

NOTICE.....The City Council meetings will temporarily be held at 1551 East Napoleon Street.

AGENDA
SULPHUR CITY COUNCIL MEETING
MONDAY, MARCH 13, 2023, AT 5:30 P.M.

THERE WILL BE A REGULAR MEETING OF THE SULPHUR CITY COUNCIL **MONDAY, MARCH 13, 2023, AT 5:30 P.M.**, IN THE COUNCIL CHAMBERS LOCATED AT 1551 EAST NAPOLEON STREET, SULPHUR, LOUISIANA, TO DISCUSS AND ADOPT THE FOLLOWING:

CALL TO ORDER

INVOCATION

PLEDGE OF ALLEGIANCE

ROLL CALL

APPROVAL OF MINUTES OF PREVIOUS MEETING

APPROVAL OF AGENDA

1. PROCLAMATION presented to Sulphur High School Twisters for placing in the UDA National Competition held in Orlando, Florida. I-02 (Mayor Danahay)
2. PROCLAMATION presented to Jody Farnum, Executive Director of Care Help of Sulphur, Inc. I-03 (Dru Ellender)
3. PROCLAMATION to winner of the storm water drain sticker contest. I-04 (Mayor Danahay)
4. RULE TO SHOW CAUSE for the condition of the following addresses:
 - a. To condemn building or structure located at 113 Arkansas Street, in accordance with Article IX, Section 5-286 through 5-296. (Melinda Hardy)
 - b. To condemn building or structure located at 312 North Beglis Parkway, in accordance with Article IX, Section 5-286 through 5-296. (Melinda Hardy)
 - c. To condemn building or structure located at 211 Pine Street, in accordance with Article IX, Section 5-286 through 5-296. (Melinda Hardy)
 - d. To condemn building or structure located at 1019 East Carlton Street, in accordance with Article IX, Section 5-286 through 5-296. (Dru Ellender)

5. PUBLIC HEARING on ordinance granting a rezone to Joseph Ripley, 216 Vincent Lane, from Mixed Residential to Business, to allow for company vehicles and equipment. ORD25-23 (Joy Abshire)
6. PUBLIC HEARING on ordinance granting a rezone to RDF Holdings, LLC, 333 Beglis Parkway, from Business to Commercial to allow for a wholesale/distribution business. ORD26-23 (Melinda Hardy)
7. PUBLIC HEARING on ordinance repealing Appendix B, Article 1, Section 4 of the Code of Ordinances of the City of Sulphur - Grandfather. ORD27-23 (Mayor Danahay)
8. PUBLIC HEARING on ordinance amending Appendix B, Article IV, Part 2, Section 2 of the Code of Ordinances of the City of Sulphur – Development Standards. ORD28-23 (Mayor Danahay)
9. PUBLIC HEARING on ordinance amending Ordinance No. 435, M-C Series – Master Sales and Use Tax ordinance – (*amending definitions*). ORD29-23 (Mayor Danahay)
10. PUBLIC HEARING on ordinance amending Chapter 24, Section 11 of the Code of Ordinances of the City of Sulphur – Stormwater Definitions. ORD30-23 (Mayor Danahay)
11. PUBLIC HEARING on ordinance amending Chapter 24 of the Code of Ordinances of the City of Sulphur to provide for Section 12 – Applicability. ORD31-23 (Mayor Danahay)
12. PUBLIC HEARING on ordinance amending Chapter 24 of the Code of Ordinances of the City of Sulphur to provide for Section 13 – Ultimate Responsibility of Discharger. ORD32-23 (Mayor Danahay)
13. PUBLIC HEARING on ordinance amending Chapter 24, Section 26 of the Code of Ordinances – Specific Prohibitions and Requirements (to provide for subsections G - J). ORD33-23 (Mayor Danahay)
14. PUBLIC HEARING on ordinance amending Chapter 24, Section 40 of the Code of Ordinances of the City of Sulphur – General Requirements. ORD34-23 (Mayor Danahay)
15. PUBLIC HEARING on ordinance amending Chapter 24 of the Code of Ordinances of the City of Sulphur to provide for Section 43 – Authorization to Adopt and Impose BMPs. ORD35-23 (Mayor Danahay)

16. PUBLIC HEARING on ordinance amending Chapter 24, Section 56 of the Code of Ordinances of the City of Sulphur – Grading Permit Fees.
ORD36-23 (Mayor Danahay)
17. PUBLIC HEARING on ordinance amending Chapter 24 of the Code of Ordinances of the City of Sulphur to provide for Section 58 – Control Measures.
ORD37-23 (Mayor Danahay)
18. INTRODUCTION OF ORDINANCE amending Ordinance No. 1733, M-C Series, to increase certain fees for demolition, electrical, fire, gas, housing moving, mechanical, mobile home, plumbing, portable building, grading, plan reviews for residential and commercial, generator installation, change contractor, culvert inspection, and site visits outside city limits ORD38-23 (Mayor Danahay)
19. INTRODUCTION OF ORDINANCE entering into a Cooperative Endeavor Agreement with Calcasieu Parish Police Jury for the Summer Feeding Program.
ORD39-23 (Mayor Danahay)
20. RESOLUTION granting a variance to L&J Properties, 2348 Royal Oak, to allow for a mobile home to be older than 10 years of age (2010). RES15-23 (Joy Abshire)
21. PUBLIC COMMENT - 3 MINUTES PER SPEAKER - ONLY SPEAK 1 TIME PER ITEM.

This ends the public comment section of the meeting.

ADJOURNMENT

The next regular City Council meeting will be held on Monday, April 10, 2023, at 5:30 p.m. in the Council Chambers located at 1551 East Napoleon Street, Sulphur, LA.

In accordance with the Americans with Disabilities Act, if you need special assistance to attend this meeting, please contact Arlene Blanchard at 337-527-4571, describing the assistance that is necessary.

ORDINANCE NO. _____ M-C SERIES AS AMENDED

ORDINANCE GRANTING A REZONE TO JOSEPH RIPLEY, 216 VINCENT LANE, FROM MIXED RESIDENTIAL TO BUSINESS TO ALLOW FOR COMPANY VEHICLES AND EQUIPMENT.

BE IT ORDAINED by the City Council of the City of Sulphur, Louisiana, that they do hereby grant a rezone to Joseph Ripley, 216 Vincent Lane, from Mixed Residential to Business to allow for company vehicles and equipment on the following described property with the following stipulations:

BEG 140 FT E AND 300 FT S OF INTERSECTION W/L SE NW 36.9.10 AND HWY 90, S 50 FT W 140 FT ETC BEING LOT 21 S ELLENDER SUB

- A 6-foot privacy fence shall be placed on all 4 sides set at least 30-feet back from street
- Rezoning is conditional on adherence to City's Property Standards and Noise Ordinances and is subject to recession by the Council in the event of three guilty violations as pled or adjudicated by the courts
- At least 1 security camera shall be in operation at all times
- Hours of operation shall not be no earlier than 6:00 a.m. and no later than 10:00 p.m.

This rezone is granted by the City of Sulphur and may be withdrawn by the City of Sulphur should said rezone interfere with the rights and privileges owned by the City of Sulphur pursuant to a pre-existing right of way, servitude, or easement. If withdrawn, any improvements constructed thereon shall be removed at the expenses of owner thereof.

Grantee hereby agrees and contracts to hold Grantor harmless from any damages created and/or caused by the granting of this rezone, including, but not limited to, litigation defense, litigation costs, violation of subdivision restrictive covenants, building code violations or any other damages, property and/or monetary or otherwise, relating thereto.

Upon approval of this rezone the owner of this rezone shall be responsible for the recordation thereof, with the Clerk of Court, Calcasieu Parish, Louisiana, and shall provide the City of Sulphur a receipt evidencing recordation within 10 days of the effective date of this rezone.

No work shall commence until all applicable permits are obtained. In the event work is commenced prior to obtaining all applicable permits, this rezone shall be withdrawn and considered null and void.

BE IT FURTHER ORDAINED by the City Council of the City of Sulphur, Louisiana, that they do hereby grant a rezone to Joseph Ripley, 216 Vincent Lane, from Mixed Residential to Business to allow for company vehicles and equipment with the above stipulations.

APPROVED AND ADOPTED by
the City Council of the City of Sulphur,
Louisiana, on this _____ day of
_____, 2023.

DRU ELLENDER, Vice-Chairman

I HEREBY CERTIFY that the foregoing Ordinance has been presented to the Mayor on this _____ day of _____, 2023, at _____ o'clock _____.m.

I HEREBY CERTIFY that I have received from the Mayor at _____ o'clock _____.m. on this _____ day of _____, 2023, the foregoing ordinance which has approved/vetoed by the Mayor.

ARLENE BLANCHARD, Clerk

ARLENE BLANCHARD, Clerk



CITY OF SULPHUR
APPLICATION FOR
DEVELOPMENT APPROVAL

Date Received _____

\$50.00 Fee (Non-Refundable)

(Exact cash or check only)

IT IS APPLICANT'S RESPONSIBILITY TO KEEP SIGN POSTED ON PROPERTY. IF SIGN ISN'T PLACED ON PROPERTY 10 DAYS PRIOR TO MEETING DATE PLEASE NOTIFY CITY. IF SIGN IS REMOVED IT COULD DELAY ACTION ANOTHER MONTH. ONCE COUNCIL APPROVES/DISAPPROVES, APPLICANT MUST REMOVE SIGN FROM PROPERTY.

PRINT NAME

Brenda Ripley

DATE

12/30/22

PROPERTY OWNER INFORMATION

Name of Property Owner

Joseph Ripley

(Owner must provide proof of ownership such as property tax record or recorded deed)

Mailing Address:

2316 Keene Dr. Sulphur, La. Email: Suzie.cute42@yahoo.com

Physical Address:

2316 Keene Drive Sulphur, La.

Phone Number (H)

(W) 337-226-9400

(C) 337-222-1748

PROPERTY INFORMATION

Location Address:

216 Vincent Lane Sulphur, La.

Present Zoned Classification:

Residential

LEGAL DESCRIPTION FROM ABSTRACT OR TAX RECORD (PRINT NEATLY OR TYPE)

BEG 170 FT E and 300 FT S of Intersection w/ SE NW 36 9 10 AM HWY 90. 550 FT W 140 FT ECT Being LOT 215 ELLENDER SUB

DO YOU CURRENTLY HAVE ANY PENDING VIOLATION WITH ANY ORDINANCE OF THE CITY OF SULPHUR

YES

NO

YOU, OR A REPRESENTATIVE, MUST ATTEND BOTH LAND USE AND CITY COUNCIL MEETING

INITIAL

JR

REQUEST INFORMATION

☒ REZONE

☐ EXCEPTION

☐ SUBDIVISION

☐ BILLBOARD

☐ PRE. PLAT

☐ FINAL PLAT

☒ DOES REZONE REQUIRE FENCING

NAME OF SUBDIVISION

Zoning Change: From

Mixed Residential

To

Business

Purpose of Request:

Put Company Vehicles And Equipment

I do hereby understand that no petition for a change in the classification of property shall be filed unless such petition is duly signed and acknowledged by the owners of authorized agents of not less than fifty (50) percent of the area of land for which a change of classification is requested; provided however, that where any lot located in the aforesaid area is owned in division, all co-owners must sign the petition for that lot to be included in the fifty (50) percent area provision, as stated in the City of Sulphur Land Use Ordinance, Number 541, M-C Series.

Further, I do certify that the property for which the above request is being made does not hold any restrictions or covenants that would be in conflict with said request.

Furthermore, I, the applicant agree to dispose of the Land Use sign(s) placed on my property after the public hearing.

