

ORDINANCES ADOPTED BY THE ST. BERNARD PARISH COUNCIL IN 2005

(Click on each link to see the full resolution)

| | | | |
|-----------|------|---|----------|
| 605-01-05 | 1835 | Establish rules for Educational Access Channel. | 01-04-05 |
| 606-01-05 | 1816 | Place temporary moratorium on adult establishments, tattoo parlors Body piercing in St. Bernard Parish. | 01-18-05 |
| 607-02-05 | 1834 | Replace Coastal Zone Management ordinance in its entirety. | 02-01-05 |
| 608-02-05 | 1830 | Approve Docket 14-04 , petition of Zakirunnisa Khan, 2612 Angelique. | 02-15-05 |
| 609-02-05 | 1831 | Approve Docket 15-04 , petition of Zakirunnisa Khan, 2612 Angelique. | 02-15-05 |
| 610-03-05 | 1838 | Authorize president to sign lease with Congressman Melancon. | 03-01-05 |
| 611-03-05 | 1837 | Approve Docket 1-05 , Dion Degrado for a Conditional Use Permit | 03-15-05 |
| 612-03-05 | 1839 | Amend Sec. 13-101, Electronic Amusement Video Games to dedicate Monies to purchase permanent recreation equipment. | 04-05-05 |
| 613-04-05 | 1841 | Amend Chap. 19, Streets by replacing Sec. 19-1, Excavations, etc. | 04-05-05 |
| 614-04-05 | 1842 | Amend Ord. 544-02-03, Chap. 8, Elections for 32/32A & 42/42A. | 04-05-05 |
| 615-04-05 | 1844 | Establish a temporary moratorium on pain management clinics. | 04-05-05 |
| 616-05-05 | 1843 | Approve Docket 2-05 , petition of Jody Dean Daguimol. | 05-03-05 |
| 617-05-05 | 1846 | Repeal Section 11-19 and 11-20, definitions pertaining to littering. | 05-17-05 |
| 618-06-05 | 1840 | An ordinance relating to the Film Industry. | 06-21-05 |
| 619-06-05 | 1847 | Approve Docket 4-05 , Rosalie & Rene Delaune, 2108 Plaza Drive. | 06-21-05 |
| 620-06-05 | 1848 | Approve Docket 5-05 , Dr. Bryan Frichter, 3700 Delaronde Drive. | 06-21-05 |
| 621-06-05 | 1851 | Levy and impose taxes on property subject to taxation in 2005. | 06-21-05 |
| 622-07-05 | 1853 | Final approval of Gulf Outlet Marina Estates, Units 1-40 | 07-07-05 |
| 623-07-05 | 1855 | Issuance and sale of \$1,565,000 of general obligation bonds. | 07-07-05 |
| 624-07-05 | 1845 | Acceptance of dedication of streets in Jumonville Subdivision. | 07-07-05 |
| 625-07-05 | 1857 | Accept dedication of water system, including all water lines from the water source to each lot in Phase 1 of Woodlands Subdivision. | 07-19-05 |
| 626-08-05 | 1850 | Eliminate zoning classification for R-1 Party Wall Doubles. | 08-02-05 |
| 627-08-05 | 1854 | Approve Docket 5-05 , Karter Cerise & Ewell Potts, III. | 08-02-05 |
| 628-08-05 | 1856 | Establish 180 day moratorium on permits for video poker truck stops. | 08-02-05 |
| 629-08-05 | 1858 | Authorize the granting of a 10 foot right-of-way, servitude and easement to Entergy Louisiana, Inc. for providing electrical services in the St. Bernard Parish Government Complex parking lot, as shown on the Entergy, LA, Inc. Drawing 2209111547, Chalmette. | 08-02-05 |

HURRICANE KATRINA HIT ON 8/29/05; THE NEXT ORDINANCE WAS ADOPTED IN NOVEMBER, 2005.

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| 630-11-05 | 1862 | Provide for the sale of not exceeding \$25,000,000 of Revenue Anticipation Notes, Series 2005. | 11-01-05 |
| 631-11-05 | 1863 | Require that "rebuilt" homes be built to at least pre-hurricane Katrina building standards & retain neighborhood integrity. | 11-01-05 |
| 632-11-05 | 1864 | Establish moratorium on re-establishment and development of any multi-family dwellings in parish throughout the disaster recovery period. | 11-01-05 |
| 638-12-05 | | | |
| 633-12-05 | 1865 | Activate the St. Bernard Parish Housing, Redevelopment and Quality of Life Commission and appointing 7 members. | 12-06-05 |
| 634-12-05 | 1866 | Authorize parish to enter private property to, in the interest of public health and safety, alter or demolish structures and remove debris found on property. | 12-06-05 |
| 635-12-05 | 1867 | An ordinance to adopt the 2006 St. Bernard Parish Government Annual Operating and Capital Budget. | 12/28/05 |
| 636-12-05 | 1871 | Amend the 2005 St. Bernard Parish Government annual Operating and Capital Budget. | 12-20-05 |
| 637-12-05 | 1873 | Authorize President to sign lease with Chalmette Refining for use of right of way at Rebel Park and Blue Bird Playground. EMERGENCY | 12-20-05 |
| 638-10-05 | | VACANT | |

On motion of Mr. Taffaro, seconded by Mr. Madary, it was moved to **adopt** the following ordinance:

ORDINANCE SBPC #605-01-05

Summary No. 1835

Introduced by: Joseph Di Fatta, Jr., Councilman-at-Large
Public Hearing held January 4, 2005

AN ORDINANCE TO SET GUIDELINES FOR THE OPERATION OF THE ST. BERNARD PARISH EDUCATIONAL ACCESS CHANNEL AS APPROVED AND RECOMMENDED TO THE ST. BERNARD PARISH COUNCIL BY THE GOVERNMENT ACCESS CABLE COMMITTEE ON NOVEMBER 16, 2004

WHEREAS, on November 16, 2004 the Government Access Cable Committee met with representatives of the St. Bernard Parish Public Schools and private and parochial schools; and

WHEREAS, on November 16, 2004, guidelines for the Educational Access Channel, which includes the allotment of prime air time for public, private and parochial schools in St. Bernard Parish, was agreed to by the representatives of the aforesaid schools, subject to approval by their respective boards, and approved by the Government Access Cable Committee for recommendation to the St. Bernard Parish Council; and

WHEREAS, under the Franchise Agreement between CoxCom, Inc. d/b/a Cox Communications Louisiana and St. Bernard Parish, an Educational Access Channel is available to the St. Bernard Parish Council exclusively for educational programming.

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN

SECTION 1. That St. Bernard Parish, as franchisor of the Educational Access Channel, does hereby authorize the St. Bernard Parish School Board to operate the Educational Access Channel under the guidelines agreed upon and attached hereto as Exhibit "A"; and

SECTION 2. That St. Bernard Parish will provide a yearly dedication of a portion of the franchise fees collected each year to the St. Bernard Parish School Board for the operation of and equipment upgrades of the Educational Access Channel.

SECTION 3. That St. Bernard Parish School Board is designated as the entity to select all educational programming to be aired on the Educational Access Channel with the specific requirements delineated and attached hereto as Exhibit A.

SECTION 4. Effective Date. That this ordinance shall become effective immediately upon the date of the President's signature. In the event of a presidential veto this ordinance shall become effective upon a two thirds favorable vote of the total membership of the Council pursuant to Section 2-11 and 2-13 of the St. Bernard Parish Home Rule Charter.

SECTION 5. Severability. If any section, clause, paragraph, provision or portion of this ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, paragraph, provision or portion of this ordinance, the St. Bernard Parish Council hereby expresses and declares that it would have adopted the remaining portion of this Ordinance with the invalid portions omitted.

The above and foregoing having been submitted to a vote, the vote thereupon resulted as follows:

YEAS: Madary, Hoffmeister, Henderson, Dean, Taffaro and Melerine.

NAYS: None.

ABSENT: None.

The Chairman, Mr. Di Fatta, cast his vote as **YEA**.

And the motion was declared **adopted** on the 4th day of January, 2005.

/s/POLLY BOUDREAUX
CLERK OF COUNCIL

/s/JOSEPH S. DI FATTA
COUNCIL CHAIRMAN

Delivered to the Parish President

1-6-05 12:30 p.m.

Date and Time

Approved _____ YES _____

Vetoed _____ NO _____

Parish President

/s/Henry J. Rodriguez, Jr.

Returned to Clerk of the Council

1-6-05 4:15 p.m.

Date and Time

Received by Lenor Duplessis

EXTRACT #9 EXHIBIT A SUMMARY NO. 1835 - 1/04/05 COUNCIL MEETING

GUIDELINES FOR THE OPERATION OF THE ST. BERNARD PARISH EDUCATIONAL ACCESS CHANNEL AS APPROVED AND RECOMMENDED TO THE ST. BERNARD PARISH COUNCIL BY THE GOVERNMENT ACCESS CABLE COMMITTEE ON NOVEMBER 16, 2004

A thirty (30) hour block of "Prime Time", 3:00 p.m. - 9:00 p.m. Monday through Friday, shall be allotted for educational programming to all state approved educational institutions within St. Bernard Parish in the following manner:

1. Time will be allotted proportional to enrollment. If any additional state approved educational institutions within St. Bernard Parish request air time, the time allotments will be adjusted to reflect the proportional enrollment. At present, the enrollments are as follows:

| <u>Name of School</u> | <u>Enrollment</u> | <u>Proportion %</u> | <u>Time/Hours Allotted</u> |
|-------------------------------|-------------------|---------------------|----------------------------|
| Chalmette Christian Academy | 244 | .5 | .5 |
| Lynn Oaks | 95 | .2 | .5 |
| St. Bernard Parochial Schools | 2,154 | 4.7 | 4.5 |
| St. Louise de Marillac | 184 | | |
| Our Lady of Prompt Succor | 564 | | |
| St. Robert Bellarmine | 494 | | |
| St. Mark | 375 | | |
| Archbishop Hannan | 537 | | |
| St. Bernard Public Schools | 8,892 | 19.2 | 19.0 |
| Nunez Community College | 2,500 | 5.4 | 5.5 |

NOTE: Chalmette Christian Academy and Lynn Oaks will be allowed to combine times with either the parochial or public school systems block of time.

| | | | |
|--------------|---------------|-------------|-------------|
| TOTAL | 13,885 | 30.0 | 30.0 |
|--------------|---------------|-------------|-------------|

2. If the above schools do not provide educational programming for their allotted times, the St. Bernard Parish School Board shall be responsible for selecting and providing educational programming for those allotted times.
3. Tapes provided for airing must be in SVHS or VHS format and at least of second generation. Tapes must be recorded at SP speed. One minute of black before and one minute of black after each program is required for broadcasting purposes.
4. Each tape must be labeled with the following: name of school/contact information; title of program; length of time; and a brief narrative of the program.
5. Each program must have beginning and ending credits and must be either 30, 60, or 90 minutes in length.
6. All programming, music and photographs must be royalty-free. If not, signed releases from the owner/publisher must accompany the tape.
7. Tapes must be delivered to the St. Bernard Parish School Board Office by noon Thursday of the week before the program is to air. For preview purposes, it is requested that tapes be submitted prior to that time, if possible.
8. Programs promoting any school, school system, or religion are prohibited and will not be shown.
9. Dedication of \$20,000 each year to school board from franchise fee for operation and equipment upgrades of the Educational Channel.

The St. Bernard Parish School Board shall select all educational programming to be aired at all times other than the aforesaid designated 30 hours of "prime time".

EXTRACT OF THE OFFICIAL PROCEEDINGS OF THE COUNCIL OF THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING HELD IN THE COUNCIL CHAMBERS OF ST. BERNARD PARISH GOVERNMENT BUILDING, 8201 WEST JUDGE PEREZ DRIVE CHALMETTE, LOUISIANA ON TUESDAY, JANUARY 18, 2005 AT SEVEN O'CLOCK P.M.

On motion of Mr. Madary, seconded by Ms. Hoffmeister, it was moved to **adopt** the following ordinance:

ORDINANCE SBPC #606-01-05

Summary No. 1816

Recommended for Introduction by the Executive/Finance Committee on 7/29/04

Public Hearing held January 18, 2005

AN ORDINANCE TO ESTABLISH A TEMPORARY MORATORIUM ON THE ISSUANCE OF NEW PERMITS OR LICENSES BY ANY PARISH DEPARTMENT OR AGENCY OF ANY TATTOO, BODY PIERCING OR ADULT ESTABLISHMENT PROVIDING LIVE ADULT ENTERTAINMENT, ADULT BOOKSTORE, MASSAGE PARLOR, OR MOTEL USING HOURLY RATES, WITHIN ST. BERNARD.

SECTION 1. THE COUNCIL OF THE PARISH OF ST. BERNARD ORDAINS that no person shall be entitled to any permit or license relative to tattoo, body piercing, adult establishment, live adult entertainment, adult bookstore, massage parlor, or motel using hourly rates, within St. Bernard Parish. This prohibition shall remain in force 180 days from the effective date of this ordinance or until the implementation of land use measures considered by the Parish Planning Commission and adopted by the Parish Council, whichever comes sooner. The provisions of this ordinance shall apply only to person seeking the issuance of permits or licenses for any of the forgoing uses.

SECTION 2. METHOD OF APPEAL: Any party aggrieved by provisions of this ordinance may appeal to the St. Bernard Parish Council for a waiver of the provisions hereof by submitting written notice of intent to appeal to the St. Bernard Parish Planning Commission (PPC) accompanied by any site plans, drawings or data, either written or graphic, as deemed necessary by the PPC staff, for review and recommendation. The Planning Commission must make a report of recommendation to the Parish Council within thirty (30) days of the receipt of request. Any appeal fees levied must accompany this appeal. Upon receipt by the Council of the report of the Director of the Department of Community Development, a public hearing shall be held upon proper notice within thirty (30) days at a regular or special meeting of the Council. After consideration of the report and the information presented at the hearing; the Council may, by ordinance, waive the provision of this ordinance with respect to the party making the appeal following a determination by the Council that the issuance of the requested permit would not thwart the purpose of the ongoing review of zoning and land use controls in the area specified in Section 1 of this Ordinance; namely, that the hours and volume of operation arising from the granting of a permit would not adversely impact the public health, safety and welfare of persons living in the neighborhood where such use is located. In connection with the consideration of any appeal, the Council may grant a waiver conditioned upon provisos with respect to hours of operation, parking or include any other special requirement designed to ensure safety of persons and property, minimize the impact of trash or refuse, or ensure general compatibility with other characteristic of the neighborhood by the premises from which the permit is being sought. The provisos or special requirements included in any such waiver shall be permanent provisos attached to the subject permits or renewals thereof for the specific premises and shall not expire with the transfer of ownership of the business or property or with the subsequent ordinance amending the ordinance granting said waiver.

The above and foregoing having been submitted to a vote, the vote thereupon resulted as follows:

YEAS: Madary, Hoffmeister, Henderson, Dean, Taffaro and Melerine.

NAYS: None.

ABSENT: None.

The Chairman, Mr. Di Fatta, cast his vote as **YEA**.

And the motion was declared **adopted** on the 18th day of January, 2005.

/s/POLLY BOUDREAUX
CLERK OF COUNCIL

/s/JOSEPH S. DI FATTA
COUNCIL CHAIRMAN

Delivered to the Parish President

Date and Time

Approved _____

Vetoed _____

Parish President

Henry J. Rodriguez, Jr.

Returned to Clerk of the Council

Date and Time

Received by _____

EXTRACT OF THE OFFICIAL PROCEEDINGS OF THE COUNCIL OF THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING HELD IN THE COUNCIL CHAMBERS OF ST. BERNARD PARISH GOVERNMENT BUILDING, 8201 WEST JUDGE PEREZ DRIVE CHALMETTE, LOUISIANA ON TUESDAY, FEBRUARY 1, 2005 AT ELEVEN O'CLOCK A.M.

On motion of Ms. Hoffmeister, seconded by Mr. Taffaro, it was moved to **adopt** the following ordinance:

ORDINANCE SBPC #607-02-05

Summary No. 1834

Introduced by: Administration on 11/6/04
Public Hearing held February 1, 2005

AN ORDINANCE TO REPLACE THE COASTAL ZONE MANAGEMENT ORDINANCE FOR ST. BERNARD PARISH IN ITS ENTIRETY WITH THE ORDINANCE RECENTLY PROPOSED BY THE STATE.

**Coastal Zone Management Ordinance
St. Bernard Parish, LA**

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1. Purposes & construction of this ordinance:

1.1. Recognize the value in natural coastal ecosystems.

1.1.1. Protect, restore and enhance the coastal zone as a natural storm barrier, flood control system, and water filtration system.

1.1.2. Protect, restore and enhance the coastal zone as a habitat for wildlife, an aquatic resource, an aesthetic resource, a parish, state and national resource, and a historic cultural resource.

1.1.3. Protect, restore and enhance the coastal zone as a legacy to future generations.

1.2. Recognize the value in coastal-dependent commercial activity.

1.2.1. Promote coordinated development within the coastal zone.

1.2.2. Promote conflict resolution arising from multiple, competing uses.

1.2.3. Promote recreational uses and public access within the coastal zone.

1.3. Balance these values in St. Bernard Parish to allow current and future residents the opportunity to enjoy the multiple benefits and cultural values associated with a healthy coastal zone.

1.4. Foster the public safety, health and welfare of St. Bernard Parish residents.

1.5. In the event that sections of this ordinance may be subject to multiple interpretations, they must be read to further the purposes stated above and to be consistent with the Louisiana Coastal Resources Program.

1.6. All exceptions shall be construed narrowly.

1.7. This ordinance applies to all local uses, defined in L.R.S. 49:214.25 A (2).

1.8. Should any provision herein be deemed contrary to law, it shall be severed from the remainder and shall not affect other provisions that may remain applicable, irrespective of the invalid provision.

1.9. This ordinance shall be read and construed as a whole and in accord with the Coastal Zone Management Program.

2. Definitions:

2.1. Unless specifically defined in this section, words and phrases in this ordinance shall be read as commonly used and to give this ordinance its most reasonable application.

2.2. "Act" means the Louisiana Coastal Zone Management Program, L.R.S. 49:214.21et seq.

2.3. "After-the-fact Permit" means a coastal use permit issued after the commencement of an activity or use.

2.4. "Aggrieved Party" means any person who receives a decision adverse to their interests or proposed objectives.

2.5. "Agricultural, Forestry and Aquaculture Activities" means those activities that are common practice and incident to agriculture, forestry and aquaculture provided that the activity is one of an on-going basis for a period of at least one (1) year, including the year previous to the activity in question; that do not require a permit from the U.S. Army Corps of Engineers; and that do not result in a new or changed use of the land. Examples include seeding, fence building, and harvesting.

2.6. "Applicant" means the owner of the property for which a use requiring a Coastal Use Permit is requested, an agent, or someone specifically authorized in writing by the owner to make an application.

2.7. "Buffer zone" means a strip of land adjoining a wetland mitigation site to protect the wetland habitat and wildlife within the bank from the impact of an activity outside the buffer zone. The term includes a strip of land composed primarily of water or a strip of land that includes a fence, wall, or screen of vegetation when these visual barriers also provide functional protection for the wetland.

- 2.8. "Camp" means a structure built and used for non-commercial and non-profit purposes and commonly referred to as "single family," not multiple family dwellings and shall apply only to such structure built singly, by and for the owner/lessee of the land for the owner's/lessee's use and not to practices involving the building of more than one such structure as in subdividing, tract development, speculative building, or recreational community development and intended for periodic occupancy.
- 2.9. "Cattle walks" shall mean an unimproved pathway or a strip of ground that is used for the sole purpose of moving hoofed animals from one location to another location which is not intended for the purpose of non-farm passenger or commercial type vehicles.
- 2.10. "Closely-related actions" means those actions that
 - 2.10.1. trigger other actions which may require permits;
 - 2.10.2. cannot proceed unless other actions are taken previously or simultaneously; or
 - 2.10.3. are interdependent parts of a larger action and depend upon the larger action for their justification.
- 2.11. "Coastal Use Permit" or "permit" or "CUP" means those permits required by L.R.S. 49:214.30.
- 2.12. "Coastal Waters" means bays, lakes, inlets, estuaries, rivers, bayous and other bodies of water within the boundaries of the coastal zone.
- 2.13. "Coastal Zone" means that area described in L.R.S. 49:214.24.
- 2.14. "Coastal Zone Management Program" means the applicable laws, regulations, policies and guidelines developed by federal, state, and local government to implement the Coastal Zone Management Act.
- 2.15. "Compensatory mitigation" means replacement, substitution, enhancement, or protection of ecological values to offset anticipated losses of those values caused by a permitted activity.
- 2.16. "Continuing Uses" are activities which by nature are carried out on an uninterrupted basis, examples include shell dredging and surface mining activities, projects involving maintenance dredging of existing waterways, and maintenance and repair of existing levees.
- 2.17. "Cumulative Impacts" means the influence on the environment resulting from the incremental effects of the activity when added to other past, present, and reasonably foreseeable future activities regardless of what agency or person undertakes those activities. Cumulative impacts may result from individually minor but collectively significant activity taking place over a period of time. "Secondary" impacts caused or enabled by a particular project are considered cumulative; including, but not limited to, increased development in an area where new sewers, roads, and other infrastructure have been built whether plans exist for this area at the time the infrastructure is built or not. Cumulative impacts to coastal zone resources may result from activity outside the coastal zone or from activity exempt under coastal zone permitting.
- 2.18. "Department" or "DNR" means Department of Natural Resources.

- 2.19. "Direct and Significant Impact" means an impact that perceptibly or measurably alters the physical, hydrological, chemical, or biological characteristics of coastal waters as a result of an action or series of actions undertaken by man.
- 2.20. "Ecological value" means the ability of an area to support vegetation and fish and wildlife populations.
- 2.21. "Emergency" means a situation that poses an immediate threat to public safety, life, health or property and action in response to the threat cannot await the permitting process. Declaration of an emergency must come from a governmental body with authority to make such declarations and continues for the time that body specifies.
- 2.22. "Environmental Management Unit" or "EMU" means an area with certain distinguishing physical, hydrological, chemical, biological or cultural characteristics.
- 2.23. "Exempted Use" shall mean any use specifically listed in this ordinance as not requiring a permit.
- 2.24. "Fastlands" means that area surrounded by publicly-owned, maintained, or otherwise valid existing levees, or natural formations, which would normally prevent activities therein from having a direct and significant impact on coastal waters.
- 2.25. "Guidelines" means LAC Title 43, Chapter 7 entitled "Coastal Management."
- 2.26. "Interested person" means any of the following:
 - 2.26.1. Any applicant, an agent or an employee of the applicant, or a person receiving consideration for representing the applicant, or a participant in a proceeding on the matter.
 - 2.26.2. Any person with a financial interest in a matter before the appeals panel, or an agent or employee of the person with a financial interest, or a person representing the person with a financial interest.
 - 2.26.3. A representative acting on behalf of any civic, environmental, neighborhood, business, labor, trade, or similar organization who intends to influence the decision of the appeals panel on a matter before the appeals panel.
- 2.27. "Levees" means any use or activity which creates an embankment to control or prevent water movement, to retain water or other material, or to raise a road or other linear use above normal or flood water levels. Examples include levees, dikes and embankments of any sort.
- 2.28. "Local administrator" means the St. Bernard Parish professional charged with implementing and administering this ordinance and the Local Coastal Zone Management Plan.
- 2.29. "Local Coastal Program Advisory Committee" or "Committee" means the group of 24 individuals, representing coastal area user groups.
- 2.30. "Local Government" means the St. Bernard Parish Council and Parish President.
- 2.31. "Mitigation" means all actions taken by an applicant to avoid, minimize, restore and compensate for loss of an area's ability to support vegetation, fish and wildlife populations due to a permitted activity.

- 2.32. "Mitigation Bank" means an area identified, with specific measures implemented to create, restore, protect, and/or enhance wetlands, for the purpose of producing ecological values, measured as average annual habitat units or cumulative habitat units (mitigation credits). Those credits may be donated, sold, traded or otherwise used for the purpose of compensating for the ecological values lost due to a permitted activity.
- 2.33. "Mitigation credit" means a unit of measured area that supports wetland habitat, wetland habitat value, and wetland function that did not exist at the mitigation bank site before the bank was developed. Credits are determined in accord with LAC Title 43, Part I, §724.
- 2.34. "Navigational Aids" means buoys, marker piles, dolphins, piling, and/or pile clusters when in conformance with U.S. Coast Guard standards and do not involve dredge and fill activity.
- 2.35. "NonContinuing Uses" are activities which by nature are done on a one-time basis, examples include dredging access canals for oil and gas well drilling, implementing an approved land use alteration plan and constructing new port or marina facilities.
- 2.36. "Normal Maintenance and Repair" means activity taken to reasonably preserve the utility of a lawfully existing structure in active use for the year preceding the proposed activity. It does not include expanding an existing structure, dredging and filling, or altering the magnitude or function of the original structure.
- 2.37. "On-site mitigation" means all measures that may be taken to offset or eliminate damage or destruction to the functional characteristics and processes of a wetland, changing the operational characteristics of the proposed activity, or creating or enhancing wetland functions or values at the project site.
- 2.38. "Out-of-kind mitigation" means the creation of habitat functions and types at the mitigation site substantially different from those that existed at the project site; restoration of a bottomland hardwood site as mitigation for a project in a salt marsh is one example.
- 2.39. "Overriding public interest" means that the public interest benefits of a given activity clearly outweigh the public interest benefits of compensating for wetland values lost as a result of the activity, as in the case of the construction of flood protection facilities critical for protection of existing infrastructure.
- 2.40. "Permit" means a coastal use permit.
- 2.41. "Person" means any individual, partnership, association, trust, corporation, or government body.
- 2.42. "The Administration" means the St. Bernard Parish Administration, the authority of general jurisdiction and operation at the parish level.
- 2.43. "Public Hearing" means any hearing announced to the public at least thirty (30) days in advance, and at which all interested persons shall be afforded a reasonable opportunity to make written or oral submissions on the subject of the meeting.
- 2.44. "Residence" means structure built and used for non-commercial and non-profit purposes and commonly referred to as "single family," not multiple family, dwellings and shall apply only to such structures built singly, by and for the owner of the land for the owner's use and not to practices involving the building of more than one such structure as in subdividing, tract development, speculative building, or recreational community development and intended as a primary residence.

2.45. "Residents" mean both real persons and entities whose occupancy in St. Bernard Parish is intended to be of an on-going, primary nature. These include, but are not limited to, civic, environmental, neighborhood, business, labor, trade, or similar organizations or a legally recognized business entity.

2.46. "Same-kind mitigation" means the creation of habitat functions and types at the mitigation site substantially similar to those that existed at the project site; restoration of a bottomland hardwood site as mitigation for a project in a bottomland hardwood site is one example.

2.47. "Secretary" means the Secretary of the Department of Natural Resources or his or her designee.

2.48. "Special Areas" means those portions of the coastal zone within St. Bernard Parish that require special management procedures due to certain unique and valuable characteristics. Examples include barrier islands, shell deposits, salt domes, archaeological sites, transportation corridors, endangered species habitat, ports, and recreational sites among others. These areas may be designated by the Administration, after proposal and discussion with parish residents and recommendation by the Committee.

2.49. "State Administrator" means the administrator of the Coastal Management Division within the Louisiana Department of Natural Resources.

2.50. "Supplemental material" means any of the following or other, unlisted material deemed appropriate by the local administrator: a description of the physical, chemical, hydrological, biological, and cultural environment in which the activity is proposed to take place; a list of alternatives to the proposed activity including a 'status quo' alternative; a complete description of expected consequences to the physical, chemical, hydrological, biological, and cultural environment; how any such impacts will be mitigated or offset including when these environmental benefits will be achieved, evidence to support the proposal's intended results and how the projected results -- both positive and negative -- may be monitored in the future.

2.51. "Uplands" mean land that is five feet or more above sea level.

2.52. "Use" means any use or activity within the coastal zone which has a direct and significant impact on coastal waters.

2.53. "Wetland" means land that

2.53.1. has a predominance of hydric soil;

2.53.2. is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support a prevalence of hydrophilic vegetation typically adapted for life in saturated soil conditions; and

2.53.3. under normal circumstances does support a prevalence of that vegetation.

2.54. "Wetland functions" means a service that wetlands perform, including flood water storage, flood water conveyance, ground water discharge, erosion control, wave attenuation, water quality protection, scenic and aesthetic use, food chain support, and habitat for fish, wildlife, invertebrates, and plants, among others.

3. Duties of the Local Administrator

3.1. Manage the local Coastal Zone Management Program based upon the local Coastal Zone Management Plan, as adopted by the St. Bernard Parish Administration;

- 3.2. Issue, deny or modify CUPs consistent with the Coastal Zone Management Plan for St. Bernard Parish;
 - 3.3. Adopt any rules and regulations that are reasonable and necessary to carry out this ordinance in conformance with the generally established procedures for St. Bernard Parish rule making;
 - 3.4. Conduct any investigation necessary to ascertain compliance with this ordinance;
 - 3.5. Act as liaison for St. Bernard Parish to the U.S. Army Corps of Engineers, other parishes, and other state and local governmental entities relative to projects governed by this ordinance or the Act which are proposed to take place in or impact the coastal zone of St. Bernard Parish;
 - 3.6. Review and comment upon uses of state concern, as defined in L.R.S.49:214.25 A (1);
 - 3.7. Make an initial determination as to whether a proposed project has direct and significant impacts and whether a proposed project is a local use;
 - 3.8. Maintain and hold open for public inspection records pertaining to this ordinance and activities governed by this ordinance;
 - 3.9. Regularly update the Committee on actions taken by the local administrator;
 - 3.10. Enforce this ordinance and the Act;
 - 3.11. Request and receive the assistance of other officers and employees of the parish, when necessary to carry out these duties;
 - 3.12. Consider written requests from St. Bernard Parish residents to add, modify, or delete local rules implementing this ordinance
 - 3.13. Submit a regular report describing the activity of St. Bernard Parish's Coastal Zone Management Program to the Secretary, to the DNR Conservation Plan coordinator and to the parish governing body. This report shall be published in the parish's official journal.
 - 3.13.1. The report shall include the number, type and characteristics of the CUP applications, decisions, appeals, variances, enforcement actions, and problem areas in the St. Bernard Parish Coastal Zone Management Program for the past year and proposed changes in the state or local Coastal Zone Management Program.
 - 3.14. Implement this ordinance and the Act.
 - 3.15. To avoid duplication, any of the local administrator's duties that are already performed by another St. Bernard Parish Office (i.e. the Planning Department) may remain a responsibility of that office provided that a standardized method of communicating between that office and the local administrator exists.
4. Duties of the Local Coastal Program Advisory Committee
- 4.1. Include representatives of various interest groups to encourage full use of the coastal resources while recognizing it is in the public interest of the people of the St. Bernard Parish Council or St. Bernard Parish to establish a proper balance between development and conservation.

- 4.2. Have its membership appointed by majority vote of the St. Bernard Parish Council;
 - 4.3. Remove only for good cause during their term, the member may be retained at the expiration of the term by a majority vote of the committee;
 - 4.4. Be organized by the local administrator who functions as a non-voting chair of the committee meetings;
 - 4.5. Advise, comment, or make recommendations to the Parish Council on any coastal project, coastal activity or coastal development;
 - 4.6. Review and comment upon any proposed rules and regulations impacting the Coastal Zone;
 - 4.7. Recommend to the Parish Council any modifications to this ordinance;
 - 4.8. Review and comment upon any coastal use permit at the request of the local administrator;
 - 4.9. Nominate a representative to hear appeals in accord with this ordinance;
5. Coastal Use Permit Applications

- 5.1. Undertaking a local or state use in the St. Bernard Parish coastal zone without a Coastal Use permit or in violation of permit terms is unlawful. Activities listed under LA R.S. 49:214.34(A) are exempt from this ordinance, except when that particular activity would have direct and significant impact on coastal waters. These exceptions noted in the revised statutes must be described in a completed permit application to allow a determination of whether they have a direct and significant impact on coastal waters. The local administrator will forward the application materials and any supplemental materials to the Secretary for an authoritative determination.

A coastal use permit shall be required for a coastal use of local concern, as defined in the State and Local Coastal Resources Management Act of 1978 (Act 361). Uses or activities occurring in areas 5 feet or more above mean sea level or in fastlands do not require a coastal use permit, unless it can be shown that the use or activity has a direct and significant impact on coastal waters. Uses of local concern include, but are not limited to:

- 1) Privately funded projects which are not uses of state concern,
- 2) Publicly funded projects which are not uses of state concern,
- 3) Maintenance of uses of local concern,
- 4) Jetties or breakwaters,
- 5) Dredge or fill projects not intersecting more than 1 water body,
- 6) Bulkheads,
- 7) Piers,
- 8) Cattle walks,
- 9) Maintenance dredging,
- 10) Private water control structure less than \$15,000 in cost,
- 11) Uses on Cheniers, salt domes, or similar landforms,
- 12) Any other coastal uses which directly and significantly affect coastal waters, and are in need of coastal management but are not uses of state concern and which should be regulated primarily at the local level. The St. Bernard Parish Government shall have the power to add other coastal uses to this list as recommended by the Department of Safety and Permits and the Planning Commission

5.2. Upon a finding of no impact(s), the local administrator shall notify the project applicant proponent that the activity may proceed without a CUP.

5.3. Upon a finding that direct and significant impacts(s) will result from the proposed activity, the application will proceed through the permit process.

5.4. All applications shall be made on the form(s) prescribed by the Secretary, available at the St. Bernard Parish Office of Safety and Permits.

5.5. Applications may be submitted to either the local administrator or the State Administrator.

5.6. Applications must include material required by LAC Title 43 §723(C)(2), including, but not limited to, the following:

5.6.1. Maps showing actual location, size and dimensions of the real property proposed as the use site,

5.6.2. Plans showing the exact location, size, and height of the buildings or structures to be developed,

5.6.3. A list of all applications, approvals, and/or denials already made concerning the development to/by federal, state, or local agencies,

5.6.4. A description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of the proposed coastal use,

5.6.5. A description of how the projects impacts might be tracked in the future, if applicable; and

5.6.6. If the development involves dredging, a description of the type, quantity and composition of the dredged material, plats showing extent of dredge and fill, the method of dredging and disposal.

5.7. Separate applications shall be made for each unrelated, single action. Actions that are closely-related should be included in a single permit application.

5.8. If an application is found to be incomplete or inaccurate or if it is determined that additional information from the applicant is necessary to assess the application adequately, applicants may be requested to provide supplemental material.

5.8.1. Processing will be stopped pending receipt of the necessary changes or information from the applicant and the processing periods will be interrupted.

5.8.2. If the applicant fails to respond within thirty (30) days to any request or inquiry of the permitting body, the permitting body may advise the applicant that his application will be considered as having been withdrawn unless and until the applicant responds within fifteen (15) days of the receipt of the letter.

5.8.3. Upon receipt of the required changes or information a new processing period will begin.

5.8.4. Assistance and consultation will be provided to any applicant so requesting.

- 5.9. Application fees may be assessed according to a schedule prepared and posted by the local administrator.

