

ORDINANCE NO. 6635

AN ORDINANCE ESTABLISHING REGULATIONS FOR TEMPORARY WORKFORCE HOUSING FACILITIES IN UNINCORPORATED CADDO PARISH, LOUISIANA; PROVIDING FOR DEFINITIONS, REGISTRATION REQUIREMENTS, OPERATIONAL STANDARDS, ENFORCEMENT, AND PENALTIES; AND FOR OTHER RELATED PURPOSES, AND OTHERWISE RELATED THERETO.

WHEREAS, Caddo Parish is experiencing and anticipates continued industrial and construction activity, including data center and related infrastructure development, that may require the temporary housing of large numbers of construction and industrial workers within the unincorporated areas of the Parish; and

WHEREAS, temporary workforce housing facilities, commonly known as "man camps" or "crew camps," consisting of modular units, recreational vehicles, trailers, or other temporary structures used as sleeping quarters for workers, may be established in the unincorporated areas of Caddo Parish in connection with such projects; and

WHEREAS, such facilities, if unregulated, may impose substantial burdens on neighboring landowners and residents, on Parish public infrastructure and services, on public health and sanitation systems, and on the environment of the unincorporated Parish; and

WHEREAS, the Caddo Parish Commission possesses broad police power authority under the Caddo Parish Home Rule Charter and the laws of the State of Louisiana to regulate activities within unincorporated Caddo Parish for the protection of the health, safety, and general welfare of its citizens; and

WHEREAS, the Caddo Parish Commission finds that the timely adoption of reasonable regulations governing temporary workforce housing facilities is necessary and in the public interest, and that such regulations are enacted independent of and without reference to any zoning classification, there being no general zoning ordinance applicable to unincorporated Caddo Parish;

NOW, THEREFORE, BE IT ORDAINED by the Caddo Parish Commission, in legal session duly assembled, that the following regulations governing Temporary Workforce Housing Facilities in unincorporated Caddo Parish are hereby adopted:

Section 1. Purpose and Authority.

1.1 This Ordinance is enacted pursuant to the police power authority of the Caddo Parish Commission under the Caddo Parish Home Rule Charter and applicable Louisiana law, to promote and protect the public health, safety, and general welfare of the residents of unincorporated Caddo Parish. This Ordinance shall apply exclusively to unincorporated areas of Caddo Parish and shall not apply within the corporate limits of any municipality.

1.2 The regulations set forth herein are adopted independently of any zoning classification and do not constitute or require the adoption of a zoning ordinance.

Section 2. Definitions.

As used in this Ordinance, the following terms shall have the meanings ascribed to them herein:

2.1 "Temporary Workforce Housing Facility" or "TWHF" means any site, parcel, or contiguous parcels located in unincorporated Caddo Parish that is established, operated, or used as sleeping quarters for ten (10) or more construction, industrial, data center, or related project workers, whether through the placement of modular units, recreational vehicles, trailers, manufactured structures, prefabricated buildings, tents, or any combination thereof, and which is so used for more than three (3) consecutive calendar days, or for more than ten (10) cumulative calendar days within any ninety (90) day period. The term specifically excludes: licensed hotels, motels, and bed-and-breakfast establishments; licensed manufactured home parks regulated under existing Caddo Parish ordinances; and housing provided to agricultural workers under applicable state or federal law.

2.2 "Operator" means any person, firm, corporation, partnership, limited liability company, or other legal entity that establishes, operates, manages, or maintains a TWHF, or causes a TWHF to be established, operated, managed, or maintained, regardless of whether such entity owns the underlying real property.

2.3 "Owner" means the record owner of the real property upon which a TWHF is situated, as reflected in the records of the Caddo Parish Assessor.

2.4 "Occupant" means any individual who uses a TWHF as a temporary sleeping quarters.

2.5 "Affected Person" means: (a) any individual who owns or occupies real property, the boundary of which lies within one thousand (1,000) feet of the boundary of any TWHF; or (b) any neighborhood, civic, or community association formally recognized by resolution of the Caddo Parish Commission whose designated area of representation includes or is contiguous to the parcel on which a TWHF is or is proposed to be located.

2.6 "Parish" means Caddo Parish, Louisiana, acting through its governing authority, the Caddo Parish Commission, or such administrative department or officer as may be designated to administer this Ordinance.