Applicant Signature:

Brenda Ripley

Date:

12/30/22

1. Is site located within the City Limits?

Yes

No

N/A

2. Will the proposed use be a nuisance to the surrounding area because of odors, vibrations, unsightly areas or other unwarranted elements?

3. Is the capacity of the road and off-street parking facilities adequate for use by the proposed development?

4. Will the location be served by a fire protection?


5. Can the proposed development be expected to adversely affect the character/aesthetics of the area involved?

6. Is property within a designated flood hazard area?

Flood zone classification _____ bfe _____ ft.



MEMORANDUM

To: Board of Zoning and Land Use Commission
From: Austin Abrahams 
Public Works Director, Land Use Administrator
cc: Arlene Blanchard, Mayor Mike Danahay
Date: 1/4/2022
RE: Rezone 216 Vincent Lane from Mixed Residential to Business

Summary of Recommendation:

No objection is offered to the rezone request.

Application:

Resolution granting a rezone to Joseph Ripley, 216 Vincent Lane, from Mixed Residential to Business, to allow for company vehicles and equipment.

Situation:

Due to complaints from residents in the immediate neighborhood, City personnel proceeded to inspect the subject lot. Upon inspection, the City verified the applicant was storing company vehicles and equipment on his lot adjacent to 2316 Keene Drive. Due to the lot being zoned Residential and completely within a regulatory flood-way, a meeting was set up with the applicant to discuss the ongoing noncompliance issues. It was determined that the vehicles and equipment were to be removed, and the next best alternative location is the subject lot.





Findings:

In accordance with Article III, Part 2, Section 5(3) of the Land Use Ordinance the application has been reviewed. The following findings are offered for your consideration:

1. The adjacent parcels to the North, South and West are zoned Business, across the street is Mixed Residential. There is a residential use on lot to the North and East (across the street). A privacy fence is required along these lot lines.
2. Shall comply with the Unnecessary Noise Ordinance Section 8.1

Recommendation:

Based on the above findings, no objection is offered to the requested rezone.

The following stipulations are suggested:

1. No utility connections allowed on RV

Construction and repairing of buildings. The erection (including excavating), demolition, alteration or repair of any building in any residential, mixed residential, mobile home, business, commercial or industrial district or section or the excavation of streets or highways in any residential, mixed, residential, mobile home, business, commercial or industrial district or section other than between the hours of 7:00 a.m. and 9:00 p.m., except in case of urgent necessity, in the interest of public health and safety, and then only with a permit from the mayor, which permit may be granted for a period not to exceed thirty (30) days while the emergency continues. If the mayor should determine that the public health and safety will not be impaired by the erection, demolition, alteration or repair of any building or the excavation of streets and highways between the hours of 9:00 p.m. and 7:00 a.m., and if he shall further determine that loss or inconvenience would result to any party in interest, he may grant permission for such work to be done between the hours of 9:00 p.m. and 7:00 a.m. upon the application being made either at the time the permit for the work is awarded or during the progress of the work.

- (9) *Schools, courts, churches, hospitals.* The creation of any excessive noise on any street adjacent to any school, institution of learning, church or court, while the same are in use, or adjacent to any hospital, which unreasonably interferes with the working of such institution or which disturbs or unduly annoys patients in a hospital.
- (10) *Loading, unloading.* The creation of a loud and excessive noise in connection with the loading or unloading of any vehicle or the opening and destruction of bales, boxes, crates or containers.
- (11) *Drums, loudspeakers.* The use of any drum, loudspeaker or other instrument or device for the purpose of attracting attention, by creation of noise, to any performance, show, sale or display of merchandise.
- (12) *Loudspeakers on trucks.* The use of mechanical loudspeakers or amplifiers on trucks or other moving or standing vehicles for advertising or other purposes.
- (13) *Loudspeakers for advertising.* The use or operation or the causing to be used or operated, in front of or outside of any building, place or premises, or through any window, doorway or opening of such building abutting upon the public street, or upon any public street, of any device or apparatus for tapping windows or for amplifying sound from any radio or phonograph, or of any sound reproducing device.
- (14) *Hawkers, peddlers and vendors.* The shouting or crying of peddlers, hawkers and vendors which disturbs the peace and quiet of the neighborhood.
- (15) *Emergency signaling devices.*
 - a. Except in cases of emergency, the intentional sounding of any alarm between the hours of 10:00 p.m. and 7:00 a.m.
 - b. The testing of any alarm for a period in excess of sixty (60) seconds at any time.
 - c. The testing of a complete emergency signaling system, including the signaling device and the personnel response to the calendar month and sounding of said emergency signaling for a period in excess of fifteen (15) minutes.









M-C SERIES

ORDINANCE GRANTING A REZONE TO RDF HOLDINGS, LLC, 333 NORTH
BEGNIS PARKWAY, FROM BUSINESS TO COMMERCIAL TO ALLOW FOR A
WHOLESALE/DISTRIBUTION BUSINESS.

BE IT ORDAINED by the City Council of the City of Sulphur, Louisiana, that they do hereby grant a rezone to RDF Holdings, LLC, 333 North Beglis Parkway, from Business to Commercial to allow for a wholesale/distribution business for the following described property:

COM AT SE COR OF NE NW 35-9-10, TH N 453.58 FT, TH W 37.77 FT TO
CURRENT W R/W OF NORTH BEGLIS PKWY/HWY 27; TH N 394.22 FT TO
POB; TH W 300.34 FT; TH N 101.85 FT; TH E 299.68 FT TO W R/W OF N
BEG LIS PKWY/HWY 27; TH S 99.07 FT TO POB

This rezone is granted by the City of Sulphur and may be withdrawn by the City of Sulphur should said rezone interfere with the rights and privileges owned by the City of Sulphur pursuant to a pre-existing right of way, servitude, or easement. If withdrawn, any improvements constructed thereon shall be removed at the expenses of owner thereof.

Grantee hereby agrees and contracts to hold Grantor harmless from any damages created and/or caused by the granting of this rezone, including, but not limited to, litigation defense, litigation costs, violation of subdivision restrictive covenants, building code violations or any other damages, property and/or monetary or otherwise, relating thereto.

Upon approval of this rezone the owner of this rezone shall be responsible for the recordation thereof, with the Clerk of Court, Calcasieu Parish, Louisiana, and shall provide the City of Sulphur a receipt evidencing recordation within 10 days of the effective date of this rezone.

No work shall commence until all applicable permits are obtained. In the event work is commenced prior to obtaining all applicable permits, this rezone shall be withdrawn and considered null and void.

BE IT FURTHER ORDAINED by the City Council of the City of Sulphur, Louisiana, that they do hereby grant a rezone to RDF Holdings, LLC, 333 North Beglis Parkway, from Business to Commercial to allow for a wholesale/distribution business.

APPROVED AND ADOPTED by
the City Council of the City of
Sulphur, Louisiana, on this _____
day of _____, 2023.

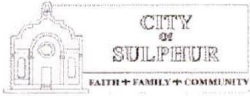
MANDY THOMAS, Chairman

I HEREBY CERTIFY that the foregoing Ordinance has been presented to the Mayor on this _____ day of _____, 2023, at _____ o'clock _____ .m.

ARLENE BLANCHARD, Clerk

I HEREBY CERTIFY that I have received
from the Mayor at _____ o'clock ____m.
on this _____ day of _____,
2023, the foregoing ordinance which has
approved/vetoed by the Mayor.

ARLENE BLANCHARD, Clerk



CITY OF SULPHUR
APPLICATION FOR

DEVELOPMENT APPROVAL

Date Received

2/7/23

\$50.00 Fee (Non-Refundable)

psd.
(Exact cash or check only)

IT IS APPLICANT'S RESPONSIBILITY TO KEEP SIGN POSTED ON PROPERTY. IF SIGN ISN'T PLACED ON PROPERTY 10 DAYS PRIOR TO MEETING DATE PLEASE NOTIFY CITY. IF SIGN IS REMOVED IT COULD DELAY ACTION ANOTHER MONTH. ONCE COUNCIL APPROVES/DISAPPROVES, APPLICANT MUST REMOVE SIGN FROM PROPERTY.

PRINT NAME RDF HOLDINGS LLC / DONALD FUSELIER

DATE 02/02/2023

PROPERTY OWNER INFORMATION

Name of Property Owner RDF HOLDINGS LLC

(Owner must provide proof of ownership such as property tax record or recorded deed)

Mailing Address: PO BOX 269 City: EUNICE State: LA Email: davidhaynes@controlconceptsllc.com dfuselier1@charter.net

Physical Address: 123 ROBE DRIVE City: EUNICE State: LA

Phone Number (H) (W) 337-277-2511 337-540-1279 (C) 337-277-2511

PROPERTY INFORMATION

Location Address: 333 NORTH BEGLIS PARKWAY

Present Zoned Classification: BUSINESS

LEGAL DESCRIPTION FROM ABSTRACT OR TAX RECORD (PRINT NEATLY OR TYPE)

@350910-0000-410000516 0000 COM AT SE COR OF NE NW 35-910. TH N 453.58 FT, TH W 37.77 FT TO CURRENT W R/W OF NORTH BEGLIS PKWY/HWY 27; TH N 394.22 FT TO POB; TH W 300.34 FT; TH N 101.85 FT; TH E 299.68 FT TO W R/W OF N BEGLIS PKWY/HWY 27; TH S 99.07 FT TO POB OFFICE/WHSE/CMS-16 REF1-SUPPL ROLL-73 REF2-ASSESSED WD 4-81 REF3-B 2112 P 643-HWY R/W-89

DO YOU CURRENTLY HAVE ANY PENDING VIOLATION WITH ANY ORDINANCE OF THE CITY OF SULPHUR

YES ☒ NO

YOU, OR A REPRESENTATIVE, MUST ATTEND BOTH LAND USE AND CITY COUNCIL MEETING

INITIAL DF

REQUEST INFORMATION

☒ REZONE ☐ EXCEPTION ☐ SUBDIVISION ☐ BILLBOARD ☐ PRE. PLAT ☐ FINAL PLAT

☒ DOES REZONE REQUIRE FENCING

NAME OF SUBDIVISION

Zoning Change: From BUSINESS To COMMERCIAL

Purpose of Request: NEW STARTUP WHOLESALE / DISTRIBUTION BUSINESS (SOUTHERN SEAS DISTRIBUTING LLC)

STATE ATC PERMITTING REQUIRES LOCATION TO BE ZONED COMMERCIAL

I do hereby understand that no petition for a change in the classification of property shall be filed unless such petition is duly signed and acknowledged by the owners of authorized agents of not less than fifty (50) percent of the area of land for which a change of classification is requested; provided however, that where any lot located in the aforesaid area is owned in division, all co-owners must sign the petition for that lot to be included in the fifty (50) percent area provision, as stated in the City of Sulphur Land Use Ordinance, Number 541, M-C Series.

Further, I do certify that the property for which the above request is being made does not hold any restrictions or covenants that would be in conflict with said request.


Furthermore, I, the applicant agree to dispoose of the Land Use sian(s) placed on my property after the public hearing.

Applicant Signature Donald Fuselier Date: 02/02/2023

	Yes	No	N/A
1. Is site located within the City Limits?	<u>x</u>		
2. Will the proposed use be a nuisance to the surrounding area because of odors, vibrations, unsightly areas or other unwarranted elements?		<u>x</u>	
3. Is the capacity of the road and off-street parking facilities adequate for use by the proposed development?	<u>x</u>		
4. Will the location be served by a fire protection?	<u>x</u>		
5. Can the proposed development be expected to adversely affect the character/aesthetics of the area involved?	<u>x</u>		
6. Is property within a designated flood hazard area?	<u>x</u>		
Flood zone classification <u>X</u> bfc <u>17</u> ft.			