The following procedure shall be followed in applying for a coastal use permit:

- 1) All applications shall be made on a form designated by the Department of Safety and Permits.
- 2) All applications shall be submitted to the St. Bernard Department of Safety and Permits.
- 3) All applications shall be accompanied by the following:
 - a) The application fee, shall be (1%) one percent of the proposed coastal use with a minimum fee of (\$50) Fifty Dollars and a maximum fee of (\$10,000) Ten Thousand Dollars.
 - b) Maps showing the location, size, and dimension of the real property used and access routes to be used.
 - c) Copies of all applications, approvals and/or denials made concerning the coastal use by State or Federal agencies.
 - d) A detailed description of the coastal use activity.
 - e) An acceptable surety bond of 10% of the Project Cost, but not to be less than \$10,000 to ensure adjustment, alteration or removal should the Department of Safety and Permits determine it necessary may be required.

- 5.10. Each application must also include an acceptable surety bond of \$10,000 to ensure adjustment, alteration or removal should the local administrator or the Committee determine it appropriate for compliance with this ordinance, the guidelines, and the Act.

5.10.1. The bond shall be returned to the applicant promptly when

5.10.1.1. The applicant withdraws the application,

5.10.1.2. The permit application is denied, or

5.10.1.3. The completed project has been inspected and determined to be in compliance with the terms of the permit.

5.10.2. After demonstrating repeatedly the good faith compliance with all permit terms and conditions, an applicant may request that the local administrator waive the bond requirement or reduce the amount.

5.10.3. After failure to comply with all permit terms and conditions in the most recent 90 days, the local administrator may enhance the bond requirement.

6. Permit Application Review Process. Application processing will begin when an application is accepted as complete in form by the local administrator or the state administrator. When received by the local administrator, the local administrator shall assign it a number, acknowledge its receipt, and make an initial determination of whether the proposed activity is a state or local concern in accordance with LA R.S.

49:214.25(A). Copies of all applications submitted to St. Bernard Parish's local administrator along with the local administrator's initial determination shall be submitted to the Secretary within two (2) days of receipt. This determination is subject to the review of the Secretary. The local administrator shall notify the project applicant of the initial determination and that the application has been forwarded to the Secretary.

6.1. Local Concern:

Comment [c1]: State concern moved behind Local Concern

6.1.1. Upon the determination that a permit application is a local concern either by the local administrator or as a package from the state administrator, the local administrator shall **within 10 days** make public notice of the pending local use application made in accordance with LAC 43:1,723(C)(5) and review the application for consistency with the state and local coastal zone management program guidelines. Before expiration of the applicable public comment period, the local administrator shall:

6.1.1.1. Forward copies of the local concern application to appropriate parish officials;

6.1.1.2. Solicit comment; from the local coastal program committee, committee members, and appropriate parish officials. The applicant or other agencies with expertise may be provided an opportunity to address issues raised in comments prior to the final permit decision.

6.1.1.3. Make a determination regarding the appropriateness of calling a public hearing on the proposed local use based on the same requirements noted for state concerns or at the request of the applicant or a majority of the coastal advisory committee. To be considered, the request must be received within 25 days of the official journal publication. A decision to call a public hearing shall interrupt the timeline for deciding the appropriateness of issuing or denying the permit application, however, the hearing shall be scheduled in a prudent manner. Any documents, studies or other data in the applicant's possession relevant to the proposed use must be made available to the public for review, study, and duplication at least fifteen (15) working weekdays prior to the hearing. As additional materials are developed, they must also be made available. When appropriate, the local administrator shall hold a public hearing in accordance with the St. Bernard Parish's procedures governing public hearing.

6.1.1.4. Consider and address in writing each comment received on the application in the final permit decision.

6.1.1.5. Include a short, plain statement explaining the basis for decision on each final permit decision.

6.1.1.6. Either send a draft permit to the applicant for acceptance and signature or send notice of denial to the applicant within twenty (20) working weekdays of the giving of public notice or within 15 calendar days after the closing of the record of a public hearing, if held, whichever is later and in accordance with LAC 43:1.723(C)(8).

6.2 State Concern.

6.2.1. Upon the determination that a permit application is a use of state concern, the local administrator shall review the proposed activity for consistency with their program guidelines and with the goals, objectives and policies developed for the environmental management units(s) in which the proposed activity would take place. Based on this review the local administrator shall:

6.2.1.1. Forward copies of the state concern application to appropriate parish officials,

6.2.1.2. Solicit comments from the local program committee and parish officials,

6.2.1.3. Request a public hearing when there is significant public opposition to a proposed use, or when there have been requests from legislators or local governments or other local authorities, or in controversial cases involving significant economic, social, or environmental issues.

6.2.2 The local Administrator may:

6.2.2.1. Submit comments to the State Administrator regarding the application within thirty (30) Working Weekdays from the date of the official journal publication of the notice. Note: General permits have a shorter window of review time and the local administrator should forward comments in accordance with the general permit timelines.

6.2.2.2. Assist the State Administrator in the scheduling and location of requested public hearings.

6.3. Any person may obtain a copy of the permit application and supporting documents by making a request to St. Bernard Parish Office of Safety and Permits, or its successor and providing reasonable costs of copying, postage, and handling.

6.4. An issued permit shall contain conditions described in LCA 43:1723(C)(9) and any other conditions designated by parish ordinance and by the local administrator in compliance with the St. Bernard Parish Coastal Zone Management Plan, the guidelines, and the Act.

6.4.1. The term of an issued permit shall be as follows:

6.4.1.1. **Two years** to initiate the non-continuing use from the date of issuance with **five years for completion**. The permit term for initiation may be extended for an additional two (2) years by the local administrator. The permit term for completion may not be extended.

6.4.1.2. The term of a coastal use permit for a continuing use shall be five (5) years from the date of issuance with no provisions for extension. Renewal may occur in the form of a new application.

6.4.2. Modification and suspension shall be allowed in accordance with LAC 43:1.723(D)(1) & (2).

6.5. The local administrator's decision on a permit application is evidenced by his/her signature on issued permit or on the mailing of a letter notifying the applicant of the denial. Copies of the local program administrator's decision shall be mailed to the applicant by certified mail within ten (10) working weekdays of the date the decision was made.

6.6. All decisions made pursuant to this ordinance shall be submitted for publication to the official St. Bernard Parish Journal for Publication within ten (10) working weekdays and published in the first issue of the official St. Bernard Parish Journal which follows said submission with copies sent to the Secretary.

6.7. Variances

6.7.1. A variance from the Coastal Zone Management Program may be granted when the administrator and a majority of the Committee find that:

6.7.1.1. The property proposed as the site for the project is subject to exceptional circumstances that warrant recognition and special provision; and

6.7.1.2. The granting of a variance poses no detriment to the Coastal Zone.

6.7.2. For purposes of the Coastal Zone Management Program, a permit variance shall be treated as any other permit.

6.8. Conditions and Compliance. By accepting the permit, the applicant agrees to the following:

6.8.1. To act in accordance with the plans and specifications as contained in the approved application and in any associated compensatory mitigation plan required in the permit process;

6.8.2. To comply with permit conditions imposed to ensure compliance with the Coastal Zone Management Program;

6.8.3. To adjust, alter, or remove any structure or physical alteration if the local administrator and a majority of the Committee determine such action is necessary to achieve compliance with the Coastal Zone Management Program;

6.8.4. To provide an acceptable surety bond, in an appropriate amount as posted by the local administrator, to ensure adjustment, alteration, or removal should the applicant fail to take such action when requested under 3.10;

6.8.5. To hold the state of Louisiana, St. Bernard Parish, and all officers and employees thereof harmless from any injury to persons or property resulting from actions undertaken to carry out the permit;

6.8.6. To certify that the permitted activity and any required mitigation has been completed in accord with permit or permits, upon request of the local administrator, provide certification from a licensed professional to that effect;

6.8.7. To allow reasonable inspection of the project for purposes of monitoring and compliance inspections.

6.9 Activities not requiring coastal use permit

A. The following activities shall not require a coastal use permit.

- 1) Activities occurring wholly on lands five feet above mean sea level except when the secretary of the Louisiana Department of Natural Resources finds, subject to appeal, that the particular activity would have direct and significant impact on coastal waters.
- 2) Activities occurring within fastlands except when the secretary of the Louisiana Department of Natural Resources finds, subject to appeal, that particular activity would have direct and significant impact on coastal waters.
- 3) Agricultural, forestry, and aquaculture activities on land consistently used in the past for such activities.
- 4) Hunting, fishing, trapping, and preservation of scenic, historic, and scientific areas and wildlife preserves.
- 5) Normal maintenance or repair of existing structures including emergency repairs of damage caused by accident, fire, or elements.

- 6) Construction of a residence or camp.
- 7) Construction and modification of navigational aids such as channel markers and anchor buoys.
- 8) Construction, maintenance, repair, or normal use of any dwelling, apartment complex, hotel, motel, restaurant, service station, garage, repair shop, school, hospital, church, office building, store, amusement park, sign, driveway, sidewalk, parking lot, fence, gate, or utility pole or line, when these activities occur wholly on lands five feet or more above mean sea level or on fastlands except when the secretary of DNR finds, subject to appeal, that the particular activity would have direct and significant impacts on coastal waters.
- 9) Uses which do not have a significant impact on coastal waters.

B. 1)The secretary shall adopt rules for the implementation of this section and may, by such rules, specify such other activities not requiring a coastal use permit as are consistent with the purposes of this subject.

2)Nothing in this subsection shall be construed as otherwise abrogating the lawful authority of agencies and local governments to adopt zoning laws, ordinances, or rules and regulations for those activities within the coastal area not requiring a coastal use permit and to issue licenses and permits pursuant thereto. Individual specific uses legally commenced or established prior to the effective date of the coastal use permit program shall not require a coastal use permit.

7. After-the-fact Permits

7.1 A landowner and/or responsible party shall have thirty (30) calendar days from the date of notice to make an after-the-fact permit application. After thirty (30) calendar days, the local administrator shall proceed in accordance with the terms of the enforcement section of this ordinance.

7.2 Coastal Use Permit may be issued as an after-the-fact permit under one of the following circumstances:

7.2.1. The activity taken was undertaken in response to an emergency and the St. Bernard Local Administrator was notified of the activity;

7.2.2. The activity taken was in violation of the Coastal Zone Management Program but would likely have been permitted if the applicant had applied for a permit.

7.3. An after-the-fact permit may be limited in duration at the discretion of the local administrator but shall not exceed the time allocated for issuance of similar CUPs obtained through the normal process.

7.4. An emergency after-the-fact permit must be requested within ten (10) working weekdays of the activity subject to permitting, at which time the application will proceed as any other application.

7.5. When an after-the-fact permit is issued as part of an enforcement action, additional terms and conditions may be included at the discretion of the local administrator or Committee as consideration of circumstances unique to the particular applicant including, but not limited to, posting of bonds to assure compliance and reporting requirements to monitor the project.

- 7.6. An applicant for an after-the-fact permit may be required to fulfill conditions in the permit despite completion of the activity or return the area to its pre-emergency state if the application is denied.
- 7.7. For purposes of the Coastal Zone Management Program, an after-the-fact permit shall be treated as any other permit.
- 7.8. A permit shall be suspended for noncompliance or for violation of the permit and/or this ordinance. The permittee shall be notified of the suspension by the Department of Safety and Permits or its successor and the reasons for it, and be ordered to cease all activities authorized under the coastal use permit. The notice shall advise the permittee that he will be given ten (10) working weekdays from receipt of notice to respond to the reasons given for the suspension.
- 7.9. If the permittee fails to respond, his coastal use permit shall be revoked and he shall be notified of the revocation.
- 7.10. If the permittee responds to the suspension, the Department of Safety and Permits or its successor shall reinstate, modify, or revoke the permit within ten (10) working weekdays of receipt of the response. The permittee shall be notified of the action taken.
8. Mitigation & Mitigation Requirements. Permits issued by the local administrator may recommend mitigation. Upon approval of the recommendation by the DNR, the mitigation requirement becomes an enforceable part of the permit. Mitigation shall require consideration of all relevant factors in determining the extent of mitigation, including societal and economic value of the proposed activity, ecological values impacted by the proposed activity, available methods for avoiding or minimizing the impacts associated with the proposed activity and for restoring the site impacted by the proposed activity.
 - 8.1. The local administrator shall not grant a local coastal use permit for an individual activity unless the permit authorization is conditioned to include:
 - 8.1.1. Any locations, designs, methods, practices, and techniques which may be required, following a thorough review of 43:1. Sections 701-719 to avoid and minimize those adverse impacts identified during the permit review process; and
 - 8.1.2. Any locations, designs, methods, practices and techniques which may be required, following a thorough review of 43:1. Sections 701-719 to restore impacted sites when appropriate; and
 - 8.1.3. A requirement for compensatory mitigation to offset any net loss of wetland ecological value that is anticipated to occur despite efforts to avoid, minimize and restore permitted/authorized impacts unless a variance is granted pursuant to LAC 43:1.724.K
 - 8.2. Net gains and unavoidable net losses of ecological value shall be quantified as cumulative habitat units (CHUs) or average annual habitat units (AAHUs) whichever is most appropriate for the given situation and in accordance with LAC 43:1.724(C).
 - 8.3. If the local administrator determines that a proposed activity would not result in a net loss of wetland ecological values, the local administrator shall not require compensatory mitigation.
 - 8.4. When compensatory mitigation is required the local administrators may assess compensatory mitigation processing fees in accordance with schedules provided in LAC 43:1.724(D)1

- 8.5. When compensatory mitigation is required the local parish processing timelines prescribed in the permit application process may be halted in order that mitigation requirements be determined and, if necessary permitted. Permitted activities shall not be authorized until appropriate mitigation plans are approved and accepted by the local administrator.
- 8.6. Compensatory mitigation shall be accomplished through one or more of the following compensatory mitigation options:
 - 8.6.1. Use or acquisition of an appropriate type and quantity of mitigation credits from a state approved mitigation bank or area; or
 - 8.6.2. Use or acquisition of an appropriate type and quantity of mitigation credits from an approved mitigation project approved by the secretary pursuant to LAC 43:1.724(H); or
 - 8.6.3. Monetary contribution to the Louisiana Wetland Conservation and Restoration Fund, pursuant to LAC 43:1.724.I when the proposed use impacts five acres or less; or
 - 8.6.4. When the proposed use impacts five acres or less, pursuant to LAC 43:1.724.I and subject to the approval of the Secretary.
- 8.7. Pursuant to LCA 43:1.724K, a permit applicant may file a request for a variance from mitigation requirement where mitigation would render the proposed activity impracticable. The variance request must be filed in writing and include the following:
 - 8.7.1. A statement explaining why the proposed compensatory mitigation requirement was impracticable; and
 - 8.7.2. Statement demonstrating that the proposed activity has a clearly overriding public interest.
- 8.8. In selecting compensatory mitigation, the local administrator must recognize that the owner of the land on which a permitted activity is to occur shall have the option of requiring on-site or off-site compensatory mitigation on his property, notwithstanding any geographical limitation otherwise required. This preference is, however, subject to the best professional judgment of the local administrator in determining the extent and practicality of compensatory mitigation. In the evaluation to determine appropriate compensatory mitigation at a level sufficient to replace or to substitute for the ecological value of the wetlands lost as a result of each permitted activity, the local administrator shall:
 - 8.8.1. Consider the recommendations and comments of those state and federal agencies which demonstrate an interest during the permit processing to participate in the selection of appropriate compensatory mitigation.
 - 8.8.2. Ensure that the selected compensatory mitigation, in order of priority, is sufficient, properly located, and accomplishes the most desirable available and practical option.
- 8.9. To be considered properly located the compensatory mitigation must be selected according to the following prioritized criteria:
 - 8.9.1. It must have an anticipated positive impact on the ecological value of the Louisiana Coastal Zone.
 - 8.9.2. Should be on-site if appropriate and available
 - 8.9.3. Should be located on the affected landowner's property if appropriate and available

8.9.4. Shall be located within the same hydrologic basin as the proposed impact, unless no feasible alternatives for compensatory mitigation exists in that basin, and

8.9.5. Shall, in order of preference be located within the same habitat type as the proposed impact, or produce ecological values which would be similar to those lost, or contribute to the overall wetland health of the hydrologic basin

8.10. Provisions on mitigation shall be read and be construed as a whole and in accord with applicable state regulations, LAC Title 43, Part I, Chapter 7, §724, which designate the Secretary as the authority responsible for all decisions respecting mitigation pursuant to L.R.S.49:214.41(B). Therefore mitigation requirements shall be designed to meet minimum state standards and reporting requirements.

9. Appeals

9.1. Any person adversely affected by a permit decision, any landowner in, or resident of St. Bernard Parish and any government authority may request an administrative appeal of the local administrator's decision by filing a written notice with the St. Bernard Parish Chief Administrative Officer within ten (10) working weekdays from Public Notice date of the decision.

9.2. A copy of the notice shall be provided to all parties of record and to the local administrator by the party requesting any appeal.

9.3. The local administrator shall provide a complete copy of the permit record to the applicant and to the appellant (if not the same) within ten (10) working weekdays of the filing of the written notice of appeal. Copies shall be prepared and presented to the review panel at least three (3) working weekdays prior to the hearing of the appeal.

9.4. The written filing shall present grounds for reconsideration consistent with those provided by LA R.S. 49:214.35(B).

9.5. Reconsideration shall be limited to those grounds upon which the permit decision was granted except where fraud, perjured testimony or fictitious evidence are alleged and then proven. New evidence pertinent to the key issues upon which the permit decision was based that may not have been discovered before or during the application review process by using due diligence, or

9.6. The local administrator shall schedule a hearing of the appeal within twenty days (20) working weekdays of receiving a proper request for an appeal and convene a review panel.

9.6.1 Notice

9.6.1.1. The local administrator shall promptly send each party of record the date, time, and location of the appeal by registered mail.

9.6.1.2. The local administrator shall publish the date, time, and location of any public appeal in the parish's official journal.

9.6.1.3 The local administrator shall require the appellant to post notification of the upcoming appeal on the proposed site of the activity at issue.

9.6.2. Review Panel

9.6.2.1. The appeals panel hearing appeals of permit decisions on applications for a local CUP in St. Bernard Parish shall be composed of three, unbiased members as follows:

9.6.2.1.1. The Parish President

9.6.2.1.2. A designated administrator from another parish program chosen by the St. Bernard Parish's Chief Administrative Officer and

9.6.2.1.3 A designated representative of the local program advisory committee who shall serve as chair of the panel.

9.6.2.2. Each member of the appeals panel has an equal vote and decisions shall be determined by majority rule.

9.7. The appeals panel shall issue a decision and state the reason or basis for its decision. This statement should be sufficient enough to enable a court to evaluate the rationale and fundamental facts underlying the decision.

9.8. The local administrator shall provide a verbatim transcript of the testimony at the appeal hearing. This transcript along with exhibits and documents introduced shall constitute the record.

9.9. The standard for review of the local administrator's decision by the appeals panel is whether the decision on the permit application was supported by substantial evidence, as defined in state law. See LRS 49:964.

9.10. Nothing in this provision shall impede other authorized means for review. The local administrator shall advise the appellant of the availability of an appeal to the Secretary. The appellant should be encouraged to file an appeal with the Secretary to preserve rights in the process described in LA R.S. 214.35 which could, at the discretion of the Secretary run simultaneous to the local appeals process.

9.11. Judicial review of the appeals panel's decision shall be based on the substantial evidence standard, as defined by state law. See L.R.S 49:964.

9.12. The local administrator may establish a fee system to cover administrative costs associated with implementing the appeals process, including, but not limited to, reasonable charges for copies and postage.

10. Enforcement

10.1. Each violation of an individually named condition of a permit or order and each day a violation continues constitutes a separate violation. A minimum fine of \$100.00 up to a maximum of \$500.00 plus attorney and collection fees, per offense violation per day may be assessed by the St. Bernard Parish local administrator, subject to the approval of the St. Bernard Parish coastal advisory committee. Such fines will be in addition to fines imposed by other governmental agencies. Monetary proceeds from such fines will be placed into the St. Bernard Parish's General fund.

10.2. Enforcement may be initiated in any of three ways:

10.2.1. Investigation and monitoring as a matter of course under 49:214.36(A);

10.2.2. Referrals from other agencies; or

10.2.3. Complaints from individuals or groups.

10.3. Investigation and Monitoring. Every effort is made to use the investigation and monitoring to correct deficiencies in site compliance whenever possible.

10.3.1. The inspection shall include a routine check-list, examination of specialized provisions in the permit, photographs, and notes or other documentation developed during the permit process.

10.3.2. During the course of inspections and monitoring, should the local administrator discover an activity which directly impacts coastal waters, a determination must be made as to whether the activity is a state or local use and whether the activity has been permitted.

10.3.2.1. If the activity is a state concern, state and federal agencies shall be notified to handle the violation including, but not limited to contacting the State Administrator and local Department of Natural Resources field investigator.

10.3.2.2. If the activity is a non-permitted local concern, the local administrator shall prepare and send a letter of warning as described below and revert to the guidelines provided in the After-the-fact section of this ordinance.

10.3.2.3. If the activity is a non-compliance issue related to a local concern, the local administrator shall prepare and send a letter of warning as described below. Should compliance fail to be achieved or if the inspecting official deems a violation serious enough to warrant enforcement -- considering the gravity of the violation and the actor's compliance history -- the violation may be deemed either non-compliance or significant non-compliance.

10.3.2.3.1. Significant non-compliance exists when the violation poses an imminent threat to the public welfare, is egregious in nature or results from action by a person that has been in violation of the Coastal Management Program within the preceding one (1) year(s); in these instances, a cease and desist order shall be issued promptly by the local administrator.

10.3.2.3.2. Non-compliance exists when the violation is of a minor nature or can be remedied without significant hardship; in these instances, a letter of warning shall be issued promptly by the local administrator.

10.3.3. A letter of warning describes the observations of the inspector, identifies the corrective actions that may be taken to come into compliance, provides a date by which the actions must be made, identifies the provisions of the Coastal Zone Management Program in violation and is signed by the inspector. A letter of warning must be sent by certified mail to the permit applicant and/or the record owner of the property when no permit exists.

10.3.4 The inspector shall investigate the response. After examining the timeliness, completeness, documents, and any meetings or interviews necessary, the inspector determines whether or not compliance has been achieved.

10.3.5 The local administrator shall notify the state administrator, and appropriate federal and state agencies of any and all enforcement actions.

10.4. Referrals from other agency officials

10.4.1. After receiving a referral of notice of a possible violation from a federal, state, local official the local administrator shall promptly take whatever investigatory actions are necessary in order to ascertain whether or not a violation does in fact exist.

10.4.2 During the course of investigation, if the local administrator discovers that the activity might directly impact coastal waters, a determination must be made as to whether the activity is a state or local use and whether the activity has been permitted.

10.4.2.1 If the activity is a state concern, state and federal agencies shall be notified to handle the violation including, but not limited to contacting the State Administrator and local Department of Natural Resources field investigator.

10.4.2.2 If the activity is a non-permitted local concern, the local administrator shall prepare and send a letter of warning as described below and revert to the guidelines provided in the After-the-fact section of this ordinance.

10.4.2.3 If the activity is a non-compliance issue related to a local concern, the local administrator shall prepare and send a letter of warning as described below. Should compliance fail to be achieved or if the inspecting official deems a violation serious enough to warrant enforcement -- considering the gravity of the violation and the actor's compliance history -- the violation may be deemed either non-compliance or significant non-compliance.

10.4.3 When a violation does not exist, the local administrator shall inform the agency official who made the referral of such in writing.

10.4.4 If the inspecting official deems a violation serious enough to warrant enforcement considering the gravity of the violation and the actor's compliance history, the violation may be deemed either non-compliance or significant non-compliance.

10.4.4.1 Significant non-compliance exists when the violation poses an imminent threat to the public welfare, is egregious in nature or results from action by a person that has been in violation of the Coastal Management Program within the preceding one (1) year(s); in these instances, a cease and desist order shall be issued promptly by the local administrator.

10.4.4.2 Non-compliance exists when the violation is of a minor nature or can be remedied without significant hardship; in these instances, a letter of warning shall be issued promptly by the local administrator.

10.4.5. A letter of warning describes the observations of the inspector, identifies the corrective actions that may be taken to come into compliance, provides a date by which the actions must be made, identifies the provisions of the Coastal Zone Management Program in violation, and is signed by the inspector. A letter of warning must be sent by certified mail to the permit applicant or record owner of the property when no permit exists.

10.4.6. The inspector shall investigate the response to any notice of violation. After examining the timeliness, completeness, documents, and any meetings or interviews necessary, the inspector determines whether or not compliance exists.

10.4.7. The local administrator shall notify the state administrator and appropriate federal and state agencies of any and all action warranted regarding the referral

10.5. Complaints from concerned citizens or other group

10.5.1. After receiving a referral of notice of a possible violation from a concerned citizen or other group the local administrator shall promptly take whatever investigatory actions are necessary in order to ascertain whether or not a violation does in fact exist.

10.5.2. During the course of investigation, if the local administrator discovers that the activity might directly impact coastal waters, a determination must be made as to whether the activity is a state or local use and whether the activity has been permitted.

10.5.2.1. If the activity is a state concern, state and federal agencies shall be notified to handle the violation including, but not limited to contacting the State Administrator and local Department of Natural Resources field investigator.

10.5.2.2. If the activity is a non-permitted local concern, the local administrator shall prepare and send a letter of warning as described below and revert to the guidelines provided in the After-the-fact section of this ordinance.

10.5.2.3. If the activity is a non-compliance issue related to a local concern, the local administrator shall prepare and send a letter of warning as described below. Should compliance fail to be achieved or if the inspecting official deems a violation serious enough to warrant enforcement; considering the gravity of the violation and the actor's compliance history, the violation may be deemed either non-compliance or significant non-compliance.

10.5.2.4. Significant non-compliance exists when the violation poses an imminent threat to the public welfare, is egregious in nature or results from action by a person that has been in violation of the Coastal Management Program within the preceding one (1) year(s); in these instances, a cease and desist order shall be issued promptly by the local administrator.

10.5.2.5 Non-compliance exists when the violation is of a minor nature or can be remedied without significant hardship; in these instances, a letter of warning shall be issued promptly by the local administrator.

10.5.3 A letter of warning describes the observations of the inspector, identifies the corrective actions that may be taken to come into compliance, provides a date by which the actions must be made, identifies the provisions of the Coastal Zone Management Program in violation, and is signed by the inspector. A letter of warning must be sent by certified mail to the permit applicant or record owner of the property when no permit exists.

10.5.4 The inspector shall investigate the response. After examining the timeliness, completeness, documents, and any meetings or interviews necessary, the inspector determines whether or not compliance exists.

10.5.5 The local administrator shall notify the state administrator, appropriate federal and state agencies along with the concerned citizen or other group that made the complaint of any and all action warranted regarding the referral.

10.6. When compliance does not exist, the local administrator shall issue a cease and desist order and may assess any and all appropriate fines. If a cease and desist order has already been issued, the local administrator may suspend, revoke, or modify a coastal use permit or bring injunctive, declaratory or other actions necessary to enforce the ordinance.

10.7. In addition to any other information required by St. Bernard Parish or State Law, a cease and desist order shall contain the following:

10.7.1. A concise statement of the facts alleged to constitute a violation;

10.7.2. A statement of the amount of the potential penalties for violating the cease and desist order;

10.7.3. A copy of the regulation, permit, order, statute or other legal provision applicable;

10.7.4. Information enabling the recipient to contact the local administrator; and

10.7.5. Information on how the recipient may obtain a hearing to contest the cease and desist order.

10.8. A recipient of a cease and desist order may challenge the validity of the order in the St. Bernard Parish District Court.

10.9. To perform the duties required under this ordinance, St. Bernard Parish Personnel may enter upon any land and make examinations in accord with L. R. S. 49:214.36 (A) and 32.4.7 of this ordinance, provided that

10.9.1. A warrant is obtained, or

10.9.2. The examinations do not interfere with the use of the land by its owners or possessors; and

10.9.3. Prior to inspection the owner or possessor of the land is informed that an inspection is to take place and allowed to accompany the inspector if they so desire.

10.10 Consequences for violating the Coastal Zone Management Program are set forth in L.R.S. 49:214.36 (E)-(N).

10.11 Pursuit of remedies and enforcement actions taken under this ordinance in no way precludes seeking any other applicable remedy or enforcement action available.

The above and foregoing having been submitted to a vote, the vote thereupon resulted as follows:

YEAS: Madary, Hoffmeister, Henderson, Dean and Taffaro.

NAYS: None.

ABSENT: Melerine.

The Chairman, Mr. Di Fatta, cast his vote as **YEA**.

And the motion was declared **adopted** on the 1st day of February, 2005.

/s/POLLY BOUDREAUX
CLERK OF COUNCIL

/s/JOSEPH S. DI FATTA
COUNCIL CHAIRMAN

Delivered to the Parish President

_____ Date and Time

Approved _____

Vetoed _____

Parish President

_____ Henry J. Rodriguez, Jr.

Returned to Clerk of the Council

_____ Date and Time

Received by _____

EXTRACT OF THE OFFICIAL PROCEEDINGS OF THE COUNCIL OF THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING HELD IN THE COUNCIL CHAMBERS OF ST. BERNARD PARISH GOVERNMENT BUILDING, 8201 WEST JUDGE PEREZ DRIVE CHALMETTE, LOUISIANA ON TUESDAY, FEBRUARY 15, 2005 AT SEVEN O'CLOCK P.M.

On motion of Mr. Dean, seconded by Mr. Henderson, it was moved to **adopt** the following ordinance:

ORDINANCE SBPC #608-02-05

Summary No. 1830

Introduced by: Administration on 11/3/04
Public Hearing held November 16, 2004
Planning Commission recommended DENIAL on 12-14-04
Staff recommended APPROVAL

AN ORDINANCE TO APPROVE DOCKET 14-04, PETITION OF ZAKIRUNNISA BEGUM KHAN, WIFE OF/AND KHAJA ABDUL KHADER KHAN, FOR A CONDITIONAL USE TO ALLOW FOR THE CONSTRUCTION OF A "MULTI-FAMILY RESIDENTIAL" STRUCTURE ON A "SUB-STANDARD SIZED LOT"

WHEREAS, Docket 14-04, petition of Zakirunnisa Begum Khan, wife of/and Khaja Abdul Khader Khan, are requesting a "Conditional Use" to allow for the construction of a "Multi-Family Residential" structure on a "Sub-Standard Sized Lot;" and

WHEREAS, all procedures requisite for a re-zoning classification have been satisfied by the Department of Community Development and the St. Bernard Parish Planning Commission.

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN

SECTION I. That approval for a "Conditional Use" is hereby granted to allow for the construction of a "Multi-Family Residential" structure on a "Sub-Standard Sized Lot" following described property:

A certain portion of ground designated as Lot 193-D1 in Angelique Estates Subdivision (2612 Angelique Drive) located in the Parish of St. Bernard, State of Louisiana, as shown on plan of re-subdivision and surveys of Eugene I. Estopinal, C.E., dated July 29, 1983.

(Errors, omissions and conflicts in survey excepted)

SECTION II. Effective Date. This ordinance shall become effective thirty (30) calendar days after publication by the Parish Council. In the event of a presidential veto this ordinance shall become effective upon a two thirds favorable vote of the total membership of the Council pursuant to Section 2-11 and 2-13 of the St. Bernard Parish Home Rule Charter.

SECTION III. Severability. If any section, clause, paragraph, provision or portion of this ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, paragraph, provision or portion of this ordinance, the St. Bernard Parish Council hereby expresses and declares that it would have adopted the remaining portion of this Ordinance with the invalid portions omitted.

The above and foregoing having been submitted to a vote, the vote thereupon resulted as follows:

YEAS: Henderson, Dean and Melerine.

NAYS: Madary, Hoffmeister and Taffaro.

ABSENT: None.

The Chairman, Mr. Di Fatta, cast his vote as **YEA**.

And the motion was declared **adopted** on the 15th day of February, 2005.

POLLY BOUDREAUX
CLERK OF COUNCIL

JOSEPH S. DI FATTA
COUNCIL CHAIRMAN

Delivered to the Parish President

Date and Time

Approved _____

Vetoed _____

Parish President

Henry J. Rodriguez, Jr.

Returned to Clerk of the Council

Date and Time

Received by _____

EXTRACT OF THE OFFICIAL PROCEEDINGS OF THE COUNCIL OF THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING HELD IN THE COUNCIL CHAMBERS OF ST. BERNARD PARISH GOVERNMENT BUILDING, 8201 WEST JUDGE PEREZ DRIVE CHALMETTE, LOUISIANA ON TUESDAY, FEBRUARY 15, 2005 AT SEVEN O'CLOCK P.M.

On motion of Mr. Dean, seconded by Mr. Melerine, it was moved to **adopt** the following ordinance:

ORDINANCE SBPC #609-02-05

Summary No. 1831

Introduced by: Administration on 11/3/04

Public Hearing held November 16, 2004

Planning Commission recommended DENIAL on 12-14-04

Staff recommended APPROVAL

AN ORDINANCE TO APPROVE DOCKET 15-04, PETITION OF ZAKIRUNNISA BEGUM KHAN, WIFE OF/AND KHAJA ABDUL KHADER KHAN, FOR A CONDITIONAL USE TO ALLOW FOR THE CONSTRUCTION OF A "MULTI-FAMILY RESIDENTIAL" STRUCTURE ON A "SUB-STANDARD SIZED LOT"

WHEREAS, Docket 15-04, petition of Zakirunnisa Begum Khan, wife of/and Khaja Abdul Khader Khan, are requesting a "Conditional Use" to allow for the construction of a "Multi-Family Residential" structure on a "Sub-Standard Sized Lot;" and

WHEREAS, all procedures requisite for a re-zoning classification have been satisfied by the Department of Community Development and the St. Bernard Parish Planning Commission.

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN

SECTION I. That approval for a "Conditional Use" is hereby granted to allow for the construction of a "Multi-Family Residential" structure on a "Sub-Standard Sized Lot" following described property:

A certain portion of ground designated as Lot 193-E1 in Angelique Estates Subdivision (2608 Angelique Drive) located in the Parish of St. Bernard, State of Louisiana, as shown on plan of re-subdivision and surveys of Eugene I. Estopinal, C.E., dated November 11, 1982.

(Errors, omissions and conflicts in survey excepted)

SECTION II. Effective Date. This ordinance shall become effective thirty (30) calendar days after publication by the Parish Council. In the event of a presidential veto this ordinance shall become effective upon a two thirds favorable vote of the total membership of the Council pursuant to Section 2-11 and 2-13 of the St. Bernard Parish Home Rule Charter.

SECTION III. Severability. If any section, clause, paragraph, provision or portion of this ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, paragraph, provision or portion of this ordinance, the St. Bernard Parish Council hereby expresses and declares that it would have adopted the remaining portion of this Ordinance with the invalid portions omitted.

The above and foregoing having been submitted to a vote, the vote thereupon resulted as follows:

YEAS: Henderson, Dean and Melerine.

NAYS: Madary, Hoffmeister, and Taffaro.

ABSENT: None.

The Chairman, Mr. Di Fatta, cast his vote as **YEA**.

And the motion was declared **adopted** on the 15th day of February, 2005.

