

ST LANDRY Parish Recording Page

CHARLIE JAGNEAUX

Clerk Of Court

118 South Court St
OPELOUSAS, LA 70570

Act

1185192



1185192

Received From

ST LANDRY PARISH GOVERNMENT
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Vendor

ST LANDRY PARISH GOVERNMENT

Vendee

ORDINANCE NO 2019-002

Kind

ORDINANCE

Index Type: CONVEYANCES

Recording Pages: 4

Recorded Information

I hereby certify that the attached document was filed for registry and recorded in the Clerk of Court's office for ST LANDRY Parish, LA.

On (Recorded Date): 03/21/2019

At (Recorded Time): 02:20:38 PM

CHARLIE JAGNEAUX
CLERK OF COURT
PARISH OF ST LANDRY

Recorded 03/21/2019 at 02:20:38 PM
Act Number 1185192


Deputy Clerk

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STATE OF LOUISIANA

ST. LANDRY PARISH GOVERNMENT

ORDINANCE NO. 2019-002

AN ORDINANCE TO REQUIRE NEIGHBORS AND ST. LANDRY PARISH GOVERNMENT'S CONSENT FOR SOLID WASTE FACILITIES AND INJECTION WELLS

- WHEREAS, St. Landry Parish is a post-1974 Home Rule Charter government under Article VI, Section 5 of the Louisiana Constitution.
- WHEREAS, Article VI, Section 5 establishes St. Landry Parish's powers, including Section 5(E) "management of its affairs" power and, separately, Section 5(F) "additional powers" granted "by other provisions of this constitution," which in turn includes Article VI, Section 17's land use and historic preservation powers.
- WHEREAS, the Parish is entitled to make land use and historic preservation ordinances to ensure that no particular individual may make use of his private property to the severe detriment of others, and to preserve the historic heritage and character of the Parish.
- WHEREAS, the Parish seeks by this ordinance to ensure that no particular individual makes use of his property to the severe detriment of others, and to preserve the historic heritage, environmental heritage, cultural heritage, and integrity of St. Landry Parish for future generations.
- WHEREAS, this ordinance does not rely on the Constitution Section 5(E) "management of its affairs" power, and rather relies on its additional powers granted to local governments, including but not limited to Article VI, Section 17's land use and historic preservation powers.
- WHEREAS, this ordinance also relies on its Article IX, Section 1 duty to protect air and water, and the healthful, scenic, historic, and esthetic quality of the environment, consistent with the health, safety, and welfare of the people, a constitutional provision which the Louisiana Supreme Court has concluded in *Save Ourselves, Inc. v. La. Envtl. Control Comm'n*, 452 So.2d 1152, 1156-57 (La. 1984) creates a duty on all state agencies and officials, a duty which the Parish hereby fulfills in passing this ordinance.
- WHEREAS, for certain land uses there may be a negative impact on health of area residents, potential harm to local water sources, and the entire Chicot Aquifer.
- WHEREAS, the Parish seeks by this ordinance to limit certain land uses that may have a negative impact on health of area residents, potential harm to local water sources, and the entire Chicot Aquifer.
- WHEREAS, Revised Statute 33:1236(31)(a) authorizes local governments to regulate the disposal of hazardous wastes in terms of the initial siting of facilities pursuant to general land use planning or solid waste disposal ordinances.
- WHEREAS, the term hazardous waste includes exploration and production waste within the plain meaning of the word as used in Revised Statute 33:1236, and because the Revised Statute term as used is not limited by federal exemptions of exploration and production waste within certain federal definitions of "hazardous" waste.
- WHEREAS, St. Landry Parish Home Rule Charter Sections 1-02 and 1-06 establish that, aside from the Section 1-05 management of parish government affairs power, the Parish has the special power to pass all ordinances necessary to promote, protect, and preserve the general welfare, safety, health, peace, and orderly conduct of the Parish.
- WHEREAS, the Parish declares that it is a public purpose to protect the environment, including drinking water, of the Parish in order to preserve the Parish's environmental, aesthetic, rural character, and heritage.

BE IT ORDAINED BY THE COUNCIL FOR ST. LANDRY PARISH GOVERNMENT that:

Any commercial facility designed to dispose of or generate hazardous waste including, but not limited to, exploration and production waste disposal facilities and facilities using gun barrels and tanks to separate liquid and solid wastes, proposed to operate within St. Landry Parish, Louisiana, shall obtain written notarized consent of all residential property owners within a one-mile radius of the facility, and consent from the Parish Council, prior to construction and operation. Proof of such notarized approval shall be submitted to the Parish Council for siting approval prior to commencement of construction and operations, and shall include in the notarized consent a statement by the adjacent landowner(s) whether the adjacent landowner has any water well used for domestic, livestock, irrigation, or agricultural use. If said facility does not meet the requirements of this ordinance, such land use is prohibited unless a variance is issued by the Parish Council, and

any commercial facility designed to inject hazardous waste, including, but not limited to exploration and petroleum waste, below the surface of the ground, proposed to operate within St.

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Landry Parish, Louisiana, shall obtain written notarized consent of all residential property owners within a one-mile radius of the facility and consent from the Parish Council, prior to construction and operation. Proof of such notarized approval shall be submitted to the Parish Council for approval prior to commencement of construction and operations, and shall include in the notarized consent a statement by each adjacent landowner whether the adjacent landowner has any water well used for domestic, livestock, irrigation, or agricultural use. If said facility does not meet the requirements of this ordinance, such land use is prohibited unless a variance is issued by the Parish Council. This ordinance shall not apply to any facility operating prior to the enactment of this ordinance. This ordinance shall not apply to any government-owned facility.

This Ordinance shall be effective on March 21, 2019.

This Ordinance having been introduced on the 20th day of February, 2019, notice of Public Hearing having been published, said public hearing having been held, the title having been read, and the Ordinance considered, a record vote was taken and the following results were had:

YEAS: 10 - Nancy Carriere, Mildred Thierry, Harold Taylor, Alvin Stelly,
NAYS: 0 Vivian Olivier, Wayne Ardoin, Dexter Brown, Timmy Lejeune,
Jimmy Edwards, and Coby Clavier
ABSENT: 2 - Easton Shelvin, Ken Marks
ABSTAINED: 0

CERTIFICATE

I, SHERELL JORDAN, do hereby certify that I am the duly appointed Clerk for the St. Landry Parish Government, State of Louisiana, and I hereby certify that the above and foregoing is a true copy of an Ordinance adopted by the Council of the St. Landry Parish Government at a monthly meeting held on the 20th day of March, 2019, in which a meeting quorum was present:

Witness my official signature and seal of office at Opelousas, St. Landry Parish, Louisiana, this 20th day of March, 2019.

Sherell Jordan
SHERELL JORDAN, COUNCIL CLERK
ST. LANDRY PARISH GOVERNMENT

Gerry L. Red
CHAIRMAN
ST. LANDRY PARISH COUNCIL

ORDINANCE NO 2019-002

**AN ORDINANCE TO REQUIRE NEIGHBORS AND ST. LANDRY PARISH
GOVERNMENT'S CONSENT FOR SOLID WASTE FACILITIES AND INJECTION WELLS**


Presiding Officer's Signature


Clerk of the Council's Signature

Delivered to the Parish President:

Date 3/20/2019 Time 7:00 am/pm

APPROVED:

VETOED:


Parish President's Signature

Parish President's Signature

Returned to the Clerk:

Date 3/20/2019 Time 7:15 am/pm

Received by: 

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