MEMORANDUM

To: Board of Zoning and Land Use Commission
From: Austin Abrahams 
Public Works Director, Land Use Administrator
cc: Arlene Blanchard, Mayor Mike Danahay
Date: 2/14/2023
RE: 3. Rezone of 333 North Beglis Parkway, from Business to Commercial

Summary of Recommendation:

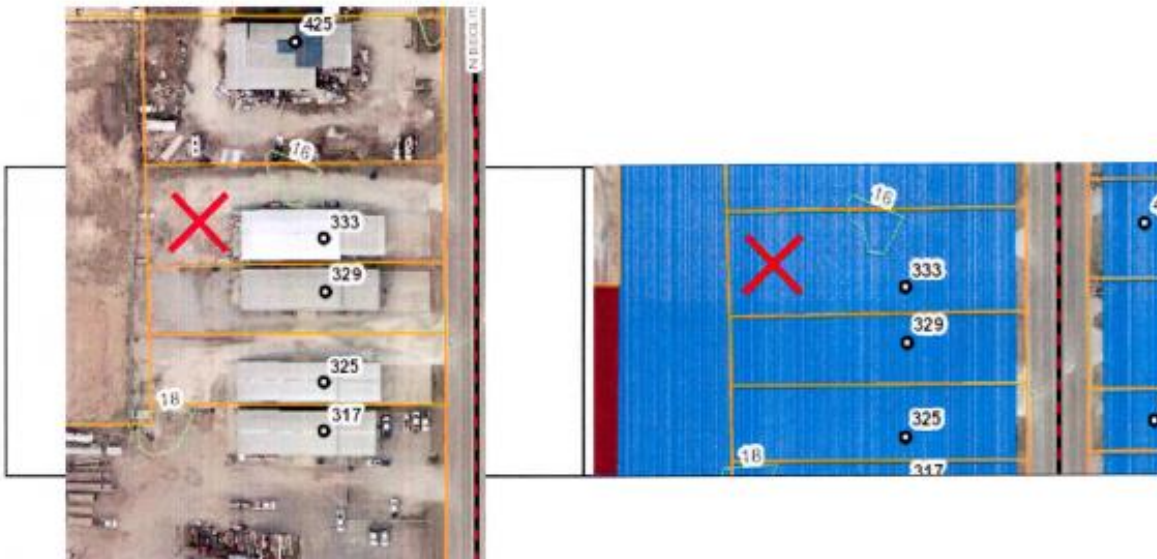
No objection to the requested rezone.

Application:

Resolution granting a rezone to RDF Holdings, LLC, 333 North Beglis Parkway, from Business to Commercial to allow for a wholesale/distribution business.

Situation:

Applicant has requested a rezone to allow for the wholesale/distribution of alcohol.





Findings:

In accordance with Article III, Part 2, Section 5(3) of the Land Use Ordinance the application has been reviewed. The following findings are offered for your consideration:

1. This is a spot zone, however, the nature of existing uses surrounding the property is more Commercial rather than business.
- 2.

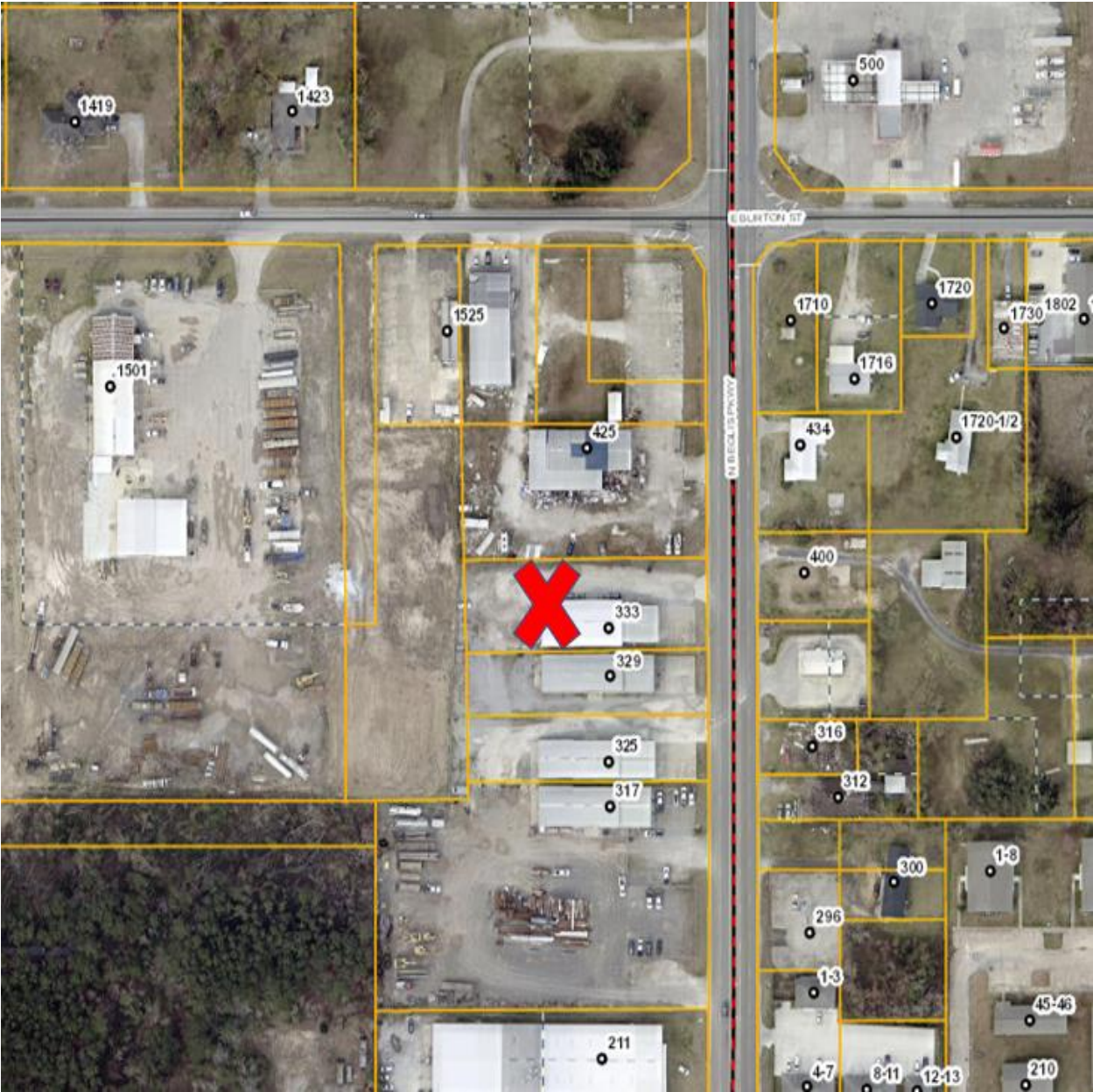
Recommendation:

Based on the above findings, no objection is offered to the requested rezone.

The following stipulations are suggested:

- 1.







ORDINANCE NO. _____ M-C SERIES

ORDINANCE REPEALING APPENDIX B, ARTICLE I, SECTION 4
OF THE CODE OF ORDINANCES OF THE CITY OF SULPHUR –
GRANDFATHER.

BE IT ORDAINED by the City Council of the City of Sulphur, Louisiana, that they do hereby repeal the following Appendix B, Article I, Section 4 of the Code of Ordinances of the City of Sulphur – Grandfather:

Section 4. Grandfather.

How structures to be built on previously grandfathered property must meet equal or stricter restrictions and begin construction no later than two (2) years from date that the previous structure was determined to be unusable.

APPROVED AND ADOPTED by
the City Council of the City of
Sulphur, Louisiana on this _____
day of _____, 2023.

MANDY THOMAS, Chairman

I HEREBY CERTIFY that the
foregoing Ordinance has been
presented to the Mayor on this
____ day of _____,
2023, at _____ o'clock _____.m.


ARLENE BLANCHARD, Clerk

I HEREBY CERTIFY that I have received
from the Mayor at _____ o'clock _____.m.
on this _____ day of _____,
2023, the foregoing ordinance which has
approved/vetoed by the Mayor.

ARLENE BLANCHARD, Clerk



MEMORANDUM

To: Board of Zoning and Land Use Commission
From: Austin Abrahams 
Public Works Director, Land Use Administrator
cc: Arlene Blanchard, Mayor Mike Danahay
Date: 2/14/2023
RE: 48. Amending Appendix B, Article IV. Part 2, Section 1 of the Code of Ordinances of the City of Sulphur - Permitted Uses


Summary of Recommendation:

No objection to repealing this section of the Land Use Ordinance.

Application:

Resolution amending Appendix B, Article IV, Section 1 of the Code of Ordinances of the City of Sulphur - Permitted Uses

Situation:

Currently, this Grandfather clause is counterproductive and confusing when the City of Sulphur is enforcing the ordinance on Nonconformities. Per Appendix B, Article IV, Part 2, Section 4 - Nonconformities - the purpose of this section is to regulate the continued existence of uses, lots, and structures lawfully established prior to the effective date of this ordinance and which have not obtained special exception status under the provisions of Article II, Part 2, Section 4. 

ORDINANCE AMENDING APPENDIX B, ARTICLE IV, PART 2, SECTION 2
OF THE CODE OF ORDINANCES OF THE CITY OF SULPHUR –
DEVELOPMENT STANDARDS.

BE IT ORDAINED by the City Council of the City of Sulphur, Louisiana, that they do hereby amend Appendix B, Article IV, Part 2, Section 2 of the Code of Ordinances of the City of Sulphur to read as follows:

Section 2. Development standards.

- (1) *General.* All development shall meet or exceed the standards as specified in the specific land use district in which the structure or use is located.
- (2) *Prohibited Uses.* No shipping container, tent, travel trailer, motor home, portable buildings, or any other similar use shall be used as a dwelling.
 - (a) *Exception.* For the purpose of this article, portable buildings shall mean any prefabricated buildings except manufactured/modular home units.
- (3) *Corner Clip.* With the exception of existing nonconforming structures, no structure, parking lot or landscaping, other than mowed grass and traffic and street signs, shall be erected, placed or maintained within the triangular area formed by the intersecting street rights-of-way and a straight line adjoining the right-of-way lines at a point set forth as twenty-five (25) feet from the point of intersecting rights-of-way.
- (4) *Curb Cuts.* No structure shall be constructed or established on any parcel, built, moved, remodeled, reconstructed, occupied or used on any parcel of land unless access from the parcel to public roadways complies with the following standards:
 - (a) No curb cut shall exceed thirty (30) feet in width for residential driveways and thirty-five (35) feet in width for commercial driveways.
 - (b) Radii or flare of driveways shall be a minimum of three (3) feet and a maximum of fifteen (15) feet.
 - (c) Each curb cut serving a land use shall be spaced a minimum of twenty (20) feet apart.
- (5) *Calculation of Permitted Density.* In calculating the amount of development permitted on a parcel of land, density or intensity shall be based on the net area of any parcel, excluding installed on site improvements, such as roads, provided however, that the gross area of any parcel of land shall be utilized for the calculation of permitted density or intensity in the event that on-site improvements have not been installed at the time the application for development approval is filed.
- (6) *Required Front Yard for Developed Areas.*
 - (a) Notwithstanding any provision in this ordinance regarding required front yards, if fifty (50) percent or more of the structures fronting on the block face are already improved with buildings with less than the required front yard for the applicable district, the required front yard shall be consistent with the predominant setbacks in the area.
 - (b) The front yard of a corner lot may be designated by the landowner in his application for development approval. In making such designation, consideration shall be given to the predominant front yards in the immediate vicinity. The minimum required yard on any other side of a corner lot which adjoins a public street shall be one-half (½) of the minimum front yard required for the use proposed to be located on the lot.
- (7) *Minimum Building Setback.* Notwithstanding any other provision of this ordinance, no building or portion thereof shall hereafter be constructed, moved, reconstructed, or enlarged within a distance of eight (8) feet from the edge of pavement or roadway of any public street or highway.
- (8) *Activities Limited to Authorized Structures.* Except as otherwise permitted for an approved temporary use, no equipment or device which is designed for use primarily as a conveyance or for the transportation of persons or moveable property, shall be placed on any parcel of land for the purpose of providing shelter or enclosure for the storage or sale of goods, the

conduct of services, the housing of persons, or any other activity normally conducted within a building or structure.

