

ORDINANCE NO. 24-

The following Ordinance was offered by Council Member Schulz who moved its adoption

An Ordinance to adopt and implement an “MS4 Storm Water Quality Management and Discharge Control Plan (SWMP)” pursuant to the recommendations of the Louisiana Department of Environmental Quality (LDEQ) to regulate/prevent illegal/polluting substances from being discharged into the Parish storm drainage system in compliance with the National Pollutant Discharge Elimination System (NPDES); to incorporate the said Plan into Chapter 9 of the Plaquemines Parish Code as Article III, Section 9-200 *et seq.*, and further authorizing Parish Directors and Managers to implement the provisions of the SWMP into the areas under their authority; to authorize the Parish President to sign, execute, and administer any and all relevant documents; and otherwise to provide with respect thereto.

DIGEST: In 1987 Congress amended the Clean Water Act to require a comprehensive national strategy for addressing pollution in storm water discharges. Plaquemines Parish Government (“PPG”) was originally issued an “MS4” permit in approximately 2002. “MS4” stands for Municipal Separate Storm System, which is not part of a combined sewer system, but refers to other conveyances that discharge run-off water to the receiving waters of the U.S. As holder of such a permit, PPG agreed to formulate a plan to ensure that storm water discharge and runoff from the Parish is controlled in order to prevent pollutants from reaching water bodies. The Stormwater Management Plan encompasses any activity in the Parish which may create illegal discharges from sources including, but not limited to: boat harbors, hazardous material storage sites, pump stations, water treatment plants, and farm chemical runoff, into receiving bodies of water. The Plan includes public outreach programs to educate the public to be aware of causes and problems of water pollution and control of storm runoff containing pollutants, along with programs for detection and elimination of illicit discharges into storm runoff water at its sources. *The digest is for informational purposes only and is superseded by the language of the actual ordinance or resolution.*

WHEREAS, the Department of Environmental Quality issued an MS4 Storm Water Permit to the Parish of Plaquemines in approximately 2002; and

WHEREAS, in compliance with the MS4 Storm Water Permit, the Parish of Plaquemines developed its Stormwater Quality Management and Discharge Control Plan (“SWMP”) to insure consistent, coordinated and effective management of storm water runoff to minimize illegal/polluting substances draining into receiving bodies of water; and

NOW, THEREFORE:

BE IT ORDAINED BY THE PLAQUEMINES PARISH COUNCIL THAT the Stormwater Management Plan (“SWMP”) incorporated into this Ordinance below is hereby adopted and made part of Chapter 9, as Article III, Section 9-200 *et seq.* of the Parish Code; further, that the recommendations/instructions of the SWMP be carried out as recommended by the Department of Environmental Quality; that the appropriate Parish Directors and Managers be authorized to coordinate and implement the provisions of the Plan into the areas of their span of authority; and finally, that the Parish President be authorized to sign, execute and administer documents relative to the implementation of the Plan and its provisions.

SECTION 1

The Council hereby supplements and amends Chapter 9 of the Plaquemines Parish Code of Ordinances entitled Drainage and Flood Control, by enacting Article III, Section 9-200 *et. seq.*, entitled “Stormwater Management Plan (SWMP)”, in its entirety, as set forth hereinbelow.

SECTION 2

ARTICLE III – STORMWATER MANAGEMENT PLAN (SWMP)

SECTION 9-200 RESPONSIBILITY

60 **SECTION 9-201 Responsibility for Administration**

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62 The Plaquemines Parish Government (PPG) shall administer, implement, and enforce the
63 provisions of this Ordinance. Any powers granted or duties imposed upon the authorized
64 enforcement agency may be delegated in writing by the Director of the authorized enforcement
65 agency to persons or entities acting in the beneficial interest of or in the employ of the agency.

66
67 **SECTION 9-202 Responsibility of Discharger**

68
69 The standards set forth herein and promulgated pursuant to this Ordinance are minimum standards;
70 therefore this Ordinance does not intend nor imply that compliance by any person will ensure that
71 there will be no contamination, pollution, nor unauthorized discharge of pollutants.

72
73 This Ordinance shall not create liability on the part of the Plaquemines Parish Government (PPG),
74 or any agent or employee thereof for any damages that result from any discharger's reliance on
75 this Ordinance or any administrative decision lawfully made thereunder.

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77 **SECTION 9-203 Applicability**

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79 **SECTION 9-204 Illicit Discharges**

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81 This Ordinance shall apply to all water entering the storm drain system generated on any developed
82 and undeveloped lands unless explicitly exempted by an authorized enforcement agency.

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84 **SECTION 9-205 Construction Activity Discharges**

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86 This Ordinance shall apply to all land disturbing activities on land within the boundaries and
87 Jurisdiction of Plaquemines Parish/Plaquemines Parish Government. (PPG).

88
89 PPG will follow the State programs implementing storm water requirements for construction
90 activities (LPDES General Permit LAR100000) and small construction activities (LPDES General
91 Permit LAR100000). Copies of the "Water Discharge General Permits" and "Notice of Intent
92 Forms" are available online at www.deq.louisiana.gov.

93
94 LPDES General Permit LAR 100000 authorizes discharges of storm water from construction
95 activities that disturb 5 acres or more or total land area as defined in LAC 33:ix.2511.b.14.J and
96 those construction site discharges designated by the State Administrative Authority (LDEQ) as
97 needing a storm water permit under LAC 33:IX.2511.A.1.e, except for discharges identified under
98 Permit LAR100000 Part I.A.3. Permit coverage is required from the "commencement of
99 construction activities until "final stabilization" as defined in Permit LAR 100000 Part IX.

100
101 LPDES General Permit LAR 200000 authorizes discharges of storm water from construction
102 activities as defined in LAC 33:IX.2511.B.15 (ground disturbance equal to or greater than 1 acre
103 and less than 5 acres, including smaller areas that are part of a larger common plan of development
104 that cumulatively disturb at least 1 acre) and those construction site discharges designated by the
105 State Administrative Authority (LDEQ) as needing a storm water permit under LAC
106 33:IX.2511.A.1.e and A.9.a, except for discharges identified under Permit LAR20000 Parts 1.A.3
107 and 4.

108
109 "Agricultural Land Disturbing Activities" as defined in Section 9-224 are exempt from the
110 requirements of this Ordinance.

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112 Refer to Section 9-224, Erosion and Sediment Control.

113
114 **SECTION 9-206 Purpose/Intent**

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116 The purpose of this Ordinance is to provide for the health, safety, and general welfare of the
117 citizens of Plaquemines Parish through the regulation of non-storm water discharges to the storm
118 drainage system to the maximum extent practicable as required by federal and state law. This
119 Ordinance establishes methods for controlling the introduction of pollutants into the municipal
120 separate storm sewer system (MS4) in order to comply with requirements of the National Pollutant

121 Discharge Elimination System (NPDES) / Louisiana Pollutant Discharge Elimination System
122 (LPDES) permit process. The objectives of this Ordinance are:

- 123
- 124 (1) To regulate the contribution of pollutants to the municipal separate storm sewer system
125 (MS4) by stormwater discharges by any user;
126
 - 127 (2) To prohibit Illicit Connections and Discharges to the municipal separate storm sewer
128 system; and
129
 - 130 (3) To establish legal authority to carry out all inspections, surveillance and monitoring
131 procedures necessary to ensure compliance with this Ordinance.
132

133 **SECTION 9-207 Definitions**

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135 For the purposes of this Ordinance, the following words and phrases shall mean;

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137 Authorized Enforcement Agency. The Department of Permits, Planning and Zoning, in
138 conjunction with the Departments of Engineering & Public Works, Permits, and Coastal Resources
139 and Protection are designated to enforce this Ordinance.
140

141 Best Management Practices (BMPs). Schedules of activities, prohibitions of practices, general
142 good housekeeping practices, pollution prevention and educational practices, Maintenance
143 procedures, and other management practices to prevent or reduce the discharge of pollutants
144 directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems. BMPs
145 also include treatment practices, operating procedures, and practices to control site runoff, spillage
146 or leaks, sludge or water disposal, or drainage from raw materials storage.
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148 Clean Water Act. The Federal Water Pollution Control Act (33 U.S.C. Section 1251 *et seq*), and
149 any subsequent amendments thereto.
150

151 Construction Activity. Activities subject to NPDES or LPDES Construction Permits. Currently
152 these include construction projects resulting in land disturbance of 1 or more acres of total land
153 area. Such activities include but are not limited to clearing and grubbing, grading, excavating, and
154 demolition.
155

156 EPA. The Environmental Protection Agency.
157

158 Hazardous Materials. Any material, including any substance, waste or combination thereof, which
159 because of its quantity, concentration, or physical, chemical, or infection characteristics may cause,
160 or significantly contribute to, a substantial present or potential hazard to human health, safety,
161 property, or the environment when improperly treated, stored, transported, disposed of, or
162 otherwise managed.
163

164 Illicit Discharge. Any direct or indirect non-stormwater discharge to the storm drain system,
165 except as exempted herein (Section 9-204 of this Ordinance).
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167 Illicit Connections. An illicit connection is defined as either of the following:
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- 169 (1) Any drain or conveyance, whether on the surface or subsurface, which allows an illegal
170 discharge to enter the storm drain system, including but not limited to any conveyances
171 which all any non-stormwater discharge, including sewage, process wastewater, and wash
172 water to enter the storm drain system and any connections to the storm drain system from
173 indoor drains and sinks, regardless of whether said drain or connection had been previously
174 allowed, permitted, or approved by an authorized enforcement agency; or
175
- 176 (2) Any drain or conveyance connected from a commercial or industrial land use to the storm
177 drain system which has not been documented in plans, maps, or equivalent records and
178 approved by an authorized enforcement agency.
179

180 Industrial Activity. Activities subject to NPDES Industrial Permits as defined in 40 CFR, Section
181 122.26(b)(14).
182

183 LAC. The Louisiana Administrative Code.

184

185 LDEQ. The Louisiana Department of Environmental Quality.

186 Louisiana Pollutant Discharge Elimination System (LPDES) Surface Water Discharge Permit.

187 Surface water discharge permits in Louisiana are administered under the Louisiana Pollutant

188 Discharge Elimination System (LPDES) program. LDEQ became a state delegated to administer

189 the NPDES Program in August of 1996.

190

191 Municipal Separate Storm Sewer System (MS4). The system of conveyances (including sidewalk,

192 roads with drainage systems, parish streets, catch basins, curbs, gutters, ditches, man-made

193 channels, or storm drains) owned and operated by PPG and designed or used for collecting or

194 conveying storm water, and that is not used for collecting or conveying sewage.

195

196 National Pollutant Discharge Elimination System (NPDES) Stormwater Discharge Permit. Means

197 a permit issued by EPA (or by a State under authority delegated pursuant to 33 USC Section

198 1342(b) that authorizes the discharge of pollutants to waters of the United States, whether the

199 permit is applicable on an individual, group or general area-wide basis.

200

201 Non-Stormwater Discharge. Any discharge to the storm drain system that is not composed entirely

202 of stormwater.

203

204 Person. Means any individual, association, organization, partnership, firm, corporation or other

205 entity recognized by law and acting as either the owner or the owner's agent.

206

207 Pollutant. Anything which causes or contributes to pollution. Pollutants may include, but are not

208 limited to:

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210 Paints, varnishes, and solvents;

211 Oil and other automotive fluids;

212 Non-hazardous liquid and solid wastes and yard wastes;

213 Refuse, rubbish, garbage, litter, or other discarded or abandoned objects and

214 accumulations that may cause or contribute to pollution;

215 Floatables;

216 Pesticides, herbicides, and fertilizers;

217 Hazardous substances and wastes;

218 Sewage, fecal coliform and pathogens;

219 Dissolved and particulate metals.

220 Animal wastes;

221 Wastes and residues that result from constructing a building or structure; and

222 Noxious or offensive matter of any kind.

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224 PPM. Parts per Million.

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226 Premises. Any building, lot, parcel of land, or portion of land whether improved or unimproved,

227 including adjacent sidewalks and parking strips.

228

229 Storm Drainage System. Privately and publicly8-owned facilities by which stormwater is collected

230 and/or conveyed, including but not limited to any roads with drainage systems, municipal streets,

231 gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural

232 and human-made or altered drainage channels, reservoirs, and other drainage structures.

233

234 Stormwater. Any surface flow, runoff, and drainage consisting entirely of water from any form of

235 natural precipitation, and resulting from such precipitation.

236

237 Stormwater Pollution Prevention Plan (SWPPP). A document which describes the Best

238 Management Practices and activities to be implanted by a person or business to identify sources

239 of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges

240 to stormwater, stormwater conveyance systems, and/or receiving waters to the maximum extent

241 practicable.

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243 Wastewater. Means any water or other liquid, other than uncontaminated stormwater, discharged

244 from a facility.

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Waters of the State. Both the surface and underground waters within the State of Louisiana, including all rivers, streams, lakes, estuaries, ground waters and all other water courses and waters within the confines of the State, and all bordering waters and the Gulf of Mexico.

Waters of the United States.

- (a) All waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
- (b) All interstate waters, including interstate “wetlands”.
- (c) All other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which would affect or could affect interstate or foreign commerce including any such waters
 1. Which are or could be used by interstate or foreign travelers for recreational or other purposes;
 2. From which fish or shellfish are or could be taken and sold in interstate or foreign commerce;
 3. Which are used or could be used for industrial purposes by industries in interstate commerce.
- (d) All impoundments of waters otherwise defined as waters of the United States under this definition.
- (e) Tributaries of waters identified in paragraphs (a) through (d) of this definition.
- (f) The territorial sea.
- (g) Wetlands adjacent to waters (other than waters that are themselves wetlands) identified in paragraphs (a) through (f) of this definition.

Waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of the Clean Water Act, are not waters of the United States.

Section 9-208 Applicability

This Ordinance shall apply to all water entering the storm drain system generated on any developed and undeveloped lands unless explicitly exempted by an authorized enforcement agency.

Section 9-209 Discharge Prohibitions and Exemptions

Section 9-209.1 Prohibitions

- (1) No person shall discharge or cause to be discharged into the municipal storm system or watercourses any materials, including but not limited to pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than stormwater.
- (2) The construction, use, maintenance or continued existence of illicit connections or non-exempt sources of non-stormwater discharges to the storm drain system is prohibited. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection, and any discharge from a source not listed in the ordinance as "allowable" and therefore exempt from discharge prohibitions.

307 (3) A person is considered to be in violation of this Ordinance if the person connects a line
308 conveying untreated sewage to the MS4, or allows such a connection to continue beyond
309 the date of enactment of this Ordinance. In addition, the Louisiana DHH, Office of Public
310 Health, must approve the plans and specifications for sanitary treatment plants.

311
312 **Section 9-209.2 Exemptions**

313
314 The commencement, conduct or continuance of any illegal discharge to the storm drain
315 system is prohibited, except as described as follows:

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317 (1) The following discharges are exempt from discharge prohibitions established by this
318 Ordinance, provided that they are not substantial sources of pollutants to the MS4:

- 319
- 320 • water line (fire hydrant) flushings using potable water;
 - 321 • lawn watering runoff, landscape irrigation, and irrigation drainage provided all pesticides
322 herbicides, and fertilizer have been applied in accordance with manufacturer's instructions;
 - 323 • diverted stream flows;
 - 324 • rising ground waters;
 - 325 • uncontaminated ground water infiltration (as defined at 40 CFR 35.2005(20));
326 uncontaminated pumped ground water;
 - 327 • incidental discharges of potable water (e.g. drinking fountain overflows);
 - 328 • uncontaminated air conditioning or compressor condensate;
 - 329 • uncontaminated spring water;
 - 330 • water from crawl space pumps;
 - 331 • foundation or footing drains where flows are not contaminated with process materials such
332 as solvents;
 - 333 • water from individual residential car washing;
 - 334 • flows from riparian habitats and wetlands;
 - 335 • dechlorinated (typically less than one (I) PPM chlorine) swimming pool discharges
336 (drainage from swimming pool filter backwash is prohibited);
 - 337 • residual street wash water and pavement wash water where no detergents are used and no
338 spills or leaks of toxic or hazardous materials have occurred (unless all spilled material has
339 been properly removed);
 - 340 • routine external building wash down which does not use detergents;
 - 341 • discharges or flows from firefighting activities (excludes predictable and controllable
342 discharges from a firefighting training facility); and
 - 343 • other similar occasional incidental discharges (e.g. non-commercial or charity car washes)
344 where such discharges will not cause a problem either due to the nature of the discharge or
345 controls the MS4 places on the discharge.

346
347 (2) Discharges specified in writing by the authorized enforcement agency as being necessary
348 to protect public health and safety.

349
350 (3) Dye testing is an allowable discharge but requires a verbal notification to the authorized
351 enforcement agency prior to the time of the test.

352
353 (4) Discharges authorized by, and in full compliance with, an NPDES or LPDES permit (other
354 than the MS4 discharge permit).

355
356 **Section 9-210 NPDES or LPDES Authorized Discharges**

357
358 Any person subject to an activity NPDES or LPDES discharge permit shall comply with all
359 provisions of such permit. Proof of compliance with said permit shall be required in a form
360 acceptable to the Plaquemines Parish Government prior to the allowing of discharges to the MS4.

361
362 The operator of a facility, including construction sites, required to have an NPDES or LPDES
363 permit to discharge wastewater and/or stormwater associated with industrial/construction activity
364 shall submit a copy of the Notice of Intent (NOI) to the Plaquemines Parish Government at the
365 same time the operator submits the original Notice of Intent to the EPA or LDEQ as applicable.
366 The copy of the Notice of Intent may be delivered to the Plaquemines Parish Government either
367 in person or by mailing it to:

368
369 Plaquemines Parish Government
370 Permits Department
371 333 F. Edward Hebert Boulevard
372 Belle Chasse, LA 70037
373

374 A person commits an offense if the person operates a facility that is discharging wastewater and/or
375 stormwater associated with industrial/construction activity without having submitted a copy of the
376 Notice of Intent to do so to the Plaquemines Parish Government.
377

378 **Section 9-210.1 Unauthorized Discharges**
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380 A person who is the operator of a facility, including a construction site, commits an offense if the
381 person discharges, or causes to be discharged, pollutants into waters of the State without first
382 having obtained a NPDES or LPDES permit (authorization) to do so.
383

384 The LDEQ website (<http://www.deq.louisiana.gov>) "LPDES Permit Application Forms" page
385 contains all LPDES permit applications, general permit notices of intent along with the no
386 exposure certification from LPDES stormwater permitting.
387

388 **Section 9-211 Suspension/ Termination of MS4 Access**
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390 **Section 9-212 Emergency Cease and Desist Orders**
391

392 When the authorized enforcement agency finds that any person has violated, or continues to
393 violate, any provision of this Ordinance, or any order issued hereunder, or that the person's past
394 violations are likely to recur, and that the person's violation(s) has (have) caused or contributed to
395 an actual or threatened discharge to the MS4 or waters of the United States which reasonably
396 appears to present an imminent or substantial endangerment to the health or welfare of persons or
397 to the environment, the authorized enforcement agency may issue an order to the violator directing
398 it immediately to cease and desist all such violations and directing the violator to:
399

- 400 (1) immediately comply with all ordinance requirements; and
- 401
- 402 (2) Take such appropriate preventive action as may be needed to properly address a continuing
403 or threatened violation, including immediately halting operations and/or terminating the
404 discharge.
405

406 Any person notified of an emergency order directed to it under this Subsection shall immediately
407 comply and stop or eliminate its endangering discharge. In the event of a discharger's failure to
408 immediately comply voluntarily with the emergency order, the authorized enforcement agency
409 may take such steps as deemed necessary to prevent or minimize harm to the MS4 or waters of the
410 United States, and/or endangerment to persons or to the environment, including notifying LDEQ
411 Office of Environmental Compliance, Enforcement Division. The authorized enforcement agency
412 may allow the person to recommence its discharge when it has demonstrated to the satisfaction of
413 the authorized enforcement agency that the period of endangerment has passed, unless further
414 termination proceedings are initiated against the discharger under this Ordinance. A person that is
415 responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit
416 a detailed written statement, describing the causes of the harmful discharge and the measures taken
417 to prevent any future occurrence, to the authorized enforcement agency within 15 days of receipt
418 of the emergency order. Issuance of an emergency cease and desist order shall not be a bar against,
419 or a prerequisite for, taking any other action against the violator.
420

421 **Section 9-213 Suspension Due to Illicit Discharges in Emergency Situations**
422

423 The Plaquemines Parish Government may, without prior notice, suspend MS4 discharge access to
424 a person when such suspension is necessary to stop an actual or threatened discharge which
425 presents or may present imminent and substantial danger to the environment, or to the health or
426 welfare of persons, or to the MS4 or Waters of the United States. If the violator fails to comply
427 with a suspension order issued in an emergency, the authorized enforcement agency may take such
428 steps as deemed necessary to prevent or minimize damage to the MS4 or Waters of the United
429 States, or to minimize danger to persons.

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Section 9-214 Termination Due to the Detection of Illicit Discharge

Any person discharging to the MS4 in violation of this Ordinance may have their MS4 access terminated if such termination would, in the judgment of the authorized enforcement agency, abate or reduce an illicit discharge. The authorized enforcement agency will notify a violator of the proposed termination of its MS4 access. The violator may petition the authorized enforcement agency for a reconsideration and hearing.

A person commits a violation of this Ordinance if the person reinstates MS4 access to premises terminated pursuant to this Section, without the prior approval of the authorized enforcement agency.

Section 9-215 Industrial or Construction Activity Discharges

Any person subject to an industrial or construction activity NPDES or LPDES stormwater discharge permit shall comply with all provisions of such permit.

Proof of compliance with said permit may be required in a form acceptable to the Plaquemines Parish Government prior to the allowing of discharges to the MS4.

Section 9-216 Industrial or Construction Activity "Unpermitted" Discharges

A person who is the operator of a facility, including a construction site, commits an offense if the person discharges, or causes to be discharged, stormwater associated with industrial or construction activity without first having obtained a NPDES or LPDES permit to do so.

Section 9-217 Inspection and Monitoring of Discharges

Section 9-218 Applicability

This Section applies to all facilities that have stormwater discharges associated with industrial activity, including construction activity.

Section 9-218.1 Access to Facilities

- (1) The Plaquemines Parish Government shall be permitted to enter and inspect facilities subject to regulation under this Ordinance as often as may be necessary to determine compliance with this Ordinance. If a discharger has security measures in force, which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to representatives of the authorized enforcement agency.
- (2) Facility operators shall allow the Plaquemines Parish Government ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records that must be kept under the conditions of an NPDES or LPDES permit to discharge stormwater, and the performance of any additional duties as defined by state and federal law.
- (3) The Plaquemines Parish Government shall have the right to set up on any permitted facility such devices as are necessary in the opinion of the authorized enforcement agency to conduct monitoring and/or sampling of the facility's stormwater discharge.
- (4) The Plaquemines Parish Government has the right to require the discharger to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy.
- (5) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the operator at the written or oral

491 request of the Plaquemines Parish Government and shall not be replaced. The costs of
492 clearing such access shall be borne by the operator.

493
494 (6) Unreasonable delays in allowing the Plaquemines Parish Government access to a permitted
495 facility is a violation of a stormwater discharge permit and of this Ordinance. A person
496 who is the operator of a facility with a NPDES or LPDES permit to discharge stormwater
497 associated with industrial activity commits an offense if the person denies the authorized
498 enforcement agency reasonable access to the permitted facility for the purpose of
499 conducting any activity authorized or required by this Ordinance.

500
501 **Section 9-218.2 Search Warrants/Injunctions**

502
503 If the Plaquemines Parish Government has been refused access to any part of the premises from
504 which stormwater is discharged, and he/she is able to demonstrate probable cause to believe that
505 there may be a violation of this Ordinance, or that there is a need to inspect and/or sample as part
506 of a routine inspection and sampling program designed to verify compliance with this Ordinance
507 or any order issued hereunder, or to protect the overall public health, safety, and welfare of the
508 community, then the authorized enforcement agency may seek issuance of a search warrant or
509 injunction from any court of competent jurisdiction.

510
511 **Section 9-218.3 Requirement to Prevent, Control, and Reduce Stormwater Pollutants**

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513 **Section 9-218.4 Use of Best Management Practices**

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515 The owner or operator of a commercial or industrial establishment shall provide, at their own
516 expense, reasonable protection from accidental discharge of prohibited materials or other wastes
517 into the municipal storm drain system or watercourses through the use of structural and/or non-
518 structural BMPs.

519
520 **Section 9-218.5 New Development and Redevelopment**

521
522 The Plaquemines Parish Government may adopt requirements identifying appropriate best
523 management practices to control the volume, rate, and potential pollutant load of stormwater runoff
524 from new development and redevelopment projects as may be appropriate to minimize the
525 generation, transport and discharge of pollutants . The Plaquemines Parish Government shall
526 incorporate such requirements in any land use entitlement and construction or building-related
527 permit to be issued relative to such development or redevelopment. The owner and developer shall
528 comply with the terms, provisions, and conditions of such land use entitlements and building
529 permits as required in the Ordinance.

530
531 **Section 9-218.6 Responsibility to Implement Best Management Practices**

532
533 Any person responsible for a property or premises, which is, or may be, the source of an illicit
534 discharge, may be required to implement, at said person's expense, additional structural and non-
535 structural BMPs to prevent the further discharge of pollutants to the municipal separate storm
536 sewer system.

537
538 Compliance with all terms and conditions of a valid NPDES or LPDES permit authorizing the
539 discharge of stormwater associated with industrial activity, to the extent practicable, shall be
540 deemed compliance with the provisions of this Section.

541
542 These BMPs shall be part of a written Stormwater Pollution Prevention Plan (SWPPP) and
543 implemented as required for compliance with requirements of the NPDES or LPDES permit.

544
545 **Section 9-218.7 Requirements Applicable to Potential Dischargers**

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547 **Section 9-218.8 Watercourse Protection**

548
549 Every person owning property through which a watercourse passes, or such person's lessee, shall
550 keep and maintain that part of the watercourse within the property free of trash, debris, excessive
551 vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of
552 water through the watercourse. In addition, the owner or lessee shall maintain existing privately

553 owned structures within or adjacent to a watercourse, so that such structures will not become a
554 hazard to the use, function, or physical integrity of the watercourse.

555
556 The owner or lessee shall not remove healthy bank vegetation beyond that actually necessary for
557 maintenance, nor remove said vegetation in such a manner as to increase the vulnerability of the
558 watercourse to erosion. The property owner shall be responsible for maintaining and stabilizing
559 that portion of the watercourse that is within their property lines in order to protect against erosion
560 and degradation of the watercourse originating or contributed from their property.

561
562 **Section 9-218.9 Cleaning of Paved Surfaces**

563
564 The owner of any paved parking lot, street or drive shall clean the pavement as necessary to prevent
565 the buildup and discharge of pollutants. The visible buildup on a paved surface of mechanical
566 fluid, waste materials, sediment or debris is a violation of this Ordinance. Paved surfaces shall be
567 cleaned by dry sweeping, wet vacuum sweeping, collection and treatment of wash water or other
568 methods in compliance with this Ordinance.

