

CITY OF CROWLEY
REGULAR MEETING
OCTOBER 9, 2012

The Mayor Pro-Tem and Board of Aldermen of the City of Crowley, Louisiana, the governing authority of the City of Crowley, met in a regular session at 6:00 p.m. Tuesday the 9th day of October, 2012 at the regular meeting place of said Mayor and Board of Aldermen, the Council Chambers, 426 North Avenue F, Crowley, Louisiana.

Mayor Pro-Tem Steven Premeaux presided with the following Aldermen present: Bryan Borill, J. Elliot Doré, Jeff Doré, Lyle Fogleman Jr., Vernon Martin, Mary Melancon, and Kitty Valdetero. Alderwoman Laurita Pete was absent.

A moment of silent prayer was observed for Mr. Donald Jones, who died October 7th, he is the father of Mayor Greg Jones.

Alderwoman Mary Melancon led the Pledge of Allegiance to the flag. Alderwoman Kitty Valdetero gave the invocation.

AGENDA AMENDMENTS:

Alderman Vernon Martin offered a motion to amend the agenda to consider the renewal of a 2012 Class A - Retail Outlet Beer Permit and the renewal of a 2012 Class A – Retail Outlet Liquor Permit for Randy Nickel d/b/a Bayou Bend Golf Club. Seconded by Alderman Jeff Doré and duly adopted after a unanimous vote.

Alderman Jeff Doré offered a motion to amend the agenda to consider the renewal of a 2012 Class A - Retail Outlet Beer Permit for Zhou Rui Qing d/b/a China Dragon Buffet Inc. Seconded by Alderwoman Mary Melancon and duly adopted after a unanimous vote.

PUBLIC HEARINGS:

Mayor Pro-Tem Steven Premeaux continued the public hearing on Rule to Show Cause for Condemnation of property situated on Lots 11 and 23 of Block 83 of West Crowley Subdivision of the City of Crowley, having a municipal address of 605 West Hutchinson Avenue, Crowley, Louisiana, belonging to Eugene Est. and Laura Trahan. City Inspector, Danny Hebert said he found the building was not in compliance with building codes and recommended demolition. Ms. Loretta Guillory, a granddaughter, was present and stated that their intent is to demolish the property. Glen Howie, the appointed attorney to represent the absentee owner described the property in great disrepair and upon the wishes of the heirs he requests the City Council to allow the heirs the opportunity to demolish the structure on the property and clean the property. After no further comments the public hearing was closed.

Mayor Pro-Tem Steven Premeaux opened the public hearing on proposed ordinance no. 1447, the ordinance was read by title as follows:

AN ORDINANCE AMENDING ORDINANCE NO. 1160 AS
SUBSEQUENTLY AMENDED BY ORDINANCE NO. 1255,
REAPPORTIONING DUAL MEMBER VOTING DISTRICTS
FOR THE BOARD OF ALDERMEN FOR THE CITY OF

CROWLEY, LOUISIANA, IN ACCORDANCE WITH THE 2010
CENSUS

Mr. Regan asked for proponents to the proposed ordinance no. 1447. A third and final call was made with no one coming forward to speak. The call for opponents of the proposed ordinance no. 1447 was made and there were no comments after the third and final call. The public hearing on ordinance no. 1447 was closed.

Mayor Pro-Tem Steven Premeaux opened the public hearing on proposed ordinance no. 1448, the ordinance was read by title as follows:

