

Tangipahoa Parish Council
Tangipahoa Parish Gordon A Burgess Governmental Building
206 East Mulberry Street, Amite, LA 70422
Regular Meeting Immediately Following Public Hearing
May 28, 2024

PUBLIC NOTICE Is Hereby Given That The Tangipahoa Parish Council Will Meet In Regular Session on TUESDAY, May 28, 2024 Immediately Following the Public Hearing at 5:30 PM at the Tangipahoa Parish Gordon A Burgess Governmental Building, 206 East Mulberry Street, Amite, Louisiana, contact number (985)748-3211 on the following:

PUBLIC HEARING

- T.P. Resolution No. R24-15 - A Resolution of the Tangipahoa Parish Council-President Government for Parker Branch Solar, LLC to proceed with the permitting process for a Renewable Energy Power Plant in District 4, Tangipahoa Parish
- T.P. Ordinance No. 24-17 - An Ordinance to Amend Chapter 18-Fire Prevention and Protection, Section 18-3-Fire Prevention Bureau
- T.P. Ordinance No. 24-18 - An Ordinance to Amend Chapter 34-Offenses and Miscellaneous Provisions, Section 34-16-Prohibiting the Sale of Mitragyna Speciosa Korth (Kratom) and/or Any of its Analog in Tangipahoa Parish
- T.P. Ordinance No. 24-20 - An Ordinance to Amend Chapter 38-Solid Waste
- T.P. Ordinance No. 24-21 - An Ordinance to acquire ownership of Right of Ways for the H. Cologne Road Widening Project in Loranger, Louisiana, to authorize the Parish President to sign and execute all necessary documents to provide for the recordation and to provide copies to all involved parties
- T.P. Ordinance No. 24-22 - An Ordinance to acquire ownership of Right of Ways for the State Project #H.014265 N. River Road Bridge over Irving Branch Bridge Replacement Project in Kentwood, Louisiana, to authorize the Parish President to sign and execute all necessary documents to provide for the recordation and to provide copies to all involved parties
- T.P. Ordinance No. 24-23 - An Ordinance declaring surplus TPG Asset #Misc0243, 22357 Brignac Road, Robert, Assessment #2306603 and to authorize the Parish President or his authorized designee to sign any and all documents in regard to the sale and transfer of said property in District 2

CALL TO ORDER

CELL PHONES - *Please Mute or Turn Off*

INVOCATION Councilman Joseph

PLEDGE OF ALLEGIANCE Councilwoman Hyde *(All Veterans and active military, please render the proper salute)*

ROLL CALL

ADOPTION OF MINUTES for regular meeting dated May 13, 2024

PUBLIC INPUT - *Anyone Wishing to Address Agenda Items Which Were Not on Public Hearing*

PARISH PRESIDENT'S REPORT

- 1. FINANCIAL REPORT
- 2. APPROVAL TO HIRE a contractor to cut grass at 11173 Highway 22 West, Ponchatoula, LA 70454, Assessment #1771418 in District 6 and lien property the cost of contract plus administrative fees
- 3. APPROVAL TO HIRE contractor to cut grass at 42498 Happywoods Road, Hammond, LA 70403, Assessment #1893009 in District 6 and lien property the cost of contract plus administrative fees

REGULAR BUSINESS

- 4. NOTIFICATION OF INDEBTEDNESS Hammond Area Recreation District No. 1

ADOPTION OF ORDINANCES

- 5. ADOPTION of T.P. Ordinance No. 24-17 - An Ordinance to Amend Chapter 18-Fire Prevention and Protection, Section 18-3-Fire Prevention Bureau
- 6. ADOPTION of T.P. Ordinance No. 24-18 - An Ordinance to Amend Chapter 34-Offenses and Miscellaneous Provisions, Section 34-16-Prohibiting the Sale of Mitragyna Speciosa Korth (Kratom) and/or Any of its Analog in Tangipahoa Parish
- 7. ADOPTION of T.P. Ordinance No. 24-20 - An Ordinance to Amend Chapter 38-Solid Waste
- 8. ADOPTION of T.P. Ordinance No. 24-21 - An Ordinance to acquire ownership of Right of Ways for the H. Cologne Road Widening Project in Loranger, Louisiana, to authorize the Parish President to sign and execute all necessary documents to provide for the recordation and to provide copies to all involved parties

- 9. ADOPTION of T.P. Ordinance No. 24-22 - An Ordinance to acquire ownership of Right of Ways for the State Project #H.014265 N. River Road Bridge over Irving Branch Bridge Replacement Project in Kentwood, Louisiana, to authorize the Parish President to sign and execute all necessary documents to provide for the recordation and to provide copies to all involved parties
- 10. ADOPTION of T.P. Ordinance No. 24-23 - An Ordinance declaring surplus TPG Asset #Misc0243, 22357 Brignac Road, Robert, Assessment #2306603 and to authorize the Parish President or his authorized designee to sign any and all documents in regard to the sale and transfer of said property in District 2

INTRODUCTION OF ORDINANCE

PUBLIC HEARING on Introduced Ordinance: at SPECIAL Meeting on Wednesday, June 12, 2024, at 5:30 pm at the Tangipahoa Consolidated Gravity Drainage District #1, 48571 US 51, Tickfaw, LA 70466

- 11. INTRODUCTION of T.P. Ordinance No. 24-19 - An Ordinance to Amend and Enact Chapter 36-Planning and Development, Article VIII-Developments with Special Provisions, Sec 36-220 General Standards and Sec 36-225 Solid Waste Disposal Facilities - C&D Sites

ADOPTION OF RESOLUTIONS

- 12. ADOPTION of T.P. Resolution No. R24-15 - A Resolution of the Tangipahoa Parish Council-President Government for Parker Branch Solar, LLC to proceed with the permitting process for a Renewable Energy Power Plant in District 4, Tangipahoa Parish
- 13. ADOPTION of T.P. Resolution No. R24-16 - A Resolution of the Tangipahoa Parish Council-President Government for the certification of Natalbany Fire Department in the Fire Prevention Bureau
- 14. ADOPTION of T.P. Resolution No. R24-17 - A Resolution of the Tangipahoa Parish Council-President Government to extend the moratorium T.P. Ordinance No. 24-05 for 90 additional days on the consideration and/or approval of all developments of Construction and Demolition Debris Sites within Tangipahoa Parish

BEER, WINE, AND LIQUOR PERMITS

LEGAL MATTERS

COUNCILMEN'S PRIVILEGES

ADJOURN

Jill DeSouge
 Clerk of Council

Daily Star
 Please Publish May 23, 2024

Published on Tangipahoa Parish Government website at www.tangipahoa.org and posted @ T.P. Gordon A. Burgess Governmental Building May 23, 2024

In Accordance with the Americans with Disabilities Act, If You Need Special Assistance, please contact Jill DeSouge at 985-748-2290 prior to 12:00pm (cst) on meeting day describing the Assistance that is necessary.

November 7, 2023.

Notice of Violation 1

Acadian Neurosurgical Associates LLC
11173 Highway 22 West
Ponchatoula, LA 70454

Re Case # 23-8524
Assessment #1771418
Address: 11173 Highway 22 West
Ponchatoula, LA 70454

Dear Property Owner,

In accordance with information provided by the Tangipahoa Parish Assessor's Office you are the owner of the property with the address of 11173 Highway 22 West, Ponchatoula, LA 70454. It has been reported that a nuisance violation as described in Chapter 32 – Nuisances, Art. II. Weeds, Trash, Refuse and Dangerous Matter, Section 32-20 of the Tangipahoa Parish Code of Ordinances exist on your property. The violation reported consisted of High Grass

For your convenience and reference, I have attached a copy of Chapter 32 – Nuisances, Art. II. Weeds, Trash, Refuse and Dangerous Matter, Section 32-20 of the Tangipahoa Parish Code of Ordinances. To comply with the Tangipahoa Parish Code of Ordinances, grass must be cut described above. Should you fail to do so, we will consider all available rights and remedies available to us in accordance with the law.

Keep in mind that the Tangipahoa Parish Nuisance Ordinances exists for the benefit of all residents of Tangipahoa Parish and not only helps maintain property values throughout the neighborhood, but also protects the safety, welfare, and peace of mind of all residents. Your actions not only serve to defeat these ends, but further show a lack of respect for the neighborhood and the community. For the benefit of everyone your prompt compliance with the property maintenance requirements of the Nuisance Ordinances will be greatly appreciated.

If you have any questions, you may contact me by telephone by dialing (985) 602-9081 or by emailing ndiamond@tangipahoa.org.

Sincerely



Nathan Diamond
Director
Tangipahoa Parish Code Enforcement

Enclosure: Tangipahoa Parish Code of Ordinances
Chapter 32 – Nuisances, Art. II. Weeds, Trash, Refuse and Dangerous Matter,
Section 32-20

Assessment No. 1771418

[Print Sheet](#)

Taxpayer Name & Address

ACADIAN NEUROSURGICAL ASSOCIATES LLC
 PO BOX 713
 SPRINGFIELD LA 70462



Freeze Applied	No	Year	N/A
Homestead	No	Year	N/A
Book & Page	1029 pg 5	Taxpayer Taxes	
		2023	\$1,024.01
Transfer Date	08/22/2005		
Purchase Price	N/A	Land Value	1,200
		Building Value	8,266
		Total Value	9,516
		H/S Value	0
		Taxpayer Value	9,516

Property Description

3.35A IN SEC 54 T7SR7E B382 P478- 481-483 B388 P747 B578 P618 B681 P299 B899 P355 B959 P380-382 B984 P839 B996 P225 B1022 P272 B1029 P5

Map Info

Map ID No. 54T7R70000113

Location

Ward	7Z				
Physical Address	11173 HIGHWAY 22 WEST				
Subdivision	Lot	Block	Section	Township	Range
			54	T7S	R7E

Class Description

Assessment Value

Type	Qty	Units	H/S Credit	Tax Value	Market Value	Special Exemptions
RE	1.00	I	0	8,266	82,660	None
RE	1.00	A	0	1,200	12,000	None
RE	2.35	A	0	50	503	None

Building Improvements

Type	Yr Built	Sqft. Living	Sqft. Non-Living	Sqft. Total
Residential	1970	2,227	566	2,793

Parish Taxes

Millage Description	Millage Rate	Taxpayer Tax	H/S Credit
ASSESSMENT DISTRICT	4.65	44.25	0.00
DRAINAGE DIST 1 MT.	5.00	47.58	0.00
DRAINAGE DT.1 MT	5.00	47.58	0.00
FIRE PROTECTION DIST 2	10.00	95.16	0.00
FIRE PROTECTION DIST. 2	10.00	95.16	0.00
FLORIDA PARISH JUVENILE DIST	2.75	26.17	0.00
GARBAGE DIST. 1 MAINT	10.00	95.16	0.00
HEALTH UNIT	4.00	38.06	0.00
LAW ENFORCEMENT #1	7.81	74.32	0.00
LIBRARY BOARD	2.81	26.74	0.00
LIBRARY BOARD	3.00	28.55	0.00
MOSQUITO ABATEMENT	4.98	47.39	0.00
PARISH ALIMONY-RURAL	3.05	29.02	0.00
PONCHATOULA REC. DIST.	4.00	38.06	0.00
PONCHATOULA REC. DIST.	10.00	95.16	0.00
ROAD LIGHT DISTRICT 6	6.50	61.86	0.00
SCHOOL DISTRICT #100	4.06	38.63	0.00
SHERIFF'S OPERATIONAL	10.00	95.16	0.00
	Totals	1,024.01	0.00

Bookmark: <http://www.tangiassessor.com/assessment/1771418.html> | [Disclaimer](#) | 05/20/2024







July 13, 2023

Notice of Violation 1

Kristopher L Nelson & Kacie M Meyers
42498 Happywoods Road
Hammond, LA 70403

Re: Case # 23-8138
Assessment # 1893009
Address: 42498 Happywoods Road
Hammond, LA 70403

Dear Property Owner,

In accordance with information provided by the Tangipahoa Parish Assessor's Office you are the owner of the property with the address of 42498 Happywoods Road, Hammond, LA 70403. It has been reported that a nuisance violation as described in Chapter 32 – Nuisances, Art. II. Weeds, Trash, Refuse and Dangerous Matter, Section 32-20 of the Tangipahoa Parish Code of Ordinances exist on your property. The violation reported consisted of high grass.

For your convenience and reference I have attached a copy of Chapter 32 – Nuisances, Art. II. Weeds, Trash, Refuse and Dangerous Matter, Section 32-20 of the Tangipahoa Parish Code of Ordinances. To comply with Section 32-20 of the Tangipahoa Parish Code of Ordinances, grass must be cut described above. Should you fail to do so, we will consider all available rights and remedies available to us in accordance with the law.

Keep in mind that the Tangipahoa Parish Nuisance Ordinances exists for the benefit of all residents of Tangipahoa Parish and not only helps maintain property values throughout the neighborhood, but also protects the safety, welfare and peace of mind of all residents. Your actions not only serve to defeat these ends, but further show a lack of respect for the neighborhood and the community. For the benefit of everyone your prompt compliance with the property maintenance requirements of the Nuisance Ordinances will be greatly appreciated.

If you have any questions, you may contact me by telephone by dialing (985) 602-9081 or by emailing ndiamond@tangipahoa.org.

Sincerely



Nathan Diamond
Chief Code Enforcement Officer / Director
Tangipahoa Parish Code Enforcement

Enclosure: Tangipahoa Parish Code of Ordinances
Chapter 32 – Nuisances, Art. II. Weeds, Trash, Refuse and Dangerous Matter,
Section 32-20

December 26, 2023.

Notice of Violation 1

Lakeview Loan Servicing LLC
4425 Ponce De Leon Blvd MS 5-254
Coral Gables, FL 33146

Re Case # 23-8138
Assessment # 1893009
Address: 42498 Happywoods Road
Hammond, LA 70403

Dear Property Owner,

In accordance with information provided by the Tangipahoa Parish Assessor's Office you are the owner of the property with the address of 42498 Happywoods Road, Hammond, LA 70403. It has been reported that a nuisance violation as described in Chapter 32 Nuisances, Art. II. Weeds, Trash, Refuse and Dangerous Matter, Section 32-20 of the Tangipahoa Parish Code of Ordinances exist on your property. The violation reported consisted of High Grass.

For your convenience and reference, I have attached a copy of Chapter 32 – Nuisances, Art. II. Weeds, Trash, Refuse and Dangerous Matter, Section 32-20 of the Tangipahoa Parish Code of Ordinances. To comply with the Tangipahoa Parish Code of Ordinances, grass must be cut described above. Should you fail to do so, we will consider all available rights and remedies available to us in accordance with the law.

