

The following Ordinance was moved for adoption by Mr. LaBouve and seconded by Mr. Chad Woods.

**ORDINANCE NO. 2460**

An Ordinance Amending Chapter 12½ MINERAL AND NATURAL RESOURCES

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 12½ MINERAL AND NATURAL RESOURCES**, is hereby amended to read as follows:

**ARTICLE I. IN GENERAL**

**Sec. 12½-1. Drilling operations—Application for permit.**

All persons, corporations, firms or anyone desiring to conduct drilling operations, including working well operations, , workover rig operations and any other drilling operation on new or existing sites in Jefferson Davis Parish, shall apply for a drilling operations permit from the police jury in the form and under the terms and conditions made part of this article.

(Ord. No. 2119, § 1, 3-28-07)

**Sec. 12½-2. Same—Permit required.**

It shall be unlawful for all persons, corporations, or firms, to conduct any drilling operations within this parish for oil, gas, or other minerals, without first having procured a written permit from the police jury authorizing such work or to conduct such operations in a manner not inconsistent with said permit, or to conduct such operations after said permit is revoked.

(Ord. No. 2119, § 2, 3-28-07)

**Sec. 12½-3. Drilling Operations Permit**

All persons, corporations, firms or anyone desiring to conduct drilling operations in Jefferson Davis Parish, shall apply for and execute a development permit from the police jury in the form and under the terms and conditions made part of this article, as follows:

*General conditions under which permit is granted:*

1. Names, addresses, residences and telephone numbers of owners, partners or shareholders, whichever is applicable, of the applicant.
2. site survey prepared by a Louisiana registered surveyor, civil engineer or architect showing the location of the proposed facility.
3. Detailed information on the drilling operations.
4. All permit applications and accompanying data submitted to any other local, state or federal agency having jurisdiction over the proposed facility and any permit application submitted in connection therewith.
5. All other information required pursuant to the parish building code or other local ordinances.

6. The applicant to whom this permit is granted, agrees to hold harmless the Jefferson Davis Parish police jury and its duly appointed agents and employees against any action for personal injury or property damage sustained by reason of the exercise of this permit.
7. Drilling Operations shall comply with any zoning or land use requirements in effect at the time of the permit application.
8. All state and federal laws must be met to protect sovereign public

**Sec. 12½-4. Same—Permit and inspection fee.**

- (a) The amount of the drilling operations permit and inspection fee required in connection with this permit shall be set at five hundred dollars (\$500.00) per drill site.
- (b) The permit and inspection fee shall accompany the application and shall be nonrefundable. In the event drilling operations begin without a parish permit, a nonrefundable late fee penalty of one thousand five hundred dollars (\$1,500.00) shall be assessed.
- (c) Each applicant for a permit shall be required to pay a refundable five thousand dollars (\$5,000.00) deposit to be used in case of damages done to parish roads. This deposit shall remain in the possession of the police jury as long as operations are continuing on the permitted drill or well site and shall only be refunded upon proof that the permitted site has been plugged and abandoned. In the event that the original deposit is used for repair and maintenance of parish roads, the applicant shall be required to post additional deposits of five thousand dollars (\$5,000.00) until such time as operations have ceased and the site has been plugged and abandoned.
- (d) These charges shall apply to each application for any drilling operations on each drill site.

(Ord. No. 2119, § 3, 3-28-07)

**Sec. 12½-5. Penalty, Injunction relief.**

- (a) Each violation of this article shall be punishable by a fine of not more than one thousand five hundred dollars (\$1,500.00) or imprisonment for not more than thirty (30) days, or both, such fine and imprisonment, and each day a violation continues shall be a separate offense.
- (b) The district attorney of Jefferson Davis Parish shall be empowered to seek injunctive relief against a party in violation of this article enjoining operation of the facility until compliance with this article is established.

**Secs. 12½-6—12½-20. Reserved.**

## **ARTICLE II. GEOLOGICAL STRUCTURE EXPLORATION<sup>1</sup>**

**Sec. 12½-21. Project permit.**

All persons, corporations, firms or anyone desiring to conduct geological or seismic sensing in Jefferson Davis Parish, shall apply for and execute a project permit from the police jury in the form and under the terms and conditions made part of this article, as follows:

*General conditions under which permit is granted:*

- (1) The permit to do work in the parish is limited to the specific area described above.
- (2) No blasting or vibration work shall be done on public road rights-of-way. Such work shall be done on private property only after procuring the necessary written permission of all landowners. No cables may be laid on the parish road rights-of-way without obtaining permission of landowners on both sides of the road.
- (3) Copies of at least eighty (80) percent of all landowners' written permission along with a plat, all being clearly legible, shall be attached to the application.

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<sup>1</sup>Editor's note(s)—Ord. No. 707, §§ 1—3, adopted January 26, 1983, did not specifically amend the Code, therefore codification as §§ 12½-21—12½-23 and § 12½-25 was at the discretion of the editor. Ord. No. 715, § 1, adopted March 28, 1984, and Ord. No. 722, adopted July 25, 1974, were amendatory of Ord. No. 707, but did not specifically amend the Code, therefore codification as § 12½-24 and § 12½-21(8) respectively was at the discretion of the editor.

- (4) The permit shall be valid for ninety (90) days from the date of approval by the police jury.
- (5) The parish road supervisor shall be given twenty-four (24) hours' advance notice before commencement of seismic operations and upon completion of seismic operations the parish road supervisor shall be notified within twenty-four (24) hours.
- (6) The applicant to whom this permit is granted, agrees to hold harmless the Jefferson Davis Parish police jury and its duly appointed agents and employees against any action for personal injury or property damage sustained by reason of the exercise of this permit.
- (7) All seismic work shall be in accordance with all these provisions and violation of such can result in this permit being revoked.
- (8) A copy of the parish permit as required by this section shall be maintained on the job site at all times and shall be produced immediately upon request by the parish road supervisor or any employee or duly appointed agent of the Jefferson Davis Parish police jury.
- (9) Application to the police jury for geological exploration work shall include the name and address of the company's home or base office; name and address of a company official, who can be contacted in cases of emergency; and name and address of person(s), corporation(s), firm(s) or anyone for whom geological data is being collected.

