

PUBLIC NOTICE - ST. BERNARD PARISH COUNCIL MEETING - AGENDA

Email: radams@sbpg.net

(504) 278-4228

(504) 278-4209 (fax)

Posted: 2/16/23

Thursday, February 23, 2023

3:00 p.m.

Council Chambers

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Sign Interpreter will be provided if requested 48 working hours in advance. Should an interpreter be needed, it is advised that the interested person contact the Clerk of Council at 278-4228. All accessible formats are available upon request.

- A. Meeting Called to Order and Roll Call
- B. Remind Public that no food or drink is allowed in the Council Chambers
- C. Remind Public of Cell Phone Ordinance **SBPC #815-02-08**
- D. Invocation by Councilmember Moran
- E. Pledge of Allegiance by Councilmember Alcon
- F. Recognize Elected Officials

APPROVAL OF MINUTES

1. Motion to approve the minutes from the February 7, 2023 Regular Council Meeting as published in the official journal, the St. Bernard Voice on Friday, February 17, 2023. (Council Chair)

RECOGNITION

2. Councilmember's for a District Update.
3. Guy McInnis, President's Report
4. Recognize the Public

PUBLIC HEARINGS

5. **Summary No. 4069**
Introduced by: Councilmember Luna, Alcon, and Lewis on 2/7/23

AN ORDINANCE TO **AMEND** CHAPTER 4, ANIMALS AND FOWL; ARTICLE I, IN GENERAL; TO CREATE AND ADD SECTION 4-8 BACKYARD HENS OF THE ST. BERNARD PARISH CODE OF ORDINANCES.

6. **Summary No. 4070**
Planning Commission recommended **APPROVAL** on 1/24/23
Introduced by: Administration on 2/7/23

AN ORDINANCE TO APPROVE **DOCKET Z-2023-002**, PETITION OF TEE-WEE'S ON DA BAYOU LLC FOR A CONDITIONAL USE FOR A FOOD TRAILER. SITE LOCATION: 1309 YSCLOSKEY HWY, ST. BERNARD LA 70085.

RESOLUTIONS

7. Adopt **Resolution SBPC #2285-02-23**, a resolution authorizing the Parish President to submit a 100% Principal Forgiveness Loan Application and accompanying documents to the Louisiana Department of Health on behalf of St. Bernard Parish and placing St. Bernard Parish on the annual priority list for funding under the Bipartisan Infrastructure Law emerging contaminants Supplemental Fund Program for the purpose of performing improvements to the St. Bernard Parish Water District – PWS ID No. 1087001. (Administration)

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ADOPTIONS

8. Summary No. 4064

Planning Commission recommended **APPROVAL** on 12/13/22

Introduced by: Administration on 12/20/22

Public Hearing held on 1/17/23

Tabled on 1/17/23 until 2/23/23

AN ORDINANCE TO APPROVE **DOCKET Z-2022-012**, PETITION OF SHIRLEY BARRECA FOR A CONDITIONAL USE FOR A RECREATIONAL VEHICLE STORAGE LOT. SITE LOCATION: 3861 E. LA HWY 46, ST. BERNARD LA 70085.

9. Summary No. 4069

Introduced by: Councilmember Luna, Alcon, and Lewis on 2/7/23

Public Hearing held on 2/23/23

AN ORDINANCE TO **AMEND** CHAPTER 4, ANIMALS AND FOWL; ARTICLE I, IN GENERAL; TO CREATE AND ADD SECTION 4-8 BACKYARD HENS OF THE ST. BERNARD PARISH CODE OF ORDINANCES.

10. Summary No. 4070

Planning Commission recommended **APPROVAL** on 1/24/23

Introduced by: Administration on 2/7/23

Public Hearing held on 2/23/23

AN ORDINANCE TO APPROVE **DOCKET Z-2023-002**, PETITION OF TEE-WEE'S ON DA BAYOU LLC FOR A CONDITIONAL USE FOR A FOOD TRAILER. SITE LOCATION: 1309 YSCLOSKEY HWY, ST. BERNARD LA 70085.

INTRODUCTIONS

11. Summary No. 4071

Introduced by: Administration on 2/23/23

AN ORDINANCE TO AUTHORIZE THE PARISH PRESIDENT TO ACCEPT THE DONATION OF LOTS MS1 AND MS2, OF THE STORY PLANTATION SUBDIVISION, SECTION FOUR, IN THE PARISH OF ST. BERNARD, LA, FROM FREDERICK J. SIGUR, AND EXECUTE ANY NECESSARY DOCUMENTS FOR THE DONATION.

OTHER MATTERS

12. Motion to discuss and take any action as it relates to information received from the Coastal Zone Advisory Committee.

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Next Regular scheduled Council Meeting will be held Tuesday, March 7, 2023 @ 7:00 p.m.

Approved by: *Richard "Richie" Lewis* Time: 2:40 p.m. Date: 2/16/23

#1

EXTRACT OF THE OFFICIAL PROCEEDINGS OF THE COUNCIL OF THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING HELD IN THE COUNCIL CHAMBERS OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE, CHALMETTE, LOUISIANA ON THURSDAY, FEBEUARY 23, 2023 AT THREE O'CLOCK P.M.

On motion of XXXX, seconded by XXXX, it was moved to approve the minutes from the February 7, 2023 Regular Council Meeting as published in the official journal, the St. Bernard Voice on Friday, February 17, 2023.

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

YEAS:

NAYS:

ABSENT:

The Council Chair, Mr. Lewis, cast his vote as **XXX**.

And the motion was declared **adopted** on the 23rd day of February, 2023.

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 Thursday, February 23, 2023.

Witness my hand and the seal
of the Parish of St. Bernard on
this 23rd day of February, 2023.

ROXANNE ADAMS
CLERK OF COUNCIL

OFFICIAL PROCEEDINGS OF THE COUNCIL OF THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, TAKEN AT A **REGULAR MEETING** HELD ON **TUESDAY, FEBRUARY 7, 2023 AT 7:00 P.M.** IN THE COUNCIL CHAMBERS OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, LOCATED AT 8201 WEST JUDGE PEREZ DRIVE, CHALMETTE, LOUISIANA.

The St. Bernard Parish Council, the Governing Authority, met in Regular Session on Tuesday, February 7, 2023 at seven o'clock p.m. pursuant to notice given to each member and posted in the manner required by law.

The meeting convened at 7:01 p.m. Members present: Council Chair Richard "Richie" Lewis, Gillis McCloskey, Joshua "Josh" Moran, Howard Luna, Wanda Alcon, Fred Everhardt, Jr., and Kerri Callais.

Also present were Roxanne Adams, Clerk of Council, serving as official secretary of the Council and Guy McInnis, Parish President and Ronnie Alonzo, CAO were representing Administration.

Councilmember Everhardt delivered the invocation and Councilmember Luna led the Pledge of Allegiance.

#1 On motion of Mrs. Alcon, seconded by Mr. McCloskey, it was moved to approve the minutes from the January 17, 2023 Regular Council Meeting as published in the official journal, the St. Bernard Voice on Friday, January 27, 2023.

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

YEAS: McCloskey, Moran, Luna, Alcon, Everhardt, Callais

NAYS: None

ABSENT: None

The Council Chair, Mr. Lewis, cast his vote as **YEA**.

And the motion was declared **adopted** on the 7th day of February, 2023.

#2 On joint motion of the Council Chair, without objection and by unanimous consent, it was moved to recognize the 2023 Zulu King and Queen.

The Zulu Club was recognized as being present.

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

YEAS: McCloskey, Moran, Luna, Alcon, Everhardt, Callais

NAYS: None

ABSENT: None

The Council Chair, Mr. Lewis, cast his vote as **YEA**.

And the motion was declared **adopted** on the 7th day of February, 2023.

#3 Councilmember's District Update

A copy of this update is on file with the minutes of this meeting.

#4 President's Report

No action was taken on this item

#5 Recognize the Public

- Ken Dufour – Violet, LA
- Jessica Daigle – Arabi, LA
- David Jarrell – Chalmette, LA

#6 Summary No. 4063

Introduced by: Councilmember Everhardt on 12/20/22

Planning Commission recommended **DENIAL** on 1/24/23

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AN ORDINANCE TO **AMEND** CHAPTER 22, ZONING; SECTION 22-6, COMMERCIAL ZONING DISTRICTS; SUB-SECTION 22-6-4 PERMITTED USES IN BUSINESS AND INDUSTRIAL DISTRICTS OF THE ST. BERNARD PARISH CODE OF ORDINANCES.

