

**ORDINANCE OF THE IBERVILLE PARISH COUNCIL ESTABLISHING A
TEMPORARY MORATORIUM ON THE ACCEPTANCE AND PROCESSING OF
SUBDIVISION PLATS AND SITE DEVELOPMENT PLANS FOR LAND WITHIN
THAT UNINCORPORATED PORTION OF IBERVILLE PARISH LOCATED EAST OF
THE MISSISSIPPI RIVER TO PROVIDE FOR THE SAFETY OF LIFE AND
PROPERTY AND GENERAL WELFARE OF THE CITIZENS**

WHEREAS, Louisiana Revised Statute Title 33 Section 1236(13) provides that the Iberville Parish Council is empowered to construct and maintain drainage, drainage ditches, and drainage canals; to open any and all drains which they may deem necessary and to do and perform all work in connection therewith; to cut and open new drains, ditches and canals, to acquire lands for necessary public purposes, including rights of way, canals and ditches by expropriation, purchase, prescription or by donation...and to construct any works and do any and all things necessary to effect proper drainage and carry this paragraph into effect...**they may perform all other acts necessary to fully drain all the land in their respective parishes and maintain such drainage when established. This paragraph is intended to furnish additional means whereby parishes in the State of Louisiana may accomplish the objects and purposes herein referred to, and shall be liberally interpreted.**

WHEREAS, pursuant to the above statutory authority to provide for drainage of Iberville Parish, the former Iberville Parish Police Jury (now Iberville Parish Council) enacted a five (5) mill property tax on all property subject to taxation in the Parish for the purpose of acquiring, constructing, improving, maintaining and operating the public drainage works throughout the Parish, which said drainage tax has been continually renewed since its original enactment over fifty years ago.

WHEREAS, in order to provide for the orderly safe development and use of land in the unincorporated area of Iberville Parish located East of the Mississippi River, the Iberville Parish Council desires to study and evaluate with the assistance of the City of St. Gabriel, Louisiana, and other state and federal agencies the impact of future development related to subdivisions as defined in Section 9.A|19.20 of the Iberville Parish Unified Development Code (2015) as it may affect the efficient drainage of this area and to avoid any subdivision/land development that may constitute or impose an unreasonable burden on public drainage system and to protect life and property of the area from flooding events.

WHEREAS, in recent years, including Tropical Storm Allison, the flood events of 2016 and 2021, there was major flooding of residential and commercial properties located within the Eastern portion of Iberville Parish, including the unincorporated areas of Iberville Parish, and the two State prisons located within St. Gabriel, Elayn Hunt Correctional Center and Louisiana Correctional Institute for Women sustained significant flood damages. The Louisiana

Correctional Institute for Women was totally destroyed by the inundation of flood waters in the 2016 flood.

WHEREAS, for the purpose of this twelve (12) month moratorium within the unincorporated area of Iberville Parish located East of the Mississippi River a subdivision shall mean any re-subdivision of land into more than two lots for a single residential home each, and land development shall mean any project having a footprint of more than two (2) acres.

WHEREAS, that portion of Iberville Parish located East of the Mississippi River has been declared a major disaster area by the Governor of the State of Louisiana and the President of the United States of America after these major and destructive flooding events. Most recently, President Joseph R. Biden, Jr. declared Iberville Parish a major disaster area resulting from the flooding event in May 2021.

WHEREAS, in addition to flooding of residential property, homes and businesses, these flooding events have significantly damaged public roadways which had to be reconstructed by the Iberville Parish Council. The flooding events have restricted the ability of the Iberville Parish Council and other agencies, including the City of St. Gabriel to provide essential services to the area residents, including but not limited to emergency response, garbage collection, utility services, animal control, fire protection and to receive mail. In order to maintain acceptable levels of public service and to protect the life and property of Parish residents during significant flooding events, it is necessary that a temporary twelve (12) month moratorium on new subdivisions and land development be implemented by the Iberville Parish Council in the unincorporated areas of Iberville Parish. The Iberville Parish Council respectfully requests the City of St. Gabriel to implement a similar moratorium on new subdivision developments and land development within its municipal limits so that the entire area of Iberville Parish located East of the Mississippi River will benefit from a temporary moratorium so the Parish and City can determine how to best reduce the significant flooding that has been occurring in the area over the last years and disrupting the daily life for residents and damaging property. The flood water created by stormwater drainage/runoff in the Eastern portion of Iberville Parish and from surrounding Parishes affects both unincorporated and incorporated areas of Iberville Parish located East of the Mississippi River.

