

## ORDINANCES ADOPTED BY THE ST. BERNARD PARISH COUNCIL IN 2006

[\(Click on each link to see the full resolution\)](#)

639-02-06	1869 Hire legal counsel to provide parish government legal services with respect to damages due to flooding of the parish between August 29, 2005 and September 30, 2005 and with respect to the U. S. Army Corps of Engineers.	02-21-06
640-02-06	1872 Authorize President to sign contract with Chalmette Refining to utilize a right of way on 2224-A Palmisano Blvd to be used by DEQ as air monitoring system.	02-21-06
641-02-06	1874 Authorize President to sign contract with Chalmette Refining to utilize a right of way on 20 E. Chalmette Circle, also known as Blue Bird Playground to be used by DEQ as air monitoring system	02-21-06
642-03-06	1880 Require contractors to register employees with the Sheriff's Office. <b>Emergency</b>	03-07-06
643-03-06	1875 Preserve integrity of single family dwelling by placing a moratorium on homes becoming rental properties.	03-07-06
644-03-06	1876 Grant Bell South a 30 x 30' right of way at 1500 Aycock Street for telecommunications equipment.	03-07-06
645-03-06	1877 Grant Bell South an exclusive servitude at 2190 Palmisano Blvd. for telecommunications equipment.	03-07-06
646-03-07	1878 Provide for sale of \$24,000,000 of revenue anticipation notes, Series 2006.	03-07-06
647-03-06	1884 An ordinance to amend, Chapter 1, General Provisions and Chapter 3, Alcoholic Beverages, of the St. Bernard Parish Code of Ordinances, by adding Sections 1-11, 3-25(d), 3-26.1, and 3-50 (b).	03-07-06
647-04-06	1879 Authorize President to sign lease with Bell South for 30 x 30 ft servitude for telecommunications equipment.	04-07-06
648-03-06	1881 Amend Chapter 1, & Chapter 3, curfews for bars and lounges.	04-07-06
649-04-06	1885 Amend Ord. #621-06-05 levying taxes on all property in the parish.	04-07-06
650-04-06	1886 Authorize President to sign lease with Bell South for 30 x 30 ft servitude for telecommunications equipment.	04-07-06
651-05-06	1888 Amend Ordinance #642-03-06 to remove \$30 fee only.	05-02-06
652-05-06	1890 Hire legal counsel to represent parish in Docket 05-02994, the case of Office of Workers' Compensation, Lloyd Seube vs parish government.	05-02-06
653-05-06	1894 Amend the 2006 budget to re-instate a line item for in-kind support for the Council On Aging.	05-16-06
654-06-06	1895 An ordinance to create an appearance code for raised or elevated homes inside the hurricane protection system that would require any residential structure not built on a slab to follow specific criteria.	06-06-06

655-06-06	1896	An ordinance levying and imposing certain taxes for 2006 on all property subject to taxation in the Parish of St. Bernard.	06-06-06
656-06-06	1904	Request administration include the immediate public health concerns evidenced in recent mosquito testing results of West Nile Virus and St. Louis Encephalitis, Observations Of Increased Rodent Populations, and continued debris around and within St. Bernard Parish residences.	07-26-06
657-06-06		VACANT	
658-07-06	1892	Establish an Old Arabi Neighborhood Commission.	07-06-06
659-07-06	1896	Levy and impose certain taxes for 2006 on all property subject to taxation in the parish of St. Bernard.	07-06-06
660-07-06	1897	Repeal and re-enact Section 13-34 of the code of ordinances.	07-06-06
661-07-06	1898	Require that all single family dwellings to be used as rental property shall require a conditional use issued through Office of Community Development.	07-06-06
662-07-06	1899	Amend Section 10-8, Operation and Staffing of Parish Fire Stations of the St. Bernard Parish Code of Ordinances	07-06-06
663-07-06	1900	Amend Chap. 5 of the Code, Buildings Construction and Related Activities by adding sections to be designated as 102.6 & 102.7.	07-06-06
664-08-06	1902	Amend the 2006 Annual Operating and Capital Budget.	08-01-06
665-08-06	1901	<b>Docket 1-06</b> , petition of Frank Allo Murphy from R-1 to C-1 Repose Plantation.	08-15-06
666-09-06	1906	Prohibit overtime pay for employees except in emergencies.	09-05-06
667-09-06	1907	Designate Village Square area for Hazard Mitigation grant monies.	09-05-06
668-09-06	1908	Amend C-3 zoning to include pain management clinics as Conditional Use.	09-19-06
669-09-06	1910	Establish a fund correlating with the community development disaster loan program.	09-19-06
670-09-06	1911	Prohibit the rental, lease, loan or certain other occupancy of single family residences in R-1 zones.	09-19-06
671-09-06	1914	Set by formula the salary of the clerk of council in accordance with guidance of Section 2-10(b) of the Home Rule Charter.	09-19-06
672-09-06	1915	Provide for issuance, sale & delivery of \$10,000,000 of revenue notes 2006.	09-19-06
673-09-06	1920	Cease obligations and expenditures of any bond monies Until such time as Summary #1916 is enacted. <b>Emergency</b>	09-19-06

674-09-06	1925	Set council meetings on the 1 <sup>st</sup> and 3 <sup>rd</sup> Tuesdays at 11:00 a.m. during the recovery of infrastructure and facilities in St. Bernard Parish.	09-19-06
675-10-06	1921	Amend Ordinance #661-07-06 requiring that single family Dwellings to be used as rental property shall require a Conditional Use permit issued through the Department of Community Development and to requiring notice posted on the property.	10-03-06
676-10-06	1912	Approve <b>Docket 2-06</b> , petition of Judy Roberts & Clarence Grose R-1 to R-1M (Repose Plantation).	10-17-06
677-10-06	1916	Require that approval of expenditure of any bond monies be given to the council prior to any obligation or expenditure of said funds.	10-17-06
678-10-06	1918	Approve <b>Docket 4-06</b> , petition of Peggy Garcia Henry, R-1 to R-1M (2424 Pakenham Road).	10-17-06
679-10-06		VACANT	
680-10-06	1923	Moratorium on all new business signs until sign ordinance is amended.	10-17-06
681-11-06	1926	Moratorium on construction of docks, slips on Bayou Yscloskey until land ownership conflict is resolved.	11-07-06
682-11-06	1942	Allow existing neighborhood associations to organize yard clean up and authority to lien the property on behalf of the association. <b>Emergency</b> .	11-07-06
683-11-06	1938	Require all budget overages to come before Council. <b>Emergency</b>	11-07-06
684-11-06	1922	Approve Docket <b>6-06</b> , petition of Patsy Creel & Kenneth Cook.	11-21-06
685-11-06	1924	Amend Essential Personnel policy to update personnel.	11-21-06
686-11-06	1930	Amend Article 11, Section 10-20, Fire Prevention Code, adoption of NFPA Fire Prevention Code.	11-21-06
687-12-06	1927	Amend the 2006 Annual Operating and Capital Budget.	12-05-06
688-12-06	1928	Adopt the 2007 Annual Operating and Capital Budget.	12-05-06
689-12-06	1929	Approve Docket <b>7-06</b> , petition of Merna Riess Goetz, R-2 to C-1 2421 Montesquieu Street	12-05-06
690-12-06	1935	Approve Docket <b>11-06</b> , petition of J & A Meraux, C-2 to I-2 (oil & gas prospect)	12-05-06
691-12-06	1936	Require funds from sale of items procured through FEMA and then auctioned by parish government to shall be set aside as a line item in budget.	12-05-06
692-12-06	1937	Require that cost of advertising for civil court jurors be no longer a cost to Parish government but incorporated in the mechanism of court costs.	12-05-06
693-12-06	1939	Repeal Ord. 643-03-06, a moratorium on homes becoming rental properties.	12-05-06

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|------------------|---|----------|
| <b>694-12-06</b> | 1943 Hire legal counsel, Francis B. Mulhall, to represent St. Bernard Parish and St. Bernard Parish Council in Case Number 06-7185 C(1), United States District Court for the Eastern District of Louisiana, entitled "Greater New Orleans Fair Housing Action Center vs. the Parish & Council. | 12-05-06 |
| <b>695-12-06</b> | 1947 Authorize a Cooperative Endeavor Agreement between Public Works Dept. And Entergy to provide immediate lighting for areas in which residents are residing. <b>Emergency</b>  | 12-05-06 |
| <b>696-12-06</b> | 1948 Repeal in its entirety Ordinance #661-07-06, an ordinance requiring that all single family dwellings to be used as rental property shall require a Conditional Use issued through Community Development.   | 12-19-06 |
| <b>697-12-06</b> | 1950 Amend Ordinance #670-09-06, an ordinance to prohibit the rental, lease, loan or certain other occupancy of single family residences in R-1 zones.  | 12-19-06 |

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, FEBRUARY 21, 2006 AT ELEVEN O'CLOCK A.M.

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

**ORDINANCE SBPC #639-02-06**

**Summary No. 1869**

Introduced by: Kenny Henderson, Councilman, District E

AN ORDINANCE TO HIRE LEGAL COUNSEL TO PROVIDE ST. BERNARD PARISH GOVERNMENT AND ST. BERNARD PARISH COUNCIL LEGAL SERVICES WITH RESPECT TO DAMAGES SUSTAINED BY ST. BERNARD PARISH DUE TO THE FLOODING OF THE PARISH BETWEEN AUGUST 29, 2005 AND SEPTEMBER 30, 2005 AND WITH RESPECT TO THE ARMY CORPS OF ENGINEERS.

THE ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN

SECTION 1. That the Law Firm of Tonry and Ginart be retained to represent St. Bernard Parish Government and St. Bernard Parish Council. To provide legal services to Parish Government with respect to damages sustained by St. Bernard Parish due to the flooding of the parish between August 29, 2005 and September 30, 2005 and with respect to the Army Corps of Engineers.

SECTION 2. That the services of the aforesaid law firm shall be retained through a written contract, attached hereto as Exhibit "A", under the terms and conditions more fully spelled out in the contract.

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, Di Fatta and Taffaro.

**NAYS:** None.

**ABSENT FOR VOTE:** Melerine.

The Chairman, Mr. Dean cast his vote as **YEA**.

And the motion was declared **adopted** on the 21<sup>st</sup> day of February, 2006.

POLLY BOUDREAUX  
CLERK OF COUNCIL

LYNN DEAN  
COUNCIL CHAIRMAN

Delivered to the Parish President

\_\_\_\_\_  
Date and Time

APPROVED \_\_\_\_\_

VETOED \_\_\_\_\_

Returned to the Council

\_\_\_\_\_  
Date and Time

Accepted 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, FEBRUARY 21, 2006 AT ELEVEN O'CLOCK A.M.

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

**ORDINANCE SBPC #640-02-06**

**Summary No. 1872**

Introduced by: Judy Hoffmeister, Councilwoman, District B  
Public Hearing held February 21, 2006

AN ORDINANCE TO AUTHORIZE THE PRESIDENT TO SIGN A CONTRACT LEASE BETWEEN ST. BERNARD PARISH GOVERNMENT AND CHALMETTE REFINING, LLC TO UTILIZE A RIGHT OF WAY ON PARISH PROPERTY LOCATED AT 2224-A PALMISANO BOULEVARD, CHALMETTE. SAID RIGHT OF WAY SHALL BE UTILIZED BY LA DEPARTMENT OF ENVIRONMENTAL QUALITY AS AN AMBIENT AIR MONITORING SYSTEM.

THE ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN

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 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.

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.

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, Di Fatta and Taffaro.

**NAYS:** None.

**ABSENT FOR VOTE:** Melerine.

The Chairman, Mr. Dean cast his vote as **YEA**.

And the motion was declared **adopted** on the 21<sup>st</sup> day of February, 2006.

POLLY BOUDREAUX  
CLERK OF COUNCIL

LYNN DEAN  
COUNCIL CHAIRMAN

Delivered to the Parish President

\_\_\_\_\_  
Date and Time

APPROVED \_\_\_\_\_

VETOED \_\_\_\_\_

Returned to the Council

\_\_\_\_\_  
Date and Time

Accepted 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, FEBRUARY 21, 2006 AT ELEVEN O'CLOCK A.M.

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

**ORDINANCE SBPC #641-02-06**

**Summary No. 1874**

Introduced by: Judy Hoffmeister, Councilwoman, District B

THE ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN

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 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.

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, Di Fatta and Taffaro.

**NAYS:** None.

**ABSENT FOR VOTE:** Melerine.

The Chairman, Mr. Dean cast his vote as **YEA**.

And the motion was declared **adopted** on the 21<sup>st</sup> day of February, 2006.

/s/POLLY BOUDREAUX  
CLERK OF COUNCIL

/s/LYNN DEAN  
COUNCIL CHAIRMAN

Delivered to the Parish President

\_\_\_\_\_  
Date and Time

APPROVED \_\_\_\_\_

VETOED \_\_\_\_\_

Returned to the Council

\_\_\_\_\_  
Date and Time

Accepted 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 PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE CHALMETTE, LOUISIANA ON TUESDAY, MARCH 7, 2006 AT ELEVEN O=CLOCK A.M.

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

**ORDINANCE SBPC #642-03-06**

**Summary No. 1880**

Recommended by the Executive/Finance Committee on 3/2/06

AN EMERGENCY ORDINANCE REQUIRING CONTRACTORS TO REGISTER EMPLOYEES WITH THE SHERIFF'S OFFICE

WHEREAS, the recovery of St. Bernard Parish in the aftermath of Hurricanes Katrina and Rita has brought a great influx of contractors and employees into St. Bernard Parish; and

WHEREAS, the Sheriff's Office has duly noted such an increase in various establishments and occurrences parish-wide; and

WHEREAS, an established identification system would enable a more efficient law enforcement system.

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN IN THE INTEREST OF PUBLIC HEATH AND SAFETY

SECTION 1. That all contractors are required to register and ID their employees at the Sheriff's Office.

SECTION 2. The registration and identification service shall be set at \$30 per employee shared equally between the Sheriff's Office and St. Bernard Parish Government.

SECTION 3. Effective Date. This ordinance shall become effective immediately upon authorizing signature by the Parish President. As an emergency ordinance the provisions shall remain valid for 60 days.

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, Di Fatta, Taffaro and Melerine.

**NAYS:** None.

**ABSENT:** None.

The Chairman, Mr. Dean, cast his vote as **NAY**.

And the motion was declared **adopted** on the 7<sup>th</sup> day of March, 2006.

POLLY BOUDREAUX  
CLERK OF COUNCIL

/s/LYNN B. DEAN  
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 ROC TENT OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE CHALMETTE, LOUISIANA ON TUESDAY, MARCH 7, 2006 AT ELEVEN O=CLOCK A.M.

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

**ORDINANCE SBPC #643-03-06**

**Summary No. 1875**

Introduced by Craig Taffaro, Councilman, District D

Public Hearing held March 7, 2006

An ordinance to preserve the integrity of single family dwelling neighborhoods by placing a moratorium on single-family homes becoming rental properties until such time the post Katrina real estate market in St. Bernard Parish stabilizes.

THE ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN

SECTION 1. In order to preserve the integrity of single-family neighborhoods a moratorium is hereby placed on single-family homes becoming rental properties until such time as the post Katrina real estate market in St. Bernard Parish stabilizes.

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; thereby impacting property value and residential integrity of the neighborhood where such use waiver is being requested. In connection with the consideration of any appeal, the Council may grant a waiver conditioned upon provisos to ensure general compatibility with other characteristics 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 property or with the subsequent ordinance amending the ordinance granting said waiver.

SECTION 3. 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.

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:** Hoffmeister, Henderson, Di Fatta, Taffaro and Melerine.

**NAYS:** Madary.

**ABSENT:** None.

The Chairman, Mr. Dean, cast his vote as **NAY**.

And the motion was declared **adopted** on the 7<sup>th</sup> day of March, 2006.

POLLY BOUDREAUX  
CLERK OF COUNCIL

/s/LYNN B. DEAN  
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 ROC TENT OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE CHALMETTE, LOUISIANA ON TUESDAY, MARCH 7, 2006 AT ELEVEN O=CLOCK A.M.

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

**ORDINANCE SBPC #644-03-06**

**Summary No. 1876**

Introduced by: Mark Madary, Councilman, District A

Public Hearing held March 7, 2006

THE ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN

SECTION I. That the Parish President is hereby authorized to sign a contract of lease between St. Bernard Parish Government and Bell South to utilize a 30 foot right of way located in a parcel of land lying in Section 52, Township 12-S, Range 12-E, St. Helena Meridian, physical address is 1500-A Aycock Street. Said right of way shall be utilized for telecommunications equipment.

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.

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, Di Fatta, Taffaro and Melerine.

**NAYS:** None.

**ABSENT:** None.

The Chairman, Mr. Dean, cast his vote as **YEA**.

And the motion was declared **adopted** on the 7<sup>th</sup> day of March, 2006.

POLLY BOUDREAUX  
CLERK OF COUNCIL

/s/LYNN B. DEAN  
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 ROC TENT OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE CHALMETTE, LOUISIANA ON TUESDAY, MARCH 7, 2006 AT ELEVEN O=CLOCK A.M.

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

**ORDINANCE SBPC #645-03-06**

**Summary No. 1877**

Introduced by: Kenny Henderson, Councilman, District C  
Public Hearing held March 7, 2006

THE ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN

SECTION 1. That the Parish President is hereby authorized to sign a contract of lease between St. Bernard Parish Government and Bell South to an exclusive servitude measuring 40.38' north by 12.13' east by 40.30' south by 12.13' west (existing concrete pad) located at 2190 Palmisano Boulevard, Chalmette. Said servitude will be utilized for telecommunications equipment.

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.

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, Di Fatta, Taffaro and Melerine.

**NAYS:** None.

**ABSENT:** None.

The Chairman, Mr. Dean, cast his vote as **YEA**.

And the motion was declared **adopted** on the 7<sup>th</sup> day of March, 2006.

