



JACKSON PARISH POLICE JURY

Courthouse

500 East Court Street, Room 301
Jonesboro, Louisiana 71251-3446

Phone: (318) 259-2361

Fax: (318) 259-5660

www.jacksonparishpolicejury.org

MEMBERS

District 1

TODD CULPEPPER
P. O. Box 323
Quitman, LA. 71268
(318) 259-4184 (Work)
(318) 243-1084

District 2

LEWIS CHATHAM
1575 Mariah Road
Chatham, LA. 71226
(318) 235-0254

District 3

AMY C. MAGEE
2332 Walker Road
Jonesboro, LA. 71251
(318) 235-0002

District 4

JOHN W MCCARTY
2766 Hwy 155
Quitman, LA 71268
(318) 259-9694

District 5

TARNESHALA COWANS
598 Beech Springs Road
Jonesboro, LA. 71251
(318) 475-0893

District 6

REGINA H. ROWE
159 Hughes Rd.
Jonesboro, LA 71251
(318) 259-7923

District 7

LYNN TREADWAY
505 Fifth Street
Jonesboro, LA 71251
(318) 259-7673
(318) 680-8510

Notice Posted: Monday, March 09, 2020, 4:00 PM
March 12, 2020 Policy & Personnel Committee Meeting

DATE: Thursday, March 12, 2020
TIME: 12:00 PM
PLACE OF MEETING: Jackson Parish Courthouse
500 E. Court Street, Room 301
Jonesboro, LA 71251

AGENDA:

Call to Order

Invocation & Pledge of Allegiance

Public Comments

Agenda Items

1. Discuss and recommend action on the Flood Damage Prevention Ordinance
2. Discuss and recommend action on the Groundwater Protection Ordinance
3. Discuss and recommend action on the Nuisance Ordinance
4. Discuss and recommend action on the Crew Leader policy
5. Discuss and recommend action on the sick and vacation leave policies

Adjourn

Committee:

Ms. Tarneshala Cowans, **Chairman**

Mr. Lewis Chatham

Ms. Regina Rowe

Gina M. Thomas, Secretary-Treasurer

Jackson Parish Police Jury

500 E. Court Street, Room 301, Jonesboro, LA. 71251

(318) 259-2361 extension 203

In accordance with the Americans with Disabilities Act, if you need special assistance, please contact Gina Thomas at (318) 259-2361, extension 203 describing the assistance that is necessary.

It is possible that a quorum of the Police Jury may be in attendance at the meeting, but no action of the Police Jury as a whole will be taken.

FLOOD DAMAGE PREVENTION ORDINANCE

ARTICLE I

STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND METHODS

SECTION A. 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 Jackson Parish Police Jury of Jackson Parish, Louisiana, does ordain as follows:

SECTION B. FINDINGS OF FACT

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

(2) 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.

SECTION C. STATEMENT OF PURPOSE

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

- (1) Protect human life and health;
- (2) Minimize expenditure of public money for costly flood control projects;
- (3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) Minimize prolonged business interruptions;
- (5) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;

(6) Help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood blight areas; and

(7) Insure that potential buyers are notified that property is in a flood area.

SECTION D. METHODS OF REDUCING FLOOD LOSSES

In order to accomplish its purposes, this ordinance 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.

ARTICLE 2

DEFINITIONS

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

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

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

APPURTENANT STRUCTURE – means a structure which is on the same parcel of property as the principal structure to be insured and the use of which is incidental to the use of the principal structure

AREA OF FUTURE CONDITIONS FLOOD HAZARD – means the land area that would be inundated by the 1-percent-annual chance (100 year) flood based on future conditions hydrology.

AREA OF SHALLOW FLOODING - means a designated AO, AH, AR/AO, AR/AH, or VO zone on a community's Flood Insurance Rate Map (FIRM) with a 1 percent or greater annual chance of flooding to an average depth of 1 to 3 feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

AREA OF SPECIAL FLOOD HAZARD - is the land in the floodplain within a community subject to a 1 percent or greater chance of flooding in any given year. The area may be designated as Zone A on the Flood Hazard Boundary Map (FHBM). After detailed rate-making has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AO, AH, A1-30, AE, A99, AR, AR/A1-30, AR/AE, AR/AO, AR/AH, AR/A, VO, V1-30, VE or V.

BASE FLOOD - means the flood having a 1 percent chance of being equaled or exceeded in any given year.

BASE FLOOD ELEVATION – The elevation shown on the Flood Insurance Rate Map (FIRM) and found in the accompanying Flood Insurance Study (FIS) for Zones A, AE, AH, A1-A30, AR, V1-V30, or VE that indicates the water surface elevation resulting from the flood that has a 1% chance of equaling or exceeding that level in any given year – also called the Base Flood.

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

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

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

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

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

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

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

EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION - means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

FLOOD OR FLOODING - means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) the overflow of inland or tidal waters.
- (2) the unusual and rapid accumulation or runoff of surface waters from any source.

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

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

FLOOD INSURANCE STUDY (FIS) – see Flood Elevation Study

FLOODPLAIN OR FLOOD-PRONE AREA - means any land area susceptible to being inundated by water from any source (see definition of flooding).

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

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

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

FLOOD PROOFING - 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 Interior; or

(4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

(a) By an approved state program as determined by the Secretary of the Interior or;

(b) Directly by the Secretary of the Interior in states without approved programs.

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

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

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

MANUFACTURED HOME - means a structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

MANUFACTURED HOME PARK OR SUBDIVISION - means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

MEAN SEA LEVEL - means, for purposes of the National Flood Insurance Program, the North American Vertical Datum (NAVD) 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 a community and includes any subsequent improvements to such structures.