A COPY OF THIS PUBLIC HEARING IS ON FILE AT THE CLERK OF COUNCIL'S OFFICE.

#7 Summary No. 4066

Introduced by: Administration on 1/17/23

AN ORDINANCE TO REPEAL AND REPLACE THE ST. BERNARD PARISH GOVERNMENT PERSONNEL PLAN IN ITS ENTIRETY.

NO ONE APPEARED TO SPEAK FOR OR AGAINST THIS ITEM

#8 Summary No. 4068

Introduced by: Administration on 1/17/23

AN ORDINANCE TO AUTHORIZE THE PARISH PRESIDENT TO ACCEPT THE DONATION OF CERTAIN PROPERTY LOCATED IN THE VERSAILLES SUBDIVISION OF ST. BERNARD PARISH, STATE OF LOUISIANA, FROM MERAUX LAND DEVELOPMENT, L.L.C. AND TO EXECUTE ANY NECESSARY ANCILLARY DOCUMENTS FOR THE DONATION.

NO ONE APPEARED TO SPEAK FOR OR AGAINST THIS ITEM

#9 On motion of Mr. Everhardt, seconded by Ms. Callais, it was moved to **adopt** the following resolution:

RESOLUTION SBPC #2284-02-23

A RESOLUTION EXPRESSING SUPPORT OF PLAQUEMINES PARISH ORDINANCE NO. 23-17, AN ORDINANCE REAFFIRMING PROHIBITION OF ANY PLAQUEMINES PARISH-ISSUED PERMIT FOR AUTHORIZATION, CONSTRUCTION AND/OR OPERATION OF ANY MISSISSIPPI RIVER SEDIMENT DIVERSION PROJECT, AND DIRECTING AND AUTHORIZING ANY AND ALL LEGAL STEPS NECESSARY TO PREVENT HARM TO PLAQUEMINES PARISH, ITS CITIZENS, ITS INDUSTRIES, ITS NATURAL RESOURCES, ITS ECONOMY AND ITS ENVIRONMENT FROM AFOREMENTIONED MISSISSIPPI RIVER SEDIMENT DIVERSION PROJECTS AND OTHERWISE TO PROVIDE WITH RESPECT THERETO.

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

YEAS: McCloskey, Moran, Luna, Alcon, Everhardt, Callais

NAYS: None

ABSENT: None

The Council Chair, Mr. Lewis, cast his vote as **YEA**.

And the motion was declared **adopted** on the 7th day of February, 2023.

#10 On motion of Mr. Everhardt, seconded by Mr. Luna, it was moved to **adopt** the following ordinance:

Summary No. 4063

Introduced by: Councilmember Everhardt on 12/20/22

Planning Commission recommended **DENIAL** on 1/24/23

Public Hearing held on 2/7/23

AN ORDINANCE TO **AMEND** CHAPTER 22, ZONING; SECTION 22-6, COMMERCIAL ZONING DISTRICTS; SUB-SECTION 22-6-4 PERMITTED USES IN BUSINESS AND INDUSTRIAL DISTRICTS OF THE ST. BERNARD PARISH CODE OF ORDINANCES.

Discussion ensued;

Councilmember Everhardt made a motion to **table** Summary No. 4063 until the March 7, 2023 Council Meeting.

Motion dies due to lack of a second;

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Discussion ensued further;

On motion of Mr. Everhardt, seconded by Mr. Luna, it was moved to table indefinitely Summary No. 4063.

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

YEAS: McCloskey, Moran, Luna, Alcon, Everhardt, Callais

NAYS: None

ABSENT: None

The Council Chair, Mr. Lewis, cast his vote as **YEA**.

And the motion was declared **adopted** on the 7th day of February, 2023.

#11 On motion of Mr. McCloskey, seconded by Ms. Callais, it was moved to **adopt** the following ordinance:

ORDINANCE SBPC #2475-02-23

Summary No. 4066

Introduced by: Administration on 1/17/23

Public Hearing held on 2/7/23

AN ORDINANCE TO REPEAL AND REPLACE THE ST. BERNARD PARISH GOVERNMENT PERSONNEL PLAN IN ITS ENTIRETY.

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

YEAS: McCloskey, Moran, Luna, Alcon, Everhardt, Callais

NAYS: None

ABSENT: None

The Council Chair, Mr. Lewis, cast his vote as **YEA**.

And the motion was declared **adopted** on the 7th day of February, 2023.

#12 On motion of Mr. McCloskey, seconded by Mrs. Alcon, it was moved to **adopt** the following ordinance:

ORDINANCE SBPC #2476-02-23

Summary No. 4068

Introduced by: Administration on 1/17/23

Public Hearing held on 2/7/23

AN ORDINANCE TO AUTHORIZE THE PARISH PRESIDENT TO ACCEPT THE DONATION OF CERTAIN PROPERTY LOCATED IN THE VERSAILLES SUBDIVISION OF ST. BERNARD PARISH, STATE OF LOUISIANA, FROM MERAUX LAND DEVELOPMENT, L.L.C. AND TO EXECUTE ANY NECESSARY ANCILLARY DOCUMENTS FOR THE DONATION.

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

YEAS: McCloskey, Moran, Luna, Alcon, Everhardt, Callais

NAYS: None

ABSENT: None

The Council Chair, Mr. Lewis, cast his vote as **YEA**.

And the motion was declared **adopted** on the 7th day of February, 2023.

#13 On motion of Mr. Luna, seconded by Mrs. Alcon, it was moved to **introduce** the following ordinance:

Summary No. 4069

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Introduced by: Councilmember Luna, Alcon, and Lewis on 2/7/23

AN ORDINANCE TO **AMEND** CHAPTER 4, ANIMALS AND FOWL; ARTICLE I, IN GENERAL; TO CREATE AND ADD SECTION 4-8 BACKYARD HENS OF THE ST. BERNARD PARISH CODE OF ORDINANCES.

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

YEAS: McCloskey, Moran, Luna, Alcon, Everhardt, Callais

NAYS: None

ABSENT: None

The Council Chair, Mr. Lewis, cast his vote as **YEA**.

And the motion was declared **adopted** on the 7th day of February, 2023.

#14 On motion of Mr. McCloskey, seconded by Ms. Callais, it was moved to **introduce** the following ordinance:

Summary No. 4070

Planning Commission recommended **APPROVAL** on 1/24/23

Introduced by: Administration on 2/7/23

AN ORDINANCE TO APPROVE **DOCKET Z-2023-002**, PETITION OF TEE-WEE'S ON DA BAYOU LLC FOR A CONDITIONAL USE FOR A FOOD TRAILER. SITE LOCATION: 1309 YSCLOSKEY HWY, ST. BERNARD LA 70085.

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

YEAS: McCloskey, Moran, Luna, Alcon, Everhardt, Callais

NAYS: None

ABSENT: None

The Council Chair, Mr. Lewis, cast his vote as **YEA**.

And the motion was declared **adopted** on the 7th day of February, 2023.

#15 On motion of the Council Chair, without objection and by unanimous consent, it was moved to accept the Monthly Financial Summary Statement of Revenues and Expenditures and Change in Fund Balance for December, 2022.

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

YEAS: McCloskey, Moran, Luna, Alcon, Everhardt, Callais

NAYS: None

ABSENT: None

The Council Chair, Mr. Lewis, cast his vote as **YEA**.

And the motion was declared **adopted** on the 7th day of February, 2023.

#16 Coastal Zone Advisory Committee

No action taken on this item.

On motion of Mr. Everhardt, seconded by Ms. Callais, it was moved to **amend** the agenda to include item #18.

A RESOLUTION RESPECTFULLY REQUESTING THE COASTAL PROTECTION AND RESTORATION AUTHORITY (CPRA) TO EITHER IMMEDIATELY READJUST THE CAERNARVON DIVERSION OUTFLOW TO A LOWER "CFS" OR IMMEDIATELY TERMINATE THE CAERNARVON FRESHWATER DIVERSION SYSTEM COMPLETELY.

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

YEAS: McCloskey, Moran, Luna, Alcon, Everhardt, Callais

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NAYS: None

ABSENT: None

The Council Chair, Mr. Lewis, cast his vote as **YEA**.

And the motion was declared **adopted** on the 7th day of February, 2023.

