

PUBLIC NOTICE - Notice Is Hereby Given That the Tangipahoa Parish Council Will Meet in **Regular Session** on Monday, January 11, 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, January 11, 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. 20-61- An ordinance to approve the donation of one 2012 Ford F250 (asset number 21662), one Ford F250 (asset number 21690), one trailer (asset number 21640) and one trailer (asset number 20020) to the Tangipahoa Parish Sheriff's Office for litter pickup

T.P. Ordinance No. 20-62- An ordinance to designate that a portion of Macedonia Road at 40065 Macedonia Road where Just Kiddin Around Child Care and Preschool is located as a school zone

T.P. Ordinance No. 20-63- An ordinance placing 25 MPH speed limit signs and slow watch for children signs on Vicari Road in District No. 4 in Tangipahoa Parish in accordance with Chapter 20 streets, roads, sidewalks and drainage- Article I, in General- Section 20

**Tangipahoa Parish Council
Tangipahoa Parish Government Building
206 East Mulberry Street, Amite, LA 70422
Regular Meeting Immediately Following Public Hearing
January 11, 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 December 28, 2020

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

1. Election of Officers 2021

PARISH PRESIDENT'S REPORT

REGULAR BUSINESS

2. Adoption of T.P. Ordinance No. 20-61- An ordinance to approve the donation of one 2012 Ford F250 (asset number 21662), one Ford F250 (asset number 21690), one trailer (asset number 21640) and one trailer (asset number 20020) to the Tangipahoa Parish Sheriff's Office for litter pickup
3. Adoption of T.P. Ordinance No. 20-62- An ordinance to designate that a portion of Macedonia Road at 40065 Macedonia Road where Just Kiddin Around Child Care and Preschool is located as a school zone
4. Adoption of T.P. Ordinance No. 20-63- An ordinance placing 25 MPH speed limit signs and slow watch for children signs on Vicari Road in District No. 4 in Tangipahoa Parish in accordance with Chapter 20 streets, roads, sidewalks and drainage- Article I, in General- Section 20
5. Introduction of T.P. Ordinance No. 21-01- An ordinance revoking Chapter 16 Article II- Firearms, then revising and amending Chapter 17 Planning and Development
6. Introduction of T.P. Ordinance No. 21-02- An ordinance placing 25 MPH speed limit signs on Alice Cutrer Road in District No. 1 in Tangipahoa Parish in accordance with Chapter 20 streets, roads, sidewalks and drainage- Article I, in General- Section 20
7. Introduction of T.P. Ordinance No. 21-03- An ordinance to amend T.P. Ordinance No. 20-60- Section 23-31- Permit prerequisite to obtaining permanent utility service
8. Introduction of T.P. Ordinance No. 21-04- An ordinance placing 35 MPH speed limit signs on General Ott Road from Pumpkin Center Road to the Yellow Water Bridge in District No. 6 & 10 in Tangipahoa Parish in accordance with Chapter 20 streets, roads, sidewalks and drainage- Article I, in General- Section 20
9. Introduction of T.P. Ordinance No. 21-05- An Ordinance directing the renewal of the levy and collection of a one percent (1%) sales and use tax upon the sale at retail, the use, the lease or rental, the consumption, and the storage for use or consumption of tangible personal property and upon the sale of services in the Parish of Tangipahoa, State of Louisiana for a period of four (4) years, beginning on December 31, 2021; and further providing for other matters in connection therewith
10. Introduction of T.P. Ordinance No. 21-06- An ordinance to delete Chapter 10 from the Tangipahoa Parish Code of Ordinances and include flood prevention and protection in Chapter 17- Planning and Development
11. Introduction of T.P. Ordinance No. 21-07- An ordinance to limit fill in major subdivision developments and special use residential commercial developments

- [12.](#) Introduction of T.P. Ordinance No. 21-08- An ordinance to grant a variance to Tangipahoa Parish Code of Ordinances- Chapter 17-5.2 A (4)- Spacing of manufactured homes, for assessment number 679305 at 27120 Reid Road, Loranger, Louisiana in District No. 2
- [13.](#) Introduction of T.P. Ordinance No. 21-09- An ordinance setting maintenance standards for railroad right of ways and approaches
- [14.](#) Adoption of T.P. Resolution No. R21-01- A Resolution providing for canvassing the returns and declaring the result of the special election held in the Parish of Tangipahoa, State of Louisiana (the "Parish"), on Saturday, December 5, 2020, to authorize the renewal of the levy and collection of a one percent (1%) sales tax for a period of four (4) years, beginning December 31, 2021, to (i) pay the cost of operation of local government, and (ii) fund the Parish Road and Bridge Fund in order to pay the cost of road and bridge maintenance and improvements within the Parish; and providing for other matters in connection therewith
- [15.](#) Proces verbal of the canvass of the votes cast at the election held in the Parish of Tangipahoa, Louisiana, on Saturday, December 5, 2020
- [16.](#) Adoption of T.P. Resolution No. R21-02- A Resolution providing for canvassing the returns and declaring the result of the special election held in Road Lighting District No. 3 of the Parish of Tangipahoa, Louisiana (the "District"), on Saturday, December 5, 2020, to authorize the levy and collection of a fifteen (15) mills ad valorem tax on all property subject to taxation within the boundaries of the District, for a period of ten (10) years, beginning with the year 2021 and ending with the year 2030, for the purpose of providing and maintaining electric lighting on the streets, roads, highways, alleys and public places within the District; and providing for other matters in connection therewith
- [17.](#) Proces verbal of the canvass of the votes cast at the election held in Road Lighting District No. 3 of the Parish of Tangipahoa, Louisiana, on Saturday, December 5, 2020
- [18.](#) Appoint/Re-Appoint Tangipahoa Mosquito Abatement District

BEER, WINE, AND LIQUOR PERMITS

LEGAL MATTERS

COUNCILMEN'S PRIVILEGES

ADJOURN

Kristen Pecararo
Clerk of Council

Daily Star
Please Publish January 7, 2021

Posted @ T.P. Gordon A. Burgess Governmental Building on January 7, 2021

In Accordance with the Americans with Disabilities Act, If You Need Special Assistance, please contact Kristen Pecararo at 985-748-2290 describing the Assistance that is necessary.

T.P. Ordinance No. 20-61

"AN ORDINANCE TO AUTHORIZE THE DONATION OF ASSET NUMBERS 21662-FORD F250 TRUCK, 21690- FORD F250 TRUCK, 21640- TRAILER AND 20020- TRAILER TO THE TANGIPAHOA PARISH SHERIFF’S DEPARTMENT FOR LITTER PICK UP

WHEREAS, the Tangipahoa Parish Council-President Government has assets that are to be donated to Tangipahoa Parish Sheriff’s Office for litter pickup; and

THEREFORE, BE IT ORDAINED, by the Tangipahoa Parish Council-President Government that the following asset be donated to the Tangipahoa Parish Sheriff’s Office and that the Tangipahoa Parish President be authorized to sign all documents required in the donation.

Donate:

- 1. 21662 Ford F250 (last four of vin 1394)
- 2. 21690 Ford F250 (last four of vin 1395)
- 3. 21640 Trailer (last four of vin 0273)
- 4. 20020 Trailer (last four of vin 2255)

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 11th day of January, 2021 by the following roll-call vote:

YEAS:

NAYS:

ABSENT:

NOT VOTING:

ATTEST:

 Kristen Pecararo
 Clerk of Council
 Tangipahoa Parish Council

 Chairman
 Tangipahoa Parish Council

INTRODUCED: December 28, 2020

PUBLISHED: January 7, 2021 - OFFICIAL JOURNAL
Hammond Daily Star

ADOPTED BY TPC: January 11, 2021

DELIVERED TO PRESIDENT: _____ day of January, 2021 at _____

APPROVED BY PRESIDENT: _____
Robby Miller Date

VETOED BY PRESIDENT: _____
Robby Miller Date

RECEIVED FROM PRESIDENT: _____ day of January, 2021 at _____

T.P. Ordinance No. 20-62

"AN ORDINANCE TO DESIGNATE THAT PORTION OF MACEDONIA ROAD AT 40065 MACEDONIA ROAD WHERE JUST KIDDIN AROUND CHILD CARE AND PRESCHOOL IS LOCATED AS A SCHOOL ZONE"

WHEREAS, the Just Kiddin Around Child Care and Preschool is a school; and

WHEREAS, the children at the Just Kiddin Around Child Care and Preschool are in need of the protections afforded by designating the area of Macedonia Road adjacent to Just Kiddin Around Child Care and Preschool as a school zone.

THEREFORE BE IT ORDAINED by the Tangipahoa Parish Council, the legislative branch of parish government, which along with the Parish President of Tangipahoa Parish, Louisiana constitute the parish government, the said Tangipahoa Parish Council-President Government having a Home Rule form of government and acting pursuant to the authority of that Home Rule Charter which became effective on October 27, 1986 as follows:

That in accordance with Chapter 20, Streets, Roads, Sidewalks and Drainage - Article I in General - Section 20-16, there is hereby designated a school zone six hundred (600) feet in length on Macedonia Road centered at the Just Kiddin Around Child Care and Preschool located at 40065 Macedonia Road, Ponchatoula, Tangipahoa Parish, Louisiana.

In connection with this designation as a school zone, road signs shall be place three hundred (300) feet East and three hundred (300) feet West of Just Kiddin Around Child Care and Preschool designating this area as a school zone and reducing the speed limit to 20 miles per hour during the hours of 7:00 o'clock a.m. until 6:00 o'clock p.m. These signs shall be constructed in substantially the same form as these signs used by the Louisiana Department of Transportation and Development for public schools on state highways.

The failure to drive a vehicle within the posted limit during the scheduled time on school days shall subject the offender to the general criminal penalties prescribed in Section 1-13 of Chapter One of the Code of Ordinances for Tangipahoa Parish, Louisiana.

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 a duly scheduled and noticed 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 11th day of January, 2021 by the following roll-call vote:

YEAS:

NAYS:

ABSENT:

NOT VOTING:

ATTEST:

Kristen Pecararo
Clerk of Council
Tangipahoa Parish Council

Chairman
Tangipahoa Parish Council

INTRODUCED: December 28, 2020

PUBLISHED: January 7, 2021

- OFFICIAL JOURNAL
Hammond Daily Star

ADOPTED BY TPC: January 11, 2021

DELIVERED TO PRESIDENT: _____ day of January, 2021 at _____

APPROVED BY PRESIDENT: _____
Robby Miller Date

VETOED BY PRESIDENT: _____
Robby Miller Date

RECEIVED FROM PRESIDENT: _____ day of January, 2021 at _____

T.P. Ordinance No. 20-63

AN ORDINANCE PLACING 25 MPH SPEED LIMIT SIGNS AND SLOW WATCH FOR CHILDREN SIGNS ON VICARI ROAD IN DISTRICT NO. 4 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) 25 MPH speed limit signs on Vicari Road in District No. 4
- 2) Slow watch for children signs on Vicari Road in District No. 4

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 11th day of January, 2021 by the following roll-call vote:

YEAS:

NAYS:

ABSENT:

NOT VOTING:

ATTEST:

 Kristen Pecararo
 Clerk of Council
 Tangipahoa Parish Council

 Chairman
 Tangipahoa Parish Council

INTRODUCED: December 28, 2020

PUBLISHED: January 7, 2021 - OFFICIAL JOURNAL
Hammond Daily Star

ADOPTED BY TPC: January 11, 2021

DELIVERED TO PRESIDENT: _____ day of January, 2021 at _____

APPROVED BY PRESIDENT: _____
Robby Miller Date

VETOED BY PRESIDENT: _____
Robby Miller Date

RECEIVED FROM PRESIDENT: _____ day of January, 2021 at _____

T.P. Ord No. 21-01

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 hereby recognizes the following Chapter 16 Article II are to be revoked, then revised, and amended to read as follows in Chapter 17 Planning and Development:

Repeal Sec. 16-36C. - Hunting or discharge of firearms near public highways and residences and amend Chapter 17 as follows:

ARTICLE IX – Developments with Special Provisions –

Sec. 17-9.1 Shooting Ranges

A These types of developments are recognized as General Commercial Developments as businesses and shall follow those procedures for approval with the additional requirements found herein. In accordance with La R.S. 33:120 B, Personal Shooting Ranges are excluded from requirements of Sec. 17-9.1 found herein.

(1) Public Shooting Ranges shall have a minimum parcel acreage of ten (10) acres or greater.

(2) Private Shooting Ranges shall have a minimum parcel acreage of two (2) acres or greater.

B The hours of operation for shooting ranges shall be from seven a.m. to ten p.m. daily, except for indoor or archery ranges.

C Private and public shooting ranges shall be constructed so as to provide a proper barrier to prevent bullets and/or shots 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 shall 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 shall be posted in a prominent location on the range and range members or users shall be made aware of the safety plan before firing on the range.

E. Any indoor firing range shall be exempt from the special regulations of subsection 17-9.1A provided that the facility is enclosed and constructed in such a manner as to prevent bullets and/or shots from exiting the structure through the side walls and/or the roof and/or rear areas adjacent to the targets.

F. Any structures constructed on an outdoor firing range or an indoor firing range facility in the parish shall be subject to the applicable building codes of the parish as well as these regulations.

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 discharge of any firearm or gun within 250 feet of any inhabited dwelling or any other building 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.

ARTICLE XI - DEFINITIONS

Firing Range – see ***Shooting Range***

Personal Shooting Range means a place that is designed or intended for the safe discharge of firearms for the purpose of target practice or recreational target shooting on private property as “Any parcel or tract of land that includes no more than one single-family residence on the parcel or tract.” This type of development is excluded from requiring parish approval.

Public Shooting Range means a shooting range where a daily user fee or annual membership fee is charged and operates as a business or organization, or associated with a business or organization. This is a place that is designed or intended for the safe discharge, on a regular and structured basis, of firearms for the purpose of target practice or recreational target shooting.

Private Shooting Range means a place associated with a business or organization, or associated with a business or organization that is designed or intended for the safe discharge of firearms for the purpose of private use by the property owner or lessee for educational purposes associated with a business who offers instructional classes.

Shooting Club means an organization whose activities include target practice or target shooting competitions using restricted firearms or prohibited handguns at an identified approved private shooting range. This is a private shooting range where a person must be a member of a group to be allowed to use the facility and membership requires the payment of dues or fees.

Shooting Range also known as "firing range" or “range” means an area designed and operated primarily for: persons using or discharging firearms such as rifles, shotguns, pistols, revolvers, or black powder weapons; air rifles; silhouettes; skeet ranges; trap ranges; or any other similar sport shooting.