AN ORDINANCE TO AMEND AND RE-ENACT SECTION 8-5 OF ARTICLE I OF CHAPTER 8 OF THE CODE OF ORDINANCES OF THE CITY OF CROWLEY PROHIBITING THE BURNING OF TRASH, LEAVES, BRANCHES, TREES, LOGS, STUMPS, SHRUBBERY, BRUSH, YARD WASTE, WOOD, BUILDING MATERIALS, CONSTRUCTION OR DEMOLITION MATERIALS, GARBAGE, REFUSE AND OTHER COMBUSTIBLE MATERIALS WITHIN THE CORPORATE LIMITS, EXCEPT AS PROVIDED FOR HEREIN, INCLUDING THE CONTROLLED BURNING OF NATURAL VEGETATIVE MATTER AUTHORIZED BY SPECIAL PERMIT ISSUED UPON COMPLIANCE WITH STATE AND LOCAL LAW AND REGULATIONS; TO PROVIDE REGULATIONS THEREFOR; TO PROVIDE FEES AND CHARGES FOR THE ISSUANCE OF SPECIAL PERMITS AND INSPECTIONS; TO PROVIDE PENALTIES FOR VIOLATION THEREOF; AND TO PROVIDE FOR THE PROVISIONS HEREOF TO BE SEVERABLE; AND TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT HERewith ON IN CONFLICT HERETO.

Mr. Regan asked for proponents to the proposed ordinance no. 1448. A third and final call was made with no one coming forward to speak. The call for opponents of the proposed ordinance no. 1448 was made and there were no comments after the third and final call. The public hearing on ordinance no. 1448 was closed.

READING & APPROVAL OF MINUTES / BILLS:

Alderman Kitty Valdetero moved to dispense with the reading of the minutes of the September 11th, 2012 regular council meeting and approve them as written and distributed. Seconded by Alderman Vernon Martin and duly adopted.

Alderman Mary Melancon moved to dispense with the reading of the minutes of the September 27th, 2012 special council meeting. Seconded by Alderman Vernon Martin and duly adopted.

Alderman Lyle Fogleman moved to approve all bills presented for payment. Seconded by Alderman Bryan Borill and duly adopted.

MAYOR'S REPORT:

Mayor Pro-Tem Steven Premeaux presented the Sales Tax chart and User Fee chart that track the collection trend.

STANDING COMMITTEE REPORTS:

PUBLIC WORKS COMMITTEE:

Chairperson – Alderwoman Mary Melancon
Vice-Chairperson – Alderwoman Laurita Pete
Members – Aldermen Jeff Doré, Lyle Fogleman, Jr. and Vernon Martin

A motion was offered by Alderwoman Mary Melancon and seconded by Alderman Elliot to approve Partial Payment No. 3 to Elliot Construction Company for the “Cedar Street Improvements at East and West Andrus” project in the amount of \$92,343.62. Motion carried.

A motion was offered by Alderwoman Mary Melancon and seconded by Alderman Vernon Martin to approve the Final Contract Change Order No. 2 to adjust original contract quantities to final constructed quantities for the “Cedar Street Improvements at East and West Andrus” project. This change order is reducing the contract price in the amount of \$11,492.48. Motion carried.

PUBLIC SAFETY COMMITTEE:

Chairperson – Alderman Lyle Fogleman, Jr.
Vice-Chairperson – Alderman Bryan Borill
Members – Aldermen Vernon Martin, Mary Melancon and Steven Premeaux

A motion was offered Alderman Lyle Fogleman and seconded by Alderman Vernon Martin to proceed with demolition of the property situated as N 68’ Lot 10, N 68’ of W 30’ Lot 9, Block 59, CICO #1 having a municipal address of 522 East Jeanette owned by Dena James. Motion carried.

A motion was offered by Alderman Lyle Fogleman and seconded by Alderman Bryan Borill to approve a new 2012 Class B Retail Package Beer Permit for Dardean H. Cook d/b/a Express 90 located at 726 East 2nd Street. Motion carried.

A motion was offered by Alderman Lyle Fogleman and seconded by Alderwoman Mary Melancon to approve a new 2012 Class A Retail Outlet Beer Permit for Mary Gibson d/b/a Club 90 located at 527 West 2nd Street and if applicable a 2012 Class A – Retail Outlet Liquor Permit. Motion carried.

A motion was offered by Alderman Lyle Fogleman and seconded by Alderwoman Kitty Valdetero to approve the renewal of a 2012 Class A - Retail Outlet Beer Permit and the renewal of a 2012 Class A – Retail Outlet Liquor Permit for Michael Libby d/b/a Crowley Town Club located at 625 Crowley Rayne Highway. Motion carried.