(Ord. No. 707, § 1, 1-26-83; Ord. No. 722, 7-25-84; Ord. No. 724, 9-12-84; Ord. No. 989, 5-8-96)

### **Sec. 12½-22. Permit required.**

It shall be unlawful for all persons, corporations, or firms, to conduct any geophysical operations within the parish, by the use of torsion balance, seismograph, detector, pick-up, or any other machine, device or apparatus used for the purpose of determining whether or not there are geological structures underneath favorable to the accumulation of oil, gas, or other minerals, without first having procured a written permit from the police jury authorizing such exploration work or to conduct such operations in a manner not inconsistent with said permit, or to conduct such operations after said permit is revoked.

(Ord. No. 707, § 2, 1-26-83)

### **Sec. 12½-23. Subject to referral and state regulations.**

Any permit issued under this section shall be subject to such regulations and restrictions as may be imposed by any state or federal agency.

(Ord. No. 707, § 2(a), 1-26-83)

### **Sec. 12½-24. Permit and inspection fee.**

- (a) The amount of permit and inspection fee shall be required in connection with this permit and shall be calculated as follows:

First line \$100.00

Second line \$100.00

Each line thereafter \$50.00

- (b) The permit and inspection fee shall accompany the application and shall be nonrefundable.
- (c) These charges shall apply to each application and plat and the number of lines per plat shall not be limited.

(Ord. No. 715, § 1, 3-28-84; Ord. No. 1061, 7-14-99)

### **Sec. 12½-25. Penalty, Injunction Relief.**

- (a) Each violation of this article shall be punishable by a fine of not more than one thousand five hundred dollars (\$1,500.00) or imprisonment for not more than thirty (30) days, or both, such fine and imprisonment, and each day a violation continues shall be a separate offense.
- (b) The district attorney of Jefferson Davis Parish shall be empowered to seek injunctive relief against a party in violation of this article enjoining operation of the facility until compliance with this article is established.

(Ord. No. 707, § 3, 1-26-83)

**Secs. 12½-26—12½-30. Reserved.**

### **ARTICLE III. OPEN-PIT STORAGE AND WASTE-DISPOSAL FACILITIES<sup>2</sup>**

#### **Sec. 12½-31. Definitions.**

For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them:

- (a) *Oil field waste.* By-products of drilling operations for oil, gas or other minerals, including geothermal energy, and including, but not limited to, water-based muds, oil-based drilling muds, waste drilling muds and salt water.
- (b) *Water-based drilling muds.* Any water-based fluid composed of fresh water or salt water, clays, drilled solids and additives for fluid loss control, viscosity, thinning, PH control, etc., for downhole rheology and stability.
- (c) *Oil-based drilling muds.* Any oil-based drilling fluid composed of a water in oil emulsion, organophillic clays, drilled solids and additives for downhole rheology and stability such as fluid loss control materials, thinner, weighing agents, etc.
- (d) *Waste drilling muds.* Any colloidal slurry composed of drilling fluid, drilled solids, cuttings, and commingled water present in the reserve or mud pit at the time of completion of drilling operations, and equipment move-off that cannot be reused or reconditioned for sale.

(Ord. No. 748, § 1, 11-12-86)

#### **Sec. 12½-32. Permit required.**

No person, firm, corporation or commercial establishment shall begin construction of any type of open-pit storage or disposal facility for the offsite, storage, processing or disposal of oil field waste, water-based drilling mud, oil-based drilling mud, waste drilling muds in the boundaries of Jefferson Davis Parish without first obtaining a permit from the Jefferson Davis Parish police jury, upon recommendation of the Jefferson Davis Parish environmental committee.

(Ord. No. 748, § 2, 11-12-86)

#### **Sec. 12½-33. Prohibited areas.**

No permit shall be issued to allow any oil field waste to be stored or disposed in open pits within the boundaries of Jefferson Davis Parish unless the proposed location of the facility is located:

- (1) Outside of the area which has been designated by the United States Department of Housing and Urban Development - Federal Insurance Administration as a flood hazard area.
- (2) A minimum of one thousand five hundred (1,500) feet from any existing residential structure or commercial facility.
- (3) A minimum of one thousand five hundred (1,500) feet from any water well producing water for human or animal consumption.
- (4) A minimum of five hundred (500) feet from existing neighboring property line, any naturally occurring body of water or publicly maintained drainage system.

(Ord. No. 748, § 3, 11-12-86)

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<sup>2</sup>Editor's note(s)—Ord. No. 748, §§ 1—5, adopted November 12, 1986, did not specifically amend the Code; therefore, inclusion as §§ 12½-31—12½-35 was at the discretion of the editor.

**Sec. 12½-34. Applications; content, procedures.**

- (a) Any person, firm, corporation or other commercial establishment desiring to obtain a permit to locate or construct an open pit or storage facility for the offsite storage, processing or disposal of oil field waste shall contact the Jefferson Davis Parish permit director in order to obtain a permit application for such construction. A copy of the applicant's state permit application for such operations shall be presented to the director before the parish permit application can be filed, and shall become an attachment to the parish permit application. Upon completion of the application, the applicant shall return the same to the Jefferson Davis Parish permit director, who shall then transmit the application to the Jefferson Davis Environmental Committee for its consideration, who will after review submit same with their recommendation to the Jefferson Davis Parish police jury within a reasonable length of time.
- (b) For each permit application, the applicant shall present a fee of one hundred dollars (\$100.00) payable to the Jefferson Davis Parish police jury.
- (c) When applying for a permit, the applicant shall submit a survey plat showing the location of the facility in relation to existing residential structures or commercial facilities, water wells, bodies of water, publicly maintained drainage systems and neighboring property lines. It shall also contain a certificate signed by a civil engineer or surveyor licensed under the laws of the State of Louisiana that all of the requirements established by this article have been complied with.

