

**PUBLIC NOTICE** - Notice Is Hereby Given That the Tangipahoa Parish Council Will Meet in **Regular Session** on Monday, August 09, 2021 Immediately Following the Public Hearing Held At 5:30 PM At Tangipahoa Parish Government Building, 206 East Mulberry Street, Amite, Louisiana, contact number (985) 748-3211

**PUBLIC HEARING** - Notice Is Hereby Given That a Public Hearing Will Be Held by The Tangipahoa Parish Council on Monday, August 09, 2021 at 5:30 PM At Tangipahoa Parish Government Building, 206 East Mulberry Street, Amite, Louisiana, contact number (985)748-3211, on the following:

T.P. Ordinance No. 21-46- Providing for the levy of taxes for the year of 2021

T.P. Ordinance No. 21-53- An ordinance placing 10 MPH speed limit signs and drive like your kids live here signs in Southridge Subdivision in District No. 9 in Tangipahoa Parish in accordance with Chapter 20 streets, roads, sidewalks, and drainage- Article I, in General- Section 20

T.P. Ordinance No. 21-54- An ordinance placing 35 MPH speed limit signs on Baytown Hills Road, 25 MPH speed limit signs on Johnson Holton Road and 25 MPH speed limit signs on Company Town Road in District No. 1 in Tangipahoa Parish in accordance with Chapter 20 streets, roads, sidewalks, and drainage- Article I, in General- Section 20

T.P. Ordinance No. 21-56- An ordinance placing 25 MPH speed limit signs on Brumfield Road from Lewiston Road to the dead end in District No. 1 in Tangipahoa Parish in accordance with Chapter 20 streets, roads, sidewalks, and drainage- Article I, in General- Section 20

T.P. Ordinance No. 21-57- An ordinance placing no truck route signs in Bella Casa Subdivision in District No. 2 in Tangipahoa Parish in accordance with Chapter 20 streets, roads, sidewalks, and drainage- Article I, in General- Section 20

T.P. Ordinance No. 21-58- An ordinance granting a variance to Tangipahoa Parish Code of Ordinances, Chapter 17- Section 17-5.2 (A)4- "Spacing of Manufactured Homes" for Yashica Johnson at 40143 Macedonia Road in Tangipahoa Parish Council District No. 10

**Tangipahoa Parish Council  
Tangipahoa Parish Government Building  
206 East Mulberry Street, Amite, LA 70422  
Regular Meeting Immediately Following Public Hearing  
August 09, 2021**

**CALL TO ORDER**

**INVOCATION**

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

**ROLL CALL**

**CELL PHONES** - *Please Mute or Turn Off*

**ADOPTION OF MINUTES**- Regular meeting dated July 26, 2021

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

**PARISH PRESIDENT'S REPORT**

1. Approval to declare assets surplus- 2012 Kubota 4WD Tractor, serial #51249 (Asset# 21698) & 2012 Tiger Boom Mower, serial #TB-6790 (Asset# 24259)

**REGULAR BUSINESS**

2. Tangipahoa Water District- Request for bonded indebtedness
3. Adoption of T.P. Ordinance No. 21-46- Providing for the levy of taxes for the year of 2021
4. Adoption of T.P. Ordinance No. 21-53- An ordinance placing 10 MPH speed limit signs and drive like your kids live here signs in Southridge Subdivision in District No. 9 in Tangipahoa Parish in accordance with Chapter 20 streets, roads, sidewalks and drainage- Article I, in General- Section 20
5. Adoption of T.P. Ordinance No. 21-54- An ordinance placing 35 MPH speed limit signs on Baytown Hills Road, 25 MPH speed limit signs on Johnson Holton Road and 25 MPH speed limit signs on Company Town Road in District No. 1 in Tangipahoa Parish in accordance with Chapter 20 streets, roads, sidewalks and drainage- Article I, in General- Section 20
6. Adoption of T.P. Ordinance No. 21-56- An ordinance placing 25 MPH speed limit signs on Brumfield Road from Lewiston Road to the dead end in District No. 1 in Tangipahoa Parish in accordance with Chapter 20 streets, roads, sidewalks and drainage- Article I, in General- Section 20
7. Adoption of T.P. Ordinance No. 21-57- An ordinance placing no truck route signs in Bella Casa Subdivision in District No. 2 in Tangipahoa Parish in accordance with Chapter 20 streets, roads, sidewalks and drainage- Article I, in General- Section 20
8. Adoption of T.P. Ordinance No. 21-58- An ordinance granting a variance to Tangipahoa Parish Code of Ordinances, Chapter 17- Section 17-5.2 (A)4- "Spacing of Manufactured Homes" for Yashica Johnson at 40143 Macedonia Road in Tangipahoa Parish Council District No. 10

- [9.](#) Introduction of T.P. Ordinance No. 21-48- An ordinance repealing to recodify current code sections regarding Shooting ranges, Mining Operations, Auto Impounds, Salvage and Recycling Facilities, Halfway houses, & Juvenile Detention facilities, and Renewable Energy and amending Chapter 17, Article IX-Developments with special provisions regarding: Shooting ranges, Mining Operations, Auto Impounds, Salvage and Recycling Facilities, Halfway houses, & Juvenile Detention facilities, and Renewable Energy
- [10.](#) Introduction of T.P. Ordinance No. 21-59- An ordinance placing no parking on shoulder signs on Duvic Lane in District No. 10 in Tangipahoa Parish in accordance with Chapter 22- Traffic and Motor Vehicles- Article IV, Section 22
- [11.](#) Introduction of T.P. Ordinance No. 21-60- An ordinance placing a three-way stop sign at the intersection of September Rain and Sweet Olive Lane in District No. 10 in Tangipahoa Parish in accordance with Chapter 20 streets, roads, sidewalks and drainage- Article I, in General- Section 20
- [12.](#) Introduction of T.P. Ordinance No. 21-61- An ordinance amending T.P. Ordinance No. 20-46- Adoption of operating and capital outlay budgets of the Tangipahoa Parish Council-President Government for fiscal year 2021
- [13.](#) Introduction of T.P. Ordinance No. 21-62- An ordinance levying a sales tax of two percent (2.00%) in Tangipahoa Parish Economic Development District No. 8, State of Louisiana; designating the full amount of such additional sales tax as the sales tax increment in said District from which the local and state sales tax increments will be determined and used to finance economic development projects in accordance with and as authorized by Part II, Chapter 27, Title 33 of the Louisiana Revised Statutes of 1950, as amended; designating the initial annual baseline collection rate and establishing a monthly baseline collection rate for said District; pledging and dedicating such tax increment to economic development projects in or benefitting the District and providing for other matters in connection with the foregoing
- [14.](#) Introduction of T.P. Ordinance No. 21-63- An ordinance levying a hotel occupancy tax of two percent (2.00%) in Economic Development District No. 8 of the Parish of Tangipahoa, State of Louisiana; designating the full amount of such additional hotel occupancy tax as the hotel occupancy tax increment in said District from which the hotel occupancy tax increments will be determined and used to finance economic development projects in accordance with and as authorized by Part II, Chapter 27, Title 33 of the Louisiana Revised Statutes of 1950, as amended; designating the initial annual baseline collection rate and establishing a monthly baseline collection rate for said District; pledging and dedicating such tax increment to economic development projects in or benefitting the District and providing for other matters in connection with the foregoing
15. Executive session- Personnel matters, prospective litigation

#### **BEER, WINE, AND LIQUOR PERMITS**

- [16.](#) Backroad 40 Too  
71251 Highway 1051  
Kentwood, LA 70444
- [17.](#) LNC Cranky Corner LLC  
28098 Highway 40  
Folsom, LA 70437

#### **LEGAL MATTERS**

#### **COUNCILMEN'S PRIVILEGES**

#### **ADJOURN**

Kristen Pecararo  
Clerk of Council

Daily Star  
Please Publish August 5, 2021

Posted @ T.P. Gordon A. Burgess Governmental Building August 5, 2021

In Accordance with the Americans with Disabilities Act, If You Need Special Assistance, please contact Kristen Pecararo at 985-748-3211 describing the Assistance that is necessary.

**T.P. Ordinance No. 21-64**

"AN ORDINANCE TO AUTHORIZE THE SURPLUS OF A 2012 KUBOTA 4WD TRACTOR, SERIAL NUMBER 51249 (ASSET NUMBER 21698) AND A 2012 TIGER BOOM MOWER, SERIAL NUMBER TB-6790 (ASSET NUMBER 24259) AND AUTHORIZING THE DONATION OF SAID SUPPLUSED ASSETS TO THE TOWN OF AMITE

**WHEREAS**, the Tangipahoa Parish Council-President Government has an asset that is no longer needed for public purposes by the Tangipahoa Parish Council-President Government; and

**WHEREAS**, the Town of Amite has requested this tractor and mower; and

**THEREFORE, BE IT ORDAINED**, by the Tangipahoa Parish Council-President Government that the following assets be declared surplus and donated to the Town of Amite and that the Tangipahoa Parish President be authorized to sign all documents required in the donation.

Donate:

- 1. 2012 Kubota 4WD Tractor, serial #51249 (Asset# 21698)
- 2. 2012 Tiger Boom Mower, serial #TB-6790 (Asset# 24259)

**BE IT FURTHER ORDAINED**, by the Tangipahoa Parish Council that this ordinance shall take effect immediately upon the signature of the Tangipahoa Parish President.

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 23<sup>rd</sup> day of August, 2021 by the following roll-call vote:

**YEAS:**

**NAYS:**

**ABSENT:**

**NOT VOTING:**

**ATTEST:**

\_\_\_\_\_  
Kristen Pecararo  
Clerk of Council  
Tangipahoa Parish Council

\_\_\_\_\_  
Brigette Hyde  
Chairwoman  
Tangipahoa Parish Council

INTRODUCED: August 9, 2021

PUBLISHED: August 19, 2021 - OFFICIAL JOURNAL  
Hammond Daily Star

ADOPTED BY TPC: August 23, 2021

DELIVERED TO PRESIDENT: \_\_\_\_\_ day of August, 2021 at \_\_\_\_\_

APPROVED BY PRESIDENT: \_\_\_\_\_  
Robby Miller Date

VETOED BY PRESIDENT: \_\_\_\_\_  
Robby Miller Date

RECEIVED FROM PRESIDENT: \_\_\_\_\_ day of August, 2021 at \_\_\_\_\_



### Indebtedness/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: August 9, 2021

District/Board/Sub-Entity: Tangipahoa Water District, Tangipahoa Parish, Louisiana

Representative: Charles Schlicher Title: District Administrator

Requesting: Creation of Bond Indebtedness  Tax Election  Debt

Proposed Council Meeting Date: September 13, 2021

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

The Bonds are being issued to fund improvements and extensions to the District's waterworks system.

They will be payable from the income and revenues derived from the operation of the District's waterworks system.