569
570 **Section 9-218.10 Maintenance of Vehicles and/or Equipment**

571
572 Vehicles and/or equipment must be maintained to reduce leaking fluids.

573
574 Any leak or spill related to equipment maintenance in an outdoor, uncovered area shall be
575 contained to prevent the potential release of pollutants.

576
577 **Section 9-219 Notification of Spills**

578
579 Notwithstanding other requirements of law, as soon as any person responsible for a facility or
580 operation, or responsible for emergency response for a facility or operation has information of
581 any known or suspected release of materials which are resulting or may result in illegal
582 discharges or pollutants discharging into stormwater, the storm drain system, or water of the U.S.,
583 said person shall take all necessary steps to ensure the discovery, containment, and cleanup of
584 such release. In the event of such a release of hazardous materials said person shall immediately
585 notify emergency response agencies of the occurrence via emergency dispatch services. In the
586 event of a release of non-hazardous materials, said person shall notify the authorized enforcement
587 agency in person or by phone or facsimile no later than 24 hours. Notifications in person or by
588 phone shall be confirmed by written notice addressed and mailed to the Plaquemines Parish
589 Government within 5 calendar days of the phone notice. If the discharge of prohibited materials
590 emanates from a commercial or industrial establishment, the owner or operator of such
591 establishment shall also retain an on-site written record of the discharge and the actions taken to
592 prevent its recurrence. Such records shall be retained for at least three years.

593
594 **Section 9-220 Enforcement and Penalties**

595
596 **Section 9-221 Notice of Violation**

597
598 Whenever the Plaquemines Parish Government finds that a person has violated a prohibition or
599 failed to meet a requirement of this Ordinance, the authorized enforcement agency may order
600 compliance by written notice of violation to the responsible person. Such notice may require
601 without limitation:

- 602
- 603 (1) The performance of monitoring, analyses, and reporting;
 - 604
 - 605 (2) The elimination of illicit connections or discharges;
 - 606
 - 607 (3) That violating discharges, practices, or operations shall cease and desist;
 - 608
 - 609 (4) The abatement or remediation of stormwater pollution or contamination hazards and
610 the restoration of any affected property;
 - 611
 - 612 (5) Payment of a fine to cover administrative and remediation costs; and
 - 613
 - 614 (6) The implementation of source control or treatment BMPs.

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Section 9-222 Deadline for Remediation / Restoration

If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by a designated governmental agency or a contractor and the expense thereof shall be charged to the violator.

Section 9-223 Appeal of Notice of Violation

Any person receiving a Notice of Violation may appeal the determination of the authorized enforcement agency. The notice of appeal must be received within 10 days from the date of the Notice of Violation. Hearing on the appeal before the appropriate authority or his/her designee shall take place within 15 days from the date of receipt of the notice of appeal. The decision of the municipal authority or their designee shall be final.

Section 9-223.1 Enforcement Measures After Appeal

If the violation has not been corrected pursuant to the requirements set forth in the Notice of Violation, or, in the event of an appeal, within 10 days of the decision of the municipal authority upholding the decision of the authorized enforcement agency, then representatives of the authorized enforcement agency shall enter upon the subject private property and are authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the government agency or designated contractor to enter upon the premises for the purposes set forth above.

Section 9-223.2 Cost of Abatement of the Violation

If the authorized enforcement agency abates a violation, then within 10 days after abatement of the violation, the owner of the property will be notified of the cost of abatement, including administrative costs. The property owner may file a written protest objecting to the amount of the assessment within 15 days. If the amount due is not paid within thirty (30) days or by the expiration of the time in which to file an appeal, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment.

Any person violating any of the provisions of this article shall become liable to the parish by reason of such violation. The liability shall be paid in not more than 12 equal payments. Interest at the rate of legal rate of interest shall be assessed on the balance beginning on the 1st day following discovery of the violation.

Section 9-223.3 Injunctive Relief

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this Ordinance. If a person has violated or continues to violate the provisions of this Ordinance, the authorized enforcement agency may petition for a preliminary or permanent injunction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

Section 9-223.4 Compensatory Action

In lieu of enforcement proceedings, penalties, and remedies authorized by this Ordinance, the authorized enforcement agency may impose upon a violator alternative compensatory actions, such as storm drain stenciling, attendance at compliance workshops, creek cleanup, etc.

Section 9-223.5 Violations Deemed a Public Nuisance

In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this Ordinance is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at

676 the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of
677 such nuisance may be taken.

678
679 **Section 9-223.6 Criminal Prosecution**

680
681 Any person that has violated or continues to violate this Ordinance shall be liable to criminal
682 prosecution to the fullest extent of the law, and shall be subject to a criminal penalty of \$500.00
683 dollars per violation per day and/or imprisonment for a period of time not to exceed 90 days.

684
685 The authorized enforcement agency may recover all attorneys' fees, court costs and other
686 expenses associated with enforcement of this Ordinance, including sampling and monitoring
687 expenses.

688
689 **Section 9-223.7 Remedies Not Exclusive**

690
691 The remedies listed in this Ordinance are not exclusive of any other remedies available under any
692 applicable federal, state or local law and it is within the discretion of the authorized enforcement
693 agency to seek cumulative remedies.

694
695 **SECTION 9-224 EROSION AND SEDIMENT CONTROL**

696
697 **Section 9-224.1 Purpose/Intent**

698
699 During the construction process, soil is highly vulnerable to erosion by wind and water. Eroded
700 soil endangers water resources by reducing water quality and causing the siltation of aquatic
701 habitat for fish and other desirable species. Eroded soil also necessitates repair of sewers and
702 ditches and the dredging of waterways.

703
704 As a result, it is the intent of this Ordinance to control soil erosion and sedimentation caused by
705 land disturbing activities in Plaquemines Parish.

706
707 **Section 9-224.2 Definitions**

708
709 Agricultural land disturbing activities. The disturbance of land for the production of animal or
710 plant life, including forestry, pasturing of livestock, and planting, growing, cultivating, and
711 harvesting crops for human or livestock consumption. This does not include the construction of
712 farm facilities such as dwellings, barns, sheds, or other structures.

713
714 Land Disturbing Activity. Any man-made change of the land surface, including removing cover,
715 excavating, filling, transporting, and grading.

716
717 Site. A parcel of land or a contiguous combination thereof, where grading work is performed as a
718 single unified operation.

719
720 Runoff. The portion of precipitation from such sources as rainfall, snowmelt, or irrigation water
721 that flows over the ground surface.

722
723 Erosion. The detachment and movement of soil, sediment, or rock fragments by water, wind, ice,
724 or gravity.

725
726 Erosion control measure. The practice or a combination of practices to control erosion and
727 resulting sedimentation.

728
729 Sediment. Solid material (both mineral and organic) that is in suspension, is being transported, or
730 has been moved from site of origin.

731
732 **Section 9-224.3 Applicability**

733
734 This Ordinance shall apply to all land disturbing activities on land within the boundaries and
735 jurisdiction of Plaquemines Parish/Plaquemines Parish Government.

736

737 "Agricultural Land Disturbing Activities" as defined in Section 9-224.2 are exempt from the
738 requirements of this Ordinance.

739

740 **Section 9-225 General Principles**

741

742 The following principles apply to all land disturbing activities within Plaquemines Parish:

743

744 (1) Natural vegetation should be retained and protected wherever possible. Areas
745 immediately adjacent to watercourses should also be left undisturbed wherever
746 possible.

747

748 (2) All activities on a site should be conducted in a reasonable sequence so that the smallest
749 practical area of land will be exposed for the shortest practical period of time during
750 development.

751

752 (3) Provision should be made to accommodate the increased runoff caused by changed
753 soil and surface conditions (impervious areas) during and after development.

754

755 (4) Minimize the length and/or steepness of slopes to reduce erosion potential.

756

757 **Section 9-226 Design Requirements**

758

759 The following requirements shall be met on all sites:

760

761 (1) Appropriate erosion control measures shall be installed prior to any land disturbing
762 activity and thereafter whenever necessary. Information on Construction Site
763 Stormwater Runoff Control BMPs is available on EPA's website at
764 www.epa.gov/npdes/stormwater

765

766 (2) Sediment-laden water flowing from the site shall be detained by erosion control
767 measures appropriate to minimize sedimentation.

768

769 (3) Water shall not be discharged from the site in a manner that causes erosion at or
770 downstream of the point of discharge.

771

772 (4) All access to disturbed sites that cross natural watercourses, ditch, drainage
773 easement, or swale/channel shall have a culvert of appropriate size or low water
774 crossing which does not impede the flow of water.

775

776 (5) Wastes or unused building materials, including but not limited to garbage, debris,
777 cleaning wastes, wastewater, toxic materials, and hazardous substances shall not be
778 carried by runoff from a site. All wastes shall be disposed of in a proper manner.

779

780 (6) KEEP ALL STREETS CLEAN. Precautions, such as a stone construction entrance,
781 must be installed and maintained. If mud is tracked onto a street, do not wash the
782 mud into storm drains unless the storm drain is diverted to an approved sediment-
783 trapping device.

784

785 (7) All storm drain inlets shall be protected against sedimentation.

786

787 (8) Runoff passing through a site from adjacent areas should be controlled by diverting
788 it around disturbed areas within the site where practical. Diverted runoff shall be
789 conveyed in a manner that will not erode the channel and receiving areas.
790 Alternatively, the existing channel may be left undisturbed or improved to prevent
791 erosion or sedimentation from occurring.

792

793 (9) During the entire period of land disturbing activity at a site, the owner of the site
794 shall maintain erosion control measures necessary to meet the requirements of the
795 Ordinance until the entire site is stabilized.

796

797

798

799 **Section 9-227 Maintenance**

800

801 All soil erosion and stormwater runoff control measures shall be maintained in accordance with
802 permit conditions.

803

804 **Section 9-228 Inspection**

805

806 Authorized representatives of Plaquemines Parish Government may enter the site for verifying
807 compliance with this Ordinance (see Section 9-217.).

808

809 **Section 9-229 Enforcement and Penalties**

810

811 **Section 9-229.1 Notice of Violation**

812

813 When the Plaquemines Parish Government determines that an activity is not being carried out in
814 accordance with the requirements of this Ordinance, it shall issue a written notice of violation to
815 the owner of the property. The notice of violation shall contain:

816

817 (1) The name and address of the owner or applicant;

818

819 (2) The address when available or a description of the building, structure or land upon
820 which the violation is occurring;

821

822 (3) A statement specifying the nature of the violation;

823

824 (4) A description of the remedial measures necessary to bring the development activity
825 into compliance with this Ordinance and a time schedule for the completion of such
826 remedial action;

827

828 (5) A statement of the penalty or penalties that shall or may be assessed against the
829 person to whom the notice of violation is directed;

830

831 (6) A statement that the determination of violation may be appealed to the municipality
832 by filing a written notice of appeal within fifteen (15) days of service of notice of
833 violation.

834

835 **Section 9-229.2 Cease and Desist Order/ Revocation of Permit**

836

837 Persons receiving a notice of violation will be required to halt all construction activities. This
838 "cease and desist order" will be in effect until the Plaquemines Parish Government confirms that
839 the development activity is in compliance and the violation has been satisfactorily addressed.
840 Failure to address a notice of violation in a timely manner can result in civil, criminal, or monetary
841 penalties in accordance with the enforcement measures authorized in this Ordinance.

842

843 **Section 9-229.3 Civil and Criminal Penalties**

844

845 In addition to or as an alternative to any penalty provided herein or by law, any person who violates
846 the provisions of this Ordinance shall be punished by a fine of not less than \$500.00 or by
847 imprisonment for a period not to exceed 90 days, or both such fine and imprisonment. Such person
848 shall be guilty of a separate offense for each day during which the violation occurs or continues.

849

850 **Section 9-229.4 Restoration of Lands**

851

852 Any violator may be required to restore land to its undisturbed condition. In the event that
853 restoration is not undertaken within a reasonable time after notice, the Plaquemines Parish
854 Government may take necessary corrective action, the cost of which shall become a lien upon the
855 property until paid.

856

857 **Section 9-229.5 Holds on Occupational Permits**

858

859 Occupational permits will not be granted until corrections to all storm water practices have been
860 made and accepted by the Plaquemines Parish Government.

SECTION 3

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The Secretary of this Council is hereby authorized and directed to immediately certify and release this Ordinance and that Parish employees and officials are authorized to carry out the purposes of this Ordinance, both without further reading and approval by the Plaquemines Parish Council.

RESOLUTION NO. 24-

The following Resolution was offered by Council Member Schulz who moved its adoption:

1 A Resolution electing the Chairperson of the Plaquemines Parish Council for the
2 year 2025; and otherwise to provide with respect thereto.

3
4 DIGEST: This is an annual piece of legislation to elect a new Council Chairperson for next year.
5 *The digest is for informational purposes only and is superseded by the language of the actual*
6 *ordinance or resolution.*

7
8 NOW, THEREFORE:

9
10 BE IT RESOLVED BY THE PLAQUEMINES PARISH COUNCIL THAT Council Member
11 _____ be elected Chairperson of the Plaquemines Parish Council, effective
12 January 1, 2025, for a term of office to expire at midnight, December 31, 2025.

13
14 BE IT FURTHER RESOLVED BY THE PLAQUEMINES PARISH COUNCIL THAT the
15 Secretary of this Council is hereby authorized and directed to immediately certify and release this
16 Resolution and that Parish employees and officials are authorized to carry out the purposes of this
17 Resolution, both without further reading and approval by the Plaquemines Parish Council.