POLLY BOUDREAUX
CLERK OF COUNCIL

JOSEPH S. DI FATTA
COUNCIL CHAIRMAN

Delivered to the Parish President

Date and Time

Approved _____

Vetoed _____

Parish President

Henry J. Rodriguez, Jr.

Returned to Clerk of the Council

Date and Time

Received by _____

EXTRACT OF THE OFFICIAL PROCEEDINGS OF THE COUNCIL OF THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING HELD IN THE COUNCIL CHAMBERS OF ST. BERNARD PARISH GOVERNMENT BUILDING, 8201 WEST JUDGE PEREZ DRIVE CHALMETTE, LOUISIANA ON TUESDAY, MARCH 1, 2005 AT ELEVEN O'CLOCK A.M.

On motion of Mr. Henderson, seconded by Mr. Taffaro, it was moved to **adopt** the following ordinance:

ORDINANCE SBPC #610-03-05

Summary No. 1838

Introduced by: Administration

AN ORDINANCE APPROVING AND AUTHORIZING THE PARISH PRESIDENT TO EXECUTE A LEASE BY AND BETWEEN THE ST. BERNARD PARISH GOVERNMENT AND CONGRESSMAN CHARLES MELANCON

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

SECTION I. That St. Bernard Parish Council does hereby approve and authorize the Parish President to executive a lease agreement, Exhibit A, attached hereto and becomes a part hereof, by and between the St. Bernard Parish Government and Congressman Charles Melancon for office space in the St. Bernard Parish Government Complex Building, 8201 West Judge Perez Drive, Chalmette, St. Bernard Parish, LA, for the period January 1, 2005 through January 1, 2007.

SECTION II. Effective Date. This ordinance shall become effective thirty (30) calendar days after publication by the Parish Council. In the event of a presidential veto this ordinance shall become effective upon a two thirds favorable vote of the total membership of the Council pursuant to Section 2-11 and 2-13 of the St. Bernard Parish Home Rule Charter.

SECTION III. Severability. If any section, clause, paragraph, provision or portion of this ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, paragraph, provision or portion of this ordinance, the St. Bernard Parish Council hereby expresses and declares that it would have adopted the remaining portion of this Ordinance with the invalid portions omitted.

The above and foregoing having been submitted to a vote, the vote thereupon resulted as follows:

YEAS: Madary, Hoffmeister, Henderson, Dean, Taffaro and Melerine.

NAYS: None.

ABSENT: None.

The Chairman, Mr. Di Fatta, cast his vote as **YEA**.

And the motion was declared **adopted** on the 1st day of March, 2005.

POLLY BOUDREAUX
CLERK OF COUNCIL

JOSEPH S. DI FATTA
COUNCIL CHAIRMAN

Delivered to the Parish President

Date and Time

Approved _____

Vetoed _____

Parish President

Henry J. Rodriguez, Jr.

Returned to Clerk of the Council

Date and Time

Received by

EXTRACT OF THE OFFICIAL PROCEEDINGS OF THE COUNCIL OF THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING HELD IN THE COUNCIL CHAMBERS OF ST. BERNARD PARISH GOVERNMENT BUILDING, 8201 WEST JUDGE PEREZ DRIVE CHALMETTE, LOUISIANA ON TUESDAY, MARCH 15, 2005 AT SEVEN O'CLOCK P.M.

On motion of Mr. Dean, seconded by Mr. Di Fatta, it was moved to **adopt** the following ordinance:

ORDINANCE SBPC #611-03-05

Summary No. 1837

Introduced by: Administration on 1-18-05

Public Hearing held March 22, 2005

Planning Commission recommended CONDITIONAL APPROVAL on 2-22-05

Director, Department of Community Development recommended APPROVAL

AN ORDINANCE TO APPROVE DOCKET 1-05, PETITION OF DION A. DEGRADO WHO IS REQUESTING A "CONDITIONAL USE" TO ALLOW FOR THE CONSTRUCTION OF A "TWO-FAMILY DWELLING" ON A "SUB-STANDARD SIZED LOT.

WHEREAS, Docket 1-05, petition of Dion A. Degrado is requesting a "Conditional Use" to allow for the construction of a "Two-Family Dwelling" structure on a "Sub-Standard Sized Lot;" and

WHEREAS, all procedures requisite for a re-zoning classification have been satisfied by the Department of Community Development and the St. Bernard Parish Planning Commission.

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN

SECTION I. That approval for a "Conditional Use" is hereby granted to allow for the construction of a "Two-Family Dwelling" structure on a "Sub-Standard Sized Lot" following described property:

A certain portion of ground designated as Lot 11, Square 164, Versailles Subdivision (3308 Delambert Drive) located in the Parish of St. Bernard, State of Louisiana, as shown on survey of Stephen V. Estopinal, C.E., dated October 13, 2004.

(Errors, omissions and conflicts in survey excepted)

SECTION II. Effective Date. This ordinance shall become effective thirty (30) calendar days after publication by the Parish Council. In the event of a presidential veto this ordinance shall become effective upon a two thirds favorable vote of the total membership of the Council pursuant to Section 2-11 and 2-13 of the St. Bernard Parish Home Rule Charter.

SECTION III. Severability. If any section, clause, paragraph, provision or portion of this ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, paragraph, provision or portion of this ordinance, the St. Bernard Parish Council hereby expresses and declares that it would have adopted the remaining portion of this Ordinance with the invalid portions omitted.

The above and foregoing having been submitted to a vote, the vote thereupon resulted as follows:

YEAS: Henderson, Dean and Melerine.

NAYS: Madary, Hoffmeister and Taffaro.

ABSENT: None.

The Chairman, Mr. Di Fatta, cast his vote as **YEA**.

And the motion was declared **adopted** on the 15th day of March, 2005.

POLLY BOUDREAUX
CLERK OF COUNCIL

JOSEPH S. DI FATTA
COUNCIL CHAIRMAN

Delivered to the Parish President

Date and Time

Approved _____

Vetoed _____

Parish President

Henry J. Rodriguez, Jr.

Returned to Clerk of the Council

Date and Time

Received by _____

EXTRACT OF THE OFFICIAL PROCEEDINGS OF THE COUNCIL OF THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING HELD IN THE COUNCIL CHAMBERS OF ST. BERNARD PARISH GOVERNMENT BUILDING, 8201 WEST JUDGE PEREZ DRIVE CHALMETTE, LOUISIANA ON TUESDAY, APRIL 5, 2005 AT ELEVEN O'CLOCK A.M.

On motion of Mr. Madary, seconded by Mr. Taffaro, it was moved to **adopt** the following ordinance:

ORDINANCE SBPC #612-04-05

Summary No. 1839

Introduced by: Mark Madary, Councilman District A on 2-1-05

Public Hearing held March 15, 2005

AN ORDINANCE TO AMEND SECTION 13-101, ELECTRONIC AMUSEMENT VIDEO GAMES OF THE ST. BERNARD PARISH CODE OF ORDINANCES.

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

CODE: Underlined language to be added

SECTION I. That Section 13-101 of the St. Bernard Parish Code of Ordinances is hereby amended as follows:

Sec. 13-101. Electronic amusement video games

- (a) Pursuant to LA Revised Statutes 33:4862.14, video draw poker devices licensed by the State of Louisiana pursuant to Part V-B of Title 33 of the Louisiana Revised Statutes (Section 33.4862.1 et seq.) and located in St. Bernard Parish are hereby defined as electronic amusement video games and thereby subject to an annual occupational license tax of fifty (\$50.00) dollars per machine.
- (b) Effective January 1, 2005, all video poker occupational license fees distributed by the St. Bernard Parish Sheriff's Office to St. Bernard Parish Government shall be solely dedicated to the St. Bernard Parish Recreation Department for the purchase of permanent playground equipment and improvements to playground equipment.

SECTION II. Effective Date. This ordinance shall become effective thirty (30) calendar days after publication by the Parish Council. In the event of a presidential veto this ordinance shall become effective upon a two thirds favorable vote of the total membership of the Council pursuant to Section 2-11 and 2-13 of the St. Bernard Parish Home Rule Charter.

SECTION III. Severability. If any section, clause, paragraph, provision or portion of this ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, paragraph, provision or portion of this ordinance, the St. Bernard Parish Council hereby expresses and declares that it would have adopted the remaining portion of this Ordinance with the invalid portions omitted.

The above and foregoing having been submitted to a vote, the vote thereupon resulted as follows:

YEAS: Madary, Hoffmeister, Henderson, Taffaro and Melerine.

NAYS: Dean.

ABSENT: None.

The Chairman, Mr. Di Fatta, cast his vote as **YEA**.

And the motion was declared **adopted** on the 5th day of April, 2005.

POLLY BOUDREAUX
CLERK OF COUNCIL

JOSEPH S. DI FATTA
COUNCIL CHAIRMAN

Delivered to the Parish President

Date and Time

Approved _____

Vetoed _____

Parish President

Henry J. Rodriguez, Jr.

Returned to Clerk of the Council

Date and Time

Received by _____

EXTRACT OF THE OFFICIAL PROCEEDINGS OF THE COUNCIL OF THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING HELD IN THE COUNCIL CHAMBERS OF ST. BERNARD PARISH GOVERNMENT BUILDING, 8201 WEST JUDGE PEREZ DRIVE CHALMETTE, LOUISIANA ON TUESDAY, APRIL 5, 2005 AT ELEVEN O'CLOCK A.M.

On motion of Mr. Madary, seconded by Mr. Taffaro, it was moved to **adopt** the following ordinance:

ORDINANCE SBPC #613-04-05

Summary No. 1841

Introduced by: Administration on 3-1-05

Public Hearing held March 15, 2005

AN ORDINANCE TO AMEND CHAPTER 19, STREETS AND OTHER PUBLIC WAYS, OF THE ST. BERNARD PARISH CODE OF ORDINANCES, BY REPLACING SECTION 19-1, EXCAVATIONS, ETC. NOTICE REQUIRED

THE ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN

SECTION 1. That Section 19-1 of the St. Bernard Parish Code of Ordinances is hereby amended as follows:

Section 19-1 Excavations, etc; notice required.

It shall be unlawful for any person, firm or corporation, utility (public or private) to tunnel under, to make any excavation, or trench in any street, right of way, alley, sidewalk or other public place in the parish or to install any pipes, utility poles, wires, cables or other structures within the public right of way without obtaining a Project Permit from the Department of Public Works in accordance with the following conditions:

FIRST: That, the rights and privileges granted herein shall be nonexclusive and shall not be construed to be any broader than those expressly set out in Acts of the Legislature of the State of Louisiana, and the Code of Ordinances of the St. Bernard Parish regardless of the language used in this permit and that any fixtures or appurtenances placed on or in the parish right-of-way shall be placed in accordance with existing laws and the standards of the Department of Public Works and the LADOTD

SECOND: That, all fixtures and appurtenances thereto, after having been erected, shall at all times be subject to inspection and the right is reserved to require such changes, additions, repairs, relocations and removal as may at anytime be considered necessary to permit the relocation, reconstruction, widening and maintaining of the roadway and to provide proper and safe protection to life and property on or adjacent to the roadway, or in the interest of safety to traffic on the roadway and that the cost of making such changes, additions, repairs and relocations shall be borne by the applicant, and that all of the cost of the work to be accomplished under this permit shall be borne by the permittee who agrees to hold the Department Of Public Works harmless therefor.

- THIRD: That, the proposed facilities or their operation or their maintenance shall not unreasonably interfere with the facilities or the operation or maintenance of the facilities of other persons, firms or corporation previously issued permits of use and occupancy, and the proposed facilities shall not be dangerous to persons or property using or occupying the roadway or using facilities constructed under previously granted permits of use and occupancy, and that the Department's records of prior permits are available, it being the duty of the applicant to determine the existence and location of all facilities within the roadway right of way.
- FOURTH: That, installations within the roadway right-of-way shall be in accordance with applicable provisions contained in the following: LA DOTD Standards Manual for Accommodating Utilities, Driveways and Other Facilities on Highway Rights of Way, AASHTO Guide for Accommodating Utilities within Highway Right of Way, Federal Aid Highway Program Manual 6-6-3-2, National Electrical Safety Code C2, ANSI/ASME B31 Code US-D.O.T. Title 49, and American Water Works Association Specifications. Those facilities not included in the above mentioned documents shall be in accordance with accepted practice. Where standards of the Department exceed those of the above-cited codes, the standard of the Department shall apply. The Department reserves the right to modify its policies as may be required if conditions warrant.
- FIFTH: That, data relative to the proposed location, relocation and design of fixtures or appurtenances as may be required by the Department shall be furnished to the Department by the applicant free of cost, and that the applicant shall make any and all changes or additions necessary to make the proposed fixtures and appurtenances thereto satisfactory to the Department.
- SIXTH: That, cutting and trimming of trees, shrubs, etc. shall be in accordance with the Parish ordinances and the LA DOTD's EDSM IV.2.1.6, as revised.
- SEVENTH: When and so long as the facilities involved in this permit are used in interstate commerce, this permit is conditioned on there being in force a certificate of convenience and necessity issued by the Federal Power Commission, or such other Federal Agency as may be so authorized by Congress to the applicant and upon the applicant's compliance with all the terms of such certificate and the orders issued in connection therewith.
- EIGHTH: That, the applicant agrees to defend, indemnify and hold harmless the Department and its duly appointed agents and employees from and against any and all claims, suits, liabilities, losses, damages, costs or expenses, including attorney's fees sustained by reason of the exercise of this permit, whether or not the same may have been caused by negligence of the Department, its agents or employees, provided, however, that the provisions of this last clause (whether or not the same may have been caused by the negligence of the Department, its agents or employees) shall not apply to any personal injury or property damage caused by the sole negligence of the Department, its agents or employees, unless such sole negligence shall consist or shall have consisted entirely and only of negligence in the granting of a project permit or project permits.
- NINTH: That, the applicant is the owner of the facility for which a permit is requested and is responsible for maintenance of said facility; and any permit granted by the Department is granted only insofar as the Department had the power and right to grant the same.

- TENTH: That, any permit granted by the department is subject to revocation at any time.
- ELEVENTH: That, signing for warning and protection of traffic in instances where excavations are made in the shoulder of the roadway, or in the roadway surfacing, or where workmen, equipment or materials are in close proximity to the roadway surfacing shall be in accordance with requirements contained in the Manual on Uniform Traffic Control Devices. Insofar, as is possible, no vehicle, equipment and/or materials shall operate from, or be parked stored or stock piled on any roadway in an area extending from the outer edge of the shoulder of the roadway on one side to the outer edge of the shoulder of the roadway on the opposite side or in the median of any divided roadway Under no circumstances shall such vehicles, equipment, materials, etc... be left within this area of a roadway during hours of darkness.
- TWELVTH: That, all provisions and standards contained herein relative to the installation of utilities shall apply to future operation, service and maintenance of utilities.
- THIRTEENTH: That, drainage in roadway side and cross ditches must be maintained at all times. The entire roadway right of way affected by work under a permit must be restored to as good a condition as existed prior to beginning work to the complete satisfaction of the Director of the Department of Public Works.
- FOURTEENTH: Any non-metallic or non-conductive underground facility must be installed with a non-corrosive metallic wire or tape placed directly over and on the center of the facility for its entire length within highway right-of-way. Wire or tape must be connected to all fixtures and appurtenance. Installation of PVC and polyethylene pipe shall be in accordance with the LADOTD'S EDMS IV2.1.9 and/or LA DOTD Standards Manual for Accommodating Utilities, Driveways, and other Facilities on Highway Right-of-Way.
- FIFTEENTH: A guarantee deposit will not normally be required however, the Parish Department of Public Works reserves the right to require a deposit OF CASH OR BY SURETY BOND on a case by case basis in an amount as determined by the Director of The Department of Public Works. Guarantee deposits will be refunded upon receipt of notice from the Director that the work has been satisfactorily completed. Failure to comply with the terms of the permit will result in forfeiture of the deposit. Deposits will also be forfeited if the terms of the permit remain unsatisfactory or not completed after five years from the date of issuance. The forfeiture of the deposit, or the lack of a deposit, shall in no way relieve the permittee from any other claim for damages and costs suffered by the department due to his failure to comply with said permit. Unsatisfactory completion of a permit may also result in non-approval of future permits for the same applicant until the unsatisfactory condition is rectified.
- SIXTEENTH: The applicant shall add St. Bernard Parish Government as an additional insured under its general liability and auto liability policy and furnish the parish with a certificate of insurance in an amount not less than \$1,000,000.00
- SEVENTEENTH: All installations on the Parishes roadways and rights of way shall be in compliance with the LADOTD Standards For the Installation of Pipelines on state highways.

THREE (3) COPIES OF THE SKETCH OR PRINT ARE REQUIRED WITH EACH APPLICATION FOR PERMIT ON PARISH RIGHTS OF WAY. Sketch shall include a plan and profile of the proposed installation. For installations parallel to the roadway, the sketch is to show the proposed location of the facility in relation to the traveled roadway and in relation to the right of way line. If necessary to clarify or justify a location, cross section drawings are to supplement the plan and profile drawings. In the case of natural gas pipelines crossing the roadway, the sketch shall show the wall thickness of both the carrier pipe and the casings, the type of materials and the class of pipe to be used; the design pressure of the carrier and the casing and the operating pressure of the carrier. The name, address and phone number of the responsible party shall be given on the application.

EIGHTEENTH: The applicant shall be responsible for all costs to the parish for issuing the permit, inspection, engineering and administration as follows:

| | | |
|--------------------------------|--------------|----------|
| Cost of permit | one time fee | \$100.00 |
| Administration | one time fee | \$150.00 |
| Inspection | per day | \$50.00 |
| Final inspection and close out | one time fee | \$150.00 |

The applicant will be required to deposit \$500.00 dollars to be applied to the costs listed above, any balance to be returned after the final inspection.

The above and foregoing having been submitted to a vote, the vote thereupon resulted as follows:

YEAS: Madary, Hoffmeister, Henderson, Taffaro and Melerine.

NAYS: Dean.

ABSENT: None.

The Chairman, Mr. Di Fatta, cast his vote as **YEA**.

And the motion was declared **adopted** on the 5th day of April, 2005.

POLLY BOUDREAUX
CLERK OF COUNCIL

JOSEPH S. DI FATTA
COUNCIL CHAIRMAN

Delivered to the Parish President

Date and Time

Approved _____

Vetoed _____

Parish President

Henry J. Rodriguez, Jr.

Returned to Clerk of the Council

Date and Time

Received by _____

EXTRACT OF THE OFFICIAL PROCEEDINGS OF THE COUNCIL OF THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING HELD IN THE COUNCIL CHAMBERS OF ST. BERNARD PARISH GOVERNMENT BUILDING, 8201 WEST JUDGE PEREZ DRIVE CHALMETTE, LOUISIANA ON TUESDAY, APRIL 5, 2005 AT ELEVEN O'CLOCK A.M.

On motion of Mr. Taffaro, seconded by Mr. Henderson, it was moved to **adopt** the following ordinance:

ORDINANCE SBPC #614-04-05

On motion of Mr. Taffaro, seconded by Mr. Henderson, it was moved to **introduce** the following ordinance:

Summary No. 1842

Recommended for Introduction by the Executive/Finance Committee on 2-24-05
Public Hearing held April 5, 2005

AN ORDINANCE TO AMEND ORDINANCE SBPC #544-02-03, CHAPTER 8 ELECTIONS, SECTION 8-2(G)(16) AND (G)(21) PURSUANT TO LA RS 532B3, TITLE 18, 5324A REQUIRING THE GEOGRAPHICAL DIVISION OF VOTING PRECINCTS 32/32A AND 42/42A

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN

SECTION I. That Ordinance #544-02-03, Chapter 8 Elections of the St. Bernard Parish Code of Ordinances be amended as follows:

C

**Chapter 8
ELECTIONS**

Sec. 8-2. Single-member councilmanic districts; Councilman-at-large district; election precincts.

- (g) The election precincts for St. Bernard Parish are hereby established and the boundaries are prescribed as follows:
 - (1) **Precinct 10** shall comprise and extend from the intersection of the centerline of St. Bernard-Orleans Parish line and the centerline of the West St. Bernard Highway, thence easterly along the centerline of West St. Bernard Highway to its intersection with the centerline of the Eicke Canal, thence northerly along the centerline of Eicke Canal to its intersection with the centerline of Patricia Street, thence westerly along the centerline of Patricia Street to its intersection with the centerline of Angela Street, thence continuing westerly an extended line from Patricia Street to the centerline of the St. Bernard-Orleans Parish line, thence southerly along the centerline of the St. Bernard-Orleans Parish line to its intersection with the centerline of the West St. Bernard Highway, the Point of Beginning.
 - (2) **Precinct 11** shall comprise and extend from the intersection of the centerline of St. Bernard-Orleans Parish line and the centerline of the West St. Bernard Highway, thence easterly along the centerline of West St. Bernard Highway to its intersection with the centerline of the Southern Railway, thence southeasterly, southwesterly, southeasterly, southerly, southwesterly, and southerly along the centerline of the Southern Railway right-of-way to its extension with the centerline of the Mississippi River, thence northwesterly along the centerline of the Mississippi River to its intersection with the extension of the St. Bernard-Orleans Parish line, thence northeasterly along the extension of the St. Bernard-Orleans Parish line to its intersection with the centerline of the West St. Bernard Highway, the Point of Beginning.
 - (3) **Precinct 12** shall comprise and extend from the intersection of the centerline of St. Bernard-Orleans Parish line and the centerline of Bayou Bienvenue, thence easterly along the centerline of Bayou Bienvenue to the centerline of an unnamed bayou emptying into Bayou Bienvenue (1.25 miles from Highway 47), thence southerly along the said unnamed bayou to the centerline of an unnamed stream

(1.4 miles from Highway 47), thence southerly along the unnamed stream to the centerline of the Florida Walk Canal, thence westerly along the centerline of the Florida Walk Canal to its intersection with the centerline of the Gueringer Canal, thence southwesterly along the centerline of Gueringer Canal to its intersection with the centerline of Patricia Street, thence westerly along the centerline of Patricia Street to its intersection with the centerline of Angela Street, thence continuing westerly an extended line from Patricia Street to the centerline of the St. Bernard-Orleans Parish line, thence northwesterly along the centerline of the St. Bernard-Orleans Parish line to intersection with Bayou Bienvenue, the Point of Beginning.

- (4) **Precinct 13** shall comprise and extend from the intersection of the centerline of the Eicke Canal and the centerline of Patricia Street, thence easterly along the centerline of Patricia Street to its intersection with the centerline of the Jean Lafitte Parkway, thence southerly, southwesterly, southerly, and southeasterly along the centerline of the Jean Lafitte Parkway to its intersection with the centerline of West St. Bernard Highway, thence easterly along the centerline of West St. Bernard Highway to its intersection with the centerline of the Chalmette National Cemetery Road, thence southerly along the centerline of the Chalmette National Cemetery Road to its intersection with the centerline of the Mississippi River, thence northwesterly along the centerline of the Mississippi River to its intersection with the extension of the Southern Railway right-of-way, thence northwesterly, northeasterly, and northwesterly along the centerline of the Southern Railway right-of-way to its intersection with the centerline of West St. Bernard Highway, thence southeasterly along the centerline of West St. Bernard Highway to its intersection with the centerline of Eickes Canal, thence northeasterly along the centerline of Eickes Canal to its intersection with the centerline of Patricia Street, the Point of Beginning.
- (5) **Precinct 14** shall comprise and extend from the intersection of the centerline of Jean Lafitte Parkway and the centerline of Patricia Street, thence easterly along the centerline of Patricia Street to its intersection with the centerline of the Chalmette Vista Canal, thence southerly along the centerline of the Chalmette Vista Canal to its intersection with the centerline of West Judge Perez Drive, thence westerly along the centerline of West Judge Perez Drive to its intersection with the centerline of Pakenham Avenue, thence southerly along the centerline of Pakenham Avenue to its intersection with the centerline of West St. Bernard Highway, thence westerly along the centerline of West St. Bernard Highway to its intersection with the centerline of the Jean Lafitte Parkway, thence northwesterly, northerly, northeasterly, and northerly along the centerline of the Jean Lafitte Parkway to its intersection with the centerline of Patricia Street, the Point of Beginning.
- (6) **Precinct 15** shall comprise and extend from the intersection of the centerline of Evangeline Street and Patricia Street, thence northerly along the centerline of Evangeline Street to its intersection with the centerline of the Florida Walk Canal, thence easterly along the centerline of the Florida Walk Canal to its intersection with the centerline of the Chalmette Vista Canal, thence southerly along the centerline of the Chalmette Vista Canal to its intersection with the centerline of Patricia Street, thence westerly along the centerline of Patricia Street to its intersection with the centerline of Evangeline Street, the Point of Beginning.
- (7) **Precinct 16** shall comprise and extend from the intersection of the centerline of Patricia Street and the centerline of Evangeline Street, thence westerly along the centerline of Patricia Street to its intersection with the centerline of Gueringer Canal, thence northerly along the centerline of Gueringer Canal to its intersection with centerline of the Florida Walk Canal, thence southeasterly along the centerline of the Florida Walk Canal to its intersection with the centerline of unnamed stream (1.4 miles from Highway 47), thence northerly along the centerline of the unnamed stream to its intersection with the centerline of an unnamed bayou emptying into Bayou Bienvenue (1.25 miles from Highway 47), thence northerly along the centerline of the said unnamed bayou to its intersection with the centerline of Bayou Bienvenue, thence easterly along the centerline of Bayou Bienvenue to its intersection with the centerline of an unnamed bayou which empties into Bayou Bienvenue (.50 miles from Highway 47), thence southerly along the said unnamed bayou to its intersection with the centerline of unnamed stream (.55 miles from Highway 47), thence easterly along the centerline of the unnamed stream to its intersection with the centerline of an unnamed bayou (.3 miles west of Highway 47), thence southerly along the unnamed bayou to its intersection with the centerline of the Florida Walk Canal, thence westerly along the centerline of the Florida Walk Canal to its intersection with the centerline of Guichard Canal, thence westerly along

the centerline of Guichard Canal to its intersection with centerline of Patricia Street, thence westerly along the centerline of Patricia Street to its intersection with the centerline of Chalmette Vista Canal, thence northerly along the centerline of the Chalmette Vista Canal to its intersection with the Florida Walk Canal, thence westerly along the centerline of the Florida Walk Canal to its intersection with the centerline of Evangeline Street, thence southerly along the centerline of Evangeline Street to its intersection with the centerline of Patricia Street, the Point of Beginning.

- (8) **Precinct 20** shall comprise and extend from the intersection of the centerline of West Livingston Avenue and the centerline of Guichard Canal, thence easterly along the centerline of West Livingston Avenue turning into East Livingston Drive, thence continuing easterly along the centerline of East Livingston Drive turning into West Judge Perez Drive, thence easterly along the centerline of West Judge Perez to its intersection with the centerline of the Paris Road, thence southerly along the centerline of the Paris Road to its intersection with the centerline of the Mississippi River, thence northwesterly along the centerline of the Mississippi River to its intersection with the extension of the Southern Railway right-of-way, thence northeasterly along the centerline of the Southern Railway right-of-way to its intersection with the centerline of unnamed street, thence northeasterly along the centerline of unnamed street to its intersection with the centerline of West St. Bernard Highway, thence southeasterly along the centerline of West St. Bernard Highway to its intersection with the centerline of Guichard Canal, thence northeasterly along the centerline of Guichard Canal to its intersection with West Livingston Avenue, the Point of Beginning.
- (9) **Precinct 21** shall comprise and extend from the intersection of the centerline of Pakenham Avenue and the centerline of West Judge Perez Drive, thence easterly along the centerline of West Judge Perez to its intersection with the centerline of the East Livingston Drive, thence westerly along the centerline of the East Livingston Drive turning into West Livingston Drive, thence continuing westerly along the centerline of West Livingston Drive to its intersection with the centerline of the Guichard Canal, thence southwesterly along the centerline of the Guichard Canal to its intersection with the centerline of West St. Bernard Highway, thence westerly along the centerline of West St. Bernard Highway to its intersection with the centerline of the private north/south road, thence southerly along the centerline of the private north/south road to its intersection with the centerline of Southern Railroad right-of-way, thence easterly and southerly along the centerline of the Southern Railroad right-of-way to its intersection with the centerline of Mississippi River, thence northwesterly direction along the Mississippi River to its intersection with the extension of the Chalmette National Cemetery Road, thence northerly along the centerline of the Chalmette National Cemetery Road to its intersection with the centerline of West St. Bernard Highway, thence southeasterly along the centerline of West St. Bernard Highway to its intersection with the centerline of Pakenham Avenue, thence northeasterly along the centerline of Pakenham Avenue to its intersection with the centerline of West Judge Perez Drive, the Point of Beginning.
- (10) **Precinct 22** shall comprise and extend from the intersection of the centerline of East Judge Perez Drive and the centerline of the De la Ronde Canal, thence westerly along the centerline of East Judge Perez Drive to its intersection with the centerline of Paris Road, thence northerly along the centerline of Paris Road to its intersection with the centerline of the Florida Walk Canal, thence northerly along the centerline of the Florida Walk Canal to its intersection with the centerline of an unnamed bayou (.3 miles west of Highway 47), thence continuing northerly along the centerline of an unnamed stream (.55 miles from Highway 47) to its intersection with the centerline of an unnamed bayou, thence westerly along the centerline of an unnamed bayou to its intersection with the centerline of an unnamed bayou emptying into Bayou Bienvenue (.5 miles from Highway 47), thence northerly along the centerline of the said unnamed bayou to its intersection with the centerline of Bayou Bienvenue, thence easterly along the centerline of Bayou Bienvenue to its intersection with the utility line (north-south) connecting Bayou Bienvenue with the Forty Arpent Canal (.66 miles east of Highway 47), thence southerly along the said utility line to its intersection with the centerline of the Forty Arpent Canal, thence westerly along the centerline of the Forty Arpent Canal to its intersection with the centerline of the De la Ronde Canal, thence southerly along the centerline of the De la Ronde Canal to its intersection with the centerline of East Judge Perez Drive, the Point of Beginning.

- (11) **Precinct 23** shall comprise and extend from the intersection of the centerline of West Judge Perez Drive and the centerline of the Chalmette Vista Canal, thence northerly along the centerline of the Chalmette Vista Canal to its intersection with the centerline of Patricia Street, thence easterly along the centerline of Patricia Street to its intersection with the centerline of Jackson Boulevard, thence southerly along the centerline of Jackson Boulevard to its intersection with the centerline of West Judge Perez, thence westerly along the centerline of West Judge Perez drive to its intersection with the centerline of the Chalmette Vista Canal, the Point of Beginning.
- (12) **Precinct 24** shall comprise and extend from the intersection of the centerline of West Judge Perez Drive and the centerline of Paris Road, thence westerly along the centerline of West Judge Perez Drive to its intersection with the centerline of Jackson Boulevard, thence northeasterly along the centerline of Jackson Boulevard to its intersection with the centerline of Patricia Street, thence northwesterly along the centerline of Patricia Street to its intersection with the centerline of the Guichard Canal, thence northeasterly along the centerline of the Guichard Canal to its intersection with the centerline of the Florida Walk Canal, thence southeasterly along the centerline of the Florida Walk Canal to its intersection with the centerline of Paris Road, thence southwesterly along the centerline of Paris Road to its intersection with the centerline of West Judge Perez Drive, the Point of Beginning.
- (13) **Precinct 25** shall comprise and extend from the centerline of East Judge Perez Drive and the centerline of the De la Ronde Canal, thence northerly along the centerline of the De la Ronde Canal to its intersection with the centerline of the Forty Arpent Canal, thence easterly along the centerline of the Forty Arpent Canal to its intersection with the centerline of Plaza Drive, thence southerly along the centerline of Plaza Drive to its intersection with the centerline of East Judge Perez Drive, thence westerly along the centerline of the East Judge Perez Drive to its intersection with the centerline of the De la Ronde Canal, the Point of Beginning.
- (14) **Precinct 30** shall comprise and extend from the intersection of the centerline of the Paris Road and the centerline of West Judge Perez Drive, thence easterly along the centerline of West Judge Perez Drive turning into East Judge Perez, thence continuing easterly along the centerline of East Judge Perez to its intersection with the centerline of Volpe Drive, thence southwesterly along the centerline of Volpe Drive to its intersection with the centerline of East St. Bernard Highway, thence northwesterly along the centerline of East St. Bernard Highway to its intersection with the centerline of the Water Board Road, thence southwesterly and southeasterly along the centerline of the Water Board Road to its intersection with centerline of the Mississippi River, thence westerly along the centerline of the Mississippi River to its intersection with the centerline of Paris Road, thence northeasterly along the centerline of Paris Road to its intersection with the centerline of West Judge Perez Drive, the Point of Beginning.
- (15) **Precinct 31** shall comprise and extend from the intersection of the centerline of the East Judge Perez and the centerline of Volpe Drive, thence southwesterly along the centerline of Volpe Drive to its intersection with the centerline of East St. Bernard Highway, thence northwesterly along the centerline of East St. Bernard Highway to its intersection with the centerline of the Water Board Road, thence southwesterly and southeasterly along the centerline of the Water Board Road to its intersection with centerline of the Mississippi River, thence easterly along the centerline of the Mississippi River to its intersection with the centerline of the Murphy R. Refinery Property Road, thence northerly along the centerline of the Murphy R. Refinery Property Road to its intersection with the centerline of the extension of the Refinery Road, thence easterly, northerly, easterly, and northeasterly along the extension of the Refinery Road turning into the Meraux Canal, thence continuing easterly along the centerline of the Meraux Canal to its intersection with the centerline of East Judge Perez Drive, thence northerly along the centerline of East Judge Perez to its intersection with the centerline of Volpe Drive, the Point of Beginning.
- (16) **Precinct 32** shall comprise and extend from the intersection of the centerline of East Judge Perez and the centerline of Plaza Drive, thence northeasterly along the centerline of Plaza Drive to its intersection with the centerline of the Forty Arpent Canal, thence southeasterly along the centerline of the Forty Arpent Canal to its intersection with the centerline of the extension of Palmisano Boulevard, thence in a southwesterly direction along the centerline of Palmisano Boulevard to its intersection with the centerline of E. Judge Perez Drive, thence in a northwesterly direction along E. Judge Perez Drive to its intersection

with the centerline of Plaza Drive, the Point of Beginning.