(Ord. No. 748, § 4, 11-12-86)

**Sec. 12½-35. Penalties; injunction relief.**

- (a) Any person, firm, corporation or other commercial establishment who shall violate the provisions of this article shall be punishable by a fine of not more than one thousand five hundred dollars (\$1,500.00) or imprisonment in the parish jail for not more than thirty (30) days, or both. Each day that the party shall remain in noncompliance with this article shall be considered a separate offense.
- (b) The district attorney of Jefferson Davis Parish shall be empowered to seek injunctive relief against a party in violation of this article enjoining operation of the facility until compliance with this article is established.

(Ord. No. 748, § 5, 11-12-86)

***ARTICLE IV. LOGGING OPERATIONS***

**Sec. 12½-36. Logging Permit.**

All persons, corporations, firms or anyone desiring to conduct logging operations in the parish shall apply for and execute a Logging Permit from the police jury in the form and under the terms and conditions made part of this article, as follows:

"General conditions under which permit is granted:

- "(1) A Logging Permit shall be obtained for each noncontiguous tract of land of each landowner to be harvested by a logging company.
- "(2) A copy of the signed timber deed(s) from the landowner(s) to the logging company, a full legal description of the tract(s) being harvested, and a plat or plats, all being clearly legible, shall be attached to the application for the Logging Permit.
- "(3) The Logging Permit shall be valid for a period of six months from the date of approval. If, in the event of poor weather conditions, the locations specified for logging operations on any Logging Permits granted to a logging company operating under a Logging Permit are not completely harvested during the six month term, the police jury may, within its discretion, grant an extension of time within which the logging company may complete its operations under the original permit.
- "(4) No blasting work shall be done on public road rights-of-way. Such work shall be done on private property only after procuring the necessary written permission of all landowners. Copies of all landowners written permission along with a plat, all being clearly legible, shall be attached to the application.

- "(5) The applicant shall also include a map or written description of the travel route to be taken by all heavy loads and/or equipment, whether hauled by the applicant or a subcontractor. All heavy loads and/or equipment shall then be moved only along that designated route. Each instance of non-compliance with this provision shall be designated as a violation of this permit, thereby subjecting the applicant to the penalties as provided in Article III, Sec. 12½-40 of the Jefferson Davis Parish code of ordinances.
- "(6) The applicant shall be held solely responsible for present and future damages caused by the applicant's operations or a sub-contractor's operations on parish roads.
- "(7) The parish road supervisor shall be given twenty-four (24) hours advance notice before commencement of logging operations on each separate tract of land to be harvested, and upon completion of logging operations the parish road supervisor shall be notified within twenty-four (24) hours of the movement of the logging company.
- "(8) The applicant to whom this permit is granted, agrees to hold harmless the Jefferson Davis Parish Police Jury and its duly appointed agents and employees against any action for personal injury or property damage sustained by reason of the exercise of this permit.
- "(9) All logging operations shall be in accordance with all these provisions and violation of such can result in this permit being revoked.
- "(10) A copy of the Logging Permit issued by the police jury shall be maintained on the job site at all times and shall be produced immediately upon request by the parish road supervisor or any employee or duly appointed agent of the Jefferson Davis Parish Police Jury.
- "(11) Application to the police jury for a Logging Permit shall include the name and address of the company's home or base office and the name, address and telephone number of a company official, who can be contacted in cases of emergency. Any changes in the above required information shall be immediately reported to the police jury and duly noted in any Logging Permits issued by the police jury.

**Sec. 12½-38. Subject to federal and state regulations.**

Any permit issued under this section shall be subject to such regulations and restrictions as may be imposed by any state or federal agency.

(Ord. No. 832, 9-26-90)

**Sec. 12½-39. Permit and inspection fee.**

- (a) The amount of the logging permit and inspection fee required in connection with this permit shall be set at ten dollars (\$10) per acre.
- (b) The permit and inspection fee shall accompany the application and shall be nonrefundable. In the event logging operations begin without a parish permit, a nonrefundable late fee penalty of one thousand, five hundred dollars (\$1,500.00) shall be assessed.
- (c) Prior to the issuance by the police jury of a permit, as required by this article, the applicant shall make a guarantee deposit in the form of a certified check or surety bond made payable to the Jefferson Davis Parish Police Jury. This deposit shall serve as a guarantee that the applicant shall make all repairs as designated by grantor's inspector and may be used by grantor as set out previously if applicant fails to timely make such repairs. This guarantee deposit shall be in the amount of one hundred dollars (\$100) per acre or two thousand five hundred dollars (\$2,500), whichever is greater. In the event that the original deposit is used for repair and maintenance of parish roads, the applicant shall be required to post additional deposits of two thousand five hundred dollars (\$2,500.00) until such time as operations have ceased and the site has been and abandoned. For large parcels of land where more than one parish road is used as a primary access, each parish road used as a primary access shall require a road bond.

(Ord. No. 832, 9-26-90; Ord. No. 2046, 12-30-03; Ord. No. 2092, 12-14-05)

**Sec. 12½-40. Penalty; Injunction Relief.**

- (a) Each violation of this article shall be punishable by a fine of not more than one thousand five hundred dollars (\$1500.00) or imprisonment for not more than thirty (30) days, or both such fine and imprisonment; and each day a violation continues shall be considered a separate offense.
- (b) The district attorney of Jefferson Davis Parish shall be empowered to seek injunctive relief against a party in violation of this article enjoining operation of the facility until compliance with this article is established.

(Ord. No. 832, 9-26-90)

**Secs. 12½-41—12½-59. Reserved.**

## **ARTICLE V. INJECTION WELLS**

### **Sec. 12½-60. Application for permit required.**

All persons, corporations, firms or anyone desiring to install an Injection well in Jefferson Davis Parish, shall apply for a permit from the police jury in the form and under the terms and conditions made part of this article.

### **Sec. 12½-61. Permit required.**

It shall be unlawful for all persons, corporations, or firms, to conduct any drilling operations within this parish, for injection well purposes without first having procured a written permit from the police jury authorizing such work or to conduct such operations in a manner not inconsistent with said permit, or to conduct such operations after said permit is revoked.