2.7 "Director" means the Director of Caddo Parish Public Works, or such person's designee, who shall serve as the primary administrative officer for purposes of this Ordinance.

2.8 "Registration Certificate" means the certificate issued by the Director authorizing the operation of a TWHF in accordance with the provisions of this Ordinance.

2.9 "Site Restoration Bond" means the surety bond, cash deposit, or irrevocable letter of credit required under Section 6 of this Ordinance, held by the Parish to guarantee the demobilization and restoration of the TWHF site.

2.10 "Residential Structure" means any building or structure classified as residential use in the records of the Caddo Parish Assessor, and which is occupied as a primary or secondary residence at the time of a TWHF registration application.

Section 3. Registration Required; Application.

3.1 No person shall establish, operate, or maintain a TWHF in unincorporated Caddo Parish without first obtaining a valid Registration Certificate from the Director. Operating a TWHF without a valid Registration Certificate shall constitute a separate violation of this Ordinance for each day of operation.

3.2 Application for a Registration Certificate shall be submitted to the Director on a form prescribed by the Parish no fewer than thirty (30) calendar days prior to the commencement of operations. Applications shall be signed by the Operator and, if the Operator is not the Owner, by the Owner, and shall include the following:

- (a) The legal name, principal business address, telephone number, and email address of the Operator and, if different, the Owner;
- (b) The street address and legal description of the proposed TWHF site;
- (c) A scaled site plan showing: the boundaries of the parcel; the location, dimensions, and type of all proposed sleeping units, sanitation facilities, common areas, and accessory structures; all points of ingress and egress; internal roadways and parking areas; fencing and perimeter screening; lighting; and the location of all water supply and wastewater disposal facilities;

- (d) The proposed maximum occupancy of the TWHF;
- (e) The anticipated commencement and termination dates of TWHF operations;
- (f) The name, address, and twenty-four (24) hour contact telephone number of an on-site manager or agent who shall be available to receive and respond to complaints and inquiries at all times during TWHF operations;
- (g) Written documentation of approval or clearance from the Louisiana State Fire Marshal confirming compliance with applicable life safety codes, or a written confirmation from the Fire Marshal that a compliance inspection has been scheduled prior to occupancy;
- (h) Written documentation of approval from the Caddo Parish Health Unit or the Louisiana Department of Health confirming compliance with applicable sanitation, water supply, and wastewater disposal requirements, or written confirmation that such approval is pending and will be obtained prior to occupancy;
- (i) A Site Restoration Plan as described in Section 6.2;
- (j) Proof of Site Restoration Bond as described in Section 6.3;
- (k) A traffic management plan for camps with anticipated occupancy of two hundred (200) or more persons, prepared by a licensed professional engineer, addressing worker ingress and egress, haul routes, and impacts on public roads; and
- (l) A non-refundable registration application fee as established by resolution of the Caddo Parish Commission, which shall be set at a level reasonably calculated to recover the Parish's administrative costs of processing, reviewing, and inspecting the application.

3.3 Upon receipt of a complete application, the Director shall cause written notice of the application to be posted on the proposed TWHF site and published once in the official journal of Caddo Parish. Such notice shall describe the proposed TWHF, its location, proposed maximum occupancy, and anticipated duration of operations, and shall state that written comments from Affected Persons may be submitted to the Director within fifteen (15) calendar days of publication. The Director shall consider any timely submitted comments in reviewing the application.

3.4 The Director shall issue or deny a Registration Certificate within twenty-one (21) calendar days following the close of the public comment period. A Registration Certificate shall be issued upon the Director's determination that the application is complete, that all required pre-operational approvals have been obtained, that the Site Restoration Bond has been posted, and that the proposed TWHF complies with all applicable provisions of this Ordinance. A denial shall be in writing and shall state the specific grounds therefor.

3.5 Any applicant aggrieved by the denial of a Registration Certificate may appeal such denial to the Caddo Parish Commission within thirty (30) calendar days of the written denial. The Commission shall hear the appeal at its next regularly scheduled meeting occurring at least fifteen (15) days after receipt of the appeal, and shall issue a written decision within thirty (30) days of the hearing.

Section 4. Location Restrictions.

