

CITY OF HAMMOND
ORDINANCE NO. #15-5402 C.S.

**An Ordinance to Authorize the Mayor to execute an Agreement
for the Acceptance of Property from the State of Louisiana for Road Transfer Credits and
to Provide for Related Matters**

BE IT ORDAINED by the City Council of Hammond, Louisiana, that:

WHEREAS, the City Council of Hammond previously adopted Ordinance No. 14-5396 C.S., adopted on December 2, 2014, which accepted ownership of state route LA 3260 (known as West Church Street) in its entirety and a portion of state route LA 1065 (known as North Cherry Street); and

WHEREAS, the City Council of Hammond desires to amend Ordinance No. 14-5396 C.S. to correct the "Segment 2" description and correct Conditions II and III and read as follows:

BE IT ORDAINED by the City Council of Hammond, Louisiana, that the City of Hammond agrees to accept ownership of whatever rights the State of Louisiana, through the Department of Transportation and Development (Department), may own, with the exception of any and all mineral rights and subject to the servitude described below, in and to the following described property and agrees to accept all future rights, obligations and liabilities, including, but not limited to, all future operation, maintenance, and repairs associated therewith, for its operation and maintenance as a city street. This transfer is made subject to a servitude for the benefit of DOTD authorizing it to continue to locate, maintain, and improve or replace a fiber optic cable within the transferred right of way, and further subject to the conditions stated herein below:

Segment 1 - State route LA 3260 (known as West Church Street) in its entirety from its junction with state route US 190 proceeding east approximately 0.74 mile to its intersection with state route US 51 (known as North Morrison Boulevard).

Segment 2 – The portion of state route LA 1065 (known as North Cherry Street) from its intersection with state route US 190 westbound (known as East Thomas Street) proceeding north approximately 0.32 mile to a point 125 feet south of its intersection with local road known as East Michigan Street, inclusive of all rights and responsibilities of DOTD in connection with the Illinois Central railroad crossing located 0.07 mile north of local road known as East Church Street and identified as DOT # 303368R.

The City of Hammond agrees to accept ownership of whatever rights the Department may own in and to the aforesaid described property at the proper time and under the conditions specified herein below:

CONDITION I:

Segment 1 - Patch, cold plane and overlay with 2 inches of asphaltic concrete the turn lane on state route LA 3260 (known as West Church Street) at its intersection with state route US 51 (known as North Morrison Boulevard). Patch shoulders and turnouts, and re-stripe the entire portion of state route LA 3260 (known as West Church Street) to be transferred to the City of Hammond according to the plans and specifications to be developed by the Department and mutually approved by the parties hereto. Roadway travel lanes of state route LA 3260 (known as West Church Street) will be transferred in their current condition.

Segment 2 – Cold plane and overlay with 2 inches of asphaltic concrete the portion of state route LA 1065 (known as North Cherry Street) to be transferred to the City of Hammond according to the plans and specifications to be developed by the Department and mutually approved by the parties hereto.

CONDITION II: The Department shall provide \$441,248.46 in road transfer credit for state route LA 3260 (known as West Church Street) in its entirety and the portion of state route LA 1065 (known as North Cherry Street) to be transferred to the City of Hammond to be applied to the said debt in Condition III.

CONDITION III: The Department shall apply the road transfer credit described in Condition II herein above to satisfy the current Utility Relocation Assistance Fund (URAF) debt owed to DOTD by the City of Hammond as per agreement No. 08398 in the amount of \$441,248.46.

BE IT FURTHER ORDAINED: That the City of Hammond shall accept ownership of whatever rights the Department may own in and to the aforesaid described property as a binding agreement between the Department and the City of Hammond provided the Department complies with the relevant condition stated herein.

BE IT FURTHER ORDAINED: That the Mayor of the City of Hammond or his designee is authorized to execute a Cooperative Endeavor Agreement between the Department and the City of Hammond memorializing the agreement between the parties relative to the above stated property transfers.

BE IT FURTHER ORDAINED: That Mayor of the City of Hammond or his designee is authorized to execute any and all documents necessary to effect the transfer of the aforesaid described property upon the satisfaction of the above stated relevant condition, each such transfer to occur and the appropriate documents to be executed upon the completion of the improvements thereto as set forth herein above.

BE IT FURTHER ORDAINED That the City of Hammond hereby represents that it has received approval from a majority of the state legislative delegation from Tangipahoa Parish of the actions contemplated herein.

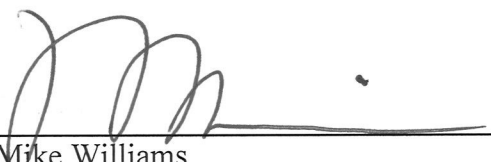
+++++


The above and foregoing ordinance having been duly submitted to the Hammond City Council in writing; introduced at a public meeting on **January 6, 2015**, of the Hammond City Council and discussed at a public meeting held on **January 20, 2015**; after motion and second was submitted to the official vote of the Hammond City Council.

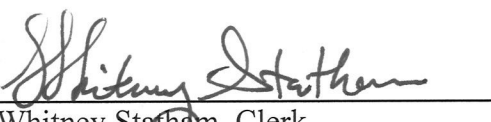
On motion by Jason Hood and seconded by Lemar Marshall, the foregoing ordinance was hereby declared adopted on **January 20, 2015**, by the following roll call vote:

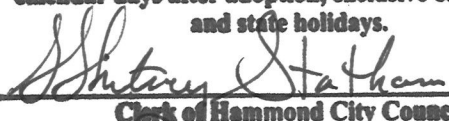
Votes: Johnny Blount (Y) Jason Hood (Y) Janice Beard Carter (Y) Lemar Marshall (Y) Mike Williams (Y). Motion approved.

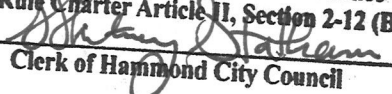
WHEREFORE, the above and foregoing ordinance was declared duly adopted on this **20th** day of **January 2015**, at Hammond, Tangipahoa Parish, Louisiana.


Mike Williams
President, Hammond City Council


Honorable Pete Panepinto
Mayor, City of Hammond


Whitney Statham, Clerk
Hammond City Council

CERTIFICATE OF DELIVERY
In accordance with Home Rule Charter Article II, Section 2-12 (A), the above Ordinance was delivered to the Mayor of the City of Hammond on the 21 day of January, in the year 2015 at 11:50 o'clock A.m. said delivery being within three (3) calendar days after adoption, exclusive of weekends and state holidays.

Clerk of Hammond City Council

Recordation of Receipt Received from the Mayor of the City of Hammond on the 21 day of January in the year 2015 at 2:15 o'clock P.m., in accordance with Home Rule Charter Article II, Section 2-12 (B).

Clerk of Hammond City Council



CITY OF HAMMOND
ORDINANCE NO. #15-5403 C.S.

An ordinance providing for the issuance and sale of Eleven Million Dollars (\$11,000,000) of Sales Tax Refunding Bonds, Series 2015, of the City of Hammond, State of Louisiana; prescribing the form, fixing the details and providing for the rights of the owners thereof; providing for the payment of such bonds and the application of the proceeds thereof to the refunding of certain bonds of said City; and providing for other matters in connection therewith.

BE IT ORDAINED by the City Council of Hammond, Louisiana, that:

WHEREAS, pursuant to the Constitution and statutes of the State of Louisiana, the City of Hammond, State of Louisiana (the "Issuer"), is authorized to levy a one percent (1%) sales and use tax pursuant to elections held in the Issuer on November 21, 1967 and July 16, 2005 (the "1967 Tax"); and

WHEREAS, pursuant to the Constitution and statutes of the State of Louisiana, the City of Hammond, State of Louisiana (the "Issuer"), is authorized to levy a one percent (1%) sales and use tax pursuant to elections held in the Issuer on July 10, 1982 and July 16, 2005 (the "1982 Tax"); and

WHEREAS, pursuant to the authority of the aforesaid elections and ordinances adopted by this Council providing for the levy and collection of the 1967 Tax and the 1982 Tax (collectively, the "Tax"), the Issuer is now levying and collecting the Tax; and

WHEREAS, in accordance with the ordinances adopted by this governing authority, the net avails or proceeds of the Tax (after the reasonable and necessary costs and expenses of collection and administration thereof have been paid therefrom) (the "Net Revenues of the Tax") shall be available for appropriation and expenditure by the Issuer solely for the purposes designated in the propositions authorizing the levy of the Tax, which includes the payment of bonds authorized to be issued in accordance with Louisiana law; and

WHEREAS, the Issuer has heretofore issued the following bonds which are currently outstanding and payable from a pledge and dedication of the 1982 Tax approved at the said elections on July 10, 1982 and July 16, 2005:

- (a) \$2,265,000 of Sales Tax Bonds, Series 2005 (the "Series 2005 Bonds"), bearing interest at the rates of 4.00% to 4.50% per annum, maturing serially on December 1 of the years 2015 to 2019, inclusive, authorized and issued pursuant to an Ordinance adopted by this Council on May 3, 2005, in the original principal amount of \$5,000,000.

WHEREAS, the Issuer has heretofore issued the following bonds which are currently outstanding and payable from a pledge and dedication of the Tax approved at the said elections on November 21, 1967, July 10, 1982 and July 16, 2005:

- (a) \$11,315,000 of Sales Tax Bonds, Series 2006 (the "Series 2006 Bonds"), bearing interest at the rates of 4.00% to 5.25% per annum, maturing serially on December 1 of the years 2015 to 2026, inclusive, authorized and issued pursuant to an Ordinance adopted by this Council on November 21, 2006, in the original principal amount of \$15,000,000.

WHEREAS, the Issuer has found and determined that the refunding of (i) \$2,265,000 of the 2005 Bonds, consisting of those 2005 Bonds which mature December 1, 2015 to December 1, 2019, inclusive (the "Series 2005 Refunded Bonds") and (ii) \$9,840,000 of the 2006 Bonds, consisting of those 2006 Bonds which mature December 1, 2017 to December 1, 2026, inclusive (the "Series 2006 Refunded Bonds") (the Series 2005 Refunded Bonds and the Series 2006 Refunded Bonds sometimes collectively referred to as the "Refunded Bonds"), would be financially advantageous to the Issuer; and

WHEREAS, pursuant to Chapter 14-A of Title 39 of the Louisiana Revised Statutes of 1950, as amended, and other constitutional and statutory authority, it is now the desire of the Issuer to adopt this Bond Ordinance in order to provide for the issuance of Eleven Million Dollars (\$11,000,000) principal amount of its Sales Tax Refunding Bonds, Series 2015 (the "Bonds"), for the purpose of refunding the Refunded Bonds and paying the costs of issuance of the Bonds, to fix the details of the Bonds and to sell the Bonds to the Underwriter; and

WHEREAS, other than the Bonds herein authorized, the Issuer has no outstanding bonds or other obligations of any kind or nature payable from or enjoying a lien on the aforesaid 1% tax herein pledged, except the outstanding unrefunded Sales Tax Bonds, Series 2006, maturing December 1, 2015 through December 1, 2016, inclusive (the "Outstanding Parity Bonds"); and

WHEREAS, under the terms and conditions of the ordinance adopted by the Issuer on November 21, 2006, authorizing the issuance of the Outstanding Parity Bonds (collectively, the "Outstanding Parity Bond Ordinance"), the Issuer has authority to issue additional bonds on a complete parity with the Outstanding Parity Bonds under the terms and conditions provided therein; and

WHEREAS, the Issuer has determined that all the terms and conditions specified in the Outstanding Parity Bond Ordinance have been or will be complied with prior to the delivery of the Bonds, and it is the express desire and intention of the Issuer that the Bonds be issued on a complete parity with the Outstanding Parity Bonds; and

WHEREAS, in connection with the issuance of the Bonds, it is necessary that provision be made for the payment of the principal, interest and redemption premium, if any, of the Refunded Bonds described in Exhibit A hereto, and to provide for the call for redemption of the Refunded Bonds, pursuant to Notices of Defeasance and Call for Redemption; and

WHEREAS, it is necessary that the Issuer prescribe the form and content of an Escrow Deposit Agreement, as set forth in Exhibit B, providing for the payment of the principal, premium and interest of the Refunded Bonds and authorize the execution thereof as hereinafter provided; and

WHEREAS, the Issuer on November 18, 2014 authorized the issuance of the hereinafter defined Bonds, and the sale thereof to the Underwriter, at such time as the sale of the Bonds produces net present value savings (after payment of all costs) of at least 3% of the principal amount of the Refunded Bonds; and

WHEREAS, pursuant to said authorization of November 18, 2014, the Bonds have been sold to the Underwriter with the required present value savings, and the Clerk of Council, Mayor or Director of Administration has duly executed the Bond Purchase Agreement, as set forth in Exhibit D hereto, with the Underwriter; and

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Hammond, State of Louisiana, acting as the governing authority thereof, that:

ARTICLE I

DEFINITIONS AND INTERPRETATION

SECTION 1.1. Definitions. The following terms shall have the following meanings unless the context otherwise requires:

"**Act**" shall mean Chapter 14-A of Title 39 of the Louisiana Revised Statutes of 1950, as amended, and other applicable constitutional and statutory authority.

"**Additional Parity Bonds**" shall mean any *pari passu* additional bonds which may hereafter be issued pursuant to Section 8.1 hereof on a parity with the Bonds and the Outstanding Parity Bonds.

"**Bond**" or "**Bonds**" shall mean the Issuer's Sales Tax Refunding Bonds, Series 2015, issued by this Bond Ordinance in the total aggregate principal amount of Eleven Million Dollars (\$11,000,000), and any bond of said issue, whether initially delivered or issued in exchange for, upon transfer of, or in lieu of any previously issued.

"**Bond Counsel**" shall mean an attorney or firm of attorneys whose experience in matters relating to the issuance of obligations by states and their political subdivisions is nationally recognized.

"**Bond Obligation**" shall mean, as of the date of computation, the principal amount of the Bonds then Outstanding.

"**Bond Ordinance**" shall mean this ordinance, as further amended and supplemented as herein provided.

"**Bond Register**" means the registration books of the Paying Agent in which registration of the Bonds and transfers of the Bonds shall be made as provided herein.

"**Business Day**" shall mean a day of the year other than a day on which banks located in New York, New York and the cities in which the principal offices of the Escrow Agent and the Paying Agent are located are required or authorized to remain closed and on which the New York Stock Exchange is closed.

"**Code**" shall mean the Internal Revenue Code of 1986, as amended.

"**Costs of Issuance**" shall mean all items of expense, directly or indirectly payable or reimbursable and related to the authorization, sale and issuance of the Bonds, including but not limited to printing costs, costs of preparation and reproduction of documents, filing and recording fees, initial fees and charges of any fiduciary, legal fees and charges, fees and charges for the preparation and distribution of a preliminary official statement and official statement, if paid by the Issuer, fees and disbursements of consultants and professionals, costs of credit ratings, fees and charges for preparation, execution, transportation and safekeeping of the Bonds, costs and expenses of refunding, premiums for the insurance of the payment of the Bonds, if any, and any other cost, charge or fee paid or payable by the Issuer in connection with the original issuance of Bonds.

"**Defeasance Obligations**" shall mean (a) cash, or (b) non-callable Government Securities.

"**Escrow Agent**" shall mean Argent Trust Company, N.A., in the City of Ruston, Louisiana, and its successor or successors, and any other person which may at any time be substituted in its place pursuant to the Bond Ordinance.

"**Escrow Agreement**" shall mean the Defeasance and Escrow Deposit Agreement dated as of March 12, 2015, between the Issuer and the Escrow Agent, substantially in the form attached hereto as Exhibit B, with respect to the Refunded Bonds, as the same may be amended from time to time, the terms of which Escrow Agreement are incorporated herein by reference.

"Executive Officers" shall mean, collectively, the Mayor of the Issuer and the President and the Clerk of the Council of the Issuer.

"Fiscal Year" shall mean the one-year period commencing on July 1 of each year or such other one-year period as may be designated by the Governing Authority as the fiscal year of the Issuer.

"Governing Authority" shall mean the Council of the City of Hammond, State of Louisiana, or its successor in function.

"Government Securities" shall mean direct obligations of, or obligations the timely payment of the principal of and interest on which are fully and unconditionally guaranteed by the United States of America, which are non-callable prior to their maturity and may be United States Treasury Obligations such as the State and Local Government Series and may be in book-entry form.

"Insurance Agreement" or "Reimbursement Agreement" the Insurance Agreement between the Issuer and the Reserve Insurer providing for reimbursement for any draws under the Reserve Fund Insurance Policy.

"Interest Payment Date" shall mean June 1 and December 1 of each year, commencing June 1, 2015.

"Issuer" shall mean the City of Hammond, State of Louisiana.

"Net Revenues of the Tax" shall mean the avails or proceeds of the Tax received by the Issuer, after provision has been made for the payment therefrom of all of the reasonable and necessary costs and expenses of collecting and administering the Tax.

"Outstanding", when used with reference to the Bonds, shall mean, as of any date, all Bonds theretofore issued under the Bond Ordinance, except:

- (A) Bonds theretofore cancelled by the Paying Agent or delivered to the Paying Agent for cancellation;
- (B) Bonds for the payment or redemption of which sufficient Defeasance Obligations have been deposited with the Paying Agent or an escrow agent in trust for the Owners of such Bonds with the effect specified in this Bond Ordinance, provided that if such Bonds are to be redeemed, irrevocable notice of such redemption has been duly given or provided for pursuant to the Bond Ordinance, to the satisfaction of the Paying Agent, or waived;
- (C) Bonds in exchange for or *in lieu* of which other Bonds have been registered and delivered pursuant to the Bond Ordinance; and
- (D) Bonds alleged to have been mutilated, destroyed, lost, or stolen which have been paid as provided in the Bond Ordinance or by law.

"Outstanding Parity Bonds" shall mean the Issuer's unrefunded Sales Tax Bonds, Series 2006, maturing December 1, 2015 through December 1, 2016, inclusive, as described in the preamble hereto.

"Outstanding Parity Bond Ordinance" shall mean the ordinance adopted by the Issuer on November 21, 2006, authorizing the issuance of the Outstanding Parity Bonds.

"Owner" or "Owners" when used with respect to any Bond shall mean the Person in whose name such Bond is registered in the Bond Register.

"Paying Agent" shall mean Argent Trust Company, N.A., in the City of Ruston, Louisiana, as paying agent and registrar hereunder, until a successor Paying Agent shall have become such pursuant to the applicable provisions of the Bond Ordinance, and thereafter "Paying Agent" shall mean such successor Paying Agent.

"Person" shall mean any individual, corporation, partnership, joint venture, association, joint-stock company, trust, unincorporated organization, or government or any agency or political subdivision thereof.

"Qualified Investments" shall mean the following, provided that the same are at the time legal for investment of the Issuer's funds and, if required by law, are secured at all times by collateral described in clause (i) below:

- (i) Government Securities, including obligations of any of the Federal agencies set forth in clause (ii) below to the extent unconditionally guaranteed by the United States of America and any certificates or any other evidences of an ownership interest in obligations or in specified portions thereof (which may consist of specified portions of the interest thereon) of the character described in this clause (i) such as those securities commonly known as CATS, TIGRS and/or STRIPS;
- (ii) bonds, debentures or other evidences of indebtedness issued by the Private Export Funding Corporation, Federal Home Loan Bank System, Federal Home Loan Mortgage Corporation, Federal National Mortgage Association and Student Loan Marketing Association;
- (iii) certificates of deposit, whether negotiable or nonnegotiable, issued by any bank or trust company organized under the laws of the State or any national banking association having its principal office in the State (including the Paying Agent or the Escrow Agent) which is a member of the Federal Deposit Insurance Corporation and which are secured at all times by collateral described in clause (i) above;
- (iv) certificates of deposit, savings accounts, deposit accounts or money market deposits of any bank or trust company organized under the laws of the State or any national banking association having its principal office in the State (including the Paying Agent and the Escrow Agent) which are fully insured by the Federal Deposit Insurance Corporation; and

(v) the Louisiana Asset Management Pool (LAMP).

"Record Date" shall mean, with respect to an Interest Payment Date, the fifteenth day of the calendar month next preceding such Interest Payment Date, whether or not such day is a Business Day.

"Redemption Price" shall mean, when used with respect to a Bond, the principal amount thereof plus the applicable premium, if any, payable upon redemption thereof pursuant to this Bond Ordinance.

"Refunded Bonds" shall mean, collectively, the Issuer's outstanding (i) Sales Tax Bonds, Series 2005, maturing December 1, 2015 to December 1, 2019, inclusive (the "Series 2005 Refunded Bonds") and (ii) Sales Tax Bonds, Series 2006, maturing December 1, 2017 to December 1, 2026, inclusive (the "Series 2006 Refunded Bonds"), which are being refunded by the Bonds, as more fully described in Exhibit A hereto.

"Reserve Fund Alternative Investment" means a surety bond or insurance policy issued by an insurance company or an irrevocable letter of credit issued by a bank meeting the requirements of Section 12 hereof.

"Reserve Fund Insurance Policy" shall mean the Municipal Bond Debt Service Reserve Insurance Policy, and any endorsement thereto, issued by the Reserve Insurer, under which claims may be made in order to provide for moneys in the Reserve Fund available for the purposes thereof.

"Reserve Insurer" or **"AGM"** means, with respect to the Bonds, Assured Guaranty Municipal Corp., or any successor thereto.

"Reserve Fund Requirement" means, as of any date of calculation, a sum equal to the lesser of (i) 10% of the original proceeds of the Bonds, the Outstanding Parity Bonds and any issue of additional *pari passu* bonds payable from the Net Revenues of the Tax, calculated in accordance with applicable Internal Revenue Service regulations, (ii) the maximum principal and interest requirements for any succeeding Bond Year (ending December 1) on the Bonds, the Outstanding Parity Bonds and any issue of *pari passu* bonds payable from the Net Revenues of the Tax, or (iii) 125% of the average annual principal and interest requirements on the Bonds, the Outstanding Parity Bonds and any issue of *pari passu* bonds payable from the Net Revenue of the Tax, subject in each case to the payment of the reasonable costs and expenses of collecting and administering the Tax; provided, however, that the Reserve Fund Requirement may be satisfied by cash or Reserve Fund Alternative Investment, or a combination of the foregoing.

"State" shall mean the State of Louisiana.

"Series 2005 Refunded Bonds" shall mean the Sales Tax Bonds, Series 2005, maturing December 1, 2015 to December 1, 2019, inclusive.

"Series 2006 Refunded Bonds" shall mean the Sales Tax Bonds, Series 2006, maturing December 1, 2017 through December 1, 2026, inclusive.

"Tax" shall mean, collectively, the 1967 Tax and the 1982 Tax.

"Tax Ordinance" shall mean the ordinances adopted by this Governing Authority, pursuant to which the Tax is being levied, as the same may be supplemented and/or amended from time to time.

"Underwriter" shall mean Raymond James & Associates, Inc., New Orleans, Louisiana, the original underwriter of the Bonds.

"1967 Tax" shall mean the one percent (1%) sales and use tax of the Issuer authorized at elections held in the Issuer on November 21, 1967 and July 16, 2005.

"1982 Tax" shall mean the one percent (1%) sales and use tax of the Issuer authorized at elections held in the Issuer on July 10, 1982 and July 16, 2005.

SECTION 1.2. Interpretation{tc \12 "SECTION Field result goes here Interpretation}. In this Bond Ordinance, unless the context otherwise requires, (a) words importing the singular include the plural and vice versa, (b) words of the masculine gender shall be deemed and construed to include correlative words of the feminine and neuter genders and (c) the title of the offices used in this Bond Ordinance shall be deemed to include any other title by which such office shall be known under any subsequently adopted charter.

ARTICLE II

AUTHORIZATION AND ISSUANCE OF BONDS

SECTION 2.1. Authorization of Bonds and Escrow Agreement{tc \12 "SECTION Field result goes here Authorization of Bonds and Escrow Agreement}. (a) This Bond Ordinance creates a series of Bonds of the Issuer to be designated "Sales Tax Refunding Bonds, Series 2015, of the City of Hammond, State of Louisiana" and provides for the full and final payment of the principal or redemption price of and interest on all of the Bonds.

(b) The Bonds issued under this Bond Ordinance shall be issued for the purpose of refunding the Refunded Bonds through the escrow of a portion of the proceeds of the Bonds, together with other available moneys of the Issuer, in Government Securities plus an initial cash deposit, in accordance with the terms of the Escrow Agreement, in order to provide for the payment of the principal of, premium, if any, and interest on the Refunded Bonds as they mature or upon earlier redemption as provided in Section 13.1 hereof.

(c) Provision having been made for the orderly payment until redemption of all the Refunded Bonds, in accordance with their terms, it is hereby recognized and acknowledged that as of the date of delivery of the Bonds under this Bond Ordinance, provision will have been made for the performance of all covenants and agreements of the Issuer incidental to the Refunded Bonds, and that accordingly, and in compliance with all that is herein provided, the Issuer is expected to have no future obligation with reference to the Refunded Bonds, except to assure that the Refunded Bonds are paid from the Government Securities and funds so escrowed in accordance with the provisions of the Escrow Agreement.

(d) The Escrow Agreement is hereby approved by the Issuer, and the Executive Officers are hereby authorized and directed to execute and deliver the Escrow Agreement on behalf of the Issuer substantially in the form of Exhibit B hereof, with such changes, additions, deletions or completions deemed appropriate by such Executive Officers and it is expressly provided and covenanted that all of the provisions for the payment of the principal of, premium, if any, and interest on the Refunded Bonds from the special trust fund created under the Escrow Agreement shall be strictly observed and followed in all respects.

SECTION 2.2. Bond Ordinance to Constitute Contract{tc \12 "SECTION Field result goes here Bond Ordinance to Constitute Contract}. In consideration of the purchase and acceptance of the Bonds by those who shall own the same from time to time, the provisions of this Bond Ordinance shall be a part of the contract of the Issuer with the Owners and shall be deemed to be and shall constitute a contract between the Issuer and the Owners from time to time of the Bonds. The provisions, covenants and agreements herein set forth to be performed by or on behalf of the Issuer shall be for the equal benefit, protection and security of the Owners, each of which Bonds, regardless of the time or times of its issue or maturity, shall be of equal rank without preference, priority or distinction over any other thereof except as expressly provided in this Bond Ordinance.

SECTION 2.3. Obligation of Bonds{tc \12 "SECTION Field result goes here Obligation of Bonds}. The Bonds, equally with the Outstanding Parity Bonds, shall be payable solely from and secured by an irrevocable pledge and dedication of the avails or proceeds of the (i) one percent (1%) sales and use tax being levied and collected by the Issuer pursuant to elections held in the Issuer on November 21, 1967 and July 16, 2005 and the (ii) one percent (1%) sales and use tax being levied and collected by the Issuer pursuant to elections held in the Issuer on July 10, 1982 and July 16, 2005. The Net Revenues of the Tax are hereby irrevocably and irrepealably pledged and dedicated in an amount sufficient for the payment of the Bonds in principal, premium, if any, and interest as they shall respectively become due and payable, and for the other purposes hereinafter set forth in this Bond Ordinance. All of the Net Revenues of the Tax shall be set aside in separate funds, as hereinafter provided, and shall be and remain pledged for the security and payment of the Bonds and any Additional Parity Bonds issued pursuant to Section 8.1 hereof, in principal, premium, if any, and interest and for all other payments provided for in this Bond Ordinance until such bonds shall have been fully paid and discharged.

SECTION 2.4. Authorization and Designation{tc \12 "SECTION Field result goes here Authorization and Designation}. Pursuant to the provisions of the Act, there is hereby authorized the issuance of Eleven Million Dollars (\$11,000,000) principal amount of Bonds of the Issuer to be designated "Sales Tax Refunding Bonds, Series 2015, of the City of Hammond, State of Louisiana," for the purpose of refunding the Refunded Bonds and paying the Costs of Issuance. The Bonds shall be in substantially the form set forth in Exhibit C hereto, with such necessary or appropriate variations, omissions and insertions as are required or permitted by the Act and this Bond Ordinance.

SECTION 2.5. {tc \12 "SECTION Field result goes here }Book Entry Registration of Bonds. The Bonds shall be initially issued in the name of Cede & Co., as nominee for The Depository Trust Company ("DTC"), as registered owner of the Bonds, and held in the custody of DTC. The Secretary of the Governing Authority or any other officer of the Issuer is authorized to execute and deliver a Letter of Representation to DTC on behalf of the Issuer with respect to the issuance of the Bonds in "book-entry only" format. The Paying Agent is hereby directed to execute said Letter of Representation. The terms and provisions of said Letter of Representation shall govern in the event of any inconsistency between the provisions of this Bond Ordinance and said Letter of Representation. Initially, a single certificate will be issued and delivered to DTC for each maturity of the Bonds. The Beneficial Owners will not receive physical delivery of Bond certificates except as provided herein. Beneficial Owners are expected to receive a written confirmation of their purchase providing details of each Bond acquired. For so long as DTC shall continue to serve as securities depository for the Bonds as provided herein, all transfers of beneficial ownership interest will be made by book-entry only, and no investor or other party purchasing, selling or otherwise transferring beneficial ownership of Bonds is to receive, hold or deliver any Bond certificate.

Notwithstanding anything to the contrary herein, while the Bonds are issued in book-entry-only form, the payment of principal of, premium, if any, and interest on the Bonds may be payable by the Paying Agent by wire transfer to DTC in accordance with the Letter of Representation.

For every transfer and exchange of the Bonds, the Beneficial Owner may be charged a sum sufficient to cover such Beneficial Owner's allocable share of any tax, fee or other governmental charge that may be imposed in relation thereto.

Bond certificates are required to be delivered to and registered in the name of the Beneficial Owner under the following circumstances:

- (a) DTC determines to discontinue providing its service with respect to the Bonds. Such a determination may be made at any time by giving 30 days' notice to the Issuer and the Paying Agent and discharging its responsibilities with respect thereto under applicable law; or
- b) The Issuer determines that continuation of the system of book-entry transfer through DTC (or a successor securities depository) is not in the best interests of the Issuer and/or the Beneficial Owners.

The Issuer and the Paying Agent will recognize DTC or its nominee as the Bondholder for all purposes, including notices and voting.

Neither the Issuer or the Paying Agent are responsible for the performance by DTC of any of its obligations, including, without limitation, the payment of moneys received by DTC, the forwarding of notices received by DTC or the giving of any consent or proxy *in lieu* of consent.

Whenever during the term of the Bonds the beneficial ownership thereof is determined by a book entry at DTC, the requirements of this Bond Ordinance of holding, delivering or transferring the Bonds shall be deemed modified to require the appropriate person to meet the requirements of DTC as to registering or transferring the book entry to produce the same effect.

If at any time DTC ceases to hold the Bonds, all references herein to DTC shall be of no further force or effect.

SECTION 2.6. Denominations, Dates, Maturities and Interest. The Bonds are issuable as fully registered bonds without coupons in the denominations of \$5,000 principal amount or any integral multiple thereof within a single maturity, and shall be numbered R-1 upwards.

The Bonds shall be dated the date of delivery thereof, shall mature on December 1 in the years and in the principal amounts and shall bear interest, payable on the Interest Payment Dates, at the rates per annum, as follows:

DATE	PRINCIPAL	INTEREST	DATE	PRINCIPAL	INTEREST
<u>(DEC. 1)</u>	<u>PAYMENT</u>	<u>RATE</u>	<u>(DEC. 1)</u>	<u>PAYMENT</u>	<u>RATE</u>
2015	\$ 385,000	2.00%	2021	\$850,000	3.00%
2016	395,000	2.00	2022	885,000	4.00
2017	1,190,000	3.00	2023	920,000	4.00
2018	1,225,000	3.00	2024	965,000	5.00
2019	1,275,000	4.00	2025	1,020,000	5.00
2020	815,000	3.00	2026	1,075,000	5.00

SECTION 2.7. Payment of Principal and Interest. The principal and premium, if any, of the Bonds are payable in such coin or currency of the United States of America as at the time of payment is legal tender for payment of public and private debts at the principal corporate trust office of the Paying Agent, upon presentation and surrender thereof. Interest on the Bonds is payable by check mailed on or before the Interest Payment Date by the Paying Agent to each Owner (determined as of the close of business on the applicable Record Date) at the address of such Owner as it appears on the registration books of the Paying Agent maintained for such purpose. Except as otherwise provided in this Section, Bonds shall bear interest from date thereof or from the most recent Interest Payment Date to which interest has been paid or duly provided for, as the case may be, provided, however, that if and to the extent that the Issuer shall default in the payment of the interest on any Bonds due on any Interest Payment Date, then all such Bonds shall bear interest from the most recent Interest Payment Date to which interest has been paid on the Bonds, or if no interest has been paid on the Bonds, from their dated date. The Person in whose name any Bond is registered at the close of business on the Record Date with respect to an Interest Payment Date shall in all cases be entitled to receive the interest payable on such Interest Payment Date (unless such Bond has been called for redemption on a redemption date which is prior to such Interest Payment Date) notwithstanding the cancellation of such Bond upon any registration of transfer or exchange thereof subsequent to such Record Date and prior to such Interest Payment Date.

ARTICLE III

GENERAL TERMS AND PROVISIONS OF THE BONDS

SECTION 3.1. Exchange of Bonds; Persons Treated as Owners. The Issuer shall cause books for the registration and for the registration of transfer of the Bonds as provided in this Bond Ordinance to be kept by the Paying Agent at its principal corporate trust office, and the Paying Agent is hereby constituted and appointed the registrar for the Bonds. At reasonable times and under reasonable regulations established by the Paying Agent said list may be inspected and copied by the Issuer or by the Owners (or a designated representative thereof) of 15% of the outstanding principal amount of the Bonds. Upon surrender for registration of transfer of any Bond, the Paying Agent shall register and deliver in the name of the transferee or transferees one or more new fully registered Bonds of authorized denomination of the same maturity and like aggregate principal amount. At the option of the Owner, Bonds may be exchanged for other Bonds of authorized denominations of the same maturity and like aggregate principal amount, upon surrender of the Bonds to be exchanged at the principal corporate trust office of the Paying Agent. Whenever any Bonds are so surrendered for exchange, the Paying Agent shall register and deliver in exchange therefor the Bond or Bonds which the Owner making the exchange shall be entitled to receive. All Bonds presented for registration of transfer or exchange shall be accompanied by a written instrument or instruments of transfer in form and with a guaranty of signature satisfactory to the Paying Agent, duly executed by the Owner or his attorney duly authorized in writing.

All Bonds delivered upon any registration of transfer or exchange of Bonds shall be valid obligations of the Issuer, evidencing the same debt and entitled to the same benefits under this Bond Ordinance as the Bonds surrendered. Prior to due presentment for registration of transfer of any Bond, the Issuer and the Paying Agent, and any agent of the Issuer or the Paying Agent may deem and treat the person in whose name any Bond is registered as the absolute owner thereof for all purposes, whether or not such Bond shall be overdue, and shall not be bound by any notice to the contrary.

No service charge to the Owners shall be made by the Paying Agent for any exchange or registration of transfer of Bonds. The Paying Agent may require payment by the Person requesting an exchange or registration of transfer of Bonds of a sum sufficient to cover any tax or other governmental charge that may be imposed in relation thereto. The

Issuer and the Paying Agent shall not be required (a) to issue, register the transfer of or exchange any Bond during a period beginning at the opening of business on the 15th calendar day of the month next preceding an Interest Payment Date or any date of selection of Bonds to be redeemed and ending at the close of business on the Interest Payment Date or day on which the applicable notice of redemption is given or (b) to register the transfer of or exchange any Bond so selected for redemption in whole or in part.

SECTION 3.2. Bonds Mutilated, Destroyed, Stolen or Lost{tc \12 "SECTION Field result goes here Bonds Mutilated, Destroyed, Stolen or Lost}. In case any Bond shall become mutilated or be improperly cancelled, or be destroyed, stolen or lost, the Issuer may in its discretion adopt a resolution or ordinance and thereby authorize the issuance and delivery of a new Bond in exchange for and substitution for such mutilated or improperly cancelled Bond, or *in lieu* of and in substitution for the Bond destroyed, stolen or lost, upon the Owner (i) furnishing the Issuer and the Paying Agent proof of his ownership thereof and proof of such mutilation, improper cancellation, destruction, theft or loss satisfactory to the Issuer and the Paying Agent, (ii) giving to the Issuer and the Paying Agent an indemnity bond in favor of the Issuer and the Paying Agent in such amount as the Issuer may require, (iii) compliance with such other reasonable regulations and conditions as the Issuer may prescribe and (iv) paying such expenses as the Issuer and the Paying Agent may incur. All Bonds so surrendered shall be delivered to the Paying Agent for cancellation pursuant to Section 3.4 hereof. If any Bond shall have matured or be about to mature, instead of issuing a substitute Bond, the Issuer may pay the same, upon being indemnified as aforesaid, and if such Bond be lost, stolen or destroyed, without surrender thereof. Any such duplicate Bond issued pursuant to this Section shall constitute an original, additional, contractual obligation on the part of the Issuer, whether or not the lost, stolen or destroyed Bond be at any time found by anyone. Such duplicate Bond shall be in all respects identical with those replaced except that it shall bear on its face the following additional clause: "This bond is issued to replace a lost, cancelled or destroyed bond under the authority of R.S. 39:971 through 39:974."

Such duplicate Bond may be signed by the facsimile signatures of the same officers who signed the original Bonds, provided, however, that in the event the officers who executed the original Bonds are no longer in office, then the new Bonds may be signed by the officers then in office. Such duplicate Bonds shall be entitled to equal and proportionate benefits and rights as to lien and source and security for payment as provided herein with respect to all other Bonds hereunder, the obligations of the Issuer upon the duplicate Bonds being identical to its obligations upon the original Bonds and the rights of the Owner of the duplicate Bonds being the same as those conferred by the original Bonds.

SECTION 3.3. Cancellation of Bonds{tc \12 "SECTION Field result goes here Cancellation of Bonds}. All Bonds paid or redeemed either at or before maturity, together with all Bonds purchased by the Issuer, shall thereupon be promptly cancelled by the Paying Agent. The Paying Agent shall thereupon promptly furnish to the Secretary of the Issuer an appropriate certificate of cancellation.

SECTION 3.4. Execution{tc \12 "SECTION Field result goes here Execution}. The Bonds shall be executed in the name and on behalf of the Issuer by the manual or facsimile signatures of the Executive Officers, and the corporate seal of the Issuer (or a facsimile thereof) shall be thereunto affixed, imprinted, engraved or otherwise reproduced thereon. In case any one or more of the officers who shall have signed or sealed any of the Bonds shall cease to be such officer before the Bonds so signed and sealed shall have been actually delivered, such Bonds may, nevertheless, be delivered as herein provided, and may be issued as if the person who signed or sealed such Bonds had not ceased to hold such office. Said officers shall, by the execution of the Bonds, adopt as and for their own proper signatures their respective facsimile signatures appearing on the Bonds or any legal opinion certificate thereon, and the Issuer may adopt and use for that purpose the facsimile signature of any person or persons who shall have been such officer at any time on or after the date of such Bond, notwithstanding that at the date of such Bond such person may not have held such office or that at the time when such Bond shall be delivered such person may have ceased to hold such office.

SECTION 3.5. Registration by Paying Agent{tc \12 "SECTION Field result goes here Registration by Paying Agent}. (a) No Bond shall be valid or obligatory for any purpose or entitled to any security or benefit under this Bond Ordinance unless and until a certificate of registration on such Bond substantially in the form set forth in Exhibit C hereto shall have been duly manually executed on behalf of the Paying Agent by a duly authorized signatory, and such executed certificate of the Paying Agent upon any such Bond shall be conclusive evidence that such Bond has been executed, registered and delivered under this Bond Ordinance.

SECTION 3.6. Regularity of Proceedings{tc \12 "SECTION Field result goes here Regularity of Proceedings}. The Issuer, having investigated the regularity of the proceedings had in connection with the issuance of the Bonds, and having determined the same to be regular, each of the Bonds shall contain the following recital, to-wit:

"It is certified that this bond is authorized by and is issued in conformity with the requirements of the Constitution and statutes of this State."

ARTICLE IV

PAYMENT OF BONDS; DISPOSITION OF FUNDS

SECTION 4.1. Deposit of Funds with Paying Agent{tc \12 "SECTION Field result goes here Deposit of Funds With Paying Agent}. The Issuer covenants that it will deposit or cause to be deposited with the Paying Agent from the moneys derived from the Net Revenues of the Tax or other funds available for such purpose, at least three (3) days in advance of each Interest Payment Date, funds fully sufficient to pay promptly the principal, premium, if any, and interest so falling due on the Bonds and the Outstanding Parity Bonds on such date.

SECTION 4.2. Issuer Obligated to Collect Tax{tc \12 "SECTION Field result goes here Issuer Obligated to Collect Tax}. In compliance with the laws of Louisiana, the Issuer, by proper ordinances and/or resolutions, is obligated to cause the Tax to continue to be levied and collected for the full period of its authorization until all of the Bonds and the Outstanding Parity Bonds have been retired as to both principal and interest, and further shall not discontinue or decrease or permit to be discontinued or decreased the Tax in anticipation of the collection of which the Bonds have been issued, nor in any way make any change which would diminish the amount of the Revenues of the Tax to be received by the Issuer until all of the Bonds and the Outstanding Parity Bonds have been retired as to both principal and interest.

SECTION 4.3. {tc \12 "SECTION Field result goes here }Funds and Accounts. In order that the principal of and the interest on the Bonds will be paid in accordance with their terms and for the other objects and purposes hereinafter provided, the Issuer further covenants as follows:

All of the avails or proceeds derived from the levy and collection of the 1967 Tax and the 1982 Tax shall be deposited daily as the same may be collected in a separate and special bank account maintained with the regularly designated fiscal agent of the Issuer, and to be known as the ACombined Sales Tax Fund@, and shall be maintained and administered in the following order of priority and for the purposes set out below. The Combined Sales Tax Fund shall constitute a dedicated fund of the Issuer, from which appropriations and expenditures by the Issuer shall be made solely for the purposes designated in the propositions authorizing the levy of the Tax, including the payment of the Bonds.

Out of the funds on deposit in the Combined Sales Tax Fund, the Issuer shall first pay all reasonable and necessary costs and expenses of collection and administration of the Tax. After payment of such costs and expenses, the remaining balance of the proceeds of the Tax on deposit in such Fund shall be administered and used in the following order of priority and for the following express purposes:

- (a) The maintenance of a Sales Tax Bond Sinking Fund (hereinafter called the ASinking Fund@), sufficient in amount to pay promptly and fully the principal of and the interest on the Bonds, the Outstanding Parity Bonds and any Additional Parity Bonds, as they severally become due and payable, by transferring from the Combined Sales Tax Fund to the regularly designated fiscal agent of the Issuer, in advance on or before the 20th day of each month, a sum equal to the prorata amount of interest falling due on such bonds on the next Interest Payment Date and a sum equal to the prorata amount of principal falling due on such bonds on the next principal payment date. The Issuer will cause said fiscal agent bank to transfer from the Sinking Fund to the paying agent bank or banks for all bonds payable from said fund, at least three (3) days in advance of each Interest Payment Date, funds fully sufficient to pay promptly the principal and interest so falling due on such date.

(b)The maintenance of a Sales Tax Bond Reserve Fund (hereinafter called the "Reserve Fund@). On the date of issuance of the Bonds, the Issuer shall (i) deposit from the proceeds of the Bonds into the Reserve Fund an amount equal to the Reserve Fund Requirement or (ii) deposit to the credit of the Reserve Fund a surety bond, letter of credit or insurance policy equal to the Reserve Fund Requirement. Issuer intends to meet this requirement with respect to the Bonds by so depositing to the credit of the Reserve Fund a Reserve Fund Alternative Investment that equals the Reserve Fund Requirement. Moneys in the Reserve Fund shall be used solely for transfer to the Sinking Fund in amounts required to prevent any default in the payment of the principal of and interest on the Bonds and the Outstanding Parity Bonds, and, at the option of the Issuer, for payment of the final principal and interest requirements of the Bonds and the Outstanding Parity Bonds.

Whenever the amount in the Reserve Fund, together with the amount in the Sinking Fund, is sufficient to pay in full all Bonds and the Outstanding Parity Bonds in accordance with their terms (including principal or applicable premium and interest thereon), the funds on deposit in the Reserve Fund shall be transferred to the Sinking Fund and shall be available to pay all Bonds and the Outstanding Parity Bonds in accordance with their terms (including principal or applicable premium and interest thereon). Prior to said transfer, all investments held in the Reserve Fund shall be liquidated to the extent necessary in order to provide for the timely payment of principal and interest (or redemption premium) on the Bonds and the Outstanding Parity Bonds.

In lieu of the required transfers to the Reserve Fund or to provide for the removal of all or a portion of the amounts on deposit in the Reserve Fund, the Issuer may cause to be deposited into the Reserve Fund a surety bond or an insurance policy for the benefit of the Owners or a letter of credit in an amount equal to (i) the difference between the Reserve Fund Requirement and the sums then on deposit in the Reserve Fund, if any or (ii) the Reserve Fund Requirement. The surety bond, insurance policy or letter of credit shall, while the Bonds are Outstanding, be subject to the prior written consent of the Reserve Insurer, and shall be payable (upon the giving of notice as required thereunder) on any due date on which moneys will be required to be withdrawn from the Reserve Fund and applied to the payment of principal of or interest on any Bonds when such withdrawal cannot be met by amounts on deposit in the Sinking Fund or the Reserve Fund or provided from any other fund or account under this Bond Ordinance.

To the extent the Reserve Fund is funded in part with a surety bond or other credit facility issued by an entity other than the Insurer and in part with the Reserve Fund Alternative Investment, then, in the event of any draw upon the Reserve Fund, the Paying Agent must make claims pro rata (in the proportion which the maximum amount available under each surety bond or other credit facility bears to the total Reserve Fund Requirement) against the Reserve Fund Alternative Investment and all other surety bonds and other credit facilities on deposit in the Reserve Fund.

In the event of the refunding of any Bonds, the Issuer may withdraw from the Reserve Fund all, or any portion of, the amounts accumulated therein with respect to the Bonds being refunded and deposit such amounts to be held for the payment of the principal or redemption premium, if applicable and interest on the Bonds being refunded; provided that such withdrawal shall not be made unless (i) immediately thereafter the Bonds being refunded shall be deemed to have been paid pursuant to Section 11.1 and (ii) the amount remaining in the Reserve Fund, after giving effect to

the issuance of the Refunding Bonds and the disposition of the proceeds thereof, shall not be less than the Reserve Fund Requirement.

In the event that Additional Parity Bonds are issued hereafter in the manner provided by this Bond Ordinance, there shall be immediately transferred from the proceeds of such Additional Parity Bonds and/or from the Combined Sales Tax Fund into the Reserve Fund such amount (as may be designated in the ordinance authorizing the issuance of such Additional Parity Bonds) as will increase the total amount on deposit in the Reserve Fund to a sum equal to the Reserve Fund Requirement for all outstanding bonds payable from the Sinking Fund and any such Additional Parity Bonds; provided, however, that in the event of the issuance of Additional Parity Bonds, the Reserve Fund Requirement may be satisfied by cash or Reserve Fund Alternative Investment, or any combination thereof (provided, however, while the Bonds are Outstanding, any such Reserve Fund Alternative Investment shall be subject to the prior written consent of the Insurer).

- (c) All or any part of the moneys in the Sales Tax Fund, the Sinking Fund or the Reserve Fund shall at the written request of the Governing Authority be invested in Qualified Investments maturing in five (5) years or less, in which event all income derived from such investments shall be added to the Combined Sales Tax Fund, with the exception that any interest earnings from invested funds of the Reserve Fund shall be retained therein until an amount equal to the Reserve Fund Requirement is on deposit therein, and such investments shall, to the extent at any time necessary, be liquidated and the proceeds thereof applied to the purposes for which the Combined Sales Tax Fund has been created.

If at any time it shall be necessary to use moneys in the Reserve Fund for the purpose of paying principal or interest on bonds payable from the Sinking Fund as to which there would otherwise be default, the moneys so used shall be replaced from the Tax revenues first thereafter received and deposited into the Combined Sales Tax Fund and not hereinafter required to be used for paying the expenses of collecting the Tax or to pay current principal and interest requirements, it being the intention hereof that there shall as nearly as possible be at all times in the Reserve Fund the amount hereinabove specified.

All moneys remaining in the Combined Sales Tax Fund on the 20th day of each month in excess of all reasonable and necessary expenses of collection and administration of the Tax and after making the required payments into the Sinking Fund and the Reserve Fund for the current month and for prior months during which the required payments may not have been made (including any amounts owed a provider of a Reserve Fund Alternative Investment), shall be considered as surplus. Such surplus may be used by the Issuer for any of the purposes for which the imposition of the Tax is authorized or for the purpose of retiring bonds payable from the Tax in advance of their maturities, either by purchase of bonds then outstanding at prices not greater than the redemption prices of said bonds or by retiring such bonds at the prices and in the manner set forth in the ordinances issuing such bonds.

SECTION 4.4. Investment of Funds{tc \12 "SECTION Field result goes here Investment of Funds}. All or any part of the moneys in the Combined Sales Tax Fund, the Sinking Fund and the Reserve Fund shall, at the written request of the Issuer, be invested in Qualified Investments, except for (a) Bond proceeds representing accrued interest and (b) moneys on deposit in the Reserve Fund, which shall be invested in Government Securities maturing in five (5) years or less, in which event all income derived from such Qualified Investments shall be added to the Combined Sales Tax Fund, and such investments shall, to the extent at any time necessary, be liquidated and the proceeds thereof applied to the purposes for which the Combined Sales Tax Fund is created. Income on investments in the Reserve Fund shall be added to the Combined Sales Tax Fund only to the extent that the amount then on deposit in the Reserve Fund exceeds the Reserve Fund Requirement.

SECTION 4.5. Funds to Constitute Trust Funds{tc \12 "SECTION Field result goes here Funds to Constitute Trust Funds}. The Combined Sales Tax Fund, the Sinking Fund, and the Reserve Fund provided for in Section 4.2 hereof shall all be and constitute trust funds for the purposes provided in this Bond Ordinance, and the Owners are hereby granted a lien on all such funds until applied in the manner provided herein. The moneys in such funds shall at all times be secured to the full extent thereof by the bank or trust company holding such funds in the manner required by the laws of the State.

SECTION 4.6. Method of Valuation and Frequency of Valuation{tc \12 "SECTION Field result goes here Method of Valuation and Frequency of Valuation}. In computing the amount in any fund provided for in Section 4.3, Qualified Investments shall be valued at the lower of the cost or the market price, exclusive of accrued interest. With respect to all funds and accounts (except the Reserve Fund), valuation shall occur annually. The Reserve Fund shall be valued semi-annually, except in the event of a withdrawal from the Reserve Fund, whereupon it shall be valued immediately after such withdrawal.

ARTICLE V

REDEMPTION OF BONDS

SECTION 5.1. Redemption of Bonds{tc \12 "SECTION Field result goes here Redemption of Bonds}. The Bonds are not callable for redemption prior to their stated dates of maturity.

SECTION 5.2. Notice to Paying Agent{tc \12 "SECTION Field result goes here Notice to Paying Agent}. In the case of any redemption of Bonds, the Issuer shall give written notice to the Paying Agent of the election so to redeem and the redemption date, and of the principal amounts and numbers of the Bonds or portions of Bonds of each maturity to be redeemed. Such notice shall be given at least thirty (30) days prior to the redemption date. In the event notice of redemption shall have been given as provided in Section 5.4, the Issuer shall, on or before the redemption date, deposit moneys available therefor with the Paying Agent in an amount which, in addition to other amounts, if any, available therefor held by the Paying Agent will be sufficient to redeem on the redemption date, at the redemption price thereof together with accrued interest to the redemption date, all of the Bonds to be redeemed.

SECTION 5.3. Selection of Bonds to be Redeemed by Lot{tc \12 "SECTION Field result goes here Selection of Bonds to be Redeemed by Lot}. In the event of redemption of less than all the outstanding bonds of like maturity, such Bonds shall be redeemed by lot or in such other manner as shall be deemed fair and equitable by the Paying Agent for random selection.

SECTION 5.4. Notice of Redemption{tc \12 "SECTION Field result goes here Notice of Redemption}. Notice of any such redemption shall be given by the Paying Agent by mailing a copy of the redemption notice by first class mail, postage prepaid, by notice deposited in the United States mails not less than thirty (30) days prior to the redemption date addressed to the Owner of each Bond to be redeemed at his address as shown on the registration books of the Paying Agent. Failure to give such notice by mailing to any Owner, or any defect therein, shall not affect the validity of any proceedings for the redemption of other Bonds.

All notices of redemption shall state (i) the redemption date; (ii) the redemption price; (iii) if less than all the Bonds are to be redeemed, the identifying number (and in the case of partial redemption, the respective principal amounts) and CUSIP number of the Bonds to be redeemed; (iv) that on the redemption date the redemption price will become due and payable on each such Bond and interest thereon will cease to accrue thereon from and after said date; and (v) the place where such Bonds are to be surrendered for payment. Any notice mailed as provided in this Section shall be conclusively presumed to have been duly given, whether or not the Owner of such Bonds or the Insurer receives the notice.

On or before any redemption date the Paying Agent shall segregate and hold in trust funds furnished by the Issuer for the payment of the Bonds or portions thereof called, together with accrued interest thereon and premium, if any, to the redemption date. Upon the giving of notice and the deposit of funds for redemption, interest on such Bonds or portions thereof thus called shall no longer accrue on or after the date fixed for redemption. If said moneys shall not be so available on the redemption date, such Bonds shall continue to bear interest until paid at the same rate as they would have borne had they not been called for redemption. No payment shall be made by the Paying Agent upon any Bond or portion thereof called for redemption until such Bond or portion thereof shall have been delivered for payment or cancellation or the Paying Agent shall have received the items required by Section 3.2 with respect to any mutilated, lost, stolen or destroyed Bond. Upon surrender of any Bond for redemption in part only, the Paying Agent shall register and deliver to the Owner thereof a new Bond or Bonds of authorized denominations of maturity and interest rate in an aggregate principal amount equal to the unredeemed portion of the Bond surrendered.

SECTION 5.5. Payment of Redeemed Bonds{tc \12 "SECTION Field result goes here Payment of Redeemed Bonds}. Notice having been given in the manner provided in Section 5.4, the Bonds or portions thereof so called for redemption shall become due and payable on the redemption date so designated at the redemption price, plus interest accrued and unpaid to the redemption date, and, upon presentation and surrender thereof at the office specified in such notice, such Bonds or portions thereof shall be paid at the redemption price plus interest accrued and unpaid to the redemption date. Interest on such Bonds or portions thereof so called for redemption shall cease to accrue on or after the date fixed for redemption.

SECTION 5.6. Purchase of Bonds{tc \12 "SECTION Field result goes here Purchase of Bonds}. The Paying Agent shall endeavor to apply any moneys furnished by the Issuer for the redemption of Bonds (but not committed to the redemption of Bonds as to which notice of redemption has been given) to the purchase of appropriate outstanding Bonds. In accordance with Section 3.4, any Bonds so purchased shall be cancelled. Subject to the above limitations, the Paying Agent, at the direction of the Issuer, shall purchase Bonds at such times, for such prices, in such amounts and in such manner (whether after advertisement for tenders or otherwise) with monies made available by the Issuer for such purpose, provided, however, that the Paying Agent shall not expend amounts for the purchase of Bonds of a particular maturity (excluding accrued interest, but including any brokerage or other charges) in excess of the amount that would otherwise be expended for the redemption of Bonds of such maturity, plus accrued interest, and, provided further, that the Issuer may, in its discretion, direct the Paying Agent to advertise for tenders for the purchase of Bonds not less than sixty (60) days prior to any date for redemption of Bonds.

ARTICLE VI

PARTICULAR COVENANTS

SECTION 6.1. Obligation of the Issuer in Connection with the Issuance of the Bonds{tc \12 "SECTION Field result goes here Obligation of the Issuer in Connection with the Issuance of the Bonds}. As a condition of the issuance of the Bonds, the Issuer hereby binds and obligates itself to: (a) deposit irrevocably in trust with the Escrow Agent under the terms and conditions of the Escrow Agreement, as hereinafter provided, an amount of the proceeds derived from the issuance and sale of the Bonds (exclusive of accrued interest), together with additional moneys of the Issuer, as will enable the Escrow Agent to immediately make an initial cash deposit and purchase the Defeasance Obligations described in the Escrow Agreement, which, together with the initial cash deposit deposited therein, shall mature in principal and interest in such a manner as to provide at least the required cash amount on or before each payment date for the Refunded Bonds (said amounts being necessary on each of the designated dates to pay and retire or redeem the Refunded Bonds, including premiums, if any, payable upon redemption) and (b) deposit in trust with the Escrow Agent such amount of the proceeds of the Bonds as will enable the Escrow Agent to pay the Costs of Issuance and the costs properly attributable to the establishment and administration of the Escrow Fund.

SECTION 6.2. Payment of Bonds{tc \12 "SECTION Field result goes here Payment of Bonds}. The Issuer shall duly and punctually pay or cause to be paid as herein provided, the principal or redemption price, if any, of every Bond and the interest thereon, at the dates and places and in the manner stated in the Bonds according to the true intent and meaning thereof.

