

The following Ordinance was moved for adoption by Mr. Adams and seconded by Ms. Myers.

ORDINANCE NO. 2457

An Ordinance Amending Chapter 5½ BUILDINGS AND CONSTRUCTION

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

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

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

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

ARTICLE I. IN GENERAL

Sec. 5½-1. Sewage disposal systems.

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

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

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

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

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

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

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

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

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

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

Sec. 5½-2. Reserved

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

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

- (a) In accordance with R.S. 33:4754, the police jury may condemn, declare a nuisance, and cause to be impaired, demolished or removed any buildings and structures, other than buildings or appurtenances on agricultural land when such land is used primarily for agricultural purposes, outside the incorporated municipalities within Jefferson Davis Parish which shall be found to have any of the following defects:
- (1) A building or structure so damaged, decayed, dilapidated, unsanitary, unsafe, or vermin-infested that it creates a serious health hazard to the welfare and/or safety of the occupants or the public;
 - (2) A building or structure that lacks illumination, ventilation or sanitation facilities adequate to protect the health or safety of the occupants or the public;
 - (3) A building or structure which constitutes a fire hazard, or is otherwise dangerous to human life or, which in relation to existing use, constitutes a hazard to the safety or health of the public.

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

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

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

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

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

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

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

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

- (4) Notice is made by publication once a week for two (2) consecutive weeks in the official parish journal if the owner is absent or is unable to be served in accordance with the first three (3) paragraphs of this subsection.
- (d) The requirements for notice to the owner shall not apply when any building, dwelling or structure or any part thereof, are in imminent danger of collapse and constitute a menace to public safety.

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

Sec. 5½-6. Same—Repairs.

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

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

Sec. 5½-7. Same—Condemnation order.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (a) The police jury shall have a lien and privilege for the cost of demolishing, removing, or both, the building or structure and for the costs of maintaining property against the property and improvements upon which the building or structure was situated. Maintenance costs may include debris, refuse, discarded or noxious matter, grass cutting, weed abatement, and trash and garbage removal. Such lien shall be placed on property only in the event of the owner's refusal to pay any of these costs incurred by the parish. In order to preserve the lien and privilege, it shall be the duty of the administrative road supervisor, to prepare and sign a sworn statement of fact, giving the description of the property and the costs of demolishing, removing, or both, the building or structure and maintaining property subsequent to demolition, which he shall cause to be filed and recorded in the mortgage records with the parish clerk of court.
- (b) The parish shall add all costs and charges associated with trash removal and securing dangerous buildings to the ad valorem tax bill of the property involved, and the sheriff effecting collection shall be reimbursed by the parish for an amount equal to fifteen (15) percent of the amount of such charges actually collected from the property owner. This collection charge shall be in addition to such charges and shall be added to the ad valorem tax bill of the property owner. The parish shall be the sole and proper defendant in any action contesting such addition to the tax bill.
- (c) The parish shall be entitled to recover the amount of this expense, together with all court costs, fines imposed, attorney fees, and costs incurred in enforcing and collecting the lien, by ordinary process in the 31st Judicial District in and for the parish. The rate of interest on the lien shall not exceed the rate of legal interest, as provided in Civil Code Article 2924, and shall be computed from the date of recordation of the lien until paid.
- (d) In accordance with R.S. 33:4754, the parish is authorized to sell said property if the lien is not paid within six (6) months of the filing of the lien. Furthermore, once the property is sold the owner's right of redemption shall be limited to six (6) months. Alternatively, the parish is authorized to enforce the lien in 31st Judicial

District Court either against the property or the owner personally with subsequent seizure and sale or garnishment or other movable or immovable property according to the Code of Civil Procedure. The parish is authorized to cancel all or part of the lien and interest in order to facilitate the sale or disposition of the property for the unpaid lien.

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

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

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

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

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

Secs. 5½-14—5½-19. Reserved.

ARTICLE II. FLOOD DAMAGE PREVENTION¹

DIVISION 1. GENERALLY

Sec. 5½-20. Statutory authorization.

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

(Ord. No. 2173, Art. I, § A, 2-24-10)

Sec. 5½-21. Findings of fact.

- (a) The flood hazard areas of Jefferson Davis Parish are subject to periodic inundation, which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, and

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

extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety and general welfare.

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

(Ord. No. 2173, Art. I, § B, 2-24-10)

Sec. 5½-22. Statement of purpose.