A motion was offered by Alderman Lyle Fogleman and seconded by Alderman Jeff Doré to approve a 2013 Class A - Retail Outlet Beer Permit and the renewal of a 2013 Class A – Retail Outlet Liquor Permit for Randy Nickel d/b/a Bayou Bend Golf Club located at 427 W. Hoyt Avenue, Crowley, La. Motion carried.

A motion was offered by Alderman Lyle Fogleman and seconded by Alderman Elliot Doré to approve a 2013 Class A - Retail Outlet Beer Permit for Zhou Rui Qing d/b/a China Dragon Buffet Inc. located at 1703 North Parkerson Avenue, Crowley, La. Motion carried.

ZONING & ANNEXATION COMMITTEE:

Chairperson – Alderwoman Kitty Valdetero
Vice-Chairperson – Alderman Vernon Martin

Members – Aldermen Bryan Borill, J. Elliot Doré and Steven Premeaux

A motion was offered by Alderwoman Kitty Valdetero and seconded by Alderman Jeff Doré to approve the Planning Commission's recommendation for an accessory building variance to increase allowable footage from 540 square feet to 1024 square feet described as Lot 11 Acadia Oaks located at 202 Willow Oak Drive owned by Robbie Barousse. Motion carried.

COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE:

Chairperson – Alderman Jeff Doré
Vice-Chairperson – Alderwoman Mary Melancon
Members – Aldermen Bryan Borill, Laurita Pete and Kitty Valdetero

A motion was offered by Alderman Jeff Doré and seconded by Alderwoman Mary Melancon to defer to Mayor Greg Jones the decision for Mack Air Helicopters, LLC, to offer helicopter flights during the Rice Festival.

REVENUE & FINANCES COMMITTEE:

Chairperson – Alderman J. Elliot Doré
Vice-Chairperson – Alderwoman Kitty Valdetero
Members – Aldermen Jeff Doré, Laurita Pete, and Steven Premeaux

A motion was offered by Alderman Elliot Doré and seconded by Alderman Lyle Fogleman to defer to Mayor Greg Jones the agreement with Fee Recovery Service to assist with collection of delinquent accounts. Motion carried.

RESOLUTIONS:

The following resolution was offered by Alderwoman Mary Melancon, duly seconded by Alderman Elliot Doré Premeaux, and adopted.

RESOLUTION OF TERMINATION

A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE FOR AND ON BEHALF OF THE CITY OF CROWLEY, A *NOTICE OF TERMINATION* FOR ELLIOTT CONSTRUCTION, L.L.C., CONTRACTOR, PERTAINING TO THE COMPLETION OF THE CONTRACT FOR "STREET IMPROVEMENTS AT E. CEDAR AND E. ANDRUS ST." IN ACCORDANCE WITH THE PLANS AND SPECIFICATIONS CONTAINED IN THE CONTRACT DOCUMENTS PERTAINING THERETO.

WHEREAS, a final inspection on the above referenced project was performed on September 27, 2012 and no incomplete miscellaneous work items were identified; and

WHEREAS, Elliott Construction, L.L.C. as Contractor, has substantially completed the "Street Improvements at E. Cedar and E. Andrus St." project in accordance with the plans and specifications contained in the contract documents pertaining thereto; and

WHEREAS, the City of Crowley desires to accept the completed work;

NOW, THEREFORE, BE IT RESOLVED by the City of Crowley that the Mayor of said City be, and is hereby empowered, authorized and directed to execute a *Notice of Termination* for and on behalf of the City of Crowley accepting the work as being substantially completed, and that

he be authorized and directed to have a copy of said Notice recorded in the Conveyance Records of the Parish of Acadia, State of Louisiana.

THUS DONE, SIGNED AND ADOPTED in regular session duly convened on the 9th day of October, 2012, in Crowley, Acadia Parish, Louisiana.

STEVEN PREMEAUX, Mayor Pro-Tem

GREG A. JONES, Mayor

ATTEST:

JUDY L. ISTRE, City Clerk

The following resolution was offered by Alderwoman Mary Melancon, duly seconded by Alderman Bryan Borill, and adopted.

A RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS AND AUTHORIZING THE ADVERTISEMENT FOR BIDS AND DESIGNATING THE TIME AND PLACE THAT THE BIDS WILL BE RECEIVED FOR THE "S. AVENUE H AT BAYOU BLANC BRIDGE REPLACEMENT" PROJECT.

BE IT RESOLVED by the Mayor and Board of Aldermen of the City of Crowley that the Plans and Specifications for the "S. AVENUE H AT BAYOU BLANC BRIDGE REPLACEMENT" Project prepared by Mader Engineering are hereby approved and;

BE IT FURTHER RESOLVED that the Advertisement For Bids for said Project is hereby authorized, that bids will be received at 9:30 a.m. on November 13th, 2012 at Crowley City Hall, located at 425 N. Parkerson Avenue, Crowley, LA 70527, at which time the bids will be publicly opened and read aloud, and that said date, time, and location may be amended as long as changes are processed in accordance with the Public Bid Law.

THUS DONE, SIGNED AND ADOPTED in regular session duly convened on the 9th day of October, 2012, in Crowley, Acadia Parish, Louisiana.

STEVEN PREMEAUX, Mayor Pro-Tem

GREG A. JONES, Mayor

ATTEST:

JUDY L. ISTRE, City Clerk

The following resolution was offered by Alderman Vernon Martin, duly seconded by Alderman Jeff Doré, and adopted.

A RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF CROWLEY, ACADIA PARISH, LOUISIANA, ORDERING THE CONDEMNATION OF IMPROVEMENTS SITUATED ON LOT 14 OF BLOCK 27 OF WEST CROWLEY SUBDIVISION OF THE CITY OF CROWLEY

WHEREAS, a Condemnation Hearing was held regarding the above described property on the 9th day of October, 2012; and

WHEREAS, Notice of said Condemnation Hearing date was hand delivered to the Court appointed attorney, Glenn Howie, on the 17th day of September, 2012, after said attorney having waived service of process; and

WHEN AFTER considering the evidence presented, the testimony of all parties interested and after due consideration of the circumstances and condition of the building and the report of the City Inspector;

NOW THEREFORE BE IT RESOLVED by the Mayor and Board of Aldermen of the City of Crowley, Acadia Parish, Louisiana, in regular session duly convened that they do hereby order the building and/or structure situated on Lots 11 and 12 of Block 83 of West Crowley Subdivision of the City of Crowley, being the property of Eugene Trahan and Laura Trahan having a municipal address of 605 West Hutchinson, Crowley, Louisiana, be and the same is hereby condemned; and

BE IT FURTHER RESOLVED that the said building and/or structure be brought up to building code requirements or demolished and/or removed together with all trash and debris within ninety (90) days from the date of receipt of notice which may be extended in the event the property owner demonstrates a good faith effort to complete demolition and/or removal but has been unable to do so through no fault of his own; and

BE IT FURTHER RESOLVED that the owner shall obtain a building permit after complying with the requirements of La. R. S. 33:4761, et seq.

THUS DONE AND ADOPTED in regular session duly convened on the 9th day of October, 2012 at Crowley, Acadia Parish, Louisiana, at which a quorum was present and acting throughout.

STEVEN PREMEAUX, Mayor Pro-Tem

GREG A. JONES, Mayor

ATTEST:

JUDY L. ISTRE, City Clerk

The following resolution was offered by Alderman Elliot Doré, duly seconded by Alderwoman Kitty Valdetero, and adopted.

A RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF CROWLEY, ACADIA PARISH, LOUISIANA, INTRODUCING A PROPOSED ORDINANCE AND CALLING FOR A PUBLIC HEARING CONCERNING SAME.