- (17) **Precinct 32A** shall comprise and extend from the intersection of the centerline of the extension of Palmisano Boulevard and the centerline of the 40 Arpent Canal, thence in a southeasterly direction to its intersection with the centerline of the Canal #8 (Corinne Canal), thence southwesterly along the centerline of the Canal #8 (Corinne Canal) to its intersection with the centerline of Florida Avenue, thence southeasterly along the centerline of Florida Avenue to its intersection with the centerline of Mumphrey Road, thence southwesterly along the centerline of Mumphrey Road to its intersection with the centerline of Wisconsin Street, thence easterly along the centerline of Wisconsin Street to its intersection with the centerline of Charles Drive, thence southwesterly along the centerline of Charles Drive to its intersection with the centerline of East Judge Perez Drive, thence westerly along the centerline of East Judge Perez to its intersection with the centerline of Palmisano Boulevard, thence in a northeasterly direction along the centerline of Palmisano Boulevard turning into the extension of Palmisano Boulevard to its intersection with the centerline of the 40 Arpent Canal, the Point of Beginning.
- (18) **Precinct 33** shall comprise and extend from the intersection of the centerline of East Judge Perez Drive and the centerline of Lena Drive, thence northeasterly along the centerline of Lena Drive to its intersection with the centerline of the Forty Arpent Canal, thence easterly along the centerline of the Forty Arpent Canal to its intersection with the north-south pipeline (1.3 miles from Highway 47), thence northerly along the said pipeline to its intersection with the centerline of the southern boundary of the Mississippi River Gulf Outlet Spoil Area, thence westerly along the southern boundary of the said spoil area to its intersection with the centerline of Bayou Bienvenue, thence southerly along the centerline of Bayou Bienvenue to its intersection with the utility line (north-south) connecting Bayou Bienvenue with the Forty Arpent Canal (.66 miles east of Highway 47), thence continuing southerly along the said utility line to its intersection with the centerline of the Forty Arpent Canal, thence southeasterly along the centerline of the Forty Arpent Canal to its intersection with the centerline of the Canal #8 (Corinne Canal), thence southwesterly along the centerline of the Canal #8 (Corinne Canal) to its intersection with the centerline of Florida Street, thence southeasterly along the centerline of Florida Street to its intersection with the centerline of Mumphrey Road, thence southwesterly along the centerline of Mumphrey Road to its intersection with the centerline of Wisconsin Street, thence easterly along the centerline of Wisconsin Street to its intersection with the centerline of Charles Drive, thence southwesterly along the centerline of Charles Drive to its intersection with centerline of West Judge Perez Drive, thence easterly along the centerline of West Judge Perez Drive to its intersection with the centerline of Lena Drive, the Point of Beginning.
- (19) **Precinct 34** shall comprise and extend from the intersection of the centerline of East Judge Perez Drive and the centerline of Lena Drive, thence easterly along the centerline of East Judge Perez to its intersection with the centerline of the Meraux Canal, thence northeasterly along the centerline of the Meraux Canal to its intersection with the centerline of the Forty Arpent Canal, thence northwesterly along the centerline of the Forty Arpent Canal to its intersection with the centerline of Lena Drive, thence southwesterly along the centerline of Lena Drive to its intersection with the centerline of East Judge Perez, the Point of Beginning.
- (20) **Precinct 40** shall comprise and extend from the intersection of the centerline of the Meraux Canal and the centerline of East Judge Perez Drive, thence easterly along the centerline of East Judge Perez Drive to its intersection with the centerline of Judy Drive, thence southwesterly along the centerline of Judy Drive to its intersection with the centerline of East St. Bernard Highway, thence westerly along the centerline of East St. Bernard Highway to its intersection with the centerline of Bonner Road, thence southerly along the centerline of Bonner Road to its intersection with an unnamed stream, thence westerly along the centerline of the unnamed stream to its intersection with the centerline of Cazzetta Drive, thence southwesterly along the centerline of Cazzetta Drive to its intersection with the centerline of the Mississippi River, thence westerly along the centerline of the Mississippi River to its intersection with the centerline of the Murphy Oil Refinery Property Road, thence northerly along the centerline of the Murphy Oil Refinery Property Road to its intersection with the centerline of the extension of the Refinery Road, thence easterly, northerly, easterly, and northeasterly along the extension of the Refinery Road turning into the Meraux Canal, thence continuing easterly along the centerline of the Meraux Canal to its intersection with the centerline of East Judge Perez Drive, the Point of Beginning.

- (21) **Precinct 41** shall comprise and extend from the intersection of the centerline of the Forty Arpent Canal and the centerline of the north-south pipeline (1.3 miles from Highway 47), thence northerly along the centerline of the said pipeline to its intersection with the centerline of the southern boundary of the Mississippi river Gulf Outlet Spoil Area, thence westerly along the centerline of the southern boundary of the said spoil area to its intersection with the centerline of Bayou Bienvenue, thence easterly along the centerline of Bayou Bievenue to its intersection with the centerline of Bayou Villere, thence southerly along the centerline of Bayou Villere to its intersection with the centerline of Bayou Mercier, thence westerly along the centerline of Bayou Mercier to its intersection with the centerline of the northern boundary of the Mississippi River Gulf Outlet Spoil Area, thence easterly along centerline of the northern boundary of the said spoil area to its intersection with the centerline of Bayou Ducross, thence southerly along the centerline of Bayou Ducross to its intersection with the centerline of the Forty Arpent Canal, thence easterly along the centerline of the Forty Arpent Canal to its intersection with the centerline of an unnamed stream, thence southwesterly along the centerline of an unnamed stream to its intersection with the centerline of an unnamed street, thence westerly along the centerline of the unnamed street to its intersection with the centerline of St. Marie Drive, thence southwesterly along the centerline of St. Marie Drive to its intersection with the centerline of East Genie Street, thence northwesterly along the centerline of East Genie Street to its intersection with the centerline of Debouchel Boulevard, thence southwesterly along the centerline of Debouchel Boulevard to its intersection with the centerline of East Judge Perez Drive, thence westerly along the centerline of East Judge Perez Drive to its intersection with the centerline of the Meraux Canal, thence northeasterly along the centerline of the Meraux Canal to its intersection with the centerline of the Forty Arpent Canal, thence northwesterly along the centerline of the Forty Arpent Canal to its intersection with the centerline of the north-south pipeline (1.3 miles from Highway 47), the Point of Beginning.
- (21) **Precinct 42** shall comprise and extend from the intersection of the centerline of East Judge Perez Drive and the centerline of Judy Drive, thence southwesterly along the centerline of Judy Drive to its intersection with the centerline of East St. Bernard Highway, thence westerly along the centerline of East St. Bernard Highway to its intersection with the centerline of Bonner Road, thence southerly along the centerline of Bonner Road to its intersection with the centerline of an unnamed stream, thence westerly along the centerline of the unnamed stream to its intersection with the centerline of Cazzetta Drive, thence southwesterly along the centerline of Cazzetta Drive to its intersection with the centerline of the Mississippi River, thence southeasterly along the centerline of the Mississippi River to its intersection with the extension of Ingargiola Lane, thence northeasterly along the centerline of the extension of Ingargiola Lane turning into Ingariola Lane to its intersection with the centerline of East St. Bernard Highway, thence southeasterly along the centerline of East St. Bernard Highway to its intersection with the centerline of Margaret Lane, thence northeasterly along the centerline of Margaret Lane to its intersection with the centerline of Birch Street, thence in a northwesterly direction along the centerline of Birch Street to its intersection with the centerline of Maureen Lane, thence in a northeasterly direction along the centerline of Maureen Lane to its intersection with the centerline of East Judge Perez Drive, thence in a northwesterly direction along the centerline of East Judge Perez Drive to its intersection with the centerline of Judy Drive, the Point of Beginning.
- (22) **Precinct 42A** shall comprise and from the centerline of the Mississippi River to its intersection with the centerline of the extension of Ingargiola Lane, thence northeasterly along the centerline of the extension of Ingargiola Lane turning into Ingargiola Lane to its intersection with the centerline of East St. Bernard Highway, thence southeasterly along the centerline of East St. Bernard Highway to its intersection with the centerline of Margaret Lane, thence northeasterly along the centerline of Margaret Lane to its intersection with the centerline of Birch Street, thence in a northwesterly direction along the centerline of Birch Street to its intersection with the centerline of Maureen Lane, thence in a northeasterly direction along the centerline of Maureen Lane to its intersection with the centerline of E. Judge Perez Drive, thence in a southeasterly direction along the centerline of E. Judge Perez Drive, to its intersection with the centerline of Edgar Drive, thence in a southwesterly and southeasterly direction along the centerline of Edgar Drive to its intersection with the centerline of Francke Plaza, thence in a southwesterly direction along the centerline of Francke Plaza turning into Bridgehead Street, thence southwesterly along the centerline of Bridgehead Street to its intersection with the centerline of River Road, thence in a northwesterly direction along the centerline of River Road to its intersection with the centerline of the

Southern Railroad right-of-way, thence southeasterly along the centerline of Southern Railway right-of-way to its intersection with the centerline of Highland Street, thence in a southwesterly direction along the centerline of Highland Street to its intersection with the centerline of the Mississippi River, thence in a northwesterly direction along the centerline of the Mississippi River to its intersection with the centerline of the extension of Ingargiola Lane, the Point of Beginning.

- (23) **Precinct 43** shall comprise and extend from the intersection of the centerline of the Forty Arpent Canal and the centerline of an unnamed stream, thence southwesterly along the centerline of an unnamed stream to its intersection with the centerline of an unnamed street, thence westerly along the centerline of the unnamed street to its intersection with the centerline of St. Marie Drive, thence southwesterly along the centerline of St. Marie Drive to its intersection with the centerline of East Genie Street, thence northwesterly along the centerline of East Genie Street to its intersection with the centerline of Debouchel Boulevard, thence southwesterly along the centerline of Debouchel Boulevard to its intersection with the centerline of East Judge Perez Drive, thence southeasterly along the centerline of the East Judge Perez to its intersection with the centerline of Deer Creek Drive, thence northeasterly along the centerline of Deer Creek Drive to its intersection with the centerline of the Twenty Arpent Canal, thence northwesterly along the centerline of the Twenty Arpent Canal to its intersection with the centerline of Nancy Street, thence northeasterly along the centerline of Nancy Street to its intersection with the centerline of East Genie Street, thence southeasterly along the centerline of East Genie Street to its intersection with the centerline of Fable Street, thence northeasterly along the centerline of Fable Street to its intersection with the centerline of the Forty Arpent Canal, thence northwesterly and westerly along the centerline of the Forty Arpent Canal to its intersection with the centerline of an unnamed stream, the Point of Beginning.
- (24) **Precinct 44** shall comprise and extend from the intersection of the centerline of the Mississippi River and the extension of Highland Street, thence northeasterly along the centerline of Highland Street to its intersection with the centerline of the Southern Railroad right-of-way, thence northwesterly along the centerline of the Southern Railroad right-of-way to its intersection with the centerline of River Road, thence southeasterly along the centerline of River Road to its intersection with the centerline of Bridgehead Street, thence northeasterly along the centerline of Bridgehead Street turning into Francke Plaza, thence northeasterly, northwesterly, and northeasterly along the centerline of Francke Plaza to its intersection with the centerline of Edgar Drive, thence northeasterly along the centerline of Edgar Drive to its intersection with the centerline of East Judge Perez Drive, thence southeasterly along the centerline of East Judge Perez Drive to its intersection with the centerline of Angelique Drive, thence easterly along the centerline of Angelique Drive to its intersection with the centerline of the Twenty Arpent Canal, thence southerly along the centerline of the Twenty Arpent Canal to its intersection with the centerline of Guerra Drive, thence northeasterly along the centerline of Guerra Drive to its intersection with the centerline of East Genie Street, thence southeasterly along the centerline of East Genie to its intersection with the centerline of Daniel Drive, thence easterly along the centerline of Daniel Drive to its intersection with the centerline of Mel Drive, thence southerly along the centerline of Mel Drive to its intersection with the centerline of Stacie Drive, thence westerly along the centerline of Stacie Drive to its intersection with the centerline of Daniel Drive, thence northerly and westerly along the centerline of Daniel to its intersection with the centerline of East Judge Perez Drive, thence southeasterly along the centerline of East Judge Perez Drive to its intersection with the centerline of Colonial Boulevard, thence westerly along the centerline of Colonial Boulevard to its intersection with the centerline of the Southern Railway right-of-way, thence southerly along the centerline of the Southern Railway right-of-way to its intersection with the centerline of the Lake Borgne Canal, thence westerly along the centerline of the Lake Borgne Canal to its intersection with the centerline of the Mississippi River, thence northerly along the centerline of the Mississippi River to its intersection with the extension of Highway Street, the Point of Beginning.
- (25) **Precinct 45** shall comprise and extend from intersection of the centerline of East Judge Perez Drive and the centerline of Angelique Drive, thence easterly along the centerline of Angelique Drive to its intersection with the centerline of the Twenty Arpent Canal, thence southerly along the centerline of the Twenty Arpent Canal to its intersection with the centerline of Guerra Drive, thence northeasterly along the centerline of Guerra Drive to its intersection with the centerline of East Genie Street, thence southeasterly along the centerline of East Genie to its intersection with the centerline of Daniel Drive, thence easterly along the centerline of Daniel Drive to its intersection with the centerline of the Forty Arpent Canal, thence northwesterly along the centerline of the Forty Arpent Canal to its intersection with the centerline of

Meraux Lane, thence southwesterly along the centerline of Merauz Lane to its intersection with the centerline of Florida Avenue, thence southeasterly along the centerline of Florida Avenue to its intersection with the centerline of an unnamed stream, thence southwesterly along the centerline of an unnamed steam to its intersection with the centerline of the Twenty Arpent Canal, thence northwesterly along the centerline of the Twenty Arpent Canal to its intersection with the centerline of Deer Creek Drive, thence southwesterly along the centerline of the Deer Creek Drive to its intersection with the centerline of East Judge Perez Drive, thence southeasterly and southerly along the centerline of East Judge Perez Drive to its point of intersection with the centerline of Angelique Drive, the Point of Beginning.

- (26) **Precinct 46** shall comprise and extend from the intersection of the centerline of Forty Arpent Canal and the centerline of Meraux Lane, thence southwesterly along the centerline of Meraux Lane to its intersection with the centerline of Florida Avenue, thence southeasterly along the centerline of Florida Avenue to its intersection with the centerline of an unnamed stream, thence southwesterly along the centerline of an unnamed steam to its intersection with the centerline of the Twenty Arpent Canal, thence northwesterly along the centerline of the Twenty Arpent Canal to its intersection with the centerline of Nancy Street, thence northeasterly along the centerline of Nancy Street to its intersection with the centerline of East Genie Street, thence southeasterly along the centerline of East Genie Street to its intersection with the centerline of Fable Street, thence northeasterly along the centerline of Fable Street to its intersection with the centerline of the Forty Arpent Canal, thence southeasterly along the centerline of the Forty Arpent Canal to its intersection with the centerline of Meraux Lane, the Point of Beginning.
- (27) **Precinct 50** shall comprise and extend from the intersection of the centerline of the Lake Borgne Canal and the centerline of the Southern Railway right-of-way, thence easterly along the centerline of the Lake Borgne Canal turning into the Violet Canal, thence easterly along the centerline of the Violet Canal to its intersection with the centerline of Bayou Dupre, thence easterly and northerly along the centerline of Bayou Dupre to its intersection with the southwestern coastline of Lake Borgne, thence northerly along the coastline of Lake Borgne to its intersection with the centerline of St. Bernard-Orleans Parish boundary line, thence southwesterly, southeasterly, southerly, southwesterly, northwesterly, and southwesterly along the centerline of the St. Bernard-Orleans Parish boundary line to its intersection with the centerline of Bayou Villere, thence southerly along the centerline of Bayou Villere to its intersection with the centerline of Bayou Mercier, thence westerly along the centerline of Bayou Mercier to its intersection with the centerline of the northern boundary of the Mississippi River Gulf Outlet Spoil Area, thence easterly along centerline of the northern boundary of the said spoil area to its intersection with the centerline of Bayou Ducross, thence southerly along the centerline of Bayou Ducross to its intersection with the centerline of the Forty Arpent Canal, thence easterly and southeasterly along the centerline of the Forty Arpent Canal to its intersection with the centerline of Daniel Drive, thence southwesterly along the centerline of Daniel Drive to its intersection with the centerline of Mel Drive, thence southerly along the centerline of Mel Drive to its intersection with the centerline of Stacie Drive, thence westerly along the centerline of Stacie Drive to its intersection with the centerline of Daniel Drive, thence northerly and westerly along the centerline of Daniel to its intersection with the centerline of East Judge Perez Drive, thence southeasterly along the centerline of East Judge Perez Drive to its intersection with the centerline of Colonial Boulevard, thence westerly along the centerline of Colonial Boulevard to its intersection with the centerline of the Southern Railway right-of-way, thence southerly along the centerline of the Southern Railway right-of-way to its intersection with the centerline of the Lake Borgne Canal, the Point of Beginning.
- (28) **Precinct 51** shall comprise and extend from the intersection of the centerline of the unnamed stream and the centerline of East Judge Perez Drive, thence northerly along the centerline of East Judge Perez Drive to its intersection with the centerline of the Lake Borgne Canal, thence westerly along the centerline of the Lake Borgne Canal to its intersection with the centerline of the an unnamed stream, thence southerly along the centerline of the unnamed stream to its intersection with the centerline of the unnamed stream, thence easterly along the centerline of the unnamed stream to its intersection with the centerline of East Judge Perez Drive, the Point of Beginning.

- (29) **Precinct 52** shall comprise and extend from the intersection of the centerline of the unnamed stream and the centerline of East Judge Perez Drive, thence northerly along the centerline of East Judge Perez Drive to its intersection with the centerline of the Lake Borgne Canal, thence easterly along the centerline of the Lake Borgne Canal to its intersection with the centerline of the Forty Arpent Canal, thence southeasterly and southerly along the centerline of the Forty Arpent Canal turning into the unnamed stream, thence southwesterly and southerly along the centerline of the unnamed stream to its intersection with the centerline of an unnamed ditch, thence westerly and southwesterly along the centerline of an unnamed ditch to its intersection with the centerline of Green Avenue, thence westerly along the centerline of Green Avenue to its intersection with the centerline of East St. Bernard Highway, thence northwesterly along the centerline of East St. Bernard Highway to its intersection with the centerline of Goodwill Drive, thence westerly along the centerline of Goodwill Drive to its intersection with the centerline of the Mississippi River, thence northerly along the centerline of the Mississippi River to its intersection with the centerline of Lake Borgne Canal, thence easterly along the centerline of Lake Borgne Canal, thence southerly along the centerline of an unnamed stream to its intersection with the centerline of an unnamed stream, thence in an easterly direction along the centerline of an unnamed stream to its intersection with the centerline of East Judge Perez Drive, the Point of Beginning.
- (30) **Precinct 53** shall comprise and extend from the intersection of the centerline of the unnamed stream and the centerline of the St. Bernard-Plaquemines Parish boundary line, thence northeasterly along the centerline of St. Bernard-Plaquemines Parish boundary line turning into the Caernarvon Canal, thence northeasterly along the centerline of Caernarvon Canal to its intersection with the centerline of the Mississippi River, thence easterly and northerly along the centerline of the Mississippi River to its intersection with the centerline of Goodwill Drive, thence easterly along the centerline of Goodwill Drive to its intersection with the centerline of East St. Bernard Highway, thence southerly along the centerline of East St. Bernard Highway to its intersection with the centerline of Green Avenue, thence easterly along the centerline of Green Avenue to its intersection with the centerline of the Green Canal, thence southwesterly along the centerline of the Green Canal to its intersection with the centerline of East St. Bernard Highway, thence southeasterly along the centerline of East St. Bernard Highway turning into Bayou Road, thence easterly along the centerline of Bayou Road to its intersection with the centerline of the Forty Arpent Canal, thence southerly along the centerline of the Forty Arpent Canal to its intersection with the centerline of the Southern Railway right-of-way, thence southeasterly along the centerline of the Southern Railway right-of-way to its intersection with the centerline of the shoreline parallel to the Sebastopol Canal, thence southerly along the centerline of the shoreline parallel to the Sebastopol Canal to its intersection with the centerline of the Forty Arpent Canal, thence westerly along the centerline of the Forty Arpent Canal to its intersection with the centerline of the unnamed canal, thence southerly along the centerline of the unnamed canal turning into the unnamed stream, thence southeasterly along the centerline of the unnamed stream to its intersection with the centerline of the St. Bernard-Plaquemines Parish boundary line, the Point of Beginning.
- (31) **Precinct 54** shall comprise and extend from the intersection of the centerline of the Green Avenue Canal with the centerline of East Judge Perez Drive, thence in a southerly direction along the centerline of East Judge Perez Drive (Louisiana Highway 39) to the centerline of Bayou Road, thence in a westerly direction along the centerline of Bayou Road to the centerline of an unnamed canal paralleling unnamed road Number 1505, thence in a northerly direction along the centerline of the said unnamed canal to the centerline of a drainage ditch running along the southern boundary line of property situated on Farmsite Road, thence in an easterly direction along the centerline of the said drainage ditch to the centerline of Green Avenue Canal, thence in a northerly direction to the point of beginning.
- (32) **Precinct 55** shall comprise and extend from the intersection of the centerline of East Judge Perez Drive with the centerline of the Green Avenue Canal, thence in a northerly direction along the centerline of the Green Avenue Canal to the centerline of the Forty Arpent Canal, thence continuing in a northerly direction along the centerline of the Forty Arpent Canal to the centerline of the Violet Canal, thence in an easterly direction along the centerline of the Violet Canal to the centerline of Bayou Dupre, thence continuing in an easterly direction along the centerline of Bayou Dupre to the centerline of the New Canal, thence continuing in an easterly direction along the centerline of the New Canal to the centerline of an unnamed canal crossing Louisiana Highway Number 46 (.5 miles from Kenilworth), thence in a southerly direction

along the centerline of the said unnamed canal to the centerline of the Old Railroad Grade, thence in a westerly direction along the centerline of the Old Railroad Grade to the centerline of a line projected from the centerline of the Kenilworth Canal, thence continuing in a southerly direction along the center line of the Kenilworth Canal, thence continuing in a southerly direction along the center line of the Kenilworth Canal to the centerline of the Twenty Arpent Canal, thence westerly on Twenty Arpent Canal to a levee control structure, thence southerly on said structure to its intersection with a pipeline canal, thence southerly on pipeline canal to its intersection with an unnamed canal, thence easterly on unnamed canal to its intersection with Kenilworth Canal, thence southerly on Kenilworth Canal to the centerline of the Olivier Canal, thence continuing in a southerly direction along the centerline of the Olivier Canal to the northern coastline of Lake Lery, thence in an easterly direction along the northern coastline of Lake Lery to the northern shoreline of Bayou Lery, thence continuing in an easterly direction along the northern shoreline of Bayou Lery to the western shoreline of Bayou Terre Aux Boeufs, thence in a southerly direction along a line extended from the western shoreline of Bayou Terre Aux Boeufs, thence in a southerly direction along a line extended from the western shoreline of Bayou Terre Aux Boeufs to the St. Bernard -Plaquemines boundary line thence in a westerly direction along the St. Bernard-Plaquemines Boundary line to the centerline of the Sebastopol Canal, thence in a northerly direction along the centerline of the Sebastopol Canal to its intersection with the Forty Arpent Canal, thence easterly along the Forty Arpent Canal to its intersection with a powerline, thence northerly on said powerline to its intersection with the Twenty Arpent Canal, thence westerly on said canal to the centerline of the Sebastopol Canal, thence northerly along Sebastopol Canal to the centerline of the Southern Railway Systems right of way, thence in a westerly direction along the centerline of the Southern Railway Systems right of way to the centerline of an unnamed canal paralleling Centanni Drive, thence in a northerly direction along the centerline of the unnamed canal to the centerline of Louisiana Highway Number 46 thence in an easterly direction along the centerline of Louisiana Highway Number 46 to the centerline of East Judge Perez Drive (Louisiana Highway Number 39), thence in a northerly direction along the centerline of East Judge Perez Drive to the point of beginning.

- (33) **Precinct 56** shall comprise and extend from the intersection of the centerline of the Olivier Canal with the centerline of the Kenilworth Canal, thence in a northerly direction along the centerline of the Kenilworth Canal to an unnamed canal, thence westerly on said canal to its intersection with a pipeline canal, thence northerly along pipeline canal to its intersection with a levee control structure, thence northerly along said structure to its intersection with the Twenty Arpent Canal, thence easterly along said canal to its intersection with the centerline of the Kenilworth Canal, thence northerly along the Kenilworth Canal to the centerline of the Old Railroad Grade, thence in an easterly direction along the centerline of the Old Railroad Grade to the centerline of an unnamed canal crossing Louisiana Highway Number 46 (.5miles from Kenilworth), thence in a northerly direction along the centerline of the said unnamed canal to the centerline of the New Canal, thence in a westerly direction along the centerline of the New Canal to the centerline of Bayou Dupre, thence in a northerly direction along the centerline of Bayou Dupre to the western coastline of Lake Borgne to the centerline of an unnamed canal (.8 miles from Yscloskey), thence in a southerly direction along the centerline of the said unnamed pipeline canal to the centerline of the New Canal, thence in a westerly direction along the centerline of the New Canal to the centerline of an unnamed bayou paralleling the unnamed pipeline canal (.8 miles from Yscloskey), thence in a southerly direction along the centerline of the said unnamed bayou to the centerline of Louisiana Highway Number 46, thence in an easterly direction along the centerline of Louisiana Highway Number 46, thence in an easterly direction along the centerline of Louisiana Highway Number 46 to the centerline of an unnamed canal paralleling Bayou Yscloskey (.4 miles from Yscloskey), thence in a southerly direction along the centerline of the said unnamed canal to the southern coastline of an unnamed lagoon to the immediate west of Yscloskey (below Louisiana Highway Number 46), thence in a westerly direction along the southern coastline of the said unnamed bayou the centerline of an unnamed pipeline canal (.8 miles from Yscloskey), thence in a southerly direction along the centerline of the said unnamed pipeline canal to the centerline of Bayou La Chape, thence in a westerly direction along the centerline of Bayou La Chape to the centerline of the Reggio Canal to the centerline of Bayou Terre Aux Boeufs, thence continuing in a westerly direction along the centerline of Bayou Terre Aux Boeufs to the centerline of Howard's Ditch, thence continuing in a westerly direction along the centerline of Howard's Ditch to the centerline of the Olivier Canal, thence in a southerly direction along the centerline of the Olivier Canal to the point of beginning.

- (34) **Precinct 57** shall comprise and extend from the intersection of the northern coastline of Lake Lery with the centerline of the Olivier Canal, thence in an easterly direction along the centerline of the Olivier Canal with the centerline of Howard's Ditch, thence continuing in an easterly direction along the centerline of Howard's Ditch to the centerline of Bayou Terre Aux Boeufs, thence continuing in an easterly direction along the centerline of Bayou Terre Aux Boeufs to the centerline of the Reggio Canal, thence continuing in an easterly direction along the centerline of the Reggio Canal to the centerline of Bayou La Chape, thence in a southerly direction along the centerline of Bayou La Chape to the centerline of an unnamed pipeline canal (.8 miles from Yscloskey), thence continuing in a southerly direction along the centerline of the said unnamed pipeline canal to the St. Bernard-Plaquemines boundary line, thence in a westerly direction along the St. Bernard-Plaquemines boundary line to the centerline of Bayou Lery, thence in a northerly direction from the centerline of Bayou Lery to the northern shoreline of Bayou Lery, thence in a westerly direction along the northern shoreline of Bayou Lery to the northern shoreline of Lake Lery, thence continuing in a westerly direction along the northern shoreline of Lake Lery to the point of beginning.
- (35) **Precinct 58** shall comprise and extend from the intersection of an unnamed pipeline canal (.8 miles from Yscloskey) with the southern shoreline of Lake Borgne, thence in a northerly direction along the southern shoreline of Lake Borgne to the St. Bernard-Orleans boundary line, thence in an easterly direction along the St. Bernard-Orleans boundary line to the western shoreline of Chandeleur Sound, thence in a southerly direction along the western shoreline of Chandeleur Sound of the St. Bernard-Plaquemines Parish boundary line, thence in a westerly direction along the St. Bernard-Plaquemines Parish boundary line to the centerline of an unnamed pipeline canal (.8 miles from Yscloskey), thence in a northerly direction along the centerline of the said unnamed pipeline canal to the southern coastline of an unnamed lagoon to the immediate west of Yscloskey (below Louisiana Highway Number 46), thence in an easterly direction along the southern coastline of the said unnamed lagoon to the centerline of an unnamed canal paralleling Bayou Yscloskey (.4 miles from Yscloskey), thence in a northerly direction along the centerline of the said unnamed canal to the centerline of Louisiana Highway Number 46, thence in a westerly direction along the centerline of Louisiana Highway Number 46 to the centerline of an unnamed bayou paralleling the unnamed pipeline canal (.8 miles from Yscloskey), thence in a northerly direction along the centerline of the said unnamed bayou to the centerline of the New Canal, thence in an easterly direction along the centerline of the New Canal to the centerline of an unnamed pipeline canal (.8 miles from Yscloskey) thence in a northerly direction along the centerline of the unnamed pipeline canal to the point of beginning.

SECTION II. Effective Date. This ordinance shall become effective thirty (30) calendar days after publication by the Parish Council. In the event of a presidential veto this ordinance shall become effective upon a two thirds favorable vote of the total membership of the Council pursuant to Section 2-11 and 2-13 of the St. Bernard Parish Home Rule Charter.

SECTION III. Severability. If any section, clause, paragraph, provision or portion of this ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, paragraph, provision or portion of this ordinance, the St. Bernard Parish Council hereby expresses and declares that it would have adopted the remaining portion of this Ordinance with the invalid portions omitted.

The above and foregoing having been submitted to a vote, the vote thereupon resulted as follows:

YEAS: Madary, Hoffmeister, Henderson, Dean, Taffaro and Melerine.

NAYS: None.

ABSENT: None.

The Chairman, Mr. Di Fatta, cast his vote as **YEA**.

And the motion was declared **adopted** on the 5th day of April, 2005.

POLLY BOUDREAUX
CLERK OF COUNCIL

JOSEPH S. DI FATTA
COUNCIL CHAIRMAN

Delivered to the Parish President

Date and Time

Approved _____

Vetoed _____

Parish President

Henry J. Rodriguez, Jr.

Returned to Clerk of the Council

Date and Time

Received by _____

EXTRACT OF THE OFFICIAL PROCEEDINGS OF THE COUNCIL OF THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING HELD IN THE COUNCIL CHAMBERS OF ST. BERNARD PARISH GOVERNMENT BUILDING, 8201 WEST JUDGE PEREZ DRIVE CHALMETTE, LOUISIANA ON TUESDAY, APRIL 5, 2005 AT ELEVEN O'CLOCK A.M.

On Joint Motion of the Council and unanimously carried, it was moved to **adopt** the following ordinance:

ORDINANCE SBPC #615-04-05

Summary No. 1844

Introduced by: Craig Taffaro, Councilman, District D on 3-15-05

Public Hearing held April 5, 2005

AN ORDINANCE TO ESTABLISH A TEMPORARY MORATORIUM ON THE ISSUANCE OF PERMITS OR LICENSE BY ANY PARISH DEPARTMENT OR AGENCY OF ANY PAIN MANAGEMENT CLINICS, PAIN CLINICS, PAIN CENTERS, PAIN REHAB CENTERS AND OTHER HEALTHCARE FACILITIES WITH A SIMILAR CONCENTRATION ON THE TREATMENT AND MANAGEMENT OF PAIN, WITHIN ST. BERNARD.

SECTION 1. THE COUNCIL OF THE PARISH OF ST. BERNARD ORDAINS that no person shall be entitled to any permit or license relative to pain management clinics, pain clinics, pain centers, pain rehab centers and other healthcare facilities with a similar concentration on the treatment and management of pain within St. Bernard Parish. This prohibition shall remain in force 180 days from the effective date of this ordinance or until the implementation of land use measures considered by the Parish Planning Commission and adopted by the Parish Council, whichever comes sooner. The provisions of this ordinance shall apply only to person seeking the issuance of permits or licenses for any of the forgoing uses.

SECTION 2. METHOD OF APPEAL: Any party aggrieved by provisions of this ordinance may appeal to the St. Bernard Parish Council for a waiver of the provisions hereof by submitting written notice of intent to appeal to the St. Bernard Parish Planning Commission (PPC) accompanied by any site plans, drawings or data, either written or graphic, as deemed necessary by the PPC staff, for review and recommendation. The Planning Commission must make a report of recommendation to the Parish Council within thirty (30) days of the receipt of request. Any appeal fees levied must accompany this appeal. Upon receipt by the Council of the report of the Director of the Department of Community Development, a public hearing shall be held upon proper notice within thirty (30) days at a regular or special meeting of the Council. After consideration of the report and the information presented at the hearing; the Council may, by ordinance, waive the provision of this ordinance with respect to the party making the appeal following a determination by the Council that the issuance of the requested permit would not thwart the purpose of the ongoing review of zoning and land use controls in the area specified in Section 1 of this Ordinance; namely, that the hours and volume of operation arising from the granting of a permit would not adversely impact the public health, safety and welfare of persons living in the neighborhood where such use is located. In connection with the consideration of any appeal, the Council may grant a waiver conditioned upon provisos with respect to hours of operation, parking or include any other special requirement designed to ensure safety of persons and property, minimize the impact of trash or refuse, or ensure general compatibility with other characteristic of the neighborhood by the premises from which the permit is being sought. The provisos or special requirements included in any such waiver shall be permanent provisos attached to the subject permits or renewals thereof for the specific premises and shall not expire with the transfer of ownership of the business or property or with the subsequent ordinance amending the ordinance granting said waiver.

The above and foregoing having been submitted to a vote, the vote thereupon resulted as follows:

YEAS: Madary, Hoffmeister, Henderson, Dean, Taffaro and Melerine.

NAYS: None.

ABSENT: None.

The Chairman, Mr. Di Fatta, cast his vote as **YEA**.

And the motion was declared **adopted** on the 5th day of April, 2005.

POLLY BOUDREAUX
CLERK OF COUNCIL

JOSEPH S. DI FATTA
COUNCIL CHAIRMAN

Delivered to the Parish President

Date and Time

Approved _____

Vetoed _____

Parish President

Henry J. Rodriguez, Jr.

Returned to Clerk of the Council

Date and Time

Received by _____

EXTRACT OF THE OFFICIAL PROCEEDINGS OF THE COUNCIL OF THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING HELD IN THE COUNCIL CHAMBERS OF ST. BERNARD PARISH GOVERNMENT BUILDING, 8201 WEST JUDGE PEREZ DRIVE CHALMETTE, LOUISIANA ON TUESDAY, MAY 3, 2005 AT ELEVEN O'CLOCK A.M.

On motion of Mr. Madary, seconded by Mr. Dean, it was moved to **adopt** the following ordinance:

ORDINANCE SBPC #616-05-05

Summary No. 1843

Introduced by: Administration on 3/15/05

Public Hearing held March 22, 2005

Planning Commission & Staff recommended APPROVAL on 4/26/05

AN ORDINANCE TO APPROVE DOCKET 2-05, PETITION OF JODY DEAN DAGUIMOL WHO IS REQUESTING A CHANGE IN ZONING CLASSIFICATION FROM "R-3 MULTI-FAMILY RESIDENTIAL" TO "C-1, NEIGHBORHOOD COMMERCIAL"

WHEREAS, Docket 2-05, petition of Jody Daguimol is requesting a change in zoning classification from "R-3, Multi-Family District" to "C-1, Neighborhood Commercial District."

WHEREAS, all procedures requisite for a re-zoning classification have been satisfied by the Department of Community Development and the St. Bernard Parish Planning Commission.

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN

SECTION I. That approval for a change in zoning classification from "R-3, Multi-Family District" to "C-1, Neighborhood Commercial District" is hereby granted for the following described property:

A certain portion of ground identified as Parcel BF-2, in Bertucci Subdivision, Section 35, T12S, R12E, (3712 Delaronde Drive) Parish of St. Bernard Parish, Louisiana, being a portion of former Parcel F-2-A-2 on a plan of re-subdivision of Estopinal Surveying and Engineering, Inc. dated November 22, 2002.

