. 379, § 1, 3-19-42; Ord. No. 886, 1-27-93)

Sec. 17-4. Unlawful to flood or obstruct drainage of public roads.

- (a) It shall be unlawful to flood or inundate or otherwise damage any public road in the parish by conveying or allowing to be conveyed any water from adjoining lands into any side ditch along the right-of-way of any public road; or by damming or obstructing in any manner any side ditch along the right-of-way of any public road; or by damming or obstructing in any manner any drainage ditch, natural or artificial, through any adjoining lands which are intended to drain any public road; provided, that, when it shall be necessary for the protection of any adjoining growing crops, such side ditch or ditches along the right-of-way may be used to convey surplus water from adjoining rice fields if such side ditch or ditches shall first be reopened and cleaned out in a good and thorough manner by the party desiring so to use such side ditches, at his own expense; and provided further that such water shall not be allowed to be conveyed into the side ditch or ditches in such quantities as will overflow or flood such public road.
 - (1) In the use of the parish ditches for the protection of any adjoining crops as allowed herein, any and all discharge of water from fields must be diverted with the flow of water by whatever means necessary (i.e. 45° fitting, 90° fitting, or tee). No open cuts shall be allowed and open cuts are strictly prohibited. No larger than fifteen-inch discharge pipe and fittings will be allowed.
- (b) It shall be unlawful to make use of any side ditch along the right-of-way of any public road as an irrigation canal or channel to convey water for irrigation purposes from one field or enclosure to another.
- (c) A written notice shall be directed by the secretary of the police jury to any and all owners of property from which a violation of this section shall have originated, such notice to be directed to the owner(s) as shown and determined by the parish tax assessment rolls, stating that the requirements of this section be complied with within five (5) days from the date of receipt of the notice.
- (d) Any notice shall be forwarded as certified mail with a return receipt requested to the owner(s) last known address.

- (e) In the event the owner(s) fail(s) to satisfactorily correct the situation and/or repair the damage as stipulated in the written notice within the five-day period provided, or fail to accept the certified notice as evidenced by the return of said notice unopened and marked "refused" or "unclaimed" by the U.S. Postal Service, the police jury or its representative is hereby authorized and empowered to perform whatever corrective measures are necessary to return the road and/or road ditch to the condition it was in prior to the incident prompting the notice, at the expense of the owner(s).
- (f) The secretary of the police jury is hereby authorized to prepare and file with the clerk of court for the parish a certificate of the cost, showing the name(s) of the owner(s) and a description of the property involved, such certificate to be prepared and filed within ten (10) days after the work has been done; and the certificate so filed shall be listed in a book to be kept by the clerk of court and shall operate from the date of filing as a tax lien or assessment on such property and shall continue to subsist and endure as such for a period of ten (10) years from the date of filing and shall be enforceable by the parish in a summary manner against the property the same way as other tax liens and assessments are collectible by law, and subject to the same period.

(Ord. No. 156, §§ 1, 2, 8-5-20; Ord. No. 885, 1-27-93; Ord. No. 2345, 6-10-20; Ord. No. 2350, 10-14-20)

Sec. 17-5. Taking dirt from road right-of-way declared unlawful.

It is unlawful for any person, haul away or use for private use or any use other than the building and maintaining of the public roads any dirt from any public road right-of-way.

(Ord. No. 32, 2-6-13)

Sec. 17-6. Obstruction of public roads prohibited.

It shall be unlawful and a misdemeanor for any person to, in any manner, obstruct any public road, or in any manner maintain or permit any obstruction to remain in any public road, or in any manner impede or interfere with the free use thereof by the public.

(Ord. No. 23, § 1, 1-22-13)

Sec. 17-7. Blocking of roads by trains for longer than ten minutes prohibited.

It shall be unlawful for those in charge of trains to block the public roads at the intersection thereof with railroads in the parish with their trains or with any car or locomotive for more than ten (10) minutes at a time.

(Ord. No. 22, § 1, 1-22-13)

Sec. 17-8. Restrictions as to canals crossing public roads.