4.1 No TWHF shall be established or operated at any location in unincorporated Caddo Parish that:

(a) Is situated such that any sleeping unit, sanitation structure, or primary access point of the TWHF is within one thousand (1,000) feet of the boundary of any occupied Residential Structure, as determined by the Caddo Parish Assessor's records at the time of application;

(b) Is situated such that any portion of the TWHF is within one thousand five hundred (1,500) feet of the property boundary of any public or private school, licensed childcare facility, or church or religious assembly facility;

(c) Is situated such that any portion of the TWHF is within five hundred (500) feet of any surface water body, public water supply intake, or public water supply well; or

(d) Is within a regulatory floodplain as designated by the Federal Emergency Management Agency on the applicable Flood Insurance Rate Map, unless the Operator demonstrates, through documentation prepared by a licensed engineer, that the TWHF site and all structures thereon will be elevated above the one-hundred-year base flood elevation.

4.2 All distances prescribed in Section 4.1 shall be measured in a straight line from the nearest point of the TWHF boundary to the nearest point of the referenced structure or feature's property line, unless otherwise specified.

Section 5. Operational Standards.

5.1 Occupancy. No TWHF shall house more than the maximum occupancy stated in the approved Registration Certificate. Each sleeping unit shall meet the minimum square footage per occupant required by applicable state and local health and building codes. Overcrowding in excess of the permitted maximum occupancy shall constitute a separate violation for each day it occurs.

5.2 Sanitation and Wastewater.

(a) Any TWHF located within an area served by a public sanitary sewer system shall connect to that system prior to commencement of operations.

(b) Any TWHF not served by a public sanitary sewer system shall provide an engineered on-site wastewater treatment and disposal system approved by the Caddo Parish Health Unit and the Louisiana Department of Environmental Quality prior to commencement of operations. Portable toilets shall not serve as the primary or sole sanitation method for any TWHF operating for more than seven (7) consecutive days.

(c) Wastewater disposal shall comply with all applicable requirements of the Louisiana Department of Environmental Quality and shall not result in discharge to surface waters without proper permitting.

5.3 Water Supply. All TWHF operations shall be served by a potable water supply meeting the standards of the Louisiana Department of Health. Connection to a public water system is required where reasonably available. Where public water supply is unavailable, the Operator shall submit a documented alternative potable water supply plan approved by the Caddo Parish Health Unit prior to commencement of operations.

5.4 Fire Safety. Prior to the occupancy of any sleeping unit, the Operator shall obtain written clearance from the Louisiana State Fire Marshal confirming compliance with the applicable edition of NFPA 101, Life Safety Code, and all other applicable fire safety standards. The TWHF shall remain in continuous compliance with such standards throughout its operation, and shall be subject to reinspection by the State Fire Marshal upon reasonable notice. Evidence of Fire Marshal clearance shall be maintained on-site and available for inspection at all times.

5.5 Solid Waste and Litter.

(a) The Operator shall provide enclosed, covered refuse containers of sufficient capacity to serve the TWHF population, with collection service no fewer than three (3) times per week.

(b) The Operator shall be responsible for the collection and removal of litter originating from the TWHF found within one quarter (1/4) mile of the TWHF boundary on public rights-of-way, no fewer than twice per week during active operations.

(c) Open burning of refuse is prohibited.

5.6 Perimeter and Screening. The TWHF shall be enclosed by a solid or chain-link perimeter fence of not less than six (6) feet in height. For any TWHF within one thousand five hundred (1,500) feet of a Residential Structure, the Operator shall provide vegetative screening or solid fencing along the perimeter facing such structure sufficient to substantially screen the TWHF from view from the Residential Structure.

5.7 Lighting. Exterior lighting at the TWHF shall be directed inward and downward and shall be shielded to minimize light spillage onto adjacent properties. No exterior lighting shall be oriented so as to shine directly onto any Residential Structure.

5.8 On-Site Management. Any TWHF with a maximum occupancy of fifty (50) or more persons shall have a designated on-site manager present on the premises or available by telephone on a twenty-four-hour basis. The name and direct contact information of the on-site manager shall be posted visibly at the TWHF entrance and provided to the Director. The Operator shall notify the Director within forty-eight (48) hours of any change in on-site manager.

5.9 Monthly Reporting. By the fifth (5th) business day of each calendar month, the Operator shall submit to the Director a written report stating: the current census of occupants as of the last day of the preceding month; a summary of any health, safety, or fire-related incidents occurring during the preceding month; current utility service status; and certification of continuing compliance with the requirements of this Ordinance.