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

RECREATIONAL VEHICLE - means a vehicle which is (i) built on a single chassis; (ii) 400 square feet or less when measured at the largest horizontal projections; (iii) designed to be self-propelled or permanently towable by a light duty truck; and (iv) designed primarily not for use as

a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

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

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

SPECIAL FLOOD HAZARD AREA – see Area of Special Flood Hazard

START OF CONSTRUCTION - (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-348)), includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 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 a community from the terms of a floodplain management regulation. (For full requirements see Section 60.6 of the National Flood Insurance Program regulations.)

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

WATER SURFACE ELEVATION - means the height, in relation to the North American Vertical Datum (NAVD) of 1988 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

ARTICLE 3

GENERAL PROVISIONS

SECTION A. LANDS TO WHICH THIS ORDINANCE APPLIES

The ordinance shall apply to all unincorporated areas of special flood hazard within the jurisdiction of Jackson Parish

SECTION B. BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD

The areas of special flood hazard identified by the Federal Emergency Management Agency in the current scientific and engineering report entitled, "The Flood Insurance Study (FIS) for Jackson Parish, Louisiana and Incorporated Areas" dated August 19, 2020, with accompanying Flood Insurance Rate Maps (FIRM) dated August 19, 2020, and any revisions thereto are hereby adopted by reference and declared to be a part of this ordinance.

SECTION C. ESTABLISHMENT OF DEVELOPMENT PERMIT

A Floodplain Development Permit shall be required to ensure conformance with the provisions of this ordinance.

SECTION D. COMPLIANCE

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

SECTION E. ABROGATION AND GREATER RESTRICTIONS

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

SECTION F. INTERPRETATION

In the interpretation and application of this ordinance, 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.

SECTION G. WARNING AND DISCLAIMER OR LIABILITY

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions greater floods can and will occur and flood heights may be increased by man-made or natural causes. This ordinance 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 ordinance shall not create liability on the part of the community or any official or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

ARTICLE 4

ADMINISTRATION

SECTION A. DESIGNATION OF THE FLOODPLAIN ADMINISTRATOR

The Secretary-Treasurer is hereby appointed the Floodplain Administrator to administer and implement the provisions of this ordinance and other appropriate sections of 44 CFR (Emergency Management and Assistance - National Flood Insurance Program Regulations) pertaining to floodplain management.

SECTION B. DUTIES & RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR

Duties and responsibilities of the Floodplain Administrator shall include, but not be limited to, the following:

(1) Maintain and hold open for public inspection all records pertaining to the provisions of this ordinance.

(2) Review permit applications 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 ordinance.

(4) Review permits for proposed development to assure that all necessary permits have been obtained from those Federal, State or local governmental agencies (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334) from which prior approval is required.

(5) Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Floodplain Administrator shall make the necessary interpretation.

(6) Notify, in riverine situations, adjacent communities and the State Coordinating Agency which is the Department of Transportation and Development, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.

(7) Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.

(8) When base flood elevation data has not been provided in accordance with Article 3, Section B, 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 5.

(9) When a regulatory floodway has not been designated, the Floodplain Administrator must require that no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

(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 1 foot, provided that the community **first** completes all of the provisions required by Section 65.12.

SECTION C. PERMIT PROCEDURES

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

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

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

(c) A certificate from a registered professional engineer or architect that the nonresidential floodproofed structure shall meet the floodproofing criteria of Article 5, Section B (2);

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

(e) Maintain a record of all such information in accordance with Article 4, Section (B)(1);

(2) Approval or denial of a Floodplain Development Permit by the Floodplain Administrator shall be based on all of the provisions of this ordinance and the following relevant factors:

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

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

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

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

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

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

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

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

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

SECTION D. VARIANCE PROCEDURES

(1) The Appeal Board, as established by the community, shall hear and render judgment on requests for variances from the requirements of this ordinance.

(2) The Appeal Board shall hear and render judgment on an appeal only when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this ordinance.

(3) Any person or persons aggrieved by the decision of the Appeal Board may appeal such decision in the courts of competent jurisdiction.

(4) The Floodplain Administrator shall maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Agency upon request.

(5) Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this ordinance.

(6) Variances may be issued for new construction and substantial improvements to be erected on a lot of 1/2 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 Section C (2) of this Article have been fully considered. As the lot size increases beyond the 1/2 acre, the technical justification required for issuing the variance increases.

(7) Upon consideration of the factors noted above and the intent of this ordinance, the Appeal Board may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this ordinance (Article 1, Section C).

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

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

(10) Prerequisites for granting variances:

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

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

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

(11) Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that (i) the criteria outlined in Article 4, Section D (1)-(9) are met, and (ii) the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

ARTICLE 5

PROVISIONS FOR FLOOD HAZARD REDUCTION

SECTION A. GENERAL STANDARDS

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

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

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

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

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

(5) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of 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.

SECTION B. SPECIFIC STANDARDS

In all areas of special flood hazards where base flood elevation data has been provided as set forth in (i) Article 3, Section B, (ii) Article 4, Section B (8), or (iii) Article 5, Section C (3), the following provisions are required:

(1) **Residential Construction** - new construction and substantial improvement of any residential structure shall have the lowest floor (including basement), elevated to or above the base flood elevation. A registered professional engineer, architect, or land surveyor shall submit a certification to the Floodplain Administrator that the standard of this subsection as proposed in Article 4, Section C (1) a., is satisfied.

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

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

(a) A minimum of two 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 1 foot above grade.

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

(4) Manufactured Homes -

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

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

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

(i) the bottom of the longitudinal structural I beam of the manufactured home is at or above the base flood elevation, or

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

(5) Recreational Vehicles - Require that recreational vehicles placed on sites within Zones A1-30, AH, and AE on the community's FIRM either (i) be on the site for fewer than 180 consecutive days, or (ii) be fully licensed and ready for highway use, or (iii) meet the permit requirements of Article 4, Section C (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.

SECTION C. STANDARDS FOR SUBDIVISION PROPOSALS

(1) All subdivision proposals including the placement of manufactured home parks and subdivisions shall be consistent with Article 1, Sections B, C, and D of this ordinance.