Keep in mind that the Tangipahoa Parish Nuisance Ordinances exists for the benefit of all residents of Tangipahoa Parish and not only helps maintain property values throughout the neighborhood, but also protects the safety, welfare, and peace of mind of all residents. Your actions not only serve to defeat these ends, but further show a lack of respect for the neighborhood and the community. For the benefit of everyone your prompt compliance with the property maintenance requirements of the Nuisance Ordinances will be greatly appreciated.

If you have any questions, you may contact me by telephone by dialing (985) 602-9081 or by emailing ndiamond@tangipahoa.org.

Sincerely


Nathan Diamond
Director
Tangipahoa Parish Code Enforcement

Enclosure: Tangipahoa Parish Code of Ordinances
Chapter 32 – Nuisances, Art. II. Weeds, Trash, Refuse and Dangerous Matter,
Section 32-20

Deborah S. Brunett
Justice of the Peace, Ward 5
56044 N. Cooper Rd.
Loranger, LA 70446
Phone: 985-878-4766



February 5, 2024

Case # 23-8138

Assessment # 1893009

Lakeview Loan Service LLC
4425 Ponce De Leon Blvd. MS 5-254
Coral Gables, FL 33146

Re: Litter Violation on the property at 42498 Happywoods Road, Hammond, LA 70403
The Tangipahoa Parish Government, Code Enforcement has presented to the Justice of the Peace Court a notice that was delivered to you in violation of a Litter Ordinance of, high grass on the property. This has been an issue for some time and you have failed to take action to correct this problem or pay your fine. It has been turned over to the 5th Ward Justice of the Peace Court for a hearing.

You or a representative are hereby subpoenaed to appear for examination in the Justice of the Peace Court February 14, 2024 at 10:00 a.m. Court is held in the Tangipahoa Parish Sheriff's Substation in Loranger, LA. The address of the court is 54043 Hwy 1062, Loranger, LA 70446. Failure to appear may result in fines and or a judgment/lien against the property if not taken care of.

If you have further questions please contact me at 985-878-4766.

Respectfully,

Judge Deborah S. Brunett
Justice of the Peace
Cc: Tangipahoa Parish Government, OES

Assessment No. 1893009

[Print Sheet](#)

Taxpayer Name & Address

NELSON KRISTOPHER L & KACIE M MYERS
 42498 HAPPYWOODS ROAD
 HAMMOND LA 70403



Freeze Applied	No	Year	N/A
Homestead	Yes	Year	N/A
Book & Page	1608 pg 670	Taxpayer Taxes	\$1,746.07
		2023	
Transfer Date	04/01/2022		
Purchase Price	\$270,000.00	Land Value	3,000
		Building Value	20,726
		Total Value	23,726
		H/S Value	7,500
		Taxpayer Value	16,226

Property Description

LOT 2 ON E SIDE OF HAPPY WOOD RD MEAS 145 X 217 FT IN HR 49 T7 SR 7E B290 P293 B869 P261-262-761 B1449 P304 B1453 P421 B1452 P889 B1455 P613 B1412 P474 B1608 P670

Map Info

Map ID No. 03T7R70000179

Location

Ward	7Z				
Physical Address	42498 HAPPYWOODS ROAD HAMMOND 70403				
Subdivision	Lot	Block	Section	Township	Range
			49	T7S	R7E

Class Description

Assessment Value

Type	Qty	Units	H/S Credit	Tax Value	Market Value	Special Exemptions
RE	1.00	I	4,500	18,026	180,264	None
RE	1.00	L	3,000	3,000	30,000	None
RE	1.00	I	0	2,700	27,000	None

Building Improvements

Type	Yr Built	Sqft. Living	Sqft. Non-Living	Sqft. Total
Residential	2007	1,702	555	2,257
Residential	2022			0

Parish Taxes

Millage Description	Millage Rate	Taxpayer Tax	H/S Credit
ASSESSMENT DISTRICT	4.65	75.45	34.88
DRAINAGE DIST 1 MT.	5.00	81.13	37.50
DRAINAGE DT.1 MT	5.00	81.13	37.50
FIRE PROTECTION DIST 2	10.00	162.26	75.00
FIRE PROTECTION DIST. 2	10.00	162.26	75.00
FLORIDA PARISH JUVENILE DIST	2.75	44.62	20.63
GARBAGE DIST. 1 MAINT	10.00	162.26	75.00
HEALTH UNIT	4.00	64.90	30.00
LAW ENFORCEMENT #1	7.81	126.72	58.58
LIBRARY BOARD	2.81	45.59	21.08
LIBRARY BOARD	3.00	48.68	22.50
MOSQUITO ABATEMENT	4.98	80.81	37.35
PARISH ALIMONY-RURAL	3.05	49.49	22.88
PONCHATOULA REC. DIST.	4.00	64.90	30.00
PONCHATOULA REC. DIST.	10.00	162.26	75.00
ROAD LIGHT DISTRICT 6	6.50	105.47	48.75
SCHOOL DISTRICT #100	4.06	65.88	30.45
SHERIFF'S OPERATIONAL	10.00	162.26	75.00
	Totals	1,746.07	807.10

Bookmark: [http://www.tangiassessor.com/assessment 1893009.html](http://www.tangiassessor.com/assessment%201893009.html) | [Disclaimer](#) | 05/20/2024



Toni Jo Simon <tsimon@tangipahoa.org>

Fwd: TPG Public Works

1 message

Nate Diamond <ndiamond@tangipahoa.org>

Thu, Jul 13, 2023 at 2:37 PM

To: Mike Trapen <mtrapen@tangipahoa.org>, Toni Jo Simon <tsimon@tangipahoa.org>

Please make a concern for this property high grass and send a letter. Photos are attached to this email.










----- Forwarded message -----

From: **TPG PUBLIC WORKS** <do_not_reply@tangipahoa.org>

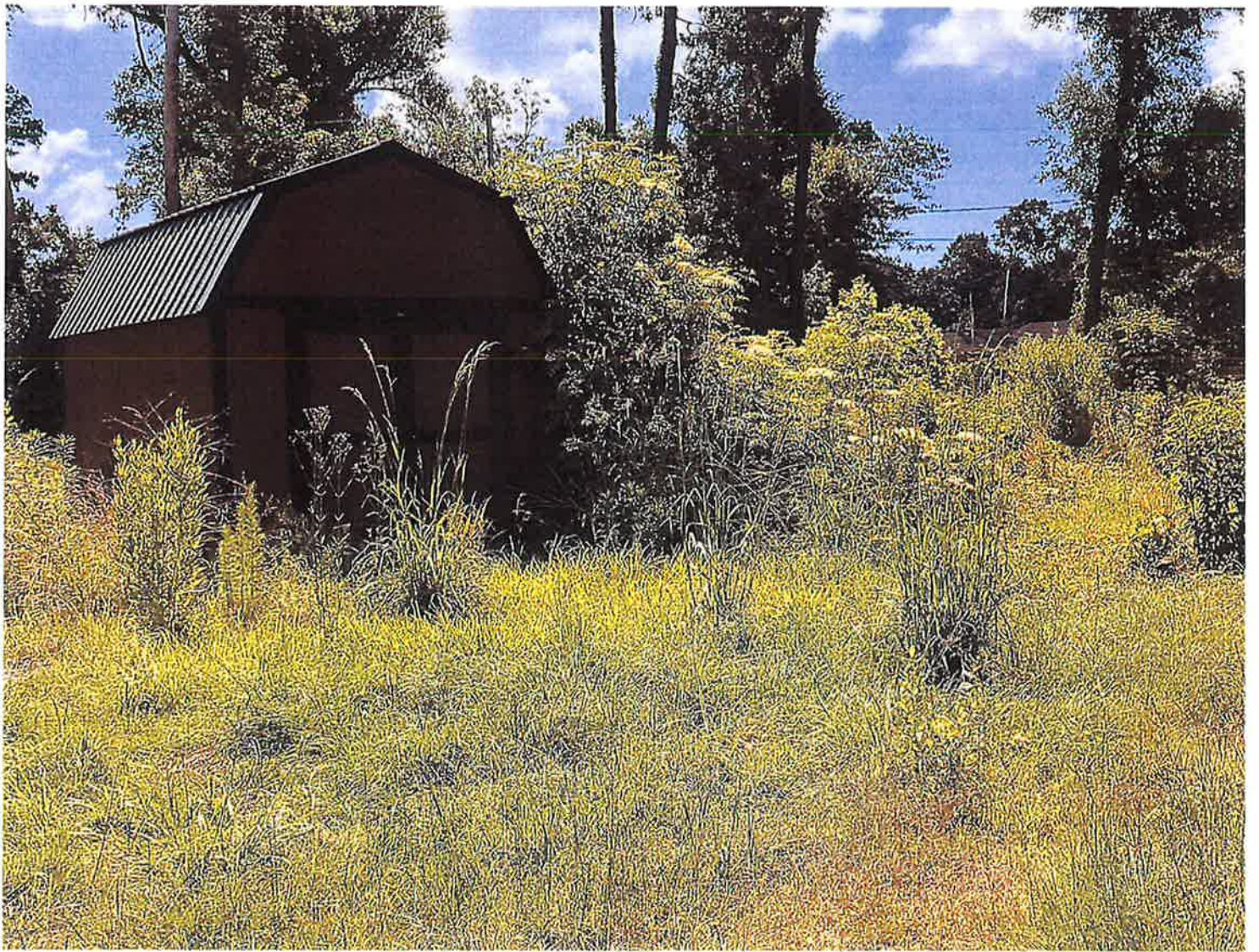
Date: Thu, Jul 13, 2023 at 2:34 PM

Subject: TPG Public Works

To: Nate Diamond <ndiamond@tangipahoa.org>

 **3656_001.pdf**
53K











Indebtedness or Tax Election Form

*As per T.P. Ordinance No. 20-06- Any Tangipahoa Parish district, board or sub-entity seeking approval for bonded indebtedness, to go into debt, or to call a tax election must fill out this form and turn into the Clerk no less than 30 days prior to any council meeting at which the request for approval is to be considered.

*At least one appointed representative of the district, board or sub-entity seeking approval must appear before the Parish Council no less than 30 days prior to the council meeting at which the request for approval is to be considered.

Date: May 20, 2024

District/Board/Sub-Entity: Hammond Area Recreation District No. 1 of the Parish of Tangipahoa, State of Louisiana

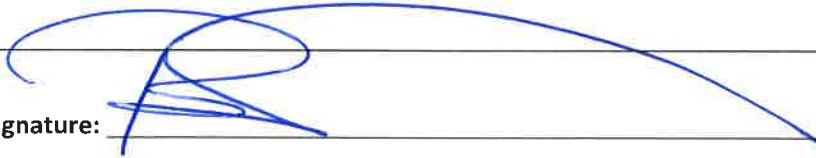
Representative: Ryan Barker **Title:** Director

Requesting: Creation of Bond Indebtedness Tax Election Debt

Proposed Council Meeting Date: May 28, 2024

Please detail the necessity of this request including the plan to repay the debt:

The Bonds are being issued to (i) provide funds to acquire, construct, improve and equip the parks, playgrounds, recreation centers and other recreational facilities within the District; (ii) fund a debt service reserve fund or paying the cost of a debt service reserve policy, if necessary; and (iii) pay the costs of issuing the Bonds, including the cost of bond insurance, if necessary. The Bonds will be payable from an irrevocable pledge and dedication of the avails or proceeds of an ad valorem tax of ten (10) mills approved approved by the voters in the District on April 27, 2024.

Signature: 

Please return form to Jill DeSouge at jdesouge@tangipahoa.org

T. P. Ordinance No. 24-17

AN ORDINANCE TO AMEND CHAPTER 18-FIRE PREVENTION AND PROTECTION, SECTION 18-3-FIRE PREVENTION BUREAU

Chapter 18 FIRE PREVENTION AND PROTECTION

Sec. 18-3. Fire Prevention Bureau

Definition:

The ~~Tangipahoa Parish Fire Protection District No. 1~~ Fire Prevention Bureau is created pursuant R.S. 40:1563 for the purpose and establishment of reasonable levels of fire safety and property protection created from the hazards created by fire and explosion located within the boundaries of Tangipahoa Parish Fire Protection District No. 1 (as described in Section 40-44) and Tangipahoa Parish Fire Protection District No. 2 (as described in Section 40-64). The Fire Prevention Bureau assumes the responsibility and liability for inspections conducted by the Fire Prevention Bureau and releases the State Fire Marshal and any other State Entity from said inspections.

Intent of the Bureau:

The parish does hereby organize and recognize a Fire Prevention Bureau encompassing the boundaries of Tangipahoa Parish Fire Protection District No. 1 (as described in Section 40-44) and Tangipahoa Parish Rural Fire Protection District No. 2 (as described in Section 40-64) with the purpose and ~~It is the~~ intent of the Bureau to prescribe regulations consistent with the provisions provided in Louisiana R. S. 40:1563 et seq. as well as regulations consistent with nationally recognized good practices for the safeguarding to a reasonable degree of life and property from the hazards of fire and explosion arising from the storage, handling and use of hazardous substances, materials, and devices, and from conditions hazardous to life or property in the use of occupancy of building or premises. The most current State of Louisiana adopted version of the fire life safety code will be the minimum code and standard requirements and practices which will be utilized by the bureau.

The Code:

The term "The Code" in General Provisions ~~make~~ shall reference to ~~those~~ all technical codes adopted by Tangipahoa Parish Fire Protection District No. 1 and Tangipahoa Parish Rural Fire Protection District No. 2 to establish a reasonable level of fire safety and property protection from the hazards created by fire and explosion, including, but not limited to, the most recent State of Louisiana adopted version of the National Fire Protection Agency Life Safety Code (NFPA 101) and, as a maintenance code, the State of Louisiana Uniform Fire Prevention Code as defined in R.S. 40:1578.7.

The Bureau:

The Fire Prevention Bureau will be headed by the Chief of the Fire Department, or a person designated by the Chief of the Fire Department. The Bureau will be staffed by qualified individuals whose credentials have been reviewed and accepted by the State Fire Marshall.

The Bureau will conduct maintenance inspections on behalf of the Fire Marshall. The Fire Marshall shall have the authority to monitor the performance of the Fire Prevention Bureau in the performance of those functions which would otherwise be performed by the Fire Marshall.