(9) *Building Materials.*

- (a) *Business and Commercial Districts.* Exterior veneer finishes on primary street front of buildings shall include:

Approved non-metal finishes shall be brick, stone, architectural block, fiber cement siding (such as "hardie board"), stucco, wood or glass.

Exclusions for non-metal finishes include, but not limited to, vinyl siding.

Approved metal finishes shall be architectural metal panels with concealed fasteners set in multi-directional positions. Exposed fastener panels are to be of architectural design, which can include multi-directional panels.

Exclusions for metal finishes include standard metal panels with exposed fasteners of the R-panel and M-panel type.

- (b) *Residential and Mixed Residential Districts.* Exterior veneer finishes on dwellings shall include:

Approved finishes shall be brick, stone, architectural block, fiber cement siding (such as "hardie board"), stucco, wood, vinyl siding and metal (metal to be on sides and back of dwelling only).

Exclusion shall be no metal on front exterior of dwelling. Front of dwelling shall be of one (1) of the approved non-metal finishes.

(10) *Minimum Square Footage of Dwellings.* No dwelling shall hereafter be occupied, and no structure of any nature be used as a dwelling if the total floor area is less than the following:

(a) Residential District	1,000 s.f.
1. Exception. Accessory Dwelling Unit	600 s.f.
(b) Mixed Residential District	600 s.f.
(c) Business District (permitted by Exception)	600 s.f.

BE IT FURTHER ORDAINED by the City Council of the City of Sulphur, Louisiana, that they do hereby amend Appendix B, Article IV, Part 2, Section 2 of the Code of Ordinances of the City of Sulphur – Development Standards.

APPROVED AND ADOPTED by
the City Council of the
City of Sulphur, Louisiana on this
_____ day of _____, 2023.

MANDY THOMAS, Chairman

I HEREBY CERTIFY that the
foregoing Ordinance has been
presented to the Mayor on this
_____ day of _____,
2023, at _____ o'clock _____.m.


ARLENE BLANCHARD, Clerk

I HEREBY CERTIFY that I have received
from the Mayor at _____ o'clock _____.m.
on this _____ day of _____,
2023, the foregoing ordinance which has
approved/vetoed by the Mayor.

ARLENE BLANCHARD, Clerk



MEMORANDUM

To: Board of Zoning and Land Use Commission
From: Austin Abrahams 
Public Works Director, Land Use Administrator
cc: Arlene Blanchard, Mayor Mike Danahay
Date: 2/14/2023
RE: 5. Amending Appendix B, Article IV. Part 2, Section 2 of the Code of Ordinances of the City of Sulphur - Development Standards

Summary of Recommendation:

No objection to amending this section of the Land Use Ordinance.

Application:

Resolution amending Appendix B, Article IV, Part 2, Section 2 of the Code of Ordinances of the City of Sulphur - Development Standards

Situation:

The first amendment would prohibit the use of shipping containers, tents, travel trailer, motor home, and portable buildings as a dwelling. The second amendment would set the minimum floor area of a dwelling.

ORDINANCE NO. , M-C SERIES

ORDINANCE AMENDING CHAPTER 24, SECTION 11 OF THE CODE OF
ORDINANCES OF THE CITY OF SULPHUR – STORMWATER DEFINITIONS.

BE IT ORDAINED by the City Council of the City of Sulphur, Louisiana, the governing authority thereof, that they do hereby amend Chapter 24, Section 11 of the Code of Ordinances of the City of Sulphur – Stormwater Definitions to add to existing definitions as follows:

LPDES. Louisiana Pollutant Discharge Elimination System.

LPDES permit. A permit issued by the Louisiana Department of Environmental Quality, under authority delegated pursuant to 33 USC 1342(b), that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

BE IT FURTHER ORDAINED that this Ordinance shall become effective upon the Mayor's signature.

APPROVED AND ADOPTED by the
City Council of the City of Sulphur,
Louisiana, on this ____ day of
_____, 2023.

MANDY THOMAS, Chairman

I HEREBY CERTIFY that the foregoing Ordinance has been presented to the Mayor on this ____ day of _____, 2023, at _____ o'clock ____ .m.

ARLENE BLANCHARD, Clerk

I HEREBY CERTIFY that I have received from the Mayor at ____ o'clock ____ .m. on this ____ day of _____, 2023, the foregoing ordinance which has been approved/vetoed by the Mayor.

ARLENE BLANCHARD, Clerk

ORDINANCE NO. _____, M-C SERIES

ORDINACE AMENDING CHAPTER 24 OF THE CODE OF ORDINANCES OF
THE CITY OF SULPHUR TO PROVIDE FOR SECTION 12 – APPLICABILITY.

BE IT ORDAINED by the City Council of the City of Sulphur, Louisiana, the governing authority thereof, that they do hereby amend Chapter 24 of the Code of Ordinances of the City of Sulphur to provide for Section 12 - Applicability as follows:

Sec. 24-12. - Applicability.

This chapter shall apply to all water entering the storm drain system generated on any developed and undeveloped lands lying within the City of Sulphur including any amendments or revisions thereto.

BE IT FURTHER ORDAINED that this Ordinance shall become effective upon the Mayor’s signature.

APPROVED AND ADOPTED by the
City Council of the City of Sulphur,
Louisiana, on this _____ day of
_____, 2023.

MANDY THOMAS, Chairman

I HEREBY CERTIFY that the
foregoing Ordinance has been
presented to the Mayor on this
_____ day of _____,
2023, at _____ o’clock _____.m.

ARLENE BLANCHARD, Clerk

I HEREBY CERTIFY that I have received
from the Mayor at _____ o’clock _____.m.
on this _____ day of _____, 2023,
the foregoing ordinance which has been
approved/vetoed by the Mayor.

ARLENE BLANCHARD, Clerk

ORDINANCE NO. _____, M-C SERIES

ORDINACE AMENDING CHAPTER 24 OF THE CODE OF ORDINANCES OF THE
CITY OF SULPHUR TO PROVIDE FOR SECTION 13 – ULTIMATE
RESPONSIBILITY OF DISCHARGER.

BE IT ORDAINED by the City Council of the City of Sulphur, Louisiana, the governing authority thereof, that they do hereby amend Chapter 24 of the Code of Ordinances of the City of Sulphur to provide for Section 13 – Ultimate Responsibility of Discharger as follows:

Sec. 24-13. - Ultimate responsibility of discharger.

The standards set forth herein and promulgated pursuant to this chapter are minimum standards; therefore, this chapter does not intend nor imply that compliance by any person will ensure that there will be no contamination, pollution, nor unauthorized discharge of pollutants into waters of the U.S. caused by said person. This chapter shall not create liability on the part of the city, or any agent or employee thereof for any damages that result from any discharger's reliance on this chapter, or any administrative decision lawfully made thereunder. All persons undertaking construction activities shall employ, to the maximum extent practicable, erosion prevention and construction site management practices that ensure discharges do not cause or contribute to an exceedance of the water quality standards.

BE IT FURTHER ORDAINED that this Ordinance shall become effective upon the Mayor’s signature.

APPROVED AND ADOPTED by the
City Council of the City of Sulphur,
Louisiana, on this ____ day of
_____, 2023.

MANDY THOMAS, Chairman

I HEREBY CERTIFY that the
foregoing Ordinance has been
presented to the Mayor on this
____ day of _____,
2023, at _____ o’clock ____ .m.

I HEREBY CERTIFY that I have received
from the Mayor at ____ o’clock ____ .m.
on this ____ day of _____, 2023,
the foregoing ordinance which has been
approved/vetoed by the Mayor.

ARLENE BLANCHARD, Clerk

ARLENE BLANCHARD, Clerk

ORDINANCE NO. , M-C SERIES

ORDINANCE AMENDING CHAPTER 24, SECTION 26 OF THE CODE OF
ORDINANCES – SPECIFIC PROHIBITIONS AND REQUIREMENTS (TO
PROVIDE FOR SUBSECTIONS G - J).

BE IT ORDAINED by the City Council of the City of Sulphur, Louisiana, the governing authority thereof, that they do hereby amend Chapter 24, Section 26 of the Code of Ordinances – Specific Prohibitions and Requirements (to provide for subsections G - J) as follows:

Sec. 24-26. Specific prohibitions and requirements.

- (a) The specific prohibitions and requirements in this section are not inclusive of all the discharges prohibited by the general prohibition in article II.
- (b) No person shall introduce or cause to be introduced into the MS4 any discharge that causes or contributes to causing the city to violate a water quality standard, the city's NPDES permit, or any state-issued discharge permit for discharges from its MS4.
- (c) No person shall dump, spill, leak, pump, pour, emit, empty, discharge, leach, dispose, or otherwise introduce or cause, allow, or permit to be introduced any of the following substances into the MS4:
 - (1) Any used motor oil, antifreeze, or any other motor vehicle fluid.
 - (2) Any industrial waste.
 - (3) Any hazardous waste, including hazardous household waste.
 - (4) Any domestic sewage or septic tank waste, grease trap waste, or grit trap waste.
 - (5) Any garbage, rubbish, or yard waste.
 - (6) Any wastewater from a commercial carwash facility; from any vehicle washing, cleaning, or maintenance at any new or used automobile or other vehicle dealership, rental agency, body shop, repair shop, or maintenance facility; or from any washing, cleaning, or maintenance of any business or commercial or public service vehicle, including a truck, bus, or heavy equipment, by a business or public entity.
 - (7) Any wastewater from the washing, cleaning, de-icing, or other maintenance of aircraft.
 - (8) Any wastewater from commercial floor, run, or carpet cleaning.
 - (9) Any effluent from a cooling tower, condenser, compressor, emission scrubber, emission filter, or the blow-down from a boiler.
 - (10) Any discharge from water line disinfection by super-chlorination or other means if it contains any harmful quantity of chlorine or any other chemical used in line disinfection.
 - (11) Any fire protection water containing oil or hazardous substances or materials.
 - (12) Any water from a water curtain in a spray room used for painting vehicles or equipment.
 - (13) Any contaminated runoff from a vehicle wrecking.
 - (14) Any substance or material that will damage, block, or clog the MS4.
 - (15) Any release from a petroleum storage tank (PST), or any leachate or runoff from soil contamination by a leaking PST, or any discharge of pumped, confined, or treated wastewater from the remediation of such PST release, unless the discharge satisfies all of the following criteria:
 - a. Compliance with all state and federal standards and requirements.
 - b. No discharge containing harmful quantity of any pollutant, and
 - c. No discharge containing more than fifty (50) parts per billion of benzene, five hundred (500) parts per million combined total quantities of benzene, toluene, ethylbenzene, and xylene (BTEX), or fifteen (15) mg/l of total petroleum hydrocarbons (TPH).