WHEREAS, the Iberville Parish Council (formerly Iberville Parish Police Jury) constructed the major drainage canals and channels in the early 1900s that receive the storm water runoff from the entire portion of Iberville Parish located East of the Mississippi River. The Iberville Parish Council operates and maintains its parish wide drainage system with the Parish wide ad valorem five (5) mill tax with additional funding from the Parish's general fund. The Iberville Parish Council has expended millions of dollars to combat and repair damages caused by the 2016 and 2021 flooding events in the Eastern portion of the Parish. All drainage improvements or drainage ditches that have been approved by the City of St. Gabriel since its creation in 1994 flow into the Parish's maintained drainage system, and the City of St. Gabriel has required any subdivision developer within the municipal limits of St. Gabriel to submit any drainage plan to the Parish for a letter of approval prior to final approval by the City. Continued subdivision and land development in the Eastern portion of Iberville Parish will increase the flooding woes of area residents until such time as the Parish, City and other State and federal partners can work to

develop a detailed flood study to help reduce the flooding events in the unincorporated area of Eastern Iberville Parish.

WHEREAS, the State of Louisiana and Iberville Parish recognized the serious backwater flooding events that plagued the Spanish Lake Basin located in the Eastern portion of Iberville Parish including St. Gabriel, Louisiana (formally incorporated since 1994). In 1950-51, the State of Louisiana Department of Public Works constructed a flood gate at the confluence of Bayou Manchac and Alligator Bayou in Iberville Parish to help reduce the backwater flooding from the stormwater draining through Bayou Manchac during heavy rainfall events. The Iberville Parish Council replaced the original single floodgate at Alligator Bayou in 2018 with three (3) new floodgates, and despite the increased capacity for the stormwater in the Spanish Lake Basin the floodwaters from the May 2021 high rainfall event still remain on the residential and commercial properties located in the Eastern portion of Iberville Parish.

WHEREAS, the backwater flooding is caused by the excessive storm water runoff from East Baton Rouge Parish draining into Bayou Manchac which creates very serious flooding in Iberville Parish and the City of St. Gabriel, including residential homes and business and commercial and industrial properties within the unincorporated and incorporated areas of Iberville Parish located East of the Mississippi River. All rainfall in the portion of Iberville Parish east of the Mississippi River must drain through the Alligator Bayou Flood Gate into Bayou Manchac. Until the enormous level of stormwater runoff in Bayou Manchac declines, the floodwaters in the Spanish Lake Basin have no outlet to flow into Bayou Manchac.

WHEREAS, the floodwaters that inundated the portion of Iberville Parish located East of the Mississippi River in 2016 and 2021 remained for an extensive period (at least thirty 30 days in 2016) and the Iberville Parish Department of Public Works had to make large cuts through Manchac Road to help drain the floodwaters from the area. Photographs of the Manchac Road cuts from 2016 and 2021 to help drain the floodwaters into Bayou Manchac are attached to this ordinance and incorporated by reference.

WHEREAS, a copy of an email message with accompanying photographs from a resident of Meadow Oaks Subdivision located in St. Gabriel, Louisiana detailing her disruptions of daily life and frustrations due to the excessive flooding are attached hereto and incorporated by reference in this ordinance. This email message accurately reflects the adverse effects of the repeated flooding events in the area and that residents are desperately pleading for relief.

WHEREAS, it is essential that Iberville Parish, Ascension Parish, the City of St. Gabriel work cooperatively with State and Federal partners during this temporary twelve (12) month moratorium period to review the entire drainage system for the Eastern portion of Iberville Parish to ensure that the area drainage be improved to reduce flooding and prevent loss of life and property associated with the serious flooding events during excessive rainfall and tropical weather systems.