Sec. 18-4. ~~Independence Fire Department Fire Protection Bureau~~

Definition:

~~————The Independence Fire Department’s Fire Prevention Bureau is created for the purpose and establishment of reasonable levels of fire safety and property protection created from the hazards created by fire and explosion located within the boundaries of the Independence Fire Department.~~

Intent of the Bureau:

~~It is the intent of the Bureau to prescribe regulations consistent with the provisions provided in Louisiana R. S. 40:1563 as well as regulations consistent with nationally recognized good practice for the safeguarding to a reasonable degree of life and property from the hazards of fire and explosion arising from the storage, handling and use of hazardous substances, materials, and devices, and from conditions hazardous to life or property in the use of occupancy of building or premises. The most current State of Louisiana adopted version of the fire life safety code will be the minimum code which will be utilized by the bureau.~~

The Code:

~~The term "The Code" in General Provisions make reference to those technical codes adopted by Tangipahoa Parish Fire Protection District No. 2 to establish a reasonable level of fire safety and property protection from the hazards created by fire and explosion, including, but not limited to, the most recent State of Louisiana adopted version of the National Fire Protection Agency Life Safety Code (NFPA 101) and, as a maintenance code, the State of Louisiana Uniform Fire Prevention Code as defined in R.S. 40:1578.7.~~

The Bureau:

~~The Fire Prevention Bureau will be headed by the Chief of the Fire Department, or a person designated by the Chief of the Fire Department. Bureau will be staffed by qualified individuals whose credentials have been reviewed and accepted by the State Fire Marshall.~~

~~The Bureau will conduct maintenance inspections on behalf of the Fire Marshall. The Fire Marshall shall have the authority to monitor the performance of the Fire Prevention Bureau in the performance of those functions which would otherwise be performed by the Fire Marshall.————~~

This ordinance having been submitted in writing, having been introduced at a public meeting of the Tangipahoa Parish Council, discussed at a public hearing of said council and was submitted to an official vote of the Tangipahoa Parish Council.

On motion by_ and seconded by _, the foregoing ordinance was hereby declared adopted on this 28th day of May, 2024 by the following roll-call vote:

YEAS:

NAYS:

ABSENT:

NOT VOTING:

ATTEST:

Jill DeSouge
Clerk of Council
Tangipahoa Parish Council

David P. Vial
Chairman
Tangipahoa Parish Council

INTRODUCED: May 13, 2024

PUBLISHED: May 23, 2024

OFFICIAL JOURNAL Hammond Daily Star

ADOPTED BY TPC: May 28, 2024

DELIVERED TO PRESIDENT: _____ day of May, 2024 at _____

APPROVED BY PRESIDENT: _____
Robby Miller Date

VETOED BY PRESIDENT: _____
Robby Miller Date

RECEIVED FROM PRESIDENT: _____ day of May, 2024 at _____

T. P. Ordinance No. 24-18

AN ORDINANCE TO AMEND CHAPTER 34-OFFENSES AND MISCELLANEOUS PROVISIONS, SECTION 34-16 – PROHIBITING THE SALE OF MITRAGYNA SPECIOSA KORTH (KRATOM) AND/OR ANY OF ITS ANALOG IN TANGIPAHOA PARISH

WHEREAS, Kratom is an herbal extract that comes from the leaves of an evergreen tree (*Mitragyna speciosa*) grown in Southeast Asia. Although people who take kratom believe in its value, researchers who have studied kratom think its side effects and safety problems more than offset any potential benefits; and

WHEREAS, Kratom has been reported to cause abnormal brain functions when taken with prescription medicine. The effects of Kratom become stronger as the quantity taken increases and is known to cause death. Kratom is not currently regulated in the United States, and federal agencies are taking action to combat false claims about kratom; and studies on the effects of kratom have identified many safety concerns and no clear benefits.

WHEREAS, the Tangipahoa Parish Council Government-President does hereby declare that the use of *Mitragyna Speciosa Korth* (Kratom) and/or any of its analogs is a serious problem affecting the health and welfare of all citizens. The Tangipahoa Parish Council Government-President does further declare and determine that all reasonable steps should be taken to prohibit the sale of *Mitragyna Speciosa Korth* (Kratom) and/or any of its analogs in Tangipahoa Parish; and

WHEREAS, the Tangipahoa Parish Council Government-President hereby deems it necessary and proper for good government, order and protection of persons and property, and for the preservation of public health, safety and welfare of the Parish and its inhabitants; and

NOW THEREFOR BE IT ORDAINED, by Tangipahoa Parish Council Government-President, State of Louisiana, Chapter 34 is amended as follows:

Chapter 34 OFFENSES AND MISCELLANEOUS PROVISIONS

ARTICLE I. IN GENERAL

Sec. 34-16. – Prohibiting the sale of *Mitragyna Speciosa Korth* (Kratom) and/or any of its analog

- (a) It shall be illegal for any person, business, or legal entity to sell, distribute, or possess with the intent to sell or distribute *Mitragyna Speciosa Korth* (Kratom) and/or any of its analogs in the Parish of Tangipahoa.
- (b) Penalties.
 - (1) On a first conviction for a violation of the provisions of subsection (a) the person shall be fined not more than five hundred dollars (\$500.00) or imprisoned for not more than six (6) months, or both.
 - (2) On a second conviction for a violation of the provisions of subsection (a) the person shall be fined one thousand dollars (\$1,000.00) or imprisoned for not more than six (6) months, or both.
 - (3) On a third or subsequent offense conviction for a violation of the provisions of subsection (a) the person shall be fined one thousand, five hundred dollars (\$1,500.00) or imprisoned for not more than six (6) months, or both and they shall be subject to a forfeiture of their business license or other occupational license to operate in the Parish.

This ordinance having been submitted in writing, having been introduced at a public meeting of the Tangipahoa Parish Council, discussed at a public hearing of said council and was submitted to an official vote of the Tangipahoa Parish Council.

On motion by_ and seconded by _ , the foregoing ordinance was hereby declared adopted on this 18th day of May, 2024 by the following roll-call vote:

YEAS:

NAYS:

ABSENT:

NOT VOTING:

ATTEST:

Jill DeSouge
Clerk of Council
Tangipahoa Parish Council

David P. Vial
Chairman
Tangipahoa Parish Council

INTRODUCED: May 13, 2024

PUBLISHED: May 23, 2024

OFFICIAL JOURNAL Hammond Daily Star

ADOPTED BY TPC: May 28, 2024

DELIVERED TO PRESIDENT: _____ day of May, 2024 at _____

APPROVED BY PRESIDENT: _____
Robby Miller Date

VETOED BY PRESIDENT: _____
Robby Miller Date

RECEIVED FROM PRESIDENT: _____ day of May, 2024 at _____

AN ORDINANCE TO AMEND CHAPTER 38-SOLID WASTE

Chapter 38 SOLID WASTE

ARTICLE I. IN GENERAL

Sec. 38-1. Littering prohibited.

- (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 or upon any private property located in the parish or in or on the waters of the parish, whether from a vehicle, boat or otherwise, including, but not limited to, any public highway, public park, beach, campground, forest land, recreational area, trailer park, highway, road, street or alley, except into the parish landfill facility or into a litter receptacle.
- (b) If the throwing, dropping or depositing of litter was done from a motor vehicle, 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, dropping or depositing was done by the driver of the said motor vehicle. Likewise, after it has been established that the dumped, thrown or deposited litter was possessed by a specific person, firm or corporation, immediately before the act of dumping, such as where the litter contains mailing addresses, there shall be a rebuttable presumption that the possessor committed the act of throwing, dumping or depositing the said litter and is in violation of this section. Provided, however, that should any person produce proper evidence or testimony that he has a contract with or can produce receipt from a valid commercial hauler or other proper garbage hauler indicating that payment was made thereto to haul the garbage, trash, refuse or litter, then the presumption herein established shall shift to the said commercial or other hauler.

Sec. 38-2. Definitions as to littering.

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:

Commercial garbage means litter improperly discarded by a business, corporation, company, association, partnership, sole proprietorship or any other entity conducting business for economic gain or by an employee, representative, officer or agent of the entity. The term "discharging" means any placing, putting or dropping of garbage.

Ditch means any natural or dedicated area which provides the containment or flow of water from rain or adjacent drainage areas of waterways such as streams, creeks, ponds, lakes or rivers.

Drainage area means an area maintained for the purpose of channeling or preventing accumulation of water from surrounding land.

Easement means a designated right to use the property of another for a specific purpose, for example, drainage, utility easement or road easement.

Garbage means any refuse, animal or vegetable matter, including bones, skin, hide, viscera or any animal organ or tissue, any waste material of any nature, kind or description, specifically including, but not limited to, any paper, metal or glass item, any rubbish, any worn out, broken or worthless item of matter.

Littering means any throwing, dropping, depositing, discarding or permitting the intentional or careless accidental ejection, emission or escape of or otherwise disposing or placing, putting or unloading of garbage in any public place in the parish, or upon any private property located in the parish whether from a vehicle, boat or otherwise, including, but not limited to, any public highway, public park, beach, campground, forest land, recreational area, trailer park, highway, road, street or alley, except in an area designated for regular garbage pickup or the legal disposal of garbage at the parish landfill or when litter is placed into a litter receptacle.

Median/neutral ground means the area dividing or separating a roadway and not used for right-of-passage.

Person refers to both an individual human being and/or a juridical entity such as a corporation, company, association, partnership and/or any other type of entity.

Public highways means any public way for vehicular traffic including the entire area dedicated thereto and the bridges, culverts, structures, appurtenances and features necessary to or associated with its purpose. The term "public highway" shall include the right-of-way, ditch, shoulder of the road and all other servitudes, easements, drainage areas and/or neutral grounds associated with the said right-of-way for public highway.

Right-of-way means any public way, street, road, alley, easement, servitude or access which was dedicated to or acquired by the public to provide means of access to abutting properties, whether paved, improved or unimproved, including those areas dedicated for proposed or future usage.

Roadside/road shoulder means a natural or dedicated area which is parallel, contiguous to, abut, adjoin, border, edge, connect or approach any public right-of-way, road, street or highway.

Servitude means a right-of-way through or across property belonging to another.

Sec. 38-3. Jurisdiction and procedure.

- (a) A justice of the peace shall have concurrent jurisdiction over litter violations occurring anywhere in the parish in which the said justice of peace court is situated, which said litter violations are prohibited by R.S. 30:2531 or this Code. It being the intent of the parish council-president government that justices of the peace within the parish have all of the powers and authority allowed under law. In addition, a constable within the parish may issue summons and issue subpoenas for such violations occurring anywhere in the parish in which his court is situated. Provided however that a justice of the peace shall not have authority to issue a warrant for the arrest of a law enforcement officer for acts performed while in the scope and course of his official duties.

- (b) All fines collected by the justice of the peace courts in the parish for litter violations pursuant to state or parish law shall be paid to the parish pursuant to R.S. 30:2531—30:2531.5 and 30:2532 and this section but further providing that the parish shall reimburse to the justices of the peace court which handles the litter violations for the time spent and expenses incurred pursuant to R.S. 13:2589(B) and this section an appropriate amount which reimbursement shall consist of 50 percent of the fines collected by the parish from the said justice of the peace courts.

Sec. 38-4. Intentional littering prohibited; criminal penalties.

When litter disposed in violation of this article is discovered to contain any article, including, but not limited to, letters, bills, publications, or other writings, that displays the name of a person or any other manner indicates that the article belongs or belonged to such person, there shall be an inference that such person has violated this article.

- (1) The person shall be cited for the offense by means of a citation, summons, or other means provided by law.
- (2) **Whoever violates the provisions of this article shall,**
 - a. ~~Whoever violates the provisions of this article shall,~~ Upon first conviction, be fined \$250.00 and sentenced to serve eight hours of community service in a litter abatement work program as approved by the court.
 - b. Upon second conviction, an offender shall be fined \$500.00 and sentenced to serve 16 hours of community service in a litter abatement work program as approved by the court.
 - c. Upon third or subsequent conviction, an offender shall be fined \$1,250.00, have his motor vehicle driver's license suspended for one year, be imprisoned for not more than 30 days, and be sentenced to serve 80 hours of community service in a litter abatement work program as approved by the court, or all or any combination of the aforementioned penalties provided by this subsection.

Sec. 38-5. Commercial littering prohibited; civil penalties, indemnification; special court costs.

- (a) No person shall dispose or permit the disposal of litter resulting from industrial, commercial, mining, or agricultural operations in which the person has a financial interest upon any public place in the parish, upon private property in the state not owned by him, upon property located in rural areas in the state not owned by him, or in or on the waters of the state, whether from a vehicle or otherwise, including, but not limited to, any public highway, public right-of-way, public park, beach, campground, forest land, recreational area, trailer park, highway, road, street, or alley, except when such property is designated by the state parish or municipal government or by any of their agencies or political subdivisions for the disposal of such items and such person is authorized to use such property for such purpose.
- (b) No person shall operate any truck or other vehicle on any highway in such a manner or condition that litter resulting from industrial, commercial, mining, or agricultural operations in which the person is involved can blow or fall out of such vehicle or that mud from its tires can fall upon the roadway.
- (c) If the litter is disposed of from a motor vehicle, boat, or conveyance, except a bus or large passenger vehicle or a school bus, all as defined by R.S. 32:1, there shall be an inference that the driver of the conveyance disposed of the litter. If such litter was possessed by a specific person immediately before the act of disposing, there shall be a permissive rebuttable presumption that the possessor committed the act of disposing.
- (d) When litter disposed in violation of this section is discovered to contain any article, including, but not limited to, letters, bills, publications, or other writings, which displays the name of a person or in any other manner indicates that the article belongs or belonged to such person, there shall be a permissive rebuttable presumption that such person has violated this section.
- (e) A person shall be jointly and severally liable for the actions of its agents, officers, and directors for any violation of this section by any agent, officer, or director in the course and scope of his employment or duties.
- (f) The person shall be cited for the offense by means of a citation, summons, or other means provided by law.
- (g) Any person found liable under the provisions of this section shall:
 - (1) For any violation, pay a penalty of \$100.00.
 - (2) Repair or restore property damaged by or pay damages for any damage arising out of the violation of this section.
 - (3) Pay all reasonable investigative expenses and costs to the investigative agencies.
 - (4) Pay for the cleanup of the litter unlawfully discarded by the defendant.
- (h) Any person found liable under the provisions of this section shall pay special court costs of \$50.00 in lieu of other costs of court which shall be disbursed as follows:
 - (1) Twenty dollars shall be paid to the justice of the peace.
 - (2) Twenty dollars shall be paid to the office of the constable.
 - (3) Ten dollars shall be paid to the justice of the peace for clerical supplies.
- (i) A person may be held liable and fined a civil penalty under this section although the commission of the offense did not occur in the presence of a law enforcement officer if the evidence presented to the court establishes that the defendant has committed the offense.
- (j) For the purposes of this section, each occurrence shall constitute a separate violation.