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

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

(Ord. No. 2173, Art. I, § C, 2-24-10)

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

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

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

(Ord. No. 2173, Art. I, § D, 2-24-10)

Sec. 5½-24. Definitions.

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

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

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

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

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

Area of shallow flooding - means a designated AO, AH, AR/AO, AR/AH, or VO zone on a community's flood insurance rate map (FIRM) with a one (1) percent or greater annual chance of flooding to an average depth of one

(1) to three (3) feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of special flood hazard - is the land in the floodplain within a community subject to a one (1) percent or greater chance of flooding in any given year. The area may be designated as Zone A on the flood hazard boundary map (FHBM). After detailed rate making has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AO, AH, A1-30, AE, A99, AR, AR/A1-30, AR/AE, AR/AO, AR/AH, AR/A, VO, V1-30, VE or V.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Flood protection system - means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce

the extent of the area within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

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

Floodway - see regulatory floodway.

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

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

Historic structure - means any structure that is:

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

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

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

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

Manufactured home - means a structure transportable in one (1) or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

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

Mean sea level - means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's flood insurance rate map are referenced.

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

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

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

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

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

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

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

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

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

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

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

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

Water surface elevation - means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

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

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

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

(Ord. No. 2173, Art. 3, § A, 2-24-10)

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

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

(Ord. No. 2173, Art. 3, § B, 2-24-10)

Sec. 5½-27. Establishment of development permit.

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

(Ord. No. 2173, Art. 3, § C, 2-24-10)

Sec. 5½-28. Compliance.

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

(Ord. No. 2173, Art. 3, § D, 2-24-10)

Sec. 5½-29. Abrogation and greater restrictions.

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

(Ord. No. 2173, Art. 3, § E, 2-24-10)

Sec. 5½-30. Interpretation.

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

(Ord. No. 2173, Art. 3, § F, 2-24-10)

Sec. 5½-31. Warning and disclaimer of liability.

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

(Ord. No. 2173, Art. 3, § G, 2-24-10)

Sec. 5½-32. Exemptions.

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

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

Secs. 5½-33—5½-50. Reserved.

DIVISION 2. ADMINISTRATION

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

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

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

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

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

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

- (2) Review permit application to determine whether to ensure that the proposed building site project, including the placement of manufactured homes, will be reasonably safe from flooding.
- (3) Review, approve or deny all applications for development permits required by adoption of this article.
- (4) Review permits for proposed development to assure that all necessary permits have been obtained from those federal, state or local governmental agencies (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334) from which prior approval is required.
- (5) Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the floodplain administrator shall make the necessary interpretation.
- (6) Notify, in riverine situations, adjacent communities and the state coordinating agency which is the department of transportation and development, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
- (7) Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.
- (8) When base flood elevation data has not been provided in accordance with section 5½-26, the floodplain administrator shall obtain, review and reasonably utilize any base flood elevation data and floodway data available from a federal, state or other source, in order to administer the provisions of division 3.
- (9) When a regulatory floodway has not been designated, the floodplain administrator must require that no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the community.
- (10) Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Program regulations, a community may approve certain development in Zones A1-30, AE, AH, on the community's FIRM which increases the water surface elevation of the base flood by more than one (1) foot, provided that the community first completes all of the provisions required by Section 65.12.

(Ord. No. 2173, Art. 4, § B, 2-24-10)

Sec. 5½-53. Permit procedures.

- (1) Application for a floodplain development permit shall be presented to the floodplain administrator on forms furnished by him/her and may include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations, existing and proposed structures, including the placement of manufactured homes, and the location of the foregoing in relation to areas of special flood hazard. Additionally, the following information is required:
 - (a) Elevation (in relation to mean sea level), of the lowest floor (including basement) of all new and substantially improved structures;
 - (b) Elevation in relation to mean sea level to which any nonresidential structure shall be floodproofed;
 - (c) A certificate from a registered professional engineer or architect that the nonresidential floodproofed structure shall meet the floodproofing criteria of subsection 5½-72(2);
 - (d) Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development;
 - (e) Maintain a record of all such information in accordance with subsection 5½-52(1);
- (2) Approval or denial of a floodplain development permit by the floodplain administrator shall be based on all of the provisions of this article and the following relevant factors:
 - (a) The danger to life and property due to flooding or erosion damage;
 - (b) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - (c) The danger that materials may be swept onto other lands to the injury of others;
 - (d) The compatibility of the proposed use with existing and anticipated development;
 - (e) The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - (f) The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems;

- (g) The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site;
- (h) The necessity to the facility of a waterfront location, where applicable;
- (i) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use.