Signature: Charles Schlicher

Please return form to Kristen Pecararo at [kpecararo@tangipahoa.org](mailto:kpecararo@tangipahoa.org)

**T. P. ORDINANCE NO. 21-46**

**PROVIDING FOR THE LEVY OF TAXES FOR THE YEAR OF 2021**

**BE IT ORDAINED** by the Tangipahoa Parish Council, the governing authority of Tangipahoa Parish, State of Louisiana, in regular session convened and conducted in accordance with the open meetings law, a quorum being present, that the following **adjusted** millage(s) are hereby levied on all taxable property shown on the official assessment roll for the year 2021, and, when collected the revenues from said taxes shall be used only for the specific purposes for which said taxes have been levied; said millage rates are as follows:

	<b>2021 <u>Millage</u></b>
Town of Kentwood	1.52
Town of Amite City	1.52
Town of Independence	1.52
Town of Ponchatoula	1.52
City of Hammond	1.52
General Parish-Wide Alimony Tax (Except above Inc. Towns/Cities)	3.05
Library Maintenance Tax #1	3.00
Library Maintenance Tax #2	2.81
Health Unit Maintenance Tax	4.00
Garbage District No. 1 Maintenance	10.00
Road Lighting District No. 1	2.00
Road Lighting District No. 2	6.00
Road Lighting District No. 4	5.00
Road Lighting District No. 5	5.00
Road Lighting District No. 6	5.00
Road Lighting District No. 7	5.00
T.P. Fire District No. 2	10.00
T.P. Fire District No. 2	10.00

**Sinking Funds:**

Road District No. 101  
(Kentwood)  
2.00

Road District No. 101 Sub 1  
(Kentwood)  
2.00

**BE IT FURTHER ORDAINED** that the proper administrative officials of the Parish of Tangipahoa, State of Louisiana, be and they are hereby empowered, authorized, and directed to spread said taxes, as hereinabove set forth, upon the assessment roll of said Parish for the year 2021, and to make the collection of the taxes imposed for and on behalf of the taxing authority, according to law, and that the taxes herein levied shall become a permanent lien and privilege on all property subject to taxation as herein set forth, and collection thereof shall be enforceable in the manner provided by law.

**BE IT FURTHER ORDAINED** that this ordinance shall become effective immediately upon passage by the Tangipahoa Parish Council and signature of the Parish President.

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

On a motion by \_\_\_\_\_ and seconded by \_\_\_\_\_, the foregoing ordinance was hereby declared adopted this 9<sup>th</sup> day of August, 2021 by the following roll-call vote:

YEAS:

NAYS:

ABSENT:

NOT VOTING:

ATTEST:

\_\_\_\_\_  
Kristen Pecararo  
Clerk of Council  
Tangipahoa Parish Council

\_\_\_\_\_  
Brigette Hyde  
Chairwoman  
Tangipahoa Parish Council

INTRODUCED: July 26, 2021

PUBLISHED: August 5, 2021

HAMMOND DAILY STAR  
Official Journal

ADOPTED: August 9, 2021

DELIVERED TO PRESIDENT: \_\_\_\_\_ day of August, 2021 at \_\_\_\_\_

APPROVED BY PRESIDENT: \_\_\_\_\_  
Robby Miller Date

VETOED BY PRESIDENT: \_\_\_\_\_  
Robby Miller Date

RECEIVED FROM PRESIDENT: \_\_\_\_\_ day of August, 2021 at \_\_\_\_\_

**T.P. Ordinance No. 21-53**

AN ORDINANCE PLACING 10 MPH SPEED LIMIT SIGNS AND DRIVE LIKE YOUR KID’S LIVE HERE SIGNS IN SOUTHRIDGE SUBDIVISION IN DISTRICT NUMBER 9 IN TANGIPAOA PARISH IN ACCORDANCE WITH CHAPTER 20, STREETS, ROADS, SIDEWALKS AND DRAINAGE - ARTICLE I, IN GENERAL - SECTION 20-16

**BE IT ORDAINED** by the Tangipahoa Parish Council, governing authority of Tangipahoa Parish, State of Louisiana, as follows:

- 1) 10 MPH speed limit signs in Southridge Subdivision in District No. 9
- 2) Drive like your kids live here signs in Southridge Subdivision in District No. 9

in Accordance with Chapter 20, Streets, Roads, Sidewalks and Drainage - Article I, in General - Section 20-16.

**BE IT FURTHER ORDAINED** that this ordinance shall become effective immediately upon signature of the Parish President and all previous ordinances in conflict with said ordinance are hereby repealed.

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 9th day of August, 2021 by the following roll-call vote:

**YEAS:**

**NAYS:**

**ABSENT:**

**NOT VOTING:**

**ATTEST:**

\_\_\_\_\_  
Kristen Pecararo  
Clerk of Council  
Tangipahoa Parish Council

\_\_\_\_\_  
Brigette Hyde  
Chairwoman  
Tangipahoa Parish Council

INTRODUCED: July 26, 2021

PUBLISHED: August 5, 2021 - OFFICIAL JOURNAL  
Hammond Daily Star

ADOPTED BY TPC: August 9, 2021

DELIVERED TO PRESIDENT: \_\_\_\_\_ day of August, 2021 at \_\_\_\_\_

APPROVED BY PRESIDENT: \_\_\_\_\_  
Robby Miller Date

VETOED BY PRESIDENT: \_\_\_\_\_  
Robby Miller Date

RECEIVED FROM PRESIDENT: \_\_\_\_\_ day of August, 2021 at \_\_\_\_\_

**T.P. Ordinance No. 21-54**

AN ORDINANCE PLACING 35 MPH SPEED LIMIT SIGNS ON BAYTOWN HILLS ROAD, 25 MPH SPEED LIMIT SIGNS ON JOHNSON HOLTON ROAD, AND 25 MPH SPEED LIMIT SIGNS ON COMPANY TOWN ROAD IN DISTRICT NUMBER 1 IN TANGIPAHOA PARISH IN ACCORDANCE WITH CHAPTER 20, STREETS, ROADS, SIDEWALKS AND DRAINAGE - ARTICLE I, IN GENERAL - SECTION 20-16

**BE IT ORDAINED** by the Tangipahoa Parish Council, governing authority of Tangipahoa Parish, State of Louisiana, as follows:

- 1) 35 MPH speed limit signs on Baytown Hills Road in District No. 1
- 2) 25 MPH speed limit signs on Johnson Holton Road in District No. 1
- 3) 25 MPH speed limit signs on Company Town Road in District No. 1

in Accordance with Chapter 20, Streets, Roads, Sidewalks and Drainage - Article I, in General - Section 20-16.

**BE IT FURTHER ORDAINED** that this ordinance shall become effective immediately upon signature of the Parish President and all previous ordinances in conflict with said ordinance are hereby repealed.

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 9th day of August, 2021 by the following roll-call vote:

**YEAS:**

**NAYS:**

**ABSENT:**

**NOT VOTING:**

**ATTEST:**

\_\_\_\_\_  
Kristen Pecararo  
Clerk of Council  
Tangipahoa Parish Council

\_\_\_\_\_  
Brigette Hyde  
Chairwoman  
Tangipahoa Parish Council

INTRODUCED: July 26, 2021

PUBLISHED: August 5, 2021 - OFFICIAL JOURNAL  
Hammond Daily Star

ADOPTED BY TPC: August 9, 2021

DELIVERED TO PRESIDENT: \_\_\_\_\_ day of August, 2021 at \_\_\_\_\_

APPROVED BY PRESIDENT: \_\_\_\_\_  
Robby Miller Date

VETOED BY PRESIDENT: \_\_\_\_\_  
Robby Miller Date

RECEIVED FROM PRESIDENT: \_\_\_\_\_ day of August, 2021 at \_\_\_\_\_



**T.P. Ordinance No. 21-56**

AN ORDINANCE PLACING 25 MPH SPEED LIMIT SIGNS ON BRUMFIELD ROAD FROM LEWISTON ROAD TO THE DEAD END IN DISTRICT NUMBER 1 IN TANGIPAOA PARISH IN ACCORDANCE WITH CHAPTER 20, STREETS, ROADS, SIDEWALKS AND DRAINAGE - ARTICLE I, IN GENERAL - SECTION 20-16

**BE IT ORDAINED** by the Tangipahoa Parish Council, governing authority of Tangipahoa Parish, State of Louisiana, as follows:

- 1) 25 MPH speed limit signs on Brumfield Road from Lewiston Road to the dead end in District No. 1

in Accordance with Chapter 20, Streets, Roads, Sidewalks and Drainage - Article I, in General - Section 20-16.

**BE IT FURTHER ORDAINED** that this ordinance shall become effective immediately upon signature of the Parish President and all previous ordinances in conflict with said ordinance are hereby repealed.

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 9th day of August, 2021 by the following roll-call vote:

**YEAS:**

**NAYS:**

**ABSENT:**

**NOT VOTING:**

**ATTEST:**

\_\_\_\_\_  
Kristen Pecararo  
Clerk of Council  
Tangipahoa Parish Council

\_\_\_\_\_  
Brigette Hyde  
Chairwoman  
Tangipahoa Parish Council

INTRODUCED: July 26, 2021

PUBLISHED: August 5, 2021

- OFFICIAL JOURNAL  
Hammond Daily Star

ADOPTED BY TPC: August 9, 2021

DELIVERED TO PRESIDENT: \_\_\_\_\_ day of August, 2021 at \_\_\_\_\_

APPROVED BY PRESIDENT: \_\_\_\_\_  
Robby Miller Date

VETOED BY PRESIDENT: \_\_\_\_\_  
Robby Miller Date

RECEIVED FROM PRESIDENT: \_\_\_\_\_ day of August, 2021 at \_\_\_\_\_

**T.P. Ordinance No. 20-28**

AN ORDINANCE PLACING NO TRUCK ROUTE SIGNS IN BELLA CASA SUBDIVISION IN DISTRICT NO. 2 IN TANGIPAOHA PARISH IN ACCORDANCE WITH CHAPTER 20, STREETS, ROADS, SIDEWALKS AND DRAINAGE - ARTICLE I, IN GENERAL - SECTION 20-16

**BE IT ORDAINED** by the Tangipahoa Parish Council, governing authority of Tangipahoa Parish, State of Louisiana, as follows:

- 1) No truck route signs in Bella Casa Subdivision in District No. 2

in Accordance with Chapter 20, Streets, Roads, Sidewalks and Drainage - Article I, in General - Section 20-16.

**BE IT FURTHER ORDAINED** that this ordinance shall become effective immediately upon signature of the Parish President and all previous ordinances in conflict with said ordinance are hereby repealed.

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 9th day of August, 2021 by the following roll-call vote:

**YEAS:**

**NAYS:**

**ABSENT:**

**NOT VOTING:**

**ATTEST:**

\_\_\_\_\_  
Kristen Pecararo  
Clerk of Council  
Tangipahoa Parish Council

\_\_\_\_\_  
Brigette Hyde  
Chairwoman  
Tangipahoa Parish Council

INTRODUCED: July 26, 2021

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- OFFICIAL JOURNAL  
Hammond Daily Star

ADOPTED BY TPC: August 9, 2021

DELIVERED TO PRESIDENT: \_\_\_\_\_ day of August, 2021 at \_\_\_\_\_

APPROVED BY PRESIDENT: \_\_\_\_\_  
Robby Miller Date

VETOED BY PRESIDENT: \_\_\_\_\_  
Robby Miller Date

RECEIVED FROM PRESIDENT: \_\_\_\_\_ day of August, 2021 at \_\_\_\_\_

**T.P. Ordinance No. 21-58**

AN ORDINANCE TO GRANT A VARIANCE TO TANGIPAHOA PARISH CODE OF ORDINANCES CHAPTER 17-5.2 (A) 4- "SPACING OF MANUFACTURED HOMES" FOR YASHICA JOHNSON AT 40143 MACEDONIA ROAD IN TANGIPAHOA PARISH COUNCIL DISTRICT NO. 10

WHEREAS, Tangipahoa Parish Code of Ordinances Chapter 17-5.2 (A) 4 states that all new manufactured homes being placed must be a minimum of fifty (50) foot from another habitable structure; and

WHEREAS, the property owner is requesting a variance to place a second manufactured home thirty-five (35) feet from the existing manufactured home on the property which is fifteen (15) feet short of the requirement; and

THEREFORE BE IT ORDAINED by the Tangipahoa Parish Council-President Government, governing authority of Tangipahoa Parish, State of Louisiana, that a variance to the Tangipahoa Parish Code of Ordinances, Parish of Tangipahoa, State of Louisiana, be granted for the property at 40143 Macedonia Road in District No to place a second manufactured home thirty-five (35) feet away from the existing manufactured home on the property;

BE IT FURTHER ORDAINED that this ordinance shall become effective immediately upon signature of the Parish President.