(2) All proposals for the development of subdivisions including the placement of manufactured home parks and subdivisions shall meet Floodplain Development Permit requirements of Article 3, Section C; Article 4, Section C; and the provisions of Article 5 of this ordinance.

(3) Base flood elevation data shall be generated for subdivision proposals and other proposed development including the placement of manufactured home parks and subdivisions which is greater than 50 lots or 5 acres, whichever is lesser, if not otherwise provided pursuant to Article 3, Section B or Article 4, Section B (8) of this ordinance.

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

(5) All subdivision proposals including the placement of manufactured home parks and subdivisions shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

SECTION D. STANDARDS FOR AREAS OF SHALLOW FLOODING (AO/AH ZONES)

Located within the areas of special flood hazard established in Article 3, Section B, are areas designated as shallow flooding. These areas have special flood hazards associated with flood depths of 1 to 3 feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow; therefore, the following provisions apply:

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

(2) All new construction and substantial improvements of **non-residential** structures;

(a) have the lowest floor (including basement) elevated to or above the base flood elevation or the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified), or

(b) together with attendant utility and sanitary facilities be designed so that below the base specified flood depth in an AO Zone, or below the Base Flood Elevation in an AH Zone, level the structure is watertight with walls substantially impermeable to the passage of water and

with structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy.

(3) A registered professional engineer or architect shall submit a certification to the Floodplain Administrator that the standards of this Section, as proposed in Article 4, Section C are satisfied.

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

SECTION E. SEVERABILITY

If any section, clause, sentence, or phrase of this Ordinance 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 Ordinance.

SECTION F. PENALTIES FOR NON COMPLIANCE

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Violation of the provisions of this ordinance 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 ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$ _____ or imprisoned for not more than _____, 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 the Jackson Parish Police Jury from taking such other lawful action as is necessary to prevent or remedy any violation.

SECTION G. CERTIFICATION OF ADOPTION

APPROVED: _____
(community official)

PASSED: _____
(adoption date)

ORDINANCE BECOMES EFFECTIVE: August 19, 2020
(effective date)

I, the undersigned, Secretary-Treasurer, do hereby certify that the above is a true and correct copy of an ordinance duly adopted by the Jackson Parish Police Jury, at a regular meeting duly convened on May 11, 2020.

Signature of Certifying Official

Jackson Parish
{community name}

{SEAL}

GROUNDWATER PROTECTION ORDINANCE

Be it ordained on this 11th Day of May, 20 20, by the Police Jury of Jackson Parish, State of Louisiana the following:

SECTION A. TITLE AND PURPOSE

This ordinance, titled the Groundwater Protection Ordinance, establishes a Drinking Water Protection Critical Area around each water well serving an active public water system.

The underlying purpose and intent of this ordinance is to safeguard the health, safety, and lives of the public by protecting ground water from contamination.

SECTION B. APPLICABILITY

This Groundwater Protection Ordinance, and the Drinking Water Protection Critical Area(s) created hereby, shall apply to and include all new construction, reconstruction, or expansion of existing buildings and new or expanded uses. These activities/facilities/uses must comply with the requirements of both the Drinking Water Protection Critical Area(s) and any applicable land use regulations or covenants, public or private.

This ordinance (Groundwater Protection Ordinance) is distinct from and not a part of any land use regulations or covenants, public or private, that may exist in the Parish of Jackson.

SECTION C. DEFINITIONS

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

ABOVE GROUND STORAGE TANK (AST) - A vessel, used to store petroleum products or chemicals that is fixed permanently in place (stationary) on foundations, racks, cradles or stilts, or on the ground. The term does not include tanks mounted on wheels, trolleys, skids, pallets, or rollers or produced substance storage tanks directly related to oil and gas production and gathering operations.

ANIMAL FEEDLOT/ DAIRIES - A lot or facility (other than an aquatic animal production facility) where animals have been, are, or will be stabled or confined and fed or maintained for a total of 45 days or more in any 12-month period, and crops,

vegetation, forage growth, or post-harvest residues are not sustained in the normal growing season over any portion of the lot or facility.

APPLICANT - Person or persons applying for a special permit for a facility within the Drinking Water Protection Critical Area(s).

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

CLASS I WELL - Wells used to inject hazardous wastes or dispose of non-hazardous industrial waste and treated municipal sewage below the deepest underground source of drinking water.

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

CLASS III WELL - Wells that inject fluids used in subsurface mining of minerals.

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

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

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

DRINKING WATER PROTECTION AREA - The area around a drinking water source, such as a well or surface water intake, such as delineated by the Louisiana Department of Environmental Quality as part of the Source Water Assessment Program. This area is shown on Source Water Assessment Program maps and contains the Drinking Water Protection Critical Area.

DRINKING WATER PROTECTION CRITICAL AREA - A 1000 ft. radial boundary from any water well serving an active public water system.

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

HAZARDOUS MATERIALS - A material that may cause or significantly contribute to a present or potential risk to human health, safety, welfare, to ground water resources or to the natural environment.

OR

That is defined in the following categories:

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

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

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

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

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

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

OR

The following items listed below and byproducts, reaction products, or waste products generated from the use, handling, storage, or production of these items.

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

IMPERVIOUS SURFACE - A surface covered by a material that is relatively impermeable to water.

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

NORMAL HOUSEHOLD USE - Storage or use of a hazardous material in quantities less than 5 gallons if liquid or 50 pounds if solid.

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

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

PUBLIC WATER SUPPLY - A water supply that provides water through constructed conveyances to the public for at least 15 service connections or regularly serves an average of at least 25 individuals daily for at least 60 days per year.

SANITARY LANDFILL - A landfill for the disposal of commercial or residential solid waste by deposit in a landfill in layers covered with suitable cover material of a depth and at a frequency adequate to control disease vectors and odors, and in such a manner that minimizes the risk to human health and the environment.