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- (16) The following non-storm water sources shall not be discharged to the MS4 provided that they have not been determined by the city to be substantial sources of pollutants to the MS4. The operator must utilize best management practices to limit discharge of the following non-storm water sources:
- a. Any wastewater from a commercial mobile power washer or from the washing of any other cleaning of a building exterior that contains any harmful quantity of soap, detergent, degreaser, solvent, or any other harmful cleaning substance.
 - b. Any wastewater from the wash down or other cleaning of pavement that contains any harmful quantity of soap, detergent, solvent, degreaser, emulsifier, dispersant, or any other cleaning substance; or any wastewater from the wash down or other cleaning of any pavement where any spill, leak, or other release of oil, motor fuel, or other petroleum or hazardous substance has occurred, unless all harmful quantities of such released material has been previously removed.
 - c. Any ready-mixed concrete, mortar, ceramic, or asphalt base material or hydro mulch material, or from the cleaning of commercial vehicles or equipment containing, or used in transporting or applying, such material.
- (d) No person shall introduce or cause to be introduced into the MS4 any harmful quantity of sediment, silt, earth, soil, or other material associated with clearing, grading, excavation or other construction activities in excess of what could be retained on site or captured by employing sediment and erosion control measures to the maximum extent practicable.
- (e) No person shall connect a line conveying sanitary sewage, domestic, or industrial, to the MS4, or allow such a connection to continue.
- (f) No person shall cause or allow any pavement washwater from a commercial facility to be discharged into a MS4 unless such wastewater has passed through a properly functioning and maintained, grease, oil, and sand interceptor before discharging into the MS4.
- (g) The construction, use, maintenance, or continued existence of illicit connections 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 was first made.
- (h) Notwithstanding the presence or absence of BMP requirements promulgated pursuant to this section, each person engaged in activities or operations, or owning facilities or property which will or may result in pollutants entering stormwater, the storm drain system, or waters of the U.S. shall implement best management practices to the extent they are technologically achievable to prevent and reduce such pollutants. The owner or operator of each commercial or industrial establishment shall provide reasonable protection from accidental discharge of prohibited materials or other wastes into the city storm drain system and/or watercourses. Facilities to prevent accidental discharge of prohibited materials or other wastes shall be provided and maintained at expense of the owner or operator.
- (i) *Requirement to eliminate or secure approval for illicit connections.*
- (1) The director of public works shall require by written notice that a person responsible for an illicit connection to the storm drain system comply with the requirements of this article to eliminate or secure approval for the connection by a specified date, regardless of whether or not the connection or discharges to it had been established or approved prior to the effective date of this chapter.
 - (2) If, subsequent to eliminating a connection found to be in violation of this chapter, the responsible person can demonstrate that an illegal discharge will no longer occur, said person may request approval from the director of public works to reconnect. The reconnection or reinstallation of the connection shall be at the responsible person's expense.
- (j) Whenever the director of public works finds that a discharge of pollutants is taking place or has occurred which will result in, or has resulted in, pollution of stormwater, the storm drain system, or waters of the U.S., the director of public works may require by written notice to the owner of the property and/or the responsible person that the pollution be remediated and the affected property restored within a specified time pursuant to the provisions of Article IV of this chapter.

BE IT FURTHER ORDAINED that this Ordinance shall become effective upon the Mayor’s signature.

APPROVED AND ADOPTED by the
City Council of the City of Sulphur,
Louisiana, on this ____ day of
_____, 2023.

MANDY THOMAS, Chairman

I HEREBY CERTIFY that the
foregoing Ordinance has been
presented to the Mayor on this
____ day of _____,
2023, at _____ o’clock ____ .m.

ARLENE BLANCHARD, Clerk

I HEREBY CERTIFY that I have received
from the Mayor at ____ o’clock ____ .m.
on this ____ day of _____, 2023,
the foregoing ordinance which has been
approved/vetoed by the Mayor.

ARLENE BLANCHARD, Clerk

ORDINANCE NO. , M-C SERIES

ORDINANCE AMENDING CHAPTER 24, SECTION 40 OF THE CODE OF
ORDINANCES OF THE CITY OF SULPHUR – GENERAL REQUIREMENTS.

BE IT ORDAINED by the City Council of the City of Sulphur, Louisiana, the governing authority thereof, that they do hereby amend Chapter 24, Section 40 of the Code of Ordinances – General Requirements as follows:

Sec. 24-40. General requirements.

The operator shall certify all state requirements have been met by signing a certification statement as part of the grading application and/or building permit application. Refer to current specific ~~NPDES~~ **LPDES** permit for site applicability and NOI requirements.

- (1) All operations of construction sites shall use best management practices to control and reduce the discharge, to the MS4 and to waters of the United States, of sediment, silt, earth, soil, and other material associated with the clearing, grading, excavation, and other construction activities to the maximum extent practicable. Such best management practices may include, but not be limited to, the following measures:
 - a. Ensuring that existing vegetation is preserved where feasible and that disturbed portions of the site are stabilized as soon as practicable in portions of the site where construction activities have temporarily or permanently ceased. Stabilization measures may include: temporary seeding, permanent seeding, mulching, geotextiles, sod stabilization, vegetative buffer strips, protection of trees, preservation of mature vegetation, and other appropriate measures.
 - b. Use of structural practices to divert flows from exposed soils, store flows, or otherwise limit runoff and the discharge of pollutants from the site to the extent feasible.
 - c. Minimization of the tracking of sediments off-site by vehicles, the generation of dust, and the escape of other windblown waste from the site.
 - d. Prevention of the discharge of building materials, including cement, lime, concrete, and mortar, to the MS4 or waters of the United States.
 - e. Providing general good housekeeping measures to prevent and contain spills of paints, solvents, fuels, septic waste, and other hazardous chemicals and pollutants associated with construction, and to assure proper cleaning and disposal of any such spills in compliance with state, federal and local requirements.
 - f. Implementation of proper waste disposal and waste management techniques, including covering waste materials and minimizing ground contact with hazardous chemicals and trash.
 - g. Timely maintenance of vegetation, erosion and sediment control measures and other best management practices in good and effective operating condition.
 - h. Installation of structural measures during the construction process to control pollutants in storm water discharges that will occur after construction operations have been completed. Structural measures should be placed on upland soils to the degree attainable. Such installed structural measures may include, but not be limited to, the following: storm water detention structures (including wet ponds), flow attenuation by use of open vegetative swales and natural depressions, other velocity dissipation devices, infiltration of runoff on site, and sequential systems which combine several practices. Operators of construction sites are only responsible for the installation and maintenance of storm water management measures prior to final stabilization of the site, and are not responsible for maintenance after storm water discharges associated with construction activity have terminated.
- (2) Personnel (provided by the operator of the construction site) shall inspect disturbed areas of any construction site (meeting criteria of current ~~NPDES~~ **LPDES** permit) that have not been finally stabilized, areas used for storage of materials that are exposed to

precipitation, structural control measures, and locations where vehicles enter or exit the site in accordance with the current ~~NPDES~~ **LPDES** permit. All erosion and sediment control measures and other identified best management practices shall be observed in order to ensure that they are operating correctly and are effective in preventing significant impacts to receiving waters and the MS4. Based on the results of the inspections, best management practices shall be revised as appropriate, and as soon as is practicable.

- (3) The city may require any plans and specifications that are prepared for the construction of site improvements to illustrate and describe the best management practices required by subsection 24-40(1)a. above that will be implemented at the construction site. The city may deny approval of any building permit, site development plan, or any other city approval necessary to commence or continue construction, or to assume occupancy, on the grounds that the management practices described in the plans or observed upon the site inspection by the city are determined not to control and reduce the discharge of sediment, silt, earth, soil, and other materials associated with clearing, grading, excavation, and other construction activities to the maximum extent practicable.
- (4) Any owner of a site of construction activity, whether or not he/she is an operator, is jointly and severally responsible for compliance with the requirements in this subsection 24-40(1).
- (5) Any contractor or subcontractor on a site of construction activity, who is not an owner or operator, but who is responsible under his/her contract or subcontract for implementing best management practices control measure, is jointly and severally responsible for any willful or negligent failure on his/her part to adequately implement that control measure if such failure causes or contributes to causing the city to violate a water quality standard, the city's ~~NPDES~~ **LPDES** permit, or any state-issued discharge permit for discharges from its MS4.
- (6) Based on the results of the inspections required by subsection 24-40(2), the site description and/or the pollution prevention measures shall be revised as appropriate, but in no case later than one (1) calendar day following the inspection. Such modifications shall provide for timely implementation of any changes to the SWPPP within ~~one seven~~ **(7)** calendar days following the inspection.
- (7) Upon final stabilization of the construction site, the owner or the duly authorized representative thereof, shall submit written certification to the city that the site has been finally stabilized. The city may withhold an occupancy or use permit for any premises constructed on the site until certification of final stabilization has been filed and the city has determined, following any appropriate inspection, that final stabilization has, in fact, occurred and that any required permanent structural controls have been completed.

BE IT FURTHER ORDAINED that this Ordinance shall become effective upon the Mayor's signature.

APPROVED AND ADOPTED by the
City Council of the City of Sulphur,
Louisiana, on this ____ day of
_____, 2023.

MANDY THOMAS, Chairman

I HEREBY CERTIFY that the
foregoing Ordinance has been
presented to the Mayor on this
____ day of _____,
2023, at _____ o'clock ____ .m.

I HEREBY CERTIFY that I have received
from the Mayor at ____ o'clock ____ .m.
on this ____ day of _____, 2023,
the foregoing ordinance which has been
approved/vetoed by the Mayor.

ARLENE BLANCHARD, Clerk

ARLENE BLANCHARD, Clerk

ORDINANCE NO. _____, M-C SERIES

ORDINANCE AMENDING CHAPTER 24 OF THE CODE OF ORDINANCES
OF THE CITY OF SULPHUR TO PROVIDE FOR SECTION 43 –
AUTHORIZATION TO ADOPT AND IMPOSE BMPs.

BE IT ORDAINED by the City Council of the City of Sulphur, Louisiana, the governing authority thereof, that they do hereby amend Chapter 24 of the Code of Ordinances of the City of Sulphur to provide for Section 43 – Authorization to Adopt and Impose BMPs as follows:

Sec. 24-43. - Authorization to adopt and impose BMPs.

The city may adopt and impose requirements identifying best management practices for any activity, operation, or facility, which may cause a discharge of pollutants to the storm drainage system. Where specific BMPs are required, every person undertaking such activity or operation, or owning or operating such facility shall implement and maintain these BMPs at their own expense.

BE IT FURTHER ORDAINED that this Ordinance shall become effective upon the Mayor’s signature.

APPROVED AND ADOPTED by the
City Council of the City of Sulphur,
Louisiana, on this _____ day of
_____, 2023.

MANDY THOMAS, Chairman

I HEREBY CERTIFY that the
foregoing Ordinance has been
presented to the Mayor on this
_____ day of _____,
2023, at _____ o’clock ____ .m.

ARLENE BLANCHARD, Clerk

I HEREBY CERTIFY that I have received
from the Mayor at _____ o’clock ____ .m.
on this _____ day of _____, 2023,
the foregoing ordinance which has been
approved/vetoed by the Mayor.

ARLENE BLANCHARD, Clerk

ORDINANCE NO. _____, M-C SERIES

ORDINANCE amending Chapter 24, Section 56 of the Code of Ordinances of the
City of Sulphur – Grading Permit Fees.

BE IT ORDAINED by the City Council of the City of Sulphur, Louisiana, the governing
authority thereof, that they do hereby amend Chapter 24, Section 56 of the Code of Ordinances
of the City of Sulphur – Grading Permit Fees as follows:

Sec. 24-56. Grading permit fees.