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 11th day of January, 2021 by the following roll-call vote:

YEAS:

NAYS:

ABSENT:

NOT VOTING:

ATTEST:

Kristen Pecararo
Clerk of Council
Tangipahoa Parish Council

Chairman
Tangipahoa Parish Council

INTRODUCED: January 11, 2021

PUBLISHED: January 21, 2021

ADOPTED BY TPC: January 25, 2021

- OFFICIAL JOURNAL
Hammond Daily Star

DELIVERED TO PRESIDENT: _____ day of January, 2021 at _____

APPROVED BY PRESIDENT: _____
Robby Miller Date

VETOED BY PRESIDENT: _____
Robby Miller Date

RECEIVED FROM PRESIDENT: _____ day of January, 2021 at _____

T.P. Ordinance No. 21-02

AN ORDINANCE PLACING 25 MPH SPEED LIMIT SIGNS ALICE CUTRER ROAD IN DISTRICT NO. 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) 25 MPH speed limit signs on Alice Cutrer 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 25th day of January, 2021 by the following roll-call vote:

YEAS:

NAYS:

ABSENT:

NOT VOTING:

ATTEST:

Kristen Pecararo
Clerk of Council
Tangipahoa Parish Council

Chairman
Tangipahoa Parish Council

INTRODUCED: January 11, 2021

PUBLISHED: January 21, 2021

- OFFICIAL JOURNAL
Hammond Daily Star

ADOPTED BY TPC: January 25, 2021

DELIVERED TO PRESIDENT: _____ day of January, 2021 at _____

APPROVED BY PRESIDENT: _____
Robby Miller Date

VETOED BY PRESIDENT: _____
Robby Miller Date

RECEIVED FROM PRESIDENT: _____ day of January, 2021 at _____

T.P. Ord No. 21-03

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 hereby recognizes the following amendment to Tangipahoa Parish Code of Ordinances, Chapter 23:

Amend ordinance to add emboldened text

Sec. 23-31. - Permit prerequisite to obtaining permanent utility service.

No electrical utility company licensed to do or doing business in the parish shall install or connect permanent service to any mobile home until a final permit is issued. No electrical utility company licensed to do or doing business in the parish shall install or connect temporary service to any other structure unless a work authorization has been issued by the parish nor install or connect a permanent electrical service until final permit has been issued by the state health officer as required in this article. **THE USE OF A PARK TRAILER AS A PERMANENT RESIDENCE WHICH DOES NOT EITHER MEET FEDERAL DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT REGULATIONS OR INTERNATIONAL RESIDENTIAL CODE IS PROHIBITED**

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 11th day of January, 2021 by the following roll-call vote:

YEAS:

NAYS:

ABSENT:

NOT VOTING:

ATTEST:

Kristen Pecararo
Clerk of Council
Tangipahoa Parish Council

Chairman
Tangipahoa Parish Council

INTRODUCED: January 11, 2021

PUBLISHED: January 21, 2021

- OFFICIAL JOURNAL
Hammond Daily Star

ADOPTED BY TPC: January 25, 2021

DELIVERED TO PRESIDENT: _____ day of January, 2021 at _____

APPROVED BY PRESIDENT: _____
Robby Miller Date

VETOED BY PRESIDENT: _____
Robby Miller Date

RECEIVED FROM PRESIDENT: _____ day of January, 2021 at _____

T.P. Ordinance No. 21-04

AN ORDINANCE PLACING 35 MPH SPEED LIMIT SIGNS GENERAL OTT ROAD FROM PUMPKIN CENTER ROAD TO THE YELLOW WATER BRIDGE IN DISTRICT NUMBERS 6 & 10 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) 35 MPH speed limit signs on General Ott Road from Pumkin Center Road to the Yellow Water bridge in District Numbers 6 & 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 25th day of January, 2021 by the following roll-call vote:

YEAS:

NAYS:

ABSENT:

NOT VOTING:

ATTEST:

Kristen Pecararo
Clerk of Council
Tangipahoa Parish Council

Chairman
Tangipahoa Parish Council

INTRODUCED: January 11, 2021

PUBLISHED: January 21, 2021

- OFFICIAL JOURNAL
Hammond Daily Star

ADOPTED BY TPC: January 25, 2021

DELIVERED TO PRESIDENT: _____ day of January, 2021 at _____

APPROVED BY PRESIDENT: _____
Robby Miller Date

VETOED BY PRESIDENT: _____
Robby Miller Date

RECEIVED FROM PRESIDENT: _____ day of January, 2021 at _____

T.P. ORDINANCE NO. 21-_____

An Ordinance directing the renewal of the levy and collection of a one percent (1%) sales and use tax upon the sale at retail, the use, the lease or rental, the consumption, and the storage for use or consumption of tangible personal property and upon the sale of services in the Parish of Tangipahoa, State of Louisiana for a period of four (4) years, beginning on December 31, 2021; and further providing for other matters in connection therewith.

WHEREAS, under the provisions of Article VI, Section 29 of the Constitution of the State of Louisiana of 1974 and other constitutional and statutory authority supplemental thereto, including an election held in the Parish of Tangipahoa, State of Louisiana (the “*Parish*”) on Saturday, December 5, 2020, the Parish Council of the Parish of Tangipahoa, State of Louisiana (the “*Governing Authority*”), as governing authority for the Parish, desires to renew the levy and collection of the sales and use tax as authorized at the election by virtue of the favorable passage of the proposition attached hereto as Schedule A setting forth the rate and duration of the tax; and

WHEREAS, in compliance with the provisions of said authority and other applicable constitutional and statutory authority, an election was held in the Parish on Saturday, December 5, 2020, to authorize the renewal of the levy and collection of the sales and use tax, it is now the desire of the Parish to renew the levy of the sales and use tax and to provide for the collection thereof and other matters in connection therewith as hereinafter provided in this Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Parish Council, acting as the governing authority of the Parish, that:

SECTION 1. Pursuant to the authority of an election held in the Parish on Saturday, December 5, 2020, there be and there is hereby renewed within the geographic boundaries of the Parish for the purposes stated in the proposition attached hereto as Schedule A the levy of a sales and use tax of one percent (1%) sales and use tax upon the sale at retail, the use, the lease or rental, the consumption, and the storage for use or consumption of tangible personal property and upon the sale of services in the Parish for a period of four (4) years, beginning on December 31, 2021, all in the manner and subject to the provisions and terms of those portions of Title 47 of the Louisiana Revised Statutes of 1950, as amended, applicable to sales and use taxes levied by the Parish.

SECTION 2. That the levy of the sales and use tax described in Section 1 above shall be renewed, continued and enforced according to law and in accordance with the existing Ordinance.

SECTION 3. The obligations and rights of taxpayers in connection with the sales and use tax levied hereby shall be as provided by the provisions of law applicable to sales and use taxes levied by the Parish.

SECTION 4. If any one or more of the provisions of this Ordinance shall for any reason 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 5. The title to this Ordinance and notice of a public hearing regarding its adoption shall be published in one (1) issue of the *Daily Star*, the official journal of and a newspaper of general circulation in the Parish. Upon adoption, this Ordinance shall be published in full in one (1) issue of the *Daily Star* and shall be recorded in the mortgage records of the Tangipahoa Parish Clerk of Court.

SECTION 6. The Chairman of the Governing Authority be and he is hereby authorized, empowered and directed to take any and all such action as may be necessary to carry into effect the provisions of this Ordinance.

SECTION 7. This Ordinance shall immediately take effect upon adoption.

On motion by _____ and seconded by _____,
the foregoing Ordinance was hereby declared adopted on this the 25th day of January, 2021 by
the following roll-call vote:

YEAS:

NAYS:

ABSENT:

NOT VOTING:

Carlos S. Bruno, Chairman
Tangipahoa Parish Council

ATTEST:

Kristen Pecararo, Clerk
Tangipahoa Parish Council

Robby Miller, Parish President
Tangipahoa Parish

SCHEDULE A

PROPOSITION

Shall the Parish of Tangipahoa, State of Louisiana (the “Parish”) be authorized to renew the levy and collection of a tax of one percent (1%) (the “Tax”) (an estimated \$23,500,000.00 is reasonably expected at this time to be collected from the levy of the Tax for an entire year), upon the sale at retail, the use, the lease or rental, the consumption, and the storage for use or consumption, of tangible personal property and on sales of services in the Parish for a period of four (4) years, beginning December 31, 2021, with the net proceeds of the Tax (after deducting the reasonable and necessary cost of collecting and administering the Tax) to be dedicated and used exclusively as follows: twenty-five percent (25%) of the proceeds of the Tax to be used to pay the cost of operation of local government and seventy-five percent (75%) of the proceeds of the Tax to be used to fund the Parish Road and Bridge Fund in order to pay the cost of road and bridge maintenance and improvements within the Parish?

STATE OF LOUISIANA
PARISH OF TANGIPAHOA

I, the undersigned Clerk of the Parish Council of the Parish of Tangipahoa, State of Louisiana (the "*Governing Authority*"), acting as the governing authority of the Parish of Tangipahoa, State of Louisiana (the "*Parish*"), do hereby certify that the foregoing constitutes a true and correct copy of an Ordinance adopted by the Governing Authority on January 25, 2021, directing the renewal of the levy and collection of a one percent (1%) sales and use tax upon the sale at retail, the use, the lease or rental, the consumption, and the storage for use or consumption of tangible personal property and upon the sale of services in the Parish of Tangipahoa, State of Louisiana for a period of four (4) years, beginning on December 31, 2021; and further providing for other matters in connection therewith.

IN WITNESS WHEREOF, I have subscribed my official signature of the Parish Council of the Parish of Tangipahoa, State of Louisiana on this, the 25th day of January, 2021.

Kristen Pecararo, Clerk
Tangipahoa Parish Council

AN ORDINANCE TO DELETE CHAPTER 10 AND INCLUDE FLOOD PREVENTION AND PROTECTION IN CHAPTER 17-PLANNING AND DEVELOPMENT.

CHAPTER 17-PLANNING AND DEVELOPMENT, ARTICLE V-STANDARDS FOR DEVELOPMENT OF PROPERTY, Article VI – Additional Agencies Requirements, Sec. 17-6.1, delete B. Stormwater in its entirety and replace with the following:

B. Stormwater

(1.) Development Drainage Requirements-

(a) The developer will plan all drainage for his project in accordance with the requirements of the appropriate Parish Drainage Authority. (For Drainage Districts see Appendix B)

(b) All areas outside of a Parish Drainage District Authority shall follow the following stormwater requirements and the Flood Prevention and Protection requirements of Article X.

(c) The need for a drainage impact study will be determined by the Drainage Board and/or the Parish Engineer in consultation with Planning Commission.

(d) No individual, partnership or corporation will deepen, widen, fill, reroute, or in any manner change or alter the course or location of existing ditch, or drainage canal without first obtaining written permission from the appropriate Parish Drainage Authority.

(e) Whenever any stream or improved surface drainage course is located in an area that is being subdivided, the sub divider will dedicate an adequate servitude along the stream as determined by the appropriate Parish Drainage Authority.

(f) Adequate provision will be made for the disposal of stormwater subject to the approval of the appropriate Parish drainage authority. Necessary storm drainage will be located within the street right-of-way except where it is located in a servitude to facilitate outfall needs or for subdivision interconnection.

(g) All subdivision restrictive covenants will include a restriction against any construction, fill matter, or fences in any drainageway, designated drainage servitudes or the Parish right-of-way, without approval from the appropriate Parish Authority. No fences, sheds, movable or immovable appurtenances shall be placed in designated drainage servitudes. Relocation of said obstructions shall be the sole responsibility of the property owner and the property owner shall bear all cost associated with the relocation.

(h) There will be no construction of any drainage facilities prior to the submittal and approval of plans by the appropriate Parish Drainage Authority.

AN ORDINANCE TO DELETE CHAPTER 10 OF THE CODE OF ORDINANCES AND TO INCLUDE THE FOLLOWING IN **CHAPTER 17- PLANNING AND DEVELOPMENT** AS **ARTICLE X** with modifications.

ARTICLE X. – FLOOD PREVENTION AND PROTECTION

Sec. 17-10.1. - Statutory authorization.

The Legislature of the State of Louisiana has [in] statute LRS 38:84 delegated the responsibility of local governmental units to adopt regulations designed to minimize flood losses. Therefore, the Parish Council of Tangipahoa Parish, Louisiana, does ordain as follows:

(Ord. No. 10-33, Art. 1, § A, 6-14-10)

Sec. 17-10.2. - Findings of fact.

A. The flood hazard areas of Tangipahoa Parish are subject to periodic inundation, which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety and general welfare.

B. These flood losses are created by the cumulative effect of obstructions in floodplains which cause an increase in flood heights and velocities, and by the occupancy of flood hazard areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, floodproofed or otherwise protected from flood damage.

(Ord. No. 10-33, Art. 1, § B, 6-14-10)

Sec. 17-10.3. - Statement of purpose.

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

- (1.) Protect human life and health;
- (2.) Minimize expenditure of public money for costly flood control projects;
- (3.) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4.) Minimize prolonged business interruptions;
- (5.) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;
- (6.) Help maintain a stable tax base by providing for the sound use and development of floodprone areas in such a manner as to minimize future flood blight areas; and
- (7.) Insure that potential buyers are aware that property is in a Special Flood Hazard Area (SFHA).

(Ord. No. 10-33, Art. 1, § C, 6-14-10)

Sec. 17-10.4. - Methods of reducing flood losses.

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

- (1.) Restrict or prohibit uses that are dangerous to health, safety or property in times of flood, or cause excessive increases in flood heights or velocities;
- (2.) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (3.) Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of flood waters;
- (4.) Control filling, grading, dredging and other development which may increase flood damage;
- (5.) Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

(Ord. No. 10-33, Art. 1, § D, 6-14-10)

Sec. 17-10.5. - Definitions.

A. Unless specifically defined below, words or phrases used in this article shall be interpreted to give them the meaning they have in common usage and to give this article its most reasonable application. Definitions in this Article shall supersede any conflicting definitions in Article XI.

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

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

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

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

Area of shallow flooding means a designated AO, AH, AR/AO, AR/AH, or VO zone on the parish's flood insurance rate map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of special flood hazard is the land in the floodplain within the parish subject to a one percent or greater chance of flooding in any given year. The area may be

designated as zone A on the flood hazard boundary map (FHBM). After detailed rate making has been completed in preparation for publication of the FIRM, zone A usually is refined into zones A, AO, AH, A1-30, AE, A99, AR, AR/A1-30, AR/AE, AR/AO, AR/AH, AR/A, VO, V1-30, VE or V.

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

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

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

Breakaway wall means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

Critical feature means an integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.

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

Existing construction means for the purposes of determining rates, structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. "Existing construction" may also be referred to as "existing structures."

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

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

Flood or flooding means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1.) The overflow of inland or tidal waters.

(2.) The unusual and rapid accumulation or runoff of surface waters from any source.

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

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

Flood insurance study (FIS). See Flood elevation study.

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

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

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

Flood protection system means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the area within a parish subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

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

Floodway. See Regulatory floodway.

Functionally dependent use means a use, which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

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

Historic structure means any structure that is:

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

Levee means a manmade structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

Levee system means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

Lowest floor means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking or vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirement of Section 60.3 of the National Flood Insurance Program regulations.