SECURED STORAGE - Natural or created barrier to site ingress or egress around the entire perimeter of the hazardous materials storage area.

SOURCE WATER ASSESSMENT PROGRAM - Section 1453 of the Safe Drinking Water Act Amendments of 1996 required each state to develop a Source Water Assessment Program that will: delineate areas providing drinking water for all public water supplies (ground water and surface water) and inventory drinking water supplies for potential contaminants which may have adverse effects on human health.

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

SECTION D. ESTABLISHMENT AND DELINEATION OF THE DRINKING WATER PROTECTION CRITICAL AREA(S)

This ordinance **hereby** establishes within the parish of Jackson certain Drinking Water Protection Critical Areas, each defined as the area within a 1000 foot radial boundary from any water well serving an active public water system.

SECTION E. PROHIBITED USES

The following uses, unless granted a special exception, are prohibited within the Drinking Water Protection Critical Area(s): abandoned water wells, above ground storage tanks, agriculture chemical- formulation/distribution facilities, airports, animal feed lots/dairies, asphalt plants, auto/boat/tractor/small engine shops, battery recyclers, body shop/paint shops, car washes, cemeteries, chemical plants, class I injection wells, class II injection wells, class III injection wells, class V injection wells, dry cleaner/laundromats, funeral homes, furniture stripping facilities, golf courses, hospitals, irrigation wells, lumber mills, metal plating/metal working facilities, military facilities, nonfunctional on-site sewage systems, nuclear plants, oxidation ponds, paper mills, petroleum bulk plants, pipeline compressor stations, plant nurseries, port facilities, power plants, printing shops, promiscuous dumps, railroad yards- switching/loading and offloading/maintenance, salvage yards, sand/gravel pits, sanitary landfills, sewer lift stations, sewer treatment plants, truck terminals, underground storage tanks, wood preserving plants.

SECTION F. EXCEPTIONS

Any of the land uses, facilities or activities identified in Section E lawfully in existence on the effective date of this ordinance may continue to exist on the parcel upon which it is located. Replacement or repair of said uses is permissible. If any of these land uses, facilities, or activities undergoes a change of ownership it may continue to exist providing the type of use remains the same. If any of these land uses, facilities, or activities ceases to operate for a period of _____ the Jackson Parish Police Jury may deem it to be abandoned. Then, restarting an abandoned operation is prohibited unless a special permit is granted by the _____.

A.) Uses and Activities Requiring Special Permit

The following uses and activities are permitted only upon the issuance of a special permit by the Jackson Parish Police Jury under such conditions as there exists an undue hardship and as they may require:

1. Enlargement or alteration of existing uses that do not conform to the Drinking Water Protection Critical Area(s);
2. Restarting operation of a use the Jackson Parish Police Jury deemed to be abandoned that was previously in lawful existence on the effective date of this ordinance;
3. Those activities that involve the handling of hazardous materials in quantities greater than those associated with normal household use, permitted in any land use regulation or covenant, public or private (except as prohibited in Section E).

The burden is on the applicant to show undue hardship.

B.) Procedures for issuance of special permit

1. The Special Permit Granting Authority (SPGA) for this ordinance shall be the Jackson Parish Police Jury. Such special permit shall be granted if the Jackson Parish Police Jury determines that the intent of this bylaw/ordinance, as well as its specific criteria, is

met. The SPGA shall not grant a special permit under this section unless the petitioner's application materials include, in the SPGA's opinion, sufficiently detailed, definite, and credible information to support positive findings in relation to the standards given in this section.

2. Upon receipt of the special permit application, the SPGA shall transmit one copy to the Policy Jurors for their notification. Failure to respond in writing within 30 days of receipt by the Jackson Parish Police Jurors shall indicate approval or no desire to comment by said agent. The applicant shall furnish the necessary number of copies of the application.
3. The SPGA may grant the required special permit only upon finding that the proposed use meets the prohibited uses standards as specified in Section E of this bylaw, all federal, state, and local regulations, and any regulations or guidelines adopted by the SPGA.
4. The applicant shall file 3 copies of a site plan and attachments. The site plan shall be drawn at a proper scale as determined by the SPGA and be stamped by a professional engineer. All additional submittals shall be prepared by qualified professionals. The site plan and its attachments shall at a minimum include provisions to protect against the discharge of hazardous materials or wastes to the environment due to spillage, accidental damage, corrosion, leakage, or vandalism, including spill containment and clean-up procedures; provisions for indoor, secured storage of hazardous materials and wastes with impervious floor surfaces.
5. Appeals from denial of special permits shall be submitted in writing (letter form) to the Jackson Parish Police Jury within thirty days of receipt of denial. The Jackson Parish Police Jury shall conduct a review and render a decision within thirty days of receipt of appeal request. Adverse decision of the Jackson Parish Police Jury shall be appealed to the state district court.

SECTION G. SAVING CLAUSE

Should any section or provision of this ordinance be declared invalid, such decision shall not affect the validity of the ordinance as a whole or any other part thereof and shall not invalidate any special permit previously issued thereunder.

SECTION H. COMPLIANCE

- A. Based upon the determination that there is a violation of this ordinance, the jurisdiction shall conduct an attempt at informal reconciliation with the violator. As part of such informal reconciliation, the jurisdiction shall:
 - a. Notify the violator by mail of the violation of this ordinance and desire of the jurisdiction to correct the violation through informal reconciliation.

The statement shall also indicate that should the violator refuse to allow the recommended corrective actions within the time set forth by the jurisdiction, action may be taken to correct the violation and the violator will be billed for the cost of taking the corrective action.