(Ord. No. 2173, Art. 4, § C, 2-24-10)

Sec. 5½-54. Variance procedures.

- (1) The appeal board, as established by the community, shall hear and render judgment on requests for variances from the requirements of this article.
- (2) The appeal board shall hear and render judgment on an appeal only when it is alleged there is an error in any requirement, decision, or determination made by the floodplain administrator in the enforcement or administration of this article.
- (3) Any person or persons aggrieved by the decision of the appeal board may appeal such decision in the courts of competent jurisdiction.
- (4) The floodplain administrator shall maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Agency upon request.
- (5) Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this article.
- (6) Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half (½) acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in subsection 5½-53(2) of this article have been fully considered. As the lot size increases beyond the one-half (½) acre, the technical justification required for issuing the variance increases.
- (7) Upon consideration of the factors noted above and the intent of this article, the appeal board may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this article (section 5½-22).
- (8) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- (9) Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
- (10) Prerequisites for granting variances:
 - (a) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - (b) Variances shall only be issued upon: (i) showing a good and sufficient cause; (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
 - (c) Any application to which a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
- (11) Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that (i) the criteria outlined in subsections 5½-54(1)—(9) are met, and (ii) the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

(Ord. No. 2173, Art. 4, § D, 2-24-10)

Secs. 5½-55—5½-70. Reserved.

DIVISION 3. PROVISIONS FOR FLOOD HAZARD REDUCTION

Sec. 5½-71. General standards.

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

- (1) All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
- (2) All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;
- (3) All new construction or substantial improvements shall be constructed with materials resistant to flood damage;
- (4) All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
- (5) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system;
- (6) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the system and discharge from the systems into floodwaters; and,
- (7) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

(Ord. No. 2173, Art. 5, § A, 2-24-10)

Sec. 5½-72. Specific standards.

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

- (1) *Residential construction.* New construction and substantial improvement of any residential structure shall have the lowest floor (including basement), elevated to or above the base flood elevation. A registered professional engineer, architect, or land surveyor shall submit a certification to the floodplain administrator that the standard of this subsection, as proposed in subsection 5½-53(1)(a), is satisfied.
- (2) *Nonresidential construction.* New construction and substantial improvements of any commercial, industrial or other nonresidential structure shall either have the lowest floor (including basement) elevated to or above the base flood level or together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. A record of such certification which includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be maintained by the floodplain administrator.
- (3) *Enclosures.* New construction and substantial improvements, with fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:
 - (a) A minimum of two (2) openings on separate walls having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided.
 - (b) The bottom of all openings shall be no higher than one (1) foot above grade.
 - (c) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

(4) *Manufactured homes.*

- (a) Require that all manufactured homes to be placed within Zone A on a community's FHBM or FIRM shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.
 - (b) Require that manufactured homes that are placed or substantially improved within Zones A1-30, AH, and AE on the community's FIRM on sites (i) outside of a manufactured home park or subdivision, (ii) in a new manufactured home park or subdivision, (iii) in an expansion to an existing manufactured home park or subdivision, or (iv) in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
 - (c) Require that manufactured homes be placed or substantially improved on sites in an existing manufactured home park or subdivision with Zones A1-30, AH and AE on the community's FIRM that are not subject to the provisions of paragraph (4) of this section be elevated so that either:
 - (i) The bottom of the longitudinal structural I beam of the manufactured home is at or above the base flood elevation, or
 - (ii) The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than thirty-six (36) inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
- (5) *Recreational vehicles.* Require that recreational vehicles placed on sites within Zones A1-30, AH, and AE on the community's FIRM either (i) be on the site for fewer than one hundred eighty (180) consecutive days, or (ii) be fully licensed and ready for highway use, or (iii) meet the permit requirements of subsection 5½-53(1), and the elevation and anchoring requirements for "manufactured homes" in paragraph (4) of this section. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

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

Sec. 5½-73. Standards for subdivision proposals.

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

(Ord. No. 2173, Art. 5, § C, 2-24-10)

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

Located within the areas of special flood hazard established in section 5½-26, are areas designated as shallow flooding. These areas have special flood hazards associated with flood depths of one (1) to three (3) feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow; therefore, the following provisions apply:

- (1) All new construction and substantial improvements of residential structures have the lowest floor (including basement) elevated to or above the base flood elevation or the highest adjacent grade at

least as high as the depth number specified in feet on the community's FIRM (at least two (2) feet if no depth number is specified).