Mean sea level means, for purposes of the National Flood Insurance Program, the North American Vertical Datum (NGVD) of 1988 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

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

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

Primary frontal dune means a continuous or nearly continuous mound or ridge of sand with relatively steep seaward and landward slopes immediately landward and adjacent to the beach and subject to erosion and overtopping from high tides and waves during major coastal storms. The inland limit of the primary frontal dune occurs at the point where there is a distinct change from a relatively steep slope to a relatively mild slope.

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

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

Sand dunes means naturally occurring accumulations of sand in ridges or mounds landward of the beach.

Special flood hazard area. See Area of special flood hazard.

Start of construction (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-348)), includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

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

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

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

conditions or (2) any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure."

Variance means a grant of relief by the parish from the terms of a floodplain management regulation. (For full requirements see Section 60.6 of the National Flood Insurance Program regulations.)

Violation means the failure of a structure or other development to be fully compliant with the parish's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Section 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) of 44 CFR, Appendix E, NFIP Regulations is presumed to be in violation until such time as that documentation is provided.

Water surface elevation means the height, in relation to the North American Vertical Datum (NGVD) of 1988 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

(Ord. No. 10-33, Art. 2, 6-14-10)

Sec. 17-10.6. - Lands to which this article applies.

A. The article shall apply to all unincorporated areas within the jurisdiction of Tangipahoa Parish.

(Ord. No. 10-33, Art. 3, § A, 6-14-10)

Sec. 17-10.7. - Basis for establishing the areas of special flood hazard.

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

(Ord. No. 10-33, Art. 3, § B, 6-14-10)

Sec. 17-10.8. - Establishment of development permit.

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

(Ord. No. 10-33, Art. 3, § C, 6-14-10)

Sec. 17-10.9. - Compliance.

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

(Ord. No. 10-33, Art. 3, § D, 6-14-10)

Sec. 17-10.10. - Abrogation and greater restrictions.

A. This article is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this article and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

(Ord. No. 10-33, Art. 3, § E, 6-14-10)

Sec. 17-10.11. - Interpretation.

- A. In the interpretation and application of this article, all provisions shall be;
- (1.) considered as minimum requirements;
 - (2.) liberally construed in favor of the governing body; and
 - (3.) deemed neither to limit nor repeal any other powers granted under state statutes.

(Ord. No. 10-33, Art. 3, § F, 6-14-10)

Sec. 17-10.12. - Warning and disclaimer or liability.

A. The degree of flood protection required by this article is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions greater floods can and will occur and flood heights may be increased by manmade or natural causes. This article does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This article shall not create liability on the part of the parish or any official or employee thereof for any flood damages that result from reliance on this article or any administrative decision lawfully made hereunder.

(Ord. No. 10-33, Art. 3, § G, 6-14-10)

Secs. 17- 10.13—10.35 - Reserved.

Sec. 17-10.36. - Designation of the floodplain administrator.

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

(Ord. No. 10-33, Art. 4, § A, 6-14-10; Ord. No. 18-04, § 1, 2-14-18)

Sec. 17-10.37. - Duties and responsibilities of the floodplain administrator.

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

- (1.) Maintain and hold open for public inspection all records pertaining to the provisions of this article.
- (2.) Review permit application to determine whether to ensure that the proposed building site project, including the placement of manufactured homes, will be reasonably safe from flooding.
- (3.) Review, approve or deny all applications for development permits required by adoption of this article.

- (4.) Review permits for proposed development to assure that all necessary permits have been obtained from those federal, state or local governmental agencies (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334) from which prior approval is required.
- (5.) Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the floodplain administrator shall make the necessary interpretation.
- (6.) Notify, in riverine situations, adjacent communities and the state coordinating agency which is department of transportation and development, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
- (7.) Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.
- (8.) When base flood elevation data has not been provided in accordance with section 17-10.7, the floodplain administrator shall obtain, review and reasonably utilize any base flood elevation data and floodway data available from a federal, state or other source, in order to administer the provisions of article III.
- (9.) When a regulatory floodway has not been designated, the floodplain administrator must require that no new construction, substantial improvements, or other development (including fill) shall be permitted within zones A1-30 and AE on the parish's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the parish.
- (10.) Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Program regulations, a community may approve certain development in zones A1-30, AE, AH, on the community's FIRM which increases the water surface elevation of the base flood by more than one foot, provided that the community first completes all of the provisions required by Section 65.12.

(Ord. No. 10-33, Art. 4, § B, 6-14-10)

Sec. 17-10.38. - Permit procedures.

A. Application for a floodplain development permit shall be presented to the floodplain administrator on forms furnished by him/her and may include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations, existing and proposed structures, including the placement of manufactured homes, and the location of the foregoing in relation to areas of special flood hazard. Additionally, the following information is required:

- (1.) Elevation (in relation to mean sea level), of the lowest floor (including basement) of all new and substantially improved structures;

(2.) Elevation in relation to mean sea level to which any nonresidential structure shall be floodproofed;

(3.) A certificate from a registered professional engineer or architect that the nonresidential floodproofed structure shall meet the floodproofing criteria of subsection 17-10.62(2);

(4.) Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development;

(5.) Maintain a record of all such information in accordance with subsection 17-10.37(1);

B. Approval or denial of a floodplain development permit by the floodplain administrator shall be based on all of the provisions of this article and the following relevant factors:

(1.) The danger to life and property due to flooding or erosion damage;

(2.) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

(3.) The danger that materials may be swept onto other lands to the injury of others;

(4.) The compatibility of the proposed use with existing and anticipated development;

(5.) The safety of access to the property in times of flood for ordinary and emergency vehicles;

(6.) The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems;

(7.) The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site;

(8.) The necessity to the facility of a waterfront location, where applicable;

(9.) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use.

(Ord. No. 10-33, Art. 4, § C, 6-14-10)

Sec. 17-10.39. - Variance procedures.

A. The appeal board, as established by the parish, shall hear and render judgment on requests for variances from the requirements of this article.

B. The appeal board shall hear and render judgment on an appeal only when it is alleged there is an error in any requirement, decision, or determination made by the floodplain administrator in the enforcement or administration of this article.

C. Any person or persons aggrieved by the decision of the appeal board may appeal such decision in the courts of competent jurisdiction.

D. The floodplain administrator shall maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Agency upon request.

E. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the state inventory of historic places, without regard to the procedures set forth in the remainder of this article.

F. Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half-acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in subsection 17-10.38(2) of this article have been fully considered.

G. Upon consideration of the factors noted above and the intent of this article, the appeal board may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this article (section 17-10.3).

H. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

I. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

J. Prerequisites for granting variances:

(1.) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(2.) Variances shall only be issued upon: (i) showing a good and sufficient cause; (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

(3.) Any application to which a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

K. Variances may be issued by the parish for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that (i) the criteria outlined in subsections (1) through (9) are met, and (ii) the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

(Ord. No. 10-33, Art. 4, § D, 6-14-10)

Secs. 17-10.40—17-10.60. - Reserved.

Sec. 17-10.61. - General standards.

- A. Procedure and minimum requirements for the non-districted areas of the parish.
- (1.) **AREAS OF POOR DRAINAGE.** Whenever a plat is submitted for an area that is subject to flooding or the development results in a drainage situation that adversely impacts the property of others, the developer shall demonstrate to the Parish Engineer how any potential adverse impact will be mitigated. In the case of an official designated Floodway or special flood hazard area, a plat proposing prohibited types of development as specified in Sec. 17-10.62. - Specific standards, shall be rejected.
 - (2.) **DEDICATION OF DRAINAGE EASEMENTS.** When a subdivision is traversed by a watercourse, channel or stream, there shall be provided a drainage easement or right-of- way conforming substantially to the lines of said watercourse, channel or stream, and of a minimum fifty (50) feet width sufficient (as determined by the Parish Engineer) to maintain said watercourse, channel, or stream.
 - (3.) **DESIGN REQUIREMENTS.** Design and construction of all drainage shall be in accordance with specifications and standards of the State of Louisiana Department of Transportation and Development (DOTD) unless otherwise directed.
 - (4.) The following design requirement shall be included in a drainage Impact study:
 - (a.) A watershed map with development site clearly defined and acreage and slope of basins within the watershed area indicated.
 - (b.) All drainage shall be predicated on a one hundred (100) year storm frequency of twenty four (24) hour duration.
 - (c.) Inventory of downstream structures of receiving outfall.
 - (d.) The minimum grade along the bottom of a drainage course shall ensure a design velocity of at least three (3) foot per second (fps).
 - (e.) Design features that reduce the site post-development surface water runoff rate to an amount ten percent (10%) less than the pre-development surface water runoff rate based on a 25 year design storm and the 100 year design storm for a 24 hour rain event
 - (f.) Documentation that the development will not obstruct any offsite flows or that it will provide a drainage system to convey that flow through or around the development without increasing the upgradient water surface elevation.
 - (g.) Documentation that fill placed in the development will not reduce the flood carrying capacity of a nearby stream which could cause an increase in water surface elevation. A "nearby stream" is one that is located within 500 feet of the development boundary from a "stream" designated on the USGS quadrangular sheet or designated on the consolidated gravity drainage district No. 1 "Lateral Map".
 - (h.) Approved jurisdictional determination from the US Army Corps of Engineers.
 - (i.) Ditches shall not be utilized for retention calculations.
 - (j.) Rear lot line drainage ditch and servitudes should be avoided where practicable. In the event a rear lot line drainage ditch is required, it shall conform

to the typical section as shown in the Appendix B. In the cases where there is a large drainage ditch, the servitude may need to be widened to accommodate future maintenance. This servitude shall not be included in any lot sold for home ownership. The Parish Engineer reserves the right to widen the required servitude based on maintenance needs.

(k.) Side slope of all surface drainage courses shall have at least a 3H:IV design.

(5.) **PLAN REVIEW AND BOARD ACTION.** Plans will be reviewed by the Parish Engineer and the developer or the developer's engineer shall be notified if there are any corrections needed on the Final Plans. The developer or the developer's engineer shall make corrections, if needed, and submit ten (10) sets of the plans to be reviewed by the Planning Commission's Board at time of Final Plan approval request. If the plans are approved, a letter granting approval of Final Plans shall be issued by the Planning Commission authorizing the developer to begin construction. No work toward the construction of the drainage infrastructure may begin until said letter has been issued. If the plans are rejected the developer has the option to revise the plans and re-submit.

(6.) **COMPLETION OF CONSTRUCTION/MAINTENANCE PERIOD.** Upon completion of construction, the developer will request an inspection of the drainage improvements by the Parish Engineer. This request will be by letter and be accompanied by a set of as-built drawings. The as-builts shall profile all drainage facilities at 100 ft. intervals. The developer shall rework any drainage facilities that do not meet Planning Commission standards.

(7.) **PHOTO EVIDENCE OF SIGN PLACEMENT.** Included with the submittal of the preliminary drainage plan and hydraulic study, the engineer/developer shall include a photo of the notification sign indicating the date, location and time of the Planning Commission Board meeting at which the development will be discussed. Omission of this required submittal shall result in the delayed placement of the proposed development on the Planning Commission Board's agenda.

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

(1.) All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;

(2.) All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;

(3.) All new construction or substantial improvements shall be constructed with materials resistant to flood damage;

(4.) All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;

(5.) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

(6.) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from the systems into flood waters; and,

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

(Ord. No. 10-33, Art. 5, § A, 6-14-10)

Sec. 17-10.62. - Specific standards.

A. In all areas of special flood hazards where base flood elevation data has been provided as set forth in (i) section 7-10.7, (ii) subsection 017-10.37(8), or (iii) subsection 17-10.63(3), the following provisions are required:

(1.) *Residential construction.* New construction and substantial improvement of any residential structure shall have the lowest floor (including basement), elevated to at least 12 inches above the base flood elevation.

(a) A registered professional engineer, architect, or land surveyor shall submit a certification to the floodplain administrator that the standard of this subsection as proposed in subsection 17-10.37(1)a., is satisfied.

(b) All standalone enclosed appurtenant structures shall have hydrostatic flood equalizing per this section and shall not exceed 549 square feet.

(c) All standalone enclosed appurtenant structures 550 square feet or greater shall be elevated to the Base Flood Elevation plus the required freeboard.

(2.) *Nonresidential construction.* New construction and substantial improvements of any commercial, industrial or other nonresidential structure shall either have the lowest floor (including basement) elevated to at least 12 inches above the base flood elevation or together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. A record of such certification which includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be maintained by the floodplain administrator.

(3.) *Enclosures.* New construction and substantial improvements, with fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:

(a) A minimum of two openings on separate walls having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.

(b) The bottom of all openings shall be no higher than one foot above grade.

(c) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

(4.) *Manufactured homes.*

(a) Require that all manufactured homes to be placed within zone A on a parish's FHBM or FIRM shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.

(b) Require that manufactured homes that are placed or substantially improved within zones A1-30, AH, and AE on the parish's FIRM on sites (i) outside of a manufactured home park or subdivision, (ii) in a new manufactured home park or subdivision, (iii) in an expansion to an existing manufactured home park or subdivision, or (iv) in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood, be elevated on a permanent foundation such that the bottom of the longitudinal structural I beam of the manufactured home is elevated to at least 12 inches above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

(c) Require that manufactured homes be placed or substantially improved on sites in an existing manufactured home park or subdivision with zones A1-30, AH and AE on the parish's FIRM that are not subject to the provisions of paragraph (4) of this section be elevated so that either:

(d) The bottom of the longitudinal structural I beam of the manufactured home is at least 12 inches above the base flood elevation, or

(e) The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

(5.) *Recreational vehicles.* Require that recreational vehicles placed on sites within zones A1-30, AH, and AE on the parish's FIRM either (i) be on the site for fewer than 180 consecutive days, or (ii) be fully licensed and ready for highway use, or (iii) meet the permit requirements of subsection 17-10.39(1), and the elevation and anchoring requirements for "manufactured homes" in paragraph (4) of this section. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

(Ord. No. 10-33, Art. 5, § B, 6-14-10; Ord. No. 18-04, § 2, 2-14-18)

(6.) *Prohibited Structures and Functions.*

(a) No facility or structure shall be used by any entities required by LADEQ and or EPA to report and/or track flammable, explosives, toxic, or hazardous materials unless stored in a vessel or tank, and in a manner approved by the regulator agency.

Sec. 17-10.63. - Standards for subdivision proposals.

A. All subdivision proposals including the placement of manufactured home parks and subdivisions shall be consistent with sections 17-10.2, 17-10.3, and 17-10.4 of this article.

B. All proposals for the development of subdivisions including the placement of manufactured home parks and subdivisions shall meet floodplain development permit requirements of section 17-10.8, section 17-10.38; and the provisions of this article.

C. Base flood elevation data shall be generated for subdivision proposals and other proposed development including the placement of manufactured home parks and subdivisions which is greater than 50 lots or five acres, whichever is lesser, if not otherwise provided pursuant to section 17-10.7 or subsection 17-10.37(8) of this article.

