

On motion of Mr. Roberts, seconded by Mr. Capella, the following ordinance was offered as amended:

SUMMARY NO. 22254 ORDINANCE NO. 23102

To amend Section 39-10 of the Jefferson Parish Code of Ordinances such that a Parish Infrastructure and Environmental Review (PIER) Certificate from Jefferson Parish shall be required in those areas of the parish located on the unprotected side of the Pontchartrain and Vicinity Hurricane Protection Levee, the West Bank and Vicinity Hurricane Protection Levee, the Mississippi River and Tributaries Flood Protection Levee, and the Jefferson Parish Urban Growth Limit Line prior to the performing of any development activity which shall include any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, such as mining, dredging, filling, grading, paving, excavation or drilling operations.

WHEREAS, Jefferson Parish retained the services of Shaw Coastal, Inc., Digital Engineering and Imaging, Inc., and Urban Evolutions, LLC to conduct a study of certain coastal development regulations to resolve existing deficiencies in organization, procedures, standards and definitions, and to facilitate implementation of resource conservation; and

WHEREAS, the study team found that the current requirements and review processes were insufficient in monitoring the impact of certain activities on Jefferson Parish infrastructure and environment in those areas of the parish located on the unprotected side of the Pontchartrain and Vicinity Hurricane Protection Levee, the West Bank and Vicinity Hurricane Protection Levee, the Mississippi River and Tributaries Flood Protection Levee, and the Jefferson Parish Urban Growth Limit Line; and

WHEREAS, the study team recommended that the Parish establish a Parish Infrastructure and Environmental Review (PIER) Certificate and collect processing fees to cover the administrative costs associated with reviewing proposed activities in these areas; and

WHEREAS, Jefferson Parish desires to protect its abundance of wetlands that are of extremely high ecological and economic importance both locally and nationally; and

WHEREAS, the Parish's wetlands serve as storm buffers, waste purifiers, vital recreation areas, species habitat and are rich in historical, archeological and scenic resources. Now therefore,

THE JEFFERSON PARISH COUNCIL HEREBY ORDAINS THAT:

SECTION 1. That Section 39-10 Certain state and federal permits concerning waterways of the Jefferson Parish Code of Ordinances is hereby amended to read as follows:

Sec. 39-10. Parish Infrastructure and Environmental Review (PIER) Certificate required.

- (a) Jefferson Parish is committed to providing aggressive leadership, direction and consonance in the development and implementation of policies, plans, and programs which limit development in sensitive environmental areas and high flood hazard areas, while achieving a proper balance between development and conservation, restoration, creation and nourishment of coastal resources in

Jefferson Parish.

- (b) It is the purpose of the Parish Infrastructure and Environmental Review (PIER) certificate to enhance and to protect the infrastructure and ecological systems of the parish. The PIER certificate approval process reviews activities, outlined in section 39-10(d) of this article, to:
 - (1) Assure that the proposed activity complies with local parish ordinances, land use plans, wetland conservation plans, and flood prevention and protection goals.
 - (2) Assure that the proposed activity does not negatively impact parish infrastructure facilities and planned parish infrastructure projects.
 - (3) Minimize expenditures of public money for costly erosion control, environmental restoration projects and flood related damages.
- (c) This article shall apply to all areas within the jurisdiction of the Jefferson Parish Council located on the unprotected side of the Pontchartrain and Vicinity and the West Bank and Vicinity hurricane protection levees, the Mississippi River and Tributaries Protection Levee, and the urban growth limit line established in Section 25-43, or revisions thereto.
- (d) A PIER certificate from the Jefferson Parish Council shall be required prior to the performing of any land altering activity including, but not limited to, the following: the construction of any well, well site, well platform, other mining operation, pipeline, canal; or for the dredging of canals, bayous, wetlands, lakes, bays, slips, shells or other excavation; or the construction of bulkheads, drainage control structures, flood control structures, landfills, spoil areas, platforms, board roads, levees, battures; or the construction of residential, non-residential or other facilities requiring a coastal use permit from the Louisiana Department of Natural Resources or a Section 10/404 permit from the U.S. Army Corps of Engineers Section 10/404.
- (e) An application for a PIER certificate, as required by section 39-10(d) of this article, shall be made on forms furnished by the Jefferson Parish Department of Environmental Affairs and shall be signed and certified as to authenticity by an authorized agent, representative or owner.
- (f) Accompanying the application must be a clear description of the facility and its proposed purpose, plans, specifications, locations, vicinity maps, construction costs, proposed maintenance plan, possible environmental impacts and plans for minimizing impacts, acres of land and water bottoms affected, proposed mitigation plans, and the names and addresses of its owner, contractor, and the authorized agent or representative.
- (g) All mitigation plans shall be in accordance with local, state and federal guidelines.
- (h) All emergency operations shall be carried out in accordance with state and federal laws.
- (i) A non-refundable application fee to cover all administrative costs associated with review and processing of the PIER Certificate will be charged and must accompany the certificate application. PIER Certificate processing fees will be credited to account number 10010-0000-5133, environmental permits.