#18 On motion of Mr. Everhardt, seconded by Ms. Callais, it was moved to **adopt** the following resolution:

RESOLUTION SBPC #2285-02-23

A RESOLUTION RESPECTFULLY REQUESTING THE COASTAL PROTECTION AND RESTORATION AUTHORITY (CPRA) TO EITHER IMMEDIATELY READJUST THE CAERNARVON DIVERSION OUTFLOW TO A LOWER "CFS" OR IMMEDIATELY TERMINATE THE CAERNARVON FRESHWATER DIVERSION SYSTEM COMPLETELY.

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

YEAS: McCloskey, Moran, Luna, Alcon, Everhardt, Callais

NAYS: None

ABSENT: None

The Council Chair, Mr. Lewis, cast his vote as **YEA**.

And the motion was declared **adopted** on the 7th day of February, 2023.

#17 On motion of the Council Chair, without objection and by unanimous consent, it was moved to enter into Executive Session to review the Judgement List.

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

YEAS: McCloskey, Moran, Luna, Alcon, Everhardt, Callais

NAYS: None

ABSENT: None

The Council Chair, Mr. Lewis, cast his vote as **YEA**.

And the motion was declared **adopted** on the 7th day of February, 2023.

On motion of the Council Chair, without objection and by unanimous consent, it was moved to return to Regular Session.

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

YEAS: McCloskey, Moran, Luna, Alcon, Everhardt, Callais

NAYS: None

ABSENT: None

The Council Chair, Mr. Lewis, cast his vote as **YEA**.

And the motion was declared **adopted** on the 7th day of February, 2023.

#17 No action taken on this item.

There being no further business for discussion, the Council Chair declared the meeting adjourned at 9:38 p.m. on the 7th day of February, 2023.

COPIES OF ALL RESOLUTIONS AND ORDINANCES IN THEIR ENTIRETY ARE ON FILE AT THE CLERK OF COUNCIL'S OFFICE AND ARE AVAILABLE FOR PUBLIC VIEWING.

Roxanne Adams

ROXANNE ADAMS
CLERK OF COUNCIL

Richard "Richie" Lewis

RICHARD "RICHIE" LEWIS
COUNCIL CHAIR

PUBLIC HEARING NOTICE

THE ST. BERNARD PARISH COUNCIL WILL HOLD A PUBLIC HEARING ON **THURSDAY, FEBRUARY 23, 2023 THREE (3:00) O'CLOCK P.M.** AT THE COUNCIL CHAMBERS OF THE GOVERNMENT COMPLEX, LOCATED AT 8201 WEST JUDGE PEREZ DRIVE, CHALMETTE, LOUISIANA TO RECEIVE COMMENTARY ON THE FOLLOWING PROPOSED ORDINANCE INTRODUCED AT THE FEBRUARY 7, 2023 COUNCIL MEETING:

Summary No. 4069

Introduced by: Councilmember Luna, Alcon, and Lewis on 2/7/23

AN ORDINANCE TO **AMEND** CHAPTER 4, ANIMALS AND FOWL; ARTICLE I, IN GENERAL; TO CREATE AND ADD SECTION 4-8 BACKYARD HENS OF THE ST. BERNARD PARISH CODE OF ORDINANCES.

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

SECTION 1. The St. Bernard Parish Council, the Governing Authority, does hereby ordain that Chapter 4, Animals and Fowl; Article I, In General; to create and add Section 4-8 Backyard Hens of the St. Bernard Parish Code of Ordinances is hereby amended as per attached Exhibit "A".

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 this Ordinance with the invalid portions omitted.

BY DIRECTION OF

Richard Lewis

RICHARD LEWIS
COUNCIL CHAIR

Summary No. 4069
Ordinance XXXX-XX-XX
Exhibit "A"

Chapter 4 – Animals and Fowl
Article I – In General
Section 4-8 – Backyard Hens

Section 4-8.1. Definitions

Animal Housing Enclosure means any structure or other enclosure contained within the owner's property limits and designed, adapted, or used to segregate an animal to a smaller area or restrict an animal to a limited space, including, but not limited to, pens, cages, hutches, coops, and fenced portions of a yard or property. This term does not include the term *shelter* as defined in this section.

Basic Grooming means maintaining the eyes, ears, beaks, feet, nails, coat, and skin of an animal in such a manner that is reasonably necessary for the health and safety of the animal.

Chicken coop means a covered, predator-resistant chicken house that is designed to be easily accessed, cleaned, and maintained, and meets all the specifications for a shelter, animal housing enclosure, and any other applicable requirements of this Chapter.

Exercise yard means an enclosure attached to a chicken coop that provides exercise for backyard chickens and is constructed to prevent the backyard chickens from escaping such enclosure and offers protection from predators.

Nesting box is a clean, dry, enclosed area in a coop designed to facilitate egg laying that is large enough to allow each hen being kept to sit, stand up, and turn around easily, with sufficient bedding material or nest pads to reduce egg breakage during laying.

Roosting Space means a perching area made of non-metallic material that is elevated above the floor level of the nesting box(es), located so that all housed chickens can sit, stand up, and turn around without coming into contact with a wall, the ceiling, or a perch above it, and staggered so that no roosting space is directly above or below it.

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Exhibit "A"

Section 4-8.2. Permit process for backyard hens.

- (a) Residents who wish to keep backyard hens must first complete an Application for Backyard Hens Permit (PDF). Only one (1) permit may be issued for any individual property or lot.
 - (1) The permit is non-transferable and shall only be valid for the applicant and location for which it is originally issued.
 - (2) If the applicant does not own the property that they wish to keep backyard hens on, they must submit a written, notarized authorization from the property owner allowing backyard chickens on the property.

Section 4-8.3. Permit required for backyard hens.

- (a) Only properties with one legal dwelling unit, not including dwelling units that are backyard cottages or accessory dwelling units, shall harbor no more than ten (10) Backyard Hens, provided that the resident is in compliance with all applicable provisions of the St. Bernard Parish Code of Ordinances.
- (b) The Department shall issue the permit if the following conditions are met:
 - (1) *Inspection required*
Applicants shall submit to an in-home inspection by the Animal Control Officer prior to the issuance of a backyard hen permit. A permit shall not be issued if the inspection determines:
 - a. That the requested number of backyard hens cannot be maintained without creating noise or odor nuisances;
 - b. That the requested number of backyard hens cannot be maintained in a healthy and sanitary environment;
 - c. That any backyard hen at the location is not in compliance with any provisions of this chapter.

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Exhibit "A"

(2) *No inspection required*

Applicants who provide proof of having a current backyard hen permit, and who have not obtained additional backyard hens since their last inspection, and have had no enforcement actions for violating this chapter during the preceding twelve (12) months, may be issued a permit by mail without inspection. The Department may require an inspection during reasonable hours at their discretion regardless of the applicant's history.

(3) *Inspection required with a complaint*

Applicants who have had a complaint during the twelve (12) months for violating this chapter, will result in an inspection. The Department will require an inspection during reasonable hours.

(c) All backyard hen permits issued under this section shall be valid for one (1) year from the date of issuance, and shall be valid only as to the applicant and location for which it was originally issued.

(d) The keeping of roosters or any other fowl is strictly prohibited and only backyard hens shall be permitted.

Section 4-8.4. Backyard hen enclosure requirements.

(a) Backyard hens must be kept in a secure coop or exercise yard.

(b) All backyard hen housing enclosures must be securely built, adequately sized for the number of backyard hens housed, maintained in a sanitary condition so that flies or mosquitoes are not allowed to breed and odors are not offensive to adjacent residences or businesses, in compliance with all other requirements of this chapter, St. Bernard Parish zoning laws, and the following minimum standards:

(1) In addition to all other requirements under this Chapter, enclosures used to house backyard hens must have an enclosed coop with at least four (4) square feet of space

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Ordinance XXXX-XX-XX
Exhibit "A"

for each hen housed and an attached exercise yard that has at least eight (8) square feet of space per hen housed. The coop may be located above the exercise yard provided that the maximum height is in compliance with all accessory building restrictions; and

- (2) Enclosures shall be located, constructed, and maintained so that the backyard hens being housed are protected from inclement weather, harassment, stings and bites from insects, and attacks by other animals.
 - (3) If the coop and exercise yard combined are more than 120 square feet of area, then the coop must be permitted through St. Bernard Parish Building Inspections.
 - (4) Coops and exercise yards must be constructed, maintained, and located in compliance with all accessory building requirements.
- (c) A person commits an offense if he/she fails to provide an enclosure or enclosures meeting the criteria set forth in this section.