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 TPC.

On motion by \_\_\_\_\_ and seconded by \_\_\_\_\_, the foregoing ordinance was hereby declared adopted on this 10th day of May, 2021 by the following roll-call vote:

**YEAS:**

**NAYS:**

**ABSENT:**

**NOT VOTING:**

**ATTEST:**

\_\_\_\_\_  
Kristen Pecararo  
Clerk of Council  
Tangipahoa Parish Council

\_\_\_\_\_  
Brigette Hyde  
Chairwoman  
Tangipahoa Parish Council

INTRODUCED: July 26, 2021

PUBLISHED: August 5, 2021 - OFFICIAL JOURNAL  
Hammond Daily Star

ADOPTED BY TPC: August 9, 2021

DELIVERED TO PRESIDENT: \_\_\_\_\_ day of August, 2021 at \_\_\_\_\_

APPROVED BY PRESIDENT: \_\_\_\_\_  
Robby Miller Date

VETOED BY PRESIDENT: \_\_\_\_\_  
Robby Miller Date

RECEIVED FROM PRESIDENT: \_\_\_\_\_ day of August, 2021 at \_\_\_\_\_

## T.P. Ordinance No. 21-48

**BE IT ORDAINED** by the Tangipahoa Parish Council-President Government, governing authority of Tangipahoa Parish, State of Louisiana that the Tangipahoa Parish Code of Ordinance be hereby amended to repeal and recodify the following from the current code into Chapter 17 Planning and Development:

Article XIII of Chapter 13

Chapter 25

### **ARTICLE IX - DEVELOPMENTS WITH SPECIAL PROVISIONS**

**Sec. 17-9.1 General Standards** – All the following Commercial developments requiring special provisions must follow the submission and review procedures as identified for General Commercial Developments in Chapter 17-5.6 and any standards identified herein this sub-section.

#### **A. In General**

Commercial developments as not defined in any other section must follow the special provisions per this section. 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.

If these commercial developments contract, lease, sublease or sell any interest in the project or property they must notify Tangipahoa permit office no later than 90 days prior to the execution of any agreement to transfer said interest.

**B. Types of Commercial Developments** that require a Commercial Site Approval include the following:

- Firing or Shooting Ranges
- Mining operation such as but not limited to dirt, sand, and gravel pits
- Temporary housing shelters
- Jails or prisons
- Businesses where bars or lounges are the primary use
- Adult uses or adult entertainment as defined herein
- Junk yards for vehicles, salvage yards, scrap yards, or for any business in any phase of reclamation
  - Renewable Energy Plants such as Solar, Wind, Hydro, Geothermal, Biomass
- Towers, including, but not limited to cellular and radio towers
- Landfills, incinerators, or waste disposal dumps / sites

#### **C. Approval Process**

1. These developments will get site plan approval by TRC, and then forwarded to the Tangipahoa Parish Council.
2. Tangipahoa Parish Council will hold a public hearing and a resolution must be passed in order to proceed to the permitting process.
3. Before issuance of any permit the TRC (technical review committee) must give final approval.

#### **Sec. 17-9.2 Shooting Ranges**

- A.** Public & Private Shooting ranges are recognized as General Commercial Developments. These ranges must follow these procedures for approval with the additional requirement found herein and in accordance with LA R.S. 33:120. Personal shooting ranges are excluded from requirements for Sec.17-9.2.
1. Public Shooting Ranges must have a minimum parcel acreage of ten (10) acres or greater.
  2. Private Shooting Ranges must have a minimum parcel acreage of two (2) acres or greater.
- B.** The hours of operation for outdoor shooting ranges can be from seven (7) a.m. to ten (10) p.m. daily, except for indoor or archery ranges.
- C.** Private and public shooting ranges must be constructed to provide a proper barrier to prevent bullets, shots, and/or arrows from leaving the firing range site. Provisions shall be made as regards side barricades as well as barricades behind and adjacent to the targets.
- D.** Private and public shooting ranges must have an implemented safety plan that substantially includes, but is not limited to, the following items:
1. A description of the range that stipulates how, when, and by whom the facility will be used.
  2. The safety plan should divide rules and regulations into the categories of gun handling rules, general range rules, specific range rules, and administrative rules and regulations.
  3. This safety plan must be posted in a prominent location on the range and range members or users must be made aware of the safety plan before firing on the range.
  4. These ranges must provide a safety zone map with distance, measurements, property size, and any structures.
- E.** Any indoor firing ranges are exempt from the special regulations of subsection 17-9.2., but are required to meet all building codes and permit requirements.
- F.** Any structures located on an outdoor or an indoor firing range facility in the parish will be required to meet all building codes and permit requirements.
- G.** Any person violating the provisions of this section, unless that person is a law enforcement officer or policeman acting within the scope and course of his or her duties and employment, shall be guilty of a violation of the criminal law and shall be subject to punishment, as provided in section 1-13 of this Code.
1. The firing of any firearm within 250 feet of any inhabited dwelling, building, shed, or structure where a person or persons can reasonably be expected to be present, without the express permission of the owner of the said dwelling, building or structure is prohibited.
  2. The discharge of a firearm or gun within 100 feet of any public street, highway, road or thoroughfare is prohibited.
  3. Furthermore, physical damage to persons or property as a result of a violation of this section are entitled to bring an action against the violator.
- H.** Owner of any shooting ranges must notify with 60 days to all local law enforcement of the establishment and hours of operation.

## **Sec. 17-9.3 - MINING OPERATIONS**

### **A. - IN GENERAL**

1. Prohibition on combustible and/or flammable burning.
  - a. Combustible and/or flammable burning is defined as consisting of any single or multiple pits or containers of any size where combustible and/or flammable liquids are burned for any reason.
  - b. The construction or use of pits or containers for the purpose of burning combustible and/or flammable liquids is prohibited.
  - c. Whoever burns combustible and/or flammable liquids in violation of the provisions of the section shall be guilty of a misdemeanor crime and shall be subject to the penalties in section 1-13 of the Code of Ordinances of Tangipahoa Parish, Louisiana.

### **B. - PITS AND PONDS**

#### 1. Definitions

Dirt pit: a hole, shaft or cavity in the ground created or expanded with the intent to mine dirt, clay, gravel, or any materials from the earth from the site for transport off of the site.

Pond: an artificially created confined body of water, which could be created for commercial, recreational uses, or for detention/drainage.

#### 2. Construction, operation or expansion of dirt pits and ponds require a permit.

All dirt pits and/or ponds sought to be constructed within Tangipahoa Parish are required to submit an application to the Tangipahoa Parish Permit Office. No new excavation shall begin until a permit is issued.

The permit application required by this "article" will require the following information, to-wit:

- a. The landowner or landowners' full names, physical and mailing addresses, and telephone number.
- b. The property description for the location of the dirt pit and/or pond.
- c. The official name or designation of the roadway providing access to the site of the dirt pit and/or pond.
- d. The anticipated size of the dirt pit and/or pond including both its anticipated depth and surface area.
- e. The anticipated starting date for operations and the anticipated completion date for operations at the site.
- f. The contractor/miner/excavator's complete name. If the contractor/miner/excavator is a partnership, corporation or limited liability company, there shall be included with the application the names of each owner, stockholder, partner and/or member except in the case of publicly traded stock corporations. Along with each name, there shall also be included the contractor, miner, excavator and in the case of a partnership, corporation or limited liability company, the owner, stockholder, partner and/or member's physical and mailing address and telephone number.

#### 3. Permit posting

The original permit or a copy thereof must be posted by the applicant at the entrance site of the dirt pit and/or pond where the applicant accesses the site from a public roadway.

#### 4. Damages to public roads

- a. The dirt pit and/or pond's landowners and the contractor/miner/excavator shall be jointly, severally and in solido, responsible for obtaining and constructing access onto a public roadway. If the public roadway is surfaced, there must be an apron connecting the applicant's private roadway to the public roadway constructed in a manner that will prevent damage to the roadway.
- b. Any damages to the public roadway must be paid for by the landowner and/or the contractor/miner/excavator, jointly and severally.
- c. The contractor/miner/excavator shall be responsible to make sure operations at the dirt pit/pond construction do not impact road safety and to remove any dirt or clay that is spilled or tracked onto the public roadway.

#### 5. Permit holder to provide access to parish inspectors

As a condition of the granting of a permit to undertake dirt pit/pond operations, the applicant and the landowner shall grant to the parish government's inspectors and/or compliance officers' complete access to the site for regular inspections, compliance enforcement, posting violations and issuing "STOP WORK" orders at all reasonable times.

#### 6. Compliance enforcement

In the event that the permit holder/holders fail to comply with the requirements of this article the Tangipahoa Parish Council-President Government, in addition to any other remedies provided for herein or by other general law, shall be entitled to "STOP ALL WORK" at the site and suspend all pits/pond operations permit.

#### 7. Special regulations

- a. Requirements for ponds of one acre or less in area on a single-family residential home site. An application must be submitted and fees paid in order to obtain a permit. The pond must be dug in a manner that will allow for it to hold water. For safety reasons, the edge of the pond will be sloped at a minimum ratio of 3:1. The edge of the pond can be no closer than 30 feet from a neighboring property line. During construction of the one acre or less size pond, if legitimate complaints arise, the parish government may require watering in order to control dust.
- b. Requirements for dirt pits and/or ponds more than one acre but no more than five acres in area. An application must be submitted along with the items set forth herein below in this paragraph before a permit may be issued pursuant to this article. If the merchantable timber is to be harvested from the site, a Tangipahoa Parish logging permit must be obtained. The applicant must present a plan for access to a state highway or to a parish roadway. A water truck may be required to control dust. If the site is constructed with the intention to create a pond, such pond will be constructed in a manner that will allow it to hold water and at the completion of the job, for safety reasons, the edges of the pond will be sloped at a minimum ratio of 3:1. The edge of any such dirt pit and/or pond can be no closer than 30 feet from a neighboring property line. Furthermore, to protect neighboring properties from damages to water wells, sewer systems and foundations, no such dirt pit or pond shall be located any closer than 200 feet from a neighboring property owner's existing residential house structure. If at any time the pit becomes abandoned, there shall be no pool of water or pond unless the edges of the pool or pond are sloped at a minimum ratio of 3:1. A permit for this size operation will be for a one-year term and must be renewed yearly thereafter during the operation. Prior to expanding the site to include excavation of more than five acres, the contractor/miner/excavator must apply for and obtain the permit required by subsection (c) of this section.
- c. Requirements for pits and/or ponds more than five acres in area. These developments must follow the procedures set forth in Article 9 Section 17- 9.1, and once a permit is issued, the following requirements must be upheld; If timber is to be harvested to clear the site, a logging permit is required. A water truck must be maintained on the site and must be used daily to control dust except in the event of substantial periods of rain. If the site is constructed with

the intention to create a pond, at completion of the job, such pond will be constructed in a manner that will allow it to hold water and for safety reasons, the edges of the pond will be sloped at a minimum ratio of 3:1. At all times, the edges of any such dirt pit and/or pond can be no closer than 30 feet from a neighboring property line. Furthermore, to protect neighboring properties from damages to water wells, sewer systems and foundations, no such dirt pit or pond shall be located any closer than 200 feet from a neighboring property owner's existing residential house structure. If at any time the pit becomes abandoned, there shall be no pool of water or pond unless the edges of the pool or pond are sloped at a minimum ratio of 3:1. A permit for this size operation will be for a one-year term and must be renewed yearly thereafter during the operation of the dirt pit. In addition to the other requirements for a permit.