RESOLUTION NO. 24-

The following Resolution was offered by Council Member Schulz who moved its adoption:

1 A Resolution electing the Vice-Chairperson of the Plaquemines Parish Council for
2 the year 2025; and otherwise to provide with respect thereto.

3
4 DIGEST: This is an annual piece of legislation to elect a new Council Vice-Chairperson for next
5 year. *The digest is for informational purposes only and is superseded by the language of the actual*
6 *ordinance or resolution.*

7
8 NOW, THEREFORE:

9
10 BE IT RESOLVED BY THE PLAQUEMINES PARISH COUNCIL THAT Council Member
11 _____ be elected Vice-Chairman of the Plaquemines Parish Council, effective
12 January 1, 2025, for a term of office to expire at midnight, December 31, 2025.

13
14 BE IT FURTHER RESOLVED BY THE PLAQUEMINES PARISH COUNCIL THAT the
15 Secretary of this Council is hereby authorized and directed to immediately certify and release this
16 Resolution and that Parish employees and officials are authorized to carry out the purposes of this
17 Resolution, both without further reading and approval by the Plaquemines Parish Council.

R E S O L U T I O N N O . 24-

The following Resolution was offered by Council Member Schulz who moved its adoption:

1 A Resolution authorizing the Parish President to extend the State of Emergency for
2 the Saltwater Wedge Intrusion declared on August 15, 2024, subsequently amended
3 on August 20, 2024 and extended on October 2, 2024, for an additional ninety (90)
4 day period, if necessary, or until such time as the President or Council terminates
5 the same; and otherwise to provide with respect thereto.

6
7 DIGEST: This Resolution authorizes the Parish President to extend the State of Emergency for the
8 Saltwater Wedge Intrusion declared on August 15, 2024, subsequently amended on August 20, 2024
9 and extended on October 2, 2024, for an additional ninety (90) day period, if necessary, or until
10 such time as the President or Council terminates the same. *The digest is for informational purposes*
11 *only and is superseded by the language of the actual ordinance or resolution.*

12
13 WHEREAS, on August 15, 2024, the Parish President issued a state of emergency for the saltwater
14 wedge intrusion to address the salt content entering the parish’s water supply for the reasons stated
15 in the State of Emergency, which was subsequently amended on August 20, 2024; and

16
17 WHEREAS, on October 2, 2024, the Parish President extended the state of emergency through
18 November 18, 2024, to mitigate the ongoing effects of the saltwater wedge intrusion; and

19
20 WHEREAS, LRS 29:727 D. (1) provides: A local disaster or emergency may be declared only by
21 the parish president, except as otherwise provided in this Chapter. In that event, the state of
22 emergency shall continue until the parish president finds that the threat of danger has been dealt
23 with to the extent that emergency conditions no longer exist. However, no state of emergency may
24 continue for longer than thirty days unless extended by the parish president, and no continuous
25 state of emergency may continue for a period of more than ninety days unless approved by the
26 parish governing authority; and

27
28 WHEREAS, the Parish President and the Parish Council believe it is in the best interests of the
29 parish to extend to the State of Emergency for the Saltwater Wedge Intrusion for an additional 90
30 days, through February 16, 2025, or until such time as the President or Council terminates the
31 same;

32
33 NOW, THEREFORE:

34
35 BE IT RESOLVED BY THE PLAQUEMINES PARISH COUNCIL THAT it hereby authorizes
36 the Parish President to extend the State of Emergency for the Saltwater Wedge Intrusion declared
37 on August 15, 2024, subsequently amended on August 20, 2024, and extended on October 2, 2024,
38 through November 18, 2024, for an additional ninety (90) day period, through February 16, 2025,
39 or until such time as the President or Council terminates the same.

40
41 BE IT FURTHER RESOLVED BY THE PLAQUEMINES PARISH COUNCIL THAT the
42 Secretary of this Council hereby authorized and directed to immediately certify and release this
43 Resolution and that Parish employees and officials are authorized to carry out the purpose of this
44 Resolution, both without further reading and approval by the Plaquemines Parish Council

R E S O L U T I O N N O . 2 4 -

The following Resolution was offered by Council Member Schulz who moved its adoption:

1 A Resolution authorizing the Parish President to extend the State of Emergency for
2 the Saltwater Wedge Intrusion declared on August 15, 2024 and extended on
3 October 2, 2024, excepting the August 20, 2024 amendment, for an additional
4 ninety (90) day period, through February 16, 2025, or until such time as the
5 President or Council terminates the same; and otherwise to provide with respect
6 thereto.

7
8 DIGEST: This Resolution authorizes the Parish President to extend the State of Emergency for the
9 Saltwater Wedge Intrusion declared on August 15, 2024 and extended on October 2, 2024,
10 excepting the August 20, 2024 amendment, for an additional ninety (90) day period, through
11 February 16, 2025, or until such time as the President or Council terminates the same. *The digest*
12 *is for informational purposes only and is superseded by the language of the actual ordinance or*
13 *resolution.*

14
15 WHEREAS, on August 15, 2024, the Parish President issued a state of emergency for the saltwater
16 wedge intrusion to address the salt content entering the parish’s water supply for the reasons stated
17 in the State of Emergency; and

18
19 WHEREAS, on August 20, 2024, the Parish President, upon the advice of the Parish’s water
20 operator, Inframark, amended the original state of emergency by adding the following:

- 21
22 1. No new temporary or permanent RV park permits or expansion permits shall be issued,
23 except for RV park applications that received conditional approval by either the Council
24 or administratively by the Superintendent of Planning and Zoning on or before the 15th day
25 of August 2024; and
26
27 2. No new temporary or permanent RV site permits shall be issued, except for RV site
28 applications that were received by the Plaquemines Parish Permit Office on or before the
29 20th day of August 2024 or RV site applications for a site to be exclusively used and
30 occupied by the property owner(s) of the site location.

31
32 WHEREAS, the Plaquemines Parish Council believes the Augst 20, 2024 amendment is not
33 necessary to mitigate the Parish’s emergency response to the saltwater intrusion; and

34
35 WHEREAS, on October 2, 2024, the Parish President extended the state of emergency through
36 November 18, 2024, to mitigate the ongoing effects of the saltwater wedge intrusion; and

37
38 WHEREAS, LRS 29:727 D. (1) provides: A local disaster or emergency may be declared only by
39 the parish president, except as otherwise provided in this Chapter. In that event, the state of
40 emergency shall continue until the parish president finds that the threat of danger has been dealt
41 with to the extent that emergency conditions no longer exist. However, no state of emergency may
42 continue for longer than thirty days unless extended by the parish president, and no continuous

43 state of emergency may continue for a period of more than ninety days unless approved by the
44 parish governing authority; and

45
46 WHEREAS, the Parish Council believes it is in the best interests of the parish to extend to the
47 State of Emergency for the Saltwater Wedge Intrusion, excepting the August 20, 2024
48 Amendment, for an additional 90 days, through February 16, 2025, or until such time as the
49 President or Council terminates the same;

50
51 NOW, THEREFORE:

52
53 BE IT RESOLVED BY THE PLAQUEMINES PARISH COUNCIL THAT it hereby authorizes
54 the Parish President to extend the State of Emergency for the Saltwater Wedge Intrusion declared
55 on August 15, 2024 and extended on October 2, 2024 through November 18, 2024, excepting the
56 August 20, 2024 amendment, for an additional ninety (90) day period, through February 16, 2025,
57 or until such time as the President or Council terminates the same.

58
59 BE IT FURTHER RESOLVED BY THE PLAQUEMINES PARISH COUNCIL THAT the
60 Secretary of this Council hereby authorized and directed to immediately certify and release this
61 Resolution and that Parish employees and officials are authorized to carry out the purpose of this
62 Resolution, both without further reading and

ORDINANCE NO. 24-

The following Ordinance was offered by Council Member Schulz who moved its adoption:

1 An Ordinance to amend the 2024 General Fund, Operating Expenditure Budget,
2 Permits, Planning and Zoning Department; and otherwise to provide with respect
3 thereto.

4 DIGEST: An ordinance to amend the 2024 General Fund, Operating Expenditure Budget, Permits,
5 Planning and Zoning Department by transferring \$22,000 within their operating budget. *The digest*
6 *is for informational purposes only and is superseded by the language of the actual ordinance or*
7 *resolution.*

8
9 WHEREAS, a review of the operating expenditure budget was performed and an amendment is
10 necessary;

11 NOW, THEREFORE:

12 BE IT ORDAINED BY THE PLAQUEMINES PARISH COUNCIL THAT:

SECTION 1

14 The 2024 General Fund, Operating Expenditure Budget, Permits, Planning and Zoning
15 Department is amended as follows:

Fund: 001 General Fund			
Dept/Div: 720-4350 Permits, Planning & Zoning Dept.			
Object	Description	Inc/ Dec	Amendment
510.005	Salaries & Wages Regular	Dec	(22,000)
532.001	Prof Services General	Inc	22,000

SECTION 2

26 The Secretary of this Council is hereby authorized and directed to immediately certify and release
27 this Ordinance and that Parish employees and officials are authorized to carry out the purposes of
28 this Ordinance, both without further reading and approval by the Plaquemines Parish Council.

ORDINANCE NO. 24-

The following Ordinance was offered by Council Member Schulz who moved its adoption:

1 An Ordinance to amend the 2024 Manpower Structure and Operating Expenditure
2 Budget; and otherwise to provide with respect thereto.

3 DIGEST: An ordinance to create and fund a Local Coastal Program Manager position in the
4 Coastal Resources and Protection department and to appropriate \$14,120 from the General Fund
5 Unreserved Undesignated Fund Balance to fund said position for the remainder of the year. *The*
6 *digest is for informational purposes only and is superseded by the language of the actual*
7 *ordinance or resolution.*

8
9 WHEREAS, after a review of the manpower needs of the Coastal Resources and Protection
10 Department, it has been recommended by the Administration to create and fund one full-time
11 Local Coastal Program Manager position at an annual salary of \$46,704 plus benefits;

12 NOW, THEREFORE:

13 BE IT ORDAINED BY THE PLAQUEMINES PARISH COUNCIL THAT:

SECTION 1

15 The 2024 Manpower Structure, is amended by creating and funding one full-time Local Coastal
16 Program Manager position in the Coastal Resources and Protection Department at an annual salary
17 of \$46,704 plus benefits.

SECTION 2

19 The 2024 General Fund, Operating Expenditure Budget, Coastal Resources and Protection
20 Department, is amended by appropriating \$14,120 from the General Fund Unreserved
21 Undesignated Fund Balance as follows:

Fund: 001 General Fund			
Dept/Div: 772-4600 Coastal Resources and Protection			
Object	Description	Inc/ Dec	Amendment
510.005	Salaries & Wages Regular	Inc	8,980
515.005	P/R Taxes FICA Taxes	Inc	130
516.105	Retirement (PERS)	Inc	1,030
517.005	Group Insurance Health	Inc	3,980

SECTION 3

35 The Secretary of this Council is hereby authorized and directed to immediately certify and release
36 this Ordinance and that Parish employees and officials are authorized to carry out the purposes of
37 this Ordinance, both without further reading and approval by the Plaquemines Parish Council.

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SECTION 3

The financial accounting software package defines five possible classification categories as follows:

- Personal Services
- Financial and Related Services
- Operating Services-Utilities
- Operating Services and Supplies
- Capital Outlay

SECTION 4

If any provision, or item of this Ordinance or the application thereof is held invalid, such invalidity shall not affect other provisions, items or applications of this Ordinance which can be given effect without the invalid provisions, items or applications; and to this end, the provisions of this Ordinance are hereby declared severable.

SECTION 5

The Secretary of this Council is hereby authorized and directed to immediately certify and release this Ordinance and that Parish employees and officials are authorized to carry out the purposes of this Ordinance, both without further reading and approval by the Plaquemines Parish Council.

ORDINANCE NO. 24-

The following Ordinance was offered by Council Member Schulz who moved its adoption:

1
2 An Ordinance adopting the Original Operating Budget of Revenues and
3 Expenditures for the Plaquemines Parish Government for the fiscal year
4 beginning January 1, 2025, and ending December 31, 2025; and otherwise to
5 provide with respect thereto.
6

7 DIGEST: An ordinance to adopt the 2025 Original Operating Budget of Revenues and
8 Expenditures. *The digest is for informational purposes only and is superseded by the language of*
9 *the actual ordinance or resolution.*
10

11 WHEREAS, in accordance with Plaquemines Parish Government Charter for Local
12 Self-Government Section 7.02, the Parish President submitted to the Parish Council, on October
13 24, 2024, a proposed 2025 Operating Budget in the form required by the Charter; and
14

15 WHEREAS, in accordance with Plaquemines Parish Government Charter for Local
16 Self-Government Section 7.02, the Parish Council made available copies of the proposed 2025
17 Operating Budget for public inspection, published a summary of the proposed budget in the
18 official journal and advertised the time and place of public hearings; and
19

20 WHEREAS, in accordance with Plaquemines Parish Government Charter for Local
21 Self-Government Section 7.02, the Parish Council held public hearings on the proposed
22 Operating Budget as submitted on October 24, 2024;
23

24 NOW, THEREFORE:

25
26 BE IT ORDAINED BY THE PLAQUEMINES PARISH COUNCIL THAT:
27

SECTION 1

28
29
30 The estimate of revenues and expenditures for the fiscal year beginning January 1, 2025, and
31 ending December 31, 2025, is hereby adopted to serve as the operating budget for the
32 Plaquemines Parish Government during the same period for the General Fund, Special Revenue
33 Funds, Capital Improvement Funds and Enterprise Funds; copies of which are on file in the
34 office of the Parish President, the office of the Finance Department and in the office of the
35 Plaquemines Parish Council Secretary.
36

SECTION 2

37
38
39 It hereby authorizes the transfer of \$_____ from the Fund Balance Designated for
40 _____ to the General Fund Unreserved/Undesignated Fund Balance for the year 2025.
41

SECTION 3

42
43
44 It hereby authorizes amendments to the Manpower Table as presented in the 2025 Proposed
45 Operating Budget and amended by the Parish Council.
46

SECTION 4

47
48
49 The Plaquemines Parish Government is authorized to spend budgeted funds in accordance with
50 the Plaquemines Parish Government Policy of Budgetary Control adopted by the Plaquemines
51 Parish Council.
52

SECTION 5

53
54
55 If any provision, or item of this Ordinance or the application thereof is held invalid, such
56 invalidity shall not affect other provisions, items or applications of this Ordinance which can be
57 given effect without the invalid provisions, items or applications; and to this end, the provisions
58 of this Ordinance are hereby declared severable.
59

SECTION 6

60
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65

The Secretary of this Council is hereby authorized and directed to immediately certify and release this Ordinance and that Parish employees and officials are authorized to carry out the purposes of this Ordinance, both without further reading and approval by the Plaquemines Parish Council.