Sec. 38-6. Stockpiling of used tires.

Any person, partnership, firm or corporation stockpiling 25 used tires or more on private or public property without a permit from the state, shall be registered with the parish permit office by July 1, 1995. As used herein, the term "stockpiling" shall include both the intentional and the unintentional collection of used tires on a single or multiple sites located within the parish.

Sec. 38-7. Burning of tires prohibited.

No person, partnership, firm or corporation shall burn or permit the burning of tires on any property owned, held or used by them without a permit from the state department of environmental quality and other such permits as may be required by federal, state or local law.

Sec. 38-8. Criminal penalties.

Persons found criminally liable under the provisions of this article shall be punished by the assessment of the following criminal penalties:

- (1) For a first violation, such person shall be fined \$75.00 and must perform 16 hours of community service in a litter abatement work program.
- (2) For a second violation and each subsequent violation, such person shall be fined \$500.00 and must perform 24 hours of community service in a litter abatement work program.

Sec. 38-9. Manufactured home parks, apartment complexes and condominiums, recreational camping grounds.

- (a) Except for parks providing individual garbage pickup, adequate commercial dumpsters for solid waste shall be provided by park owner/housing facility owner and located no closer than 50 feet of public servitude.
- (b) The term "adequate" means a container with substantial holding capacity capable of receiving and storing household solid waste solely for the use of the bona fide residents of said park and/or housing facility. Container shall be serviced and emptied by a qualified waste hauler that meets requirements as established in section 38-72. Collection schedule and container capacity shall be established as necessary to disallow over filling or spillage of household solid waste. In the event the waste container reaches its intended capacity, it shall be unlawful to allow the placing, dropping, spilling or otherwise intentional littering around or near the waste container. Any waste that accumulates near or around the waste container due to maximum capacity reached or intentional littering shall be the sole responsibility of the owner of said park or housing facility.
- (c) It shall be unlawful for any person not a resident of said park or housing facility to willingly and knowingly dispose of any type of solid waste in a waste container that is intended for the sole use of said park/housing facility.
- (d) Whoever violates this section shall be punished as provided by section 1-13.

Secs. 38-10—38-34. Reserved.

ARTICLE II. COLLECTION AND DISPOSAL

DIVISION 1. GENERALLY

Sec. 38-35. 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. Additional words, terms, or phrases used in this article may be defined in accordance with the definitions as set in the Louisiana Environmental Regulatory Code, Title 33, Part VII, § 115.

Agricultural waste means nonhazardous waste resulting from the production and processing of agricultural products, including manures, pruning, and crop residues. The term "agricultural waste" does not include solid wastes defined as industrial solid waste in this section.

Charge customer means any person or business that has been approved to have his disposal fees charged and billed by the parish monthly. All possible charge customers must be approved by the parish prior to becoming a charge customer.

Collect means to accumulate solid waste generated by more than one household or commercial establishment, or by storage or processing facility.

Collection means the act of removing solid waste from the storage point at the source of generation.

Collection service means a public or private operation engaged in the collection and transportation of solid waste materials.

Commercial and industrial unit means all premises, locations or entities, public or private, requiring refuse collections within the parish, not a residential unit. All schools are included as commercial and industrial units.

Commercial solid waste all types of solid waste generated by stores, offices, restaurants, warehouses, and other manufacturing activities, excluding residential and industrial solid wastes.

Construction/demolition debris means nonhazardous waste generally considered not water-soluble, including, but not limited to, metal, concrete, brick, asphalt, roofing materials such as shingles, sheet rock, plaster, or lumber from a construction or demolition project, but excluding asbestos-contaminated waste, white goods, furniture, trash, or treated lumber. The admixture of construction and demolition debris with more than five percent by volume of paper associated with such debris or any other type of solid waste excluding wood waste or yard waste will cause it to be classified other than construction and demolition debris.

Department means the state department of environmental quality as created by R.S. 30:2001 et seq.

Disposal means the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste on or into any land or water so that such solid waste or any constituent thereof may have the potential for entering the environment or being emitted into the air or discharged into any waters of the state.

Garbage means solid waste that includes animal and vegetable matter from the handling, preparation, cooking, and serving of foods, but that does not include industrial solid waste.

Generator means any person whose act or process produces solid waste as defined in these regulations.

Hazardous waste means waste identified as hazardous in the current Louisiana Hazardous Waste Regulations (LAC 33:V) and/or by the federal government under the Resource Conservation and Recovery Act and subsequent amendments.

Industrial solid waste means solid waste generated by a manufacturing, industrial, or mining process, or which is contaminated by solid waste generated by such a process. The term "industrial solid waste" may include, but is not limited to, waste resulting from the following manufacturing processes: electric power generation; fertilizer/agricultural chemicals; food and related products; by-products; inorganic chemicals; iron and steel manufacturing; leather and leather products; nonferrous metals manufacturing/foundries; organic chemicals; plastics and resins manufacturing; pulp and paper industry; rubber and miscellaneous plastic products; stone, glass, clay and concrete products; textile manufacturing; and transportation equipment. The term "industrial solid waste" does not include hazardous waste regulated under the state hazardous waste regulations or under federal law, or waste which is subject to regulation under the Office of Conservation's Statewide Order No. 29-B or by other agencies.

Multifamily refers to all residential dwelling units of more than one unit, considered to be condominiums, apartment houses, grouped housing or mobile home parks.

Permit means a written authorization issued by the administrative authority to a person for the construction, installation, modification, operation, closure, or post-closure of a certain facility used or intended to be used to process or dispose of solid waste in accordance with the Act, these regulations, and specified terms and conditions.

Producer means an occupant of a commercial and industrial unit or a residential unit who generates solid waste or a contractor or builder at a commercial and industrial unit or a residential unit.

Putrescible solid waste means susceptible to rapid decomposition by bacteria, fungi, or oxidation, creating noxious odors.

Residential solid waste means any solid waste including garbage, trash, and sludges from residential septic tanks and wastewater treatment facilities derived from households including single and multiple residences, hotels and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds, and day-use recreation areas.

Residential unit means a dwelling within the parish occupied by a person or a group of persons as a residence or place of abode. A residential unit shall be deemed occupied when either water or domestic light and power services are being supplied thereto. A condominium dwelling, whether of single or multilevel construction or separate single-family dwelling units, including apartment units and mobile homes, shall be treated as a residential unit.

Solid waste means any garbage, refuse, or sludge from a wastewater treatment plant, water supply treatment plant or air pollution-control facility, and other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, mining and agricultural operations, and from community activities. The term "solid waste" does not include solid or dissolved material in return flows; industrial discharges that are point sources subject to permits under R.S. 30:2075; source, special nuclear, or byproduct material defined by the Atomic Energy Act of 1954 (68 Stat. 923 et seq.), as amended; or hazardous waste subject to permits under R.S. 30:2171 et seq.

Solid waste disposal facility means any facility permitted by the state department of environmental quality for the disposal or processing of solid or industrial waste.

Solid waste management system means the entire process of collection, transportation, storage, processing, and disposal of solid waste by any person engaged in such process as a business or by any municipality, authority, trust, parish or any combination thereof.

Unauthorized dump means a solid waste disposal facility whose operation is not authorized by the parish and/or the department.

Wood waste means yard trash and types of wastes typically generated by sawmills, plywood mills, and wood yards associated with the lumber and paper industry, such as wood residue, refuse, wood-fired boiler ash, and plywood or other bonded materials that contain only phenolic-based glues or other glues that are approved specifically by the state department of environmental quality. Treated or painted lumber is not considered wood waste under this definition.

Yard trash means vegetative matter resulting from landscaping, maintenance, or land clearing operations, including tree and shrubbery leaves and limbs, grass clippings and flowers.

Sec. 38-36. Scope.

The provisions of this article shall be effective as to every person collecting or disposing of any types of waste in the parish.

Sec. 38-37. Unauthorized collection and/or disposal.

- (a) It shall be unlawful for any person who has not been granted a franchise by the parish through its parish council to engage in the commercial collection and/or disposal of garbage and trash from residential units within the unincorporated area of the parish.
- (b) Whoever violates this section shall be punished as provided by section 1-13.
- (c) Each illegal collection and/or disposal of garbage and trash from a residential unit shall constitute a separate offense.
- (d) Every person who directs his employees or agents to collect and/or dispose of garbage in violation of this section shall also be in violation of this section but in no way does this exculpate the employee, who is also in violation.

Sec. 38-38. Parish-owned solid waste disposal facilities, operating regulations.

- (a) Any person entering a parish-owned solid waste disposal facility shall hold the parish and its contractors harmless from any liabilities which cause injury or damage to persons or property, subject, however, to acts of negligence by the parish or its contractors in the operation of the solid waste disposal facility.
- (b) Any person entering a parish-owned solid waste disposal facility shall be required to abide by all posted rules and regulations established by the sanitation department.
- (c) The speed limit on the parish-owned solid waste disposal site shall be 15 miles per hour.

- (d) The hours of operation shall be established by the sanitation department with the consent of the parish president. Hours of operation shall not violate any existing permit requirements as established and approved by the department.
- (e) Any person entering a parish-owned solid waste disposal facility from any area other than the designated entrance will be considered to be a trespasser and will be subject to prosecution pursuant to applicable law.
- (f) No person under the age of 13 shall be allowed out of a vehicle while in the active dumping area.
- (g) No person shall be allowed to smoke while in the active dumping area.
- (h) Scavenging and removal of waste items is prohibited.
- (i) Salvaging is prohibited unless prior written approval has been granted by the parish president with such approval in accordance with current state solid waste regulations.
- (j) All waste entering the parish-owned solid waste disposal facility is subject, prior to acceptance, to inspection.
- (k) At no time shall any person haul to or dispose of a regulated hazardous, radioactive, or toxic waste at a parish-owned solid waste disposal site.
- (l) Any person entering a parish-owned solid waste disposal facility for the purpose of disposing solid waste shall ensure that the waste is secured in accordance with R.S. 32:383. Failure to abide by this regulation may subject the disposing person or party to a surcharge equal to 1½ times the established disposal fee. If the person violating this regulation is classified as a rural resident, then the surcharge shall be calculated using the current residential waste tipping fee.

Sec. 38-39. Disposal of solid waste.

- (a) Except as provided in subsection (b) of this section, all persons required to obtain a permit from the parish under section 38-75 shall dispose of all solid waste and rubbish collected pursuant to this section only at a parish-owned facility unless otherwise approved by the parish council and the parish president.
- (b) This section shall not apply to any solid waste and rubbish which is being collected for the specific purpose of resource recovery as that term is defined by the state department of environmental quality.
- (c) This section shall not apply to any household hazardous waste which is collected separately and disposed of at a hazardous waste facility permitted by the state or any other state.
- (d) Notwithstanding the provisions of section 38-71 and in addition to the application of any other local, state or federal rules, regulations and statutes concerning waste handling and disposal, any person required to obtain a permit from the parish under section 38-75 shall be fined \$500.00 per vehicle per day for any violation of this section, each day of violation constituting an individual and separable offense.

Sec. 38-40. Special waste.

~~Special waste is any permitted waste which requires special handling at the disposal facility, other than asbestos waste, industrial solid waste and industrial sludge. The fee charged for special waste is in addition to any regular tipping fee.~~

~~(1) Large animals: The disposal fee shall be \$20.00 per large animal.~~

~~(2) Small animals: The disposal fee shall be \$5.00 per small animal.~~

~~(3) Tree stumps or logs that require off-loading assistance from the parish: \$15.00 per ton in addition to the current disposal fee.~~

Sec. 38-40¹. Penalty.

Any person who violates any provisions of this article shall be punished as provided by section 1-13.

Secs. 38-41²—38-70. Reserved.

DIVISION 2. PERMITS

Sec. 38-71. Applications.

Applications for permits to engage in any business or operation regulated by this article shall be in writing and sworn to and shall contain the full name of the applicant; his correct address and telephone number; whether the applicant will be picking up garbage, trash and or solid waste in the municipalities, rural areas or both; and an accurate description of the type of garbage, trash and/or solid waste he intends to collect. The address given shall be considered the proper address for all notices to the applicant or permittee. The application shall also be accompanied by an affidavit of the applicant or his representative showing that the applicant meets the qualifications and conditions set out in section 38-72.

Sec. 38-72. Qualifications and conditions.

- (a) Applicants for permits of all ~~kind~~ **type** under this article shall meet the following qualifications and conditions:
 - (1) The applicant is a person, firm or corporation that is able to contract.
 - (2) The applicant warrants that he will not operate his solid waste transport vehicles on any state or parish roadway in the parish when the vehicle weighs in excess of the posted weight limit for that roadway.
 - (3) The applicant warrants that he will only engage in the type of garbage, trash and/or solid waste collection for which he has obtained a permit.
 - (4) The applicant warrants that he will not illegally collect any garbage, trash and/or solid waste.
 - (5) The applicant warrants that he will not illegally dispose of any garbage, trash and/or solid waste collected.
 - (6) The applicant warrants that all garbage, trash and/or solid waste collected will be transported in closed containers or in an enclosed vehicle compartment so as to prevent roadside litter.
- (b) If at any time the applicant/permittee fails to possess the required qualifications or violates the conditions as set forth in this section his permit may be denied or revoked.

Sec. 38-73. Misrepresentation.

Any misstatement or suppression of fact in an application or accompanying affidavit is grounds for revocation, suspension or denial of a permit under this division.

Sec. 38-74. Classification; fee schedule.

Annual permit fees shall be \$200.00 for each collection-for-hire business or operation, plus \$15.00 for each vehicle used to transport solid waste.

Sec. 38-75. Required state and local permits, licenses.

No person shall do any act for which a permit is required by this division unless he holds the proper state and local permits/licenses. Each day's conduct of business by such garbage, trash and/or solid waste collector, without such a valid, unsuspended permit, constitutes a separate violation of this division. A permit is required of any person engaging in the business of collecting any garbage and/or trash in the parish.

- (1) Any person who collects solid waste from any place or business for hire within the parish or transports any waste within the parish as a solid waste business for hire shall be required to obtain a permit from the parish prior to conducting such operations within the parish.
- (2) Each solid waste business for hire vehicle used for the purpose of transporting waste within the parish shall be issued a permit decal.
- (3) Permit decals must be prominently displayed and visible on each vehicle either above the state inspection sticker or on the driver's side vent window.
- (4) Failure to conform to all local, state and federal rules, regulations and statutes concerning waste handling and disposal shall be cause for revocation of a permit.
- (5) Any person collecting and/or hauling waste from their residence is exempted from permitting requirements, pursuant to the other provisions of this division.
- (6) Permits shall be for a 12-month period and must be renewed no earlier than 30 days prior to expiration date and no later than 15 days prior to expiration date.