#### 8. Existing pits and/or ponds

Pits that are currently operating, meaning dirt has been removed from the site for commercial purposes, as of the effective date of this chapter, will be exempt from all requirements of this article, excepting that these existing sites will be required to submit an application to the permit office and receive an exempt permit. This exempt permit will be kept on site. The application must contain the following information: Name of landowner, mailing address and phone number, name and phone number of contractor/excavators, location of pit (access road), total acreage of site (total on deed, even if plans do not include the use of all acreage), and total anticipated size of pit. This information will be for permit office use only, but will be available to the public as required by law. Any modification to the existing operations and/or site must conform with this article.

#### 9. Penalties

- a. Any person who violates the provisions of this article, as set forth hereinabove, will be guilty of a misdemeanor criminal offense punishable as provided in section 1-13 of the Code of Ordinances of Tangipahoa Parish, Louisiana.
- b. Each day that a violation of this said article exists will constitute a separate offense.

### **Sec. 17-9.4 AUTOMOBILE/VEHICLE IMPOUND FACILITIES, AUTOMOBILE/VEHICLE SALVAGE FACILITIES, USED CAR SALES AND RECYCLING FACILITIES**

#### **A.-Approval/Permit**

1. These developments must follow the procedures set forth in Article 9 Section 17- 9.1
2. Prior to beginning operations, each facility located within the rural and incorporated areas of Tangipahoa Parish, Louisiana, will be required to obtain a permit to operate.
3. In order to obtain a permit, applicants must also provide to the Tangipahoa Parish Permit Office the following information, to-wit:
  - a. The applicant(s) must provide a written operational plan setting forth in detail the type of impound facility, salvage yard and/or recycling business to be permitted, the materials to be collected, material storage information and any processing methods typical for the business.
  - b. The applicant(s) must provide a land survey showing the location of the facility or facilities along with the boundary lines, drainage plans and therein depicting the extent of the proposed operational area. The survey must show all locations of existing and proposed buildings, fences, processing areas and other relevant structures relating to the operation of the facility.



- c. The applicant(s) must provide a written environmental assessment study conducted by a civil engineer or environmental consultant licensed by the State of Louisiana.
4. If there are any changes to the applicant's operations after a permit has been obtained, the applicant must report these changes to the Tangipahoa Parish Permit Office and provide the same information as originally provided and go through the same process to obtain a revised permit to operate under this article.

## B. 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:]

**Automobile impound facility:** a facility for the sole purpose of storing and holding operating and/or non-operating automobiles and other vehicles on a temporary basis and which vehicles have been towed to that facility by a properly licensed towing company.

**Automobile salvage facility:** a facility for the sole purpose of collecting and storing of non-operating automobiles and other vehicles for resale or to sell parts therefrom.

**Recyclable material:** is defined as material that is marketable as a recyclable product and is commonly listed as a recyclable commodity.

**Recycling facility:** a facility for the sole purpose of collecting, storing and selling recyclable materials.

**Operational area:** the confines of an establishment designed as operational or working areas that are defined by fencing, walls or other structural means of boundary identification.

## C. Regulations

The following regulations for the placement and/or construction of automobile/vehicle impound facilities, automobile/vehicle salvage facility, used car auto sales, and/or recycling facilities and the operations are as follows:

1. Facilities will be permitted only where each such facility complies with all local, state and federal regulations regarding environmental pollution and each such facility has acquired all appropriate permits, occupational licenses and other documentation needed to be issued by local, state and federal regulatory bodies.
2. These developments must follow the procedures set forth in Article 9 Section 17- 9.1 and as follows:
  - a. The facility must be screened by a solid fence or fences, wall or walls and/or structure or structures at least ten feet in height and which fences, walls and/or structures must totally and completely enclose the operational areas of the facility so as to separate the operational areas from the public if the facility stores, holds or processes materials outdoors. If however, a facility stores, holds or processes any materials exclusively indoors, then the fencing requirements may be waived by the Tangipahoa Parish Council provided that no automobiles, vehicles and/or recycling materials are stored outdoors.
  - b. Any fencing, wall, structure or siding constructed by the applicant(s) must be constructed of quality building materials and these said materials must be of like material throughout the said fence, wall or structure. Building materials may be treated to prevent rot or decay or may be painted or colored with appropriate colored paint such as white or an earth tone (i.e., brown, forest green, etc.).
  - c. The permit holder is to keep the fence, wall or structure in a constant state of good repair and no signs or other advertising materials shall be placed on the fence. The facility should be locked and secured at all times after regular working hours.

- d. No materials will be piled or stacked to a height greater than ten feet and will be less than the height of the fence, wall or structure required to be constructed.
- e. A minimum 50-foot buffer will be established between the operational areas and the adjoining property. No storing, holding, processing of materials or any other work associated storage will be conducted within the designated buffer zone.
- f. Front building lines and fence lines must conform to the average building lines established in an area including that of any residents. Adjoining properties but in any case, the front building line shall be set back at least 50 feet from the adjacent public road or street line.
- g. As regards the side yard; all sides of the facility and the fence line must be at least 50 feet from adjacent property lines but at least 150 feet from any existing residence structure or other building on adjacent property unless the adjoining property owner specifically grants written permission for a waiver of this requirement.
- h. As to the rear yard, the rear yard shall not be limited as to depth but must be totally surrounded by solid fences, walls or other approved structures.
- i. The property onto which an automobile/vehicle impound facility, an automobile/vehicle salvage facility and/or a recycling facility is located must be maintained to a grass height of no more than 12 inches.
- j. All exits and entrances to a facility herein permitted shall provide for clear site distances and safe access to and from the public roadways.
- k. Any major drainage channels will be designed with sufficient culverts and rights-of-way to provide for natural water flow and maintenance of drainage.
- l. The disposal of waste and sewerage will meet all appropriate parish and state ordinances and regulations.

### 3. Additional Required Documents

- a. The applicant(s), prior to receipt of a permit and the commencement of operations, complete an environmental impact assessment for all proposed uses at the time of the permit application.
- b. These developments must follow the procedures set forth in Article 9 Section 17- 9.1
- c. The applicant(s) must provide an accurate drainage plan certified to by a licensed engineer in the State of Louisiana as a requirement of the application and prior to the issuance of any permit provided by this chapter.

### 4. Additional Operational Standards

- a. Materials collected in storage must be stored with like materials and must be stored in a manner to prevent the harboring of vectors and shall not create an unpleasant or unsightly view.
- b. Water will not be allowed to collect or hold within the stored automobile, vehicle and/or stored recyclable material to promote the breeding of rodents, vermin, roaches, mosquitos or other nuisances.
- c. Rodents, vermin, roaches, mosquitos and other pests will be controlled on the premises by regular treatment of the site with insecticides and rodent bait.
- d. Upon the discovery by the Tangipahoa Parish Building Inspector that any person, corporation, company, partnership or other entity is in violation of this article, then such person, corporation, company, partnership or other entity shall be given 48 hours written notice to cure or correct the violation and in failing to do so then to cease operations. If the violation continues after this notice and the passage of 48 hours from receipt of such a written notice, then the violators shall be subject to such criminal fines and civil penalties as may be provided for in this Code.
- e. The failure to comply with the above requirements or to obtain a permit prior to beginning operation of any automobile/vehicle impound facility, an

automobile/vehicle salvage facility and/or a recycling facility or the later operating of any such facility in violation thereof shall be punished by a civil fine of \$500.00 per day for each day that the violation continues. Each 24-hour period that a violation continues shall be a separate violation and subject to the above said fine of \$500.00 per day.

f. The violation shall be deemed to continue until all material contained on the property has been removed from the property and/or a certificate of compliance for this section has been issued by the Tangipahoa Parish Permit Office.

g. The provisions of this article shall apply prospectively from December 13, 1999, however these regulatory provisions shall not interfere with the operations of junk yards in existence, validly operating pursuant to validly issued permits and doing business as a junk yard on December 13, 1999, except that all junk yards will be reclassified and be required to obtain a permit pursuant to this chapter.

5. Annual yearly renewal/updated permit

a. Each permit issued pursuant to this article will be for an initial one-year term. For all subsequent years, an annual renewal permit will be issued upon receipt of a certification from the permit holder that the original information contained in the initial permit application remains unchanged and the payment of a renewal permit fee is at \$25.00.

b. If there is any material change in the original information provided by the applicant to the parish government in order to obtain the initial permit, the permit holder shall at the time of any such change reapply to the Tangipahoa Parish Permit Office for a permit in the same manner as for obtaining the initial permit and an update permit fee of \$25.00 will be due.

6. Jurisdiction

The Tangipahoa Parish Council-President Government will have jurisdiction over automobile/vehicle impound facilities, automobile/vehicle salvage facilities and/or recycling facilities as provided for in this article anywhere in the rural and unincorporated areas of the parish.

All civil fines collected by the Tangipahoa Parish Council-President Government for violations of this article must be paid to the Tangipahoa Parish Council-President Government.

7. Criminal penalty

The violation of the provisions of this article as relates to automobile/vehicle impound facilities, automobile/vehicle salvage facilities and/or recycling facilities will be subject to the person or persons responsible for this violation to the criminal penalties provided in section 1-13 of the Tangipahoa Parish Code of Ordinances and each day of such violation will be considered a separate offense.

**BE IT FURTHER ORDAINED** that this ordinance shall become effective immediately upon signature of the Parish President and all previous ordinances in conflict with said ordinance are hereby repealed.