- (1) For construction related to any single family dwelling unit and associated structures the following processing fee will apply:

Project Value	Acres of Land &	Application
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	Water Bottoms Impacted	Processing Fee
Less than \$100,000	Less than 0.25	\$100
Less than \$100,000	0.25 to less than 0.5	\$150
\$100,000 or greater	Less than 0.5	\$200
\$100,000 or greater	0.5 to less than 1	\$250
\$100,000 or greater	1 or greater	\$300

- (2) For construction related to any commercial/industrial, non-residential facility, including activities that relate to any of the following: the construction of any well, well site, well platform, other mining operation, pipeline, canal; or for the dredging of canals, bayous, wetlands, lakes, bays, slips, shells or other excavation; or the construction of bulkheads, drainage control structures, flood control structures, landfills, spoil areas, platforms, board roads, levees, and battures, the following processing fee will apply:

Project Value	Acres of Land & Water Bottoms Impacted	Application Processing Fee
Less than \$200,000	Less than 1	\$500
Less than \$200,000	1 to less than 3	\$1,000
Less than \$200,000	3 to less than 10	\$2,000
\$200,000 or greater	Less than 10	\$2,500
Any Value	10 to less than 15	\$3,500
Any Value	15 or greater	\$5,000

- (3) Each application will be reviewed on a case by case basis. In the event that review of the application requires special field work or survey, the applicant shall be required to pay the cost. The director of Environmental Affairs shall notify the applicant of the cost of such work and shall not proceed until the cost of same is paid by the applicant.
- (4) For construction or maintenance of public works projects financed by local, state or federal government funds, a processing fee will not be charged.
- (5) For construction or maintenance of coastal restoration projects, a processing fee will not be charged.
- (j) The required items listed in subsection (g) along with the PIER certificate application processing fee shall be sent to the parish clerk of council at the following address:
 Jefferson Parish Clerk of Council
 P.O. Box 9
 Gretna, LA 70054
- (k) When filed, a copy of the supplied materials listed above shall be forwarded to the director of the department of environmental affairs, who shall review the application for completeness. When the director has determined that the application is complete, the application shall then be forwarded to the appropriate parish

departments for review and comment, which departments shall include, but not be limited to, the planning department, the engineering department, inspection and code enforcement, and the parish attorney's office.

- (l) The parish departments shall review the application materials for compliance with parish regulations and compatibility with existing uses or planned parish projects.
- (m) The Parish may place any reasonable conditions deemed necessary so as to assure that the proposed activity complies with local parish ordinances, land use plans, wetland conservation plans, and flood prevention and protection goals and does not negatively impact parish infrastructure facilities and planned parish infrastructure projects.
- (n) Once all recommendations or approvals are received from the appropriate parish departments, the director of the department of environmental affairs will prepare a recommendation to issue or deny the PIER certificate, route the recommendation for placement on the next council agenda, and notify the applicant of the date the recommendation will be before the Council.
- (o) The director's recommendation to issue or deny a certificate shall be considered then confirmed or denied by a resolution of the Jefferson Parish Council.
- (p) After passage of a council resolution the applicant shall either receive a PIER certificate from the Jefferson Parish Council or shall be advised in writing as to specific reasons for the denial of same.
- (q) This article is not intended to impair any existing federal or state regulations or statutes.
- (r) If any section, sentence, clause, or any part of the above section should be decreed invalid or unconstitutional for any reason, such invalidity shall not affect the remaining provisions thereof. In the event any of the above criteria, standards, or regulations is in conflict with each other or with federal, state, or local regulations, the more restrictive shall govern.

Sec. 39-10.1 Violations of the article.

- (a) Any person violating any provisions of this article, including conditions placed upon an issued PIER Certificate, shall be notified by personal service or by certified return receipt mail of the specific violation and if the violation can be corrected the violating party, will be given no less than five (5) days and no more than thirty (30) days to correct the violation by securing a valid PIER Certificate, by removal of the obstruction/activity if it is prohibited, or by causing the structure/activity to conform with the provisions of this article and PIER Certificate conditions.
- (b) Any person found in violation of any provisions of this section shall be fined not more than five hundred dollars (\$500.00) per day, at the discretion of the Jefferson Parish Bureau of Administrative Adjudication. For the purpose of applying and enforcing the penalties contained in this section, each day a violation may occur or continue shall be deemed a separate offense and punishable accordingly.
- (c) The imposition of any penalty hereunder shall not preclude the parish or any adjacent or neighboring property owner who would be damaged by such violation from instituting proceedings for injunction, mandamus, damages or other appropriate action to prevent, or to correct, or abate the violation. All monetary proceeds from fines imposed under this article, excluding court costs, shall be dedicated to a special fund for coastal protection.

THE JEFFERSON PARISH COUNCIL HEREBY ORDAINS:

The foregoing ordinance having been submitted to a vote, the vote thereon was as follows:

YEAS: 7 NAYS: None ABSENT: None

The ordinance was declared to be adopted on this the 18th day of July 2007, and shall become effective as follows; if signed forthwith by the Parish President, ten (10) days after adoption, thereafter upon signature by the Parish President, or, if not signed by the Parish President, upon expiration of the time for ordinances to be considered finally adopted without the signature of the Parish President, as provided in Section 2.07 of the Charter. If vetoed by the Parish President and subsequently approved by the Council, this ordinance shall become effective on the day of such approval.