Canals, irrigating companies and persons or associations of persons are hereby granted the privilege of crossing any public road known and adopted as such in the parish. The canal, irrigating company, person or association of persons is to notify the police jury when and where they are to cross the public road with navigable or irrigating canals or laterals pertaining thereto and enter into a contract with the parish through the president of the police jury, by and with the consent of the police jury, the contract requiring the canal, irrigating company, person or association of persons to bridge and keep the bridge or bridges and approaches to the same in first class condition for the accommodation of the public and whatever other conditions and stipulations that may be required by the police jury. In the event any damages occur to such road or the bridge becomes broken or unsafe, the canal or irrigating company, person or association of persons shall be required to put the road or bridge in safe condition.

(Ord. No. 21, 1-22-13)

Sec. 17-9. Declaration of what shall constitute public roads.

- (a) The following road laws are hereby adopted for the parish.

- (b) All roads in this parish that have been opened, laid out or constructed by virtue of any act of the Parish of Calcasieu made prior to January 1, 1913, are hereby declared to be public roads.
- (c) When the parish has had open and public possession of a road or highway which has been declared to be a public road or highway for a period of three (3) years, such road or highway is hereby declared to be a public servitude duly acquired by the parish for the use and benefit of its inhabitants, provided such servitude shall extend fifty (50) feet in width.
- (d) The manner of procuring and opening new roads and the assessment of damages to owners therefor through whose lands such roads shall pass shall be governed by the statutes and laws of the state applicable thereto; provided, that, all public roads laid out in this parish after January 22, 1913, shall be at least fifty (50) feet wide and when necessary of sufficient additional width that they may be properly worked and drained; provided, further, that no new road shall hereafter be worked until it shall have been staked out and plans and specifications furnished for the proper grading and draining of such road by the parish surveyor, or some competent engineer approved by the police jury.

(Ord. No. 20, §§ I—IV, 1-22-13)

Sec. 17-10. Width of right-of-ways and road servitudes accepted after January 1, 2009.

Any right-of-way or road servitude dedicated to public use and formally accepted by the Jefferson Davis Police Jury after January 1, 2009 shall be at least sixty (60) feet wide. The parish shall utilize the sixty (60) feet for the road, drainage, and any other appropriate public use.

(Ord. No. 2158, 11-25-08)

Secs. 17-11, 17-12. Reserved.

Editor's note(s)—Ord. No. 707, §§ 1—3, adopted Jan. 26, 1983, has been treated as superseding §§ 17-10—17-12. The aforesaid sections were concerned with permits for geological structure exploration work on public roads, and derived from Ord. No. 329, §§ 3—5, adopted July 3, 1935. Ord. No. 707 has been codified as §§ 12½-21—12½-25.

Sec. 17-13. Drainage of driveways and walkways onto parish roads prohibited.

- (a) Driveways or walkways constructed within the parish, outside of an incorporated municipality, shall not drain onto a parish road.
- (b) Drainage of water from such a driveway or walkway shall be to a roadside ditch.

(Ord. No. 566, § 3, 9-27-72)

Sec. 17-14. Minimum size and length for culverts.

The parish engineer or road supervisor for the parish shall have the authority to use his discretion regarding the size of all culverts to be installed within or under the roadways of the parish.

(Ord. No. 691, § 1, 10-28-81; Ord. No. 799, 7-26-89; Ord. No. 808, 12-27-89; Ord. No. 1032, § 1, 3-11-98; Ord. No. 2003, 7-11-2001)

Editor's note(s)—Ord. No. 691, § 1, adopted Oct. 28, 1981, did not specifically amend the Code; therefore codification as § 17-14 was at the discretion of the editor.

Sec. 17-15. Vents in drainage pipes along public roads required.

Culverts installed adjacent to public roads shall be provided with drop inlets/catch basins, if said culvert has a maximum continued length in excess of sixty (60) feet. If the length of the culvert exceeds

sixty (60) feet, drop inlets/catch basins shall be so positioned that a section of continuous pipe shall be no more than sixty (60) feet in length.