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

(Ord. No. 2173, Art. 5, § D, 2-24-10)

Sec. 5½-75. Floodways.

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

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

(Ord. No. 2173, Art. 5, § E, 2-24-10)

Sec. 5½-76. Severability.

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

(Ord. No. 2173, Art. 5, § F, 2-24-10)

Sec. 5½-77. Penalties for noncompliance.

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

(Ord. No. 2173, Art. 5, § G, 2-24-10)

Secs. 5½-78—5½-100. Reserved.

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

DIVISION 1. GENERALLY

Sec. 5½-101. Title.

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

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

Sec. 5½-102. Scope.

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

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

Sec. 5½-103. Purpose.

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

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

DIVISION 2. DEFINITIONS

Sec. 5½-104. Definitions.

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

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

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

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

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

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

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

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

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

DIVISION 3. ADMINISTRATION AND ENFORCEMENT

Sec. 5½-105. Powers and duties.

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

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

Sec. 5½-106. Obsolete/unused installations.

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

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

DIVISION 4. DEVELOPMENT STANDARDS

Sec. 5½-107. Lighting.

- (a) "Light" will mean an electric device equivalent to a beacon or similar apparatus to provide sufficient illumination, from dusk to dawn, for aircraft pilots to identify the location and height of such structures.
- (b) When tower lighting is not required by the Federal Aviation Administration or other federal or state authority for a particular tower, continuously illuminated red beacons shall be installed on towers greater than or equal to one hundred (100) feet in height.
- (c) Federal restrictions shall supersede these requirements as may be required by law.
- (d) When lighting is required and is permitted by the Federal Aviation Administration or other federal or state authority, dual lighting shall be employed. For the purposes of this article, and to minimize intrusion into other areas, dual lighting shall be considered as strobe lighting during the daylight hours (if necessary) and red lighting at night. In no case shall lighting shine downward during nighttime hours, such lights shall be focuses upward if necessary.
- (e) Any guy wires used for support of any tower shall include tana wire markers that enable aircraft pilots to identify the location of such guy wires.
- (f) All towers required to be illuminated or lighted under this section shall be equipped with a generator or other additional power supply sufficient to maintain illumination and/or lighting during periods of electrical or power outage.
- (g) On existing structures, owners, developers, contractors, and/or businesses must comply with said lighting requirements within a period not to exceed six (6) months from the effective date of this article.
- (h) All Tana wire markers and outer legs of towers shall be marked with reflective tape.

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

Sec. 5½-108. Landscaping/fencing.

- (a) Walls or fences constructed of wood, brick, masonry, and chainlink shall be used to secure the site and provide a barrier. All walls and fencing shall be used in conjunction with landscaping where required.
- (b) Existing mature tree growth on affected sites shall be preserved to the maximum extent possible. At the discretion of the police jury, additional landscaping may be required as needed.

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

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

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

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

Sec. 5½-110. Setbacks.

- (a) The minimum lot size on which a communications installation is to be located shall be the minimum lot size for the zoning district, and shall be of sufficient size to contain, on-site, any structural debris from tower or antennae failure.
- (b) The installations and equipment shelters which service the installation shall adhere to standard setback requirements for the affected zoning districts.
- (c) In cases where the tower site abuts a residential zoning district or use, the setback from the affected property line(s) on abutting sides shall be greater than or equal to one half (½) of the height of the tower including all antennas and attachments. This requirement shall not apply in cases where the abutting residential use or property is owned by the service provider or lessor.
- (d) The residential setback requirement may be waived following the execution of a waiver by all adjacent property owners. This waiver must be submitted to the police jury by the communications company.

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

Sec. 5½-111. Colocation.