D. All subdivision proposals including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.

E. All subdivision proposals including the placement of manufactured home parks and subdivisions shall have equipment, instruments, and control devises other than conveyance lines of public and private utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

F. Reserved

(Ord. No. 10-33, Art. 5, § C, 6-14-10)

Sec. 17-10.64. - Standards for areas of shallow flooding (AO/AH zones).

A. Located within the areas of special flood hazard established in section 17-10.7, are areas designated as shallow flooding. These areas have special flood hazards associated with flood depths of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow; therefore, the following provisions apply:

(1.) All new construction and substantial improvements of residential structures have the lowest floor (including basement) elevated to at least 12 inches above the base flood elevation or the highest adjacent grade at least as high as the depth number specified in feet on the parish's FIRM (at least two feet if no depth number is specified).

(2.) All new construction and substantial improvements of nonresidential structures;

(3.) Have the lowest floor (including basement) elevated to at least 12 inches above the base flood elevation or the highest adjacent grade at least as high as the depth number specified in feet on the parish's FIRM (at least two feet if no depth number is specified), or

(4.) Together with attendant utility and sanitary facilities be designed so that below the base specified flood depth in an AO zone, or below the base flood elevation in an AH zone, level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy.

(5.) A registered professional engineer or architect shall submit a certification to the floodplain administrator that the standards of this section, as proposed in section 17-10.38 are satisfied.

(6.) Require within zones AH or AO adequate drainage paths around structures on slopes, to guide flood waters around and away from proposed structures.

(Ord. No. 10-33, Art. 5, § D, 6-14-10; Ord. No. 18-04, § 2, 2-14-18)

Sec. 17-10.65. - Floodways.

A. Floodways—Located within areas of special flood hazard established in section 17-10.7, are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles and erosion potential, the following provisions shall apply:

(1.) Encroachments are prohibited, including fill, new construction, substantial improvements and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the parish during the occurrence of the base flood discharge.

(2.) If subsection (1) above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of article III.

(3.) Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Program Regulations, a community may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that the community first completes all of the provisions required by Section 65.12.

(Ord. No. 10-33, Art. 5, § E, 6-14-10)

Sec. 17-10.66. - Coastal high hazard areas.

A. Located within the areas of special flood hazard established in section 17-10.7, are areas designated as coastal high hazard areas (zones V1-30, VE, and/or V). These

areas have special flood hazards associated with high velocity waters from tidal surges and hurricane wave wash; therefore, in addition to meeting all provisions outlined in this article, the following provisions must also apply:

(1.) Obtain the elevation (in relation to mean sea level) of the bottom of the lowest structural member of the lowest floor (excluding pilings and columns) of all new and substantially improved structures, and whether or not such structures contain a basement. The floodplain administrator shall maintain a record of all such information.

(2.) All new construction shall be located landward of the reach of mean high tide.

(3.) All new construction and substantial improvements shall be elevated on pilings and columns so that:

(4.) The bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated at least 12 inches above the base flood elevation;

(5.) The pile or column foundation and structure attached thereto is anchored to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Water loading values used shall be those associated with the base flood. Wind loading values used shall be those required by applicable State or local building standards. A registered professional engineer or architect shall develop or review the structural design, specifications and plans for the construction, and shall certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the provisions of subsections (3)(i) and (ii) of this Section.

(6.) Provide that all new construction and substantial improvements have the space below the lowest floor either free of obstruction or constructed with non-supporting breakaway walls, open wood lattice-work, or insect screening intended to collapse under wind and water loads without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system.

(7.) For the purpose of this section, a breakaway wall shall have a design safe loading resistance of not less than 10 and no more than 20 pounds per square foot. Use of breakaway walls which exceed a design safe loading resistance of 20 pounds per square foot (either by design or when so required by local or State codes) may be permitted only if a registered professional engineer or architect certifies that the designs proposed meet the following conditions:

a. Breakaway wall collapse shall result from a water load less than that which would occur during the base flood; and

b. The elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and nonstructural). Water loading values used shall be those associated with the base flood. Wind loading values used shall be those required by applicable State or local building standards. Such enclosed space shall be useable solely for parking of vehicles, building access, or storage. Such space shall not be used for human habitation.

- (8.) Prohibit the use of fill for structural support of buildings.
- (9.) Prohibit manmade alteration of sand dunes and mangrove stands that increase potential flood damage.
- (10.) *Manufactured homes.* Require that manufactured homes placed or substantially improved within Zone V1-30, V, and VE on the parish's FIRM on sites (i) outside of a manufactured home park or subdivision, (ii) in a new manufactured home park or subdivision, (iii) in an expansion to an existing manufactured home park or subdivision, or (iv) in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood, meet the standards of paragraphs (1) through (6) of this section and that manufactured homes placed or substantially improved on other sites in an existing manufactured home park or subdivision within zones V1-30, V, and VE on the parish's FIRM meet the requirements of subsection 17-10.62(4) of this article.
- (11.) *Recreational vehicles.* Require that recreational vehicles placed on sites within zones V1-30, V, and VE on the parish's FIRM either (i) be on the site for fewer than 180 consecutive days, or (ii) be fully licensed and ready for highway use, or (iii) meet the requirements in section 17-10.8 of this article and paragraphs (1) through (6) of this section. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

(Ord. No. 10-33, Art. 5, § F, 6-14-10; Ord. No. 18-04, § 3, 2-14-18)

Sec. 17-10.67. - Severability.

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

(Ord. No. 10-33, Art. 5, § G, 6-14-10)

Sec. 17-10.68. - Penalties for noncompliance.

A. No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this article and other applicable regulations. Violation of the provisions of this article by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this court order or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$500.00 or imprisoned for not more than 30 days, or both, for each violation. Each day the violation continues shall be deemed a new violation. In addition, the violator shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent Tangipahoa Parish from taking such other lawful action as is necessary to prevent or remedy any violation.

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(Ord. No. 10-33, Art. 5, § H, 6-14-10)

AN ORDINANCE TO LIMIT FILL IN MAJOR SUBDIVISION DEVELOPMENTS AND SPECIAL USE RESIDENTIAL COMMERCIAL DEVELOPMENTS

CHAPTER 17-PLANNING AND DEVELOPMENT, ARTICLE V-STANDARDS FOR DEVELOPMENT OF PROPERTY

Delete Sec. 17-7.3, Paragraph C. Administrative Review and Approval, subparagraph (f), and add to ARTICLE V - STANDARDS FOR DEVELOPMENT OF PROPERTY, Sec. 17-5.1 - General Provisions, A. General Improvements Standards, the following paragraphs:

B. Land Clearing

- (1.) Approval of a land clearing permit from the Parish is required for any disturbance of five (5) acres or more; any major subdivisions; and any special use residential commercial developments as required by the parish and in compliance with DEQ SWPPP requirements.
- (2.) All applications shall include a Wetland Jurisdictional Determination (JD) performed by a qualified professional. Evidence of submission of the JD to the U.S. Army Corps of Engineers (CORPS) shall also accompany the permit application. If the site does not contain wetlands, any further site development shall follow the applicable development regulations as set forth by the Parish. If the site does contain wetlands, those wetlands areas shall be field marked, and no clearing operations shall be performed in those wetlands areas. Any further site development shall not disturb the identified wetlands areas until the site development plan and proposed wetland modifications are approved by the Parish. Prior to any construction activities on the site, USACoE concurrence of the JD shall be submitted to the Parish. Any wetlands modification shall meet the requirements set forth by the Parish and shall be properly permitted by the USACoE and Louisiana Department of Natural Resources (if applicable).
- (3.) This pertains to all developments, but specifically excludes the following: Single residential structures (homes) with a construction permit, commercial forestry or timber operations with a logging permit, farming operations as defined by a La Dept of Ag, and normal maintenance or pruning.
- (4.) Any parcel regardless of having received a logging and or land clearing permit and has been cleared or logged such that all or portions of the 25-foot vegetative perimeter buffer has been removed shall not be allowed to be submitted for a Major Subdivision Development or for a Special Use Residential Commercial Development approval within a 24-month period from the completion date of the clearing operation or until the vegetative perimeter buffer is restored in accordance with 17-1.8.
- (5.) For Major Subdivision Developments and Special Use Residential Commercial Developments a land clearing permit shall not be issued until Final Approval has been obtained from the Planning Commission.
- (6.) A land clearing permit shall be required for all Major Subdivision Developments and Special Use Residential Commercial Developments on parcels of 5 acres or greater.
- (7.) Limited removal of vegetation for the sole purpose of obtaining information for an existing topographical survey shall not be deemed a violation of this code as long as no grubbing is performed.

CHAPTER 17-PLANNING AND DEVELOPMENT, ARTICLE I- General Provisions, Sec. 17-1.7 - Violations, add the following paragraph:

F. Any land clearing for Major Subdivision Developments or Special Use Residential Commercial Developments performed prior to Final Approval from the Planning Commission, or any clearing of the approved Stormwater Management Areas are in violation of this code and punishable by fines and penalties of this Chapter and shall require vegetative restoration as outlined in 17- 1.8.

To Sec. 17-1.8 – Enforcement, Fines, and Penalties, add the following:

C. Vegetation Remediation Requirements

- (3.) Vegetation Remediation is required when one or more of the following conditions are met:
 - (a.) Remediate vegetation in full when vegetation was removed within an area identified as an undisturbed Stormwater Management Areas, prior to receiving Final Approval for a development.
 - (b.) Remediate vegetation in full when site grubbing was conducted within an area identified as an undisturbed Stormwater Management Areas, prior to receiving a land clearing permit.
 - (c.) Remediate vegetation in full when site grubbing was conducted within an area identified as an undisturbed Stormwater Management Area that has been disturbed during construction.
- (4.) Remediation measures must meet the following standards:
 - (a.) ANSI A300, as developed by the Tree Care Industry Association
 - i. In accordance with the rules of good arboricultural practice as set forth by the latest edition, currently in effect at the time of such work.
 - (b.) Louisiana Nurserymen's Manual for the Environmental Horticulture Industry, as published by the Louisiana Nursery and Landscape Association.
 - i. In accordance with the rules of good arboricultural practice as set forth by the latest edition, currently in effect at the time of such work.
- (5.) Remediation measures must meet the following requirements:
 - (a.) Plant materials used for remediation are defined by the following classifications:
 - i. Class A trees: 4-4.5 inch cal. DBH, min., 18 feet tall, min., balled and burlapped, and trees must be planted full, trimming is prohibited.
 - ii. Class B trees: 1.5-2 inch cal. DBH, min., 8-9 foot tall, min., balled and burlapped or container, multi-trunk species shall have between 3 and 5 stems, and trees must be planted full, trimming is prohibited.
 - iii. Shrubs: 10-gallon, min., 4-5 feet tall, min., multi- trunk species shall have between 3 and 5 stems, and shrubs must be planted full, trimming is prohibited.
 - iv. Plant shrubs in a triangular pattern to create a visual barrier
- (6.) Remediation plant materials must meet the following standards:
 - (a.) American Standards for Nursery Stock, as published by the American Nursery & Landscape Association.
 - i. In accordance with applicable provisions set forth by the latest edition, currently in effect at the time of such work.
- (7.) Remediation plant materials must meet the following requirements:
 - (a.) Plant materials must be true to scientific name, variety, and size.
 - i. Remediation planting must only use native trees and shrubs, as listed in Appendix D.
 - a. Measure plant height from the top of the root ball to the tip of the highest branch.
 - b. Plant species must reflect the mix of species cleared from the parcel or found on adjacent parcels.
 - c. Planting must include 4 inches of pine straw mulch on top of topsoil tilled to 6 inches deep.
 - ii. Remediation plantings must be composed of the following per 50 foot by 25 feet area (1250 square foot area):
 - a. Minimum Planting: 2 - Class A tree, 3 - Class B trees, 14 - Shrubs
- (8.) Remediation Area Remediation areas have no minimum square footage threshold.

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- (a.) Disturbed Stormwater Management Areas must be remediated on multiples of 1250 square feet.
 - (b.) A fraction of disturbed Stormwater Management area shall be replaced with the full planting required for a 1250 square foot area.
 - (c.) Disturbed Stormwater Management Areas that are irregular in shape and not a buffer area shall be replaced on a one-to-one basis with all fractions of plants rounded up to the nearest whole plant.
- (9.) The following persons are responsible for remediation measures, as follows:
- (a.) A Louisiana licensed Landscape Architect or Louisiana licensed Horticulturist shall prepare a scaled Landscape or Plantings Plan for remediation efforts within a Flood Mitigation Area.
 - i. Upon completion of the remediation planting, a letter by the licensed Landscape Architect, licensed Landscape Horticulturist, or licensed Arborist certifying completion of the installation of the remediated vegetation in accordance with the above requirements and the landscape plan, shall be submit to the Parish Planning Director along with the stamped Landscape Plan.
 - (b.) The Contractor shall post a bond warranting the plant material for a two years
 - i. The warranty may only begin once the work is complete, and it has received certification of installation by the parish.
 - ii. The bond warranty value shall be equal to the cost of materials and installation as documented by the Contractors receipts plus 25% for removal of the dead vegetation.
 - (c.) The Contractor shall water and maintain plant materials for two years after the certification of installation.
 - i. Dead or unhealthy plants shall be replaced immediately.
 - ii. Plant materials must be able to survive on natural rainfall once established with no loss of health.
 - (d.) The Developer or HOA shall be responsible for maintaining the planting materials indefinitely.
 - i. Dead or unhealthy plants shall be replaced seasonally, or the Developer or HOA shall be susceptible to fines.[GW1]

CHAPTER 17-PLANNING AND DEVELOPMENT, ARTICLE IV-STANDARDS FOR SUBDIVISION OF PROPERTY

Sec. 17-4.3, Major Subdivision Standards, make the following changes:

Delete the first paragraph D. Major Residential Subdivisions – and replace with the following:

D. Major Residential Subdivisions- are identified as proposed partitions containing more than eight (8) lots or five (5) acres for the development of single-family residential homes shall require a land clearing permit per Sec. 17-5.1,B. These proposed subdivisions as defined in this sub-section shall meet the standards of Sec. 17-4.3, A and the following standards:

Sec. 17-4.3, D. delete Paragraph (2.) Open Space Area Requirements and replace with the following:

(2.) Stormwater Management Areas Requirements:

(a.) There shall be a minimum Stormwater Management Area requirement of twenty percent (20%) of the gross area of the subject property being subdivided that is 20 acres or less.

(b.) There shall be a minimum Stormwater Management Area requirement of twenty percent (20%) of the gross area of the subject property being subdivided that exceeds 20 acres or 50 lots or more.

(c.) Any preserved wetlands, floodways, or Areas of Special Flood Hazard (SFHA) may be counted towards meeting the twenty percent (20%) standard. The preliminary and final plat shall delineate those areas included in the minimum Stormwater Management Area.