(Ord. No. 683, § 1, 5-27-81; Ord. No. 997, 8-14-96; Ord. No. 1075, § 1, 1-26-00)

Editor's note(s)—Ord. No. 683, § 1, adopted May 27, 1981, did not specifically amend the Code; therefore codification as § 17-15 was at the discretion of the editor.

Sec. 17-16. Installation and replacement of culverts.

It shall be unlawful to cross any public right of way, including road drainage ditches, to connect a private drive with any public road unless a permit is first obtained from the police jury. As scheduling permits, parish personnel may install crossings/driveways. Any culvert not installed by the parish must be inspected by the parish prior to the culvert being covered. Venting requirements as stipulated in Section 17-15 shall be adhered to by any individual placing culverts.

- (1) All new construction installation of culverts whether in a subdivision or not and replacement of culverts shall be subject to the following.
 - a. Permit fee of two hundred fifty dollars (\$250.00). Two hundred dollars (\$200.00) for preliminary inspection and fifty dollars (\$50.00) for final inspection of installation of culverts.
 - b. Materials allowed shall be concrete, corrugated aluminum, CPVC, and double wall HDPE.
 - c. Driveways installed in Major Subdivisions, which are approved after October 14, 2020, shall be concrete culverts only.
- (2) All requests to close in all or a portion greater than or equal to forty (40) feet of the lot frontage to a public road right-of-way shall adhere to the following specifications and submittals. This section does not apply to standard driveway culverts or those less than forty (40) feet.
 - a. Permittees shall submit a drainage map with road edge of pavement and ditch bottom profile, at minimum, signed and sealed by an LA-licensed civil engineer. Runoff shall be calculated using the Rational Method for the five-year storm event. The map shall include the following:
 1. Watershed acreage and engineered culvert size for each lot. Culverts shall have no greater than one-half foot of headwater for a five-year storm event.
 2. Hydrologic table of watershed parameters.
 3. Profile shall include field survey elevation or grade data in the roadside ditch from the most upstream lot downstream to the nearest crossdrain or other drainage outfall, or five hundred (500) feet downstream of the most downstream lot.
- (3) Bonafide agricultural installations used for access of agricultural equipment for farming purposes only, shall not be subject to the two hundred fifty-dollar (\$250.00) permit as stated above but shall be subject to a fifty-dollar (\$50.00) permit fee and will require inspection by the parish after installation or replacement. Proof of agricultural tax exemption will be required to qualify for said agricultural driveway.
- (4) When installing a hard-surface drive, a slab separated from the remainder of the drive by expansion joints shall be installed over the culvert. This slab will be centered over the culvert and will extend at least one (1) foot past either side of the culvert (i.e., if the outside diameter of the culvert is thirty-six (36) inches, the slab over the culvert must be at least sixty (60) inches wide.) In no case will a slab over a culvert be less than forty-eight (48) inches wide, regardless of culvert diameter.
- (5) Whoever violates the provisions of this inspection shall be fined the sum of one hundred (\$100.00) dollars per day for each day of violation.

(Ord. No. 698, § 1, 6-23-82; Ord. No. 840, 11-14-90; Ord. No. 1076, § 1, 3-8-00; Ord. No. 2096, 3-8-06; Ord. No. 2353, 10-14-20; Ord. No. 2357, 12-21-20; Ord. No. 2353, 10-14-20; Ord. No. 2357, 12-21-20; Ord. No. 2377, 8-11-21)

Sec. 17-17. Standards for accepting nonsubdivision roads into the parish road system.