### **Sec. 12½-62. Permit subject to referral and state regulations.**

Any permit issued under this section shall be subject to such regulations and restrictions as may be imposed by any state or federal agency.

### **Sec. 12½-63. Injection Permit**

All persons, corporations, firms or anyone desiring to install an injection well in Jefferson Davis Parish, shall apply for and execute a development permit from the police jury in the form and under the terms and conditions made part of this article, as follows:

*General conditions under which permit is granted:*

Names, addresses, residences and telephone numbers of owners, partners or shareholders, whichever is applicable, of the applicant.

1. Site survey prepared by a Louisiana registered surveyor, civil engineer or architect showing the location of the proposed facility.
2. Detailed information on the drilling operations.
3. Type or types of materials proposed to be injected and volume of material proposed to be injected.
4. Method of storage, treatment, transferal, or disposal intended to be used, including any waste treatment to be undertaken.
5. Detailed engineering reports, diagrams, blueprints and drawings showing design of storage, treatment, transfer or disposal facility.
6. Detailed geologic reports, maps, drawings, blueprints and diagrams showing, among other things, all underground strata through which any injection well is intended to be drilled and all strata at least one thousand (1,000) feet below the intended bottom depth of the well; and any geologic faults within a five-mile radius of the proposed injection well; and all underground streams or aquifer, including fresh and salt water streams and aquifers.
7. A map or site plan must be submitted to police jury engineering department and filed in the clerk of court office. The map or site plan must display all parcels of property within the projected and actual/projected plume location, including all wells used for monitoring of injection wells and all closed and active oil wells in the vicinity of the plume. The mapped area must display and extend a minimum of three (3) miles beyond the plume. The projected and actual plume must be displayed and distinguished on the map. The map must be updated every five (5) years. All water wells and water systems must be clearly displayed on the map. Pipelines locations that supply injection wells shall also be shown.
8. The operator of the injection well and pipeline supply system shall produce a two maps of proposed truck routing. One map shall show truck routing during pipeline and well construction. The second shall show routing during pipeline and well operation. Maps shall be submitted to the Jefferson Davis Parish Police Jury engineering department for review and approval.

9. All permit applications and accompanying data submitted to any other local, state or federal agency having jurisdiction over the proposed facility and any permit application submitted in connection therewith.
10. All other information required pursuant to the parish building code or other local ordinances.
11. The applicant to whom this permit is granted, agrees to hold harmless the Jefferson Davis Parish police jury and its duly appointed agents and employees against any action for personal injury or property damage sustained by reason of the exercise of this permit.
12. Injection wells shall comply with any zoning or land use requirements in effect at the time of the permit application.
13. All state and federal laws must be met to protect sovereign public.
14. A lease agreement must be signed by all property owners where the projected and planned plume is being stored below ground and filed at the Clerk of Court's office.
15. No injection well may be drilled in an area where an improperly abandoned or active oil well is within the projected and/or actual plume.
16. The injection well project shall have a federally secured security bond in place for the duration of the project. This bond shall be in place to cover the expense of capping, decommissions or closing of any and all wells.

**Sec. 12½-64. Additional Requirements, subject to waste material being injected.**

1. Prohibited within a one (1) mile radius of any house, mobile home, apartment, condominium, school, commercial structure or other structure used as a residence or business.
2. Any water wells and water systems located within five (5) miles of the projected plume must be tested and analyzed for any contaminants biannually at the expense of the owner and/or operator of the injection wells.
3. A community alarm and notification system shall be required and activated in the event and incident occurs and an evacuation is needed. The alarm and notification system must be tested monthly. The alarm and notification system shall have the ability to notify all residents extending three (3) miles beyond the projected plume. The community alarm notification system plans shall be submitted to and approved by the Jefferson Davis Parish Administration, Jefferson Davis Parish Sheriff's Office 911 Communications Director and Jefferson Davis Parish Office of Homeland Security Director.
4. The owner and/or operator must have an emergency response plan capable of handling any emergency due to any type of injection well failure or any type of injection material release. The plan shall include local government and state agency state responders, including local fire departments. Local fire departments must be supplied with all necessary equipment and training needed to respond to the incident. The equipment, training and staffing shall be supplied by and at the expense of the owner and/or operator of the injection well.

**Sec. 12½-65. Permit Issuance, Conditions**

1. All approvals shall be subject to a public hearing.
2. Upon compliance by the applicant with all requirements of this chapter, the parish building and fire codes and zoning ordinances, and all state and federal laws, the police jury may issue a special permit for proposed injection well.
3. The police jury may require, as conditions for the issuance and maintenance of the permit, that the applicant:
  - (1) Agree in writing that the police jury shall have access to the site and facility at all times to monitor the activities at the site and facility.
  - (2) Post and maintain, at applicant's expense, a bond sufficient to cover the costs of any personal injury or property damage, including environmental damage, that may occur as a result of the activities at the facility. The amount of the bond shall provide coverage of at least one million dollars (\$1,000,000.00) per incident or more if the police jury so requires.
  - (3) Any other conditions deemed appropriate pursuant to building, fire, zoning, land use, or other codes or to protect the well-being of parish citizens.
4. Prior to the grant of any permit to any facility, the police jury shall consider the history of violations and compliance by the applicant for that facility. In considering the granting or denial of the permit, due consideration shall be given to the violation and compliance history of the applicant and that facility.
5. No hazardous waste or other waste shall be stored or disposed of in the following areas or sites.

- (1) Wetlands or waterways.
- (2) Any area within a one (1) mile radius of any house, mobile home, apartment, condominium, school, commercial structure or other structure used as a residence or business, unless the structure is located at and used on the site where the waste is stored or disposed of.
- (3) Any area designated as an area of particular concern by the Jefferson Davis Parish Police Jury, including historical landmarks, graveyards, or other area of particular concern as defined by the Coastal Management Section of the Louisiana Department of Natural Resources or as defined in any local coastal zone management ordinances or regulations.