Sec. 38-76. Exceptions.

The previous sections of this division notwithstanding, nothing in this division shall require any producer to obtain a permit for the collection of his own garbage and trash generated at his place of residence and disposed of in a proper manner at a legal sanitary landfill or other legal dump site.

Sec. 38-77. Permits not assignable.

Permits issued under this division are not assignable or heritable and are good only from the time of issuance to December 31 of the year in which issued, unless sooner suspended or revoked. In the event of the dissolution of a partnership by death, the surviving partners may operate under a partnership permit. Receivers and trustees in bankruptcy may operate under the permit of the persons succeeded.

Sec. 38-78. Denial, suspension, revocation generally.

No permit shall be withheld, suspended or revoked except for causes specified in this division.

Sec. 38-79. Grounds for suspension, revocation.

In addition to the other causes enumerated in this division, the parish council may suspend or revoke any permit under this division for any of the following causes:

- (1) If there is any misstatement or suppression of fact in the application for a permit.
- (2) If the permittee is found to have operated or caused to operate his solid waste transport vehicles on the public roads of the parish, where the permittee or his employee knew or should have known that the vehicle and its load exceeded the maximum weight limits for the public road.
- (3) If the permittee fails to adequately protect the roadsides and the environment in general from the contents of his loads by his willful failure to cover and contain the garbage, trash and/or solid waste.
- (4) If the permittee is found to be improperly handling hazardous waste contrary to federal, state or local laws, thereby endangering the citizens of the parish.
- (5) If the permittee is collecting garbage, trash or solid waste for which it does not have a proper permit.
- (6) If the permittee is collecting garbage, trash or solid waste in contravention of any exclusive franchise granted by the parish.

Sec. 38-80. Renewal application due date.

Applications for renewal permits for the ensuing year under this division shall be filed with the parish council office on or before November 1 of the present year. If the permittee fails to file his renewal application for such renewal on or before November 1 a penalty of five percent shall be added to the fee for the first 30 days' delinquency, with an additional five percent for each additional 30 days or fraction thereof. The parish government without notice or hearing may suspend the permittee's right to do business if he fails to make application for a renewal permit before December 31 of each year.

Sec. 38-81. Revocation or suspension procedure.

The suspension or revocation of a permit under this division shall be brought about in the following manner:

- (1) The office of the parish president, municipal authorities and the sheriff's department shall have the authority to periodically investigate the permittee's business conduct within their respective jurisdictions. When violations of provisions of this division are observed which are sufficient for suspension or revocation of the garbage permit, the parish president, sheriff or local authority, as the case may be, shall file an affidavit setting forth the facts and circumstances of the violation. The parish

government shall thereafter cite the permittee to appear for a hearing to show cause why his permit should not be suspended or revoked.

- (2) Any citizen of the parish may file with the parish government, municipal authorities or sheriff's department a sworn complaint requesting that a garbage permit be suspended or revoked. If the complaint is filed with the municipal officers or sheriff's department, these officials shall forthwith transmit it to the parish government. When such a complaint is received, the parish government shall hold a hearing on the complaint and the permittee shall be cited to appear and show cause why his permit should not be suspended or revoked.
- (3) No complaint shall be considered by the parish government unless sworn to by the complainant and unless the complaint sets forth facts constituting a violation of this division.
- (4) Notice of hearings to show cause why a garbage permit shall not be suspended or revoked shall be personally delivered by a parish employee, who can testify to the delivery, or shall be mailed to permittee's address as set forth in his application for a garbage permit. This notice of hearing, if mailed, shall be mailed by certified mail, return receipt requested, properly addressed to the permittee's address. If the notice is returned due to its being unclaimed or refused, a subsequent notice shall be sent by ordinary mail and it will be presumed that the notice was received the day after mailing.
- (5) Notice of hearings shall be served on the permittee at least five days in advance and, for good cause shown, the permittee can request a continuance of the hearing date.
- (6) The permittee can bring witnesses to testify in his defense at any hearing to show cause why his garbage permit shall not be suspended or revoked.
- (7) The revocation or suspension of a garbage permit hereunder does not prohibit a separate criminal judicial proceeding.
- (8) Hearings for the revocation or suspension of a garbage permit shall be held at the parish seat.

Sec. 38-82. Reapplication after revocation.

When a permit under this division is revoked for any legal cause, the parish governing authority shall not issue the permittee a new garbage permit under this division until one year after date of revocation.

Sec. 38-83. Public responsibility.

No person contracting for collection of garbage, trash and/or solid waste in the parish shall knowingly do business with any person who does not have a proper permit as required in this division. To knowingly allow an unpermitted or improperly permitted person to collect your garbage is a violation of this division.

Sec. 38-84. Disposal restrictions for industrial solid waste at the parish regional landfill.

Due to the greatly increased proportions of industrial solid waste to residential solid waste, each of which is described previously in this article, in various heavily industrialized parishes of the state, there shall be no solid waste disposed of or delivered for disposal to the parish regional landfill from the following parishes within the permitted 100-mile radius of the parish regional landfill, to wit: Jefferson Parish and Orleans Parish. The Parish President shall inform the council when any new parishes are added to the areas of acceptance by the landfill.

Secs. 38-85—38-113. Reserved.

DIVISION 3. TIPPING FEES

Sec. 38-114. Establishment.

Tipping fees charged for disposal of all solid waste of every nature and kind shall be established on July 1st each year to reflect the CPI. The rate increase will be based upon the relevant consumer price index. Any annual increase in excess of 5% must be approved from time to time by ordinance by the parish council. A schedule of these fees shall be on file in the office of the parish clerk.

Sec. 38-115. Exemptions.

Residents of rural parish dumping their own household garbage are exempt from any tipping fees.

Secs. 38-116—38-143. Reserved.

DIVISION 4. – RESERVED

Secs. 38-149—38-179. Reserved.

ARTICLE III. DUMPS AND LANDFILLS

Sec. 38-180. 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:

Construction/Demolition (C&D) Debris means nonhazardous waste generally considered not water-soluble that is produced in the process of construction, remodeling, repair, renovation, or demolition of structures, including buildings of all types (both residential and non-residential). Solid waste that is not C&D debris (even if resulting from the construction, remodeling, repair, renovation, or demolition of structures) includes, but is not limited to, regulated asbestos-containing material (RACM) as defined in LAC 33:III.5151. B, white goods, creosote-treated lumber, and any other item not an integral part of the structure.

Hazardous waste means any waste or combination of wastes which because of its quantity, concentration, physical or chemical characteristics may cause or significantly contribute to an increase in mortality or increase in

serious irreversible or incapacitating reversible illness or poses a potential presence or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of or managed.

Solid waste means any garbage, refuse, or sludge from a wastewater treatment plant, water supply treatment and other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, mining and agricultural operations, and from community activities. The term "solid waste" does not include solid or dissolved material in return flows; industrial discharges that are point sources subject to permits under R.S. 30:2075; or source or special nuclear, or byproduct material defined by the Atomic Energy Act of 1954.

Solid waste facility, also referred to herein as landfill and/or garbage dump, means a facility used for the disposal of solid waste for permanent long-term or ongoing storage of solid waste and includes all facility types as defined in the Louisiana Environmental Regulatory Code, Title 33, Part VII, Solid Waste.

Solid waste storage facility means a site where solid waste is deposited for permanent long-term or ongoing storage of solid waste and includes a depot or transfer station where solid waste is held on a regular basis, even temporarily, for future transport.

Sec. 38-181. Permit required.

- (a) After the effective date of the ordinance from which this article is derived, no solid waste landfill, or any solid waste storage facility, shall be established and/or operated in the parish except by permit duly approved by the parish council-president government in accordance with the provisions of this article. The parish permit shall be in addition to any permits required by the state and/or the United States of America and their departments and subdivisions of government.
- (b) The parish regional solid waste facility and/or any other solid waste facility or solid waste storage facility owned and operated by the parish government shall be exempt from all permits, permit renewal, permit modification, or public notice requirements stipulated within this article.
- (c) All permit applications shall be made to the parish council through the clerk of council and shall address all criteria set forth in this article.
- (d) A request for a notice of intent shall be made to the parish council by the entity or person considering a permit. This notice is to inform the council of the intent of applicant to make application to operate a solid waste landfill or storage facility. This meeting will be for discussion purposes and no action shall be required by council.

Sec. 38-182. Prohibition as to hazardous waste and out of parish garbage and waste.

- (a) No solid waste landfill or solid waste storage facility shall be permitted to operate within the parish that accepts hazardous waste.
- (b) No solid waste landfill or solid waste storage facility shall operate within the parish that accepts industrial waste or Type I solid waste as defined by the state department of environmental quality, generated outside of the parish.

Sec. 38-183. Public notice requirements.

Any request for a permit or renewal of a permit to operate a solid waste landfill or solid waste storage facility in the parish made to the parish council-president government shall be governed by the following public notice requirements, to-wit:

- (1) The entity or person requesting a solid waste landfill or solid waste storage facility permit shall publish at his expense a two-inch by two-inch notice in the **Hammond Daily Star, a newspaper of general circulation in the parish official journal**, and therein clearly state an intent to apply for a solid waste landfill and/or solid waste storage facility permit in the parish. This advertisement must be published at least 30 days before the first public hearing required to be scheduled herein below. The advertisement must state the proposed location, size and type of solid waste landfill or solid waste storage facility sought to be established, as defined by those regulations of the state department of environmental quality. For the first public meeting, this notice shall be publicized as "Initial Public Notice of Proposed Landfill or Solid Waste Storage Facility." For the second public meeting, this notice shall be publicized as the "Second and Final Required Public Notice of Proposed Landfill or Solid Waste Storage Facility." The public meeting shall be scheduled by the parish council and coordinated with the notices required to be published herein.
- (2) The parish council by a resolution must place the item on the published agenda at least 30 days before the item is ever considered. The intent to consider granting a permit pursuant to this article must be published in the parish official journal and the said publication shall state the proposed location, size and type of landfill proposed, as defined by the regulations of the state department of environmental quality. For the first public meeting of the parish council to consider the granting of such a permit, this notice shall be publicized as "Initial Public Notice of Proposed Landfill or Solid Waste Storage Facility." For the second public meeting, this notice shall be publicized as the "Second and Final Required Public Notice of Proposed Landfill or Solid Waste Storage Facility."
- (3) At least 30 days prior to the first public meeting, a good faith attempt to notify the property owners within a 3,000-foot radius of the boundaries of the proposed solid waste landfill or solid waste storage facility shall be made. This notice shall be sent by the applicant through property information obtained by the parish clerk of court. This notice shall be by certified mail, at the applicant's expense, stating the time, place and intent of the hearing. A list of names and addresses to whom the notices were sent including return receipts shall be made available to the parish council.
- (4) The application for a permit to operate a landfill or solid waste storage facility shall address and the parish council will consider the application for permit based upon the criteria for landfill use as set forth in section 38-187.
- (5) The parish council must give due consideration of the impact of the proposed landfill or solid waste storage facility at the first public meeting. Consideration shall include review of the thoroughness of the permit application and a thorough hearing of public input. Based upon the first hearing, the parish

council may vote to deny the permit, request further information or issue a preliminary acceptance of the landfill permit. Preliminary acceptance may be given by the parish council only after all necessary information has been provided and presented at the public hearing, with the full public hearing and full public consideration of the potential adverse effects of the proposed landfill.

- (6) Following preliminary acceptance of the permit application, at a minimum, the parish council shall conduct a second public meeting on this issue. The second public meeting shall be publicized as provided under subsections (a) and (b) of this section.
- (7) At the second public meeting, the parish council shall consider and vote on the permit application a second time. After due consideration of the impact of the proposed landfill and a thorough hearing of public input, the parish council may vote to deny the permit, request further information or grant a landfill permit subject to final approval by ordinance of the parish council-president government. The final permit shall be approved by the introduction and passage of an ordinance. This section is subject to the parish president's veto power.
- (8) This permitting process has been enacted in order to protect the ability of the parish council-president government to regulate the location, adverse impact of and types of landfills and solid waste storage facilities and does not waive the permitting requirements of the state and its department of environmental quality and/or the United States Environmental Protection Agency.

Sec. 38-184. Length of permit and permit renewal.

Any permit for a solid waste landfill and/or solid waste storage facility in the parish shall be subject to the following, to-wit:

- (1) The initial permit will be for a period of not more than five years.
- (2) Permit renewal shall be based upon the same public notice as defined in section 38-183.
- (3) Permit renewals shall also be for no more than five years.
- (4) The secretary of the state department of environmental quality shall be advised in writing by the parish council-president government of the length of the granted parish approved permit and that any state approved permit must be in accordance with the conditions and limitations of the approved parish permit.

Sec. 38-185. Request to modify permit to increase size, height, or type of landfill.

Any landfill site operating under a permit granted by the parish-president government cannot be modified as to its size, height or type of landfill excepting that the modified permit be approved after due notice, which approval shall include public notice as defined in section 38-183.

Sec. 38-186. This article shall not be suspended.

The provisions of this article shall not be suspended, laid aside temporarily or modified to consider any particular permit application. This article contains safeguards that are an intrinsic part of the public trust endowed upon the elected members of the parish council and the parish president by the citizens of the parish and the provisions for public notice as set forth in section 38-183 and shall not be modified, waived or varied without the introduction and passage of an ordinance.

Sec. 38-187. Criteria for landfill location.

Any landfill permitted for operation by the parish council-president government pursuant to this article shall meet the following criteria, to-wit:

- (1) The parish government shall consider the extent to which the proposed landfill or solid waste storage facility incorporates recycling. Permits shall include plans for minimum recycling of household waste.
- (2) The parish government shall consider the extent to which the proposed landfill or solid waste storage facility impacts public safety and the extent to which the proposed landfill or solid waste storage facility impacts public roads leading to the landfill. The permit application shall include the anticipated routes and the estimated daily number of trucks accessing the site. This aspect of the permit application shall be reviewed by the parish engineer to determine the impact on public expenditures for road construction and road maintenance. This information shall also be considered in assessing noise impact associated with truck traffic.
- (3) The parish government shall consider whether the proposed landfill and/or solid waste storage facility shall be located adjacent to or sited on public roads.
- (4) The parish government shall consider the proposed days of the week and hours of operation which information shall be included in the permit application.
- (5) The parish government shall consider the impact of odor. The odor associated with the proposed landfill or solid waste storage facility shall be considered. There shall be included in this consideration the number of persons living in poverty within five miles of the landfill who may not be able to close their windows and may not be able to afford climate control in their homes.
- (6) The parish government shall consider the size of the proposed landfill and/or solid waste storage facility. The permit application shall include information as to the proposed size of the said landfill and/or solid waste storage facility.
- (7) The parish government shall consider the height of the proposed landfill and/or solid waste storage facility. The maximum elevation of the landfill and/or solid waste storage facility shall be proposed and shall not exceed the sight line of the trees or other features obscuring the facility from the view from homes already existing in the area at the time of the permit.
- (8) The parish government shall consider the site management plan. The permit application shall describe how the landfill and/or solid waste storage facility site will be managed to minimize rodents, pests, windblown litter, odors, smoke and dust.
- (9) Subject to the approval of the state department of environmental quality permitting process, the proposal shall address what landfill lining, gas and leachate collection systems will be used at any

landfill and/or solid waste storage facility and the parish council-president government shall review this information.