- b. Make a good faith effort to meet the violator and resolve/correct the violation.
- B. If after taking the steps above and after a period of 30 days following the mailing of the notice of the violation, the jurisdiction in good faith determines that the violator is unwilling to participate in informal reconciliation and take the corrective actions prescribed, the jurisdiction shall notify the violator by mail of the termination of the informal reconciliation.
- C. The jurisdiction may take corrective actions deemed necessary following 30 days after notifying the violator by mail of the notice of termination of the informal reconciliation, and bill the violator for the reasonable cost of such action.
- D. Citizen Complaints. The jurisdiction is not limited to enforcing this ordinance on citizen complaint. The jurisdiction may enforce this ordinance on its own cognizance. However, any person may submit a verbal or written complaint alleging a violation of this ordinance. Upon receipt of such complaint, the jurisdiction shall conduct an investigation of the allegations and present its findings both to the complainant and the property owner involved and follow the procedures set forth herein above.

SECTION I. ENFORCEMENT

A. Civil

This ordinance may be enforced civilly by suit for injunctive relief or by any other appropriate civil remedy.

B. Criminal

In lieu of a civil enforcement proceeding, a person found in violation of this ordinance shall be imprisoned for a period of time not to exceed _____ months or pay a fine of not more than _____ or both.

The effective date of this ordinance shall be the 11th day of May, 2020.

NUISANCE ORDINANCE 03-1102-1998

An ordinance to provide for the mowing of vacant lots, the removal of debris from vacant lots and for the destruction, after notice, of vacant or dilapidated property that is unfit for human occupancy, providing a lien for the payment of costs and providing for other matters related thereto.

WHEREAS, there are certain tracts of property situated in Jackson Parish upon which noxious grass, weeds, and other growths are growing constituting nuisances which the owners of said property have failed and refused to abate; and

WHEREAS, there are various buildings situated within Jackson Parish utilized for human habitation which are unfit, for reasons of health and safety, for human habitation.

NOW, THEREFORE, be it ordained, by the Police Jury of the Parish of Jackson, State of Louisiana:

SECTION 1: Definitions

The following definitions apply in the interpretation and enforcement of this ordinance:

- a) *Nuisance*: As used in this ordinance nuisance shall include the following:
1. Any of the things defined as a nuisance in the provisions of Louisiana law;
 2. Accumulations of rubbish, trash, refuse, junk or other abandoned materials, metals, lumber or other things on immovable property visible to the public;
 3. Any condition which provides harborage for rats, mice, snakes or other vermin;
 4. Any building or structure which is in such a dilapidated condition that it is unfit for human habitation, or kept in such an unsanitary condition that it is a menace to the health of the people residing in the vicinity thereof, or presents a more than ordinarily dangerous fire hazard in the vicinity where it is located;
 5. All unnecessary and unauthorized noises and annoying vibrations, including animal noises;
 6. All disagreeable or obnoxious odors and stenches, as well as the conditions, substances or other causes which give rise to the emission or generation of such odors or stenches;
 7. The carcasses of animals or fowl not disposed of within a reasonable time after death;
 8. The pollution of any public well, cistern, steam, lake, canal or body of water by sewage, dead animals, creamery, industrial waste, or other substances;

9. Any building, structure or other place or location where any activity which is in violation of local, state, or federal laws is conducted, performed or maintained;
10. Any accumulation of stagnant water permitted or maintained on any lot or piece of ground; and
11. Dense smoke, noxious fumes, gas, soot or cinders, in unreasonable quantities.

- b) *Abandoned vehicles:* For the purposes of this ordinance, in addition to any other meaning provided by the Constitution or laws of the State of Louisiana or by the Norman definition of the term *abandoned vehicles* shall mean any motor vehicle which is inoperative for a period of more than five (5) days and is located on a state, parish or local public road, highway or right of way; any motor vehicle from which the engine or tires have been removed; any motor vehicle from which the license plate has been removed; any motor vehicle inoperative because of damage caused by a wreck or other neglect or any motor vehicle not registered in this state located on any street, road or highway, or public right of way for a period of five (5) or more days.

SECTION 2: Prohibition of Nuisances

It shall be unlawful for any person to cause, permit, maintain or allow the creation or maintenance of a nuisance.

SECTION 3: Notice to abate

Whenever a nuisance is found to exist within the Parish of Jackson, the Secretary-Treasurer of the Police Jury, or his designee, shall give the Notice required under Section 5 of this ordinance to the owner or occupant of the property upon which such nuisance exists or upon the person causing or maintaining the nuisance. The nuisance shall be abated within fifteen (15) days of the service of the Notice unless a hearing is requested as provided in Section 8 of this Ordinance.

SECTION 5: Contents of Notice

The notice to abate a nuisance issued in accordance with the provisions of this ordinance shall contain:

- a) An order to abate the nuisance or request a hearing within a stated time, which shall be reasonable under the circumstances;
- b) The location of a nuisance, if the same is stationary;
- c) A description of what constitutes the nuisance;

- d) A statement of acts necessary to abate the nuisance; and
- e) A statement that if the nuisance is not abated as directed and no request for a hearing is made to the Jackson Parish Police Jury within five (5) days after service of the notice, the Parish of Jackson shall abate the nuisance and access the cost thereof against such person.

SECTION 6: Notice

The notice to abate a nuisance shall be served as any other legal process may be served pursuant to law or hand delivered to the owner or occupant of the property on which said nuisance exists or upon the person causing or maintaining the nuisance.

SECTION 7: Abatement by the parish when no hearing is requested

Upon the failure of the person upon whom notice to abate a nuisance was served pursuant to the provisions of this ordinance to abate the same or request, in writing, a hearing within five (5) days after service of the notice, the Secretary-Treasurer of the Police Jury, or any other duly designated official of the parish, shall proceed to abate the nuisance and prepare a statement of costs incurred in the abatement thereof.