Section 4-8.5 Keeping of backyard hens.

- (a) An individual property with a legal dwelling unit, not including dwelling units that are backyard cottages or accessory dwelling units, may keep backyard hens subject to the following requirements and all other applicable provisions of this Chapter.
- (b) Legal farm, ranch, garden, or orchard uses, as defined by the Zoning Ordinance, are exempt from regulation under this Section.
- (c) A person desiring to keep backyard hens pursuant to this section must first apply for a backyard hen permit in the Office of Community Development. In addition to paying a non-refundable application fee in an amount established from time to time by resolution of the parish council at the time of filing, the applicant shall also:

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Ordinance XXXX-XX-XX
Exhibit "A"

- (1) submit a completed permit application on a form provided by the Office of Community Development;
 - (2) provide floorplans and side elevations for the proposed backyard hen housing enclosure or if a commercially available coop is acquired, the manufacturer, model, and size of the coop;
 - (3) provide a site drawing showing the proposed location for the backyard hen housing enclosure that includes all property lines, building lines, setbacks, and other structures located on the property;
 - (4) provide written, notarized authorization from the property owner allowing backyard hens if the applicant is a person other than the owner of the property on which the backyard hen(s) will be kept; and
- (d) Prior to the issuance of a backyard hen permit, a site inspection may be conducted to verify compliance with the requirements of this section. Applicants who provide proof of having a current backyard hen permit, and have had no verified complaints and/or enforcement actions for violating this chapter during the preceding twelve (12) months, may be issued a permit without inspection. The Office of Community Development may require an inspection during reasonable hours at the Office of Community Development's discretion regardless of the applicant's history.
- (e) All backyard hen permits issued under this section shall be valid for one (1) year from the date of issuance. No more than one (1) backyard hen permit may be issued for any individual property, tract or residential lot. The permit is nontransferable and shall be valid only for the applicant and location for which it was originally issued. In the event the permit holder no longer resides at the property for which the permit was issued or ceases to harbor or keep backyard hens on the property, the permit terminates without refund.

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Exhibit "A"

(f) A person commits an offense if he/she fails to comply with any of the following restrictions:

(1) Backyard hens(s) shall be kept within a secure coop or exercise yard that is constructed, maintained and located in compliance with all requirements of this section, all requirements for accessory buildings, whether or not such permit is required, and be located behind a fence that is at least six (6) feet in height. Backyard hens shall be kept at all times within the secure coop or exercise yard enclosure except:

a. when being removed to be transported to, or returned from, a location off of the property;

b. during daylight hours when they are under the direct supervision of an adult, backyard hens may roam in a yard provided that it is enclosed by a perimeter fence not less than six feet in height; or

c. when being temporarily confined in a garage or indoor space during periods of extreme cold or brooding.

(2) Coops shall have a minimum of ten inches (10") of roosting space for each backyard hen kept;

(3) There shall be at least one (1) nesting box for every four (4) hens kept;

(4) Adequate food, shelter, water and care shall be provided in a humane manner. All hay, grain, feed, and all other food sources must be stored in secure containers that are not accessible to rats, flies, mosquitos, or other rodents and insects;

(5) Manure, droppings and soiled bedding material must be immediately disposed of, properly composted, or stored in secure containers that are not accessible to rats, flies,

Summary No. 4069
Ordinance XXXX-XX-XX
Exhibit "A"

mosquitos, or other rodents and insects;

- (6) Food scraps, kitchen scraps, or other perishable food items cannot be fed on the ground or in any container other than an impervious container or on an impervious platform;
- (7) All backyard hens must have their wings properly clipped and maintained so as to prevent them from flying over the required six foot 6' fence.

- (g) This section shall not supersede, replace or have control over any recorded deed restrictions, covenants, home owner association rules, or other applicable restrictions that prohibit the keeping of backyard hens on such property. It is the permit applicant's responsibility to ensure no such restrictions are in place before they apply for a permit.

Section 4-8.6. Revocation, denial and appeal.

- (a) A Animal Control Officer may revoke a backyard hen permit issued under this ordinance or refuse to issue a permit if the permittee or applicant fails to meet the standards required in this ordinance, refuses to permit inspections of the premises, or violates any provision of this chapter.
 - 1) If a person commits an offense, and the person is a holder of a backyard hen permit and he/she refuses, upon request by a Animal Control Officer during reasonable hours, to make his/her backyard hens, premises, facilities, equipment, and any necessary registrations or permits, available for inspection.
 - 2) If a person commits an offense, and the person is a holder of a backyard hen permit and he/she refuses to show his permit upon request by a Animal Control Officer.
 - 3) A person commits an offense if he/she harbors a greater number of backyard hens than allowed in section 4-8.3(a).

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Ordinance XXXX-XX-XX
Exhibit "A"

- 4) A person commits an offense if he/she is the holder of a backyard hen permit and harbors more backyard hens than authorized in his/her permit.
- 5) A person commits an offense if he/she harbors backyard hens without first obtaining a valid backyard hen permit.
- (b) A denial or revocation of a permit may be appealed to the Animal Control Manager. The appeal must be made in writing within fifteen (15) days of receiving written notice of the permit denial or revocation from the Department. If no appeal request is received within the fifteen-day period, the denial or revocation of the permit becomes final. Upon receiving an appeal, the Animal Control Manager or his/her designee shall hold a hearing at a time and place of his designation within fifteen (15) days of the appeal being received by the Department.
- (c) The decision of the Animal Control Manager on the appeal of the denial or revocation of a backyard hen permit shall be final.
- (d) The permittee or applicant may reapply for a new permit under this ordinance at any time.
- (e) Revocations, denials, and appeals of this permit shall be handled in accordance with Section 4-8.6 of this Chapter.



ST. BERNARD PARISH GOVERNMENT
8201 WEST JUDGE PEREZ DRIVE
CHALMETTE, LA 70043
PHONE: (504-278-4200)



APPLICATION FOR BACKYARD HEN PERMIT

FULLY COMPLETED APPLICATION MUST ACCOMPANY PAYMENT FOR PERMIT TO BE ISSUED.

NEW PERMIT: _____ RENEWAL PERMIT: _____ ANNUAL PERMIT FEE: \$20.00 DATE: _____

NAME: _____

PHYSICAL ADDRESS: _____ ZIP CODE: _____

CELL: _____ HOME: _____ OTHER: _____

EMAIL: _____

MAILING ADDRESS (IF DIFFERENT): _____

CITY: _____ STATE: _____ ZIP CODE: _____

ALL OF THE FOLLOWING MUST BE SUBMITTED WITH THIS APPLICATION:

- **FLOORPLAN AND SIDE ELEVATION OF THE COOP AND EXERCISE YARD OR MANUFACTURER, MODEL, AND SIZE IF A COMMERCIALY AVAILABLE COOP IS PURCHASED**
- **SITE DRAWING THAT LISTS DISTANCES TO ALL ADJACENT BUILDINGS**
- **NOTARIZED AUTHORIZATION FROM THE PROPERTY OWNER (IF OWNER IS NOT THE APPLICANT)**
- **LIST OF THE NUMBER OF BACKYARD HENS BEING KEPT OR BEING PROPOSED TO BE KEPT ON THE PROPERTY**
- **\$20 NON-REFUNDABLE PERMIT APPLICATION FEE**

SIGNING BELOW INDICATES THE APPLICANT HAS READ AND UNDERSTOOD ALL APPLICABLE ORDINANCES AND CODES FOR KEEPING BACKYARD HENS AND THAT THE APPLICANT HAS VERIFIED NO HOME OWNER'S ASSOCIATION RULES, DEED RESTRICTIONS, OR OTHER COVENANTS PREVENT THE KEEPING OF FOWL ON THIS PROPERTY. FAILURE TO FOLLOW ALL GUIDELINES IN CHAPTER 4 – "ANIMALS AND FOWL" OF ST. BERNARD PARISH CODE OF ORDINANCES MAY SUBJECT OWNER TO REVOCATION OF BACKYARD HEN PERMIT.