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 23<sup>rd</sup> day of August, 2021 by the following roll-call vote:

**YEAS:**

**NAYS:**

**ABSENT:**

**NOT VOTING:**

**ATTEST:**

\_\_\_\_\_  
Kristen Pecararo  
Clerk of Council  
Tangipahoa Parish Council

\_\_\_\_\_  
Brigette Hyde  
Chairwoman  
Tangipahoa Parish Council

INTRODUCED: August 9, 2021

PUBLISHED: August 19, 2021 - OFFICIAL JOURNAL  
Hammond Daily Star

ADOPTED BY TPC: August 23, 2021

DELIVERED TO PRESIDENT: \_\_\_\_\_ day of August, 2021 at \_\_\_\_\_

APPROVED BY PRESIDENT: \_\_\_\_\_  
Robby Miller Date

VETOED BY PRESIDENT: \_\_\_\_\_  
Robby Miller Date

RECEIVED FROM PRESIDENT: \_\_\_\_\_ day of August, 2021 at \_\_\_\_\_

**T.P. Ordinance No. 21-59**

AN ORDINANCE PLACING NO PARKING ON SHOULDER SIGNS ON DUVIC LANE IN DISTRICT NO. 10 IN TANGIPAHOA PARISH IN ACCORDANCE WITH CHAPTER 22, TRAFFIC AND MOTOR VEHICLES - ARTICLE IV, SECTION 22

**BE IT ORDAINED** by the Tangipahoa Parish Council, governing authority of Tangipahoa Parish, State of Louisiana, as follows:

- 1) No Parking on Shoulder signs on Duvic Lane in District No. 10

in Accordance with Chapter 22, Traffic and Motor Vehicles - Article IV, Section 22.

**BE IT FURTHER ORDAINED** that this ordinance shall become effective immediately upon signature of the Parish President and all previous ordinances in conflict with said ordinance are hereby repealed.

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 23<sup>rd</sup> day of August, 2021 by the following roll-call vote:

YEAS:

NAYS:

ABSENT:

NOT VOTING:

ABSTAIN:

ATTEST:

\_\_\_\_\_  
Kristen Pecararo, Clerk of Council  
Tangipahoa Parish Council

\_\_\_\_\_  
Brigette Hyde, Chairwoman  
Tangipahoa Parish Council

INTRODUCED: August 9, 2021

PUBLISHED: August 19, 2021 The Daily Star- OFFICIAL JOURNAL

ADOPTED BY TPC: August 23, 2021

DELIVERED TO PRESIDENT: \_\_\_\_\_ day of August, 2021 at \_\_\_\_\_

APPROVED BY PRESIDENT: \_\_\_\_\_  
Robby Miller Date

VETOED BY PRESIDENT: \_\_\_\_\_  
Robby Miller Date

RECEIVED FROM PRESIDENT: \_\_\_\_\_ day of August, 2021 at \_\_\_\_\_

**T.P. Ordinance No. 21-60**

AN ORDINANCE PLACING A 3-WAY STOP SIGN AT THE INTERSECTION OF SEPTEMBER RAIN AND SWEET OLIVE LANE IN DISTRICT NO. 10 IN TANGIPAOA PARISH IN ACCORDANCE WITH CHAPTER 20, STREETS, ROADS, SIDEWALKS AND DRAINAGE - ARTICLE I, IN GENERAL - SECTION 20-16

**BE IT ORDAINED** by the Tangipahoa Parish Council, governing authority of Tangipahoa Parish, State of Louisiana, as follows:

- 1) 3-Way stop sign at the intersection of September Rain and Sweet Olive Lane in District No. 10

in Accordance with Chapter 20, Streets, Roads, Sidewalks And Drainage - Article I, in General - Section 20-16.

**BE IT FURTHER ORDAINED** that this ordinance shall become effective immediately upon signature of the Parish President and all previous ordinances in conflict with said ordinance are hereby repealed.

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 the 23<sup>rd</sup> day of August, 2021 by the following roll-call vote:

YEAS:

NAYS:

ABSENT:

NOT VOTING:

ABSTAIN:

ATTEST:

\_\_\_\_\_  
Kristen Pecararo, Clerk of Council  
Tangipahoa Parish Council

\_\_\_\_\_  
Brigette Hyde, Chairwoman  
Tangipahoa Parish Council

INTRODUCED: August 9, 2021

PUBLISHED: August 19, 2021 The Daily Star- OFFICIAL JOURNAL

ADOPTED BY TPC: August 23, 2021

DELIVERED TO PRESIDENT: \_\_\_\_\_ day of August, 2021 at \_\_\_\_\_

APPROVED BY PRESIDENT: \_\_\_\_\_  
Robby Miller Date

VETOED BY PRESIDENT: \_\_\_\_\_  
Robby Miller Date

RECEIVED FROM PRESIDENT: \_\_\_\_\_ day of August, 2021 at \_\_\_\_\_

**T.P. Ordinance No. 21-61**

**AN ORDINANCE AMENDING T.P. ORDINANCE NO. 20-46- AN ORDINANCE  
ADOPTING THE OPERATING A CAPITAL OUTLAY BUDGETS OF THE  
TANGIPAOHA PARISH COUNCIL- PRESIDENT GOVERNMENT FOR FISCAL  
YEAR 2021**

**BE IT ORDAINED** by the Tangipahoa Parish Council, governing authority of Tangipahoa Parish, State of Louisiana, that T.P. Ordinance No. 20-46- Adoption of the Capital and Outlay Budgets of the Tangipahoa Parish Council-President Government for fiscal year 2021 is hereby amended as attached.

**BE IT FURTHER ORDAINED** that this Ordinance shall become effective immediately upon signature of the Parish President and all previous Ordinances in conflict with said Ordinance are hereby repealed.

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 TPC.

On motion by \_\_\_\_\_ and seconded by \_\_\_\_\_, the foregoing ordinance was hereby declared adopted on this 23<sup>rd</sup> day of August, 2021 by the following roll-call vote:

**YEAS:**

**NAYS:**

**ABSENT:**

**NOT VOTING:**

**ATTEST:**

\_\_\_\_\_  
Kristen Pecararo  
Clerk of Council  
Tangipahoa Parish Council

\_\_\_\_\_  
Brigette Hyde  
Chairwoman  
Tangipahoa Parish Council

INTRODUCED: August 9, 2021

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Hammond Daily Star

ADOPTED BY TPC: August 23, 2021

DELIVERED TO PRESIDENT: \_\_\_\_\_ day of August, 2021 at \_\_\_\_\_

APPROVED BY PRESIDENT: \_\_\_\_\_  
Robby Miller Date

VETOED BY PRESIDENT: \_\_\_\_\_  
Robby Miller Date

RECEIVED FROM PRESIDENT: \_\_\_\_\_ day of August, 2021 at \_\_\_\_\_

## **T.P. ORDINANCE NO. 21-62**

An ordinance levying a sales tax of two percent (2.00%) in Tangipahoa Parish Economic Development District No. 8, State of Louisiana; designating the full amount of such additional sales tax as the sales tax increment in said District from which the local and state sales tax increments will be determined and used to finance economic development projects in accordance with and as authorized by Part II, Chapter 27, Title 33 of the Louisiana Revised Statutes of 1950, as amended; designating the initial annual baseline collection rate and establishing a monthly baseline collection rate for said District; pledging and dedicating such tax increment to economic development projects in or benefitting the District and providing for other matters in connection with the foregoing.

**WHEREAS**, Part II, Chapter 27, Title 33 of the Louisiana Revised Statutes of 1950, as amended (La. R.S. 33:9038.31, *et seq.*) (the "EDD Act") authorizes municipalities, parishes and certain other local governmental subdivisions to create economic development districts to carry out the purposes of the EDD Act, which economic development districts are political subdivisions of the State of Louisiana and possess such power and authority and have such duties as provided by the EDD Act and other law; and

**WHEREAS**, the Parish of Tangipahoa, State of Louisiana (the "Parish"), acting through this Parish Council as its governing authority, has previously created Tangipahoa Parish Economic Development District No. 8, State of Louisiana (the "District") pursuant to the EDD Act and T.P. Ordinance No. 21-17 adopted on April 12, 2021, in which District local sales tax increments and hotel occupancy tax may be determined and used to fund economic development projects, as defined in the EDD Act; and

**WHEREAS**, La. R.S. 33:9038.39 permits the District to levy a sales and use tax up to two percent (2%) and a hotel occupancy tax of up to two percent (2%) for authorized purposes above and in addition to any other sales taxes, hotel occupancy taxes, or combination of such taxes, then in existence or permitted to be in existence within the District; and

**WHEREAS**, La. R.S. 33:9038.34(O) provides for the creation of a special trust fund for the furtherance of economic development projects, as defined in the EDD Act, into which the incremental increases in sales taxes and hotel occupancy taxes shall be deposited and loaned, granted, donated, or pledged in furtherance of economic development projects (each Project hereinafter approved being referred to herein as a "Project" or "Projects"); and

**WHEREAS**, in accordance with the EDD Act, the governing authority of the Parish, in Section 3 of said T.P. Ordinance No. 21-17, did further create a special trust fund, named the "Tangipahoa Parish Economic Development District No. 8, State of Louisiana Trust Fund" (the "Trust Fund") the purpose of which is to fund economic development projects as defined in the EDD Act; and

**WHEREAS**, in accordance with La. R.S. 33:9038.39, and in order to finance and fund certain Projects, the governing authority of the Parish, in its capacity as governing authority of the District, desires to levy an additional sales tax of two percent (2.00%) in the District and to designate such increase in sales tax as the sales tax increment, together with a like amount of State of Louisiana (the "State") sales tax, if approved by the State, which will be used for the purpose of financing economic development projects, as defined in La. R.S. 33:9038.34(M) and La. R.S. 33:9038.36, located within the District, and also to pay the costs of infrastructure improvements outside the District that benefit property in the District; and

**WHEREAS**, in accordance with the EDD Act, a Notice of Intention was published once a week for two weeks in the official journal of the district, the first publication having appeared at least fourteen days before the public hearing held by the governing authority of the District, at which public hearing no objections were raised to the proposed levy of the aforesaid 2.00% sales tax;

**NOW THEREFORE, BE IT HEREBY ORDAINED** by the Parish Council of the Parish of Tangipahoa, State of Louisiana, acting as the governing authority of the District, that:



SECTION 1. Adoption of Findings. All of the above "Whereas" clauses are adopted as part of this ordinance.

SECTION 2. Levy of Sales and Use Tax. In accordance with La. R.S. 33:9038.39 and other constitutional and statutory authority supplemental thereto, there is hereby levied in the District, effective October 1, 2021, and continuing thereafter in perpetuity, an additional sales tax of two percent (2.00%), upon the sale at retail, the use, the lease or rental, the consumption, and the storage for use or consumption, of tangible personal property, upon the lease or rental of tangible personal property and on the sales of services in the District, as defined by law (the "District Sales Tax").

The proceeds of the District Sales Tax shall be used for the purpose of financing economic development projects, as defined in La. R.S. 33:9038.34(M) and La. R.S. 33:9038.36, located within the District, and also to pay the costs of infrastructure improvements outside the District that benefit property in the District.

The Uniform Local Sales Tax Code, as enacted by Act No. 73 of the 2003 Regular Session of the Louisiana Legislature, and as it may be amended from time to time, shall apply in the assessment, collection, administration and enforcement of the District Sales Tax, the provisions of which Uniform Local Sales Tax Code are hereby incorporated by reference.

As provided by La. R.S. 33:9038.39, no election shall be required in connection with the levy of the District Sales Tax, since there are no qualified electors in the District, as certified by the Tangipahoa Parish Registrar of Voters by certification attached hereto as Exhibit A.

SECTION 3. Vendor's Compensation. For the purpose of compensating the dealer in accounting for and remitting the District Sales Tax levied by this ordinance, each dealer shall be allowed one percent (1.00%) of the amount of District Sales Tax due and accounted for and remitted to the Tax collector (or such other amount as may be determined by the hereinafter defined Collector) in the form of a deduction in submitting his report and paying the amount due by the dealer, provided the amount due was not delinquent at the time of payment, and provided the amount of any credit claimed for taxes already paid to a wholesaler shall not be deducted in computing the commission allowed the dealer hereunder.