WHEREAS, an ordinance has been proposed to be adopted by the Board of Aldermen of the City of Crowley; and

WHEREAS, the proposed ordinance must be introduced by its title; and

WHEREAS, a public hearing must be held prior to its adoption; and

WHEREAS, the title of the proposed ordinance must be published in the official journal and the notice shall provide the time and place where the Board will consider its adoption;

NOW THEREFORE BE IT RESOLVED by the Mayor and Board of Aldermen of the City of Crowley, Acadia Parish, Louisiana, that the following ordinance be and it is hereby introduced for consideration at the next regular meeting of the Mayor and Board of Aldermen, to-wit:

AN ORDINANCE TO AMEND AND RE-ENACT SUBSECTION 3.1353 OF SECTION 3-13 OF CHAPTER 13 OF ARTICLE III OF THE CODE OF ORDINANCES OF THE CITY OF CROWLEY TO PROVIDE FOR INVESTIGATION FEES; TO AMEND AND RE-ENACT SECTION 5-4 OF CHAPTER 5 OF THE CODE OF ORDINANCES OF THE CITY OF CROWLEY TO IMPOSE CIVIL PENALTIES AND FINES FOR VIOLATIONS OF CHAPTER 5, INCLUDING UNPERMITTED WORK AND/OR FAILURE TO COMPLY WITH THE REQUIREMENTS OF CHAPTER 5; TO PROVIDE FOR THE PROVISIONS HEREOF TO BE SEVERABLE; TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT THERETO OR IN CONFLICT THEREWITH; AND TO PROVIDE FOR ALL OTHER MATTERS RELATIVE OR PERTAINING THERETO.

BE IT FURTHER RESOLVED by the Mayor and Board of Aldermen that the City Clerk shall publish the following notice in the Crowley Post Signal:

NOTICE OF PROPOSED ADOPTION OF ORDINANCE

The Board of Aldermen of the City of Crowley shall meet on the 13th day of November, 2012, at 6:00 o'clock p.m. in the Council Chambers, City Hall, Crowley, Louisiana, to consider the adoption of the following ordinance:

AN ORDINANCE TO AMEND AND RE-ENACT SUBSECTION 3.1353 OF SECTION 3-13 OF CHAPTER 13 OF ARTICLE III OF THE CODE OF ORDINANCES OF THE CITY OF CROWLEY TO PROVIDE FOR INVESTIGATION FEES; TO AMEND AND RE-ENACT SECTION 5-4 OF CHAPTER 5 OF THE CODE OF ORDINANCES OF THE CITY OF CROWLEY TO IMPOSE CIVIL PENALTIES AND FINES FOR VIOLATIONS OF CHAPTER 5, INCLUDING UNPERMITTED WORK AND/OR FAILURE TO COMPLY WITH THE REQUIREMENTS OF CHAPTER 5; TO PROVIDE FOR THE PROVISIONS HEREOF TO BE SEVERABLE; TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT THERETO OR IN CONFLICT THEREWITH; AND TO PROVIDE FOR ALL OTHER MATTERS RELATIVE OR PERTAINING THERETO.

Copies of the proposed ordinance are available for a nominal fee in the office of the City Clerk, City Hall, Crowley, Louisiana.

THUS DONE AND SIGNED on this the 9th day of October, 2012.

JUDY L. ISTRE, CITY CLERK

THUS DONE, SIGNED AND ADOPTED in regular session duly convened on the 9th day of October, 2012, in Crowley, Acadia Parish, Louisiana.

STEVEN PREMEAUX, Mayor Pro-Tem

GREG A. JONES, Mayor

ATTEST:

JUDY L. ISTRE, City Clerk

The following resolution was offered by Alderman Vernon Martin, duly seconded by Alderman Jeff Doré, and adopted.

A RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF CROWLEY, ACADIA PARISH, LOUISIANA, INTRODUCING A PROPOSED ORDINANCE AND CALLING FOR A PUBLIC HEARING CONCERNING SAME.