- (a) The fee for the grading permit is intended to assist the City of Sulphur in recovering
some of the expenses associated with the permitting process. These costs consist
primarily of administration, inspection, and enforcement activities and shall be approved
and set by the city council.

- (b) The fee schedule for grading permits is as follows:

Grading/Excavation/Earthworks Projects

~~Areas \leq 1 acre~~ ~~Areas less than or equal to one~~ (1) acre \$50.00

Areas ~~greater than one~~ \leq (1) acre (per each additional acre) \$25.00

- (c) When sites without a required grading permit are found to be conducting activities
requiring such permit, a stop work notice will be posted on the site until the proper
permit is obtained. The fee schedules for grading permits in this situation are as follows:

Grading/Excavating/Earthwork Projects

Areas \leq 1 acre = \$100.00

Areas $>$ 1 acre = \$200.00

*** Grading permit fee will not be charged if part of a construction plan review for
zoning.

BE IT FURTHER ORDAINED that this Ordinance shall become effective upon the
Mayor's signature.

APPROVED AND ADOPTED by the
City Council of the City of Sulphur,
Louisiana, on this _____ day of
_____, 2023.

MANDY THOMAS, Chairman

I HEREBY CERTIFY that the
foregoing Ordinance has been
presented to the Mayor on this
_____ day of _____,
2023, at _____ o'clock ____ .m.

ARLENE BLANCHARD, Clerk

I HEREBY CERTIFY that I have received
from the Mayor at _____ o'clock ____ .m.
on this _____ day of _____, 2023,
the foregoing ordinance which has been
approved/vetoed by the Mayor.

ARLENE BLANCHARD, Clerk

ORDINANCE NO. _____, M-C SERIES

ORDINANCE AMENDING CHAPTER 24 OF THE CODE OF ORDINANCES
OF THE CITY OF SULPHUR TO PROVIDE FOR SECTION 58 – CONTROL
MEASURES.

BE IT ORDAINED by the City Council of the City of Sulphur, Louisiana, the governing authority thereof, that they do hereby amend Chapter 24 of the Code of Ordinances of the City of Sulphur to provide for Section 58 – Control Measures as follows:

Sec. 24-58 - Control measures.

The following control measures should be used as a minimum for erosion control on projects less than one acre:

- (1) The smallest practical area of land should be exposed at any one-time during development. Mulching or other protective measures should be used to protect exposed areas.
- (2) Maintain a minimum of a five feet green buffer along the perimeter. In absence of a five feet green buffer, an appropriate erosion control device must be installed and maintained.
- (3) Controls to minimize impacts of water runoff to adjacent properties and direct water runoff to protected storm drains.
- (4) Areas that will be exposed for more than three months shall be seeded and mulched or landscaped.
- (5) Temporary furrows, terraces, sediment, or debris basins should be installed to prevent washing and erosion offsite during construction.
- (6) In areas where soil may wash onto the roadway or into a drainage basin, the developer will be required to install and maintain a silt fence, hay bales, or both.
- (7) Final vegetation should be installed as soon as practical in the development after the land is exposed.
- (8) A gravel construction entrance shall be constructed prior to any site work. The owner or his/her contractor throughout the construction process will maintain this construction entrance.
- (9) Sediment washed onto roadways or into drainage ditches or basins, and soil tracked onto roadways by construction equipment/vehicles or daily ingress and egress onto the site shall be removed at the end of each working day by the contractor, developer, or property owner.
- (10) Waste concrete must be disposed of properly; this includes the wash out of any concrete trucks.
- (11) Prevent and control trash, debris, sediment, and any pollutant from leaving the site/lot.

BE IT FURTHER ORDAINED that this Ordinance shall become effective upon the Mayor’s signature.

APPROVED AND ADOPTED by the
City Council of the City of Sulphur,
Louisiana, on this ____ day of
_____, 2023.

MANDY THOMAS, Chairman

I HEREBY CERTIFY that the
foregoing Ordinance has been
presented to the Mayor on this
____ day of _____,
2023, at _____ o’clock ____ .m.

ARLENE BLANCHARD, Clerk

I HEREBY CERTIFY that I have received
from the Mayor at ____ o’clock ____ .m.
on this ____ day of _____, 2023,
the foregoing ordinance which has been
approved/vetoed by the Mayor.

ARLENE BLANCHARD, Clerk

ORDINANCE NO. _____, M-C SERIES

AN ORDINANCE AMENDING ORDINANCE NO. 1733, M-C SERIES, TO INCREASE CERTAIN FEES FOR DEMOLITION, ELECTRICAL, FIRE, GAS, HOUSE MOVING, MECHANICAL, MOBILE HOME, PLUMBING, PORTABLE BUILDING, GRADING, PLAN REVIEWS FOR RESIDENTIAL AND COMMERCIAL, GENERATOR INSTALLATION, CHANGE CONTRACTOR, CULVERT INSPECTION, AND SITE VISITS OUTSIDE CITY LIMITS.

BE IT ORDAINED by the City Council of the City of Sulphur, Louisiana, the governing authority thereof, that they do hereby amend Ordinance No. 1711, M-C Series, to increase certain fees for demolition, electrical, fire, gas, housing moving, mechanical, mobile home, plumbing, portable building, grading, plan reviews for residential and commercial, generator installation, change contractor, culvert inspection, and site visits outside city limits to read as follows:

Cost Schedule

0 - 300	\$0
301 – 1000	\$15.00
1001 – 2000	\$20.00
2001 – 3000	\$25.00
3001 – 5000	\$30.00
5001 – 10,000	\$35.00
10,001 – 25,000	\$50.00
25,001 – 26,000	\$100.00
26,001 – 150,000	\$101.25 – \$255.00
150,001 – 500,000	\$327.50 - \$1200.00
500,001 – UP	\$1201.50 - Up

In addition to permit fees, inspection fees for each craft on new or renovated commercial establishments will be as follows:

26,001 – 150,000	\$100.00
150,001 – 500,000	\$200.00
500,001 – UP	\$300.00

The following projects are “cost of job” permits (see cost schedule) - Signs, paved parking, swimming pools, re-roofs, fences, gasoline tanks, remodeling, repairs and/or alterations

Demolition Permit

\$30.00 \$40.00	Demo-Commercial
\$15.00 \$25.00	Demo-Residential

Electrical Permit

\$15.00 \$25.00	Electrical Permit
\$15.00 \$25.00	Electrical-Pole Service
\$4.00	Electrical-Breaker Double Pole
\$8.00	Electrical-Breaker Quad Pole
\$2.00	Electrical-Breaker Single Pole
\$6.00	Electrical-Breaker Triple Pole
\$4.00	Electrical-Breaker Main
\$6.00	Electrical-Breaker Main 3 Phase

Fire Permit

\$80.00 \$85.00	Fire-Construction
\$80.00 \$85.00	Fire-Operation

Gas Permit

\$15.00 \$25.00	Gas Permit
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\$1.00	Gas-Outlet
\$15.00 \$25.00	Gas-Pressure Test

House Moving Permit

\$100.00 \$105.00	House Moving
\$50.00 \$55.00	Site visit to determine approval of structure up to 30 mile radius

Mechanical Permit

\$15.00 \$25.00	Mechanical Inspect
\$15.00 \$16.00	Mechanical Permit-1 st Ton
\$2.00 \$4.00	Mechanical-Per Add'l ton

Mobile Home Permit

\$80.00 \$85.00	Mobile Home-DBL Wide Permit
\$40.00 \$45.00	Mobile Home-SGL Wide Permit
\$50.00 \$55.00	Site visit to determine approval of structure up to 30 mile radius

Plumbing Permit

\$15.00 \$25.00	Plumbing-Change sewer line
\$15.00 \$25.00	Plumbing Permit
\$5.00	Plumbing-A/C
\$5.00	Plumbing-Bathtub
\$5.00	Plumbing-Dishwasher
\$5.00	Plumbing-Disposal
\$5.00	Plumbing-Drink Fountain
\$5.00	Plumbing-Grease Trap
\$5.00	Plumbing-Hose Bib
\$15.00 \$25.00	Plumbing-Inspection Fee
\$5.00	Plumbing-Lavatories
\$5.00	Plumbing-Refrigeration
\$5.00	Plumbing-Sewer
\$5.00	Plumbing-Shower/Floor Drain
\$5.00	Plumbing-Sink
\$5.00	Plumbing-Urinal
\$5.00	Plumbing-Washing Machine
\$5.00	Plumbing-Water Closet
\$5.00	Plumbing-Water Heater
\$5.00	Plumbing-Water Line
\$30.00 \$35.00	Plumbing- Commercial Back-Flow
\$60.00 \$75.00	Plumbing-Outside City Sewer Connection
\$30.00 \$40.00	Plumbing-Outside City Sewer Inspection

Portable Building Permit

\$40.00 \$45.00	Portable Bldg-over 12' Wide
\$15.00 \$20.00	Portable Bldg-under 12' Wide

Grading

\$50.00 \$60.00	Grading Permit
\$15.00 \$20.00	Portable Bldg-under 12'Wide

Demolition Bond (Cashier's Check or Money Order)

\$1000.00	Demolition Bond-Commercial
.10	Demolition Bond-Commercial Sq Ft
\$ 500.00	Demolition Bond-Residential

Borrow Pit and Pond

\$50.00-\$500.00	Depending on complexity of review
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Other Fees

\$25.00	Re-inspection fee
\$50.00 \$55.00	Plan Review fee-Residential
\$60.00 \$70.00	Plan Review fee-Commercial
Double permit fee	"No Permit"
\$45.00 \$50.00	Generator Installation
Cost of Job + pre-construction inspection fee + final inspection fee (plan review fee if required)	Solar Panel
\$50.00 \$60.00	Change Contractor
\$50.00 \$60.00	Culvert Inspection Fee
\$50.00 \$60.00 (30 mile radius)	Any site visit required outside of city limits

APPROVED AND ADOPTED by
the City Council of the City of
Sulphur, Louisiana, on this _____
day of _____, 2023.

I HEREBY CERTIFY that the
foregoing Ordinance has been
presented to the Mayor on this
_____ day of _____,
2023, at _____ o'clock _____.m.

ARLENE BLANCHARD, Clerk

I HEREBY CERTIFY that I have received
from the Mayor at _____ o'clock _____.m.
on this _____ day of _____,
2023, the foregoing ordinance which has
approved/vetoed by the Mayor.

ARLENE BLANCHARD, Clerk

ORDINANCE NO. _____, M-C SERIES

ORDINANCE AUTHORIZING MAYOR DANA HAY TO ENTER INTO A
COOPERATIVE ENDEAVOR AGREEMENT WITH CALCASIEU PARISH
POLICE JURY FOR SUMMER FEEDING PROGRAM.

BE IT ORDAINED by the City Council of the City of Sulphur, Louisiana, the governing authority thereof, that they do hereby authorize Mayor Mike Danahay to sign Cooperative Endeavor Agreement with the Calcasieu Parish Police Jury for Summer Feeding Program.

BE IT FURTHER ORDAINED that this Ordinance shall become effective upon the Mayor's approval, or upon proper re-adoption by the Council pursuant to Section 2-13(C) of the Home Rule Charter of the City of Sulphur.

APPROVED AND ADOPTED by
City Council of the City of
Sulphur, Louisiana, on this _____
day of _____, 2023.

MANDY THOMAS, Chairman

I HEREBY CERTIFY that the
foregoing Ordinance has been
presented to the Mayor on this
_____ day of _____,
2023, at _____ o'clock _____.m.