POLLY BOUDREAUX  
CLERK OF COUNCIL

/s/LYNN B. DEAN  
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 ROC TENT OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE CHALMETTE, LOUISIANA ON TUESDAY, MARCH 7, 2006 AT ELEVEN O'CLOCK A.M.

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

**ORDINANCE SBPC #646-03-06**

**Summary No. 1878**

Introduced by: Joseph Di Fatta, Councilman-at-Large  
Public Hearing held March 7, 2006

AN ORDINANCE PROVIDING FOR THE SALE OF NOT EXCEEDING TWENTY FOUR MILLION DOLLARS (\$24,000,000) OF REVENUE ANTICIPATION NOTES, SERIES 2006, 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 February 21, 2006, giving preliminary approval to the issuance of not exceeding \$24,000,000 of Revenue Anticipation Notes, Series 2006 of the Issuer (the "Notes"), in one or more series, for the purpose of paying the cost of debris removal and structure demolition in anticipation of FEMA reimbursement; and

WHEREAS, the Louisiana State Bond Commission is expected to approve on March 16, 2006 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 1. Authorization of the Notes. Approval is given to the issuance of not exceeding Twenty Four Million Dollars (\$24,000,000) of Revenue Anticipation Notes, Series 2006 (the Notes"), of the Issuer, in one or more series, for the purpose of paying the cost of debris removal and structure demolition in anticipation of FEMA reimbursement, and paying the costs of issuance of the Notes, said Notes to be payable from and secured by a pledge of the Issuer's 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. More specifically, the Parish will apply related FEMA reimbursements to the prepayment of Notes as received. 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. 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 2. 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 3. Repeal. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

SECTION 4. 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 5. 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:** Hoffmeister, Henderson, Di Fatta, Taffaro and Melerine.

**NAYS:** Madary.

**ABSENT:** None.

The Chairman, Mr. Dean, cast his vote as **NAY**.

And the motion was declared **adopted** on the 7<sup>th</sup> day of March, 2006.

/s/POLLY BOUDREAUX  
CLERK OF COUNCIL

/s/LYNN B. DEAN  
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 ROC TENT OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE, CHALMETTE, LOUISIANA ON TUESDAY, MARCH 7, 2006 AT ELEVEN O'CLOCK A.M.

On motion of Mrs. Hoffmeister, seconded by Mr. Madary, it was moved to **adopt** the following emergency ordinance in the interest of public health and safety:

**ORDINANCE SBPC #647-03-06**

**Summary No. 1884**

Introduced by Mark Madary, Councilman, District A

AN ORDINANCE TO AMEND, CHAPTER 1, GENERAL PROVISIONS AND CHAPTER 3, ALCOHOLIC BEVERAGES, OF THE ST. BERNARD PARISH CODE OF ORDINANCES, BY ADDING THE FOLLOWING, TO BE DESIGNATED AS SECTIONS 1-11, 3-25(D), 3-26.1, AND 3-50 (B).

**Section 1-11 Enforcement of Code of Ordinances (Add line stating)**

Chapter 3 - Alcoholic Beverages.

**Section 3-25(d)**

Should a suspension under Section 3- 26(g) be in effect when a permit may be due for renewal, the said renewal shall be processed in the usual administrative manner and the remaining time of suspension shall be applied against the new permit, should it be issued.

**Section 3-26.1 Sale, delivery, dispensing, possession and consumption of alcoholic beverages.**

**A. Supremacy**

All provisions of this section shall supersede, though not repeal, any provision of the St. Bernard Code of Ordinances that may be in conflict with this section; may impose a limitation or restriction upon this section; may serve to limit, prohibit, or reduce the penalties that are imposed by this section; or may appear to require that administrative procedures be exhausted or followed before a prosecution may be brought under this section.

**B. Venue.**

The Courts of the 34<sup>th</sup> Judicial District shall have Jurisdiction over prosecutions for any violation of this Section.

**C. Sale, delivery, or dispensing of alcoholic beverages for on premises consumption. Limitations on sales, hours of operation, closing time, possession and consumption.**

- 1) All businesses, establishments, persons, firms or corporations who are licensed by the Parish of St. Bernard to sell, deliver, or dispense alcoholic beverages pursuant to a permit for the retail sale of alcoholic beverages for consumption on the premises, shall close their doors to entry at 2:00 a.m. daily and shall remain closed until 8:00 a.m. daily.

- 2) No holder of a permit for the retail sale of alcoholic beverages for on premises consumption, nor any employee of a permit holder, shall sell, deliver, or dispense nor allow the sale, delivery to a customer, or dispensing of any alcoholic beverage upon the licensed premises between the hours of 2:00 a.m. and 8:00 a.m. daily.
- 3) No person shall request or solicit the holder, nor any employee of a holder, of a permit for the retail sale of alcoholic beverages for on premises consumption, to sell, deliver, or dispense any alcoholic beverage upon the licensed premises in violation of this section.
- 4) All persons on the premises at the time of closing designated herein and who are not the permit holder or an employee of the permit holder, shall be required to leave the premises by 2:15 a.m. and may not leave the premises in possession of any alcoholic beverage.
- 5) No person, whether patron, customer, employee or otherwise, shall at any time, while on the outside of the building of the premises and/or the parking area of a holder of a permit for the retail sale of alcoholic beverages for on premises consumption, possess any alcoholic beverage in a container of any type, whether glass, bottle, can, paper or plastic cup, go-cup, or otherwise unless said container is unopened and sealed.
- 6) Unopened and sealed container shall be defined as a container of any type, whether glass, bottle, can, paper or plastic cup, go-cup, or other receptacle which has not been opened, or on which a seal or stamp has not been broken, or from which a straw does not protrude.

**D. Sale, delivery, or dispensing of alcoholic beverages for off premises consumption. Limitations on sales, possession, and consumption.**

- 1) All businesses, establishments, persons, firms or corporations who are licensed by the Parish of St. Bernard to sell alcoholic beverages at retail for off premises consumption, and their employees, shall be prohibited from selling, delivering, or dispensing alcoholic beverages between the hours of 2:00 a.m. and 8:00 a.m. daily.
- 2) No person, whether patron, customer, employee or otherwise, shall at any time, consume any alcoholic beverage on the premises of a holder of a permit for the retail sale of alcoholic beverages for off premises consumption.
- 3) No holder of a permit for the retail sale of alcoholic beverages for off premises consumption, nor their employees, shall knowingly permit any individual, whether patron, customer, employee or otherwise, to consume any alcoholic beverage on the premises.
- 4) No person, whether patron, customer, employee or otherwise, shall at any time, while on the premises of a holder of a permit for the retail sale of alcoholic beverages for off premises consumption, possess any alcoholic beverage in a container of any type, whether glass, bottle, can, paper or plastic cup, go-cup, or otherwise unless said container is unopened and sealed.
- 5) No holder of a permit for the retail sale of alcoholic beverages for off premises consumption, nor their employees, shall knowingly permit any individual, whether patron, customer, employee or otherwise, to remove any alcoholic beverage from the premises in a container of any type, whether glass, bottle, can, paper or plastic cup, go-cup, or otherwise, unless said container is unopened and sealed.

- 6) Unopened and sealed container shall be defined as a container of any type, whether glass, bottle, can, paper or plastic cup, go-cup, or other receptacle which has not been opened, or on which a seal or stamp has not been broken, or from which a straw does not protrude.
- 7) Paragraphs D.1, D.2, D.3, D.4, and D.5 herein constitute separate offenses within the context of this section.
- 8) Unopened and sealed container shall be defined as a container of any type, whether glass, bottle, can, paper or plastic cup, go-cup, or other receptacle which has not been opened, or on which a seal or stamp has not been broken, or from which a straw does not protrude.

**E. Required notices.**

- 1) All holders of permits for the sale of alcoholic beverages shall post a conspicuous notice inside their premises, not less than 11 inches by 17 inches in size, as well as by each exit, stating that it is illegal to sell, deliver, dispense, or remove any alcoholic beverages from the premises between the hours of 2:00 a.m. and 8 a.m. and that said violators shall be subject to fine and/or imprisonment as provided in parish ordinances.
- 2) All holders of permits for the sale of alcoholic beverages for off premises consumption shall, in addition to the foregoing notice, post a conspicuous notice inside their premises, not less than 11 inches by 17 inches in size, as well as by each exit, stating that it is illegal at any time to open or consume any alcoholic beverage on the premises and that said violators shall be subject to fine and/or imprisonment as provided in parish ordinances. This notice may be stated as part of the same notice required in E.1.

**F. Exceptions.**

- 1) The provisions of this section shall not apply on the following days: January 1; the Saturday, Sunday, and Monday preceding Mardi Gras Day; and Mardi Gras Day itself, but said days shall be counted as calendar days for the purposes of the imposition of penalties hereunder.
- 2) Restaurants and cafeterias, which derive sixty percent (60%) or more of their total business from the sale of food items, shall be exempt from the closure provisions of this section provided however, that such restaurants or cafeterias shall be prohibited from selling or dispensing alcoholic beverages between the hours of 2:00 a.m. and 8:00 a.m. daily.
- 3) All businesses, establishments, persons, firms or corporations who are licensed by the Parish of St. Bernard only to sell alcoholic beverages at retail for off-premise consumption, shall be exempt from the closure provisions;

**G. Penalties:**

Any person, permit holder, or employee of any permit holder who violates any of the provisions of this section shall be sentenced as follows:

For the first offense, a fine of not more than TWO HUNDRED DOLLARS (\$200.00), and/or imprisonment for not more than 5 days in jail, plus costs of the court; for the second offense occurring within any period of time consisting of 730 consecutive calendar days from the commission of the first offense, a fine of not more than FIVE HUNDRED DOLLARS (\$500.00) and/or imprisonment for not more than 10 days in jail, plus costs of the court; and/or if applicable, the judicial suspension for up 30 days of the permit to sell or dispense alcoholic beverages;

For the third offense occurring within any period of time consisting of 730 consecutive calendar days from the commission of first offense, a fine of not more than FIVE HUNDRED DOLLARS (\$500.00) and imprisonment for not less than 5 nor more than 15 days in jail, plus costs of the court; and if applicable, the judicial suspension for not less than 30 days nor more than 185 days of the permit to sell or dispense alcoholic beverages;

For the fourth offense occurring within any period of time consisting of 730 consecutive calendar days from the commission of the first offense, a fine of not more than FIVE HUNDRED DOLLARS (\$500.00) and imprisonment for not less than 15 nor more than 30 days in jail, plus costs of the court; and, if applicable, the judicial revocation of the permit to sell or dispense alcoholic beverages for a period of two years.

**Section 3-50 (b)**

The provisions of this section shall not apply to Section 3-26.1 and shall not be construed in any manner to limit, restrict, or otherwise control or reduce the penalties that may be imposed by the court under that section.

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

**YEAS:** Madary, Hoffmeister, Henderson, Di Fatta, Taffaro and Melerine.

**NAYS:** None.

**ABSENT:** None.

The Chairman, Mr. Dean, cast his vote as **YEA**.

And the motion was declared **adopted** on the 7<sup>th</sup> day of March, 2006.

/s/POLLY BOUDREAUX  
CLERK OF COUNCIL

/s/LYNN DEAN  
COUNCIL CHAIRMAN

Delivered to the Parish President

APPROVED \_\_\_\_\_

VETOED \_\_\_\_\_

\_\_\_\_\_  
Date and Time

\_\_\_\_\_  
Date and Time

Returned to the Council

Accepted 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 WHITE TENT OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE CHALMETTE, LOUISIANA ON FRIDAY, APRIL 7, 2006 AT ELEVEN O=CLOCK A.M.

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

**ORDINANCE SBPC #647-04-06**

**Summary No. 1879**

Introduced by: Mark Madary, Councilman, District A

THE ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN

SECTION I. That the Parish President is hereby authorized to sign a contract of lease between St. Bernard Parish Government and Bell South to utilize an exclusive servitude measuring 25' x 25' located in a parcel of land lying in Section 13, Township 13-S, Range 12-E. Physical address is 1310 Tenebrach Street, Arabi. Said right of way shall be utilized for telecommunications equipment.

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.

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, Di Fatta and Melerine.

**NAYS:** None.

**ABSENT FOR VOTE:** Taffaro.

The Chairman, Mr. Dean, cast his vote as **YEA**.

And the motion was declared **adopted** on the 7<sup>th</sup> day of April, 2006.

POLLY BOUDREAUX  
CLERK OF COUNCIL

/s/LYNN B. DEAN  
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 WHITE TENT OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE CHALMETTE, LOUISIANA ON FRIDAY, APRIL 7, 2006 AT ELEVEN O=CLOCK A.M.

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

**ORDINANCE SBPC #648-04-06**

**Summary No. 1881**

Introduced by Mark Madary, Councilman, District A

Public Hearing held April 7, 2006

AN ORDINANCE TO AMEND, CHAPTER 1, GENERAL PROVISIONS AND CHAPTER 3, ALCOHOLIC BEVERAGES, OF THE ST. BERNARD PARISH CODE OF ORDINANCES, BY ADDING THE FOLLOWING, TO BE DESIGNATED AS SECTIONS 1-11, 3-25(D), 3-26.1, AND 3-50 (B).

**Section 1-11 Enforcement of Code of Ordinances (Add line stating)**

Chapter 3 - Alcoholic Beverages.

**Section 3-25(d)**

Should a suspension under Section 3- 26(g) be in effect when a permit may be due for renewal, the said renewal shall be processed in the usual administrative manner and the remaining time of suspension shall be applied against the new permit, should it be issued.

**Section 3-26.1 Sale, delivery, dispensing, possession and consumption of alcoholic beverages.**

**A. Supremacy**

All provisions of this section shall supersede, though not repeal, any provision of the St. Bernard Code of Ordinances that may be in conflict with this section; may impose a limitation or restriction upon this section; may serve to limit, prohibit, or reduce the penalties that are imposed by this section; or may appear to require that administrative procedures be exhausted or followed before a prosecution may be brought under this section.

**B. Venue.**

The Courts of the 34<sup>th</sup> Judicial District shall have Jurisdiction over prosecutions for any violation of this Section.

**C. Sale, delivery, or dispensing of alcoholic beverages for on premises consumption. Limitations on sales, hours of operation, closing time, possession and consumption.**

- 6) All businesses, establishments, persons, firms or corporations who are licensed by the Parish of St. Bernard to sell, deliver, or dispense alcoholic beverages pursuant to a permit for the retail sale of alcoholic beverages for consumption on the premises, shall close their doors to entry at 2:00 a.m. daily and shall remain closed until 6:00 a.m. daily.

- 7) No holder of a permit for the retail sale of alcoholic beverages for on premises consumption, nor any employee of a permit holder, shall sell, deliver, or dispense nor allow the sale, delivery to a customer, or dispensing of any alcoholic beverage upon the licensed premises between the hours of 2:00 a.m. and 6:00 a.m. daily.
- 8) No person shall request or solicit the holder, nor any employee of a holder, of a permit for the retail sale of alcoholic beverages for on premises consumption, to sell, deliver, or dispense any alcoholic beverage upon the licensed premises in violation of this section.
- 9) All persons on the premises at the time of closing designated herein and who are not the permit holder or an employee of the permit holder, shall be required to leave the premises by 2:15 a.m. and may not leave the premises in possession of any alcoholic beverage.
- 5) No person, whether patron, customer, employee or otherwise, shall at any time, while on the outside of the building of the premises and/or the parking area of a holder of a permit for the retail sale of alcoholic beverages for on premises consumption, possess any alcoholic beverage in a container of any type, whether glass, bottle, can, paper or plastic cup, go-cup, or otherwise unless said container is unopened and sealed.
- 6) Unopened and sealed container shall be defined as a container of any type, whether glass, bottle, can, paper or plastic cup, go-cup, or other receptacle which has not been opened, or on which a seal or stamp has not been broken, or from which a straw does not protrude.

**D. Sale, delivery, or dispensing of alcoholic beverages for off premises consumption. Limitations on sales, possession, and consumption.**

- 1) All businesses, establishments, persons, firms or corporations who are licensed by the Parish of St. Bernard to sell alcoholic beverages at retail for off premises consumption, and their employees, shall be prohibited from selling, delivering, or dispensing alcoholic beverages between the hours of 2:00 a.m. and 6:00 a.m. daily.
- 3) No person, whether patron, customer, employee or otherwise, shall at any time, consume any alcoholic beverage on the premises of a holder of a permit for the retail sale of alcoholic beverages for off premises consumption.
- 3) No holder of a permit for the retail sale of alcoholic beverages for off premises consumption, nor their employees, shall knowingly permit any individual, whether patron, customer, employee or otherwise, to consume any alcoholic beverage on the premises.
- 4) No person, whether patron, customer, employee or otherwise, shall at any time, while on the premises of a holder of a permit for the retail sale of alcoholic beverages for off premises consumption, possess any alcoholic beverage in a container of any type, whether glass, bottle, can, paper or plastic cup, go-cup, or otherwise unless said container is unopened and sealed.
- 5) No holder of a permit for the retail sale of alcoholic beverages for off premises consumption, nor their employees, shall knowingly permit any individual, whether patron, customer, employee or otherwise, to remove any alcoholic beverage from the premises in a container of any type, whether glass, bottle, can, paper or plastic cup, go-cup, or otherwise, unless said container is unopened and sealed.

- 6) Unopened and sealed container shall be defined as a container of any type, whether glass, bottle, can, paper or plastic cup, go-cup, or other receptacle which has not been opened, or on which a seal or stamp has not been broken, or from which a straw does not protrude.
- 7) Paragraphs D.1, D.2, D.3, D.4, and D.5 herein constitute separate offenses within the context of this section.
- 8) Unopened and sealed container shall be defined as a container of any type, whether glass, bottle, can, paper or plastic cup, go-cup, or other receptacle which has not been opened, or on which a seal or stamp has not been broken, or from which a straw does not protrude.