APPLICANT'S SIGNATURE: _____

THIS PORTION TO BE COMPLETED BY ANIMAL SERVICES

PERMIT NO.: _____ PAYMENT DATE: _____ FEE: _____

RECEIPT NO.: _____ PAYMENT TYPE: _____ RECEIVED BY: _____

INSPECTOR: _____ INSPECTION DATE: _____ EXPIRATION DATE: _____

ANIMAL SERVICE SIGNATURE: _____

PUBLIC HEARING NOTICE

THE ST. BERNARD PARISH COUNCIL WILL HOLD A PUBLIC HEARING ON **THURSDAY, FEBRUARY 23, 2023 THREE (3:00) O'CLOCK P.M.** AT THE COUNCIL CHAMBERS OF THE GOVERNMENT COMPLEX, LOCATED AT 8201 WEST JUDGE PEREZ DRIVE, CHALMETTE, LOUISIANA TO RECEIVE COMMENTARY ON THE FOLLOWING PROPOSED ORDINANCE INTRODUCED AT THE FEBRUARY 7, 2023 COUNCIL MEETING:

Summary No. 4070

Planning Commission recommended **APPROVAL** on 1/24/23

Introduced by: Administration on 2/7/23

AN ORDINANCE TO APPROVE **DOCKET Z-2023-002**, PETITION OF TEE-WEE'S ON DA BAYOU LLC FOR A CONDITIONAL USE FOR A FOOD TRAILER. SITE LOCATION: 1309 YSCLOSKEY HWY, ST. BERNARD LA 70085.

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

SECTION 1. The St. Bernard Parish Council does hereby approve **Docket Z-2023-002**, petition of Tee-Wee's on Da Bayou LLC for a Conditional Use for a Food Trailer.

SITE LOCATION: 1309 YSCLOSKEY HWY, ST. BERNARD LA 70085.

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 this Ordinance with the invalid portions omitted.

BY DIRECTION OF

Richard Lewis

RICHARD LEWIS
COUNCIL CHAIR

#7

EXTRACT OF THE OFFICIAL PROCEEDINGS OF THE COUNCIL OF THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING HELD IN THE COUNCIL CHAMBERS OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE, CHALMETTE, LOUISIANA ON THURSDAY, FEBRUARY 23, 2023 AT THREE O'CLOCK P.M.

On motion of XXXX, seconded by XXXX, it was moved to **adopt** the following resolution:

RESOLUTION SBPC #2285-02-23

A RESOLUTION AUTHORIZING THE PARISH PRESIDENT TO SUBMIT A 100% PRINCIPAL FORGIVENESS LOAN APPLICATION AND ACCOMPANYING DOCUMENTS TO THE LOUISIANA DEPARTMENT OF HEALTH ON BEHALF OF ST. BERNARD PARISH AND PLACING ST. BERNARD PARISH ON THE ANNUAL PRIORITY LIST FOR FUNDING UNDER THE BIPARTISAN INFRASTRUCTURE LAW EMERGING CONTAMINANTS SUPPLEMENTAL FUND PROGRAM FOR THE PURPOSE OF PERFORMING IMPROVEMENTS TO THE ST. BERNARD PARISH WATER DISTRICT – PWS ID NO. 1087001.

WHEREAS, St. Bernard Parish is in need of improvements to the St. Bernard Parish Water District – PWS ID No. 1087001; and,

WHEREAS, 100% principal forgiveness loans in the not-to-exceed amount of \$5,000,000 (five million dollars) may be available through the Emerging Contaminants Supplemental Fund operated by the Louisiana Department of Health.

NOW, THEREFORE, BE IT RESOLVED by the St. Bernard Parish Council, acting as governing authority of said Parish

SECTION 1. That Guy McInnis, Parish President, is hereby authorized to submit a 100% principal forgiveness Loan Application and accompanying documents in the not-to-exceed amount of \$5,000,000 (five million dollars) to the Louisiana Department of Health for placement on the Bipartisan Infrastructure Law Emerging Contaminants Supplemental Fund's annual priority list on behalf of St. Bernard Parish for the purpose of performing Improvements to St. Bernard Parish Water District – PWS ID No. 1087001.

SECTION 2. That Guy McInnis, Parish President, is further authorized to furnish such additional information as may reasonably be required in connection with the Loan Application.

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Extract #7 continued
February 23, 2023

SECTION 3. That Guy McInnis, Parish President, is hereby designated as the Office Project Representative and is hereby given signature authority for all relative documents for St. Bernard Parish for any project that may result from the submission of the Loan Application and accompanying documents. Furthermore, Guy McInnis, Parish President, representing St. Bernard Parish is hereby given the power and authority to do all things necessary to implement, maintain, amend, and renew such documents relative to any such project.

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

YEAS:

NAYS:

ABSENT:

The Council Chair, Mr. Lewis, cast his vote as **XXX**.

And the motion was declared **adopted** on the 23rd day of February, 2023.

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, February 7, 2023.

Witness my hand and the seal
of the Parish of St. Bernard on
this 7th day of February, 2023.

ROXANNE ADAMS
CLERK OF COUNCIL

#8

EXTRACT OF THE OFFICIAL PROCEEDINGS OF THE COUNCIL OF THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING HELD IN THE COUNCIL CHAMBERS OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE, CHALMETTE, LOUISIANA ON THURSDAY, FEBRUARY 23, 2023 AT THREE O'CLOCK P.M.

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

Summary No. 4064

Planning Commission recommended **APPROVAL** on 12/13/22

Introduced by: Administration on 12/20/22

Public Hearing held on 1/17/23

Tabled on 1/17/23 until 2/23/23

AN ORDINANCE TO APPROVE **DOCKET Z-2022-012**, PETITION OF SHIRLEY BARRECA FOR A CONDITIONAL USE FOR A RECREATIONAL VEHICLE STORAGE LOT. SITE LOCATION: 3861 E. LA HWY 46, ST. BERNARD LA 70085.

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

SECTION 1. The St. Bernard Parish Council does hereby approve **Docket Z-2022-012**, petition of Shirley Barreca for a Conditional Use for a Recreational Vehicle Storage Lot.

SITE LOCATION: 3861 E. LA HWY 46, ST. BERNARD LA 70085.

Planning Commission recommended APPROVAL with the following conditions as described below:

1. Landscaped buffer alongside property lines
2. Landscaping and signage along the site frontage
3. Commercial Dumpster for site operations to be located within the property (behind perimeter fencing)
4. An Occupational License shall be required for the business.
5. Detailed plan for site lighting and utilities

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.

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Extract #8, continued
February 23, 2023

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 this Ordinance with the invalid portions omitted.

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

YEAS:

NAYS:

ABSENT:

The Council Chair, Mr. Lewis, cast his vote as **XXX**.

And the motion was declared **xxxx** on the 23rd day of February, 2023.

ROXANNE ADAMS
CLERK OF COUNCIL

RICHARD "RICHIE" LEWIS
COUNCIL CHAIR

Delivered to the Parish President _____
Date and Time

Received by _____

Approved _____ Vetoed _____

Parish President _____
Guy McInnis

Returned to Clerk of the Council _____
Date and Time

Received by _____

#

EXTRACT OF THE OFFICIAL PROCEEDINGS OF THE COUNCIL OF THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING HELD IN THE COUNCIL CHAMBERS OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE, CHALMETTE, LOUISIANA ON THURSDAY, FEBRUARY 23, 2023 AT THREE O'CLOCK P.M.

On motion of XXXX, seconded by XXXX, it was moved to **adopt** the following ordinance:

Summary No. 4069

Introduced by: Councilmember Luna, Alcon, and Lewis on 2/7/23
Public Hearing held on 2/23/23

AN ORDINANCE TO **AMEND** CHAPTER 4, ANIMALS AND FOWL; ARTICLE I, IN GENERAL; TO CREATE AND ADD SECTION 4-8 BACKYARD HENS OF THE ST. BERNARD PARISH CODE OF ORDINANCES.

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

SECTION 1. The St. Bernard Parish Council, the Governing Authority, does hereby ordain that Chapter 4, Animals and Fowl; Article I, In General; to create and add Section 4-8 Backyard Hens of the St. Bernard Parish Code of Ordinances is hereby amended as per attached Exhibit "A".

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 this Ordinance with the invalid portions omitted.

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Extract #, continued
February 23, 2023

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

YEAS:

NAYS:

ABSENT:

The Council Chair, Mr. Lewis, cast his vote as **XXX**.

And the motion was declared **xxxx** on the 23rd day of February, 2023.