SECTION 6.3. Tax Covenants{tc \12 "SECTION Field result goes here Tax Covenants}. (a) To the extent permitted by the laws of the State, the Issuer will comply with the requirements of the Code to establish, maintain and preserve the exclusion from "gross income" of interest on the bonds under the Code. The Issuer shall not take any action or fail to take any action, nor shall it permit at any time or times any of the proceeds of the Bonds or any other funds of the Issuer to be used directly or indirectly to acquire any securities or obligations the acquisition of which would cause any Bond

to be an "arbitrage bond" as defined in the Code or would result in the inclusion of the interest on any Bond in "gross income" under the Code, including, without limitation, (i) the failure to comply with the limitation on investment of the proceeds of the Bonds, (ii) the failure to pay any required rebate of arbitrage earnings to the United States of America, or (iii) the use of the proceeds of the Bonds in a manner which would cause the Bonds to be "private activity bonds" under the Code.

(b) The Issuer shall not permit at any time or times any proceeds of the Bonds or any other funds of the Issuer to be used, directly or indirectly, in a manner which would result in the exclusion of the interest on any Bond from the treatment afforded by Section 103(a) of the Code, as from time to time amended, or any successor provision thereto.

(c) The Executive Officers are hereby empowered, authorized and directed to take any and all action and to execute and deliver any instrument, document or certificate necessary to effectuate the purposes of this Section.

SECTION 6.4. Continuing Disclosure Certificate{tc \12 "SECTION Field result goes here Continuing Disclosure Certificate}. The Secretary of the Governing Authority is hereby empowered and directed to execute an appropriate Continuing Disclosure Certificate (substantially in the form set forth in Appendix I of the official statement issued in connection with the sale and issuance of the Bonds) pursuant to S.E.C. Rule 15c2-12(b)(5).

SECTION 6.5. {tc \12 "SECTION Field result goes here }Bonds are not "Qualified Tax-Exempt Obligations". The Bonds are not designated as "qualified tax-exempt obligations" within the meaning of Section 265(b)(3) of the Code.

SECTION 6.6. Obligation to Collect the Tax{tc \12 "SECTION Field result goes here Obligation to Collect the Tax}. The Issuer does hereby obligate itself and is bound under the terms and provisions of law to levy, impose, enforce and collect the Tax for the full period of its authorization and to provide for all reasonable and necessary rules, regulations, procedures and penalties in connection therewith, including the proper application of the proceeds of the Tax, until all of the Bonds and the Outstanding Parity Bonds have been retired as to both principal and interest. Nothing herein contained shall be construed to prevent the Issuer from altering, amending or repealing from time to time as may be necessary this Bond Ordinance or any subsequent ordinance providing with respect to the Tax, said alterations, amendments or repeals to be conditioned upon the continued preservation of the rights of the Owners with respect to the Net Revenues of the Tax. The Tax Ordinance imposing the Tax and pursuant to which the Tax is being levied, collected and allocated, and the obligations to continue to levy, collect and allocate the Tax and to apply the revenues therefrom in accordance with the provisions of this Bond Ordinance, shall be irrevocable for the full period of its authorization until the Bonds and the Outstanding Parity Bonds have been paid in full as to principal, premium, if any, and interest, and shall not be subject to amendment in any manner which would impair the rights of the Owners from time to time of the Bonds or which would in any way jeopardize the prompt payment of principal thereof and interest thereon. More specifically, neither the Legislature of Louisiana nor the Issuer may discontinue or decrease the Tax or permit to be discontinued or decreased the Tax in anticipation of the collection of which the Bonds have been issued, or in any way make any change which would diminish the amount of the Net Revenues of the Tax pledged to the payment of the Bonds and received by the Issuer, until all of such Bonds and the Outstanding Parity Bonds shall have been retired as to both principal and interest.

The Owners of any of the Bonds may, either at law or in equity, by suit, action, mandamus or other proceeding, enforce and compel performance of all duties required to be performed as a result of issuing the Bonds and may similarly enforce the provisions of any resolution or ordinance imposing the Tax and the Bond Ordinance and proceedings authorizing the issuance of the Bonds.

SECTION 6.7. Indemnity Bonds{tc \12 "SECTION Field result goes here Indemnity Bonds}. So long as any of the Bonds and the Outstanding Parity Bonds are outstanding and unpaid, the Issuer shall require all of its officers and employees who may be in a position of authority or in possession of money derived from the collection of the Tax, to obtain or be covered by a blanket fidelity or faithful performance bond, or independent fidelity bonds written by a responsible indemnity company in amounts adequate to protect the Issuer from loss.

SECTION 6.8. Issuer to Maintain Books and Records{tc \12 "SECTION Field result goes here Issuer to Maintain Books and Records}. So long as any of the Bonds and the Outstanding Parity Bonds are outstanding and unpaid in principal or interest, the Issuer shall maintain and keep proper books of records and accounts separate and apart from all other records and accounts in which shall be made full and correct entries of all transactions relating to the collection and expenditure of the revenues of the Tax, including specifically but without limitation, all reasonable and necessary costs and expenses of collection. Not later than six (6) months after the close of each Fiscal Year, the Issuer shall cause an audit of such books and accounts to be made by the Legislative Auditor of the State of Louisiana (or his successor) or by a recognized independent firm of certified public accountants showing the receipts of and disbursements made for the account of the aforesaid Sales Tax Funds. Such audit shall be available for inspection upon request by the Owners of any of the Bonds. The Issuer further agrees that the Paying Agent and the Owners of any of the Bonds and the Outstanding Parity Bonds shall have at all reasonable times the right to inspect the records, accounts and data of the Issuer relating to the Tax.

ARTICLE VII

SUPPLEMENTAL BOND ORDINANCES

SECTION 7.1. Supplemental Ordinances Effective Without Consent of Owners{tc \12 "SECTION Field result goes here Supplemental Ordinances Effective Without Consent of Owners}. For any one or more of the following purposes and at any time from time to time, an ordinance supplemental hereto may be adopted, which, upon the filing with the Paying Agent of a certified copy thereof, but without any consent of Owners, shall be fully effective in accordance with its terms:

(a) to add to the covenants and agreements of the Issuer in the Bond Ordinance other covenants and agreements to be observed by the Issuer which are not contrary to or inconsistent with the Bond Ordinance as theretofore in effect;

(b) to add to the limitations and restrictions in the Bond Ordinance other limitations and restrictions to be observed by the Issuer which are not contrary to or inconsistent with the Bond Ordinance as theretofore in effect;

(c) to surrender any right, power or privilege reserved to or conferred upon the Issuer by the terms of the Bond Ordinance, but only if the surrender of such right, power or privilege is not contrary to or inconsistent with the covenants and agreements of the Issuer contained in the Bond Ordinance;

(d) to cure any ambiguity, supply any omission, or cure or correct any defect or inconsistent provision of the Bond Ordinance; or

(e) to insert such provisions clarifying matters or questions arising under the Bond Ordinance as are necessary or desirable and are not contrary to or inconsistent with the Bond Ordinance as theretofore in effect.

SECTION 7.2. {tc \12 "SECTION Field result goes here }Supplemental Ordinances Effective With Consent of Owners. Except as provided in Section 7.1, any modification or amendment of the Bond Ordinance or of the rights and obligations of the Issuer and of the Owners hereunder, in any particular, may be made by a supplemental ordinance, with the written consent of the Insurer and the Owners of a majority of the Bond Obligation at the time such consent is given. No such modification or amendment shall permit a change in the terms of redemption or maturity of the principal of any outstanding Bond or of any installment of interest thereon or a reduction in the principal amount or the redemption price thereof or in the rate of interest thereon without the consent of the Owner of such Bond, or shall reduce the percentages of Bonds the consent of the Owners of which is required to effect any such modification or amendment, or change the obligation of the Issuer to levy and collect the Tax for the payment of the Bonds as provided herein, without the consent of the Owners of all of the Bonds then outstanding, or shall change or modify any of the rights or obligations of the Paying Agent without its written assent thereto. For the purposes of this Section, Bonds shall be deemed to be affected by a modification or amendment of the Bond Ordinance if the same adversely affects or diminishes the rights of the Owners of said Bonds. The consent of the Insurer shall be required in addition to the consent of the Owners, when required, for the adoption of any supplemental ordinance.

ARTICLE VIII

ADDITIONAL BONDS

SECTION 8.1 Issuance of Additional Parity Bonds{tc \12 "SECTION 8.1 Issuance of Additional Parity Bonds}. All of the Bonds shall enjoy complete parity of lien on the avails or proceeds of the Tax despite the fact that any of the Bonds may be delivered at an earlier date than any other of the Bonds. The Issuer shall issue no other bonds or obligations of any kind or nature payable from or enjoying a lien on the Net Revenues of the Tax having priority over or parity with the Bonds and the Outstanding Parity Bonds, except that bonds may hereafter be issued on a parity with the Bonds and the Outstanding Parity Bonds under the following conditions:

(a) The Bonds or any part thereof, including interest and redemption premiums thereon, may be refunded and the refunding bonds so issued shall enjoy complete equality of lien with the portion of the Bonds which is not refunded, if there be any, and the refunding bonds shall continue to enjoy whatever priority of lien over subsequent issues that may have been enjoyed by the Bonds refunded, provided, however, that if only a portion of Bonds outstanding is so refunded and the refunding bonds require total principal and interest payments during any bond year (ending December 1) in excess of the principal and interest which would have been required in such bond year to pay the Bonds refunded thereby, then such Bonds may not be refunded without the consent of the Owners of the unrefunded portion of the Bonds issued hereunder (provided such consent shall not be required if such refunding bonds meet the requirements set forth in clause (b) of this Section 8.1).

(b) Additional parity bonds may also be issued, and such additional parity bonds shall be on a parity with the Bonds and the Outstanding Parity Bonds herein authorized if all of the following conditions are met:

(i) The average annual revenues derived by the Issuer from the Tax when computed for the last two (2) completed Fiscal Years immediately preceding the issuance of the Additional Parity Bonds must have been not less than 2.00 times the highest combined principal and interest requirements for any succeeding Fiscal Year period on all Bonds and Outstanding Parity Bonds then outstanding, including any pari passu additional bonds theretofore issued and then outstanding, and any other bonds or other obligations whatsoever then outstanding which are payable from the Tax (but not including bonds which have been refunded or provision otherwise made for their full payment and redemption) and the additional bonds so proposed to be issued;

(ii) The payments to be made into the various funds provided for in Section 4.3 hereof must be current;

(iii) The existence of the facts required by paragraphs (a) and (b) above must be determined and certified to by the Finance Director of the Issuer or by an independent firm of certified public accountants who have previously audited the books of the Issuer or by such successors thereof as may have been employed for that purpose;

(iv) The Additional Parity Bonds must be payable as to principal on December 1st of each year in which principal falls due and payable as to interest on June 1st and December 1st of each year; and

The provisions of any ordinance of the Issuer securing any bonds payable from the Tax, including, but not limited to, the Outstanding Parity Bonds and the Refunded Bonds, is hereby amended to reflect the 2.00 times additional bonds test reflected above (in lieu of the prior 1.35 times test).

ARTICLE IX

REMEDIES ON DEFAULT

SECTION 9.1. {tc \12 "SECTION Field result goes here }Events of Default. If one or more of the following events (in this Bond Ordinance called Events of Default) shall happen, that is to say, (a) if default shall be made in the due and punctual payment of the principal of any Bond when and as the same shall become due and payable, whether at

maturity or otherwise; or (b) if default shall be made in the due and punctual payment of any installment of interest on any Bond when and as such interest installment shall become due and payable; or (c) if default shall be made by the Issuer in the performance or observance of any other of the covenants, agreements or conditions on its part in the Bond Ordinance, any supplemental ordinance or in the Bonds contained and such default shall continue for a period of forty-five (45) days after written notice thereof to the Issuer by the Owners of not less than 25% of the Bond Obligation; or (d) if the Issuer shall file a petition or otherwise seek relief under any Federal or State bankruptcy law or similar law; then, upon the happening and continuance of any Event of Default the Owners of the Bonds shall be entitled to exercise all rights and powers for which provision is made under Louisiana law; provided, however, the Insurer shall have the exclusive right to direct any action or remedy to be undertaken

ARTICLE X CONCERNING FIDUCIARIES

SECTION 10.1. Escrow Agent: Appointment and Acceptance of Duties{tc \12 "SECTION Field result goes here Escrow Agent: Appointment and Acceptance of Duties}. Argent Trust Company, N.A., in the City of Ruston, Louisiana, is hereby appointed Escrow Agent. The Escrow Agent shall signify its acceptance of the duties and obligations imposed upon it by this Bond Ordinance by executing and delivering the Escrow Agreement. The Escrow Agent is authorized to file, on behalf of the Issuer, subscription forms for any Government Securities required by the Escrow Agreement. A successor to the Escrow Agent may be designated in the manner set forth in the Escrow Agreement.

SECTION 10.2. Paying Agent: Appointment and Acceptance of Duties{tc \12 "SECTION Field result goes here Paying Agent: Appointment and Acceptance of Duties}. The Issuer will at all times maintain a Paying Agent having the necessary qualifications for the performance of the duties described in this Bond Ordinance. The designation of Argent Trust Company, N.A., in the City of Ruston, Louisiana, as the initial Paying Agent is hereby confirmed and approved. The Paying Agent shall signify its acceptance of the duties and obligations imposed on it by the Bond Ordinance by executing and delivering an acceptance of its rights, duties and obligations as Paying Agent set forth herein in form and substance satisfactory to the Issuer.

SECTION 10.3. Successor Paying Agent{tc \12 "SECTION Field result goes here Successor Paying Agent}. Any successor Paying Agent shall (i) be a trust company or bank in good standing, located in or incorporated under the laws of the State, duly authorized to exercise trust powers and subject to examination by federal or state authority and (ii) have a reported capital and surplus of not less than \$10,000,000.

ARTICLE XI MISCELLANEOUS

SECTION 11.1. Defeasance{tc \12 "SECTION Field result goes here Defeasance}. (a) If the Issuer shall pay or cause to be paid to the Owners of all Bonds then outstanding, the principal and interest to become due thereon, at the times and in the manner stipulated therein and in the Bond Ordinance, then the covenants, agreements and other obligations of the Issuer to the Owners shall be discharged and satisfied. In such event, the Paying Agent shall, upon the request of the Issuer, execute and deliver to the Issuer all such instruments as may be desirable to evidence such discharge and satisfaction and the Paying Agent shall pay over or deliver to the Issuer all moneys, securities and funds held by them pursuant to the Bond Ordinance which are not required for the payment of Bonds not theretofore surrendered for such payment.

Bonds or interest installments for the payment of which money shall have been set aside and shall be held in trust (through deposit by the Issuer of funds for such payment or otherwise) at the maturity date thereof shall be deemed to have been paid within the meaning and with the effect expressed above in this Section. Bonds shall be deemed to have been paid, prior to their maturity, within the meaning and with the effect expressed above in this Section if they have been defeased pursuant to Chapter 14 of Title 39 of the Louisiana Revised Statutes of 1950, as amended, or any successor provisions thereto.

SECTION 11.2. Evidence of Signatures of Owners and Ownership of Bonds{tc \12 "SECTION Field result goes here Evidence of Signatures of Owners and Ownership of Bonds}. (a) Any request, consent, revocation of consent or other instrument which the Bond Ordinance may require or permit to be signed and executed by the Owners may be in one or more instruments of similar tenor, and shall be signed or executed by such Owners in person or by their attorneys-in-fact appointed in writing. Proof of (i) the execution of any such instrument, or of an instrument appointing any such attorney, or (ii) the ownership by any person of the Bonds shall be sufficient for any purpose of the Bond Ordinance (except as otherwise therein expressly provided) if made in the following manner, or in any other manner satisfactory to the Paying Agent, which may nevertheless in its discretion require further or other proof in cases where it deems the same desirable:

- (i) the fact and date of the execution by any Owner or his attorney-in-fact of such instrument may be proved by the certificate, which need not be acknowledged or verified, of an officer of a bank or trust company or of any notary public that the person signing such request or other instrument acknowledged to him the execution thereof, or by an affidavit of a witness of such execution, duly sworn to before such notary public or other officer. Where such execution is by an officer of a corporation or association or a member of a partnership, on behalf of such corporation, association or partnership, such certificate or affidavit shall also constitute sufficient proof of his authority;
- (ii) the ownership of Bonds and the amount, numbers and other identification, and date of owning the same shall be proved by the registration books of the Paying Agent.
- (iii) Any request or consent by the Owner of any Bond shall bind all future Owners of such Bond in respect of anything done or suffered to be done by the Issuer or the Paying Agent in accordance therewith.

SECTION 11.3. Moneys Held for Particular Bonds{tc \12 "SECTION Field result goes here Moneys Held for Particular Bonds}. The amounts held by the Paying Agent for the payment due on any date with respect to particular

Bonds shall, on and after such date and pending such payment, be set aside on its books and held in trust by it, without liability for interest, for the Owners entitled thereto.

SECTION 11.4. Parties Interested Herein{tc \12 "SECTION Field result goes here Parties Interested Herein}. Nothing in the Bond Ordinance expressed or implied is intended or shall be construed to confer upon, or to give to, any person or entity, other than the Issuer, the Paying Agent, the Escrow Agent and the Owners any right, remedy or claim under or by reason of the Bond Ordinance or any covenant, condition or stipulation thereof; and all the covenants, stipulations, promises and agreements in the Bond Ordinance contained by and on behalf of the Issuer shall be for the sole and exclusive benefit of the Issuer, the Paying Agent, the Escrow Agent and the Owners and the owners of the Refunded Bonds.

SECTION 11.5. No Recourse on the Bonds{tc \12 "SECTION Field result goes here No Recourse on the Bonds}. No recourse shall be had for the payment of the principal of or interest on the Bonds or for any claim based thereon or on this Bond Ordinance against any member of the Governing Authority or officer of the Issuer or any person executing the Bonds.

SECTION 11.6. Successors and Assigns{tc \12 "SECTION Field result goes here Successors and Assigns}. Whenever in this Bond Ordinance the Issuer is named or referred to, it shall be deemed to include its successors and assigns and all the covenants and agreements in this Bond Ordinance contained by or on behalf of the Issuer shall bind and enure to the benefit of its successors and assigns whether so expressed or not.

SECTION 11.7. Subrogation{tc \12 "SECTION Field result goes here Subrogation}. In the event the Bonds herein authorized to be issued, or any of them, should ever be held invalid by any court of competent jurisdiction, the Owner or Owners thereof shall be subrogated to all the rights and remedies against the Issuer had and possessed by the Owner or Owners of the Refunded Bonds.

SECTION 11.8. Severability{tc \12 "SECTION Field result goes here Severability}. In case any one or more of the provisions of the Bond Ordinance or of the Bonds issued hereunder shall for any reason be held to be illegal or invalid, such illegality or invalidity shall not affect any other provision of the Bond Ordinance or of the Bonds, but the Bond Ordinance and the Bonds shall be construed and enforced as if such illegal or invalid provisions had not been contained therein. Any constitutional or statutory provision enacted after the date of the Bond Ordinance which validates or makes legal any provision of the Bond Ordinance or the Bonds which would not otherwise be valid or legal shall be deemed to apply to the Bond Ordinance and to the Bonds.

SECTION 11.9. Publication of Bond Ordinance{tc \12 "SECTION Field result goes here Publication of Bond Ordinance}. This Bond Ordinance shall be published one time in the official journal of the Issuer; however, it shall not be necessary to publish any exhibits hereto if the same are available for public inspection and such fact is stated in the publication.

SECTION 11.10. Execution of Documents{tc \12 "SECTION Field result goes here Execution of Documents}. In connection with the issuance and sale of the Bonds, the Executive Officers and the Finance Director are each authorized, empowered and directed to execute on behalf of the Issuer such documents, certificates and instruments as they may deem necessary, upon the advice of Bond Counsel, to effect the transactions contemplated by this Bond Ordinance, the signatures of the Executive Officers and Finance Director on such documents, certificates and instruments to be conclusive evidence of the due exercise of the authority granted hereunder.

ARTICLE XII

SALE OF BONDS

SECTION 12.1. Sale of Bonds{tc \12 "SECTION Field result goes here Sale of Bonds}. The Bonds have been awarded to and sold to the Underwriter at the price and under the terms and conditions set forth in the Bond Purchase Agreement attached hereto as Exhibit D, and after their execution and authentication by the Paying Agent, the Bonds shall be delivered to the Underwriter or its agents or assigns, upon receipt by the Issuer of the agreed purchase price.

SECTION 12.2. Official Statement{tc \12 "SECTION Field result goes here Official Statement}. The Issuer hereby approves the form and content of the Preliminary Official Statement dated January 26, 2015, pertaining to the Bonds, which has been submitted to the Issuer, and hereby ratifies its prior use by the Underwriter in connection with the sale of the Bonds. The Issuer further approves the form and content of the final Official Statement and hereby authorizes and directs the execution by the President and Secretary of the Governing Authority and delivery of such final Official Statement to the Underwriter for use in connection with the public offering of the Bonds.

ARTICLE XIII

APPLICATION OF PROCEEDS

SECTION 13.1. Application of Proceeds{tc \12 "SECTION Field result goes here Application of Proceeds}. As a condition of the issuance of the Bonds, the Issuer hereby binds and obligates itself to:

(a) Deposit irrevocably in trust with the Escrow Agent under the terms and conditions of the Escrow Agreement, as hereinafter provided, an amount of the proceeds derived from the issuance and sale of the Bonds (exclusive of accrued interest), together with additional moneys of the Issuer, as will enable the Escrow Agent to purchase Government Obligations described in the Escrow Agreement, which shall mature in principal and interest in such a manner as to provide at least the required cash amount on or before each payment date for the Refunded Bonds (said amounts being necessary on each of the designated dates to pay and retire or redeem the Refunded Bonds, including premiums, if any, payable upon redemption). Prior to or concurrently with the delivery of the Bonds, the Issuer shall obtain an independent mathematical verification that the moneys and obligations required to be irrevocably deposited in trust in the Escrow Fund with the Escrow Agent, together with the earnings to accrue thereon, will always be sufficient for the payment of the principal of, premium, if any, and interest on the Refunded Bonds. The moneys so deposited with the Escrow Agent shall constitute a trust fund irrevocably dedicated for the use and benefit of the owners of the Refunded Bonds.

(b) Deposit in the Expense Fund established with the Escrow Agent such amount of the proceeds of the Bonds as will enable the Escrow Agent to pay the Costs of Issuance and the costs properly attributable to the establishment and administration of the Escrow Fund on behalf of the Issuer.

(c) Deposit accrued interest, if any, received on the delivery date of the Bonds into the Sinking Fund established by Section 4.3 hereof and to apply said funds to pay a portion of the interest due on the Bonds on the first Interest Payment Date therefor. Accrued interest, if any, received upon delivery of the Bonds shall be invested only in Government Securities maturing on or prior to the first Interest Payment Date.

ARTICLE XIV

REDEMPTION OF REFUNDED BONDS

SECTION 14.1. Call for Redemption{tc \12 "SECTION Field result goes here Call for Redemption}. Subject only to the delivery of the Bonds, \$1,845,000 principal amount of the Issuer's Sales Tax Bonds, Series 2005, consisting of all of said bonds due December 1, 2016 to December 1, 2019, inclusive, are hereby called for redemption on December 1, 2015 at the principal amount thereof, and accrued interest to the date of redemption, plus a premium of 1%, in compliance with the Bond Ordinance adopted on May 3, 2005, authorizing their issuance.

Additionally, subject only to the delivery of the Bonds, \$9,840,000 principal amount of the Issuer's Sales Tax Bonds, Series 2006, consisting of all of said bonds due December 1, 2017 to December 1, 2026, inclusive, are hereby called for redemption on December 1, 2016 at the principal amount thereof, and accrued interest to the date of redemption, plus a premium of 1%, in compliance with the Bond Ordinance adopted on November 21, 2006, authorizing their issuance.

SECTION 14.2. Notice of Defeasance and Call for Redemption{tc \12 "SECTION Field result goes here Notice of Defeasance and Call for Redemption}. In accordance with the Bond Ordinance adopted on May 3, 2005 authorizing the issuance of the 2005 Bonds, and the Bond Ordinance adopted on November 21, 2006, authorizing the issuance of the 2006 Bonds, a notice of redemption in substantially the form attached hereto as Exhibit E, shall be given by the Paying Agent by mailing a copy of the redemption notice by first class mail, postage prepaid, by notice deposited in the United States mails not less than thirty (30) days prior to the redemption date addressed to the registered owner of each Bond to be redeemed at his address as shown on the registration books of the Paying Agent.

(Exhibit documents A-E2 are to be attached hereto and made a part hereof)

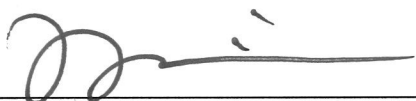
+++++


The above and foregoing ordinance having been duly submitted to the Hammond City Council in writing; introduced at a public meeting on **January 20, 2015**, of the Hammond City Council and discussed at a public meeting held on **February 3, 2015**; after motion and second was submitted to the official vote of the Hammond City Council.

On motion by Jason Hood and Second by Lemar Marshall, the foregoing ordinance was hereby declared adopted on **February 3, 2015**, by the following roll call vote:

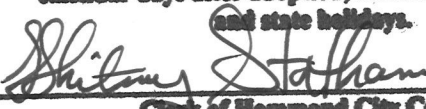
Votes: Johnny Blount (Y) Jason Hood (Y) Janice Beard Carter (Y) Lemar Marshall (Y) Mike Williams (Y)
Motion approved. **5-0**

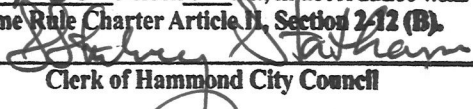
WHEREFORE, the above and foregoing ordinance was declared duly adopted on this 3rd day of **February 2015**, at Hammond, Tangipahoa Parish, Louisiana.

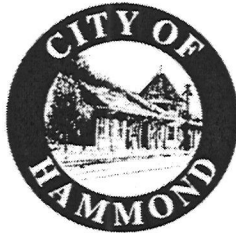

Mike Williams
President, Hammond City Council


Honorable Pete Panepinto
Mayor, City of Hammond


Whitney Statham, Clerk
Hammond City Council

CERTIFICATE OF DELIVERY
In accordance with Home Rule Charter Article II, Section 2-12 (A), the above Ordinance was delivered to the Mayor of the City of Hammond on the 5th day of February, in the year 2015 at 11:25 o'clock a.m. said delivery being within three (3) calendar days after adoption, exclusive of weekends and state holidays.

Clerk of Hammond City Council

Recordation of Receipt Received from the Mayor of the City of Hammond on the 9th day of February, in the year 2015 at 4:30 o'clock p.m., in accordance with Home Rule Charter Article II, Section 2-12 (B).

Clerk of Hammond City Council



CITY OF HAMMOND
ORDINANCE NO. #15-5404 C.S.

**Declaring as Surplus and Authorizing the Sale of the
Items listed below to Sell on GovsDeal.com**

BE IT ORDAINED by the City Council of Hammond, Louisiana, that:

An ordinance has been adopted declaring as surplus and authorizing the sale of the items listed below to sell on GovsDeal.com:

UNIT # 780-2002 CHEVY S-10 WHITE TRUCK-1GGC8195528208360
UNIT # 443- 1993 DODGE RAM (BLUE)-1B7HE16X5PS257037
UNIT # 639- 2007 FORD CROWN VIC-2FAFP71W17X130842
MARSHA OFFICE-2001 FORD CROWN VIC-2FAFP71WX1X109737
MARSHA OFFICE-2001 FORD CROWN VIC-2FAFP71W61X202058
UNIT # 498-2001 DODGE RAM 1500-1B7HC16Y41S655927
UNIT #732-2004 FORD F-150 TRUCK-1FTVX12544NB96002
2005 MERCURY-1MEFM50UX5A600944- SEIZED VEHICLE
UNIT # 588-2005 FORD CROWN VIC-2FAFP71W55X126063
UNIT # 590- 2005 FORD CROWN VIC-2FAFP71W25X126067
UNIT# 628- 2006 FORD CROWN VIC-2FAFP71W06X141927
UNIT #629- 2006 FORD CROWN VIC-2FAFP71W06X141944
UNIT # 630- 2006 FORD CROWN VIC-2FAFP71W16X141936
UNIT # 631- 2006 FORD CROWN VIC-2FAFP71WX6X14193
UNIT # 627- 2006 FORD CROWN VIC-2FAFP71W16X141922
UNIT # 579- 2004 FORD CROWN VIC-2FAFP71W44X139028
UNIT #564- 2003 KUBOTA MOWER ZD28 DIESEL MOWER
UNIT # 700- 2007 JOHN DEERE 0954TC (DM997)
JOHN DEERE ZERO TURN RIDING LAWN MOWER
Unit #1305 - ICE MACHINE 500 LB BIN
Unit#5513 - FUEL TANK-
Unit#5998 - REFRIGERANT RECOVERY MAC TOOLS
Unit#7376 - RT-15X TRANSMISSION FLUSHER 2007
NEW ASSORTED SIZE OIL FILTERS
LOTS OF DELL COMPUTERS
Unit#6832 - MTC-PC PRINTER
Unit#6843 - MTC-PC PRINTER
Unit#5278 - HP 1050C PRINTER PLOTTER
Unit#4309 - SERE-5415 RADAR SYSTEM (GOLDEN EAGLES)
(12) WYSE THIN CLIENTS
UNIT#399 - 1997 FORD PICK UP TRUCK-1FTDF1729VND40724

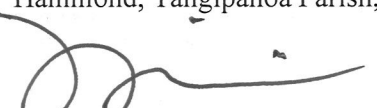
The above and foregoing ordinance having been duly submitted to the Hammond City Council in writing; introduced at a public meeting on **January 20, 2015**, of the Hammond City Council and discussed at a public meeting held on **February 3, 2015**; after motion and second was submitted to the official vote of the Hammond City Council.


On motion by Lemar Marshall and Second by Janice Beard Carter, the foregoing ordinance was hereby declared adopted on **February 3, 2015**, by the following roll call vote:


Votes: Johnny Blount (Y) Jason Hood (Y) Janice Beard Carter (Y) Lemar Marshall(Y) Mike Williams (Y)

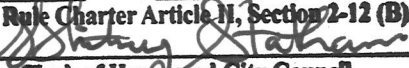
Motion approved. **5-0**

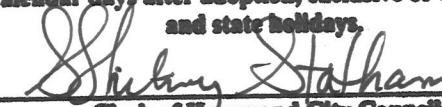
WHEREFORE, the above and foregoing ordinance was declared duly adopted on this 3rd day of **February 2015**, at Hammond, Tangipahoa Parish, Louisiana.


Mike Williams
President, Hammond City Council


Honorable Pete Panepinto
Mayor, City of Hammond


Whitney Statham, Clerk
Hammond City Council

Recordation of Receipt Received from the
Mayor of the City of Hammond on
the 5th day of February in the year 2015
at 4:30 o'clock PM, in accordance with
Home Rule Charter Article II, Section 2-12 (B).

Clerk of Hammond City Council

CERTIFICATE OF DELIVERY
In accordance with Home Rule Charter Article II,
Section 2-12 (A), the above Ordinance was delivered to
the Mayor of the City of Hammond on the
5th day of February, in the year 2015
at _____ o'clock _____ m. said delivery being within three (3)
calendar days after adoption, exclusive of weekends
and state holidays.

Clerk of Hammond City Council



**CITY OF HAMMOND
ORDINANCE NO. #15-5405 C.S.**

**Approval to Revise the City Personnel Policy to
Delete Mileage Reimbursement
for "Take Home" Vehicles**

BE IT ORDAINED by the City Council of Hammond, Louisiana, that:

An ordinance has been approved to revise the City Personnel Policy to delete mileage reimbursement for "take home" vehicles.

The above and foregoing ordinance having been duly submitted to the Hammond City Council in writing; introduced at a public meeting on **January 20, 2015**, of the Hammond City Council and discussed at a public meeting held on **February 3, 2015**; after motion and second was submitted to the official vote of the Hammond City Council.

On motion by Jason Hood and Second by Janice Beard Carter, the foregoing ordinance was hereby declared adopted on **February 3, 2015**, by the following roll call vote:

Votes: Johnny Blount (Y) Jason Hood (Y) Janice Beard Carter (Y) Lemar Marshall (Y) Mike Williams (Y)
Motion approved. **5-0**

WHEREFORE, the above and foregoing ordinance was declared duly adopted on this 3rd day of **February 2015**, at Hammond, Tangipahoa Parish, Louisiana.

Mike Williams
President, Hammond City Council

Honorable Pete Panepinto
Mayor, City of Hammond

Whitney Statham, Clerk
Hammond City Council

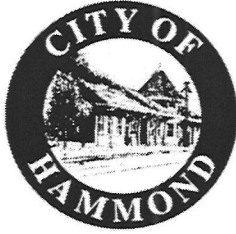
CERTIFICATE OF DELIVERY

In accordance with Home Rule Charter Article II, Section 2-12 (A), the above Ordinance was delivered to the Mayor of the City of Hammond on the 5th day of February, in the year 2015 at 1:00 o'clock A.m. said delivery being within three (3) calendar days after adoption, exclusive of weekends and state holidays.

Clerk of Hammond City Council

Recordation of Receipt Received from the Mayor of the City of Hammond on the 5th day of February in the year 2015 at 4:30 o'clock P.m., in accordance with Home Rule Charter Article II, Section 2-12 (B).

Clerk of Hammond City Council



**CITY OF HAMMOND
ORDINANCE NO. #15-5406 C.S.**

An ordinance to approve a rezoning request by 1st Thessalonians Community (Cassandra Dangerfield) to rezone the remaining west portion of a lot located at 707 W. Coleman St. from RS-3 to MX-C in accordance with survey by Wm. J. Bodin Jr. dated revised 5/18/2005 (Z-2014-12-00001)

BE IT ORDAINED by the City Council of Hammond, Louisiana, that:

WHEREAS, on January 8, 2015 the Zoning Commission held a public hearing on rezoning request Case#Z-2014-12-00001 by 1st Thessalonians Community (Cassandra Dangerfield) to rezone the remaining west portion of a lot located at 707 W. Coleman St. (measuring approx. 108.97' West X 150' South) from RS-3 to MX-C in accordance with survey by Wm. J. Bodin Jr. dated revised 5/18/2005

NOW, THEREFORE, BE IT ORDAINED, that the City Council of Hammond, Louisiana hereby approves the rezoning request Case#Z-2014-12-00001 by 1st Thessalonians Community (Cassandra Dangerfield) to rezone the remaining west portion of a lot located at 707 W. Coleman St. (measuring approx. 108.97' West X 150' South) from RS-3 to MX-C in accordance with survey by Wm. J. Bodin Jr. dated revised 5/18/2005; Attached hereto and made a part hereof

The above and foregoing ordinance having been duly submitted to the Hammond City Council in writing; introduced at a public meeting on **January 20, 2015**, of the Hammond City Council and discussed at a public meeting held on **February 3, 2015**; after motion and second was submitted to the official vote of the Hammond City Council.

On motion by Lemar Marshall and Second by Janice Beard Carter, the foregoing ordinance was hereby declared adopted on **February 3, 2015**, by the following roll call vote:

Votes: Johnny Blount (Y) Jason Hood (Y) Janice Beard Carter (Y) Lemar Marshall (Y) Mike Williams (Y)
Motion approved.

WHEREFORE, the above and foregoing ordinance was declared duly adopted on this **3rd** day of **February 2015**, at Hammond, Tangipahoa Parish, Louisiana.

Mike Williams
President, Hammond City Council

Honorable Pete Panepinto
Mayor, City of Hammond

Whitney Statham, Clerk
Hammond City Council

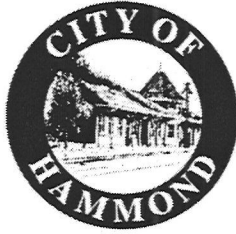
CERTIFICATE OF DELIVERY

In accordance with Home Rule Charter Article II, Section 2-12 (A), the above Ordinance was delivered to the Mayor of the City of Hammond on the 5th day of February, in the year 2015 at 11:30 o'clock A.m. said delivery being within three (3) calendar days after adoption, exclusive of weekends and state holidays.

Shirey Statham
Clerk of Hammond City Council

Recordation of Receipt Received from the Mayor of the City of Hammond on the 5th day of February in the year 2015 at 4:30 o'clock P.m., in accordance with Home Rule Charter Article II, Section 2-12 (B).

Whitney Statham
Clerk of Hammond City Council



**CITY OF HAMMOND
ORDINANCE NO. #15-5407 C.S.**

An ordinance to approve a rezoning request by Tangi East LLC to rezone Tract D of Providence Ridge – Phase II (29.53 Acres) from C-H to RS-5 located TempAdd17 on Dr. John Lambert Drive in accordance with survey by Mickey L. Robertson dated 9/30/2008 (Z-2014-12-00002)

BE IT ORDAINED by the City Council of Hammond, Louisiana, that:

WHEREAS, on January 8, 2015 the Zoning Commission held a public hearing on rezoning request Case#Z-2014-12-00002 by Tangi East LLC to rezone Tract D of Providence Ridge – Phase II (29.53 Acres) from C-H to RS-5 located TempAdd17 on Dr. John Lambert Drive in accordance with survey by Mickey L. Robertson dated 9/30/2008

NOW, THEREFORE, BE IT ORDAINED, that the City Council of Hammond, Louisiana hereby approves the rezoning request Case#Z-2014-12-00002 by Tangi East LLC to rezone Tract D of Providence Ridge – Phase II (29.53 Acres) from C-H to RS-5 located TempAdd17 on Dr. John Lambert Drive in accordance with survey by Mickey L. Robertson dated 9/30/2008; Attached hereto and made a part hereof

The above and foregoing ordinance having been duly submitted to the Hammond City Council in writing; introduced at a public meeting on **January 20, 2015**, of the Hammond City Council and discussed at a public meeting held on **February 3, 2015**; after motion and second was submitted to the official vote of the Hammond City Council.

On motion by Lemar Marshall and Second by Janice Beard Carter, the foregoing ordinance was hereby declared adopted on **February 3, 2015**, by the following roll call vote:

Votes: Johnny Blount (Y) Jason Hood (Y) Janice Beard Carter (Y) Lemar Marshall (Y) Mike Williams (Y) Motion approved.

WHEREFORE, the above and foregoing ordinance was declared duly adopted on this **3rd** day of **February 2015**, at Hammond, Tangipahoa Parish, Louisiana.

Mike Williams
President, Hammond City Council

Honorable Pete Panepinto
Mayor, City of Hammond

Whitney Statham, Clerk
Hammond City Council

CERTIFICATE OF DELIVERY

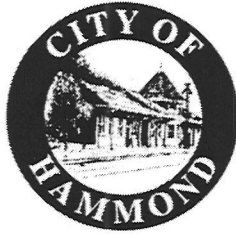
In accordance with Home Rule Charter Article II, Section 2-12 (A), the above Ordinance was delivered to the Mayor of the City of Hammond on the

5th day of February, in the year 2015
at 11:30 o'clock A.m. said delivery being within three (3)
calendar days after adoption, exclusive of weekends
and state holidays.

Clerk of Hammond City Council

Recordation of Receipt Received from the
Mayor of the City of Hammond on
the 5th day of February in the year 2015
at _____ o'clock _____.m., in accordance with
Home Rule Charter Article II, Section 2-12 (B).

Clerk of Hammond City Council



**CITY OF HAMMOND
ORDINANCE NO. # 15-5408 C.S.**

An Ordinance to Authorize the Mayor to execute an Intergovernmental Agreement with the Parish of Tangipahoa for the widening of Club Deluxe Road and to Provide for Related Matters

The City Council of Hammond, Louisiana has determined and hereby declares that the widening project on Club Deluxe Road by the Tangipahoa Parish Government is of benefit to the City of Hammond and its citizens and will promote public safety and economic development; and therefore:

BE IT ORDAINED by the City Council of Hammond, Louisiana, that the City of Hammond agrees to dedicate and transfer to the Tangipahoa Parish Government, all rights to the 50 foot right of way at Pelican Professional Park in order to facilitate the widening project on Club Deluxe Road, said right of way being described as follows, to-wit:

Start at a point 20' North, 2664' West and 115' N 89° 29' 20" E of the SE corner of the SW quarter of Section 36, T6S, R7E, Tangipahoa Parish, Louisiana being a point on the North right-of-way line of Club Deluxe Road also being the point of beginning; thence 20' N 00° 43' 44" W along the West right of way line of Pelican Professional Park, thence 50' N 89° 29' 20" E to a point on the East right of way line of Pelican Professional Park, thence 20' S 00° 43' 44" E to a point on the North right of way line of Club Deluxe Road, thence 50' S 89° 29' 20" W along the North Line of Club Deluxe Road to the point of beginning, being 0.0230 acre (1000 square feet) located in Section 36, T6S, R7E Tangipahoa Parish, Louisiana.

BE IT FURTHER ORDAINED: That the Mayor of the City of Hammond or his designee is authorized to execute an Intergovernmental Agreement with the Tangipahoa Parish Government memorializing the agreement between the parties relative to the above stated transfer to include the obligation of the Tangipahoa Parish Government to accept all rights, obligations and liabilities, including, but not limited to, all future operation, maintenance, and repairs associated with the right of way and the property subject to this Agreement and to maintain the right of way in favor of the public over the property described above.

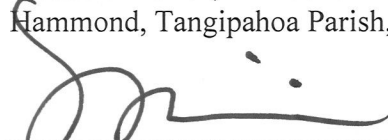
BE IT FURTHER ORDAINED: That Mayor of the City of Hammond or his designee is authorized to execute any and all documents necessary to effect the transfer of the aforesaid described property.

+++++
The above and foregoing ordinance having been duly submitted to the Hammond City Council in writing; introduced at a public meeting on **February 3, 2015**, of the Hammond City Council and discussed at a public meeting held on **February 18, 2015**; after motion and second was submitted to the official vote of the Hammond City Council.


On motion by Jason Hood and Second by Lemar Marshall, the foregoing ordinance was hereby declared adopted on **February 18th, 2015**, by the following roll call vote:

Votes: Johnny Blount (Y) Jason Hood (Y) Janice Beard Carter (Y) Lemar Marshall(Y) Mike Williams (Y)
Motion approved.


WHEREFORE, the above and foregoing ordinance was declared duly adopted on this **18th day of February 2015**, at Hammond, Tangipahoa Parish, Louisiana.




Mike Williams
President, Hammond City Council



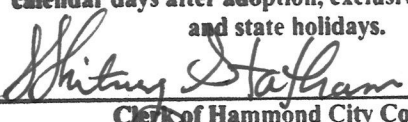
Honorable Pete Panepinto
Mayor, City of Hammond



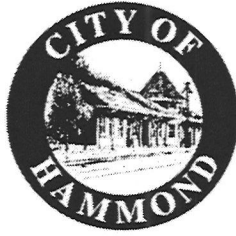
Whitney Statham, Clerk
Hammond City Council

Recordation of Receipt Received from the
Mayor of the City of Hammond on
the 20 day of February in the year 2015
at 11:00 o'clock A.m., in accordance with
Home Rule Charter Article II, Section 2-12 (B).


Clerk of Hammond City Council

CERTIFICATE OF DELIVERY
In accordance with Home Rule Charter Article II,
Section 2-12 (A), the above Ordinance was delivered to
the Mayor of the City of Hammond on the
20 day of February, in the year 2015
at 10:45 o'clock A.m. said delivery being within three (3)
calendar days after adoption, exclusive of weekends
and state holidays.


Clerk of Hammond City Council



**CITY OF HAMMOND
ORDINANCE NO. #15-5409 C.S.**

**Creation of an Electrician Position with
Pay Grade Classification 123**

BE IT ORDAINED by the City Council of Hammond, Louisiana, that:

An Ordinance has been approved to create an Electrician position under pay grade 123 in the Water and Sewer Department Budget.

The above and foregoing ordinance having been duly submitted to the Hammond City Council in writing; introduced at a public meeting on **February 3, 2015**, of the Hammond City Council and discussed at a public meeting held on **February 18, 2015**; after motion and second was submitted to the official vote of the Hammond City Council.

On motion by Jason Hood and Second by Janice Beard Carter, the foregoing ordinance was hereby declared adopted on **February 18th, 2015**, by the following roll call vote:

Votes: Johnny Blount (Y) Jason Hood (Y) Janice Beard Carter (Y) Lemar Marshall (Y) Mike Williams (Y)

Motion approved.

WHEREFORE, the above and foregoing ordinance was declared duly adopted on this **18th** day of **February 2015**, at Hammond, Tangipahoa Parish, Louisiana.

Mike Williams
President, Hammond City Council

Honorable Pete Panepinto
Mayor, City of Hammond

Whitney Statham, Clerk
Hammond City Council

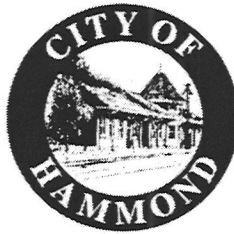
CERTIFICATE OF DELIVERY

In accordance with Home Rule Charter Article II, Section 2-12 (A), the above Ordinance was delivered to the Mayor of the City of Hammond on the 20 day of February, in the year 2015 at 10:45 o'clock A.m. said delivery being within three (3) calendar days after adoption, exclusive of weekends and state holidays.

Clerk of Hammond City Council

Recordation of Receipt Received from the Mayor of the City of Hammond on the 20 day of February in the year 2015 at 11:00 o'clock A.m., in accordance with Home Rule Charter Article II, Section 2-12 (B).

Clerk of Hammond City Council



**CITY OF HAMMOND
ORDINANCE NO. #15-5410 C.S.**

**Upgrade of two Carpenter's Pay Grade 119 to
Lead Carpenter Pay Grade 122
and Concrete Foreman Pay Grade 120**

BE IT ORDAINED by the City Council of Hammond, Louisiana, that:

An Ordinance has been approved to upgrade two Carpenter's Pay Grade 119 to Lead Carpenter Pay Grade 122 and Concrete Foreman Pay Grade 120 in the Street Department Budget.


The above and foregoing ordinance having been duly submitted to the Hammond City Council in writing; introduced at a public meeting on **February 3, 2015**, of the Hammond City Council and discussed at a public meeting held on **February 18, 2015**; after motion and second was submitted to the official vote of the Hammond City Council.


On motion by Johnny Blount and Second by Lemar Marshall, the foregoing ordinance was hereby declared adopted on **February 18th, 2015**, by the following roll call vote:

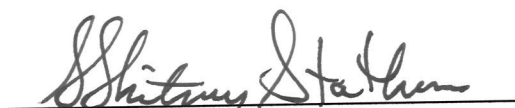
Votes: Johnny Blount (Y) Jason Hood (Y) Janice Beard Carter (Y) Lemar Marshall(Y) Mike Williams (Y)

Motion approved.

WHEREFORE, the above and foregoing ordinance was declared duly adopted on this **18th** day of **February 2015**, at Hammond, Tangipahoa Parish, Louisiana.

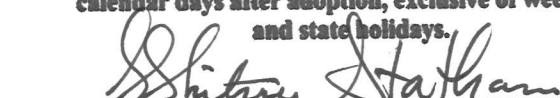

Mike Williams
President, Hammond City Council

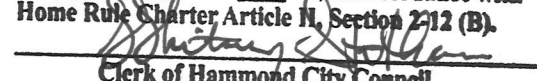

Honorable Pete Panepinto
Mayor, City of Hammond

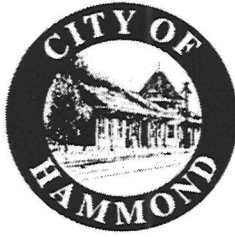

Whitney Statham, Clerk
Hammond City Council

CERTIFICATE OF DELIVERY

In accordance with Home Rule Charter Article II, Section 2-12 (A), the above Ordinance was delivered to the Mayor of the City of Hammond on the 20 day of February, in the year 2015 at 10:45 o'clock A.m. said delivery being within three (3) calendar days after adoption, exclusive of weekends and state holidays.


Clerk of Hammond City Council

Recordation of Receipt Received from the Mayor of the City of Hammond on the 20 day of February, in the year 2015 at 11:00 o'clock A.m., in accordance with Home Rule Charter Article II, Section 2-12 (B).

Clerk of Hammond City Council



**CITY OF HAMMOND
ORDINANCE NO. #15-5411 C.S.**

**Creation of the Position of Jailer II with
Pay Grade Classification of 219**

BE IT ORDAINED by the City Council of Hammond, Louisiana, that:

An Ordinance has been approved to create the position of Jailer II with a Pay Grade classification of 219 in the Police Department budget.

The above and foregoing ordinance having been duly submitted to the Hammond City Council in writing; introduced at a public meeting on **February 3, 2015**, of the Hammond City Council and discussed at a public meeting held on **February 18, 2015**; after motion and second was submitted to the official vote of the Hammond City Council.

On motion by Janice Beard Carter and Second by Lemar Marshall, the foregoing ordinance was hereby declared adopted on **February 18th, 2015**, by the following roll call vote:

Votes: Johnny Blount (Y) Jason Hood (Y) Janice Beard Carter (Y) Lemar Marshall (Y) Mike Williams (Y) Motion approved.

WHEREFORE, the above and foregoing ordinance was declared duly adopted on this **18th** day of **February 2015**, at Hammond, Tangipahoa Parish, Louisiana.

Mike Williams
President, Hammond City Council

Honorable Pete Panepinto
Mayor, City of Hammond

Whitney Statham, Clerk
Hammond City Council

CERTIFICATE OF DELIVERY

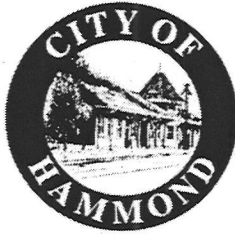
In accordance with Home Rule Charter Article II,
Section 2-12 (A), the above Ordinance was delivered to
the Mayor of the City of Hammond on the

the 20 day of February, in the year 2015
at 10:45 o'clock A.m. said delivery being within three (3)
calendar days after adoption, exclusive of weekends
and state holidays.

Clerk of Hammond City Council

Recordation of Receipt Received from the
Mayor of the City of Hammond on
the 20 day of February, in the year 2015
at 11:00 o'clock A.m. in accordance with
Home Rule Charter Article II, Section 2-12 (B).

Clerk of Hammond City Council



**CITY OF HAMMOND
ORDINANCE NO. #15-5412 C.S.**

**An Ordinance to Amend Chapter 8 of
the Code of Ordinances of the City of
Hammond to Delete Bicycle Registration Fees**

BE IT ORDAINED by the City Council of Hammond, Louisiana, that:

1. Chapter 8, Article II of the Code of Ordinances of the City of Hammond is amended to read in its entirety as follows:

+++++

ARTICLE II. - REGISTRATION AND LICENSE REQUIREMENTS

Sec. 8-22. - Manner of registration; procedures; issuance.

- (a) The registration of bicycles shall be upon written application to the chief of police, on forms prescribed and provided therefor, and shall be made by the owner thereof, or, by his or her parents or guardian. Upon proper application, the police shall issue a receipt of registration and also a license plate or tag, in the form prescribed by the police chief, and the tag or plate shall be kept prominent displayed and securely fixed in a conspicuous place on the frame of the bicycle. Registration tags and numbers issued will be permanent and have no expiration date.

Sec. 8-28. - Voluntary registration.

Any citizen residing outside the city limits of Hammond may request and register their bicycles with the City of Hammond Police Department.

(Ord. No. 2461, C.S., 11-6-96)

Sec. 8-104. - Authorization forms of disposition.

Following the required advertising period, the city shall be authorized to, at the discretion of the mayor:

- (1) Dispose of bicycles either individually or collectively through the sale of the same to the highest bidder through a public bid process.
- (2) The mayor may retain any bicycle for the use within any department of the city.
- (3) The mayor may authorize the ~~transfer~~donation of any bicycle or bicycles or any component parts ~~of de minimis value thereof~~ to schools and institutions of learning or to charitable nonprofit organizations. Any school, institution of learning, or charitable nonprofit organization shall be required to distribute these bicycles to residents of the city.


Be it further ordained by the city that during the month of December, any person currently in possession of a bicycle which will be required to be registered under the provisions of this chapter, shall be able to present his bicycle to the chief of police or his representative, who upon such presentation, shall issue a registration and number plate at no costs to the owner of said bicycle.


(Ord. No. 2461, C.S., 11-6-96)

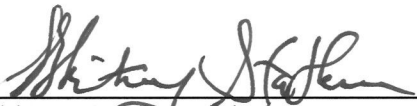
+++++
The above and foregoing ordinance having been duly submitted to the Hammond City Council in writing; introduced at a public meeting on **February 18th, 2015**, of the Hammond City Council and discussed at a public meeting held on **March 3rd, 2015**; after motion and second was submitted to the official vote of the Hammond City Council.

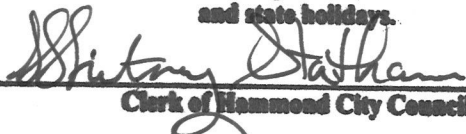
On motion by Lemar Marshall and Second by Johnny Blount, the foregoing ordinance was hereby declared adopted on **March 3rd, 2015**, by the following roll call vote:
Votes: Johnny Blount (Y) Jason Hood (A) Janice Beard Carter (Y) Lemar Marshall(Y) Mike Williams (Y) Motion approved.

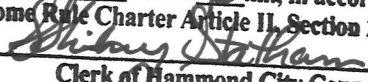
WHEREFORE, the above and foregoing ordinance was declared duly adopted on this **3rd** day of **March 2015**, at Hammond, Tangipahoa Parish, Louisiana.

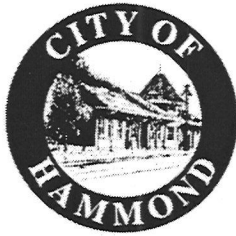

Mike Williams
President, Hammond City Council


Honorable Pete Panepinto
Mayor, City of Hammond


Whitney Statham, Clerk
Hammond City Council

CERTIFICATE OF DELIVERY
In accordance with Home Rule Charter Article II, Section 2-12 (A), the above Ordinance was delivered to the Mayor of the City of Hammond on the 4th day of March, in the year 2015 at 2:00 o'clock P.m. said delivery being within three (3) calendar days after adoption, exclusive of weekends and state holidays.

Clerk of Hammond City Council

Recordation of Receipt Received from the Mayor of the City of Hammond on the 4th day of March in the year 2015 at 3:00 o'clock P.m., in accordance with Home Rule Charter Article II, Section 2-12 (B).

Clerk of Hammond City Council



**CITY OF HAMMOND
ORDINANCE NO. #15-5413 C.S.**

**Declare as surplus, unit #281- 1991
E-One Hale 1250 GPM Fire Pump Truck,
VIN #46J7BAA85M1003936.**

BE IT ORDAINED by the City Council of Hammond, Louisiana, that:

An Ordinance has been approved to declare as surplus, unit #281- 1991 E-One Hale 1250 GPM Fire Pump Truck, VIN #46J7BAA85M1003936.

The above and foregoing ordinance having been duly submitted to the Hammond City Council in writing; introduced at a public meeting on **February 18th, 2015**, of the Hammond City Council and discussed at a public meeting held on **March 3rd, 2015**; after motion and second was submitted to the official vote of the Hammond City Council.

On motion by Johnny Blount and Second by Lemar Marshall, the foregoing ordinance was hereby declared adopted on **March 3rd, 2015**, by the following roll call vote:

Votes: Johnny Blount (Y) Jason Hood (A) Janice Beard Carter (Y) Lemar Marshall(Y) Mike Williams (Y) Motion approved.

WHEREFORE, the above and foregoing ordinance was declared duly adopted on this **3rd** day of **March 2015**, at Hammond, Tangipahoa Parish, Louisiana.

Mike Williams
President, Hammond City Council

Honorable Pete Panepinto
Mayor, City of Hammond

Whitney Statham, Clerk
Hammond City Council

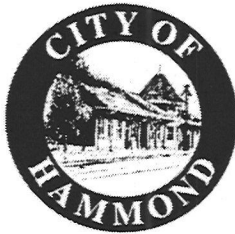
CERTIFICATE OF DELIVERY

In accordance with Home Rule Charter Article II, Section 2-12 (A), the above Ordinance was delivered to the Mayor of the City of Hammond on the 4th day of March, in the year 2015 at 2:00 o'clock P.m. said delivery being within three (3) calendar days after adoption, exclusive of weekends and state holidays.

Clerk of Hammond City Council

Recordation of Receipt Received from the Mayor of the City of Hammond on the 4th day of March in the year 2015 at 3:00 o'clock P.m., in accordance with Home Rule Charter Article II, Section 2-12 (B).

Clerk of Hammond City Council



**CITY OF HAMMOND
ORDINANCE NO. #15-5414 C.S.**

**Authorization for the Mayor to enter
into a Mutual Aid Agreement with Natalbany fire
Department to include the transfer
of Unit #281 – Pump Truck.**

BE IT ORDAINED by the City Council of Hammond, Louisiana, that:

An Ordinance has been approved to authorize the Mayor to enter into a mutual aid agreement with Natalbany fire department to include the transfer of Unit #281 – Pump Truck.

The above and foregoing ordinance having been duly submitted to the Hammond City Council in writing; introduced at a public meeting on **February 18th, 2015**, of the Hammond City Council and discussed at a public meeting held on **March 3rd, 2015**; after motion and second was submitted to the official vote of the Hammond City Council.