**E. Required notices.**

- 1) All holders of permits for the sale of alcoholic beverages shall post a conspicuous notice inside their premises, not less than 11 inches by 17 inches in size, as well as by each exit, stating that it is illegal to sell, deliver, dispense, or remove any alcoholic beverages from the premises between the hours of 2:00 a.m. and 6:00 a.m. and that said violators shall be subject to fine and/or imprisonment as provided in parish ordinances.
- 2) All holders of permits for the sale of alcoholic beverages for off premises consumption shall, in addition to the foregoing notice, post a conspicuous notice inside their premises, not less than 11 inches by 17 inches in size, as well as by each exit, stating that it is illegal at any time to open or consume any alcoholic beverage on the premises and that said violators shall be subject to fine and/or imprisonment as provided in parish ordinances. This notice may be stated as part of the same notice required in E.1.

**F. Exceptions.**

- 1) The provisions of this section shall not apply on the following days: January 1; the Saturday, Sunday, and Monday preceding Mardi Gras Day; and Mardi Gras Day itself, but said days shall be counted as calendar days for the purposes of the imposition of penalties hereunder.
- 2) Restaurants and cafeterias, which derive sixty percent (60%) or more of their total business from the sale of food items, shall be exempt from the closure provisions of this section provided however, that such restaurants or cafeterias shall be prohibited from selling or dispensing alcoholic beverages between the hours of 2:00 a.m. and 6:00 a.m. daily.
- 3) All businesses, establishments, persons, firms or corporations who are licensed by the Parish of St. Bernard only to sell alcoholic beverages at retail for off-premise consumption, shall be exempt from the closure provisions but not the prohibition of alcoholic beverage sales.

**G. Penalties:**

Any person, permit holder, or employee of any permit holder who violates any of the provisions of this section shall be sentenced as follows:

For the first offense, a fine of not more than TWO HUNDRED DOLLARS (\$200.00), and/or imprisonment for not more than 5 days in jail, plus costs of the court;

For the second offense occurring within any period of time consisting of 730 consecutive calendar days from the commission of the first offense, a fine of not more than FIVE HUNDRED DOLLARS (\$500.00) and/or imprisonment for not more than 10 days in jail, plus costs of the court; and/or if applicable, the judicial suspension for up 30 days of the permit to sell or dispense alcoholic beverages;

For the third offense occurring within any period of time consisting of 730 consecutive calendar days from the commission of first offense, a fine of not more than FIVE HUNDRED DOLLARS (\$500.00) and imprisonment for not less than 5 nor more than 15 days in jail, plus costs of the court; and if applicable, the judicial suspension for not less than 30 days nor more than 185 days of the permit to sell or dispense alcoholic beverages;

For the fourth offense occurring within any period of time consisting of 730 consecutive calendar days from the commission of the first offense, a fine of not more than FIVE HUNDRED DOLLARS (\$500.00) and imprisonment for not less than 15 nor more than 30 days in jail, plus costs of the court; and, if applicable, the judicial revocation of the permit to sell or dispense alcoholic beverages for a period of two years.

#### **H. Notication**

The Clerk of Court shall forward to the Chief Administrative Officer (CAO) and Clerk of Council a copy of the final disposition by the 34<sup>th</sup> Judicial District Court of any charges brought hereunder.

#### **Section 3-50 (b)**

The provisions of this section shall not apply to Section 3-26.1 and shall not be construed in any manner to limit, restrict, or otherwise control or reduce the penalties that may be imposed by the court under that section.

**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.

**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, Di Fatta and Melerine.

**NAYS:** None.

**ABSENT FOR VOTE:** Taffaro.

The Chairman, Mr. Dean, cast his vote as **YEA**.

And the motion was declared **adopted** on the 7<sup>th</sup> day of April, 2006.

POLLY BOUDREAUX  
CLERK OF COUNCIL

/s/LYNN B. DEAN  
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 WHITE TENT OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE CHALMETTE, LOUISIANA ON FRIDAY, APRIL 7, 2006 AT ELEVEN O=CLOCK A.M.

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

**ORDINANCE SBPC #649-04-06**

**Summary No. 1885**

Recommended for Introduction by the Executive/Finance Committee on 3/17/06

Public Hearing April 7, 2006

AN ORDINANCE AMENDING ORDINANCE SBPC #621-06-05 ADOPTED ON JUNE 21, 2005 BY THE ST. BERNARD PARISH COUNCIL, LEVYING AND IMPOSING CERTAIN TAXES FOR 2005 ON ALL 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, on June 21, 2005, the Parish Council adopted an ordinance (the "Ordinance") levying and imposing certain taxes for 2005 on all 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; and

WHEREAS, Section 4 of the Ordinance authorized the levy of 1.25 mills for the payment of the outstanding general obligation bonds; and

WHEREAS, it has now been determined that said millage rate of 1.25 mills must be adjusted to 2 mills.

NOW THEREFORE, BE IT ORDAINED by the Parish Council 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 1. Section 4 of Ordinance SBPC #621-06-05 adopted by the St. Bernard Parish Council on June 21, 2005, be and the same is hereby amended to provide that the millage levy contained therein is hereby established at 2 mills for the payment of outstanding general obligation bonds in principal and interest.

SECTION 2. All other millages set forth in Ordinance SBPC #621-06-05 and the provisions of said ordinance shall continue in effect as adopted on June 21, 2005.

SECTION 3. this ordinance shall be furnished as soon as possible to the appropriate administrative officials of the Parish in accordance with law.

SECTION 4. 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.

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, Di Fatta and Melerine.

**NAYS:** None.

**ABSENT FOR VOTE:** Taffaro.

The Chairman, Mr. Dean, cast his vote as **YEA**.

And the motion was declared **adopted** on the 7<sup>th</sup> day of April, 2006.

/s/POLLY BOUDREAUX  
CLERK OF COUNCIL

/s/LYNN DEAN  
COUNCIL CHAIRMAN

Delivered to the Parish President

\_\_\_\_\_  
Date and Time

APPROVED \_\_\_\_\_

VETOED \_\_\_\_\_

Returned to the Council

\_\_\_\_\_  
Date and Time

Accepted 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 WHITE TENT OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE CHALMETTE, LOUISIANA ON FRIDAY, APRIL 7, 2006 AT ELEVEN O'CLOCK A.M.

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

**ORDINANCE SBPC #650-04-06**

**Summary No. 1886**

Introduced by: Mark Madary, Councilman, District A  
Public Hearing held April 7, 2006

THE ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN

SECTION 1. That the Parish President is hereby authorized to sign a contract of lease between St. Bernard Parish Government and Bell South to an exclusive servitude measuring 30 by 30 feet, in Second Ward, Township 13-S, Range 12-E, St. Helena Meridian. Physical address is St. Bernard Parish Community Park, Center Street. Said servitude will be utilized for telecommunications equipment. Address to be determined.

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.

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, Di Fatta and Melerine.

**NAYS:** None.

**ABSENT FOR VOTE:** Taffaro.

The Chairman, Mr. Dean, cast his vote as **YEA**.

And the motion was declared **adopted** on the 7<sup>th</sup> day of April, 2006.

/s/POLLY BOUDREAUX  
CLERK OF COUNCIL

/s/LYNN DEAN  
COUNCIL CHAIRMAN

Delivered to the Parish President

\_\_\_\_\_  
Date and Time

APPROVED \_\_\_\_\_

VETOED \_\_\_\_\_

Returned to the Council

\_\_\_\_\_  
Date and Time

Accepted 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 WHITE TENT OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE CHALMETTE, LOUISIANA ON TUESDAY, MAY 2, 2006 AT ELEVEN O=CLOCK A.M.

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

**ORDINANCE SBPC #651-05-06**

**Summary No. 1888**

Introduced by: Joseph Di Fatta

AN ORDINANCE TO AMEND ORDINANCE #642-03-06 TO REMOVE \$30 FEE ONLY  
(ORDINANCE #642-03-06 SHOWN BELOW WITH AMENDMENT)

WHEREAS, the recovery of St. Bernard Parish in the aftermath of Hurricanes Katrina and Rita has brought a great influx of contractors and employees into St. Bernard Parish; and

WHEREAS, the Sheriff's Office has duly noted such an increase in various establishments and occurrences parish-wide; and

WHEREAS, an established identification system would enable a more efficient law enforcement system.

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN

SECTION 1. That all contractors are required to register and ID their employees at the Sheriff's Office.

SECTION 2. Effective Date. This ordinance shall become effective immediately upon authorizing signature by the Parish President. As an emergency ordinance the provisions shall remain valid for 60 days.

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, Di Fatta, Taffaro and Melerine.

**NAYS:** None.

**ABSENT:** None.

The Chairman, Mr. Dean, cast his vote as **YEA**.

And the motion was declared **adopted** on the 2<sup>nd</sup> day of May, 2006.

/s/POLLY BOUDREAUX  
CLERK OF COUNCIL

/s/LYNN DEAN  
COUNCIL CHAIRMAN

Delivered to the Parish President

\_\_\_\_\_  
Date and Time

APPROVED \_\_\_\_\_

VETOED \_\_\_\_\_

Returned to the Council

\_\_\_\_\_  
Date and Time

Accepted 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 WHITE TENT OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE CHALMETTE, LOUISIANA ON TUESDAY, MAY 2, 2006 AT ELEVEN O'CLOCK A.M.

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

**ORDINANCE SBPC #652-05-06**

**Summary No. 1890**

Introduced by: Administration

Public Hearing held May 2, 2006

An ordinance to hire legal counsel to represent Defendant, St. Bernard Parish Government in Docket Number 05-02994, District 07, Office of Workers' Compensation, State of Louisiana entitled "Lloyd Seube, Sr. vs St. Bernard Parish Government."

THE ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN

SECTION I. That the law offices of Courtenay, Hunter & Fontana, L.L.P. be retained to represent, St. Bernard Parish Government in the following case:

Docket No. 05-02994, District 07 entitled "Lloyd Seube, Sr., vs. St. Bernard Parish Government", Office of Workers' Compensation, State of Louisiana

SECTION II. 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 hereto as Exhibit "B".

SECTION III. That the Parish President is hereby authorized to sign a contract for legal services as set forth in Sections I through III of this ordinance.

SECTION IV. 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.

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

**YEAS:** Madary, Hoffmeister, Henderson, Di Fatta, Taffaro and Melerine.

**NAYS:** None.

**ABSENT:** None.

The Chairman, Mr. Dean, cast his vote as **YEA**.

And the motion was declared **adopted** on the 2<sup>nd</sup> day of May, 2006.

/s/POLLY BOUDREAUX  
CLERK OF COUNCIL

/s/LYNN DEAN  
COUNCIL CHAIRMAN

Delivered to the Parish President

\_\_\_\_\_  
Date and Time

APPROVED \_\_\_\_\_

VETOED \_\_\_\_\_

Returned to the Council

\_\_\_\_\_  
Date and Time

Accepted 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 OFFICE TRAILER OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE CHALMETTE, LOUISIANA ON TUESDAY, MAY 16, 2006 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 #653-04-06**

**Summary No. 1894**

Recommended by the Executive/Finance Committee on 4/13/06

AN ORDINANCE TO AMEND THE 2006 ANNUAL OPERATING AND CAPITAL BUDGET TO RE-INSTATE A LINE ITEM FOR IN-KIND SUPPORT FOR THE COUNCIL ON AGING

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

**YEAS:** Madary, Hoffmeister, Henderson, Di Fatta, Taffaro and Melerine.

**NAYS:** None.

**ABSENT:** None.

The Chairman, Mr. Dean, cast his vote as **NAY**.

And the motion was declared **adopted** on the 16<sup>th</sup> day of May, 2006.

/s/POLLY BOUDREAUX  
CLERK OF COUNCIL

/s/LYNN DEAN  
COUNCIL CHAIRMAN

Delivered to the Parish President

\_\_\_\_\_  
Date and Time

APPROVED \_\_\_\_\_

VETOED \_\_\_\_\_

Returned to the Council

\_\_\_\_\_  
Date and Time

Accepted 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 OFFICE TRAILER OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE CHALMETTE, LOUISIANA ON TUESDAY, JUNE 6, 2006 AT TEN O'CLOCK A.M.

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

**ORDINANCE SBPC #654-06-06**

**Summary No. 1895**

Introduced by: Craig Taffaro, Councilman District D

An ordinance to create an appearance code for raised or elevated structures inside the hurricane protection system that would require any raised or elevated structure to follow specific criteria.

Section 5-23

Appearance and other requirements for raised or elevated structures [in residentially zoned areas] inside the Hurricane Protection Levee.

In addition to any other requirement that may be in any other sections of the St. Bernard Code of Ordinances, the following requirements shall apply to any raised or elevated structure:

(A) Exterior perimeter columns or pilings that support a raised structure and which have more than 5 feet of exposed height from the ground contact point to the bottom edge of the exterior perimeter of the main structure support beams or support members shall be covered on all sides, or their entire circumference, using one or more of the follow finishing treatment(s):

1. A commercially available siding material ordinarily applied as the final finished exterior surface, but excluding corrugated or extruded metal products.
2. A finished brick or masonry veneer surface.
3. A finished and stained, painted or colored stucco or patterned masonry surface.
4. A finished and painted, stained, or colored masonry block or concrete surface.
5. A finished and stained or painted solid wood siding or covering surface.
6. The design and construction of all support columns and/or pilings shall meet the acceptable ASCE standards for load bearing supports, all applicable International Building Code requirements and all applicable fire code regulations for elevated structures.

(B) Additionally, the exterior space between columns shall be enclosed with non-support bearing walls as follows:

1. A commercially available siding material ordinarily applied as the final finished exterior surface, but excluding corrugated or extruded metal products.

2. A finished brick or masonry veneer surface.
  3. A finished and stained, painted or colored stucco or patterned masonry surface.
  4. A finished and painted, stained, or colored masonry block or concrete surface.
  5. A finished and stained or painted wood siding or other commercially available siding material or covering surface with no less than 50% of the surface area being opaque wood, vinyl or engineered building product(s).
  6. All doors or windows in the forgoing wall construction must be in conformance with the building codes of St. Bernard Parish.
  7. The design and construction of such exterior walls shall meet the acceptable ASCE standards and all applicable International Building Code requirements, including standards for break away walls and appropriate venting of solid walls.
- (C) If the finished surface is painted or otherwise finished with a coating or colored in any manner, the color of said coating or coloring agent shall be the same as the predominant color of the exterior painted portions of the elevated structure.
- (D) All covered wood support columns shall have removable inspection access areas sufficient in size to allow for visual inspection for infestation of termite or other wood destroying pests. The top edge of the inspection access area(s) shall not be more than eighteen inches above the support column ground contact point.
- (E) For structures elevated 5 feet or below, the following requirement shall be followed:
- Structures shall be skirted to enclose the open air area below the floor of the elevated structure.
  - Finishing treatments of structures elevated 5 feet or below shall be consistent with the guidelines enumerated in Section A of this ordinance
  - Venting shall be in place in the surrounding exterior materials to meet at least a one square inch vented space for every one square foot of enclosed material or meet the established building code requirements of the International Building Code, whichever requires greater venting capacity at the time of the construction.
- (F) Slab built homes which are not elevated, and which are rebuilt or repaired after experiencing exterior damage due to fire, flood, or other natural disaster shall be repaired to a level that is consistent with the design, quality, and structure of the predominant existing and compliant homes in the immediate neighborhood as defined as being within 500 ft of the structure in question.
- (G) Any relief of this ordinance shall require a petition to the St. Bernard Parish Council sitting as a Review Board.

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.

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, Di Fatta, Taffaro and Melerine.

**NAYS:** None.

**ABSENT:** None.

The Chairman, Mr. Dean, cast his vote as **NAY**.

And the motion was declared **adopted** on the 6<sup>th</sup> day of June, 2006.

/s/POLLY BOUDREAUX  
CLERK OF COUNCIL

/s/LYNN B. DEAN  
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 OFFICE TRAILER OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE CHALMETTE, LOUISIANA ON TUESDAY, JUNE 6, 2006 AT TEN O'CLOCK A.M.

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

**ORDINANCE SBPC #655-06-06**

**Summary No. 1896**

Introduced by: St. Bernard Parish Council

AN ORDINANCE LEVYING AND IMPOSING CERTAIN TAXES FOR 2006 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 2006; 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 2006 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 2006, 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 2006, for the respective parishwide districts and purposes described below:

<u>2006 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 2006, for the respective districts and purposes described below:

<u>2006 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 2006, for the payment of principal and interest on the respective issues of general obligation bonds described below:

2006 Millage Rate	(Amended on 4/7/06 - Ordinance #949-04-06)	<u>Name of Issuer and Bond Issue(s)</u>
2.00		<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, Di Fatta, Taffaro and Melerine.

**NAYS:** None.

**ABSENT:** None.

The Chairman, Mr. Dean, cast his vote as **NAY**.

And the motion was declared **adopted** on the 6<sup>th</sup> day of June, 2006.

/s/POLLY BOUDREAUX  
CLERK OF COUNCIL

/s/LYNN B. DEAN  
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 OFFICE TRAILER OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE CHALMETTE, LOUISIANA ON THURSDAY, JULY 6, 2006 AT ELEVEN O'CLOCK A.M.

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

**ORDINANCE SBPC #658-07-06**

**Summary No. 1892**

Introduced by: Mark Madary, Councilman District A

AN ORDINANCE ESTABLISHING AN OLD ARABI NEIGHBORHOOD COMMISSION TO ADDRESS PRESERVATION AND REDEVELOPMENT ISSUES

SECTION 1. That the Old Arabi Neighborhood Commission is hereby established to address preservation and redevelopment issues:

- 1 appointee from council
- 1 appointee from neighborhood association
- 1 appointee from Chamber
- 1 appointee from Planning Commission
- 1 appointee from Jackson Barracks commandant

Councilmember of District A serves as advisor to the commission as a non-voting member.

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.

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, Di Fatta, Taffaro and Melerine.

**NAYS:** None.

**ABSENT:** None.

The Chairman, Mr. Dean, cast his vote as **YEA**.

And the motion was declared **adopted** on the 6<sup>th</sup> day of July, 2006.

/s/POLLY BOUDREAUX  
CLERK OF COUNCIL

/s/LYNN B. DEAN  
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 OFFICE TRAILER OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE CHALMETTE, LOUISIANA ON THURSDAY, JULY 6, 2006 AT ELEVEN O'CLOCK A.M.