SECTION 8: Abatement by the parish when a hearing is requested

If within five (5) days after service of the notice to abate a nuisance is served as mandated by Section Six (6) of this ordinance a hearing is requested nothing shall be done by the parish until such time as a hearing has been held. Any request for a hearing must be in writing and delivered to the office of the Secretary-Treasurer of the Jackson Parish Police Jury who shall, upon request, provide a receipt for the hearing request. Any request shall include the name and address at which the individual requesting the hearing shall be notified of the date, time and location of the hearing. The hearing shall be no sooner than 15 days after the request for the hearing is received by the Police Jury. The hearing shall be before the members of the Jackson Parish Police Jury in open session. After that hearing the Police Jury shall determine whether or not a nuisance exists which must be abated and, if so, the period of time, which shall be not less than fifteen (15) days, by which that nuisance must be abated. If within that period of time the nuisance has not been abated the Secretary-Treasurer of the Police Jury, or any other duly designated official of the parish, shall proceed to abate the nuisance and prepare a statement of costs incurred in the abatement thereof.

SECTION 9: Parish costs declared lien

Any and all costs incurred by the parish in the abatement of a nuisance under the provisions of this ordinance shall constitute a lien against the property upon which such nuisance existed, which lien shall be filed, proven and collected as provided for by law. Such liens shall be noticed to all persons from the time of its recording and shall bear interest at the legal rate thereafter until satisfied.

SECTION 10: Cost

Costs against the property arising from the abatement of a nuisance as set forth herein shall, if not paid within thirty days of the date a statement for those costs is mailed to the owner of the property, shall be added to the ad valorem tax bill for the property for the following year and shall be collected in the same manner as any other ad valorem taxes.

SECTION 11: Denial of right to occupy

In lieu of ordering the abatement of a nuisance caused by any building or structure in Jackson Parish which is in such a dilapidated condition that it is a nuisance as defined by section 1 (a) (4) of this ordinance the Police Jury can, after the service of the notice required by this ordinance, and after a hearing if a hearing is requested, prohibit the human occupancy of such a building until such time as the nuisance has been abated.

SECTION 12: Additional penalties

Any individual who, after notice, refuses to abate a nuisance as defined herein or permits the occupancy of a building in violation of Section 11 of this ordinance shall be guilty of the violation of this ordinance. For each such violation the individual shall be subject to a fine of not more than \$500.00 and imprisonment for not more than ninety days, or both. Each day of refusal to abate the nuisance or permitting the occupancy of a building in violation of this ordinance shall constitute a separate offense.

SECTION 13: Severability

Severability is intended throughout and within the provisions of this ordinance. If any provision, including any section, exception, part, phrase or term, or the application thereof is held invalid, the application to other persons or circumstances shall not be affected thereby and the validity of this ordinance in any and all other respects shall not be affected thereby. If any phrase, clause, word or other portion of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, the invalidity shall be limited to that portion of the ordinance.

All ordinances or parts of ordinances in conflict herewith are repealed as of the effective date of this ordinance.

NUISANCE ORDINANCE 03-1102-1998

Amended May 31, 2006

An ordinance to provide for the mowing of vacant lots, the removal of debris from vacant lots and for the destruction, after notice, of vacant or dilapidated property that is unfit for human occupancy, providing a lien for the payment of costs and providing for other matters related thereto.

WHEREAS, there are certain tracts of property situated in Jackson Parish upon which noxious grass, weeds, and other growths are growing constituting nuisances which the owners of said property have failed and refused to abate; and

WHEREAS, there are various buildings situated within Jackson Parish utilized for human habitation which are unfit, for reasons of health and safety, for human habitation.

NOW, THEREFORE, be it ordained, by the Police Jury of the Parish of Jackson, State of Louisiana:

SECTION 1: Definitions

The following definitions apply in the interpretation and enforcement of this ordinance:

- a) *Nuisance*: As used in this ordinance nuisance shall include the following:
1. Any of the things defined as a nuisance in the provisions of Louisiana law;
 2. Accumulations of rubbish, trash, refuse, junk or other abandoned materials, metals, lumber or other things on immovable property visible to the public;
 3. Any condition which provides harborage for rats, mice, snakes or other vermin;
 4. Any building or structure which is in such a dilapidated condition that it is unfit for human habitation, or kept in such an unsanitary condition that it is a menace to the health of the people residing in the vicinity thereof, or presents a more than ordinarily dangerous fire hazard in the vicinity where it is located;
 5. All unnecessary and unauthorized noises and annoying vibrations, including animal noises;
 6. All disagreeable or obnoxious odors and stenches, as well as the conditions, substances or other causes which give rise to the emission or generation of such odors or stenches;
 7. The carcasses of animals or fowl not disposed of within a reasonable time after death;

8. The pollution of any public well, cistern, steam, lake, canal or body of water by sewage, dead animals, creamery, industrial waste, or other substances;
9. Any building, structure or other place or location where any activity which is in violation of local, state, or federal laws is conducted, performed or maintained;
10. Any accumulation of stagnant water permitted or maintained on any lot or piece of ground; and
11. Dense smoke, noxious fumes, gas, soot or cinders, in unreasonable quantities.

- b) *Abandoned vehicles:* For the purposes of this ordinance, in addition to any other meaning provided by the Constitution or laws of the State of Louisiana or by the Normal definition of the term *abandoned vehicles* shall mean any motor vehicle which is inoperative for a period of more than five (5) days and is located on a state, parish or local public road, highway or right of way; any motor vehicle from which the engine or tires have been removed; any motor vehicle from which the license plate has been removed; any motor vehicle inoperative because of damage caused by a wreck or other neglect or any motor vehicle not registered in this state located on any street, road or highway, or public right of way for a period of five (5) or more days.

SECTION 2: Prohibition of Nuisances

It shall be unlawful for any person to cause, permit, maintain or allow the creation or maintenance of a nuisance.

SECTION 3: Notice to abate

Whenever a nuisance is found to exist within the Parish of Jackson, the Secretary-Treasurer of the Police Jury, or his designee, shall give the Notice required under Section 5 of this ordinance to the owner or occupant of the property upon which such nuisance exists or upon the person causing or maintaining the nuisance. The nuisance shall be abated within fifteen (15) days of the service of the Notice unless a hearing is requested as provided in Section 8 of this Ordinance.