On motion by Janice Beard Carter and Second by Lemar Marshall, the foregoing ordinance was hereby declared adopted on **March 3rd, 2015**, by the following roll call vote:

Votes: Johnny Blount (Y) Jason Hood (A) Janice Beard Carter (Y) Lemar Marshall(Y) Mike Williams (Y) Motion approved.

WHEREFORE, the above and foregoing ordinance was declared duly adopted on this **3rd** day of **March 2015**, at Hammond, Tangipahoa Parish, Louisiana.

Mike Williams
President, Hammond City Council

Honorable Pete Panepinto
Mayor, City of Hammond

Whitney Statham, Clerk
Hammond City Council

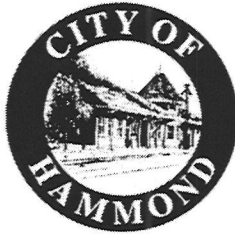
CERTIFICATE OF DELIVERY

In accordance with Home Rule Charter Article II, Section 2-12 (A), the above Ordinance was delivered to the Mayor of the City of Hammond on the 4th day of March, in the year 2015 at 2:00 o'clock P.m. said delivery being within three (3) calendar days after adoption, exclusive of weekends and state holidays.

Clerk of Hammond City Council

Recordation of Receipt Received from the Mayor of the City of Hammond on the 4th day of March in the year 2015 at 3:00 o'clock P.m., in accordance with Home Rule Charter Article II, Section 2-12 (B).

Clerk of Hammond City Council



**CITY OF HAMMOND
ORDINANCE NO. #15-5415 C.S.**

**Amendment of ordinance #15-5404 C.S.
to remove Unit # 628 -2006 Ford Crown Vic
and Unit # 630 -2006 Ford Crown Vic**

BE IT ORDAINED by the City Council of Hammond, Louisiana, that:

An ordinance to amend ordinance #15-5404 C.S. to remove Unit # 628 -2006 Ford Crown Vic-2FAFP71W06X141927 and Unit # 630 -2006 Ford Crown Vic-2FAFP71W16X141936 from the GovDeal.com sale list.

The above and foregoing ordinance having been duly submitted to the Hammond City Council in writing; introduced at a public meeting on **March 3rd, 2015**, of the Hammond City Council and discussed at a public meeting held on **March 18th, 2015**; after motion and second was submitted to the official vote of the Hammond City Council.

On motion by Jason Hood and Second by Lemar Marshall, the foregoing ordinance was hereby declared adopted on **March 18th, 2015**, by the following roll call vote:

Votes: Johnny Blount (Y) Jason Hood (Y) Janice Beard Carter (Y) Lemar Marshall(Y) Mike Williams (Y) Motion approved.

WHEREFORE, the above and foregoing ordinance was declared duly adopted on this **18th** day of **March 2015**, at Hammond, Tangipahoa Parish, Louisiana.

Mike Williams
President, Hammond City Council

Honorable Pete Panepinto
Mayor, City of Hammond

Whitney Statham, Clerk
Hammond City Council

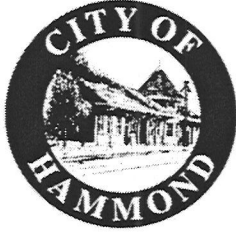
Recordation of Receipt Received from the
Mayor of the City of Hammond on
the 19 day of March in the year 2015
at 11:15 o'clock A.m., in accordance with
Home Rule Charter Article II, Section 2-12 (B).

Clerk of Hammond City Council

CERTIFICATE OF DELIVERY

In accordance with Home Rule Charter Article II,
Section 2-12 (A), the above Ordinance was delivered to
the Mayor of the City of Hammond on the
18 day of March, in the year 2015
at 3:20 o'clock P.m. said delivery being within three (3)
calendar days after adoption, exclusive of weekends
and state holidays.

Clerk of Hammond City Council



**CITY OF HAMMOND
ORDINANCE NO. #15-5416 C.S.**

Millage Rates for 2015

BE IT ORDAINED by the City Council of Hammond, Louisiana, that:

An ordinance has been adopted and established to Tax all taxable property within the Corporate limits of Hammond for the Year 2015.

**Public Works: 2.00 mills
General Fund: 9.04 mills
Police + Fire: 10.00 mills
Total 21.04 mills**


The above and foregoing ordinance having been duly submitted to the Hammond City Council in writing; introduced at a public meeting on **March 18th, 2015**, of the Hammond City Council and discussed at a public meeting held on **April 7th, 2015**; after motion and second was submitted to the official vote of the Hammond City Council.


On motion by Lemar Marshall and Second by Janice Beard Carter, the foregoing ordinance was hereby declared adopted on **April 7th, 2015**, by the following roll call vote:

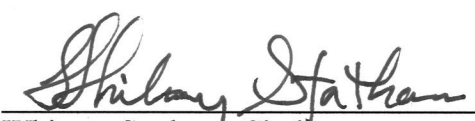
Votes: Johnny Blount (Y) Jason Hood (Y) Janice Beard Carter (Y) Lemar Marshall (Y) Mike Williams (Y) Motion approved.

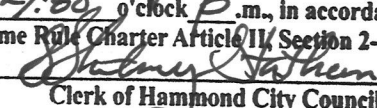
WHEREFORE, the above and foregoing ordinance was declared duly adopted on this **7th** day of **April 2015**, at Hammond, Tangipahoa Parish, Louisiana.

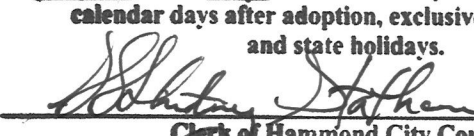
I, the undersigned Clerk of Council, hereby certify that the foregoing Ordinance was duly adopted by the Hammond City Council after the following roll call vote: Yeas: **5** Nays: **0**
Abstain: **0** Absent: **0**

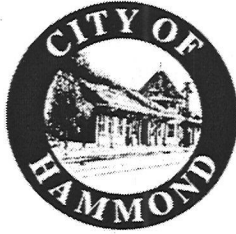

Mike Williams
President, Hammond City Council


Honorable Pete Panepinto
Mayor, City of Hammond


Whitney Statham, Clerk
Hammond City Council

Recordation of Receipt Received from the
Mayor of the City of Hammond on
the 9th day of April in the year 2015
at 4:00 o'clock P.m., in accordance with
Home Rule Charter Article II, Section 2-12 (B).

Clerk of Hammond City Council

CERTIFICATE OF DELIVERY
In accordance with Home Rule Charter Article II,
Section 2-12 (A), the above Ordinance was delivered to
the Mayor of the City of Hammond on the
9th day of April, in the year 2015
at 7:30 o'clock A.m. said delivery being within three (3)
calendar days after adoption, exclusive of weekends
and state holidays.

Clerk of Hammond City Council



**CITY OF HAMMOND
ORDINANCE NO. #15-5417 C.S.**

BE IT ORDAINED by the City Council of Hammond, Louisiana, that:

An ordinance has been approved for an Expanded Conditional Use by Sherika L. Franklin (applicant) and Ernest L. Jackson (owner) to allow placement of a mobile home meeting all code requirements on Lot J-4 of Oakridge Addition located at 510 Mississippi St; Zoned RS-3 (Z-2015-02-00004) Recommend approval by Zoning Commission

The above and foregoing ordinance having been duly submitted to the Hammond City Council in writing; introduced at a public meeting on **March 18th, 2015**, of the Hammond City Council and discussed at a public meeting held on **April 7th, 2015**; after motion and second was submitted to the official vote of the Hammond City Council.

On motion by Johnny Blount and Second by Janice Beard Carter, the foregoing ordinance was hereby declared adopted on **April 7th, 2015**, by the following roll call vote:

Votes: Johnny Blount (Y) Jason Hood (Y) Janice Beard Carter (Y) Lemar Marshall(Y) Mike Williams (Y) Motion approved.

WHEREFORE, the above and foregoing ordinance was declared duly adopted on this 7th day of **April 2015**, at Hammond, Tangipahoa Parish, Louisiana.

Mike Williams
President, Hammond City Council

Honorable Pete Panepinto
Mayor, City of Hammond

Whitney Statham, Clerk
Hammond City Council

CERTIFICATE OF DELIVERY

In accordance with Home Rule Charter Article II, Section 2-12 (A), the above Ordinance was delivered to the Mayor of the City of Hammond on the

9th day of April, in the year 2015
at 7:30 o'clock A.m. said delivery being within three (3)
calendar days after adoption, exclusive of weekends
and state holidays.

Clerk of Hammond City Council

Recordation of Receipt Received from the
Mayor of the City of Hammond on
the 9th day of April in the year 2015
at 4:00 o'clock P.m., in accordance with
Home Rule Charter Article II, Section 2-12 (B).

Clerk of Hammond City Council



CITY OF HAMMOND
ORDINANCE NO. #15-5418 C.S.

An Ordinance to Amend Ordinance #14-5364 C.S.

To Provide Relative to S-3 (Hospital Special District)

BE IT ORDAINED by the City Council of Hammond, Louisiana, that:

1. Hammond Ordinance #14-5364 is amended and the Unified Development Code is amended to certain provisions that make up Article 7.2 Special Districts to read as follows:

Article 7

Article 7.2.6 S-3 North Oaks Hospital Special District

A. In General

The S-3 District in Hammond will include that property typically known as the North Oaks Regional Medical Center Main Campus and covered by the Hospital Master Plan. Within this District, building plans and building permit applications will be submitted and reviewed by the City of Hammond. The City Building Office will perform building and site inspections and will collect the appropriate building fees within this district. Permitted uses and all development will be those allowed in the North Oaks Hospital Special District in conformance with the North Oaks Medical Center District Master Plan prepared by Gasaway, Gasaway, Bankston Architects dated March 5, 2015.

B. Setback requirements

North Boundary shall be 15' – 0' Min
South Boundary shall be 15' – 0' Min
West Boundary shall be 15' – 0' Min
East Boundary shall be 15' – 0' Min (landscaping)
25' – 0' Min (building)

C. New Construction of Buildings

All future expansions shall be in accordance with North Oaks Medical Center District Master Plan.

D. Parking Requirements

1 Space/1000 sq. feet of occupiable building area

E. Landscaping Requirements

1. Road Frontage – 15' wide landscape buffer as per Article 4.1.5 D (3)

2. Live Oaks – 8” caliber DBH or greater will be protected as per Article 9.1.4 D
3. Landscaping – all other areas will be landscaped as deemed fit by North Oaks Medical Center.

F. Signage

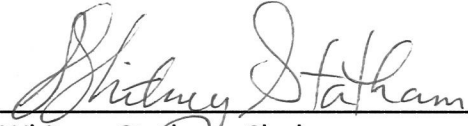
As required by Article 13 of the City of Hammond UDC #14-5364



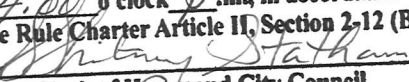
Mike Williams
President, Hammond City Council

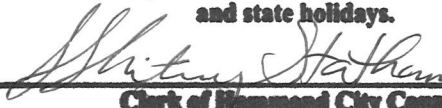


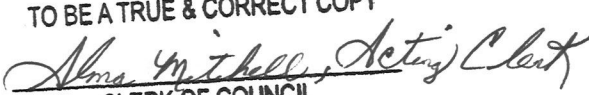
Honorable Pete Panepinto
Mayor, City of Hammond



Whitney Statham, Clerk
Hammond City Council

Recordation of Receipt Received from the
Mayor of the City of Hammond on
the 9th day of April in the year 2015
at 4:00 o'clock P.m., in accordance with
Home Rule Charter Article II, Section 2-12 (B).

Clerk of Hammond City Council

CERTIFICATE OF DELIVERY
In accordance with Home Rule Charter Article II,
Section 2-12 (A), the above Ordinance was delivered to
the Mayor of the City of Hammond on the
9th day of April, in the year 2015
at 4:30 o'clock P.m. said delivery being within three (3)
calendar days after adoption, exclusive of weekends
and state holidays.

Clerk of Hammond City Council

THE FOREGOING IS CERTIFIED
TO BE A TRUE & CORRECT COPY

CLERK OF COUNCIL

The above and foregoing ordinance having been duly submitted to the Hammond City Council in writing; introduced at a public meeting on **March 18th, 2015**, of the Hammond City Council and discussed at a public meeting held on **April 7th, 2015**; after motion and second was submitted to the official vote of the Hammond City Council.

On motion by Lemar Marshall and Second by Johnny Blount, the foregoing ordinance was hereby declared adopted on **April 7th, 2015**, by the following roll call vote:

Votes: Johnny Blount (Y) Jason Hood (Y) Janice Beard Carter (Y) Lemar Marshall(Y) Mike Williams (Y) Motion approved.

WHEREFORE, the above and foregoing ordinance was declared duly adopted on this **7th** day of **April 2015**, at Hammond, Tangipahoa Parish, Louisiana.



**CITY OF HAMMOND
ORDINANCE NO. #15-5419 C.S.**

BE IT ORDAINED by the City Council of Hammond, Louisiana, that:

An ordinance has been approved to Amend Ordinance #14-5364 C.S. to provide for Site Conditions.

1. Hammond Ordinance #14-5364 is amended and the Unified Development Code is amended to include the following provisions within Article 4.1 to be Articles 4.1.7 and 4.1.8 and to read as follows:

ARTICLE 4

SITE CONDITIONS

ARTICLE 4.1 GENERAL

4.1.7 Unsafe Conditions

A. General. The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

B. Unsafe conditions. The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the International Building Code or the International Existing Building Code as required for existing buildings:

- 1) The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength;
- 2) The anchorage of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects;
- 3) Structures or components thereof that have reached their limit state;
- 4) Siding and masonry joints including joints between the building envelope and the perimeter of windows, doors and skylights are not maintained, weather resistant or water tight;
- 5) Structural members that have evidence of deterioration or that are not capable of safely supporting all nominal loads and load effects;
- 6) Foundation systems that are not firmly supported by footings, are not plumb and free from open cracks and breaks, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects;
- 7) Exterior walls that are not anchored to supporting and supported elements or are not plumb and free of holes, cracks or breaks and loose or rotting materials, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects;
- 8) Roofing or roofing components that have defects that admit rain;
- 9) Overhang extensions or projections including, but not limited to, trash chutes, canopies, marquees, signs, awnings, fire escapes, standpipes and exhaust ducts not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects;
- 10) Exterior stairs, decks, porches, balconies and all similar appurtenances attached thereto, including guards and handrails, are not structurally sound, not properly anchored or that are

anchored with connections not capable of supporting all nominal loads and resisting all load effects; or

11) Chimneys, cooling towers, smokestacks and similar appurtenances not structurally sound or not properly anchored, or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects

C. Structural members. All structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads.

D. Foundation walls. All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents and other pests.

E. Exterior walls. All exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.

F. Roofs and drainage. The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

G. Overhang extensions. All overhang extensions including but not limited to canopies, marquees, signs, metal awnings, fire escapes, standpipes and exhaust ducts shall be maintained in good repair and be properly anchored so as to be kept in a sound condition. When required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather coating materials, such as paint or similar surface treatment.

H. Stairways, decks, porches, and balconies. Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.

I. Chimneys and towers. All chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

J. Handrails and guards. Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

4.1.8 Fences, Shrubs and Buffer Zones

A. No fence, shrub, or plant material, more than three feet above grade at the centerline of the street may be located within 30 feet of a street intersection.

B. Solid, non-opaque fences at least 6 to 8 feet high (depending upon the case involved) may be required by the Building Official as a shield between residential and commercial or industrial uses, or between commercial and commercial uses, that cause an obvious nuisance to a residential or commercial use. Said fence shall be placed at the expense of the party creating the nuisance, as determined by the Building Official. In cases of disagreement between the party(s) involved and the Building Official, an appeal may be filed to the Hammond Board of Adjustments. Where vehicle parking exists adjacent to a fence, fences shall be protected from damage and parked vehicles by a curb, or wheel stops, and a 2 foot deep green space area. This must be installed at the expense of the party creating the nuisance on their property only. Use of only bushes and trees (without also a man-made fence) cannot serve as a buffer fence unless pre-approved by the Zoning Board with rules outlined for maintaining the plant material and keeping it a certain height. Before placement of a fence, a fence permit must be obtained from the Hammond Building Department and the fence design and proposed location or placement on a parcel, (as indicated on a survey or parcel map) or lot must be approved by the City.

C. Woven wire fence shall be prohibited beyond the front building line of the principal dwelling on the site. Fences shall be permitted in front yard of structures if they are wood, metal (not chain-link or barbed wire), decorative wrought iron, and simulated wrought iron or masonry fences with

a maximum height of four (4) feet. No fence shall not extend into a street right-of-way and shall not obstruct, in whole or in part, the sight clearance needed at intersections for safety as determined by the City, State, or any applicable governing authority.

D. Solid fences of stone, vinyl, stucco, wood, concrete or woven wire fences of up to 8 feet in height may be erected on those parts of a lot that are as far back or farther back than the required front building set back line (set back from adjacent streets), or the front point of any primary structure thereof, whichever distance is greater. (residential or commercial)

E. Open wire fences for tennis or badminton courts may be erected to a height of ten feet if such courts are located inside of rear yards.

F. Open wire fences in industrial and commercially zoned districts may be erected to a height of 10 feet. Barbed wire fencing may not be used within residential district of the City. Fences next to parking lots must be protected by wheel bumper stops.

G. Solid fences may be erected up to 8 feet in height if such fences are being used as the buffer between commercial and residential property.

H. Wire fences shall have a minimum of 1.5 inches diameter galvanized pipe supports placed no more than 7 feet apart. Wood fencing material shall be of a weatherproofed wood.

I. All fences shall be shown and described as part of any applicant's building permit application.

J. The property owner(s) will be responsible for maintaining the condition of the fence.

2. All Ordinances in conflict therewith are repealed.

The above and foregoing ordinance having been duly submitted to the Hammond City Council in writing; introduced at a public meeting on **April 7th, 2015**, of the Hammond City Council and discussed at a public meeting held on **April 21st, 2015**; after motion and second was submitted to the official vote of the Hammond City Council.

On motion by Lemar Marshall and Second by Johnny Blount, the foregoing ordinance was hereby declared adopted on **April 21st, 2015**, by the following roll call vote:

Votes: Johnny Blount (Y) Jason Hood (Y) Janice Beard Carter (Y) Lemar Marshall(Y) Mike Williams (Y) Motion approved.

WHEREFORE, the above and foregoing ordinance was declared duly adopted on this **21st** day of **April 2015**, at Hammond, Tangipahoa Parish, Louisiana.



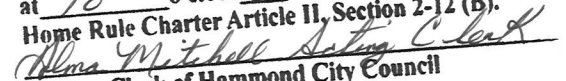
Mike Williams
President, Hammond City Council



Honorable Pete Panepinto
Mayor, City of Hammond



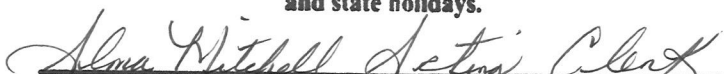
Alma Mitchell, Acting Clerk
Hammond City Council

Recordation of Receipt Received from the
Mayor of the City of Hammond on
the 21st day of April in the year 2015
at 10 o'clock 0 .m., in accordance with
Home Rule Charter Article II, Section 2-12 (B).

Clerk of Hammond City Council

CERTIFICATE OF DELIVERY

In accordance with Home Rule Charter Article II,
Section 2-12 (A), the above Ordinance was delivered to
the Mayor of the City of Hammond on the

21st day of April, in the year 2015
at 10 o'clock 0 .m. said delivery being within three (3)
calendar days after adoption, exclusive of weekends
and state holidays.


Clerk of Hammond City Council



**CITY OF HAMMOND
ORDINANCE NO. #15-5420 C. S.**

**An Ordinance to Amend Ordinance #14-5364 C.S.
To Provide a Definition for Reception/Banquet Hall**

BE IT ORDAINED by the City Council of Hammond, Louisiana, that:

An ordinance has been approved to Amend Ordinance #14-5364 C.S. to provide a definition for Reception/Banquet Hall.

1. Hammond Ordinance #14-5364 is amended and the Unified Development Code is amended to include the definition of "Reception/Banquet Hall" within Appendix A Definitions to read as follows:

Reception/Banquet Hall - An establishment which is rented by individuals or groups to accommodate private functions including, but not limited to, banquets, weddings, anniversaries and other similar celebrations. Such a use may or may not include: (1) kitchen facilities for the preparation or catering of food; (2) the sale of alcoholic beverages for on-premises consumption, only during scheduled events and not open to the general public; and (3) outdoor gardens or reception facilities.

2. Hammond Ordinance #14-5364 is amended and the Unified Development Code is amended to include "Reception/Banquet Hall" within the Allowed Uses in the following zoning districts: MX-N, MX-C, MX-CBD, C-N, C-H, C-R, I-L.

3. All Ordinances in conflict therewith are repealed and the 6.2 Allowed Use Table of the Unified Development Code shall be amended to reflect the above Allowed Use.

The above and foregoing ordinance having been duly submitted to the Hammond City Council in writing; introduced at a public meeting on **April 7th, 2015**, of the Hammond City Council and discussed at a public meeting held on **April 21st, 2015**; after motion and second was submitted to the official vote of the Hammond City Council.

On motion by Jason Hood and Second by Johnny Blount, the foregoing ordinance was hereby declared adopted on **April 21st, 2015**, by the following roll call vote:

Votes: Johnny Blount (Y) Jason Hood (Y) Janice Beard Carter (Y) Lemar Marshall(Y) Mike Williams (Y) Motion approved.

WHEREFORE, the above and foregoing ordinance was declared duly adopted on this **21st** day of **April 2015**, at Hammond, Tangipahoa Parish, Louisiana.

Mike Williams
President, Hammond City Council

Honorable Pete Panepinto
Mayor, City of Hammond

Alma Mitchell, Acting Clerk
Hammond City Council

CERTIFICATE OF DELIVERY

In accordance with Home Rule Charter Article II, Section 2-12 (A), the above Ordinance was delivered to the Mayor of the City of Hammond on the

**24th day of April, in the year 2015
at 10 o'clock A.m. said delivery being within three (3)
calendar days after adoption, exclusive of weekends
and state holidays.**

Clerk of Hammond City Council

Accompaniment of Receipt Received from the
Mayor of the City of Hammond on
the 24th day of April in the year 2015
at 10 o'clock A.m., in accordance with
Home Rule Charter Article II, Section 2-12 (B).

Clerk of Hammond City Council



**CITY OF HAMMOND
ORDINANCE NO. #15-5421 C. S.**

**An Ordinance to Amend Ordinance #14-5364 C.S.
To Provide Relative to Utilities**

BE IT ORDAINED by the City Council of Hammond, Louisiana, that:

1. Hammond Ordinance #14-5364 is amended and the Unified Development Code is amended to remove a portion of a certain provision in Article 11.1 so that Article 11.1 of the UDC shall read in its entirety as follows:

ARTICLE 11

UTILITIES

ARTICLE 11.1 IN GENERAL

11.1 In General

- A. All lots shall be connected to the public water and wastewater systems unless otherwise approved by the Planning Commission.
- B. The installation of all individual water supplies and sewage disposal units shall be approved by the Health Unit. Plans for all subdivision water supplies, sewer lines and treatment plants or treatment facilities shall be approved by the Louisiana Department of Health and Hospitals Office of Public Health. The construction plans for the installation of all subdivision public sewerage facilities shall be approved by the City Engineer. Building permits shall not be issued by the Building Inspection Division of the City of Hammond until such time as the sanitary sewer collection piping system has been installed and determined to be operational by the City of Hammond. In cases where a lift station and sewerage force mains are required in the sewage system, said equipment shall have been installed at the project site prior to issuance of the building permits. Occupancy permits shall not be issued until such time as the sewer system is placed into operation and accepted by the City Building Inspector.
- C. Only one basic residential utility owned electric meter is allowed for each legal dwelling unit. Except as noted in Sub-Paragraph 11.1C (1), an additional electric meter shall not be permitted for a guest house or a residential garage, workshop, shed, storage, or other residential accessory building. This requirement applies to "utility owned meters" used by public utility companies, and it does not apply to private sub- meters, which the Building Department encourages for certain situations.
 - (1) An additional utility owned electric meter may be signed off by planning staff if one of the following criteria is met:
 - (a) Multiple meters are allowed to serve multiple dwelling units, farm family dwellings, or agricultural employee units, permitted live- work or work-live units, or multi-tenant commercial or industrial buildings;

- (b) The meter would serve common areas of apartment complexes, condominiums, and planned urban developments;
- (c) In lands with an agricultural use, the meter is for agricultural equipment or structure with high electrical demand such as, but not limited to, a dairy barn, a winery or agricultural water wells;

2. All Ordinances in conflict therewith are repealed.

BE IT ORDAINED by the City Council of Hammond, Louisiana, that:

An ordinance has been approved to Amend Ordinance #14-5364 C.S. to provide Relative to Utilities.

The above and foregoing ordinance having been duly submitted to the Hammond City Council in writing; introduced at a public meeting on **April 7th, 2015**, of the Hammond City Council and discussed at a public meeting held on **April 21st, 2015**; after motion and second was submitted to the official vote of the Hammond City Council.

On motion by Lemar Marshall and Second by Jason Hood, the foregoing ordinance was hereby declared adopted on **April 21st, 2015**, by the following roll call vote:

Votes: Johnny Blount (Y) Jason Hood (Y) Janice Beard Carter (Y) Lemar Marshall(Y) Mike Williams (Y) Motion approved.

WHEREFORE, the above and foregoing ordinance was declared duly adopted on this **21st** day of **April 2015**, at Hammond, Tangipahoa Parish, Louisiana.



Mike Williams
President, Hammond City Council

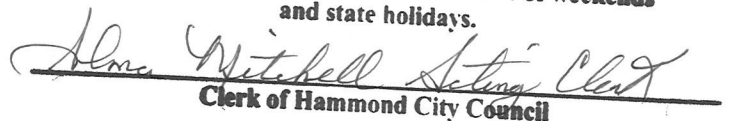


Honorable Pete Panepinto
Mayor, City of Hammond

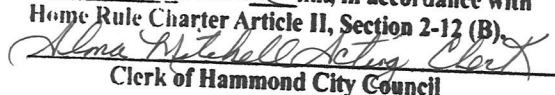


Alma Mitchell, Acting Clerk
Hammond City Council

CERTIFICATE OF DELIVERY
In accordance with Home Rule Charter Article II,
Section 2-12 (A), the above Ordinance was delivered to
the Mayor of the City of Hammond on the
the 21st day of April in the year 2015
at 10 o'clock 0 .m. said delivery being within three (3)
calendar days after adoption, exclusive of weekends
and state holidays.



Alma Mitchell Acting Clerk
Clerk of Hammond City Council

Recordation of Receipt Received from the
Mayor of the City of Hammond on
the 21st day of April in the year 2015
at 10 o'clock 0 .m., in accordance with
Home Rule Charter Article II, Section 2-12 (B).

Alma Mitchell Acting Clerk
Clerk of Hammond City Council



**CITY OF HAMMOND
ORDINANCE NO. #15-5422 C. S.**

**An Ordinance to Amend Ordinance #14-5364 C.S.
Relative to Zoning Districts**

ARTICLE 6

ZONING DISTRICTS

ARTICLE 6.1 PURPOSE AND PERMITTING USES IN EACH ZONING DISTRICT

6.1.1 Residential Single-Family

The Residential Single Family Districts are intended to accommodate single-family houses on individual lots. These districts should be applied in areas where the land use pattern is predominately single-family residential or where such land use pattern is desired in the future. These districts allow residential cluster development with smaller minimum lot sizes and additional building types in exchange for protecting significant common open space.

For all Residential Single Family Districts, no outdoor storage is permitted in front, side, or rear areas visible from the street, except in enclosed areas such as a garage. This includes storage in the following areas: front or side porches, carports and breezeways, or storage on a trailer. Boats on trailers will not be included in this prohibition. Storage of brush, fence posts, crates, vehicle tires, vehicle bodies or parts, scrap metal, bed mattress or springs, water heater or other household appliances, damages, stored or discarded furniture and other household goods or items, material recovered from demolition or other discarded objects three (3) feet or more in length shall not be allowed or permitted on the premises. Temporary storage of items that include trash, leaves, brush, and refuse, for not more than seven (7) days that are being discarded or removed from the premises, will not be in violation of this part.

A. RS-11

The RS-11 District is a single-family dwelling residential district allowing for large lots and including noncommercial uses generally associated with family residential areas.

a. Allowed Uses

1. Detached Single-Family Dwelling (including Mobile/Manufactured Homes)
2. Gardens, growing of crops (noncommercial)
3. Parks and Open Space
4. Minor utilities
5. Civic Uses
6. Guest House

b. Conditional Uses

1. Day Care Facility
2. Cemeteries and/or Memorial Gardens

c. Accessory Uses

1. Home Occupations
2. Vegetable and Flower Gardens
3. Private Garages
4. Tennis court, swimming pools, garden houses, tool sheds, pergolas, barbecue ovens and similar uses customary accessory to residential uses
5. Accessory Places of Worship Uses that are not considered a nuisance to the neighborhood.

6. Raising and keeping of domestic animals but not on a commercial basis or on a scale objectionable to neighboring property owners.

6.1.3 Mixed Use

A. MX-CBD Central Business District

MX-CBD is a multi-use district intended to accommodate office, employment, and residential within downtown. The district regulations recognize and support downtown's role as a center of regional importance and as a primary hub for business, communications, office, living, government, retail, cultural, educational, visitor accommodations and entertainment. The district promotes vertical mixed use (residential/nonresidential) projects that contain active ground floor uses. The MX-CBD district is intended to promote safe, active and pedestrian-scaled mixed use centers. The district enhances the convenience, ease and enjoyment of walking, shopping and public gathering space.

A. Allowed Uses

1. Upper-story living
2. Multi-family living
3. Office
4. Medical office
5. Civic Use
6. Parks and Open Space
7. Indoor recreational uses except sexually oriented business
8. Overnight lodging
9. All personal service
10. Animal Care (indoor only)
11. All Restaurant
12. All retail sales
13. Bakery shop, provided such operations are limited to the use of non-smoke producing types of furnaces
14. Bank, finance and loan companies
15. Food Store but excluding the dressing or killing of any flesh or fowl
16. Manufacturing of articles to be sold on the premises provided such manufacturing is incidental to the retail business and employs not more than five operators engaged in the production of such items.
17. Publishing establishment, printing plant
18. Art studio/gallery
19. Convenience store without gas
20. Dry Cleaning
21. Taxi stand limited to five taxis
22. Wholesale business included within a building – not including warehouse

B. Accessory Uses

1. Home Occupations
2. Private Garages

3. Tennis court, swimming pools, garden houses, tool sheds, pergolas, barbecue ovens and similar uses customary accessory to residential uses
4. Accessory Places of Worship Uses that are not considered a nuisance to the neighborhood.
5. Raising and keeping of domestic animals but not on a commercial basis or on a scale objectionable to neighboring property owners.
6. Gardens for noncommercial uses
7. Incidental storage not to exceed 40% of the floor area
8. Sale of alcohol in conjunction with a full-service restaurant

C. Conditional Uses

1. Day Care Facility
2. Home occupations
3. Commercial Parking
4. Off street parking facility
5. Social services
6. Convenience store with gas
7. All vehicle sales and rentals
8. All water-oriented sales and services
9. Minor utilities
10. Cemeteries and/or Memorial Gardens

B. MX-N Neighborhood Mixed Use

The MX-N District is intended to provide appropriate areas for new and existing development that incorporates both small-scale residential and office uses within close proximity to one another and adjacent neighborhoods. The district is also intended to provide for live/work opportunities where people can live and work in the same physical space. The district can also be used as a transition between arterials or more intense commercial areas and established residential neighborhoods. Neighborhood Mixed Use is intended to provide for a variety of residential, retail, service and commercial uses all within walking distance of residential neighborhoods.

A. Allowed Uses

1. Detached Living (Single-Family Dwelling)
2. Attached House
3. Row Houses
4. Apartments (multi-family dwelling)
5. Group living
6. Social Services
7. Civic Uses
8. Parks and open space
9. Minor utilities
10. Day Care
11. Country Club
12. All indoor recreation except sexually oriented business

13. All medical
14. All office
15. Overnight lodging
 - a. Bed and Breakfast
16. Services
 - a. All personal services
 - b. Tanning bed facilities
 - c. Barber and beauty shops
 - d. Florists
 - e. Mortuary
 - f. Real Estate office
 - g. Banks, financial institutions
 - h. Dry Cleaning
17. Animal Care
 - a. Animal hospital with side and rear yards of at least 20 feet each. The rear yard shall be at least 40 feet where there is adjacent residential zoning.
18. All restaurant
19. All retail sales
20. Art Studio/gallery, no including tattoo parlors
21. Convenience store without gas
22. Convenience store with gas
23. All vehicle sales and services
24. All water oriented sales and services
25. All research and development
26. All vehicle services
27. Off street parking
- B. Conditional Uses
 1. Tattoo parlor
 2. Major utilities
 3. Commercial parking lots and garages
 4. All outdoor recreation
 5. Sweet Shop
 6. Cemeteries and/or Memorial Gardens
- C. Accessory Uses
 1. Gardens for non-commercial purposes
 2. Storage garages and parking lots for use solely by occupants and guests of the premises.
 3. Tennis courts, swimming pools

4. Radio and television towers incidental to a permitted use
5. Incidental storage not to exceed 40 percent of the floor area
6. Home occupations

C. MX-C Commercial Mixed Use

MX-C is intended to provide for a variety of residential, retail, service, and commercial uses. While MX-C accommodates commercial uses, the inclusion of residential and employment uses are strongly encouraged in order to promote live-work and mixed use opportunities.

A. Allowed Uses

1. Detached Living (Single-Family Dwelling)
2. Attached House
3. Row Houses
4. Apartments (multi-family dwelling)
5. Group living
6. Social Services
7. Civic Uses
8. Parks and open space
9. Minor utilities
10. Day Care
11. Country Club
12. All indoor recreation except sexually oriented business
13. All medical
14. All office
15. All overnight lodging
 - a. Bed and Breakfast
16. Services
 - a. All personal services
 - b. Tanning bed facilities
 - c. Barber and beauty shops
 - d. Florists
 - e. Mortuary
 - f. Real Estate office
 - g. Banks, financial institutions
 - h. Dry Cleaning
17. Animal Care
 - a. Animal hospital with side and rear yards of at least 20 feet each. The rear yard shall be at least 40 feet where there is adjacent residential zoning.
18. All restaurant
19. All retail sales
20. Art Studio/gallery, no including tattoo parlors

21. Convenience store without gas
22. Convenience store with gas
23. All vehicle sales and rentals
24. All water oriented sales and services
25. All light industrial
 - a. Bottling plant
 - b. Publishing establishment, printing plant
 - c. Canning and preserving foods
 - d. Lumber yard as part of retail establishment
 - e. Contractor's storage yard
 - f. Carpentry shop
 - g. Any retail or wholesale use not the storage above ground of petroleum and other inflammable liquids in excess of 100,000 gallons.
26. All research and development
27. All self-storage
28. All vehicle services
29. Off street parking

B. Accessory Uses

1. Gardens for non-commercial purposes
2. Storage garages and parking lots for use solely by occupants and guests of the premises.
3. Tennis courts, swimming pools
4. Radio and television towers incidental to a permitted use
5. Incidental storage not to exceed 40 percent of the floor area
6. Home occupations
7. Sale of alcohol in conjunction with a full-service restaurant

C. Conditional Uses

1. Tattoo parlor
2. Major utilities
3. Commercial parking lots and garages
4. All outdoor recreation
5. Sweet Shop
6. Cemeteries and/or Memorial Gardens

6.1.4 Commercial

A. C-N Commercial Neighborhood

The C-N Neighborhood Commercial District is a non-industrial commercial area more restrictive than other Commercial districts and allowing multi-family residential uses. The C-N district allows buildings up to three stories in height.

A. Permitted Uses

1. Detached Living (Single-Family Dwelling)

2. Attached House
3. Row Houses
4. Apartments (multi-family dwelling)
5. Group living
6. Social Services
7. Civic Uses
8. Parks and open space
9. Minor utilities
10. Day Care
11. Country Club
12. All indoor recreation except sexually oriented business
13. All medical
14. All office
15. Overnight lodging
 - a. Bed and Breakfast
16. Services
 - a. All personal services
 - b. Tanning bed facilities
 - c. Barber and beauty shops
 - d. Florists
 - e. Mortuary
 - f. Real Estate office
 - g. Banks, financial institutions
 - h. Dry Cleaning
17. Animal Care
 - a. Animal hospital with side and rear yards of at least 20 feet each. The rear yard shall be at least 40 feet where there is adjacent residential zoning.
18. All restaurant
19. All retail sales
20. Art Studio/gallery, no including tattoo parlors
21. Convenience store without gas
22. All Vehicle Sales and rentals
23. All Vehicle Services

B. Conditional Uses

1. Tattoo parlor
2. Major utilities
3. Commercial parking lots and garages
4. All outdoor recreation

5. Sweet Shop
 6. Cemeteries and/or Memorial Gardens
- C. Accessory Uses
1. Gardens for non-commercial purposes
 2. Storage garages and parking lots for use solely by occupants and guests of the premises.
 3. Tennis courts, swimming pools
 4. Radio and television towers incidental to a permitted use
 5. Incidental storage not to exceed 40 percent of the floor area
 6. Home occupations
 7. Sale of alcohol in conjunction with a full-service restaurant

B. C-H Commercial Highway Corridor

The C-H Highway Commercial groups together those major retail office and service uses that generate high traffic volumes, that could create nuisances to residential area, and that require easy access to a major highway or interstate road. The C-H district allows buildings up to five stories in height.

A. Allowed Uses:

1. Attached House
2. Row Houses
3. Apartments (multi-family dwelling)
4. Group living
5. Social Services
6. Civic Uses
7. Parks and open space
8. Minor utilities
9. Day Care
10. Country Club
11. All indoor recreation except sexually oriented business
12. All medical
13. All office
14. All overnight lodging
 - a. Bed and Breakfast
15. All passenger terminal
16. All personal services
 - a. Tanning bed facilities
 - b. Barber and beauty shops
 - c. Florists
 - d. Mortuary
 - e. Real Estate office
 - f. Banks, financial institutions

g. Dry Cleaning

17. Animal Care

- a. Animal hospital with side and rear yards of at least 20 feet each. The rear yard shall be at least 40 feet where there is adjacent residential zoning.

18. All restaurant

19. All retail sales

20. Shopping Mall

21. Art Studio/gallery, no including tattoo parlors

22. Convenience store without gas

23. Convenience store with gas

24. All vehicle services

25. All vehicle sales, rentals, and services

- a. Sale of mobile or manufactured homes, trailers, and motor homes
- b. Motor Truck terminal

26. All water oriented sales and services

27. All light industrial

- a. Bottling plant
- b. Publishing establishment, printing plant
- c. Canning and preserving foods
- d. Lumber yard as part of retail establishment
- e. Contractor's storage yard
- f. Carpentry shop
- g. Any retail or wholesale use not the storage above ground of petroleum and other inflammable liquids in excess of 100,000 gallons.
- h. Sheet metal or welding or machine shop or metal fabrication shop having a floor area of less than 10,000 square feet.

28. All research and development

29. All self-storage

30. Off street parking

31. Tattoo Parlor

C. Accessory Uses

- 1. Gardens for non-commercial purposes
- 2. Storage garages and parking lots for use solely by occupants and guests of the premises.
- 3. Tennis courts, swimming pools
- 4. Radio and television towers incidental to a permitted use
- 5. Incidental storage not to exceed 40 percent of the floor area
- 6. Home occupations
- 7. Sale of alcohol in conjunction with a full-service restaurant

D. Conditional Uses

1. Major utilities
2. Commercial parking lots and garages
3. All outdoor recreation
4. Sweet Shop
5. Cemeteries and/or Memorial Gardens

C. C-R Commercial Restricted

The C-R Restricted District is restrictive in nature and are intended to strictly govern the commercial, retail, and entertainment uses described herein, and to set forth special conditions which may bind the properties and uses thereof. The C-R district allows buildings up to two stories in height.

Allowed uses within C-R district may be specified by the City for each C-R rezoned property from the following: A. Permitted Uses

1. Sale or rental of adult material
2. Adult entertainment
3. Bars and lounges
4. All restaurants including with the sale of alcohol

6.1.5 Industrial

A. I-L Light Industrial

The Light Industrial District represents industrial uses that engage in light manufacturing and processing activities that generally are not considered dangerous to nearby residential or commercial areas. No residential uses, aside from plant caretakers/watchman's quarters, are allowed in this District.

A. Allowed Uses

1. Automobile, truck and machinery repair shops
2. Railroad stations and service yards

3. Car sales
4. Gasoline filling stations
5. Dry Cleaning and laundry self-service and/or pick up stations
6. Manufacturing of articles to be sold exclusively on the premises
7. Off street parking facilities
8. Publishing, printing plants
9. Warehouse
10. Manufacturing of clothing, candy, ice cream, bedding material
11. Product distribution centers not related to on-site heavy industrial manufacturing
12. Lumber yards
13. Carpentry Shop
14. Animal Hospital
15. Pipe yard
16. Storage yards
17. Salvage yard (auto, scrap metal)
18. Canning and preservation of foods
19. Bottling plant
20. Transportation and truck terminals
21. Sheet metal, welding, machine shop
22. Vegetable packing plant
23. Manufacture and storage of concrete and brick products, furniture, and wood products, light metal frames, and electronic parts
24. Blacksmith shop
25. Storage (only) of petroleum and similar products
26. Junk yard and auto wrecking provided that all of these uses when located outside the confines on an enclosed and secure building shall be screened from public view by wall and/or fences or other screening of not less than 6 feet in height in a manner that will shield said item from public view.
27. Other light manufacturing and processing approved by the Planning and Zoning Commission
28. Caretaker's Quarters
29. All vehicle sales, services, and rentals

B. Accessory Uses

1. Accessory structures shall be clearly incidental and subordinate to a permitted principal structure.
2. Accessory structures shall be located on the same lot as the principal structure, or on a contiguous lot in the same ownership.
3. No accessory structure may extend forward of the front building facade of the primary structure.
4. Accessory structures shall be separated from all principal structures by a minimum of 10 feet.

B. I-H Heavy Industrial

The Heavy Industrial represents industrial uses that engage in manufacturing or processing activities that are generally considered nuisance generating and/or potentially dangerous to residential or commercial areas. Therefore, residential and most commercial uses are prohibited in this District.

A. Allowed Uses

1. Automobile, truck and machinery repair shops
2. Railroad stations and service yards
3. Car sales
4. Gasoline filling stations
5. Dry Cleaning and laundry self-service and/or pick up stations
6. Manufacturing of articles to be sold exclusively on the premises
7. Off street parking facilities
8. Publishing, printing plants
9. Warehouse
10. Manufacturing of clothing, candy, ice cream, bedding material
11. Product distribution centers not related to on-site heavy industrial manufacturing
12. Lumber yards
13. Carpentry Shop
14. Animal Hospital
15. Pipe yard
16. Storage yards
17. Salvage yard (auto, scrap metal)
18. Canning and preservation of foods
19. Bottling plant
20. Transportation and truck terminals
21. Sheet metal, welding, machine shop
22. Vegetable packing plant
23. Manufacture and storage of concrete and brick products, furniture, and wood products, light metal frames, and electronic parts
24. Blacksmith shop
25. Storage of petroleum and similar products
26. Junk yard and auto wrecking provided that all of these uses
when located outside the confines on an enclosed and secure building shall be screened from public view by wall and/or fences or other screening of not less than 6 feet in height in a manner that will shield said item from public view.
27. Other light manufacturing and processing approved by the Planning and Zoning Commission
28. Caretaker's Quarters
29. All vehicle sales, service, and rentals

30. Manufacturing of chemical products

31. Smelters

32. Processing of metal (steel, aluminum) products and by-products, along with other processing systems that may involve the continued use and storage of chemicals, cleaners, and by-products.

33. Petroleum processing and animal slaughterhouses

34. Other heavy industrial uses as approved by the Planning and Zoning Commission

35. Paper and products mill

B. Accessory Uses

1. Accessory structures shall be clearly incidental and subordinate to a permitted principal structure.

2. Accessory structures shall be located on the same lot as the principal structure, or on a contiguous lot in the same ownership.

3. No accessory structure may extend forward of the front building facade of the primary structure.

4. Accessory structures shall be separated from all principal structures by a minimum of 10 feet.

5. Hammond Ordinance #14-5364 is amended and the Unified Development Code is amended to add RS-11.A to revise the Lot width (min) in C-N to 65' and the table shown in 6.3.4 shall be revised to reflect this change.

6. All Ordinances in conflict with the above are repealed.

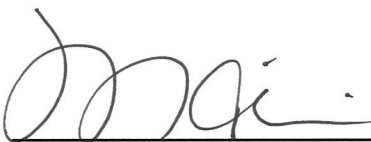
BE IT ORDAINED by the City Council of Hammond, Louisiana, that:

The above and foregoing ordinance having been duly submitted to the Hammond City Council in writing; introduced at a public meeting on **April 7th, 2015**, of the Hammond City Council and discussed at a public meeting held on **April 21st, 2015**; after motion and second was submitted to the official vote of the Hammond City Council.

On motion by Lemar Marshall and Second by Jason Hood, the foregoing ordinance was hereby declared adopted on **April 21st, 2015**, by the following roll call vote:

Votes: Johnny Blount (Y) Jason Hood (Y) Janice Beard Carter (Y) Lemar Marshall(Y) Mike Williams (Y) Motion approved.

WHEREFORE, the above and foregoing ordinance was declared duly adopted on this **21st** day of **April 2015**, at Hammond, Tangipahoa Parish, Louisiana.



Mike Williams
President, Hammond City Council



Honorable Pete Panepinto
Mayor, City of Hammond

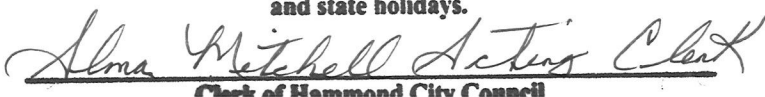



Alma Mitchell, Acting Clerk
Hammond City Council

CERTIFICATE OF DELIVERY

In accordance with Home Rule Charter Article II,
Section 2-12 (A), the above Ordinance was delivered to
the Mayor of the City of Hammond on the

21st day of April, in the year 2015
at 10 o'clock A.m. said delivery being within three (3)
calendar days after adoption, exclusive of weekends
and state holidays.


Alma Mitchell Acting Clerk
Clerk of Hammond City Council

Recordation of Receipt Received from the
Mayor of the City of Hammond on
the 21st day of April in the year 2015
at 10 o'clock A.m., in accordance with
Home Rule Charter Article II, Section 2-12 (B).

Clerk of Hammond City Council



**CITY OF HAMMOND
ORDINANCE NO. #15-5423 C. S.**

**An Ordinance to Amend Ordinance #14-5364 C.S.
To Provide Relative to Communication Towers**

BE IT ORDAINED by the City Council of Hammond, Louisiana, that:

1. Hammond Ordinance #14-5364 is amended and the Unified Development Code is amended to certain provisions that make up Article 11.5 Communication Towers/Satellite to read as follows:

ARTICLE 11

ARTICLE 11.5 COMMUNICATION TOWERS/SATELLITE

11.5.1 In General

- A. Satellite Dishes/Antennas shall be considered accessory uses of a lot and thus shall not be located in front or the required side yards in residential districts. Rear yards may be used for placement however. Antennas may be located inside of the required front and side yards in commercial and industrial districts.
- B. Satellite Dishes/Antennas shall be placed no closer to the right-of-way than the building set back line allows in any zoning districts.
- C. Rooftop placement of dishes shall be prohibited in all residential districts. Rooftop placement in commercial and industrial districts is permissible where height regulations are followed and where acceptable methods of anchoring are used. (See below.)
- D. Definitions as relating to this Ordinance:
 - 1) "Communications tower" as used in this Ordinance shall mean a tower, pole, or similar structure which supports a telecommunications antenna operated for commercial purposes above ground in a fixed location, freestanding, guyed, or on a building.
 - 2) "Telecommunications," as defined in the Federal Telecommunications Act of 1996, means the transmission, between or among points specified by the user, of information of the user's choosing, without change in the form or content of the information as sent and received.
 - 3) "Antenna" means a device, dish, or array used to transmit or receive, on a commercial basis, telecommunications signals.
 - 4) "Height" of a communication tower is the distance from base of the tower to the top of the structure. The base shall be the bottom of a building or other structure if the antenna is located on a building or other structure.

11.5.2 Communications tower and antenna permitted only as conditional use.

A. A communication tower and/or antennae may be permitted upon determination that all of the applicable conditions in this Ordinance are met and that Zoning Commission conditional approval is granted.

1) Zoning Districts in which conditional uses are **not permitted**:

-**Residential, including** RS-11, RS-8, RS-5, RM-2, RS-3, RS-11.A, and RM-3. (Not permitted)

-**Mixed Use and Commercial** MX-N, MX-C, and MX-CBD. (Not permitted)

2) Zoning Districts in which conditional uses **are permitted**; height limitations:

-**Commercial:** Free standing or guyed tower with height not exceeding (C-H, C-N only) 180 feet is a conditional use; height exceeding 180 feet requires special variance.

-**Industrial:** Free standing or guyed tower with height not exceeding 180 (Districts I-L & I-H) feet is conditional use; height exceeding 180 feet requires special variances.

B. Application Requirements. The applicant for a conditional use zoning permit for construction of a communications tower or placement of a commercial telecommunication antenna on an existing structure must file a building application accompanied by the normal building fee and the zoning fee of \$100.00 and the following documents, if applicable:

1) One copy of typical specifications for proposed structures and antennae, including description of design characteristics and material.

2) A site plan drawn to scale showing property boundaries, tower location, tower height, guy wires and anchors, existing structures, photographs or elevation drawings depicting typical design of proposed structures, parking, fences, landscape plan, and existing land uses on adjacent property. A site plan is still required if antenna is to be mounted on an approved existing structure.

3) A current map, or update for an existing map on file, showing locations of applicant's antennae, facilities, existing towers, and proposed towers which are reflected in public records, serving any property in the City.

4) A report from a structural engineer showing the tower antenna capacity by type and number, and a certification that the tower is designed to withstand winds in accordance with ANSI/EIA/TIA 222, latest revision, standards.

5) Identification of the owners of all antennae and equipment to be located on the site.

6) Written authorization from the site owner for the application.

7) Evidence that a valid FCC license for the proposed activity has been issued.

8) Building permit and zoning application forms completed.

9) A written agreement to remove the tower and/or antenna within one year after cessation of use.

10) Additional information as required to determine that all applicable zoning regulations are met.

11.5.2 Conditions concerning communication towers.

A. Applicant must show that all applicable conditions are met.

1) The proposed communication tower, antenna or accessory structure will be placed in a reasonably available location which will minimize the visual impact on the surrounding area and allow the facility to function in accordance with minimum standards imposed by applicable communications regulations and applicant's

technical design requirements. Minimum lot sizes must be at least that required by the applicable zoning district in which the facility is located or 4,000 square feet where no lot size is defined.

- 2) Applicant must show that a proposed antenna and equipment cannot be accommodated and function as required by applicable regulations and applicant's technical design requirements on any existing structure or tower under the control of applicant.
- 3) When lighting is required and is permitted by the FAA or other federal or state authority, it shall be oriented inward to as not to project onto surrounding residential property.
- 4) Prior to consideration of a building permit for location on private property which must be leased or acquired, applicant must show that available publicly owned sites (excluding public parks) are unavailable or unsuitable for operation of the facility under applicable communication regulations and needed technical design requirements. A tower is not allowed if suitable space can be found on an existing communication tower or existing tower site within the search area that the new site is to serve.
- 5) Applicant must show that a new tower is designed to accommodate additional antennae equal in number to applicant's present and future requirements.
- 6) Applicant must show that all applicable health, nuisance, noise, fire, building and safety code requirements are met.
- 7) A communications tower or antenna must be properly marked with top lighting in relation to FCC and/or FAA safety requirements.
- 8) A permit for a proposed tower site or structure in the City limits shall not be issued unless the applicant certifies that an existing site does not meet applicant's structural specifications and applicant's technical design requirements, or that collocation agreement could not be obtained.
- 9) In no cases will barbed wire or razor wire be permitted as fencing material at site. Other types of fencing shall be allowed in accordance with this Ordinance. The cellular transmission tower shall be constructed of a material with a neutral color and shall be designed to blend in with the surrounding landscape and uses.
- 10) Land development regulations, visibility, fencing, screening, landscaping, parking, access, lot size, exterior illumination, sign, storage, and all other general building and zoning regulations except height shall apply to the use. Setback and height conditions in this section apply.
- 11) A tower must be a minimum distance equal to one-half the height of the tower from property designated historic by the City. It must be set back from all lot lines distances equal to the district setback requirements or 25% of the tower height, whichever is greater.
- 12) The distance between the base of the commercial transmission towers, radio towers, masts, aerials, and/or antennae, and any residential zoning district or residential structure shall not be less than the height of the structure from the top of the antenna to grade. The distance between the building upon which the commercial rooftop transmission or radio tower is located and any residential zoning district shall not be less than the total height of the building plus the height of the rooftop transmission or radio tower.

11.5.4 Abandonment of communication towers.

In the event the use of any communication or transmission tower has been discontinued for a period of one year or more, the tower shall be deemed to be abandoned. Determination of the date of abandonment shall be made by the Building Official and the Tax Collection Official of the City

who shall have the right to request documentation and/or affidavits from the communication tower owner/operator regarding the issue of tower usage. Upon such abandonment, the owner/operator of the tower shall have 60 additional days within which to (1) reactivate the use of the tower or transfer the tower to another owner/operator who makes actual use of the tower, or (2) dismantle and remove the tower and related structures.

11.5.5 Amateur Radio Facilities (HAM operators)

This part of this ordinance in no way regulates or abridges the rights of amateur radio operators to continue their operations or to engage in future, lawful operations in accordance with all applicable FCC, federal, state, and/or local regulations. This Ordinance does not restrict such operators from locating their facilities, up to 65 feet in height, in residential areas of the City as accessory uses in accordance with present City Zoning restrictions. However, building permit applications and site plans must still be submitted to the City and a building permit obtained, before construction or erection of any antenna or antenna support structure related to amateur radio stations.

2. All Ordinances in conflict therewith are repealed.

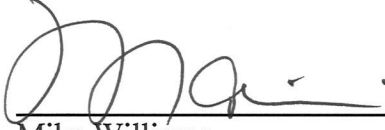
BE IT ORDAINED by the City Council of Hammond, Louisiana, that:


The above and foregoing ordinance having been duly submitted to the Hammond City Council in writing; introduced at a public meeting on **April 7th, 2015**, of the Hammond City Council and discussed at a public meeting held on **April 21st, 2015**; after motion and second was submitted to the official vote of the Hammond City Council.


On motion by Lemar Marshall and Second by Jason Hood, the foregoing ordinance was hereby declared adopted on **April 21st, 2015**, by the following roll call vote:

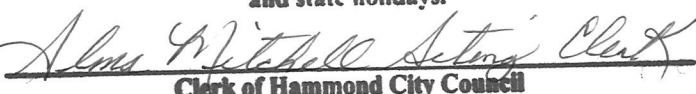
Votes: Johnny Blount (Y) Jason Hood (Y) Janice Beard Carter (Y) Lemar Marshall(Y) Mike Williams (Y) Motion approved.

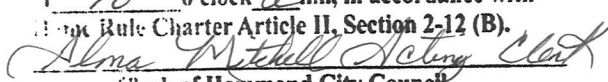
WHEREFORE, the above and foregoing ordinance was declared duly adopted on this **21st** day of **April 2015**, at Hammond, Tangipahoa Parish, Louisiana.


Mike Williams
President, Hammond City Council


Honorable Pete Panepinto
Mayor, City of Hammond


Alma Mitchell, Acting Clerk
Hammond City Council

CERTIFICATE OF DELIVERY
In accordance with Home Rule Charter Article II,
Section 2-12 (A), the above Ordinance was delivered to
the Mayor of the City of Hammond on the
24th day of April, in the year 2015
at 10 o'clock A.m. said delivery being within three (3)
calendar days after adoption, exclusive of weekends
and state holidays.

Clerk of Hammond City Council

Recordation of Receipt Received from the
Mayor of the City of Hammond on
the 24th day of April in the year 2015
at 10 o'clock A.m., in accordance with
Home Rule Charter Article II, Section 2-12 (B).