- (a) Any and all roads, streets, or highways accepted into the parish road system shall have a minimum right-of-way width of not less than sixty (60) feet except a road, street, or highway that is curb and gutter, which shall be not less than sixty (60) feet in accordance with subdivision regulations.
- (b) Any parcel of land which is to be divided into three (3) acre tracts or less shall be considered as a subdivision, and subdivision regulations shall pertain thereto.
- (c) A plat certified by a registered land surveyor or a civil engineer showing the right-of-way of the road and the name and address of the person(s) proposing the dedication of the road must be presented to the police jury for review.
- (d) The police jury shall consider each road individually, and their decision shall be final.
- (e) Although a road has been accepted into the system, if a person(s) or corporation decides to cut parcels of land of less than five (5) acres in size, the road shall be treated according to subdivision regulations.
- (f) Any new road dedicated shall be shaped with a crown which shall slope into road ditches. The roadbed shall be a minimum of thirty-two (32) feet wide with ditches on each side for proper drainage. The road must be inspected by the parish supervisor and/or parish engineer before any gravel, shell, or limestone is placed on the roadbed. Hard-surface roads shall be governed by subdivision regulations.
- (g) Elevation of road and drainage must also be approved by the parish supervisor and/or parish engineer.
- (h) Once the parish supervisor and/or parish engineer approves a road, then the dedicator may proceed with a minimum of four (4) inches of gravel, shell or limestone for a minimum width of twenty-four (24) feet the entire length of the road, including turnarounds. Turnarounds shall have minimum roadbed radius of fifty (50) feet; and the entire turnaround shall be covered with a minimum of four (4) inches of shell, gravel or limestone.
- (i) A drawing or drawings certified by a licensed civil engineer showing the roadbed width, slope of crown (which shall be a minimum of .025 foot per foot), showing ditches and slope thereof, direction of flow, and stream collecting runoff from ditches. This shall be reviewed by parish engineer and presented to the police jury for their review and approval.

(Ord. No. 712, § 1, 7-13-83; Ord. No. 2253, 9-10-14)

Editor's note(s)—Ord. No. 712, § 1, adopted July 13, 1983, did not specifically amend the Code; therefore codification as § 17-17 was at the discretion of the editor.

Sec. 17-18. Naming and addressing roadways.

- (a) *Authority.* The police jury shall have final authority to approve roadway names and addresses as described in subsection (b).
- (b) *Official Approval.* All roadway names and addresses shall be referred to the parish communications district for review and approval.
- (c) *Naming Conventions.*
 - (1) Parish roadways that may retain their common names are:
 - a. Roadway names which are broadly acknowledged by the community;
 - b. Existing street names in subdivisions approved by the parish planning commission; or
 - c. State and federal highways denoted as the term "Highway," followed by a road number.
 - (2) Parish roadways that shall not retain their common names are:
 - a. Parish roadways designated by numerals;
 - b. Roadway names duplicated by other streets and roads; or
 - c. Roadway names which are spelled differently, but whose pronunciations are the same.

- (3) A sign denoting the current parish road number and its assigned name shall be placed and maintained at all public roadway intersections.
 - (4) The communications district shall request the cooperation of municipalities in standardizing addresses.
 - (5) Where possible, parish roads continuing across wards shall have the same name.
 - (6) A roadway name in unincorporated areas shall be limited to twelve (12) alphabetic characters except:
 - a. State and federal highways; or
 - b. Roadways named for an individual's first, middle, and/or last name.
 - (7) A roadway shall not be renamed for a period of six (6) months after the Enhanced 911 Communication System is fully operational.
 - (8) A major roadway shall be designated a "road". A minor roadway shall be designated as a "street."
 - (9) The proper abbreviations for roadways are:
 - a. "Rd." for "Road"
 - b. "St." for "Street"
 - c. "Hwy." for "Highway."
- (d) *Addressing Conventions.* All houses and businesses shall post addresses in an easily visible location within ten (10) feet from a roadway. If possible, address shall be posted on mail receptacle.
- (Ord. No. 867, §§ I, II, 6-24-92; Ord. No. 2292, 5-10-17)

Editor's note(s)—Ord. No. 867, adopted June 24, 1992, did not specifically amend this Code; hence, inclusion of §§ I, II as § 17-18 was at the discretion of the editor.

Cross reference(s)—Communications district, § 16-239 et seq.

Sec. 17-19. Hebert Road; stop sign at intersection with Keystone Road.

It is hereby established and assumed that Hebert Road is declared and adopted as a public road eighteen (18) feet in width, said road running south from Keystone Road at the Northeast Corner of Section Twenty-two (22), Township Ten (10) South, Range Three (3) West a distance of 600 feet along the section line between Section 22 and Section 23, Township 10 South, Range 3 West. There shall be a stop sign at the northern intersection of Hebert Road where it intersects with Keystone Road.

