

CHAPTER 6
HOMELAND SECURITY
AND
EMERGENCY PREPAREDNESS AGENCY

Sub-Chapter A -- In General

Sub-Chapter B -- Hazardous Material Emergency Preparedness Program

Sub-Chapter A

In General

SECTION 6:1. CREATION OF LOCAL HOMELAND SECURITY AND EMERGENCY PREPAREDNESS AGENCY

There is hereby created the Homeland Security and Emergency Preparedness Agency. (Resolution of 02/12/57; Ord. No. 04-07, 06/18/03)

SECTION 6:2. APPOINTMENT OF DIRECTOR; RESPONSIBILITIES AND DUTIES OF DIRECTOR

A. The Parish Homeland Security and Emergency Preparedness Agency shall have a director who shall be commissioned by the state Director of the Governor's Office of Homeland Security after appointment by the President of the Police Jury, and who shall have direct responsibility for the organization, administration and operation of the parish department subject to the direction and control of the parish president under the general direction and control of the Governor's Office of Homeland Security and Emergency Preparedness.

B. The director shall execute and enforce such orders, rules and regulations as may be made by the Governor under the State Homeland Security and Emergency Preparedness Agency.

(Resolution of 02/12/57; Ord. No. 04-07, 06/18/03; LARS 29:728, et seq.)

The Parish originally created a Local Civil Defense Organization pursuant to La. Revised Statutes on February 12, 1957. Through the years the Civil Defense Agency was restyled as the "Office of Emergency Preparedness." In 2003 and 2006 legislation redesignate the local and state entities as "Office of Homeland Security and Emergency Preparedness", or sometimes abbreviated as OHSEP. See La Revised Statutes 29:728 et seq. This Chapter was revised per order No. 04-07 to meet the requirements of LARS 29:728.

§ 6:5

SECTION 6:3. ACCEPTANCE OF GIFTS AND CONTRIBUTIONS FROM STATE AND FEDERAL AGENCIES

When the federal or state government or any agency or officer thereof shall offer this political subdivision service, equipment, supplies, materials or funds by way of gift, grant or loan, for purposes of homeland security, disaster prevention preparedness, response or recovery, the director, with the consent of this governing authority, may accept such offer and is authorized to receive such aid and assistance. (Resolution of February 12, 1957; Ord. No. 04-07, 06/18/03)

Comment -- See LRS 29:731 for general authority of local Homeland Security and Emergency Preparedness to accept gifts and grants for emergency purposes. Also see LRS 53:2 for similar authority.

SECTION 6:4. DIRECTOR TO PREPARE HOMELAND SECURITY AND EMERGENCY PREPAREDNESS OPERATIONS PLAN, RECRUIT OTHER PERSONNEL, ETC.

The director is authorized and directed to prepare an all hazards emergency operations plan and keep it current, and to recruit and train personnel in accordance with the plan to the end that when disaster strikes, each member of this local organization will know his part and his duty. (Resolution of February 12, 1957; LARS 29:729)

SECTION 6:5. DIRECTOR AUTHORIZED TO UTILIZE SERVICES OF OTHER PARISH DEPARTMENTS AND AGENCIES; PARISH PERSONNEL REQUIRED TO COOPERATE

The director is hereby authorized to utilize the services, equipment, supplies and facilities of existing departments, offices and agencies of this political subdivision of Louisiana to the maximum extent practicable and the officers and personnel of all such departments and agencies are directed to cooperate and extend such services and facilities to the President of the Police Jury and the director upon request. (Resolution of February 12, 1957)

Sub-Chapter B
Hazardous Material
Emergency Preparedness Program

SECTION 6:100. IMPOSITION OF SERVICE CHARGE

Because of potential danger posed to human life and personal property by the handling of hazardous materials and the need for industry, community and parish coordination, planning, education, and preparedness, it is hereby authorized that an annual service charge in the year 2001 for reportable inventory of calendar year 2000 and for each subsequent year upon every person, who uses, stores, manufactures, generates, disposes of or sells hazardous materials within the Parish of Assumption.

SECTION 6:101. DEFINITIONS

For all purposes of this sub chapter and regulations applicable there to the terms defined in this Section shall have the following meanings:

“*Director*” as used in this part, means the Director of Homeland Security and Emergency Preparedness.

“*Hazardous materials*” means any gaseous, liquid, or solid material that poses danger to individuals on the environment, or hazardous as described or defined by RCTA, DOT, and SARA.

“*Person*” means a person, firm, association, partnership, co-partnership, joint venture, corporation, or other legal entity.

“*Retail motor fuel dispensing unit*” means a unit which house nozzles on one (1) or both sides of the unit and dispenses gasoline, diesel or other motor fuel.

“*Small business*” means any single business establishment employing not more than nine (9) employees and showing a maximum of two million dollars in average-annual gross receipts.

SECTION 6:102. ESTABLISHMENT OF SERVICE CHARGE

Every person which owns, operates, or acts as an agent for an establishment where one or more hazardous materials are used, stored, manufactured, generated, disposed of or sold shall pay an annual service charge. Where more than one such establishment or facility is kept or conducted by the same person, a service charge shall be paid for each separate establishment.

§ 6:103

SECTION 6:103. SERVICE CHARGES AND FEES

A. Amount of Service Charge.

1. The service charge shall be based upon the maximum quantity of a hazardous material used, stored, transported, manufactured, generated or sold at any one time the preceding year and as shown in the following table:

<u>FEE</u>	<u>POUNDS</u>
\$0	UNDER 500
\$100	500 TO 4,999
\$500	5,000 TO 9,999
\$1,000	10,000 and over

2. Gases shall be figured by converting cubic feet to a water weight and using the above table.

3. In no event shall the maximum fee exceed \$1,000.00 per person.

B. Pipeline: Flat Fee. Persons owning pipelines which transverse the Parish, including, but not limited to, facility, meter and/or pump stations, breakout tanks, or buildings associated with the transportation products or hazardous material by pipeline shall pay a flat fee of one thousand (\$1,000.00) dollars irrespective of the mileage of pipeline.