Delete the first sentence of Paragraph (3.) and replace with the following;

(3.) Lots Sizes and Dimensions within the Metropolitan Planning Areas (MPA) and outside of Areas of Special Flood Hazard - The following set of development standards are for lots within the Parish's designated Metropolitan Planning Area (see map in Appendix B) and outside of Areas of Special Flood Hazard.

Delete the first sentence of Paragraph (4.) and replace with the following;

(4.) Lots Sizes and Dimensions outside of the Metropolitan Planning Areas (MPA) and outside of Areas of Special Flood Hazard - The following set of development standards are for lots outside the Parish's designated Metropolitan Planning Area (see map in Appendix B) and outside of Areas of Special Flood Hazard.

Add the following paragraphs;

(5.) Lot Sizes and Dimensions within the Special Flood Hazard Areas - The following set of development standards are for all lots created within the Special Flood Hazard Areas.

(a.) Minimum lot area must be one (1) acre, (43,560 square feet) or greater;

(b.) One hundred twenty (120) foot depth minimum;

(c.) One hundred twenty (120) foot road frontage, minimum;

(d.) Twenty-five (25) feet front, ten (10) foot side and rear yard setbacks;

(e.) Clearing of individual lots shall not exceed fifty (50) percent of the gross lot area.

(6.) For parcels that are comprised of both Areas of Special Flood Hazard (flood zone A, AE, V and VE) and flood zones X and X500 the following shall apply;

For all parcels where the Area of Special Flood Hazard, wetlands, and floodways are not able to be included in the Stormwater Management Area, lots that overlap into those areas shall be developed complying with the requirements of paragraph (5.).

Sec. 17-4.3, The following paragraphs shall be renamed;

G. Property Division Fronting on a Private Road shall be renamed **H. Property Division Fronting on a Private Road**;

F. Private and/or Gated Communities shall be renamed **G. Private and/or Gated Communities**;

Section 17-4.3,E. Delete paragraph **E. Major Residential Subdivisions Exceeding 20 acres or 50 Lots** – Incentivization of Wetlands and Floodplain Preservation and replace with the following paragraph E:

E. Conservation Developments

(1.) Conservation Developments allow smaller lot dimensions in exchange for Stormwater Management Area. This allows more efficient layout of lots, streets, and utilities, and protects the character of the area through the preservation of wetlands, recreation areas, and the protection of unique site features and scenic vistas. All Conservation Developments shall meet the minimum following standards:

- (a.) A Conservation Development is only allowed in the following conditions;
 - i. Parcels of 5 acres or more or a subdivision of 10 lots or more and;
 - ii. Parcels within Special Flood Hazard Areas (SFHA) or;
 - iii. Parcels which contain 50% or greater Special Flood Hazard Areas (SFHA) and flood zone X or X500 areas that is being developed as a whole as a Conservation Development or;
 - iv. Areas exceeding 20 acres or creating 50 lots or more where wetlands preservation is incentivized, as per Paragraph 17-4.3, F.
 - (b.) A variety of lot sizes should be used within the residential conservation, with the minimum lot frontage, area, and side yards as specified herein.
 - (c.) The minimum amount of required Stormwater Management Area is forty five (45) percent of the gross parcel area for parcels within SFHA.
 - (d.) In allocating land for the required Stormwater Management Area follow the requirements specified in 17-5.3-paragraph H.
- (2.) Configuration of Stormwater Management Areas.
- (a.) At least 60 percent of the required Stormwater Management Area must be in a contiguous lot or site or series of lots and sites. For the purposes of this section, contiguous includes any Stormwater Management Area bisected by a collector or local street, provided that:
 - i. The right-of-way area is not included in the calculation of the minimum Stormwater Management Area required.
 - ii. Where feasible, the Stormwater Management Area should adjoin any neighboring areas of Stormwater Management Area, other protected areas, and non- protected natural areas that would be candidates for inclusion as part of a future area of protected Stormwater Management Area.
 - (b.) No lot within the development can be further than a ¼-mile radius from the Stormwater Management Area. This radius is measured in a straight line, without regard for street, sidewalk or trail connections to the Stormwater Management Area.
- (3.) Conservation Developments for Major Subdivisions and Special Use Commercial Developments Areas, and Incentivization of Wetlands Preservation shall meet the following requirements:
- (a.) Minimum Stormwater Management Area shall equal thirty percent (30%) of the gross site in zones X and X500.
 - i. Lot size dimensions:
 - a. Minimum lot shall be eight thousand four hundred 8,400 square feet per lot.
 - b. Minimum lot road frontage of 70 feet and 100 feet minimum lot depth.
 - c. Minimum setbacks of twenty five feet (25') front yard, ten feet (10') side and rear yards.
 - d. Exception: Lots fronting onto approved cul-de-sacs, roundabouts, and a minimum of two lots facing onto ninety (90)-degree road intersections within the new proposed subdivision may have lots with widths of less than seventy (70) foot. In such cases, lot widths may be sixty (60) foot

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wide at the building setback line but will still contain the minimum eight thousand four hundred (8,400) square foot allowed in this subdivision. A minimum of eight (8)-foot side yard setback per side will be permitted on such approved lots.

- ii. Clearing on individual lots is not limited.

Section 17-4.3, insert the following paragraph.

F. Major Residential Subdivisions Exceeding 20 acres or 50 Lots - Incentivization of Wetlands Preservation

(1.) For subdivision developments exceeding 20 acres in size or exceeding 50 lots for all phases of development, the Parish hereby incentivizes the preservation of wetlands as natural open areas for increased stormwater retention, groundwater recharge areas, and outdoor recreational uses. All Corps of Engineers “jurisdictional wetlands” shall be identified on all subdivision plats, and are generally to be preserved as undeveloped Stormwater Management Areas, with no draining or filling of such, subject to the exceptions provided through Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act and those exceptions recognized by the Corps’ Regional and Nationwide Permits and by the standards adopted herein by the Parish. The applicant or subdivision developer is also to indicate all FEMA identified Special Flood Hazard Areas (A, AE, V, VE zones) on the subdivision plat and indicate the source of this information.

(a.) Use of jurisdictionally defined and “permitted,” compensated wetlands (subject to the Army Corps of Engineers and/or State DNR requirements) may be used for primarily road and utility crossings with proper road and cross drains provided and for other Parish-approved uses in an amount not to exceed fifteen percent (15%) of the designated wetlands acreage shown in the wetlands determination. If the maximum fifteen percent (15%) of wetlands acreage must be exceeded because of unavoidable adverse impacts or unusual property topography in which practicable avoidance and minimization has been analyzed, then the applicant or developer may bring this issue to the Parish’s Subdivision Technical Review Committee for consideration of a waiver.

(b.) Wetlands identification and Designation: Any property including identified wetlands being utilized as a trade for lot density incentives as stated above must be contiguous with the developed property and identified on any plat submitted for review by the Parish Planning Commission. Furthermore, the identified wetlands must be designated as undevelopable through one of the following methods:

- I. The identified wetlands are deed restricted in clear and unambiguous language on both the deed and the recorded plat as being undevelopable and the designated areas shall remain undisturbed in their natural state in perpetuity; or
- ii. The identified wetlands are donated to the Parish of Tangipahoa, State of Louisiana, or an agency thereof, for the purpose of creating a conservation area, or other deed restricted parcel ensuring the identified wetlands remain undisturbed and in their natural state.
- iii. Any act of donation or other act transferring the property to the Parish, state, or subdivision of either, which includes the identified wetlands shall include provisions ensuring the identified wetlands remain undisturbed and in their natural state in perpetuity.

(2.) Lot Sizes for Density Bonus for wetland and floodplain preservation allows for use of minimum and mixed lot sizes or Conservation Developments, per 17-4.3,E., in approved lot density bonus areas in which wetlands have been preserved and traded for smaller lot sizes are allowed for each acre preserved in an acre for acre trade off. For areas that are considered “density bonus sites”, the parish must verify an acre for acre trade for preserved wetlands for the density bonus site and that it is indicated on the official preliminary and final plat.

CHAPTER 17-PLANNING AND DEVELOPMENT, ARTICLE V-STANDARDS FOR DEVELOPMENT OF PROPERTY

Sec. 17-5.3, General Standards for Major Subdivisions and Special Use

Commercial Developments - this section shall apply to Major Subdivisions defined as per Sec. 17-4.3 and all proposed Special Use Residential Commercial Developments, unless specifically noted in other sections of this chapter.

Sec. 17-5.3, add the following:

- C. All developments shall preserve a 25 feet perimeter buffer of undisturbed greenspace, which may be considered as part of the Stormwater Management Area. There shall be a minimum Stormwater Management Area requirement of twenty percent (20%) of the gross area of all Special Use Residential Commercial Developments and shall meet the following standards:
- (1.) The buffer may only be disturbed or modified for access, drainage or infrastructure connectivity with the approval of the Parish Engineer or Consolidated Gravity Drainage District Administrator.
 - (2.) Fill shall not be placed in any required buffer.
 - (3.) Selective removal of trees will be allowed in the 25 foot buffer and individual lots. Removal shall be based on tree species and disease or decay. Selected tree removal plan shall be pre-approved by the Community Development office prior to removal.
- D. All developments in flood zone A and AE as established by adopted DFIRM shall be developed to follow the natural terrain and hydrology of the site and shall meet the following standards:
- (1.) The proposed development shall maintain the existing topography with only minimum grading permitted to meet parish development standards as determined by the Parish Engineer or Drainage District administrator. Preliminary Grading Plan shall be approved by Parish Engineer and/or appropriate Drainage District authority.
 - (2.) Fill shall be limited to two (2) feet above existing elevations for areas under proposed roadways and driveways. Roadways may be additionally elevated at intersections with Parish and State roads in order to meet road grades. Based upon the BFE, the Parish Engineer shall determine if additional fill shall be required for health, safety and welfare issues.
 - (3.) The fill shall have a slope steepness between 4H:1V to 3H:1V backslope to the existing grade.
 - (4.) Each development shall meet the zero net fill requirement. Fill calculations shall include the development's roads and anticipated fill needed for each lot's house pads, back slopes and driveways. The average fill volume for the house pad, back slopes and driveway shall be indicated on each lot and used in the overall development net fill calculations. The development detention and drainage calculations shall include a 1.25 factor for variation between anticipated designed and actual fill during lot build out.
- E. All developments in flood zone X and X500 as established by adopted DFIRM shall be developed to follow the natural terrain and hydrology of the site and shall meet the following standards:
- (1.) All proposed developments shall conform to the Drainage Requirements of the parish as found in Sec 17-6.1, B or appropriate Drainage District authority standards for the location of property.
 - (2.) The proposed development shall maintain the existing topography with only minimum grading permitted to meet parish development standards as determined by the Parish Engineer or Drainage District Administrator. Preliminary Grading Plan shall be approved by Parish Engineer or appropriate Drainage District authority.
 - (3.) The development detention and drainage calculations shall include a 1.0 factor for variation between anticipated designed and actual fill during lot build out.
- F. All structures constructed on new lots in flood zone A and AE as established by adopted DFIRM shall be developed as follows in compliance with the BFE.
- (1.) A maximum of two (2) feet of fill may be placed under the roof-shed area of the primary structure and shall not exceed the volume required to prepare an adequate building footprint pad. The fill shall have a slope steepness between 4H:1V and 3V: 1V backslope to the existing grade.

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- (2.) Fill shall not be placed in any side yard, rear yard or front yard setbacks.
- G. All structures constructed on new lots in flood zone X and X500 as established by adopted DFIRM shall be developed as follows in compliance with the BFE.
- (1.) The fill shall have a slope steepness of 4H:1V to 3H:1V backslope to the existing grade.
- (2.) Fill shall not be placed in any side yard, rear yard or front yard setbacks.
- H. Clearing in all Major Subdivisions and Special Use Residential Commercial Developments shall conform to the following requirements for Stormwater Management Areas.
- (1.) All Stormwater Management Areas shall be marked with survey flagging prior to any land clearing on the parcel. The Stormwater Management Area must be comprised as a minimum of the following areas:
- a. A twenty five (25) feet of existing undisturbed vegetative perimeter buffer zone along all sides of the development.
 - b. Open Green Space designated as permanent active recreational area use shall not exceed ten percent (10%) of the calculated Stormwater Management Area.
- (2.) The following additional buffers and areas are considered Stormwater Management Areas that may be included to meet the minimum area requirement. These Stormwater Management areas are listed in priority of importance for incorporation into the development layout. If the existing parcel does not contain the physical feature referenced, then the layout should include the succeeding Stormwater Management Areas feature.
- (a.) A 50 feet undisturbed perimeter riparian buffer zone along each side of all existing drainage laterals and channels measured from the top of each bank. The drainage laterals and channel as identified as Lake, River, and Canals by a blueline on the latest edition of the USGS US Topo 7.5-minute map and/or identified on map labeled Canal Dug to Date, prepared by Louisiana Department of Public Works, dated February 1963 and updated July 2, 1974.
 - (b.) Wetlands
 - (c.) Any drainage easement at the rear of lots as required by a drainage district or Parish Engineer. Any rear lot drainage easement shall not be consider part of a lot but part of the common Stormwater Management Area.
 - (d.) A 50 feet undisturbed perimeter buffer zone along the edge of existing wetlands to be protected.
 - (e.) Native woodland Preservation Areas. Native woodland Preservation Areas are areas of undisturbed existing woodland with associated understory vegetation.
 - i. Woodland Communities are groupings of softwood pine and/or hardwood broad leaf evergreen and deciduous trees. The specimen group that holds the population majority categorizes the woodland Community.
 - a. Woodland Communities may have a rounded shape or polygon form.
 - b. The minimum transect dimension for conservation shall be 75-feet.
 - ii. Softwood woodland communities are at minimum 1000-square feet in area when measured from the drip line of the associated perimeter trees. Softwood woodland communities are composed of juvenile trees and/or mature specimens that have reached a caliper and/or height, with a medium density spacing of at least 1 juvenile tree per 4-square yard or 1 mature tree per 100-square feet.
 - a. Juvenile trees are at least 1-inch caliper and/or 20-feet in height.
 - b. Mature trees are at least 6-inch caliper and/or 45-feet in height.
 - iii. Hardwood woodland communities are at minimum 3000-square feet in area when measured from the drip line of the associated perimeter trees. Hardwood woodland communities are composed of juvenile trees and/or mature specimens that have reached a caliper and/or height, with a medium density spacing of at least 1