(Ord. No. 2034, 6-11-03)

Sec. 17-20. Road name changes.

Carl Hoppe Road. The name of Carl Hoppe Road shall be changed to LeFranc Cemetery Road beginning at Highway 383 and going west one (1) mile.

Herrington Road. The name of Herrington Road shall be changed to Cormier Lane from the intersection of Highway 102 heading east to the end of the road.

LeFranc Cemetery Road. The name of LeFranc Cemetery Road shall be changed to Carl Hoppe Road beginning at Highway 383 and going west one (1) mile.

Pit Road. The name of Pit Road shall be changed to Sylestine Road from the intersection of Leonard Road heading west approximately one-half (½) mile to end of road.

West End Road. The name of West End Road shall be changed to Payton Road.

(Ord. No. 2068, 11-10-04; Ord. No. 2071, 12-8-04; Ord. No. 2072, 1-12-05; Ord. No. 2121, 4-25-07; Ord. No. 2146, 2-13-08)

THUS DONE AND PASSED BY THE POLICE JURY ON JEFFERSON DAVIS PARISH, LOUISIANA, on this 12th day of March, 2025.

Mr. Cooney Richard with BCIS presented a fee schedule with proposed changes.

It was moved by Mr. LaFargue and seconded by Mr. McKnight, and carried to approve the new fees effective May 1, 2025. Mr. LeJeune voted against the matter.

Mr. LaFargue reported the Finance Committee meeting was held on March 10, 2025, at 7:00 A.M. All bills were reviewed and declared in order with the Committee recommending approval.

The motion was made by Mr. LaFargue, seconded by Mr. McKnight, and carried, to pay the following bills, to wit:

• GENERAL FUND	\$ 127,856.58
• COOPERATIVE EXTENSION SERVICE	106,776.34
• 911	143.36
• CRIMINAL COURT	10,148.00
• OPIOID ABATEMENT	22,462.44
• COURTHOUSE MAINTENANCE	7,844.25
• SPECIAL REVENUE	4,390.75
• SECTION 8	0.00
• CAPITAL PROJECT	4,517.32
• PARISH ROAD	0.00
• SUB ROAD DISTRICT #1	2,802.88
• SPECIAL WARD, ROAD & BRIDGE	29,028.41
• ROAD SALES TAX DISTRICT #1	227.37
• REGIONAL CONSOLIDATED JAIL	90,643.61
• FIRE DISTRICT #1	0.00
• FIRE DISTRICT #2	54,956.63
• FIRE DISTRICT #3	9,177.24
• FIRE DISTRICT #4	0.00
• FIRE DISTRICT #5	3,721.56
• FIRE DISTRICT #6	0.00
• FIRE DISTRICT #7	0.00

Additionally, it is the recommendation of the Finance Committee to approve the renewal of CourtCall Remote Arraignment Platform Annual Subscription at a cost of \$7,200.00 to be paid with Jail funds.

Mr. LaFargue made the motion, seconded by Mr. LaBouve, and carried, to accept the recommendation of the committee.

The Finance Committee recommends the approval of a new copier lease for the Registrar of Voters office at a cost of \$280.40 per month to be paid out of General Fund.

It was moved by Mr. LaFargue, seconded by Mr. McKnight, and carried, to accept the Committee's recommendation

It is the recommendation of the Finance Committee to accept a quote of \$2,937.92 to upgrade the fire alarm at the William E Broussard Multipurpose Building to be paid out of General Fund.

The motion was made by Mr. LaFargue, seconded by Mr. LaBouve, and carried, to accept the recommendation of the Committee.

Further, the Finance Committee recommends approving a quote to clean 13 coils at the Jail at a cost of \$1,050.00 per coil to be paid with Regional Jail funds.

Mr. LaFargue made the motion, seconded by Mr. McKnight, and carried, to accept the Committee's recommendation.