ORDINANCE NO. 24-

The following Ordinance was offered by Council Member Schulz who moved its adoption:

1 An Ordinance to amend the 2024 Operating Revenue and Expenditure Budgets,
2 various funds, various departments, various line items; and otherwise to provide
3 with respect thereto.

4 DIGEST: An ordinance to amend the 2024 Operating Revenue and Expenditure budgets to
5 purchase vehicles and equipment for various departments. *The digest is for informational purposes*
6 *only and is superseded by the language of the actual ordinance or resolution.*

7 WHEREAS, various amendments to the 2024 Operating Revenue and Expenditure Budgets are
8 necessary to purchase vehicles and equipment for various departments;

9 NOW, THEREFORE:

10 BE IT ORDAINED BY THE PLAQUEMINES PARISH COUNCIL THAT:

SECTION 1

12 The 2024 Operating Revenue Budget is amended as follows:

Fund: 001 General Fund			
Dept/Div: 524-2560 Sales Tax Department			
Object	Description	Inc/ Dec	Amendment
411.005	Tax-Sales and Use General	Inc	

SECTION 2

21 The 2024 Operating Expenditure Budget is amended as follows:

SECTION 3

23 The Secretary of this Council is hereby authorized and directed to immediately certify and release
24 this Ordinance and that Parish employees and officials are authorized to carry out the purposes of
25 this Ordinance, both without further reading and approval by the Plaquemines Parish Council.

ORDINANCE NO. 24-

The following Ordinance was offered by Council Member Newsom who moved its adoption:

1
2 An Ordinance to amend and re-adopt Chapter 13 of the Parish Code of Ordinances
3 by enacting “Article X – Food Truck Regulations,” establishing the rules and
4 regulations regarding the permitting, operation, and sale of food products from
5 mobile vehicles in Plaquemines Parish, Louisiana; and otherwise to provide with
6 respect thereto.
7

8 DIGEST: The purpose of this Ordinance is to adopt permitting and health and safety regulations
9 relative to the food truck industry. *The digest is for informational purposes only and is superseded*
10 *by the language of the actual ordinance or resolution.*
11

12 WHEREAS, due to the influx of thousands of people to Plaquemines Parish resulting from several
13 ongoing large-scale projects throughout the Parish; and
14

15 WHEREAS, Plaquemines Parish Government desires to offer its residents and visitors more
16 accessible and diverse food options; and
17

18 WHEREAS, Plaquemines Parish Government desires to continue to diversify its economy;

19 NOW, THEREFORE:

20
21 BE IT ORDAINED BY THE PLAQUEMINES PARISH COUNCIL THAT:

22 SECTION 1
23

24 It hereby amends and re-adopts Chapter 13 of the Parish Code of Ordinances by enacting Article
25 X titled “Food Truck Regulations,” which shall read as follows:
26

27 “Article X – Food Truck Regulations
28

29 Sect. 13-140. – Purpose
30

31 Plaquemines Parish Government desires to offer its residents and visitors more accessible and
32 diverse food options while it strives to continue to diversify its economy, but only while also
33 protecting their health and safety and the integrity of parish communities and neighborhoods.
34

35 Sec. 13- 141 – Definitions
36

37 For the purposes of this Article, the following terms and words shall have their specified meanings:
38

39 *Commissary* means a lawfully permitted and licensed catering establishment, restaurant, or any
40 other properly equipped place with a fixed location in which food, containers, or supplies are kept,
41 handled, prepared, packaged, or stored.

42 *Council* means Plaquemines Parish Council.

43 *Health Department* means Plaquemines Parish Health Department.

44 *Mobile catering vehicle* means a motor vehicle, including trailers, that dispenses food, foodstuffs,
45 seafood of any kind, or beverages, whether refrigerated or unrefrigerated, including potentially
46 hazardous food, that requires cooking, heating or other like preparation by the vendor, either within
47 the vehicle or within twelve (12) hours before the sale.

48 *Mobile food dispensing vehicle* means a motor vehicle, including trailers, that dispenses food,
49 foodstuffs, seafood of any kind, or beverages, whether refrigerated or unrefrigerated, including
50 potentially hazardous food, that are processed and prepackaged by a manufacturer other than the
51 vendor and that does not require any cooking, heating or other like preparation by the vendor,
52 either within the vehicle or within twelve (12) hours before the sale.
53

54 *Operate* means sell food, food products, seafood of any kind, or beverages from any truck,
55 automobile, motor vehicle, mobile unit, cart, or stand, excepted or

56 *Permit placard* means a permit placard issued by the Health Department noting the annual permit
57 issued for the specified mobile catering vehicle or mobile food dispensing vehicle.

58 *Potentially Hazardous Food* means:

59

60 (a) food that is natural or synthetic and is in a form capable of supporting:

61

62 (1) the rapid and progressive multiplication of infectious or toxigenic
63 microorganisms;

64 (2) the multiplication and toxin production of *Clostridium botulinum*; or

65 (3) in shell eggs, the multiplication of *Salmonella enteritidis*.

66

67 (b) potentially hazardous food includes an animal food (a food of animal origin) that is raw
68 or heat-treated; a food of plant origin that is heat-treated or consists of raw seed sprouts;
69 cut melons; and garlic and oil mixtures;

70

71 (c) potentially hazardous food does not include:

72

73 (1) an air-cooled hard-boiled-egg with shell intact, or a shell egg that is not hard-boiled,
74 but has been treated to destroy all viable *Salmonellae*;

75 (2) a food with a water activity (aw) value of 0.85 or less;

76 (3) a food with a hydrogen ion concentration (pH) level of 4.6 or below when measured
77 at 75°F (24°C);

78 (4) a food, in an unopened hermetically sealed container, that is commercially
79 processed to achieve and maintain commercial sterility under conditions of
80 nonrefrigerated storage and distribution; or

81 (5) a food for which a variance granted by the regulatory authority is based upon
82 laboratory evidence demonstrating that rapid and progressive multiplication of
83 infectious and toxigenic microorganisms or the slower multiplication of *C.*
84 *botulinum* cannot occur.

85

86 *Prepackaged* means food, food product, or beverage packaged and sealed in a sanitary container
87 at a duly licensed and approved permanent food or beverage processing facility other than the
88 vehicle or commissary of the vendor and packaged and stored in a manner approved by the
89 Plaquemines Parish Health Department.

90 *Vehicle(s)* means mobile catering vehicle(s) and mobile food dispensing vehicle(s).

91 *Vendor(s)* means any person or entity operating a mobile catering vehicle or a mobile food
92 dispensing vehicle.

93 Sect. 13-142 – Commissary Requirements

94 **(a) All vendors operating under this Article shall have a commissary or processing**
95 **plant located within the Parish of Plaquemines for adequate storage, proper**
96 **refrigeration and proper cleaning and sanitizing of equipment. All vendors must**
97 **comply with the Louisiana Department of Health and Plaquemines Parish**
98 **Government regulations and all commissaries must be inspected by the Louisiana**
99 **Department of Health or the Health Department before a vendor can apply for a**
100 **food truck permit or operate in Plaquemines Parish, Louisiana.**

101 (b) All vendors under this article must acquire an occupational license from the
102 Plaquemines Parish Sheriff's Office. The vendor's occupational license may be
103 domiciled at any legal address.

104 (c) No food, food products or seafood of any kind may be stored in the mobile food
105 dispensing vehicle or mobile catering vehicle when the vehicle is not being utilized for
106 the sale of food and beverage products. When the vehicle is not in use for the sale of
107 food and beverage products, all such food, food products or seafood of any kind must
108 be properly stored in the commissary and in such a manner as to prevent contamination,
109 spoilage, adulteration, and to prevent such merchandise from becoming infested with
110 vermin or pests or otherwise becoming injurious to the health of humans.

111

112 Sect. 13-143 – Food Truck Permit

113 **(a) No person, entity or vendor shall operate without first obtaining “a food truck**
114 **permit” from the Health Department that has been approved by the Council. The**
115 **application to obtain a food truck permit must be accompanied by the following:**

- 116 (1) the latest inspection report completed by the Louisiana Department of Health or
117 the Health Department;
- 118 (2) State and parish occupational license and sales tax number, if applicable;
- 119 (3) A copy of the vehicle's valid registration with the Louisiana Department of Motor
120 Vehicles. All vehicles must be registered in the State of Louisiana;
- 121 (4) A copy of automobile insurance for the vehicle, providing insurance coverage for
122 any automobile accident that may occur while driving on the road;
- 123 (5) An application fee of one-hundred dollars (\$100.00) to the Health Department, all
124 checks shall be made payable to Plaquemines Parish Government; and
- 125 (6) Provide a list of all locations where the vendor will be operating for more than sixty
126 (60) days during the life of their permit, which shall also be reported during the life
127 of the permit.

128 **(7) A fire suppression system which is both current and up to applicable NFPA**
129 **code standards.**

130 (b) A separate food truck permit must be obtained for each vehicle.

131 (c) A food truck permit issued under this Article shall be valid for one year from the date of
132 issuance. Application for renewal permits under this Article cannot be made prior to ninety
133 (90) days before the expiration of the applicant’s then existing permit.

134 (d) Any vehicle with a valid food truck permit may change locations, but only if the vendor
135 has permission from the private property owner, lessor, or sublessor of the property where
136 it will operate and is properly zoned for such activity; or is authorized to operate on certain
137 public property pursuant Sect. 13-144 (b) or Sect. 13-145 of this Article.

138 **(e) There shall be a limit of 25 active food truck permits at any one given time. Potential**
139 **applicants may apply for a food truck permit at any time, however, a permit shall not**
140 **be granted to them if there are already 25 active permits in use at that time.**

141 Sect. 13-144 – Locations Permitted

142 (a) Operating on Private Property:

143 (1) It shall be unlawful for any person, entity or vendor to operate on private property
144 except in zoning districts A-2, C-1, C-2, I-1, I-2, I-3 and FP, unless otherwise
145 authorized by a special food truck event permit, and without first obtaining written
146 permission from the private property owner(s) or lessee(s) where they will operate,
147 which shall be in the vehicle during operation and is subject to inspection.

148 (2) No vehicle shall operate within ten (10) feet of any property line or within twenty
149 (20) feet of any public rights-of-way such as a street, boulevard, highway, roadway,
150 emergency lane, or shoulder of a road which is used for vehicular traffic, unless
151 otherwise authorized by a special food truck event permit.

152 (b) Operating on Public Property

153 **(1) It shall be unlawful for any vendor to operate on any public property,**
154 **including all public roads and rights-of- way unless otherwise authorized by a**
155 **special food truck event permit.**

156 ~~(c) The Parish President is hereby authorized to limit, including to zero, the number of mobile~~
157 ~~eating vehicle or mobile food dispensing vehicles in any given area or parcel of~~
158 ~~property, both public and private, should it be determined that it is in the best interest of~~
159 ~~the health and safety of the parish for reasons including but not limited to customers~~
160 ~~excessively parking on public rights of ways, excessive interference with the use and~~
161 ~~enjoyment of neighboring properties, vehicular traffic, or the excessive accumulation of~~
162 ~~garbage and trash.~~

163

164

165 Sect. 13-145 – Special Food Truck Event Permit

166 (a) A “special food truck event permit” may be obtained but only from the Council upon
167 application to the Health Department to operate mobile catering vehicles or mobile
168 food dispensing vehicles in zoning districts or on public property, not otherwise
169 authorized by this Article or law.

170 (b) The application to obtain a special food truck event permit must be accompanied by
171 the following:

172 (1) A list of vendors with a valid “food truck permit” who will operate at the event;

173 (2) Address, dates and times of the event;

174 (3) a drawing and description of the event, including the expected number of
175 persons attending, the size of the property, the locations of the mobile catering
176 vehicles or mobile food dispensing vehicles, and a parking and traffic plan if
177 requested;

178 (4) Any other relevant information requested by the Health Department or
179 Council; and,

180 (5) An application fee of twenty-five dollars (\$25.00) to the Health Department,
181 all checks should be made payable to Plaquemines Parish Government.

182 (c) Any vendor operating at a permitted special food truck event shall comply with all the
183 rules and regulations of this Article, except for any variances authorized by the special
184 food truck event permit, but also in accordance with any conditions and specifications
185 placed on the vendor by the special food truck event permit.

186 Sec. 13-146 - General Regulations

187 (a) Vendors shall only operate between the hours of 7:00 a.m. to 10 p.m., unless otherwise
188 approved by the Council.