- juvenile tree per 1-square yard or 1 mature tree per 200-square feet.
- a. Juvenile trees are at least 2-inch caliper and 15-feet in height
- b. Mature trees are at least 8-inch caliper and 35-feet in height.
- iv. Prohibited actions within Native woodland Preservation Areas include:
 - a. Failure to cordon off the protected conservation area with survey flagging prior to site clearing.
 - b. Cut and/or fill within the dripline of the trees within a woodland community.
 - c. Disturbance of trees and understory growth (shrubs or groundcover) within a woodland community.
- (f.) Green Infrastructure, including bioswales, bioretention cells, forebay cells, and rain gardens planted with native plants to improve water quality, and increase on-site Stormwater storage. Detention and Retention Ponds, including the actual permanent water surface area, may be considered as part of the Stormwater Management Area if it includes the minimum thirty (30) feet buffer with informal walking trails and designated as a permanent amenity. Open grass or turf drainage channels used for stormwater conveyance shall not be counted.
- (g.) Meadows, wildlife corridors, game preserves, or similar conservation-oriented areas that are left undisturbed.
- (h.) Conservation areas for natural, archeological or historical resources
- (i.) Pedestrian or multipurpose trails;
- (j.) Passive recreation areas;
- (k.) Active recreation areas, provided that impervious area is limited to no more than twenty five (25) percent of the total Stormwater Management Area, (active recreation areas in excess of this impervious area limit must be located outside of the protected Stormwater Management Area);
- (l.) Golf courses (excluding clubhouse areas and maintenance facilities), provided the area does not exceed 50 percent of the required Stormwater Management Area, and further provided that impervious area is limited to no more than 5 percent of the total Stormwater Management Area;
- (m.) Above-ground utility rights-of-way, provided the area does not exceed 50 percent of the required Stormwater Management Area and include informal walking trails
- (n.) Other conservation-oriented uses compatible with the purposes of these regulations.
- (3.) Prohibited Uses of Stormwater Management Area
 - (a.) Individual or development wastewater disposal systems;
 - (b.) Streets (except for street crossings as expressly provided above) and impervious parking areas.
- (4.) Where development is phased, the amount of common Stormwater Management Area must be computed separately for each phase but may be combined with existing Stormwater Management Area in earlier phases to create a larger uniform area.
- (5.) Ownership of Stormwater Management Area
 - (a.) Required Stormwater Management Area may be accepted and owned by one of the following entities:
 - i. Public Entities: The responsibility for maintaining the Stormwater Management Area and any facilities may be borne by a Land Conservancy or Land Trust.
 - ii. Property or Home Owners' Association: Property or Home owners' association representing residents of the subdivision may own the Stormwater Management Area. Membership in the association shall be mandatory and automatic for all property or Home owners of the subdivision and their successors. The property or Home owners'

association shall have lien authority to ensure the collection of dues from all members. The responsibility for maintaining the Stormwater Management Area, and any facilities shall be borne by the property or Home owners' association.

- iii. Private Landowner: A private landowner may retain ownership of Stormwater Management Area. The responsibility for maintaining the Stormwater Management Area, and any facilities shall be borne by the private landowner.

(6.) Management Plan for Stormwater Management Area

- (a.) Applicants must submit a plan for the management of Stormwater Management Area and other common facilities that:
 - i. Allocates responsibility and guidelines for the maintenance and operation of the Stormwater Management Area and any facilities located thereon, including provisions for ongoing maintenance and for long-term capital improvements;
 - ii. Estimates the costs and staffing requirements needed for maintenance and operation of, and insurance for, the Stormwater Management Area and outlines the means by which such funding will be obtained or provided;
 - iii. Provides that any changes to the plan be approved by the Planning Director.
 - iv. Provides for enforcement of the plan.

(7.) Maintenance of Stormwater Management Area

- (a.) Passive Stormwater Management Area maintenance will include removal of litter, debris, and sediment. Natural water courses are to be maintained as free-flowing. Stream channels must be maintained so as not to alter floodplain levels.
- (b.) Typical maintenance is limited in all undisturbed vegetative areas to the removal of structurally damaged, diseased or dying vegetation that presents a hazards, nuisances or unhealthy conditions to the inhabitations or their property.
- (c.) Active Stormwater Management Area areas must be accessible to all residents of the development. Maintenance is limited to ensuring that there exist no hazards, nuisances, or unhealthy conditions.
- (d.) Formal Stormwater Management Area maintenance is limited to include weeding and mowing of any landscaped areas and the removal of litter, debris, and sediment only in active areas. Weeding and mowing are prohibited in wetlands, all buffer areas, Native Woodland Preservation Areas, Meadows, wildlife corridors, game preserves, or similar conservation-oriented areas that are to be left undisturbed.

(8.) Failure to Maintain Stormwater Management Area

- (a.) In the event the party responsible for maintenance of the Stormwater Management Area fails to maintain all or any portion in reasonable order and condition, the Parish may assume responsibility for its maintenance and may enter the premises and take corrective action, including the provision of extended maintenance.
- (b.) The costs of such maintenance may be charged to the owner of the property; or in the event that the owner is a property or home owners' association, to the Individual property owners that make up the property or home owner's association. Costs for maintenance may include administrative costs and penalties. Such costs may become a lien on all development properties.

(9.) Permanent Protection of Stormwater Management Area

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- (a.) Stormwater Management Area shall be protected in perpetuity by a binding legal instrument that is recorded with the deed. The instrument must be one of the following:
 - i. A permanent conservation easement in favor of either:
 - a. A land trust or similar conservation-oriented non-profit organization with legal authority to accept such easements. The organization must be bona fide and in perpetual existence and the conveyance instruments must contain an appropriate provision for re-transfer in the event the organization becomes unable to carry out its functions; or
 - b. A governmental entity with an interest in pursuing goals compatible with the purposes of these regulations. If the entity accepting the easement is not the Parish then a third right of enforcement favoring the Parish must be included in the easement.
 - ii. A permanent restrictive covenant for conservation purposes in favor of a governmental entity.
 - (b.) An equivalent legal tool that provides permanent protection, if approved by the Parish Council.
 - (c.) The instrument for permanent protection must include clear restrictions on the use of the Stormwater Management Area. These restrictions must include all restrictions contained in these regulations, as well as any further restrictions the applicant chooses to place on the use of the Stormwater Management Area. Where appropriate, the instrument may allow for stream or habitat restoration within the easement area.
- (10.) Violation by clearing vegetation of any the required approved Stormwater Management Areas or clearing of individual trees without a permit shall be remediated per Sec. 17-1.8 – Enforcement, Fines and Penalties, paragraph C.

AN ORDINANCE TO LIMIT FILL IN MAJOR SUBDIVISION DEVELOPMENTS AND SPECIAL USE RESIDENTIAL COMMERCIAL DEVELOPMENTS
CHAPTER 17-PLANNING AND DEVELOPMENT, ARTICLE V-STANDARDS FOR DEVELOPMENT OF PROPERTY

Repeal and amend Sec. 17-5.4 A and Sec. 17-5.4 B to read as follows:

Sec. 17-5.4-Major Subdivision Developments and Special Use Residential Commercial Development Plan Submission Requirements - must submit Preliminary Plats and Final Plats detailing all required standards in this subsection for approval request from Planning Commission, unless otherwise specified in this chapter. Any land clearing or grading without Final Planning Commission approval or in a manner not consistent with the approved clearing and grading plan shall be in violation of this code and require fines and vegetative remediation per Section 17-1.8.

A. Major Subdivisions and Special Use Residential Commercial Developments Preliminary Plats must include the following details, unless otherwise specified in this chapter:

- (1.) A Preliminary Plat of the proposed development labeled as such with the name under which the proposed subdivision/development is to be recorded. The plat shall include the following:
 - (a) The name and address of owner/developer
 - (b) The name, address of the engineer preparing the plat.
 - (c) The name, address of the surveyor who surveyed the tract.
 - (d) Total number of acres.
 - (e) Number, letter, or combination of to identify each lot or site.
 - (f) A layout of the proposed sanitary sewerage system showing:
 - i. community sewerage - location of sewers and pump stations, disposal or treatment facilities and tentative size and type.
 - ii. individual sewerage systems - location of the discharge line, discharging into an approved public servitude.
 - (g) For community water, a layout of proposed location of mains, wells, treatment facilities, tanks and tentative size and type.
 - (h) A vicinity or location map of area showing proposed development site, highways, railroads, major creeks or rivers, nearest incorporated areas. Map will be a USGS Quad map at scale of 1"-2000' showing all the above stated items within a 3 mile radius, minimum.
 - (i) Lot dimensions and total square footage.
 - (j) Legal description including section, township and range; boundaries of property, boundaries of incorporated areas or other established districts, ditches, water courses and any other features or physical conditions upon the property.
 - (k) Names and addresses of all adjacent owners, as their names appear on the Parish Assessment Records, subdivisions, and/or commercial property businesses.
 - (l) Proposed location, names and widths of street right-of-ways, easements and servitude.
 - (m) North arrow point, scale and date.
 - (n) Subdivisions greater than 20 acres shall dedicate twenty percent (20%) of the total acreage for Stormwater Management Area that will be maintained by the developer or the Home Owner's Association.
 - (o) Property Assessment number(s) as appears on Parish Assessment Records at time of proposed development.
 - (p) Flood Zones, as per FIRM with Community, Panel and Date.
 - (q) Property Assessment number(s) as appears on Parish Assessment Records at time of proposed development.

B. Major Subdivisions and Special Use Residential Commercial Developments Final Plat and Plans - Final plans may consist of several sheets accompanied by an index sheet showing the entire subdivision. The Final plans submitted for review must include the following items:

- (1) An existing topographic survey of the proposed development. The survey shall include the following:

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- (a) Topographic spot elevations on a maximum grid of 100 feet by 100 feet with a minimum of 9 points per acre.
 - (b) The Land Surveyor's stamp, Louisiana license number, name and address.
 - (c) The total number of acres in the parcel.
 - (d) Legal description including section, township and range; boundaries of property, boundaries of incorporated areas or other established districts.
 - (e) Waterways, drainageways, ditches, and any other surface water and drainage features.
 - (f) Physical features including structures, slabs, utility accoutrements, boundaries of woodland areas.
 - (g) Names and addresses of all adjacent owners, as their names appear on the parish Assessment Records, subdivisions, and/or commercial property businesses.
 - (h) Location and description of all existing rights-of-way, easements and servitudes.
 - (i) North arrow, graphic scale and date of survey.
 - (j) Property Assessment number(s) as appears on the Parish Assessment Records.
 - (k) Flood Zones boundaries as per FIRM with Community, Panel and Date.
- (2.) The plat for recordation must include the following items:
- (a.) The title under which the proposed subdivision/development is to be recorded.
 - (b.) The name and address of owner/developer.
 - (c.) The name, address and seal of the engineer preparing the plat.
 - (d.) The name, address and seal of the surveyor who surveyed the tract.
 - (e.) Total number of acres.
 - (f.) Number/letter to identify each lot or site.
 - (g.) Complete, final name of subdivision and all streets as approved by 911 office.
 - (h.) A vicinity or location map of the area showing proposed development site, highways, railroads, major creeks or rivers, nearest incorporated areas. Map will be at a scale of 1"-2000'.
 - (i.) Lot dimensions and total square footage.
 - (j.) Legal description including section, township and range; boundaries of property, boundaries of incorporated areas or other established districts, ditches, water courses and any other features or physical conditions upon the property.
 - (k.) Names and addresses of all adjacent owners, as their names appear on the Parish Assessment Records, subdivisions, and/or commercial property businesses.
 - (l.) Proposed location, names and widths of street right-of-ways, easements and servitude.
 - (m.) North arrow point, scale and date.
 - (n.) Subdivisions shall dedicate the required percentage of the total acreage for Stormwater Management Areas that will be maintained by the developer or the Home Owners Association.
 - (o.) Minimum dwelling unit size in total square feet and buildable lot setbacks shall be stated on Final Plat for recordation.
 - (p.) Property Assessment number(s) as appears on Parish Assessment Records at time of proposed development.
 - (q.) Street names and addresses to be verified by the 911 office. (985-747-0911)
 - (r.) Flood Zones, as per FIRM with Community, Panel and Date.
 - (s.) Base Flood Elevations for each lot identified in a Area of Special Flood Hazard.
 - (t.) A layout of typical section diagram of streets, entrance, and Cul-de-sac that Includes right-of-way; location and type of drainage; width, depth and type of base; width, thickness and type of pavement (Streets must meet minimum standards per Chapter 20.)
 - (u.) Place for signature in the following order:
 - i. Parish President

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- ii. Planning Commission Chairman
 - iii. Parish Engineer
 - iv. Community Development Representative
 - v. Building Official
 - vi. Public Works Director
 - vii. Subdivision Developer
 - viii. If applicable, Tangipahoa Water District of Tangipahoa Parish
 - ix. If applicable, Drainage District Administrator
 - x. If applicable, Sewerage District No. 1
- (v.) Wetlands as identified by Army Corp of Engineers "Jurisdictional Determination" letter, if not mitigated.
- (w.) Cross-drain and driveway culverts notes placed on final plat and drainage design plan sheet as applicable:
- i. Cross-drain and driveway culverts must be either asphalt coated corrugated metal or reinforced concrete culverts.
 - ii. All culverts must be eighteen inches (18") diameter or greater unless approved by the Parish Engineer or the Director of Public Works.
- (x.) Drainage notes to be placed on the final plat and drainage design plan sheet.
- i. No fences, sheds, movable or immovable appurtenances shall be placed in designated drainage servitudes. Relocation of said obstructions shall be the sole responsibility of the property owner and the property owner shall bear all costs associated with the relocation.
 - ii. All detention basins, ponds, shorelines and outfall structures shall be maintained by the Home Owner's Association (HOA). In the event no HOA exists, the aforementioned shall be privately maintained.
- (y.) Stormwater Management Areas calculations and any wetlands/floodplain trade off acreage calculations, with wetlands preservation referenced as required in the prior sub-section of this chapter.
- (z.) Stormwater Management Areas ownership information and maintenance responsibilities must be provided under general notes.

AN ORDINANCE TO LIMIT FILL IN MAJOR SUBDIVISION DEVELOPMENTS AND SPECIAL USE RESIDENTIAL COMMERCIAL DEVELOPMENTS
CHAPTER 17-PLANNING AND DEVELOPMENT, ARTICLE XI -

Article XI -DEFINITIONS, add the following:

ALLOWABLE FILL ALLOWANCE – The amount of fill estimated for the development of a lot including the total fill for the primary structure pad, back slopes and driveway. The Allowable Fill Allowance does not include the 1.25 factor used in the Drainage Impact Study for the overall development.

FILL OR FILLING -The deposition of any material including, but not limited to, dirt, concrete, and other inert materials, that is placed above nature existing grade to raise its grade, smooth its features, or elevate a structure.

GREEN INFRASTRUCTURE - includes bioswales, bioretention cells, rain gardens, detention ponds including their buffer areas, retention ponds including their buffer area but excluding the actual surface of the permanent water surface, planted with 85% native plants to improve water quality and increase on-site Stormwater storage. Open grass or turf drainage channels used for stormwater conveyance shall not be counted as green infrastructure.

GRUBBING - means the act of removing trees and other vegetation by the roots of any area greater than 8 feet in one direction. Removal of trees of 6 inch DBA or smaller for purposes of performing a survey shall not be considered grubbing. Removal of trees 6 inches or greater shall be considered grubbing.