ARLENE BLANCHARD, Clerk

I HEREBY CERTIFY that I have received
from the Mayor at _____ o'clock _____.m.
on this _____ day of _____,
2023, the foregoing ordinance which has
approved/vetoed by the Mayor.

ARLENE BLANCHARD, Clerk

**COOPERATIVE ENDEAVOR AGREEMENT BETWEEN
THE CALCASIEU PARISH POLICE JURY
AND
THE CITY OF SULPHUR**

STATE OF LOUISIANA
PARISH OF CALCASIEU

THIS AGREEMENT is hereby made and entered into this _____ day of _____ 2023, by and between the CALCASIEU PARISH POLICE JURY, hereinafter referred to as "PARISH," a political subdivision of the State of Louisiana, represented herein by its duly authorized President, Chris E. Landry, and the CITY OF SULPHUR, hereinafter referred to as "CITY," a political subdivision of the State of Louisiana, and represented herein by its duly authorized Mayor, Mike Danahay.

WHEREAS, Article VII, Section 14(C) of the Constitution of the State of Louisiana provides that "for a public purpose, the State and its political subdivisions or political corporations 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;"

WHEREAS, the PARISH has the authority under Louisiana Revised Statute 33:1236 to provide certain social programs for the benefit of the citizens of the PARISH;

WHEREAS, the PARISH has agreed to sponsor a Summer Food Service Program, hereinafter referred to as "PROGRAM," in coordination with the Calcasieu Parish School Board, area municipalities, and other community-based organizations in Calcasieu Parish;

WHEREAS, the CITY desires to cooperate with the PARISH in providing assistance with promoting the PROGRAM;

WHEREAS, the PARISH and the CITY consider the public benefit of providing nutritious meals to children who would otherwise not have access to the meals to be proportionate to the costs associated with this activity.

NOW THEREFORE, the PARISH and the CITY do mutually agree to the following terms and conditions of this agreement:

1. Scope of Agreement

The PARISH and the CITY hereby agree to the following:

A. PARISH Obligations:

- a. The PARISH will administer the PROGRAM on behalf of the CITY by working with the Louisiana Department of Education and the CITY and will adhere to all policies and procedures applicable in administering the PROGRAM.
- b. The PARISH will provide two (2) feeding locations inside the CITY limits.
- c. The PARISH will be responsible for hiring and paying persons to work in any aspect of the PROGRAM operations.
- d. The PARISH will include the CITY's logo on all PROGRAM advertisements.
- e. The PARISH will provide training for all PROGRAM employees.
- f. The PARISH will provide its own waste dumpsters at one (1) site.

B. CITY Obligations:

- a. The CITY will provide funding assistance in the amount of three thousand dollars (\$3,000) per lunch service location by May 31, 2023, in support of the operation of the PROGRAM.
- b. The CITY will assist with promoting the PROGRAM by advertising on various media outlets available to the CITY.

2. Term of Agreement

The initial term of this agreement shall commence upon execution of this agreement and shall continue until July 31, 2023.

3. Payment Terms

Under this agreement, the CITY agrees to pay the PARISH six thousand dollars (\$6,000) based upon three thousand dollars (\$3,000) funding assistance per lunch service location. Payment of the total amount is to be made to the PARISH by May 31, 2023, and is inclusive of all amounts properly due.

If this agreement extends beyond the current fiscal year and notwithstanding anything to the contrary and when applicable, both parties acknowledge and agree that pursuant to the applicable state law, this agreement is subject to an annual appropriation dependency requirement to the effect that the renewal of this agreement is contingent upon the appropriation of funds by either party to fulfill any future payment requirements of this agreement. If either party fails to appropriate sufficient monies to provide for any future payment requirements under this agreement, this agreement shall terminate on the last day of the last fiscal year for which funds were appropriated.

4. Amendments and Assignments

If there is a need to review and/or revise this agreement, the requesting party shall submit a written amendment to the other party, with the understanding that no amendment to this agreement shall be valid unless it is agreed and signed by both parties. This agreement shall not be assignable by either party without written consent of the other, except for assignment resulting from merger, consolidation, or reorganization of the assigning party.

5. Records and Audits

It is understood that this agreement will be utilized as part of a federal reimbursement grant (United States Department of Agriculture: Office of Food and Nutrition Service – Summer Food Service Program for Children (SFSP) – Assistance Listing Number (ALN) 10.559) and therefore both parties agree to maintain accounts and records, including personnel, property and financial records, adequately to identify and account for all costs pertaining to this agreement and to ensure full compliance with the requirements of the above grant.

For audit purposes, all records will be made available by both parties to any authorized representative of either party and said records will be retained for three (3) years from the final contractual payment under this agreement. It is also agreed that all records shall be made available to either party at no additional charge for such information. If any confidential information is obtained during the course of this agreement, both parties agree not to release that information without the approval of the other party unless instructed otherwise by court order, grantor, auditor, public information request or as required by law.

Act 290 of the 2011 Legislative Session requires that a governmental entity that provides funding to a quasi-public agency or body shall notify each such quasi-public agency or body of the requirement to provide the Legislative Auditor with the name of the individual responsible for filing annual financial reports with the Legislative Auditor. The quasi-public agency or body shall notify the Legislative Auditor of the name and address of the person so designated.

In compliance with grantor and national policy requirements, including the above referenced federal grant requirements, both parties agree to adhere to the following regulations, where applicable:

(a) Federally Required Contractual Provisions:

- (1) **Administrative, Contractual or Legal Remedies** are required in all contracts in excess of the simplified acquisition threshold amount that are funded with federal funds and are addressed in various sections of this agreement,
- (2) **Termination Provision** requires all contracts in excess of \$10,000 to contain a provision for termination of the contract for cause or convenience and this provision is addressed in Section 8 of this agreement,
- (3) For all contracts that meet the definition of “federally assisted construction contract” in 41 CFR Part 60-1.3, **Equal Employment Opportunity**, including Executive Order 11246 which was further amended by Executive Order 11375, which requires equal opportunity for all persons, without regard to race, color, religion, sex or national origin, employed or seeking employment with government contractors or with contractors performing under federally assisted construction contracts,

- (4) For all construction contracts in excess of \$2,000 and required by federal grant regulations, **Davis Bacon Act**¹ which requires payments of wages for laborers and mechanics at a rate not less than the prevailing wages specified in a wage determination made by the Secretary of Labor and said wage payments will be made at least weekly,
- (5) For all applicable contracts in excess of \$100,000 that involve the employment of mechanics or laborers, **Contract Work Hours and Safety Standards Act** which prohibits certain unsanitary, hazardous or dangerous working conditions and requires that wages of every mechanic and laborer to be on the basis of a standard work week of forty hours with any work in excess of forty hours per week to be compensated at a rate of not less than one and one-half times the basic rate of pay,
- (6) For all contracts that meet the definition of “funding agreement” under 37 CFR Part 401.2(a) and involve a contract with a small business firm or nonprofit organization regarding the assignment or performance of experimental, developmental or research work must comply with the **Rights to Inventions Made Under a Contract or Agreement** contained in 37 CFR Part 401,
- (7) All contracts, subcontracts and sub-grants in excess of \$150,000 must contain a provision which requires compliance with all applicable standards, orders or regulations issued pursuant to the **Clean Air Act** and the **Federal Water Pollution Control Act**,
- (8) **Debarment and Suspension (Executive Orders 12549 and 12689 and 2 CFR Part 180)** which prohibit the contracting with any party listed on the “System for Award Management” (SAM.gov), which identifies all parties that have active exclusions (i.e. suspensions, debarments) imposed by a federal agency,
- (9) **Byrd Anti-Lobbying Prohibition (31 U.S.C. 1352)** prohibits the use of federal funds to pay any person or organization for influencing or attempting to influence anyone with any federal contract, grant or other award covered by 31 U.S.C. 1352 and also requires that Contractors that apply or bid for an award exceeding \$100,000 where federal funds are used must file the required certification stating that the parties will not and have not used federal funds to pay any person or organization for influencing or attempting to influence anyone with any federal contract, grant, or other award covered by 31 U.S.C. 1352,
- (10) **Prohibition on Certain Telecommunications and Video Surveillance Services or Equipment** wherein 2 CFR Part 200.216 prohibits use of federal grant or loan funds to enter into, renew or extend any agreement to procure or obtain equipment, services, or systems that use telecommunications equipment or services produced by Huawei Technology Company, or Dahua Technology Company (or any subsidiary or affiliate of such entities) as a substantial or essential component of that system,
- (11) **Domestic Preferences for Procurements** for when federal funds are utilized, and where appropriate and to the extent consistent with other laws and regulations, 2 CFR Part 200.322 allows a federal award to provide a preference for the purchase, acquisition, or use of goods, products, or materials produced in the United States

¹avis Bacon Act is not applicable to this agreement.

(including but not limited to iron, aluminum, steel, cement, and other manufactured products),

- (12) **Procurement of Recovered Materials** as required by 2 CFR Part 200.323 which requires procurements in excess of \$10,000 to contain the highest percentage of recovered materials practicable while consistent with maintaining a satisfactory level of competition.

(b) National Policy Requirements:

- (1) **Civil Rights Act of 1964**, including Title VI, which generally speaking, states that no person shall on the grounds of race, color or national origin shall be excluded from participation in, be refused the benefits of, or be otherwise subjected to discrimination under any program or activity receiving federal financial assistance,
- (2) **Age Discrimination Act of 1975** which prohibits discrimination based on age in programs or activities receiving federal financial assistance,
- (3) **Americans with Disabilities Act of 1990**, with respect to building construction or alteration, prohibits discrimination based on a disability defined as a physical or mental impairment that substantially limits a major life activity,
- (4) **Section 504 of the Rehabilitation Act of 1973**, if specifically required by the federal agency, which prohibits the exclusion of an otherwise qualified individual because of a disability in programs receiving federal financial assistance including program accessibility, accessible new construction and alterations, reasonable accommodations and effective communication with hearing and visually disabled (this requirement may vary with each federal agency),
- (5) For all construction or repair contracts, **Copeland "Anti-Kickback" Act** which requires all contracts and sub-grants for construction or repair to contain a provision that prohibits a contractor or sub-contractor from inducing, by any means, any person employed in the construction, completion or repairs of public work to give up any part of the compensation to which he is otherwise entitled,
- (6) **National Environmental Policy Act and National Historic Preservation Act** which prohibit any activities that will have an adverse impact on the environment and regulate activity on property or structures that are deemed historic,
- (7) **Energy Policy and Conservation Act** which require the contractors to comply with the mandatory standards and policies relating to energy efficiency which are contained in the state energy conservation plan,
- (8) **Reporting Provision** requires that all contracts should include a requirement that the SUB RECIPIENT assist the GRANTEE, when applicable, with any awarding agency requirements and regulations pertaining to reporting,
- (9) **Record Retention Provision** requires that any contract executed must include a provision that all required records will be maintained by the contractor/firm for a minimum period of three years after the GRANTEE formally closes out each federal program (GRANTEE and SUB RECIPIENT grant managers should verify the three year record retention period with each respective grant agency to ensure that a longer period is not required),

- (10) **2013 National Defense Authorization Act (41 United States Code (U.S.C.) 4712, Pilot Program for Enhancement of Recipient and Subrecipient Employee Whistleblower Protection)** subjects any subawards and contracts over the federal simplified acquisition threshold to the provisions of the above act regarding rights and remedies for employee whistleblower protections,
- (11) **National Flood Insurance Act of 1968 and Flood Disaster Protection Act of 1973** which require recipients of federal grants that are acquiring, constructing or repairing property in a special flood hazard area, and with an estimated cost in excess of \$10,000, to purchase flood insurance,
- (12) **Wild and Scenic Rivers Act of 1968** which protects components or potential components of the national wild and scenic rivers system,
- (13) **Resource Conservation and Recovery Act** which requires proper handling and disposal of solid waste,
- (14) **Toxic Substance Control Act** which places restrictions on chemicals that pose unreasonable risks, such as surfaces that could be covered with lead-based paint,
- (15) **Federal Agency Seal(s), Logos, Crests, or Reproductions of Flags or Likeness of Federal Agency Officials** are prohibited from being utilized without specific federal agency pre-approval, and
- (16) **False Claims Act and 32 U.S.C. Chapter 38 (Administrative Remedies)** which prohibits the submission of false or fraudulent claims for payment to the federal government identifying administrative remedies for false claims and statements made which the CONTRACTOR herein acknowledges.