Clerk of Hammond City Council



**CITY OF HAMMOND
ORDINANCE NO. #15-5424 C. S.**

**An Ordinance Prohibiting Smoking in Workplaces and
Public Places in the City of Hammond and Providing for Related Matters**

WHEREAS, in order to preserve and improve the health, comfort, and environment of the people of this City it is necessary to limit exposure to tobacco smoke and use of tobacco products; and

WHEREAS, it is in the best interests of the people of this City to protect nonsmokers from involuntary exposure to secondhand smoke in areas open to the public and places of employment; and

WHEREAS, to protect the right of nonsmokers to breathe smokefree air, and to recognize that the need to breathe smokefree air shall have priority over the desire to smoke; and

WHEREAS, The City of Hammond does hereby find that:

The 2006 U.S. Surgeon General's Report, *The Health Consequences of Involuntary Exposure to Tobacco Smoke*, has concluded that (1) secondhand smoke exposure causes disease and premature death in children and adults who do not smoke; (2) children exposed to secondhand smoke are at an increased risk for sudden infant death syndrome (SIDS), acute respiratory problems, ear infections, and asthma attacks, and that smoking by parents causes respiratory symptoms and slows lung growth in their children; (3) exposure of adults to secondhand smoke has immediate adverse effects on the cardiovascular system and causes coronary heart disease and lung cancer; (4) there is no risk-free level of exposure to secondhand smoke; (5) establishing smokefree workplaces is the only effective way to ensure that secondhand smoke exposure does not occur in the workplace, because ventilation and other air cleaning technologies cannot completely control for exposure of nonsmokers to secondhand smoke; and evidence from peer-reviewed studies shows that smokefree policies and laws do not have an adverse economic impact on the hospitality industry. According to the 2010 U.S. Surgeon General's Report, *How Tobacco Smoke Causes Disease*, even occasional exposure to secondhand smoke is harmful and low levels of exposure to secondhand tobacco smoke lead to a rapid and sharp increase in dysfunction and inflammation of the lining of the blood vessels, which are implicated in heart attacks and stroke. According to the 2014 U.S. Surgeon General's Report, *The Health Consequences of Smoking—50 Years of Progress*, secondhand smoke exposure causes stroke in nonsmokers. The report also found that since the 1964 Surgeon General's Report on Smoking and Health, 2.5 million nonsmokers have died from diseases caused by tobacco smoke.

Numerous studies have found that tobacco smoke is a major contributor to indoor air pollution, and that breathing secondhand smoke (also known as environmental tobacco smoke) is a cause of disease in healthy nonsmokers, including heart disease, stroke, respiratory disease, and lung cancer. The National Cancer Institute determined in 1999 that secondhand smoke is responsible for the early deaths of approximately 53,000 Americans annually. The Public Health Service's National Toxicology Program (NTP) has listed secondhand smoke as a known carcinogen.

Based on a finding by the California Environmental Protection Agency in 2005, the California Air Resources Board has determined that secondhand smoke is a toxic air contaminant, finding that exposure to secondhand smoke has serious health effects, including low birth-weight babies; sudden infant death syndrome (SIDS); increased respiratory infections in children; asthma in children and adults; lung

cancer, sinus cancer, and breast cancer in younger, premenopausal women; heart disease; and death.

There is indisputable evidence that implementing 100% smoke-free environments is the only effective way to protect the population from the harmful effects of exposure to secondhand smoke.

In reviewing 11 studies concluding that communities see an immediate reduction in heart attack admissions after the implementation of comprehensive smokefree laws, the Institute of Medicine of the National Academies concluded that data consistently demonstrate that secondhand smoke exposure increases the risk of coronary heart disease and heart attacks and that smokefree laws reduce heart attacks.

A significant amount of secondhand smoke exposure occurs in the workplace. Employees who work in smoke-filled businesses suffer a 25-50% higher risk of heart attack and higher rates of death from cardiovascular disease and cancer, as well as increased acute respiratory disease and measurable decrease in lung function.

Studies measuring cotinine (metabolized nicotine) and NNAL (metabolized nitrosamine NNK, a tobacco-specific carcinogen linked to lung cancer) in hospitality workers find dramatic reductions in the levels of these biomarkers after a smokefree law takes effect. Average cotinine levels of New York City restaurant and bar workers decreased by 85% after the city's smokefree law went into effect. After the implementation of Ontario, Canada's Smokefree Indoor Air Law, levels of NNAL were reduced by 52% in nonsmoking casino employees and cotinine levels fell by 98%.

Smokefree indoor air laws result in a significant reduction in fine particulate matter and improved air quality. A Grand Rapids, Michigan study that monitored six restaurants before and after implementation of the state's smokefree air law found that PM2.5 fine particulate matter was reduced by 92 percent after the law went into effect, indicating that the vast majority of indoor air pollution in all six venues was due to secondhand smoke. The results in Grand Rapids were consistent with results in Wilmington, Delaware; Boston, Massachusetts; and Western New York.

Following a Health Hazard Evaluation of Las Vegas casino employees' secondhand smoke exposure in the workplace, which included indoor air quality tests and biomarker assessments, the National Institute of Occupational Safety & Health (NIOSH) concluded that the casino employees are exposed to dangerous levels of secondhand smoke at work and that their bodies absorb high levels of tobacco-specific chemicals NNK and cotinine during work shifts. NIOSH also concluded that the "best means of eliminating workplace exposure to [secondhand smoke] is to ban all smoking in the casinos." A subsequent study in Nevada, whose Clean Indoor Air Act permits smoking in designated areas of casinos, bars, and taverns, indicates that strong 100% smoke free laws are the only effective way to protect indoor air quality. The study sampled the air quality in 15 casino gaming areas and corresponding nonsmoking areas, and the results indicated that the Clean Indoor Air Act failed to protect air quality in the nonsmoking areas, including children-friendly areas.

Secondhand smoke is particularly hazardous to elderly people, individuals with cardiovascular disease, and individuals with impaired respiratory function, including asthmatics and those with obstructive airway disease. The Americans With Disabilities Act, which requires that disabled persons have access to public places and workplaces, deems impaired respiratory function to be a disability.

The U.S. Centers for Disease Control and Prevention has determined that the risk of acute myocardial infarction and coronary heart disease associated with exposure to tobacco smoke is non-linear at low doses, increasing rapidly with relatively small doses such as those received from secondhand smoke or actively smoking one or two cigarettes a day, and has warned that all patients at increased risk of coronary heart disease or with known coronary artery disease should avoid all indoor environments that permits smoking.

Given the fact that there is no safe level of exposure to secondhand smoke, the American Society of Heating, Refrigerating and Air Conditioning Engineers (ASHRAE) bases its ventilation standards on totally smoke free environments. ASHRAE has determined that there is currently no air filtration or other ventilation technology that can completely eliminate all the carcinogenic components in secondhand smoke and the health risks caused by secondhand smoke exposure, and recommends that indoor environments be smoke free in their entirety.

During periods of active smoking, peak and average outdoor tobacco smoke (OTS) levels measured in outdoor cafes and restaurant and bar patios near smokers rival indoor tobacco smoke concentrations. Nonsmokers who spend six-hour periods in outdoor smoking sections of bars and restaurants experience a significant increase in levels of cotinine when compared to the cotinine levels in a smoke free outdoor area.

Residual tobacco contamination, or “third hand smoke,” from cigarettes, cigars, and other tobacco products is left behind after smoking occurs and builds up on surfaces and furnishings. This residue can linger in spaces long after smoking has ceased and continue to expose people to tobacco toxins. Sticky, highly toxic particulate matter, including nicotine, can cling to walls and ceilings. Gases can be absorbed into carpets, draperies, and other upholsteries, and then be reemitted (off-gassed) back into the air and recombine to form harmful compounds. Tobacco residue is noticeably present in dust throughout places where smoking has occurred. Given the rapid sorption and persistence of high levels of residual nicotine from tobacco smoke on indoor surfaces, including clothing and human skin, this recently identified process represents an unappreciated health hazard through dermal exposure, dust inhalation, and ingestion. The dangers of residual tobacco contamination are present in hotels, even in nonsmoking rooms. Compared with hotels that are completely smoke free, surface nicotine and air 3EP are elevated in nonsmoking and smoking rooms of hotels that allow smoking. Air nicotine levels in smoking rooms are significantly higher than those in nonsmoking rooms of hotels that do and do not completely prohibit smoking. Hallway surfaces outside of smoking rooms also show higher levels of nicotine than those outside of nonsmoking rooms. Partial smoking restrictions in hotels do not protect non-smoking guests from exposure to tobacco smoke and tobacco-specific carcinogens.

Unregulated high-tech smoking devices, commonly referred to as electronic cigarettes, or “e- cigarettes,” closely resemble and purposefully mimic the act of smoking by having users inhale vaporized liquid nicotine created by heat through an electronic ignition system. After testing a number of electronic cigarettes from two leading manufacturers, the Food and Drug Administration (FDA) determined that various samples tested contained not only nicotine but also detectable levels of known carcinogens and toxic chemicals, including tobacco-specific nitrosamines and diethylene glycol, a toxic chemical used in antifreeze. The FDA’s testing also suggested that “quality control processes used to manufacture these products are inconsistent or non-existent.” According to a more recent study, electronic cigarette emissions are made up of a high concentration of ultrafine particles, and the particle concentration is higher than in conventional tobacco cigarette smoke. Electronic cigarettes produce an aerosol or vapor of undetermined and potentially harmful substances, which may appear similar to the smoke emitted by traditional tobacco products. Their use in workplaces and public places where smoking of traditional tobacco products is prohibited creates concern and confusion and leads to difficulties in enforcing the smoking prohibitions. The World Health Organization (WHO) recommends that electronic smoking devices not be used indoors, especially in smokefree environments, in order to minimize the risk to bystanders of breathing in the aerosol emitted by the devices and to avoid undermining the enforcement of smokefree laws.

The Society of Actuaries has determined that secondhand smoke costs the U.S. economy roughly \$10 billion a year: \$5 billion in estimated medical costs associated with secondhand smoke exposure and \$4.6 billion in lost productivity.

Numerous economic analyses examining restaurant and hotel receipts and controlling for economic variables have shown either no difference or a positive

economic impact after enactment of laws requiring workplaces to be smokefree. Creation of smokefree workplaces is sound economic policy and provides the maximum level of employee health and safety.

There is no legal or constitutional “right to smoke.” Business owners have no legal or constitutional right to expose their employees and customers to the toxic chemicals in secondhand smoke. On the contrary, employers have a common law duty to provide their workers with a workplace that is not unreasonably dangerous.

Smoking is a potential cause of fires; cigarette and cigar burns and ash stains on merchandise and fixtures causes economic damage to businesses.

The smoking of tobacco, hookahs, or marijuana and the use of electronic cigarettes are forms of air pollution and constitute both a danger to health and a material public nuisance.

Accordingly, the Hammond City Council finds and declares that the purposes of this ordinance are (1) to protect the public health and welfare by prohibiting smoking in public places and places of employment; and (2) to protect the right of nonsmokers to breathe smokefree air, and to recognize that the need to breathe smokefree air shall have priority over the desire to smoke.

THEREFORE, BE IT ORDAINED by the City Council of Hammond, Louisiana that it adopts the Smokefree Air Ordinance of 2015 as follows:.

1. The Code of Ordinances Chapter 17 Article I be amended by deleting current section 17-3 and 17-4 and adopting new Article III. SMOKEFREE AIR ORDINANCE, sections 17-30 through 17-47 to read as follows:

ARTICLE III. SMOKEFREE AIR IN ALL WORKPLACES AND PUBLIC PLACES

Sec. 17- 30. Definitions

The following words and phrases, whenever used in this Article, shall be construed as defined in this Section:

A. “*Bar*” means an establishment that is devoted to the serving of alcoholic beverages for consumption by guests on the premises and in which the serving of food is only incidental to the consumption of those beverages, including but not limited to, taverns, nightclubs, cocktail lounges, and cabarets.

B. “*Business*” means a sole proprietorship, partnership, joint venture, corporation, or other business entity, either for-profit or not-for-profit, including retail establishments where goods or services are sold; professional corporations and other entities where legal, medical, dental, engineering, architectural, or other professional services are delivered; and private clubs.

C. “*Electronic Smoking Device*” means any product containing or delivering nicotine or any other substance intended for human consumption that can be used by a person to simulate smoking through inhalation of vapor or aerosol from the product. The term includes any such device, whether manufactured, distributed, marketed, or sold as an e- cigarette, e-cigar, e-pipe, e-hookah, or vape pen, or under any other product name or descriptor.

D. “*Employee*” means a person who is employed by an employer in consideration for direct or indirect monetary wages or profit, and a person who volunteers his or her services for a non-profit entity.

E. “*Employer*” means a person, business, partnership, association, corporation, including a municipal corporation, trust, or non-profit entity that employs the services of one or more individual persons.

F. “*Enclosed Area*” means all space between a floor and a ceiling that is bounded on at least two sides by walls, doorways, or windows, whether open or closed. A wall includes any retractable divider, garage door, or other physical barrier, whether temporary or permanent and whether or not containing openings of any kind.

G. “*Health Care Facility*” means an office or institution providing care or treatment of diseases, whether physical, mental, or emotional, or other medical, physiological, or psychological conditions, including but not limited to, hospitals, rehabilitation hospitals or other clinics, including weight control clinics, long-term care facilities, homes for the aging or chronically ill, laboratories, and offices of surgeons, chiropractors, physical therapists, physicians, psychiatrists, dentists, and all specialists within these professions. This definition shall include all waiting rooms, hallways, private rooms, semiprivate rooms, and wards within health care facilities.

H. “*Hookah*” means a water pipe and any associated products and devices which are used to produce fumes, smoke, and/or vapor from the burning of material including, but not limited to, tobacco, shisha, or other plant matter.

I. “*Place of Employment*” means an area under the control of a public or private employer, including, but not limited to, work areas, private offices, employee lounges, restrooms, conference rooms, meeting rooms, classrooms, employee cafeterias, hallways, construction sites, temporary offices, and vehicles. A private residence is not a “place of employment” unless it is used as a child care, adult day care, or health care facility.

J. “*Playground*” means any park or recreational area designed in part to be used by children that has play or sports equipment installed or that has been designated or landscaped for play or sports activities, or any similar facility located on public or private school grounds or on City grounds.

K. “*Private Club*” means an organization, whether incorporated or not, which is the owner, lessee, or occupant of a building or portion thereof used exclusively for club purposes at all times, which is operated solely for a recreational, fraternal, social, patriotic, political, benevolent, or athletic purpose, but not for pecuniary gain, and which only sells alcoholic beverages incidental to its operation. The affairs and management of the organization are conducted by a board of directors, executive committee, or similar body chosen by the members at an annual meeting. The organization has established bylaws and/or a constitution to govern its activities. The organization has been granted an exemption from the payment of federal income tax as a club under 26 U.S.C. Section 501.

L. “*Public Event*” means an event which is open to and may be attended by the general public, including but not limited to, such events as concerts, fairs, farmers’ markets, festivals, parades, performances, and other exhibitions, regardless of any fee or age requirement.

M. “*Public Place*” means an area to which the public is invited or in which the public is permitted, including but not limited to, banks, bars, educational facilities, gaming facilities, health care facilities, nursing homes, hotels and motels, laundromats, parking structures, public transportation vehicles and facilities, reception areas, restaurants, retail food production and marketing establishments, retail service establishments, retail stores, shopping malls, sports arenas, theaters, and waiting rooms. A private residence is not a “public place” unless it is used as a child care, adult day care, or health care facility.

N. “*Recreational Area*” means any public or private area open to the public for recreational purposes, whether or not any fee for admission is charged, including but not limited to, amusement parks, athletic fields, beaches, fairgrounds, gardens, golf courses, parks, plazas, skate parks, swimming pools, trails, and zoos.

O. “*Restaurant*” means an eating establishment, including but not limited to, coffee shops, cafeterias, sandwich stands, and private and public school cafeterias, which gives or offers for sale food to the public, guests, or employees, as well as kitchens and catering facilities in which food is prepared on the premises for serving elsewhere. The term “restaurant” shall include a bar area within the restaurant.

P. “*Service Line*” means an indoor or outdoor line in which one (1) or more persons are waiting for or receiving service of any kind, whether or not the service involves the

exchange of money, including but not limited to, ATM lines, concert lines, food vendor lines, movie ticket lines, and sporting event lines.

Q. “*Shopping Mall*” means an enclosed or unenclosed public walkway or hall area that serves to connect retail or professional establishments.

R. “*Smoking*” means inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, or pipe, or any other lighted or heated tobacco or plant product intended for inhalation, including hookahs and marijuana, whether natural or synthetic, in any manner or in any form. “Smoking” also includes the use of an electronic smoking device which creates an aerosol or vapor, in any manner or in any form, or the use of any oral smoking device for the purpose of circumventing the prohibition of smoking in this Article.

S. “*Sports Arena*” means a place where people assemble to engage in physical exercise, participate in athletic competition, or witness sports or other events, including sports pavilions, stadiums, gymnasiums, health spas, boxing arenas, swimming pools, roller and ice rinks, and bowling alleys.

Sec. 17-31. Application of Article to City-Owned Facilities and Property

All enclosed areas, including buildings and vehicles owned, leased, or operated by the City of Hammond, as well as all outdoor property within 5 feet of such buildings and under the control of the City, shall be subject to the provisions of this Article.

Sec. 17-32. Prohibition of Smoking in Enclosed Public Places

Except as otherwise provided in this Article, smoking shall be prohibited in all enclosed public places within the City of Hammond, including but not limited to, the following places:

- A. Aquariums, galleries, libraries, and museums.
- B. Areas available to the general public in businesses and non-profit entities patronized by the public, including but not limited to, banks, laundromats, professional offices, and retail service establishments.
- C. Bars.
- D. Bingo facilities.
- E. Child care and adult day care facilities.
- F. Convention facilities.
- G. Educational facilities, both public and private.
- H. Elevators.
- I. Gaming facilities.
- J. Health care facilities.
- K. Hotels and motels.
- L. Lobbies, hallways, and other common areas in apartment buildings, condominiums, trailer parks, retirement facilities, nursing homes, and other multiple-unit residential facilities, except in designated smoking areas, not to exceed twenty-five percent (25%) of the total common area, which must be located at least 5 feet outside entrances, operable windows, and ventilation systems of enclosed areas where smoking is prohibited.
- M. Parking structures.
- N. Polling places.
- O. Public transportation vehicles, including buses and taxicabs, under the authority of the City, and ticket, boarding, and waiting areas of public transportation facilities, including bus, train, and airport facilities.
- P. Restaurants.
- Q. Restrooms, lobbies, reception areas, hallways, and other common-use areas.
- R. Retail stores.
- S. Rooms, chambers, places of meeting or public assembly, including school buildings, under the control of an agency, board, commission, committee or council of the City or a political subdivision of the State, to the extent the place is subject to the jurisdiction of the City.
- T. Service lines.
- U. Shopping malls.
- V. Sports arenas, including enclosed places in outdoor arenas.
- W. Theaters and other facilities primarily used for exhibiting motion pictures, stage dramas, lectures, musical recitals, or other similar performances.

Sec. 17-33. Prohibition of Smoking in Enclosed Places of Employment

A. Smoking shall be prohibited in all enclosed areas of places of employment without exception. This includes, without limitation, common work areas, auditoriums, classrooms, conference and meeting rooms, private offices, elevators, hallways, medical facilities, cafeterias, employee lounges, stairs, restrooms, vehicles, and all other enclosed facilities.

B. This prohibition on smoking shall be communicated to all existing employees by the effective date of this Article and to all prospective employees upon their application for employment.

Sec. 17-34. Prohibition of Smoking in Private Clubs

Smoking shall be prohibited in all private clubs.

Sec. 17-35. Prohibition of Smoking in Enclosed Residential Facilities

A. Smoking shall be prohibited in the following enclosed residential facilities:

- a. All private and semi-private rooms in nursing homes.
- b. All hotel and motel guest rooms.

Sec. 17-36. Prohibition of Smoking in Outdoor Public Places

A. Smoking shall be prohibited in the following outdoor places:

- a. Within a distance of 5 feet outside entrances, operable windows, and ventilation systems of enclosed areas where smoking is prohibited, so as to prevent tobacco smoke from entering those areas
- b. On all outdoor property within 5 feet of all buildings owned, leased, or operated by the City of Hammond or that is under the control of the City.
- c. In outdoor shopping malls, including parking structures.
- d. In all outdoor arenas, stadiums, and amphitheaters. Smoking shall also be prohibited in, and within 5 feet of, bleachers and grandstands for use by spectators at sporting and other public events.
- e. In outdoor recreational areas, including parking lots.
- f. In, and within 5 feet of, all outdoor playgrounds.
- g. In, and within 5 feet of, all outdoor public events, except in designated smoking areas, not to exceed twenty-five percent (25%) of the total outdoor common area, which must be located at least 5 feet outside entrances, operable windows, and ventilation systems of areas where smoking is prohibited.
- h. In, and within 5 feet of, all outdoor public transportation stations, platforms, and shelters under the authority of the City.
- i. In all outdoor service lines, including lines in which service is obtained by persons in vehicles, such as service that is provided by bank tellers, parking lot attendants, and toll takers. In lines in which service is obtained by persons in vehicles, smoking is prohibited by both pedestrians and persons in vehicles, but only within 5 feet of the point of service.
- j. In outdoor common areas of apartment buildings, condominiums, trailer parks, retirement facilities, nursing homes, and other multiple-unit residential facilities, except in designated smoking areas, not to exceed twenty-five percent (25%) of the total outdoor common area, which must be located at least 5 feet outside entrances, operable windows, and ventilation systems of enclosed areas where smoking is prohibited.

Sec. 17-37. Where Smoking Not Regulated

Notwithstanding any other provision of this Article to the contrary, smoking shall not be prohibited in private residences, unless such premises are used as a childcare, adult day care, or health care facility.

Sec. 17-38. Declaration of Establishment or Outdoor Area as Nonsmoking

Notwithstanding any other provision of this Article, an owner, operator, manager, or other person in control of an establishment, facility, or outdoor area may declare that entire establishment, facility, or outdoor area as a nonsmoking place. Smoking shall be prohibited in any place in which a sign conforming to the requirements of Section 17-39 is posted.

Sec. 17-39. Posting of Signs and Removal of Ashtrays

A. The owner, operator, manager, or other person in control of a place of employment, public place, private club, or residential facility where smoking is prohibited by this Article shall:

B. Clearly and conspicuously post “No Smoking” and “No Vaping” signs or the international “No Smoking” symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it) in that place.

C. Clearly and conspicuously post at every entrance to that place a sign stating that smoking is prohibited or, in the case of outdoor places, clearly and conspicuously post “No Smoking” signs in appropriate locations as determined by the City of Hammond Director of Administration or an authorized designee.

D. Clearly and conspicuously post on every vehicle that constitutes a place of employment under this Article at least one sign, visible from the exterior of the vehicle, stating that smoking is prohibited.

E. Remove all ashtrays from any area where smoking is prohibited by this Article, except for ashtrays displayed for sale and not for use on the premises.

Sec. 17-40. Nonretaliation; Nonwaiver of Rights

A. No person or employer shall discharge, refuse to hire, or in any manner retaliate against an employee, applicant for employment, customer, or resident of a multiple-unit residential facility because that employee, applicant, customer, or resident exercises any rights afforded by this Article or reports or attempts to prosecute a violation of this Article. Notwithstanding Sec 17-42, violation of this Subsection shall be a misdemeanor, punishable by a fine not to exceed \$500 for each violation.

B. An employee who works in a setting where an employer allows smoking does not waive or otherwise surrender any legal rights the employee may have against the employer or any other party.

Sec. 17-41. Enforcement

A. This Article shall be enforced by the Hammond Police Department or an authorized designee of the Mayor.

B. Notice of the provisions of this Article shall be given to all applicants for a business license in the City of Hammond.

C. Any citizen who desires to register a complaint under this Article may initiate enforcement with the Hammond Police Department.

D. The City Building Department, Fire Department, or their designees or other applicable City department shall, while an establishment is undergoing otherwise mandated inspections, inspect for compliance with this Article.

E. Notwithstanding any other provision of this Article, an employee or private citizen may bring legal action against the employer or the offending party to enforce this Article.

F. In addition to the remedies provided by the provisions of this Section, the City of Hammond or any person aggrieved by the failure of the owner, operator, manager, or other person in control of a public place or a place of employment to comply with the provisions of this Article may apply for injunctive relief to enforce those provisions in any court of competent jurisdiction.

Sec. 17-42. Violations and Penalties

A. A person who smokes in an area where smoking is prohibited by the provisions of this Article shall be guilty of an infraction, punishable by a fine not exceeding fifty dollars (\$50).

B. Except as otherwise provided in Section 17-40 (A), a person who owns, manages, operates, or otherwise controls a public place or place of employment and who fails to comply with the provisions of this Article shall be guilty of an infraction, punishable by:

(1) A fine not exceeding one hundred dollars (\$100) for a first violation.

(2) A fine not exceeding two hundred dollars (\$200) for a second violation within one year.

(3) A fine not exceeding five hundred dollars (\$500) for each additional violation within one (1) year.

C. In addition to the fines established by this Section, violation of this Article by a person who owns, manages, operates, or otherwise controls a public place or place of employment may result in the suspension or revocation of any permit or license issued to the person for the premises on which the violation occurred.

D. Violation of this Article is hereby declared to be a public nuisance, which may be abated by the City of Hammond by restraining order, preliminary and permanent injunction, or other means provided for by law, and the City may take action to recover the costs of the nuisance abatement, including attorney fees and legal costs for enforcement.

E. Each day on which a violation of this Article occurs shall be considered a separate and distinct violation.

Sec. 17-43. Public Education

The City may engage in a continuing program to explain and clarify the purposes and requirements of this Article to citizens affected by it, and to guide owners, operators, and managers in their compliance with it. The program may include publication of a brochure for affected businesses and individuals explaining the provisions of this ordinance.

Sec. 17-44. Governmental Agency Cooperation

The City shall request other governmental and educational agencies having facilities within the City to establish local operating procedures in cooperation and compliance with this Article. This includes urging all Federal, State, City, and School District agencies to update their existing smoking control regulations to be consistent with the current health findings regarding secondhand smoke.

Sec. 17-45. Other Applicable Laws

This Article shall not be interpreted or construed to permit smoking where it is otherwise restricted by other applicable laws.

Sec. 17-46. Liberal Construction

This Article shall be liberally construed so as to further its purposes.

Sec. 17-47. Severability

If any section, provision, clause, sentence, or paragraph of this Article or the application thereof to any person or circumstances shall be held invalid, that invalidity shall not affect the other provisions of this Article which can be given effect without the invalid provision or application, and to this end the provisions of this Article are declared to be severable.

2. All Ordinances in conflict herewith are repealed.

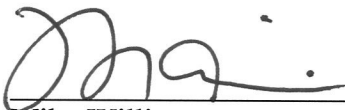
3. This Ordinance shall be effective ninety (90) days from and after the date of its final adoption;

The above and foregoing ordinance having been duly submitted to the Hammond City Council in writing; introduced at a public meeting on **April 7th, 2015**, of the Hammond City Council and discussed at a public meeting held on **April 21st, 2015**; after motion and second was submitted to the official vote of the Hammond City Council.

On motion by Lemar Marshall and Second by Janice Carter Beard, the foregoing ordinance was hereby declared adopted on **April 21st, 2015**, by the following roll call vote:

Votes: Johnny Blount (Y) Jason Hood (N) Janice Beard Carter (Y) Lemar Marshall(Y)
Mike Williams (Y) Motion approved.

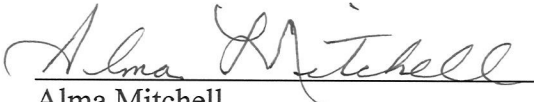
WHEREFORE, the above and foregoing ordinance was declared duly adopted on this **21st** day of **April 2015**, at Hammond, Tangipahoa Parish, Louisiana.




Mike Williams
President, Hammond City Council



Honorable Pete Panepinto
Mayor, City of Hammond



Alma Mitchell
Acting Council Clerk

Recordation of Receipt Received from the
Mayor of the City of Hammond on
the 24th day of April in the year 2015
at 10 o'clock a.m., in accordance with
Home Rule Charter Article II, Section 2-12 (B).

Clerk of Hammond City Council

CERTIFICATE OF DELIVERY

In accordance with Home Rule Charter Article II,
Section 2-12 (A), the above Ordinance was delivered to
the Mayor of the City of Hammond on the

24th day of April, in the year 2015
at 10 o'clock a.m. said delivery being within three (3)
calendar days after adoption, exclusive of weekends
and state holidays.


Clerk of Hammond City Council



**CITY OF HAMMOND
ORDINANCE NO. #15-5425 C.S.**

BE IT ORDAINED by the City Council of Hammond, Louisiana, that:


An ordinance approving a rezoning request by RANJO Properties LLC to rezone Tract A & B of Block 25 Barber Addition from I-L to C-H located at 1000 & 1020 Southwest Railroad Avenue in accordance with survey by Wm. J. Bodin Jr. dated 6/2/2014; DDD (Z-2015-02-00007); Recommend approval by Zoning Commission has been approved by the Hammond City Council.

The above and foregoing ordinance having been duly submitted to the Hammond City Council in writing; introduced at a public meeting on **April 21st, 2015**, of the Hammond City Council and discussed at a public meeting held on **May 5th, 2015**; after motion and second was submitted to the official vote of the Hammond City Council.

On motion by Jason Hood and Second by Johnny Blount, the foregoing ordinance was hereby declared adopted on **May 5th, 2015**, by the following roll call vote:


Votes: Johnny Blount (Y) Jason Hood (Y) Janice Beard Carter (Y) Lemar Marshall(Y) Mike Williams (Y) Motion approved.


WHEREFORE, the above and foregoing ordinance was declared duly adopted on this **5th** day of **May 2015**, at Hammond, Tangipahoa Parish, Louisiana.


Mike Williams
President, Hammond City Council


Honorable Pete Panepinto
Mayor, City of Hammond


Alma Mitchell
Acting Council Clerk

CERTIFICATE OF DELIVERY
In accordance with Home Rule Charter Article II,
Section 2-12 (A), the above Ordinance was delivered to
the Mayor of the City of Hammond on the
6th day of May, in the year 2015
at 10 o'clock a.m. said delivery being within three (3)
calendar days after adoption, exclusive of weekends
and state holidays.

Clerk of Hammond City Council

Recordation of Receipt Received from the
Mayor of the City of Hammond on
the 6th day of May in the year 2015
at 3:00 o'clock p.m., in accordance with
Home Rule Charter Article II, Section 2-12 (B).

Clerk of Hammond City Council

CITY OF HAMMOND
ORDINANCE NO. 15-5426 C.S.

An Ordinance to Amend and Update the Hammond Criminal Code (Chapter 21) of the Code of Ordinances Regarding Offenses and Miscellaneous Provisions

BE IT ORDAINED by the City Council of Hammond, Louisiana, that:

1. The Hammond Criminal Code (Chapter 21) of the Code of Ordinances is amended and to read as follows (changes are underscored):

+++++

SECTION 21-34.2 – Battery of a Police Officer

(a) Definition

(1) Battery of a police officer is a battery committed without the consent of the victim when the offender has reasonable grounds to believe the victim is a police officer acting in the performance of his duty.

(2) For purposes of this Section, “police officer” shall include commissioned police officers, sheriffs, deputy sheriffs, marshals, deputy marshals, correctional officers and constables.

(3) For purposes of this Section, “battery of a police officer” includes the use of force or violence upon the person of the police officer by throwing feces, urine, blood, saliva, or any form of human waste by an offender while the offender is incarcerated by a court of law and is being detained in any jail, prison, correctional facility, juvenile institution, temporary holding center, halfway house, or detention facility.

(b) Penalty. Whoever commits the crime of battery of a police officer shall be fined not more than five hundred dollars (\$500.00) and imprisoned not less than fifteen (15) days nor more than sixty (60) days without benefit of suspension of sentence.

SECTION 21-35.1 – Simple Battery of a Child Welfare Worker

(a)(1) Simple battery of a child welfare worker is a battery, other than a second degree battery or an aggravated battery, committed without the consent of the victim when the offender has reasonable grounds to believe the victim is a child welfare worker working in the performance of employment duties who has presented proper identification.

(2) For purposes of this Section, “child welfare worker” shall include any child protection investigator, family services worker, foster care worker, adoption worker, any supervisor of the above, or any person authorized to transport clients for the agency.

(3) For purposes of this Section, “adult protective service worker” shall include any adult protection specialist or adult protection specialist supervisor employed by the Department of Health and Hospitals or the Governor's Office of Elderly Affairs.

(b) Whoever commits the crime of simple battery of a child welfare worker shall be fined not more than five hundred dollars (\$500.00) and shall be imprisoned not less than fifteen (15) days nor more than six (6) months without benefit of suspension of sentence.

SECTION 21-37 – Aggravated Assault

Aggravated assault is an assault committed with a dangerous weapon.

Whoever commits an aggravated assault shall be punished as provided by section 1-8 of this Code.

If the offense is committed upon a store's or merchant's employee while the offender is engaged in the perpetration or attempted perpetration of theft of goods, the offender shall be imprisoned for not less than one hundred twenty days without benefit of suspension of sentence nor more than six months and may be fined not more than one thousand dollars.

SECTION 21-38.3 – Assault on a Child Welfare Worker

(a)(1) Assault on a child welfare worker is an assault committed when the offender has reasonable grounds to believe the victim is a child welfare worker acting in the performance of his duties.

(2) For purposes of this Section, "child welfare worker" shall include any child protection investigator, family services worker, foster care worker, adoption worker, any supervisor of the above, any person authorized to transport clients for the agency, or court appointed special advocate (CASA) program representative.

(b) Whoever commits the crime of assault on a child welfare worker shall be fined not more than five hundred dollars or imprisoned not less than fifteen days nor more than ninety days, or both.

SECTION 21-39 – Negligent Injuring

(a) Negligent injuring is either of the following:

(1) The inflicting of any injury upon the person of another by criminal negligence.

(2) The inflicting of any injury upon the person of another by a dog or other animal when the owner of the dog or other animal is reckless and criminally negligent in confining or restraining the dog or other animal.

(b) The violation of an ordinance shall be considered only as presumptive evidence of such negligence.

(c) Whoever commits the crime of negligent injuring shall be punished as provided by section 1-8 of this Code.

SECTION 21-39.1 – Vehicular Negligent Injuring

(a) Vehicular negligent injuring is the inflicting of any injury upon the person of a human being when caused proximately or caused directly by an offender engaged in the operation of, or in actual physical control of, any motor vehicle, aircraft, watercraft, or other means of conveyance whenever any of the following conditions exists:

(1) The offender is under the influence of alcoholic beverages.

(2) The offender's blood alcohol concentration is 0.08 per cent or more by weight based upon grams of alcohol per one hundred (100) cubic centimeters of blood.

(3) The offender is under the influence of any controlled dangerous substance listed in Schedule I, II, III, IV, or V as set forth in R.S. 40:964.

(4)(A) The operator is under the influence of a combination of alcohol and one or more drugs which are not controlled dangerous substances and which are legally obtainable with or without a prescription.

(B) It shall be an affirmative defense to any charge under this Paragraph pursuant to this Section that the label on the container of the prescription drug or the manufacturer's package of the drug does not contain a warning against combining the medication with alcohol.

(5) The operator is under the influence of one or more drugs which are not controlled dangerous substances and which are legally obtainable with or without a prescription and the influence is

caused by the operator knowingly consuming quantities of the drug or drugs which substantially exceed the dosage prescribed by the physician or the dosage recommended by the manufacturer of the drug.

(b) The violation of a statute or ordinance shall be considered only as presumptive evidence of negligence as set forth in Subsection (a).

(c) Whoever commits the crime of vehicular negligent injuring shall be punished as provided by section 1-8 of this Code.

SECTION 21-40.2 – Stalking

(a) Stalking is the intentional and repeated following or harassing of another person that would cause a reasonable person to feel alarmed or to suffer emotional distress. Stalking shall include but not be limited to the intentional and repeated uninvited presence of the perpetrator at another person's home, workplace, school, or any place which would cause a reasonable person to be alarmed, or to suffer emotional distress as a result of verbal or behaviorally implied threats of death, bodily injury, sexual assault, kidnaping, or any other statutory criminal act to himself or any member of his family or any person with whom he is acquainted.

(b) Notwithstanding any law to the contrary, on first conviction, whoever commits the crime of stalking shall be fined not less than five hundred dollars nor more than one thousand dollars and shall be imprisoned for not less than thirty days nor more than one year. Notwithstanding any other sentencing provisions, any person convicted of stalking shall undergo a psychiatric evaluation. Imposition of the sentence shall not be suspended unless the offender is placed on probation and participates in a court-approved counseling which could include but shall not be limited to anger management, abusive behavior intervention groups, or any other type of counseling deemed appropriate by the courts.

(c) For the purposes of this Section, the following words shall have the following meanings:

(1) "Harassing" means the repeated pattern of verbal communications or nonverbal behavior without invitation which includes but is not limited to making telephone calls, transmitting electronic mail, sending messages via a third party, or sending letters or pictures.

(2) "Pattern of conduct" means a series of acts over a period of time, however short, evidencing an intent to inflict a continuity of emotional distress upon the person. Constitutionally protected activity is not included within the meaning of pattern of conduct.

(d) Whenever it is deemed appropriate for the protection of the victim, the court may send written notice to any employer of a person convicted for a violation of the provisions of this Section describing the conduct on which the conviction was based.

(1) Upon motion of the district attorney or on the court's own motion, whenever it is deemed appropriate for the protection of the victim, the court may, in addition to any penalties imposed pursuant to the provisions of this Section, grant a protective order which directs the defendant to refrain from abusing, harassing, interfering with the victim or the employment of the victim, or being physically present within a certain distance of the victim.

(2) Any protective order granted pursuant to the provisions of this Subsection shall be served on the defendant at the time of sentencing.

(3)(A) The court shall order that the protective order be effective either for an indefinite period of time or for a fixed term which shall not exceed eighteen months.

(B) If the court grants the protective order for an indefinite period of time pursuant to Subparagraph (a) of this Paragraph, after a hearing, on the motion of any party and for good cause shown, the court may modify the indefinite effective period of the protective order to be effective for a fixed term, not to exceed eighteen months, or to terminate the effectiveness of the protective order. A motion to modify or terminate the effectiveness of the protective order may be granted only after

a good faith effort has been made to provide reasonable notice of the hearing to the victim, the victim's designated agent, or the victim's counsel, and either of the following occur:

(e) The victim, the victim's designated agent, or the victim's counsel is present at the hearing or provides written waiver of such appearance.

(f) After a good faith effort has been made to provide reasonable notice of the hearing, the victim could not be located.

(1)(A) Immediately upon granting a protective order, the court shall cause to have prepared a Uniform Abuse Prevention Order, as provided in R.S. 46:2136.2, shall sign such order, and shall forward it to the clerk of court for filing, without delay.

(B) The clerk of the issuing court shall send a copy of the Uniform Abuse Prevention Order or any modification thereof to the chief law enforcement official of the parish where the victim resides. A copy of the Uniform Abuse Prevention Order shall be retained on file in the office of the chief law enforcement officer as provided in this Subparagraph until otherwise directed by the court.

(C) The clerk of the issuing court shall transmit the Uniform Abuse Prevention Order, or any modification thereof, to the Louisiana Protective Order Registry pursuant to R.S. 46:2136.2, by facsimile transmission, mail, or direct electronic input, where available, as expeditiously as possible, but no later than the end of the next business day after the order is filed with the clerk of court.

(C)(1) The provisions of this Section shall not apply to a private investigator licensed pursuant to the provisions of Chapter 56 of Title 37 of the Louisiana Revised Statutes of 1950, acting during the course and scope of his employment and performing his duties relative to the conducting of an investigation.

(g) The provisions of this Section shall not apply to an investigator employed by an authorized insurer regulated pursuant to the provisions of Title 22 of the Louisiana Revised Statutes of 1950, acting during the course and scope of his employment and performing his duties relative to the conducting of an insurance investigation.

(h) The provisions of this Section shall not apply to an investigator employed by an authorized self-insurance group or entity regulated pursuant to the provisions of Chapter 10 of Title 23 of the Louisiana Revised Statutes of 1950, acting during the course and scope of his employment and performing his duties relative to the conducting of an insurance investigation.

SECTION 21-47 – Defamation

Defamation is the malicious publication or expression in any manner, to anyone other than the party defamed, of anything which tends:

(1) To expose any person to hatred, contempt, or ridicule, or to deprive him of the benefit of public confidence or social intercourse; or

(2) To expose the memory of one deceased to hatred, contempt, or ridicule; or

(3) To injure any person, corporation, or association of persons in his or their business or occupation.

Whoever commits the crime of defamation shall be fined not more than five hundred dollars, or imprisoned for not more than six months, or both.

SECTION 21-48 – Presumption of Malice

Where a non-privileged defamatory publication or expression is false it is presumed to be malicious unless a justifiable motive for making it is shown.

Where such a publication or expression is true, actual malice must be proved in order to convict the offender.

SECTION 21-49 – Qualified Privilege

A qualified privilege exists and actual malice must be proved, regardless of whether the publication is true or false, in the following situations:

(1) Where the publication or expression is a fair and true report of any judicial, legislative, or other public or official proceeding, or of any statement, speech, argument, or debate in the course of the same.

(2) Where the publication or expression is a comment made in the reasonable belief of its truth, upon,

(2)(A) The conduct of a person in respect to public affairs; or

(B) A thing which the proprietor thereof offers or explains to the public.

(3) Where the publication or expression is made to a person interested in the communication, by one who is also interested or who stands in such a relation to the former as to afford a reasonable ground for supposing his motive innocent.

(4) Where the publication or expression is made by an attorney or party in a judicial proceeding.

SECTION 21-50 – Absolute Privilege

There shall be no prosecution for defamation in the following situations:

(1) When a statement is made by a legislator or judge in the course of his official duties.

(2) When a statement is made by a witness in a judicial proceeding, or in any other legal proceeding where testimony may be required by law, and such statement is reasonably believed by the witness to be relevant to the matter in controversy.

(3) Against the owner, licensee or operator of a visual or sound broadcasting station or network of stations or the agents or employees thereof, when a statement is made or uttered over such station or network of stations by one other than such owner, licensee, operator, agents or employees.

SECTION 21-56.4 – Criminal Damage to Property by Defacing with Graffiti

(a) It shall be unlawful for any person to intentionally deface with graffiti immovable or movable property, whether publicly or privately owned, without the consent of the owner.

(b) As used in this Section, the following terms mean:

(1) “Deface” or “defacing” is the damaging of immovable or movable property by means of painting, marking, scratching, drawing, or etching with graffiti.

(2) “Graffiti” includes but is not limited to any sign, inscription, design, drawing, diagram, etching, sketch, symbol, lettering, name, or marking placed upon immovable or movable property in such a manner and in such a location as to deface the property and be visible to the general public.

(c) Whoever commits the crime of criminal damage to property by defacing with graffiti, where the damage is less than five hundred dollars, shall be fined not more than five hundred dollars or imprisoned for not more than six months in the parish jail, or both.

(d) Where the damage is more than five hundred dollars but less than fifty thousand dollars, the offender shall be fined not more than one thousand dollars or imprisoned with or without hard labor for not more than two years, or both.

(e) Where the damage amounts to fifty thousand dollars or more, the offender shall be fined not more than ten thousand dollars or imprisoned with or without hard labor for not less than one nor more than ten years, or both.

(f)(1) The court, in addition to any punishment imposed under the provisions of this Section, may order the offender to clean up, repair, or replace any property damaged by the act or to pay restitution to the owner of the damaged property.

(2) The court may also order the offender to perform the following hours of community service:

(A) For a first conviction, not to exceed thirty-two hours over a period not to exceed one hundred eighty days.

(B) For a second or subsequent conviction, sixty-four hours over a period not to exceed one hundred eighty days.

(g) If a minor is personally unable to pay a fine levied for acts prohibited by this Section or make restitution as may be ordered by the court, the parent or guardian of the minor shall be liable for payment of the fine or restitution. A court may waive payment of the fine or restitution, or any part thereof, by the parent or guardian of the minor upon a finding of good cause.

SECTION 21-63 – Criminal Trespass

(a) No person shall enter any structure, watercraft, or movable owned by another without express, legal, or implied authorization.

(b) No person shall enter upon immovable property owned by another without express, legal, or implied authorization.

(c) No person shall remain in or upon property, movable or immovable, owned by another without express, legal, or implied authorization.

(d) It shall be an affirmative defense to a prosecution for a violation of Subsection A, B, or C of this Section, that the accused had express, legal, or implied authority to be in the movable or on the immovable property.

(e) The following persons may enter or remain upon the structure, watercraft, movable or immovable property, of another:

(1) A duly commissioned law enforcement officer in the performance of his duties.

(2) Any firefighter, whether or not a member of a volunteer or other fire department, and any employee or agent of the Louisiana Department of Agriculture and Forestry engaged in locating and suppressing a fire.

(3) Emergency medical personnel engaged in the rendering of medical assistance to an individual.

(4) Any federal, state or local government employee, public utility employee or agent engaged in suppressing or dealing with an emergency that presents an imminent danger to human safety or health or to the environment.

(5) Any federal, state or local government employee, public utility employee or agent in the performance of his duties when otherwise authorized by law to enter or remain on immovable or movable property.

(6) Any person authorized by a court of law to enter or remain on immovable property.

(7) Any person exercising the mere right of passage to an enclosed estate, as otherwise provided by law.

(f) The following persons may enter or remain upon immovable property of another, unless specifically forbidden to do so by the owner or other person with authority, either orally or in writing:

(1) A professional land surveyor or his authorized personnel, engaged in the "Practice of Land Surveying", as defined in R.S. 37:682.

(2) A person, affiliate, employee, agent or contractor of any business which is regulated by the Louisiana Public Service Commission or by a local franchising authority or the Federal Communication Commission under the Cable Reregulation Act of 1992 or of a municipal or public utility, while acting in the course and scope of his employment or agency relating to the operation, repair, or maintenance of a facility, servitude or any property located on the immovable property which belongs to such a business.

(3) Any person making a delivery, soliciting, selling any product or service, conducting a survey or poll, a real estate licensee or other person who has a legitimate reason for making a delivery, conducting business or communicating with the owner, lessee, custodian or a resident of the immovable property, and who, immediately upon entry, seeks to make the delivery, to conduct business or to conduct the communication.

(4) An employee of the owner, lessee or custodian of the immovable property while performing his duties, functions and responsibilities in the course and scope of his employment.

(5) The owner of domestic livestock or his employees or agents while in the process of retrieving his domestic livestock that have escaped from an area fenced to retain such domestic livestock.

(6) The owner of a domestic animal while in the sole process of merely retrieving his domestic animal from immovable property and not having a firearm or other weapon on his person.

(7) Any candidate for political office or any person working on behalf of a candidate for a political office.

(8) The owner or occupant of a watercraft or vessel traveling in salt water engaged in any lawful purpose for the purpose of retrieval of his property or for obtaining assistance in an emergency situation.

(g) The following penalties shall be imposed for a violation of this Section:

(1) For the first offense, the fine shall be not less than one hundred dollars and not more than five hundred dollars, or imprisonment for not more than thirty days, or both.

(2) For the second offense, the fine shall be not less than three hundred dollars and not more than seven hundred fifty dollars, or imprisonment for not more than ninety days, or both.

(3) For the third offense and all subsequent offenses, the fine shall be not less than five hundred dollars and not more than one thousand dollars, or imprisonment for not less than sixty days and not more than six months, or both, and forfeiture to the law enforcement authority of any property seized in connection with the violation.

(4) A person may be convicted of a second offense and any subsequent offenses regardless of whether any prior conviction involved the same structure, watercraft, movable or immovable property and regardless of the time sequence of the occurrence of the offenses.

(5) In addition to the foregoing penalties, and notwithstanding any other law to the contrary, a person convicted under this Section who has killed or otherwise misappropriated any wildlife, as defined by R.S. 56:8, in the course of commission of the offense shall forfeit the misappropriated wildlife to the law enforcement authority, and shall be ordered to pay the value of the misappropriated wildlife into the Conservation Fund of the Department of Wildlife and Fisheries in accordance with R.S. 56:40.1 et seq. The value of the wildlife that was misappropriated shall be determined by the guidelines adopted by the Wildlife and Fisheries Commission pursuant to R.S. 56:40.2.

(h) The provisions of any other law notwithstanding, owners, lessees, and custodians of structures, watercraft, movable or immovable property shall not be answerable for damages sustained by any person who enters upon the structure, watercraft, movable or immovable property without express, legal or implied authorization, or who without legal authorization, remains upon the structure, watercraft, movable or immovable property after being forbidden by the owner, or other person with authority to do so; however, the owner, lessee or custodian of the property may be answerable for damages only upon a showing that the damages sustained were the result of the intentional acts or gross negligence of the owner, lessee or custodian.

(i) A minor ten years old or younger shall not be arrested, detained or apprehended for the crime of trespass.

SECTION 21-67 – Theft

(a) Theft is the misappropriation or taking of anything of value which belongs to another, either without the consent of the other to the misappropriation or taking, or by means of fraudulent conduct, practices, or representations. An intent to deprive the other permanently of whatever may be the subject of the misappropriation or taking is essential.

(1) Whoever commits the crime of theft when the misappropriation or taking amounts to less than a value of five hundred dollars (\$500.00), the offender shall be imprisoned for not more than sixty (60) days, or may be fined not more than five hundred dollars (\$500.00), or both.

SECTION 21-67.2 – Theft of Animals

(a) Theft of animals is the misappropriation or taking of any animal which belongs to another, either without consent of the other to the misappropriation or taking, or by means of fraudulent conduct, practices or representations. An intent to deprive the other permanently of whatever may be the subject of the misappropriation or taking is essential.

(b) Whoever commits the crime of theft of animals shall be fined not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) or be imprisoned for sixty (60) days, or both.

SECTION 21-67.3 – Unauthorized Use of “Access Card” as Theft; Definitions

(a) Definitions.

(1) Access card shall mean and include any card plate, account number, paper, book, or any other device, issued to a person which authorizes such person to obtain credit, money, goods, services, or anything of value, whether contemporaneously or not, by use of any credit or deferred payment plan with the issuer or by use of debiting or charging such person's demand deposit or savings or time account with the issuer or by debiting or charging any other funds such person has on deposit with the issuer.

(2) Revoked access card as used herein shall mean an access card which has been canceled or terminated by the issuer of said access card.

(3) Person as used herein shall mean and include natural persons, or any organization, or other entity.

(4) Issuer as used herein shall be the depository and/or creditor issuing the access card directly or through another entity.

(5) The aggregate amount of value of credit, money, goods, services or anything of value obtained shall determine the value of misappropriation or taking in determining the penalty under Hammond Criminal Code section 21-67 when the offender has obtained the credit, money goods services or anything else of value from any one issuer or the offender has used an access card or referred to a nonexistent access card on two (2) or more occasions within any consecutive ninety-day period.

(b) Whoever, directly or indirectly, by agent or otherwise, with intent to defraud, (1) uses a forged access card, (2) makes reference by number or other description to a nonexistent access card, (3) steals or wrongfully appropriates an access card, or (4) uses an access card belonging to another person without authority of said person; thereby obtaining, whether contemporaneously or not, credit, money, goods, services or anything of value of less than five hundred dollars (\$500.00) shall be guilty of theft and shall be subject to the penalties provided for the crime of the theft in Hammond Criminal Code section 21-67

(c) Whoever, directly or indirectly, by agent or otherwise with intent to defraud uses a revoked access card thereby obtaining, whether contemporaneously or not, credit, money, goods, services or anything of value of less than five hundred dollars (\$500.00) shall be guilty of theft and shall be subject to the penalties provided for the crime of theft in Hammond Criminal Code section 21-67. For purpose of this subsection, it shall be presumptive evidence that a person used a revoked access card with intent to defraud if the said person, directly or indirectly, by agent or otherwise, used the said access card after actually receiving oral or written notice that the access card has been canceled or terminated, or if said person, directly or indirectly, by agent or otherwise used the said access card at a time period more than five (5) days after written notice of the termination or cancellation of said access card has been deposited by registered or certified mail in the United States mail system. Said notice shall be addressed to the person to whom such access card has been issued at the last known address for such person as shown on the records of the issuer.

(d) Whoever, directly or indirectly, by agent or otherwise, with the intent to defraud, uses an access card to obtain, whether contemporaneously or not, money, goods, services or anything of value of less than five hundred dollars (\$500.00) and the final payment for said items is to be made by debiting or charging said person's demand deposit or savings or time account with issuer, or by debiting or charging any other funds said person has on deposit with issuer, and there are not sufficient funds on deposit to the credit of said person with the issuer to make payment in full of said items obtained, said person shall have committed the crime of theft in Hammond Criminal Code section 21-67. Said person's failure to pay the amount due on said items obtained:

(1) Within ten (10) days after written notice of said amount due has been deposited by certified or registered mail in the United States mail system addressed to the person to whom such access card has been issued at the last known address for such person as shown on the records of issuer; or

(2) Within ten (10) days of delivery or personal tender of said written notice shall be presumptive evidence of said person's intent to defraud.

(e) As used herein and in Hammond Criminal code section 21-67, the access card itself shall be a thing of value, with a value less than five hundred dollars (\$500.00).

(f) In addition to any other fine or penalty imposed under this section or under Hammond Criminal Code section 21-67, the court may, at its discretion, order as a part of the sentence restitution.

SECTION 21-68.2 – Unauthorized Use of Supplemental Nutrition Assistance Program Benefits or Supplemental Nutrition Assistance Program Benefit Access Devices

(a) As used in this Section and in R.S. 14:68.2.1, the following terms have the following meanings:

(1) “SNAP benefits” means any supplemental nutrition assistance program benefits issued pursuant to the provisions of the Federal Food Stamp Act, 7 USC § 2011 et seq.

(2) “SNAP benefit access device” means any card, plate, code account access number, or other means of access that can be used, alone or in conjunction with another access device, to obtain payment, allotments, benefits, money, goods, or other things of value or that can be used to initiate a transfer of funds pursuant to the provisions of the Federal Food Stamp Act.

(b) The unauthorized use of SNAP benefits or a SNAP benefit access device is:

(1) To knowingly use, transfer, acquire, alter, or possess SNAP benefits or a SNAP benefit access device contrary to the provisions of the Federal Food Stamp Act or the federal or state regulations issued pursuant thereto.

(2) To knowingly counterfeit, alter, transfer, acquire, or possess a counterfeited or altered SNAP benefit access device.

(3) To present or cause to be presented a SNAP benefit access device for payment or redemption, knowing it to have been counterfeited, altered, received, transferred, or used in any manner contrary to the provisions of the Federal Food Stamp Act or the federal or state regulations issued pursuant thereto.

(4) To knowingly appropriate SNAP benefits or a SNAP benefit access device with which a person has been entrusted or of which a person has gained possession by virtue of his position as a public employee.

(c) Whoever commits the crime of unauthorized use of SNAP benefits or a SNAP benefit access device shall be fined not less than five thousand dollars nor more than one million dollars or imprisoned, with or without hard labor, for not less than six months nor more than ten years, or both.

(d) In addition to the foregoing penalties, a person convicted under this Section shall be ordered to make restitution in the total amount found to be the value of the SNAP benefits that form the basis for the conviction. If a person ordered to make restitution pursuant to this Section is found to be indigent and therefore unable to make restitution in full at the time of conviction, the court shall order a periodic payment plan consistent with the person's financial ability.

SECTION 21-69 – Illegal Possession of Stolen Things

Receiving stolen things is the intentional procuring, receiving, or concealing of anything of value less than seven hundred fifty dollars (\$750.00) which has been the subject of any robbery or theft, under circumstances which indicate that the offender knew or had good reason to believe that the thing was the subject of one (1) of these offenses.

Whoever commits the crime of receiving stolen things shall be punished as provided in section 1-8 of this Code.

SECTION 21-71 – Issuing Worthless Checks

(a)(1)(A) Issuing worthless checks is the issuing, in exchange for anything of value, whether the exchange is contemporaneous or not, with intent to defraud, of any check, draft, or order for the payment of money upon any bank or other depository, knowing at the time of the issuing that the offender has not sufficient credit with the bank, or other depository for the payment of such check, draft, or order in full upon its presentation.

(B) This section shall apply to a check, draft, or order tendered for satisfaction, in whole or in part, of payments due on installment contracts, open accounts, or any other obligation for which the creditor has authorized periodic payments or the extension of time in which to pay.

(C) This provision shall apply to a check, draft, or order for the payment of money given for a motor vehicle when such payment is conditioned upon delivery of documents necessary for transfer of a valid title to the purchaser.

(D) For purposes of this section, an open account shall include accounts where checks are tendered as payment:

(i) In advance of receipt, in whole or in part, for telecommunication facilities or services.

(ii) For deposits, prepayments, or payments for the lease or rent of a rental motor vehicle, pursuant to a lease or rental agreement.

(2) The offender's failure to pay a check, draft, or order, issued for value, within ten (10) days after notice of its nonpayment upon presentation has been deposited by certified mail in the United

States mail system addressed to the issuer thereof either at the address shown on the instrument or the last known address for such person shown on the records of the bank upon which such instrument is drawn or within ten (10) days after deliver or personal tender of the written notice to said issuer by the payee or his agent, shall be presumptive evidence of his intent to defraud.

(b) Issuing worthless checks is also the issuing, in exchange for anything of value, whether the exchange is contemporaneous or not, with intent to defraud, of any check, draft, or order for the payment of money, when the offender knows at the time of the issuing that the account designated on the check, draft, or order has been closed, or is nonexistent or fictitious, or is one in which the offender has no interest or on which he has no authority to issue such check, draft, or order.

(c) When the amount of the check or checks is less than five hundred dollars (\$500.00), the offender shall be imprisoned for not more than six (6) months, or may be fined not more than five hundred dollars (500.00) or both.

(d) In addition to any other fine or penalty imposed under this section, the court shall order as part of the sentence restitution in the amount of the check or checks, plus fifteen dollars (\$15.00) per check service charge payable to the person or entity that initially honored the worthless check or checks, an authorized collection agency, or justice of the peace. In the event the fifteen-dollar per check service charge is paid to a person or entity other than one who initially honored the worthless check or checks, the court shall also order as part of the sentence restitution equal to the amount that the bank or other depository charged the person or entity who initially honored the worthless check, plus the actual cost of notifying the offender of nonpayment as required by paragraph (a)(2).