SECTION 5: Contents of Notice

The notice to abate a nuisance issued in accordance with the provisions of this ordinance shall contain:

- a) An order to abate the nuisance or request a hearing within a stated time, which shall be reasonable under the circumstances;
- b) The location of a nuisance, if the same is stationary;

- c) A description of what constitutes the nuisance;
- d) A statement of acts necessary to abate the nuisance; and
- e) A statement that if the nuisance is not abated as directed and no request for a hearing is made to the Jackson Parish Police Jury within five (5) days after service of the notice, the Parish of Jackson shall abate the nuisance and access the cost thereof against such person.

SECTION 6: Notice

The notice to abate a nuisance shall be served as any other legal process may be served pursuant to law or hand delivered to the owner or occupant of the property on which said nuisance exists or upon the person causing or maintaining the nuisance.

SECTION 7: Abatement by the parish when no hearing is requested

Upon the failure of the person upon whom notice to abate a nuisance was served pursuant to the provisions of this ordinance to abate the same or request, in writing, a hearing within five (5) days after service of the notice, the Secretary-Treasurer of the Police Jury, or any other duly designated official of the parish, shall proceed to abate the nuisance and prepare a statement of costs incurred in the abatement thereof.

SECTION 8: Abatement by the parish when a hearing is requested

If within five (5) days after service of the notice to abate a nuisance is served as mandated by Section Six (6) of this ordinance a hearing is requested nothing shall be done by the parish until such time as a hearing has been held. Any request for a hearing must be in writing and delivered to the office of the Secretary-Treasurer of the Jackson Parish Police Jury who shall, upon request, provide a receipt for the hearing request. Any request shall include the name and address at which the individual requesting the hearing shall be notified of the date, time and location of the hearing. The hearing shall be no sooner than 15 days after the request for the hearing is received by the Police Jury. The hearing shall be before the members of the Jackson Parish Police Jury in open session. After that hearing the Police Jury shall determine whether or not a nuisance exists which must be abated and, if so, the period of time, which shall be not less than fifteen (15) days, by which that nuisance must be abated. If within that period of time the nuisance has not been abated the Secretary-Treasurer of the Police Jury, or any other duly designated official of the parish, shall proceed to abate the nuisance and prepare a statement of costs incurred in the abatement thereof.

SECTION 9: Parish costs declared lien

Any and all costs incurred by the parish in the abatement of a nuisance under the provisions of this ordinance shall constitute a lien against the property upon which such nuisance existed, which lien shall be filed, proven and collected as provided for by law. Such liens shall

be noticed to all persons from the time of its recording and shall bear interest at the legal rate thereafter until satisfied.

SECTION 10: Cost

Costs against the property arising from the abatement of a nuisance as set forth herein shall, if not paid within thirty days of the date a statement for those costs is mailed to the owner of the property, shall be added to the ad valorem tax bill for the property for the following year and shall be collected in the same manner as any other ad valorem taxes.

SECTION 11: Denial of right to occupy

In lieu of ordering the abatement of a nuisance caused by any building or structure in Jackson Parish which is in such a dilapidated condition that it is a nuisance as defined by section 1 (a) (4) of this ordinance the Police Jury can, after the service of the notice required by this ordinance, and after a hearing if a hearing is requested, prohibit the human occupancy of such a building until such time as the nuisance has been abated.

SECTION 12: Additional penalties

Any individual who, after notice, refuses to abate a nuisance as defined herein or permits the occupancy of a building in violation of Section 11 of this ordinance shall be guilty of the violation of this ordinance. For each such violation the individual shall be subject to a fine of not more than \$500.00 and imprisonment for not more than ninety days, or both. Each day of refusal to abate the nuisance or permitting the occupancy of a building in violation of this ordinance shall constitute a separate offense.

SECTION 13: Severability

Severability is intended throughout and within the provisions of this ordinance. If any provision, including any section, exception, part, phrase or term, or the application thereof is held invalid, the application to other persons or circumstances shall not be affected thereby and the validity of this ordinance in any and all other respects shall not be affected thereby. If any phrase, clause, word or other portion of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, the invalidity shall be limited to that portion of the ordinance.

All ordinances or parts of ordinances in conflict herewith are repealed as of the effective date of this ordinance.

ORDINANCE 03-1110-2008

AMENDMENT TO JACKSON PARISH NUISANCE
ORDINANCE NO. 03-1102-1998 AS AMENDED MAY 31, 2006

AN ORDINANCE OF THE JACKSON PARISH POLICE JURY AMENDING THE JACKSON PARISH ORDINANCE AS REFLECTED IN ORDINANCE NO. 03-1102-1998 AS AMENDED ON MAY 31, 2006 PROVIDING FOR ADDITIONAL PENALTIES AND PROVIDING FOR MATTERS RELATED THERETO.

WHEREAS the Jackson Parish Police Jury desires to amend its existing Nuisance Ordinance so as to amend Section 12 so as to provide additional penalties for violations of said ordinance:

NOW, THEREFORE BE IT ORDAINED by the Police Jury of Jackson Parish, in regular session, duly convened on the 10th day of November, 2008, that Ordinance No. 03-1102-1998, as amended on May 31, 2006, be and is hereby modified as follows:

SECTION 1

To delete Section 12 of the Ordinance as it presently exists and to substitute therefore the following Section 12, to-wit:

“Section 12: Additional Penalties. Any individual who, after notice, refuses to abate a nuisance as defined herein or permits the occupancy of a building in violation of Section 11 of this Ordinance shall be guilty of the violation of this Ordinance. For each such violation the individual shall be subject to a fine of not more than \$100.00 if the nuisance is abated within thirty (30) days of the notice; a fine of not more than \$300.00 if the nuisance is not abated within sixty (60) days of the notice or, if the nuisance is not abated until more than sixty-one (61) days have expired since the date of the notice to a fine of \$600.00 together with the cost of the jury abating the nuisance. In addition, the failure to abate the nuisance within thirty (30) days of being advised if the nuisance shall also subject the offender to imprisonment for not more than ninety (90) days, in addition to any fine and costs of abatement imposed under this Section. Any fine not paid within thirty (30) days of it being imposed shall constitute grounds for the filing of a lien against the offending property in the amount of the fine and abatement cost.”