189 (b) Vendors shall pick up all trash and debris from their location.

190 (c) Individual mobile food vehicles, carts, stands, or tables on site shall:

191 (1) Provide a trash receptacle located within fifteen (15) feet of the vehicle, cart,
192 stand, or table;

193 (2) provide alcohol or other disinfectant liquids, towels or wipes for customer use;

194 (3) not be subject to general zoning requirements for parking or loading, but shall
195 be subject to the conditions or specifications in any permit;

196 (4) Not be required to have one (1) or more permanent restroom facilities; and

197 (5) Not be required to have electrical, water, and sewer connections.

198 (d) Any placards issued by the Health Department shall always be prominently displayed
199 in the windshield or in plain view during operation.

200 **(e) Each vendor operating on either public or private property shall provide a copy**
201 **of their commercial general liability insurance coverage policy with liability**
202 **coverage of at least five hundred thousand (\$500,000.00).**

203 Sect. 13-147 – Exclusions

204 This Article shall not apply to traditional roving “ice cream trucks” providing prepackaged
205 ice cream and popsicle products that are manufactured in facilities regulated by the FDA or
206 the Louisiana State Sanitary Code that may stop occasionally for brief periods of time to
207 service customers along its route.

208 Sect. 13-148 - Enforcement

209 (a) Civil penalties:

210 (1) Any person or entity who violates the provisions of this Article shall have their
211 food truck permit or special food truck event permit revoked and the application
212 fee forfeited and shall be barred for three (3) years from applying for another food
213 truck permit or special food truck event permit.

214 (2) Any person or entity who violates the provisions of this Article shall have their
215 privilege to operate on public property revoked and the application fee forfeited

216 and shall be barred for three (3) years from applying for another privilege to
217 operate on public property.

218 (3) Any person or entity that violates any of the provisions in this Article is liable to
219 Plaquemines Parish Government for a civil penalty of not more than two-hundred
220 and fifty dollars (\$250.00) for each violation occurring each day. The Parish
221 President is hereby authorized to bring a civil action in the 25th Judicial District
222 Court for the State of Louisiana to enforce any civil penalty and enjoin any
223 conduct in violation of this Article.

224 (b) Criminal penalties:

225 (1) Whoever violates the provisions of this Article shall be fined not more than five
226 hundred dollars (\$500.00) or imprisoned for not more than six months, or both.

227
228
229

SECTION 2

230 The Secretary of this Council is hereby authorized and directed to immediately certify and release
231 this Ordinance and that Parish employees and officials are authorized to carry out the purposes of
232 this Ordinance.
233

ORDINANCE NO. 24 -

The following Ordinance was offered by Council Member LaFrance who moved its adoption:

1 An Ordinance to authorize an act of sale by the Parish of Plaquemines to sell certain
2 adjudicated properties (Parcels 1089700); and otherwise to provide with respect
3 thereto.
4

5 DIGEST: The Plaquemines Parish Government wishes to sell a piece of property located in
6 Plaquemines Parish identified by Parcel #1089700. *The digest is for informational purposes only*
7 *and is superseded by the language of the actual ordinance or resolution.*
8

9 WHEREAS, an offer has been made to the Parish by an individual who qualifies for the Parish Lot
10 Next Door Program for *PARCEL# 1089700* further defined by Ordinance 23-64 and such offer is
11 for the sum that equates to the minimum bid in compliance with such Ordinance and with state
12 laws and the interested purchaser further qualifies as a Lot Next Door purchaser as evidenced by
13 the affidavit and supporting documentation presented by the purchaser and considered herein:
14

15 **1. PARCEL# 1089700:** 25' FRONT ON R/DESC SIDE OF OLD FRONT OR RIVER
16 ROAD R/W *200' TOWARD HWY 23. ABOVE BY HERBERT COLLETTE ET AL,
17 BELOW BY J ARMSTRONG & REAR BY ELLIOT MISTICH SR.;
18 ADJUDICATED TO THE PARISH ON 09/24/2020

19 Purchaser: KEYNON NEAMES Bid: \$757.33

20 Auction Date: LOT NEXT DOOR

21
22 WHEREAS, the redemption period provided by Art. 7, §25 of the Louisiana Constitution has
23 elapsed, the properties have been declared surplus by Parish Ordinance No: 23-97 and the owner
24 of record has failed to redeem the adjudicated property; and
25

26 WHEREAS, LA R.S. 47: 2202 et seq. provides that the Parish may sell adjudicated property in
27 accordance with law after the expiration of the period for redemption; and
28

29 WHEREAS, the Parish of Plaquemines has declared the property described below surplus and not
30 needed for a public purpose and to dispose of said property in accordance with LA R.S. 47:2202,
31 et seq.; and
32

33 WHEREAS, in accordance with L.A. R.S. 47:2202 the Parish of Plaquemines has set a minimum
34 bid for public sale for each property and has been offered the minimum bid on each of these
35 properties by an interested purchaser; and
36

37 WHEREAS, the property described herein above will be offered at public auction on December 7,
38 2023; and

39 WHEREAS, the property described herein above can be redeemed any time prior to the filing of
40 the Act of Sale by the Parish to the winning bidder being filed in the Plaquemines Parish
41 conveyance records;

42 NOW, THEREFORE:

43
44 BE IT ORDAINED BY THE PLAQUEMINES PARISH COUNCIL THAT:
45

SECTION 1

46
47
48
49 Any Act of Sale of the below described property shall contain the following conditions and
50 requirements:
51

- 52 1) The properties shall be sold in accordance with LS-R.S. 47:2201 et. seq., without any warranty,
53 from either the Parish or E & P Consulting Services, LLC, whatsoever, even as to the return
54 of the purchase price.
55
- 56 2) The sale shall be on a form approved by the Parish Attorney and that the sales price is paid by
57 certified funds at or near the time of the sale.
58
- 59 3) The sale shall include a reservation of all mineral rights to the Parish, but shall convey all
60 surface rights.
61
- 62 4) The following shall also be completed prior to closing:
63
- 64 a. E&P Consulting Services, LLC has provided notice to those persons identified in
65 accordance with LS-R.S. 47:2201 et. seq. Proof of said notice will be filed in the
66 records of Plaquemines Parish immediately after the filing of the Non-Warranty
67 Deed in the form of a Mortgage Record Affidavit.
68
- 69 b. At the time of closing, the E&P Consulting Services, LLC will certify in writing to
70 Parish Attorney and Clerk of Court that the number of days mandated by LS-R.S.
71 47:2201 et. seq. has elapsed since the above required notice was made or attempted
72 and that the property has not been redeemed by the payment of the taxes owed.
73
- 74 c. Immediately following the closing, a check representing the full purchase process
75 of each parcel will be delivered to the Plaquemines Parish Tax Collector.
76

77 SECTION 2
78

79 The Secretary of this Council is hereby authorized and directed to immediately certify and release
80 this Ordinance and that Parish employees and officials are authorized to carry out the purposes of
81 this Ordinance, both without further reading and approval by the Plaquemines Parish Council.
82

ORDINANCE NO. 24-

The following Ordinance was offered by Council Member LaFrance who moved its adoption:

1 An Ordinance by the Plaquemines Parish Council, as and on behalf of the West
2 Bank Levee District, to extend existing Temporary Work Area Easements in
3 certain portions of lands in Plaquemines Parish, Louisiana by appropriation to
4 complete construction of the New Orleans to Venice NOV-NF-W-05a.2, Myrtle
5 Grove to Woodpark Lee Project, Plaquemines Parish, Louisiana for levee,
6 floodwall, drainage, flood, access and hurricane protection purposes; and
7 otherwise to provide with respect thereto.

8
9 *Digest:* An Ordinance by the Plaquemines Parish Council, as and on behalf of the West Bank
10 Levee District, to extend existing Temporary Work Area Easements in certain portions of land in
11 Plaquemines Parish, Louisiana by appropriation to complete construction of the New Orleans to
12 Venice NOV-NF-W-05a.2, Myrtle Grove to Woodpark Lee Project. *The digest is for*
13 *informational purposes only and is superseded by the language of the actual ordinance or*
14 *resolution.*

15
16 WHEREAS, the U. S. Army Corps of Engineers has determined that certain existing Temporary
17 Work Area Easements that expire on December 4, 2024, need to be extended from that date
18 through May 31, 2028 to continue construction of the New Orleans to Venice NOV-NF-W-
19 05a.2, Myrtle Grove to Woodpark Levee, Plaquemines Parish, Louisiana, hereinafter referred to
20 as “the NOV-NF-W-05a.2 Project”; and

21
22 WHEREAS, the U. S. Army Corps of Engineers has officially requested a clear and unobstructed
23 Right of Entry for the extension of the existing Temporary Work Area Easements by letter dated
24 October 2, 2024 from Todd. M. Klock addressed to Plaquemines Parish Government President
25 Keith Hinkley, copy attached hereto and made part hereof as Exhibit A; and

26
27 WHEREAS, the Temporary Work Area Easements that need to be extended for the NOV-NF-
28 W-05a.2 Project are identified in right-of-way drawings entitled “New Orleans to Venice, NOV-
29 NF-W-05a.2, West Bank Non-Federal Levee, Myrtle Grove to Woodpark Levee, Plaquemines
30 Parish, Louisiana, Rights of Way Drawings”, File Number H-8-47883, Sheet Identification
31 Numbers G-001 through G-004, R-101 through R-103, R-601 through R-603, CD101 and
32 CD102, and CD601 and CD602, dated November 2019 and last revised October 1, 2024, dated,
33 hereinafter referred to as “NOV-NF-W-05a.2 Right-of-Way Drawings” attached hereto and
34 made part hereof as Exhibit B; and

35
36 WHEREAS, the “Temporary Work Area Easements” are the existing temporary easements and
37 rights-of-way in, on, over and across certain lands as shown in Exhibit B that are to be extended
38 from December 4, 2024 through May 31, 2028 for use by the United States, its representatives,
39 agents, and contractors as a work area, including the right to move, store and remove equipment
40 and supplies, and erect and remove temporary structures on the land and to perform any other
41 work necessary and incident to the construction of the NOV-NF-W-05a.2 Project, together with
42 the right to trim, cut, fell and remove therefrom all trees, underbrush, obstructions, and any other
43 vegetation, structures, or obstacles within the limits of the right-of-way; reserving, however, to
44 the landowners, their heirs and assigns, all such rights and privileges as may be used without
45 interfering with or abridging the rights and easement hereby acquired; subject, however, to
46 existing easements for public roads and highways, public utilities, railroads and pipelines; and

47
48 WHEREAS, the constitution and laws of the State of Louisiana law provide that levee districts
49 are authorized to appropriate and expropriate needed lands for levee, drainage, flood and
50 hurricane protection purposes; and

51
52 WHEREAS, in order to provide the U. S. Army Corps of Engineers the requested right of entry
53 for extension of the existing Temporary Work Area Easements for the NOV-NF-W-05a.2
54 Project, it is incumbent upon and the responsibility of the Plaquemines Parish Council, as and on
55 behalf of the West Bank Levee District, to acquire by appropriation extensions of the Temporary
56 Work Area Easements in Plaquemines Parish as identified in the NOV-NF-W-05a.2 Right-of-
57 Way Drawings for levee, floodwall, drainage, flood and hurricane protection purposes;

58

59 NOW, THEREFORE:

60

61 BE IT ORDAINED BY PLAQUEMINES PARISH COUNCIL THAT:

62

63

64

SECTION 1

65 As and on behalf of the West Bank Levee District, that it finds that the acquisition by
66 appropriation of extensions from December 4, 2024 through May 31, 2028 of the existing
67 Temporary Work Area Easements in Plaquemines Parish as identified in the NOV-NF-W-05a.2
68 Right-of-Way Drawings attached as Exhibit B is necessary, useful and required by the West
69 Bank Levee District for drainage, levee, floodwall, flood and hurricane protection purposes and
70 are required for the construction of the NOV-NF-W-05a.2 Project.

71

72

73

SECTION 2

74 As and on behalf of the West Bank Levee District, it does pursuant to the constitution and laws
75 of the State of Louisiana hereby appropriate extensions from December 4, 2024 through May 31,
76 2028 of the existing Temporary Work Area Easements in Plaquemines Parish as identified in the
77 NOV-NF-W-05a.2 Right-of-Way Drawings attached as Exhibit B to construct the NOV-NF-W-
78 05a.2 Project for levee, floodwall, drainage, flood and hurricane protection purposes.

79

80

81

SECTION 3

82 President Keith Hinckley is hereby authorized to approve, sign and issue the requested right of
83 entry, including right of ingress and egress, to the United States of America for the construction
84 of the aforementioned project.

85

86

87

SECTION 4

88 A copy of the NOV-NF-W-05a.2 Right-of-Way Drawings attached as Exhibit A shall be kept on
89 file in the offices of Plaquemines Parish Government's Land Department.

90

91

92

SECTION 5

93 This Ordinance shall be published in the official journal of Plaquemines Parish Government in
94 the manner prescribed by law and that a copy of this Ordinance shall be furnished to each known
95 property owner affected thereby by certified mail, return receipt requested, in accordance with
96 law.

97

98

99

SECTION 6

100 The compensation due to the affected landowners as determined in accordance with applicable
101 law shall be paid within one year of the date of the adoption of this Ordinance.

102

103

104

SECTION 7

105 The Secretary of this Council is hereby authorized to immediately certify and release this
106 Ordinance and that Plaquemines Parish Government employees and officials are authorized to
107 carry out the purposes of this Ordinance, both without further reading and approval by the
108 Plaquemines Parish Council.