ROXANNE ADAMS
CLERK OF COUNCIL

RICHARD "RICHIE" LEWIS
COUNCIL CHAIR

Delivered to the Parish President _____
Date and Time

Received by _____

Approved _____ Vetoed _____

Parish President _____
Guy McInnis

Returned to Clerk of the Council _____
Date and Time

Received by _____

Summary No. 4069
Ordinance XXXX-XX-XX
Exhibit "A"

Chapter 4 – Animals and Fowl
Article I – In General
Section 4-8 – Backyard Hens

Section 4-8.1. Definitions

Animal Housing Enclosure means any structure or other enclosure contained within the owner's property limits and designed, adapted, or used to segregate an animal to a smaller area or restrict an animal to a limited space, including, but not limited to, pens, cages, hutches, coops, and fenced portions of a yard or property. This term does not include the term *shelter* as defined in this section.

Basic Grooming means maintaining the eyes, ears, beaks, feet, nails, coat, and skin of an animal in such a manner that is reasonably necessary for the health and safety of the animal.

Chicken coop means a covered, predator-resistant chicken house that is designed to be easily accessed, cleaned, and maintained, and meets all the specifications for a shelter, animal housing enclosure, and any other applicable requirements of this Chapter.

Exercise yard means an enclosure attached to a chicken coop that provides exercise for backyard chickens and is constructed to prevent the backyard chickens from escaping such enclosure and offers protection from predators.

Nesting box is a clean, dry, enclosed area in a coop designed to facilitate egg laying that is large enough to allow each hen being kept to sit, stand up, and turn around easily, with sufficient bedding material or nest pads to reduce egg breakage during laying.

Roosting Space means a perching area made of non-metallic material that is elevated above the floor level of the nesting box(es), located so that all housed chickens can sit, stand up, and turn around without coming into contact with a wall, the ceiling, or a perch above it, and staggered so that no roosting space is directly above or below it.

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Ordinance XXXX-XX-XX
Exhibit "A"

Section 4-8.2. Permit process for backyard hens.

- (a) Residents who wish to keep backyard hens must first complete an Application for Backyard Hens Permit (PDF). Only one (1) permit may be issued for any individual property or lot.
 - (1) The permit is non-transferable and shall only be valid for the applicant and location for which it is originally issued.
 - (2) If the applicant does not own the property that they wish to keep backyard hens on, they must submit a written, notarized authorization from the property owner allowing backyard chickens on the property.

Section 4-8.3. Permit required for backyard hens.

- (a) Only properties with one legal dwelling unit, not including dwelling units that are backyard cottages or accessory dwelling units, shall harbor no more than ten (10) Backyard Hens, provided that the resident is in compliance with all applicable provisions of the St. Bernard Parish Code of Ordinances.
- (b) The Department shall issue the permit if the following conditions are met:
 - (1) *Inspection required*
Applicants shall submit to an in-home inspection by the Animal Control Officer prior to the issuance of a backyard hen permit. A permit shall not be issued if the inspection determines:
 - a. That the requested number of backyard hens cannot be maintained without creating noise or odor nuisances;
 - b. That the requested number of backyard hens cannot be maintained in a healthy and sanitary environment;
 - c. That any backyard hen at the location is not in compliance with any provisions of this chapter.

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Ordinance XXXX-XX-XX
Exhibit "A"

(2) *No inspection required*

Applicants who provide proof of having a current backyard hen permit, and who have not obtained additional backyard hens since their last inspection, and have had no enforcement actions for violating this chapter during the preceding twelve (12) months, may be issued a permit by mail without inspection. The Department may require an inspection during reasonable hours at their discretion regardless of the applicant's history.

(3) *Inspection required with a complaint*

Applicants who have had a complaint during the twelve (12) months for violating this chapter, will result in an inspection. The Department will require an inspection during reasonable hours.

(c) All backyard hen permits issued under this section shall be valid for one (1) year from the date of issuance, and shall be valid only as to the applicant and location for which it was originally issued.

(d) The keeping of roosters or any other fowl is strictly prohibited and only backyard hens shall be permitted.

Section 4-8.4. Backyard hen enclosure requirements.

(a) Backyard hens must be kept in a secure coop or exercise yard.

(b) All backyard hen housing enclosures must be securely built, adequately sized for the number of backyard hens housed, maintained in a sanitary condition so that flies or mosquitoes are not allowed to breed and odors are not offensive to adjacent residences or businesses, in compliance with all other requirements of this chapter, St. Bernard Parish zoning laws, and the following minimum standards:

(1) In addition to all other requirements under this Chapter, enclosures used to house backyard hens must have an enclosed coop with at least four (4) square feet of space

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Exhibit "A"

for each hen housed and an attached exercise yard that has at least eight (8) square feet of space per hen housed. The coop may be located above the exercise yard provided that the maximum height is in compliance with all accessory building restrictions; and

- (2) Enclosures shall be located, constructed, and maintained so that the backyard hens being housed are protected from inclement weather, harassment, stings and bites from insects, and attacks by other animals.
 - (3) If the coop and exercise yard combined are more than 120 square feet of area, then the coop must be permitted through St. Bernard Parish Building Inspections.
 - (4) Coops and exercise yards must be constructed, maintained, and located in compliance with all accessory building requirements.
- (c) A person commits an offense if he/she fails to provide an enclosure or enclosures meeting the criteria set forth in this section.

Section 4-8.5 Keeping of backyard hens.

- (a) An individual property with a legal dwelling unit, not including dwelling units that are backyard cottages or accessory dwelling units, may keep backyard hens subject to the following requirements and all other applicable provisions of this Chapter.
- (b) Legal farm, ranch, garden, or orchard uses, as defined by the Zoning Ordinance, are exempt from regulation under this Section.
- (c) A person desiring to keep backyard hens pursuant to this section must first apply for a backyard hen permit in the Office of Community Development. In addition to paying a non-refundable application fee in an amount established from time to time by resolution of the parish council at the time of filing, the applicant shall also:

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- (1) submit a completed permit application on a form provided by the Office of Community Development;
 - (2) provide floorplans and side elevations for the proposed backyard hen housing enclosure or if a commercially available coop is acquired, the manufacturer, model, and size of the coop;
 - (3) provide a site drawing showing the proposed location for the backyard hen housing enclosure that includes all property lines, building lines, setbacks, and other structures located on the property;
 - (4) provide written, notarized authorization from the property owner allowing backyard hens if the applicant is a person other than the owner of the property on which the backyard hen(s) will be kept; and
- (d) Prior to the issuance of a backyard hen permit, a site inspection may be conducted to verify compliance with the requirements of this section. Applicants who provide proof of having a current backyard hen permit, and have had no verified complaints and/or enforcement actions for violating this chapter during the preceding twelve (12) months, may be issued a permit without inspection. The Office of Community Development may require an inspection during reasonable hours at the Office of Community Development’s discretion regardless of the applicant’s history.
- (e) All backyard hen permits issued under this section shall be valid for one (1) year from the date of issuance. No more than one (1) backyard hen permit may be issued for any individual property, tract or residential lot. The permit is nontransferable and shall be valid only for the applicant and location for which it was originally issued. In the event the permit holder no longer resides at the property for which the permit was issued or ceases to harbor or keep backyard hens on the property, the permit terminates without refund.

Summary No. 4069
Ordinance XXXX-XX-XX
Exhibit "A"

(f) A person commits an offense if he/she fails to comply with any of the following restrictions:

(1) Backyard hens(s) shall be kept within a secure coop or exercise yard that is constructed, maintained and located in compliance with all requirements of this section, all requirements for accessory buildings, whether or not such permit is required, and be located behind a fence that is at least six (6) feet in height. Backyard hens shall be kept at all times within the secure coop or exercise yard enclosure except:

a. when being removed to be transported to, or returned from, a location off of the property;

b. during daylight hours when they are under the direct supervision of an adult, backyard hens may roam in a yard provided that it is enclosed by a perimeter fence not less than six feet in height; or

c. when being temporarily confined in a garage or indoor space during periods of extreme cold or brooding.

(2) Coops shall have a minimum of ten inches (10") of roosting space for each backyard hen kept;

(3) There shall be at least one (1) nesting box for every four (4) hens kept;

(4) Adequate food, shelter, water and care shall be provided in a humane manner. All hay, grain, feed, and all other food sources must be stored in secure containers that are not accessible to rats, flies, mosquitos, or other rodents and insects;

(5) Manure, droppings and soiled bedding material must be immediately disposed of, properly composted, or stored in secure containers that are not accessible to rats, flies,

**Summary No. 4069
Ordinance XXXX-XX-XX
Exhibit "A"**

mosquitos, or other rodents and insects;

- (6) Food scraps, kitchen scraps, or other perishable food items cannot be fed on the ground or in any container other than an impervious container or on an impervious platform;
- (7) All backyard hens must have their wings properly clipped and maintained so as to prevent them from flying over the required six foot 6' fence.