SECTION 2

Except as herein modified all previously enacted provisions of the above referred to Ordinance be and the same shall hereby remain unchanged.

SECTION 3

Should any portion, items, applications or sections of this ordinance be held invalid by a court of competent jurisdiction, such invalidity shall not affect the validity of the remaining portions, items, applications, items, applications or sections and to this end the provisions of this ordinance are hereby declared severable.

SECTION 4

This ordinance shall become effective upon its adoption.

The above ordinance was read and as read, considered section by section and finally adopted as a whole by the following vote:

YEAS: Mr. Goss, Mr. Langston, Mr. Hightower, Mr. Zeno, Ms. Monroe, Mr. Duck
 and Mr. Smith
NAYS: None
ABSENT: None
ABSTAINING: None

WHEREUPON said ordinance was declared adopted on this 10th day of November, 2008, at Jonesboro, Jackson Parish, Louisiana.

ATTEST:

 /s/ Nathaniel Zeno, Jr.
POLICE JURY PRESIDENT

 /s/ Kenneth O. Pardue
POLICE JURY SECRETARY

CERTIFICATE

I, Kenneth O. Pardue, the undersigned Secretary of the Jackson Parish Police Jury declare that the above and foregoing is a true and correct copy of a ordinance adopted by the Jury at a regular meeting held on the 10th day of November, 2008, at which a quorum was present and voting.

Jonesboro, Louisiana, on this 10th day of November, 2008.

/s/ Kenneth O. Pardue
Kenneth O. Pardue, Secretary

EXISTING POLICY JURY VACATION & SICK LEAVE POLICIES:

VACATION

It shall be the policy of the Police Jury that every regular full-time employee will accumulate the following amount of vacation days per calendar year:

YEARS	ALLOCATION
0 - 3	12 Days
4 - 6	15 Days
7 - 9	18 Days
10 OR MORE YEARS	21 Days

Vacation is credited to all employees each pay period on a pro-rata basis.

Employees of the Police Jury shall not accrue more than twenty-one (21) days of vacation. The twenty-one (21) day maximum accumulation rule may be waived by the Police Jury for work exigency provided that such request is made by the appropriate supervisor within 90 days after the end of the year in which the days were earned.

An employee may not carry forward more than twenty-one (21) days of vacation. Employees have until the 31st of December to use any vacation in excess of 21 days. If on the 1st of January, an employee has more than 21 days of vacation, only 21 days will be carried forward. In other words, you must "use it or lose it."

Employees will have to complete a vacation/sick leave request form for any vacation or sick leave time used by an employee. The form should be completed by the employee and presented to his supervisor prior to the leave date if at all possible. Sick and vacation request forms for the superintendents shall be signed by the Secretary/Treasurer. Sick and vacation for employees shall be signed by the superintendents. Sick and vacation request forms for the Secretary/Treasurer shall be signed by the Jury President. An employee cannot take less than one hour of vacation.

If employees have vacation and wish to take it they should schedule the time with their superintendent. If the employee does not wish to take his vacation time he may accumulate it until he has twenty-one (21) days. No employee shall be paid for vacation time except as herein specified.

Finally, vacation is a mere gratuity, and should not be considered a vested wage, right, or benefit.

SICK LEAVE

Sick leave is defined as any period of time during which an employee may, due to illness, injury and/or any other kind of actual physical incapacitation, be excused from work without loss of normal pay. For the purpose of this section, an employee may also take sick leave in the case of serious illness in the employee's immediate family (parents, spouse, or children).

All employees will accrue sick leave each pay period on a pro-rata basis. Use of vacation will not affect the accumulation of sick leave. Sick leave may be accumulated without limit. Sick leave shall be credited to a full-time non-exempt employee at the rate of five (5) days per calendar year. Sick leave shall be credited to a full-time exempt employee pursuant to the following schedule:

YEARS	ALLOCATION
0 - 3	12 Days
4 - 6	15 Days
7 - 9	18 Days
10 OR MORE YEARS	21 Days

An employee may not take less than one hour of sick leave. Any employee that separates employment will be paid for a maximum of twenty (20) days of unused sick leave that the employee has accrued as of the day of his separation. Upon retirement, an employee may elect to receive pay for up to twenty five (25) days of unused sick leave.

An employee on sick leave shall personally inform his Superintendent of the fact and reason as soon as possible; failure to do so by starting time of the first day of illness will result in denial of sick leave with pay for the period of the absence. Vacation may be used for sick leave purposes after sick leave is exhausted.

At the request of management, any employee who takes Sick Leave may be required to present a doctor's excuse. Furthermore, any employee absent for a period of ten (10) consecutive days using sick leave must present documentation from a physician. Upon returning to work, the employee must present a physician's full release for normal duty. All requests for use of accumulated sick leave beyond ten (10) consecutive days must require the approval of the Jury.

Employees will have to complete a vacation/sick leave request form for any vacation or sick leave time used by an employee. The form should be completed by the employee and presented to his supervisor prior to the leave date if at all possible. Sick leave and vacation request forms for employees shall be signed by their respective superintendents. Sick leave and vacation request forms shall be signed by the Public Works Director or Secretary/Treasurer. Sick and vacation request forms for the Secretary/Treasurer shall be signed by the Police Jury President. Finally, sick leave is a mere gratuity, and should not be considered a vested wage, right, or benefit.