- (10) Subject to the approval of the state department of environmental quality permitting process, the proposal shall provide valid test results and analysis to identify potential impact on water wells, aquifers and runoff areas. The parish council-president government shall obtain and review this information.
- (11) The permit shall include the type of proposed landfill and/or solid waste storage facility, as defined by regulations of the state department of environmental quality. The parish council-president government shall obtain and review this information.
- (12) The parish council-president government shall require buffers. A minimum buffer of 1,000 feet must be maintained between the area where waste is land filled or processed and the nearest occupied structure (i.e., home, school or place of worship). Sites should be selected where the 1,000-foot buffer is in mature trees. When siting within mature trees is not possible, the buffer should be landscaped or modified to achieve 100 percent screening of the landfill and/or solid waste storage facility from all area homes, schools, places of worship and public roads.
- (13) The parish government shall consider the impact on property value and existing land use. The parish council-president government shall consider, in its assessment of the impact of the proposed landfill and/or solid waste storage facility, the potential negative impact of the proposed landfill and/or solid waste storage facility on the ability of property owners to enjoy their property and to maintain the property values for the existing land uses including residences, schools, places of worship, businesses, agricultural resources, recreational resources and sportsman resources.
- (14) Cost considerations shall be provided to the parish council-president government by the person or entity seeking the permit pursuant to this article, including, but not limited to, annual payments to offset increased public safety and road upkeep and maintenance expenses associated with the proposed landfill and/or solid waste storage facility.

Sec. 38-188. Permit fee.

Any request for a permit or renewal of a permit to operate a solid waste landfill and/or solid waste storage facility in the parish made to the parish council-president government shall include the proposed location, size and type of solid waste landfill and/or solid waste storage facility sought to be established as defined by the regulations of the state department of environmental quality. The applicant shall also include with this request for a permit or renewal of a permit a fee made payable to the parish government of \$1,000.00 to defray the expenses associated with investigation and public notification. This advance fee is nonrefundable.

Sec. 38-189. Prohibitions, restrictions and special requirements.

- (a) It shall be unlawful to dispose of or accept hazardous waste or hazardous material in any solid waste landfill or storage facility.
- (b) It shall be unlawful for any solid waste landfill or storage facility to accept any waste generated outside of the parish.
- (c) It shall be unlawful to operate any solid waste landfill or storage facility between the hours of 6:00 p.m. and 6:00 a.m.
- (d) An operable gate shall be placed at the point of the entrance to the solid waste landfill or storage facility and a parish or state road or highway. This gate shall be closed and locked during the hours of 6:00 p.m. and 6:00 a.m.
- (e) Impromptu inspections shall be made by the parish environmental services inspector to verify compliance with this article. Right of entry shall be granted to the inspector upon presentation of parish identification. Failure to comply with these regulations and/or deny entry for inspections shall be grounds for an immediate cease and desist order to be placed on site by inspector until brought into compliance. Further criminal sanctions are included in section 38-190.

Sec. 38-190. Construction/Demolition (C&D) Debris Site.

This type of facility as defined in Section 38-180 and LAC 33:III.5151. B, must follow the regulations in Article VIII: Developments with Special Provisions Section 36-225 and must comply with all DEQ requirements.

Sec. 38-190~~1~~. Criminal sanctions.

Whoever violates the provisions of this article shall be subject to criminal penalties as provided in section 1-13.

ARTICLE IV. PARISH-WIDE SOLID WASTE COLLECTION PLAN

Sec. 38-192. Implementation of the plan.

- (a) The Parish solid waste collection plan is comprised of all provisions of this chapter. The plan shall be supervised and enforced by the parish council-president government. The plan and all actions of the parish council-president government shall be reviewed and approved by the Parish Council.
- (b) The following non-exclusive listing sets forth some of the major elements of the plan:
 - (1) The plan shall be a no-bid or RFP plan.
 - (2) Only solid waste collectors that are approved by parish council-president government shall obtain a solid waste collector's permit in order to operate in Tangipahoa Parish.
 - (3) By signing the TPG Waste Hauler Permit Agreement, the collector agrees to abide by all of the stipulations of the TPG Waste Hauler Permit Agreement, as well as all requirements of the Parish solid waste ordinance and this chapter, solid waste, and further, the collector, by signing the TPG Waste Hauler Permit agreement, signifies that he understands that a breach of any provision of the Waste hauler agreement, or of Chapter 38 of the Code, may result in the revocation of his permit and the cancellation of the waste hauler agreement, both of which are necessary for the collector to engage in solid waste collection in Tangipahoa Parish.

- a. All approved collectors shall service all roads/parcels in unincorporated areas of Tangipahoa Parish. Refusal of service to areas of unincorporated Tangipahoa Parish will result in revocation of permit.
- (4) All collectors shall provide the minimum solid waste collection service of once-weekly collection to any residential unit. Additional or optional services may be provided by mutual agreement between the person serviced and the collector.
- (5) The monthly charge to each residential unit for the once-weekly solid waste collection shall be in an amount as established between the person serviced and the collector.
- (6) Collectors are allowed to retain their present customer lists, routes and areas of collection and are free to increase their customer base Parish wide.
- (7) If requested by any resident of the Parish, a complete listing of all licensed haulers in the Parish will be provided. The resident may contract with the hauler of his choice to provide such collection service.
- (8) The parish council-president government, or assigned designee, will manage and enforce the provisions of this chapter to ensure that all residents and collectors are in compliance with all of the terms of the chapter and the solid waste management plan. In those instances where compliance is not occurring (with the exception of any violation of the open burning provision of this chapter) the Parish President, or his designee, will do the following:
 - a. Contact, in person or by telephone, the collector who is not in compliance and advise them of the chapter, the specific violation, and what is needed for compliance.
 - b. Noncompliance after such contact is made may result in a revocation of permit.
- (9) Bulk waste consisting of appliances (a limit of 4 appliances per Residential Unit per year), furniture and other like waste other than agricultural solid waste, dead- animals, offal waste, or stable matter. Appliances containing CFCs, or other refrigerants shall only be included as Bulky Waste so long as the Tangipahoa Parish Landfill accepts such appliances from Contractor for disposal and accepts the responsibility of properly removing said CFCs or other refrigerants.

Sec. 38-193. Solid Waste transportation; vehicle bodies; containers; placement.

- (a) Vehicle bodies used for collection and transportation of garbage, rubbish or other waste materials containing putrescible matter shall be enclosed, weathertight, leakproof, constructed of durable metal.
- (b) Collector shall provide a receptacle (container) with a capacity of at least 90 gallons constructed of plastic or fiberglass designed for mechanical dumping, semi-automated, or automated. The container shall be equipped with wheels and handles for easy movement and with a tight fitting lid capable of preventing entrance of water or vectors. The mouth of the container shall have a diameter greater than the base.
- (c) Containers shall be placed at curbside for Collection, no more than five feet from roadway or curb and must be located five feet from any objects, (i.e., mailboxes, parked vehicles, etc.). Curbside refers to that portion of the roadway adjacent to paved or traveled city streets (including alleys), where mail service is provided. When construction work is being performed in the right-of-way, Carts shall be placed as close as practicable to an access point for the collection vehicle. The collector shall properly instruct their customer base on placement of container.

Sec. 38-194. Collectors.

- (a) All collectors shall be licensed with a state transporter ID number issued by LDEQ, shall be approved by the Tangipahoa Parish Council-President, shall meet all standards set by this chapter and any other regulatory agency having jurisdiction thereof, and shall enter into a collector's agreement.
- (b) Collectors will be required to furnish the following information/documentation, as requested, to qualify for a license to operate as a solid waste collector or to have their licenses renewed:
 - (1) Evidence that the collector, if a state corporation or partnership, is in good standing in the state and, in the case of a corporation organized under the laws of any other state, evidence that the collector is qualified to do business in the state, or a sworn statement that it will take all necessary action to become so qualified if its participation is accepted, service shall not be provided to registration with the state of Louisiana.
 - (2) Insurance. The Contractor shall at all times during the Contract maintain in full force and effect, Workmen's Compensation, Employer's Liability, Public Liability and Property Damage Insurance, including contractual liability coverage. All insurance shall be by insurers and for policy limits acceptable to the Parish and before commencement of work hereunder, the Contractor agrees to furnish the Parish Certificates of Insurance or other evidence satisfactory to the Parish to the effect that such insurance has been procured and is in force. Such certificates shall provide that written notice shall be given to the Parish at least thirty (30) days prior to cancellation or modification of any such policy. Each insurance policy required by this section shall be endorsed to state that coverage shall not be suspended, voided, canceled, reduced in coverage or limits except after thirty (30) days prior written notice by certified mail, return receipt requested, has been given to Parish.

Coverages	Limits of Liability
Workmen's Compensation	Statutory or \$1,000,000 per occurrence, whichever is greater
Employer's Liability	\$500,000
Bodily Injury Liability	\$500,000 each occurrence
Except Automobile	\$1,000,000 aggregate
Property Damage Liability	\$500,000 each occurrence
Except Automobile	\$500,000 each occurrence
Automobile Bodily Injury Liability	\$500,000 each person
Liability	\$1,000,000 each occurrence
Automobile Property Damage Liability	\$500,000 each occurrence
Excess Umbrella Liability	\$5,000,000 each occurrence
Environmental Impairment Liability	\$3,000,000 each occurrence

(c) Collectors, their employees, representatives and any subcontractor assisting in the performance of the collector's agreement shall not discriminate against any person because of race, sex, creed, color, religion or national origin.

(d) The failure of any collector to comply with any of the foregoing provisions may subject the collector to the revocation of his permit and the cancellation of his collector's agreement.

Sec. 38-195. Collector's agreement.

(a) Each collector, prior to being granted a permit, shall execute a collector's agreement. Only collectors who have executed a collector's agreement with the Parish may be granted a non-exclusive license/permit to collect solid waste in the unincorporated areas of the Parish. Each such collector's agreement (as well as the said license/permit) shall be from the date of issuance and expiring on December 31 of that calendar year. The collector's agreement to be executed shall read as set in T.P. Ord 24-20, on file in the office of the Parish Council clerk.

(b) The collector's agreement may be changed or modified from time to time to include such additional provisions as the Parish Council-President may deem necessary or advisable.

Sec. 38-196. Disposal facilities.

All solid waste collected by the collector shall be hauled to Tangipahoa Parish Regional Solid Waste Facility and conditions set out in section 38-39.

Sec. 38-197. Ownership of solid waste.

Title to solid waste shall pass to the collector when placed in collector's collection vehicle, removed by the collector from containers or removed by collector from the owner's premises.

Sec. 38-198. Applicability of this chapter to collection services rendered by persons contracting with the Parish for solid waste collection services.

The obligations with respect to solid waste collection, of any natural or juridical person (hereafter referred to as collector) that enters into a contract with the Parish for the collection of solid waste (hereinafter referred to as the contract) shall be regulated and controlled by the terms and conditions of the contract, and the collector shall not be subject to any provision, regulation, requirement, or obligation contained within this chapter of the Code of Ordinances in and for the Parish, which conflicts in any way with the terms, conditions, requirements and/or obligations set forth in the contract. Such conflicting provisions of the solid waste ordinance being inapplicable to the collection services rendered by collector.

This ordinance having been submitted in writing, having been introduced at a public meeting of the Tangipahoa Parish Council, discussed at a public hearing of said council and was submitted to an official vote of the Tangipahoa Parish Council.

On motion by_ and seconded by _, the foregoing ordinance was hereby declared adopted on this 28th day of May, 2024 by the following roll-call vote:

YEAS:

NAYS:

ABSENT:

NOT VOTING:

ATTEST:

Jill DeSouge
Clerk of Council
Tangipahoa Parish Council

David P. Vial
Chairman
Tangipahoa Parish Council

INTRODUCED: May 13, 2024

PUBLISHED: May 23, 2024

OFFICIAL JOURNAL Hammond Daily Star

ADOPTED BY TPC: May 28, 2024

DELIVERED TO PRESIDENT: _____ day of May, 2024 at _____

APPROVED BY PRESIDENT: _____
Robby Miller Date

VETOED BY PRESIDENT: _____
Robby Miller Date

RECEIVED FROM PRESIDENT: _____ day of May, 2024 at _____

T. P. Ordinance No. 24-21

AN ORDINANCE TO ACQUIRE OWNERSHIP OF RIGHT OF WAYS FOR THE H. COLOGNE ROAD WIDENING PROJECT IN LORANGER, LOUISIANA, TO AUTHORIZE THE PARISH PRESIDENT TO SIGN AND EXECUTE ALL NECESSARY DOCUMENTS TO PROVIDE FOR THE RECORDATION AND TO PROVIDE COPIES TO ALL INVOLVED PARTIES

WHEREAS, Tangipahoa Parish Government has identified and prioritized the “H. Cologne Road Widening” project as a priority; and

WHEREAS, in order to implement this project, the acquisition of needed right of way from property owners will be required; and

WHEREAS, it is necessary that the Tangipahoa Parish Council authorize the Tangipahoa Parish President or his designee to sign any all agreements, acts of sale, acts of donations and/or other necessary and relevant documents to acquire the subject properties for the purposes set forth herein.

The above and foregoing ordinance having been duly submitted to the Tangipahoa Parish Council in writing; introduced at a public meeting of the Tangipahoa Parish Council; discussed at the said public hearing; after motion and second was submitted to the official vote of the Tangipahoa Parish Council.