SECTION 21-73.2 – Offenses Against Intellectual Property

(a) An offense against intellectual property is the intentional:

(1) Destruction, insertion, or modification, without consent, of intellectual property; or

(2) Disclosure, use, copying, taking, or accessing, without consent, of intellectual property.

(b)(1) Whoever commits an offense against intellectual property shall be fined not more than five hundred dollars, or imprisoned for not more than six months, or both, for commission of the offense.

(2) However, when the damage or loss amounts to a value of five hundred dollars or more, the offender may be fined not more than ten thousand dollars, or imprisoned with or without hard labor, for not more than five years, or both.

(c) The provisions of this Section shall not apply to disclosure, use, copying, taking, or accessing by proper means as defined in this Subpart.

SECTION 21-73.3 – Offenses Against Computer Equipment or Supplies

(a) An offense against computer equipment or supplies is the intentional modification or destruction, without consent, of computer equipment or supplies used or intended to be used in a computer, computer system, or computer network.

(b)(1) Whoever commits an offense against computer equipment or supplies shall be fined not more than five hundred dollars, or be imprisoned for not more than six months, or both.

(2) However, when the damage or loss amounts to a value of five hundred dollars or more, the offender may be fined not more than ten thousand dollars, or imprisoned with or without hard labor, for not more than five years, or both.

SECTION 21-73.6 – Offenses Against Electronic Mail Service Provider

(a) It shall be unlawful for any person to use a computer, a computer network, or the computer services of an electronic mail service provider to transmit unsolicited bulk electronic mail in contravention of the authority granted by or in violation of the policies set by the electronic mail service provider. Transmission of electronic mail from an organization to its members or noncommercial electronic mail transmissions shall not be deemed to be unsolicited bulk electronic mail.

(b) It is unlawful for any person to use a computer or computer network without authority with the intent to falsify or forge electronic mail transmission information or other routing information in any manner in connection with the transmission of unsolicited bulk electronic mail through or into the computer network of an electronic mail service provider or its subscribers. It is also unlawful for any person knowingly to sell, give, or otherwise distribute or possess with the intent to sell, give, or distribute software which is any of the following:

(1) Primarily designed or produced for the purpose of facilitating or enabling the falsification of electronic mail transmission information or other routing information.

(2) Has only limited commercially significant purpose or use other than to facilitate or enable the falsification of electronic mail transmission information or other routing information.

(3) Marketed by that person or another acting in concert with that person with that person's knowledge for use in facilitating or enabling the falsification of electronic mail transmission information or other routing information.

(c) Whoever violates the provisions of this Section shall be fined not more than five thousand dollars.

(d) Nothing in this Section shall be construed to interfere with or prohibit terms or conditions in a contract or license related to computers, computer data, computer networks, computer operations, computer programs, computer services, or computer software, or to create any liability by reason of terms or conditions adopted by, or technical measures implemented by, an electronic mail service provider to prevent the transmission of unsolicited electronic mail in violation of this Section.

SECTION 21-73.7 – Computer Tampering

(a) Computer tampering is the intentional commission of any of the actions enumerated in this Subsection when that action is taken knowingly and without the authorization of the owner of a computer:

(1) Accessing or causing to be accessed a computer or any part of a computer or any program or data contained within a computer.

(2) Copying or otherwise obtaining any program or data contained within a computer.

(3) Damaging or destroying a computer, or altering, deleting, or removing any program or data contained within a computer, or eliminating or reducing the ability of the owner of the computer to access or utilize the computer or any program or data contained within the computer.

(4) Introducing or attempting to introduce any electronic information of any kind and in any form into one or more computers, either directly or indirectly, and either simultaneously or sequentially, with the intention of damaging or destroying a computer, or altering, deleting, or removing any program or data contained within a computer, or eliminating or reducing the ability of the owner of the computer to access or utilize the computer or any program or data contained within the computer.

(b) For purposes of this Section:

(1) Actions which are taken without authorization include actions which intentionally exceed the limits of authorization.

(2) If an owner of a computer has established a confidential or proprietary code which is required in order to access a computer, and that code has not been issued to a person, and that person uses that code to access that computer or to cause that computer to be accessed, that action creates a rebuttable presumption that the action was taken without authorization or intentionally exceeded the limits of authorization.

(3) The vital services or operations of the state, or of any parish, municipality, or other local governing authority, or of any utility company are the services or operations which are necessary to protect the public health, safety, and welfare, and include but are not limited to: law enforcement; fire protection; emergency services; health care; transportation; communications; drainage; sewerage; and utilities, including water, electricity, and natural gas and other forms of energy.

(c) Whoever commits the crime of computer tampering as defined in Paragraphs (A)(1) and (2) of this Section shall be fined not more than five hundred dollars or imprisoned for not more than six months, or both.

(d) Whoever commits the crime of computer tampering as defined in Paragraphs (A)(3) and (4) of this Section shall be fined not more than ten thousand dollars or imprisoned, with or without hard labor, for not more than five years, or both.

(e) Whoever violates the crime of computer tampering as defined in Paragraphs (A)(3) and (4) of this Section with the intention of disrupting the vital services or operations of the state, or of any parish, municipality, or other local governing authority, or of any utility company, or with the intention of causing death or great bodily harm to one or more persons, shall be fined not more than ten thousand dollars or imprisoned at hard labor for not more than fifteen years, or both.

SECTION 21-74 – Criminal Neglect of Family

(a)(1) Criminal neglect of family is the desertion or intentional nonsupport:

(A) By a spouse of his or her spouse who is in destitute or necessitous circumstances; or

(B) By either parent of his minor child who is in necessitous circumstances, there being a duty established by this Section for either parent to support his child.

(2) Each parent shall have this duty without regard to the reasons and irrespective of the causes of his living separate from the other parent. The duty established by this Section shall apply retrospectively to all children born prior to the effective date of this Section.

(3) For purposes of this Subsection, the factors considered in determining whether “necessitous circumstances” exist are food, shelter, clothing, health, and with regard to minor children only, adequate education, including but not limited to public, private, or home schooling, and comfort.

(b)(1) Whenever a husband has left his wife or a wife has left her husband in destitute or necessitous circumstances and has not provided means of support within thirty days thereafter, his or her failure to so provide shall be only presumptive evidence for the purpose of determining the substantive elements of this offense that at the time of leaving he or she intended desertion and nonsupport. The receipt of assistance from the Family Independence Temporary Assistance Program (FITAP) shall constitute only presumptive evidence of necessitous circumstances for purposes of proving the substantive elements of this offense. Physical incapacity which prevents a person from seeking any type of employment constitutes a defense to the charge of criminal neglect of family.

(2) Whenever a parent has left his minor child in necessitous circumstances and has not provided means of support within thirty days thereafter, his failure to so provide shall be only presumptive evidence for the purpose of determining the substantive elements of this offense that at the time of leaving the parent intended desertion and nonsupport. The receipt of assistance from the Family Independence Temporary Assistance Program (FITAP) shall constitute only presumptive evidence of necessitous circumstances for the purpose of proving the substantive elements of this offense. Physical incapacity which prevents a person from seeking any type of employment constitutes a defense to the charge of criminal neglect of family.

(c) Laws attaching a privilege against the disclosure of communications between husband and wife are inapplicable to proceedings under this Section. Husband and wife are competent witnesses to testify to any relevant matter.

(d)(1) Whoever commits the offense of criminal neglect of family shall be fined not more than five hundred dollars or be imprisoned for not more than six months, or both, and may be placed on probation pursuant to R.S. 15:305.

(2) If a fine is imposed, the court shall direct it to be paid in whole or in part to the spouse or to the tutor or custodian of the child, to the court approved fiduciary of the spouse or child, or to the Louisiana Department of Children and Family Services in a FITAP or Family Independence Temporary Assistance Program case or in a non-FITAP or Family Independence Temporary Assistance Program case in which the said department is rendering services, whichever is applicable; hereinafter, said payee shall be referred to as the "applicable payee." In addition, the court may issue a support order, after considering the circumstances and financial ability of the defendant, directing the defendant to pay a certain sum at such periods as the court may direct. This support shall be ordered payable to the applicable payee. The amount of support as set by the court may be increased or decreased by the court as the circumstances may require.

(3) The court may also require the defendant to enter into a recognizance, with or without surety, in order that the defendant shall make his or her personal appearance in court whenever required to do so and shall further comply with the terms of the order or of any subsequent modification thereof.

(e) For the purposes of this Section, "spouse" shall mean a husband or wife.

SECTION 21-79 – Violation of Protective Orders

(a)(1)(A) Violation of protective orders is the willful disobedience of a preliminary or permanent injunction or protective order issued pursuant to R.S. 9:361 et seq., R.S. 9:372, R.S. 46:2131 et seq., R.S. 46:2151, R.S. 46:2171 et seq., Children's Code Article 1564 et seq., Code of Civil Procedure Articles 3604 and 3607.1, or Code of Criminal Procedure Articles 327.1, 335.1, 335.2, and 871.1 after a contradictory court hearing, or the willful disobedience of a temporary restraining order or any ex parte protective order issued pursuant to R.S. 9:361 et seq., R.S. 9:372, R.S. 46:2131 et seq., R.S. 46:2151, R.S. 46:2171 et seq., criminal stay-away orders as provided for in Code of Criminal Procedure Articles 327.1, 335.1, 335.2, Children's Code Article 1564 et seq., or Code of Civil Procedure Articles 3604 and 3607.1, if the defendant has been given notice of the temporary restraining order or ex parte protective order by service of process as required by law.

(B) A defendant may also be deemed to have been properly served if tendered a certified copy of a temporary restraining order or ex parte protective order by any law enforcement officer who has been called to any scene where the named defendant is present. Such service of a previously issued temporary restraining order or ex parte protective order if noted in the police report shall be deemed sufficient evidence of service of process and admissible in any civil or criminal proceedings.

(2) Violation of protective orders shall also include the willful disobedience of an order of protection issued by a foreign state.

(3) Violation of protective orders shall also include the willful disobedience of the following:

(A) An order issued by any state, federal, parish, city, or municipal court judge, magistrate judge, commissioner or justice of the peace that a criminal defendant stay away from a specific person or persons as a condition of that defendant's release on bond.

(B) An order issued by any state, federal, parish, city, or municipal court judge, magistrate judge, commissioner or justice of the peace that a defendant convicted of a violation of any state, federal, parish, municipal, or city criminal offense stay away from any specific person as a condition of that defendant's release on probation.

(C) A condition of a parole release which requires that the parolee stay away from any specific person.

(b)(1) On a first conviction for violation of protective orders which does not involve a battery or any crime of violence as defined by R.S. 14:2(B) against the person protected by the protective order, the offender shall be fined not more than five hundred dollars or imprisoned for not more than six months, or both.

(2) On a second conviction for violation of protective orders which does not involve a battery or any crime of violence as defined by R.S. 14:2(B) against the person protected by the protective order, regardless of whether the second offense occurred before or after the first conviction, the offender shall be fined not more than one thousand dollars and imprisoned for not less than forty-eight hours nor more than six months. At least forty-eight hours of the sentence of imprisonment imposed under this Paragraph shall be without benefit of probation, parole, or suspension of sentence. If a portion of the sentence is imposed with benefit of probation, parole, or suspension of sentence, the court shall require the offender to participate in a court-approved domestic abuse counseling program.

(3) On a third or subsequent conviction for violation of protective orders which does not involve a battery or any crime of violence as defined by R.S. 14:2(B) against the person protected by the protective order, regardless of whether the current offense occurred before or after the earlier convictions, the offender shall be fined not more than one thousand dollars and imprisoned for not less than fourteen days nor more than six months. At least fourteen days of the sentence of imprisonment imposed under this Paragraph shall be without benefit of probation, parole, or suspension of sentence. If a portion of the sentence is imposed with benefit of probation, parole, or suspension of sentence, the court shall require the offender to participate in a court-approved domestic abuse counseling program, unless the offender has previously been required to participate in such program and, in the discretion of the judge, the offender would not benefit from such counseling.

(c)(1) Whoever is convicted of the offense of violation of protective orders where the violation involves a battery or any crime of violence as defined by R.S. 14:2(B) against the person protected by the protective order, and who has not been convicted of violating a protective order or of an assault or battery upon the person protected by the protective order within the five years prior to commission of the instant offense, shall be fined not more than five hundred dollars and imprisoned for not less than fourteen days nor more than six months. At least fourteen days of the sentence of imprisonment imposed under this Paragraph shall be without benefit of probation, parole, or suspension of sentence. If a portion of the sentence is imposed with benefit of probation, parole, or suspension of sentence, the court shall require the offender to participate in a court-approved domestic abuse counseling program as part of that probation.

(2) Whoever is convicted of the offense of violation of protective orders where the violation involves a battery or any crime of violence as defined by R.S. 14:2(B) against the person for whose benefit the protective order is in effect, and who has been convicted not more than one time of violating a protective order or of an assault or battery upon the person for whose benefit the protective order is in effect within the five-year period prior to commission of the instant offense, regardless of whether the instant offense occurred before or after the earlier convictions, shall be fined not more than one thousand dollars and imprisoned for not less than three months nor more than six months. At least fourteen days of the sentence of imprisonment imposed under this Paragraph shall be without benefit of probation, parole, or suspension of sentence. If a portion of the sentence is imposed with benefit of probation, parole, or suspension of sentence, the court shall require the offender to participate in a court-approved domestic abuse counseling program, unless the offender has previously been required to participate in such program and, in the discretion of the court, the offender would not benefit from such counseling.

(3) Whoever is convicted of the offense of violation of protective orders where the violation involves a battery or any crime of violence as defined by R.S. 14:2(B) against the person for whose benefit the protective order is in effect, and who has more than one conviction of violating a protective order or of an assault or battery upon the person for whose benefit the protective order is in effect during the five-year period prior to commission of the instant offense, regardless of whether the instant offense occurred before or after the earlier convictions, the offender shall be fined not more than two thousand dollars and imprisoned with or without hard labor for not less

than one year nor more than five years. At least one year of the sentence of imprisonment imposed under this Paragraph shall be without benefit of probation, parole, or suspension of sentence.

(d) If, as part of any sentence imposed under this Section, a fine is imposed, the court may direct that the fine be paid for the support of the spouse or children of the offender.

(e)(1) Law enforcement officers shall use every reasonable means, including but not limited to immediate arrest of the violator, to enforce a preliminary or permanent injunction or protective order obtained pursuant to R.S. 9:361 et seq., R.S. 9:372, R.S. 46:2131 et seq., R.S. 46:2151, R.S. 46:2171 et seq., Children's Code Article 1564 et seq., Code of Civil Procedure Articles 3604 and 3607.1, or Code of Criminal Procedure Articles 327.1, 335.1, 335.2, and 871.1 after a contradictory court hearing, or to enforce a temporary restraining order or ex parte protective order issued pursuant to R.S. 9:361 et seq., R.S. 9:372, R.S. 46:2131 et seq., R.S. 46:2151, R.S. 46:2171 et seq., Children's Code Article 1564 et seq., Code of Civil Procedure Articles 3604 and 3607.1, or Code of Criminal Procedure Articles 327.1, 335.1, and 335.2 if the defendant has been given notice of the temporary restraining order or ex parte protective order by service of process as required by law.

(2) Law enforcement officers shall at a minimum issue a summons to the person in violation of a temporary restraining order, a preliminary or permanent injunction, or a protective order issued pursuant to R.S. 9:361 et seq., R.S. 9:372, R.S. 46:2131 et seq., R.S. 46:2151, Children's Code Article 1564 et seq., Code of Civil Procedure Articles 3604 and 3607.1, or Code of Criminal Procedure Articles 30, 327.1, 335.2, and 871.1.

(f) This Section shall not be construed to bar or limit the effect of any other criminal statute or civil remedy.

(g) "Instant offense" as used in this Section means the offense which is before the court.

(h) An offender ordered to participate in a domestic abuse counseling program under the provision of this Section shall pay the cost incurred in participating in the program, unless the court determines that the offender is unable to pay. Failure to make payment under this Subsection shall subject the offender to revocation of probation.

SECTION 21-80.1 – Misdemeanor Carnal Knowledge of a Juvenile

(a) Misdemeanor carnal knowledge of a juvenile is committed when a person who is seventeen years of age or older has sexual intercourse, with consent, with a person who is thirteen years of age or older but less than seventeen years of age, when the victim is not the spouse of the offender, and when the difference between the age of the victim and age of the offender is greater than two years, but less than four years.

(b) As used in this Section, "sexual intercourse" means anal, oral, or vaginal sexual intercourse.

(c) Lack of knowledge of the juvenile's age shall not be a defense. Emission is not necessary, and penetration, however slight, is sufficient to complete the crime.

(d) Whoever commits the crime of misdemeanor carnal knowledge of a juvenile shall be fined not more than one thousand dollars, or imprisoned for not more than six months, or both.

(e) The offender shall be eligible to have his conviction set aside and his prosecution dismissed in accordance with the appropriate provisions of the Code of Criminal Procedure.

(f) The offender shall not be subject to any of the provisions of law which are applicable to sex offenders, including but not limited to the provisions which require registration of the offender and notice to the neighbors of the offender.

SECTION 21-81.4 – Prohibited Sexual Conduct Between Educator and Student

(a) Prohibited sexual conduct between an educator and a student is committed when any of the following occur:

(1) An educator has sexual intercourse with a person who is seventeen years of age or older, but less than twenty-one years of age, where there is an age difference of greater than four years between the two persons, when the victim is not the spouse of the offender and is a student at the school where the educator is assigned, employed, or working at the time of the offense.

(2) An educator commits any lewd or lascivious act upon a student or in the presence of a student who is seventeen years of age or older, but less than twenty-one years of age, where there is an age difference of greater than four years between the two persons, with the intention of gratifying the sexual desires of either person, when the victim is a student at the school in which the educator is assigned, employed, or working at the time of the offense.

(3) An educator intentionally engages in the touching of the anus or genitals of a student seventeen years of age or older, but less than twenty-one years of age, where there is an age difference of greater than four years between the two persons, using any instrumentality or any part of the body of the educator, or the touching of the anus or genitals of the educator by a person seventeen years of age or older, but less than twenty-one years of age, where there is an age difference of greater than four years between the two persons, when the victim is a student at the school in which the educator is assigned, employed, or working at the time of the offense using any instrumentality or any part of the body of the student.

(b) As used in this Section:

(1) "Educator" means any administrator, coach, instructor, paraprofessional, student aide, teacher, or teacher aide at any public or private school, assigned, employed, or working at the school or school system where the victim is enrolled as a student on a full-time, part-time, or temporary basis.

(2) "School" means a public or nonpublic elementary or secondary school or learning institution which shall not include universities and colleges.

(3) "Sexual intercourse" means anal, oral, or vaginal sexual intercourse. Emission is not necessary, and penetration, however slight, is sufficient to complete the crime.

(4) "Student" includes students enrolled in a school who are seventeen years of age or older, but less than twenty-one years of age.

(c) The consent of a student, whether or not that student is seventeen years of age or older, shall not be a defense to any violation of this Section.

(d) Lack of knowledge of the student's age shall not be a defense.

(e)(1) Whoever violates the provisions of this Section shall be fined not more than one thousand dollars, or imprisoned for not more than six months, or both.

(2) For a second or subsequent offense, an offender may be fined not more than five thousand dollars and shall be imprisoned, with or without hard labor, for not less than one year nor more than five years.

(f) Notwithstanding any claim of privileged communication, any educator having cause to believe that prohibited sexual conduct between an educator and student shall immediately report such conduct to a local or state law enforcement agency.

(g) No cause of action shall exist against any person who in good faith makes a report, cooperates in any investigation arising as a result of such report, or participates in judicial proceedings arising out of such report, and such persons shall have immunity from civil or criminal liability that otherwise might be incurred or imposed. This immunity shall not be extended to any person who makes a report known to be false or with reckless disregard for the truth of the report.

(h) In any action to establish damages against a defendant who has made a false report of prohibited sexual conduct between an educator and student, the plaintiff shall bear the burden of proving that

the defendant who filed the false report knew the report was false or that the report was filed with reckless disregard for the truth of the report. A plaintiff who fails to meet the burden of proof set forth in this Subsection shall pay all court costs and attorney fees of the defendant.

SECTION 21-82 – Prostitution; Definition; Penalties; Enhancement

(a) Prostitution is:

(1) The practice by a person of indiscriminate sexual intercourse with others for compensation.

(2) The solicitation by one person of another with the intent to engage in indiscriminate sexual intercourse with the latter for compensation.

(b) As used in this Section, “sexual intercourse” means anal, oral, or vaginal sexual intercourse.

(c)(1) Whoever commits the crime of prostitution shall be fined not more than five hundred dollars or be imprisoned for not more than six months, or both.

(2) On a second conviction, the offender shall be fined not less than two hundred fifty dollars nor more than two thousand dollars or be imprisoned, with or without hard labor, for not more than two years, or both.

(3) On a third and subsequent conviction, the offender shall be imprisoned, with or without hard labor, for not less than two nor more than four years and shall be fined not less than five hundred dollars nor more than four thousand dollars.

(4) Whoever commits the crime of prostitution with a person under the age of eighteen years shall be fined not more than fifty thousand dollars, imprisoned at hard labor for not less than fifteen years nor more than fifty years, or both.

(5) Whoever commits the crime of prostitution with a person under the age of fourteen years shall be fined not more than seventy-five thousand dollars, imprisoned at hard labor for not less than twenty-five years nor more than fifty years, or both.

(d) Any offense under this Section committed more than five years prior to the commission of the offense with which the defendant is charged shall not be considered in the assessment of penalties under this Section.

(e) If the offense occurred as a result of a solicitation by the offender while the offender was located on a public road or highway, or the sidewalk, walkway, or public servitude thereof, the court shall sentence the offender to imprisonment for a minimum of ninety days. If a portion of the sentence is suspended, the court may place the offender upon supervised probation if the offender agrees, as a condition of probation, to perform two hundred forty hours of community service work collecting or picking up litter and trash on the public roads, streets, and highways, under conditions specified by the court.

(f) All persons who are convicted of the offense of prostitution shall be referred to the parish health unit for counseling concerning Acquired Immune Deficiency Syndrome. The counseling shall be provided by existing staff of the parish health unit whose duties include such counseling.

(g)(1) It shall be an affirmative defense to prosecution for a violation of this Section that, during the time of the alleged commission of the offense, the defendant was a victim of trafficking of children for sexual purposes as provided in R.S. 14:46.3(E). Any child determined to be a victim pursuant to the provisions of this Paragraph shall be eligible for specialized services for sexually exploited children.

(2) It shall be an affirmative defense to prosecution for a violation of this Section that, during the time of the alleged commission of the offense, the defendant is determined to be a victim of human trafficking pursuant to the provisions of R.S. 14:46.2(F). Any person determined to be a victim pursuant to the provisions of this Paragraph shall be notified of any treatment or specialized services for sexually exploited persons to the extent that such services are available.

SECTION 21-83 – Soliciting for Prostitutes

(a) Soliciting for prostitutes is the soliciting, inviting, inducing, directing, or transporting a person to any place with the intention of promoting prostitution.

(b)(1) Whoever commits the crime of soliciting for prostitutes shall be fined not more than five hundred dollars, imprisoned for not more than six months, or both.

(2) Whoever commits the crime of soliciting for prostitutes when the person being solicited is under the age of eighteen years shall be fined not more than fifty thousand dollars, imprisoned at hard labor for not less than fifteen years nor more than fifty years, or both.

(3) Whoever commits the crime of soliciting for prostitutes when the person being solicited is under the age of fourteen years shall be fined not more than seventy-five thousand dollars, imprisoned at hard labor for not less than twenty-five years nor more than fifty years, or both.

(4)(A) In addition, the court shall order that the personal property used in the commission of the offense shall be seized and impounded, and after conviction, sold at public sale or public auction by the district attorney in accordance with R.S. 15:539.1.

(B) The personal property made subject to seizure and sale pursuant to Subparagraph (a) of this Paragraph may include but shall not be limited to electronic communication devices, computers, computer-related equipment, motor vehicles, photographic equipment used to record or create still or moving visual images of the victim that are recorded on paper, film, video tape, disc, or any other type of digital recording media.

SECTION 21-83.1 – Inciting Prostitution

(a) Inciting prostitution is the aiding, abetting, or assisting in an enterprise for profit in which:

(1) Customers are charged a fee for services which include prostitution, regardless of what portion of the fee is actually for the prostitution services,

(2) When the person knows or when a reasonable person in such a position should know that such aiding, abetting, or assisting is for prostitution, and

(3) When the proceeds or profits are to be in any way divided by the prostitute and the person aiding, abetting, or assisting the prostitute.

(b)(1) Whoever commits the crime of inciting prostitution shall be fined not more than one thousand dollars or imprisoned for not more than one year, or both.

(2) Whoever commits the crime of inciting prostitution of persons under the age of eighteen years shall be fined not more than fifty thousand dollars, imprisoned at hard labor for not less than fifteen years nor more than fifty years, or both.

(3) Whoever commits the crime of inciting prostitution of persons under the age of fourteen years shall be fined not more than seventy-five thousand dollars, imprisoned at hard labor for not less than twenty-five years nor more than fifty years, or both.

(4)(a) In addition, the court shall order that the personal property used in the commission of the offense shall be seized and impounded, and after conviction, sold at public sale or public auction by the district attorney in accordance with R.S. 15:539.1.

(b) The personal property made subject to seizure and sale pursuant to Subparagraph (a) of this Paragraph may include but shall not be limited to electronic communication devices, computers, computer-related equipment, motor vehicles, photographic equipment used to record or create still or moving visual images of the victim that are recorded on paper, film, video tape, disc, or any other type of digital recording media.

SECTION 21-83.3 – Prostitution by Massage

(a) Prostitution by massage is the erotic stimulation of the genital organs of another by any masseur, masseuse, or any other person, whether resulting in orgasm or not, by instrumental manipulation, touching with the hands, or other bodily contact exclusive of sexual intercourse or unnatural carnal copulation, when done for money.

(b) As used in this Section, the terms:

(1) “Masseur” means a male who practices massage or physiotherapy, or both.

(2) “Masseuse” means a female who practices massage or physiotherapy, or both.

(c) Whoever commits the crime of prostitution by massage shall be fined not more than five hundred dollars or imprisoned not more than six months, or both.

(d)(1) It shall be an affirmative defense to prosecution for a violation of this Section that, during the time of the alleged commission of the offense, the defendant was a victim of trafficking of children for sexual purposes as provided in R.S. 14:46.3(E). Any child determined to be a victim pursuant to the provisions of this Paragraph shall be eligible for specialized services for sexually exploited children.

(2) It shall be an affirmative defense to prosecution for a violation of this Section that, during the time of the alleged commission of the offense, the defendant is determined to be a victim of human trafficking pursuant to the provisions of R.S. 14:46.2(F). Any person determined to be a victim pursuant to the provisions of this Paragraph shall be notified of any treatment or specialized services for sexually exploited persons to the extent that such services are available.

SECTION 21-83.4 – Massage; Sexual Conduct Prohibited

(a) It shall be unlawful for any masseur, masseuse, or any other person, while in a massage parlor or any other enterprise used as a massage parlor, by stimulation in an erotic manner, to:

(1) Expose, touch, caress, or fondle the genitals, anus, or pubic hairs of any person or the nipples of the female breast; or

(2) To perform any acts of sadomasochistic abuse, flagellation, or torture in the context of sexual conduct.

(b) Whoever violates this Section shall be fined not more than five hundred dollars or imprisoned for not more than six months, or both.

(c)(1) It shall be an affirmative defense to prosecution for a violation of this Section that, during the time of the alleged commission of the offense, the defendant was a victim of trafficking of children for sexual purposes as provided in R.S. 14:46.3(E). Any child determined to be a victim pursuant to the provisions of this Paragraph shall be eligible for specialized services for sexually exploited children.

(2) It shall be an affirmative defense to prosecution for a violation of this Section that, during the time of the alleged commission of the offense, the defendant is determined to be a victim of human trafficking pursuant to the provisions of R.S. 14:46.2(F). Any person determined to be a victim pursuant to the provisions of this Paragraph shall be notified of any treatment or specialized services for sexually exploited persons to the extent that such services are available.

SECTION 21-85 – Letting Premises for Prostitution

(a) Letting premises for prostitution is the granting of the right of use or the leasing of any premises, knowing that they are to be used for the practice of prostitution, or allowing the continued use of the premises with such knowledge.

(b)(1) Whoever commits the crime of letting premises for prostitution shall be fined not more than five hundred dollars, imprisoned for not more than six months, or both.

(2) Whoever commits the crime of letting premises for prostitution of persons under the age of eighteen years shall be fined not more than fifty thousand dollars, imprisoned at hard labor for not less than fifteen years nor more than fifty years, or both.

(3) Whoever commits the crime of letting premises for prostitution of persons under the age of fourteen years shall be fined not more than seventy-five thousand dollars, imprisoned at hard labor for not less than twenty-five years nor more than fifty years, or both.

(4)(A) In addition, the court shall order that the personal property used in the commission of the offense shall be seized and impounded, and after conviction, sold at public sale or public auction by the district attorney in accordance with R.S. 15:539.1.

(B) The personal property made subject to seizure and sale pursuant to Subparagraph (a) of this Paragraph may include but shall not be limited to electronic communication devices, computers, computer-related equipment, motor vehicles, photographic equipment used to record or create still or moving visual images of the victim that are recorded on paper, film, video tape, disc, or any other type of digital recording media.

SECTION 21-88 – Distribution of Abortifacients

(a) Distribution of abortifacients is the intentional:

(1) Distribution or advertisement for distribution of any drug, potion, instrument, or article for the purpose of procuring an abortion; or

(2) Publication of any advertisement or account of any secret drug or nostrum purporting to be exclusively for the use of females, for preventing conception or producing abortion or miscarriage.

(b) Whoever commits the crime of distribution of abortifacients shall be fined not more than five hundred dollars, or imprisoned for not more than six months, or both.

SECTION 21-92 – Contributing to the Delinquency of Juveniles

(a) Contributing to the delinquency of juveniles is the intentional enticing, aiding or permitting, by anyone over the age of seventeen (17), of any child under the age of seventeen (17), and no exception shall be made for a child who has been emancipated by marriage or otherwise to:

(1) Beg, sing, sell any article or play any musical instrument in any public place for the purpose of receiving alms;

(2) Associate with any vicious or disreputable persons or frequent places where the same may be found; or

(3) Visit any place where beverages of either high or low alcoholic content are the principal commodity sold or given away; or

(4) Visit any place where any gambling device is found, or where gambling habitually occurs; or

(5) Habitually trespass where it is recognized that he has no right to be; or

(6) Use any vile, obscene or indecent language; or

(7) Perform any sexually immoral act; or

(8) Absent himself or remain away, without authority of his parents or tutor, from his home or place of abode; or

(9) Violate any law of the state or ordinance of any parish or village or town or city of the state; or

(10) Visit any place where sexually indecent and obscene material, of any nature is offered for sale, displayed or exhibited.

(11)(A) Become involved in the commission of a crime of violence as defined in R.S. 14:2(B) which is a felony or a violation of the Uniform Controlled Dangerous Substances Law which is a felony.

(B) Become involved in the commission of any other felony not enumerated in Subparagraph (a) of this Paragraph.

(b) Lack of knowledge of the juvenile's age shall not be a defense.

(c) Whoever commits the crime of contributing to the delinquency of a juvenile shall be punished as provided in section 1-8 of this Code.

(d)(1) Whoever is charged and convicted of contributing to the delinquency of a juvenile under Subparagraph (a) of Paragraph (11) of Subsection A of this Section shall be imprisoned at hard labor for not less than two years and for not more than ten years or imprisoned according to the sentence of imprisonment for the underlying felony, whichever is less.

SECTION 21 - 93.11. Unlawful sales to persons under twenty-one

A. Unlawful sales to persons under twenty-one is the selling or otherwise delivering for value of any alcoholic beverage to any person under twenty-one years of age unless such person is the lawful owner or lawful employee of an establishment to which the sale is being made and is accepting such delivery pursuant to such ownership or employment. Lack of knowledge of the person's age shall not be a defense.

B. Whoever violates the provisions of this Section shall be fined not less than five hundred dollars nor more than one thousand dollars or imprisoned for not less than thirty days nor more than six months, or both.

SECTION 21- 93.12. Purchase and public possession of alcoholic beverages; exceptions; penalties

A. It is unlawful for any person under twenty-one years of age to purchase or have public possession of any alcoholic beverage.

B. (1) Whoever violates the provisions of this Section shall be fined not more than one hundred dollars or imprisoned for not more than six months, or both.

(2) Any person apprehended while violating the provisions of this Section shall be issued a citation by the apprehending law enforcement officer, which shall be paid in the same manner as provided for the offenders of local traffic violations.

(3) In addition to the penalties provided in Paragraph (1) of this Subsection, the driver's license of any person violating the provisions of this Section may be suspended upon conviction, plea of guilty, or nolo contendere for a period of one hundred eighty days. Upon conviction, plea of guilty, or nolo contendere, the court shall surrender the driver's license to the Department of Public Safety and Corrections for suspension in accordance with the provisions of this Section. Upon first conviction, the court may issue an order which authorizes the department to issue a restricted driver's license upon

a demonstration to the court that a hardship would result from being unable to drive to school or work. Such restrictions shall be determined by the court.

SECTION 21- 93.13. Unlawful purchase of alcoholic beverages by persons on behalf of persons under twenty-one

A. It is unlawful for any person, other than a parent, spouse, or legal guardian, as specified in R.S. 14:93.10(2)(a)(ii), to purchase on behalf of a person under twenty-one years of age any alcoholic beverage.

B. (1) Whoever violates the provisions of this Section shall be fined not more than five hundred dollars or imprisoned for not more than thirty days, or both.

(2) In addition to the penalties provided in Paragraph (1) of this Subsection, the driver's license of any person violating the provisions of this Section may be suspended upon conviction, plea of guilty, or nolo contendere for a period of one hundred eighty days. Upon conviction, plea of guilty, or nolo contendere, the court shall surrender the driver's license to the Department of Public Safety and Corrections for suspension in accordance with the provisions of this Section. Upon first conviction, the court may issue an order which authorizes the department to issue a restricted driver's license upon a demonstration to the court that suspension of his driving privileges will deprive him or his family of the necessities of life or prevent him from earning a livelihood. Such restrictions shall be determined by the court.

SECTION 21-93.2 – Tattooing and Body Piercing of Minors; Prohibition

(a) It is unlawful for any person to tattoo or body pierce any other person under the age of eighteen without the consent of an accompanying parent or tutor of such person.

(b) It is unlawful for any business entity to pierce the body of any person under the age of eighteen without the consent of a parent or legal custodian of such person.

(c) Whoever is found guilty of violating the provisions of this Section shall be fined not less than one hundred dollars nor more than five hundred dollars or be imprisoned for not less than thirty days nor more than one year, or both.

SECTION 21-93.2.1 – Child Desertion

(a) Child desertion is the intentional or criminally negligent exposure of a child under the age of ten years, by a person who has the care, custody, or control of the child, to a hazard or danger against which the child cannot reasonably be expected to protect himself, or the desertion or abandonment of such child, knowing or having reason to believe that the child could be exposed to such hazard or danger.

(b)(1) Whoever commits the crime of child desertion shall be fined not more than five hundred dollars or be imprisoned for not more than six months, or both.

(2) On a second and subsequent conviction, the offender shall be fined not more than five hundred dollars and imprisoned for not less than thirty days nor more than six months, at least thirty days of which shall be without benefit of probation or suspension of sentence.

SECTION 21-95.7 – Possession of or Dealing in Firearms With Obliterated Numbers or Marks

(a) No person shall intentionally receive, possess, carry, conceal, buy, sell, or transport any firearm from which the serial number or mark of identification has been obliterated.

(b) This Section shall not apply to any firearm which is an antique or war relic and is inoperable or for which ammunition is no longer manufactured in the United States and is not readily available in the ordinary channels of commercial trade, or which was originally manufactured without such a number.

(c) Whoever violates the provisions of this Section shall be fined not more than one thousand dollars and imprisoned as follows:

(1) For a first offense, the penalty shall be imprisonment, with or without hard labor, for not less than one year nor more than five years.

(2) For a second or subsequent offense, the penalty shall be imprisonment, with or without hard labor, for not less than two years nor more than ten years.

SECTION 21-98 – Operating a Vehicle While Intoxicated

(a)(1) The crime of operating a vehicle while intoxicated is the operating of any motor vehicle, aircraft, watercraft, vessel, or other means of conveyance when any of the following conditions exist:

(A) The operator is under the influence of alcoholic beverages.

(B) The operator's blood alcohol concentration is 0.08 percent or more by weight based on grams of alcohol per one hundred cubic centimeters of blood.

(C) The operator is under the influence of any controlled dangerous substance listed in Schedule I, II, III, IV, or V as set forth in R.S. 40:964.

(D)(i) The operator is under the influence of a combination of alcohol and one or more drugs that are not controlled dangerous substances and that are legally obtainable with or without a prescription.

(ii) It shall be an affirmative defense to any charge under this Subparagraph that the label on the container of the prescription drug or the manufacturer's package of the drug does not contain a warning against combining the medication with alcohol.

(E)(i) The operator is under the influence of one or more drugs that are not controlled dangerous substances and that are legally obtainable with or without a prescription.

(ii) It shall be an affirmative defense to any charge under this Subparagraph that the operator did not knowingly consume quantities of the drug or drugs that substantially exceed the dosage prescribed by the physician or the dosage recommended by the manufacturer of the drug.

(2) A valid driver's license shall not be an element of the offense, and the lack thereof shall not be a defense to a prosecution for operating a vehicle while intoxicated.

(b)(1) This Subsection shall be cited as the "Child Endangerment Law".

(2) When the state proves, in addition to the elements of the crime as set forth in Subsection A of this Section, that a minor child twelve years of age or younger was a passenger in the motor vehicle, aircraft, watercraft, vessel, or other means of motorized conveyance at the time of the commission of the offense:

(A) Except as provided in Subparagraphs (b) and (c) of this Paragraph, the execution of the minimum mandatory sentence provided by R.S. 14:98.1 or 98.2, as appropriate, shall not be suspended.

(c)(1) For purposes of determining whether a defendant has a prior conviction for a violation of this Section, a conviction under any of the following shall constitute a prior conviction:

(A) R.S. 14:32.1, vehicular homicide.

(B) R.S. 14:32.8, third degree feticide.

(C) R.S. 14:39.1, vehicular negligent injuring.

(D) R.S. 14:39.2, first degree vehicular negligent injuring.

(E) A law of any state or an ordinance of a municipality, town, or similar political subdivision of another state that prohibits the operation of any motor vehicle, aircraft, watercraft, vessel, or other means of conveyance while intoxicated, while impaired, or while under the influence of alcohol, drugs, or any controlled dangerous substance.

(2) The determination under this Subsection shall be made by the court as a matter of law.

(3) For purposes of this Section, a prior conviction shall not include a conviction for an offense under this Section, a conviction for an offense under R.S. 14:39.1, or a conviction under the laws of any state or an ordinance of a municipality, town, or similar political subdivision of another state which prohibits the operation of any motor vehicle, aircraft, watercraft, vessel, or other means of conveyance while intoxicated, while impaired, or while under the influence of alcohol, drugs, or any controlled dangerous substance if committed more than ten years prior to the commission of the crime for which the defendant is being tried, and such conviction shall not be considered in the assessment of penalties in this Section. However, periods of time during which the offender was awaiting trial, under an order of attachment for failure to appear, or on probation or parole for an offense described in this Paragraph, or periods of time during which an offender was incarcerated in a penal institution in this or any other state for any offense, including an offense described in Paragraph (1) of this Subsection, shall be excluded in computing the ten-year period.

(d)(1) On a conviction of a first offense violation of the provisions of this Section, notwithstanding any other provision of law to the contrary, the offender shall be sentenced under the provisions of R.S. 14:98.1.

(2)(A) Except as provided by Subparagraph (b) of this Paragraph, on a conviction of a second offense violation of the provisions of this Section, notwithstanding any other provision of law to the contrary and regardless of whether the second offense occurred before or after the first conviction, the offender shall be sentenced under the provisions of R.S. 14:98.2.

(B) If the conviction of a second offense violation of the provisions of this Section when the first offense was for the crime of vehicular homicide in violation of R.S. 14:32.1, third degree feticide in violation of R.S. 14:32.8, or first degree vehicular negligent injuring in violation of R.S. 14:39.2, the offender shall be sentenced under the provisions of R.S. 14:98.2(D).

(2) The vehicle shall be exempt from sale if it was stolen, or if the driver of the vehicle at the time of the violation was not the owner and the owner did not know that the driver was operating the vehicle while intoxicated. If this exemption is applicable, the vehicle shall not be released from impoundment until such time as towing and storage fees have been paid. In addition, the vehicle shall be exempt from sale if all towing and storage fees are paid by a valid lienholder.

(3) If the district attorney elects to forfeit the vehicle, he shall file a written motion at least five days prior to sentencing, stating his intention to forfeit the vehicle. When the district attorney elects to forfeit the vehicle, the court shall order it forfeited.

(4) The proceeds of the sale shall first be used to pay court costs and towing and storage costs, and the remainder shall be allocated as follows:

(A) Sixty percent of the funds shall go to the arresting agency.

(B) Twenty percent of the funds shall go to the prosecuting district attorney.

(C) Twenty percent of the funds shall go to the Louisiana Property and Casualty Insurance Commission for its use in studying ways to reduce drunk driving and insurance rates.

(g)(1) If an offender placed on probation for a conviction of a violation of this Section fails to complete the required substance abuse treatment, or fails to participate in a driver improvement program, or violates any other condition of probation, including conditions of home incarceration, his probation may be revoked, and he may be ordered to serve the balance of the sentence of imprisonment, without credit for time served under home incarceration.

(2) If the offender is found to be in violation of both the terms of his release for good behavior by the Department of Public Safety and Corrections, committee on parole, and in violation of his probation by the court, then the remaining balance of his diminution of sentence shall be served first, with the previously suspended sentence imposed by the court to run consecutively thereafter.

SECTION 21-98.1 – Operating While Intoxicated; First Offense; Penalties

(a)(1) Except as modified by the provisions of Paragraphs (2) and (3) of this Subsection, on a conviction of a first offense violation of R.S. 14:98, the offender shall be fined not less than three hundred dollars nor more than one thousand dollars, and shall be imprisoned for not less than ten days nor more than six months. Imposition or execution of sentence under this Paragraph shall not be suspended unless the offender is placed on probation with the minimum conditions that he complete all of the following:

(A) Serve forty-eight hours in jail, which shall not be suspended, or in lieu thereof, perform no less than thirty-two hours of court-approved community service activities, at least half of which shall consist of participation in a litter abatement or collection program.

(B) Participate in a court-approved substance abuse program, which may include an assessment by a licensed clinician to determine if the offender has a diagnosis of substance abuse disorder. Nothing herein shall prohibit the court from modifying the portions of the program as may be applicable and appropriate to an individual offender as shown by the assessment.

(C) Participate in a court-approved driver improvement program.

(D) Except as provided by Subparagraph (3)(c) of this Subsection, the court may order that the offender not operate a motor vehicle during the period of probation, or such shorter time as set by the court, unless any vehicle, while being operated by the offender, is equipped with a functioning ignition interlock device in compliance with the requirements of R.S. 14:98.5(C) and R.S. 32:378.2.

(2) If the offender had a blood alcohol concentration of 0.15 percent or more but less than 0.20 percent by weight based on grams of alcohol per one hundred cubic centimeters of blood, at least forty-eight hours of the sentence imposed pursuant to Paragraph (1) of this Subsection shall be served without the benefit of parole, probation, or suspension of sentence, and is to be served in addition to any sentence of imprisonment imposed pursuant to Subparagraph (1)(a) of this Subsection, provided that the total period of imprisonment upon conviction of the offense, including imprisonment for default in payment of a fine or costs, shall not exceed six months.

(3)(A) If the offender had a blood alcohol concentration of 0.20 percent or more by weight based on grams of alcohol per one hundred cubic centimeters of blood, the offender shall be fined not less than seven hundred fifty dollars nor more than one thousand dollars and at least forty-eight hours of the sentence imposed pursuant to Paragraph (1) of this Subsection shall be served without the benefit of parole, probation, or suspension of sentence, and is to be served in addition to any sentence of imprisonment imposed pursuant to Subparagraph (1)(a) of this Subsection, provided that the total period of imprisonment upon conviction of the offense, including imprisonment for default in payment of a fine or costs, shall not exceed six months.

(B) In addition to any penalties imposed under this Section, upon conviction of a first offense, if the offender had a blood alcohol concentration of 0.20 percent or more by weight based on grams of alcohol per one hundred cubic centimeters of blood, the driver's license of the offender shall be suspended for two years.

(C) The court shall require that the offender not operate a motor vehicle during the period of probation unless any vehicle, while being operated by the offender, is equipped with a functioning

ignition interlock device in compliance with the requirements of R.S. 14:98.5(C) and R.S. 32:378.2. The ignition interlock device shall remain installed and operative on his vehicle during the first twelve-month period of suspension of his driver's license following the date of conviction.

(b) Nothing in this Section shall prohibit a court from sentencing an offender to serve any portion of the sentence under home incarceration pursuant to R.S. 14:98.5, either in lieu of, or in addition to, a term of imprisonment if otherwise allowed under the provisions of Code of Criminal Procedure Article 894.2 and R.S. 14:98.5(B).

(c) An offender may apply for a restricted driver's license to be in effect during the entire period of suspension upon proof to the Department of Public Safety and Corrections that his motor vehicle has been equipped with a functioning ignition interlock device in compliance with the requirements of R.S. 32:378.2.

SECTION 21-98.5 – Special Provisions and Definitions

(a)(1) An offender ordered to participate in a substance abuse program, home incarceration, or a driver improvement program in accordance with the penalty provisions of R.S. 14:98, 98.1 shall pay the cost incurred in participating in the program. Failure to make such payment shall subject the offender to revocation of probation, unless the court determines that the offender is unable to pay.

(2) Except as provided by Paragraph (4) of this Subsection and unless otherwise authorized or prohibited, on a misdemeanor violation of R.S. 14:98 the court may sentence the offender to home incarceration.

(3) Except as modified by Paragraph (5) of this Subsection, when the court sentences an offender to home incarceration, the offender shall be subject to special conditions to be determined by the court, which shall include but not be limited to the following:

(A) Electronic monitoring. However, nothing in this Section shall prohibit a court from ordering nonelectronic monitored home incarceration as a condition of probation for a first or second conviction where the period of home incarceration is less than five days.

(B) Curfew restrictions.

(C) The court shall require the offender to obtain employment.

(D) The court shall require the offender to participate in a court-approved driver improvement program, if not already a condition of his probation.

(E) The activities of the offender outside of his home shall be limited to traveling to and from work, church services or other religious services, Alcoholics Anonymous meetings, Narcotics Anonymous meetings, other secular-based addiction recovery group meetings, accredited educational institutions, meetings with his probation or parole officer, court-ordered community service activities, court-ordered substance abuse treatments, and a court-approved driver improvement program.

(F) Except as inconsistent with the provisions of this Subsection, an offender sentenced to home incarceration shall be subject to all other applicable provisions of Code of Criminal Procedure Article 894.2.

(4) An offender who has been convicted of any second violation of any state or local law or ordinance prohibiting operating a vehicle while intoxicated, committed within five years of the commission of any prior operating while intoxicated violation, shall not be eligible for home incarceration until the offender has first served a minimum of forty-eight consecutive hours of imprisonment.

(c)(1) No offender who is ordered to install an ignition interlock device as a condition of probation shall:

(A) Fail to comply with all applicable provisions of R.S. 15:306 and 307 and R.S. 32:378.2 and 414(D)(1)(b).

(B) Violate the conditions of his restricted driver's license as set by the Department of Public Safety and Corrections.

(C) Operate, rent, lease, or borrow a motor vehicle unless that vehicle is equipped with a functioning ignition interlock device.

(D) Request or solicit any other person to blow into an ignition interlock device or to start a motor vehicle equipped with the device for the purpose of providing the offender with an operable motor vehicle.

(2) If the court imposes the use of an ignition interlock device as a condition of probation, the offender shall provide proof of compliance to the court or the probation officer within thirty days. If the offender fails to provide proof of installation within that period, absent a finding by the court of good cause for the failure that is entered into the court record, the court shall revoke the offender's probation.

(3) The provisions of this Subsection shall not require installation of an ignition interlock device in any vehicle described in R.S. 32:378.2(I).

(d)(1) "Community service activities" as used in this Section and R.S. 14:98.1 in addition to participation in a litter abatement or collection program, may include duty in any morgue, coroner's office, or emergency treatment room of a state-operated hospital or other state-operated emergency treatment facility, with the consent of the administrator of the morgue, coroner's office, hospital, or facility.

(2) An offender who participates in a litter abatement or collection program pursuant to this Subsection shall have no cause of action for damages against the entity conducting the program or supervising the offender's participation therein, including a municipality, parish, sheriff, or other entity, nor against any official, employee, or agent of such entity, for any injury or loss suffered by him during or arising out of his participation therein, if such injury or loss is a direct result of the lack of supervision or act or omission of the supervisor, unless the injury or loss was caused by the intentional or grossly negligent act or omission of the entity or its official, employee, or agent.

SECTION 21-98.6 – Underage Operating While Intoxicated

(a) The crime of underage operating a vehicle while intoxicated is the operating of any motor vehicle, aircraft, watercraft, vessel, or other means of conveyance when the operator's blood alcohol concentration is 0.02 percent or more by weight based on grams of alcohol per one hundred cubic centimeters of blood, if the operator is under the age of twenty-one.

(b) Any underage person whose blood alcohol concentration is found to be in violation of R.S. 14:98(A)(1)(b) shall be charged under the provisions of that Subparagraph rather than under this Section.

(c)(1) On a first conviction, the offender shall be fined not less than one hundred dollars nor more than two hundred fifty dollars, and imprisoned for not less than ten days nor more than three months. Imposition or execution of sentence shall not be suspended unless the offender is placed on probation with the minimum conditions that he:

(A) Perform thirty-two hours of court-approved community service activities, at least half of which shall consist of participation in a litter abatement or collection program.

(B) Participate in a court-approved substance abuse and driver improvement program.

(2) On a second or subsequent conviction, regardless of whether the second offense occurred before or after the first conviction, the offender shall be fined not less than two hundred fifty dollars nor more than five hundred dollars, and imprisoned for not less than thirty days nor more than six

months. Imposition or execution of sentence under this Paragraph shall not be suspended unless the offender is placed on probation with the minimum conditions that he:

(A) Serve forty-eight hours in jail without benefit of parole, probation, or suspension of sentence, or in lieu thereof, perform no less than eighty hours of court-approved community service activities, at least half of which shall consist of participation in a litter abatement or collection program.

(B) Participate in a court-approved substance abuse program.

(C) Participate in a court-approved driver improvement program.

(3) Nothing in this Section shall prohibit a court from sentencing an offender to serve any portion of the sentence under home incarceration either in lieu of, or in addition to, a term of imprisonment if otherwise allowed under the provisions of Code of Criminal Procedure Article 894.2 and R.S. 14:98.5(B).

(4) The court may require that the offender not operate a motor vehicle during the period of probation unless any vehicle, while being operated by the offender, is equipped with a functioning ignition interlock device in accordance with R.S. 14:98.5(C).

(d) Court programs regarding substance abuse as provided for by Subsection C of this Section shall include a screening procedure to determine the portions of the program that may be applicable and appropriate for individual offenders.

SECTION 21-98.7 – Unlawful Refusal to Submit to Chemical Tests; Arrests for Driving While Intoxicated

(a) No person under arrest for a violation of R.S. 14:98, or 98.6, or any other law or ordinance that prohibits operating a vehicle while intoxicated, may refuse to submit to a chemical test when requested to do so by a law enforcement officer if he has refused to submit to such test on two previous and separate occasions of any such violation.

(b)(1) Whoever violates the provisions of this Section shall be fined not less than three hundred dollars nor more than one thousand dollars, and shall be imprisoned for not less than ten days nor more than six months.

(2) Imposition or execution of sentence shall not be suspended unless one of the following occurs:

(A) The offender is placed on probation with the minimum conditions that he serve two days in jail and participate in a court-approved substance abuse program and participate in a court-approved driver improvement program.

(B) The offender is placed on probation with the minimum conditions that he perform thirty-two hours of court-approved community service activities, at least half of which shall consist of participation in a litter abatement or collection program, participate in a court-approved substance abuse program, and participate in a court-approved driver improvement program. An offender who participates in a litter abatement or collection program pursuant to this Subparagraph shall have no cause of action for damages against the entity conducting the program or supervising his participation therein, as provided by R.S. 14:98.5(D).

SECTION 21-98.8 – Operating a Vehicle While Under Suspension for Certain Prior Offenses

(a) It is unlawful to operate a motor vehicle on a public highway where the operator's driving privileges have been suspended under the authority of R.S. 32:414(A)(1), (B)(1) or (2), (D)(1)(a), or R.S. 32:667. It shall not be a violation of the provisions of this Section when a person operates a motor vehicle to obtain emergency medical care for himself or any other person.

(b) Whoever violates the provisions of this Section shall be imprisoned for not less than fifteen days nor more than six months without benefit of suspension of imposition or execution of sentence, except as provided in Subsection C of this Section.

(c) When the operator's driving privileges were suspended for manslaughter, vehicular homicide, or negligent homicide, the offender shall be imprisoned for not less than sixty days nor more than six months without benefit of suspension of imposition or execution of sentence.

SECTION 21-102.14 – Unlawful Ownership of a Dangerous Dog

(a) For the purposes of this Section “dangerous dog” means:

(1) Any dog which when unprovoked, on two separate occasions within the prior thirty-six-month period, engages in any behavior that requires a defensive action by any person to prevent bodily injury when the person and the dog are off the property of the owner of the dog; or

(2) Any dog which, when unprovoked, bites a person causing an injury; or

(3) Any dog which, when unprovoked, on two separate occasions within the prior thirty-six-month period, has killed, seriously bitten, inflicted injury, or otherwise caused injury to a domestic animal off the property of the owner of the dog.

(b) It is unlawful for any person to own a dangerous dog without properly restraining or confining the dog.

(c) A dangerous dog, while on the owner's property, shall, at all times, be kept indoors, or in a secure enclosure. A dangerous dog may be off the owner's property only if it is restrained by a leash which prevents its escape or access to other persons.

(d) The owner of a dog determined by the court to be dangerous shall post signs around the secure enclosure no more than thirty feet apart and at each normal point of ingress and egress. The signs shall bear the words “Beware of Dog”, or “Dangerous Dog” in letters at least three and one-half inches high and shall be so placed as to be readily visible to any person approaching the secure enclosure.

(e) If the dog in question dies, or is sold, transferred, or permanently removed from the municipality or parish where the owner resides, the owner of a dangerous dog shall notify the animal control agency of the changed condition and new location of the dog in writing within two days.

(f) Whoever violates the provisions of this Section shall be fined not more than three hundred dollars.

(g) The provisions of this Section shall not apply to:

(1) Any dog which is owned, or the service of which is employed, by any state or local law enforcement agency for the principal purpose of aiding in the detection of criminal activity, enforcement of laws, or apprehension of offenders.

(2) Any dog trained in accordance with the standards of a national or regional search and rescue association to respond to instructions from its handler in the search and rescue of lost or missing individuals and which dog, together with its handler, is prepared to render search and rescue services at the request of law enforcement.

SECTION 21-102.15 – Unlawful Ownership of a Vicious Dog

(a) For the purposes of this Section “vicious dog” means any dog which, when unprovoked, in an aggressive manner, inflicts serious bodily injury on or kills a human being and was previously determined to be a dangerous dog.

(b) It is unlawful for any person to own a vicious dog.

(c) Whoever violates the provisions of this Section shall be fined not more than five hundred dollars or imprisoned for not more than six months, or both.

(d) The provisions of this Section shall not apply to:

(1) Any dog which is owned, or the service of which is employed, by any state or local law enforcement agency for the principal purpose of aiding in the detection of criminal activity, enforcement of laws, or apprehension of offenders.

(2) Any dog trained in accordance with the standards of a national or regional search and rescue association to respond to instructions from its handler in the search and rescue of lost or missing individuals and which dog, together with its handler, is prepared to render search and rescue services at the request of law enforcement.

SECTION 102.23 – Cockfighting

(a) It shall be unlawful for any person to:

(1) Organize or conduct any commercial or private cockfight wherein there is a display of combat or fighting among one or more domestic or feral chickens and in which it is intended or reasonably foreseeable that the chickens would be injured, maimed, mutilated, or killed; or

(2) Possess, train, purchase, or sell any chicken with the intent that the chicken shall be engaged in an unlawful commercial or private cockfight as prohibited in Paragraph (1) of this Subsection.

(b) As used in this Section, the following words and phrases have the following meanings ascribed to them:

(1) “Chicken” means any game fowl or rooster whether domestic or feral normally used in a cockfight.

(2) “Cockfight” means a contest wherein chickens are set against one another with the intention that they engage in combat.