SECTION 4. Exclusions or Exemptions. This governing authority adopts none of the optional exclusions or exemptions allowed by state sales tax law, nor does this governing authority adopt any exclusions or exemptions authorized by legislation enacted under Article VI, Section 29(D)(1) of the Constitution of the State of Louisiana of 1974 that are not allowed as an exclusion or exemption from state sales tax. Included within the tax base of the District tax is every transaction, whether sales, use, lease or rental, consumption, storage or service, with no exclusions or exemptions except for those mandated upon political subdivisions by the Constitution or statutes of the State of Louisiana.

SECTION 5. Tax Collector. The District Sales Tax is authorized to be collected by a "Collector" which term shall mean the Tangipahoa Parish School Board Sales Tax Division, or its successor in the role of parishwide sales tax collector. The Collector is hereby authorized, empowered and directed to carry into effect the provisions of this ordinance, to appoint deputies, assistants or agents to assist it in the performance of its duties, and in pursuance thereof to make and enforce such rules as it may deem necessary.

The District Sales Tax shall be collected in the same manner, under the same terms and conditions and with the same penalty, interest, collection and compensation arrangements as other sales taxes in the Parish are collected by the Collector.

With regard to the collection of the District Sales Tax on any motor vehicle, automobile, truck, truck-trailer, trailer, semi-trailer, motor bus, home trailer, or any other vehicle subject to the vehicle registration license tax, this Governing Authority, acting through the Parish and on behalf of the District, for the collection of the District Sales Tax on such vehicles, is authorized to enter into an agreement with the Vehicle Commissioner, Department of Public Safety and Corrections, as provided by R.S.47:303(B)(3)(b).

All taxes, revenues, funds, assessments, moneys, penalties, fees or other income which may be collected or come into the possession of the Collector under any provision or provisions

of this ordinance relating to the District Sales Tax shall be promptly deposited by the Collector for the account of the District in the Trust Fund, provided, however, any amount which is paid under protest or which is subject to litigation may be transferred to a separate account established by the Collector with said fiscal agent pending the final determination of the protest or litigation.

**SECTION 6. Penalty, Interest and Attorneys Fees.** If the amount of District Sales Tax due by the dealer is not paid on or before the twentieth (20th) day of the month next following the month for which the District Sales Tax is due, there shall be collected, with said District Sales Tax, interest upon said unpaid amount, at the rate of one and twenty-five hundredths per cent (1.25%) per cent per month, to be computed from the first day of the month next following the month for which the District Sales Tax is due until it is paid; and in addition to the interest that may be so due there shall also be collected a penalty equivalent to five per cent (5%) for each thirty (30) days, or fraction thereof, of delinquency, not to exceed twenty-five per cent (25%) in the aggregate, of the District Sales Tax due, when such District Sales Tax is not paid, within thirty (30) days of the date the District Sales Tax first becomes due and payable, and in the event of suit, attorney's fees at the rate of ten per cent (10%) of the aggregate of District Sales Tax, interest and penalty.

In the event any dealer fails to make a report and pay the District Sales Tax as provided by this ordinance, or in case the dealer makes a grossly incorrect report, or a report that is false or fraudulent, it shall be the duty of the Collector to make an estimate for the taxable period of the retail sales, or sales of services, of such dealer, or of the gross proceeds from rentals or leases of tangible personal property by the dealer, and an estimate of the cost price of all articles of tangible personal property imported by the dealer for use or consumption or distribution or storage to be used or consumed in the District, and to assess and collect the District Sales Tax and interest, plus penalty, if such have accrued, on the basis of such assessment, which shall be considered prima facie correct, and the burden to show the contrary shall rest upon the dealer. In the event such estimate and assessment requires an examination of books, records, or documents, or an audit thereof, then the Collector shall add to the assessment the cost of such examination, together with any penalties accruing thereon.

If any dealer fails to make any return required by this ordinance or make an incorrect return, and the circumstances indicate willful negligence or intentional disregard of rules and regulations, but no intent to defraud, there shall be imposed, in addition to any other penalties provided herein, a specific penalty of five per cent (5%) of the District Sales Tax or deficiency found to be due, or Ten Dollars (\$10.00), whichever is greater. This specific penalty shall be an obligation to be collected and accounted for in the same manner as if it were a part of the District Sales Tax due and can be enforced either in a separate action or in the same action for the collection of the District Sales Tax.

The amounts and manner of collection of the foregoing interest and penalty payments may be adjusted by the Collector from time to time.

**SECTION 7. Designation of Baseline Collection Rate.** The District Sales Tax levied pursuant to Section 2, above, is a new sales tax and the full amount thereof is hereby designated by the governing authority of the District to be used in determining the local sales tax increment pursuant to the EDD Act. The initial annual baseline collection rate for the District, which is the amount of the District Sales Tax collected in the District in the most recent completed fiscal year prior to the establishment of the District, is hereby designated to be zero (\$0) (the "Initial Baseline Collection Rate"), as the District Sales Tax was not levied during the most recently completed fiscal year of this governing authority prior to the establishment of the District. The monthly baseline collection rate, which is the initial annual baseline collection rate divided by twelve (12), is hereby designated to be zero (\$0) (the "Monthly Baseline Collection Rate").

**SECTION 8. CFO Certification.** The Clerk/Chief Financial Officer of the Parish has furnished the certification in the form attached hereto as Exhibit B, as to the accuracy of the Initial Annual Baseline Collection Rate and Monthly Baseline Collection Rate and is authorized and directed to publish such certification in the official journal of the Parish, one time, as required by La. R.S. 33:9038.34(C). If the amounts of the Initial Annual Baseline Collection Rate and Monthly Baseline Collection Rate are not contested within thirty days after the said publication, then such amounts shall be conclusively presumed to be valid, and no court shall have any jurisdiction to alter or invalidate the designation of the amount of either the Initial Annual Baseline Collection Rate and Monthly Baseline Collection Rate.

SECTION 9. Designation of Sales Tax Increment. This governing authority hereby designates the entire amount of the District Sales Tax as the local sales tax increment, which is to be deposited, together with a like amount of State sales tax to the extent approved by the State, in the Trust Fund for economic development purposes in and directly benefitting properties in the district and hereby pledges and dedicates to such purpose the local sales tax increment, and a like amount of State sales tax increment to the extent approved by the State, in the manner provided by the EDD Act.

SECTION 10. Notice to Public. This governing authority hereby acknowledges and affirms the prior publication of a notice describing the levy of the District Sales Tax and informing the citizens of the date of consideration of this ordinance, said notice having been published once a week for two weeks in the official journal of the Parish, in the form of notice attached hereto as Exhibit C, all as required by La. R.S. 33:9038.39.

SECTION 11. Use of Sales Tax Increments. Notwithstanding anything to the contrary contained herein, sales tax increments within the District, if any, and shall be used only for Projects that meet the definition of "economic development project" as that term is defined in La. R.S. 33:9038.34(M) and La. R.S. 33:9038.36.

SECTION 12. Authorization of Officers. The Parish President, Chair of the Parish Council, and Clerk of the Council are hereby authorized, empowered and directed to do any and all things necessary and incidental to carry out the provisions of this ordinance.

SECTION 13. Severability. If any provision of this ordinance shall be held to be illegal or invalid, such illegality or invalidity shall not affect any other provision of this ordinance, but this ordinance shall be construed and enforced as if such illegal or invalid provisions had not been contained herein. Any constitutional or statutory provision enacted after the date of this ordinance which validates or makes legal any provision of this ordinance which would not otherwise be valid or legal, shall be deemed to apply to this ordinance.

SECTION 14. Repealer. All ordinances or resolution, or parts thereof, in conflict herewith are hereby repealed.

SECTION 15. Council Approval. The adoption of this ordinance constitutes approval of the District Sales Tax as required by Section 7-08(A) of the Tangipahoa Parish Home Rule Charter.

SECTION 16. Publication; Effective Date. This ordinance shall be published one time in the official journal of the Parish and in accordance with Section 2-12(C) of the Tangipahoa Parish Home Rule Charter, shall become effective immediately upon approval by the Parish President.

**[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]**

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 23<sup>rd</sup> day of August, 2021 by the following roll-call vote:

Yea:

Nays:

Abstain:

Absent:

ATTEST:

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Brigette Hyde, Chairwoman  
Tangipahoa Parish Council

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Kristen Pecararo, Clerk  
Tangipahoa Parish Council

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Robby Miller, President  
Tangipahoa Parish

**EXHIBIT A  
to Sales Tax Ordinance**

**STATE OF LOUISIANA**

**PARISH OF TANGIPAHOA**

**CERTIFICATE OF REGISTRAR OF VOTERS**

I, \_\_\_\_\_, the duly appointed Registrar of Voters in and for the Parish of Tangipahoa, State of Louisiana, do hereby certify to the Parish of Tangipahoa, State of Louisiana (the "Parish"), that there are no qualified electors located in the economic development district known as "Tangipahoa Parish Economic Development District No. 8, State of Louisiana," having the specific geographical boundaries set forth in Ordinance No. 21-17 adopted on April 12, 2021, creating said District.

IN FAITH WHEREOF, witness my signature and official seal of the Registrar of Voters of the Parish of Tangipahoa, this \_\_\_ day of \_\_\_\_\_, 2021.

(SEAL)

\_\_\_\_\_  
Registrar of Voters

[ORIGINAL ON FILE WITH THE CLERK OF THE PARISH COUNCIL  
AS AN ATTACHMENT TO ORIGINAL ORDINANCE]

**EXHIBIT B**  
**to Sales Tax Ordinance**

**STATE OF LOUISIANA**

**PARISH OF TANGIPAHOA**

I, \_\_\_\_\_, in my capacity as Chief Finance Officer of the Parish of Tangipahoa, State of Louisiana (the "Parish"), do hereby certify that the initial annual baseline collection for (i) the additional sales tax of two percent (2.00%) and (ii) the additional hotel occupancy tax of two percent (2.00%) proposed to be levied in the economic development district known as "Tangipahoa Parish Economic Development District No. 8, State of Louisiana," (the "District"), which is the amount of such designated sales tax and hotel occupancy tax collected in the District during the fiscal year of the Parish of Tangipahoa, State of Louisiana, most recently completed prior to the establishment of the District (*i.e.* the fiscal year ended December 31, 2020), is zero (\$0), as the proposed additional sales tax and hotel occupancy tax were not levied during the previous fiscal year. The monthly baseline collection rate of the proposed taxes, which is the annual baseline rate divided by twelve (12), is also zero (\$0).

IN FAITH WHEREOF, witness my signature on this \_\_\_\_ day of \_\_\_\_\_, 2021.