Parcel BF-2 commences at the intersection of the northerly right of way of Patricia Street and the westerly right of way line of Delaronde Drive; thence, N24 degrees 23 31 E, along the westerly right of way line of Delaronde Drive, a distance of 627.60 feet to the Point of Beginning; thence N65 degrees 36 29 W a distance of 100 feet to a point; thence N24 degrees 23 31 E a distance of 75 feet to a point; thence S65 36 29 E a distance of 100 feet to a point on the westerly right of way line of Delaronde Drive; thence S24 degrees 23 31 W, along the westerly right of way line of Delaronde Drive, a distance of 75 feet to the Point of Beginning.

(Errors, omissions and conflicts in survey excepted)

SECTION II. Effective Date. This ordinance shall become effective thirty (30) calendar days after publication by the Parish Council. In the event of a presidential veto this ordinance shall become effective upon a two thirds favorable vote of the total membership of the Council pursuant to Section 2-11 and 2-13 of the St. Bernard Parish Home Rule Charter.

SECTION III. Severability. If any section, clause, paragraph, provision or portion of this ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, paragraph, provision or portion of this ordinance, the St. Bernard Parish Council hereby expresses and declares that it would have adopted the remaining portion of this Ordinance with the invalid portions omitted.

The above and foregoing having been submitted to a vote, the vote thereupon resulted as follows:

YEAS: Madary, Hoffmeister, Henderson, Dean, Taffaro and Melerine.

NAYS: None.

ABSENT: None.

The Chairman, Mr. Di Fatta, cast his vote as **YEA**.

And the motion was declared **adopted** on the 3rd day of May, 2005.

POLLY BOUDREAUX
CLERK OF COUNCIL

JOSEPH S. DI FATTA
COUNCIL CHAIRMAN

Delivered to the Parish President

Date and Time

Approved _____

Vetoed _____

Parish President

Henry J. Rodriguez, Jr.

Returned to Clerk of the Council

Date and Time

Received by _____

EXTRACT OF THE OFFICIAL PROCEEDINGS OF THE COUNCIL OF THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING HELD IN THE COUNCIL CHAMBERS OF ST. BERNARD PARISH GOVERNMENT BUILDING, 8201 WEST JUDGE PEREZ DRIVE CHALMETTE, LOUISIANA ON TUESDAY, MAY 17, 2005 AT SEVEN O'CLOCK P.M.

On motion of Mr. Taffaro, seconded by Mr. Melerine, it was moved to **adopt** the following ordinance:

ORDINANCE SBPC #617-05-05

Summary No. 1846

Recommended for Introduction by Executive/Finance Committee on 4/12/05

Public Hearing held May 17, 2005

AN ORDINANCE TO REPEAL SECTION 11-19, DEFINITIONS PERTAINING TO LITTER AND AMEND SECTION 11-20, LITTERING GENERALLY OF THE ST. BERNARD PARISH HOME RULE CHARTER.

DIVISION 1. GENERALLY

SECTION 1. That the St. Bernard Parish Council, the governing authority, does hereby repeal Section 11-19, Definitions.

(Ord. No. BPC 162-12-94, 12-6-94; Mo. Of 1-10-95)

Editor's Note: Ord. No. SBPC 162-1294, adopted December 6, 1994, substantially amended the provisions of former Section 11-20 and enacted new provisions designated as said section. For purposes of clarity, the editor has included the provisions of Ordinance SBPC 162-12-94, as amended, as sections 11-19 and 11-20. Former section 11-20 pertained to similar subject matter and Ord. No. 15-80 2, adopted July 15, 1980 and Ord. No. 18-80, 2, adopted August 5, 1980.

SECTION 2. That Section 11-20, Littering Generally, be amended as follows:

Sec. 11-20. Littering generally.

A) Title. This article shall be known and may be cited as "St. Bernard Parish Litter Prevention Ordinance.

B) Definitions.

Court: Shall mean any Justice of the Peace Court in St. Bernard Parish and or any Division of the 34th Judicial District Court for St. Bernard Parish.

Dispose: to throw, discard, deposit, discharge, burn, dump, drop, eject, or allow the escape of a substance or item(s).

Garbage: All waste resulting from the preparation, handling, storage, cooking and consumption of food.

Litter: All waste materials except as provided by and defined in R.S. 30:2173 (2), including but not limited to disposable packages, containers, sand, gravel, rubbish, refuse, garbage, trash, cans, bottles,

furniture, appliances, tires, engines, other automotive parts, trailers, boats, tools, building materials, demolition and/or construction debris or any other discarded materials of any kind and description.

Local Governing Authority: Shall mean the St. Bernard Parish Council.

Private property: Any lot, dwelling, house, building, designed or used either wholly or in part for private purposes, together with the land upon which the same is located. Inclusive of commercial and/or industrial businesses, and portions of private property subject to servitude.

Public places: Any street, sidewalk, median, neutral-ground, alley, roadway, levee, canal, ditch, body of water, right-of-way, park, playground, building, parking lot, refuge, or undeveloped land under public control.

Refuse: All putrescible waste such as food, animal carcasses, seafood, or any other item(s) or substance susceptible to decomposition.

Rubbish: All paper, cardboard, wrappings, metal, yard clippings, leaves, tree or bush clippings, wood, glass, plastic, rubber, cloth, bedding and similar materials.

Gender shall be the use of him, her, his, hers, its; such words are understood to be interchangeable.

The terms and definitions provided hereto are applicable to Chapter 11 in its entirety unless otherwise specified.

C) Purpose and Scope

It is the purpose of this chapter and it is hereby declared to be the policy of St. Bernard Parish to implement a comprehensive plan to regulate litter and to eliminate litter as much as possible in a manner that will:

- 1) Protect the public health, safety, and welfare;
- 2) Prevent land, water and air pollution;
- 3) Prevent the spread of disease and the creation of nuisances;
- 4) Conserve natural resources;
- 5) Enhance the beauty and quality of the environment.

D) Responsibility and Culpability

It shall be unlawful for any person, firm, or corporation to litter with trash, garbage, rubbish or refuse of any kind, or other objects which might affect the health or enjoyment of the public on public or private property.

- (1) *Placement in receptacles to prevent scattering.* Persons placing litter in public receptacles or in authorized private receptacles shall do so in such a manner as to prevent it from being carried or deposited by the elements upon any street, sidewalk or other public place or upon private property. It shall be the responsibility of any person owning or operating any establishment or public place in which litter receptacles are required by these rules and regulations to procure, place, and maintain such receptacles at their own expense on the premises in accordance with the provisions of said rules and regulations.

- (2) *Litter receptacle.* Litter Receptacles shall be constructed in such a manner as to prevent or preclude the blowing of litter from the receptacles and shall be not less than fifteen (15) gallons. It should be in conformity with the surrounding area as not to detract from the surrounding aesthetics and completely accessible to the public. Any public or private premises where more than fifty (50) people gather (fairs, church, etc.), or any other public or private area that generates litter, such as shopping centers, theaters, merchandise, grocery and drug stores, boat launches, recreational areas, restaurant and taverns (bar rooms, lounges, etc.) having a minimum of ten (10) parking spaces shall provide a minimum of one (1) litter receptacle.
- (3) *Duty to keep sidewalks free of litter.* No person owning or occupying a place of business shall cause to, allow or sweep into or deposit in any gutter, street, parking lot or other public place within the parish the accumulation of litter, in or on, any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying places of business within the parish shall keep the sidewalk and right-of-way in front of their premises free of litter.
- (4) *Litter in parks.* No litter shall be deposited in any park within the parish except in public receptacles and in such a manner that the litter will be prevented from being carried or deposited by the elements upon any part of the park or upon any street or other adjoining property and places. Where public receptacles are not provided, all such litter shall be carried away from the park by the person responsible for its presence and properly disposed of elsewhere as provided herein.
- (5) *Litter in water bodies.* No person shall throw or deposit litter in any fountain, pond, lake, bayou, canal, ditch, bay or any other body of water or drainage course within the parish.
- (6) *Litter on occupied or unoccupied private property.* No person shall litter any open, vacant, -occupied or unoccupied private property within the parish, whether owned by such person or not, except that the owner or person in control of private property may maintain authorized private receptacles for collection in such a manner that litter will be prevented from being carried or deposited by the elements upon any other public or private property.
- (7) *Owner to maintain premises free of litter.* The owner or person(s) in control of any private property other than areas zoned rural shall at all times maintain the premises free of litter. This section shall not prohibit the storage of litter in authorized receptacles for collection. In those areas that are zoned rural, the enforcing authorities shall issue a written warning, by certified mail, to the landowner and by posting a notice of violation on the property itself, notifying the landowner of the excess litter and setting forth a date (not less than ten (10) days) for the litter to be removed. In the event the litter is not removed in the specified time frame, the landowner may be cited for violation of this section.
- (8) *Dumpsters.* Any commercial dumpster placed into existence in St. Bernard Parish subsequent to the effective date of April 4, 1995 shall be shielded from public view.

In the event it is impossible or impractical to shield the dumpster from public view, the dumpster must be painted or decorated in such a manner as to make it aesthetically pleasing and compatible with the surroundings.

(Ord. No. SBPC-162-12-94, 12-6-94; Mo. of 1-10-95; Ord. No. SBPC-178-03-95, 3-7-95; Mo. of 4-4-95)
Note: See editor's note following section 11-19. Cross references: Dumping materials in streets, generally, § 19-3.

E) Intentional littering.

1) No person shall dispose or permit the disposal of litter upon any public place in the parish, upon private property in this parish not owned by him, upon property located in rural areas in this parish not owned by him, or in or on the waters of this state or parish, weather from a vehicle or otherwise, including but not limited to any public roadway, public right-of-way, public park, beach, campground, forest land, recreational area, trailer park, highway, road, street, or alley, except when such property is designated by the state or by any of its agencies or political subdivisions for the disposal of such litter and such litter and such person is authorized to use such property for such purpose.

2) Whoever violates the provisions of this Subsection shall:

a) Upon first conviction, be fined not less than fifty nor more than two hundred fifty dollars and sentenced to serve up to eight hours of community service in a litter abatement work program as approved by the court.

b) Upon second conviction, be fined not less than two hundred nor more than five hundred dollars and sentenced to serve up to sixteen hours of community service in a litter abatement work program as approved by the court.

c) Upon third or subsequent conviction, be fined not less than five hundred nor more than one thousand two hundred fifty dollars, have his motor vehicle driver's license suspended for one year, and be sentenced to serve up to eighty hours of community service in a litter abatement work program as approved by the court, or all or any combination of the penalties provided by this Subparagraph.

F) Simple Littering

1) No person shall dispose of, or create a condition that the person knew or should have known was likely to result in the disposal of, litter upon any public place in this parish, upon private property in this parish not owned by him, upon property located in a rural area in this parish not owned by him, or in or on the waters of this state or parish, weather from a vehicle or otherwise, including but not limited to any public roadway, public right-a-way, public park, beach, campground, forest land, recreational area, trailer park, highway, road, street, or alley.

2) Persons found liable under the provisions of this Subsection shall be assessed the following civil penalties and costs:

a) For a first violation, such person shall either be fined not less than fifty nor more than seventy-five dollars or given the option to perform eight hours of community service in a litter abatement work program in lieu of the assessed fine.

b) For a second and each subsequent violation, such person shall either be fined not less than one hundred nor more than five hundred dollars or be given the option to perform sixteen hours of community service in a litter abatement work program in lieu of the assessed fine.

G) Special provisions associated with sections E and F.

- 1) Whoever violates the provisions of Sections E or F shall pay special court costs of one hundred dollars in lieu of other costs of court and the special court costs shall be disbursed as follows:
 - a) Twenty dollars shall be paid to the judicial expense fund for that judicial district, or to the justice of the peace or the city court, as the case may be.
 - b) Twenty dollars shall be paid to the office of the district attorney, to the constable, or the municipal prosecuting attorney, as the case may be.
 - c) Ten dollars shall be paid to the clerk of the district court, or to the justice of the peace or the city court, as the case may be.
 - d) Twenty-five dollars shall be paid to the state treasury for the credit to the Keep Louisiana Beautiful Fund.
 - e) Twenty-five dollars shall be paid to the law enforcement agency that issued the citation.
- 2)
 - a) When litter is disposed from a motor vehicle, boat, or conveyance, except a bus or a large passenger vehicle or a school bus, all as defined in R.S. 32:1, there shall be an inference that the driver of the conveyance disposed of the litter. If such litter was possessed by a specific person immediately before the act of disposing, there shall be an inference that the possessor committed the act of disposing.
 - b) When litter disposed in violation of this Section is discovered to contain any article or articles, including but not limited to letters, bills, publications, or other writings, which display the name of a person or in any other manner indicate that the article belongs or belonged to such person, there shall be an inference that such person has violated this Section.
- 3) The person shall be cited for the offense by means of a citation, summons, or other means provided by law.
- 4) A person may be found guilty or held liable and fined under this Section although the commission of the offense did not occur in the presence of a law enforcement officer if the evidence presented to the court establishes that the defendant has committed the offense.
- 5) For the purposes of this Section, each occurrence shall constitute a separate violation.
- 6) In addition to penalties otherwise provided, a person convicted or held liable under this Section shall:
 - a) Repair or restore property damaged by or pay damages for any damage arising out of the violation of this Section.
 - b) Pay all reasonable investigative expenses and costs to the investigative agency or agencies not to exceed \$500.

- 7) Notwithstanding any provision to the contrary, this Section shall not apply to any activity by persons owning or operating duly licensed commercial vehicles engaged in the collection and transportation of solid waste, construction, or demolition debris or wood waste, as such terms are defined by the rules and regulations of the Department of Environmental Quality, occurring in the course of servicing scheduled pickup routes pursuant to commercial or local government contracts or en route to an authorized pickup station, transfer station, or disposal facility.

H) Gross Littering

- 1) No person shall intentionally dispose or permit the disposal of any household or office furniture or appliances, automotive parts, including but not limited to tires and engines, trailers, boats, and boating accessories, tools and equipment, building materials, and bags or boxes of household or office garbage or refuse upon any public place in the parish, upon private property in this parish not owned by him, upon property located in rural areas in this parish not owned by him, or in or on the waters of this state or parish, whether from a vehicle or otherwise, including but not limited to any public roadway, public right-of-way, public park, beach, campground, forest land, recreational area, trailer park, highway, road, street, or alley, except when such property is designated by the state or by any of its agencies or political subdivisions for the disposal of such items and such person is authorized to use such property for such purpose.

- a) If the litter listed in this section is disposed from a motor vehicle, boat, or conveyance, except a bus or large passenger vehicle or a school bus, all as defined by R.S. 32:1, there shall be an inference that the driver of the conveyance disposed of the litter. If such litter was possessed by a specific person immediately before the act of disposing, there shall be an inference that the possessor committed the act of disposing.

- b) When litter disposed in violation of this Section is discovered to contain any article or articles, including but not limited to letters, bills, publications, or other writings, which display the name of a person or in any other manner indicate that the article belongs or belonged to such person, there shall be an inference that such person has violated this Section.

- 2) The person shall be cited for the offense by means of a citation, summons, or other means provided by law.

- a) Whoever violates the provisions of this Section shall, upon first conviction, be fined not less than five hundred dollars nor more than one thousand dollars and sentenced to serve eight hours of community service in a litter abatement work program as approved by the court.

- b) Upon second conviction, an offender shall be fined not less than one thousand dollars nor more than two thousand five hundred dollars and sentenced to serve twenty-four hours of community service in a litter abatement work program as approved by the court.

- c) Upon third or subsequent conviction, an offender shall be fined not less than one thousand five hundred dollars nor more than five thousand dollars, have his motor vehicle driver's license suspended for one year, be imprisoned for not more than thirty days, or sentenced to serve not less than forty-eight and not more than one hundred hours in a litter abatement work program as approved by the court, or all or any combination of the aforementioned penalties.

- d) The judge may require an individual convicted of a violation of this Section to remove litter from state highways, public right-of-way, public playgrounds, public parks, or other appropriate locations for any prescribed period of time in lieu of the penalties prescribed in this Section.
- 3) A person may be found guilty and fined under this Section although the commission of the offense did not occur in the presence of a law enforcement officer if the evidence presented to the court establishes that the defendant has committed the offense.
- 4) For the purposes of this Section, each occurrence shall constitute a separate violation.
- 5) In addition to penalties otherwise provided, a person convicted under this Section shall:
 - a) Repair or restore property damaged by or pay damages for any damage arising out of the violation of this Section.
 - b) Pay all reasonable investigative expenses and costs to the investigative agency or agencies not to exceed \$500.

I) Commercial Littering

- 1) No person shall dispose or permit the disposal of litter resulting from industrial, commercial, mining, or agricultural operations in which the person has a financial interest upon any public place in the parish, upon private property in this parish not owned by him, upon property located in rural areas in this parish not owned by him, or in or on the waters of this state or parish, whether from a vehicle or otherwise, including but not limited to any public roadway, public right-of-way, public park, beach, campground, forest land, recreational area, trailer park, highway, road, street, or alley, except when such property is designated by the state or by any of its agencies or political subdivisions for the disposal of such items and such person is authorized to use such property for such purpose.
- 2) No person shall operate any commercial truck or other commercial vehicle on any public roadway in such a manner or condition that litter resulting from industrial, commercial, mining, or agricultural operations in which the person is involved can blow or fall out of such vehicle or that mud from its tires can fall upon the roadway.
- 3) a) If the litter is disposed of from a motor vehicle, boat, or conveyance, except a bus or large passenger vehicle or a school bus, all as defined by R.S. 32:1, there shall be an inference that the driver of the conveyance disposed of the litter. If such litter was possessed by a specific person immediately before the act of disposing, there shall be a permissive rebuttable presumption that the possessor committed the act of disposing.
- b) When litter disposed in violation of this Section is discovered to contain any article or articles, including but not limited to letters, bills, publications, or other writings, which display the name of a person or in any other manner indicate that the article belongs or belonged to such person, there shall be a permissive rebuttable presumption that such person has violated this Section.

- 4) A person shall be jointly and severally liable for the actions of its agents, officers, and directors for any violation of this Section by any agent, officer, or director in the course and scope of his employment or duties.
- 5) The person shall be cited for the offense by means of a citation, summons, or other means provided by law.
- 6) Any person found liable under the provisions of this Section shall:
 - a) Pay a civil penalty from two hundred up to one thousand dollars.
 - b) Repair or restore property damaged by or pay damages for any damage arising out of the violation of this Section.
 - c) Pay all reasonable investigative expenses and costs to the investigative agency or agencies not to exceed \$500.
 - d) Pay for the cleanup of the litter unlawfully discarded by the defendant.
- 7) Any person found liable under the provisions of this Section shall pay special court costs of one hundred dollars in lieu of other costs of court which shall be disbursed as follows:
 - a) Forty dollars shall be paid to the judicial expense fund for that judicial district, or to the justice of the peace or the city court, as the case may be.
 - b) Forty dollars shall be paid to the office of the district attorney, or to the constable or to the municipal prosecuting attorney, as the case may be.
 - c) Twenty dollars shall be paid to the clerk of the district court, or to the justice of the peace or the city court, as the case may be.
- 8) A person may be held liable and fined under this Section although this commission of the offense did not occur in the presence of a law enforcement officer if the evidence presented to the court establishes that the defendant has committed the offense.
- 9) For the purposes of this Section each occurrence shall constitute a separate violation.

J) Community service litter abatement work program and indemnification.

- 1) A "court approved community service litter abatement program" may be created by the office of the Parish President. Such program shall supervise persons ordered by justice of the peace litter courts to perform community service work collecting or removing litter.
- 2) Any person who participates in a community service litter abatement work program shall have no cause of action for damages against the entity conducting the program or supervising his participation therein, nor against any employee or agent of such entity, for any injury or loss suffered by him during or arising out of his participation in the program, unless the injury or loss was caused

by the intentional or grossly negligent act or omission of the entity or its employee or agent. The entity shall not be liable for any injury caused by the individual participating in the program unless the gross negligence or intentional act of the entity or its employee or agent was a substantial factor in causing the injury. No provision hereof shall negate the requirement to provide an offender with necessary medical treatment as statutorily required.

K) Distribution of fines; Parish Beautification Fund and establishment of litter control.

1) All fines, either civil or criminal, which are not otherwise dedicated and are collected pursuant to this article shall be deposited in a beautification fund administered by the office of the Parish President for the purpose of encouraging, organizing, and coordinating volunteer local anti littering campaigns, to pay expenses for litter clean up, collection, enforcement, prosecution and prevention, and to purchase and operate equipment in connection thereof, all in accordance with LA--R.S. 33:1236.2 and LA--R.S. 33:1236.

2) The office of the Parish President may establish a litter control section within the Parish to enforce the provisions of this section.

L) Jurisdiction and procedure - Justice of the Peace; Constable.

1) A Justice of the Peace shall have concurrent jurisdiction over the litter violations occurring in the Parish. In addition, a constable may issue summons and serve subpoenas anywhere in the Parish all in accordance with LA--R.S. 13:2586. Prosecution of litter violations and compensation in criminal cases of a justice of the peace and constable shall be in accordance with LA--R.S. 13:2586 et seq.

M) Severability

1) If any section, sentence, part, word or provision of this article is declared null, invalid or unconstitutional by the valid judgement of any court of competent jurisdiction, that finding of nullity, invalidity or unconstitutionality shall in no manner affect any other provisions of this article, the various provisions of this article being hereby declared to be severable.

The above and foregoing having been submitted to a vote, the vote thereupon resulted as follows:

YEAS: Madary, Hoffmeister, Henderson, Taffaro and Melerine.

NAYS: Dean.

ABSENT: None.

The Chairman, Mr. Di Fatta, cast his vote as **YEA**.

And the motion was declared **adopted** on the 17th day of May, 2005.

POLLY BOUDREAUX
CLERK OF COUNCIL

JOSEPH S. DI FATTA
COUNCIL CHAIRMAN

Delivered to the Parish President

Date and Time

Approved _____

Vetoed _____

Parish President

Henry J. Rodriguez, Jr.

Returned to Clerk of the Council

Date and Time

Received by _____

EXTRACT OF THE OFFICIAL PROCEEDINGS OF THE COUNCIL OF THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING HELD IN THE COUNCIL CHAMBERS OF ST. BERNARD PARISH GOVERNMENT BUILDING, 8201 WEST JUDGE PEREZ DRIVE CHALMETTE, LOUISIANA ON TUESDAY, JUNE 21, 2005 AT SEVEN O'CLOCK P.M.

On motion of Mr. Taffaro, seconded by Mr. Madary, it was moved to **adopt** the following ordinance:

ORDINANCE SBPC #618-06-05

Summary No. 1840

Introduced by: Joseph Di Fatta, Councilman-at-Large

Public Hearing held May 17, 2005

**AN ORDINANCE RELATING TO THE FILM INDUSTRY IN ST. BERNARD PARISH
TO HELP FACILITATE THE ACTIVITIES OF FILMING IN ST. BERNARD PARISH**

SECTION I. To help facilitate the activities of filming in St. Bernard Parish. The film entity shall contact the Office of Community Development to make them aware of all activities that will be conducted in St. Bernard Parish. The film entity will also contact the St. Bernard Parish Sheriff's Office to make them aware of any and all activities in St. Bernard Parish.

Upon notification to Community Development, the director will notify the Parish President's Office, the Clerk of Council, and the Film Commission.

- a. Community Development will coordinate with the St. Bernard Parish Sheriff's Office to determine if any special situations are called for during the film entity's time in St. Bernard Parish.
- b. Community Development will notify Film Commission and forward all information to Film Commission to help facilitate the operations of the Film Entity entering St. Bernard Parish.
- c. Community Development will notify the area or neighborhood that will be affected by the film entity. The area of notification will include a 500 foot radius of the area being used by the film entity.
 1. Notification can be done by flyers on doors and/or by advertisement in local newspaper. The film entity is responsible for the cost of notification.

The Film Commission will

- a. Solicit, monitor and assist any film and television productions in St. Bernard Parish
- b. Coordinate with parish officials as required to facilitate production
- c. Coordinate any security details and traffic control with St. Bernard Parish Sheriff's Office
- d. Coordinate and assist in any permitting with parish or state as may be required

SECTION 2. Effective Date. This ordinance shall become effective thirty (30) calendar days after publication by the Parish Council. In the event of a presidential veto this ordinance shall become effective upon a two thirds favorable vote of the total membership of the Council pursuant to Section 2-11 and 2-13 of the St. Bernard Parish Home Rule Charter.

SECTION 3. Severability. If any section, clause, paragraph, provision or portion of this ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, paragraph, provision or portion of this ordinance, the St. Bernard Parish Council hereby expresses and declares that it would have adopted the remaining portion of this Ordinance with the invalid portions omitted.

The above and foregoing having been submitted to a vote, the vote thereupon resulted as follows:

YEAS: Madary, Hoffmeister, Henderson, Taffaro and Melerine.

NAYS: Dean.

ABSENT: None.

The Chairman, Mr. Di Fatta, cast his vote as **YEA**.

And the motion was declared **adopted** on the 21st day of June, 2005.

POLLY BOUDREAUX
CLERK OF COUNCIL

JOSEPH S. DI FATTA
COUNCIL CHAIRMAN

Delivered to the Parish President

Date and Time

Approved _____

Vetoed _____

Parish President

Henry J. Rodriguez, Jr.

Returned to Clerk of the Council

Date and Time

Received by _____

EXTRACT OF THE OFFICIAL PROCEEDINGS OF THE COUNCIL OF THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING HELD IN THE COUNCIL CHAMBERS OF ST. BERNARD PARISH GOVERNMENT BUILDING, 8201 WEST JUDGE PEREZ DRIVE CHALMETTE, LOUISIANA ON TUESDAY, JUNE 21, 2005 AT SEVEN O'CLOCK P.M.

On motion of Mr. Henderson, seconded by Mr. Melerine, it was moved to **adopt** the following ordinance:

ORDINANCE SBPC #619-06-05

Summary No. 1847

Introduced by: Administration on 4/19/05

Public hearings held by Planning Commission 4/26/05 and 5/24/05

Planning Commission recommended APPROVAL

AN ORDINANCE TO APPROVE DOCKET 3-05, PETITION OF ROSALIE FRUCHTNIKT DELAUNE, WIFE OF/AND RENE F. DELAUNE WHO ARE REQUESTING A CHANGE IN ZONING CLASSIFICATION FROM "R-1, SINGLE FAMILY RESIDENTIAL" TO "CONDITIONAL USE" TO OPERATE AN AFTER SCHOOL DAY CARE BUSINESS.

WHEREAS, Docket 3-05, petition of Rosalie Fruchtnicht Delaune wife of/and Rene F. Delaune who are requesting a change in zoning classification from "R-1, Single Family Residential" to "Conditional Use"; and

WHEREAS, all procedures requisite for a re-zoning classification have been satisfied by the Department of Community Development and the St. Bernard Parish Planning Commission.

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN

SECTION I. That approval for a change in zoning classification from "R-1, Single Family Residential" to "Conditional Use" is hereby granted for the following described property:

A certain portion of ground in Plaza Subdivision, in Square "A", bounded by Plaza and Lyndel Drives, designated as Lot No. 8 (2108 Plaza Drive) on survey made by Estopinal Surveying and Engineering, Inc. C.E., dated May 25, 1995.

Property commences at a distance of one hundred feet from the intersection of Plaza Drive and Lyndel Drive and measures thence in the direction of St. Bernard Highway fifty feet front of Plaza Drive, the same width in the rear, by a depth, between equal and parallel lines of 109 feet.

(Errors, omissions and conflicts in survey excepted)

SECTION II. Effective Date. This ordinance shall become effective thirty (30) calendar days after publication by the Parish Council. In the event of a presidential veto this ordinance shall become effective upon a two thirds favorable vote of the total membership of the Council pursuant to Section 2-11 and 2-13 of the St. Bernard Parish Home Rule Charter.

SECTION III. Severability. If any section, clause, paragraph, provision or portion of this ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, paragraph, provision or portion of this ordinance, the St. Bernard Parish Council hereby expresses and declares that it would have adopted the remaining portion of this Ordinance with the invalid portions omitted.

The above and foregoing having been submitted to a vote, the vote thereupon resulted as follows:

YEAS: Madary, Hoffmeister, Henderson, Dean, Taffaro and Melerine.

NAYS: None.

ABSENT: None.

The Chairman, Mr. Di Fatta, cast his vote as **YEA**.

And the motion was declared **adopted** on the 21st day of June, 2005.

POLLY BOUDREAUX
CLERK OF COUNCIL

JOSEPH S. DI FATTA
COUNCIL CHAIRMAN

Delivered to the Parish President

Date and Time

Approved _____

Vetoed _____

Parish President

Henry J. Rodriguez, Jr.

Returned to Clerk of the Council

Date and Time

Received by _____

EXTRACT OF THE OFFICIAL PROCEEDINGS OF THE COUNCIL OF THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING HELD IN THE COUNCIL CHAMBERS OF ST. BERNARD PARISH GOVERNMENT BUILDING, 8201 WEST JUDGE PEREZ DRIVE CHALMETTE, LOUISIANA ON TUESDAY, JUNE 21, 2005 AT SEVEN O'CLOCK P.M.

On motion of Mr. Madary, seconded by Mrs. Hoffmeister, it was moved to **adopt** the following ordinance:

ORDINANCE SBPC #620-06-05

Summary No. 1848

Introduced by: Administration on 4/19/05

Public hearings held by Planning Commission on 4/26/05 and 5/24/05

Planning Commission recommended APPROVAL

AN ORDINANCE TO APPROVE DOCKET 4-05, PETITION OF DR. BRYAN FRICHTER WHO IS REQUESTING A CHANGE IN ZONING CLASSIFICATION FROM "R-3, MULTI-FAMILY RESIDENTIAL" TO "C-1, NEIGHBORHOOD COMMERCIAL" TO OPERATE PEDIATRIC DENTAL OFFICE.

WHEREAS, Docket 4-05, petition of Dr. Bryan P. Frichter who is requesting a change in zoning classification from "R-3, Multi-Family Residential" to "C-1, Neighborhood Commercial; and

WHEREAS, all procedures requisite for a re-zoning classification have been satisfied by the Department of Community Development and the St. Bernard Parish Planning Commission.

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN

SECTION I. That approval for a change in zoning classification from "R-3, Multi-Family Residential" to "C-1, Neighborhood Commercial, is hereby granted for the following described property:

A certain portion of ground identified as Parcel BF-1, in Bertucci Subdivision, Section 35, T12S, \$12E, Parish of St. Bernard, (3700 Delaronde Drive) being a portion of former Parcel F-2-A-2 on a plan of re-subdivision of Estopinal Surveying and Engineering, Inc., dated November 22, 2002 and approved by the St. Bernard Parish Planning Commission, Parish of St. Bernard, State of Louisiana on Resolution PC-R-1-03 on January 28, 2003. Being a portion of the same property acquired by Pediatric Dental Specialties, Inc. from Geraldine Vandrell, wife of/and Frederick E. Everhardt, Sr., by act passed before Marcus L. Giusti, Notary Public, on November 15, 2002, recorded in the St. Bernard Parish public records at COB 728, folio 480.

Property commences at the intersection of the northerly right-of-way of Patricia Street and the westerly right-of-way line of Delaronde; thence, N24 degrees 23'31" E, along the westerly right-of-way line of Delaronde Drive, a distance of 492.60 feet to the Point of Beginning; thence N65 degrees 36'29" W a distance of 100.00 feet to a point; thence, N24 degrees 23'31" E a distance of 135.00 feet to a point; thence, S24 degrees 23'31" W, along the westerly right-of-way line of Delaronde Drive, a distance of 135.00 feet to the Point of Beginning.

(Errors, omissions and conflicts in survey excepted)

SECTION II. Effective Date. This ordinance shall become effective thirty (30) calendar days after publication by the Parish Council. In the event of a presidential veto this ordinance shall become effective upon a two thirds favorable vote of the total membership of the Council pursuant to Section 2-11 and 2-13 of the St. Bernard Parish Home Rule Charter.

SECTION III. Severability. If any section, clause, paragraph, provision or portion of this ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, paragraph, provision or portion of this ordinance, the St. Bernard Parish Council hereby expresses and declares that it would have adopted the remaining portion of this Ordinance with the invalid portions omitted.

The above and foregoing having been submitted to a vote, the vote thereupon resulted as follows:

YEAS: Madary, Hoffmeister, Henderson, Dean and Melerine.

NAYS: None.

NOT VOTING: Taffaro.

ABSENT: None.

The Chairman, Mr. Di Fatta, cast his vote as **YEA**.

And the motion was declared **adopted** on the 21st day of June, 2005.

POLLY BOUDREAUX
CLERK OF COUNCIL

JOSEPH S. DI FATTA
COUNCIL CHAIRMAN

Delivered to the Parish President

Date and Time

Approved _____

Vetoed _____

Parish President

Henry J. Rodriguez, Jr.

Returned to Clerk of the Council

Date and Time

Received by _____

EXTRACT OF THE OFFICIAL PROCEEDINGS OF THE COUNCIL OF THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING HELD IN THE COUNCIL CHAMBERS OF ST. BERNARD PARISH GOVERNMENT BUILDING, 8201 WEST JUDGE PEREZ DRIVE CHALMETTE, LOUISIANA ON TUESDAY, JUNE 21, 2005 AT SEVEN O'CLOCK P.M.

On motion of Mr. Madary, seconded by Mrs. Hoffmeister, it was moved to **adopt** the following ordinance:

ORDINANCE SBPC #621-06-05

Summary No. 1851

Introduced by: St. Bernard Parish Council on 6/7/05

Public Hearing held June 21, 2005

AN ORDINANCE LEVYING AND IMPOSING CERTAIN TAXES FOR 2005 ON ALL THE PROPERTY SUBJECT TO TAXATION IN THE PARISH OF ST. BERNARD, ROAD LIGHTING DISTRICT NO. 1, ROAD DISTRICT NO. 1, GARBAGE DISTRICT NO. 1, FIRE PROTECTION DISTRICT NO. 1 AND FIRE PROTECTION DISTRICT NO. 2.