RESOLUTION NO. 24-

The following Resolution was offered by Council Member Cognevich who moved its adoption:

1 A Resolution authorizing and directing the Parish President, or his designee, to do
2 all things necessary and proper to assist the Plaquemines Parish Fair and Orange
3 Festival; and otherwise to provide with respect thereto.

4
5 DIGEST: A Resolution authorizing and directing the Parish President, or his designee, to do all
6 things necessary and proper to assist the Plaquemines Parish Fair and Orange Festival. *The digest*
7 *is for informational purposes only and is superseded by the language of the actual ordinance or*
8 *resolution.*

9
10 WHEREAS, the Plaquemines Parish Code of Ordinances, Section 17.5-51 permits the Parish
11 Council, pursuant to LSA – R.S. 33:3001 to appropriate funds at the sole discretion of the Parish
12 Council when certain requirements are met; and

13
14 WHEREAS, the Plaquemines Parish Council desires Plaquemines Parish Government to enter into
15 a Cooperative Endeavor Agreement (CEA) with the Plaquemines Parish Fair and Orange Festival
16 Association, Inc, a registered 501(c) non-profit corporation; and

17
18 WHEREAS, the Plaquemines Parish Fair and Orange Festival Association, Inc., provides
19 economic benefits and public exposure to the natural resources of the Parish, while further
20 providing tax revenue to the Parish, (there can be up to 20,000 attendees at the Festival), and a
21 means of enabling Parish non-profit enterprises to acquaint the public with their programs through
22 the use of booths at the Fair; and

23
24 WHEREAS, the Plaquemines Parish Fair and Orange Festival Association, Inc., spends
25 approximately \$10,000.00 promoting Plaquemines Parish and its agricultural industry; and

26
27 WHEREAS, the Plaquemines Parish Orange Queen attends nearly 200 events across the State and
28 Washington, D.C. promoting Plaquemines Parish and its agricultural industry;

29
30 NOW, THEREFORE:

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32 BE IT RESOLVED BY THE PLAQUEMINES PARISH COUNCIL THAT it hereby authorizes
33 and directs the Parish President, or his designee, to provide assistance from the Plaquemines Parish
34 Government to the Plaquemines Parish Fair and Orange Festival, as they meet the eligibility
35 requirements listed in the Plaquemines Parish Code of Ordinances Section 17.5-51.

36
37 BE IT FURTHER RESOLVED BY THE PLAQUEMINES PARISH COUNCIL THAT it hereby
38 authorizes the donation of the following from the Plaquemines Parish Government to the
39 Plaquemines Parish Fair and Orange Festival:

- 40
41 1. Use of the grounds and facility of Fort Jackson, inside Fort Jackson,
42 inside Fort Jackson and outside the surrounding fairgrounds for the
43 period December 6th,7th, and 8th 2024, exclusive of the tunnels and
44 bathrooms (to be blocked off with barricades), with set-up starting
45 Monday, November 25th 2024, and take-down ending on Thursday,
46 December 5th, 2024.
47
48 2. Use of the Buras Auditorium, 35619 Highway 11, Buras LA 70041 for the
49 King’s Coronation Ball on November 9th, 2024, with set-up starting Tuesday,
50 October 29th, 2024, and take-down Sunday, November 9th, 2024.
51
52 3. Request of an event permit for the Festival as well as an alcoholic beverage
53 permit for the Festival.
54
55 4. Use of electrical and water for the grounds and facility for Festival
56 weekend.
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58 5. Use of three (4) 20’ x 20’ tents to be erected and taken down as has been
59 customary;

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6. One (1) ATV machine with trailer and Mustang Bobcat with forks on Festival weekend;
7. Trash collection with garbage truck, 25 trash cans and one trash container for the grounds and facility Festival weekend;
8. Use of three (3) light towers Festival weekend;
9. Use of Parish employees to assist in the set-up of the Festival maintenance during the Festival and take-down after the Festival;
10. To request that Fort Jackson Fair Grounds grass be cut inside and outside of the Fort two (2) weeks before the Festival Weekend; and
11. To request the use of PPG assets to promote the Festival (non-obstructive highway notification signs) on parish owned right of ways and property, on the Festival weekend, providing such signs are not a danger to the public, and that the Festival removes them within a reasonable time after the Festival.

BE IT FURTHER RESOLVED BY THE PLAQUEMINES PARISH COUNCIL THAT a twenty-year reservation for festival dates be allowed for the Plaquemines Parish Fair & Orange Festival, traditionally held the first full weekend in December.

BE IT FURTHER RESOLVED BY THE PLAQUEMINES PARISH COUNCIL, THAT the Secretary of this Council is hereby authorized and directed to immediately certify and release this Resolution and that Parish employees and officials are authorized to carry out the purpose of this Resolution, both without further reading and approval by the Plaquemines Parish Council.

COOPERATIVE ENDEAVOR AGREEMENT

BY AND BETWEEN

PLAQUEMINES PARISH GOVERNMENT

AND

PLAQUEMINES PARISH FAIR AND ORANGE FESTIVAL ASSOCIATION, INC.

THIS COOPERATIVE ENDEAVOR AGREEMENT, made and entered into this 10th day of October, 2024, by and between Plaquemines Parish Fair and Orange Festival Association, Inc., a domestic non-profit corporation, whose address is P.O. Box 158, Belle Chasse, LA 70037 (“hereinafter referred to as “Contracting Party”) and Plaquemines Parish Government, (“PPG”), the governing body of Plaquemines Parish, a political subdivision of the State of Louisiana, officially domiciled at 333 F. Edward Hebert Boulevard, Building 100, Belle Chasse, Louisiana 70037.

ARTICLE I
DECLARATIONS

WITNESSETH:

WHEREAS, Article VII, Section 14(C) of the 1974 Constitution of the State of Louisiana provides that “For a public purpose, the state and its political subdivisions...may engage in cooperative endeavors with each other, with the United States or its agencies, or with any public or private association, corporation, or individual;” and

WHEREAS, PPG desires to cooperate with the Orange Festival (Contracting Party) in encouraging local tourism and fostering economic development; and

WHEREAS, PPG has the authority to enter into this Agreement as evidenced by its governmental purpose of encouraging tourism and economic development; and

WHEREAS, PPG has a reasonable expectation of receiving a benefit or value from increased tax revenues and greater exposure of its natural resources and attractions to the rest of the world through the positive media attention received by the Orange Festival that is at least equivalent to or greater than the consideration described in this Agreement; and

WHEREAS, the transfer or expenditure of public funds or property is not a gratuitous donation but rather effected in exchange for consideration negotiated at arms-length between the parties;

NOW, THEREFORE, in consideration of the premises and the mutual covenants herein contained, the parties hereto agree as follows:

ARTICLE II
NON-GRATUITOUS EXCHANGE

Both parties hereby agree that the Contracting Party shall receive the below described space and in-kind contributions from Plaquemines Parish Government in exchange for using this space for the purposes of organizing and promoting the Plaquemines Parish Fair and Orange Festival in such a way as to promote the tourism and economic development of Plaquemines Parish.

Recognizing that Plaquemines Parish Code of Ordinances Section 17.5-51 allows for the Parish Council, pursuant to LSA-R.S. 33:3001 to appropriate funds at the sole discretion of the Parish Council when certain requirements are met, one requirement being to establish a Cooperative Endeavor Agreement setting the guidelines for the operation of said fair or festival; another being that PPG has a reasonable expectation of receiving a benefit or value from increased tax revenues and greater exposure to the rest of the world from the positive media attention received by the Plaquemines Parish Fair and Orange Festival. Therefore, PPG desires to cooperate with the Plaquemines Parish Fair and Orange Festival in encouraging local tourism, providing a showplace of the natural resources of the Parish, providing an environment for non-profit organizations to acquaint the public with their services, and fostering economic development by entering into this Agreement which will satisfy one of the three listed requirements under Plaquemines Parish Code of Ordinances Section 17.5-51 allowing the Contracting Party to apply for donations per LSA-R.S. 33:3001.

Pursuant to Plaquemines Parish Code of Ordinances, Section 17.5-51, both parties hereby agree that the Contracting Party shall occupy and use the Fort Jackson Fair Grounds, in Buras, Louisiana, for the purposes of organizing and promoting the said Fair and Orange Festival in such a way as to also promote the tourism and economic development of Plaquemines Parish. Additionally, Plaquemines Parish Government shall provide, for the same consideration during the actual three-day festival period, the following in-kind contributions to the success and positive economic impact of the Plaquemines Parish Fair and Orange Festival, to be held December 6th, 7th & 8th, 2024:

1. Use of the grounds and facility of Fort Jackson, inside Fort Jackson and the outside surrounding fairgrounds for the period of December 6th, 7th and 8th, 2024, exclusive of the tunnels and bathrooms (to be blocked off with barricades), with set-up starting Monday, November 25th, 2024, and take-down ending on Thursday, December 12th, 2024;
2. Use of the Buras Auditorium, 35619 Highway 11, Buras, LA 70041 for the King's Coronation Ball on November 2nd, 2024, with set-up starting Tuesday, October 29th and take-down Sunday, November 9th, 2024.
3. To request an event permit for the Festival as well as an alcoholic beverage permit for the Festival;
4. Use of three (4) 20' x 20' tents to be erected and taken down as has been customary;

5. One (1) ATV machine with trailer and Mustang bobcat with forks on Festival weekend;
6. Trash collection with garbage truck, 25 trash cans and one trash container for the grounds and facility Festival weekend;
7. Usage of electrical and water for the grounds and facility Festival weekend.
8. Use of three (3) light towers Festival weekend;
9. Use of Parish employees to assist in the set-up of the Festival maintenance during the Festival and take down after the Festival;
10. To request that Fort Jackson Fair Grounds grass be cut inside and outside of the Fort two (2) weeks before the Festival Weekend; and
11. To request the use of PPG assets to promote the Festival (highway notification signs) Festival weekend.

The Contracting Party shall have use of the Fort Jackson Fair Grounds interior and outside surrounding fairgrounds with the exception of the tunnels and bathrooms, which will be blocked off with barricades, from November 25th, 2024, to December 12th, 2024, for the set-up, hosting, and take-down of the Festival. The Contracting Party shall provide all set-up and take down-labor. The Contracting Party shall also have use of the Buras Auditorium, 35619 Highway 11, Buras, LA 70041 for the King's Coronation Ball on November 9th, 2024, with set-up starting Tuesday, October 29, 2024, and take-down Sunday, November 9th, 2024. The Contracting Party shall also be responsible for its own security. It is understood that the Contracting Party may place non-obstructive signs and other advertisements promoting the Festival on parish-owned right of ways and property; providing such signs are not a danger to the public and that the Contracting Party removes same within a reasonable time after the festival.

ARTICLE III **INSURANCE, DEFENSE AND INDEMNITY**

Contracting Party shall hold harmless, defend and indemnify PPG, it's officials, officers, council members, employees, boards, commissions, agencies and entities, of and against any and all claims, losses, liabilities, demands, suits, causes of action, damages and judgments of sums of money to any Party or property accruing against PPG, it's officials, council members, officers, employees, boards, commissions, agencies, and entities, growing out, arising from, or by reason of any act or omission of Contracting Party, its agents, servants, independent contractors, employees, officials, officers and volunteers, while engaged in or about, or in connection with the performance or discharge or performance of the business of the Plaquemines Parish Fair and Orange Festival and/or this Agreement. Such defense and indemnification shall include undertaking the defense of PPG, *et al*, when Contracting Party is given notice of any such claim, and Contracting Party shall provide and bear the expense of any and all such connected litigation, including but not limited to, attorneys' fees and costs. The Contracting Party shall provide and bear the expense of all personal and

professional insurance related to its duties arising under this Agreement, in the minimum amount of \$1,000,000.00, and require all insurers to issue a certificate of insurance naming PPG as an additional insured at least two weeks prior to November 9th, 2024.

ARTICLE IV **TERMINATION**

Unless otherwise subsequently amended, this Agreement shall continue in full force and effect and may be terminated only under any of the following conditions:

- (1) By mutual agreement and consent of the parties hereto.
- (2) By either party upon failure of the other party to fulfill its obligations as set forth in this Agreement.
- (3) Any notice of termination shall be delivered to the other party only at the address set forth in this CEA.

ARTICLE V **OWNERSHIP OF WORK PRODUCT, CONFIDENTIALITY AND COPYRIGHT**

All work product, including records, reports, documents and other material delivered or transmitted to Contracting Party by PPG, shall remain the property of PPG, and shall be returned by Contracting Party to PPG, at Contracting Party's expense, at termination or expiration of this Agreement. All work product, including records, reports, documents, or other material related to this Agreement and/or obtained or prepared by Contracting Party in connection with performance of the services contracted for herein, shall become the property of PPG, and shall, upon request, be returned by Contracting Party to PPG at Contracting Party's expense at termination or expiration of this Agreement. PPG shall not be restricted in any way whatsoever in the use of such material.

Furthermore, at any time during the term of this Agreement, and finally at the end of this engagement, the State and/or Agency shall have the right to require the Contracting Party to furnish copies of any and all documents, memoranda, notes, or other material, obtained or prepared in connection with this Agreement within five (5) days of receipt of written notice issued by PPG.

Confidentiality. The above referenced work product shall be held confidential by the Contracting Party and shall not be shared with any other entity without the express consent of PPG.

Copyright. No work product, including records, reports, documents, memoranda or notes obtained or prepared by the Contracting Party under this Agreement shall be the subject of any copyright or application for copyright on behalf of the Contracting Party.

ARTICLE VI
NON-ASSIGNMENT

Contracting Party shall not assign any interest in this Agreement and shall not transfer any interest in same (whether by assignment or novation), without prior written consent of PPG. Notice of any such anticipated assignment or transfer shall be furnished promptly to PPG. Additionally, the Contracting Party shall not subcontract any work to any party without the prior written consent of PPG.