The Finance Committee recommends approving a quote of \$2,013.00 from Bonaventure to purchase 11 flashlights with 2 chargers for the Jail to be paid with Regional Jail funds. These flashlights will remain at the jail and will not leave the property.

The motion was made by Mr. LaFargue, seconded by Ms. LaBouve, and carried, to accept the recommendation of the Committee.

Let the record reflect that the Finance Committee reviewed budget-to-actual comparisons on all funds as required.

It was moved by Mr. Peterson, seconded by Mr. Chad Woods, and carried, to approve the minutes of the Regular Meeting held on February 15, 2025, as written and submitted.

The motion was made by Mr. Fruge, seconded by Mr. LaBouve, and carried, to approve the payment of Pay App #1 in the amount of \$133,656.89 to C Morvant Construction Inc in connection with the Arena Rear Canopy.

Mr. LaFargue made the motion, seconded by Mr. LaBouve, and carried, to approve Final Pay App with retainage in the amount of \$294,120.37 to R.E. Heidt Construction in connection with the 2022 Road Improvement Project.

It was moved by Ms. Myers, seconded by Mr. LaFargue, and carried, to approve Final Pay App with retainage in the amount of \$32,990.74 to R.E. Heidt Construction in connection with the Farm Supply Road Improvement Project.

The motion was made by Mr. LeJeune, seconded by Mr. LaBouve, and carried, to authorize entering into a Cooperative Endeavor Agreement with the Louisiana Department of Veterans Affairs for the funding of the Veterans Services office for the fiscal year of January 1, 2025 to December 31, 2025.

Mr. Peterson made the motion, seconded by Ms. Myers, and carried, to authorize entering into an amended Cooperative Endeavor Agreement with the municipalities for funding of the Veterans' Services Office and to further authorize the President to sign.

It was moved by Mr. LaBouve, seconded by Mr. Buller, and carried, to adopt the following Resolution, to-wit:

RESOLUTION

**A RESOLUTION OF THE JEFFERSON DAVIS PARISH POLICE JURY (JDPPJ),
STATE OF LOUISIANA SUPPORTING LOCAL OPTION AUTHORITY
REGARDING CARBON CAPTURE AND STORAGE (CCS) FACILITIES.**

WHEREAS, the State of Louisiana is considering legislation that impacts environmental management and industrial practices across the state; **AND**

WHEREAS, carbon capture and storage facilities have significant environmental, social, and economic implications for local communities; **AND**

WHEREAS, such projects require careful consideration of local geographic, environmental, and socio-economic conditions; **AND**

WHEREAS, the Jefferson Davis Parish Police Jury recognizes the importance of maintaining local control over environmental decisions that directly affect the health, safety, and welfare of its citizens; **AND**

WHEREAS, the principle of local autonomy ensures that decisions regarding land use and environmental management are made by those who directly experience their outcomes.

NOW, THEREFORE, BE IT RESOLVED by the Jefferson Davis Parish Police Jury, that:

1. The JDPPJ supports the granting of local option authority to each parish in the State of Louisiana to decide on the approval, denial, or regulation of carbon capture and storage facilities within their respective boundaries.
2. The JDPPJ urges the Louisiana State Legislature to consider and respect the diverse needs and desires of individual parishes by allowing them the autonomy to make informed decisions about CSS projects that best suit their local constituents.
3. The JDPPJ requests that this resolution be communicated to the appropriate legislative committees and representatives involved in the upcoming session, emphasizing the need for local decision-making authority in environmental and industrial practices.

THIS RESOLUTION BEING APPROVED AND ADOPTED ON THE 12th DAY OF MARCH, 2025.

The motion was made by Mr. Chad Woods, seconded by Mr. Donald Woods, and carried, to approve for Division One: Gravel project of 4,615 Tons gravel on various roads in Lake Arthur.

Mr. Buller made the motion, seconded by Mr. LeJeune, and carried, to approve for Division Two-One: Gravel project of 2,000 Tons gravel on various roads.

Mr. LaBouve made the motion, seconded by Mr. LaFargue, and carried, to approve for Division Three: Gravel project of 2,000 Tons gravel on various roads.