NATIVE WOODLANDS PRESERVATION AREA – An existing woodland area comprising of native trees, circular in nature with uneven edges and an undisturbed strip of native shrubs and grass extending 25 feet beyond the drip line of the out trees. For hardwood woodland native stands of the minimum size of the protected area shall be 3000 square feet. For softwood woodland native stands the minimum protected area shall be 1000 square feet..

NATURAL EXISTING GRADE – The natural elevation of land prior to any man made changes or prior to a proposed change of grade. The natural elevation of land as established by a certified existing topographic survey.

NET DENSITY - Area remaining after Stormwater Management Area has been subtracted from total acreage of parcel.

PARISH DISTRICT AUTHORITY – Either the Parish District Administrator for areas within a Consolidated Gravity Drainage District or Parish Engineer for areas outside of the Consolidated Gravity Drainage Districts unless such districts do not have a designated drainage engineer.

PERIMETER VEGETATIVE BUFFER - A 25 feet undisturbed vegetative perimeter buffer zone along all sides of a development.

RESIDENTIAL CONSERVATION PROJECT AREA - Total acreage of parcel, including Stormwater Management Area.

RIPARIAN BUFFER - A 50 feet undisturbed perimeter buffer zone along each side of all existing drainage laterals and channels measured from the top of the bank. The drainage laterals and channel as identified as Lake, River, and Canals by a blueline on the latest edition of the USGS US Topo 7.5-minute map and/or identified on map labeled Canal Dug to Date, prepared by Louisiana Department of Public Works, dated February 1963 and updated July 2, 1974.

STORMWATER MANAGEMENT AREA - Undeveloped green areas of a Major Subdivision Development or Special Use Residential Commercial Development comprising a specified percentage of the total development parcel. The Stormwater Management Area is composed of the 25 feet undisturbed vegetative perimeter burrier

zone, the 50 feet undisturbed riparian buffer zone along each side of existing drainage laterals and channels within the parcel, the 50 feet undisturbed buffer perimeter buffer zone along the edge of any existing wetlands, any Native Woodlands Preservation Areas of undisturbed existing woodland tree clusters, any Green Infrastructure, and any Open Green Space designated for permanent recreational use. Specific allocated areas unobstructed by buildings from the ground upward, except for walks, paths, landscaping or other site features in public, common or other private ownership. Yards of individual lots occupied by dwellings shall not constitute part of the Stormwater Management Area.

TREE, CLASS A - any self-supporting woody plant of a species which normally grows to an overall height of a minimum of 50 feet, usually with one main stem or trunk although some species may have multiple trunks, and with many branches. A list of Class A native trees can be found in Appendix. D.

TREE, CLASS B - means any self-supporting woody plant of a species which normally grows to an overall height of a minimum of 25 feet, with one or more main stem or trunk and many branches. A list of species considered to be Class B native trees can be found in Appendix D.

APPENDIX D -

A.. Allowable Plants for Stormwater Management Areas

1. Class A native tree species:

| <u>Common Name</u> | <u>Scientific Name</u> |
|----------------------|------------------------------------|
| American beech | Fagus grandifolia |
| American elm | Ulmus americana |
| American sycamore | Platanus occidentalis |
| Ash species | Fraxinus Spp. |
| Black cherry | Prunus serotina |
| Blackjack oak | Quercus marilandica |
| Bald cypress | Taxodium distichum |
| Blackgum | Nyssa sylvatica |
| Cherrybark oak | Quercus falcata (var.) pagodifolia |
| Hackberry | Celtis laevigata |
| Laurel oak | Quercus laurifolia |
| Loblolly pine | Pinus taeda |
| Longleaf pine | Pinus palustris |
| Nuttall oak | Quercus nuttallii |
| Overcup oak | Quercus lyrata |
| Pecan | Carya illinoensis |
| Pond cypress | Taxodium ascendens |
| Red maple | Acer rubrum L. Var. rubrum |
| Red oak | Quercus falcata |
| Slash pine | Pinus elliotii |
| Shumard oak | Quercus shumardii |
| Southern magnolia | Magnolia grandiflora |
| Southern live oak | Quercus virginiana |
| Southern sugar maple | Acer barbatum |
| Spruce pine | Pinus glabra |
| Swamp red maple | Acer Rubrum drummondii |
| Swamp chestnut oak | Quercus michauxii |
| Sweetbay magnolia | Magnolia virginiana |
| Sweetgum | Liquidambar styraciflua |
| Tulip poplar | Liriodendron tulipifera |
| White oak | Quercus alba |
| Willow oak | Quercus phellos |
| Winged elm | Ulmus alata |

(Note: Pine trees shall count as 2/3 of a Class 'A' tree.)

2. Class B native tree species:

| <u>Common Name</u> | <u>Scientific Name</u> |
|-------------------------|-------------------------------|
| American hornbeam | <i>Carpinus caroliniana</i> |
| American plum | <i>Prunus americana</i> |
| American snowbell | <i>Styrax americanus</i> |
| Big leaf snowbell | <i>Styrax grandifolius</i> |
| Black willow | <i>Salix nigra</i> |
| Cassine or dahoon holly | <i>Ilex cassine</i> |
| Cherry laurel | <i>Prunus caroliniana</i> |
| Eastern redbud | <i>Cercis canadensis</i> |
| Flowering dogwood | <i>Cornus florida</i> |
| Green hawthorn | <i>Crataegus viridis</i> |
| Groundsel bush | <i>Baccharis halimifolia</i> |
| Hop-hornbeam | <i>Ostrya virginiana</i> |
| Mexican plum | <i>Prunus mexicana</i> |
| Parsley hawthorn | <i>Crataegus marshallii</i> |
| Persimmon | <i>Diospyros virginiana</i> |
| Possumhaw | <i>Ilex decidua</i> |
| Possumhaw viburnum | <i>Viburnum nudum</i> |
| Red bay | <i>Persea borbonia</i> |
| Red buckeye | <i>Aesculus pavia</i> |
| Red mulberry | <i>Morus rubra</i> |
| River birch | <i>Betula nigra</i> |
| Silver bell | <i>Halesia diptera</i> |
| Southern bayberry | <i>Myrica heterophylla</i> |
| Southern catalpa | <i>Catalpa bignonioides</i> |
| Southern crab apple | <i>Malus angustifolia</i> |
| Smooth sumac | <i>Rhus glabra</i> |
| SwampTiti | <i>Cyrilla racemiflora</i> |
| Tree huckleberry | <i>Vaccinium arboreum</i> |
| Wax myrtle | <i>Myrica cerifera</i> |
| Weeping yaupon | <i>Ilex vomitoria pendula</i> |
| Western mayhaw | <i>Crataegus opaca</i> |
| Winged sumac | <i>Rhus copallinum</i> |
| White fringetree | <i>Chionanthus virginicus</i> |
| Yaupon | <i>Ilex vomitoria</i> |

. Native shrubs.

| <u>Common Name</u> | <u>Scientific Name</u> |
|---------------------------|--|
| American beauty berry | Callicarpa americana |
| Arrowwood | Viburnum dentatum |
| Blueberry/huckleberry | Vaccinium species |
| Coastal sweet pepper bush | Clethra alnifolia |
| Dahoon holly | Ilex myrtifolia |
| Dwarf palmetto | Sabal minor |
| Dwarf yaupon | Ilex vomitoria nana |
| Elderberry | Sambucus canadensis |
| Fetterbush | Lyonia lucida |
| Florida anise tree | Illicium floridanum |
| Gallberry | Ilex glabra |
| Honeybells | Agarista populifolia (dwarf available) |
| Oakleaf hydrangea | Hydrangea quercifolia |
| Orange azalea | Rhododendron austrinum |
| Southern cane | Arundinaria gigantea |
| Sweet mountain azalea | Rhododendron canescens |
| Sweet shrub | Calycanthus floridus |
| Swamp azalea | Rhododendron serrulatum |
| Virginia sweetspire | Itea virginica |
| Winterberry | Ilex verticillata |

T.P. Ordinance No. 21-08

AN ORDINANCE TO GRANT A VARIANCE TO TP ORDINANCE 20-19-
TANGIPAOHA PARISH CODE OF ORDINANCES CHAPTER 17-5.2 (A) 4-
“SPACING OF MANUFACTURED HOMES” FOR ASSESMENT NUMBER 679305
AT 27120 REID ROAD, IN LORANGER, LOUISIANA IN DISTRICT NO. 2

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 forty (40) feet from the existing manufactured home on the property which is ten (10) 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 27120 Reid Road in District No. 2 with assessment number 679305 to place a second manufactured home forty (40) 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 25th day of January, 2021 by the following roll-call vote:

YEAS:

NAYS:

ABSENT:

NOT VOTING:

ATTEST:

Kristen Pecararo
Clerk of Council
Tangipahoa Parish Council

Chairman
Tangipahoa Parish Council

INTRODUCED: January 11, 2021

PUBLISHED: January 21, 2021

- OFFICIAL JOURNAL
Hammond Daily Star

ADOPTED BY TPC: January 25, 2021

DELIVERED TO PRESIDENT: _____ day of January, 2021 at _____

APPROVED BY PRESIDENT: _____
Robby Miller Date

VETOED BY PRESIDENT: _____
Robby Miller Date

RECEIVED FROM PRESIDENT: _____ day of January, 2021 at _____

T.P. Ord No. 21-09

Whereas, the safety and welfare of the citizens of Tangipahoa Parish is the primary purpose of the Tangipahoa Parish Council; and,

Whereas, the Louisiana Department of Transportation and Canadian National Railroad has not with any regularity maintained the railroad crossings in Tangipahoa Parish; and,

THEREFORE BE IT ORDAINED by the Tangipahoa Parish Council, the governing authority of Tangipahoa Parish, state of Louisiana that the following procedures will be enacted:

1. A written notice will be sent via certified mail to Canadian National Railroad and the LADOTD railroad coordinator for work being requested by the Tangipahoa Parish Council-President Government.
2. Canadian National Railroad will be required to respond in writing within ten (10) days of receipt of the notice giving a time and date of when the work will be done.
3. Canadian National Railroad will have forty-five (45) days from receipt of the written notice to complete the work being requested. If work is not completed within forty-five (45) days, Canadian National Railroad will be assessed a \$500.00 per day penalty until work is completed.
4. Tangipahoa Parish Council-President Government will allow for reasonable delays of completion of work due to weather and/or other extenuating circumstances. Delays related to weather and/or other extenuating circumstances will require approval from the Tangipahoa Parish Public Works Department.

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 25th day of January, 2021 by the following roll-call vote:

YEAS:

NAYS:

ABSENT:

NOT VOTING:

ATTEST:

 Kristen Pecararo
 Clerk of Council
 Tangipahoa Parish Council

 Chairman
 Tangipahoa Parish Council

INTRODUCED: January 11, 2021

PUBLISHED: January 21, 2021

- OFFICIAL JOURNAL
Hammond Daily Star

ADOPTED BY TPC: January 25, 2021

DELIVERED TO PRESIDENT: _____ day of January, 2021 at _____

APPROVED BY PRESIDENT: _____
Robby Miller Date

VETOED BY PRESIDENT: _____
Robby Miller Date

RECEIVED FROM PRESIDENT: _____ day of January, 2021 at _____

T.P. Resolution No. R21-_____

A Resolution providing for canvassing the returns and declaring the result of the special election held in Road Lighting District No. 3 of the Parish of Tangipahoa, Louisiana (the “*District*”), on Saturday, December 5, 2020, to authorize the levy and collection of a fifteen (15) mills ad valorem tax on all property subject to taxation within the boundaries of the District, for a period of ten (10) years, beginning with the year 2021 and ending with the year 2030, for the purpose of providing and maintaining electric lighting on the streets, roads, highways, alleys and public places within the District; and providing for other matters in connection therewith.

BE IT RESOLVED by the Parish Council of the Parish of Tangipahoa, State of Louisiana, acting as the governing authority (the “*Governing Authority*”), of Road Lighting District No. 3 of the Parish of Tangipahoa, Louisiana (the “*District*”), as follows:

SECTION 1. That the Governing Authority does now proceed in open and public session to examine the official certified tabulations of votes cast at the special election held in the District on Saturday, December 5, 2020 (the “*Election*”), said tabulations having been prepared and certified by the election officials serving at the designated polling places, and the Governing Authority does now further proceed to examine and canvass the returns and declare the result of the Election.

SECTION 2. That a Proces Verbal of the canvass of the returns of the Election shall be made and that a certified copy thereof shall be forwarded to the Secretary of State, Baton Rouge, Louisiana, who shall record the same in his office; that another certified copy thereof shall be forwarded to the Clerk of Court and ex-officio Recorder of Mortgages in and for the Parish of Tangipahoa, State of Louisiana, who shall record the same in the Mortgage Records of the Parish of Tangipahoa, State of Louisiana; and that another copy thereof shall be retained in the archives of the Governing Authority.

SECTION 3. That the result of the Election shall be promulgated by publication in the manner provided by law.

SECTION 4. In accordance with Act No. 205 of the 2019 Legislative Session, the cost of holding the election was \$[1,300.00].

SECTION 5. This Resolution shall take effect immediately upon adoption.

[Remainder of this page intentionally left blank]

On motion by _____ and seconded by _____, the foregoing resolution was hereby declared adopted on this the 11th day of January, 2021 by the following roll-call vote:

YEAS:

NAYS:

ABSENT:

NOT VOTING:

Carlo S. Bruno, Chairman
Tangipahoa Parish Council

ATTEST:

Kristen Pecararo, Clerk
Tangipahoa Parish Council

Robby Miller, Parish President
Tangipahoa Parish

STATE OF LOUISIANA
PARISH OF TANGIPAHOA

I, the undersigned Clerk of the Parish Council of the Parish of Tangipahoa, State of Louisiana, acting as the governing authority of Road Lighting District No. 3 of the Parish of Tangipahoa, Louisiana (the "*Governing Authority*"), do hereby certify that the foregoing constitutes a true and correct copy of a Resolution adopted by the Governing Authority on January 11, 2021, providing for canvassing the returns and declaring the result of the special election held in Road Lighting District No. 3 of the Parish of Tangipahoa, Louisiana (the "*District*"), on Saturday, December 5, 2020, to authorize the levy and collection of a fifteen (15) mills ad valorem tax on all property subject to taxation within the boundaries of the District, for a period of ten (10) years, beginning with the year 2021 and ending with the year 2030, for the purpose of providing and maintaining electric lighting on the streets, roads, highways, alleys and public places within the District; and providing for other matters in connection therewith.

I further certify that this Resolution has not been amended or rescinded.

IN WITNESS WHEREOF, I have subscribed my official signature as Clerk of the Tangipahoa Parish Council, acting as governing authority of Road Lighting District No. 3 of the Parish of Tangipahoa, Louisiana, on this, the 11th day of January, 2021.