On motion by_ and seconded by _, the foregoing ordinance was hereby declared adopted on this 28th day of May, 2024 by the following roll-call vote:

YEAS:

NAYS:

ABSENT:

NOT VOTING:

ATTEST:

Jill DeSouge
Clerk of Council
Tangipahoa Parish Council

David P. Vial
Chairman
Tangipahoa Parish Council

INTRODUCED: May 13, 2024

PUBLISHED: May 23, 2024

OFFICIAL JOURNAL Hammond Daily Star

ADOPTED BY TPC: May 28, 2024

DELIVERED TO PRESIDENT: _____ day of May, 2024 at _____

APPROVED BY PRESIDENT: _____
Robby Miller Date

VETOED BY PRESIDENT: _____
Robby Miller Date

RECEIVED FROM PRESIDENT: _____ day of May, 2024 at _____

T. P. Ordinance No. 24-22

AN ORDINANCE TO ACQUIRE OWNERSHIP OF RIGHT OF WAYS FOR THE STATE PROJECT #H.014265 N. RIVER ROAD BRIDGE OVER IRVING BRANCH BRIDGE REPLACEMENT PROJECT IN KENTWOOD, LOUISIANA, TO AUTHORIZE THE PARISH PRESIDENT TO SIGN AND EXECUTE ALL NECESSARY DOCUMENTS TO PROVIDE FOR THE RECORDATION AND TO PROVIDE COPIES TO ALL INVOLVED PARTIES

WHEREAS, Tangipahoa Parish Government has identified and prioritized the “N. River Road Bridge Replacement” project as a priority; and

WHEREAS, in order to implement this project, the acquisition of needed right of way from property owners will be required; and

WHEREAS, it is necessary that the Tangipahoa Parish Council authorize the Tangipahoa Parish President or his designee to sign any all agreements, acts of sale, acts of donations and/or other necessary and relevant documents to acquire the subject properties for the purposes set forth herein.

The above and foregoing ordinance having been duly submitted to the Tangipahoa Parish Council in writing; introduced at a public meeting of the Tangipahoa Parish Council; discussed at the said public hearing; after motion and second was submitted to the official vote of the Tangipahoa Parish Council.

On motion by_ and seconded by _, the foregoing ordinance was hereby declared adopted on this 28th day of May, 2024 by the following roll-call vote:

YEAS:

NAYS:

ABSENT:

NOT VOTING:

ATTEST:

Jill DeSouge
Clerk of Council
Tangipahoa Parish Council

David P. Vial
Chairman
Tangipahoa Parish Council

INTRODUCED: May 13, 2024

PUBLISHED: May 23, 2024

OFFICIAL JOURNAL Hammond Daily Star

ADOPTED BY TPC: May 28, 2024

DELIVERED TO PRESIDENT: _____ day of May, 2024 at _____

APPROVED BY PRESIDENT: _____
Robby Miller Date

VETOED BY PRESIDENT: _____
Robby Miller Date

RECEIVED FROM PRESIDENT: _____ day of May, 2024 at _____

T.P. Ordinance No. 24-23

AN ORDINANCE DECLARING SURPLUS TPG ASSET #MISC0243, 22357 BRIGNAC ROAD, ROBERT, LA, ASSESSMENT #2306603 AND TO AUTHORIZE THE PARISH PRESIDENT OR HIS AUTHORIZED DESIGNEE TO SIGN ANY AND ALL DOCUMENTS IN REGARD TO THE SALE AND TRANSFER OF SAID PROPERTY IN DISTRICT 2

WHEREAS, the Parish of Tangipahoa owns immovable property described as TPG Asset #Misc0243, 22357 Brignac Road, Robert, LA, Assessment #2306603, and;

WHEREAS, the Parish has received an appraised Fair Market Value from Joseph Mier & Associates dated 4/12/2024 on the property, and the assessed value of the property is \$5,300.00.

WHEREAS, the Property is no longer needed by the Parish for a public purpose, and there is a need and purpose to declare the Property surplus and to sell, auction and/or dispose of said Property for no less than the appraised Fair Market Value of \$5,300.00 plus accrued administrative fees; and

WHEREAS, this Council is of the opinion that this property is surplus and no longer needed for public purposes and that it would be in the public interest to convey the above-mentioned property for the offered consideration.

NOW, THEREFORE, BE IT ORDAINED by the Tangipahoa Parish Council that: The Property described as 22357 Brignac Road, Robert, LA Assessment #2306603 and as further described in Exhibit 1 Attached, is hereby declared to be surplus property no longer needed for public purpose.

Section 2. After the final adoption of this ordinance, and pursuant to all applicable laws the Parish President or his authorized designee is authorized to execute an act of cash sale and any other required documents in which the Tangipahoa Parish Council conveys the property described as 22357 Brignac Road, Robert, LA Assessment #2306603 to awarded bidder.

Section 3. This act of sale shall be without warranty or recourse whatsoever (including warranty of title), even for the return or any reduction of the purchase price, but with subrogation to all rights and actions of warranty Parish of Tangipahoa may have and such sale shall contain such warranty limitations and other provisions as required by the Parish Attorney. The sale will be subject to the Conservation Easement required by the Road Home Program.

Section 4. The assessed Fair Market Value of said property is \$5,300.00 as determined by Joseph Mier & Associates dated April 12, 2024, plus accrued administrative fees.

BE IT FURTHER ORDAINED that pursuant to all applicable provisions of law, the Office of the Parish President is directed and authorized to assess, deem, designate, and determine that such immovable Property is now surplus; and

All ordinances or parts of Ordinances in conflict herewith are hereby repealed. If any provision of this Ordinance shall be held to be invalid, such invalidity shall not affect other provisions herein which can be given effect without the invalid provision and to this end the provisions of this Ordinance are hereby declared to be severable.

This ordinance having been submitted in writing, having been introduced at a public meeting of the Tangipahoa Parish Council, discussed at a public hearing of said council and was submitted to an official vote of the Tangipahoa Parish Council shall take effect immediately upon the signature of the Tangipahoa Parish President.

On motion by_ and seconded by _, the foregoing ordinance was hereby declared adopted on this 28th day of May, 2024 by the following roll-call vote:

YEAS:

NAYS:

ABSENT:

NOT VOTING:

ATTEST:

Jill DeSouge
Clerk of Council
Tangipahoa Parish Council

David P. Vial
Chairman
Tangipahoa Parish Council

INTRODUCED: May 13, 2024

PUBLISHED: May 23, 2024

ADOPTED BY TPC: May 28, 2024

OFFICIAL JOURNAL Hammond Daily Star

DELIVERED TO PRESIDENT: _____ day of May, 2024 at _____

APPROVED BY PRESIDENT: _____
Robby Miller Date

VETOED BY PRESIDENT: _____
Robby Miller Date

RECEIVED FROM PRESIDENT: _____ day of May, 2024 at _____

EXHIBIT 1

**ATTACHED HERETO AND MADE PART OF
T.P. ORDINANCE NO. 24-23**

LLT # 133200

ALL THAT CERTAIN TRACT OR PORTION OF LAND, together with all the buildings and improvements thereon, and all the rights, ways, privileges, servitudes, appurtenances and advantages thereunto belonging or in anywise appertaining, situated in SECTION 12, Township 6 South, Range 8 East, Tangipahoa Parish, Louisiana, more particularly described as follows:

Commencing at a point 364.4 feet West, 394.4 feet North and 800 feet North 50 degrees 00 minutes East of the extreme Northwest corner of Section 12, Township 6 South, Range 8 East, Tangipahoa Parish, thence proceed North 50 degrees 00 minutes East 100 feet; thence 40 degrees 00 minutes West 314 feet, more or less, to the South bank of Chappepeela Creek, being Point "A"; thence from the Point of Beginning proceed North 40 degrees 00 minutes 314 feet, more or less, to the South bank of Chappepeela Creek, being Point "B" thence from Point "B" proceed northeasterly along the South bank of Chappepeela Creek to Point "A", the above described parcel containing 0.72 acres, more or less.

For information only and not as part of the legal description, the municipal address of the Property is: 22357 Brignac Road, Robert, Louisiana 70455.

T. P. Ordinance No. 24-19

AN ORDINANCE TO AMEND AND ENACT CHAPTER 36-PLANNING AND DEVELOPMENT, ARTICLE VIII-DEVELOPMENTS WITH SPECIAL PROVISIONS, SEC 36-220 GENERAL STANDARDS AND SEC 36-225 SOLID WASTE FACILITIES – C&D SITES

Chapter 36 – PLANNING AND DEVELOPMENT
ARTICLE VIII. DEVELOPMENTS WITH SPECIAL PROVISIONS

Sec. 36-220. General standards.

All the following commercial developments requiring special provisions are solely governed by the following procedures. Any commercial development listed below shall be exempt from the standard commercial development procedures not found in this section.

- (1) *In general.*
 - a. These developments are generally considered a nuisance to the public. In order to protect public health and reduce hazards to safety, these developments must follow the provisions of this subsection.
 - b. If these commercial developments contract, lease, sublease or sell any interest in the project or property, they must notify the parish permit office no later than 90 days prior to the execution of any agreement to transfer said interest.
 - c. Types of commercial developments that require a commercial site approval include the following:
 1. Firing or shooting ranges.
 2. Mining operation such as but not limited to dirt, sand, and gravel pits.
 3. Temporary housing shelters.
 4. Jails or prisons.
 5. Businesses where bars or lounges are the primary use.
 6. Adult uses or adult entertainment as defined herein.
 7. Junk yards for vehicles, salvage yards, scrap yards, or for any business in any phase of reclamation.
 8. Renewable energy plants such as solar, wind, hydro, geothermal, biomass.
 9. Towers, including, but not limited to, cellular and radio towers.
 10. Landfills, incinerators, or waste disposal dumps/sites.
 11. **Solid waste disposal (DEQ) Type III/Construction Debris (C&D Site)**
- (2) *Approval process.*
 - a. These developments will get site plan approval by the technical review committee (TRC), and then forwarded to the parish council.
 - b. The parish council will hold a public hearing and a resolution must be passed in order to proceed to the permitting process.
 - c. Before issuance of any permit the TRC must give final approval.

Sec. 36-225 Solid Waste Facilities – C&D Sites

- (a) **Purpose.** The purpose of this section is to establish minimum requirements and regulations for construction of solid waste facilities, specifically C&D Sites.
- (b) **Definitions.** The following words, terms and phrase, when used in the section shall have the meanings ascribed to them in the subsection. Additional words, terms, or phrases used in this article may be defined in accordance with the definitions as set in the Louisiana Environmental Regulatory Code, Title 33, Part VII, § 115.45wg63ee

Construction/Demolition (C&D) Debris means nonhazardous waste generally considered not water-soluble that is produced in the process of construction, remodeling, repair, renovation, or demolition of structures, including buildings of all types (both residential and non-residential). Solid waste that is not C&D debris (even if resulting from the construction, remodeling, repair, renovation, or demolition of structures) includes, but is not limited to, regulated asbestos-containing material (RACM) as defined in LAC 33:III.5151. B, white goods, creosote-treated lumber, and any other item not an integral part of the structure. Burning not allowed.

- (c) **Application Requirements**
 - (1) Application notification with Letter of Intent shall be given to the Council Clerk.
 - (2) Letter of Intent outlining all operations on the property.
 - (3) Application shall be submitted to the Planning Department for TRC (Technical Review Committee) for a preliminary site plan review.
 - (4) Site plan must include the following:
 - a. Vicinity Map
 - b. North Arrow
 - c. Owner and Applicant name

- d. Adjacent property owners' names including across the street.
 - e. Ingress/egress
 - f. Buffers
 - g. Development site areas. Areas that will be disturbed.
 - h. Flood zones, Floodways, Laterals etc.
 - i. Existing and proposed structures on site
 - j. Council District
 - k. Adjacent land uses
 - l. Existing topographic map
- (5) TRC will review the site plan and give a preliminary site plan approval. The site plan review will focus on ingress/egress, buffers, adjacent land uses, drainage requirements, FEMA regulations, but not limited to.

(d) Approval process/TRC (Technical review committee)

(1) Preliminary approval

- a. TRC shall provide all design requirements to the applicant. The applicant must acknowledge receipt of the design requirements.
- b. TRC will review the site and give a preliminary site plan approval based on application requirements listed in Section 36-225 (c)
- c. Applicant will provide the council clerk with the application, letter of intent, TRC preliminary review approval letter, site plans, proof of all public notifications.
- d. The parish council will hold a public hearing and a resolution must be passed to proceed with the DEQ application process.
- e. Once DEQ application process is complete and approved, the plan must go back to TRC for final review and approval. The final TRC review approval shall be forwarded to the Parish Council for final approval.
- f. Permit process can begin as per Section 36-225 (g) , (h), (i)

(2) Final review approval

This review will be issued by TRC and based on outside agency approvals that apply. Additional information can be requested.

- a. A 200-foot buffer zone with an outside 25 ft required to grow in a natural state if not wooded, and if wooded the 25 ft buffer must remain wooded. The internal 175 ft can be used for roadways, infrastructure, buildings, drainage laterals etc. Must follow all DEQ buffer requirements as well.
- b. Ingress / Egress shall front on a DOTD highway.
- c. DOTD approval required.
- d. Landscaping as required by DEQ.
- e. Submission of space reduction methods plan is required. Ex. Compactor or other accepted methods.
- f. Recycling plan and implementation plan required yearly by July 1st with yearly amounts of material recycled reports to Tangipahoa Parish Regional Solid Waste Facility (Landfill).
- g. Water discharge monitoring required with reporting to state DEQ and Tangipahoa Parish Government copies on all DEQ reporting to Tangipahoa Parish Regional Solid Waste Facility (Landfill).
- h. Maximum of 4 permanent sites in Tangipahoa Parish:
 - i. Two (2) sites located below Highway 40 and two (2) allowed above Highway 40.
 - ii. Location of allowed construction collection to be regulated by Solid Waste Ordinance Section 38-84. Same as allowed garbage collection area.
- i. Required to meet friable asbestos DEQ requirements.
- j. Flood Zones and Floodways
 - i. Any improvements, storage materials, etc. in the flood hazard areas or floodway must follow the requirements in Article IX. - Flood Prevention and Protection.
 - ii. Any improvements in flood hazard areas must adhere to 1' of freeboard.
 - iii. No items are to be stored or built in a floodway unless considered in the technical data required in Article IX-Flood Prevention and Protection.
 - iv. Any modification to any watercourse shall meet the standards of the National Flood Insurance Program and shall include an approved Conditional Letter of Map Revision (CLOMR) pre project and a post project Letter of Map Revision (LOMR) reflecting those changes. All submittals must cause a No Rise and all technical data shall be submitted to Tangipahoa Parish Government for approval prior to site modifications as required in Article IX-Flood Prevention and Protection.
 - v. Any construction of site levees located within a Special Flood Hazard Area as per the adopted DFIRM including but not limited for containment of runoff shall meet the standards of the National Flood Insurance Program and shall include an approved Conditional Letter of Map Revision (CLOMR) pre project and a post project Letter of Map Revision (LOMR) reflecting those changes. All submittals must cause a No Rise and all technical data shall be submitted to Tangipahoa Parish

Government for approval prior to site modifications as required in Article IX-Flood Prevention and Protection.

k. Drainage

- i. Approval required from Drainage District Administrator and/or Parish engineer.
- ii. All Parish Drainage, Stormwater, and FEMA requirements must be met in accordance with Chapter 36.
- iii. Perimeter levees shall protect from 100-year flood plan required. If in special flood hazard area, condition letter of map revision required prior to construction.
- iv. Surface runoff diversion levees, canals, or devices shall be installed to prevent drainage from the units of facility that has not received final cover. System shall be designed to collect and control a 100-year storm event or peak discharge from a 100-year storm event.
- v. Any re-routed drainage lateral must be re-routed fully on the debris site property. A lateral is one that is located within 500 ft of the development boundary from a "stream" designated on the USGS quadrangular sheet or designated on the Tangipahoa Parish Numbered Lateral Map.

l. Before issuance of any permit the TRC and Parish Council must have issued an approval.