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

**ORDINANCE SBPC #659-07-06**

**Summary No. 1896**

Introduced by: St. Bernard Parish Council

AN ORDINANCE LEVYING AND IMPOSING CERTAIN TAXES FOR 2006 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 2006; 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 2006 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 2006, 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 2006, for the respective parishwide districts and purposes described below:

<u>2006 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 2006, for the respective districts and purposes described below:

<u>2006 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      Fire Protection District No. 2 - 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 2006, for the payment of principal and interest on the respective issues of general obligation bonds described below:

2006 Millage Rate	(Amended on 4/7/06 - Ordinance #949-04-06) Name of Issuer and Bond Issue(s)
2.00	<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, Di Fatta, Taffaro and Melerine.

**NAYS:**            None.

**ABSENT:**        None.

The Chairman, Mr. Dean, cast his vote as **YEA**.

And the motion was declared **adopted** on the 6<sup>th</sup> day of July, 2006.

/s/POLLY BOUDREAUX  
CLERK OF COUNCIL

/s/LYNN B. DEAN  
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 OFFICE TRAILER OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE CHALMETTE, LOUISIANA ON THURSDAY, JULY 6, 2006 AT ELEVEN O'CLOCK A.M.

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

**ORDINANCE SBPC #660-07-06**

**Summary No. 1897**

Introduced by: Ricky Melerine, Councilman District E

An ordinance to repeal and re enact Section 13-34 of the St. Bernard Code of Ordinances

SECTION 1. Section 13-34 of the St. Bernard Parish Code of Ordinances is hereby repealed in its entirety and reenacted to read as follows:

**Section 13-34 Limitation on duration of Itinerant vendor permits.**

No occupational license or permit issued per vendor and/or location under this section shall be valid for any period beyond midnight of the last day of the month following the month of issue excluding special permits granted by council.

An itinerant vendor permit may be renewed for one additional consecutive period of 30 days.

Following December 31, 2006 no occupational licenses or permits may be issued for itinerant vendors without special permission of the council.

An Ordinance to add section 13-43 to the St. Bernard Parish Code of Ordinances.

**Section 13-43 Operation of business from non-permanent structure, vehicle, or trailer.**

(A) No itinerant vendor issued an occupational license or permit under the previous provisions of Section 13-34 shall be allowed to operate out of a non-permanent structure for more than the period defined and established under the provisions of section 13-34, said period to commence running on the date this ordinance is published as adopted in the legal journal of St. Bernard Parish Government.

(B) Any refund due as a result of the application of the terms of subsection (A) herein shall be calculated by dividing the occupational license or permit fee previously paid by 365 and multiplying that result by the number of days remaining from expiration of the occupational license or permit as calculated in subsection (A) until December 31, 2006.

(C) Any business that was operating in a permanent structure with a properly issued occupational license and suffers business interruption because of the destruction of the permanent structure by fire, storms, or other acts of God or a public enemy may operate in a non- permanent structure, including a trailer or other vehicle, on the premises with the address of the occupational license for the duration of the time that is required to rebuild the destroyed structure or the expiration of the currently issued occupation license plus 3 months.

(D) Upon petition by an occupational license holder citing extenuating circumstances and for good cause, the St. Bernard Parish Council may extend the temporary structure operating period for not more than two additional 3 month periods, but each period must be petitioned for separately.

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.

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, Di Fatta, Taffaro and Melerine.

**NAYS:** None.

**ABSENT:** None.

The Chairman, Mr. Dean, cast his vote as **NAY**.

And the motion was declared **adopted** on the 6<sup>th</sup> day of July, 2006.

/s/POLLY BOUDREAUX  
CLERK OF COUNCIL

/s/LYNN B. DEAN  
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 OFFICE TRAILER OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE CHALMETTE, LOUISIANA ON THURSDAY, JULY 6, 2006 AT ELEVEN O'CLOCK A.M.

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

**ORDINANCE SBPC #661-07-06**

**Summary No. 1898**

Introduced by: Craig Taffaro, Councilman District E

AN ORDINANCE REQUIRING THAT ALL SINGLE FAMILY DWELLINGS TO BE USED AS RENTAL PROPERTY SHALL REQUIRE A CONDITIONAL USE ISSUED THROUGH THE OFFICE OF COMMUNITY DEVELOPMENT

SECTION 1. That all single family dwelling to be used as rental property shall require a Conditional Use permit issued through the Office of Community Development.

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.

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, Di Fatta, Taffaro and Melerine.

**NAYS:** Madary.

**ABSENT:** None.

The Chairman, Mr. Dean, cast his vote as **NAY**.

And the motion was declared **adopted** on the 6<sup>th</sup> day of July, 2006.

/s/POLLY BOUDREAUX  
CLERK OF COUNCIL

/s/LYNN B. DEAN  
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 OFFICE TRAILER OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE CHALMETTE, LOUISIANA ON THURSDAY, JULY 6, 2006 AT ELEVEN O'CLOCK A.M.

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

**ORDINANCE SBPC #662-07-06**

**Summary No. 1899**

Introduced by: Administration

AN ORDINANCE TO AMEND SECTION 10-8, OPERATION AND STAFFING OF PARISH FIRE STATIONS OF THE ST. BERNARD PARISH CODE OF ORDINANCES

**Sec. 10-8      Operation and staffing of parish fire stations**

- (a) Definition. "Professional firefighter": Any person employed by the St. Bernard Parish fire department under the civil service classification of firefighter or higher, and this shall also include those employees working to meet within one (1) year the level of Firefighter 11 requirements as set forth in the current edition of the National Fire Protection Association 1001, Qualifications for Professional Firefighters.
- (b) Hours of Operation. Fire stations Nos. 1 through 10 plus squad one, including engines 1 through 10 and squad 1, shall be opened on a twenty-four hour day, seven (7) days per week basis staffed by professional firefighters.
- (c) Staffing of fire department. A minimum of one hundred and five (105) employees shall be maintained to staff and operate the St. Bernard Parish Fire Department, and further, in order to keep stations open, administration shall hire additional employees on an overtime basis as needed to keep fire stations open in accordance with subsection (b) above.
- (d) Exceptions. Engine training out of its district, but still in service. Major emergencies, natural disasters, hazardous material incidents and/or refinery fires. Sick leave, vacation, maternity and family leave. Subsections (b) and (c) shall be waived during the period of recovery following a major natural disaster which ending shall be determined by the St. Bernard Parish Council.

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.

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, Di Fatta, Taffaro and Melerine.

**NAYS:** None.

**ABSENT:** None.

The Chairman, Mr. Dean, cast his vote as **NAY**.

And the motion was declared **adopted** on the 6<sup>th</sup> day of July, 2006.

/s/POLLY BOUDREAUX  
CLERK OF COUNCIL

/s/LYNN B. DEAN  
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 OFFICE TRAILER OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE CHALMETTE, LOUISIANA ON THURSDAY, JULY 6, 2006 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 #663-07-06**

**Summary No. 1900**

Introduced by: Administration

AN ORDINANCE TO AMEND, CHAPTER 5 OF THE ST. BERNARD PARISH CODE OF ORDINANCES, TITLED BUILDINGS CONSTRUCTION AND RELATED ACTIVITIES BY ADDING THE FOLLOWING, TO BE DESIGNATED AS SECTIONS 102.6 AND 102.7 OF THE ST. BERNARD PARISH CODE OF ORDINANCES

**Section 102.6 The owner of any structure that is destroyed or damaged beyond habitability by fire, storm, natural disaster, or other natural or man made event shall accomplish the following:**

**A** Within 5 days, or such other time frame as may be set by Emergency Order of the Parish President or Council Resolution to Address an Emergency or Public Safety and Health Hazard, of being able to initially access the premises or property, cause the interior and exterior of the property to be cleared and cleaned of all debris, mud, sludge, sediment, and other health and safety hazards.

**B** Within 2 days after the activities required in paragraph A are completed, cause all exterior windows, doors, and all exterior other openings in a structure's exterior walls, roofs, eaves, and floors of raised structures to be secured by doors, windows, or temporarily boarded up with sturdy, rigid, weather resistant materials in a manner to completely close the openings and prevent unauthorized entry by humans and prevent access by animals and rodents excluding the front windows which shall be secured with a solid translucent material.

**C** Should a property not be cleaned and/or secured within the time frames and in the manner as required herein, The Director of Community Development, or his designee, shall post a notice on the court house door and/or on the property stating that the parish will, at the expense of the owner, have the property cleaned and/or secured as required herein and after the expiration of 24 hours of the posting of the said notice take prompt action to have the property cleaned and/or secured.

**D** Within 60 days after boarding up of a structure, the owner shall remove all temporary boarding up and complete the installation of windows and doors, and within 120 days complete repairs to exterior walls and roofs.

**E** Should the Director of Community Development, or his designee, determine that the property presents such a hazard that it requires repair, removal, or demolition in whole or part, or the owner has failed to comply with paragraph D herein, the property will be then administered under the provisions of Section 102.5.

**F** The Director of Community Development may point as many designees as he deems necessary to carry out the provisions of this section and such designees may be existing employees of any department of the parish, contract workers, or a firm contracted for such tasks.

**G** In the event a fire, storm, natural disaster, or other natural or man made even is of such magnitude that it may require a modification of the time frames and notice requirements herein all such notice requirements and/or time frames herein may be modified by Emergency Order of the Parish President or Council Resolution to Address an Emergency or Public Safety and Health Hazard in a manner to properly address the circumstances then existing.

**H** Any Emergency Presidential Order or Council Resolution to Address an Emergency or Public Safety and Health Hazard relating hereto (and which resolution shall be adopted by no less than five members of the Parish Council), shall be published once in the official journal of the parish and be posted on the Courthouse and Parish Government doors. If the parish journal is not publishing because of the emergency conditions then postings on the Courthouse and Parish Government doors shall be sufficient public notice.

**I** In the event of a conflict of time frames set by an Emergency Presidential Order and a Council Resolution to Address an Emergency or Public Safety and Health Hazard adopted as required herein, the time frame established by the Council Resolution shall prevail.

**J** The costs of the activities undertaken hereunder by the Director of Community Development shall be documented as to the property being cleaned and/or secured and all expenses incurred by the Parish in the enforcement of this Article shall be borne by the person or persons owning the unsafe premises, building, part or parts of buildings, etc., which sums so expended, together with the attorney fees and interest at the rate of 10% per annum from the date of completion of such work, shall be charged to the owner of the property on the next regular tax bill forwarded to such owner by the Parish, if not paid by such owner prior thereto, which charge shall be due and payable by such owner at the time of payment of such tax bill. If the full amount due the Parish under this Article is not paid by the owner within 10 days after the work has been done, the Director or his duly authorized representative shall cause to be recorded in the Mortgage Office of the Parish a sworn statement showing the cost and expense incurred for the work and the date, place or property on which such work was done, and the recordation of such sworn statement shall constitute a lien and privilege on the property and shall remain in full force and effect for the amount due in principal and interest, plus costs of court, if any, for collection, until final payment has been made. Such costs and expenses shall be collected in the manner fixed by law for the collection of taxes; and, further, shall be subject to a delinquent penalty of 10% in the event they are not paid in full on or before the date the tax bill upon which the charge appears becomes delinquent. Sworn statements recorded in accordance with the provisions hereof shall be prima facie evidence that all legal formalities have been complied with and that the work has been properly and satisfactorily done and shall be full notice to every person concerned that the amount of the statement, plus interest, constitutes a charge against the property designated or described in the statement and that such charge is due and collectible as provided by law.

**K** The fact that the Parish may cause said premises, building or buildings, or parts thereof, chimneys, staging or other structure to be demolished or repaired at the expense of the person, firm or corporation owning the same, shall not preclude the Director from taking legal action in a court of competent jurisdiction against the person, firm or corporation who shall fail, neglect or refuse to comply with the orders of the Director and the violation or disregard of such orders shall be considered a violation of this code.

**102.7** (a) In the event a fire, storm, natural disaster, or other natural or man made event of such magnitude that it may require a modification of the time frames, procedures, and notice requirements contained in Section 102.5 herein, all such notice requirements, procedures, and/or time frames herein may be modified by Emergency Order of the Parish President or Council Resolution to Address an Emergency or Public Safety and Health Hazard in a manner to properly address the circumstances then existing.

(b) Any Emergency Presidential Order or Council Resolution to Address an Emergency or Public Safety and Health Hazard relating hereto shall be adopted by no less than five members of the Parish Council hereto (and which resolution shall be adopted by no less than five members of the Parish Council), shall be published once in the official journal of the parish and be posted on the Courthouse and Parish Government doors. If the parish journal is not publishing because of the emergency conditions, then the postings on the Courthouse and Parish Government doors shall be sufficient notice.

(c) In the event of a conflict of time frames set by an Emergency Presidential Order and a Council Resolution to Address an Emergency or Public Safety and Health Hazard adopted as required herein, the time frame established by the Council Resolution shall prevail.

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.

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, Di Fatta, Taffaro and Melerine.

**NAYS:** None.

**ABSENT:** None.

The Chairman, Mr. Dean, cast his vote as **NAY**.

And the motion was declared **adopted** on the 6<sup>th</sup> day of July, 2006.

/s/POLLY BOUDREAUX  
CLERK OF COUNCIL

/s/LYNN B. DEAN  
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 OFFICE TRAILER OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE CHALMETTE, LOUISIANA ON TUESDAY, AUGUST 1, 2006 AT ELEVEN O'CLOCK A.M.

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

**ORDINANCE SBPC #664-08-06**

**Summary No. 1902**

Recommended for Introduction by the Executive/Finance Committee

AN ORDINANCE TO AMEND THE 2006 ANNUAL OPERATING AND CAPITAL BUDGET

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN

SECTION 1. That the 2006 Annual Operating and Capital Budget is hereby amended to coincide with financial figures presented at June 8, 2006 in Executive/Finance committee meeting and providing that no expenditures shall exceed figures presented at that time without council approval.

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.

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 and Di Fatta.

**NAYS:** Henderson and Melerine.

**ABSENT:** Taffaro.

The Chairman, Mr. Dean, cast his vote as **YEA**.

And the motion was declared **adopted** on the 1<sup>st</sup> day of August, 2006.

/s/POLLY BOUDREAUX  
CLERK OF COUNCIL

/s/LYNN B. DEAN  
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 OFFICE TRAILER OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE CHALMETTE, LOUISIANA ON TUESDAY, AUGUST 15, 2006 AT ONE MINUTE PAST SEVEN O'CLOCK P.M.

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

**ORDINANCE SBPC #665-08-06**

**Summary No. 1901**

Introduced by: Administration

Planning Commission Public Hearing June 27, 2006

Planning Commission recommended APPROVAL on July 25, 2006

Public Hearing held August 15, 2006

AN ORDINANCE TO APPROVE DOCKET 1-06, PETITION OF FRANK ALLO, MURPHY ALLO, ELIZABETH ECKELE, PHILLIP ALEXANDER, ROSE ECKERLE, RONALD ECKERLE AND FRANK ECKERLE BEING REPRESENTED BY CHRIS LEOPOLD, FOR A ZONING CHANGE FROM R-1 (SINGLE FAMILY RESIDENTIAL) TO C-1 (NEIGHBORHOOD COMMERCIAL)

SECTION 1. That Docket 1-06, petition of Petition of Frank Allo, Murphy Allo, Elizabeth Eckerle, Phillip Alexander, Rose Eckerle, Ronald Eckerle and Frank Eckerle, being represented by Chris Leopold, for a zoning change from R-1 (Single Family Residential) to C-1 (Neighborhood Commercial) is hereby granted for the following described property:

One certain lot of ground, situated in the Fourth Ward of the Parish of St. Bernard, State of Louisiana, about nine (9) miles below the City of New Orleans, on the left bank of the Mississippi River, being a part of the property formerly known as Magnolia, now called Repose Plantation.

Said portion of ground measures three-fourths (3/4ths) Arpent front on the Mississippi River, by thirty (30) arpents in depth, bounded above by the property now or formerly belonging to Louis Licciardi and Anthony Licciardi and below by the property of Joseph Mumphy.

Less and except:

(1) A certain piece or portion of ground heretofore sold by Frank Allo to Frank S. Allo, Jr., by act before Louis M. Vinsanau, Notary Public, dated February 24, 1951, registered in C.O.B. 54, folio 388, being Lot "D" on a survey of R. P. Rordam, C.E., dated January 26, 1951.

This piece of ground was reconveyed by Frank S. Allo, Jr. To the decedent and others by act before Louis M. Vinsanau, Notary Public, dated June 10, 1955, registered in C.O.B. 59, folio 518.

(2) A certain piece or portion of ground sold by Frank Allo to Louise Serpas, wife of/and Murphy Allo, by act before Louis M. Vinsanau, Notary Public, dated April 23, 1947, registered in C.O.B. 50, folio 597, being Lot "B" on a survey of R. P. Rordam, C.E., dated March 4, 1947, and also including a small portion of Lot "A" on the same survey.

(3) A certain piece or portion of ground sold by Frank Allo to Anna Mae Allo, wife of/and Frederick Joseph Eckerle, Jr. by act before Louis M. Vinsanau, Notary Public, dated April 23, 1947, registered in C.O.B. 50, folio 597, and being the greater portion of Lot "A" on the survey of R. P. Rordam, C.E., dated March 4, 1947.

(4) A certain piece or portion of ground sold by Frank Allo to Gilbert Serpas by act before Louis M. Vinsanau, Notary Public, dated April 23, 1947, registered in C.O.B. 50, folio 598 and being designated as Lot "C" on survey of R.P. Rordam, C.E., dated March 4, 1947.

(5) A certain piece or portion of ground sold by Rosa Mumphrey, widow of Frank Allo, et al, to Frank S. Allo, Jr., by act before Louis M. Vinsanau, Notary Public, dated June 10, 1955, registered in C.O.B. 59, folio 519 and being Lot "E" on survey of R.P. Rordam, C.E., dated May 23, 1955.