WHEREAS, it is necessary for the Parish Council of the Parish of St. Bernard, State of Louisiana, acting as the governing authority of said Parish and the hereinafter described districts, to levy all the maintenance and operating taxes for the year 2005; and

WHEREAS, it is also necessary for the said Parish Council, acting as the governing authority of said Parish said Parish, to levy taxes for the year 2005 for the payment of general obligation bonds thereof;

NOW, THEREFORE, BE IT ORDAINED by the St. Bernard Parish Council, acting as the governing authority of the following political subdivisions,

1. Parish of St. Bernard, State of Louisiana
2. Road Lighting District No. 1 of the Parish of St. Bernard, State of Louisiana
3. Road District No. 1 of the Parish of St. Bernard, State of Louisiana
4. Garbage District No. 1 of the Parish of St. Bernard, State of Louisiana
5. Fire Protection District No. 1 of the Parish of St. Bernard, State of Louisiana
6. Fire Protection District No. 2 of the Parish of St. Bernard, State of Louisiana; and

that:

SECTION 1. Parish Taxes. Under the authority of the Constitution and Laws of the State of Louisiana, the following special taxes are hereby levied, assessed and imposed on all the property in said Parish for the year 2005, for the respective purposes described below:

| <u>2005 Millage Rate</u> | <u>Election Date</u> | <u>Years Authorized</u> | <u>Purpose</u> |
|--------------------------|----------------------|-------------------------|--|
| 2.78 | N/A | N/A | Parish Constitutional Tax |
| 1.24 | Sept. 21, 1996 | 1997-2006 | Constructing, maintaining, improving and operating public libraries in the Parish. |

| | | | |
|------|----------------|-----------|---|
| 2.50 | Oct. 23, 1999 | 2000-2009 | Constructing, maintaining, improving and operating public libraries in the Parish and purchasing books and other library materials. |
| 2.19 | Sept. 21, 1996 | 1997-2006 | Acquiring or improving lands, buildings and equipment for recreation purposes, title to which shall be in the public, and maintaining and operating such recreation facilities in the Parish. |
| 0.63 | Sept. 21, 1996 | 1997-2006 | Constructing, maintaining, improving and operating public health units in the Parish. |
| 0.95 | Nov. 5, 1996 | 1997-2006 | Providing funding for Senior Citizens programs, activities and services operated by the St. Bernard Parish Council on Aging. |

SECTION 2. Parishwide District Taxes. Under the authority of the Constitution and Laws of the State of Louisiana, the following special taxes are hereby levied, assessed and imposed on all the property in said Parish for the year 2005, for the respective parishwide districts and purposes described below:

| <u>2005 Millage Rate</u> | <u>Election Date</u> | <u>Years Authorized</u> | <u>Parishwide District and Purpose</u> |
|--------------------------|----------------------|-------------------------|--|
| 3.08 | Sept. 21, 1996 | 1997-2006 | <u>Garbage District No. 1</u> - providing and maintaining garbage collection and disposal services in Garbage District No. 1. |
| 3.08 | Sept. 21, 1996 | 1997-2006 | <u>Road District No. 1</u> - constructing, improving and maintaining public roads and highways in Road District No. 1 |
| 1.23 | Sept. 21, 1996 | 1997-2006 | <u>Road Lighting District No. 1</u> - providing and maintaining electric lights on the streets, roads, highways, alleys and public places in Road Lighting District No. 1. |

SECTION 3. Non-parishwide District Taxes. Under the authority of the Constitution and Laws of the State of Louisiana, the following special taxes are hereby levied, assessed and imposed on all the property in the respective non-parishwide districts described below for the year 2005, for the respective districts and purposes described below:

| <u>2005 Millage Rate</u> | <u>Election Date</u> | <u>Years Authorized</u> | <u>Non-parishwide District and Purpose</u> |
|--------------------------|----------------------|-------------------------|---|
| 2.77 | Sept. 21, 1996 | 1997-2006 | <u>Fire Protection District No. 1</u> - maintaining and operating said Fire Protection District's fire protection facilities and paying the cost of obtaining water for fire protection purposes, including charges for fire hydrant rentals and services in Fire Protection District No. 1 |
| 4.66 | Oct. 3, 1998 | 1999-2008 | <u>Fire Protection District No. 1</u> - acquiring, constructing, maintaining, improving and operating fire protection facilities and purchasing fire trucks and other fire fighting equipment in Fire District No. 1. |
| 8.35 | Oct. 3, 1998 | 1999-2008 | <u>Fire Protection District No. 2</u> - acquiring, constructing, maintaining, improving and operating fire protection facilities and purchasing fire trucks and other fire fighting equipment in Fire District No. 2. |

SECTION 4. Taxes for Payment of General Obligation Bonds. Under the authority of the Constitution and Laws of the State of Louisiana, the following special taxes are hereby levied, assessed and imposed on all the property in the Parish and in the respective districts described below for the year 2005, for the payment of principal and interest on the respective issues of general obligation bonds described below:

| <u>2005 Millage Rate</u> | <u>Name of Issuer and Bond Issue(s)</u> |
|--------------------------|---|
| 1.25 | <u>Parish of St. Bernard</u> - General Obligation Refunding Bonds, Series 1997. |

SECTION 5. Collection of Taxes. The proper administrative officials of the Parish of St. Bernard, State of Louisiana, are hereby empowered, authorized and directed to spread said taxes, as hereinabove set forth, upon the assessment roll of said Parish for the year 2005, and to make the collection of the taxes imposed for and on behalf of said Parish and said respective districts, according to law, and the taxes herein levied shall become a permanent lien and privilege on all the property subject to taxation as herein set forth, and the collection thereof shall be enforceable in the manner provided by law.

SECTION 6. Publication. This ordinance shall be published one time in the official journal of this Parish Council in the manner provided by law.

SECTION 7. Effective Date. This ordinance shall become effective immediately.

The above and foregoing having been submitted to a vote, the vote thereupon resulted as follows:

YEAS: Madary, Hoffmeister, Henderson, Dean, Taffaro and Melerine.

NAYS: None.

ABSENT: None.

The Chairman, Mr. Di Fatta, cast his vote as **YEA**.

And the motion was declared **adopted** on the 21st day of June, 2005.

POLLY BOUDREAUX
CLERK OF COUNCIL

JOSEPH S. DI FATTA
COUNCIL CHAIRMAN

Delivered to the Parish President

Date and Time

Approved _____

Vetoed _____

Parish President

Henry J. Rodriguez, Jr.

Returned to Clerk of the Council

Date and Time

Received by _____

EXTRACT OF THE OFFICIAL PROCEEDINGS OF THE COUNCIL OF THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING HELD IN THE COUNCIL CHAMBERS OF ST. BERNARD PARISH GOVERNMENT BUILDING, 8201 WEST JUDGE PEREZ DRIVE CHALMETTE, LOUISIANA ON THURSDAY, JULY 7, 2005 AT ELEVEN O'CLOCK A.M.

On motion of Mrs. Hoffmeister, seconded by Mr. Henderson, it was moved to **adopt** the following ordinance:

ORDINANCE SBPC #622-07-05

Summary No. 1853

Introduced by: Joseph Di Fatta, Councilman-at-Large

Public Hearing held June 28, 2005

Planning Commission recommended APPROVAL on June 28, 2005

AN ORDINANCE GRANTING FINAL APPROVAL FOR GULF OUTLET MARINA ESTATES, UNITS 1 THROUGH 40 AND COMMON "A", A TOTAL OF 43 ARES.

THE ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN

SECTION. 1. That final approval is hereby granted for Gulf Outlet Marina Estates, represented by Robert C. Berthelot, Units 1 through 40 and Common "A", (a total of 43 areas) a proposed Planned Unit Development (PUD), for Lots 11-C-1 and 11-C-2 in Section 30, T12S, R13E and Section 25, T12S, R12E, St. Helena Meridian, St. Bernard Parish, LA, according to survey by Estopinal Surveying and Engineering, Inc.

SECTION II. Effective Date. This ordinance shall become effective thirty (30) calendar days after publication by the Parish Council. In the event of a presidential veto this ordinance shall become effective upon a two thirds favorable vote of the total membership of the Council pursuant to Section 2-11 and 2-13 of the St. Bernard Parish Home Rule Charter.

SECTION III. Severability. If any section, clause, paragraph, provision or portion of this ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, paragraph, provision or portion of this ordinance, the St. Bernard Parish Council hereby expresses and declares that it would have adopted the remaining portion of this Ordinance with the invalid portions omitted.

The above and foregoing having been submitted to a vote, the vote thereupon resulted as follows:

YEAS: Madary, Hoffmeister, Henderson and Taffaro.

NAYS: None.

ABSENT FOR VOTE: Dean.

ABSENT: Melerine.

The Chairman, Mr. Di Fatta, cast his vote as **YEA**.

And the motion was declared **adopted** on the 7th day of July, 2005.

/s/POLLY BOUDREAUX
CLERK OF COUNCIL

/s/JOSEPH S. DI FATTA
COUNCIL CHAIRMAN

Delivered to the Parish President

Date and Time

Approved _____

Vetoed _____

Acting Parish President

Danny Menesses

Returned to Clerk of the Council

Date and Time

Received by _____

EXTRACT OF THE OFFICIAL PROCEEDINGS OF THE COUNCIL OF THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING HELD IN THE COUNCIL CHAMBERS OF ST. BERNARD PARISH GOVERNMENT BUILDING, 8201 WEST JUDGE PEREZ DRIVE CHALMETTE, LOUISIANA ON THURSDAY, JULY 7, 2005 AT ELEVEN O'CLOCK A.M.

On motion of Mr. Taffaro, seconded by Mr. Henderson, it was moved to **adopt** the following ordinance:

ORDINANCE SBPC #623-07-05

Summary No. 1855

Introduced by: Administration

Public Hearing Held: July 7, 2005

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF ONE MILLION FIVE HUNDRED SIXTY-FIVE THOUSAND DOLLARS (\$1,565,000) OF GENERAL OBLIGATION REFUNDING BONDS, SERIES 2005, OF THE PARISH OF ST. BERNARD, STATE OF LOUISIANA; PRESCRIBING THE FORM, FIXING THE DETAILS AND PROVIDING FOR THE RIGHTS OF THE OWNERS THEREOF; PROVIDING FOR THE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON SUCH BONDS AND THE APPLICATION OF THE PROCEEDS THEREOF TO THE REFUNDING OF CERTAIN BONDS OF SAID PARISH; AND PROVIDING FOR OTHER MATTERS IN CONNECTION THEREWITH.

WHEREAS, pursuant to the provisions of Chapter 14-A of Title 39 of the Louisiana Revised Statutes of 1950, as amended, and other constitutional and statutory authority, the Parish of St. Bernard, State of Louisiana (the "Issuer"), acting through its governing authority, the St. Bernard Parish Council (the "Governing Authority"), has heretofore issued \$4,335,000 of General Obligation Refunding Bonds, Series 1997 (the "Series 1997 Bonds"); and

WHEREAS, the Issuer is authorized to borrow money and issue general obligation bonds payable from ad valorem taxes to refund its outstanding general obligation bonds, pursuant to Chapter 14-A of Title 39 of the Louisiana Revised Statutes of 1950, as amended (the "Act"), and other constitutional and statutory authority; and

WHEREAS, the Issuer has found and determined that the refunding of the outstanding Series 1997 Bonds, consisting of \$2,395,000 of Series 1997 Bonds which mature February 1, 2006 to February 1, 2010, inclusive (the "Refunded Bonds"), would be financially advantageous to the Issuer and would result in a lower effective interest rate on such Refunded Bonds and debt service savings to the Issuer; and

WHEREAS, pursuant to Chapter 14-A of Title 39 of the Louisiana Revised Statutes of 1950, as amended, and other constitutional and statutory authority, it is now the desire of this Governing Authority to adopt this Ordinance in order to provide for the issuance of One Million Five Hundred Sixty-Five Thousand Dollars (\$1,565,000) principal amount of its General Obligation Refunding Bonds, Series 2005, of the Issuer (the "Bonds"), for the purpose of refunding the Refunded Bonds, to fix the details of the Bonds and to sell the Bonds to the purchaser thereof; and

WHEREAS, it is necessary to provide for the application of the proceeds of the Bonds and to provide for other matters in connection with the payment or redemption of the Refunded Bonds; and

WHEREAS, in connection with the issuance of the Bonds, it is necessary that provision be made for the payment of the principal and interest of the Refunded Bonds and to provide for the call for redemption of the Refunded Bonds, pursuant to a Notice of Call for Redemption substantially in the form attached hereto as Exhibit D; and

WHEREAS, the Issuer desires to sell the Bonds to the purchaser thereof and to fix the details of the Bonds and the terms of the sale of the Bonds;

NOW, THEREFORE, BE IT ORDAINED by the Parish Council of the Parish of St. Bernard, State of Louisiana, acting as the governing authority thereof, that:

ARTICLE 1 DEFINITIONS AND INTERPRETATION

SECTION 1. Definitions . The following terms shall have the following meanings unless the context otherwise requires:

"Act" shall mean Chapter 14-A of Title 39 of the Louisiana Revised Statutes of 1950, as amended, and other applicable constitutional and statutory authority.

"Bond" or **"Bonds"** shall mean any or all of the General Obligation Refunding Bonds, Series 2005 of the Issuer, issued pursuant to the Bond Ordinance, as the same may be amended from time to time, whether initially delivered or issued in exchange for, upon transfer of, or *in lieu* of any previously issued Bond.

"Bond Obligation" shall mean, as of the date of computation, the principal amount of the Bonds then Outstanding.

"Bond Ordinance" shall mean this Ordinance, as it may be amended and supplemented as herein provided.

"Business Day" shall mean a day of the year other than a day on which banks located in New York, New York and the cities in which the principal offices of the Escrow Agent and the Paying Agent are located are required or authorized to remain closed and on which the New York Stock Exchange is closed.

"Code" shall mean the Internal Revenue Code of 1986, as amended.

"Costs of Issuance" shall mean all items of expense, directly or indirectly payable or reimbursable and related to the authorization, sale and issuance of the Bonds, including but not limited to printing costs, costs of preparation and reproduction of documents, filing and recording fees, initial fees and charges of any fiduciary, legal fees and charges, fees and disbursements of consultants and professionals, costs of credit ratings, fees and charges for preparation, execution, transportation and safekeeping of the Bonds, costs and expenses of refunding, premiums for the insurance of the payment of the Bonds, if any, and any other cost, charge or fee paid or payable by the Issuer in connection with the original issuance of Bonds.

"Debt Service" for any period shall mean, as of the date of calculation, an amount equal to the sum of (a) interest payable during such period on Bonds and (b) the principal amount of Bonds which mature during such period.

"Defeasance Obligations" shall mean (a) cash, or (b) non-callable Government Securities.

"Executive Officers" means collectively the Parish President, Chairman of the Council and Clerk of the Council of the Issuer.

"**Fiscal Year**" means the twelve-month accounting period commencing on the first day of January or any other twelve-month accounting period determined by the Governing Authority as the fiscal year of the Issuer.

"**Governing Authority**" shall mean the Parish Council of the Issuer, or its successor in function.

"**Government Securities**" shall mean direct general obligations of, or obligations the principal of and interest on which are unconditionally guaranteed by, the United States of America, which may be United States Treasury Obligations such as the State and Local Government Series and may be in book-entry form.

"**Interest Payment Date**" shall mean February 1 and August 1 of each year, commencing February 1, 2006.

"**Issuer**" shall mean the Parish of St. Bernard, State of Louisiana.

"**Outstanding**" when used with reference to the Bonds, shall mean, as of any date, all Bonds theretofore issued under the Bond Ordinance, except:

(a) Bonds theretofore cancelled by the Paying Agent or delivered to the Paying Agent for cancellation;

(b) Bonds for the payment or redemption of which sufficient Defeasance Obligations have been deposited with the Paying Agent or an escrow agent in trust for the owners of such Bonds as provided in Section hereof, provided that if such Bonds are to be redeemed, irrevocable notice of such redemption has been duly given or provided for pursuant to the Bond Ordinance, to the satisfaction of the Paying Agent, or waived;

(c) Bonds in exchange for or *in lieu* of which other Bonds have been registered and delivered pursuant to the Bond Ordinance; and

(d) Bonds alleged to have been mutilated, destroyed, lost, or stolen which have been paid as provided in the Bond Ordinance or by law.

"**Owner**" or "**Owners**" shall mean the Person reflected as registered owner of any of the Bonds on the registration books maintained by the Paying Agent.

"**Paying Agent**" shall mean Regions Bank, of New Orleans, Louisiana, as paying agent and registrar hereunder, until a successor Paying Agent shall have become such pursuant to the applicable provisions of the Bond Ordinance, and thereafter "Paying Agent" shall mean such successor Paying Agent.

"**Person**" shall mean any individual, corporation, partnership, joint venture, association, joint-stock company, trust, unincorporated organization, or government or any agency or political subdivision thereof.

"**Purchaser**" shall mean Regions Bank, of Baton Rouge, Louisiana.

"**Record Date**" shall mean, with respect to an Interest Payment Date, the fifteenth day of the calendar month next preceding such Interest Payment Date, whether or not such day is a Business Day.

"**Refunded Bonds**" shall mean the Issuer's \$2,395,000 of outstanding General Obligation Refunding Bonds, Series 1997, which mature February 1, 2006 to February 1, 2010, inclusive, which are being refunded by the Bonds, as more fully described in Exhibit A hereto.

"**State**" shall mean the State of Louisiana.

SECTION 1.2. Interpretation . In this Bond Ordinance, unless the context otherwise requires, (a) words importing the singular include the plural and vice versa, (b) words of the masculine gender shall be deemed and construed to include correlative words of the feminine and neuter genders and (c) the title of the offices used in this Bond Ordinance shall be deemed to include any other title by which such office shall be known under any subsequently adopted charter.

ARTICLE 2 AUTHORIZATION AND ISSUANCE OF BONDS

SECTION 2.1 Authorization of Bonds: Refunding of Refunded Bonds . This Bond Ordinance creates a series of bonds of the Issuer to be designated "General Obligation Refunding Bonds, Series 2005, of the Parish of St. Bernard, State of Louisiana" and provides for the full and final payment of the principal of and interest on all the Bonds.

(a) The Bonds issued under this Bond Ordinance shall be issued for the purpose of refunding the Refunded Bonds through the deposit of the proceeds of the Bonds, in order to provide for the payment of the principal of and interest on the Refunded Bonds upon redemption as provided in Section 13.1 hereof, and paying the Costs of Issuance.

(b) Provision having been made for the orderly payment until maturity or earlier redemption of all the Refunded Bonds, in accordance with their terms, it is hereby recognized and acknowledged that as of the date of delivery of the Bonds under this Bond Ordinance, provision will have been made for the performance of all covenants and agreements of the Issuer incidental to the Refunded Bonds, and that accordingly, and in compliance with all that is herein provided, the Issuer is expected to have no future obligation with reference to the aforesaid Refunded Bonds.

SECTION 2.2 Bond Ordinance to Constitute Contract . In consideration of the purchase and acceptance of the Bonds by those who shall own the same from time to time, the provisions of this Bond Ordinance shall be a part of the contract of the Issuer with the Owners of the Bonds and shall be deemed to be and shall constitute a contract between the Issuer and the Owners from time to time of the Bonds. The provisions, covenants and agreements herein set forth to be performed by or on behalf of the Issuer shall be for the equal benefit, protection and security of the Owners of any and all of the Bonds, each of which Bonds, regardless of the time or times of its issue or maturity, shall be of equal rank without preference, priority or distinction over any other thereof except as expressly provided in this Bond Ordinance.

SECTION 2.3 Obligation of Bonds . The Bonds shall constitute general obligations of the Issuer, and the full faith and credit of the Issuer is hereby pledged for their payment and for the payment of all the interest thereon. The Issuer is bound under the terms and provisions of law and this Bond Ordinance to impose and collect annually, in excess of all other taxes, a tax on all the property subject to taxation within the territorial limits of the Issuer, sufficient to pay the principal of and interest on the Bonds falling due each year, said tax to be levied and collected by the same officers, in the same manner and at the same time as other taxes are levied and collected within the territorial limits of the Issuer. All ad valorem taxes levied by the Issuer in each year for the payment of the Bonds shall, upon their receipt, be transferred to the Governing Authority, which shall have responsibility for the deposit of such receipts and for the investment and reinvestment of such receipts and the servicing of the Bonds and any other general obligation bonds of the Issuer.

SECTION 2.4 Authorization and Designation . Pursuant to the provisions of the Act, there is hereby authorized the issuance of One Million Five Hundred Sixty-Five Thousand Dollars (\$1,565,000) principal amount of Bonds of the Issuer to be designated "General Obligation Refunding Bonds, Series 2005, of the Parish of St. Bernard, State of Louisiana," for the purpose of refunding the Refunded Bonds and paying the Costs of Issuance. The Bonds shall be in substantially the form set forth as Exhibit B hereto, with such necessary or appropriate variations, omissions and insertions as are required or permitted by the Act and this Bond Ordinance.

This Governing Authority hereby finds and determines that upon the issuance of the Bonds, the total outstanding amount of general obligation bonds of the Issuer issued and deemed to be outstanding will not exceed the Issuer's general obligation bond limit.

SECTION 2.4 Denominations, Dates, Maturities and Interest . The Bonds are issuable as fully registered bonds without coupons in the denominations corresponding to the principal amount of each maturity (one Bond per maturity), and shall be numbered R-1 upward.

The Bonds shall be dated the date of delivery thereof, shall mature on February 1 in the years and in the principal amounts and shall bear interest, payable on February 1, and August 1 of each year, commencing February 1, 2006, at the rates per annum, as follows:

| DATE (FEBRUARY 1) | PRINCIPAL PAYMENT | INTEREST RATE |
|----------------------|----------------------|------------------|
| 2006 | \$ 285,000 | 2.70% |
| 2007 | 295,000 | 2.70 |
| 2008 | 310,000 | 2.70 |
| 2009 | 325,000 | 2.70 |
| 2010 | 350,000 | 2.70 |

The principal of the Bonds is payable in such coin or currency of the United States of America as at the time of payment is legal tender for payment of public and private debts at the principal office of the Paying Agent, upon presentation and surrender thereof. Interest on the Bonds is payable by check mailed on or before the Interest Payment Date by the Paying Agent to the Owner thereof (determined as of the close of business on the Record Date) at the address of such Owner as it appears on the registration books of the Paying Agent maintained for such purpose.

Except as otherwise provided in this Section, Bonds shall bear interest from date thereof or from the most recent Interest Payment Date to which interest has been paid or duly provided for, as the case may be, provided, however, that if and to the extent that the Issuer shall default in the payment of the interest on any Bonds due on any Interest Payment Date, then all such Bonds shall bear interest from the most recent Interest Payment Date to which interest has been paid on the Bonds, or if no interest has been paid on the Bonds, from their dated date.

The person in whose name any Bond is registered at the close of business on the Record Date with respect to an Interest Payment Date shall in all cases be entitled to receive the interest payable on such Interest Payment Date notwithstanding the cancellation of such Bond upon any registration of transfer or exchange thereof subsequent to such Record Date and prior to such Interest Payment Date.

ARTICLE 3 GENERAL TERMS AND PROVISIONS OF THE BONDS

SECTION 3.1 Exchange of Bonds: Persons Treated as Owners . The Issuer shall cause books for the registration and for the registration of transfer of the Bonds as provided in this Bond Ordinance to be kept by the Paying Agent at its principal office, and the Paying Agent is hereby constituted and appointed the registrar for the Bonds. At reasonable times and under reasonable regulations established by

the Paying Agent said list may be inspected and copied by the Issuer or by the Owners (or a designated representative thereof) of 15% of the outstanding principal amount of the Bonds.

All Bonds presented for registration of transfer or exchange shall be accompanied by a written instrument or instruments of transfer in form and with a guaranty of signature satisfactory to the Paying Agent, duly executed by the Owner or his attorney duly authorized in writing.

The Bonds may be transferred, registered and assigned only on the Bond Register, and such registration shall be at the expense of the Issuer. A Bond may be assigned by the execution of an assignment form on the Bond or by other instruments of transfer and assignment acceptable to the Paying Agent. A new Bond will be delivered by the Paying Agent to the last assignee (the new Owner) in exchange for such transferred and assigned Bond after receipt of the Bond to be transferred in proper form. Such new Bond shall be in an authorized denomination. Neither the Issuer nor the Paying Agent shall be required to issue, register, transfer or exchange any Bond during a period beginning at the opening of business on a Record Date and ending at the close of business on the Interest Payment Date.

No service charge to the Owners shall be made by the Paying Agent for any exchange or registration of transfer of Bonds. The Paying Agent may require payment by the person requesting an exchange or registration of transfer of Bonds of a sum sufficient to cover any tax or other governmental charge that may be imposed in relation thereto.

All Bonds delivered upon any registration of transfer or exchange of Bonds shall be valid obligations of the Issuer, evidencing the same debt and entitled to the same benefits under this Bond Ordinance as the Bonds surrendered.

Prior to due presentment for registration of transfer of any Bond, the Issuer and the Paying Agent, and any agent of the Issuer or the Paying Agent may deem and treat the person in whose name any Bond is registered as the absolute owner thereof for all purposes, whether or not such Bond shall be overdue, and shall not be bound by any notice to the contrary.

SECTION 3.2 Bonds Mutilated, Destroyed, Stolen or Lost . In case any Bond shall become mutilated or be improperly cancelled, or be destroyed, stolen or lost, the Issuer may in its discretion adopt an ordinance and thereby authorize the issuance and delivery of a new Bond in exchange for and substitution for such mutilated or improperly cancelled Bond, or *in lieu* of and substitution for the Bond destroyed, stolen or lost, upon the Owner (i) furnishing the Issuer and the Paying Agent proof of his ownership thereof and proof of such mutilation, improper cancellation, destruction, theft or loss satisfactory to the Issuer and the Paying Agent, (ii) giving to the Issuer and the Paying Agent an indemnity bond in favor of the Issuer and the Paying Agent in such amount as the Issuer may require, (iii) complying with such other reasonable regulations and conditions as the Issuer may prescribe and (iv) paying such expenses as the Issuer and the Paying Agent may incur. All Bonds so surrendered shall be delivered to the Paying Agent for cancellation pursuant to Section hereof. If any Bond shall have matured or be about to mature, instead of issuing a substitute Bond, the Issuer may pay the same, upon being indemnified as aforesaid, and if such Bond be lost, stolen or destroyed, without surrender thereof.

Any such duplicate Bond issued pursuant to this Section shall constitute an original, additional, contractual obligation on the part of the Issuer, whether or not the lost, stolen or destroyed Bond be at any time found by anyone. Such duplicate Bond shall be in all respects identical with those replaced except that it shall bear on its face the following additional clause:

"This bond is issued to replace a lost, cancelled or destroyed bond under the authority of R.S. 39:971 through 39:974."

Such duplicate Bond may be signed by the facsimile signatures of the same officers who signed the original Bonds, provided, however, that in the event the officers who executed the original Bonds are no longer in office, then the new Bonds may be signed by the officers then in office. Such duplicate Bonds shall be entitled to equal and proportionate benefits and rights as to lien and source and security for payment as provided herein with respect to all other Bonds hereunder, the obligations of the Issuer upon the duplicate Bonds being identical to its obligations upon the original Bonds and the rights of the Owner of the duplicate Bonds being the same as those conferred by the original Bonds.

SECTION 3.3 Preparation of Definitive Bonds, Temporary Bonds . Until the definitive Bonds are prepared, the Issuer may execute, in the same manner as is provided in Section , and deliver, *in lieu* of definitive Bonds, but subject to the same provisions, limitations and conditions as the definitive Bonds except as to the denominations, one or more temporary typewritten Bonds substantially of the tenor of the definitive Bonds *in lieu* of which such temporary Bond or Bonds are issued, in authorized denominations, and with such omissions, insertions and variations as may be appropriate to temporary Bonds.

SECTION 3.4 Cancellation of Bonds . All Bonds paid either at or before maturity, together with all Bonds purchased by the Issuer, shall thereupon be promptly cancelled by the Paying Agent. The Paying Agent shall thereupon promptly furnish to the Secretary of the Governing Authority an appropriate certificate of cancellation.

SECTION 3.5 Execution . The Bonds shall be executed in the name and on behalf of the Issuer by the manual or facsimile signatures of the Executive Officers, and the corporate seal of the Issuer (or a facsimile thereof) shall be thereunto affixed, imprinted, engraved or otherwise reproduced thereon. In case any one or more of the officers who shall have signed or sealed any of the Bonds shall cease to be such officer before the Bonds so signed and sealed shall have been actually delivered, such Bonds may, nevertheless, be delivered as herein provided, and may be issued as if the person who signed or sealed such Bonds had not ceased to hold such office. Said officers shall, by the execution of the Bonds, adopt as and for their own proper signatures their respective facsimile signatures appearing on the Bonds or any legal opinion certificate thereon, and the Issuer may adopt and use for that purpose the facsimile signature of any person or persons who shall have been such officer at any time on or after the date of such Bond, notwithstanding that at the date of such Bond such person may not have held such office or that at the time when such Bond shall be delivered such person may have ceased to hold such office.

SECTION 3.6 Registration by Secretary of State . The Bonds shall be registered with the Secretary of State of the State of Louisiana and shall bear the endorsement of the Secretary of State of Louisiana substantially in the form set forth in Exhibit C hereto, provided such endorsement shall be manually signed only on the Bonds initially delivered to the Purchaser and any Bonds subsequently exchanged therefor as permitted in this Bond Ordinance may bear the facsimile signature of said Secretary of State.

SECTION 3.7 Registration by Paying Agent . No Bond shall be valid or obligatory for any purpose or entitled to any security or benefit under this Bond Ordinance unless and until a certificate of registration on such Bond substantially in the form set forth in Exhibit C hereto shall have been duly executed on behalf of the Paying Agent by a duly authorized signatory, and such executed certificate of the Paying Agent upon any such Bond shall be conclusive evidence that such Bond has been executed, registered and delivered under this Bond Ordinance.

SECTION 3.8 Recital of Regularity . This Governing Authority, having investigated the regularity of the proceedings had in connection with this issue of Bonds, and having determined the same to be regular, the Bonds shall contain the following recital, to-wit:

"It is certified that this Bond is authorized by and is issued in conformity with the requirements of the Constitution and statutes of this State."

ARTICLE 4
SINKING FUND; PAYMENT OF BONDS

SECTION 4.1 Sinking Fund For the payment of the principal of and the interest on the Bonds, the Issuer will maintain a special fund, to be held by the regularly designated fiscal agent of the Issuer (the "Sinking Fund"), into which the Issuer will deposit the proceeds of the aforesaid tax described in Section hereof and no other moneys whatsoever (except for interest earnings thereon). The depository for the Sinking Fund shall transfer from the Sinking Fund to the Paying Agent at least three (3) days in advance of each Interest Payment Date, funds fully sufficient to pay promptly the principal and interest falling due on such date.

(b) All moneys deposited with the regularly designated fiscal agent bank or banks of the Issuer or the Paying Agent under the terms of this Bond Ordinance shall constitute sacred funds for the benefit of the Owners of the Bonds, and shall be secured by said fiduciaries at all times to the full extent thereof in the manner required by law for the securing of deposits of public funds.

(c) All or any part of the moneys in the Sinking Fund shall, at the written request of the Issuer, be invested in accordance with the provisions of the laws of the State of Louisiana, in which event all income derived from such investments shall be added only to the Sinking Fund. Accrued interest, if any, received upon delivery of the Bonds shall be invested only in Government Securities maturing on or prior to the first Interest Payment Date.

SECTION 4.2 Payment of Bonds . The Issuer shall duly and punctually pay or cause to be paid as herein provided, the principal of every Bond and the interest thereon, at the dates and places and in the manner stated in the Bonds according to the true intent and meaning thereof.

ARTICLE 5
REDEMPTION OF BONDS

SECTION 5.1 Redemption of Bonds . The Bonds are not callable for redemption prior to their stated dates of maturity.

ARTICLE 6
APPLICATION OF BOND PROCEEDS

SECTION 6.1 Application of Bond Proceeds . As a condition of the issuance of the Bonds, the Issuer hereby binds and obligates itself to:

(a) Apply an amount of the proceeds derived from the issuance and sale of the Bonds (exclusive of accrued interest), as will fully redeem the Refunded Bonds on the scheduled redemption date.

(b) Deposit accrued interest, if any, received on the delivery date of the Bonds into the Sinking Fund established by Section hereof and apply said funds to pay a portion of the interest due on the Bonds on the first Interest Payment Date therefor. Accrued interest, if any, received upon delivery of the Bonds shall be invested only in Government Securities maturing on or prior to the first Interest Payment Date.

ARTICLE 7
SUPPLEMENTAL ORDINANCES

SECTION 7.1 Supplemental Ordinances Effective Without Consent of Owners . For any one or more of the following purposes and at any time from time to time, an ordinance supplemental hereto may be adopted, which, upon the filing with the Paying Agent of a certified copy thereof, but without any consent of Owners, shall be fully effective in accordance with its terms:

- (a) to add to the covenants and agreements of the Issuer in the Bond Ordinance other covenants and agreements to be observed by the Issuer which are not contrary to or inconsistent with the Bond Ordinance as theretofore in effect;
- (b) to add to the limitations and restrictions in the Bond Ordinance other limitations and restrictions to be observed by the Issuer which are not contrary to or inconsistent with the Bond Ordinance as theretofore in effect;
- (c) to surrender any right, power or privilege reserved to or conferred upon the Issuer by the terms of the Bond Ordinance, but only if the surrender of such right, power or privilege is not contrary to or inconsistent with the covenants and agreements of the Issuer contained in the Bond Ordinance;
- (d) to cure any ambiguity, supply any omission, or cure or correct any defect or inconsistent provision of the Bond Ordinance; or
- (e) to insert such provisions clarifying matters or questions arising under the Bond Ordinance as are necessary or desirable and are not contrary to or inconsistent with the Bond Ordinance as theretofore in effect.

SECTION 7.1 Supplemental Ordinances Effective With Consent of Owners . Except as provided in Section , any modification or amendment of the Bond Ordinance or of the rights and obligations of the Issuer and of the Owners of the Bonds hereunder, in any particular, may be made by a supplemental ordinance, with the written consent of the Owners of a majority of the Bond Obligation at the time such consent is given. No such modification or amendment shall permit a change in the terms of redemption or maturity of the principal of any outstanding Bond or of any installment of interest thereon or a reduction in the principal amount or redemption price thereof or in the rate of interest thereon without the consent of the Owner of such Bond, or shall reduce the percentage of Bonds the consent of the Owner of which is required to effect any such modification or amendment, or change the obligation of the Issuer to levy and collect taxes for the payment of the Bonds as provided herein, without the consent of the Owners of all of the Bonds then outstanding, or shall change or modify any of the rights or obligations of the Paying Agent without its written assent thereto. For the purposes of this Section, Bonds shall be deemed to be affected by a modification or amendment of the Bond Ordinance if the same adversely affects or diminishes the rights of the Owners of said Bonds.

A supplemental ordinance, upon the filing with the Paying Agent of a certified copy thereof, shall become fully effective in accordance with its terms.

ARTICLE 8 TAX AND SECURITIES LAWS COVENANTS

SECTION 8.1 Tax Covenants . The Issuer covenants and agrees that, to the extent permitted by the laws of the State of Louisiana, it will comply with the requirements of the Code to in order to establish, maintain and preserve the exclusion from "gross income" of interest on the Bonds under the Code. The Issuer shall not take any action or fail to take any action, nor shall it permit at any time or times any of the proceeds of the Bonds or any other funds of the Issuer to be used directly or indirectly in any manner, to acquire any securities or obligations the acquisition of which would cause any Bond to be an "arbitrage bond" as defined in the Code or would result in the inclusion of the interest on any Bond in "gross income" under the Code, including, without limitation, (i) the failure to comply with the limitation on investment of the proceeds of the Bonds, (ii) the failure to pay any required rebate of arbitrage earnings to the United States of America, or (iii) the use of the proceeds of the Bonds in a manner which would cause the Bonds to be "private activity bonds" under the Code.

The Executive Officers are hereby empowered, authorized and directed to take any and all action and to execute and deliver any instrument, document or certificate necessary to effectuate the purposes of this Section.