(SEAL)

\_\_\_\_\_

Chief Financial Officer

[ORIGINAL ON FILE WITH THE CLERK OF THE PARISH COUNCIL  
AS AN ATTACHMENT TO ORIGINAL ORDINANCE]

**(published August 5 and August 12, 2021)**

**NOTICE OF INTENTION TO LEVY A  
2.00% SALES TAX AND A  
2.00% HOTEL OCCUPANCY TAX IN  
TANGIPAHOA PARISH ECONOMIC DEVELOPMENT  
DISTRICT NO. 8, STATE OF LOUISIANA**

NOTICE IS HEREBY GIVEN that the Parish Council of the Parish of Tangipahoa, State of Louisiana (the "Governing Authority"), acting in its capacity as governing authority of Tangipahoa Parish Economic Development District No. 8, State of Louisiana (the "District") proposes to consider the adoption of ordinances, pursuant to La. R.S. 33:9038.39, levying in the District (i) an additional two percent (2.00%) sales tax and (ii) an additional two percent (2.00%) hotel occupancy tax, for the purpose of financing economic development projects, as defined in La. R.S. 33: 9038.34(M) and La. R.S. 33:9038.36, located within the District, and also to pay the costs of infrastructure improvements outside the District that benefit property in the District (the "District Taxes"). The proceeds of the District Taxes will be deposited in a special trust fund to be used for the aforesaid purposes, all pursuant to the authority of Part II, Chapter 27, Title 33 of the Louisiana Revised Statutes of 1950, as amended (La. R.S. 33:9038.31, *et seq.*).

NOTICE IS HEREBY FURTHER GIVEN that the Governing Authority, acting as the governing authority of the District, will meet in open and public session on **MONDAY, AUGUST 23, 2021, at FIVE-THIRTY O'CLOCK (5:30) P.M.**, at the Tangipahoa Parish Government Building, 206 East Mulberry Street, Amite, Louisiana (contact number (985) 748-3211), (i) to hear any objections to the proposed levy of the District Taxes as described above, and (ii) thereafter to consider the adoption of an ordinance or ordinances levying the District Taxes.

The following map depicts the boundaries of the District, which consists of two parcels, with Assessment Numbers 1876902 and 1877305 in the Tangipahoa Parish Assessor's records, comprising approximately 35.39 acres. A description of the boundaries of the proposed District is on file and available for review during normal business hours at the office of the Clerk of the Tangipahoa Parish Council.



STATE OF LOUISIANA

PARISH OF TANGIPAHOA

I, the undersigned Clerk of the Tangipahoa Parish Council, do hereby certify that the foregoing \_\_\_\_\_ (\_\_\_) pages constitute a true and correct copy of an ordinance adopted by said Parish Council on August 23, 2021, levying a sales tax in Tangipahoa Parish Economic Development District No. 8, State of Louisiana; designating the full amount of such additional sales tax as the sales tax increment in said District from which the local and state sales tax increments will be determined and used to finance economic development projects in accordance with and as authorized by Part II, Chapter 27, Title 33 of the Louisiana Revised Statutes of 1950, as amended; designating the initial annual baseline collection rate and establishing a monthly baseline collection rate for said District; pledging and dedicating such tax increment to economic development projects in or benefitting the District and providing for other matters in connection with the foregoing.

IN FAITH WHEREOF, witness my official signature and the impress of the official seal of the Parish on this the \_\_\_ day of \_\_\_\_\_, 2021.

(SEAL)

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Kristen Pecararo, Council Clerk



## T.P. ORDINANCE NO. 21-63

An ordinance levying a hotel occupancy tax of two percent (2.00%) in Economic Development District No. 8 of the Parish of Tangipahoa, State of Louisiana; designating the full amount of such additional hotel occupancy tax as the hotel occupancy tax increment in said District from which the hotel occupancy tax increments will be determined and used to finance economic development projects in accordance with and as authorized by Part II, Chapter 27, Title 33 of the Louisiana Revised Statutes of 1950, as amended; designating the initial annual baseline collection rate and establishing a monthly baseline collection rate for said District; pledging and dedicating such tax increment to economic development projects in or benefitting the District and providing for other matters in connection with the foregoing.

**WHEREAS**, Part II, Chapter 27, Title 33 of the Louisiana Revised Statutes of 1950, as amended (La. R.S. 33:9038.31, *et seq.*) (the "EDD Act") authorizes municipalities, parishes and certain other local governmental subdivisions to create economic development districts to carry out the purposes of the EDD Act, which economic development districts are political subdivisions of the State of Louisiana and possess such power and authority and have such duties as provided by the EDD Act and other law; and

**WHEREAS**, the Parish of Tangipahoa, State of Louisiana (the "Parish"), acting through this Parish Council as its governing authority, has previously created Tangipahoa Parish Economic Development District No. 8, State of Louisiana (the "District") pursuant to the EDD Act and T.P. Ordinance No. 21-17 adopted on April 12, 2021, in which District local sales tax increments and hotel occupancy tax may be determined and used to fund economic development projects, as defined in the EDD Act; and

**WHEREAS**, La. R.S. 33:9038.39 permits the District to levy a sales and use tax up to two percent (2%) and a hotel occupancy tax of up to two percent (2%) for authorized purposes above and in addition to any other sales taxes, hotel occupancy taxes, or combination of such taxes, then in existence or permitted to be in existence within the District; and

**WHEREAS**, La. R.S. 33:9038.34(O) provides for the creation of a special trust fund for the furtherance of economic development projects, as defined in the EDD Act, into which the incremental increases in sales taxes and hotel occupancy taxes shall be deposited and loaned, granted, donated, or pledged in furtherance of economic development projects (each Project hereinafter approved being referred to herein as a "Project" or "Projects"); and

**WHEREAS**, in accordance with the EDD Act, the governing authority of the Parish, in Section 3 of said T.P. Ordinance No. 21-17 did further create a special trust fund, named the "Tangipahoa Parish Economic Development District No. 8, State of Louisiana Trust Fund" (the "Trust Fund") the purpose of which is to fund economic development projects as defined in the EDD Act; and

**WHEREAS**, in accordance with La. R.S. 33:9038.39, and in order to finance and fund certain Projects, the governing authority of the Parish, in its capacity as governing authority of the District, desires to levy a hotel occupancy tax of two percent (2.00%) in the District, used for the purpose of financing economic development projects, as defined in La. R.S. 33:9038.34(M) and La. R.S. 33:9038.36, located within the District, and also to pay the costs of infrastructure improvements outside the District that benefit property in the District; and

**WHEREAS**, in accordance with the EDD Act, a Notice of Intention was published once a week for two weeks in the official journal of the district, the first publication having appeared at least fourteen days before the public hearing held by the governing authority of the District, at which public hearing no objections were raised to the proposed levy of the aforesaid 2.00% hotel occupancy tax;

**NOW THEREFORE, BE IT HEREBY ORDAINED** by the Parish Council of the Parish of Tangipahoa, State of Louisiana, acting as the governing authority of the District, that:

SECTION 1. Adoption of Findings; Defined Terms. All of the above "Whereas" clauses are adopted as part of this ordinance. In addition to the terms defined in the preambles hereof, the following words, terms and phrases have the meanings ascribed to them in this Section, except when the context clearly indicates a different meaning:

**"Collector"** means the person or agency designated as the collector of the tax imposed herein and includes any employees and duly authorized assistants; initially the "Collector" shall be the Tangipahoa Parish Sheriff's Office.

**"Hotel"** as used herein shall mean and include any establishment, both public and private, engaged in the business of furnishing or providing rooms and overnight camping facilities intended or designed for dwelling, lodging or sleeping purposes to transient guests where such establishment consists of two (2) or more guest rooms and does not encompass any hospital, convalescent or nursing home or sanitarium, or any hotel-like facility operated by or in connection with a hospital or medical clinic providing rooms exclusively for patients and their families. Motels and tourist camps and overnight camping facilities are included within the definition in this paragraph and shall specifically include establishments providing campgrounds and hook-ups or connection facilities for transient or overnight campers who travel or provide their own camping equipment but pay fees and consideration for the location and placement and various services for such campers.

**"Person"** as used herein shall have the same definition and meaning as that contained in LSA R.S. 47:301(8) and shall include any individual, firm, partnership, joint venture, association, corporation, estate, trust, business trust, receiver, syndicate, the State of Louisiana, any Parish, municipality, district or other political subdivision thereof or any board, agency, instrumentality or other group or combination acting as a unit, and the plural as well as the singular number.

SECTION 2. Levy of Hotel Occupancy Tax. In accordance with La. R.S. 33:9038.39 and other constitutional and statutory authority supplemental thereto, there is hereby levied and imposed in the District, effective October 1, 2021, and continuing thereafter in perpetuity, an additional tax of two percent (2.00%) of the rental or fee charged for such occupancy as defined and described in this Ordinance upon the occupancy of hotel rooms, motel rooms and overnight camping facilities, including campgrounds (the "District Hotel Tax").

The proceeds of the District Hotel Tax shall be used for the purpose of financing economic development projects, as defined in La. R.S. 33:9038.34(M) and La. R.S. 33:9038.36, located within the District, and also to pay the costs of infrastructure improvements outside the District that benefit property in the District.

As provided by La. R.S. 33:9038.39, no election shall be required in connection with the levy of the District Hotel Tax, since there are no qualified electors in the District, as certified by the Tangipahoa Parish Registrar of Voters by certification attached hereto as Exhibit A.

SECTION 3. Exemptions. The District Hotel Tax shall not apply to the rent for hotel rooms rented to the same occupant for a period of thirty (30) or more calendar days, or those hotel rooms rented on an annual contractual basis for consecutive or non-consecutive days.

SECTION 4. Collection From Occupants; Exemption. The District Hotel Tax shall be paid by the person or persons who exercise or are entitled to occupancy of the hotel room, motel room, overnight camping facility or campground and shall be paid at the time the rent or fee of occupancy is paid.

SECTION 5. Collection From Dealers or Operators. The District Hotel Tax shall be collectible from all persons engaged in as dealers or operators of the facilities for which this occupancy tax is imposed.

SECTION 6. Payment In Accordance With Sales & Use Tax Imposed By District. The District Hotel Tax shall be due and shall be payable monthly at the same time and on the same dates as other hotel occupancy taxes in the Parish are due and payable.

SECTION 7. Other Collection Provisions. The District shall, as circumstances and necessity dictate, employ or arrange for a collector for the collection of and accounting for the District Hotel Tax. The Parish President and the Chair of the Tangipahoa Parish Council are hereby authorized to execute on behalf of the District an agreement with the Tangipahoa Parish Sheriff's Office (or such other collector of taxes as may be determined by the Parish President and Chair of the Tangipahoa Parish Council), to collect the District Hotel Tax on behalf of the District and shall allow the collector to retain a percentage of the District Hotel Tax collected to cover the cost and fair compensation for the services rendered in collecting, enforcing and remitting the District Hotel Tax to the District.

SECTION 8. Disbursement. The proceeds of the District Hotel Tax shall be used for the purpose of financing economic development projects, as defined in La. R.S. 33:9038.34(M) and La. R.S. 33:9038.36, located within the District, and also to pay the costs of infrastructure improvements outside the District that benefit property in the District.

SECTION 9. Failure To Pay District Hotel Tax. Failure to pay any District Hotel Tax due as provided in this Section shall *ipso facto*, without demand or putting in default, cause said District

Hotel Tax, interest, penalties, and costs to become immediately delinquent, and the District is hereby vested with authority, on motion in a court of competent jurisdiction, to take a rule on the said dealers or operators of the facilities for which the District Hotel Tax is imposed to show cause in not less than two (2) or more than ten (10) days, exclusive of holidays, after the service thereof, which may be tried out of term and in chambers, and shall always be tried by preference, why said dealer or person should not be ordered to cease from further pursuit of business as a dealer, and in case said rule is made absolute, the order thereon rendered shall be considered a judgment in favor of the governing authority, prohibiting such dealer from the further pursuit of said business until such time as he has paid the said delinquent District Hotel Tax, interest, penalties and costs, and every violation of the injunction shall be considered as a contempt of court, and punished according to law.