- (g) This section shall not supersede, replace or have control over any recorded deed restrictions, covenants, home owner association rules, or other applicable restrictions that prohibit the keeping of backyard hens on such property. It is the permit applicant's responsibility to ensure no such restrictions are in place before they apply for a permit.

Section 4-8.6. Revocation, denial and appeal.

- (a) A Animal Control Officer may revoke a backyard hen permit issued under this ordinance or refuse to issue a permit if the permittee or applicant fails to meet the standards required in this ordinance, refuses to permit inspections of the premises, or violates any provision of this chapter.
 - 1) If a person commits an offense, and the person is a holder of a backyard hen permit and he/she refuses, upon request by a Animal Control Officer during reasonable hours, to make his/her backyard hens, premises, facilities, equipment, and any necessary registrations or permits, available for inspection.
 - 2) If a person commits an offense, and the person is a holder of a backyard hen permit and he/she refuses to show his permit upon request by a Animal Control Officer.
 - 3) A person commits an offense if he/she harbors a greater number of backyard hens than allowed in section 4-8.3(a).

Summary No. 4069
Ordinance XXXX-XX-XX
Exhibit "A"

- 4) A person commits an offense if he/she is the holder of a backyard hen permit and harbors more backyard hens than authorized in his/her permit.
- 5) A person commits an offense if he/she harbors backyard hens without first obtaining a valid backyard hen permit.
- (b) A denial or revocation of a permit may be appealed to the Animal Control Manager. The appeal must be made in writing within fifteen (15) days of receiving written notice of the permit denial or revocation from the Department. If no appeal request is received within the fifteen-day period, the denial or revocation of the permit becomes final. Upon receiving an appeal, the Animal Control Manager or his/her designee shall hold a hearing at a time and place of his designation within fifteen (15) days of the appeal being received by the Department.
- (c) The decision of the Animal Control Manager on the appeal of the denial or revocation of a backyard hen permit shall be final.
- (d) The permittee or applicant may reapply for a new permit under this ordinance at any time.
- (e) Revocations, denials, and appeals of this permit shall be handled in accordance with Section 4-8.6 of this Chapter.



ST. BERNARD PARISH GOVERNMENT
8201 WEST JUDGE PEREZ DRIVE
CHALMETTE, LA 70043
PHONE: (504-278-4200)



APPLICATION FOR BACKYARD HEN PERMIT

FULLY COMPLETED APPLICATION MUST ACCOMPANY PAYMENT FOR PERMIT TO BE ISSUED.

NEW PERMIT: _____ RENEWAL PERMIT: _____ ANNUAL PERMIT FEE: \$20.00 DATE: _____

NAME: _____

PHYSICAL ADDRESS: _____ ZIP CODE: _____

CELL: _____ HOME: _____ OTHER: _____

EMAIL: _____

MAILING ADDRESS (IF DIFFERENT): _____

CITY: _____ STATE: _____ ZIP CODE: _____

ALL OF THE FOLLOWING MUST BE SUBMITTED WITH THIS APPLICATION:

- **FLOORPLAN AND SIDE ELEVATION OF THE COOP AND EXERCISE YARD OR MANUFACTURER, MODEL, AND SIZE IF A COMMERCIALY AVAILABLE COOP IS PURCHASED**
- **SITE DRAWING THAT LISTS DISTANCES TO ALL ADJACENT BUILDINGS**
- **NOTARIZED AUTHORIZATION FROM THE PROPERTY OWNER (IF OWNER IS NOT THE APPLICANT)**
- **LIST OF THE NUMBER OF BACKYARD HENS BEING KEPT OR BEING PROPOSED TO BE KEPT ON THE PROPERTY**
- **\$20 NON-REFUNDABLE PERMIT APPLICATION FEE**

SIGNING BELOW INDICATES THE APPLICANT HAS READ AND UNDERSTOOD ALL APPLICABLE ORDINANCES AND CODES FOR KEEPING BACKYARD HENS AND THAT THE APPLICANT HAS VERIFIED NO HOME OWNER'S ASSOCIATION RULES, DEED RESTRICTIONS, OR OTHER COVENANTS PREVENT THE KEEPING OF FOWL ON THIS PROPERTY. FAILURE TO FOLLOW ALL GUIDELINES IN CHAPTER 4 – "ANIMALS AND FOWL" OF ST. BERNARD PARISH CODE OF ORDINANCES MAY SUBJECT OWNER TO REVOCATION OF BACKYARD HEN PERMIT.

APPLICANT'S SIGNATURE: _____

THIS PORTION TO BE COMPLETED BY ANIMAL SERVICES

PERMIT NO.: _____ PAYMENT DATE: _____ FEE: _____

RECEIPT NO.: _____ PAYMENT TYPE: _____ RECEIVED BY: _____

INSPECTOR: _____ INSPECTION DATE: _____ EXPIRATION DATE: _____

ANIMAL SERVICE SIGNATURE: _____

#10

EXTRACT OF THE OFFICIAL PROCEEDINGS OF THE COUNCIL OF THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING HELD IN THE COUNCIL CHAMBERS OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE, CHALMETTE, LOUISIANA ON THURSDAY, FEBRUARY 23, 2023 AT THREE O'CLOCK P.M.

On motion of XXXX, seconded by XXXX, it was moved to **adopt** the following ordinance:

Summary No. 4070

Planning Commission recommended **APPROVAL** on 1/24/23

Introduced by: Administration on 2/7/23

Public Hearing held on 2/23/23

AN ORDINANCE TO APPROVE **DOCKET Z-2023-002**, PETITION OF TEE-WEE'S ON DA BAYOU LLC FOR A CONDITIONAL USE FOR A FOOD TRAILER. SITE LOCATION: 1309 YSCLOSKEY HWY, ST. BERNARD LA 70085.

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

SECTION 1. The St. Bernard Parish Council does hereby approve **Docket Z-2023-002**, petition of Tee-Wee's on Da Bayou LLC for a Conditional Use for a Food Trailer.

SITE LOCATION: 1309 YSCLOSKEY HWY, ST. BERNARD LA 70085.

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 this Ordinance with the invalid portions omitted.

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Extract #10, continued
February 23, 2023

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

YEAS:

NAYS:

ABSENT:

The Council Chair, Mr. Lewis, cast his vote as **XXX**.

And the motion was declared **xxxx** on the 23rd day of February, 2023.

ROXANNE ADAMS
CLERK OF COUNCIL

RICHARD "RICHIE" LEWIS
COUNCIL CHAIR

Delivered to the Parish President _____
Date and Time

Received by _____

Approved _____ Vetoed _____

Parish President _____
Guy McInnis

Returned to Clerk of the Council _____
Date and Time

Received by _____

#11

EXTRACT OF THE OFFICIAL PROCEEDINGS OF THE COUNCIL OF THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING HELD IN THE COUNCIL CHAMBERS OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE, CHALMETTE, LOUISIANA ON THURSDAY, FEBRUARY 23, 2023 AT THREE O'CLOCK P.M.

On motion of XXXX, seconded by XXXX, it was moved to **introduce** the following ordinance:

Summary No. 4071

Introduced by: Administration on 2/23/23

AN ORDINANCE TO AUTHORIZE THE PARISH PRESIDENT TO ACCEPT THE DONATION OF LOTS MS1 AND MS2, OF THE STORY PLANTATION SUBDIVISION, SECTION FOUR, IN THE PARISH OF ST. BERNARD, LA, FROM FREDERICK J. SIGUR, AND EXECUTE ANY NECESSARY DOCUMENTS FOR THE DONATION.

WHEREAS, Frederick J. Sigur wishes to donate Lots MS1 and MS2, of the Story Plantation Subdivision, in the Parish of St. Bernard, LA to St. Bernard Parish Government,

WHEREAS, it is in the best interest of St. Bernard Parish to accept this donation to utilize for canal maintenance.

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

SECTION 1. The properties being Lots MS1 and MS2, in the Story Plantation Subdivision in the Parish of St. Bernard, LA are fully described in the Act of Donation, which is attached hereto as Exhibit A. These properties will be referred to hereinafter in this ordinance as "THE PROPERTIES".