C. Agriculture: Flat Fee.

1. A flat fee will be given to area agriculture growers. The fee will be assessed according to the size of the farm.

<u>FEE</u>	<u>SIZE</u>
\$0	Less than 100 acres
\$15	100 to 299.9 acres
\$25	300 to 699.9 acres
\$35	700 to 1,499.9 acres
\$50	1,500 and above acres

2. Agriculture mills shall be charged a flat fee of \$100.

D. Service Station: Flat Fee. Persons engaged in retail sales of gasoline, diesel, or other motor fuel shall pay a flat fee of five dollars (\$5.00) per retail motor fuel dispensing unit, not to exceed twenty five dollars (\$25.00) per station, nor one hundred dollars (\$100.00) dollars per person. Those industries, corporations and/or facilities which have in addition to gasoline, diesel and motor oil such materials as brake fluid, hydraulic fluid, or any other substances used for the maintenance of vehicles and/or equipment shall pay a fee of twenty five dollars (\$25.00).

E. Land Fill: Flat Fee. Persons engaged in land fill operations involving municipal, industrial, or oil field waste shall pay a flat fee of:

<u>FEE</u>	<u>SIZE</u>
\$100	0 to 50 acres
\$500	51 to 100 acres
\$750	101 to 150 acres
\$1,000	151 acres and above

F. **Disposal and Injection Well: Flat Fee.** Persons owning or operating injection wells for the disposal of hazardous waste or non-hazardous oil field waste shall pay a flat fee of two hundred fifty dollars (\$250.00) per disposal well. Salt water injection as part of pipeline operations or as part of oil and gas production shall be exempt.

G. **Propane Distributors: Flat Fee.** Retail propane distributors will pay a flat fee of twenty-five dollars (\$25.00) per dispensing unit, not to exceed three hundred dollars (\$300.00) per person.

SECTION 6:104. METHOD OF PAYMENT: WHEN DUE

All annual service charges shall be due on March 1 and shall become delinquent on May 1 of each year and shall be paid by check or money order to the Assumption Parish Sheriff's Office, accompanied by such return or form(s) as said Director may require.

SECTION 6:105. PENALTIES AND INTEREST

A. If the service charge due by any person under this Article is knowingly not paid on or before the date prescribed for its payment, there shall be collected, with such charges, interest at the rate of twelve (12%) percent.

B. There shall also be collected a penalty of five (5%) per cent of the service charge for each additional month or fraction thereof if the fee is delinquent for more than thirty (30) days, not to exceed twenty (25%) per cent of the service charge.

C. All penalties and interest imposed by this ordinance shall be payable to and recoverable by the Police Jury in the same manner as if they were part of the service charge imposed.

D. The burden of proof shall be on the person deemed to have violated this Sub-Chapter to show that his failure to pay the service charge was unintentional.

E. If the failure to pay any service charge when due is explained to the satisfaction of the Police Jury, they may waive payment of the whole or any part of any such penalty and/or interest.

F. The Police Jury shall consider, in determining whether to assess the aforementioned penalty and /or interest, the financial situation of the owner and operator of small businesses as well as any willfulness in failing to comply with this provision.

G. If any person shall fail to make a true return or report, as required by this Sub Chapter, the Police Jury, within three (3) years from the last day in April of the year, in which such return or report was required to be filed, may calculate the amount of charges such person is liable to pay under the terms of this Sub Chapter, from any information he is able conveniently to obtain, and according to such calculation so made by him, assess the charges, fees, penalties and interest due the Parish from such person, given notice of such assessment to such person, and make demand upon him/her for payment.

H. All persons subject to the provision of this Sub Chapter shall make the premises available for inspection by the Director of the Homeland Security and Emergency Preparedness Agency or their deputies during normal business hours.

§ 6:107

I. Appeals from the decision of the Director of the Homeland Security and Emergency Preparedness Agency in regard to the penalties and interest mentioned above shall be to the Assumption Parish Police Jury whose decisions shall be considered final and subject to review by a court of competent jurisdiction.

(Ord. No. 04-07, 6/18/03)

SECTION 6:106. VIOLATIONS

It shall be unlawful and a misdemeanor to knowingly do anything prohibited or to fail to do anything required by this Sub Chapter. Any person, member or any firm, officer, manager or agent of any corporation, who knowingly violates any provision of this Sub Chapter, shall be fined in addition to the fee and interest not more than three (\$300.00) hundred dollars nor less than fifty (\$50.00) dollars or imprisoned for not more than five (5) months nor less than sixty (60) days, or both.

SECTION 6:107. EXEMPTIONS

This ordinance shall not apply to:

A. Natural persons who use, store, generate or dispose of hazardous materials in consumer quantities for private, personal, or non-commercial purpose.

B. Any substance stored at any facility owned or leased by the State of Louisiana or any other political subdivision thereof.

C. Cosmetology salons and barber shops.

D. Any substance to the extent it is used for personal, family, or household purpose.

E. Any non-profit or not-for-profit organization that has the proper federal tax identification.

(Ord. No. 00-19, 10-25-00, amended by Ord. No. 01-01, 2-20-01; Ord. No. 02-11, 7-24-02)

[The next page is CHAPTER 7, "FIRE PROTECTION AND PREVENTION", page 7-1.]