**Sec. 12½-66. Same—Permit and inspection fee.**

- (a) The initial application for a permit shall be accompanied by a non-refundable fee, paid by certified check, in the amount of two thousand dollars (\$2,000.00) plus all other permit fees required by the building code and any other parish ordinance to begin review. Note: An additional fee shall be assessed upon completion of the permit review process in order to cover costs for advanced review and any review or analysis required to be performed beyond the Police Jury's capability to perform in-house. Additional fees shall be calculated based on any and all actual documentable costs expended during the review process plus a 10% parish permit handling and maintenance fee. This additional fee shall be paid by cashiers check prior to the issuance of the final permit.
- (b) The permit and inspection fee shall accompany the application and shall be nonrefundable. In the event drilling operations begin without a parish permit, a nonrefundable late fee penalty of four thousand dollars (\$4,000.00) shall be assessed.
- (c) Each applicant for a permit shall be required to pay a refundable five thousand dollars (\$5,000.00) deposit to be used in case of damages done to parish roads. This deposit shall remain in the possession of the police jury as long as operations are continuing on the permitted drill or well site and shall only be refunded upon proof that the permitted site has been plugged and abandoned. In the event that the original deposit is used for repair and maintenance of parish roads, the applicant shall be required to post additional deposits of five thousand dollars (\$5,000.00) until such time as operations have ceased and the site has been plugged and abandoned.
- (d) These charges shall apply to each application for any drilling operations on each drill site.

**Sec. 12½-67. Penalty, Injunction relief.**

- (a) Each violation of this article shall be punishable by a fine of not more than one thousand five hundred dollars (\$1,500.00) or imprisonment for not more than thirty (30) days, or both, such fine and imprisonment, and each day a violation continues shall be a separate offense.
- (b) The district attorney of Jefferson Davis Parish shall be empowered to seek injunctive relief against a party in violation of this article enjoining operation of the facility until compliance with this article is established.

**ARTICLE VI. SOLAR ENERGY**

**Sec. 12½-68. Renewable energy power plants (solar energy).**

- (a) *Purpose.* The purpose of this section is to establish minimum requirements and regulations for the placement, construction, and modification of solar power plants, as defined herein, while promoting the safe, effective, and efficient use of such energy systems.
- (b) *Definitions.* The following words, terms, and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:
  - (1) *Abandonment.* If any solar power plant falls into a state of disrepair for a one (1) year period, such solar power plant shall be deemed abandoned. Should the cause of the disrepair be due to any natural disaster, or other force majeure, the owner/operator shall request an extension beyond the one (1) year date and submit a plan of repair to the police jury.
  - (2) *Accessory solar energy systems* includes any photovoltaic, concentrated solar thermal, or solar hot water devices that are accessory to and incorporated into the development of an authorized use of the property, and which are designed for the purpose of reducing or meeting on-site energy needs.
  - (3) *Concentrating solar thermal devices or concentrated solar thermal power (CST)* means systems that use lenses or mirrors, and often tracking systems, to focus or reflect a large area of sunlight into a small area. The concentrated energy is absorbed by a transfer fluid or gas and used as a heat source for either a conventional power plant, such as a steam power plant, or a power conversion unit, such as a

sterling engine. Although several concentrating solar thermal technologies exist, the most developed types are the solar trough, parabolic dish, and solar power tower.

- (4) Photovoltaics (PV) means a technology that converts light directly into electricity.
  - (5) Solar power plant, except as expressly limited below, means any use of land where a series of one (1) or more solar energy systems are placed in an area on a parcel of land for the purpose of converting sunlight into electricity, photovoltaics (PV), for the primary purpose of wholesale or retail sales of generated electricity.
- (c) Nothing in this section shall, in any way, replace, excuse, obviate, or preclude the application or enforcement of other applicable and/or required local, state, or federal permits, licenses, costs/taxes/fees, applications, approvals, certificates, or other rules and regulations, including, but not limited to, those found in the Jefferson Davis Parish Code of Ordinances.
- (d) *General regulations.*
- (1) All solar power plants must comply with the minimum regulations and design standards set forth in this section.
  - (2) Local, state, and federal permits. A solar power plant must be required to obtain all necessary permits from the state department of environmental quality, including the state division of air quality and the state division of water quality; the state department of natural resources; and any applicable permits required by the Police Jury, and applicable federal permits.
  - (3) This section shall be supplemental to and shall not abridge any other applicable local state, or federal rules, regulations, or laws, including without limitation any more restrictive provision set forth in this chapter. Should any state or federal legislation go into effect, the owner/developer must comply with any such rules which may apply.
  - (4) A valid conceptual plan, building permit, electrical permit and ongoing compliance to this section is mandatory for all solar power plants.
- (e) *Design standards.*
- (1) Minimum site size. No solar power plant will be erected on any site less than ten (10) acres in size.
  - (2) Agreements/Easements. If the land on which the project is proposed is to be leased, rather than owned, by the solar energy development company, all property within the project boundary must be included in a recorded easement(s), lease(s), or consent agreement(s) specifying the applicable uses for the duration of the project. All necessary leases, easements, or other agreements between the solar development company and the affected parties must be in place prior to commencing construction, unless specified otherwise by the conditional use permit. A copy of any signed lease memorandum must be submitted with the application and filed with the Jefferson Davis Parish Clerk of Court.
  - (3) Maximum height. The height of solar panels shall be measured from the highest natural grade below each solar panel to the top of that panel. Panel height will not exceed fifteen (15) feet. Poles and wires reasonably necessary to connect to public electric utilities shall not be subject to this requirement.
  - (4) Setbacks and screening. Solar power plant must be set back from all project boundary lines which make up the site perimeter with at least a fifty (50) foot vegetative buffer. In addition, solar power plant structures must be located at least five hundred (500) feet from all existing occupied residences, places of worship or occupied structures. Additional setbacks may be required to mitigate noise, or to provide for designated road or utility corridors, as identified through the review process.
  - (5) Safety/Access. Fencing and gates are required around the perimeter of all solar power plants. Nothing contained herein shall be construed to block reasonable access to any solar power plant including required vegetative buffer.
    - a. A security fence of at least six (6) feet must be placed around the perimeter.
    - b. Lock boxes and keys must be provided at locked entrances for emergency personnel access.
    - c. A 12-foot access easement inside the fence is required for emergency access. The plan for this access must be included in the application process.
    - d. Appropriate warning signage must be placed at the entrance and perimeter of the solar power plant project every two hundred (200) feet.
  - (6) *Noise.* No operating solar power plant shall produce noise that exceeds sixty (60) dBA, as measured at the property lines of the project boundary, unless the owner of the affected property and the planning commission agree to a higher noise level. Adequate setbacks must be provided to comply with these limitations. Noise shall be measured and reported according to ASTM E1014 standard guide for measurement of outdoor a-weighted sound levels, latest edition.
  - (7) *Visual appearance.* Lighting of the solar power plant and accessory structures must be limited to the minimum necessary. Lights must be shielded and downcast.