- (a) All new or upgraded communications towers shall have the capacity to permit multiple users. At a minimum, monopoles shall be able to accommodate two (2) users, and at a minimum, transmission towers shall be able to accommodate three (3) users.
- (b) The applicant's proposal for a new communications tower shall not be approved until documentation is provided by the applicant or service provider that the proposed facility cannot be accommodated on an existing or approved tower located within the search area due to one (1) or more of the following reasons:
 - (1) The planned equipment would exceed the structural capacity of the existing or approved towers which cannot be reinforced to accommodate the service provider's proposed facility at a reasonable cost;
 - (2) The planned equipment would cause radio frequency interference with other existing or planned equipment for those towers, and the interference cannot be prevented at a reasonable cost;
 - (3) Existing or approved towers do not have space on which the service provider's equipment can be placed so it can function effectively and reasonably in parity with other similar equipment in place or approved;
 - (4) The existing or approved tower does not meet geographic service requirements of the applicant; or
 - (5) The service provider is able to show sufficient proof that colocation agreement could not be obtained.
- (c) No new tower installation shall be allowed within a one thousand (1,000) foot radius (measured from center of the tower) of an existing communications tower. No new site may be established if there is a technically suitable place available on an existing communications tower within the search area that the new tower site is to serve. For the purposes of this article, the search area is defined as the grid for the placement of the telecommunications structure.
- (d) Tower owners shall not prohibit any other service provider from collocating on an existing tower so long as the service provider pays the tower owner reasonable compensation according to industry standards for space on the tower and pays for any and all costs. If the tower owner fails to allow colocation in this

situation, the police jury may prohibit that owner from submitting any applications requiring approval by the parish.

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

Sec. 5½-112. Equipment shelter.

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

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

DIVISION 5. ZONING

Sec. 5½-113. Permitted uses.

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

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

DIVISION 6. PERMITTING

Sec. 5½-114. Permitting requirements.

- (a) An applicant for a permit for a tower installation shall pay a permit fee of five dollars (\$5.00) per linear foot of tower height in addition to the established permit fee schedule, as adopted by the police jury.
- (b) A colocation on an existing structure is specifically excluded from the requirements of this section, unless a new equipment shelter is planned.
- (c) In addition to submittal requirements elsewhere in this article, development applications for towers shall include the following supplemental documentation:
 - (1) Identification of owners of all antennae and equipment to be located on the site;
 - (2) Written authorization from site owner for application;
 - (3) Copies of easements, if applicable;
 - (4) Evidence that a valid Federal Communications Commission license for the proposed activity has been issued;
 - (5) Documentation that the proposed tower complies with regulations administered by the FAA;
 - (6) Documentation that all manufactured equipment to be installed on the structure meets or exceeds the FCC standards;
 - (7) A site plan drawn to scale showing property boundaries, tower location, tower height, guy wires and anchors, existing structures, photographs or elevation drawings depicting typical design of proposed structures, fences, and existing land uses on adjacent property;
 - (8) A copy of typical specifications for proposed structures and antennas, including description of design characteristics and material;
 - (9) A tower application form to be provided by the police jury; and
 - (10) Any additional information required by the police jury.

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

Sec. 5½-115. Time limit on construction.

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

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

DIVISION 7. NONCONFORMING USES

Sec. 5½-116. Nonconforming uses.

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

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

DIVISION 8. REGISTRATION

Sec. 5½-117. Registration of existing sites.

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

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

Secs. 5½-118—5½-129. Reserved.

ARTICLE IV. BUILDING CODES AND PERMITS

Sec. 5½-130. Definitions.

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

(Ord. No. 2116, § 1, 12-27-06)

Sec. 5½-131. Reserved.

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

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

- (1) The International Building Code, 2021 Edition, not including Chapter 1—Administration, Chapter 11—Accessibility, and Chapter 27—Electrical, including any standards referenced therein, but not including any appendices thereto and;

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

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

Sec. 5½-133. Reserved.

Sec. 5½-134. Permits.

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

(Ord. No. 2116, § 1, 12-27-06)

Sec. 5½-135. Reserved.

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

Sec. 5½-136. Application for permit.

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

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

(Ord. No. 2116, § 1, 12-27-06)

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

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

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

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

Sec. 5½-138. Certification of compliance.

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

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

(Ord. No. 2116, § 1, 12-27-06)

Sec. 5½-139. Reserved.

Sec. 5½-140. Enforcement of construction code.

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

(Ord. No. 2116, § 1, 12-27-06)

Sec. 5½-141. Construction silt.

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

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

Sec. 5½-142. Building official.

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

(Ord. No. 2116, § 1, 12-27-06)

Sec. 5½-143. Reserved.

Sec. 5½-144. Penalties.

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

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

Sec. 5½-145. Wind speed map.

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

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

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

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

APPROVED:

J. Steven Eastman
President

ATTEST:

Rebecca S. Gary
Secretary Treasurer