WHEREAS, an ordinance has been proposed to be adopted by the Board of Aldermen of the City of Crowley; and

WHEREAS, the proposed ordinance must be introduced by its title; and

WHEREAS, a public hearing must be held prior to its adoption; and

WHEREAS, the title of the proposed ordinance must be published in the official journal and the notice shall provide the time and place where the Board will consider its adoption;

NOW THEREFORE BE IT RESOLVED by the Mayor and Board of Aldermen of the City of Crowley, Acadia Parish, Louisiana, that the following ordinance be and it is hereby introduced for consideration at the next regular meeting of the Mayor and Board of Aldermen, to-wit:

AN ORDINANCE TO AMEND AND RE-ENACT ARTICLE 1 OF CHAPTER 14 OF THE CODE OF ORDINANCES OF THE CITY OF CROWLEY BY ADDING THERETO SECTION 14-8 AUTHORIZING AND PERMITTING THE OPERATION AND USE OF CERTAIN UNLICENSED VEHICLES ON CITY STREETS, ROADS AND ALLEYWAYS WITHIN THE CORPORATE LIMITS; TO PROVIDE FOR THE DEFINITIONS OF THE VEHICLES TO BE SO PERMITTED; TO PROVIDE FOR THE HOURSE OF OPERATION OF VEHICLES AND AUTHORIZED ROAD CROSSINGS; TO PROVIDE THE APPLICABILITY OF TRAFFIC REGULATIONS AND LICENSED VEHICLES FOR THE OPERATION OF SUCH VEHICLES; TO PROVIDE REQUIREMENTS FOR VEHICLE SAFETY EQUIPMENT; TO REQUIRE ANNUAL PERMITTING AND INSPECTION OF THE VEHICLES; TO PROVIDE REQUIREMENTS FOR LIABILITY INSURANCE, WAIVER OF LIABILITY AND HOLD HARMLESS AND INDEMNITY FOR THE PRMIT; TO PROVIDE REGULATIONS FOR PENALTIES FOR FAILURE TO ADHERE TO TRAFFIC LAWS AND REGULATIONS GOVERNING THE USE AND OPERATION OF MOTOR VEHICLES AS APPLICABLE TO THOSE DEFINED HEREIN; TO PROVIDE FOR THE PROVISIONS HEREOF TO BE SEVERABLE; TO REPEAL ALL ORDINANCES OR PARTS

OF ORDINANCES INCONSISTENT THERETO OR IN CONFLICT THEREWITH; AND TO PROVIDE FOR ALL OTHER MATTERS RELATIVE OR PERTAINING THERETO.

BE IT FURTHER RESOLVED by the Mayor and Board of Aldermen that the City Clerk shall publish the following notice in the Crowley Post Signal:

NOTICE OF PROPOSED ADOPTION OF ORDINANCE

The Board of Aldermen of the City of Crowley shall meet on the 13th day of November, 2012, at 6:00 o'clock p.m. in the Council Chambers, City Hall, Crowley, Louisiana, to consider the adoption of the following ordinance:

AN ORDINANCE TO AMEND AND RE-ENACT ARTICLE 1 OF CHAPTER 14 OF THE CODE OF ORDINANCES OF THE CITY OF CROWLEY BY ADDING THERETO SECTION 14-8 AUTHORIZING AND PERMITTING THE OPERATION AND USE OF CERTAIN UNLICENSED VEHICLES ON CITY STREETS, ROADS AND ALLEYWAYS WITHIN THE CORPORATE LIMITS; TO PROVIDE FOR THE DEFINITIONS OF THE VEHICLES TO BE SO PERMITTED; TO PROVIDE FOR THE HOURS OF OPERATION OF VEHICLES AND AUTHORIZED ROAD CROSSINGS; TO PROVIDE THE APPLICABILITY OF TRAFFIC REGULATIONS AND LICENSED VEHICLES FOR THE OPERATION OF SUCH VEHICLES; TO PROVIDE REQUIREMENTS FOR VEHICLE SAFETY EQUIPMENT; TO REQUIRE ANNUAL PERMITTING AND INSPECTION OF THE VEHICLES; TO PROVIDE REQUIREMENTS FOR LIABILITY INSURANCE, WAIVER OF LIABILITY AND HOLD HARMLESS AND INDEMNITY FOR THE PRMIT; TO PROVIDE REGULATIONS FOR PENALTIES FOR FAILURE TO ADHERE TO TRAFFIC LAWS AND REGULATIONS GOVERNING THE USE AND OPERATION OF MOTOR VEHICLES AS APPLICABLE TO THOSE DEFINED HEREIN; TO PROVIDE FOR THE PROVISIONS HEREOF TO BE SEVERABLE; TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT THERETO OR IN CONFLICT THEREWITH; AND TO PROVIDE FOR ALL OTHER MATTERS RELATIVE OR PERTAINING THERETO.