In compliance with item 5(a)(8) above, the SUB RECIPIENT agrees to verify that all contractors or subcontractors employed are not parties listed as active exclusions (i.e. suspensions, debarments) on the "System for Award Management" (SAM.gov) for parties debarred, suspended or otherwise excluded from contracting on any projects involving federal funds. SUB RECIPIENT agrees to require the contractor to provide immediate notice, but in no case later than three (3) business days, after being notified that the contractor, or any subcontractor, has been added to the "System for Award Management" or otherwise been disbarred from contracting on any projects involving federal funds. In no event shall the SUB RECIPIENT allow any contractor to utilize a subcontractor at any time during the duration of this agreement who has been disbarred from contracting on any projects involving federal funds. If the contractor is prohibited in any way from contracting on any projects involving federal funds at any time during the duration of this agreement then both the SUB RECIPIENT and GRANTEE must be notified. GRANTEE may, at its sole discretion, immediately implement the termination provisions discussed in Section 7 below if the SUB RECIPIENT decides to continue with the project using a "disbarred" or "active exclusion" contractor or subcontractor. The SUB RECIPIENT, contractors and subcontractors are required to provide their Unique Entity ID (UEI) number from the SAM.gov site prior to beginning construction on any project receiving federal funding.

6. Liability, Indemnity and Insurance

This agreement is intended for the benefit of the PARISH and the CITY and does not confer any rights upon any other third parties. All rights by and between the PARISH and the CITY are limited to the actions outlined in the applicable local, state and federal laws, regulations and policies.

The PARISH will indemnify, defend, and hold harmless the CITY, including the CITY's employees and agents, from and against any and all claims or liabilities arising from the fault of the PARISH, its employees or agents in carrying out the PARISH's duties and obligations under the terms of this agreement. The CITY will indemnify, defend, and hold harmless the PARISH, including the PARISH's employees and agents, from and against any and all claims or liabilities arising from the fault of the CITY, its employees or agents in carrying out the CITY's duties and obligations under the terms of this agreement. This section will survive the termination of this agreement. In the event that either party takes any action to enforce this mutual indemnity provision, the prevailing party shall be entitled to recover reasonable attorney's fees and costs arising as a result thereof.

7. Termination of Agreement and Dispute Resolution

While both parties agree to negotiate all contractual disputes in good faith, the PARISH and the CITY both reserve the right to terminate this agreement at any time upon written notice of termination. If the parties are unable to independently and satisfactorily resolve any disagreement then both parties agree that any contractual disagreement will be resolved under the jurisdiction of the 14th Judicial District Court for Calcasieu Parish, Louisiana. In the event that court action is necessary then the parties agree that whoever prevails in the litigation is entitled to reasonable attorney's fees and costs as fixed by the Court.

8. Severability, Entire Agreement and Captions

This agreement shall be governed by and construed in accordance with the laws of the State of Louisiana. If any provision of this agreement is held invalid, void or unenforceable under any law or regulation or by a court of competent jurisdiction, such provision will be deemed amended in a manner which renders it valid, or if it cannot be so amended, it will be deemed to be deleted. Such amendment or deletion will not affect the validity of any other provision of this agreement. This agreement, any attached documents, and any referenced documents represent the entire agreement between the PARISH and the CITY and supersede all prior negotiations, representations or agreements, either written or oral. In the event of a conflict between this agreement and other documents, the terms of this agreement shall control.

Each paragraph of this agreement has been supplied with a caption to serve only as a guide to the contents. The caption does not control the meaning of any paragraph or in any way determine its interpretation.

9. No Authorship Presumptions

The PARISH and the CITY have had an opportunity to negotiate the language of this agreement in consultation with legal counsel prior to its execution. No presumption shall arise or adverse inference be drawn by virtue of authorship. The PARISH and the CITY hereby waive the benefit of any rule of law that might otherwise be applicable in connection with the interpretation of this agreement, including but not limited to, any rule of law to the effect that any provision of this agreement shall be interpreted or construed against the party who (or whose counsel) drafted that provision. The rule of no authorship presumption set forth in this paragraph is equally applicable to any person that becomes a party by reason of assignment and/or assumption of this agreement and any successor to a signatory party.

10. Address of Notices and Communications

All notices between the PARISH and the CITY provided for pursuant to this agreement shall be in writing. The name and address of the PARISH's representative is:

Mr. Bryan C. Beam, Administrator
Calcasieu Parish Police Jury
P.O. Box 1583
Lake Charles, Louisiana 70602

The name and address of the CITY's representative is:

Honorable Mike Danahay, Mayor
City of Sulphur
101 N. Huntington Street
Sulphur, Louisiana 70663

In the event that the mailing address of the PARISH or the CITY changes during the terms of this agreement, or that there is a change in the designated points of contact, the party with the address change or change of contact shall immediately notify the other party of the change.

[The remainder of this page is intentionally left blank.]

THUS DONE AND SIGNED on the ____ day of _____ 2023, in Lake Charles, Louisiana, and in the presence of the undersigned witnesses and Notary Public, after a due reading of the whole.

WITNESSES:

CALCASIEU PARISH POLICE JURY:

Witness Signature

BY: _____
CHRIS LANDRY, PRESIDENT

Printed Witness Name

Witness Signature

Printed Witness Name

NOTARY PUBLIC

Notary Printed/Stamped Name
and Identification Number

THUS DONE AND SIGNED on the ____ day of _____ 2023, in _____,
Louisiana, and in the presence of the undersigned witnesses and Notary Public, after a due
reading of the whole.

WITNESSES:

CITY OF SULPHUR:

Witness Signature

BY: _____
MIKE DANAHAAY, MAYOR

Printed Witness Name

Witness Signature

Printed Witness Name

NOTARY PUBLIC

Notary Printed/Stamped Name
and Identification Number

RESOLUTION NO. _____, M-C SERIES

RESOLUTION GRANTING A VARIANCE TO L & J PROPERTIES, 2348
ROYAL OAK, TO ALLOW FOR A MOBILE HOME TO BE OLDER THAN 10
YEARS OF AGE (2010).

WHEREAS, in accordance with Chapter 14, Section 5(a)(1)(a) of the Code of Ordinances, a variance may be considered by City Council for mobile/manufactured homes that are greater than 10 years of age.

BE IT RESOLVED by the City Council of the City of Sulphur, Louisiana, that they do hereby grant a variance to L & J Properties, 2348 Royal Oak, to allow for a mobile home to be older than 10 years of age (2010) for the following described property:

LOTS 15, 16 ROYAL OAKS SUBD.

This variance is granted by the City of Sulphur and may be withdrawn by the City of Sulphur should said variance interfere with the rights and privileges owned by the City of Sulphur pursuant to a pre-existing right of way, servitude or easement. If withdrawn, any improvements constructed thereon shall be removed at the expenses of owner thereof.

Grantee hereby agrees and contracts to hold Grantor harmless from any damages created and/or caused by the granting of this variance, including, but not limited to, litigation defense, litigation costs, violation of subdivision restrictive covenants, building code violations or any other damages, property and/or monetary or otherwise, relating thereto.

Upon approval of this variance the owner of this variance shall be responsible for the recordation thereof, with the Clerk of Court, Calcasieu Parish, Louisiana, and shall provide the City of Sulphur a receipt evidencing recordation within 10 days of the effective date of this variance.

No work shall commence until all applicable permits are obtained. In the event work is commenced prior to obtaining all applicable permits, this variance shall be withdrawn and considered null and void.

BE IT FURTHEREST RESOLVED by the City Council of the City of Sulphur, Louisiana, that they do hereby grant a variance to L & J Properties, 2348 Royal Oak, to allow for a mobile home to be older than 10 years of age (2010).

APPROVED AND ADOPTED by
the City Council of the City of Sulphur,
Louisiana, on this _____ day of
_____, 2023.

MANDY THOMAS, Chairman

ATTEST:

ARLENE BLANCHARD, Clerk



CITY OF SULPHUR
APPLICATION FOR

DEVELOPMENT APPROVAL - VARIANCE

Date Received

2/9/23

\$50.00 Fee (Non-Refundable)

pd.

(Exact cash or check only)

IT IS APPLICANT'S RESPONSIBILITY TO KEEP SIGN POSTED ON PROPERTY. IF SIGN ISN'T PLACED ON PROPERTY 10 DAYS PRIOR TO MEETING DATE PLEASE NOTIFY CITY. IF SIGN IS REMOVED IT COULD DELAY ACTION ANOTHER MONTH. ONCE VARIANCE IS APPROVED/DISAPPROVED, APPLICANT MUST REMOVE SIGN FROM PROPERTY

Print Name Jake Cavanaugh

Date 2-8-2023

PROPERTY OWNER INFORMATION

Name of Property Owner

L & J Properties

(Owner must provide proof of ownership such as property tax record or recorded deed)

Mailing Address:

2100 Maplewood

City: Sulphur

State: LA

Email:

hearing.solutions.offla@gmail.com

Physical Address:

545 Aquain Drive

City:

Sulphur

State:

LA

Phone Number (H)

337-528-1842

(W)

(C)

337-842-3074

PROPERTY INFORMATION

Location Address:

545 Aquain Drive

currently - move to 2348

Present Zoned Classification:

Royal oak

LEGAL DESCRIPTION FROM ABSTRACT OR TAX RECORD (PRINT NEATLY OR TYPE)

Lots 15, 16 Royal Oaks Subd.

DO YOU CURRENTLY HAVE ANY PENDING VIOLATION WITH ANY ORDINANCE OF THE CITY OF SULPHUR
YOU, OR A REPRESENTATIVE, MUST ATTEND THE SCHEDULED MEETING

YES NO

INITIAL

VARIANCE REQUEST INFORMATION

Purpose of Variance Request:

Requesting Variance based off of org.

2010 mobile home

How did you find out you needed a variance?

City of Sulphur

I do hereby understand that no petition for a change in the classification of property shall be filed unless such petition is duly signed and acknowledged by the owners of authorized agents of not less than fifty (50) percent of the area of land for which a change of classification is requested; provided however, that where any lot located in the aforesaid area is owned in division, all co-owners must sign the petition for that lot to be included in the fifty (50) percent area provision, as stated in the City of Sulphur Land Use Ordinance, Number 541, M-C Series.

Further, I do certify that the property for which the above request is being made does not hold any restrictions or covenants that would be in conflict with said request.

Furthermore, I, the applicant agree to dispose of the sign(s) placed on my property after the hearing.

Applicant Signature

Date:

2-8-2023

	Yes	No	N/A
1. Is site located within the City Limits?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed use be a nuisance to the surrounding area because of odors, vibrations, unsightly areas or other unwarranted elements?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Is the capacity of the road and off-street parking facilities adequate for use by the proposed development?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. Will the location be served by a fire protection?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. Can the proposed development be expected to adversely affect the character/aesthetics of the area involved?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is property within a designated flood hazard area?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Flood zone classification _____ bfe _____ ft.			



