(6) A certain strip or portion of land sold by Rosa Mumphrey, widow of Frank Allo, et al to Jacqueline Miles, wife of/and Lynn B. Dean, by act before Allen J. Tillery, Notary Public, dated October 24, 1958, registered in C.O.B. 72, folio 7 and being Lot F-1" on a survey of L. F. Patin, Surveyor, dated April 25, 1958.

(7) Act of dedication of Street by Rosa Mumphrey, widow of Frank Allo, et al, by act before Allen J. Tillery, Notary Public, dated July 7, 1962, registered in C.O.B. 82, folio 293.

(8) A certain lot or portion of ground sold by Rosa Mumphrey, widow of Frank Allo, et al, to Nellie St. Pe, wife of/and Frank S. Allo, Jr., by act before Louis M. Vinsanau, Notary Public, dated April 27, 1963, registered in C.O.B. 84, folio 458 and being Lot "G" on survey of L. F. Patin, Surveyor, dated April 25, 1958.

(9) A certain lot or portion of ground sold by Rosa Mumphrey, widow of Frank Allo, et al, to Anna Mae Allo, wife of/and Frederick J. Eckerle, Jr., by act before Louis M. Vinsanau, Notary Public, dated April 27, 1963, registered in C.O.B. 84, folio 458 and being Lot "J" on survey of L. F. Patin, Surveyor, dated April 25, 1958.

(10) A certain lot or portion of ground sold by Rosa Mumphrey, widow of Frank Allo, et al, to Louise Serpas, wife of/and Murphy Allo, by act before Louis M. Vinsanau, Notary Public, dated April 27, 1963 and registered in C.O.B. 84, folio 459 and being Lot "K" on survey of L. F. Patin, Surveyor, dated April 25, 1958.

(11) A certain lot or portion of ground sold by Rosa Mumphrey, widow of Frank Allo, et al, to Rachel Marie Allo, wife of/and Phillip W. Alexander, by act before Louis M. Vinsanau, Notary Public, dated April 27, 1963, registered in C.O.B. 84, folio 459 and being Lot "H" on survey of L. F. Patin, Surveyor, dated April 25, 1958.

(12) A grant of right of way by Rosa Mumphrey, widow of Frank Allo, et al to the Parish of St. Bernard, registered in C.O.B. 100, folio 184, dated September 8, 1967 and being the right of way for Goodchildren Street.

(13) Act of Correction to grant of right of way, dated June 15, 1970, folio 360.

Plans may be viewed in the Department of Community Development Office, Government Complex Building, Room 111, Chalmette, St. Bernard Parish, Louisiana, during regular office hours, 8:30 a. m. to 4:30 p. m.

(Errors, omissions and conflicts in survey excepted)

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.

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, Di Fatta, Taffaro and Melerine.

**NAYS:** None.

**ABSENT:** None.

The Chairman, Mr. Dean, cast his vote as **YEA**.

And the motion was declared **adopted** on the 15<sup>th</sup> day of August, 2006.

/s/POLLY BOUDREAUX  
CLERK OF COUNCIL

/s/LYNN B. DEAN  
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 OFFICE TRAILER OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE CHALMETTE, LOUISIANA ON TUESDAY, SEPTEMBER 5, 2006 AT ELEVEN O'CLOCK A.M.

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

**ORDINANCE SBPC #666-09-06**

**Summary No. 1906**

Introduced by: Mark Madary, Councilman, District A

AN ORDINANCE TO PROHIBIT OVERTIME PAY FOR PARISH EMPLOYEES EXCEPT IN CASES OF DOCUMENTED EMERGENCIES AND AS APPROVED BY THE CHIEF ADMINISTRATIVE OFFICER.

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN

SECTION 1. That overtime pay for parish employees is hereby prohibited except in cases of documented emergencies and as approved by the Chief Administrative Officer.

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.

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, Di Fatta, Taffaro and Melerine.

**NAYS:** None.

**ABSENT:** None.

The Chairman, Mr. Dean, cast his vote as **YEA**.

And the motion was declared **adopted** on the 5<sup>th</sup> day of September, 2006.

/s/POLLY BOUDREAUX  
CLERK OF COUNCIL

/s/LYNN B. DEAN  
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 OFFICE TRAILER OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE CHALMETTE, LOUISIANA ON TUESDAY, SEPTEMBER 5, 2006 AT ELEVEN O'CLOCK A.M.

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

**ORDINANCE SBPC #667-09-06**

**Summary No. 1907**

Introduced by: Judy Hoffmeister, Councilwoman, District B

AN EMERGENCY ORDINANCE TO DESIGNATE THE VILLAGE SQUARE RESIDENTIAL AREA FOR THE HAZARD MITIGATION GRANT PROGRAM

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN

SECTION 1. That St. Bernard Parish Council does hereby designate the Village Square residential area for the Hazard Mitigation Grant Program.

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.

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, Di Fatta, Taffaro and Melerine.

**NAYS:** None.

**ABSENT:** None.

The Chairman, Mr. Dean, cast his vote as **NAY**.

And the motion was declared **adopted** on the 5<sup>th</sup> day of September, 2006.

/s/POLLY BOUDREAUX  
CLERK OF COUNCIL

/s/LYNN B. DEAN  
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 OFFICE TRAILER OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE CHALMETTE, LOUISIANA ON TUESDAY, SEPTEMBER 19, 2006 AT ONE MINUTE PAST SEVEN O'CLOCK P.M.

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

**ORDINANCE SBPC #668-09-06**

**Summary No. 1908**

Introduced by: Craig Taffaro, Councilman, District D

AN ORDINANCE TO AMEND THE C-3 ZONING ORDINANCE TO INCLUDE PAIN MANAGEMENT / URGENT CARE CLINICS AS CONDITIONAL USE PERMITTING ONLY.

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

CODE: Underlined language to be added

SECTION I. That Section 22-5-6, Schedule Zoning District Regulations (Figure 1) of the St. Bernard Parish Code of Ordinances is hereby amended to read as follows:

- a) Add new zoning district "C-3 (Highway Commercial)". All other requirements are the same as C-2.
- b) Section 22-5-6, Schedule of zoning district regulations (Figure 1) Remove Barrooms, nightclubs and lounges from C-2, General Commercial.
- c) Section 22-5-6, Schedule of zoning district regulations (Figure 1) add barrooms, nightclubs and lounges to uses allowed in C-3 (Highway Commercial).
- d) Section 22-5-6 Schedule of zoning district regulations for C-3 to add Pain Management / Urgent Care Clinics as Conditional Use Permitting only.

SECTION II. 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 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, Di Fatta, Taffaro and Melerine.

**NAYS:** None.

**ABSENT:** None.

The Chairman, Mr. Dean, cast his vote as **YEA**.

And the motion was declared **adopted** on the 19<sup>th</sup> day of September, 2006.

/s/POLLY BOUDREAUX  
CLERK OF COUNCIL

/s/LYNN B. DEAN  
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 OFFICE TRAILER OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE CHALMETTE, LOUISIANA ON TUESDAY, SEPTEMBER 19, 2006 AT ONE MINUTE PAST SEVEN O'CLOCK P.M.

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

**ORDINANCE SBPC #669-09-06**

**Summary No. 1910**

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

AN ORDINANCE TO ESTABLISH AND SET ASIDE A FUND CORRELATING WITH THE COMMUNITY DEVELOPMENT DISASTER LOAN PROGRAM.

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

SECTION I. That a fund is hereby established and set aside to correlate with the amount of money borrowed through the community development disaster loan program, requiring prior council approval for any and all funds to be allocated, expended and/or transferred and requiring all FEMA reimbursement for approved fund expenditures to be returned to this fund. (The clerk of council shall receive a monthly balance sheet of this fund for review by the executive/finance committee.)

SECTION II. 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 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, Di Fatta, Taffaro and Melerine.

**NAYS:** None.

**ABSENT:** None.

The Chairman, Mr. Dean, cast his vote as **YEA**.

And the motion was declared **adopted** on the 19<sup>th</sup> day of September, 2006.

/s/POLLY BOUDREAUX  
CLERK OF COUNCIL

/s/LYNN B. DEAN  
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 OFFICE TRAILER OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE CHALMETTE, LOUISIANA ON TUESDAY, SEPTEMBER 19, 2006 AT ONE MINUTE PAST SEVEN O'CLOCK P.M.

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

**ORDINANCE SBPC #670-09-06**

**Summary No. 1911**

Introduced by: Craig Taffaro, Councilman, District D

AN ORDINANCE TO PROHIBIT THE RENTAL, LEASE, LOAN OR CERTAIN OTHER OCCUPANCY OF SINGLE FAMILY RESIDENCES IN R-1 ZONES.

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

Section I. R-1 is defined as Single-family dwellings, parks, playgrounds, home occupations, and police and fire stations.

Considering the total devastation of St. Bernard Parish by a combination of certain natural and manmade disasters in 2005; Considering the great social and economic need to encourage single family residence owners to return, rebuild, and resume living in the parish and to reoccupy their homes in already long established neighborhoods; Considering the public purpose, benefit, and need to maintain the integrity and stability of established neighborhoods as centers of family values and activities; Considering the public benefits to be obtained from securing for the community the blessings of quiet enjoyment of their pre-existing neighborhoods; and Considering the necessity to foster and encourage a community and family atmosphere in the neighborhoods of St. Bernard Parish, the St. Bernard Parish Council hereby finds it necessary and in the public interest to ordain that:

Chapter 14 Article 1 Section 14-3 of the St. Bernard Parish Code of Ordinances

- A. No person or entity shall rent, lease, loan, or otherwise allow occupancy or use of any single family residence located in an R-1 zone by any person or group of persons, other than a family member(s) related by blood within the first, second or third direct ascending or descending generation(s), without first obtaining a Permissive Use Permit from the St. Bernard Parish Council.
- B. A lease purchase agreement, bond for deed, sale of the right of habitation, or similar arrangement allowing occupancy, but which agreement does not immediately transfer ownership of the subject property to the resident of the said property at the time of execution, is, for the purposes of this ordinance, considered a rental/lease agreement.
- C. Prior to presentation to and consideration by the St. Bernard Parish Council of an application for a Permissive Use Permit, an applicant must first apply to the St. Bernard Parish Planning Commission for a review, evaluation, and recommendation concerning the matter. The St. Bernard Parish Planning Commission will forward the results of the said review and evaluation with a specific recommendation to the Parish Council for use in their consideration of the matter.

- D. Any Permissive Use Permit granted hereunder is limited in application and duration to the terms of the specific written rental, lease, loan, lease/purchase, or other form of occupancy/use agreement regarding the property for which the Permissive Use Permit was granted plus 90 days after said term and which written rental agreement is to be submitted to the St. Bernard Parish Planning Commission as part of the review, evaluation, and recommendation process.
- E. Rent receipts, cancelled checks, cash receipts, money order records, utility account record, bank account records, driver's license records, vehicle registration records, water craft registration records, rent or lease agreements, use agreements, lease purchase agreements, Bond for Deed agreements, agreements to purchase or sell, maintenance agreements, services in lieu of rent or other payments agreements, tax responsibility agreements, services in lieu of rent or other payment agreements, tax responsibility agreements, birth and death records, succession records, property maintenance records, building permit records, insurance information, federal and state tax returns, and the like are illustrative but not exclusive of evidence that may be considered in determining if a property is or was being rented, leased, loaned, or otherwise occupied in violation of this ordinance.
- F. Any person who or entity which allows occupancy or use of any property in violation of this ordinance is guilty of a misdemeanor subject to a fine of not less than \$50.00 and not more than \$250.00 per day for each day of un-permitted rental, lease, or occupancy of each property in violation of this ordinance. Each day of un-permitted occupancy of each property shall constitute a separate offense subject to a separate fine.
- G. Any person over the age of majority who occupies or uses any property in violation of this ordinance is guilty of a misdemeanor and is subject to a fine of not less than \$50.00 and not more than \$250.00 for each day of un-permitted rental, lease, or occupancy in violation of this ordinance. Each day of un-permitted occupancy shall constitute a separate offense subject to a separate fine.
- H. The parish of St. Bernard may also pursue civil remedies in the District Court of the parish against any person who or entity which allows occupancy or use of any property in violation of this ordinance to enjoin any violation of this ordinance and seek a civil penalty of not less than \$100 per day for each day of un-permitted rental, lease, or occupancy of each property in violation of this ordinance plus the administrative costs, court costs, and attorney fees for investigation and prosecution of the civil matter.
- I. The parish of St. Bernard may also pursue civil remedies in the District Court of the parish against any person over the age of majority who occupies or uses any property in violation of this ordinance to enjoin any violation of this ordinance and seek a civil penalty of not less than \$100 per day for each day of un-permitted rental, lease, or occupancy of each property in violation of this ordinance plus the administrative costs, court costs, and attorney fees for investigation and prosecution of the civil matter.
- J. The owner of any property subject to this ordinance shall provide to an occupant a copy of this section of the St. Bernard Parish Code of Ordinances and include in any written agreements subject to this ordinance the following notice within the main body of the agreement, said notice to be in a type size not smaller than the largest type size used in the main body of the agreement:

This agreement is subject to St. Bernard Parish Code of Ordinances Chapter 14 Article 1 Section 14-3 that section provides for criminal prosecution and fines and civil penalties for occupants of a single family residence in violation of that law. You hereby acknowledge receipt of a copy of the said law delivered to you at the time of the signing of this agreement.

The provisions of this ordinance shall not apply to any single family residence that was a rental residence before its adoption and for which property the St. Bernard Parish Planning Commission has issued a Letter of No Jurisdiction. The owner shall apply to the St. Bernard Parish Planning Commission for said letter and provide evidence, similar in nature as that evidence enumerated in paragraph D, that the said property was in fact a single family rental property and actually being rented and occupied as such before the adoption of this ordinance and which evidence the Planning Commission shall review and determine if a Letter of No Jurisdiction regarding the said property should be issued.

- K. All applications for a Permissive Use Permit shall be advertised on the property in accordance with all procedures for notification of a re-zoning application.
- L. All applications for utility permits shall require a statement by the property owner / applicant as to the intended use of the property. Property identified as rental use shall follow the requirements of Chapter 14 Article I Section 14-3 in its entirety.
- M. The provisions of this ordinance shall not apply to any property that is owned by a not for profit corporation, providing that: the not for profit corporation was in existence and fully qualified as a United States Department of Internal Revenue approved not for profit on or before August 29, 2006; the owned property is zoned for single family residence use only, and the not for profit corporation's mission is to use its revenues and assets to improve the quality of life and standard of living for residents of St. Bernard Parish.
- N. All appeals from any decision made under the provisions of this ordinance by the St. Bernard Parish Council shall be brought as a direct appeal to the District Courts of St. Bernard Parish.

SECTION II. 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 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, Di Fatta, Taffaro and Melerine.

**NAYS:** Madary.

**ABSENT:** None.

The Chairman, Mr. Dean, cast his vote as **NAY**.

And the motion was declared **adopted** on the 19<sup>th</sup> day of September, 2006.

/s/POLLY BOUDREAUX  
CLERK OF COUNCIL

/s/LYNN B. DEAN  
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 OFFICE TRAILER OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE CHALMETTE, LOUISIANA ON TUESDAY, SEPTEMBER 19, 2006 AT ONE MINUTE PAST SEVEN O'CLOCK P.M.

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

**ORDINANCE SBPC #671-09-06**

**Summary No. 1914**

Introduced by: Craig Taffaro, Councilman, District D

AN ORDINANCE TO SET BY FORMULA THE SALARY OF THE CLERK OF COUNCIL IN ACCORDANCE WITH THE GUIDANCE OF SECTION 2-10(B) OF THE ST. BERNARD PARISH HOME RULE CHARTER

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN

- A. That effective on the final adoption and promulgation of this ordinance and on the first day of every fiscal year thereafter, the salary of the Clerk of Council shall be set as the average of the salaries of the following established by the Parish Charter:

Section 4-04, Director of Finance  
Section 4-05, Director of Public Works  
Section 4-06, Director of Community Development  
Section 4-07, Superintendent of Fire  
Section 4-08, Director of Parks and Recreation  
Section 4-09, Director of Personnel

- B. Should the Parish Charter be amended to create or abolish any other director or equivalent position then that position shall, when first filled with an occupant, be included in or, when abolished, removed from, the formula in paragraph C.

- C. Upon the preparation of the annual budget in accordance with Section 5-02 of the Parish Charter, the salaries approved in the proposed budget for each of the Parish Charter established Director or equivalent positions for that next fiscal year shall be added together, the sum divided by the number of said positions, the result rounded to the nearest even one hundred dollar increment, and that amount shall then be set and included as the salary of the Clerk of Council in the proposed budget presented for final adoption by the Parish Council, except that:

1. For the purposes of calculating the said average when a salary has been reduced due to a change in the occupant of a Parish Charter established Director or equivalent position the salary of the prior occupant shall be used in the calculation of the average until the salary of the new occupant exceeds the salary of the prior occupant.

- D. The salary set annually in accordance with paragraphs A, B, and C, shall not thereafter be reduced, increased, or otherwise adjusted during a budget year or subsequent budget process except in accordance with paragraphs E, F, G, and H.