Copies of the proposed ordinance are available for a nominal fee in the office of the City Clerk, City Hall, Crowley, Louisiana.

THUS DONE AND SIGNED on this the 9th day of October, 2012.

JUDY L. ISTRE, City Clerk

THUS DONE, SIGNED AND ADOPTED in regular session duly convened on the 9th day of October, 2012, in Crowley, Acadia Parish, Louisiana.

STEVEN PREMEAUX, Mayor Pro-Tem

GREG A. JONES, Mayor

ATTEST:

JUDY L. ISTRE, City Clerk

ORDINANCES:

The following Ordinance no. 1447 has been previously introduced at a regular meeting convened on September 11th, 2012, published by title in the official journal of the City, and a public hearing held thereon on October 9th, 2012. It was offered for final adoption by Alderman Vernon Martin, seconded by Alderwoman Kitty Valdetero and duly adopted.

ORDINANCE NO. 1447

AN ORDINANCE AMENDING ORDINANCE NO. 1160 AS SUBSEQUENTLY AMENDED BY ORDINANCE NO. 1255, REAPPORTIONING DUAL MEMBER VOTING DISTRICTS FOR THE BOARD OF ALDERMEN FOR THE CITY OF CROWLEY, LOUISIANA, IN ACCORDANCE WITH THE 2010 CENSUS

WHEREAS, there are presently dual single member voting districts for the City of Crowley, designated as Districts 1, 2, 3, and 4, said Districts having been created by Ordinance No. 1160 and amended in February 2002 by Ordinance No. 1255; and

WHEREAS, according to the 2010 Census of the U.S. Census Bureau, and after considering all annexations since the adoption of Ordinance No. 1255, the Mayor and Board of Aldermen of the City of Crowley commissioned a reapportionment study which determined that unequal apportionment of the municipal population exists and, therefore the boundaries of the four single member voting districts should be changed to reflect as nearly as possible and equal apportionment of said population, as required by law, particularly La R.S. 33:382 and La. R.S. 33:1371;

BE IT ORDAINED by the Mayor and Board of Aldermen of the City of Crowley, in regular session assembled, that City of Crowley Ordinance No. 1160, as subsequently amended by Ordinance No. 1255, now be and the same is hereby amended as follows: to-wit:

SECTION I

(Definition of District 1)

District 1 of the municipality of the City of Crowley shall be defined by the description contained in the attached Exhibit labeled "District 1", and including the boundaries and dimensions as shown of the plat attached thereto.

SECTION II

(Definition of District 2)

District 2 of the municipality of the City of Crowley shall be defined by the description contained in the attached Exhibit labeled "District 2", and including the boundaries and dimensions as shown of the plat attached thereto.

SECTION III

(Definition of District 3)

District 3 of the municipality of the City of Crowley shall be defined by the description contained in the attached Exhibit labeled "District 3", and including the boundaries and dimensions as shown of the plat attached thereto.

SECTION IV

(Definition of District 4)

District 4 of the municipality of the City of Crowley shall be defined by the description contained in the attached Exhibit labeled "District 4", and including the boundaries and dimensions as shown of the plat attached thereto.

The remainder of the provisions of Ordinance No. 1160 and as amended by Ordinance No. 1255 shall remain in full force and effect. All ordinances or resolutions or parts thereof in conflict herewith are hereby repealed. This amended ordinance is to become effective at the end of the terms of office of the current members of the Board of Aldermen on December 31, 2014, as provided by La. R.S. 33:1371 (B).