(c) Possessing, manufacturing, buying, selling, or trading of paraphernalia such as spurs, gaffs, knives, leather training spur covers, and other items or substances normally used in cockfighting with the intent that they shall be used in a cockfight together with evidence that the paraphernalia is being used or intended for use in the unlawful training of a chicken to fight with another chicken, shall be admissible as evidence of a violation of this Section. Whoever violates the provisions of this Subsection, upon conviction shall be fined not more than five hundred dollars, or imprisoned for not more than six months, or both. However, the provisions of this Section shall not be construed to prohibit the possessing, buying, selling, or trading of any spurs, gaffs, knives, leather training spur covers, or any other items normally used in cockfighting which are at least five years old and have historical value.

(d)(1) Whoever violates the provisions of this Section, on conviction of a first offense, shall be fined not less than seven hundred fifty dollars, nor more than two thousand dollars, or imprisoned, with or without hard labor, for not less than six months nor more than one year, or both. In addition to any other penalty imposed, on a conviction of a first offense, the offender shall be ordered to perform fifteen eight-hour days of court-approved community service. The community service requirement shall not be suspended.

(2) On a conviction of a second offense, the offender shall be fined not less than one thousand dollars, nor more than two thousand dollars, and shall be imprisoned, with or without hard labor, for not less than one year nor more than three years. At least six months of the sentence imposed shall be served without benefit of parole, probation, or suspension of sentence.

(e) For the purposes of this Section, when more than one chicken is subject to an act that would constitute cockfighting, each chicken involved shall constitute a separate offense.

(f) The provisions of this Section shall not be construed to prohibit the raising of any chicken, rooster, or gamefowl for the purposes of personal enjoyment, exhibition, or agricultural pursuits as long as the purpose of such pursuits are legal.

SECTION 21-103 – Disturbing the Peace

(a) Disturbing the peace is the doing of any of the following in such manner as would foreseeably disturb or alarm the public:

(1) Engaging in a fistic encounter; or

(2) Addressing any offensive, derisive, or annoying words to any other person who is lawfully in any street, or other public place; or call him by an offensive or derisive name, or make any noise or exclamation in his presence and hearing with the intent to deride, offend, or annoy him or to prevent him from pursuing his lawful business occupation, or duty; or

(3) Appearing in an intoxicated condition; or

(4) Engaging in any act in a violent and tumultuous manner by any three (3) or more persons; or

(5) Holding of an unlawful assembly; or

(6) Interruption of any lawful assembly of people.

(7) Intentionally engaging in any act or any utterance, gesture, or display designed to disrupt a funeral, funeral route, or burial of a deceased person during the period beginning one hundred twenty minutes before and ending one hundred twenty minutes after the funeral or burial, within three hundred feet of the funeral or burial.

(8)(A) Intentionally blocking, impeding, inhibiting, or in any other manner obstructing or interfering with a funeral route.

(B) Intentionally blocking, impeding, inhibiting, or in any other manner obstructing or interfering, within five hundred feet, with access into or from any building or parking lot of a building in which a funeral or burial is being conducted, or any burial plot or the parking lot of the cemetery in which a funeral or burial is being conducted, during the period beginning one hundred twenty minutes before and ending one hundred twenty minutes after the funeral or burial.

(b) Whoever commits the crime of disturbing the peace shall be punished as provided in section 1-8 of this Code.

SECTION 21-106 – Obscenity

(a) The crime of obscenity is the intentional:

(1) Exposure of the genitals, pubic hair, anus, vulva, or female breast nipples in any public place or place open to the public view, or in any prison or jail, with the intent of arousing sexual desire or which appeals to prurient interest or is patently offensive.

(2)(A) Participation or engagement in, or management, operation, production, presentation, performance, promotion, exhibition, advertisement, sponsorship, electronic communication, or display of, hard core sexual conduct when the trier of fact determines that the average person applying contemporary community standards would find that the conduct, taken as a whole, appeals to the prurient interest; and the hard core sexual conduct, as specifically defined herein, is presented in a patently offensive way; and the conduct taken as a whole lacks serious literary, artistic, political, or scientific value.

(B) Hard core sexual conduct is the public portrayal, for its own sake, and for ensuing commercial gain of:

(i) Ultimate sexual acts, normal or perverted, actual, simulated, or animated, whether between human beings, animals, or an animal and a human being; or

(ii) Masturbation, excretory functions or lewd exhibition, actual, simulated, or animated, of the genitals, pubic hair, anus, vulva, or female breast nipples; or

(iii) Sadomasochistic abuse, meaning actual, simulated or animated, flagellation, or torture by or upon a person who is nude or clad in undergarments or in a costume that reveals the pubic hair, anus, vulva, genitals, or female breast nipples, or in the condition of being fettered, bound, or otherwise physically restrained, on the part of one so clothed; or

(iv) Actual, simulated, or animated touching, caressing, or fondling of, or other similar physical contact with a pubic area, anus, female breast nipple, covered or exposed, whether alone or between humans, animals, or a human and an animal, of the same or opposite sex, in an act of apparent sexual stimulation or gratification; or

(v) Actual, simulated, or animated stimulation of a human genital organ by any device whether or not the device is designed, manufactured, or marketed for such purpose.

(3)(A) Sale, allocation, consignment, distribution, dissemination, advertisement, exhibition, electronic communication, or display of obscene material, or the preparation, manufacture, publication, electronic communication, or printing of obscene material for sale, allocation, consignment, distribution, advertisement, exhibition, electronic communication, or display.

(B) Obscene material is any tangible work or thing which the trier of fact determines that the average person applying contemporary community standards would find, taken as a whole, appeals to the prurient interest, and which depicts or describes in a patently offensive way, hard core sexual conduct specifically defined in Paragraph (2) of this Subsection, and the work or thing taken as a whole lacks serious literary, artistic, political, or scientific value.

(4) Requiring as a condition to a sale, allocation, consignment, or delivery for resale of any paper, magazine, book, periodical, or publication to a purchaser or consignee that such purchaser or consignee also receive or accept any obscene material, as defined in Paragraph (3) of this Subsection, for resale, distribution, display, advertisement, electronic communication, or exhibition purposes; or, denying or threatening to deny a franchise to, or imposing a penalty, on or against, a person by reason of his refusal to accept, or his return of, such obscene material.

(5) Solicitation or enticement of an unmarried person under the age of seventeen years to commit any act prohibited by Paragraphs (1), (2), or (3) of this Subsection.

(6) Advertisement, exhibition, electronic communication, or display of sexually violent material. "Violent material" is any tangible work or thing which the trier of facts determines depicts actual or simulated patently offensive acts of violence, including but not limited to, acts depicting sadistic conduct, whippings, beatings, torture, and mutilation of the human body, as described in Item (2)(b)(iii) of this Subsection.

(7)(A) Transmission or causing the transmission by a person, knowing the content of an advertisement to be sexually explicit as defined in this Paragraph, of an unsolicited advertisement containing sexually explicit materials in an electronic communication to one or more persons within this state without including in the advertisement the term "ADV-ADULT" at the beginning of the subject line of the advertisement. A "subject line" is the area of an electronic communication that contains a summary description of the content of the message.

(B) As used in this Paragraph, "sexually explicit" means the graphic depiction of sex, including but not limited to sexual audio, text, or images; depiction of sexual activity; nudity; or sexually oriented language.

(8)(A) Transmission or causing the transmission by a person, knowing its content to be sexually explicit as defined in this Paragraph, of an unsolicited text message containing sexually explicit materials to a wireless telecommunications device of one or more persons within this state.

(B) As used in this Paragraph:

(i) "Sexually explicit" means the graphic depiction of sex, including but not limited to sexual audio, text, or images, the depiction of sexual activity, nudity, or sexually oriented language and is obscene as defined in Subparagraph (A)(3)(b) of this Section.

(ii) "Wireless telecommunications device" means a cellular telephone, a text-messaging device, a personal digital assistant, a tablet computer, or any other substantially similar wireless device.

(b) Lack of knowledge of age or marital status shall not constitute a defense.

(c) If any employee of a theatre or bookstore acting in the course or scope of his employment, is arrested for an offense designated in this Section, the employer shall reimburse the employee for all attorney's fees and other costs of defense of such employee. Such fees and expenses may be fixed by the court exercising criminal jurisdiction after contradictory hearing or by ordinary civil process.

(d)(1) The provisions of this Section do not apply to recognized and established schools, churches, museums, medical clinics, hospitals, physicians, public libraries, governmental agencies, quasi-governmental sponsored organizations and persons acting in their capacity as employees or agents of such organizations, or a person solely employed to operate a movie projector in a duly licensed theatre.

(2) For the purpose of this Subsection, the following words and terms shall have the respective meanings defined as follows:

(A) "Churches" means any church, affiliated with a national or regional denomination.

(B) "Medical clinics and hospitals" means any clinic or hospital of licensed physicians or psychiatrists used for the reception and care of persons who are sick, wounded, or infirm.

(C) "Physicians" means any licensed physician or psychiatrist.

(D) "Recognized and established schools" means schools having a full time faculty and pupils, gathered together for instruction in a diversified curriculum.

(e) This Section does not preempt, nor shall anything in this Section be construed to preempt, the regulation of obscenity by municipalities, parishes, and consolidated city-parish governments; however, in order to promote uniform obscenity legislation throughout the state, the regulation of obscenity by municipalities, parishes, and consolidated city-parish governments shall not exceed the scope of the regulatory prohibitions contained in the provisions of this Section.

(f)(1) Except for those motion pictures, printed materials, electronic communication and photographic materials showing actual ultimate sexual acts or simulated or animated ultimate sexual acts when there is an explicit, close-up depiction of human genital organs so as to give the appearance of the consummation of ultimate sexual acts, no person, firm, or corporation shall be arrested, charged, or indicted for any violations of a provision of this Section until such time as the material involved has first been the subject of an adversarial hearing under the provisions of this Section, wherein such person, firm, or corporation is made a defendant and, after such material is declared by the court to be obscene, such person, firm, or corporation continues to engage in the conduct prohibited by this Section. The sole issue at the hearing shall be whether the material is obscene.

(2) The hearing shall be held before the district court having jurisdiction over the proceedings within seventy-two hours after receipt of notice by the person, firm, or corporation. The person, firm, or corporation shall be given notice of the hearing by registered mail or by personal service on the owner, manager, or other person having a financial interest in the material; provided, if there is no such person on the premises, then notice may be given by personal service on any employee of the person, firm, or corporation on such premises. The notice shall state the nature of the violation, the date, place, and time of the hearing, and the right to present and cross-examine witnesses.

(3) The state or any defendant may appeal from a judgment. Such appeal shall not stay the judgment. Any defendant engaging in conduct prohibited by this Section subsequent to notice of the judgment, finding the material to be obscene, shall be subject to criminal prosecution notwithstanding the appeal from the judgment.

(4) No determination by the district court pursuant to this Section shall be of any force and effect outside the judicial district in which made and no such determination shall be res judicata in any proceeding in any other judicial district. In addition, evidence of any hearing held pursuant to this Section shall not be competent or admissible in any criminal action for the violation of any other Section of this Title; provided, however, that in any criminal action, charging the violation of any other Section of this Title, against any person, firm, or corporation that was a defendant in such hearing, involving the same material declared to be obscene under the provisions of this Section, then evidence of such hearing shall be competent and admissible as bearing on the issue of scienter only.

(g)(1) Except as provided in Paragraph (5) of this Subsection, on a first conviction, whoever commits the crime of obscenity shall be fined not less than one thousand dollars nor more than two thousand five hundred dollars, or imprisoned, with or without hard labor, for not less than six months nor more than three years, or both.

(2)(A) Except as provided in Paragraph (5) of this Subsection, on a second conviction, the offender shall be imprisoned, with or without hard labor for not less than six months nor more than three years, and in addition may be fined not less than two thousand five hundred dollars nor more than five thousand dollars.

(B) The imprisonment provided for in Subparagraph (a) of this Paragraph, may be imposed at court discretion if the court determines that the offender, due to his employment, could not avoid engagement in the offense. This Subparagraph shall not apply to the manager or other person in charge of an establishment selling or exhibiting obscene material.

(3) Except as provided in Paragraph (5) of this Subsection, on a third or subsequent conviction, the offender shall be imprisoned with or without hard labor for not less than two years nor more than five years, and in addition may be fined not less than five thousand dollars nor more than ten thousand dollars.

(4) When a violation of Paragraph (1), (2), or (3) of Subsection A of this Section is with or in the presence of an unmarried person under the age of seventeen years, the offender shall be fined not more than ten thousand dollars and shall be imprisoned, with or without hard labor, for not less than two years nor more than five years, without benefit of parole, probation, or suspension of sentence.

(5) Whoever violates the provisions of Paragraphs (A)(7) or (A)(8) of this Section may be fined not less than one hundred dollars nor more than five hundred dollars.

(h)(1) When a corporation is charged with violating this Section, the corporation, the president, the vice president, the secretary, and the treasurer may all be named as defendants. Upon conviction for a violation of this Section, a corporation shall be sentenced in accordance with Subsection G of this Section. All corporate officers who are named as defendants shall be subject to the penalty provisions of this Section as set forth in Subsection G of this Section.

(2) If the corporation is domiciled in this state, upon indictment or information filed against the corporation, a notice of arraignment shall be served upon the corporation, or its designated agent for service of process, which then must appear before the district court in which the prosecution is pending to plead to the charge within fifteen days of service. If no appearance is made within fifteen days, an attorney shall be appointed by the court to represent the defendant corporation with respect to the charge or to show cause why the corporation should not be enjoined from continuing in business during the pendency of the criminal proceedings. Appearance for arraignment may be made through private counsel.

(3) If the corporation is domiciled out of state and is registered to do business in Louisiana, notice of arraignment shall be served upon the corporate agent for service of process or the secretary of state, who shall then notify the corporation charged by indictment or information to appear before the district court in which the prosecution is pending for arraignment within sixty days after the

notice is mailed by the secretary of state. If no appearance is made within sixty days the court shall appoint an attorney to represent the defendant corporation with respect to the charge or to show cause why the corporation should not be enjoined from continuing in business during the pendency of the criminal proceedings. Appearance for arraignment may be made by private counsel.

(4) If the corporation is domiciled out of state and is not registered to do business in Louisiana, notice of arraignment of the corporation shall be served upon the secretary of state and an employee, officer, or agent for service of process of the corporation found within the parish where the violation of this Section has allegedly occurred. Such notice shall act as a bar to that corporation registering to do business in Louisiana until it appears before the district court in which the prosecution is pending to answer the charge.

(i)(1)(A) When an act of obscenity as defined in Paragraph (A)(1) of this Section is reported, the law enforcement agency acting in response to the reported incident shall provide notice of the incident to the principal or headmaster of each school located within two thousand feet of where the incident occurred. This notice shall be provided by the law enforcement agency to the principal or headmaster within twenty-four hours of receiving the report of the incident and by any reasonable means, including but not limited to live or recorded telephone message or electronic mail.

(b) The notice required by the provisions of Subparagraph (a) of this Paragraph shall include the date, time, and location of the incident, a brief description of the incident, and a brief description of the physical characteristics of the alleged offender which may include but shall not be limited to the alleged offender's sex, race, hair color, eye color, height, age, and weight.

(2)(A) Within twenty-four hours of receiving notice of the incident from law enforcement pursuant to the provisions of Paragraph (1) of this Subsection, the principal or headmaster shall provide notice of the incident to the parents of all students enrolled at the school by any reasonable means, including but not limited to live or recorded telephone message or electronic mail.

(B) The notice required by the provisions of Subparagraph (a) of this Paragraph shall include the same information required for the notice provided in Paragraph (1) of this Subsection to the extent that the information is provided by law enforcement to the principal or headmaster of the school.

(3) When the expiration of the twenty-four-hour period occurs on a weekend or holiday, notice shall be provided no later than the end of the next regular school day.

(4) For purposes of this Subsection, "school" means any public or private elementary or secondary school in this state, including all facilities of the school located within the geographical boundaries of the school property.

(5) The principal, headmaster, school, owner of the school, operator of the school, and the insurer or self-insurance program for the school shall be immune from any liability that arises as a result of compliance or noncompliance with this Subsection, except for any willful violation of the provisions of this Subsection.

SECTION 21-106.3 – Unlawful exhibition of sexually explicit material in a motor vehicle; penalties

(a) It shall be unlawful for any person to knowingly exhibit sexually explicit material in a motor vehicle on a public street, highway, public place, or any place open to public view knowing that the material is visible to the public from outside the motor vehicle.

(b) For the purposes of this Section the term "exhibit sexually explicit material" means to present, exhibit, project, or display a motion picture, film, videotape, compact disc, digital versatile disc, digital video disc, or any other form of visual technology of any of the following:

(1) Ultimate sexual acts, normal or perverted, actual, simulated, or animated, whether between human beings, animals, or an animal and a human being.

(2) The graphic depiction of sex, including but not limited to the visual depiction of sexual activity or nudity.

(c)(1) Whoever violates a provision of this Section upon a first conviction shall be fined not more than five hundred dollars or imprisoned for not more than six months, or both.

(2) Upon a second conviction, the offender shall be fined not more than one thousand dollars and imprisoned for not more than one year, or both.

(3) Upon a third or subsequent conviction, the offender shall be fined not more than one thousand dollars and shall be imprisoned for not more than one year, or both. At least ten days of the sentence imposed shall be served without benefit of probation, parole, or suspension of sentence.

SECTION 21-116 – Flag Desecration

Flag desecration is the act of any person who shall intentionally, in any manner, for exhibition or display:

(1) Place or cause to be placed any word, mark, design or advertisement of any nature upon any flag; or

(2) Expose to public view any flag, upon which has been printed or otherwise produced, or to which shall have been attached any such word, mark, design, or advertisement; or

(3) Expose to public view, or have in possession for sale or any other purpose, any article of merchandise, or thing for holding or carrying merchandise, upon or to which shall have been produced or attached any flag, in order to advertise, call attention to or decorate such article; or

(4) Publicly mutilate, defile, or by word or act cast contempt upon any flag.

The word “flag” as used herein shall mean any duly authorized flag, shield, standard, color or ensign of the United States, the State of Louisiana, or the Confederate States of America, or any copy thereof.

Whoever commits the crime of flag desecration shall be fined not more than one hundred dollars, or imprisoned for not more than ninety days, or both.

SECTION 21-116.1 – Flag Burning

(a) Flag burning is the act of any person who intentionally burns or sets fire to the United States flag to cast contempt upon the flag.

(b) This Section shall not prohibit the burning of the flag in a respectful retirement ceremony to dispose of a worn or soiled flag.

(c) The word “flag” as used in this Section shall mean the flag of the United States.

(d) Whoever commits the crime of flag burning shall be fined not more than one thousand dollars, or imprisoned for not more than ninety days, or both.

(e) The provisions of this Section shall not take effect unless and until an amendment to the federal constitution regarding flag desecration is proposed by the Congress and approved by the requisite number of states and becomes law.

SECTION 21-285 – Telephone Communications; Improper Language; Harassment; Penalty

(a) No person shall:

(1) Engage in or institute a telephone call, telephone conversation, or telephone conference, with another person, anonymously or otherwise, and therein use obscene, profane, vulgar, lewd, lascivious, or indecent language, or make any suggestion or proposal of an obscene nature or threaten any illegal or immoral act with the intent to coerce, intimidate, or harass another person.

(2) Make repeated telephone communications anonymously or otherwise in a manner reasonably expected to annoy, abuse, torment, harass, embarrass, or offend another, whether or not conversation ensues.

(3) Make a telephone call and intentionally fail to hang up or disengage the connection.

(4) Engage in a telephone call, conference, or recorded communication by using obscene language, when by making a graphic description of a sexual act, and the offender knows or reasonably should know that such obscene or graphic language is directed to, or will be heard by, a minor. Lack of knowledge of age shall not constitute a defense.

(5) Knowingly permit any telephone under his control to be used for any purpose prohibited by this Section.

(b) Any offense committed by use of a telephone as set forth in this Section shall be deemed to have been committed at either the place where the telephone call or calls originated or at the place where the telephone call or calls were received.

(c) Whoever violates the provisions of this Section shall be fined not more than five hundred dollars, or imprisoned for not more than six months, or both.

(d) Upon second or subsequent offenses, the offender shall be fined not more than five thousand dollars, or imprisoned with or without hard labor for not more than two years, or both.

SECTION 21-329.2 – Inciting to Riot

Inciting to riot is the endeavor by any person to incite or procure any other person to create or participate in a riot.

Remove the following Sections from the Hammond Code of Ordinances:

21-63.1
21-63.2
21-63.5
21-63.6
21-105.1

+++++

SECTION 16-32 – Intentional littering prohibited; criminal penalties; simple littering prohibited; civil penalties; special court costs

(a) Intentional littering. (1) No person shall intentionally dispose or permit the disposal of litter upon any public place in the state, upon private property in this state not owned by him, upon property located in rural areas in this state not owned by him, or in or on the waters of this state, whether from a vehicle or otherwise, including but not limited to any public highway, public right-of-way, public park, beach, campground, forest land, recreational area, trailer park, highway, road, street, or alley, except when such property is designated by the state or by any of its agencies or political subdivisions for the disposal of such litter and such person is authorized to use such property for such purpose.

(2) Whoever violates the provisions of this Subsection shall:

(A) Upon first conviction, be fined two hundred fifty dollars and sentenced to serve eight hours of community service in a litter abatement work program as approved by the court.

(B) Upon second conviction, be fined five hundred dollars and sentenced to serve sixteen hours of community service in a litter abatement work program as approved by the court.

(C) Upon third or subsequent conviction, be fined one thousand two hundred fifty dollars, have his motor vehicle driver's license suspended for one year, and be sentenced to serve eighty hours of community service in a litter abatement work program as approved by the court, or all or any combination of the penalties provided by this Subparagraph.

(3) Whoever violates the provisions of this Subsection by the intentional disposal or permitting the disposal of cigarettes, cigarette butts, cigars, cigarillos, or cigar or cigarillo tips from a motor vehicle shall:

(A) Upon first conviction, be fined three hundred dollars and sentenced to serve eight hours of community service in a litter abatement work program as approved by the court.

(B) Upon second conviction, be fined seven hundred dollars and sentenced to serve sixteen hours of community service in a litter abatement work program as approved by the court.

(C) Upon third or subsequent conviction, be fined one thousand five hundred dollars, have his motor vehicle driver's license suspended for one year, and be sentenced to serve eighty hours of community service in a litter abatement work program as approved by the court, or all or any combination of the penalties provided by this Subparagraph.

(b) Simple littering. (1) No person shall dispose of, or create a condition that the person knew or should have known was likely to result in the disposal of, litter upon any public place in this state, upon private property in this state not owned by him, upon property located in a rural area in this state not owned by him, or in or on the waters of this state, whether from a vehicle or otherwise, including but not limited to any public highway, public right-of-way, public park, beach, campground, forest land, recreational area, trailer park, highway, road, street, or alley.

(2) Persons found liable under the provisions of this Subsection shall be assessed the following civil penalties and costs:

(A) For a first violation, such person shall either be fined seventy-five dollars or given the option to perform eight hours of community service in a litter abatement work program in lieu of the assessed seventy-five dollar fine.

(B) For a second and each subsequent violation, such person shall either be fined five hundred dollars or be given the option to perform sixteen hours of community service in a litter abatement work program in lieu of the five hundred dollar fine.

(c) Whoever violates the provisions of this Section shall pay special court costs of one hundred dollars in lieu of other costs of court and the special court costs shall be disbursed as follows:

(1) Twenty dollars shall be paid to the judicial expense fund for that judicial district, or to the justice of the peace or the city court, as the case may be.

(2) Twenty dollars shall be paid to the office of the district attorney, to the constable, or to the municipal prosecuting attorney, as the case may be.

(3) Ten dollars shall be paid to the clerk of the district court, or to the justice of the peace or the city court, as the case may be.

(4) Twenty-five dollars shall be paid to the state treasury for credit to the Keep Louisiana Beautiful Fund.

(5) Twenty-five dollars shall be paid to the law enforcement agency that issued the citation.

(d)(1) If the litter is disposed from a motor vehicle, boat, or conveyance, except a bus or large passenger vehicle or a school bus, all as defined in R.S. 32:1, there shall be an inference that the driver of the conveyance disposed of the litter. If such litter was possessed by a specific person immediately before the act of disposing, there shall be an inference that the possessor committed the act of disposing.

(2) When litter disposed in violation of this Section is discovered to contain any article or articles, including but not limited to letters, bills, publications, or other writings, which display the name of a person or in any other manner indicate that the article belongs or belonged to such person, there shall be an inference that such person has violated this Section.

(e) The person shall be cited for the offense by means of a citation, summons, or other means provided by law.

(f) A person may be found guilty or held liable and fined under this Section although the commission of the offense did not occur in the presence of a law enforcement officer if the evidence presented to the court establishes that the defendant has committed the offense.

(g) For the purposes of this Section, each occurrence shall constitute a separate violation.

(h) In addition to penalties otherwise provided, a person convicted or held liable under this Section shall:

(1) Repair or restore property damaged by or pay damages for any damage arising out of the violation of this Section.

(2) Pay all reasonable investigative expenses and costs to the investigative agency or agencies.

(i) Notwithstanding any provision to the contrary, this Section shall not apply to any activity by persons owning or operating duly licensed commercial vehicles engaged in the collection and transportation of solid waste, construction, or demolition debris or wood waste, as such terms are defined by the rules and regulations of the Department of Environmental Quality, occurring in the course of servicing scheduled pickup routes pursuant to commercial or local government contracts or en route to an authorized pickup station, transfer station, or disposal facility. To qualify for the exemption provided for in this Subsection, the commercial vehicle shall be covered at all times, except during loading and unloading, in a manner that prevents rain from reaching the waste, prevents waste from falling or blowing from the vehicle, and ensures that leachate from the waste is not discharged from the vehicle during transportation.

SECTION 16-36 – Gross Littering Prohibited; Criminal Penalties; Indemnification

(a) No person shall intentionally dispose or permit the disposal of any household or office furniture or appliances, automotive parts, including but not limited to tires and engines, trailers, boats and boating accessories, tools and equipment, building materials, roofing nails, and bags or boxes of household or office garbage or refuse upon any public place in the state, upon private property in this state not owned by him, upon property located in rural areas in this state not owned by him, or in or on the waters of this state, whether from a vehicle or otherwise, including but not limited to any public highway, public right-of-way, public park, beach, campground, forest land, recreational area, trailer park, highway, road, street, or alley, except when such property is designated by the state or by any of its agencies or political subdivisions for the disposal of such items and such person is authorized to use such property for such purpose.

(b)(1) If the litter listed in Subsection A is disposed of from a motor vehicle, boat, or conveyance, except a bus or large passenger vehicle or a school bus, all as defined by R.S. 32:1, there shall be an inference that the driver of the conveyance disposed of the litter. If such litter was possessed by a specific person immediately before the act of disposing, there shall be an inference that the possessor committed the act of disposing.

(2) When litter disposed in violation of this Section is discovered to contain any article or articles, including but not limited to letters, bills, publications, or other writings, which display the name

of a person or in any other manner indicate that the article belongs or belonged to such person, there shall be an inference that such person has violated this Section.

(c) The person shall be cited for the offense by means of a citation, summons, or other means provided by law.

(d)(1) Whoever violates the provisions of this Section shall, upon first conviction, be fined not less than five hundred dollars nor more than one thousand dollars and sentenced to serve eight hours of community service in a litter abatement work program as approved by the court.

(2) Upon second conviction, an offender shall be fined not less than one thousand dollars nor more than two thousand five hundred dollars and sentenced to serve twenty-four hours of community service in a litter abatement work program as approved by the court.

(3) Upon third or subsequent conviction, an offender shall be fined not less than one thousand five hundred dollars nor more than five thousand dollars, have his motor vehicle driver's license suspended for one year, be imprisoned for not more than thirty days, or sentenced to serve not less than forty-eight and not more than one hundred hours in a litter abatement work program as approved by the court, or all or any combination of the aforementioned penalties.

(4) The judge may require an individual convicted of a violation of this Section to remove litter from state highways, public rights-of-way, public playgrounds, public parks, or other appropriate locations for any prescribed period of time in lieu of the penalties prescribed in this Section.

(e) A person may be found guilty and fined under this Section although the commission of the offense did not occur in the presence of a law enforcement officer if the evidence presented to the court establishes that the defendant has committed the offense.

(f) For the purposes of this Section, each occurrence shall constitute a separate violation.

(g) In addition to penalties otherwise provided, a person convicted under this Section shall:

(1) Repair or restore property damaged by or pay damages for any damage arising out of the violation of this Section.

(2) Pay all reasonable investigative expenses and costs to the investigative agency or agencies.

Sec. 1-8. - General penalty.

It shall be unlawful for any person to violate or fail to comply with any provision of this Code or commit any act declared to be unlawful or a misdemeanor, and where no specific penalty is provided therefor, the violation of any provision of this Code shall be punished by a fine not exceeding one thousand dollars (\$1000.00) or imprisonment for a term not exceeding two (2) years, or by both such fine and imprisonment, within the discretion of the court.

The Judge retains the discretion to sentence any person who violates any provision of this Code or commit any act declared to be unlawful or a misdemeanor, to any other sentence or other terms and conditions deemed appropriate, regardless of whether a specific penalty has been provided herein.

Each day any violation of any provision of this Code shall continue constitutes a separate offense.

The current Ordinance 21-116 shall be moved to Chapter 16 as Ordinance 16-39

+++++

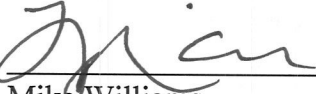
2. All Ordinances in conflict therewith are repealed.

The above and foregoing ordinance having been duly submitted to the Hammond City Council in writing; introduced at a public meeting on **May 5th, 2015** of the Hammond City Council and discussed at a public meeting held on **May 19th, 2015**; after motion and second was submitted to the official vote of the Hammond City Council.

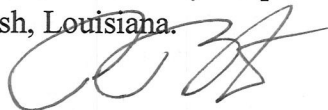
On motion by Jason Hood and a Second by Johnny Blount the foregoing ordinance was hereby declared adopted on **May 19th, 2015** by the following roll call vote:

Votes: Johnny Blount (Y) Jason Hood (Y) Janice Beard (Y) Lemar Marshall (Y) Mike Williams (Y)
Motion carried approved.

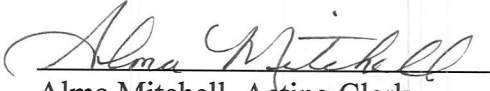
WHEREFORE the above and foregoing ordinance was declared duly adopted on this **19th** day of **May** in the year **2015**, at Hammond, Tangipahoa Parish, Louisiana.



Mike Williams
President, Hammond City Council



Honorable Pete Panepinto
Mayor, City of Hammond

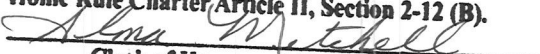


Alma Mitchell, Acting Clerk
Hammond City Council

CERTIFICATE OF DELIVERY
In accordance with Home Rule Charter Article II, Section 2-12 (A), the above Ordinance was delivered to the Mayor of the City of Hammond on the 20th day of May, in the year 2015 at 2:30 o'clock P..m. said delivery being within three (3) calendar days after adoption, exclusive of weekends and state holidays.


Clerk of Hammond City Council

Recordation of Receipt Received from the Mayor of the City of Hammond on the 20th day of May in the year 2015 at 4:00 o'clock P..m., in accordance with Home Rule Charter Article II, Section 2-12 (B).


Clerk of Hammond City Council

**CITY OF HAMMOND
ORDINANCE NO. 15-5427 C.S.**

**An Ordinance to Amend Ordinance #08-5096C.S.
Relative to industrial users' discharges to City's
wastewater treatment facility**

BE IT ORDAINED by the City Council of Hammond, Louisiana, that:

1. Hammond Ordinance #06-5096 C.S. is amended to change concentrations of BOD and COD discharges, and the following section is amended to read as follows (amended text **bold underlined**):

+++++

A. See 1. DEFINITIONS.

.....

SIGNIFICANT INDUSTRIAL USER (SIU), Any industrial user who is connected to the city's domestic wastewater collection system and meets at least one of the following criteria:

- (1) Discharges 50,000 gallons per day or more of wastewater,
- (2) Discharges BOD at concentrations greater than **240 mg/L, and/or total suspended solids at concentrations greater than 90 mg/L** and/or COD at a concentration greater than **400 mg/L.**
- (3) Is an industrial category regulated by National Pretreatment Standards (Categorical Pretreatment Standards) as promulgated by the United States Environmental Protection Agency.
- (4) Is deemed by the Control Authority to be a significant discharge source that alone or combined with other sources may cause pass through, interference, sludge contamination, or biological toxicity in the wastewater treatment plant, or may cause the wastewater treatment plant to violate its National Pollutant Discharge Elimination system permit.
 - (a) Continue the disconnection until that time as the industrial user provides additional pretreatment or other facilities designed to remove the objectionable characteristics from his industrial wastes.

WASTEWATER SERVICE SURCHARGE. The charge assessed on a user of the public sewer system whose wastes exceed in strength the concentration values established as representative of normal wastewater. The surcharge assessment is added to the monthly water and sewer service charges and is calculated by doubling of the water service charge for the month in which the violation occurs.

WATER SERVICE CHARGE. The charge assessed on all users of the public potable (drinking) water system.

B. Eliminate current Sec. 32-85. (b) (1) and replace with the following:

(b)(1) During any consecutive 5-day-sampling period that a SIU discharge to the city's wastewater treatment system has an average COD concentration in excess of 400 mg/L (BOD equivalent = 240 mg/L) – as determined by analysis of no less than three (3) daily 24-hour composite samples collected at the control manhole – the SIU may be assessed a Wastewater Service Surcharge. The Wastewater Service Surcharge shall be calculated by the following formula and

shall be added to the usual monthly water and sewer service charges paid by the SIU:

WSS (Wastewater Service Surcharge) = $\frac{2A \times R}{1000}$

Where

WSS = Wastewater service surcharge based on excessive concentrations of regulated pollutants and assessed as an additional cost to the monthly water and sewer service charges. Multiple violations during a month may result in multiple wastewater service surcharges being assessed the SIU.

A = Number of gallons of water utilized by SIU during the month; and

R = Cost (in dollars) per 1000 gallons of water (based on city's current rate schedule for SIU).

+++++


- 2. All Ordinances or parts hereof in conflict therewith are repealed.
- 3. This ordinance shall be effective as of the date of signature by the Mayor.


The above and foregoing ordinance having been duly submitted to the Hammond City Council in writing; introduced at a public meeting on May 19, 2015 of the Hammond City Council and discussed at a public meeting held on June 02, 2015; after motion and second was submitted to the official vote of the Hammond City Council.

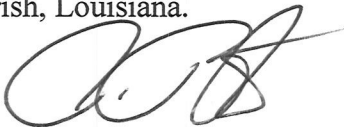
On motion by Jason Hood and a Second by Janice Carter Beard the foregoing ordinance was hereby declared adopted on June 2, 2015, by the following roll call vote:

Votes: Johnny Blount (Y) Jason Hood (Y) Janice Carter Beard (Y) Lemar Marshall (Y) Mike Williams (Y) Motion carried approved.

WHEREFORE the above and foregoing ordinance was declared duly adopted on this 2nd day of June, in the year 2015, at Hammond, Tangipahoa Parish, Louisiana.


Mike Williams
President, Hammond City Council


Alma Mitchell
Acting Council Clerk


Pete Panepinto
Mayor, City of Hammond

CITY OF HAMMOND
ORDINANCE NO. # 15-5428 C.S.

An Ordinance to Amend Ordinance #04-3023 C.S.
Relative to Social Media

BE IT ORDAINED by the City Council that:

1. The Hammond Policies and Procedures Manual, Ordinance #04-3023, is amended to include a new section in Chapter 8, Rule VIII-5 to read as follows:

+++++

Rule VIII-5- Social Media Policy

The City of Hammond understands that social media is widely used. However, use of social media also presents certain risks and carries with it certain responsibilities. As such, the City establishes the following guidelines for appropriate employee use of social media.

- A. In the rapidly expanding world of electronic communication, social media can mean many things. Social media includes all means of communicating or posting information or content of any sort on the Internet, including to your own or someone else’s website or blog, journal or diary, personal website, social networking or affinity website, web bulletin board or a chat room, whether or not associated or affiliated with City of Hammond, as well as any other form of electronic communication.
- B. When considering your activities on social media outlets, keep in mind that any of your conduct that adversely affects your job performance or the performance of fellow employees, or that adversely affects citizens, customers, or vendors of the City of Hammond or of the City’s legitimate business interests may result in disciplinary action up to and including termination of employment.
- C. Inappropriate postings that may include discriminatory remarks, slander, harassment, and threats of violence or similar inappropriate or unlawful conduct against citizens or employees of the City of Hammond will not be tolerated and may subject you to disciplinary action up to and including termination of employment.
- D. Always be fair and courteous to customers, vendors, or people who work on behalf of the City of Hammond. When posting, avoid using statements, photographs, video, or audio that reasonably could be viewed as malicious, dishonest, obscene, threatening, or intimidating, that disparage citizens, vendors, or employees, or that might constitute harassment or bullying. Examples of such conduct might include offensive posts meant to intentionally harm someone’s reputation or posts that could contribute to a hostile work environment on the basis of race, sex, disability, religion or any other status protected by law or the City’s policies.
- E. Make sure that you are always honest and accurate when posting information. If you make a mistake, correct it quickly. Remember that the Internet archives almost everything; therefore, even deleted postings can be searched. Never post any information or rumors that you know to be false about the City of Hammond, citizens, employees, customers, vendors, or people working on behalf of City of Hammond.
- F. Do not post internal communications relating to the City of Hammond or any City Departments or confidential information. Do not create a link from your blog, website, or other social networking site to the City of Hammond’s or City Department websites without prior written approval by the City’s Information Technology Department and either the Mayor or the Director of Administration.
- G. Express only your personal opinions. Never represent yourself as a spokesperson for the City of Hammond. State clearly that you are a City employee and that your views do not

represent those of the City, its employees, customers, vendors, or people working on behalf of City of Hammond. It is best to include a disclaimer such as "The postings on this site are my own and do not necessarily reflect the views of City of Hammond."

- H. Refrain from using social media while on work time or on City-provided equipment unless it is work-related or it is authorized by your supervisor. Do not use the City of Hammond email addresses to register on social networks, blogs, or other online tools used for personal use unless authorized by your supervisor.
- I. The City of Hammond prohibits taking negative action against any employee for reporting a possible deviation from policy or for cooperating in an investigation. Any employee who retaliates against another employee for reporting a possible deviation from this policy or for cooperating in an investigation will be subject to disciplinary action, up to and including termination of employment.

+++++

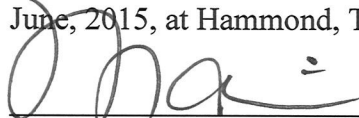
2. All Ordinances in conflict with the above are repealed.

The above and foregoing ordinance having been duly submitted to the Hammond City Council in writing; introduced at a public meeting on May 19th, 2015 of the Hammond City Council and discussed at a public meeting held on June 2nd, 2015; after motion and second was submitted to the official vote of the Hammond City Council.

On motion by Jason Hood and a Second by Janice Carter Beard the foregoing ordinance was hereby declared adopted on June 2nd, 2015, by the following roll call vote:

Votes: Johnny Blount (Y) Jason Hood (Y) Janice Carter Beard (Y) Lemar Marshall (Y) Mike Williams (Y) Motion carried approved.

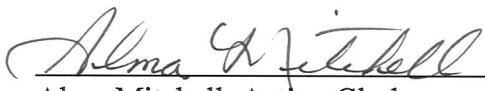
WHEREFORE the above and foregoing ordinance was declared duly adopted on this 2nd day of June, 2015, at Hammond, Tangipahoa Parish, Louisiana.



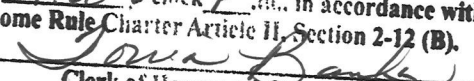
Mike Williams
President, Hammond City Council

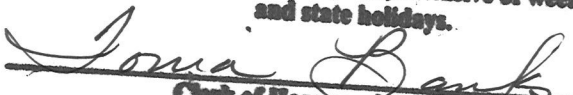


Pete Panepinto
Mayor, City of Hammond



Alma Mitchell, Acting Clerk
Hammond City Council

Recordation of Receipt Received from the
Mayor of the City of Hammond on
the 16th day of June in the year 2015
at 4:00 o'clock P.m., in accordance with
Home Rule Charter Article II, Section 2-12 (B).

Clerk of Hammond City Council

CERTIFICATE OF DELIVERY
In accordance with Home Rule Charter Article II,
Section 2-12 (A), the above Ordinance was delivered to
the Mayor of the City of Hammond on the
16th day of June, in the year 2015
at 2:00 o'clock P.m. said delivery being within three (3)
calendar days after adoption, exclusive of weekends
and state holidays.

Clerk of Hammond City Council



**CITY OF HAMMOND
ORDINANCE NO. #15-5429 C.S.**

Adoption of an ordinance to accept a dedication of a portion of the S. Scanlan Street right-of-way by Clyde & Meverleve Sims (Owner) as shown on survey by Wm. J. Bodin Jr. dated 12/8/2014; Zoned RS-3 (ROW-2015-04-00001)

BE IT ORDAINED by the City Council of Hammond, Louisiana, that:
the City Council of Hammond, Louisiana hereby approves Adoption of an ordinance to accept a dedication of a portion of the S. Scanlan Street right-of-way by Clyde & Meverleve Sims (Owner) as shown on survey by Wm. J. Bodin Jr. dated 12/8/2014; Zoned RS-3 (ROW-2015-04-00001)

The above and foregoing ordinance having been duly submitted to the Hammond City Council in writing; introduced at a public meeting on **May 19, 2015** of the Hammond City Council and discussed at a public meeting held on **June 2, 2015**; after motion and second was submitted to the official vote of the Hammond City Council.

On motion by Janice Carter Beard and Second by Lemar Marshall, the foregoing ordinance was hereby declared adopted on **June 2, 2015**, by the following roll call vote:

Votes: Johnny Blount (Y) Jason Hood (Y) Janice Beard Carter (Y) Lemar Marshall(Y) Mike Williams (Y)

Motion approved.

WHEREFORE, the above and foregoing ordinance was declared duly adopted on this 2nd day of **June 2015**, at Hammond, Tangipahoa Parish, Louisiana.

Mike Williams
President, Hammond City Council

Honorable Pete Panepinto
Mayor, City of Hammond

Alma Mitchell
Acting Council Clerk

**CITY OF HAMMOND
ORDINANCE NO. 15-5430 C.S.**

**An Ordinance Providing For Cross Connection Control and
Water Backflow Prevention**

BE IT ORDAINED by the City Council of Hammond, Louisiana in legal session convened, that:

1. Chapter 32 of the Code of Ordinances for the City of Hammond, Louisiana is amended to add ARTICLE IV Sections 141-145 as follows:

ARTICLE IV

...

Sec. 141. Cross-connection control device or method required.

Each existing or new structure is required to implement and maintain an adequate cross-connection control device or method for backflow prevention as mandated under state law and state regulations.

Sec. 142. Cross Connections

A. There shall be no physical connection between a public water supply and any other water supply which is not of equal sanitary quality and under an equal degree of official supervision; and there shall be no connection or arrangement by which unsafe water may enter a public water supply system. The approval of the City of Hammond Public Works Department shall be obtained prior to making interconnections between potable water supplies.

B. Once delivered to a customer, that is, once water passes through a service connection, it is the customer's responsibility to ensure no water is returned to the public water supply.

C. Water from any potable water supply complying with these requirements may be supplied to any other system containing water of questionable quality only by means of an independent line discharging not less than a distance equal to two times the pipe diameter or 2 inches, whichever is greater, above the overflow level of storage units open to atmospheric pressure or by other methods approved by the state health officer.

Sec. 143 Protection of Water Supply/Containment Practices

A. Each water supplier shall protect the water produced and distributed by its water supply system from potential contamination by ensuring commercial, industrial, governmental, and/or multi-family housing served by a master meter, and/or high risk residential customers comply with the containment practices and maintenance/field testing requirements prescribed in LAC 51:XIV.609. For as otherwise directed by the state health officer. High risk residential customers shall include, but not be limited to, those operating fire suppression systems or irrigation systems equipped with pumps, injectors, pressurized tanks or vessels, or other facilities for injecting into the irrigation system agricultural chemicals such as fungicides, pesticides, soil conditioning or other similar noxious, toxic or objectionable substances. In implementing any ordinances, rules, contracts, policies, or other steps to achieve such compliance, water suppliers shall have the authority to prohibit or discontinue water service to customers who fail to install, maintain, field test, or report the results of the field test for containment assemblies or methods in accordance with LAC 51:XIV.609.F.9.

B. Commercial, industrial, and governmental customers are required to install and maintain, at a minimum, reduced pressure principal backflow prevention devices as a condition of receiving water service. Commercial, industrial, and governmental customers may receive water service after installing and maintaining a lesser protective backflow prevention device or devices,

or no device at all, if, and only if, a certificated Backflow Prevention Surveyor working for the customer certifies, in writing, to the water supplier that there is no contamination threat to the public water supply or that the threat is such that lesser protection is fully protective of the public water supply. Such certifications shall be valid until the plumbing installations downstream of the service connection are altered; control or use of the customer's facility changes; or for a period of three years from the date of certification.

C. The state health officer has determined that Protection of Water Supply/Containment Practices are necessary to protect public health and, therefore, are not subject to the "Grandfather" provisions of § 107 of this part. Customers required to install, maintain, and test backflow prevention devices shall do so remedially if they have not already done so. Note: According to the State Fire Marshall, the addition of a backflow prevention device to a fire protection system changes the system's capacity and must be accounted for.

D. Residential customers with lawn irrigation/sprinkler systems for which pressure vacuum breakers provide adequate protection of the public water supply are exempt from annual testing requirements provided, however, the pressure vacuum breaker must be properly installed and tested upon installation; and tested after any repairs are made. Installation and testing must be performed by an individual qualified to install and inspect pressure vacuum breakers or lawn irrigation backflow prevention devices in accordance with LAC 51:XIV.609.F.8. Results of required tests must be provided timely to the water supplier. A failure to install, test, or maintain a pressure vacuum breaker in accordance with the foregoing shall be grounds for interruption of water service.

Sec. 144. Connection with Unsafe Water Sources Forbidden

A. There shall be no cross-connection, auxiliary intake, bypass, inter-connection or other arrangement, including overhead leakage, whereby water from a source that does not comply with these regulations may be discharged or drawn into any potable water supply which does comply with these requirements. The use of valves, including check or back pressure valves, is not considered protection against return flow, or back-siphonage, or for the prevention of flow of water from an unapproved source into an approved system.

B. Public water supply connections to any customer whose connected plumbing includes auxiliary water supplies, such as wells, submerged inlets, ponds, reservoirs, swimming pools and other sources of stagnant, polluted, or contaminated waters shall be made only through an "air gap" consisting of a physical separation between the free flowing discharge end of a potable water supply pipeline and an open, non-pressure, receiving vessel. Such an air gap shall be at least double the diameter of the supply pipe measured above the overflow rim of the vessel and in no case less than 1".

C. Water loading stations

a. For purposes of this part, there are two classes of water loading stations: potable and non-potable.

b. All loading stations shall be isolated from the public supply using, at a minimum, a double check backflow prevention assembly at the customer connection. Unless specific written permission is granted by the Office of Public Health to fill potable water vessels at a potable water loading station other than over the rim, all vessels being filled at a water loading station shall be filled over the rim.

c. Potable water loading stations shall be assembled using materials suitable for the delivery of potable water, which materials have been sanitized and which materials are, at all times, maintained in a sanitary fashion. Prior to delivering water through a potable water loading station, bacteriological samples taken at the discharge end of the loading station shall be analyzed in accordance with the total coliform rule to ensure the water is fit for human consumption. Any water delivered prior to certification the water is fit for human consumption shall be subject to a mandatory boil water advisory. All vessels used to deliver potable water shall be certified for delivery of potable water and shall be maintained in a sanitary manner. Furthermore, water in bulk vessels shall be tested for disinfectant residual immediately prior to delivering water and hourly while deliveries continue. At a minimum, the disinfectant residual at time of delivery shall be 0.5

mg/1 or the water delivered shall be delivered under a boil water advisory. Bacteriological testing of water delivered using potable water vessels shall be at the discretion of the State Health Officer.

DIVISION 2. WATER BACKFLOW PREVENTION

.Sec. 145- 1 Definitions.

The following definitions shall apply only to this division. For those terms not defined in this division, the definitions contained in the Louisiana State Plumbing Code 2000 edition (LSPC, 2000 Edition), and as amended, shall apply.

Administrative authority means the City of Hammond Public Works Department, or any agent, employee, officer, department, or board of the city designated to enforce this division.

Approved means accepted or acceptable under an applicable specification or standard stated or cited in the Code, or accepted as suitable for the proposed use under procedures and authority of the administrative authority.

Approved backflow prevention assembly for containment means an air gap meeting ASME Standard A 112.1.2 - 1991 (R 1998) Air Gaps in Plumbing Systems or a backflow prevention assembly which is listed by the University of Southern California-Foundation for Cross Connection Control and Hydraulic Research (USC-FCCCHR) as having met the requirements of ANSI/AWWA Standard C510-97 or ASSE Standard 1015-1993, Double Check Valve Backflow-Prevention Assemblies, or ANSI/AWWA Standard C511-97 or ASSE Standard 1013-1993, Reduced-Pressure Principle Backflow Assemblies for containment. The listing shall include the limitations of use based on the degree of hazard. The backflow prevention assembly must also be listed by the ASSE in Table 606 of the LSPC, 2000 Edition or other testing agency approved by the administrative authority. This term shall additionally include those backflow prevention assemblies meeting ANSI/ASSE Standard 1047-1995, Backflow Preventer, Reduced Pressure Detector Assembly, or ANSI/ASSE Standard 1048-1995, Backflow Preventer, Double Check Detector Assembly. (These detector assembly devices are often times used on fire protection/fire sprinkler systems to detect and monitor unauthorized water usage.)

Approved backflow prevention assembly for containment in fire protection system means a backflow prevention assembly listed in Table 606 of the LSPC, 2000 Edition to be used in a fire protection system which also meets the requirements of Factory Mutual Research Corporation (FM) and Underwriters Laboratory (UL) and the requirement of the standard codes adopted by the City of Hammond. Devices sized smaller than 22 inches which have not been listed by Underwriters Laboratory (UL) and tested by Factory Mutual Research Corporation (FM) may be allowed if approved by the state fire marshal, and such device is listed in Table 606 of the LSPC, 2000 Edition, Any such device under this definition shall minimally meet the definition of an approved backflow prevention assembly for containment. In addition, the particular type of device to be used for a particular application/degree of hazard shall be selected and installed in accord with the requirements of Table 0104 of the LSPC, 2000 Edition.

Approved testing agency means an organization primarily established for purposes of testing to approved standards and approved by the administrative authority (e.g., American Society of Mechanical Engineers (ASME), American Society of Sanitary Engineers (ASSE), American Water Works Association (AWWA), American National Standards Institute (ANSI), Factory Mutual Research Corporation (FM), Underwriters Laboratory (UL), University of Southern California—Foundation for Cross Connection Control and Hydraulic Research (USC-FCCCHR), etc.).

Auxiliary water supply means any water supply on or available to the premises other than the water purveyor's approved public water supply such as, but not limited to, a private well, pond or river.

Backflow means the flow of water or other liquids, mixtures, or substance into the distribution pipes of a potable supply of water from any sources other than its intended source.

Backflow connection means any arrangement whereby backflow can occur.

Backflow preventer means a device or method to prevent backflow into the potable water system.

Backflow prevention assembly general tester means those individuals holding a testing certificate from a nationally recognized backflow certification organization approved by the state health officer. Such individuals are not required to be a licensed plumber and are authorized to perform tests of backflow prevention devices and methods. When such devices or methods are located on private property, a backflow prevention assembly general tester is not authorized to install, repair, or maintain such devices or methods. A general tester may perform installation, maintenance or repairs, if the backflow prevention device is on public property, after having obtained approval from the water purveyor.

Backflow prevention assembly technician means a water supply protection specialist licensed by the State Plumbing Board of Louisiana pursuant to R.S. 37:1361 et seq., and its implementing regulations (LAC 46:LV.101 et seq.). All water supply protection specialists are Louisiana licensed plumbers who hold such a special endorsement on their plumbing license. Such individuals are authorized to test, install, repair, and maintain backflow prevention devices and methods.

Back-pressure backflow means backflow due to an increased pressure above the supply pressure. This may be due to pumps, boilers, gravity or other sources of pressure.

Back-siphonage means the flowing back of use, contaminated, or polluted water from a plumbing fixture or vessel into a water supply pipe due to a negative pressure in such pipe. See backflow.

Code. The word Code or this Code, when used alone, shall mean these regulations, subsequent amendments thereto or any emergency rule or regulation which the administrative authority having jurisdiction may lawfully adopt.

Containment means a method of backflow prevention which requires the installation of an air gap or a backflow prevention assembly immediately following the water meter or as close to that location as deemed practical by the administrative authority.

Contamination means an impairment of the quality of the potable water which creates an actual hazard to the public health through poisoning or through the spread of disease by sewage, industrial fluids or waste. Also defined as high hazard.

Cross-connection means any connection or arrangement, physical or otherwise, between a potable water supply system and any plumbing fixture or any tank, receptacle, equipment or device, through which it may be possible for nonpotable, used, unclean, polluted or contaminated water, or other substances, to enter into any part of such potable water system under any condition.

Customer means the owner, operator, or occupant of a building or property which has a water service from a public water system, or the owner or operator of a private water system which has a water service from a public water system. Customer shall not include any residential connection used for dwelling purposes, unless: (i) the residence is also used as a business premises and the home-based business or occupation involves operation of a home-based business or occupation which the water purveyor or city inspector deems a potentially significant and high hazard to the city water supply; (ii) the domestic water service provided is also used for a landscape irrigation system; or (iii) a separate water service has been installed for landscape irrigation and other nondomestic purposes.

Degree of hazard means the rating of a cross-connection or water service which indicates if it has the potential to cause contamination or pollution.

Domestic sewage means the liquid and water-borne wastes derived from the ordinary living processes, free from industrial wastes, and of such character as to permit satisfactory disposal, without special treatment, into the public sewer or by means of a private sewage disposal system.

Double check valve backflow prevention assembly means a backflow prevention device consisting of two independently acting internally loaded check valves, four properly located test cocks, and two isolation valves.

Existing work means a plumbing system, or any part thereof which has been installed prior to the effective date of this Code.

Fire protection system means any system used for fire protection or suppression with a direct connection to the public water supply, including but not limited to sprinklers, stand-pipes, and Siamese connections.

High hazard, See contamination.

High hazard cross connection means a cross-connection which may cause an impairment of the quality of the potable water by creating an actual hazard to the public health, through poisoning or through the spread of disease by sewage, industrial fluids, or waste.

Industrial waste means any and all liquid or water-borne waste from industrial or commercial processes, except domestic sewage.

Isolation means a method of backflow prevention in which a backflow prevention assembly is located at the cross-connection rather than at the water service entrance.

Labeled means equipment or materials bearing a label or listing agency.

Liquid water means the discharge from any fixture, appliance or appurtenance in connection with a plumbing system which does not receive fecal matter.

Listed means equipment or materials included in a list published by a listing agency that maintains periodic inspection or current production of listed equipment or materials and whose listing states either that the equipment or material complies with approved standards or has been tested and found suitable for use in a specified manner.

Listing agency means an agency accepted by the administrative authority which is in the business of listing or labeling and which maintains a periodic inspection program on current production of listed models, and which makes available a published report of such listing in which specific information is included that the product has been tested to approved standards and found safe for use in a specific manner. (e.g., USC-FCCCHR, ASSE, etc.)

Low hazard. See pollution.

Low hazard cross-connection means a cross-connection which may cause an impairment of the quality of potable water to a degree which does not create a hazard to the public health, but which does adversely and unreasonably affect the aesthetic qualities of such potable waters for domestic use.

Main means the principal artery of any system of continuous piping to which branches may be connected.

May is a permissive term.

Pharmaceutical-grade antifreeze means a food-grade antifreeze such as an inhibited propylene glyco-based fluid.

Point of entry means the point of connection to the potable water system.

Point of introduction means the point at which any additive is introduced to the water

supply system.

Pollution means an impairment of the quality of the potable water to a degree which does not create a hazard to the public health but which does adversely and unreasonably affect the aesthetic qualities of such potable waters for domestic use. Also defined as low hazard.

Potable water means water which is satisfactory for drinking, culinary, and domestic purposes and meets the requirements of the state and city departments of health.

Reduced pressure principle backflow prevention assembly means a backflow prevention device consisting of two independently acting internally loaded check valves, a differential pressure relief valve, four properly located test cocks, and two isolation valves.

Sewage means any liquid waste containing animal or vegetable matter in suspension or solution and may include liquids containing chemicals in solution.

Shall. The word shall is a mandatory term.

Section D 106 refers to the section marked D 106 in appendix D of the Louisiana State Plumbing Code, 2000 Edition,

Table D 104 refers to the table marked D 104 in appendix D of the Louisiana State Plumbing Code, 2000 Edition. (Known as the containment device table).

Table D 105 refers to the table marked D 105 in appendix D of the Louisiana State Plumbing Code, 2000 Edition. (Known as the fixture isolation table).

Water purveyor means the City of Hammond Public Works Department.

Water service. Depending on the context, water service means the physical connection between a public water system and a customer's building, property, or private water system, or the act of providing potable water to a customer.