- (8) Fire protection. All solar power plants must have a defensible space for fire protection in accordance with State of Louisiana and the Parish Fire Code.
  - (9) Electrical interconnections and distribution components must comply with all applicable codes and public utility requirements.
  - (10) Power inverters and other sound producing equipment must be no less than three hundred (300) feet from any dwelling unit at the time of construction.
  - (11) The individual panels must be arranged in a fashion that allows the passage of runoff between each module, thereby minimizing the creation of concentrated runoff, and allows for the growth of vegetation beneath the panels.
  - (12) Power inverters and other sound producing equipment must be no less than three hundred (300) feet from any dwelling unit at the time of construction.
  - (13) A vegetative maintenance plan is required for general upkeep of the premises. Adherence to the plan will be subject to periodic inspections by the parish.
  - (14) Vegetated areas will not be subject to chemical fertilization or herbicide/pesticides application, except for those applications necessary to establish the vegetative cover and in accordance with the approved vegetative maintenance plan.
  - (15) None of the ground on the site of a solar power plant shall be kept bare, without vegetation.
  - (16) Solar power plants must be constructed with one (1) of the two (2) following screening options:
    - a. Natural screening: composed of healthy plants which possess growth characteristics of such a nature as to produce a dense, compact visual screen not less than six (6) feet in height. Natural buffers may contain deciduous or perennial vegetation but shall contain existing or planted evergreen shrubs and trees suitable to local growing conditions that will provide an opaque visual screen during all seasons of the year.
    - b. Structural screening: Walls or fencing solid in appearance, at least seven (7) feet in height. Fencing may be wood stockade or chain link with slats a color similar to hunter green or forest green.
- (f) Process. First, a conceptual plan must be submitted to be reviewed by the parish engineer and approved or disapproved by the police jury. Second, if the conceptual plan is approved by the police jury, then a permit application must be submitted to be reviewed by the parish engineer, and then approved or disapproved by the police jury.
- (1) Conceptual plan requirements. All conceptual plans for solar power production must include all the following:
    - a. An application fee of seven hundred fifty dollars (\$750.00).
    - b. Name of the project, names and addresses of the business owners, names of the property owners and the engineers and surveyors.
    - c. If the site is leased, a lease memorandum executed by all parties to the lease.
    - d. Date, scale and accurate north arrow of the site plan showing all property to be included in the project.
    - e. Boundaries and actual dimensions and shape of parcel, including total acreage, with bearings and distances.
    - f. Site plan showing streets, circulations, driveways, service buildings, easements, arrangement and number of solar panels, and streets; also fencing, gates and vegetative buffer.
    - g. Horizontal and vertical (elevation) to scale drawing with dimensions that show the location of the solar panels and system on the property.
    - h. Vicinity map showing the location and surrounding land use.
    - i. Names and addresses of adjoining property owners.
    - j. Elevation certificate for structures proposed in a regulatory flood zone and preliminary drainage plan.
    - k. Land contours.
    - l. Plan illustrating the intended layout and green space.
    - m. Traffic plan during construction phase.

- n. General estimate of annual taxes.
  - o. Any parcels that are part of the project that is interrupted by a road or other parcels not part of the project must be identified on the site plan labeled as individual areas.
- (2) Permit application. Following the provisions of the Jefferson Davis Code, additional or more thorough consideration shall be given to the following as the police jury determines whether the project needs to be approved, denied, or conditionally approved.
- a. A permit fee of sixty dollars (\$60.00) per acre, with a minimum of eight thousand five hundred dollars (\$8,500.00).
  - b. Solar panel materials must be listed and labeled by a nationally recognized testing agency. Documentation of compliance must be provided with the seal and signature of a licensed design professional in the state.
  - c. All plans must be certified by licensed state engineer.
  - d. The permit and its application shall expire three (3) years from the date of issuance unless construction has commenced.
  - e. A permit application is required for each identified area (a, b, c) submitted as part of a project.
- (3) Permit application requirements:
- a. Project rationale, including estimated construction schedule, project life, phasing, and likely buyers or markets for the generated energy.
  - b. Siting considerations, such as avoiding areas with a high potential for conflict with biology/wildlife, county and state parks, or special management areas; avoiding visual corridors that are prominent scenic areas; avoiding erodible slopes and soils, where concerns for water quality, severe erosion, or high storm runoff potential have been identified.
  - c. Site and development plans, which identify existing and proposed structures; setbacks; access routes; proposed road improvements; any existing inhabitable structures within one-quarter ( $\frac{1}{4}$ ) mile; existing utilities, pipelines, and transmission lines; proposed utility lines; utility and maintenance structures; existing topographic contours; existing and proposed drainageways; proposed grading; revegetation areas and methods; dust and erosion control; and any floodplains or wetlands. All maps and visual representations must be drawn at an appropriate scale.
  - d. Detailed estimate of annual taxes.
  - e. Visual impacts caused by components of the project such as above-ground electrical lines, accessory structures, access roads, utility trenches and installations, and alteration of vegetation. A photo simulation is required.
  - f. Environmental analysis, including soil erosion (water and wind), flora, and water quality and water supply in the area.
  - g. Solid waste or hazardous waste plans, including spill prevention, clean-up, and disposal of fuels, oils, and hazardous wastes, as well as collection methods for solid waste generated by the project.
  - h. FAA hazard review if within five (5) nautical miles of a FAA-regulated airport.
  - i. A transportation plan for construction and operation phases, prior to work and during all construction until complete.
  - j. Drainage plan, which must follow the latest development drainage requirements of the parish.
  - k. Stormwater pollution prevention plan (SWPPP), a site-specific written document and drawings required by the EPA and LDEQ for LPDES general permits for discharge of stormwater from construction activities (LAR100000 and LAR200000), LPDES multi-sector general permit, or any LPDES individual permit which describes and ensures the implementation of practices that are to be used to reduce the pollutants in stormwater discharges associated with construction or other industrial activity at the facility.
  - l. The intended route for connecting to the power grid and the alternative locations of any substation must be disclosed with the application for the solar power plant.
  - m. Decommissioning plan, describing the decommissioning and final land reclamation plan to be followed after the anticipated useful life, or abandonment, or termination of the project, including evidence of proposed commitments with affected parties (parish, any lessor or property owner, etc.) that ensure proper final reclamation of the solar energy project. Among other things, revegetation and road repair activities should be addressed in the plan.
  - n. Other state and federal permits.