Kristen Pecararo, Clerk
Tangipahoa Parish Council

PROCES VERBAL

PROCES VERBAL OF THE CANVASS OF THE VOTES CAST AT THE ELECTION HELD IN ROAD LIGHTING DISTRICT NO. 3 OF THE PARISH OF TANGIPAHOA, LOUISIANA, ON SATURDAY, DECEMBER 5, 2020.

BE IT KNOWN AND REMEMBERED that on the 11th day of January, 2021 at 5:30 p.m., at the Tangipahoa Parish Courthouse Annex, 206 East Mulberry Street, Amite, Louisiana, the Parish Council of the Parish of Tangipahoa, State of Louisiana, acting as the governing authority (the "Governing Authority"), of Road Lighting District No. 3 of the Parish of Tangipahoa, Louisiana (the "District"), and being the authority ordering the election held therein on Saturday, December 5, 2020, did examine and canvass the returns of the election, there having been submitted at the election the following proposition, to-wit:

PROPOSITION

Shall the Road Lighting District No. 3 of the Parish of Tangipahoa, Louisiana (the "District") be authorized to levy and collect, and adopt an ordinance providing for such levy and collection, of a special ad valorem tax of 15 mills on the dollar of assessed valuation on all property subject to taxation within the boundaries of the District (the "Tax") (an estimated \$60,000.00 is reasonably expected at this time to be collected from the levy of the Tax for an entire year), for a period of ten (10) years, commencing with the tax collection for the year 2021, and annually thereafter, to and including the tax collection for the year 2030, and shall the proceeds of said Tax (after paying the reasonable and necessary expenses of collecting and administering the Tax) be used for the purpose of providing and maintaining electric lighting on the streets, roads, highways, alleys and public places within the District?

There was found by said count and canvass that the following votes had been cast at the said special election IN FAVOR OF and AGAINST, respectively, the proposition as hereinabove set forth at the following polling places, to-wit:

| <u>PRECINCT</u> | <u>POLLING PLACE</u> | <u>FOR</u> | <u>AGAINST</u> |
|-------------------|---|------------|----------------|
| 00/120 (PART OF) | Baileyville Fire Station, 49464 Hwy 445, Robert | 4 | 10 |
| 00/120A (PART OF) | Baileyville Fire Station, 49464 Hwy 445, Robert | 3 | 7 |
| 00/122 (PART OF) | Champ Cooper School, 42530 Hwy 445, Robert | 4 | 6 |
| ABSENTEE VOTES | | 5 | 2 |

The polling places above specified being the only polling places designated at which to hold the election, it was therefore shown that there was a total of 16 votes cast IN FAVOR OF the Proposition and a total of 25 votes cast AGAINST the Proposition, as hereinabove set forth, and that there was a majority of 25 votes cast AGAINST the Proposition as hereinabove set forth.

The foregoing election was authorized by a Resolution adopted on July 27, 2020 by the Governing Authority and notice therefore was duly given by the Notice of Special Election attached hereto as Exhibit A. Said Notice of Special Election was published on October 15, 2020, October 22, 2020, October 29, 2020 and November 5, 2020 in the *Daily Star*, as set forth in the proof of publication attached hereto as Exhibit B.

THEREFORE, the Parish Council of the Parish of Tangipahoa, State of Louisiana, acting as the governing authority (the "Governing Authority"), of Road Lighting District No. 3 of the Parish of Tangipahoa, Louisiana (the "District"), does hereby declare and proclaim in open and public session that the Proposition, as hereinabove set forth, was duly FAILED by a majority of the votes cast by the qualified electors voting at the election held in the District on Saturday, December 5, 2020, and that the result of said election be promulgated by the Secretary of State and by the Clerk of Court in the manner required by law.

[Remainder of this page intentionally left blank]

THUS DONE AND SIGNED at Amite, Louisiana, on this, the 11th day of January, 2021.

Carlo S. Bruno, Chairman
Tangipahoa Parish Council

ATTEST:

Kristen Pecararo, Clerk
Tangipahoa Parish Council

Robby Miller, President
Tangipahoa Parish

EXHIBIT A

NOTICE OF SPECIAL ELECTION

EXHIBIT B

PROOF OF PUBLICATION

STATE OF LOUISIANA
PARISH OF TANGIPAHOA

I, the undersigned Clerk of the Parish Council of the Parish of Tangipahoa, State of Louisiana, acting as the governing authority of Road Lighting District No. 3 of the Parish of Tangipahoa, Louisiana (the "*Governing Authority*"), do hereby certify that the foregoing constitutes a true and correct copy of the Proces Verbal providing for canvassing the returns and declaring the result of the election held in Road Lighting District No. 3 of the Parish of Tangipahoa, Louisiana, on Saturday, December 5, 2020, to authorize the levy and collection of a fifteen (15) mills ad valorem tax on all property subject to taxation within the boundaries of the District, for a period of ten (10) years, beginning with the year 2021 and ending with the year 2030, for the purpose of providing and maintaining electric lighting on the streets, roads, highways, alleys and public places within the District.

IN FAITH WHEREOF, I have subscribed my official signature as Clerk of the Parish Council of the Parish of Tangipahoa, State of Louisiana, acting as the governing authority of Road Lighting District No. 3 of the Parish of Tangipahoa, Louisiana, on this 11th day of January, 2021.

Kristen Pecararo, Clerk
Tangipahoa Parish Council

T.P. Resolution No. R21-_____

A Resolution providing for canvassing the returns and declaring the result of the special election held in Road Lighting District No. 3 of the Parish of Tangipahoa, Louisiana (the “*District*”), on Saturday, December 5, 2020, to authorize the levy and collection of a fifteen (15) mills ad valorem tax on all property subject to taxation within the boundaries of the District, for a period of ten (10) years, beginning with the year 2021 and ending with the year 2030, for the purpose of providing and maintaining electric lighting on the streets, roads, highways, alleys and public places within the District; and providing for other matters in connection therewith.

BE IT RESOLVED by the Parish Council of the Parish of Tangipahoa, State of Louisiana, acting as the governing authority (the “*Governing Authority*”), of Road Lighting District No. 3 of the Parish of Tangipahoa, Louisiana (the “*District*”), as follows:

SECTION 1. That the Governing Authority does now proceed in open and public session to examine the official certified tabulations of votes cast at the special election held in the District on Saturday, December 5, 2020 (the “*Election*”), said tabulations having been prepared and certified by the election officials serving at the designated polling places, and the Governing Authority does now further proceed to examine and canvass the returns and declare the result of the Election.

SECTION 2. That a Proces Verbal of the canvass of the returns of the Election shall be made and that a certified copy thereof shall be forwarded to the Secretary of State, Baton Rouge, Louisiana, who shall record the same in his office; that another certified copy thereof shall be forwarded to the Clerk of Court and ex-officio Recorder of Mortgages in and for the Parish of Tangipahoa, State of Louisiana, who shall record the same in the Mortgage Records of the Parish of Tangipahoa, State of Louisiana; and that another copy thereof shall be retained in the archives of the Governing Authority.

SECTION 3. That the result of the Election shall be promulgated by publication in the manner provided by law.

SECTION 4. In accordance with Act No. 205 of the 2019 Legislative Session, the cost of holding the election was \$[1,300.00].

SECTION 5. This Resolution shall take effect immediately upon adoption.

[Remainder of this page intentionally left blank]

On motion by _____ and seconded by _____, the foregoing resolution was hereby declared adopted on this the 11th day of January, 2021 by the following roll-call vote:

YEAS:

NAYS:

ABSENT:

NOT VOTING:

Carlo S. Bruno, Chairman
Tangipahoa Parish Council

ATTEST:

Kristen Pecararo, Clerk
Tangipahoa Parish Council

Robby Miller, Parish President
Tangipahoa Parish

STATE OF LOUISIANA
PARISH OF TANGIPAHOA

I, the undersigned Clerk of the Parish Council of the Parish of Tangipahoa, State of Louisiana, acting as the governing authority of Road Lighting District No. 3 of the Parish of Tangipahoa, Louisiana (the “*Governing Authority*”), do hereby certify that the foregoing constitutes a true and correct copy of a Resolution adopted by the Governing Authority on January 11, 2021, providing for canvassing the returns and declaring the result of the special election held in Road Lighting District No. 3 of the Parish of Tangipahoa, Louisiana (the “*District*”), on Saturday, December 5, 2020, to authorize the levy and collection of a fifteen (15) mills ad valorem tax on all property subject to taxation within the boundaries of the District, for a period of ten (10) years, beginning with the year 2021 and ending with the year 2030, for the purpose of providing and maintaining electric lighting on the streets, roads, highways, alleys and public places within the District; and providing for other matters in connection therewith.

I further certify that this Resolution has not been amended or rescinded.

IN WITNESS WHEREOF, I have subscribed my official signature as Clerk of the Tangipahoa Parish Council, acting as governing authority of Road Lighting District No. 3 of the Parish of Tangipahoa, Louisiana, on this, the 11th day of January, 2021.

Kristen Pecararo, Clerk
Tangipahoa Parish Council

PROCES VERBAL

PROCES VERBAL OF THE CANVASS OF THE VOTES CAST AT THE ELECTION HELD IN ROAD LIGHTING DISTRICT NO. 3 OF THE PARISH OF TANGIPAHOA, LOUISIANA, ON SATURDAY, DECEMBER 5, 2020.

BE IT KNOWN AND REMEMBERED that on the 11th day of January, 2021 at 5:30 p.m., at the Tangipahoa Parish Courthouse Annex, 206 East Mulberry Street, Amite, Louisiana, the Parish Council of the Parish of Tangipahoa, State of Louisiana, acting as the governing authority (the "Governing Authority"), of Road Lighting District No. 3 of the Parish of Tangipahoa, Louisiana (the "District"), and being the authority ordering the election held therein on Saturday, December 5, 2020, did examine and canvass the returns of the election, there having been submitted at the election the following proposition, to-wit:

PROPOSITION

Shall the Road Lighting District No. 3 of the Parish of Tangipahoa, Louisiana (the "District") be authorized to levy and collect, and adopt an ordinance providing for such levy and collection, of a special ad valorem tax of 15 mills on the dollar of assessed valuation on all property subject to taxation within the boundaries of the District (the "Tax") (an estimated \$60,000.00 is reasonably expected at this time to be collected from the levy of the Tax for an entire year), for a period of ten (10) years, commencing with the tax collection for the year 2021, and annually thereafter, to and including the tax collection for the year 2030, and shall the proceeds of said Tax (after paying the reasonable and necessary expenses of collecting and administering the Tax) be used for the purpose of providing and maintaining electric lighting on the streets, roads, highways, alleys and public places within the District?

There was found by said count and canvass that the following votes had been cast at the said special election IN FAVOR OF and AGAINST, respectively, the proposition as hereinabove set forth at the following polling places, to-wit:

| <u>PRECINCT</u> | <u>POLLING PLACE</u> | <u>FOR</u> | <u>AGAINST</u> |
|-------------------|---|------------|----------------|
| 00/120 (PART OF) | Baileyville Fire Station, 49464 Hwy 445, Robert | 4 | 10 |
| 00/120A (PART OF) | Baileyville Fire Station, 49464 Hwy 445, Robert | 3 | 7 |
| 00/122 (PART OF) | Champ Cooper School, 42530 Hwy 445, Robert | 4 | 6 |
| ABSENTEE VOTES | | 5 | 2 |

The polling places above specified being the only polling places designated at which to hold the election, it was therefore shown that there was a total of 16 votes cast IN FAVOR OF the Proposition and a total of 25 votes cast AGAINST the Proposition, as hereinabove set forth, and that there was a majority of 25 votes cast AGAINST the Proposition as hereinabove set forth.

The foregoing election was authorized by a Resolution adopted on July 27, 2020 by the Governing Authority and notice therefore was duly given by the Notice of Special Election attached hereto as Exhibit A. Said Notice of Special Election was published on October 15, 2020, October 22, 2020, October 29, 2020 and November 5, 2020 in the *Daily Star*, as set forth in the proof of publication attached hereto as Exhibit B.

THEREFORE, the Parish Council of the Parish of Tangipahoa, State of Louisiana, acting as the governing authority (the "Governing Authority"), of Road Lighting District No. 3 of the Parish of Tangipahoa, Louisiana (the "District"), does hereby declare and proclaim in open and public session that the Proposition, as hereinabove set forth, was duly FAILED by a majority of the votes cast by the qualified electors voting at the election held in the District on Saturday, December 5, 2020, and that the result of said election be promulgated by the Secretary of State and by the Clerk of Court in the manner required by law.

[Remainder of this page intentionally left blank]

THUS DONE AND SIGNED at Amite, Louisiana, on this, the 11th day of January, 2021.

Carlo S. Bruno, Chairman
Tangipahoa Parish Council

ATTEST:

Kristen Pecararo, Clerk
Tangipahoa Parish Council

Robby Miller, President
Tangipahoa Parish

EXHIBIT A

NOTICE OF SPECIAL ELECTION

EXHIBIT B

PROOF OF PUBLICATION

STATE OF LOUISIANA
PARISH OF TANGIPAHOA

I, the undersigned Clerk of the Parish Council of the Parish of Tangipahoa, State of Louisiana, acting as the governing authority of Road Lighting District No. 3 of the Parish of Tangipahoa, Louisiana (the "*Governing Authority*"), do hereby certify that the foregoing constitutes a true and correct copy of the Proces Verbal providing for canvassing the returns and declaring the result of the election held in Road Lighting District No. 3 of the Parish of Tangipahoa, Louisiana, on Saturday, December 5, 2020, to authorize the levy and collection of a fifteen (15) mills ad valorem tax on all property subject to taxation within the boundaries of the District, for a period of ten (10) years, beginning with the year 2021 and ending with the year 2030, for the purpose of providing and maintaining electric lighting on the streets, roads, highways, alleys and public places within the District.

IN FAITH WHEREOF, I have subscribed my official signature as Clerk of the Parish Council of the Parish of Tangipahoa, State of Louisiana, acting as the governing authority of Road Lighting District No. 3 of the Parish of Tangipahoa, Louisiana, on this 11th day of January, 2021.

Kristen Pecararo, Clerk
Tangipahoa Parish Council

MOSQUITO ABATEMENT DISTRICT

3-YEAR TERMS

Contact: Mr. Dennis Walette/Cheri Vining
985-543-0454
15483 Club Deluxe Road
Hammond, La 70403

Meets 2nd Wednesday of month
every other month at 6:00PM

| Commissioner (appointed by) | Term | Expiration |
|--|-------------|-------------------|
| Deek Deblieux (8) | 2 | July 2022 |
| Debbie Edwards | 1 | July 2022 |
| Sunny Ryerson (9) | 2 | July 2021 |
| William Wheat (10) | 2 | July 2021 |
| Cecilia Giannobile (7) | 1 | July 2022 |
| Richard Mannino (Hammond) | 1 | July 2022 |
| James Wolf (Ponchatoula) | 1 | July 2022 |