- E. Should the salary of any, but not all, Parish Charter established Director or equivalent positions be changed or otherwise adjusted downward, including an adjustment to zero, by the administration during the budget year or during the administration's preparation of the annual budget in accordance with Section 5-02 of the Parish Charter, the salary of the Clerk of Council shall not be adjusted in consequence thereof.
- F. Should the salary of any, but not all, Parish Charter established Director or equivalent positions be changed or otherwise adjusted downward, including an adjustment to zero, during the budget year by action of the Parish Council or during the Parish Council's adoption of the annual budget in accordance with Section 5-02 of the Parish Charter, the salary of the Clerk of Council shall be immediately adjusted in consequence thereof by recalculating the average salaries of Parish Charter established Director or equivalent positions in accordance with paragraph C.
- G. Should the salary of all Parish Charter established Director or equivalent positions be simultaneously adjusted during a budget year, including an adjustment to zero, either by action of the administration or by action of the Parish Council, the salary of the Clerk of Council shall likewise be adjusted, upward or downward as the case may be, in accordance with the formula established herein.
- H. Whenever there is a change in the occupant of the position of the Clerk of Council, the salary of the successor Clerk shall be initially set by using the formula in paragraph C to calculate a salary range between the entry level salaries for each Parish Charter established Director or equivalent position and the salaries for each Parish Charter established Director or equivalent position as of the date of the first advertisement for the open position of Clerk of Council or, at the election of a majority of the Parish Council, the appointment of the successor clerk. The Parish Council may set the initial salary at any point in that range and the salary shall not otherwise be adjusted during the budget year in which the new Clerk of Council is appointed. Subsequent to the setting of the initial salary of the successor clerk as provided for in this paragraph, the salary shall be set in accordance with the other provisions of this section.
- I. This ordinance may not be repealed or amended except upon the approval of not less than 5 members of the Parish Council.

SECTION II. 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 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, Di Fatta, Taffaro and Melerine.

**NAYS:** None.

**ABSENT:** None.

The Chairman, Mr. Dean, cast his vote as **NAY**.

And the motion was declared **adopted** on the 19<sup>th</sup> day of September, 2006.

/s/POLLY BOUDREAUX  
CLERK OF COUNCIL

/s/LYNN B. DEAN  
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 OFFICE TRAILER OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE CHALMETTE, LOUISIANA ON TUESDAY, SEPTEMBER 19, 2006 AT ONE MINUTE PAST SEVEN O'CLOCK P.M.

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

**ORDINANCE SBPC #672-09-06**

**Summary No. 1915**

Introduced by: Administration

AN ORDINANCE PROVIDING FOR THE ISSUANCE, SALE AND DELIVERY OF NOT EXCEEDING TEN MILLION DOLLARS (\$10,000,000) OF REVENUE ANTICIPATION NOTES, SERIES 2006, 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 August 15, 2006, giving preliminary approval to the issuance of not exceeding \$10,000,000 of Revenue Anticipation Notes, Series 2006 of the Issuer (the "Notes"), in one or more series, to pay operations of the Issuer in anticipation of the revenues of 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 1. Approval is given to the issuance of not exceeding Ten Million Dollars (\$10,000,000) of Revenue Anticipation Notes, Series 2006 (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 Issuer's 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 to be sold to the Federal Government to evidence a loan under the Community Disaster Loan Act of 2005, as amended, and to mature no later than 10 years from the date of said Notes. The Notes shall be issued in fully registered form, 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 and/or the Parish President.

By virtue of applicant/issuer's application for, acceptance and utilization of the benefits of the Louisiana State Bond Commission's approval(s) resolved and set forth herein, it resolves that it understands and agrees that such approval(s) are expressly conditioned upon, and it further resolves that it understands, agrees and binds itself, its successors and assigns to, full and continuing compliance with the "State Bond Commission Policy on Approval of Proposed Use of Swaps, or other forms of Derivative Products Hedges, Etc.", adopted by the Commission on July 20, 2006, as to the borrowing(s) and other matter(s) subject to the approval(s), including subsequent application and approval under said Policy of the implementation or use of any swap(s) or other product(s) or enhancement(s) covered thereby.

SECTION 2. The Notes are hereby authorized to be sold in one or more series and the Parish is hereby authorized to execute one or more Note Purchase Agreements, Notes or other documents in form and substance satisfactory to Bond Counsel to the Parish (including, without limitation, FEMA Form 90-100 "Local Government Resolution - Collateral Security"), any and all promissory notes, certificates or other documents required to evidence a loan under the Community Disaster Loan Act of 2005, as amended).

SECTION 3. A real necessity is hereby found for the employment of special bond counsel in connection with the issuance of the Notes, and accordingly the law firm of Foley & Judell, LLP, Bond Counsel, is hereby employed as Bond Counsel to handle all matters of a legal nature in connection with the negotiation, sale, issuance and delivery of the Notes. Said special bond counsel shall prepare and submit to the Parish all proceedings necessary for the due authorization, issuance, sale and delivery of the Notes, shall counsel the Parish as to the issuance and sale of the Notes, and shall furnish their opinion covering the legality of the Notes. The fee of special Bond Counsel in connection with the issuance of each series of the Notes is hereby fixed at a sum not to exceed that permitted by the Attorney General's fee schedule for each issue or issues of revenue bonds based on the principal amount of the Notes actually issued, sold, delivered and paid for, plus "out-of-pocket" expenses; provided, however, that said fee shall be contingent upon the sale, issuance and delivery of the Notes. A certified copy of this Resolution shall be forwarded to the Attorney General of the State of Louisiana for his approval of the employment herein provided for.

SECTION 4. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

SECTION 5. 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 6. This Bond Ordinance shall become effective immediately.

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

**YEAS:** Hoffmeister, Henderson, Di Fatta, Taffaro and Melerine.

**NAYS:** Madary.

**ABSENT:** None.

The Chairman, Mr. Dean, cast his vote as **NAY**.

And the motion was declared **adopted** on the 19<sup>th</sup> day of September, 2006.

/s/POLLY BOUDREAUX  
CLERK OF COUNCIL

/s/LYNN B. DEAN  
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 OFFICE TRAILER OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE, CHALMETTE, LOUISIANA ON TUESDAY, SEPTEMBER 19, 2006 AT ONE MINUTE PAST SEVEN O'CLOCK P.M.

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

**Summary No. 1920**

Introduced by: Lynn Dean, Councilman-at-Large

**ORDINANCE SBPC #673-09-06**

AN EMERGENCY ORDINANCE TO CEASE OBLIGATIONS AND EXPENDITURES OF ANY BOND MONIES UNTIL SUCH TIME AS SUMMARY NO. 1916 CAN BE ENACTED.

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

SECTION I. That obligations and expenditures of any bond monies cease until such time as Summary No. 1916 can be enacted.

SECTION II. Effective Date. This ordinance shall become effective immediately upon authorizing signature by the Parish President. As an emergency ordinance the provisions shall remain valid for 60 days.

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, Di Fatta and Taffaro

**NAYS:** Melerine.

**ABSENT:** None.

The Chairman, Mr. Dean, cast his vote as **YEA**.

And the motion was declared **adopted** on the 19<sup>th</sup> day of September, 2006.

/s/POLLY BOUDREAUX  
CLERK OF COUNCIL

/s/LYNN B. DEAN  
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 OFFICE TRAILER OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE, CHALMETTE, LOUISIANA ON TUESDAY, SEPTEMBER 19, 2006 AT ONE MINUTE PAST SEVEN O'CLOCK P.M.

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

**EMERGENCY ORDINANCE SBPC #674-09-06**

**Summary No. 1925**

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

AN ORDINANCE SETTING COUNCIL MEETINGS ON THE 1<sup>ST</sup> AND 3<sup>RD</sup> TUESDAY OF THE MONTH AT 11:00 A.M. DURING THE RECOVERY OF INFRASTRUCTURE AND FACILITIES IN ST. BERNARD PARISH.

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN

SECTION I. That council meetings shall be held on the 1<sup>st</sup> and 3<sup>rd</sup> Tuesdays of the month at 11:00 a.m. during the recovery of infrastructure and facilities in St. Bernard Parish.

SECTION II. Effective Date. This ordinance shall become effective immediately upon authorizing signature by the Parish President. As an emergency ordinance the provisions shall remain valid for 60 days.

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, Di Fatta, Taffaro and Melerine.

**NAYS:** Madary.

**ABSENT:** None.

The Chairman, Mr. Dean, cast his vote as **NAY**.

And the motion was declared **adopted** on the 19<sup>th</sup> day of September, 2006.

/s/POLLY BOUDREAUX  
CLERK OF COUNCIL

/s/LYNN B. DEAN  
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 OFFICE TRAILER OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE CHALMETTE, LOUISIANA ON TUESDAY, OCTOBER 3, 2006 AT ELEVEN O'CLOCK A.M.

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

**ORDINANCE SBPC #675-10-06**

**Summary No. 1921**

Introduced by: Craig Taffaro, Councilman, District D

Public Hearing held October 3, 2006

AN ORDINANCE TO AMEND ORDINANCE #661-07-06, AN ORDINANCE REQUIRING THAT ALL SINGLE FAMILY DWELLINGS TO BE USED AS RENTAL PROPERTY SHALL REQUIRE A CONDITIONAL USE ISSUED THROUGH THE OFFICE OF COMMUNITY DEVELOPMENT, TO REQUIRE PUBLIC NOTICE BY POSTING ON THE PROPERTY FOR WHICH A CONDITIONAL USE IS APPLIED

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN

SECTION 1. That all single family dwellings to be used as rental property shall require a conditional use issued through the Office of Community Development, and that public notice is required by posting on the property for which a conditional use is applied.

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.

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, Di Fatta, Taffaro and Melerine.

**NAYS:** Madary.

**ABSENT:** None.

The Chairman, Mr. Dean, cast his vote as **NAY**.

And the motion was declared **adopted** on the 3<sup>rd</sup> day of October, 2006.

/s/POLLY BOUDREAUX  
CLERK OF COUNCIL

/s/LYNN B. DEAN  
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 OFFICE TRAILER OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE CHALMETTE, LOUISIANA ON TUESDAY, OCTOBER 17, 2006 AT ELEVEN O'CLOCK A.M.

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

**ORDINANCE SBPC #676-10-06**

**Summary No. 1912**

Introduced by: Administration on 8-15-06

Planning Commission recommended APPROVAL on 9-26-06

Public Hearing held October 17, 2006

AN ORDINANCE TO APPROVE DOCKET 2-06, PETITION OF JUDY ROBERTS GROSE, WIFE OF/AND CLARENCE F. GROSE, JR., FOR A ZONING CHANGE FROM R-1 (SINGLE FAMILY RESIDENTIAL) TO R-1 (M) SINGLE FAMILY DWELLING AND MOBILE HOME RESIDENTIAL)

SECTION 1. That Docket 2-06, petition of Judy Roberts Grose, wife of/and Clarence F. Grose, Jr. for a zoning change from R-1 (Single Family Residential) to R-1 (M) (Single Family Dwelling and Mobile Home Residential) is hereby granted for the following described property:

A certain portion of ground, situated in the Parish of St. Bernard, State of Louisiana, in that part of Repose Plantation, Section 7, Township 13 South, Range 13 East, Southeast Land District of Louisiana, east of the Mississippi River, which portion of ground is designated as Lot PB-3, on plan of resubdivision made by Stephen V. Estopinal, P.E., P.L.S., dated July 28, 1987, approved by the St. Bernard Parish Police Jury under Resolution E-18-87, adopted August 4, 1987, registered in COB 391, Folio 114, Parish of St. Bernard, on August 7, 1987.

Lot PB-3 is located in the square bounded by Fifth Street, General Pershing Street, Borgnemouth Realty Company, Limited Property, and Violet Street (side extended). Said portion of ground forms the corner of Fifth Street and the proposed extension of Violet Street, and measures 120 feet front on Fifth Street, by an additional front of 80 feet along the proposed extension of Violet Street, by a depth of 80 feet on the southerly side (General Pershing Street side extended), and a depth of 120 feet on the easterly sideline which is parallel to Fifth Street.

Being a portion of the same property acquired by Borgnemouth Realty Company, Limited from Lebman Stern & Co., Ltd., et als, by act before Andrew Hero, Jr., Notary Public, dated September 30, 1904, registered in COB 20, folio 398, Parish of St. Bernard.

Being further acquired by Judy Roberts Grose, wife of/and Clarence F. Grose, Jr. from Borgnemouth Realty Company, Limited by Act of Cash Sale on August 19, 1987 before Charles H. Livaudais, Notary Public in the Parish of St. Bernard and recorded in the Clerk of Court Office in the Parish of St. Bernard in COB 394, Folio 1 on August 25, 1987.

(Errors, omissions and conflicts in survey excepted)

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.

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, Di Fatta, Taffaro and Melerine.

**NAYS:** None.

**ABSENT:** Henderson.

The Chairman, Mr. Dean, cast his vote as **YEA**.

And the motion was declared **adopted** on the 17<sup>th</sup> day of October, 2006.

/s/POLLY BOUDREAUX  
CLERK OF COUNCIL

/s/LYNN B. DEAN  
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 OFFICE TRAILER OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE CHALMETTE, LOUISIANA ON TUESDAY, OCTOBER 17, 2006 AT ELEVEN O'CLOCK A.M.

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

**Summary No. 1913**

Introduced by: Administration

AN ORDINANCE TO APPROVE DOCKET 3-06, PETITION OF ABDOLREZA VADIEE, FOR A ZONING CHANGE FROM R-1 (SINGLE FAMILY RESIDENTIAL) TO C-1 (NEIGHBORHOOD COMMERCIAL)

SECTION 1. That Docket 3-06, petition of Abdolreza Vadiee, for a zoning change from R-1 (Single Family Residential) to C-1 (Neighborhood Commercial) is hereby granted for the following described property:

A certain lot of ground, situated in the Parish of St. Bernard, State of Louisiana, in Square 13 of Carolyn Park Subdivision, Extension No. 1, designated as Lot 261 on the survey made by J. J. Krebs & Sons, Surveyors, dated June 16, 1959, a copy of which is annexed to act of purchase by the French Market Homestead Association, passed before John H. Hammel, Jr., Notary, the 27<sup>th</sup> day of May 1960.

Property is bounded by Norton and Claiborne Avenues, a 40-foot drainage strip and a 50-foot right-of-way of the United State Gas Pipe Line Co. Said Lot 261 forms the corner of Norton and Claiborne Avenues and measures sixty feet front on Norton Avenue, the same width in the rear, by a depth of one hundred ten feet, between equal and parallel lines and front on Claiborne Avenue.

Improvements thereon bear the Municipal No. 645 Norton Avenue.

Being the same property acquired by Mary Rodi Moreau, wife of/and Raymond Joseph Moreau from First Homestead and Savings Association by act before Lienhard T. Kuhner, Notary Public, dated August 13, 1969 and registered in COB 104, Folio 367.

Being the same property further acquired by Mary Rodi Moreau, widow of Raymond Joseph Moreau by Judgment of Possession in the Succession of Raymond Joseph Moreau in the 34<sup>th</sup> JDC for St. Bernard Parish, No. 84894, dated May 19, 1998 and registered in COB 645, folio 199.

Being further acquired by Abdolreza Vadiie from Mary Rodi Moreau by Act of Cash Sale before Linda M. Sukman, Notary Public for the Parish of St. Bernard on July 29, 2005 and recorded in the Clerk of Court Office in COB 784, Folio 410 on August 3, 2005.

(Errors, omissions and conflicts in survey excepted)

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.

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:** Di Fatta.

**NAYS:** Madary, Hoffmeister, Taffaro and Melerine.

**ABSENT:** Henderson.

The Chairman, Mr. Dean, cast his vote as **YEA**.

And the motion **FAILED** on the 17<sup>th</sup> day of October, 2006.

#### 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, October 17, 2006.

Witness my hand and the seal  
of the Parish of St. Bernard on  
this 17<sup>th</sup> day of October, 2006.

---

POLLY C. BOUDREAUX  
CLERK OF THE COUNCIL

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 OFFICE TRAILER OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE CHALMETTE, LOUISIANA ON TUESDAY, OCTOBER 17, 2006 AT ELEVEN O'CLOCK A.M.

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

**ORDINANCE SBPC #678-10-06**

**Summary No. 1916**

Recommended by the Water and Sewer Committee on 9-14-06

Public Hearing held October 17, 2006

AN ORDINANCE REQUIRING THAT THE APPROVAL OF ANY EXPENDITURE OF ANY BOND MONIES SHALL BE GIVEN BY THE COUNCIL PRIOR TO ANY OBLIGATION OR EXPENDITURE OF SAID FUNDS.

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

SECTION I. That the approval of any expenditures of any bond monies shall be given by the Council prior to any obligation or expenditure of said funds.

SECTION II. 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 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, Di Fatta, Taffaro and Melerine.

**NAYS:** None.

**ABSENT:** Henderson.

The Chairman, Mr. Dean, cast his vote as **YEA**.

And the motion was declared **adopted** on the 17<sup>th</sup> day of October, 2006.

/s/POLLY BOUDREAUX  
CLERK OF COUNCIL

/s/LYNN B. DEAN  
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 OFFICE TRAILER OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE CHALMETTE, LOUISIANA ON TUESDAY, OCTOBER 17, 2006 AT ELEVEN O'CLOCK A.M.

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

**ORDINANCE SBPC #67910-06**

**Summary No. 1918**

Introduced by: Administration on 9-1-06

Planning Commission recommended APPROVAL on 9/26/06

Public Hearing held October 17, 2006

AN ORDINANCE TO APPROVE DOCKET 4-06, PETITION OF PEGGY GARCIA HENRY, FOR A ZONING CHANGE FROM R-1 (SINGLE FAMILY RESIDENTIAL) TO R-1M (SINGLE FAMILY DWELLING AND MOBILE HOME RESIDENTIAL)

SECTION 1. That Docket 4-06, petition of Peggy Garcia Henry, for a zoning change from R-1 (Single Family Residential) to R-1 (Single Family Dwelling and Mobile Home Residential) is hereby granted for the following described property:

One certain lot of ground, situated in the Town of North Borgnemouth, in the Parish of St. Bernard, State of Louisiana, designated as Lot No. 8 in Square No. 5 of the Town of North Borgnemouth, bounded by Pakenham Road, Fourth, General Pershing and Fifth Streets and which lot measures 40 feet front on Pakenham Road by a depth and front on Fifth Street of 150 feet, forming the corner of Pakenham Road and Fifth Street, together with the use of the common alley running through said square, the whole as per plan of Eustis & Bres, Civil Engineers, of date March 30, 1920, and enlargement of said Plan by E. L. Eustis, C. E., showing additional Square No. 11, of date May 4, 1941, blue print of which is annexed to act of sale to Mrs. Sarah Ruiz Tapper, executed before Lilia L. Dubuch, Notary Public, on June 9, 1949. (2424 Pakenham Road).