Water supply system means the water supply system of a building or premises consisting of the building supply pipe, the water distributing pipes and the necessary connecting pipes, fittings, control valves, and all appurtenances carrying or supplying potable water in or adjacent to the building or premises.

Sec. 145-2. Administrative authority.

(a) The water purveyor shall have the right to enter, with the consent of the customer, or upon the basis of a suitable warrant issued by a court of appropriate jurisdiction, any property to inspect for cross-connections.

(b) The State of Louisiana will approve training programs for backflow prevention assembly technicians and register backflow prevention assembly technicians who successfully complete a training program approved by the State Plumbing Board of Louisiana as per R.S. 37:1367(G) and LAC 46:LV.310, all of which applies to licensed plumbers.

In addition, the state health officer, through the LSPC, 2000 Edition, does accept certain persons as general testers per Section D108.1.1 thereof. Such individuals are known and defined herein as backflow prevention assembly general testers. The limitations of jurisdiction/authority of backflow prevention assembly general testers are described within said definition.

(c) The administrative authority shall collect a fee of \$25.00 for each inspection done by the water purveyor. The inspection will only be for the water purveyor to make sure that the air gap or backflow prevention device is in place and is the proper cross-connection control device or method used in accord with Table D104 and Section D106.

(d) The administrative authority and the water purveyor shall maintain records of cross-connection hazard surveys, and the installation, testing, and repair of all backflow prevention assemblies installed for containment purposes.

(e) Notwithstanding anything herein to the contrary, the administrative authority and water purveyor are authorized to take additional actions which may not be specifically covered herein that are deemed necessary to protect the City of Hammond's water supply from potential or actual cross connections in accord with the requirements of the Louisiana State Plumbing Code, 2000 Edition.

Sec. 145-3. - Water services.

A. New water services.

(1) Plans shall be submitted to the water purveyor for review on all new water services in order to determine the degree of hazard.

(2) The water purveyor shall approve the type of backflow prevention assembly or method required for containment based on the requirement of Table D104 and degree of hazard. If a cross-connection is not listed in Table D104, the water purveyor shall use Table B1 of the Manual for the Selection, Installation, Maintenance, and Field Testing of Backflow Prevention Devices (CAN/CSA Standard B64.10-1994) as a guide to determine the type of device to require. (This document is referred to in Table 606 of the LSPC, 2000 Edition.)

(3) The water purveyor shall require the installation of the appropriate backflow prevention assembly or method for containment before the initiation of water service.

B. Existing water service.

(1) Any changes of, or additions to, existing water services shall be treated as new water services for the purpose of this division.

(2) Within six months after adoption of this division, the administrative authority shall publish and make available to each customer a copy of the standards used to determine the degree of hazard.

(3) Each customer shall survey the activities and processes which receives water service and shall report to the water purveyor if cross-connections exist and the degree of hazard. Upon a finding of hazard, the customer shall cause the appropriate backflow prevention assembly or method to be installed in a timely fashion.

(4) For existing water services, the water purveyor may inspect the premises to determine the degree of hazard. When high hazard cross-connections are found the water purveyor shall:

- a. Develop a schedule of compliance which the customer shall follow; or
- b. Terminate the water service until a backflow prevention assembly or method for containment required by the water purveyor has been installed.

(5) Failure of the water purveyor to notify a customer that the customer has a high hazard cross-connection and should install backflow prevention assemblies or methods for containment in no way relieves the customer of the responsibility to comply with all requirements of this section.

Sec. 145-4. Customer duties.

A. The customer shall be responsible for ensuring that no cross-connections exist without approved backflow protection within the customer's premises starting at the point of service from the public potable water system.

B. The customer shall, at the customer's own expense, cause installation, operation, testing and maintenance of the backflow prevention assemblies required by the administrative authority. The customer shall advise the water purveyor in advance of when a device is to be tested to allow the water purveyor the opportunity to witness the test.

C. Within 15 days after testing and/or repairs are completed, the customer shall provide the administrative authority with copies of records of the installation and of all tests and repairs made to the backflow prevention assembly on a form provided by the administrative authority.

D. In the event of a backflow incident, the customer shall immediately notify the water purveyor of the incident and take steps to confine the contamination or pollution. Water service will not be restored until corrective action is taken and approved after inspection by the water purveyor.

E. In accordance with Section D108.3.4 of the LSPC, 2000 Edition, the customer shall maintain records of installations, tests, repairs, overhauls, or replacements of backflow prevention devices or methods for at least five years and, upon request, such records shall be made available to the administrative authority.

Sec. 145--5. - Requirements.

A. Water purveyor requirements:

(1) For premises existing prior to the start of this program, the water purveyor will perform evaluations and inspections of plans and/or premises and inform the customer by letter of any corrective action deemed necessary, the method of achieving the correction, and the time allowed for the correction to be made. Ordinarily, 90 days will be allowed, however, this time period may be shortened depending upon the degree of hazard involved and the history of the device(s) in question.

(2) The water purveyor will not allow any cross-connection to remain unless it is protected by an approved backflow preventer or an air gap for which a permit has been issued and which will be regularly tested to insure satisfactory operation.

(3) The water purveyor shall notify the customer by letter of any failure to comply at the time of the first reinspection or immediately following the first reinspection. The water purveyor will allow an additional 15 days for the correction. In the event the customer fails to comply with the necessary correction by the time of the second reinspection, the water purveyor will notify the customer by letter that the water service to the customer's premises will be terminated within five days from the customer's receipt of such letter, in the event that the customer informs the water purveyor of extenuating circumstances as to why the correction has not been made, a time extension may be granted by the water purveyor but in no case will exceed an additional 30 days.

(4) Notwithstanding anything to the contrary, if the water purveyor determines at any time that a serious threat to the public health exists, the water service will be terminated immediately.

(5) The water purveyor shall have on file a list of private contractors who are certified backflow device testers and/or repairers. All charges for these tests, repairs, etc., will be paid by the customer of the building or property.

(6) The water purveyor will begin initial premise inspections to determine the nature of existing or potential hazards, following the approval of this program by the city council and mayor, during the calendar year. Initial focus will be on high hazard industries and commercial premises.

B. Customer requirements.

(1) The customer shall be responsible for the elimination or protection of all cross-connections on his premises.

(2) The customer, after having been informed by a letter from the water purveyor, shall at his expense, install, maintain, and test or have tested, any and all required backflow prevention devices or methods on his premises.

(3) The customer shall correct any malfunction of the backflow prevention device

or method which is revealed by periodic testing.

(4) The customer shall inform the water purveyor of any proposed or modified cross-connection and also any existing cross-connection of which the customer is aware but has not been found by the water purveyor.

(5) The customer shall not install a bypass around any backflow prevention device or method unless there is a backflow prevention device or method of the same type on the bypass. Customers who cannot shut down operation for testing of the device(s) or method(s) must supply additional devices or methods necessary to allow testing to take place.

(6) The customer shall install backflow prevention devices or methods in a manner approved by the water purveyor and in conformance with the installation requirements of Section 606 of the LSPC, 2000 Edition. In addition, devices having an atmospheric port or discharge shall be installed such that the port or discharge point is located at least 24 inches above the highest flood level which may have occurred in the previous ten-year period.

(7) The customer shall install only backflow prevention devices or methods approved by the water purveyor.

(8) Any customer having a private well, auxiliary water supply or other private water source must have a permit if the well, auxiliary water supply or source is cross-connected to the water purveyor's system. Permission to cross-connect may be denied by the water purveyor. The customer may be required to install a backflow prevention device or method at the service entrance if a private water source is maintained, even if it is not cross-connected to the water purveyor's system.

(9) In the event the customer installs plumbing to provide potable water for domestic purposes which is on the water purveyor's side of the backflow prevention device or method, such plumbing must have its own backflow preventer installed.

(10) The customer shall be responsible for the payment of a \$50.00 annual permit fee, annual or semi-annual device or method testing, re-testing in the case that the device or method fails to operate correctly, and second reinspections for noncompliance with the water purveyor's requirements. A reinspection fee of \$200.00 per device shall be charged each time a facility fails an inspection.

Sec. 145--6. Required backflow prevention assemblies or methods for containment.

A. *Water service assemblies:* An air gap or an approved reduced pressure principle backflow prevention assembly is required for water services having one or more potential cross-connections which the administrative authority classifies as high hazard as defined by Tables D104 and D105.

B. *Fire protection system assemblies:*

(1) All proposed installations of fire suppression systems shall be reviewed by the City of Hammond Fire Department and the City of Hammond Public Works Department to determine the appropriate type of backflow prevention devices or methods required.

(2) For all proposed fire suppression systems using antifreeze, a reduced pressure principle (#10 on Table D104) backflow prevention device shall be installed at the point of entry. The customer shall provide the city with the design and chemical usage of the fire suppression system.

(3) All existing fire suppression systems shall meet the requirements of section 98-112 above. An inspection by a fire suppression specialist shall be done to determine whether antifreeze has been utilized in the suppression system. The inspection shall be done at the expense of the customer. If it cannot be certified that antifreeze has been used, then a backflow prevention device shall be installed as prescribed by Table D104 and as approved by the City of Hammond Public Works department. Installation shall be at the expense of the customer. The required backflow prevention devices or methods shall be installed at the time the system is repaired or

changed, or within 12 months after adoption of this division, whichever occurs first.

(4) In the event cross-connections, such as those found in using auxiliary water supply systems or in providing other water additives such as foaming agents, are necessary for the proper operation of the fire suppression system, then an air gap or a reduced pressure principle backflow prevention device shall be installed in an approved manner.

Sec. 145--7. Registration.

A. *Technician registration:* Any backflow prevention assembly technician licensed by the State of Louisiana must register with the administrative authority before performing work within the City of Hammond. Any licensed backflow prevention assembly technician shall include his or her state registration number on all correspondence and forms required by or associated with this division.

B. *General tester registration:* Any backflow prevention assembly general tester shall present a copy of his/her testing certificate from a nationally recognized backflow certification organization and shall register with the administrative authority before performing work within the City of Hammond.

Sec. 145--8. Noncompliance by registered technicians or general testers.

(a) The local registration of a technician or general tester may be revoked or suspended for a period of up to two years for noncompliance with this division.

(b) Any of the following conditions constitute noncompliance:

(1) Improper testing or repair of backflow prevention assemblies or methods;

(2) Improper reporting of the results of testing or of repairs made to backflow prevention assemblies or methods;

(3) Failure to meet registration requirements; or

(4) Related unethical practices.

Sec. 145--9. Installation of backflow prevention assemblies or methods.

A. The required backflow prevention assemblies or methods for containment shall be installed in the manner recommended by the manufacturer and in accord with the requirements of Section 606 of the LSPC, 2000 Edition, immediately following the meter or as close to that location as deemed practical by the administrative authority. In any case, it shall be located upstream from any branch piping. Installation at this point does not eliminate the responsibility of the customer to protect the water supply system from contamination or pollution between the backflow prevention assembly or methods and the water main.

B. Reduced pressure principle backflow prevention assemblies shall be installed so as to be protected from flooding. The port or discharge point shall be installed such that it is located at least 24 inches above the highest flood level which may have occurred in the previous ten-year period.

C. Reduced pressure principle backflow prevention assemblies or methods shall not be installed in underground vaults or pits, unless a gravity drainage system (designed by a Louisiana registered engineer) for the particular site has been approved by the state health officer. (The intent of the exception to this section is to possibly allow below grade installations on particular sites or lots having sufficiently hilly ground at the proposed location of the device such that when the vault or pit is constructed it may be equipped with positive gravity drainage openings as to prevent any part of the device from being submerged. A recommended design standard for such an installation may be found in Sections 606.4.1 and 606.4.2 of the 1994 Standard Plumbing Code.)

D. All backflow prevention assemblies or methods shall be protected from freezing.

Those devices used for seasonal services may be removed in lieu of being protected from freezing; however, the devices must be reinstalled and tested by a registered backflow prevention assembly technician prior to service being reactivated.

E. If hot water is used within the water supply system, thermal expansion shall be provided for when installing a backflow prevention assembly or method for containment in accordance with Section 613.2 of the LSPC, 2000 Edition.

F. Provisions shall be made to convey the discharge of water from reduced pressure principle backflow prevention assemblies or methods to a suitable drain through an air gap.

G. No backflow prevention assemblies or methods shall be installed in a place where they would create a safety hazard, such as, but not limited to, over an electrical panel, or above ceiling level.

H. If interruption of water service during testing and repair of backflow prevention assemblies or methods for containment is unacceptable to the customer, another backflow prevention assembly or method of equivalent or higher protection, sized to handle the temporary water flow needed during the time of testing or repair, shall be installed in parallel piping.

I. All backflow prevention assemblies or methods shall be installed so that they are accessible for testing.

J. All shut-off valves shall conform with the current edition of the 2000 Edition Louisiana State Plumbing Code requirements for either ball or resilient seat gate valves. Full port ball valves shall be used on assemblies installed in piping two inches or smaller, and full port resilient wedge-type shut off valves on assemblies installed in piping larger than two inches.

Sec. 145--10. Testing of backflow prevention assemblies or methods.

A. Testing of backflow prevention assemblies or methods shall be performed by a backflow prevention assembly technician or by a backflow prevention assembly general tester registered with the administrative authority. The costs of tests required in the following paragraphs shall be borne by the customer.

B. Backflow prevention assemblies or methods shall be tested upon installation; when cleaned, repaired, or overhauled; when relocated; and, shall be tested and inspected at least once annually. Backflow prevention devices shall be tested in accordance with CAN/CSA Standard B64.10-1994 or ASSE Standard 5010-1998.

C. Backflow prevention assemblies or methods which are in place, but have been out of operation for more than three (3) months, shall be tested before being put back into operation. Backflow prevention assemblies or methods used in seasonal applications shall be tested before being put into operation each season.

D. Any backflow prevention assembly or method which fails a periodic test shall be repaired or replaced by a backflow prevention assembly technician when such assembly is located on private property. When such a device is located on public property, a backflow prevention assembly general tester may repair or replace the device if authorized by the water purveyor. When water service has been terminated for noncompliance, the backflow prevention assembly or method shall be repaired or replaced prior to the resumption of water service. Backflow prevention assemblies or methods shall be re-tested by a registered backflow prevention assembly technician or by a backflow prevention assembly general tester immediately after repair or replacement.

E. The City of Hammond Public Works Department may require backflow prevention assemblies or methods to be tested at any time in addition to the annual testing requirement.

F. The registered backflow prevention assembly technician or backflow prevention assembly general tester shall report the testing of backflow prevention assembly or method to the customer and to the administrative authority within 15 days of the test.

G. The administrative authority may require, at its own cost, additional tests of

individual backflow prevention assemblies or methods as it shall deem necessary to verify test procedures and results.

Sec. 145--11. Repair of backflow prevention assemblies or methods.

A. All repairs to backflow prevention assemblies or methods on private property shall be performed by a licensed plumber holding a special water supply protection specialist endorsement on his plumbing license, herein defined as backflow prevention assembly technician.

B. After obtaining approval from the water purveyor, a backflow prevention assembly general tester may perform repairs to backflow prevention assemblies or methods located on public property.

C. The registered backflow prevention assembly technician or backflow prevention assembly general tester shall not change the design, material, or operational characteristics of a backflow prevention assembly or method during repair or maintenance, and shall use only original manufacturer replacement parts, if available; if not available, shall use replacement parts approved by the department of inspections.

D. The registered backflow prevention assembly technician or backflow prevention assembly general tester shall report the repair, overhaul, or replacement of any backflow prevention assembly or method to the customer and to the City of Hammond Public Works Department on the form provided by the City of Hammond Public Works department within 15 days of the repair.

Sec. 145--12. Customer noncompliance.

The water service may be discontinued in the case of noncompliance with this division. Noncompliance includes, but is not limited to, the following:

(1) Refusal to allow the administrative authority or water purveyor access to the property to inspect for cross-connection;

(2) Removal of a backflow prevention assembly or method which has been required by the administrative authority;

(3) Bypassing of a backflow prevention assembly or method which has been required by the administrative authority;

(4) Providing inadequate backflow prevention when potential or actual cross-connections exist;

(5) Failure to install a backflow prevention assembly or method which has been required by the administrative authority;

(6) Failure to test and/or properly repair a backflow prevention assembly or method as required by the administrative authority; or

(7) Failure to comply with the requirements of this division.

Sec. 145--13. Penalty for violation.

Apart from any other penalties or sanctions imposed by local or state laws, any person found guilty of violating any provision of this section shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished in accordance with Section 1-8 of the Hammond Code of Ordinances. Each day that a violation is allowed to continue shall constitute a separate and distinct violation.

+++++

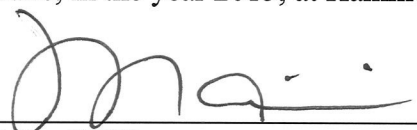
2. This ordinance shall be effective as of the date of signature by the Mayor.


The above and foregoing ordinance having been duly submitted to the Hammond City Council in writing; introduced at a public meeting on June 2nd, 2015 of the Hammond City Council and discussed at a public meeting held on June 16th, 2015; after motion and second was submitted to the official vote of the Hammond City Council.

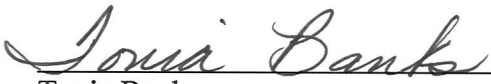
On motion by Jason Hood and a Second by Johnny Blount the foregoing ordinance was hereby declared adopted on June 16th, 2015, by the following roll call vote:

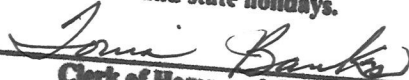
Votes: Johnny Blount (Y) Jason Hood (Y) Janice Carter Beard (Y) Lemar Marshall (Y) Mike Williams (Y) Motion carried approved.


WHEREFORE the above and foregoing ordinance was declared duly adopted on this 16th day of June, in the year 2015, at Hammond, Tangipahoa Parish, Louisiana.

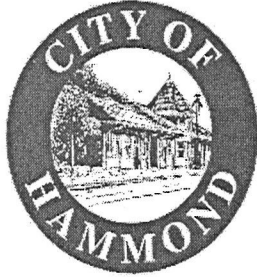

Mike Williams
President, Hammond City Council


Pete Panepinto
Mayor, City of Hammond


Tonia Banks
City Council Clerk

CERTIFICATE OF DELIVERY
In accordance with Home Rule Charter Article II, Section 2-12 (A), the above Ordinance was delivered to the Mayor of the City of Hammond on the 19th day of June, in the year 2015 at 1:00 o'clock P.m. said delivery being within three (3) calendar days after adoption, exclusive of weekends and state holidays.

Clerk of Hammond City Council

Recordation of Receipt Received from the Mayor of the City of Hammond on the 19th day of June in the year 2015 at 4:00 o'clock P.m., in accordance with Home Rule Charter Article II, Section 2-12 (B).

Clerk of Hammond City Council



CITY OF HAMMOND ORDINANCE NO. 15-5431 C.S.

AN ORDINANCE TO AMEND CHAPTER 6 ARTICLE III OF THE CODE OF ORDINANCES REGARDING DEDICATION OF A PORTION OF ELECTRONIC VIDEO BINGO TAX REVENUES

BE IT ORDAINED by the City Council of Hammond, Louisiana, that:

The Code of Ordinances, City of Hammond Louisiana, Chapter 6, Article III, section 6-39 (k) is amended to remove the dedication of taxes collected by the City from electronic video bingo to the funding needs of a Children's Museum so that this section shall be revised to read as follows:

ARTICLE III. CHARITABLE RAFFLES, BINGO, SUPER BINGO AND KENO

...

Sec. 6-39. Electronic video bingo machines.

(k) *Net proceeds.* For purposes of this article, the term "net win" shall mean the sum obtained by subtracting total coins in minus the total amount paid out on ticket vouchers tendered for cash money. At least thirty-five (35) per cent of the net win from each electronic video bingo machine shall be paid to the EVBL. Twenty (20) per cent of the net win from each electronic video bingo machine shall be paid as a tax to the city. The taxes collected by the City from electronic video bingo shall be placed in an account dedicated to capital projects.

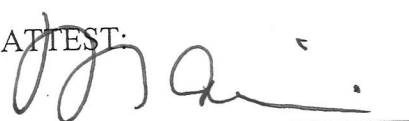
All ordinances in conflict herewith are repealed.


This ordinance having been submitted in writing, having been introduced at a public meeting of the Hammond City Council, discussed at a public hearing of said Council and was submitted to an official vote of the Hammond City Council.

On motion of Johnny Blount and seconded by Janice Carter Beard, the foregoing ordinance was hereby declared adopted on this 16th day of June, 2015, by the following roll call vote:


Votes: Johnny Blount (Y) Jason Hood (N) Janice Carter Beard (Y) Lemar Marshall (Y) Mike Williams (Y)

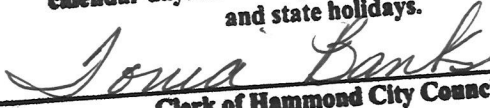
ATTEST:

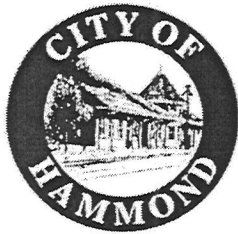

Mike Williams
President, Hammond City Council


Honorable Pete Panepinto
Mayor, City of Hammond


Tonia Banks
Hammond City Council Clerk

Recordation of Receipt Received from the
Mayor of the City of Hammond on
the 16th day of June in the year 2015
at 10:00 o'clock A.m., in accordance with
Home Rule Charter Article II, Section 2-12 (B).

Clerk of Hammond City Council

CERTIFICATE OF DELIVERY
In accordance with Home Rule Charter Article II,
Section 2-12 (A), the above Ordinance was delivered to
the Mayor of the City of Hammond on the
16th day of June, in the year 2015
at 10:00 o'clock AM.m. said delivery being within three (3)
calendar days after adoption, exclusive of weekends
and state holidays.

Clerk of Hammond City Council



CITY OF HAMMOND
ORDINANCE N° 15-5432 C.S.

Amending of Budget Fiscal Year 2014-2015

BE IT ORDAINED by the City Council of Hammond, Louisiana, that:

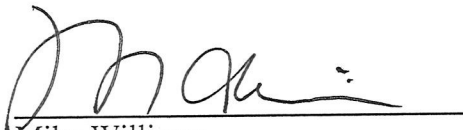
An Ordinance has been adopted to amend the City of Hammond budget for the Fiscal Year 2014-2015 in accordance with the procedures set with in Section 5-03 of the City of Hammond Charter as shown on the attached document.


The above and foregoing ordinance having been duly submitted to the Hammond City Council in writing; introduced at a public meeting on **June 2nd, 2015** of the Hammond City Council and discussed at a public meeting held on **June 16th, 2015**; after motion and second was submitted to the official vote of the Hammond City Council.

On motion by Johnny Blount and Second by Lemar Marshall the foregoing ordinance was hereby declared adopted on **June 16th, 2015** by the following roll call vote:

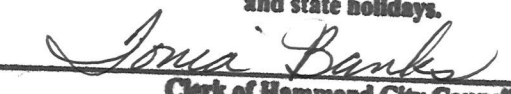
Votes: Johnny Blount (Y) Jason Hood (Y) Janice Carter Beard (Y) Lemar Marshall (Y) Mike Williams (Y) Motion approved.

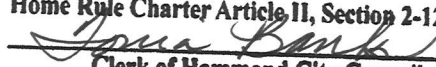
WHEREFORE the above and foregoing ordinance was declared duly adopted on this 16th, Day of June, in the year 2015, at Hammond, Tangipahoa Parish, Louisiana.


Mike Williams
President, Hammond City Council


Honorable Pete Panepinto
Mayor, City of Hammond


Tonia Banks, Council Clerk
Hammond City Council

CERTIFICATE OF DELIVERY
In accordance with Home Rule Charter Article II, Section 2-12 (A), the above Ordinance was delivered to the Mayor of the City of Hammond on the 19th day of June, in the year 2015 at 8:00 o'clock A.m. said delivery being within three (3) calendar days after adoption, exclusive of weekends and state holidays.

Clerk of Hammond City Council

Recordation of Receipt Received from the Mayor of the City of Hammond on the 19th day of June in the year 2015 at 10:00 o'clock A.m., in accordance with Home Rule Charter Article II, Section 2-12 (B).

Clerk of Hammond City Council



**CITY OF HAMMOND
ORDINANCE N° 15-5433 C.S.**

Adoption of Budget Fiscal Year 2015-2016

BE IT ORDAINED by the City Council of Hammond, Louisiana, that:

An Ordinance has been approved to adopt the City of Hammond budget for the Fiscal Year 2015-2016 in accordance with the procedures set with in Section 5-03 of the City of Hammond Charter as shown on the attached document.

The above and foregoing ordinance having been duly submitted to the Hammond City Council in writing; introduced at a public meeting on **June 2nd, 2015** of the Hammond City Council and discussed at a public meeting held on **June 16th, 2015**; after motion and second was submitted to the official vote of the Hammond City Council.

On motion by Lemar Marshall and Second by Jason Hood the foregoing ordinance was hereby declared adopted on **June 16th, 2015** by the following roll call vote:

Votes: Johnny Blount (Y) Jason Hood (Y) Janice Carter Beard (Y) Lemar Marshall (Y) Mike Williams (Y) Motion approved.

WHEREFORE the above and foregoing ordinance was declared duly adopted on this **16th, Day of June, in the year 2015**, at Hammond, Tangipahoa Parish, Louisiana.

Mike Williams
President, Hammond City Council

Honorable Pete Panepinto
Mayor, City of Hammond

Tonia Banks, Council Clerk
Hammond City Council

CERTIFICATE OF DELIVERY
In accordance with Home Rule Charter Article II, Section 2-12 (A), the above Ordinance was delivered to the Mayor of the City of Hammond on the 19th day of June, in the year 2015 at 8:00 o'clock A.m. said delivery being within three (3) calendar days after adoption, exclusive of weekends and state holidays.

Clerk of Hammond City Council

Recordation of Receipt Received from the Mayor of the City of Hammond on the 19th day of June in the year 2015 at 10:00 o'clock A.m., in accordance with Home Rule Charter Article II, Section 2-12 (B).

Clerk of Hammond City Council



**CITY OF HAMMOND
ORDINANCE NO. #15-5434 C.S.**

An ordinance to approve a rezoning request by Devon & Becky Wells to rezone Lots 1-B & 1-C of the Devon Wells subdivision located at 1313 Corbin Rd. from RS-3 MX-N in accordance with survey by Wm. J. Bodin Jr. (Z-2015-05-00008) Recommended approval by zoning Commission.

BE IT ORDAINED by the City Council of Hammond, Louisiana, that:

WHEREAS, on June 4, 2015 the Zoning Commission held a public hearing on rezoning request by Devon & Becky Wells to rezone Lots 1-B & 1-C of the Devon Wells Subdivision located at 1313 Corbin Rd. from RS-3 MX-N in accordance with survey by Wm .J. Bodin Jr. (Z-2015-05-00008) Recommended approval by zoning Commission.

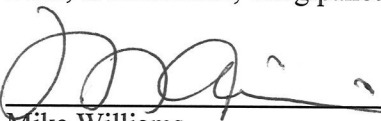
NOW, THEREFORE, BE IT ORDAINED, that the City Council of Hammond, Louisiana hereby approves the rezoning request Devon & Becky Wells to rezone Lots 1-B & 1-C of the Devon Wells Subdivision located at 1313 Corbin Rd. from RS-3 MX-N in accordance with survey by Wm .J. Bodin Jr. (Z-2015-05-00008) Recommended approval by zoning Commission; Attached hereto and made a part hereof

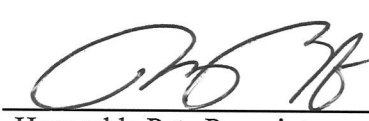
The above and foregoing ordinance having been duly submitted to the Hammond City Council in writing; introduced at a public meeting on **June 16, 2015** of the Hammond City Council and discussed at a public meeting held on **July 7, 2015**; after motion and second was submitted to the official vote of the Hammond City Council.

On motion by Janice Carter Beard and Second by Johnny Blount, the foregoing ordinance was hereby declared adopted on **July 7, 2015** by the following roll call vote:

Votes: Johnny Blount (Y) Jason Hood (Y) Janice Beard Carter (Y) Lemar Marshall(Y) Mike Williams (Y) Motion approved.

WHEREFORE, the above and foregoing ordinance was declared duly adopted on this **7th** day of **July 2015**, at Hammond, Tangipahoa Parish, Louisiana.

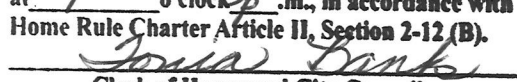

Mike Williams
President, Hammond City Council


Honorable Pete Panepinto
Mayor, City of Hammond


Tonia Banks
Hammond City Council Clerk

CERTIFICATE OF DELIVERY
In accordance with Home Rule Charter Article II, Section 2-12 (A), the above Ordinance was delivered to the Mayor of the City of Hammond on the 8th day of July, in the year 2015 at 1 o'clock p.m. said delivery being within three (3) calendar days after adoption, exclusive of weekends and state holidays.


Clerk of Hammond City Council

Recordation of Receipt Received from the Mayor of the City of Hammond on the 8th day of July in the year 2015 at 4 o'clock p.m., in accordance with Home Rule Charter Article II, Section 2-12 (B).

Clerk of Hammond City Council



**CITY OF HAMMOND
ORDINANCE NO. 15-5435 C.S.**

An Ordinance to Increase the Fuel Flowage Fee from 10 to 15 cents per gallon at the Hammond Northshore Regional Airport.

WHEREAS, the City desires to increase revenue for the operation of the Hammond Northshore Regional Airport in order to help balance the budget of the Hammond Northshore Regional Airport; and

WHEREAS, the current fuel flowage fee paid at the Hammond Northshore Regional Airport is currently below the average of fees charged at similar airports in the area; and

WHEREAS, a 5 cent increase per gallon in the fuel flowage fee will raise additional revenue to fund improvements at the Hammond Northshore Regional Airport and help balance the budget; and

WHEREAS, the Hammond Airport Board has recommended an increase of 5 cents per gallon raising the fuel flowage fee from 10 cents to 15 cents.

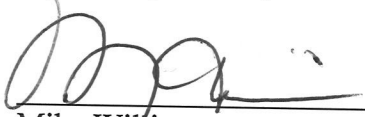
THEREFORE BE IT ORDAINED by the City Council of Hammond, Louisiana, that: Fuel Flowage Fee is raised from 10 cents per gallon to 15 cents per gallon at the Hammond Northshore Regional Airport

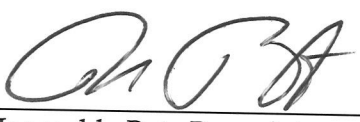
The above and foregoing ordinance having been duly submitted to the Hammond City Council in writing; introduced at a public meeting on **June 16, 2015** of the Hammond City Council and discussed at a public meeting held on **July 7, 2015**; after motion and second was submitted to the official vote of the Hammond City Council.

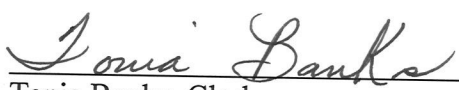
On motion by Jason Hood and a Second by Janice Carter Beard the foregoing ordinance was hereby declared adopted on **July 7, 2015**, by the following roll call vote:


Votes: Johnny Blount (Y) Jason Hood (Y) Janice Carter Beard (Y) Lemar Marshall (Y) Mike Williams (Y) Motion carried approved.


WHEREFORE the above and foregoing ordinance was declared duly adopted on this **7th** day of **July**, in the year **2015**, at Hammond, Tangipahoa Parish, Louisiana.

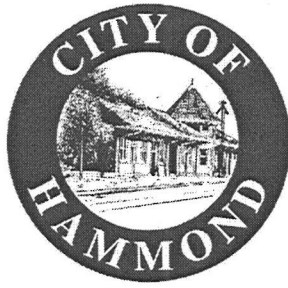

Mike Williams
President, Hammond City Council


Honorable Pete Panepinto
Mayor, City of Hammond


Tania Banks, Clerk
Hammond City Council

Recordation of Receipt Received from the
Mayor of the City of Hammond on
the 8th day of July in the year 2015
at 9 o'clock am., in accordance with
Home Rule Charter Article II, Section 2-12 (B).

Clerk of Hammond City Council

CERTIFICATE OF DELIVERY
In accordance with Home Rule Charter Article II,
Section 2-12 (A), the above Ordinance was delivered to
the Mayor of the City of Hammond on the
8th day of July, in the year 2015
at 9 o'clock p. said delivery being within three (3)
calendar days after adoption, exclusive of weekends
and state holidays.

Clerk of Hammond City Council



ORDINANCE NO. 15-5436 C. S.

**An Ordinance to Amend Ordinance No. 2000-2692, C.S.
Pertaining to the Pay Plan for City Employees**

BE IT ORDAINED by the City Council of Hammond, Louisiana, that Ordinance No. 2000-2692 C.S., shall be and is hereby modified to read as follows:

+++++

I. PURPOSE: To establish a standard method of determining the rates of Compensation for the various job function required for the City of Hammond for full-time employees, to clearly define the essential functions of each position through written job descriptions, to comply with federal, state, and local regulations, and to establish a system that is easily administered and maintained.

II. POLICY: It is the policy of the City of Hammond that all City employees, other than those specifically excluded herein, be compensated solely upon rank and seniority. Prior pay plans have based compensation on other factors, resulting in employees of equal rank and seniority being paid differently. It is the intent of the City of Hammond to implement a pay plan that would both eliminate prior pay differences among employees of equal rank and seniority within each department and to create a uniform method of future compensation for those employees.

III. PAY PLAN: Adjustments made to the pay plan shall be based upon a market survey. Within each pay grade, and subject to appropriation by the City Council, annual increases of 2% shall be given on the employee's anniversary date for a maximum of 23 steps for each employee. Steps 24-30 shall reflect a 1% annual raise. For any employee for whom State law mandates an annual longevity pay increase, compliance with State law shall serve as compliance with this ordinance. A table depicting these pay grades and annual increases shall be called the "grid."

IV. GENERAL TERMS AND CONDITIONS: The following definitions of words, terms, and phrases shall apply to this ordinance and shall be used in the interpretation of the various rules, procedures, formulas, and practices necessary to implement, monitor, and maintain the compensation structure of the City of Hammond.

1. **Anniversary Increases:** An increase of an employee's annual salary occurring on that employee's anniversary date and which shall equal one step in the pay grid.
2. **Beginning Salary:** The rate of pay depicted in the grid for each job classification based upon zero (0) years of experience as indicated by the Salary Survey.
3. **Call Back Pay:** Employees required to return to duty after normal work hours due to an emergency situation that involves clear and present danger to life and property shall be granted a minimum of two hours of pay at the overtime rate. Such emergencies do not include post activities or duties handled after the incident has occurred or when there is no threat to life and property. Call Back Pay on a holiday shall be at the standard holiday rate.
4. **City:** City of Hammond
5. **Classified Employee:** An employee working under the rules and regulations of the Municipal Fire and Police Civil Service Board and state Civil Service law. All City policies not

in conflict with local Civil Service rules or regulations or state Civil Service law shall apply to all classified employees.

6. Effective Hire Date (Non-Classified Employees): The original hire date advanced to include the length of any separation of service. Employees who leave employment with the City and who are rehired within one year of their separation, shall be eligible for re-instatement of their previous seniority status if, at the time of separation, the employees left the City voluntarily and in good standing with no pending or active disciplinary action at the time of separation. The length of time of separation shall be determined, and that separation shall be added to the original hire date in order to determine the effective hire date. Employees shall not be eligible for re-instatement of seniority benefits if their time of separation exceeds one year. Employees rehired after one year of separation shall forfeit all rights and previously earned benefits and shall begin employment as if they were a new employee. Returning employees shall be allowed to purchase their previously earned retirement years, in accordance with current rules and regulations of the Municipal Employees Retirement System (MERS). All other benefits shall remain unaffected.

7. Emergency Situation: An event, involving a clear and present danger to life and property, identified by a Department Head, and approved by the Mayor.

8. Employee (Full-Time): Someone who has been hired according to the procedures outlined in the City's Policies and Procedure Manual and the Rules and Regulations of the Municipal Fire and Police Civil Service Board to serve in a position identified in the list of job functions of the City and to work the required hours as described in Section V and is not considered a temporary or seasonal employee.

9. Exempt Employee: An employee not eligible for overtime pay, grant pay, call back pay, or other pay under the Federal Labor Standards Act and City policies.

10. Grant Pay: For that time actually worked as part of a formal grant that has been received and allocated for a specific purpose(s), and which time has been documented in accordance with the regulations of the granting agency, the rate of pay shall be at one and one half times (time and a half) the normal rate of pay. It shall be the responsibility of the grant administrator to provide to the Accounting/Payroll Department, sufficient documentation to justify payment of grant pay. Grant pay shall not be paid until, in the opinion of the Accounting Supervisor, that documentation is sufficient and in keeping with generally accepted accounting procedures. Exempt employees are not eligible for grant pay.

11. Grid or The Grid: A table depicting annual rates of pay for all job classifications, including pay grades and steps.

12. Hire Date (Anniversary Date): The date (month and day) that an employee actually becomes a City employee. In the event there is a separation in service, the latest rehire date shall become the anniversary date.

13. Holiday Pay: For that time actually worked on a holiday, the holiday rate of pay shall be at two times (double time) the normal rate of pay, or compensation at the employee's normal rate of pay for hours worked and time off for hours equal to holiday hours worked.

14. Holiday: Holidays are days designated by the City Council (Non-Classified Employees) or by the local Civil Service rules (Classified Employees) as official days off where full-time active employees will be compensated, even though they do not actually work. Anyone required to work on a holiday shall earn holiday pay. Anyone not scheduled to work and who is required to report to work due to unforeseen circumstances, shall be paid a minimum of two hours pay at two times the normal rate of pay.

15. Non-exempt Employee: An employee eligible for overtime pay under the FLSA and City policies.

16. Non-Government Grant Funded Employee: An employee that works as an employee of the City and whose position is wholly funded from a grant from any non-government not-for-

profit organization. The employee's salary and all related expenses including but not limited to income and other taxes, workman's compensation expense, health insurance, retirement contributions, sick pay, holiday pay, vacation pay, and any other employment related expenses shall be borne by the grant. The employee shall remain employed contingent upon the availability of the grant funds. Loss of any or all of the funds shall result in a reduction in pay and benefits in the same proportion of the reduction. In the case of elimination of the funds, the position occupied by that employee may be eliminated.

17. Offer of Employment: A written proposal prepared by the Personnel Department detailing the specifics of the job offer, i.e. the title of the job being offered, the beginning salary, and the proposed effective date that employment will begin.

18. Overtime Pay: Paid at one and one half the normal rate for those hours actually worked in excess of a minimum of forty (40) hours for eligible non-classified employees, in excess of a minimum of eighty (80) hours for eligible classified Police, Fire Prevention, and Fire Dispatch employees, and in excess of a minimum of one hundred and six (106) hours for eligible classified Fire employees, during a standard work period. Overtime will be paid in accordance with the Fair Labor Standards Act and with current state and local Civil Service rules and guidelines for classified Police Department and Fire Department employees. All state mandates and prohibitions shall apply.

19. Pay Period: There are twenty-six (26) pay periods per year.

20. Promotion: Conceptually, the assumption of job duties and responsibilities that are higher in character and scope than in the previous job. For the purpose of salary administration, a promotion occurs when the new job is a higher pay grade than the prior job.

21. Retirement: When employees terminate their employment with the City, and meet the age requirement and/or service requirements outlined in the personnel policies and procedures manual, and/or of the applicable retirement board, and guidelines administered by the Social Security Administration, they may be eligible for retirement benefits immediately.

22. Salary Survey: A survey conducted at least every two (2) years, under the direction of the Director of Administration and accomplished by the Personnel Department, of rates of pay for the various identified and authorized positions within the City. The objective of the survey shall be to determine the comparative job values of all jobs within the City in relation to the surveyed markets in order to determine whether the City should consider adjusting the salary pay ranges. The survey shall be accomplished during the second quarter of a fiscal year and the results tabulated and made available to the members of the Hammond City Council during the third quarter of the same fiscal year. The survey shall include, but is not limited to:

- a. Numerical salary information
- b. An explanation of the targeted survey base
- c. Any pertinent information that may be deemed appropriate to assist in a full understanding of the survey results
- d. Details of the findings that include any changes in the minimum and maximum salary ranges for the positions surveyed
- e. A list of those positions where the survey indicated the pay grade has either moved up or down.

The survey shall include cities of comparable size and possessing demographics similar to the demographics of the City. The survey shall include information from no fewer than six cities from within the State of Louisiana. Upon completion of the survey, the results and recommendations of the Administration shall be forwarded to the Hammond City Council for consideration.

23. Sick Leave for Classified Employees: Sick leave for classified employees shall be in accordance with current state and local Civil Service rules and guidelines for classified Police Department and Fire Department employees. All state mandates and prohibitions shall apply.

24. Sick Leave for Non-Classified Employees: Sick leave shall be calculated at the rate of 3.6923 hours per pay period. Sick leave time may be carried over and accumulated from year to

year for up to a maximum of 1440 hours.

25. Supplemental Pay: Pay received by eligible Police and Fire department employees that is provided by the State of Louisiana and is in addition to compensation provided by the City.

26. Vacation Earned and Maximum Accrual: Vacation shall be calculated and accumulated at the rates indicated in the personnel policies and procedures manual and in accordance with current state and local Civil Service rules and guidelines for classified Police Department and Fire Department employees. All state mandates and prohibitions shall apply.

27. Witness Pay: An employee who is required to attend court, or a classified employee ordered or subpoenaed to a Civil Service Hearing other than the appellant, when outside their normal work hours, is entitled to a minimum of two hours of pay at the overtime rate. Witness pay on a holiday shall be at the standard holiday rate.

V. REQUIRED WORK HOURS: All work schedules for City departments are to be approved by the Mayor or Director of Administration. A time keeping system for all City employees has been established to ensure accurate recording of time worked.

A. EXEMPT EMPLOYEES (Non-Classified and Classified): Exempt employees are not eligible for overtime pay or call-back pay and shall work the necessary hours required to accomplish their job.

B. NON-EXEMPT EMPLOYEES (Non-Classified)

1. 8 hour shifts - 40 hours per each seven day work week
2. 10 hour shifts - 40 hours per each seven day work week

C. NON-EXEMPT EMPLOYEES (Classified/Police)

1. 8 hour shifts - 40 hours per each seven day work period
2. 12 hour shifts - 80 hours per each fourteen day work period

D. NON-EXEMPT EMPLOYEES (Classified/Fire)

1. 8 hour shifts - 40 hours per each seven day work period
2. 12 hour shifts - 80 hours per each fourteen day work period
3. 24 hour shifts - 106 hours per each fourteen day work period

VI. PROMOTIONS AND ADJUSTMENTS

A. PROMOTIONS

Promotions are subject to a six-month to one-year probationary period. During this period, the employee's performance in the new position will be reviewed and evaluated. The employee's Department Head or supervisor will complete a written performance appraisal at the end of the probationary period. The results of the appraisal, as approved by the Mayor, will determine whether the promotion shall be considered confirmed.

All promotions must be coordinated between the Department Head and the Director of Personnel and approved by the Mayor and Director of Administration.

A lateral transfer occurs when an employee is transferred from one job class to another in the same, or substantially equivalent, pay grade. When there is no change in pay grade, there shall be no adjustment in base salary. A lateral transfer is not considered a reclassification or promotion.

1. Fire Personnel in the Civil Service Pay Plan—Classified employees in the Fire department shall follow State law governing promotions within classes, and shall, subject to the following, be paid the salary indicated in the Grid for a particular rank. Step placement shall be to the closest step position that includes the new salary in the new pay grade.

- a. The starting rank for classified Fire Personnel shall be "Firefighter." Upon promotion to the position "Firefighter First Class," employees shall be paid 5% above their current pay grade and step of "Firefighter."
- b. Upon promotion to the position "Operator," employees shall be paid 5% above their current pay grade and step of "Firefighter First Class."

- c. Upon promotion to the position “Captain,” “Fire Alarm Operator,” or “Fire Inspector,” or any other person doing this type of work for the fire department, employees shall be paid 15% above their current pay grade and step of “Operator.”
- d. Upon promotion to the position “District Chief,” employees shall be paid 15% above their current pay grade and step of “Captain,” “Fire Alarm Operator,” or “Fire Inspector,” or any other person doing this type of work for the fire department.
- e. Upon promotion to the position “Assistant Chief,” employees shall be paid 10% above their current pay grade and step of “District Chief.”

2. Police Personnel in the Civil Service Pay Plan—Classified employees in the Police department shall follow the concept of state law governing promotions within classes, and shall, subject to the following, be paid the salary indicated in the Grid for a particular rank. Step placement shall be to the closest step position that includes the new salary in the new pay grade.

- a. The starting rank for classified Police Personnel shall be “Police Officer.” Upon promotion to the position “Sergeant,” employees shall be paid 10% above their current pay grade and step of “Police Officer.”
- b. Upon promotion to the position “Lieutenant,” employees shall be paid 5% above their current pay grade and step of “Sergeant.”
- c. Upon promotion to the position “Captain,” employees shall be paid 10% above their current pay grade and step of “Lieutenant.”
- d. Upon promotion to the position “Assistant Chief,” employees shall be paid 15% above their current pay grade and step of “Captain.”

3. All Other Employees—When an employee is promoted, as a result of a job change or job progression, to a higher pay grade position, within the same or to a different salary schedule, the salary placement within the new pay grade shall be determined as follows: apply 5% on the salary of the current grade and step for promotions of one pay grade, and an additional 2.5% for each additional pay grade up to a maximum of 10%. Step placement shall be to the closest step position that includes the new salary in the new pay grade. The resulting pay will be no less than the minimum of the new pay grade and no less than a 5% salary increase, but not more than the maximum salary of the assigned pay grade.

In circumstances where the uniqueness of an individual job and level or necessary skills are required by the City, but not only those skills possessed by the incumbent, a higher pay grade placement may be justified. Under such circumstances, the Mayor may recommend a higher salary placement within the assigned pay grade.

B. ADJUSTMENTS

Employees may be adjusted downward due to failure to perform the duties of their present jobs, lack of a suitable job at their pay levels, reorganization, lack of work, or because of the City’s need to manage the work force.

A demotion is an assignment to a lower paying job classification and a work assignment within the lower classification with lesser responsibilities.

An employee, who is demoted to a classification with a lower pay grade or lower maximum salary, shall be compensated at a rate that mirrors the guidelines for promotions, and/or reflects a decrease in pay within the limits of the lower pay range.

A written notice of demotion must be given to the employee that describes the deficiency or the infraction involved and which also must state the likely consequences of further unsatisfactory performance or conduct.

The demotion shall be permanently entered into the employee’s personnel file, but the employee shall not be disqualified for future promotions.

C. REASSIGNMENTS

An employee who is reassigned to another position, as determined by the best interest of

the City, will not suffer any reduction in his current salary, but may be “redlined” for future anniversary increases.

In the instance of an involuntary reassignment due to an employee’s inability to perform the functions required of the position assigned to, such reassignment will result in a reduction of duties and in pay, if the reassignment is to a lower job classification than that of the employee’s current position.

All reassignments must be coordinated between the Department Head and the Director of Personnel, and approved by the Mayor through the Director of Administration.

Be it further ordained by the City of Hammond that the effective date of this Ordinance shall be July 1, 2015.

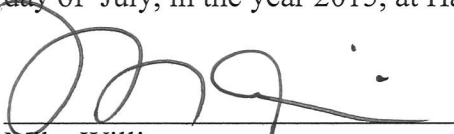
+++++

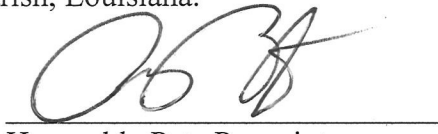
The above and foregoing ordinance having been duly submitted to the Hammond City Council in writing; introduced at a public meeting on July 7th, 2015 of the Hammond City Council and discussed at a public meeting held on July 21st, 2015; after motion and second was submitted to the official vote of the Hammond City Council.


On motion by Jason Hood and a Second by Janice Carter Beard the foregoing ordinance was hereby declared adopted on July 21st, 2015, by the following roll call vote:


Votes: Johnny Blount (Y) Jason Hood (Y) Janice Carter Beard (Y) Lemar Marshall () Mike Williams (Y) Motion carried approved.

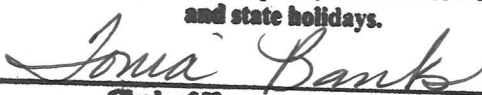
WHEREFORE the above and foregoing ordinance was declared duly adopted on this 21st day of July, in the year 2015, at Hammond, Tangipahoa Parish, Louisiana.

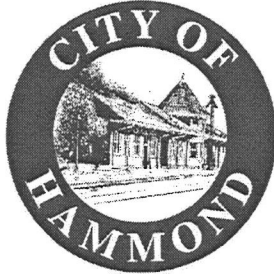

Mike Williams
President, Hammond City Council


Honorable Pete Panepinto
Mayor, City of Hammond


Tonia Banks, Clerk
Hammond City Council

Recordation of Receipt Received from the
Mayor of the City of Hammond on
the 22 day of July in the year 2015
at 900 o'clock A.m., in accordance with
Home Rule Charter Article II, Section 2-12 (B).

Clerk of Hammond City Council

CERTIFICATE OF DELIVERY
In accordance with Home Rule Charter Article II,
Section 2-12 (A), the above Ordinance was delivered to
the Mayor of the City of Hammond on the
22 day of July, in the year 2015
at 900 o'clock A.m. said delivery being within three (3)
calendar days after adoption, exclusive of weekends
and state holidays.

Clerk of Hammond City Council



**CITY OF HAMMOND
ORDINANCE N° 15-5437 C.S.**

Surplus Items

BE IT ORDAINED by the City Council of Hammond, Louisiana, that:

This ordinance has been approved authorizing for Council to declare surplus item(s) below to be sold on GovDeals.com.

- Seize Vehicle - 1998 Chevrolet 1500 PICK UP- VIN# 1DCEC14M3WZ138300
- UNIT 710-2008 FORD CROWN VIC – VIN# 2FAFP71VX8X125678
- UNIT 196- SEWER TRAILER CLEANER
- UNIT 329 - BORING MACHINE POWER PACK 25(WITHOUT TRAILER)
- UNIT 140- TRIPLE AXLE WOODEN UTILITY TRAILER
- UNIT 486- 2000 DODGE RAM 1500 – VIN#1B7HC16XX15684601
- UNIT 625 -2006 FORD CROWN VIC – VIN#2FAFP71W96X141943
- UNIT 591- 2005 FORD CROWN VIC – VIN#2FAFP71WX5X126074
- UNIT 450 – 1999 ASPHALT ROLLER
- UNIT 742 – 2008 FORD CROWN VIC- VIN#2FAFP71V08X160973
- UNIT 497- KUBOTA TRACTOR- MODEL B2710-SERIAL#50171/21008
- UNIT 383- 1996 KUBOTA L2900
- UNIT 745- 2008 KUBOTA ZERO TURN MOWER

The above and foregoing ordinance having been duly submitted to the Hammond City Council in writing; introduced at a public meeting on **July 7th, 2015** of the Hammond City Council and discussed at a public meeting held on **July 21st, 2015**; after motion and second was submitted to the official vote of the Hammond City Council.

On motion by Jason Hood and Second by Janice Carter Beard the foregoing ordinance was hereby declared adopted on **July 21st, 2015** by the following roll call vote:

Votes: Johnny Blount (Y) Jason Hood (Y) Janice Carter Beard (Y) Lemar Marshall (Y) Mike Williams (Y)

Motion approved.

WHEREFORE the above and foregoing ordinance was declared duly adopted on this **21st, Day of July** in the year **2015**, at Hammond, Tangipahoa Parish, Louisiana.

Mike Williams
President, Hammond City Council

Honorable Pete Panepinto
Mayor, City of Hammond

Tonia Banks
Hammond City Council Clerk

Recordation of Receipt Received from the
Mayor of the City of Hammond on
the 22 day of July in the year 2015
at 900 o'clock A.m., in accordance with
Home Rule Charter Article II, Section 2-12 (B).

Clerk of Hammond City Council

CERTIFICATE OF DELIVERY
In accordance with Home Rule Charter Article II,
Section 2-12 (A), the above Ordinance was delivered to
the Mayor of the City of Hammond on the
22 day of July, in the year 2015
at 900 o'clock A.m. said delivery being within three (3)
calendar days after adoption, exclusive of weekends
and state holidays.

Clerk of Hammond City Council



**CITY OF HAMMOND
ORDINANCE N° 15-5438 C.S.**

Amend Fiscal Budget Year 2015-2016

BE IT ORDAINED by the City Council of Hammond, Louisiana, that:

An Ordinance has been approved to amend the City of Hammond Budget for the Fiscal Year 2015-2016 transfer \$181,000 from the Children's Museum (Fund 217) to General, Capital Expenditures (Fund 100) and to transfer \$181,000 from Sales Tax, Capital Expenditures (Fund 203) to General (Fund 100) to allocate \$125,000 for the Children's Museum Fund; \$35,320 for City of Hammond employee salaries; \$15,500 for a Highway 51 feasibility study; and \$5,180 to the fund balance.

The above and foregoing ordinance having been duly submitted to the Hammond City Council in writing; introduced at a public meeting on **July 7th, 2015** of the Hammond City Council and discussed at a public meeting held on **July 21st, 2015**; after motion and second was submitted to the official vote of the Hammond City Council.

On motion by Jason Hood and Second by Johnny Blount the foregoing ordinance was hereby declared adopted on **July 21st, 2015** by the following roll call vote:

Votes: Johnny Blount (Y) Jason Hood (Y) Janice Carter Beard (Y) Lemar Marshall (Y) Mike Williams (Y)
Motion carried approved.

WHEREFORE the above and foregoing ordinance was declared duly adopted on this **21st, Day of July** in the year **2015**, at Hammond, Tangipahoa Parish, Louisiana.

Mike Williams
President, Hammond City Council

Honorable Pete Panepinto
Mayor, City of Hammond

Tonia Banks, Clerk
Hammond City Council

Recordation of Receipt Received from the
Mayor of the City of Hammond on
the 22 day of July in the year 2015
at 900 o'clock A.m., in accordance with
Home Rule Charter Article II, Section 2-12 (B).

Clerk of Hammond City Council

CERTIFICATE OF DELIVERY
In accordance with Home Rule Charter Article II,
Section 2-12 (A), the above Ordinance was delivered to
the Mayor of the City of Hammond on the
22 day of July, in the year 2015
at 900 o'clock A.m. said delivery being within three (3)
calendar days after adoption, exclusive of weekends
and state holidays.