(e) Public Notice/Public Hearing

The parish council must give due consideration to the impact of the proposed C&D facility at the public meetings. Consideration shall include review of the thoroughness of the application and a thorough hearing of public input. Based upon the hearings, the parish council may vote to deny the application, request further information, or issue a preliminary acceptance of the C&D applications. Preliminary acceptance may be given by the parish council only after all necessary information has been provided and presented at the public hearing, with the full public hearing and full public consideration of the potential adverse effects of the proposed C&D facility.

Any request for an application/permit to operate a C&D facility in the parish made to the parish council-president government shall be governed by the following public notice requirements:

(1) Public Notice

Public Notices must be published, mailed, and posted 30 days prior to all public hearings. This shall be at the expense of the person requesting the C&D facility. It must clearly state the intent to apply for a C&D facility application in the parish. The advertisement must state the proposed location, size and type of C&D facility sought to be established, as defined by those regulations of the state department of environmental quality. For the first public meeting, the notices shall be publicized as the "Initial Public Notice of C&D Facility."

For the second public meeting, this notice shall be publicized as the "Second and Final Public Notice of C&D Facility."

The public meeting shall be scheduled by the parish council and the public meeting notice documentation must be provided to the council clerk as per the requirements listed in this section.

- a. A two-inch-by-two-inch notice in the newspaper of general circulation in the parish.
- b. Certified mail shall be sent to all adjacent property owners within a 3,000-foot radius of the boundaries of the proposed C&D facility shall be made. This notice shall be sent by the applicant through property information obtained by the parish clerk of court. Including across streets and highways. A list of names and addresses to whom the notices were sent, including return receipts, shall be made available to the parish council.
- c. A white sign must be a minimum of four by eight feet (4' X 8'). Minimum of four-inch (4) high letters. Located with no obstructions within twenty-five (25) feet of each public right-of-way on which the tract of the proposed development fronts. Multiple signs are required at corner sites.

(2) Public Hearing

a. Initial public hearing

- i. At the initial public meeting, the parish council shall consider and vote on the application by resolution. After due consideration of the impact of the proposed C&D facility and a thorough hearing of public input, and TRC preliminary review, the parish council may vote to deny the application, request further information, or grant an application subject to final approval by ordinance of the parish council-president government. This shall be publicized as "Initial Public Notice of Proposed C&D Facility."

b. Second public hearing

- i. At the second public meeting, the parish council shall consider and vote on the application a second time. After due consideration of the impact of the proposed C&D facility and a thorough hearing of public input, and TRC final review, the parish council may vote to deny the application, request further information, or grant an application subject to final approval by ordinance of the parish council-president government, which will require the item on the published agenda at least 30 days before the item is considered. The final approval shall be by the introduction and

shall be publicized as "Second and Final Public Notice of C&D Facility", and passage of an ordinance. This section is subject to the parish president's veto power.

(f) Permitting

This permitting process has been enacted to protect the ability of the parish council-president government to regulate the location, adverse impact of and types of C&D facilities and does not waive the permitting requirements of the State and its Department of Environmental Quality and/or the United States Environmental Protection Agency. The permit is granted to begin clearing and development. The occupational license can be issued after the review and approval of as built plans are cleared by the TRC and any outside agencies.

- (1). Permit fees: \$100/acre based on parcel size.

(g) Bond/insurance requirements.

No permit shall be issued or become effective unless there is on file with the parish a bond with a corporate surety authorized to do and doing business in accordance with all applicable Louisiana corporate surety requirements in a penal amount of \$2,000,000.00. The purpose of the bond is to assure the following:

- (1) That the licensee, his agents and servants, will comply with all terms, conditions, provision requirements, and specifications contained in this article.
- (2) That the licensee, his agents and servants, will faithfully operate the waste disposal facility for which the permit is issued in accordance with the provisions of this article.
- (3) That the licensee, his agents and servants, will hold harmless the parish from any expense incurred through the failure of the permittee, his agent and servants, to operate and maintain the waste disposal facility as required by this article, including any expense the parish may be put to for correcting any condition or violation of this article by the parish's own labor and equipment, whenever the parish council determines it is necessary for the parish to correct any condition in violation of this article, or from any damages growing out of the negligence of the permittee or his agents or servants.
- (4) That before acceptance, all bonds are approved by the parish council. If a corporate bond is offered, it shall be executed by a company authorized to transact business in the state as a surety. If a bond is offered, it shall be deposited with the parish treasurer, who shall give an official receipt, reciting that said bond has been deposited in compliance with and subject to the provisions of this article.
- (5) That the bond has an effective coverage date for a period of five years after the date of last operation of the facility.
- (6) That the applicant has liability insurance applicable to sudden and nonsudden bodily injury or property damage on, below, or above the surface. Additional insurance shall be required as deemed necessary by the parish council to protect the property rights of owners or leaseholders of underground resources such as oil, gas, water, or other mineral substances. The amount of such insurance coverage shall be no less than \$1,000,000.00 and shall have an effective date of at least the same period of time established by the permit.
- (7) The liability coverage intended to be utilized for compliance with this section shall be site-specific to the facility for which the application is submitted and shall not be blanket coverage covering other waste disposal facilities owned or managed by the applicant.

(h) As Built Plans

As Built Plans will be required prior to issuance of occupancy. These plans are required at least 30 days prior for review, comments, and approval by all agencies. Once plans are approved, they will be signed, and a letter of acceptance given to obtain occupancy.

(i) Operational Fees

The fee for such a permit shall be according to the following schedule:

- (1) Host fee. As set at the discretion of the parish authority, based on a per unit basis.
 - i. Host fees may be assessed on a per unit basis for each ton of waste disposed of at the facility. The rate or per unit charge for the host fee will be \$1.00 per ton for the approximate expected or potential adverse impacts to the parish's citizens, water and air resources, roads and environment in general; by the need for frequent inspection of the facility by parish personnel; and by the need for parish research and development of alternate, more environmentally benign methods of disposal.

ii. Host fee payments will be remitted to the parish each month, based on the manifests or other official records of the facility's incoming waste. The following calculation is to be used when scales are not used to determine tonnage:

$$\text{Weight of C\&D Debris} = \text{Volume of C\&D Debris} \times 0.24 \text{ tons/yd}^3$$

(2) Siting permit. \$100/acre up to \$50,000.00 depending on size. The initial siting fee shall be used to defer the costs of processing and investigation of the application for permitting, public hearings and any referendum held on the application.

(3) Renewal permit. Shall come before the Tangipahoa Parish Council by July 1st each year.

(j) Violations, Enforcement, Fines, and Penalties

(1) Any person, firm, or corporation who fails to comply with or violates any provision of this section shall be found guilty of a misdemeanor offense and upon conviction shall be fined not more than \$500.00 per day or imprisoned in the parish jail for not more than 30 days, or both fined and imprisoned, at the discretion of the court.

(2) Appropriate actions and proceedings may be taken by law or in equity to prevent any violation of this chapter, to prevent any unlawful construction, to recover damages, to restrain, correct, or abate violations, and to prevent illegal occupancy of a building structure or premises. These remedies shall be in addition to the fines and penalties described herein.

(3) DEQ and EPA enforcement, fines, and penalties will also be enforced by such agencies.

(h) Closure. Closure of site shall comply with all local, state, and federal regulations.

Secs. 36-226—36-236. Reserved.

This ordinance having been submitted in writing, having been introduced at a public meeting of the Tangipahoa Parish Council, discussed at a public hearing of said council and was submitted to an official vote of the Tangipahoa Parish Council.

On motion by_ and seconded by _ the foregoing ordinance was hereby declared adopted on this 12th day of June, 2024 by the following roll-call vote:

YEAS:

NAYS:

ABSENT:

NOT VOTING:

ATTEST:

Jill DeSouge
Clerk of Council
Tangipahoa Parish Council

David P. Vial
Chairman
Tangipahoa Parish Council

INTRODUCED: May 28, 2024

PUBLISHED: June 6, 2024 OFFICIAL JOURNAL Hammond Daily Star

ADOPTED BY TPC: June 12, 2024

DELIVERED TO PRESIDENT: _____ day of June, 2024 at _____

APPROVED BY PRESIDENT: _____
Robby Miller Date

VETOED BY PRESIDENT: _____
Robby Miller Date

RECEIVED FROM PRESIDENT: _____ day of June, 2024 at _____

T. P. RESOLUTION NO. R24-15

**A RESOLUTION OF THE TANGIPAOA PARISH COUNCIL-PRESIDENT
GOVERNMENT FOR PARKER BRANCH SOLAR, LLC TO PROCEED WITH THE
PERMITTING PROCESS FOR A RENEWABLE ENERGY POWER PLANT IN
DISTRICT 4, TANGIPAOA PARISH**

WHEREAS, Parker Branch Solar, LLC has submitted an application for the development of a renewable energy power plant in Tangipahoa Parish; and

WHEREAS, the renewable energy power plant is to be located at Assessment #1036300, #1036807, #930709, #6557988, #926604, #3496805, #3496600, #3496708, #6080103, #6080065, #6080111 in Districts 4; and

WHEREAS, the Technical Review Committee has reviewed and approved the site plan for Paker Branch Solar, LLC; and

NOW, THEREFORE BE IT RESOLVED, that the Tangipahoa Parish Council acting as the governing authority does hereby find that Parker Branch Solar, LLC's application is complete and complies with the requirements of the Tangipahoa Parish Code of Ordinances and does hereby authorize the Technical Review Committee to proceed with the permitting process and issue such approvals as necessary for the construction and operation of the renewable energy power plant proposed by Parker Branch Solar, LLC.

On motion by _ and seconded by _, the foregoing resolution was hereby declared adopted on this the 28th day of May 2024 by the following roll-call vote:

YEAS:

NAYS:

ABSENT:

NOT VOTING:

ATTEST:

Jill DeSouge, Clerk of Council
Tangipahoa Parish Council

David P. Vial, Chairman
Tangipahoa Parish Council

Robby Miller, President
Tangipahoa Parish

T. P. RESOLUTION NO. R24-16

**A RESOLUTION OF THE TANGIPAHOA PARISH COUNCIL-PRESIDENT
GOVERNMENT FOR THE CERTIFICATION OF NATALBANY FIRE
DEPARTMENT IN THE FIRE PREVENTION BUREAU**

WHEREAS, the Tangipahoa Parish Council-President Government pursuant of R.S. 40:1563 created a Fire Prevention Bureau under Chapter 18 Fire Prevention and Protection of the parish code of ordinances; and

WHEREAS, Chapter 40 Special Districts of the parish code of ordinances the Tangipahoa Parish Fire Protection District No. 2 boundaries are established and identify Natalbany Fire Department within the boundaries.

WHEREAS, the Natalbany Fire Department desires to assume responsibility and liability for inspections within the boundaries established in the Tangipahoa Parish Code of Ordinances, Chapter 40 Special Districts, Article II Fire Protection District, Division 3 Fire Protection District No. 2, (10) Natalbany Fire Department Response Area.

NOW BE IT RESOLVED the Tangipahoa Parish Council-President Government acting as the governing authority does hereby approve the certification of Natalbany Fire Department in the Fire Prevention Bureau of Tangipahoa Parish.

On motion by _ and seconded by _, the foregoing resolution was hereby declared adopted on this the 28th day of May 2024 by the following roll-call vote:

YEAS:

NAYS:

ABSENT:

NOT VOTING:

ATTEST:

Jill DeSouge, Clerk of Council
Tangipahoa Parish Council

David P. Vial, Chairman
Tangipahoa Parish Council

Robby Miller, President
Tangipahoa Parish

T. P. RESOLUTION NO. R24-17

**A RESOLUTION OF THE TANGIPAHOA PARISH COUNCIL-PRESIDENT
GOVERNMENT TO EXTEND THE MORATORIUM T.P. ORDINANCE NO. 24-05
FOR 90 ADDITIONAL DAYS ON THE CONSIDERATION AND/OR APPROVAL
OF ALL DEVELOPMENTS OF CONSTRUCTION AND DEMOLITION DEBRIS
SITES WITHIN TANGIPAHOA PARISH**

WHEREAS, March 13, 2024, T.P. Ordinance No. 24-05 placing a 90 day moratorium on the consideration and/or approval of all developments of Construction and Demolition Debris Sites within Tangipahoa Parish was adopted and signed by the council and parish president; and

WHEREAS, the T.P. Ordinance No. 24-05 stated the moratorium shall expire in maximum 90 days from the adoption unless extended by Resolution of the Tangipahoa Parish Council; and

WHEREAS, the Tangipahoa Parish Council deems it in the best interest of the Parish of Tangipahoa to extend the moratorium an additional 90 days to help facilitate a more appropriate, effective, and complete set of regulations to govern the development of Construction and Demolition Debris Sites within Tangipahoa Parish; and

NOW, THEREFORE BE IT RESOLVED, that the Tangipahoa Parish Council acting as the governing authority does hereby adopt a resolution extending the previous moratorium, on the development of Construction and Demolition Debris Sites within Tangipahoa Parish for a period of ninety (90) days.

On motion by _ and seconded by _, the foregoing resolution was hereby declared adopted on this the 28th day of May 2024 by the following roll-call vote:

YEAS:

NAYS:

ABSENT:

NOT VOTING:

ATTEST:

Jill DeSouge, Clerk of Council
Tangipahoa Parish Council

David P. Vial, Chairman
Tangipahoa Parish Council

Robby Miller, President
Tangipahoa Parish