Being the same property acquired by Jane Roberts, wife of/and Robert Garcia from Borgnemouth Realty Company, Limited by act before Lilia L. Dubuch, Notary Public, dated July 31, 1951, registered in COB 55, folio 125, of the Conveyance Records of St. Bernard Parish, Louisiana.

Being further acquired by Peggy Garcia Henry from Jane Roberts, wife of/and Robert Garcia by Act of Donation on June 16, 2005 before Dean J. Favret, Notary Public in the State and Parish and recorded in the Clerk of Court Office of the Parish of St. Bernard, State of Louisiana, in COB 781, Folio 116 on June 17, 2005.

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.

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, Di Fatta, Taffaro and Melerine.

**NAYS:** None.

**ABSENT:** Henderson.

The Chairman, Mr. Dean, cast his vote as **YEA**.

And the motion was declared **adopted** on the 17<sup>th</sup> day of October, 2006.

/s/POLLY BOUDREAUX  
CLERK OF COUNCIL

/s/LYNN B. DEAN  
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 OFFICE TRAILER OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE, CHALMETTE, LOUISIANA ON TUESDAY, OCTOBER 17, 2006 AT ELEVEN O'CLOCK A.M.

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

**ORDINANCE SBPC #680-10-06**

**Summary No. 1923**

Recommended by: Executive/Finance Committee on 10-5-06

AN EMERGENCY ORDINANCE PLACING A MORATORIUM ON ALL NEW BUSINESS SIGNS UNTIL SUCH TIME AS THE SIGN ORDINANCE CAN BE AMENDED.

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN

SECTION 1. That a moratorium on all business signs shall be in effect until such time as the sign ordinance can be amended.

SECTION 2. Effective Date. SECTION II. Effective Date. This ordinance shall become effective immediately upon authorizing signature by the Parish President. As an emergency ordinance the provisions shall remain valid for 60 days.

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, Di Fatta, Taffaro and Melerine.

**NAYS:** None.

**ABSENT:** Henderson.

The Chairman, Mr. Dean, cast his vote as **YEA**.

And the motion was declared **adopted** on the 17<sup>th</sup> day of October, 2006.

/s/POLLY BOUDREAUX  
CLERK OF COUNCIL

/s/LYNN B. DEAN  
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 OFFICE TRAILER OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE CHALMETTE, LOUISIANA ON TUESDAY, NOVEMBER 7, 2006 AT ELEVEN O=CLOCK A.M.

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

**ORDINANCE SBPC #681-11-06**

**Summary No. 1926**

Introduced by: Ricky Melerine, Councilman, District E

Public hearing held November 7, 2006

AN ORDINANCE PLACING A MORATORIUM ON CONSTRUCTION OF DOCKS, SLIPS AND LIVING QUARTERS ON BAYOU YSCLOSKEY UNTIL THE WATER BOTTOM OWNERSHIP CONFLICT IS RESOLVED.

THE ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN

SECTION 1. That a moratorium is placed on construction of Docks, Slips and living quarters on Bayou Yscloskey until the water bottom ownership conflict is resolved.

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.

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, Di Fatta and Melerine.

**NAYS:** None.

**ABSENT:** Taffaro.

The Chairman, Mr. Dean, cast his vote as **YEA**.

And the motion was declared **adopted** on the 7<sup>th</sup> day of November, 2006.

/s/POLLY BOUDREAUX  
CLERK OF COUNCIL

/s/LYNN B. DEAN  
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 OFFICE TRAILER OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE CHALMETTE, LOUISIANA ON TUESDAY, NOVEMBER 7, 2006 AT ELEVEN O=CLOCK A.M.

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

**ORDINANCE SBPC #682-11-06**

**Summary No. 1942**

Introduced by: Craig Taffaro, Councilman, District D

AN EMERGENCY ORDINANCE TO ALLOW ANY EXISTING NEIGHBORHOOD ASSOCIATION WHO WISHES TO ORGANIZE YARD CLEAN UP OF THEIR NEIGHBORHOOD RESOURCES TO SPRAY AND/OR CUT YARDS AND AUTHORITY TO LIEN THE PROPERTY ON BEHALF OF THE NEIGHBORHOOD ASSOCIATION.

SECTION 2. Effective Date. This ordinance shall become effective immediately upon authorizing signature by the Parish President. As an emergency ordinance the provisions shall remain valid for 60 days.

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, Di Fatta, Taffaro and Melerine.

**NAYS:** Madary.

**ABSENT:** None.

The Chairman, Mr. Dean, cast his vote as **NAY**.

And the motion was declared **adopted** on the 7<sup>th</sup> day of November, 2006.

/s/POLLY BOUDREAUX  
CLERK OF COUNCIL

/s/LYNN B. DEAN  
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 OFFICE TRAILER OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE CHALMETTE, LOUISIANA ON TUESDAY, NOVEMBER 7, 2006 AT ELEVEN O'CLOCK A.M.

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

**ORDINANCE SBPC #683-11-06**

**Summary No. 1938**

Introduced by: Craig Taffaro, Councilman, District D & Joseph Di Fatta, Councilman-at-Large

AN EMERGENCY ORDINANCE REQUIRING THAT ALL BUDGET OVERAGES COME BEFORE COUNCIL WITHIN ONE MONTH OF THE PROJECTED OVERAGE

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

SECTION 1. That all budget overages shall come before the council within one month of the projected overage.

SECTION 2. Effective Date. This ordinance shall become effective immediately upon authorizing signature by the Parish President. As an emergency ordinance the provisions shall remain valid for 60 days.

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, Di Fatta, Taffaro.

**NAYS:** Melerine.

**ABSENT:** None.

The Chairman, Mr. Dean, cast his vote as **YEA**.

And the motion was declared **adopted** on the 7<sup>th</sup> day of November, 2006.

/s/POLLY BOUDREAUX  
CLERK OF COUNCIL

/s/LYNN B. DEAN  
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 OFFICE TRAILER OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE CHALMETTE, LOUISIANA ON TUESDAY, NOVEMBER 21, 2006 AT ELEVEN O'CLOCK A.M.

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

**ORDINANCE SBPC #684-11-06**

**Summary No. 1922**

Introduced by: Administration

Planning Commission recommended APPROVAL on 10-24-06

Public Hearing held November 21, 2006

AN ORDINANCE TO APPROVE DOCKET 6-06, PETITION OF PATSY ANN CREEL, WIFE OF/AND JAMES KENNETH COOK FOR A ZONING CHANGE FROM R-1 (SINGLE FAMILY RESIDENTIAL) TO R-1(M) (SINGLE FAMILY DWELLING AND MOBILE HOME RESIDENTIAL)

SECTION I. That a Conditional Use permit is hereby granted for the following described property:

Two certain portions of ground, situated in the Town of North Borgnemouth, in Violet, in the Parish of St. Bernard, State of Louisiana, which said lots are designated by the Nos. 15 and 16, in that part of Square No. 5, which is bounded by General Pershing, Fifth and Fourth Streets and Pakenham Road, which lots adjoin each other. (2401 General Pershing Street)

Lot No. 15 measures Forty (40) feet on General Pershing St. by a depth of One Hundred Fifty (150') feet, between equal and parallel lines; and

Lot No. 16 measures Forty (40') feet front on General Pershing St., by a depth of One Hundred Fifty (150') feet between equal and parallel lines, and forms the corner of General Pershing and Fourth Streets; together with the use of a common alley running through said square.

According to re-survey by Eugene I. Estopinal & Associates, Inc., dated September 13, 1990, copy of which is annexed hereto, said lots have the same location, designation and measurements as set out above.

Property was acquired by Patsy Ann Creel, wife of/and James Kenneth Cook from Natha Lee Rubin, D.B.A. Magasin Management Company by Credit Sale on September 26, 1990 before Philip P. Spencer, Notary Public, in the city of New Orleans and the Parish of Orleans and recorded in the Clerk of Court Office of St. Bernard Parish in C.O.B. 489, Folio 204, on September 28, 1990.

SECTION II. 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.

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, Di Fatta, Taffaro and Melerine.

**NAYS:** None.

**ABSENT:** Henderson.

The Chairman, Mr. Dean, cast his vote as **YEA**.

And the motion was declared **adopted** on the 21<sup>st</sup> day of November, 2006.

/s/POLLY BOUDREAUX  
CLERK OF COUNCIL

/s/LYNN B. DEAN  
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 OFFICE TRAILER OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE CHALMETTE, LOUISIANA ON TUESDAY, NOVEMBER 21, 2006 AT ELEVEN O'CLOCK A.M.

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

**ORDINANCE SBPC #685-11-06**

**Summary No. 1924**

Introduced by: Administration

Public Hearing held November 21, 2006

An ordinance amending the Essential Personnel policy to update essential personnel.

*ESSENTIAL PERSONNEL*

***PRESIDENTIAL STAFF***

PARISH PRESIDENT  
SPECIAL ASSISTANT TO THE PRESIDENT  
DEPUTY CAO  
ASSISTANT TO PRESIDENT

***ADMINISTRATION***

C.A.O.  
ASSISTANT TO CAO  
MIS  
LEGAL COUNSEL

***PARISH COUNCIL***

COUNCIL-AT-LARGE, EAST  
COUNCIL-AT-LARGE, WEST  
COUNCIL DISTRICT A  
COUNCIL DISTRICT B  
COUNCIL DISTRICT C  
COUNCIL DISTRICT D  
COUNCIL DISTRICT E  
CLERK OF COUNCIL

***FINANCE***

FINANCE DIRECTOR  
PAYROLL SUPERVISOR  
ACCOUNTS PAYABLE SUPERVISOR  
PURCHASING AGENT

***FIRE***

FIRE CHIEF  
ALL FIREFIGHTERS

***MEDIA***

PUBLIC INFORMATION OFFICER

***OHSEP***

DIRECTOR  
LOGISTICS  
MEDIA  
ASSISTANT TO DIRECTOR

***PUBLIC WORKS***

PUBLIC WORKS DIRECTOR  
DIRECTOR OF WATER & SEWER DIVISION  
ROAD SUPERINTENDANT  
PUBLIC WORKS EMPLOYEES

(In the event of a Saffir-Simpson Category 4 or 5 hurricane, designated Tier II personnel will be required to report for work. In the event of a Tropical Storm or a Saffir-Simpson Category 1, 2 or 3 hurricane, designated Tier I and Tier II personnel will be required to report for work.)

***RECOVERY DEPARTMENT***

PLANNER

***TRANSIT DEPARTMENT***

DIRECTOR  
BUS OPERATORS

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

**YEAS:** Madary, Hoffmeister, Di Fatta, Taffaro and Melerine.

**NAYS:** None.

**ABSENT:** Henderson.

The Chairman, Mr. Dean, cast his vote as **YEA**.

And the motion was declared **adopted** on the 21<sup>st</sup> day of November, 2006.

/s/POLLY BOUDREAUX  
CLERK OF COUNCIL

/s/LYNN B. DEAN  
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 OFFICE TRAILER OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE CHALMETTE, LOUISIANA ON TUESDAY, NOVEMBER 21, 2006 AT ELEVEN O=CLOCK A.M.

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

**ORDINANCE SBPC #686-11-06**

**Summary No. 1930**

Recommended by Executive/Finance Committee on 10-12-06

Public Hearing held November 21, 2006

AN ORDINANCE TO AMEND ARTICLE 11, SECTION 10-20, FIRE PREVENTION CODE, OF THE ST. BERNARD PARISH CODE OF ORDINANCES, ADOPTION OF THE CODE TO ADOPT THE CURRENT NFPA – 1, FIRE PREVENTION CODE AS REQUESTED BY THE STATE FIRE MARSHALL'S OFFICE.

SECTION 1. That Article II, Section 10-20, Fire Prevention Code of the St. Bernard Parish Code of Ordinances is hereby adopted by the council for the purpose of prescribing regulations governing conditions hazardous to life and property from fire explosion, those certain codes known as Fire Prevention Code, NFPA-1 (current edition) and the Life Safety Code Handbook, recommended by the National Fire Protection Association, Inc., being particularly the fourth edition thereof based on the 1988 edition of the Life Safety Code and the whole thereof, save and except such portion of either code are hereinafter deleted, modified or amended, of which codes not less than one (1) copy have been and now are filled in the office of the clerk of court and the same are hereby adopted and incorporated as fully as if set out at length herewith, and from the date on which this section shall take effect the provisions thereof shall be controlling within the limits of St. Bernard Parish. Also included in this section is the current Life Safety Code.

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.

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, Di Fatta, Taffaro and Melerine.

**NAYS:** None.

**ABSENT:** Henderson.

The Chairman, Mr. Dean, cast his vote as **NAY**.

And the motion was declared **adopted** on the 21<sup>st</sup> day of November, 2006.

/s/POLLY BOUDREAUX  
CLERK OF COUNCIL

/s/LYNN B. DEAN  
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 OFFICE TRAILER OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE CHALMETTE, LOUISIANA ON TUESDAY, DECEMBER 5, 2006 AT ELEVEN O=CLOCK A.M.

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

**ORDINANCE SBPC #687-12-06**

**Summary No. 1927**

Introduced by: Administration on 10-3-06

Public Hearing held December 5, 2006

AN ORDINANCE TO AMEND THE 2006 ST. BERNARD PARISH GOVERNMENT ANNUAL OPERATING AND CAPITAL BUDGET. (SUMMARY ATTACHED)

SECTION 1. That the 2006 St. Bernard Parish Government Annual Operating and Capital Budget is hereby amended as per Summary attached.

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.

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, Di Fatta, Taffaro and Melerine.

**NAYS:** None.

**ABSENT:** Henderson.

The Chairman, Mr. Dean, cast his vote as **NAY**.

And the motion was declared **adopted** on the 5<sup>th</sup> day of December, 2006.

/s/POLLY BOUDREAUX  
CLERK OF COUNCIL

/s/LYNN B. DEAN  
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 OFFICE TRAILER OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE CHALMETTE, LOUISIANA ON TUESDAY, DECEMBER 5, 2006 AT ELEVEN O'CLOCK A.M.

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

**ORDINANCE SBPC #688-12-06**

**Summary No. 1928**

Introduced by: Administration on 10-3-06

Public Hearing held December 5, 2006

AN ORDINANCE TO ADOPT THE 2007 ST. BERNARD PARISH GOVERNMENT ANNUAL OPERATING AND CAPITAL BUDGET. (SUMMARY ATTACHED)

SECTION 1. That the 2007 St. Bernard Parish Government Annual Operating and Capital Budget is hereby adopted as per Summary attached.

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.

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, Di Fatta and Melerine.

**NAYS:** None.

**ABSENT:** Henderson and Taffaro.

The Chairman, Mr. Dean, cast his vote as **NAY**.

And the motion was declared **adopted** on the 5<sup>th</sup> day of December, 2006.

/s/POLLY BOUDREAUX  
CLERK OF COUNCIL

/s/LYNN B. DEAN  
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 OFFICE TRAILER OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE CHALMETTE, LOUISIANA ON TUESDAY, DECEMBER 5, 2006 AT ELEVEN O'CLOCK A.M.

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

**ORDINANCE SBPC #689-12-06**

**Summary No. 1929**

Introduced by: Administration

Planning Commission recommended APPROVAL on 11-14-06

Public Hearing held December 5, 2006

AN ORDINANCE TO APPROVE DOCKET 7-06, PETITION OF MERNA A. RIESS GOETZ, WIDOW OF GERALD JOSEPH GOETZ, FOR A ZONING CHANGE FROM "R-2 (TWO-FAMILY RESIDENTIAL)" TO "C-1 (NEIGHBORHOOD COMMERCIAL)"

SECTION 1. That Docket 7-06, petition of Merna A. Riess Goetz, widow of Gerald Joseph Goetz, for a zoning change from "R-2 (Two-Family Residential)" to "C-1 (Neighborhood Commercial)" for the following described property:

A certain piece or portion of ground, situated in the Village of Versailles, in the Parish of St. Bernard, State of Louisiana, in Square No. 81 thereof, bounded by D'Amour (D'Amo) Street, Paris Road, Trist Place (Craps Street) and Montesquieu Streets. According to a survey made by Adloe Orr, Jr., C.E., dated March 10, 1958, a copy of which is annexed hereto and made a part hereof, said portion of ground is designated as Lot A, which begins at a distance of 72.98 feet from the intersection of D'Amour and Montesquieu Streets, and measures thence 60 feet front on Montesquieu Street in the direction of Trist Place, the same in width in the rear, by a depth of 130.25 feet between equal and parallel lines. (2421 Montesquieu Street)

Being part of the same property whereby Merna A. Riess Goetz acquired the remaining ½ interest in said property by Act of Sale from Allisa Elizabeth Goetz, Allison Goetz Vander Stappen and Matthew Michael Goetz, all heirs of Gerald Joseph Goetz, dated June 3, 1994 before Carolyn T. Lilly, Notary Public, and filed for record in COB 301, folio 955 in the Office of the Clerk of Court for the Parish of St. Bernard, State of Louisiana.

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.

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, Di Fatta, Taffaro and Melerine.

**NAYS:** None.

**ABSENT:** Henderson.

The Chairman, Mr. Dean, cast his vote as **YEA**.

And the motion was declared **adopted** on the 5<sup>th</sup> day of December, 2006.

/s/POLLY BOUDREAUX  
CLERK OF COUNCIL

/s/LYNN B. DEAN  
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 OFFICE TRAILER OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE CHALMETTE, LOUISIANA ON TUESDAY, DECEMBER 5, 2006 AT ELEVEN O'CLOCK A.M.

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

**ORDINANCE SBPC #690-12-06**

**Summary No. 1935**

Introduced by: Administration on 11-7-06

Planning Commission recommended APPROVAL on 11-14-06

Public Hearing held December 5, 2006

AN ORDINANCE TO APPROVE DOCKET 11-06, PETITION OF J & A MERAUX, INC., BEING REPRESENTED BY HAROLD J. ANDERSON, FOR A ZONING CHANGE FROM C-2 (GENERAL COMMERCIAL) TO I-2 (HEAVY INDUSTRIAL/CONDITIONAL USE).