Clerk of Hammond City Council

	Approved Budget -- June 2015					Amended Budget -- July 2015			
	General	Sales Tax	Children Museum	Water Sewer		General	Sales Tax	Children Museum	Water Sewer
Fund Number	100	203	217	610		100	203	217	610
Beginning Fund Balance	\$ 376,000	\$ 1,100,000	\$ 7,500	\$ 284,000		\$ 376,000	\$ 1,100,000	\$ -	\$ 284,000
Revenues:									
Taxes	\$ 5,092,129	\$ 18,800,000	\$ -	\$ -		\$ 5,092,129	\$ 18,800,000	\$ -	\$ -
Licenses & Permits	\$ 1,718,000	\$ -	\$ -	\$ -		\$ 1,718,000	\$ -	\$ -	\$ -
Intergovernmental	\$ 1,345,000	\$ -	\$ -	\$ -		\$ 1,345,000	\$ -	\$ -	\$ -
Charges and Fees	\$ 892,000	\$ -	\$ -	\$ 4,245,342		\$ 892,000	\$ -	\$ -	\$ 4,245,342
Fines and Forfeits	\$ 460,000	\$ -	\$ -	\$ -		\$ 460,000	\$ -	\$ -	\$ -
Interest Earnings	\$ 5,000	\$ 1,500	\$ 980	\$ 1,500		\$ 6,000	\$ 1,500	\$ -	\$ 1,500
Miscellaneous Revenues	\$ 898,050	\$ -	\$ 180,000	\$ 225,000		\$ 1,078,050	\$ -	\$ -	\$ 225,000
Total Revenues	\$ 10,410,179	\$ 18,801,500	\$ 180,980	\$ 4,471,842		\$ 10,591,179	\$ 18,801,500	\$ -	\$ 4,471,842
Transfers In	\$ 17,040,000	\$ -	\$ -	\$ -		\$ 17,221,000	\$ -	\$ -	\$ -
Council	\$ 241,400	\$ -	\$ -	\$ -		\$ 240,600	\$ -	\$ -	\$ -
Mayor	\$ 349,200	\$ -	\$ -	\$ -		\$ 350,300	\$ -	\$ -	\$ -
Accounting	\$ 547,300	\$ -	\$ -	\$ -		\$ 544,400	\$ -	\$ -	\$ -
Purchasing	\$ 241,700	\$ -	\$ -	\$ -		\$ 242,700	\$ -	\$ -	\$ -
Legal	\$ 190,000	\$ -	\$ -	\$ -		\$ 190,000	\$ -	\$ -	\$ -
Personnel	\$ 304,500	\$ -	\$ -	\$ -		\$ 305,400	\$ -	\$ -	\$ -
Data Processing	\$ 373,000	\$ 93,000	\$ -	\$ -		\$ 374,000	\$ 93,000	\$ -	\$ -
General Administration	\$ 1,595,592	\$ -	\$ -	\$ -		\$ 1,736,092	\$ -	\$ -	\$ -
Insurance	\$ -	\$ -	\$ -	\$ -		\$ -	\$ -	\$ -	\$ -
Police Department	\$ 8,402,465	\$ -	\$ -	\$ -		\$ 8,438,165	\$ -	\$ -	\$ -
Fire Department	\$ 5,357,000	\$ -	\$ -	\$ -		\$ 5,376,500	\$ -	\$ -	\$ -
Building Department	\$ 517,100	\$ -	\$ -	\$ -		\$ 518,200	\$ -	\$ -	\$ -
Public Works - Garage	\$ 302,800	\$ -	\$ -	\$ -		\$ 303,700	\$ -	\$ -	\$ -
Public Works - Street	\$ 2,425,100	\$ 225,000	\$ -	\$ -		\$ 2,425,600	\$ 225,000	\$ -	\$ -
Public Works - Grounds	\$ 1,135,506	\$ -	\$ -	\$ -		\$ 1,129,852	\$ -	\$ -	\$ -
Sanitation	\$ 1,092,240	\$ -	\$ -	\$ -		\$ 1,092,240	\$ -	\$ -	\$ -
Planning & GIS	\$ 138,515	\$ -	\$ -	\$ -		\$ 137,691	\$ -	\$ -	\$ -
Grants	\$ 187,290	\$ -	\$ -	\$ -		\$ 185,316	\$ -	\$ -	\$ -
Airport	\$ 386,972	\$ -	\$ -	\$ -		\$ 373,545	\$ -	\$ -	\$ -
Recreation	\$ 632,600	\$ -	\$ -	\$ -		\$ 631,700	\$ -	\$ -	\$ -
Downtown	\$ -	\$ -	\$ -	\$ -		\$ -	\$ -	\$ -	\$ -
Water & Sewer	\$ -	\$ -	\$ -	\$ 3,674,800		\$ -	\$ -	\$ -	\$ 3,674,900
Capital Expenditures	\$ 550,000	\$ 808,000	\$ -	\$ 400,000		\$ 731,000	\$ 627,000	\$ -	\$ 400,000
Debt Service	\$ -	\$ -	\$ -	\$ -		\$ -	\$ -	\$ -	\$ -
Other Expenditures	\$ -	\$ -	\$ 181,000	\$ -		\$ -	\$ -	\$ -	\$ -
** Total Expenditures **	\$ 24,970,280	\$ 1,126,000	\$ 181,000	\$ 4,074,800		\$ 25,327,000	\$ 945,000	\$ -	\$ 4,074,900
Transfers Out	\$ 2,764,480	\$ 18,673,349	\$ -	\$ 678,975		\$ 2,764,480	\$ 18,854,349	\$ -	\$ 678,975
Ending Fund Balance	\$ 91,419	\$ 102,151	\$ 7,480	\$ 2,067		\$ 96,699	\$ 102,151	\$ -	\$ 1,967

\$ 125,000 ADDED TO GENERAL ADMINISTRATION FOR CHILDREN'S MUSEUM
 \$ 35,320 ADDED FOR SALARIES FOR 2% INCREASES 0 - 23 YEARS
 \$ 15,500 INCREASE GENERAL ADMINISTRATION CONSULTANT SERVICES FOR HWY 51 FEASIBILITY STUDY
 \$ 5,180 GOES TO FUND BALANCE
 \$ 181,000



**CITY OF HAMMOND
ORDINANCE NO. #15-5439 C.S.**

An Ordinance to approve rezoning request by First Guaranty Bank to rezone 404, 406, 412 E. Morris Ave & 206 S. Orange St. on Lot A-1 Square 2 Iowa Addition from RM-2 & MX-N to MX-C in accordance with survey by Andrew N. Faller dated 4/24/15; Iowa Addition Overlay, DDD, Thomas/Morris Overlay (Case# Z-2015-06-00009) Recommended approval by Zoning Commission.

BE IT ORDAINED by the City Council of Hammond, Louisiana, that:

WHEREAS, on July 1, 2015 the Zoning Commission held a public hearing on rezoning request by First Guaranty Bank to rezone 404, 406, 412 E. Morris Ave & 206 S. Orange St. on Lot A-1 Square 2 Iowa Addition from RM-2 & MX-N to MX-C in accordance with survey by Andrew N. Faller dated 4/24/15; Iowa Addition Overlay, DDD, Thomas/Morris Overlay (Case# Z-2015-06-00009) Recommended approval by Zoning Commission.

NOW, THEREFORE, BE IT ORDAINED, that the City Council of Hammond, Louisiana hereby approves the rezoning request by First Guaranty Bank to rezone 404, 406, 412 E. Morris Ave & 206 S. Orange St. on Lot A-1 Square 2 Iowa Addition from RM-2 & MX-N to MX-C in accordance with survey by Andrew N. Faller dated 4/24/15; attached hereto and made a part hereof.

The above and foregoing ordinance having been duly submitted to the Hammond City Council in writing; introduced at a public meeting on **July 21, 2015** of the Hammond City Council and discussed at a public meeting held on **August 4, 2015**; after motion and second was submitted to the official vote of the Hammond City Council.

On motion by Johnny Blount and Second by Lemar Marshall, the foregoing ordinance was hereby declared adopted on **August 4, 2015** by the following roll call vote:

Votes: Johnny Blount (Y) Jason Hood (Y) Janice Beard Carter (Y) Lemar Marshall(Y) Mike Williams (Y)

Motion approved.

WHEREFORE, the above and foregoing ordinance was declared duly adopted on this **4th** day of **August 2015**, at Hammond, Tangipahoa Parish, Louisiana.

Mike Williams
President, Hammond City Council

Honorable Pete Panepinto
Mayor, City of Hammond

Tonia Banks
Hammond City Council Clerk

Recordation of Receipt Received from the
Mayor of the City of Hammond on
the 5th day of August in the year 2015
at 9 o'clock A.m., in accordance with
Home Rule Charter Article II, Section 2-12 (B).

Clerk of Hammond City Council

CERTIFICATE OF DELIVERY
In accordance with Home Rule Charter Article II,
Section 2-12 (A), the above Ordinance was delivered to
the Mayor of the City of Hammond on the
5th day of August, in the year 2015
at 9 A.M. o'clock A.m. said delivery being within three (3)
calendar days after adoption, exclusive of weekends
and state holidays.

Clerk of Hammond City Council



**CITY OF HAMMOND
ORDINANCE NO. #15-5440 C.S.**

An Ordinance to Amend the Unified Development Code Ordinance #14-5364 Article 8 Overlay Districts & Appendix E: Hammond Historic District Commission Design Guidelines and Rules of Operation (TA-2015-06-00002) recommend approval by the Historic Commission & Zoning Commission.

BE IT ORDAINED by the City Council of Hammond, Louisiana, that:

WHEREAS,

On June 25, 2015 the Hammond Historic District held a public hearing to approve proposed revisions to the Historic District Commission Design Guidelines and Rules of Operation; and On July 1, 2015 the Hammond Zoning Commission held a public hearing and recommended approval of the revisions to the Unified Development Code Ordinance #14-5364 Article 8 Overlay Districts & Appendix E: Hammond Historic District Commission Design Guidelines and Rules of Operation (TA-2015-06-00002);

1. Hammond Ordinance #14-5364 is amended and the Unified Development Code is amended in Article 8 & Appendix E.

NOW, THEREFORE, BE IT ORDAINED, that the City Council of Hammond, Louisiana hereby Amend the Unified Development Code Ordinance #14-5364 Article 8 Overlay Districts & Appendix E: Hammond Historic District Commission Design Guidelines and Rules of Operation (TA-2015-06-00002) recommend approval by the Historic Commission & Zoning Commission ; attached hereto and made a part hereof.

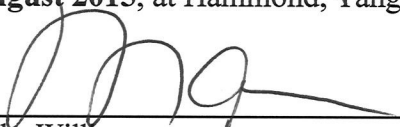
The above and foregoing ordinance having been duly submitted to the Hammond City Council in writing; introduced at a public meeting on **July 21, 2015** of the Hammond City Council and discussed at a public meeting held on **August 4, 2015**; after motion and second was submitted to the official vote of the Hammond City Council.

On motion by Lemar Marshall and Second by Janice Carter Beard, the foregoing ordinance was hereby declared adopted on **August 4, 2015** by the following roll call vote:


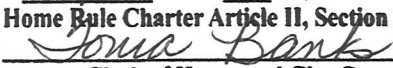
Votes: Johnny Blount (Y) Jason Hood (Y) Janice Beard Carter (Y) Lemar Marshall(Y) Mike Williams (Y)


Motion approved.

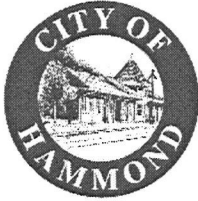
WHEREFORE, the above and foregoing ordinance was declared duly adopted on this **4th** day of **August 2015**, at Hammond, Tangipahoa Parish, Louisiana.


Mike Williams
President, Hammond City Council


Honorable Pete Panepinto
Mayor, City of Hammond


Tonia Banks
Hammond City Council Clerk
Recordation of Receipt Received from the
Mayor of the City of Hammond on
the 5th day of August in the year 2015
at 9 o'clock A.m., in accordance with
Home Rule Charter Article II, Section 2-12 (B).

Clerk of Hammond City Council

CERTIFICATE OF DELIVERY
In accordance with Home Rule Charter Article II,
Section 2-12 (A), the above Ordinance was delivered to
the Mayor of the City of Hammond on the
5th day of August, in the year 2015
at 9 o'clock A.m. said delivery being within three (3)
calendar days after adoption, exclusive of weekends
and state holidays.

Clerk of Hammond City Council



**CITY OF HAMMOND
ORDINANCE NO. 15-5441 C.S.**

An Ordinance to approve rezoning request by Bruce W. Clemons (owner) and DW Properties LLC (applicant) to rezone a 0.722 acre parcel located at 1000 W. Church St. from RM-2 to RS-11; Hyer-Cate Overlay (Z-2015-07-00012) Recommended approval by the Zoning Commission.

BE IT ORDAINED by the City Council of Hammond, Louisiana, that:

WHEREAS, on August 6, 2015 the Zoning Commission held a public hearing and recommended approval on rezoning Case# Z-2015-07-00012 by Bruce W. Clemons (owner) and DW Properties LLC (applicant) to rezone a 0.722 acre parcel located at 1000 W. Church St. from RM-2 to RS-11; Hyer-Cate Overlay

NOW, THEREFORE, BE IT ORDAINED, that the City Council of Hammond, Louisiana hereby approves the rezoning request; Case# Z-2015-07-00012 by Bruce W. Clemons (owner) and DW Properties LLC (applicant) to rezone a 0.722 acre parcel located at 1000 W. Church St. from RM-2 to RS-11; Hyer-Cate Overlay Attached hereto and made a part hereof

The above and foregoing ordinance having been duly submitted to the Hammond City Council in writing; introduced at a public meeting on **August 18, 2015** of the Hammond City Council and discussed at a public meeting held on **September 1, 2015**; after motion and second was submitted to the official vote of the Hammond City Council.

On motion by Jason Hood and Second by Janice Carter Beard, the foregoing ordinance was hereby declared adopted on **September 1, 2015** by the following roll call vote:

Votes: Johnny Blount (Y) Jason Hood (Y) Janice Beard Carter (Y) Lemar Marshall(Y) Mike Williams (Y)
Motion approved.

WHEREFORE, the above and foregoing ordinance was declared duly adopted on this **1st** day of **September 2015**, at Hammond, Tangipahoa Parish, Louisiana.

Mike Williams
President, Hammond City Council

Honorable Pete Panepinto
Mayor, City of Hammond

Tonia Banks
Hammond City Council Clerk

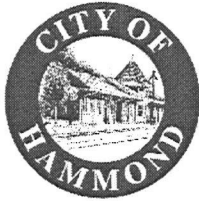
CERTIFICATE OF DELIVERY

In accordance with Home Rule Charter Article II, Section 2-12 (A), the above Ordinance was delivered to the Mayor of the City of Hammond on the 2nd day of September, in the year 2015 at 10:00 o'clock PM. said delivery being within three (3) calendar days after adoption, exclusive of weekends and state holidays.

Clerk of Hammond City Council

Recordation of Receipt Received from the Mayor of the City of Hammond on the 2nd day of September in the year 2015 at 1:00 o'clock PM, in accordance with Home Rule Charter Article II, Section 2-12 (B).

Clerk of Hammond City Council



**CITY OF HAMMOND
ORDINANCE NO. 15-5442 C.S.**

An Ordinance to approve rezoning request by Frank J. Divittorio to rezone the North ½ of Lot 11 & Lot 12 of Square 113 of the Mooney Addition located at 200 S. Wilson St. from RM-2 to MX-C in accordance with survey by R.L. Bennett & Associates Inc. dated 2/23/1995 (Z-2015-07-00010) Recommended approval of MX-N by the Zoning Commission.

BE IT ORDAINED by the City Council of Hammond, Louisiana, that:

WHEREAS, on August 6, 2015 the Hammond Zoning Commission held a public hearing on a rezoning request by Frank J. Divittorio to rezone the North ½ of Lot 11 & Lot 12 of Square 113 of the Mooney Addition located at 200 S. Wilson St. from RM-2 to MX-C in accordance with survey by R.L. Bennett & Associates Inc. dated 2/23/1995 (Z-2015-07-00010)

WHEREAS, the Zoning Commission recommended rezoning from RX-2 to MX-N to the Hammond City Council.

NOW, THEREFORE, BE IT ORDAINED, that the City Council of Hammond, Louisiana hereby approves the rezoning request by Frank J. Divittorio to rezone the North ½ of Lot 11 & Lot 12 of Square 113 of the Mooney Addition located at 200 S. Wilson St. from RM-2 to MX-C in accordance with survey by R.L. Bennett & Associates Inc. dated 2/23/1995; Attached hereto and made a part hereof

The above and foregoing ordinance having been duly submitted to the Hammond City Council in writing; introduced at a public meeting on **August 18, 2015** of the Hammond City Council and discussed at a public meeting held on **September 1, 2015**; after motion and second was submitted to the official vote of the Hammond City Council.

On motion by Jason Hood and Second by Johnny Blount, the foregoing ordinance was hereby declared adopted on **September 1, 2015** by the following roll call vote:

Votes: Johnny Blount (Y) Jason Hood (Y) Janice Beard Carter (Y) Lemar Marshall (Y) Mike Williams (Y)
Motion approved.

WHEREFORE, the above and foregoing ordinance was declared duly adopted on this **1st** day of **September 2015**, at Hammond, Tangipahoa Parish, Louisiana.

Mike Williams
President, Hammond City Council

Honorable Pete Panepinto
Mayor, City of Hammond

Tonia Banks
Hammond City Council Clerk

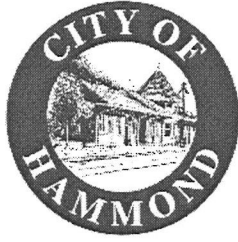
Recordation of Receipt Received from the
Mayor of the City of Hammond on
the 2nd day of September in the year 2015
at 7:00 o'clock P.m., in accordance with
Home Rule Charter Article II, Section 2-12 (B).

Clerk of Hammond City Council

CERTIFICATE OF DELIVERY

In accordance with Home Rule Charter Article II,
Section 2-12 (A), the above Ordinance was delivered to
the Mayor of the City of Hammond on the
2nd day of September, in the year 2015
at 10:00 o'clock A.m. said delivery being within three (3)
calendar days after adoption, exclusive of weekends
and state holidays.

Clerk of Hammond City Council



**CITY OF HAMMOND
ORDINANCE NO. 15-5443 C.S.**

An Ordinance to approve rezoning request by Frank J. Divittorio to rezone the South ½ of Lot 11 & Lot 10 of Square 113 of the Mooney Addition located at 202 S. Wilson St. from RM-2 to MX-C in accordance with survey by Ansil M. Bickford dated 6/13/1990 (Z-2015-07-00011) Recommended approval of MX-N by the Zoning Commission.

BE IT ORDAINED by the City Council of Hammond, Louisiana, that:

WHEREAS, on August 6, 2015 the Hammond Zoning Commission held a public hearing on a rezoning request by Frank J. Divittorio to rezone the South ½ of Lot 11 & Lot 10 of Square 113 of the Mooney Addition located at 202 S. Wilson St. from RM-2 to MX-C in accordance with survey by Ansil M. Bickford dated 6/13/1990 (Z -2015-07-00011);

WHEREAS, the Zoning Commission recommended rezoning from RM-2 to MX-N to the Hammond City Council.

NOW, THEREFORE, BE IT ORDAINED, that the City Council of Hammond, Louisiana hereby approves the rezoning request by Frank J. Divittorio to rezone the South ½ of Lot 11 & Lot 10 of Square 113 of the Mooney Addition located at 202 S. Wilson St. from RM-2 to MX-N in accordance with survey by Ansil M. Bickford dated 6/13/1990 (Z -2015-07-00011); Attached hereto and made a part hereof

The above and foregoing ordinance having been duly submitted to the Hammond City Council in writing; introduced at a public meeting on **August 18, 2015** of the Hammond City Council and discussed at a public meeting held on **September 1, 2015**; after motion and second was submitted to the official vote of the Hammond City Council.

On motion by Johnny Blount and Second by Jason Hood, the foregoing ordinance was hereby declared adopted on **September 1, 2015** by the following roll call vote:

Votes: Johnny Blount (Y) Jason Hood (Y) Janice Beard Carter (Y) Lemar Marshall(Y) Mike Williams (Y)
Motion approved.

WHEREFORE, the above and foregoing ordinance was declared duly adopted on this **1st** day of **September 2015**, at Hammond, Tangipahoa Parish, Louisiana.

Mike Williams
President, Hammond City Council

Honorable Pete Panepinto
Mayor, City of Hammond

Tonia Banks
Hammond City Council Clerk

Recordation of Receipt Received from the
Mayor of the City of Hammond on
the 2nd day of September in the year 2015
at 1:00 o'clock P.m., in accordance with
Home Rule Charter Article II, Section 2-12 (B).

Clerk of Hammond City Council

CERTIFICATE OF DELIVERY

In accordance with Home Rule Charter Article II,
Section 2-12 (A), the above Ordinance was delivered to
the Mayor of the City of Hammond on the
2nd day of September, in the year 2015
at 10:00 o'clock A.m. said delivery being within three (3)
calendar days after adoption, exclusive of weekends
and state holidays.

Clerk of Hammond City Council



**CITY OF HAMMOND
ORDINANCE NO. 15-5445 C.S.**

An ordinance to amend the budget to allocate \$20,000 from the General (Fund 100) Fund Balance to General Administration, Consultant Services for an Economic Development Director.

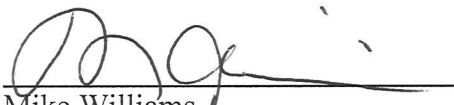
BE IT ORDAINED by the City Council of Hammond, Louisiana, that:


The above and foregoing ordinance having been duly submitted to the Hammond City Council in writing; introduced at a public meeting on **August 18th, 2015** of the Hammond City Council and discussed at a public meeting held on **September 1st, 2015**; after motion and second was submitted to the official vote of the Hammond City Council.

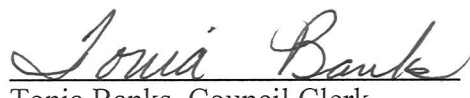
On motion by Jason Hood and Second by Janice Carter Beard the foregoing ordinance was hereby declared adopted on **September 1st, 2015** by the following roll call vote:

Votes: Johnny Blount (Y) Jason Hood (Y) Janice Carter Beard (Y) Lemar Marshall (Y) Mike Williams (Y) Motion approved.

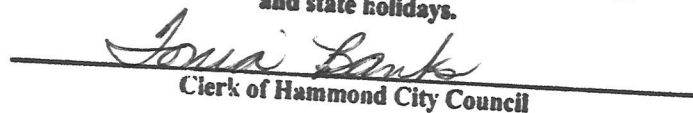
WHEREFORE the above and foregoing ordinance was declared duly adopted on this **1st, Day of September, in the year 2015**, at Hammond, Tangipahoa Parish, Louisiana.


Mike Williams
President, Hammond City Council


Honorable Pete Panepinto
Mayor, City of Hammond

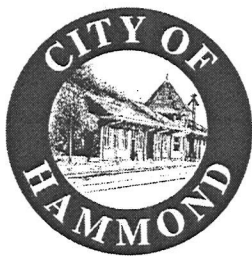

Tonia Banks, Council Clerk
Hammond City Council

CERTIFICATE OF DELIVERY
In accordance with Home Rule Charter Article II, Section 2-12 (A), the above Ordinance was delivered to the Mayor of the City of Hammond on the 2nd day of September, in the year 2015 at 10:00 o'clock A.m. said delivery being within three (3) calendar days after adoption, exclusive of weekends and state holidays.


Clerk of Hammond City Council

Recordation of Receipt Received from the Mayor of the City of Hammond on the 2nd day of September in the year 2015 at 10:00 o'clock P.m., in accordance with Home Rule Charter Article II, Section 2-12 (B).


Clerk of Hammond City Council



CITY OF HAMMOND ORDINANCE NO. 15-5444 C.S.

AN ORDINANCE TO AMEND CHAPTER 8 ARTICLE V OF THE CODE OF ORDINANCES REGARDING DISPOSAL OF BICYCLES

BE IT ORDAINED by the City Council of Hammond, Louisiana, that:

The Code of Ordinances, City of Hammond Louisiana, Chapter 8, Article V, section 8-103 is deleted in its current form and replaced with former section 8-104 and amended to eliminate the notice requirement before disposal of abandoned bicycles, allow for the donation of bikes to churches and eliminate the registration fee for acquiring an abandoned bicycle; so that this section shall be revised to read as follows:

ARTICLE V. DISPOSAL OF BICYCLES

...

Sec. 8-103. Authorization forms of disposition.

The mayor is authorized to dispose of abandoned bicycles as follows:

- (1) Dispose of bicycles either individually or collectively through the sale of the same to the highest bidder through a public bid process.
- (2) Retain any bicycle for use by the city.
- (3) Donate any bicycle of insignificant value to schools and institutions of learning, to charitable nonprofit organizations, or to churches and/or church affiliated groups.

All ordinances in conflict herewith are repealed.

This ordinance having been submitted in writing, having been introduced at a public meeting of the Hammond City Council, discussed at a public hearing of said Council and was submitted to an official vote of the Hammond City Council.

On motion of Jason Hood and seconded by Janice Carter Beard, the foregoing ordinance was hereby declared adopted on this 1st day of **September 2015**, by the following roll call vote:

Votes: Johnny Blount (Y) Jason Hood (Y) Janice Carter Beard (Y) Lemar Marshall (Y) Mike Williams (Y)

ATTEST:

Tonia Banks
Tonia Banks
Hammond City Council Clerk

Mike Williams
Mike Williams
President, Hammond City Council

Honorable Pete Panepinto

Honorable Pete Panepinto
Mayor, City of Hammond

CERTIFICATE OF DELIVERY
In accordance with Home Rule Charter Article II, Section 2-12 (A), the above Ordinance was delivered to the Mayor of the City of Hammond on the 2nd day of September in the year 2015 at 10:00 o'clock A.m. said delivery being within three (3) calendar days after adoption, exclusive of weekends and state holidays.
Tonia Banks
Clerk of Hammond City Council

Recordation of Receipt Received from the Mayor of the City of Hammond on the 2nd day of September in the year 2015 at 10:00 o'clock P.m., in accordance with Home Rule Charter Article II, Section 2-12 (B).
Tonia Banks
Clerk of Hammond City Council



**CITY OF HAMMOND
ORDINANCE NO. 15-5446 C.S.**

An ordinance has been approved to accept easements for utility improvements from the following property owners for improvements to the Pine Hill Forest Sewer System.

Eugene and Gail Arceneaux – 100 Brenda Drive
Michael James, Sr. – 102 Brenda Drive
Irvin Deubler, Jr. Et Al – 104 Brenda Drive
Raymond Colona, Jr. – 106 Brenda Drive
Raymond and Karen Colona, Jr. – 108 Brenda Drive
Pete and Gaye Palmeri, III – 110 Brenda Drive
Vincent Matthews – 112 Brenda Drive
Byron and Bethany Harrison – 114 Brenda Drive
Rodney and Shunda Jones – 116 Brenda Drive
Quivoia Robinson – 118 Brenda Drive
Craig and Crystal Rock – 120 Brenda Drive

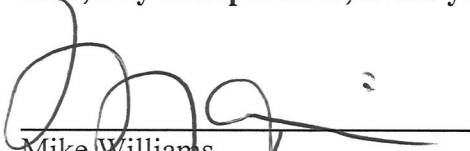
BE IT ORDAINED by the City Council of Hammond, Louisiana, that:


The above and foregoing ordinance having been duly submitted to the Hammond City Council in writing; introduced at a public meeting on **September 1, 2015** of the Hammond City Council and discussed at a public meeting held on **September 15th, 2015**; after motion and second was submitted to the official vote of the Hammond City Council.

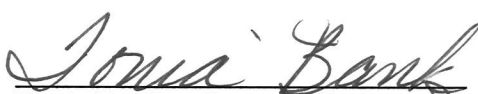
On motion by Janice Carter Beard and second by Lemar Marshall the foregoing ordinance was hereby declared adopted on **September 15th, 2015** by the following roll call vote:

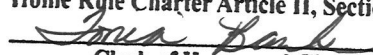
Votes: Johnny Blount (A) Jason Hood (Y) Janice Carter Beard (Y) Lemar Marshall (Y)
Mike Williams (Y) Motion approved.

WHEREFORE the above and foregoing ordinance was declared duly adopted on this **15th, Day of September, in the year 2015**, at Hammond, Tangipahoa Parish, Louisiana.


Mike Williams
President, Hammond City Council


Honorable Pete Panepinto
Mayor, City of Hammond


Tonia Banks, Council Clerk
Hammond City Council

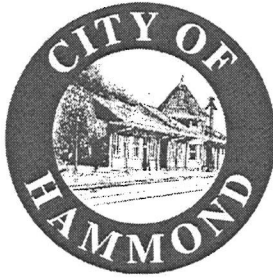
Recordation of Receipt Received from the
Mayor of the City of Hammond on
the 16 day of September in the year 2015
at 2:49 o'clock p.m., in accordance with
Home Rule Charter Article II, Section 2-12 (B).

Clerk of Hammond City Council

CERTIFICATE OF DELIVERY

In accordance with Home Rule Charter Article II,
Section 2-12 (A), the above Ordinance was delivered to
the Mayor of the City of Hammond on the

16 day of September, in the year 2015
at 12:00 o'clock p.m. said delivery being within three (3)
calendar days after adoption, exclusive of weekends
and state holidays.


Clerk



CITY OF HAMMOND
ORDINANCE No. 15-5448 C.S.

Surplus Items

BE IT ORDAINED by the City Council of Hammond, Louisiana, that:

An ordinance has been approved to declare police confiscated bikes as surplus and be donated to Churches and other non-profit organizations. There are fifteen (15) seized bicycles to be issued on a first come first serve basis.

Bicycle Surplus Sheet

- 2014021714 Silver/Blue/Black XR-100 Mongoose
- 2014027272 Black/Blue Huffy
- 2014027275 Grey Murray
- 2014027703 Silver/Yellow Next Bike
- 2014027758 Red/Black Kent Bike
- 2015002145 Purple/Silver Aluminum Bike
- 2015002399 Purple Cannondale
- 2015002891 Red Next Bike
- 2015003388 Purple trek
- 2015003865 Red Child 4-Wheeler
- 2015005893 Power Climber
- 2015006704 Silver/Black Evolution Pacific
- 2015006900 Men's Bicycle Outpost Trail GT (Black)
- 2015011306 Black/Green Mongoose
- 2015013318 Green Mount Fury Bike

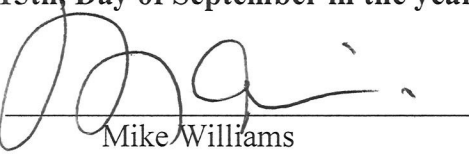
The above and foregoing ordinance having been duly submitted to the Hammond City Council in writing; introduced at a public meeting on **September 1st, 2015**; of the Hammond City Council and discussed at a public meeting held on **September 15, 2015**; after motion and second was submitted to the official vote of the Hammond City Council.

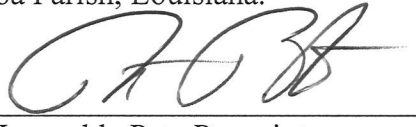
On motion by Jason Hood and second by Janice Carter Beard the foregoing ordinance was hereby declared adopted on **September 15, 2015** by the following roll call vote:

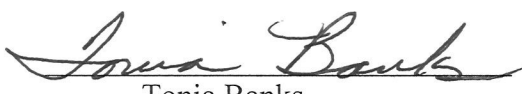
Votes: Johnny Blount (A) Jason Hood (Y) Janice Carter Beard (Y) Lemar Marshall (Y) Mike Williams (Y)

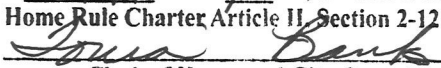
Motion approved.


WHEREFORE the above and foregoing ordinance was declared duly adopted on this **15th, Day of September in the year 2015**, at Hammond, Tangipahoa Parish, Louisiana.


Mike Williams
President, Hammond City Council


Honorable Pete Panepinto
Mayor, City of Hammond


Tonia Banks
Hammond City Council

Reconciliation of Receipt Received from the
Mayor of the City of Hammond on
the 16 day of September in the year 2015
at 2:49 o'clock P.m., in accordance with
Home Rule Charter Article II, Section 2-12 (B).

Clerk of Hammond City Council

CERTIFICATE OF DELIVERY
In accordance with Home Rule Charter Article II,
Section 2-12 (A), the above Ordinance was delivered to
the Mayor of the City of Hammond on the
16 day of September, in the year 2015
at 12:00 o'clock P.m. said delivery being within three (3)
calendar days after adoption, exclusive of weekends
and state holidays.

Clerk of the City of Hammond



**CITY OF HAMMOND
ORDINANCE NO. 15-5447 C.S.**

**An ordinance to amend the City of Hammond Personnel
Policies Rule V regarding sick leave and use of FMLA.**

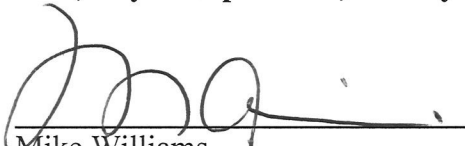
BE IT ORDAINED by the City Council of Hammond, Louisiana, that:

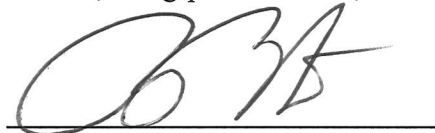
The above and foregoing ordinance having been duly submitted to the Hammond City Council in writing; introduced at a public meeting on **September 1, 2015** of the Hammond City Council and discussed at a public meeting held on **September 15th, 2015**; after motion and second was submitted to the official vote of the Hammond City Council.

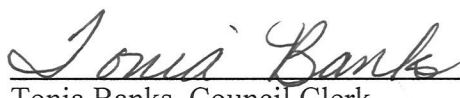
On motion by Jason Hood and second by Janice Carter Beard the foregoing ordinance was hereby declared adopted on **September 15th, 2015** by the following roll call vote:

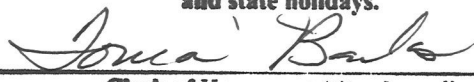
Votes: Johnny Blount (A) Jason Hood (Y) Janice Carter Beard (Y) Lemar Marshall (Y)
Mike Williams (Y) Motion approved.

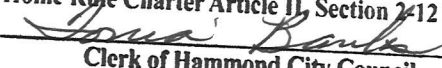
WHEREFORE the above and foregoing ordinance was declared duly adopted on this
15th, Day of September, in the year 2015, at Hammond, Tangipahoa Parish, Louisiana.


Mike Williams
President, Hammond City Council


Honorable Pete Panepinto
Mayor, City of Hammond


Tonia Banks, Council Clerk
Hammond City Council

CERTIFICATE OF DELIVERY
In accordance with Home Rule Charter Article II,
Section 2-12 (A), the above Ordinance was delivered to
the Mayor of the City of Hammond on the
16 day of September, in the year 2015
at 12:00 o'clock P.m. said delivery being within three (3)
calendar days after adoption, exclusive of weekends
and state holidays.

Clerk of Hammond City Council

Recordation of Receipt Received from the
Mayor of the City of Hammond on
the 16 day of September in the year 2015
at 2:49 o'clock P.m., in accordance with
Home Rule Charter Article II, Section 2-12 (B).

Clerk of Hammond City Council



**CITY OF HAMMOND
ORDINANCE NO. 15-5449 C.S.**

An Ordinance to Release Performance Bond/Letter of Credit #547 in the amount of \$60,000, and to accept a 1 year maintenance bond #GSM 15388 in the amount of \$6,989.85 for all public improvements for the extension of West Robert St. (60'x100.5' right of way) in the Thames Subdivision located at 1010 W. Robert St. in accordance with As Built Plans by Andrew N. Faller dated 2/21/2015 (SDF2013-8-3)

BE IT ORDAINED by the City Council of Hammond, Louisiana, that:

WHEREAS, on December 3, 2013 the Hammond City Council accepted the dedication the extension of W. Robert St., all public improvements, and Performance Bond/Letter of Credit in the amount of \$60,000 for the Thames Subdivision located at 1010 W. Robert St. (SDF2013-8-3).

NOW, THEREFORE, BE IT ORDAINED, that the City Council of Hammond, Louisiana hereby releases the Performance Bond/Letter of Credit #547 in the amount of \$60,000, and hereby accepts the 1 year maintenance bond #GSM 15388 in the amount of \$6,989.85 for all public improvements for the extension of W. Robert St., in the Thames Subdivision located at 1010 W. Robert St. in accordance with As Built plans by Andrew N. Faller dated 2/21/2015; Attached hereto and made a part hereof

The above and foregoing ordinance having been duly submitted to the Hammond City Council in writing; introduced at a public meeting on **September 15, 2015** of the Hammond City Council and discussed at a public meeting held on **October 6, 2015**; after motion and second was submitted to the official vote of the Hammond City Council.

On motion by Jason Hood and Second by Janice Carter Beard, the foregoing ordinance was hereby declared adopted on **October 6, 2015** by the following roll call vote:

Votes: Johnny Blount (Y) Jason Hood (Y) Janice Beard Carter (Y) Lemar Marshall(Y) Mike Williams (Y)
Motion approved.

WHEREFORE, the above and foregoing ordinance was declared duly adopted on this **6th** day of **October 2015**, at Hammond, Tangipahoa Parish, Louisiana.

Mike Williams
President, Hammond City Council

Honorable Pete Panepinto
Mayor, City of Hammond

Tonia Banks
Hammond City Council Clerk

Recordation of Receipt Received from the
Mayor of the City of Hammond on
the 7th day of October in the year 2015
at 2:30 o'clock P.m., in accordance with
Home Rule Charter Article II, Section 2-12 (B).

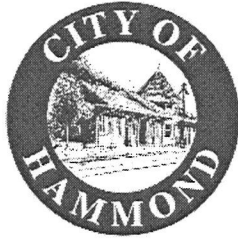
Clerk of Hammond City Council

CERTIFICATE OF DELIVERY

In accordance with Home Rule Charter Article II, Section 2-12 (A), the above Ordinance was delivered to

the Mayor of the City of Hammond on the
7th day of October, in the year 2015
at 2:00 o'clock P.m. said delivery being within three (3)
calendar days after adoption, exclusive of weekends
and state holidays.

Clerk of Hammond City Council



**CITY OF HAMMOND
ORDINANCE NO. 15-5450 C.S.**

An Ordinance to approve an Expanded Conditional use request by First Presbyterian Church to allow a Memorial Garden located at 411 W. Charles St. in accordance with site plan dated 7/30/2015; Zoned MX-C, DDD, Historic, Hyer-Cate (Z-2015-08-00013) Recommended approval with conditions by the Zoning Commission.

BE IT ORDAINED by the City Council of Hammond, Louisiana, that:

WHEREAS, On September 3, 2015 the Hammond Zoning Commission recommended approval to an Expanded Conditional Use Case #Z-2015-08-00013 request by First Presbyterian Church to allow a Memorial Garden located at 411 W. Charles St. in accordance with the site plan received on 7/30/2015 with the following conditions:

- 1.) The approval shall be with the understanding that such use is a personal right that expires upon a change in ownership of the property being First Presbyterian Church; and
- 2.) All local, and state cemetery requirements are met.

NOW, THEREFORE, BE IT ORDAINED, that the City Council of Hammond, Louisiana hereby approves the Expanded Conditional Use request by First Presbyterian Church to allow a Memorial Garden located at 411 W. Charles Str. In accordance with the site plan received on 7/30/2015 with the following conditions:

- 1.) The approval shall be with the understanding that such use is a personal right that expires upon a change in ownership of the property being First Presbyterian Church; and
- 2.) All local, and state cemetery requirements are met.

The above and foregoing ordinance having been duly submitted to the Hammond City Council in writing; introduced at a public meeting on **September 15, 2015** of the Hammond City Council and discussed at a public meeting held on **October 6, 2015**; after motion and second was submitted to the official vote of the Hammond City Council.

On motion by Jason Hood and Second by Johnny Blount, the foregoing ordinance was hereby declared adopted on **October 6, 2015** by the following roll call vote:

Votes: Johnny Blount (Y) Jason Hood (Y) Janice Beard Carter (Y) Lemar Marshall(Y) Mike Williams (Y)
Motion approved.

WHEREFORE, the above and foregoing ordinance was declared duly adopted on this **6th** day of **October 2015**, at Hammond, Tangipahoa Parish, Louisiana.

Mike Williams
President, Hammond City Council

Honorable Pete Panepinto
Mayor, City of Hammond

Tonia Banks
Hammond City Council Clerk

Recordation of Receipt Received from the
Mayor of the City of Hammond on
the 7th day of October in the year 2015
at 2:30 o'clock P.m., in accordance with
Home Rule Charter Article II, Section 2-12 (B).

Clerk of Hammond City Council

CERTIFICATE OF DELIVERY
In accordance with Home Rule Charter Article II,
Section 2-12 (A), the above Ordinance was delivered to
the Mayor of the City of Hammond on the
7th day of October in the year 2015
at 2:00 o'clock P.m. said delivery being within three (3)
calendar days after adoption, exclusive of weekends
and state holidays.

Clerk of Hammond City Council



CERTIFICATE OF DELIVERY
In accordance with Home Rule Charter Article
Section 2-12 (A), the above Ordinance was delivered
to the Mayor of the City of Hammond on the
7th day of October, in the year 2015
at 2:00 o'clock P.m. said delivery being within
calendar days after adoption, exclusive of weeks
and state holidays.
Tonia Banks
Clerk of Hammond City Council

**CITY OF HAMMOND
ORDINANCE NO. 15-5451 C.S.**

An Ordinance for Annexation into the Hammond City Limits, Initial Zoning to C-H, and to be placed in City Council District #5 requested by Alma M. Cali for Tract 1 of the Cali-Ballard Mini Partition being 1.346 acres located on the NW Corner of N. Morrison Blvd. & W. University Ave. in accordance with survey by Wm. J. Bodin Jr. dated 7/31/2015 (Z-2015-08-00014)

BE IT ORDAINED by the City Council of Hammond, Louisiana, that:

WHEREAS, On September 3, 2015 the Hammond Zoning Commission held a public hearing on an annexation of Tract 1 of the Cali-Ballard Mini Partition into the City Limits of Hammond; and

WHEREAS, an initial zoning request of a 1.346 acres to be zoned C-H (Commercial Highway Corridor) located on the NW Corner of N. Morrison Blvd. & W. University Ave. requested by Alma M. Cali in accordance with survey by Wm. J. Bodin Jr. dated 7/31/2015 (Z-2015-08-00014).

WHEREAS, Tract 1 of the Cali-Ballard Mini Partition annexation will be added to the Hammond City Council District #5.

NOW, THEREFORE, BE IT ORDAINED, that the City Council of Hammond, Louisiana hereby approves:

Section 1: The annexation of 1.346 acres owned by Alma M. Cali in accordance with survey by Wm. J. Bodin Jr. and said property is described and attached hereto and made a part thereof:

Section 2: The zoning for said annexation shall be C-H (Commercial Highway Corridor).

Section 3: The City Council District for said annexation shall be District #5

The above and foregoing ordinance having been duly submitted to the Hammond City Council in writing; introduced at a public meeting on **September 15, 2015** of the Hammond City Council and discussed at a public meeting held on **October 6, 2015**; after motion and second was submitted to the official vote of the Hammond City Council.

On motion by Jason Hood and Second by Johnny Blount, the foregoing ordinance was hereby declared adopted on **October 6, 2015** by the following roll call vote:

Votes: Johnny Blount (Y) Jason Hood (Y) Janice Beard Carter (Y) Lemar Marshall (Y) Mike Williams (Y)
Motion approved.

WHEREFORE, the above and foregoing ordinance was declared duly adopted on this **6th** day of **October 2015**, at Hammond, Tangipahoa Parish, Louisiana.

Mike Williams
President, Hammond City Council

Honorable Pete Panepinto
Mayor, City of Hammond

Tonia Banks
Hammond City Council Clerk

Recordation of Receipt Received from the
Mayor of the City of Hammond on
the 7th day of October in the year 2015
at 2:30 o'clock P.m., in accordance with
Home Rule Charter Article II, Section 2-12 (B).
Tonia Banks
Clerk of Hammond City Council

CITY OF HAMMOND ORDINANCE NO. 15-5452

**AN ORDINANCE TO AMEND CHAPTER 31 OF THE CODE OF ORDINANCES TO
ADD ARTICLE IV REGARDING TRANSPORTATION NETWORK COMPANIES**

WHEREAS, The City of Hammond desires to allow Transportation Network Companies to operate in the City and to ensure the safety, reliability and cost-effectiveness of rides provided by Transportation Network Company Drivers within the City of Hammond and to preserve and enhance access to these important transportation options for residents and visitors to the City.

THEREFORE, BE IT ORDAINED by the City Council of Hammond, Louisiana, that:

The Code of Ordinances, City of Hammond Louisiana, Chapter 31 is amended to allow Transportation Network Companies to operate within the City of Hammond and adds Article IV – Transportation Network Companies, with the following language so that this section shall read as follows:

ARTICLE IV. - TRANSPORTATION NETWORK COMPANIES

Sec. 31-60. Definitions. As used in this Article:

"Personal Vehicle" means a vehicle that is used by a Transportation Network Company Driver and is:

(a) Owned, leased or otherwise authorized for use by the Transportation Network Company Driver; and

(b) Not a taxicab, limousine, or any other Public Carrier Vehicle as provided under Article II of this Chapter.

"Digital Network" means any online-enabled application, software, website or system offered or utilized by a Transportation Network Company that enables the prearrangement of rides with Transportation Network Company Drivers.

"Transportation Network Company" or *"TNC"* means a corporation, partnership, sole proprietorship, or other entity that is licensed pursuant to this Article and operating in the City of Hammond that uses a Digital Network to connect Transportation Network Company Riders to Transportation Network Company Drivers who provide Prearranged Rides. A Transportation Network Company shall not be deemed to control, direct or manage the Personal Vehicles or Transportation Network Company Drivers that connect to its Digital Network, except where agreed to by written contract.

"Transportation Network Company Driver" or *"TNC Driver"* means an individual who:

(a) Receives connections to potential passengers and related services from a Transportation Network Company in exchange for payment of a fee to the Transportation Network Company; and

(b) Uses a Personal Vehicle to offer or provide a Prearranged Ride to riders upon connection through a Digital Network controlled by a Transportation Network Company in return for compensation or payment of a fee.

"Transportation Network Company Rider" or *"rider"* means an individual or persons who use a Transportation Network Company's Digital Network to connect with a Transportation Network Driver who provides Prearranged Rides to the rider in the driver's Personal Vehicle between points chosen by the rider.

"*Prearranged Ride*" means the provision of transportation by a driver to a rider, beginning when a driver accepts a ride requested by a rider through a Digital Network controlled by a Transportation Network Company, continuing while the driver transports a requesting rider, and ending when the last requesting rider departs from the Personal Vehicle. A Prearranged Ride does not include transportation provided using a taxicab, limousine, or any other Public Carrier Vehicle as provided under Article II of this Chapter.

Sec. 31-61. Not Public Carrier Vehicles.

TNCs or TNC Drivers are not Public Carrier Vehicles as provided under Article II of this Chapter.

Sec. 31-62. TNC Permit Required.

(a) A person shall not operate a TNC in the City of Hammond without first having obtained a permit from the City. .

(b) The City shall issue a permit to each applicant that meets the requirements for a TNC set forth in this Chapter, and pays an annual permit fee of \$500.00 to the City.

Sec. 31-63. Agent.

Every TNC must maintain an agent for service of process in the State of Louisiana and notify the City of its registered agent.

Sec. 31-64. Fare Collected for Services.

On behalf of a TNC Driver, a TNC may charge a fare for the services provided to riders; provided that, if a fare is collected from a rider, the TNC shall disclose to the rider the fare calculation method on its website or within the software application service. The TNC shall also provide riders with the applicable rates being charged and the option to receive an estimated fare before the rider enters the TNC Driver's vehicle.

Sec. 31-65. Identification of TNC Vehicles and Drivers.

The TNC's software application or website shall display a picture of the TNC Driver, and the license plate number of the motor vehicle utilized for providing the prearranged ride before the rider enters the TNC Driver's vehicle.

Sec. 31-66. Electronic Receipt.

Within a reasonable period of time following the completion of a trip, a TNC shall transmit an electronic receipt to the rider on behalf of the TNC driver that lists:

- (a) The origin and destination of the trip;
- (b) The total time and distance of the trip; and
- (c) An itemization of the total fare paid, if any.

Sec. 31-67. Financial Responsibility of Transportation Network Companies.

TNCs and TNC Drivers shall comply with the insurance requirements set forth in the Transportation Network Company Motor Vehicle Responsibility Law, La. R.S. 45:201.1, et seq. The TNC shall provide the City with a certificate of insurance providing evidence that the TNC

has purchased all insurance required by law. The certificate of insurance shall further identify the City, its elected officials, officers, directors, employees as additional insureds under such insurance.

Sec. 31-68. Zero Tolerance for Drug or Alcohol Use.

(a) The TNC shall implement a zero tolerance policy regarding a TNC Driver's activities while accessing the TNC's digital platform. The zero tolerance policy shall address the use of drugs or alcohol while a TNC Driver is providing prearranged rides or is logged into the TNC's digital network but is not providing prearranged rides, and the TNC shall provide notice of this policy on its website, as well as procedures to report a complaint about a driver with whom a rider was matched and whom the rider reasonably suspects was under the influence of drugs or alcohol during the course of the trip.

(b) Upon receipt of such rider complaint alleging a violation of the zero tolerance policy, the TNC shall immediately suspend such TNC Driver's access to the TNC's digital platform, and shall conduct an investigation into the reported incident. The suspension shall last the duration of the investigation.

(c) The TNC shall maintain records relevant to the enforcement of this requirement for a period of at least two (2) years from the date that a rider complaint is received by the TNC.

Sec. 31-69. TNC Driver Requirements.

(a) Before allowing an individual to accept trip requests through a TNC's digital platform:

(1) The individual shall submit an application to the TNC, which includes information regarding his or her address, age, driver's license, driving history, motor vehicle registration, automobile liability insurance, and other information required by the TNC;

(2) The TNC shall conduct, or have a third party conduct, a local and national criminal background check for each applicant that shall include:

(A) Multi-State/Multi-Jurisdiction Criminal Records Locator or other similar commercial nationwide database with validation (primary source search); and

(B) National Sex Offender Registry database;

(3) The TNC shall obtain, and review, a driving history research report for such individual.

(b) The TNC shall not permit an individual to act as a TNC Driver on its digital platform who:

(1) Has had more than three moving violations in the prior three-year period, or one major violation in the prior three-year period (including, but not limited to, attempting to evade the police, reckless driving, or driving on a suspended or revoked license);

(2) Has been convicted, within the past seven years, of driving under the influence of drugs or alcohol, fraud, sexual offenses, use of a motor vehicle to commit a felony, a crime involving property damage, and/or theft, acts of violence, or acts of terror;

(3) Is a match in the National Sex Offender Registry database;

(4) Does not possess a valid driver's license;

(5) Does not possess proof of registration for the motor vehicle(s) used to provide prearranged rides;

(6) Does not possess proof of automobile liability insurance for the motor vehicle(s) used to provide prearranged rides; or

(7) Is not at least 19 years of age.

Sec. 31-70. Vehicle Safety.

The TNC shall not allow a TNC Driver to accept trip requests through the TNC's digital platform unless any motor vehicle(s) that a TNC Driver will use to provide prearranged rides meets the State of Louisiana's vehicle safety requirements for private motor vehicles.

Sec. 31-71. No Street Hails.

A TNC Driver shall not solicit or accept street hails.

Sec. 31-72. No Cash Trips.

The TNC shall adopt a policy prohibiting solicitation or acceptance of cash payments from riders and notify TNC Drivers of such policy. TNC Drivers shall not solicit or accept cash payments from riders. Any payment for prearranged rides shall be made only electronically using the TNC's digital network or software application.

Sec. 31-73. No Discrimination; Accessibility.

(a) The TNC shall adopt a policy of non-discrimination on the basis of destination, race, color, national origin, religious belief or affiliation, sex, disability, age, sexual orientation, or gender identity with respect to riders and potential riders and notify TNC Drivers of such policy.

(b) TNC Drivers shall comply with all applicable laws regarding non-discrimination against riders or potential riders on the basis of destination, race, color, national origin, religious belief or affiliation, sex, disability, age, sexual orientation, or gender identity.

(c) TNC Drivers shall comply with all applicable laws relating to accommodation of service animals.

(d) A TNC shall not impose additional charges for providing services to persons with physical disabilities because of those disabilities.

(e) A TNC shall provide riders an opportunity to indicate whether they require a wheelchair-accessible vehicle. If a TNC cannot arrange a wheelchair-accessible prearranged ride in any instance, it shall direct the rider to an alternate provider of wheelchair-accessible service, if available.

Sec. 31-74. Records.

A TNC shall maintain the following customer records:

(a) individual trip records of rider customers for at least one (1) year from the date each trip was provided; and

(b) individual records of TNC Driver customers at least until the one year anniversary of the date on which a TNC Driver's customer relationship with the TNC has ended.

Sec. 31-75. Controlling Authority.

Notwithstanding any other provision of law, TNCs and TNC Drivers are governed exclusively by this Article.

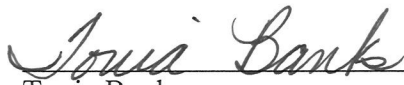
All ordinances in conflict herewith are repealed.


This ordinance having been submitted in writing, having been introduced at a public meeting of the Hammond City Council, discussed at a public hearing of said Council and was submitted to an official vote of the Hammond City Council.

On motion of Lemar Marshall and seconded by Janice Carter Beard, the foregoing ordinance was hereby declared adopted on this 6th day of October, 2015, by the following roll call vote:

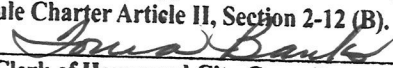
Votes: Johnny Blount (Y) Jason Hood (Y) Janice Carter Beard (Y) Lemar Marshall (Y) Mike Williams (Y)

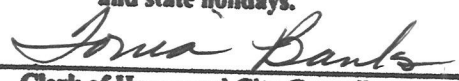
ATTEST:

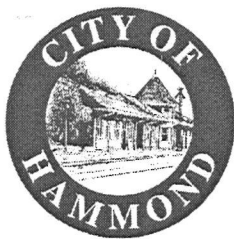

Tonia Banks
Hammond City Council Clerk


Mike Williams
President, Hammond City Council


Honorable Pete Panepinto
Mayor, City of Hammond

Recordation of Receipt Received from the
Mayor of the City of Hammond on
the 7th day of October in the year 2015
at 2:30 o'clock P.m., in accordance with
Home Rule Charter Article II, Section 2-12 (B).

Clerk of Hammond City Council

CERTIFICATE OF DELIVERY
In accordance with Home Rule Charter Article II,
Section 2-12 (A), the above Ordinance was delivered to
the Mayor of the City of Hammond on the
7th day of October, in the year 2015
at 2:00 o'clock P.m. said delivery being within three (3)
calendar days after adoption, exclusive of weekends
and state holidays.

Clerk of Hammond City Council



**CITY OF HAMMOND
ORDINANCE N° 15-5453 C.S.**

Amend Fiscal Budget Year 2015-2016

BE IT ORDAINED by the City Council of Hammond, Louisiana, that:

An ordinance to amend the City of Hammond budget for the Fiscal Year 2015–2016 to transfer \$117,011 from the Court Awarded Asset Fund (Fund 205) to the Local Government Assistance Program grant account (Project 31601) to replace the roof on the Police Station.

The above and foregoing ordinance having been duly submitted to the Hammond City Council in writing; introduced at a public meeting on **October 6th, 2015** of the Hammond City Council and discussed at a public meeting held on **October 20th, 2015**; after motion and second was submitted to the official vote of the Hammond City Council.

On motion by Lemar Marshall and Second by Janice Carter Beard the foregoing ordinance was hereby declared adopted on **October 20th, 2015** by the following roll call vote:

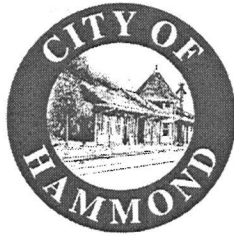
Votes: Johnny Blount (Y) Jason Hood (Y) Janice Carter Beard (Y) Lemar Marshall (Y) Mike Williams (Y)
Motion carried approved.

WHEREFORE the above and foregoing ordinance was declared duly adopted on this **20th, Day of October in the year 2015**, at Hammond, Tangipahoa Parish, Louisiana.

Mike Williams
President, Hammond City Council

Honorable Pete Panepinto
Mayor, City of Hammond

Tonia Banks, Clerk
Hammond City Council



**CITY OF HAMMOND
ORDINANCE N° 15-5454 C.S.**

Sports Coordinator Position

BE IT ORDAINED by the City Council of Hammond, Louisiana, that:

An ordinance to create the position of Sports Coordinator (Pay Grade 119), to replace the position of Youth Coordinator (Pay Grade 119).

The above and foregoing ordinance having been duly submitted to the Hammond City Council in writing; introduced at a public meeting on **October 6th, 2015** of the Hammond City Council and discussed at a public meeting held on **October 20th, 2015**; after motion and second was submitted to the official vote of the Hammond City Council.

On motion by Lemar Marshall and Second by Janice Carter Beard the foregoing ordinance was hereby declared adopted on **October 20th, 2015** by the following roll call vote:

Votes: Johnny Blount (Y) Jason Hood (Y) Janice Carter Beard (Y) Lemar Marshall (Y) Mike Williams (Y)
Motion carried approved.

WHEREFORE the above and foregoing ordinance was declared duly adopted on this **20th, Day of October in the year 2015**, at Hammond, Tangipahoa Parish, Louisiana.

Mike Williams
President, Hammond City Council

Honorable Pete Panepinto
Mayor, City of Hammond

Tonia Banks, Clerk
Hammond City Council



CITY OF HAMMOND
ORDINANCE No. 15-5455 C.S.

Surplus Items

BE IT ORDAINED by the City Council of Hammond, Louisiana, that:

This ordinance has been approved authorizing for Council to declare surplus item(s) below to be sold on GovDeals.com.

- Unit 487 – 2000 Dodge Ram 3500 – VIN# 3B6MC36511M241405
- Unit 453 – 1999 Kawasaki Green Mule – VIN# JK1AFBC17KB509823
- Unit 336 – 1995 Ditch Witch Trencher – Serial # 3L115314542
- Seize Vehicle – 1999 Infiniti Q45 – VIN# JNKBY31A9XM01323
- Seize Vehicle – 1996 Black Chevrolet Impala – VIN# 1G1BL52P5TR15
- Seize Vehicle – 2003 Cadillac – VIN# 1GY3C63T43R253399
- Unit 742 - 2008 Crown Vic. - VIN# 2FAFP71VO8X160973
- Unit 631 – 2006 Crown Vic. – VIN# FAFP71WX6X141935

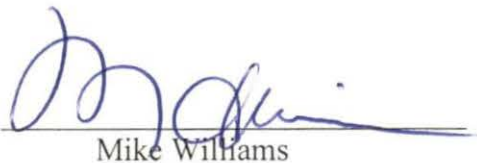
The above and foregoing ordinance having been duly submitted to the Hammond City Council in writing; introduced at a public meeting on **November 03, 2015** of the Hammond City Council and discussed at a public meeting held on **November 17, 2015**; after motion and second was submitted to the official vote of the Hammond City Council.

On motion by Jason Hood and Second by Janice Carter Beard the foregoing ordinance was hereby declared adopted on **November 17, 2015** by the following roll call vote:

Votes: Johnny Blount (Y) Jason Hood (Y) Janice Carter Beard (Y) Lemar Marshall (Y) Mike Williams (Y)

Motion approved.


WHEREFORE the above and foregoing ordinance was declared duly adopted on this **17th, Day of November in the year 2015**, at Hammond, Tangipahoa Parish, Louisiana.



Mike Williams
President, Hammond City Council



Honorable Pete Panepinto
Mayor, City of Hammond



Tonia Banks
Hammond City Council Clerk