SECTION 8.2 Bonds are "Bank-Qualified" . The Bonds are designated as "qualified tax-exempt obligations" within the meaning of Section 265(b)(3) of the Code. In making this designation, the Issuer finds and determines that:

- (a) the Bonds are not private activity bonds within the meaning of the Code; and
- (b) the reasonably anticipated amount of qualified tax-exempt obligations which will be issued by the Issuer and all subordinate entities in the calendar year 2005 will not exceed \$10,000,000.

SECTION 8.3 Disclosure Under SEC Rule 15c2-12 . It is recognized that the Issuer will not be required to comply with the continuing disclosure requirements described in the Rule 15c-2-12(b) of the Securities and Exchange Commission [17 CFR §240.15c2-12(b)], because:

- (a) the Bonds are not being purchased by a broker, dealer or municipal securities dealer acting as an underwriter in a primary offering of municipal securities, and
- (b) the Bonds are being sold to only one financial institution (*i.e.*, no more than thirty-five persons), which (i) has such knowledge and experience in financial and business matters that it is capable of evaluating the merits and risks of the prospective investment in the Bonds and (ii) is not purchasing the Bonds for more than one account or with a view to distributing the Bonds.

ARTICLE 9 REMEDIES ON DEFAULT

SECTION 9.1 Events of Default . If one or more of the following events (in this Bond Ordinance called "Events of Default") shall happen, that is to say,

- (a) if default shall be made in the due and punctual payment of the principal of any Bond when and as the same shall become due and payable, whether at maturity or otherwise; or
- (b) if default shall be made in the due and punctual payment of any installment of interest on any Bond when and as such interest installment shall become due and payable; or
- (c) if default shall be made by the Issuer in the performance or observance of any other of the covenants, agreements or conditions on its part in the Bond Ordinance, any supplemental ordinance or in the Bonds contained and such default shall continue for a period of forty-five (45) days after written notice thereof to the Issuer by any Owner; or
- (d) if the Issuer shall file a petition or otherwise seek relief under any Federal or State bankruptcy law or similar law;

then, upon the happening and continuance of any Event of Default the Owners of the Bonds shall be entitled to exercise all rights and powers for which provision is made under Louisiana law.

**ARTICLE 10
CONCERNING FIDUCIARIES**

SECTION 10.1 Paying Agent: Appointment and Acceptance of Duties . The Issuer will at all times maintain a Paying Agent having the necessary qualifications for the performance of the duties described in this Bond Ordinance. The designation of the initial Paying Agent is hereby confirmed and approved. The Paying Agent shall signify its acceptance of the duties and obligations imposed on it by the Bond Ordinance by executing and delivering to the Executive Officers a written acceptance thereof. The Governing Authority reserves the right to appoint a successor Paying Agent by filing with the Person then performing such function a certified copy of a resolution or ordinance giving notice of the termination of the agreement and appointing a successor and causing notice to be given to each Owner. Furthermore, the Paying Agent may be removed by the Issuer at any time for any breach of its duties set forth herein, affective upon appointment of a successor Paying Agent as set forth above. Every Paying Agent appointed hereunder shall at all times be a trust company or bank organized and doing business under the laws of the United States of America or of any State, authorized under such laws to exercise trust powers, and subject to supervision or examination by Federal or State authority.

**ARTICLE 11
MISCELLANEOUS**

SECTION 11.1 Defeasance . If the Issuer shall pay or cause to be paid to the Owners of all Bonds then outstanding, the principal and interest to become due thereon, at the times and in the manner stipulated therein and in the Bond Ordinance, then the covenants, agreements and other obligations of the Issuer to the Owners shall be discharged and satisfied. In such event, the Paying Agent shall, upon the request of the Issuer, execute and deliver to the Issuer all such instruments as may be desirable to evidence such discharge and satisfaction and the Paying Agent shall pay over or deliver to the Issuer all moneys, securities and funds held by them pursuant to the Bond Ordinance which are not required for the payment of Bonds not theretofore surrendered for such payment.

Bonds or interest installments for the payment of which money shall have been set aside and shall be held in trust (through deposit by the Issuer of funds for such payment or otherwise) at the maturity date thereof shall be deemed to have been paid within the meaning and with the effect expressed above in this Section. Bonds shall be deemed to have been paid, prior to their maturity, within the meaning and with the effect expressed above in this Section if they have been defeased pursuant to Chapter 14 of Title 39 of the Louisiana Revised Statutes of 1950, as amended, or any successor provisions thereto.

SECTION 11.2 Evidence of Signatures of Owners and Ownership of Bonds . Any request, consent, revocation of consent or other instrument which the Bond Ordinance may require or permit to be signed and executed by the Owners may be in one or more instruments of similar tenor, and shall be signed or executed by such Owners in person or by their attorneys-in-fact appointed in writing. Proof of the execution of any such instrument, or of an instrument appointing any such attorney, or the ownership by any person of the Bonds shall be sufficient for any purpose of the Bond Ordinance (except as otherwise therein expressly provided) if made in the following manner, or in any other manner satisfactory to the Paying Agent, which may nevertheless in its discretion require further or other proof in cases where it deems the same desirable:

- (1) the fact and date of the execution by any Owner or his attorney-in-fact of such instrument may be proved by the certificate, which need not be acknowledged or verified, of an officer of a bank or trust company or of any notary public or other officer authorized to take acknowledgments of deeds, that the person signing such request or other instrument acknowledged to him the execution thereof, or by an affidavit of a witness of such execution, duly sworn to before such notary public or other officer. Where such execution is by an officer

of a corporation or association or a member of a partnership, on behalf of such corporation, association or partnership, such certificate or affidavit shall also constitute sufficient proof of his authority;

- (2) the ownership of Bonds and the amount, numbers and other identification, and date of owning the same shall be proved by the registration books of the Paying Agent.
- (3) Any request or consent by the Owner of any Bond shall bind all future Owners of such Bond in respect of anything done or suffered to be done by the Issuer or the Paying Agent in accordance therewith.

SECTION 11.3 Moneys Held for Particular Bonds . The amounts held by the Paying Agent for the payment due on any date with respect to particular Bonds shall, on and after such date and pending such payment, be set aside on its books and held in trust by it, without liability for interest, for the Owners of the Bonds entitled thereto.

SECTION 11.4 Parties Interested Herein . Nothing in the Bond Ordinance expressed or implied is intended or shall be construed to confer upon, or to give to, any person or entity, other than the Issuer, the Paying Agent and the Owners of the Bonds any right, remedy or claim under or by reason of the Bond Ordinance or any covenant, condition or stipulation thereof; and all the covenants, stipulations, promises and agreements in the Bond Ordinance contained by and on behalf of the Issuer shall be for the sole and exclusive benefit of the Issuer, the Paying Agent and the Owners of the Bonds and the Refunded Bonds.

SECTION 11.5 No Recourse on the Bonds . No recourse shall be had for the payment of the principal or of interest on the Bonds or for any claim based thereon or on this Bond Ordinance against any member of the Governing Authority or officer of the Issuer or any person executing the Bonds.

SECTION 11.6 Successors and Assigns . Whenever in this Bond Ordinance the Issuer is named or referred to, it shall be deemed to include its successors and assigns and all the covenants and agreements in this Bond Ordinance contained by or on behalf of the Issuer shall bind and enure to the benefit of its successors and assigns whether so expressed or not.

SECTION 11.7 Subrogation . In the event the Bonds herein authorized to be issued, or any of them, should ever be held invalid by any court of competent jurisdiction, the Owner or Owners thereof shall be subrogated to all the rights and remedies against the Issuer had and possessed by the owner or owners of the Refunded Bonds.

SECTION 11.8 Severability . In case any one or more of the provisions of the Bond Ordinance or of the Bonds issued hereunder shall for any reason be held to be illegal or invalid, such illegality or invalidity shall not affect any other provision of the Bond Ordinance or of the Bonds, but the Bond Ordinance and the Bonds shall be construed and enforced as if such illegal or invalid provisions had not been contained therein. Any constitutional or statutory provision enacted after the date of the Bond Ordinance which validates or makes legal any provision of the Bond Ordinance or the Bonds which would not otherwise be valid or legal shall be deemed to apply to the Bond Ordinance and to the Bonds.

SECTION 11.9 Publication of Bond Ordinance . This Bond Ordinance shall be published one time in the official journal of the Issuer; however, it shall not be necessary to publish any exhibits hereto if the same are available for public inspection and such fact is stated in the publication.

SECTION 11.10 Execution of Documents . In connection with the issuance and sale of the Bonds, the Executive Officers are each authorized, empowered and directed to execute on behalf of the Issuer such documents, certificates and instruments as they may deem necessary, upon the advice of bond

counsel, to effect the transactions contemplated by this Bond Ordinance, the signatures of the Executive Officers on such documents, certificates and instruments to be conclusive evidence of the due exercise of the authority granted hereunder.

SECTION 11.11 Employment of Bond Counsel. The employment of the law firm of Foley & Judell, LLP, as Bond Counsel, upon the terms set forth by resolution adopted by the Parish Council on June 7, 2005, to handle all matters of a legal nature in connection with the negotiation, sale, issuance and delivery of the Bonds is hereby ratified and confirmed.

ARTICLE 12 SALE OF BONDS

SECTION 12.1 Sale of Bonds. The Bonds are hereby awarded to and sold to the Purchaser at the price of par and accrued interest and under the terms and conditions set forth in the commitment letter attached hereto as Exhibit C, and after their execution, registration by the Secretary of State and authentication by the Paying Agent, the Bonds shall be delivered to the Purchaser upon receipt by the Issuer of the agreed purchase price.

ARTICLE 13 REDEMPTION OF REFUNDED BONDS

SECTION 13.1 Call for Redemption. The Issuer's \$2,395,000 of General Obligation Refunding Bonds, Series 1997, consisting of all outstanding bonds of that issue, maturing February 1, 2006 to February 1, 2010, inclusive, which are being refunded by the Bonds, as more fully described in Exhibit A hereto, are hereby called for redemption on August 9, 2005 (or such other date determined by the Parish President), at the principal amount of each bond so redeemed, together with accrued interest to the call date, in compliance with the ordinance authorizing their issuance.

SECTION 13.2 Notice of Call for Redemption. In accordance with the ordinance authorizing the issuance of the Refunded Bonds, a notice of call for redemption in substantially the form attached hereto as Exhibit D, shall be sent by the paying agent for the Refunded Bonds to the registered owners of the Refunded Bonds as the same appear on the registration books of said paying agent by means of first class mail not less than thirty (30) days prior to the date of redemption.

SECTION 13.3 Effective Date. This Bond Ordinance shall become effective immediately.

The above and foregoing having been submitted to a vote, the vote thereupon resulted as follows:

YEAS: Madary, Hoffmeister, Henderson and Taffaro.

NAYS: None.

ABSENT FOR VOTE: Dean.

ABSENT: Melerine.

The Chairman, Mr. Di Fatta, cast his vote as **YEA**.

And the motion was declared **adopted** on the 7th day of July, 2005.

/s/POLLY BOUDREAUX
CLERK OF COUNCIL

/s/JOSEPH S. DI FATTA
COUNCIL CHAIRMAN

Delivered to the Parish President

Date and Time

Approved _____

Vetoed _____

Acting Parish President

Danny Menesses

Returned to Clerk of the Council

Date and Time

Received by _____

EXTRACT OF THE OFFICIAL PROCEEDINGS OF THE COUNCIL OF THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING HELD IN THE COUNCIL CHAMBERS OF ST. BERNARD PARISH GOVERNMENT BUILDING, 8201 WEST JUDGE PEREZ DRIVE CHALMETTE, LOUISIANA ON THURSDAY, JULY 7, 2005 AT ELEVEN O'CLOCK A.M.

On motion of Mr. Taffaro, seconded by Mr. Henderson, it was moved to **adopt** the following ordinance:

ORDINANCE SBPC #624-07-05

Summary No. 1845

Introduced by: Craig Taffaro, Councilman, District D

AN ORDINANCE APPROVING AND AUTHORIZING THE ACCEPTANCE OF STREETS TO PUBLIC USE AND THE ACCEPTANCE OF SAME FOR PERPETUAL MAINTENANCE LOCATED IN JUMONVILLE NORTH SUBDIVISION, PHASE 1, LOTS 1 THROUGH 27 INCLUSIVE, LOTS 133 THROUGH 153 INCLUSIVE, AND LOTS 83 THROUGH 87 INCLUSIVE (A TOTAL OF 52 LOTS) (NO LOT 13) INCLUDING RUE CARMEN, RUE CIEL AND RUE MARCELLE.

WHEREAS, JN, LLC, a Louisiana Limited Liability Company domiciled in the Parish of St. Bernard, is the OWNER of a certain tract of land which, was acquired by act before Lance Licciardi, Notary Public, dated February 25, 2005, and recorded in the Conveyance records of the Parish of St. Bernard at COB 774 folio 312; and

WHEREAS, the aforesaid OWNER subdivided a portion of said property into JUMONVILLE NORTH SUBDIVISION, in accordance with a survey of Estopinal Surveying & Engineering, Inc., dated October 2, 1998, last revised December 15, 2003, a copy of which is attached hereto and made part hereof, and whereas the off-site improvements therein have been completed in the area designated as JUMONVILLE NORTH SUBDIVISION, PHASE 1, LOTS 1 THROUGH 27 INCLUSIVE, LOTS 133 THROUGH 153 INCLUSIVE, AND LOTS 83 THROUGH 87 INCLUSIVE (NO LOT 13), (A TOTAL OF 52 LOTS) in accordance with the aforesaid survey and whereas the OWNER does now declare that it does desire to dedicate to public use certain streets or portions thereof to serve the above described lots; and

WHEREAS, the St. Bernard Parish Planning Commission granted Preliminary Approval by Resolution PC-R-6-04 at their March 4, 2004 meeting of JUMONVILLE NORTH SUBDIVISION, PHASE 1, for 52 lots; and

WHEREAS, the St. Bernard Parish Planning Commission by Resolution PC-R-10-05 dated, June 28, 2005 granted Final Approval of JUMONVILLE NORTH SUBDIVISION, Phase 1, for 52 lots, (Exhibit A); and

WHEREAS, the Parish Engineer for the Parish of St. Bernard has inspected the aforesaid off-site improvements and has found same to be completed and in conformity with the requirements of the various governmental authorities for the Parish of St. Bernard and has further approved the subdivision layout. (Exhibit B)

NOW, THEREFORE, BE IT ORDAINED, by the St. Bernard Parish Council that the dedication of Streets or portions thereof designated as:

RUE CARMEN – extending from the northernmost right-of-way line of East Judge Perez Drive to the northernmost line of Lot 83;

RUE CIEL – from Rue Carmen to Rue Marcelle;

RUE MARCELLE – from Rue Carmen to the northernmost line of Lot 27;

Be accepted for public use from the OWNER of the subdivision and that the Council, on behalf of the Parish of St. Bernard, assumes the perpetual maintenance of said streets or portions thereof which said streets are more particularly shown on the hereinabove mentioned survey; and

BE IT FURTHER ORDAINED, that the Chairman of the St. Bernard Parish Council be and is hereby authorized and empowered to appear before Notary Public to intervene in an Act of Dedication by JN, LLC, the OWNER, of said subdivision, to accept for and on behalf of Parish of St. Bernard and the public generally, the dedication of the said streets or portions thereof to public use and assuming on behalf of the Parish of St. Bernard the perpetual maintenance thereof and to execute any and all documents necessary and proper in the premises to give full force and effect to this Ordinance in keeping with their terms and conditions hereof and let this Ordinance be registered in the Conveyance Office of the Parish of St. Bernard; and

BE IT FURTHER ORDAINED, that this ordinance shall become effective thirty days after publication by the Council, in accordance with Section 2-12C of the St. Bernard Parish Home Rule Charter; and

BE IT FURTHER ORDAINED, Severability. If any section, clause, paragraph, provision or portion of this Ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause paragraph, provision or portion of this Ordinance, The St. Bernard Parish Council hereby expresses and declares that it would have adopted the remaining portions of this Ordinance with the invalid portions omitted.

The above and foregoing having been submitted to a vote, the vote thereupon resulted as follows:

YEAS: Madary, Hoffmeister, Henderson, Dean and Taffaro.

NAYS: None.

ABSENT: Melerine.

The Chairman, Mr. Di Fatta, cast his vote as **YEA**.

And the motion was declared **adopted** on the 7th day of July, 2005.

/s/POLLY BOUDREAUX
CLERK OF COUNCIL

/s/JOSEPH S. DI FATTA
COUNCIL CHAIRMAN

Delivered to the Parish President

Date and Time

Approved _____

Vetoed _____

Acting Parish President

Danny Menesses

Returned to Clerk of the Council

Date and Time

Received by _____

ACT OF DEDICATION OF STREETS
BY: JN, LLC. IN
JUMONVILLE NORTH SUBDIVISION

BE IT KNOWN, that on this day of , 2005, before me, Lance Licciardi, a Notary Public, duly commissioned, who is qualified to act in and for the Parish of St. Bernard.

PERSONALLY APPEARED

Jumonville North, LLC, a Louisiana Limited Liability company domiciled in the Parish of St. Bernard, organized on January 29, 2003, recorded in the office of the Louisiana Secretary of State as Charter/Organization ID 354 17863 on January 29, 2003, and recorded in St. Bernard Parish on in MOB 1259, represented herein by its undersigned officer duly authorized by Resolution of the members of said limited liability company, certified copy of which is attached hereto, hereinafter called OWNER.

Which said OWNER declared unto me, Notary, that it is the owner of certain property which it acquired on February 25, 2005, by act before Lance Licciardi, Notary Public, which act is recorded in the Conveyance Records of the Parish of St. Bernard at COB 774, folio 312.

And the said OWNER further declared that the aforesaid property has been subdivided into a subdivision known as JUMONVILLE NORTH, on accordance with a plan of Estopinal Surveying and Engineering, Inc., dated October 2, 1998, last revised December 15, 2003, LOTS 1 THROUGH 27 INCLUSIVE, LOTS 133 THROUGH 153 INCLUSIVE, AND 83 THROUGH 87 INCLUSIVE (NO LOT 13), (A TOTAL OF 52 LOTS).

The OWNER now declares that it does by these present dedicate to public use the following streets or portions of streets:

RUE CARMEN – extending from the northernmost right-of-way line of East Judge Perez Drive to the northernmost line of Lot 83;

RUE CIEL – from Rue Carmen to Rue Marcelle;

RUE MARCELLE – from Rue Carmen to the northernmost line of Lot 27;

All in accordance with the aforesaid survey, a copy of which is annexed hereto.

AND NOW INTERVENES:

Joseph S. Di Fatta, Jr., Chairman of the St. Bernard Parish Council, who declares that acting under and by virtue of Ordinance SBPC #624-07-05 of the Council of the Parish of St. Bernard, adopted at a meeting held on July 7, 2005, a copy of which is registered in the cords of St. Bernard Parish, as Entry Number, a certified copy of which said ordinance is attached thereto, he does, on behalf of the said Parish and Public, generally, accept the dedication herein made of the streets or portions thereof, to public use and assuming on behalf of the Parish of St. Bernard the perpetual maintenance thereof all in accordance with the aforesaid survey.

THUS DONE AND PASSED in Chalmette, Louisiana, on the day, month and year first above written, in the presence of the undersigned competent witnesses, who have hereunto signed their names with the said appearers and me, Notary, after a due reading of the whole.

WITNESSES:

JUMONVILLE NORTH, LLC

ST. BERNARD PARISH COUNCIL

Joseph Di Fatta, Jr.

RESOLUTION OF THE MEMBERS OF
JUMONVILLE NORTH, LLC.
(date)

The following members, being all of the members of said limited liability company, were present in person:

BE IT RESOLVED, THAT James J. Licciardi, managing member of Jumonville North, LLC, is hereby fully authorized, in the name of and on behalf of this limited liability company, to request Final Approval of the following described property, to wit:

LOTS 1 THROUGH 27 INCLUSIVE, LOTS 133 THROUGH 153 INCLUSIVE, AND LOTS 83 THROUGH 87 INCLUSIVE (NO LOT 13) (A TOTAL OF 52 LOTS) located in JUMONVILLE NORTH SUBDIVISION, Phase 1, in accordance with a survey of Estopinal Surveying & Engineering, Inc. dated October 2, 1998, last revised December 15, 2003

BE IT FURTHER RESOLVED, that James J. Licciardi, managing member of Jumonville North, LLC, is hereby fully authorized, in the name of and on behalf of this limited liability company, to execute a proper natural act dedicating streets for public use and is further authorized to request the St. Bernard Parish Council to accept and assume the perpetual maintenance of those streets, to wit:

RUE CARMEN – extending from the northernmost right-of-way line of East Judge Perez Drive to the northernmost line of Lot 83;

RUE CIEL – from Rue Carmen to Rue Marcelle;

RUE MARCELLE – from Rue Carmen to the northernmost line of Lot 27;

EXTRACT OF THE OFFICIAL PROCEEDINGS OF THE COUNCIL OF THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING HELD IN THE COUNCIL CHAMBERS OF ST. BERNARD PARISH GOVERNMENT BUILDING, 8201 WEST JUDGE PEREZ DRIVE, CHALMETTE, LOUISIANA ON TUESDAY, JULY 19, 2005 AT SEVEN O'CLOCK P.M.

On motion of Mr. Madary, seconded by Mr. Taffaro, it was moved to **adopt** the following ordinance:

ORDINANCE SBPC # 625-07-05

Summary No. 1857

Introduced By: Administration

Recommended By: Department of Public Works

Public Hearing held by Planning Commission on June 28, 2005

ORDINANCE AUTHORIZING THE ACCEPTANCE OF THE DEDICATION OF THE WATER SYSTEM, INCLUDING, BUT NOT LIMITED TO, ALL WATER LINES FROM THE WATER SOURCE TO EACH LOT LOCATED IN PHASE ONE OF THE WOODLANDS SUBDIVISION, WHICH IS LIMITED TO LOTS NUMBERED 1 THROUGH 32, PARISH OF ST. BERNARD, STATE OF LOUISIANA, ALL LOCATED WITHIN THE STREET AREA KNOWN AS WEST WOODLANDS COURT, EAST WOODLANDS COURT AND CREPE MYRTLE.

WHEREAS, Terry Tedesco are the owners of a certain tract of land that was acquired by an Act of Sale before Sidney Torres, III, Notary Public, on November 3rd, 2004, and registered in the Conveyance Records of St. Bernard Parish in COB 767, folio 26 on November 5th, 2004; and

WHEREAS, the aforesaid owners have subdivided the above described property into a subdivision designated as The Woodlands, in accordance with plan and survey of Estopinal Surveying and Engineering, Inc., dated August 18th, 2004, revised June 6th, 2005; and that the off-site improvements therein have been completed in accordance with the aforesaid survey; and

WHEREAS, the owner does now declare that they do desire to dedicate to public use the water system, including, but not limited to, all water lines from the water source to each lot in Phase One of The Woodlands Subdivision which is limited to the lots numbered 1-32 as designated on the above-referenced surveys, all located within the street area known as West Woodlands Court, East Woodlands Court and Crepe Myrtle Drive.

NOW THEREFORE, BE IT ORDAINED, by the Council, that the water system, including, but not limited to, all water lines from the water source to each lot in Phase One of The Woodlands Subdivision which is limited to the lots numbered 1-32 as designated on the above-referenced surveys, all located within the street area known as West Woodlands Court, East Woodlands Court and Crepe Myrtle Drive, all as aforesaid;

BE IT FURTHER ORDAINED, that the Chairman of the St. Bernard Parish Council be and he is authorized and empowered to appear before any Notary Public to intervene in an Act of Dedication by Terry Tedesco Homes, L.L.C. as represented by Terry Tedesco, President, the owner of said subdivision, to accept for and on behalf of the Parish of St. Bernard, and the public generally, the dedication of the said water system to public use and assuring on behalf of the Parish of St. Bernard, the perpetual maintenance thereof and to execute any and all documents necessary and proper in the premises to give full force and effect to this Ordinance in keeping with the terms and conditions hereof and let this Ordinance be registered in the Conveyance Office of the Parish of St. Bernard.

BE IT FURTHER ORDAINED, that this ordinance shall become effective immediately upon the date of the President's signature. In the event of a presidential veto, this ordinance shall become effective on the date any override.

The above and foregoing having been submitted to a vote, the vote thereupon resulted as follows:

YEAS: Madary, Hoffmeister, Henderson, Dean, Taffaro and Melerine.

NAYS: None.

ABSENT: None.

The Chairman, Mr. Di Fatta, cast his vote as **YEA**.

And the motion was declared **adopted** on the 19th day of July, 2005.

POLLY C. BOUDREAU
CLERK OF THE COUNCIL

JOSEPH S. DI FATTA
COUNCIL CHAIRMAN

Delivered to the Parish President

Date and Time

Approved ____ Vetoed ____
Acting Parish President

Danny Menesses

Returned to Clerk of the Council _____ Received by _____

ACT OF DEDICATION OF WATER SYSTEM

**BY: TERRY TEDESCO HOMES, LLC
IN
THE WOODLANDS SUBDIVISION**

**UNITED STATES OF AMERICA
PARISH OF ST. BERNARD**

BE IT KNOWN, that on this _____ DAY OF _____, 2005,

BEFORE ME, Jeffrey Grannan, a Notary Public, bearing Louisiana State Bar # 28058, duly commissioned and qualified in and for the Parish of Orleans, State of Louisiana, and in the presence of the witnesses hereinafter undersigned and named:

PERSONALLY CAME AND APPEARED:

TERRY TEDESCO HOMES, L.L.C., represented by President/Owner Terry Tedesco, a person of full age and majority and resident of/and domiciled in the Parish of St. Bernard, State of Louisiana,

which appearers declare that they are the owners of a certain tract of land that was acquired by an Act of Sale before Sidney Torres, III, Notary Public, on November 3rd, 2004, and registered in the Conveyance Records of St. Bernard Parish in COB 767, folio 26 on November 5th, 2004 and,

And now, the said Terry Tedesco Homes, L.L.C., represented by Terry Tedesco, President/Owner, do hereby declare that the aforesaid property has been subdivided into a subdivision designated as The Woodlands, in accordance with plan and survey of Estopinal Surveying and Engineering, Inc., dated August 18th, 2004, revised June 6th, 2005; a copy of which is attached to the Final Approval of Phase One of The Woodlands Subdivision and that the off-site improvements therein have been completed in accordance with the aforesaid survey including those that pertain to the water system in The Woodlands Subdivision in accordance with the aforesaid survey; and the owner does now declare that he does by his presents, dedicate to public use the water system, including, but not limited to, all water lines from the water source to each lot in Phase One of The Woodlands Subdivision which is limited to the lots numbered 1-32 as designated on the above-referenced surveys, all located within the street area known as West Woodlands Court, East Woodlands Court and Crepe Myrtle Drive, St. Bernard Parish, Louisiana, all in accordance with the aforesaid survey and plan.

Extract #12 continued

July 19, 2005

AND NOW INTERVENES:

Joseph Di Fatta, Chairman of the St. Bernard Parish Council, who declares, that acting under and by authority of Ordinance SBPC # _____ of the St. Bernard Parish Council, adopted at the meeting held on the ____ day of _____, 2005, a certified copy of which Ordinance is annexed hereto, he does on behalf of St. Bernard and the public generally, accept the dedication herein made for perpetual maintenance of the hereinabove described water system for public use and for the purpose herein set out.

THUS DONE AND PASSED, in duplicate originals, on the month and year first above written, in the presence of the undersigned competent witnesses and me, Jeffrey Grannan, Notary Public, after a due reading of the whole.

WITNESSES:

Witness Signature

Printed Name

Witness Signature

Printed Name

Terry Tedesco Homes, L.L.C.
Terry Tedesco - President/Owner

St. Bernard Parish Council

By: _____
Joseph Di Fatta - Council Chairman

Jeffrey Grannan Bar # 28056
Notary Public

EXTRACT OF THE OFFICIAL PROCEEDINGS OF THE COUNCIL OF THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING HELD IN THE COUNCIL CHAMBERS OF ST. BERNARD PARISH GOVERNMENT BUILDING, 8201 WEST JUDGE PEREZ DRIVE CHALMETTE, LOUISIANA ON TUESDAY, AUGUST 2, 2005 AT ELEVEN O'CLOCK A.M.

On motion of Mr. Taffaro, seconded by Mr. Dean, it was moved to **adopt** the following ordinance:

ORDINANCE SBPC #626-08-05

Summary No. 1850

Introduced by: Craig Taffaro, Councilman, District D

Public Hearing held July 7, 2005

AN ORDINANCE TO ELIMINATE ZONING CLASSIFICATION, SCHEDULE AND PARKING REQUIREMENTS FOR R-1P PARTY WALL DOUBLES IN THE ST. BERNARD PARISH CODE OF ORDINANCES

THE ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN

SECTION 1. That the zoning classification, schedule and parking requirements for R-1P Party Wall Doubles be eliminated from the St. Bernard Parish Code of Ordinances.

Sec. 22-4. District and land-use regulations.

22-4-1. *Establishment of districts.* For the purpose of promoting the public health, safety, morals and general welfare of the Parish of St. Bernard, Louisiana, said parish is hereby divided into the following types of districts:

- A-1 Rural District
- R-1 Single-Family Residential District
- R-1(MS) Residential District
- R-1(M) Residential District
- R-2 Two-Family Residential District
- R-3 Multiple-Family Residential District
- R-4 Mobile Home Trailer Parks
- C-1 Neighborhood Commercial District
- C-2 General Commercial District
- I-1 Light Industrial District
- I-2 Heavy Industrial District

22-5-6. *Schedule of zoning district regulations.* The schedule of regulations and the notes appended thereto, included herewith as Figure 1, applying to the uses of land and buildings, the height, the coverage of lots, the yards and other open spaces to be provided contiguous to or in connection with buildings, the area of lots, off-street parking space, and all other matters contained therein, as indicated for the various districts established by this chapter, are hereby adopted and declared to be a part of this chapter and may be amended in the same manner as any other part of this chapter. The regulations listed for each district as designated reading from left to right across the Schedule, and in all notes appended thereto, are hereby adopted and prescribed for such district, subject to the provisions of sections 22-5 and 22-7 of this chapter and, unless otherwise indicated, shall be deemed to be the minimum requirements in every instance of their application.

(R-1P Party Wall Doubles is removed from Figure 1. Schedule of Residential Zoning District Regulations)

Sec. 22-6. Off-street parking and loading requirements.

22-6-2. Off-street parking requirements. Off-street automobile parking space or area shall be provided on any lot on which any of the following listed uses are hereafter established, and in accordance with the schedule shown. When a use is increased in capacity by the addition of dwelling rooms, guest rooms, floor area or seats, the minimum off-street parking shall be provided for such increase. Parking space or area may be located on any portion of a lot except in the required front yard or as herein provided. However, the required front yard for multiple-family development may be used as required parking area on the condition that a minimum eight-foot-wide buffer zone between the paved parking surface and the building face be provided, and further, that at least four (4) feet of the total eight (8) feet be utilized as landscape on screen planting area.

| Use | Number of Spaces per Area |
|---|---|
| 1. R-1 and R-2 dwellings | 1 per dwelling unit |
| 2. R-3 dwellings | 1.5 per dwelling unit |
| 3. Boardinghouses and lodginghouses | 1 per bedroom |
| 4. Tourist homes and courts | 1 per room |
| 5. Mobile homes | 1 per dwelling unit |
| 6. Apartment hotels | 1 per 2 dwelling units plus 1 space for each 4 employees |
| 7. Transient hotels | 1 per guest room |
| 8. Clubs and fraternities | 1 per 3 members |
| 9. Libraries and museums | 1 per 400 sq. ft. of floor area |
| 10. Schools, public and private: | |
| Elementary and junior high | 1 per classroom |
| Senior high | 4 per classroom |
| College and universities | 5 per classroom |
| 11. Auditoriums and theaters, sports arenas and places of public assembly | 1 per 4 seats |
| 12. Churches and temples | 1 per 4 seats |
| 13. Hospitals | 1 per 5 beds, 1 space for each staff doctor, plus 1 space for each 4 employees including nurses |
| 14. Clinics | 1 per 300 sq. ft. of floor |
| 15. Stores and shops | space equal to 2 times the retail floor area as partitioned with walls. |
| 16. Offices | Parking area equal to gross floor area |
| 17. Roadside stands | 5 spaces for each stand |
| 18. Undertaking establishments | 1 parking area equal to twice ground floor area of establishment. |
| 19. Mausoleums | 1 parking area equal to ground floor area |
| 20. Cemeteries | 15 spaces for every 5 acres thereof |
| 21. Bingo halls | 1 per 75 sq. ft. |
| 22. Office/warehouses | 1 per 2 employees plus 1 per co. veh. |

- | | | |
|-----|------------------------------------|--|
| 23. | Bowling alleys | 5 per alley |
| 24. | Rollerskating rinks and gyms | 1 per 150 sq. ft. |
| 25. | Furniture and appliance stores | 1 per 400 sq. ft. |
| 26. | Building supplies stores | 1 per 600 sq. ft. |
| 27. | Mini-storage | 1 per storage unit in front of unit |
| 28. | Restaurant and lounge | 1 per 150 sq. ft. |
| 29. | Used and new car lots | 1 per 500 sq. ft. gross lot area |
| 30. | Riverboat gaming establishments | Riverboat excursions: one (1) parking space for each passenger and crewmember based on maximum capacity plus one (1) space for each one (1) landside employee at maximum employment on a single shift. (Note: Hotel, Restaurant, Lounge and other ancillary uses must meet individual parking space requirements, as established within this section). Parking area shall designate passenger loading/unloading zones and bus parking area in addition to the minimum requirements. All parking shall be located on the property. No buffer area may be used for required parking. |
| 31. | Athletic playing fields and courts | One space per 5,000 sq. ft. of land area. |
| 32. | Parks and playgrounds | Space equivalent to one percent of the total land area. Parking area available along park roads or private drives may be used to fulfill this requirement. |

SECTION 2. Effective Date. That this ordinance shall become effective immediately upon the date of the President's signature. In the event of a presidential veto this ordinance shall become effective upon a two thirds favorable vote of the total membership of the Council pursuant to Section 2-11 and 2-13 of the St. Bernard Parish Home Rule Charter.

SECTION 3. Severability. If any section, clause, paragraph, provision or portion of this ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, paragraph, provision or portion of this ordinance, the St. Bernard Parish Council hereby expresses and declares that it would have adopted the remaining portion of this Ordinance with the invalid portions omitted.

The above and foregoing having been submitted to a vote, the vote thereupon resulted as follows:

YEAS: Hoffmeister, Henderson, Dean, Taffaro.

NAYS: None.

RECUSED: Madary.

ABSENT: Melerine.

The Chairman, Mr. Di Fatta, cast his vote as **YEA**.

And the motion was declared **adopted** on the 2nd day of August, 2005.