It was moved by Mr. LaFargue, seconded by Mr. LaBouve, and carried, to approve the Louisiana Road Safety Program Application and to further authorize the President to sign all documentation.

Mr. Chad Woods made the motion, seconded by Mr. LaBouve, and carried, to appoint Will Hetzel with an initial 1-year term, Kendal Henry with an initial 3-year term, and Chrystal Breaux with an initial 2-year term, to the Economic Development Commission Board as Police Jury representatives. Subsequent terms will be for 3-years.

The motion was made by Ms. Myers, seconded by Mr. McKnight, and carried, to appoint Jeremy Doucet to the Tourist Commission Board as City of Jennings representative to fulfill the unexpired term of Katelyn Little, with a term to expire September 30, 2026.

It was moved by Mr. Lejeune, seconded by Mr. LaFargue, and carried, to approve sending a Memorandum of Agreement to the Coshatta Tribe to grant them authority to include parish roads in its National Tribal Transportation Facility Inventory in case federal funds become available to improve listed parish roads.

Mr. Fruge made the motion, seconded by Mr. LaBouve, and carried, to approve entering into an Independent Contractor Agreement with TJG Services LLC for inspection services for the Arena Rear Canopy Project. This will focus on the concrete pour and cylinders.

The motion was made by Mr. Peterson, seconded by Ms. Myers, and carried, to authorize the President to sign a Building Entry Agreement with Conterra Networks for entry into the Courthouse to run fiber for the 31st Judicial District Court.

It was moved by Mr. LaFargue, seconded by Mr. LaBouve, and carried, to utilize FEMA Community Grant (Cassidy Funds) to upgrade waterline in Roanoke for future truck stop and to hire DCMC to assist in Federal Procurement requirements. Mr. Peterson recommends that the lines will be large enough to handle future growth in the area.

Mr. Peterson made the motion, seconded by Mr. McKnight, and carried, to approve Final Pay App #10 with Retainage in the amount of \$35,538.65 to Trahan Construction for the Fire District 2 Hathaway Fire Station (Koll Road) Expansion project.

It was moved by Mr. Buller, seconded by Mr. McKnight, and carried, to approve the purchase or lease option to be terminated at a later date, of a 150 New Holland Tractor through state contract. Mr. Steve Eastman recused himself and asked Mr. Butch LaFargue to handle this matter. Mr. Steve Eastman abstained from all discussion.

President's Report

President Eastman had no news to report on at this time.

Administrator's Report

Mr. Boudreaux gave the following updates:

- The Rear Arena Canopy project is in progress.
- New grader was tested
- Reminded everyone of elections that would be coming up
- Let everyone know he would be meeting with electrician for assessment at the jail

Engineer's Report

None.

Committee Reports

Mr. Chad Woods, Fairgrounds Committee Vice-Chairman reported on a committee meeting held March 5, 2025 with the Committee approving many changes to fees and recommending approval.

Changes are as follows:

- Arena: add Individual to Riding Clubs and Roping Clubs with a price of \$25/hr; Max \$250/day
- Add Maximum fee of \$400.00 for Non-School and Professional Rodeos and any other event if guaranteed to hold 2 events per year
- Change name of "Grounds" on fee schedule to "Fair Area"

- Multipurpose Building: Change name of “M/P Building” on fee schedule to “Building with Front Kitchen”, Change “M/P Building with New Kitchen” to “Building with Back Kitchen & Screened Area”, Change M/P New Kitchen and screened area” to “Back Kitchen & Screened Area”
- Change Decorating Fee from \$50 per hour to \$25 per hour
- Remove Housierre Park deposit fee

It was moved by Mr. Chad Woods, seconded by Mr. Donald Woods, and carried, to make the changes to the Fairgrounds, Arena, and Multi-Purpose Building Rental Fee Schedule.

There being no further business to come before the Jury, it was moved by Mr. Donald Woods, seconded by Mr. Peterson, and carried, to adjourn the meeting.

/s/ J. Steven Eastman
PRESIDENT

ATTEST:

/s/ Karlee Taylor
ASSISTANT SECRETARY TREASURER

DATE APPROVED