- o. Substantial modifications to any previous police jury approved site plan.
- (4) As-built plans. Upon completion of site construction, a certified as-built plan by an engineer must be submitted to the parish engineer and/or drainage district engineer for approval. The as-built plan shall receive approval prior to final inspection and prior to issuance of any letter of completion and/or the notice to proceed to any utility provider. Once approved, it must be filed with the clerk of court.
- (g) *Decommissioning, abandonment, hazard abatement.* The plan must be approved by the parish engineer, and shall include the following terms and be subject to the following conditions:
  - (1) A signed and notarized decommissioning plan must be submitted to the police jury. It must be in a form suitable to be recorded with the clerk of court, and include a signed statement from the party responsible for completing the decommissioning plan acknowledging such responsibility.
  - (2) Abandonment. If any solar power plant falls into a state of disrepair for a one (1) year period, such solar power plant shall be deemed abandoned.
    - a. Should the cause of the disrepair be due to any natural disaster, or other force majeure, the owner/operator shall request an extension beyond the one (1) year date and submit a plan of repair to the police jury, for approval at the police jury's discretion.
  - (3) Bond. A five (5) year bond in the amount of the anticipated decommissioning cost, the amount of which shall be approved by the parish engineer.
    - a. The cost of decommissioning must be reevaluated every five (5) years and a new bond must be posted to reflect the anticipated cost. Every quarter, a certified letter must be submitted to the police jury showing a record of all premiums paid.
    - b. The first year of the bond's premiums must be paid upon commencement of the project, with monthly payments (which will each be a year in advance) to recur thereafter.
    - c. Any failure to pay a month's premium a year in advance of when due shall be a premium payment default, for which the police jury may revoke the solar power plant's permit.
    - d. The police jury shall be additionally named as beneficiary of the bond, and shall have the right therein to call the bond pursuant to the terms and conditions of the decommissioning plan.
  - (4) Removal. Complete removal of all non-utility-owned equipment conduits, structures, fencing, roads, and foundations; and restoration of property to a condition prior to development of the solar power plant, unless the landowner requests in writing that the access roads or other land surface areas not be restored.
  - (5) 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.
  - (6) Timeframe. The timeframe for completion of removal and decommissioning activities must begin within sixty (60) days of termination of site use, abandonment, or revocation of permit and be completed within twelve (12) months unless otherwise extended by the police jury within its sole discretion for good cause shown.
  - (7) Reservation of rights. The police jury may establish additional decommissioning plan requirements and conditions, from time to time, at its discretion.
  - (8) 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.
  - (9) Remedies. Upon any failure to initiate or complete any decommissioning 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 section, the police jury or its authorized representative shall notify in writing the person(s) responsible for such actions indicating the following:
    - a. The nature of the violations.

- b. The actions necessary to correct the violations.
  - c. The date by which corrective actions should be taken and completed.
  - d. Action(s) which will take place if such corrective action is not taken.
  - e. 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.
  - f. Additionally, any other action authorized by this section 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 five hundred dollars (\$500.00) or imprisonment not to exceed thirty (30) days. Each day such violation continues shall be deemed to be a separate offense.

(Ord. No. 2403, 12-14-22; Ord. No. 2405, 12-28-22)

## **ARTICLE XIV. BORROW PITS**

### **Sec. 12½-69 Applicability.**

The provisions of this article shall apply to all borrow pits located within the unincorporated areas of Jefferson Davis Parish. Existing borrow pits in operation prior to the effective date of this article will not require a permit; however, they must comply with all other requirements set forth in this article.

In cases where ownership of an unpermitted borrow pit changes, the new owner will be required to obtain a permit to continue operations.

### **Sec. 12½-70. Permit requirements.**

No person, firm, corporation, partnership, limited liability company or other such entity shall own, construct, operate or maintain a borrow pit in the unincorporated areas of Jefferson Davis Parish without first obtaining a permit for such operations duly approved and signed by the Road Administrator or Parish Engineer. Each borrow pit shall require a separate permit, even if constructed on a single tract of land. Additionally, all borrow pits shall be approved by the parish planning and zoning commission for proper land use.

Permit request for borrow pits shall be made on a form provided by the parish and include the following information:

- (1) The name, address, and telephone numbers of the owner(s) and/or operator(s) of the borrow pit;
- (2) The exact size and location of the borrow pit;
- (3) A map, plat or survey of the area to be utilized in connection with the borrow pit clearly showing the location of all adjacent roads, bridges, public buildings, and residential and commercial structures, as well as all public ditches, canals, coulees, channels and streams located throughout the property;
- (4) A statement as to the estimated volume of materials to be excavated from the borrow pit;
- (5) A certification from the owner(s) and/or operator(s) of the borrow pit that all activities conducted in connection with the location, construction, operation and maintenance thereof will be undertaken in accordance with all federal, state and local laws, rules and regulations and that all necessary permits have been obtained from the appropriate federal, state and local regulatory agencies. Copies of each such permit shall be attached to the application;
- (7) Proof of general liability insurance coverage with minimum limits of liability of \$500,000.00 per person and \$1,000,000.00 per event.