SECTION 10. Interest and Penalties. If the amount of District Hotel Tax due by the dealer is not paid on or before the twentieth (20th) day of the month next following the month for which the District Hotel Tax is due, there shall be collected, with said District Hotel Tax, interest upon said unpaid amount, at the rate of one and twenty-five hundredths per cent (1.25%) per cent per month, to be computed from the first day of the month next following the month for which the District Hotel Tax is due until it is paid; and in addition to the interest that may be so due there shall also be collected a penalty equivalent to five per cent (5%) for each thirty (30) days, or fraction thereof, of delinquency, not to exceed twenty-five per cent (25%) in the aggregate, of the District Hotel Tax due, when such District Hotel Tax is not paid, within thirty (30) days of the date the District Hotel Tax first becomes due and payable, and in the event of suit, attorney's fees at the rate of ten per cent (10%) of the aggregate of District Hotel Tax, interest and penalty.

The amounts and manner of collection of the foregoing interest and penalty payments may be adjusted by the Collector from time to time.

SECTION 11. Failure To Make Report; Estimate Of District Hotel Tax By Collector. In the event any person or dealer fails to make a report and pay the District Hotel Tax, or in case the dealer or person makes a grossly incorrect report, or a report that is false or fraudulent, it shall be the duty of the collector to make an estimate for the taxable period of the occupancy of the facility and an estimate of the cost price of the occupancy and assess and collect the District Hotel Tax and interest, plus penalty, if such have accrued, on the basis of such assessment, which shall be considered *prima facie* correct, and the burden to show the contrary shall rest upon the person or dealer. In the event such estimate and assessment requires an examination of books, records or documents, or an audit thereof, then the Collector shall add to the assessment the cost of such examination, together with any penalties accruing thereon.

If any person or dealer fails to make any return required by this Section or makes an incorrect return, and the circumstances indicate willful negligence or intentional disregard of rules and regulations, but not intent to defraud, there shall be imposed, in addition to any other penalties provided herein, a specific penalty of five per cent (5%) of the District Hotel Tax or deficiency found to be due or Ten Dollars (\$10.00), whichever is greater. This specific penalty shall be an obligation to be collected and accounted for in the same manner as if it were a part of the District Hotel Tax due and can be enforced either in a separate action or in the same action for the collection of the District Hotel Tax.

The amounts and manner of collection of the foregoing interest and penalty payments may be adjusted by the Collector from time to time.

SECTION 12. Selling Or Quitting Of Business. If a person or dealer liable for any tax, interest or penalty hereunder shall sell his business or shall sell out his business or quit business; he shall make a final return and payment within fifteen (15) days after the date of selling or quitting business. His successor, successors, or assigns, if any, shall withhold sufficient purchase money to cover the amount of such taxes, interest and penalties due and unpaid until such time as the former owner shall produce a receipt from the collector showing that they have been paid, or certificate stating that no taxes, interest, or penalties are due. If the purchaser of a business fails to withhold purchase money as provided, he shall be personally liable for payment of taxes, interest and penalties accrued and unpaid on account of the operation of the business by any former owner, owners, or assignors.

SECTION 13. Notice to Public. This governing authority hereby acknowledges and affirms the prior publication of a notice describing the levy of the District Hotel Tax and informing the citizens of the date of consideration of this ordinance, said notice having been published once a week for two weeks in the official journal of the Parish, in the form of notice attached hereto as Exhibit B.

SECTION 14. Authorization of Officers. The Parish President, Chair of the Parish Council, and Clerk of the Council are hereby authorized, empowered and directed to do any and all things necessary and incidental to carry out the provisions of this ordinance.

SECTION 15. Severability. If any provision of this ordinance shall be held to be illegal or invalid, such illegality or invalidity shall not affect any other provision of this ordinance, but this ordinance shall be construed and enforced as if such illegal or invalid provisions had not been contained herein. Any constitutional or statutory provision enacted after the date of this ordinance which validates or makes legal any provision of this ordinance which would not otherwise be valid or legal, shall be deemed to apply to this ordinance.

SECTION 16. Repealer. All ordinances or resolution, or parts thereof, in conflict herewith are hereby repealed.

SECTION 17. Council Approval. The adoption of this ordinance constitutes approval of the District Hotel Tax as required by Section 7-08(A) of the Tangipahoa Parish Home Rule Charter.

SECTION 18. Publication; Effective Date. This ordinance shall be published one time in the official journal of the Parish and in accordance with Section 2-12(C) of the Tangipahoa Parish Home Rule Charter, shall become effective immediately upon approval by the Parish President.

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 23<sup>rd</sup> day of August, 2021 by the following roll-call vote:

Yeas:

Nays:

Abstain:

Absent:

ATTEST:

\_\_\_\_\_  
Brigette Hyde, Chairwoman  
Tangipahoa Parish Council

\_\_\_\_\_  
Kristen Pecararo, Clerk  
Tangipahoa Parish Council

\_\_\_\_\_  
Robby Miller, President  
Tangipahoa Parish

**EXHIBIT A  
to Hotel Tax Ordinance**

STATE OF LOUISIANA

PARISH OF TANGIPAHOA

**CERTIFICATE OF REGISTRAR OF VOTERS**

I, \_\_\_\_\_, the duly appointed Registrar of Voters in and for the Parish of Tangipahoa, State of Louisiana, do hereby certify to the Parish of Tangipahoa, State of Louisiana (the "Parish"), that there are no qualified electors located in the economic development district known as "Tangipahoa Parish Economic Development District No. 8, State of Louisiana," having the specific geographical boundaries set forth in Ordinance No. 21-17 adopted on April 12, 2021, creating said District.

IN FAITH WHEREOF, witness my signature and official seal of the Registrar of Voters of the Parish of Tangipahoa, this \_\_\_ day of \_\_\_\_\_, 2021.

(SEAL)

\_\_\_\_\_  
Registrar of Voters

[ORIGINAL ON FILE WITH THE CLERK OF THE PARISH COUNCIL  
AS AN ATTACHMENT TO ORIGINAL ORDINANCE]

**EXHIBIT B**  
**to Hotel Tax Ordinance**

(published August 5 and August 12, 2021)

**NOTICE OF INTENTION TO LEVY A  
2.00% SALES TAX AND A  
2.00% HOTEL OCCUPANCY TAX IN  
TANGIPAHOA PARISH ECONOMIC DEVELOPMENT  
DISTRICT NO. 8, STATE OF LOUISIANA**

NOTICE IS HEREBY GIVEN that the Parish Council of the Parish of Tangipahoa, State of Louisiana (the "Governing Authority"), acting in its capacity as governing authority of Tangipahoa Parish Economic Development District No. 8, State of Louisiana (the "District") proposes to consider the adoption of ordinances, pursuant to La. R.S. 33:9038.39, levying in the District (i) an additional two percent (2.00%) sales tax and (ii) an additional two percent (2.00%) hotel occupancy tax, for the purpose of financing economic development projects, as defined in La. R.S. 33: 9038.34(M) and La. R.S. 33:9038.36, located within the District, and also to pay the costs of infrastructure improvements outside the District that benefit property in the District (the "District Taxes"). The proceeds of the District Taxes will be deposited in a special trust fund to be used for the aforesaid purposes, all pursuant to the authority of Part II, Chapter 27, Title 33 of the Louisiana Revised Statutes of 1950, as amended (La. R.S. 33:9038.31, *et seq.*).

NOTICE IS HEREBY FURTHER GIVEN that the Governing Authority, acting as the governing authority of the District, will meet in open and public session on **MONDAY, AUGUST 23, 2021, at FIVE-THIRTY O'CLOCK (5:30) P.M.**, at the Tangipahoa Parish Government Building, 206 East Mulberry Street, Amite, Louisiana (contact number (985) 748-3211), (i) to hear any objections to the proposed levy of the District Taxes as described above, and (ii) thereafter to consider the adoption of an ordinance or ordinances levying the District Taxes.

The following map depicts the boundaries of the District, which consists of two parcels, with Assessment Numbers 1876902 and 1877305 in the Tangipahoa Parish Assessor's records, comprising approximately 35.39 acres. A description of the boundaries of the proposed District is on file and available for review during normal business hours at the office of the Clerk of the Tangipahoa Parish Council.



STATE OF LOUISIANA

PARISH OF TANGIPAHOA

I, the undersigned Clerk of the Tangipahoa Parish Council, do hereby certify that the foregoing \_\_\_\_\_ (\_\_\_) pages constitute a true and correct copy of an ordinance adopted by said Parish Council on August 23, 2021, levying a hotel occupancy tax of two percent (2.00%) in Economic Development District No. 8 of the Parish of Tangipahoa, State of Louisiana; designating the full amount of such additional hotel occupancy tax as the hotel occupancy tax increment in said District from which the hotel occupancy tax increments will be determined and used to finance economic development projects in accordance with and as authorized by Part II, Chapter 27, Title 33 of the Louisiana Revised Statutes of 1950, as amended; designating the initial annual baseline collection rate and establishing a monthly baseline collection rate for said District; pledging and dedicating such tax increment to economic development projects in or benefitting the District and providing for other matters in connection with the foregoing.

IN FAITH WHEREOF, witness my official signature and the impress of the official seal of the Parish on this the \_\_\_ day of \_\_\_\_\_, 2021.

(SEAL)

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Kristen Pecararo, Council Clerk



**Daniel Edwards**  
**SHERIFF & EX-OFFICIO TAX COLLECTOR**

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Dennis Pevey  
Chief Criminal Deputy

August 2, 2021

Tangipahoa Parish Council  
P.O. Box 215  
Amite, LA 70422

Dear Tangipahoa Parish Council Members:

The following has applied for a liquor license through the Tangipahoa Parish Sheriff's Office:

**Business Name and Physical Location:**

Backroad 40 Too, LLC

71251 Highway 1051

Kentwood, LA 70444

**License Type:**


Class A Beer (On Premise)

Class B Beer (Package Only)

Class A/B Liquor

The applicant has **completed** all paperwork requirements set forth under the Tangipahoa Parish Council Code of Ordinances governing Occupational Licenses in the Parish of Tangipahoa. Attached is the applicant's paperwork for your review.

Sincerely,

  
Carlos Notariano  
TPSO Compliance Officer

/abj  
Enclosures





**Daniel Edwards**  
**SHERIFF & EX-OFFICIO TAX COLLECTOR**

Dennis Pevey  
Chief Criminal Deputy

July 26, 2021

Tangipahoa Parish Council  
P.O. Box 215  
Amite, LA 70422

Dear Tangipahoa Parish Council Members:

The following has applied for a liquor license through the Tangipahoa Parish Sheriff's Office:

**Business Name and Physical Location:**

LNC Cranky Corner LLC

28098 Highway 40

Folsom, LA 70437

**License Type:**

- Class A Beer (On Premise)  
 Class B Beer (Package Only)  
 Class A/B Liquor

The applicant has **completed** all paperwork requirements set forth under the Tangipahoa Parish Council Code of Ordinances governing Occupational Licenses in the Parish of Tangipahoa. Attached is the applicant's paperwork for your review.

Sincerely,

  
Carlos Notariano  
TPSO Compliance Officer

/abj  
Enclosures