5.10 Duration. A Registration Certificate shall be valid for a period of twelve (12) months from the date of issuance and may be renewed twice, for a maximum total authorized period of thirty-six (36) months. Each renewal application shall be submitted no fewer than sixty (60) days prior to the expiration of the then-current Registration Certificate and shall demonstrate: (a) that the underlying construction or industrial project remains active; (b) that adequate permanent or alternative housing for the workforce remains unavailable within a reasonable distance; and (c) continued compliance with all requirements of this Ordinance. No TWHF shall operate beyond the thirty-six (36) month maximum period absent an express waiver approved by resolution of the Caddo Parish Commission upon a showing of extraordinary circumstances.

Section 6. Site Restoration Plan and Bond.

6.1 Upon the expiration, revocation, or non-renewal of a Registration Certificate, or upon the completion or abandonment of the underlying project, the Operator shall fully demobilize the TWHF and restore the site to its pre-operational condition within ninety (90) calendar days. Demobilization shall include the removal of all sleeping units, structures, equipment, utility connections, fencing, and debris, and the grading and stabilization of all disturbed areas.

6.2 Site Restoration Plan. Each application for a Registration Certificate shall include a written Site Restoration Plan, prepared by or under the supervision of a licensed professional engineer or contractor, detailing: the sequence and methods of demobilization; the estimated cost of complete site restoration; the identity of the contractor proposed to perform restoration work; and the proposed

timeline for completion of all restoration activities within the ninety (90) day period.

6.3 Site Restoration Bond. Prior to the issuance of a Registration Certificate, the Operator shall post with the Parish a Site Restoration Bond in the form of a surety bond issued by a surety licensed to do business in Louisiana, a cash deposit held in escrow by the Parish, or an irrevocable letter of credit from a federally insured financial institution, in the following minimum amounts based on the proposed maximum occupancy stated in the application:

(a) Ten (10) to forty-nine (49) occupants: One Hundred Fifty Thousand Dollars (\$150,000);

(b) Fifty (50) to one hundred ninety-nine (199) occupants: Three Hundred Thousand Dollars (\$300,000);

(c) Two hundred (200) to four hundred ninety-nine (499) occupants: Five Hundred Thousand Dollars (\$500,000);

(d) Five hundred (500) or more occupants: Seven Hundred Fifty Thousand Dollars (\$750,000).

The Site Restoration Bond shall remain in full force and effect until the Director issues written certification that the site has been fully restored in accordance with the Site Restoration Plan. The bond amount shall not be reduced or released in whole or in part until such certification is issued. If the Operator fails to complete site restoration within ninety (90) days following the termination of operations, the Parish may draw upon the bond to fund restoration activities and may contract for such work at the Operator's expense.

Section 7. Enforcement.

7.1 Primary Enforcement Authority. The Director of Public Works, acting through authorized Parish Code Compliance officers, shall have primary authority to enforce this Ordinance through the issuance of written notices of violation and civil citations. The Parish Legal Department is authorized to seek injunctive relief and other equitable remedies in the Caddo Parish District Court to enjoin violations of this Ordinance.

7.2 Notice of Violation. Upon a determination by the Director that a violation of this Ordinance has occurred or is occurring, the Director shall issue a written Notice of Violation to the Operator and, where applicable, the Owner, by personal delivery, certified mail, or posting at the TWHF entrance. The Notice of Violation shall identify the specific provision(s) violated, describe the nature of the violation, specify the corrective action required, and state that civil penalties shall accrue from the date of the Notice of Violation for each day the violation continues.

7.3 Automatic Daily Accrual. Civil penalties shall accrue automatically from the date of the written Notice of Violation without the necessity of a separate citation for each day of continuing violation. The Operator and Owner shall be jointly and severally liable for all accrued civil penalties.

7.4 Concurrent State Agency Referral. Nothing in this Ordinance shall limit the authority of the Louisiana State Fire Marshal, the Caddo Parish Health Unit, the Louisiana Department of Health, or the Louisiana Department of Environmental Quality to independently enforce applicable state law and regulations governing TWHF operations. The Director is authorized and encouraged to refer violations of applicable state standards to the appropriate state agency for concurrent enforcement action.