### **Sec. 12½-71. General regulations.**

- (a) The owner or operator shall post the original permit, or a copy thereof, at the entrance site of the borrow pit where the applicant accesses the site from a public roadway.
- (b) The owner or operator shall display and maintain a business sign at least four feet by eight feet in size at the nearest state or parish roadway entrance which must display, at a minimum, the name of the owner/operator, contact information and person and method to contact them in case of an emergency.
- (c) The owner/operator of the borrow pit shall remove all dirt, mud and debris on at least a daily basis from all state and parish roads located at or near areas of ingress and egress to the property.

- (d) The owner/operator of the borrow pit shall be liable for any and all damages to parish roads, normal wear and tear excepted.
- (e) All internal roads located within the property comprising the borrow pits used by dump trucks, front end loaders or any other similar machinery and equipment shall be constructed and maintained in such a manner as to limit the adverse effects of drainage, dust, noise, and other such nuisances upon neighboring residences and businesses.
- (f) All road access and clear areas shall be maintained by the owner or operator in such a manner as to provide ready access for fire and emergency equipment and personnel.
- (g) On each approach to the borrow pit, "Trucks Entering Highway" (W4-14) signs shall be installed and maintained by permittee on all parish roads.
- (h) The property on which the borrow pit site is located shall not be used for the disposal of any material not originally found in the borrow pit or excavation site, except for fill sand or other suitable materials used in connection with the backfilling of the borrow pit or other suitable materials approved by the parish government department of public works.
- (i) Within 30 days from the date on which operations have been completed or abandoned, the owner or operator shall have slope and revegetate, the excavation area to avoid erosion and siltation of nearby drainage structures.
- (j) The excavation or removal of material from any borrow pit shall be conducted in such a manner as to maintain a buffer of at least 500 feet from any parks, playgrounds, schools, libraries, hospitals, health care facilities, churches, nursing homes, and assisted living facilities where dust, noise or increased traffic can become a danger or nuisance.
- (k) Borrow pits shall be located 150 feet from public roadways.
- (l) If the site is constructed with the intention to create a pond, such pond shall be constructed in a manner that will allow it to hold water and at the completion of the job, for public health and safety reasons, the edges of the pond shall be sloped at a minimum ratio of 3:1. If the depth of the borrow pit exceeds 15 feet, there shall be a five foot shelf constructed before each additional 15 feet in depth.
- (m) If timber is to be harvested to clear the site, a logging permit is required.
- (n) A water truck or other effective measure must be utilized to mitigate excessive dust.
- (o) At all times, the edges of any such borrow pit and/or pond can be no closer than 150 feet from a neighboring property line.
- (p) To protect neighboring properties from damages to water wells, sewer systems and foundations, no such dirt pit or pond shall be located closer than 150 feet from the existing residential house structure, water well or sewer system of a neighboring property owner;

#### **Sec. 12½-72. Permit and inspection fee.**

- (a) The amount of the borrow pit permit and inspection fee required in connection with this permit shall be set at one hundred dollars (\$100.00) per acre for the total tract of land zoned for a borrow pit.
- (b) The permit and inspection fee shall accompany the application and shall be nonrefundable. In the event excavation operations begin without a parish permit, a nonrefundable late fee penalty of one thousand, five hundred dollars (\$1,500.00) shall be assessed.
- (c) Prior to the issuance by the police jury of a permit, as required by this article, the applicant shall make a guarantee deposit in the form of a certified check or surety bond made payable to the Jefferson Davis Parish Police Jury. This deposit shall serve as a guarantee that the applicant shall make all repairs as designated by grantor's inspector and may be used by grantor as set out previously if applicant fails to timely make such repairs. This guarantee deposit shall be in the amount of two hundred dollars (\$200) per surface acre of pit or five thousand dollars (\$5,000.00), whichever is greater. In the event that the original deposit is used for repair and maintenance of parish roads, the applicant shall be required to post additional deposits of five thousand dollars (\$5,000.00) until such time as operations have ceased and the site has been and abandoned.

#### **Sec. 12½-73. Exceptions**

The following shall be exempt from a Borrow Pit Permit:

- (1) Mines subject to the jurisdiction of the United States Mine Safety and Health Administration;

- (2) Site activity or excavation in connection with a building, swimming pool, retaining wall or other structure authorized in connection with a validly issued building permit;
- (3) Septic system installation, repair, maintenance and/or alteration;
- (4) Landscaping and sprinkler installation, repair, maintenance and/or alteration;
- (5) Recognized and accepted agricultural practices such as plowing, cultivating, harvesting or construction of agricultural structures, aquiculture ponds;
- (6) Utility or public works installation, repair, maintenance and/or alteration;
- (7) Cemetery graves;
- (8) Minor excavations normally and customarily associated with owner-occupied, single family residences, and such materials are intended for use on the property by the owner or occupant of the property. However, the edge of such excavations shall be no closer than 50 feet from a neighboring property line and for public health and safety purposes sloped at a minimum ratio of 3:1.
- (9) Non-commercial excavations of up to three (3) surface acres, where the excavated material is neither purchased or its transportation costs are covered by a party other than the landowner of the excavation site.
- (10) Ponds and/or retention or detention areas included in and a part of a residential or commercial subdivision whose plats, plans and layout have been approved by the parish planning and zoning commission.

**Sec. 12½-74. Penalty; Injunction Relief.**

- (a) Each violation of this article shall be punishable by a fine of not more than one thousand five hundred dollars (\$1,500.00) or imprisonment for not more than thirty (30) days, or both such fine and imprisonment; and each day a violation continues shall be considered a separate offense.
- (b) The district attorney of Jefferson Davis Parish shall be empowered to seek injunctive relief against a party in violation of this article enjoining operation of the facility until compliance with this article is established.

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

APPROVED:

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J. Steven Eastman  
President

ATTEST:

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Rebecca S. Gary  
Secretary Treasurer