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN

SECTION 1. That approval of Docket 11-06, petition of J & A Meraux, Inc., being represented by Harold J. Anderson, for a zoning change from C-2 (General Commercial) to I-2 (Heavy Industrial/Conditional Use) is hereby granted for the following described properties:

J & A Meraux, Inc., being represented by Harold J. Anderson, for a zoning change from C-2 (General Commercial) to I-2 (Heavy Industrial/Conditional Use) for the following described property:

A certain portion of ground designated as Lot A, commencing at the Southernmost corner of said Tract 3, said point situated on the northeasterly right-of-way line of St. Bernard Highway (Louisiana State Highway 46), go N 24 Degrees 11'40"E 3,006 feet along the lower line of said Tract 3; thence, N 65 Degrees 48'20"W 215 feet to the Point Of Beginning for the herein described lot; thence, N 65 Degrees 20'30"W 300.00 feet; thence, N 24 Degrees 58'24"E 300.00 feet; thence, S 65 Degrees 21'06"E 149.89 feet; thence, N 24 Degrees 58'11"E 170.02 feet; thence, N 20 Degrees 01'49"W 63.43 feet to a point on the southwesterly right-of-way line of Judge Perez Highway (Louisiana State Highway 39); thence, along said right-of-way line S 65 Degrees 48'29"E 111.26 feet to a point located N 65 Degrees 48'29"W 1,250.08 feet from the easternmost corner of the said Meraux Airport Tract; thence, S 69 Degrees 58'11"W 65.61 feet; thence, S 24 Degrees 58'11"W 169.88 feet; thence, S 65 Degrees 21'06"E 130.17 feet; thence, S 24 Degrees 58'53"W 300 feet to the Point of Beginning, containing 2.212 acres on survey by Ralph R. Gipson, Professional Land Surveyor, dated October 3, 2006.

Being the same property acquired by Meraux & Nunez, Inc. from Dr. Louis Anthony Meraux and Mr. Albert Sidney Nunez by Act , before Robert Legier, a Notary Public, for the Parish of Orleans, State of Louisiana on August 10, 1926 and recorded in the Clerk of Court office in C. O. B. 34, folio 486 on August 12, 1926.

SECTION 2. The following Conditional Use provisions are requested by the Council:

1. If the site becomes a producing well, the access roadway should be constructed of concrete or asphalt.
2. A 40' wing turn should be included in construction of any access road from Judge Perez Drive.
3. The project should include sufficient landscaping to meet the new landscaping requirements currently pending council approval.

SECTION 3. 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.

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, Di Fatta, Taffaro and Melerine.

**NAYS:** None.

**ABSENT:** Henderson.

The Chairman, Mr. Dean, cast his vote as **YEA**.

And the motion was declared **adopted** on the 5<sup>th</sup> day of December, 2006.

/s/POLLY BOUDREAUX  
CLERK OF COUNCIL

/s/LYNN B. DEAN  
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 OFFICE TRAILER OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE CHALMETTE, LOUISIANA ON TUESDAY, DECEMBER 5, 2006 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 #691-12-06**

**Summary No. 1936**

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

Public Hearing held December 5, 2006

AN ORDINANCE TO REQUIRE THAT FUNDS RESULTING FROM THE SALE OF ITEMS PROCURED THROUGH FEMA AND THEN AUCTIONED BY PARISH GOVERNMENT SHALL BE SET ASIDE AS A LINE ITEM IN THE BUDGET.

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN

SECTION 1. That funds resulting from the sale of items procured through FEMA and then auctioned by parish government shall be set aside as a line item in the budget.

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.

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, Di Fatta, Taffaro and Melerine.

**NAYS:** None.

**ABSENT:** Henderson.

The Chairman, Mr. Dean, cast his vote as **YEA**.

And the motion was declared **adopted** on the 5<sup>th</sup> day of December, 2006.

/s/POLLY BOUDREAUX  
CLERK OF COUNCIL

/s/LYNN B. DEAN  
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 OFFICE TRAILER OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE CHALMETTE, LOUISIANA ON TUESDAY, DECEMBER 5, 2006 AT ELEVEN O'CLOCK A.M.

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

**ORDINANCE SBPC #692-12-06**

**Summary No. 1937**

Recommended for Introduction by Executive/Finance Committee on 10-24-06

Public Hearing held December 5, 2006

AN ORDINANCE REQUIRING THAT THE COST OF ADVERTISING FOR CIVIL COURT JURORS BE NO LONGER A COST TO PARISH GOVERNMENT BUT INSTEAD INCORPORATED INTO THE MECHANISM OF COURT COSTS.

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN

SECTION 1. that the cost of advertising for civil court jurors be no longer a cost to parish government but instead incorporated into the mechanism of court costs.

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.

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, Di Fatta, Taffaro and Melerine.

**NAYS:** None.

**ABSENT:** Henderson.

The Chairman, Mr. Dean, cast his vote as **YEA**.

And the motion was declared **adopted** on the 5<sup>th</sup> day of December, 2006.

/s/POLLY BOUDREAUX  
CLERK OF COUNCIL

/s/LYNN B. DEAN  
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 OFFICE TRAILER OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE CHALMETTE, LOUISIANA ON TUESDAY, DECEMBER 5, 2006 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 #693-12-06**

**Summary No. 1939**

Recommended for Introduction by Executive/Finance Committee on 10-24-06

Public Hearing held December 5, 2006

AN ORDINANCE REPEALING ORDINANCE #643-03-06, A MORATORIUM ON HOMES BECOMING RENTAL PROPERTIES.

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN

SECTION 1. That Ordinance #643-03-06 placing a moratorium on homes becoming rental properties is hereby repealed in its entirety.

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.

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, Di Fatta, Taffaro and Melerine.

**NAYS:** None.

**ABSENT:** Henderson.

The Chairman, Mr. Dean, cast his vote as **YEA**.

And the motion was declared **adopted** on the 5<sup>th</sup> day of December, 2006.

/s/POLLY BOUDREAUX  
CLERK OF COUNCIL

/s/LYNN B. DEAN  
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 OFFICE TRAILER OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE CHALMETTE, LOUISIANA ON TUESDAY, DECEMBER 5, 2006 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 #694-12-06**

**Summary No. 1943**

Recommended by Emergency Council Meeting of 10-26-06

Public Hearing held December 5, 2006

AN ORDINANCE TO HIRE LEGAL COUNSEL, FRANCIS B. MULHALL, TO REPRESENT ST. BERNARD PARISH AND ST. BERNARD PARISH COUNCIL IN CASE NUMBER 06-7185 C(1), UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF LOUISIANA, ENTITLED "GREATER NEW ORLEANS FAIR HOUSING ACTION CENTER VERSUS ST. BERNARD PARISH AND THE ST. BERNARD PARISH COUNCIL.

THE ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN

SECTION I. That Francis B. Mulhall, Attorney at Law, be retained to represent St. Bernard Parish and St. Bernard Parish Council in the following case:

Case Number 06-7185 C(1), "Greater New Orleans Fair Housing Action Center versus St. Bernard Parish and St. Bernard Parish Council, United States District Court for the Eastern District of Louisiana.

SECTION II. That the services of the aforesaid attorney 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 January 13, 2004.

SECTION III. That the Parish President is hereby authorized to sign a contract for legal services set forth in Sections I through III of this ordinance.

SECTION IV. 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.

SECTION V. 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, Di Fatta, Taffaro and Melerine.

**NAYS:** None.

**ABSENT:** Henderson.

The Chairman, Mr. Dean, cast his vote as **NAY**.

And the motion was declared **adopted** on the 5<sup>th</sup> day of December, 2006.

/s/POLLY BOUDREAUX  
CLERK OF COUNCIL

/s/LYNN B. DEAN  
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 OFFICE TRAILER OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE CHALMETTE, LOUISIANA ON TUESDAY, DECEMBER 5, 2006 AT ELEVEN O'CLOCK A.M.

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

**EMERGENCY ORDINANCE SBPC #695-12-06**

**Summary No. 1947**

Introduced by: Craig Taffaro, Councilman, District D

AN EMERGENCY ORDINANCE TO AUTHORIZE A COOPERATIVE ENDEAVOR AGREEMENT BETWEEN ST. BERNARD PARISH PUBLIC WORKS DEPARTMENT AND ENTERGY TO PROVIDE IMMEDIATE LIGHTING FOR AREAS IN WHICH RESIDENTS ARE RESIDING AND SUBSEQUENTLY FOR AREAS IN WHICH RESIDENTS ARE ACTIVELY REBUILDING/REPAIRING THEIR HOMES AND AUTHORIZATION OF AN INITIAL BUDGET ALLOCATION FOR THIS PROJECT IN THE AMOUNT OF \$100,000 TO BE DRAWN FROM SALES TAX REVENUES ABOVE PROJECTED ESTIMATES.

SECTION 1. That a cooperative endeavor agreement between St. Bernard Parish Public Works Department and Entergy is hereby authorized to provide immediate lighting for areas in which residents are residing and subsequently for areas in which residents are actively rebuilding/repairing their homes and authorization of an initial budget allocation for this project in the amount of \$100,000 to be drawn from sales tax revenues above projected estimates.

SECTION 2. Effective Date. This ordinance shall become effective immediately upon authorizing signature by the Parish President. As an emergency ordinance the provisions shall remain valid for 60 days.

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, Di Fatta, Taffaro and Melerine.

**NAYS:** None.

**ABSENT:** Henderson.

The Chairman, Mr. Dean, cast his vote as **NAY**.

And the motion was declared **adopted** on the 5<sup>th</sup> day of December, 2006.

/s/POLLY BOUDREAUX  
CLERK OF COUNCIL

/s/LYNN B. DEAN  
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 OFFICE TRAILER OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE CHALMETTE, LOUISIANA ON TUESDAY, DECEMBER 19, 2006 AT ELEVEN O'CLOCK A.M.

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

**ORDINANCE SBPC #696-12-06**

**Summary No. 1948**

Introduced by: Craig Taffaro, Councilman, District D

Public Hearing held December 19, 2006

AN ORDINANCE TO REPEAL IN ITS ENTIRETY ORDINANCE 661-07-06 AN ORDINANCE REQUIRING THAT ALL SINGLE FAMILY DWELLINGS TO BE USED AS RENTAL PROPERTY SHALL REQUIRE A CONDITIONAL USE ISSUED THROUGH THE OFFICE OF COMMUNITY DEVELOPMENT

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

Section I. That Ordinance #661-07-06, an ordinance requiring that all single family dwellings to be used as rental property shall require a Conditional Use issued through the Office of Community Development, is hereby repealed in its entirety.

SECTION II. 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 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, Di Fatta and Taffaro.

**NAYS:** None.

**ABSENT:** Melerine.

The Chairman, Mr. Dean, cast his vote as **YEA**.

And the motion was declared **adopted** on the 19<sup>th</sup> day of December, 2006.

/s/POLLY BOUDREAUX  
CLERK OF COUNCIL

/s/LYNN B. DEAN  
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 OFFICE TRAILER OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE CHALMETTE, LOUISIANA ON TUESDAY, DECEMBER 19, 2006 AT ELEVEN O'CLOCK A.M.

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

**ORDINANCE SBPC #697-12-06**

**Summary No. 1950**

Introduced by: Craig Taffaro, Councilman, District D

AN ORDINANCE TO AMEND ORDINANCE 670-09-06, AN ORDINANCE TO PROHIBIT THE RENTAL, LEASE, LOAN OR CERTAIN OTHER OCCUPANCY OF SINGLE FAMILY RESIDENCES IN R-1 ZONES.

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

Section I. R-1 is defined as Single-family dwellings, parks, playgrounds, home occupations, and police and fire stations.

Considering the total devastation of St. Bernard Parish by a combination of certain natural and manmade disasters in 2005; Considering the great social and economic need to encourage single family residence owners to return, rebuild, and resume living in the parish and to reoccupy their homes in already long established neighborhoods; Considering the public purpose, benefit, and need to maintain the integrity and stability of established neighborhoods as centers of family values and activities; Considering the public benefits to be obtained from securing for the community the blessings of quiet enjoyment of their pre-existing neighborhoods; and Considering the necessity to foster and encourage a community and family atmosphere in the neighborhoods of St. Bernard Parish, the St. Bernard Parish Council hereby finds it necessary and in the public interest to ordain that:

Chapter 14 Article 1 Section 14-3 of the St. Bernard Parish Code of Ordinances

- O. No person or entity shall rent, lease, loan, or otherwise allow occupancy or use of any single family residence located in an R-1 zone by any person or group of persons, without first obtaining a Permissive Use Permit from the St. Bernard Parish Council.
- P. A lease purchase agreement, sale of the right of habitation, or similar arrangement allowing occupancy, but which agreement does not immediately transfer ownership of the subject property to the resident of the said property at the time of execution, is, for the purposes of this ordinance, considered a rental/lease agreement.

- Q. Prior to presentation to and consideration by the St. Bernard Parish Council of an application for a Permissive Use Permit, an applicant must first apply to the St. Bernard Parish Planning Commission for a review, evaluation, and recommendation concerning the matter. The St. Bernard Parish Planning Commission will forward the results of the said review and evaluation with a specific recommendation to the Parish Council for use in their consideration of the matter.
- R. Any Permissive Use Permit granted hereunder is limited in application and duration to the terms of the specific written rental, lease, loan, lease/purchase, or other form of occupancy/use agreement regarding the property for which the Permissive Use Permit was granted plus 90 days after said term and which written rental agreement is to be submitted to the St. Bernard Parish Planning Commission as part of the review, evaluation, and recommendation process.
- S. Rent receipts, cancelled checks, cash receipts, money order records, utility account record, bank account records, driver's license records, vehicle registration records, water craft registration records, rent or lease agreements, use agreements, lease purchase agreements, agreements to purchase or sell, maintenance agreements, services in lieu of rent or other payments agreements, tax responsibility agreements, services in lieu of rent or other payment agreements, tax responsibility agreements, succession records, property maintenance records, building permit records, insurance information, federal and state tax returns, and the like are illustrative but not exclusive of evidence that may be considered in determining if a property is or was being rented, leased, loaned, or otherwise occupied in violation of this ordinance.
- T. Any person who or entity which allows occupancy or use of any property in violation of this ordinance is guilty of a misdemeanor subject to a fine of not less than \$50.00 and not more than \$250.00 per day for each day of un-permitted rental, lease, or occupancy of each property in violation of this ordinance. Each day of un-permitted occupancy of each property shall constitute a separate offense subject to a separate fine.
- U. Any person over the age of majority who occupies or uses any property in violation of this ordinance is guilty of a misdemeanor and is subject to a fine of not less than \$50.00 and not more than \$250.00 for each day of un-permitted rental, lease, or occupancy in violation of this ordinance. Each day of un-permitted occupancy shall constitute a separate offense subject to a separate fine.
- V. The parish of St. Bernard may also pursue civil remedies in the District Court of the parish against any person who or entity which allows occupancy or use of any property in violation of this ordinance to enjoin any violation of this ordinance and seek a civil penalty of not less than \$100 per day for each day of un-permitted rental, lease, or occupancy of each property in violation of this ordinance plus the administrative costs, court costs, and attorney fees for investigation and prosecution of the civil matter.
- W. The parish of St. Bernard may also pursue civil remedies in the District Court of the parish against any person over the age of majority who occupies or uses any property in violation of this ordinance to enjoin any violation of this ordinance and seek a civil penalty of not less than \$100 per day for each day of un-permitted rental, lease, or occupancy of each property in violation of this ordinance plus the administrative costs, court costs, and attorney fees for investigation and prosecution of the civil matter.
- X. The owner of any property subject to this ordinance shall provide to an occupant a copy of this section of the St. Bernard Parish Code of Ordinances and include in any written agreements subject to this ordinance the following notice within the main body of the agreement, said notice to be in a type size not smaller than the largest type size used in the main body of the agreement:

This agreement is subject to St. Bernard Parish Code of Ordinances Chapter 14 Article 1 Section 14-3 that section provides for criminal prosecution and fines and civil penalties for occupants of a single family residence in violation of that law. You hereby acknowledge receipt of a copy of the said law delivered to you at the time of the signing of this agreement.

- Y. The provisions of this ordinance shall not apply to any single family residence that was a rental residence before its adoption and for which property the St. Bernard Parish Planning Commission has issued a Letter of No Jurisdiction. The owner shall apply to the St. Bernard Parish Planning Commission for said letter and provide evidence, similar in nature as that evidence enumerated in paragraph D, that the said property was in fact a single family rental property and actually being rented and occupied as such before the adoption of this ordinance and which evidence the Planning Commission shall review and determine if a Letter of No Jurisdiction regarding the said property should be issued.
- Z. All applications for a Permissive Use Permit shall be advertised on the property in accordance with all procedures for notification of a re-zoning application.
- AA. All applications for utility permits shall require a statement by the property owner / applicant as to the intended use of the property. Property identified as rental use shall follow the requirements of Chapter 14 Article I Section 14-3 in its entirety.
- BB. The provisions of this ordinance shall not apply to any property that is owned by a not for profit corporation, providing that: the not for profit corporation was in existence and fully qualified as a United States Department of Internal Revenue approved not for profit on or before August 29, 2006; the owned property is zoned for single family residence use only, and the not for profit corporation's mission is to use its revenues and assets to improve the quality of life and standard of living for residents of St. Bernard Parish.
- CC. All appeals from any decision made under the provisions of this ordinance by the St. Bernard Parish Council shall be brought as a direct appeal to the District Courts of St. Bernard Parish.
- DD. This ordinance shall preserve the constitutional rights of all persons for home ownership.

SECTION II. 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 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, Di Fatta and Taffaro.

**NAYS:** None.

**ABSENT:** Melerine.

The Chairman, Mr. Dean, cast his vote as **NAY**.

And the motion was declared **adopted** on the 19<sup>th</sup> day of December, 2006.

/s/POLLY BOUDREAUX  
CLERK OF COUNCIL

/s/LYNN B. DEAN  
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 \_\_\_\_\_