SECTION 2. The St. Bernard Parish Council hereby authorizes the parish president to accept the donation of THE PROPERTIES, from Frederick J. Sigur and to execute the Act of Donation (Exhibit A) and any necessary documents necessary to effectuate the donation.

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.

Page -2-
Extract #11 continued
February 23, 2023

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 this Ordinance with the invalid portions omitted.

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

YEAS:

NAYS:

ABSENT:

The Council Chair, Mr. Lewis, cast his vote as **XXX**.

And the motion was declared **adopted** on the 23rd day of February, 2023.

C E R T I F I C A T E

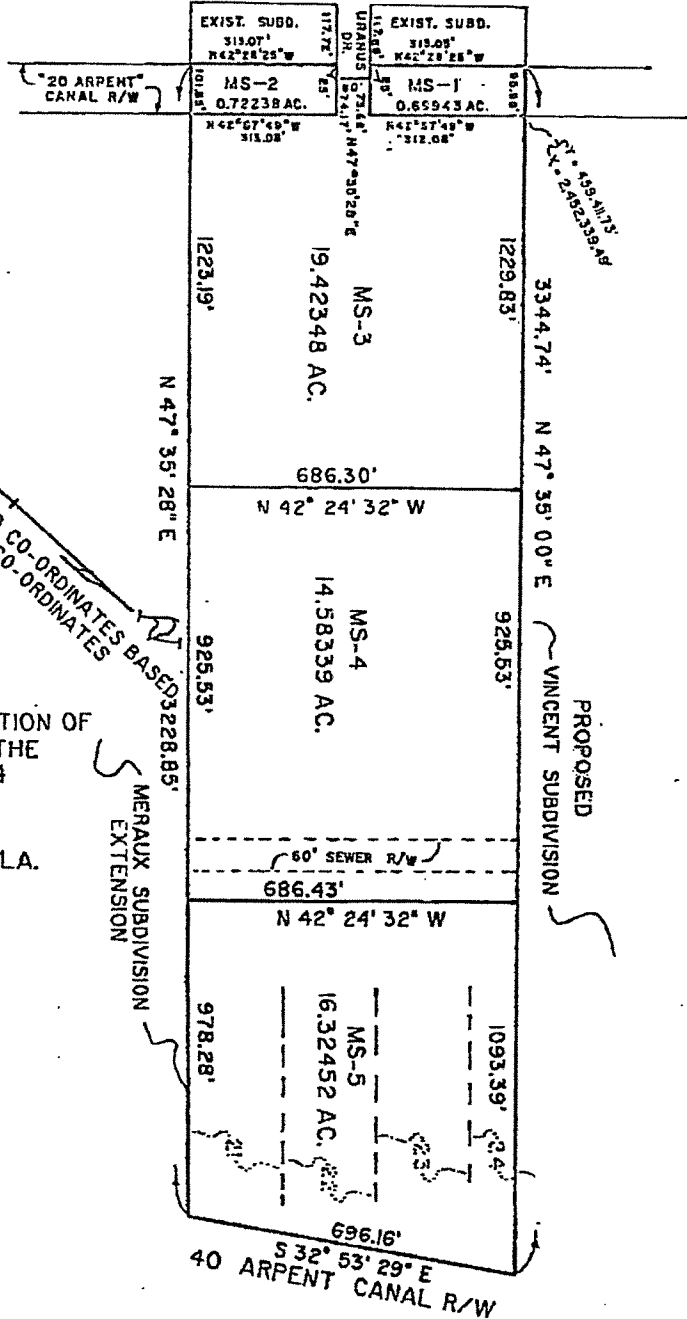
I HEREBY CERTIFY that the above and foregoing is a true and correct copy of a motion adopted at a Regular Meeting of the Council of the Parish of St. Bernard, held at Chalmette, Louisiana, on Thursday, February 23, 2023.

Witness my hand and the seal
of the Parish of St. Bernard on
this 23rd day of February, 2023.

ROXANNE ADAMS
CLERK OF COUNCIL

OFFICE OF
 EUGENE I. ESTORINAL & ASSOCIATES, INC.
 CIVIL ENGINEERS AND SURVEYORS
 2604 PAKENHAM DRIVE P.O. BOX 1183 CHALMETTE, LA.
 279-7451

EAST JUDGE PEREZ DRIVE



DIRECTIONS AND CO-ORDINATES BASED UPON LOUISIANA CO-ORDINATES NAD. 1927

PLAT SHOWING A PORTION OF LOTS 21, 22, 23, AND THE LOWER 1/2 OF LOT 24 STORY PLANTATION SEC. 4, T13S, R13E ST. BERNARD PARISH, LA.
NOT TO SCALE

I hereby certify the above plan to be a true and accurate representation of a survey made by me at the request of: FRED SIGUR, SR.

CHALMETTE, LA. JUNE, 22, 1987
 [Signature]
 CIVIL ENGINEER LA. REG. NO. 14977
 LAND SURVEYOR LA. REG. NO. 4356

STATE OF LOUISIANA
PARISH OF ST. BERNARD

ACT OF DONATION

BE IT KNOWN, that on this ____ day of _____, 2023, before me, _____, Notary Public, duly commissioned and qualified in and for the hereinafter Parish and State, personally came and appeared:

FREDERICK J. SIGUR (“DONOR”),

whose address is

who declares that they are making a donation inter-vivos unto:

ST. BERNARD PARISH GOVERNMENT (“DONEE”)

whose address is

8201 West Judge Perez Drive
Chalmette, Louisiana 70043,

hereby appearing for the purpose of accepting the same, of the following described properties, to-wit:

THAT CERTAIN PIECE OR PORTION OF GROUND, together with all the buildings and all the rights, ways and privileges, servitudes and advantages thereunto belonging or in anywise appertaining situated in the Parish of St. Bernard, State of Louisiana, forming part of original Lots 21, 22, 23 and in the rear parts of Lots A and B of the resubdivision or original Lot 24 of Story Plantation and in accordance with the plan of resubdivision of a portion of Lots 21, 22, 23 and the lower ½ of Lot 25 into Lots MS-1, MS-2, MS-3, MS-4, and MS-5, by Eugene I. Estopinal de Associates, Inc., C.E.&S., dated June 22, 1987, approved by the Police Jury for the Parish of St. Bernard by Resolution B-15-87, adopted July 14, 108T, and registered in COB 389, folio 257 and according to which said property is described as follows:

MS-1 and MS-2.

SEE SURVEY ATTACHED AS EXHIBIT “A” HERETO.

Said DONOR declares that they have given, donated, and delivered, and does by this Formal Act of Donation irrevocably give and donate pursuant to the provisions of La. R. S. 12:1301 et. seq and deliver unto said DONEE the above-described properties.

DONOR, Frederick J. Sigur, as represented by _____, declares that it is their intention to make a donation inter vivos to DONEE, St. Bernard Parish Government. DONEE herein accepts this donation in accordance with the terms hereof and acknowledges gratitude therefore.

These properties are transferred and accepted subject to any and all easements and servitudes of public record.

DONEE declares that they accept the said Donation and acknowledges due delivery and possession of the properties so donated to them.

The parties hereto acknowledge that no updated survey has been performed on the above described properties, at their request, and that the parties agree to relieve, release, and hold harmless and indemnify the undersigned Notary Public from any and all liability and responsibility in connection therewith.

THUS DONE AND PASSED BY Frederick J. Sigur (“DONOR”) as represented by _____ in the presence of the undersigned competent witnesses and me, Notary Public, in accordance with the local laws and regulations, validate all of whom sign on this __ day of _____, 2023, after due reading of the whole.

WITNESSES:

DONOR:

PRINT NAME

PRINT NAME

SIGNATURE

SIGNATURE

NOTARY PUBLIC
BAR ROLL NO./NOTARY NO. ____

THUS DONE AND PASSED BY the President of St. Bernard Parish Government, in the presence of the undersigned competent witnesses and me, Notary Public, in and for the Parish of St. Bernard, Louisiana, all of whom sign on this __ day of _____, 2023, after due reading of the whole.

WITNESSES:

DONEE:

PRINT NAME

ST. BERNARD PARISH GOVERNMENT
SIGNED BY: Guy McInnis, President

SIGNATURE

NOTARY PUBLIC
BAR ROLL NO./NOTARY NO. ____