ARTICLE VII
FINANCIAL DISCLOSURE

It is hereby agreed that the internal Auditor for PPG shall have the option of inspecting and auditing all data, records/documents and accounts of the Contracting Party which relate to this Agreement, upon request. The Contracting Party and any subcontractors paid under this Agreement shall maintain all books and records pertaining to this Agreement for a period of four years after the date of final payment under the prime contract and any subcontract entered into under this Agreement or four years from the date of termination of the prime contract and any subcontract entered into under this Agreement, whichever is later.

ARTICLE VIII
AMENDMENT

Any alteration, variation, modification, or waiver of provisions of this Agreement shall be valid only when it has been reduced to writing and executed by all parties.

ARTICLE IX
FISCAL FUNDING CLAUSE

In the event funds are not budgeted or appropriated in any fiscal year for payments due under this Agreement for the then current or succeeding fiscal year, this Agreement shall impose no obligation on PPG as to such current or succeeding fiscal year, and said Agreement shall become null and void, and no right of action shall accrue to the benefit of the Contracting Party, its successors or assigns for any further payments.

ARTICLE X
TERM

The term of this Agreement shall commence on the date first above written and shall continue in effect until December 31st, 2024, unless sooner terminated as provided in Paragraphs IV or VIII of this Agreement.

ARTICLE XI
NON-DISCRIMINATION

The Contracting Party agrees to abide by the requirements of the following as applicable: Titles VI and VII of the Civil Rights Act of 1964, as amended by the Equal Opportunity Act of 1972, Federal Executive Order 11246, the Federal Rehabilitation Act of 1973, as amended, the Vietnam Era Veteran's Readjustment Assistance Act of 1974, Title IX of the Education Amendments of 1972, the Age Act of 1975, and Contracting Party agrees to abide by the requirements of the Americans with Disabilities Act of 1990. Contracting Party agrees not to discriminate in its employment practices, and will render services under this contract without regard to race, color, religion, sex, sexual orientation, national origin, veteran status, political affiliation, or disabilities. Any act of discrimination committed by Contracting Party, or failure to comply with these statutory obligations when applicable shall be grounds for termination of this Agreement.

AMENDMENT XII
SEVERABILITY AND SAVING CLAUSE

If any term, covenant, condition, or provision of this Agreement or the application thereof, to any person or circumstances shall, at any time or to any extent, be invalid or unenforceable, the remainder of this Agreement, or the application of such term, covenant, condition or provision to persons or circumstances other than those as to which it is held invalid or unenforceable, shall not be affected thereby, and each term, covenant, condition, and provision of this Agreement shall be valid and be enforced to the fullest extent permitted by law.

ARTICLE XIII
ENTIRE AGREEMENT

This Agreement, including any attachments that are expressly referred to in this Agreement, contains the entire Agreement between the parties and supersedes any and all agreements or contracts previously entered into between the parties. No representations were made or relied upon by either party, other than those that are expressly set forth herein.

ARTICLE XIV
LEGAL COMPLIANCE

PPG shall comply with all federal, state, and local laws and regulations, including, specifically, the Louisiana Code of Governmental Ethics (R.S. 42:1101, *et seq.*) in carrying out the provisions of this Agreement.

ARTICLE XV
RELATIONSHIP OF PARTIES

The Contracting Party shall not be construed to be an employee, agent, partner of, or in joint venture with, PPG. PPG and the Contracting Party expressly agree that PPG shall not be liable to the Contracting Party, or to anyone employed by the Contracting Party, for any benefits or coverage as provided by the Worker's Compensation Law of the State of Louisiana.

ARTICLE XVI
CHOICE OF LAW

The validity, interpretation, and performance of this Agreement shall be controlled by and construed in accordance with the laws of the State of Louisiana and venue for the adjudication or alternative dispute resolution of all claims shall be in the 25th Judicial District Court of Plaquemines Parish, State of Louisiana.

ARTICLE XVII
NOTICES

All notices and other communications pertaining to this Agreement shall be in writing and shall be transmitted either by personal hand-delivery (and receipted for) or deposited in the United States mail, as certified mail, return receipt requested and postage prepaid, to the other party, addressed as follows:

PLAQUEMINES PARISH FAIR AND ORANGE FESTIVAL ASSOCIATION, INC.
c/o Jeff White, Fair Manager
jwhite@subwaybc.com
orangefestival@hotmail.com

PLAQUEMINES PARISH GOVERNMENT
W. Keith Hinkley, President
333 F. Edward Hebert Boulevard, Building 100
Belle Chasse, LA 70037

ARTICLE XVIII
MULTIPLE ORIGINALS

This Agreement is executed in multiple originals by the parties hereto and facsimile and/or electronic signatures shall constitute originals.

THUS DONE AND PASSED, on the respective dates set forth below, but effective as of the
___ day of _____, 2024.

WITNESSES:

PLAQUEMINES PARISH GOVERNMENT

[Sign] _____
[Print: _____

By: _____
W. Keith Hinkley
Parish President

[Sign] _____
[Print] _____

Date: _____

WITNESSES:

**PLAQUEMINES PARISH FAIR AND ORANGE
FESTIVAL ASSOCIATION, INC.**

[Sign] _____
[Print: _____

By: _____

Its: _____

[Sign] _____
[Print: _____

Date: _____

RESOLUTION NO. 24

The following Resolution was offered by Commissioner Champagne who moved its adoption:

1 A Resolution electing the Plaquemines Port, Harbor & Terminal District
2 Chairperson for 2025; and otherwise to provide with respect thereto.

3
4 DIGEST: This is an annual piece of legislation to elect a new Chairperson for next year. *The digest*
5 *is for informational purposes only and is superseded by the language of the actual ordinance or*
6 *resolution.*

7
8 NOW, THERFORE:

9
10 BE IT RESOLVED BY THE PLAQUEMINES PARISH COUNCIL AS THE SOLE
11 GOVERNING AUTHORITY OF THE PLAQUEMINES PORT, HARBOR & TERMINAL
12 DISTRICT THAT it hereby elects Council Member_____. as Chairperson
13 of the Parish Council in its capacity as the sole governing authority of the Plaquemines Port,
14 Harbor & Terminal District to act as Port Chair in meetings of the Council as the Port and in all
15 matters relative to the Port for the term of office effective January 1, 2025, ending at Midnight,
16 December 31, 2025, or until his successor has been appointed.

17
18 BE IT FURTHER RESOLVED BY THE PLAQUEMINES PARISH COUNCIL AS THE SOLE
19 GOVERNING AUTHORITY OF THE PLAQUEMINES PARISH PORT, HARBOR AND
20 TERMINAL DISTRICT THAT the Secretary of this Council is hereby authorized and directed to
21 immediately certify and release this Resolution and that Port employees and officials are
22 authorized to carry out the purposes of this Resolution, both without further reading and approval
23 by the Plaquemines Parish Council.
24

RESOLUTION NO. 24-

The following Resolution was offered by Commissioner Champagne who moved its adoption:

1 A Resolution electing the Plaquemines Port, Harbor & Terminal District Vice-
2 Chairperson for 2025; and otherwise to provide with respect thereto.

3
4 DIGEST: This is an annual piece of legislation to elect a new Vice-Chairperson for next year. *The*
5 *digest is for informational purposes only and is superseded by the language of the actual ordinance*
6 *or resolution.*

7
8 NOW, THEREFORE:

9
10 BE IT RESOLVED BY THE PLAQUEMINES PARISH COUNCIL AS THE SOLE
11 GOVERNING AUTHORITY OF THE PLAQUEMINES PARISH PORT, HARBOR AND
12 TERMINAL DISTRICT THAT it hereby elects _____ as Vice-
13 Chairperson of the Parish Council in its capacity as the sole governing authority of the Plaquemines
14 Port, Harbor & Terminal District to act as Port Vice-Chairperson in meetings of the Council as the
15 Port and in all matters relative to the Port for the term of office effective January 1, 2025, ending
16 at Midnight, December 31, 2025, or until his successor had been appointed.

17
18 BE IT FURTHER RESOLVED BY THE PLAQUEMINES PARISH COUNCIL AS THE SOLE
19 GOVERNING AUTHORITY OF THE PLAQUEMINES PARISH PORT, HARBOR AND
20 TERMINAL DISTRICT THAT the Secretary of this Council is hereby authorized and directed to
21 immediately certify and release this Resolution and the Port employees and officials are authorized
22 to carry out the purposes of this Resolution, both without further reading and approval by the
23 Plaquemines Parish Council.

24
25

ORDINANCE NO. 24-

The following Ordinance was offered by Commissioner Champagne who moved its adoption:

An Ordinance authorizing Executive Director, Charles D. Tillotson, of the Plaquemines Port, Harbor & Terminal District to enter into a three-month professional services contract with GLO Resources to assist in the transition of the Chief Administrative Officer position; and otherwise to provide with respect thereto.

Digest: The Port wishes to enter into a three-month professional services contract with GLO Resources to assist in transition of the Chief Administrative Officer position recently vacated. *The digest is for informational purposes only and is superseded by the language of the actual ordinance or resolution.*

WHEREAS, Ordinance 24-352 authorized the Plaquemines Port, Harbor and Terminal District (the "Port), to enter into a professional services agreement with GLO Resources to assist in securing personnel for maritime positions; and

WHEREAS, the Port currently has a need to enter into a professional services agreement with GLO Resources to assist in the transition process of the Chief Administrative Officer's position for the Port; and

WHEREAS, GLO Resources under this agreement shall be responsible for overseeing and managing all aspects of the contract employee, including but not limited to:

- Recruit, screen, interview, hire, and assign its employees to perform the job functions of specified positions.
- Pay Assigned Employees' wages and benefits that GLO offers.
- Pay, withhold, and transmit payroll taxes; provide unemployment insurance and workers' compensation benefits and handle unemployment and workers' compensation claims involving Assigned Employees.
- Onboard each Assigned Employee by conducting all necessary and appropriate drug screening, i9 verification, and other screening that are specific to a particular job requirement.

NOW, THEREFORE:

BE IT ORDAINED BY THE PLAQUEMINES PARISH COUNCIL AS THE SOLE GOVERNING AUTHORITY OF THE PLAQUEMINES PORT, HARBOR AND TERMINAL DISTRICT THAT:

SECTION 1

It hereby authorizes the Executive Director of the Port, Charles Tillotson, to enter into a three (3)-month professional services agreement with GLO Resources to assist in staffing for the transition of the CAO position as deemed necessary by the Port.

SECTION 2

The Secretary of this Council is hereby authorized and directed to immediately certify and release this Ordinance and that Port employees and officials are authorized to carry out the purposes of this Ordinance, both without further reading and approval by the Plaquemines Parish Council.

RESOLUTION NO. 24-

The following Resolution was offered by Commissioner Champagne who moved its adoption:

1 A Resolution to amend Resolution 24-191 that authorized and directed the Port
2 Executive Director, Charles Tillotson, to amend the Cooperative Endeavor
3 Agreement (CEA) between the Plaquemines Port Harbor & Terminal District (Port)
4 and the Regional Transit Authority (RTA); and otherwise to provide with respect
5 thereto.
6

7 *Digest:* To establish a CEA between the Port and RTA in the effort of utilizing shared resources
8 between both organizations. In the event of ferry boats going out service from either organization,
9 the CEA will allow either organization to charter each other's vessels. *The digest is for*
10 *informational purposes only and is superseded by the language of the actual ordinance or*
11 *resolution.*
12

13 WHEREAS A Cooperative Endeavor Agreement was approved by the Plaquemines Parish
14 Council, as the Sole Governing Authority of the Plaquemines Port Harbor & Terminal District to
15 allow the Port to bare boat charter (maritime lease) between the Parties (Port & RTA) during times
16 when the Ferry needs dictate to help mitigate the impact to local travel. The CEA would be
17 amended with bare boat charters if/when they occur; and
18

19 WHEREAS practical considerations necessitate that governmental agencies work together to
20 effectively utilize all available resources to provide safety and security for the river, navigable
21 waterways, vessels, and all areas affected by the port, harbor, terminal, water, and maritime
22 activities with the Port's jurisdiction. This will also include future bare boat charters in the event
23 of emergencies; and
24

25 WHEREAS, Article VII, Section 14(c) of the Louisiana Constitution of 1974 provides that, for a
26 public purpose, the State and its political subdivisions may engage in cooperative endeavors with
27 each other, with the United States or its agencies or with any public or private association,
28 corporation or individuals;
29

30 NOW, THEREFORE:

31
32 BE IT RESOLVED BY THE PLAQUEMINES PARISH COUNCIL AS THE SOLE
33 GOVERNING AUTHORITY OF THE PLAQUEMINES PORT, HARBOR AND TERMINAL
34 DISTRICT THAT it hereby authorizes and directs the Executive Director, Charles Tillotson, to
35 amend the Cooperative Endeavor Agreement with the Regional Transit Authority (RTA) to
36 include the future bare boat charters in the event of emergencies for the bare boat charter (maritime
37 lease) between the Parties for Ferry Services for a period of two (2) years.
38

39 BE IT FURTHER RESOLVED BY THE PLAQUEMINES PARISH COUNCIL AS THE SOLE
40 GOVERNING AUTHORITY OF THE PLAQUEMINES PORT, HARBOR AND TERMINAL
41 DISTRICT THAT the Secretary of this Council is hereby authorized and directed to immediately
42 certify and release this Resolution and that Parish employees and officials are authorized to carry
43 out the purposes of this Resolution, both without further reading and approval by the Plaquemines
44 Parish Council.