7.5 Permit Suspension and Revocation. The Director may suspend a Registration Certificate for a period not to exceed thirty (30) days upon a finding that a TWHF poses an imminent threat to the public health or safety. The Director may revoke a Registration Certificate upon a finding of: (a) a material false statement in the registration application; (b) failure to obtain or maintain required state agency approvals; (c) failure to maintain the Site Restoration Bond; (d) a pattern of repeated or uncorrected violations; or (e) operation of the TWHF in a manner constituting a public nuisance. Revocation shall be preceded by written notice and an opportunity to be heard before the Director, except in cases of imminent public health or safety threat. Any revocation may be appealed to the Caddo Parish Commission in accordance with Section 3.5.

7.6 Private Right of Action. Any Affected Person, as defined in Section 2.5, shall have a private right of action in the Caddo Parish District Court to seek injunctive relief against violations of this Ordinance and to recover civil penalties as provided in Section 8. In any action in which an Affected Person substantially prevails, the court may award reasonable attorney's fees and costs to the prevailing Affected Person. The availability of private enforcement remedies under this Section shall not preclude or limit Parish enforcement under Section 7.1.

Section 8. Penalties.

8.1 Civil Penalties. Any Operator or Owner who violates any provision of this Ordinance shall be subject to a civil penalty of not more than Five Hundred Dollars (\$500.00) per day for each day that a violation continues. Each provision of this Ordinance shall constitute a separate, independently chargeable violation, such that an Operator simultaneously violating multiple provisions shall be subject to a separate civil penalty of up to Five Hundred Dollars (\$500.00) per day for each such provision violated.

8.2 Criminal Penalty. Any Operator or Owner who: (a) operates a TWHF after receipt of a written cease-and-desist order issued by the Director; or (b) willfully

provides materially false information in any registration application or monthly report required by this Ordinance, shall be guilty of a misdemeanor and, upon conviction, shall be subject to a fine of not more than Five Hundred Dollars (\$500.00) per day of violation and/or imprisonment for not more than six (6) months, in accordance with applicable Louisiana law. Each day of continuing violation following the issuance of a cease-and-desist order shall constitute a separate criminal offense. Individual officers, managers, or agents of an Operator entity who personally direct or authorize such violations may be held individually liable under this Section.

8.3 Cumulative Remedies. The civil and criminal penalties provided in this Section are cumulative and shall be in addition to, and not in lieu of, any other legal or equitable remedy available to the Parish, including injunctive relief, bond forfeiture, and cost recovery for Parish-incurred remediation expenses. The availability of criminal penalties shall not preclude the concurrent pursuit of civil penalties or injunctive relief.

Section 9. Pre-Existing Operations; Transition.

Any TWHF in operation on the effective date of this Ordinance shall be required to obtain a Registration Certificate within sixty (60) days of the effective date. During such sixty (60) day transition period, the Operator shall submit a complete registration application and shall take all reasonable steps toward compliance with the operational standards set forth in Section 5. Failure to submit a complete application within sixty (60) days of the effective date shall constitute a violation of this Ordinance subject to the penalties set forth in Section 8.

Section 10. Relationship to Other Law.

10.1 In the event of a conflict between the requirements of this Ordinance and any applicable state or federal law or regulation, the more protective or restrictive standard shall apply, consistent with applicable law.

10.2 This Ordinance shall not be construed to limit the authority of any state agency to enforce applicable state law governing temporary housing, health, sanitation, fire safety, or environmental protection, nor shall compliance with this Ordinance relieve any Operator of the obligation to comply with all applicable state and federal requirements.

10.3 Nothing in this Ordinance shall be construed to affect or limit the operations of any facility providing housing to agricultural workers under applicable state or federal migrant and seasonal agricultural worker protection laws.

Section 11. Severability.

If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid or unconstitutional by a court of competent jurisdiction, such invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable.

Section 12. Effective Date.

This Ordinance shall become effective upon adoption by the Caddo Parish Commission and publication in accordance with applicable law.

BE IT FURTHER ORDAINED that if any provision or item of this ordinance or application thereof is held invalid, such invalidity shall not affect other provisions, items or applications of this ordinance which can be given effect without the invalid provisions, items, or application, and to this end, the provisions of this ordinance are hereby declared severable.

BE IT FURTHER ORDAINED that all ordinances or parts thereof in conflict herewith are hereby repealed.

Approved as to legal form:

Parish Attorney

Date