/s/POLLY BOUDREAUX
CLERK OF COUNCIL

/s/JOSEPH S. DI FATTA
COUNCIL CHAIRMAN

Delivered to the Parish President

Date and Time

Approved _____

Vetoed _____

Acting Parish President

Danny Menesses

Returned to Clerk of the Council

Date and Time

Received by _____

EXTRACT OF THE OFFICIAL PROCEEDINGS OF THE COUNCIL OF THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING HELD IN THE COUNCIL CHAMBERS OF ST. BERNARD PARISH GOVERNMENT BUILDING, 8201 WEST JUDGE PEREZ DRIVE CHALMETTE, LOUISIANA ON TUESDAY, AUGUST 2, 2005 AT ELEVEN O'CLOCK A.M.

On motion of Mr. Madary, seconded by Mr. Taffaro, it was moved to **adopt** the following ordinance:

ORDINANCE SBPC #627-08-05

Summary No. 1854

Introduced by: Administration on June 21, 2005

Public Hearing held June 28, 2005

Planning Commission and Director, Department of Community Development recommended APPROVAL on July 26, 2005

AN ORDINANCE TO APPROVE DOCKET 5-05, PETITION OF KARTER CERISE, WIFE OF/AND EWELL C. POTTS, III, WHO ARE REQUESTING A ZONING CHANGE FROM "CONDITIONAL USE-R-1, SINGLE FAMILY RESIDENTIAL" TO "C-1, NEIGHBORHOOD COMMERCIAL" FOR A CERTAIN TRACT OR PARCEL OF LAND SITUATED IN ST. BERNARD PARISH, IN SQUARE L OF ST. CLAUDE HEIGHTS SUBDIVISION (7216 W. JUDGE PEREZ DRIVE).

WHEREAS, Docket 5-05, Petition of Karter Cerise, wife of/and Ewell C. Potts, III requesting a Zoning Change from "Conditional Use-R-1,(Single Family Residential)", to "C-1, (Neighborhood Commercial)"; and

WHEREAS, all procedures requisite for a re-zoning classification have been satisfied by the Department of Community Development and the St. Bernard Parish Planning Commission.

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN

SECTION I. That approval for a change in zoning classification from "Conditional Use-R-1,(Single Family Residential)", to "C-1, (Neighborhood Commercial)" is hereby granted for the following described property:

A certain tract or parcel of land situated in St. Bernard Parish, State of Louisiana, in Square L of St. Claude Heights Subdivision being a portion of Lots 15, 16, 17 and 18 thereof, (7216 West Judge Perez Dr.) as shown on the plat prepared by Stephen V. Estopinal, Professional Land Surveyor #4356, with Estopinal Surveying and Engineering, Inc.

Property commences at a distance of approximately 284.32 feet from the center radius corner of Center Street and West Judge Perez Drive, (Claiborne Avenue), Louisiana State Highway No. 39, and from that point, head South a distance of approximately 94.81 feet to a point; thence, turn right and head North a distance of approximately 32.66 feet; thence, turn right and head South a distance of 81.53 feet to a point; thence continue along the right of way line of West Judge Perez Drive, (Claiborne Avenue), Louisiana State Highway No. 39, along a curved line having a radius of approximately 753.01 feet, a distance of approximately 122.05 feet to a point of beginning and containing approximately 13,097.5 square feet.

(Errors, omissions and conflicts in survey excepted)

The above and foregoing having been submitted to a vote, the vote thereupon resulted as follows:

YEAS: Madary, Hoffmeister, Henderson, Dean, Taffaro and Melerine.

NAYS: None.

ABSENT: None.

The Chairman, Mr. Di Fatta, cast his vote as **YEA**.

And the motion was declared **adopted** on the 2nd day of August, 2005.

/s/POLLY BOUDREAUX
CLERK OF COUNCIL

/s/JOSEPH S. DI FATTA
COUNCIL CHAIRMAN

Delivered to the Parish President

Date and Time

Approved _____

Vetoed _____

Acting Parish President

Danny Menesses

Returned to Clerk of the Council

Date and Time

Received by _____

EXTRACT OF THE OFFICIAL PROCEEDINGS OF THE COUNCIL OF THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING HELD IN THE COUNCIL CHAMBERS OF ST. BERNARD PARISH GOVERNMENT BUILDING, 8201 WEST JUDGE PEREZ DRIVE CHALMETTE, LOUISIANA ON TUESDAY, AUGUST 2, 2005 AT ELEVEN O'CLOCK A.M.

On motion of Mr. Dean, seconded by Mrs. Hoffmeister, it was moved to **adopt** the following ordinance:

ORDINANCE SBPC #628-08-05

Summary No. 1856

Introduced by: Judy D. Hoffmeister, Councilwoman, District B on July 7, 2005

Public hearing held August 2, 2005

AN ORDINANCE TO ESTABLISH A 180 DAY MORATORIUM ON THE ISSUANCE OF PERMITS OR LICENSE BY ANY PARISH DEPARTMENT OR AGENCY OF ANY VIDEO POKER TRUCK STOPS WITHIN ST. BERNARD.

SECTION 1. THE COUNCIL OF THE PARISH OF ST. BERNARD ORDAINS that no person shall be entitled to any permit or license relative to video poker truck stops within St. Bernard Parish. This prohibition shall remain in force from the close of business day on August 2, 2005 (4:30 p.m.) for 180 days or until the implementation of land use measures considered by the Parish Planning Commission and adopted by the Parish Council, whichever comes sooner. The provisions of this ordinance shall apply only to person seeking the issuance of permits or licenses for any of the forgoing uses.

SECTION 2. METHOD OF APPEAL: Any party aggrieved by provisions of this ordinance may appeal to the St. Bernard Parish Council for a waiver of the provisions hereof by submitting written notice of intent to appeal to the St. Bernard Parish Planning Commission (PPC) accompanied by any site plans, drawings or data, either written or graphic, as deemed necessary by the PPC staff, for review and recommendation. The Planning Commission must make a report of recommendation to the Parish Council within thirty (30) days of the receipt of request. Any appeal fees levied must accompany this appeal. Upon receipt by the Council of the report of the Director of the Department of Community Development, a public hearing shall be held upon proper notice within thirty (30) days at a regular or special meeting of the Council. After consideration of the report and the information presented at the hearing; the Council may, by ordinance, waive the provision of this ordinance with respect to the party making the appeal following a determination by the Council that the issuance of the requested permit would not thwart the purpose of the ongoing review of zoning and land use controls in the area specified in Section 1 of this Ordinance; namely, that the hours and volume of operation arising from the granting of a permit would not adversely impact the public health, safety and welfare of persons living in the neighborhood where such use is located. In connection with the consideration of any appeal, the Council may grant a waiver conditioned upon provisos with respect to hours of operation, parking or include any other special requirement designed to ensure safety of persons and property, minimize the impact of trash or refuse, or ensure general compatibility with other characteristic of the neighborhood by the premises from which the permit is being sought. The provisos or special requirements included in any such waiver shall be permanent provisos attached to the subject permits or renewals thereof for the specific premises and shall not expire with the transfer of ownership of the business or property or with the subsequent ordinance amending the ordinance granting said waiver.

The above and foregoing having been submitted to a vote, the vote thereupon resulted as follows:

YEAS: Madary, Hoffmeister, Henderson, Dean and Taffaro.

NAYS: Melerine.

ABSENT: None.

The Chairman, Mr. Di Fatta, cast his vote as **YEA**.

And the motion was declared **adopted** on the 2nd day of August, 2005.

/s/POLLY BOUDREAUX
CLERK OF COUNCIL

/s/JOSEPH S. DI FATTA
COUNCIL CHAIRMAN

Delivered to the Parish President

Date and Time

Approved _____

Vetoed _____

Acting Parish President

Danny Menesses

Returned to Clerk of the Council

Date and Time

Received by _____

EXTRACT OF THE OFFICIAL PROCEEDINGS OF THE COUNCIL OF THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING HELD IN THE COUNCIL CHAMBERS OF ST. BERNARD PARISH GOVERNMENT BUILDING, 8201 WEST JUDGE PEREZ DRIVE CHALMETTE, LOUISIANA ON TUESDAY, AUGUST 2, 2005 AT ELEVEN O'CLOCK A.M.

On motion of Mr. Madary, seconded by Mr. Taffaro, it was moved to **adopt** the following ordinance:

ORDINANCE SBPC #629-08-05

Summary No. 1858

Introduced by: Administration on July 7, 2005

Public Hearing held August 2, 2005

AN ORDINANCE AUTHORIZING THE GRANTING OF A 10 FOOT RIGHT -OF -WAY, SERVITUDE AND EASEMENT TO ENTERGY LOUISIANA, INC. FOR PROVIDING ELECTRICAL SERVICES IN THE ST. BERNARD PARISH GOVERNMENT COMPLEX PARKING LOT, AS SHOWN ON THE ENTERGY LOUISIANA, INC. DRAWING 2209111547, CHALMETTE, ST. BERNARD PARISH, LOUISIANA.

WHEREAS, St. Bernard Parish is requiring the location of electrical services on a certain portion of ground, situated in the Parish of St. Bernard, State of Louisiana, Southeast Land District of Louisiana, said tract of land is composed of original Tract "CC-1", Tract "CC-2", Tract "CC-3", "Plot M&N-1" and "Plot M&N-1A", Tracts "CC-1", "CC-2" and "CC-3" are more fully shown on a plan of survey by J. J. Krebs & Sons, Inc., dated January 3, 1969. "Plot M&N-1" and "Plot M&N-1A" are more fully shown on a plan of survey by Eugene I. Estopinal, C.E., dated July 24, 1974.

A CERTAIN PIECE OR PORTION OF GROUND, situated in the Parish of St. Bernard, State of Louisiana, the above Tracts and Plots of land were acquired by Grantor as per COB 93, folio 480, COB 102, folio 624, COB 115, folio 601, COB 123, folio 329 and COB 126, folio 479, all of Conveyance Records of St. Bernard Parish, Louisiana.

The location of a ten (10') foot wide right-of-way and servitude herein granted on the above described property is more fully shown in red on that Entergy Louisiana, Inc. Drawing 22009111547, dated June 24, 2005, a copy of which is attached hereto and made a part hereof.

WHEREAS, Entergy Louisiana, Inc. is willing to install said utilities provided that St. Bernard Parish provide Entergy with a right-of-way over said property; and

WHEREAS, St. Bernard Parish is willing to grant a right-of-way to Entergy Louisiana, Inc.

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

SECTION 1. That St. Bernard Parish is authorized to enter into a Right-of -Way Agreement, granting a 10-foot right-of-way to Entergy Louisiana, Inc. In the St. Bernard Parish Government Complex Parking Lot, for the location of electrical facilities, which is more fully shown in red on the Entergy Louisiana, Inc. Drawing 22009111547, dated June 24, 2005.

SECTION 2. That the Parish President is authorized to sign any and all documents required to carry out the provisions of this ordinance.

SECTION 3. Effective Date. That this ordinance shall become effective immediately upon the date of the President's signature. In the event of a presidential veto this ordinance shall become effective upon a two thirds favorable vote of the total membership of the Council pursuant to Section 2-11 and 2-13 of the St. Bernard Parish Home Rule Charter.

SECTION 4. Severability. If any section, clause, paragraph, provision or portion of this ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, paragraph, provision or portion of this ordinance, the St. Bernard Parish Council hereby expresses and declares that it would have adopted the remaining portion of this Ordinance with the invalid portions omitted.

The above and foregoing having been submitted to a vote, the vote thereupon resulted as follows:

YEAS: Madary, Hoffmeister, Henderson, Dean, Taffaro and Melerine.

NAYS: None.

ABSENT: None.

The Chairman, Mr. Di Fatta, cast his vote as **YEA**.

And the motion was declared **adopted** on the 2nd day of August, 2005.

/s/POLLY BOUDREAUX
CLERK OF COUNCIL

/s/JOSEPH S. DI FATTA
COUNCIL CHAIRMAN

Delivered to the Parish President

Date and Time

Approved _____

Vetoed _____

Acting Parish President

Danny Menesses

Returned to Clerk of the Council

Date and Time

Received by _____

On motion of Mr. Taffaro, seconded by Mr. Madary, it was moved to **adopt** the following ordinance:

ORDINANCE SBPC #630-11-05

Summary No. 1862 (Katrina 1)

Introduced by: Joseph S. Di Fatta, Jr., Council-at-Large

Public Hearing held November 1, 2005

AN ORDINANCE PROVIDING FOR THE SALE OF NOT EXCEEDING TWENTY FIVE MILLION DOLLARS (\$25,000,000) OF REVENUE ANTICIPATION NOTES, SERIES 2005, OF THE PARISH OF ST. BERNARD, STATE OF LOUISIANA; AND PROVIDING FOR OTHER MATTERS IN CONNECTION THEREWITH.

WHEREAS, the Parish Council of the Parish of St. Bernard, State of Louisiana, acting as the governing authority of the Parish of St. Bernard, State of Louisiana (the "Issuer" or "Parish") adopted a resolution on October 18, 2005, giving preliminary approval to the issuance of not exceeding \$25,000,000 of Revenue Anticipation Notes, Series 2005 of the Issuer (the "Notes"), in one or more series, to pay operations of the Issuer in anticipation of the revenues of the Issuer; and

WHEREAS, the Louisiana State Bond Commission has approved on _____, 2005 the issuance of the Notes by the Issuer;

NOW, THEREFORE, BE IT ORDAINED by the Parish Council of the Parish of St. Bernard, State of Louisiana (the "Governing Authority"), acting as the governing authority of the Parish of St. Bernard, State of Louisiana, that:

SECTION I. Authorization of the Notes. Approval is given to the issuance of not exceeding Twenty Five Million Dollars (\$25,000,000) of Revenue Anticipation Notes, Series 2005 (the Notes"), of the Issuer, in one or more series, for the purpose of paying operations of the Issuer in anticipation of the revenues of the Issuer, and paying the costs of issuance of the Notes, said Notes to be payable from and secured by a pledge of the Issuers revenues for each fiscal year while any of the Notes are outstanding, after provision has been made for the payments required in connection with outstanding bonded indebtedness of the Parish. The Notes shall bear interest from the date of each draw down at a fixed or variable rate not to exceed eight per centum (8%) per annum, and shall mature on or before March 1, 2009 (or, in the case any of the Notes are sold to the Federal Government to evidence a loan under the Community Disaster Loan Act of 2005, then not exceeding 5 years from the date of said Notes). The Notes shall be issued in fully registered form, shall be sold to the purchasers thereof at a price of not less than 98% of par, plus accrued interest, shall be issued on a taxable and/or tax-exempt basis, and shall have such additional terms and provisions as may be deemed necessary by the Director of Finance.

SECTION II. Sale of Notes. The Notes are hereby authorized to be sold in one or more series and the Parish President, Chief Administrative Officer and/or Finance Director are hereby authorized to execute one or more Note Purchase Agreements, Notes and other documents in form and substance satisfactory to Bond Counsel to the Issuer.

SECTION III. Repeal. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

SECTION IV. Severability. If any provision of this Ordinance shall be held to be invalid, such invalidity shall not effect other provisions herein which can be given effect without the invalid provision and to this end the provisions of this Ordinance are hereby declared to be severable.

SECTION V. This Bond Ordinance shall become effective immediately.

The above and foregoing having been submitted to a vote, the vote thereupon resulted as follows:

YEAS: Madary, Hoffmeister, Henderson, Taffaro, and Melerine.

NAYS: None.

ABSTAIN: Dean.

ABSENT: None.

The Chairman, Mr. Di Fatta cast his vote as **YEA**.

And the motion was declared **adopted** on the 1st day of November, 2005.

On motion of Mr. Taffaro, seconded by Mr. Melerine, it was moved to **adopt** the following ordinance:

ORDINANCE SBPC #631-11-05

Summary No. 1863 (Katrina 2)

Introduced by: Craig Taffaro, District D
Public Hearing held November 1, 2005

AN ORDINANCE REQUIRING THAT "RE-BUILT" HOMES BE BUILT TO, AT LEAST, PRE-HURRICANE KATRINA BUILDING STANDARDS AND RETAIN THE NEIGHBORHOOD INTEGRITY.

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

SECTION I. All residences re-built following the disaster of Hurricanes Katrina and Rita shall follow the building standards as administered by the Office of Community Development prior to Hurricane Katrina in order to maintain the integrity of the subdivision or neighborhood in which the residence is located.

SECTION II. Effective Date. This ordinance shall become effective immediately upon favorable vote of the Parish Council. In the event of a presidential veto this ordinance shall become effective upon a two thirds favorable vote of the total membership of the Council pursuant to Section 2-11 and 2-13 of the St. Bernard Parish Home Rule Charter.

SECTION III. Severability. If any section, clause, paragraph, provision or portion of this ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, paragraph, provision or portion of this ordinance, the St. Bernard Parish Council hereby expresses and declares that it would have adopted the remaining portion of this Ordinance with the invalid portions omitted.

The above and foregoing having been submitted to a vote, the vote thereupon resulted as follows:

YEAS: Madary, Hoffmeister, Henderson, Taffaro, and Melerine.

NAYS: None.

ABSTAIN: Dean.

ABSENT: None.

The Chairman, Mr. Di Fatta cast his vote as **YEA**.

And the motion was declared **adopted** on the 1st day of November, 2005.

On motion of Mr. Taffaro, seconded by Mr. Henderson, it was moved to **adopt** the following ordinance:

ORDINANCE SBPC #632-11-05

Summary No. 1864 (Katrina 3)

Introduced by: Craig Taffaro, District D
Public Hearing held November 1, 2005

AN ORDINANCE TO ESTABLISH A MORATORIUM ON THE RE-ESTABLISHMENT AND DEVELOPMENT OF ANY MULTI-FAMILY DWELLINGS IN ST. BERNARD PARISH THROUGHOUT THE DISASTER RECOVERY PERIOD.

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

SECTION I. THE COUNCIL OF THE PARISH OF ST. BERNARD ORDAINS that no person shall be entitled to any permit or renewal of permit relative to multi-family dwellings within St. Bernard Parish.

SECTION II. During the moratorium period of twelve months the following procedures shall be in place:

Only existing multi-family units will be considered for redevelopment during the moratorium period. All multi-family dwelling structures within St. Bernard Parish shall have the approval of the ST. Bernard Parish Council to assure the proper redevelopment of multi-family units to avoid placement irregularities, over density problems and quality of life issues. Placement of multi-family structures on a conditional use zone will not be automatically approved.

Multi-family units which create an over-density situation shall not be approved during the moratorium period. Over-density shall be considered any situation in which there exist greater than two eight plex structures in a one block radius.

All multi-family units shall be required to create a common area of green space which shall include a landscape design approved by the office of community development and shall include an area that is five square feet for every 1,000 square feet of ground level occupancy. The landscape area shall not be required to be greater than 100 square feet.

SECTION II. METHOD OF APPEAL: Any party aggrieved by provisions of this ordinance may appeal to the St. Bernard Parish Council for a waiver of the provisions hereof by submitting written notice of intent to appeal to the St. Bernard Parish Planning Commission (PPC) accompanied by any site plans, drawings or data, either written or graphic, as deemed necessary by the PPC staff, for review and recommendation. The Planning Commission must make a report of recommendation to the Parish Council within thirty (30) days of the receipt of the request. Any appeal fees levied must accompany this appeal. Upon receipt of the report by the Director of the Department of Community Development, the Council shall hold a public hearing upon proper notice and within thirty (30) days at a regular or special meeting of the Council. After consideration of the report and the information presented at the public hearing and following a determination by the Council that the issuance of the requested permit would not thwart the purpose of ongoing review of zoning and land use controls, the Council may, by ordinance, waive the provisions of this ordinance with respect to the party making the appeal. The provisions or special requirements included in any such waiver shall be permanent provisions attached to the subject permits or renewals thereof for the specific

premises and shall not expire with the transfer of ownership of the property or with the subsequent ordinance amending the ordinance granting said waiver.

SECTION II. Effective Date. This ordinance shall become effective immediately upon favorable vote of the Parish Council. In the event of a presidential veto this ordinance shall become effective upon a two thirds favorable vote of the total membership of the Council pursuant to Section 2-11 and 2-13 of the St. Bernard Parish Home Rule Charter.

SECTION III. Severability. If any section, clause, paragraph, provision or portion of this ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, paragraph, provision or portion of this ordinance, the St. Bernard Parish Council hereby expresses and declares that it would have adopted the remaining portion of this Ordinance with the invalid portions omitted.

The above and foregoing having been submitted to a vote, the vote thereupon resulted as follows:

YEAS: Hoffmeister, Henderson, Taffaro, and Melerine.

NAYS: Madary and Dean.

ABSENT: None.

The Chairman, Mr. Di Fatta cast his vote as **YEA**.

And the motion was declared **adopted** on the 1st day of November, 2005.

EXTRACT OF THE OFFICIAL PROCEEDINGS OF THE COUNCIL OF THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING HELD IN THE COUNCIL CHAMBERS OF THE ST. BERNARD GOVERNMENT BUILDING, 8201 WEST JUDGE PEREZ DRIVE, CHALMETTE, LOUISIANA ON TUESDAY, DECEMBER 6, 2005 AT ELEVEN O'CLOCK A.M.

On motion of Mr. Taffaro, seconded by Mr. Henderson, it was moved to **adopt** the following ordinance:

ORDINANCE SBPC #633-12-05

Summary No. 1865 (K4)

Introduced by: Joseph S. Di Fatta, Jr., Council-at-Large

AN ORDINANCE ACTIVATING THE ST. BERNARD PARISH HOUSING, REDEVELOPMENT AND QUALITY OF LIFE COMMISSION AND APPOINTING SEVEN (7) MEMBERS TO THE BOARD OF COMMISSIONERS OF THE COMMISSION AND OTHER MATTERS IN CONNECTION THEREWITH

WHEREAS, Act No. 104 of the Louisiana Legislature for the Regular Session of 2005 enacts Chapter 13-F of Title 33 of the Louisiana Revised Statutes of Housing, Redevelopment and Quality of Life Commission (the "Commission"), consisting of the entire Parish of St. Bernard; and

WHEREAS, the Act provides in Section E. (1) thereof, that the Commission shall be activated and implemented upon the passage of an ordinance by the St. Bernard Parish Council and appointment of the nine (9) members of the Board of Commissioners (the "Board"), seven (7) of which commissioners are to be appointed by the St. Bernard Parish Council; and

WHEREAS, it is now the desire of the St. Bernard Parish Council to adopt this ordinance activating the Commission and authorizing the appointment of said nine (9) members of the Board

NOW, THEREFORE, BE IT ORDAINED by the Parish Council of the Parish of St. Bernard, State of Louisiana (the "Parish Council"), acting as the governing authority of the Parish of St. Bernard, State of Louisiana (the "Parish"), that:

SECTION I. Under the authority of the Act, the Parish Council does hereby activate and implement the creation of the Commission by appointing the following seven (7) members of the Board, each of which is a citizen of the United States and a domiciliary of, and a qualified voter in the Parish of St. Bernard, for at least one (1) year,

- Lynn Dean appointed by Self
- Joseph Di Fatta appointed by Self
- Kenneth Henderson appointed by Self
- Judy Darby Hoffmeister appointed by Self
- Mark Madary appointed by Self
- Tony Ricky Melerine appointed by Self
- Craig Taffaro appointed by Self

SECTION II. The members of the Board appointed in Section I hereof shall serve at the pleasure of the appointing authority in accordance with Section E.(3)(c) of the Act.

SECTION III. The Commission, hereby activated and implemented by this Ordinance, constitutes a body politic and corporate and a political subdivision of the State of Louisiana with all the rights, duties and powers, privileges and immunities accorded by the Laws and the Constitution of the State of Louisiana, including the Act.

SECTION IV. Should any provision of this ordinance or the application thereof be hereafter held to be invalid, the invalidity or default shall not affect other provisions or application of this ordinance, and provisions of this ordinance are hereby declared severable.

SECTION V. Effective Date. This ordinance shall become effectively thirty (30) calendar days after publication by the parish council. In the event of a presidential veto this ordinance shall become effective upon a two-thirds favorable vote of the total membership of the Council pursuant to Sections 2-11 and 2-13 of the St. Bernard Parish Home Rule Charter.

SECTION VI. Severability. If any section, clause, paragraph, provision or portion of this ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, paragraph, provision or portion of this ordinance, the St. Bernard Parish Council hereby expresses and declares that it would have adopted the remaining portion of this Ordinance with the invalid portions omitted.

The above and foregoing having been submitted to a vote, the vote thereupon resulted as follows:

YEAS: Madary, Hoffmeister, Henderson, Taffaro, and Melerine.

NAYS: Dean.

ABSENT: None.

The Chairman, Mr. Di Fatta cast his vote as **YEA**.

And the motion was declared **adopted** on the 6th day of December, 2005.

POLLY C. BOUDREAUX
CLERK OF COUNCIL

JOSEPH S. DI FATTA
COUNCIL CHAIRMAN

Delivered to Parish President

DATE and TIME

Approved _____

Vetoed _____

/s/HENRY J. RODRIGUEZ, JR.
PARISH PRESIDENT

Returned to Clerk of Council

DATE and TIME

Received by _____

EXTRACT OF THE OFFICIAL PROCEEDINGS OF THE COUNCIL OF THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING HELD IN THE COUNCIL CHAMBERS OF THE ST. BERNARD GOVERNMENT BUILDING, 8201 WEST JUDGE PEREZ DRIVE, CHALMETTE, LOUISIANA ON TUESDAY, DECEMBER 6, 2005 AT ELEVEN O'CLOCK A.M.

On motion of Mr. Taffaro, seconded by Mr. Melerine, it was moved to **adopt** the following ordinance:

ORDINANCE SBPC #634-12-05

Summary No. 1866

Introduced by: Joseph Di Fatta, Councilman-at-Large
Public Hearing held December 6, 2005

AN ORDINANCE TO AUTHORIZE THE PARISH TO ENTER PRIVATE PROPERTY TO, IN THE INTEREST OF PUBLIC HEALTH AND SAFETY, ALTER OR DEMOLISH STRUCTURES AND REMOVE DEBRIS FOUND ON SAID PROPERTY

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN

SECTION 1. That the parish is authorized, to enter private property to, in the interest of public health and safety, alter or demolish structures and remove debris found on said property, based on the Attorney General Opinion No. 05-0373 provided to Plaquemines Parish addressing said issue. (The Attorney General Opinion is available in the Clerk of Council's Office, 8201 W. Judge Perez Drive, Chalmette, Monday through Friday from 8:30 a.m. to 4:30 p.m.)

SECTION 2. Effective Date. This ordinance shall become effectively thirty (30) calendar days after publication by the parish council. In the event of a presidential veto this ordinance shall become effective upon a two-thirds favorable vote of the total membership of the Council pursuant to Sections 2-11 and 2-13 of the St. Bernard Parish Home Rule Charter.

SECTION 3. Severability. If any section, clause, paragraph, provision or portion of this ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, paragraph, provision or portion of this ordinance, the St. Bernard Parish Council hereby expresses and declares that it would have adopted the remaining portion of this Ordinance with the invalid portions omitted.

The above and foregoing having been submitted to a vote, the vote thereupon resulted as follows:

YEAS: Madary, Hoffmeister, Henderson, Taffaro, and Melerine.

NAYS: Dean.

ABSENT: None.

The Chairman, Mr. Di Fatta cast his vote as **YEA**.

And the motion was declared **adopted** on the 6th day of December, 2005.

POLLY C. BOUDREAU
CLERK OF COUNCIL

JOSEPH S. DI FATTA
COUNCIL CHAIRMAN

Delivered to Parish President

DATE and TIME

Approved _____

Vetoed _____

HENRY J. RODRIGUEZ, JR.
PARISH PRESIDENT

Returned to Clerk of Council

DATE and TIME

Received by _____

EXTRACT OF THE OFFICIAL PROCEEDINGS OF THE COUNCIL OF THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING HELD IN THE ROC TENT OF THE ST. BERNARD GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE, CHALMETTE, LOUISIANA ON TUESDAY, DECEMBER 20, 2005 AT ELEVEN O'CLOCK A.M.

On motion of Mr. Taffaro, seconded by Mr. Melerine, it was moved to **adopt** the following ordinance:

ORDINANCE SBPC #635-12-05

Summary No. 1868

Introduced by: Craig Taffaro, Councilman, District D

Public Hearing held December 20, 2005

AN ORDINANCE TO HIRE LEGAL COUNSEL TO PROVIDE ST. BERNARD PARISH GOVERNMENT AND ST. BERNARD PARISH COUNCIL LEGAL ADVISORY SERVICES WITH RESPECT TO ENVIRONMENTAL MATTERS RELATED TO HURRICANE KATRINA AND RITA AND THEM MURPHY OIL SPILL.

THE ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN

SECTION 1. That the Law Firm of Milling Benson Woodward, LLP be retained to represent St. Bernard Parish Government and St. Bernard Parish Council. To provide legal advisory services to Parish Government with respect to environmental matters related to Hurricanes Katrina and Rita and the Murphy Oil Spill.

SECTION 2. That the services of the aforesaid law firm shall be retained through a written contract, attached hereto as Exhibit "A", at an hourly rate(s) within the maximum authorized rates established by the Louisiana Attorney General's Office memorandum dated August 12, 2002, attached thereto as Exhibit "B".

SECTION 3. That the Parish President and Council Chair are hereby authorized to sign a contract for legal services set forth in Sections 1 through 3 of this ordinance.

SECTION 4. That this ordinance shall become effective immediately upon the date of the President's and Council Chair's signature.

The above and foregoing having been submitted to a vote, the vote thereupon resulted as follows:

YEAS: Madary, Hoffmeister, Henderson, Taffaro, and Melerine.

NAYS: Dean.

ABSENT: None.

The Chairman, Mr. Di Fatta cast his vote as **YEA**.

And the motion was declared **adopted** on the 20th day of December, 2005.

C E R T I F I C A T E

I HEREBY CERTIFY that the above and foregoing is a true and correct copy of a motion adopted at a Regular Meeting of the Council of the Parish of St. Bernard, held at Chalmette, Louisiana, on Tuesday, December 20, 2005.

Witness my hand and the seal of the Parish of St. Bernard on this 20th day of December, 2005.

POLLY C. BOUDREAUX
CLERK OF COUNCIL

JOSEPH S. DI FATTA
COUNCIL CHAIRMAN

Delivered to Parish President

DATE and TIME

Approved _____ Vetoed _____

HENRY J. RODRIGUEZ, JR.
PARISH PRESIDENT

Returned to Clerk of Council

DATE and TIME

Received by _____

EXTRACT OF THE OFFICIAL PROCEEDINGS OF THE COUNCIL OF THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING HELD IN THE ROC TENT OF THE ST. BERNARD GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE, CHALMETTE, LOUISIANA ON TUESDAY, DECEMBER 20, 2005 AT ELEVEN O'CLOCK A.M.

On motion of Mr. Taffaro, seconded by Mr. Henderson, it was moved to **adopt** the following ordinance:

ORDINANCE SBPC #636-12-05

Summary No. 1871

Introduced by: Administration

Public Hearing held December 20, 2005

AN ORDINANCE TO AMEND THE 2005 ST. BERNARD PARISH GOVERNMENT ANNUAL OPERATING AND CAPITAL BUDGET

WHEREAS, St. Bernard Parish Government has experienced several budget variations over the course of the last several months; and

WHEREAS, the Home Rule Charter calls for all budget amendments to be adopted through the ordinance process.

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN

SECTION 1. That the 2005 St. Bernard Parish Government Annual Operating and Capital Budget is hereby amended as per budget variations attached hereto and made a part hereof. (Addendum A)

SECTION 2. Effective Date. This ordinance shall become effectively thirty (30) calendar days after publication by the parish council. In the event of a presidential veto this ordinance shall become effective upon a two-thirds favorable vote of the total membership of the Council pursuant to Sections 2-11 and 2-13 of the St. Bernard Parish Home Rule Charter.

SECTION 3. Severability. If any section, clause, paragraph, provision or portion of this ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, paragraph, provision or portion of this ordinance, the St. Bernard Parish Council hereby expresses and declares that it would have adopted the remaining portion of this Ordinance with the invalid portions omitted.

The above and foregoing having been submitted to a vote, the vote thereupon resulted as follows:

YEAS: Madary, Hoffmeister, Henderson, Taffaro, and Melerine.

NAYS: Dean.

ABSENT: None.

The Chairman, Mr. Di Fatta cast his vote as **YEA**.

And the motion was declared **adopted** on the 20th day of December, 2005.

POLLY C. BOUDREAU
CLERK OF COUNCIL

JOSEPH S. DI FATTA
COUNCIL CHAIRMAN

Delivered to Parish President

DATE and TIME

Approved _____

Vetoed _____

HENRY J. RODRIGUEZ, JR.
PARISH PRESIDENT

Returned to Clerk of Council

DATE and TIME

Received by _____

EXTRACT OF THE OFFICIAL PROCEEDINGS OF THE COUNCIL OF THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING HELD IN THE ROC TENT OF THE ST. BERNARD GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE, CHALMETTE, LOUISIANA ON TUESDAY, DECEMBER 20, 2005 AT ELEVEN O'CLOCK A.M.

On motion of Mrs. Hoffmeister, seconded by Mr. Henderson, it was moved to **adopt** the following emergency ordinance:

ORDINANCE SBPC #637-12-05

Summary No. 1873

Introduced by Kenny Henderson, Councilman, District C

THE ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN IN THE INTEREST OF PUBLIC HEALTH AND SAFETY

SECTION I. That the Parish President is hereby authorized to sign a contract of lease between St. Bernard Parish Government and Chalmette Refining, LLC to utilize a:

- a. A right of way approximately 83' x 24' on parish property located at 2224-A Palmisano Boulevard, Chalmette, also known as Rebel Park. Said right of way shall be utilized by LA Department of Environmental Quality as an ambient air monitoring system.
- b. A right of way of 30 feet in width fronting on E. Chalmette Circle with a depth of 100' located at #20 E. Chalmette Circle, also known as Blue Bird Playground. Said right of way shall be utilized by the LA Department of Environmental Quality as an ambient air monitoring system.

SECTION 2. Effective Date. This ordinance shall become effective immediately upon authorizing signature by the Parish President. In the event of a presidential veto this ordinance shall become effective upon a two-thirds favorable vote of the total membership of the Council pursuant to Sections 2-11 and 2-13 of the St. Bernard Parish Home Rule Charter. An emergency ordinance shall be effective for no longer than sixty (60) calendar days after final approval pursuant to Section 2-14(c) of the St. Bernard Parish Home Rule Charter.

SECTION 3. Severability. If any section, clause, paragraph, provision or portion of this ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, paragraph, provision or portion of this ordinance, the St. Bernard Parish Council hereby expresses and declares that it would have adopted the remaining portion of this Ordinance with the invalid portions omitted.

The above and foregoing having been submitted to a vote, the vote thereupon resulted as follows:

YEAS: Madary, Hoffmeister, Henderson, Dean, Taffaro, and Melerine.

NAYS: None.

ABSENT: None.

The Chairman, Mr. Di Fatta cast his vote as **YEA**.

And the motion was declared **adopted** on the 20th day of December, 2005.

POLLY C. BOUDREAU
CLERK OF COUNCIL

JOSEPH S. DI FATTA
COUNCIL CHAIRMAN

Delivered to Parish President

DATE and TIME

Approved _____

Vetoed _____

HENRY J. RODRIGUEZ, JR.
PARISH PRESIDENT

Returned to Clerk of Council

DATE and TIME

Received by _____