WHEREAS, a present serious dangerous drainage situation exists in that unincorporated portion of Iberville Parish located East of the Mississippi River including St. Gabriel, Louisiana, and allowing any new subdivision or land development in this portion of Iberville Parish without

conducting a thorough and extensive drainage study for this area will continue to adversely affect life and property during future heavy rainfall events/tropical weather events.

WHEREAS, a temporary twelve (12) month moratorium on development of subdivisions or large commercial land developments for a twelve (12) month period is necessary for the Iberville Parish Council to conduct a thorough drainage study review of this area of Iberville Parish to reduce the serious flooding events that pose major risks to area residents and properties located in both the unincorporated and incorporated areas, as stormwater runoff knows no political boundaries.

NOW, THEREFORE BE IT ORDAINED BY THE IBERVILLE PARISH COUNCIL AS FOLLOWS:

- 1) All of the above premises are hereby found to be true and correct legislative and factual findings by the Iberville Parish Council and are hereby approved and incorporated into the body of this ordinance as if copies in their entirety.
- 2) That a temporary twelve-month (12) moratorium is hereby enacted prohibiting applications for subdivisions of land into more than two lots for a single residential home each, and land development shall mean any project having a footprint of more than two (2) acres, which will promote the public health, safety and general welfare of the portion of Iberville Parish located East of the Mississippi River in the unincorporated areas.
- 3) That the Iberville Parish Council respectfully requests that the City of St. Gabriel join consider implementing a temporary twelve (12) month moratorium to ensure a coordinated effort between the Parish and City to work together to help reduce the significant flooding to prevent loss of life and property, and that the Council Clerk forward a copy of this ordinance to the Mayor of the City of St. Gabriel.
- 4) **During this temporary twelve (12) month moratorium prohibiting applications for subdivisions and land development permits in the unincorporated areas of the Parish, the Iberville Parish Council will conduct a major drainage impact study of the area to determine if major repetitive flooding events during periods of heavy rainfall can be reduced by new or improved drainage projects to help protect the life and property in entire area of Iberville Parish located East of the Mississippi River.**
- 5) This ordinance shall not apply to the following:
 - a) Legally permitted properties upon which construction actively commenced prior to June 4, 2021;
 - b) Construction on individual, single family residential properties on a legally platted lot in existence on or prior to June 4, 2021;
 - c) Ordinary maintenance is not affected by this ordinance.
- 6) No person shall build, clear or fill a nonresidential lot or structure within the unincorporated area of Iberville Parish located East of the Mississippi River without applying for and receiving a permit from the Iberville Parish Council.
- 7) Any person violating any provision of this Ordinance shall upon conviction be fined a sum not exceeding one thousand dollars (\$1000.00) or imprisonment not to exceed thirty (30) days or both. Each day that this ordinance is violated shall constitute a separate misdemeanor offense.

- 8) The Iberville Parish Council may institute a civil action to enforce the provisions of this Ordinance including but not limited to the following: restraining order or injunctive relief or any other civil remedy available.
- 9) **This Ordinance shall take effect immediately in the unincorporated area of Iberville Parish located East of the Mississippi River upon its approval by the Iberville Parish Council.**
- 10) If any section, clause, sentence or phrase of this ordinance is held to be invalid by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this ordinance.

The foregoing ordinance which was previously introduced at the special meeting of the Iberville Parish Council on June 8, 2021 and a summary thereof having been published in the official journal on June 10, 2021, the public hearing on this ordinance held on the 15th day of June, 2021, at 6:00 p.m., in the Council Meeting Room, 58050 Meriam Street, Plaquemine, Louisiana, was brought up for final passage with a motion by Councilman _____, and seconded by Councilman _____, having been duly submitted to a vote, the ordinance was duly adopted by the following yea and nay vote on roll call:

YEAS:

NAYS:

ABSTAIN:

ABSENT:

The ordinance was declared adopted by the Chairman on the 15th day of June, 2021.

IBERVILLE PARISH COUNCIL

BY: _____
MATTHEW H. JEWELL, CHAIRMAN

ATTEST:

KIRSHA D. BARKER
COUNCIL CLERK