After being considered section by section and being put to a vote on the whole, the vote thereon was as follows:

YEAS: Bryan Borill, Elliot Doré, Jeff Doré, Lyle Fogleman, Vernon Martin, Mary Melancon, and Kitty Valdetero

NAYS: None

ABSTAIN: None

ABSENT: Laurita Pete

STEVEN PREMEAUX, Mayor Pro-Tem

GREG A. JONES, Mayor

ATTEST:

JUDY L. ISTRE, City Clerk

The following Ordinance no. 1448 has been previously introduced at a special meeting convened on September 27th, 2012, published by title in the official journal of the City, and a public hearing held thereon on October 9th, 2012. It was offered for final adoption by Alderman Bryan Borill, seconded by Alderman Lyle Fogleman and duly adopted.

ORDINANCE NO. 1448

AN ORDINANCE TO AMEND AND RE-ENACT SECTION 8-5 OF ARCTICLE I OF CHAPTER 8 OF THE CODE OF ORDINANCES OF THE CITY OF CROWLEY PROHIBITING THE BURNING OF TRASH, LEAVES, BRANCHES, TREES, LOGS, STUMPS, SHRUBBERY, BRUSH, YARD WASTE, WOOD, BUILDING MATERIALS, CONSTRUCTION OR DEMOLITION MATERIALS, GARBAGE, REFUSE AND OTHER COMBUSTIBLE MATERIALS WITHIN THE CORPORATE LIMITS, EXCEPT AS PROVIDED FOR HEREIN, INCLUDING THE CONTROLLED BURNING OF NATURAL VEGETATIVE MATTER AUTHORIZED BY SPECIAL PERMIT ISSUED UPON COMPLIANCE WITH STATE AND LOCAL LAW AND REGULATIONS; TO PROVIDE REGULATIONS THEREFOR; TO PROVIDE FEES AND CHARGES FOR THE ISSUANCE OF SPECIAL PERMITS AND INSPECTIONS; TO PROVIDE PENALTIES FOR VIOLATION THEREOF; AND TO PROVIDE FOR THE PROVISIONS HEREOF TO BE SEVERABLE; AND TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT HERewith ON IN CONFLICT HERETO.

WHEREAS, this ordinance has been duly introduced and notice of this ordinance and notice of the public hearing having been published; and

WHEREAS, a public hearing having been held in accordance with law on the 9th day of October, 2012, at 6:00 o'clock p.m. at City Hall, Crowley, Louisiana; and

NOW THEREFORE BE IT ORDAINED by the Board of Aldermen of the City of Crowley, Acadia Parish, Louisiana, in regular session duly convened that:

SECTION 1: Section 8-5 of Chapter 8 of the Code of Ordinances of the City of Crowley be and the same is hereby amended and re-enacted to read as follows, to-wit:

Sec. 8-5. Burning combustible materials in open areas prohibited; exceptions, permits, limits and regulations; compliance with state and environmental laws; fees for application and issuance of permits; penalties for violations.

A) **Prohibited:** It shall be unlawful for any person(s) or public or private entity(ies), to dispose of trash, leaves, branches, trees, logs, stumps, shrubbery, brush, building, construction and demolition materials, debris, garbage, refuse and other combustible materials by open burning in or on any public street, alley, roadway, public park, grounds or property or any private property within the corporate limits of the City of Crowley, except as provided for in Subsection B hereof and authorized by special permit issued by the office of the City Inspector.

B) **Exceptions, limitations, regulations and permitting:** Outdoor fires and outdoor burning for the following purposes and under the following conditions, limitations and regulations are excepted from the provisions of this Ordinance may be permitted:

1) Nothing herein shall be construed to prohibit outdoor cooking fires provided said fire is maintained in an outdoor gas appliance meeting all national, state and local codes for outdoor cooking appliances or the burning of natural unprocessed wood logs, wood chips or processed wood charcoal commonly used for outdoor cooking fires in barbeque pits, grills and the like.

2) Nothing herein shall be construed to prohibit outdoor open bonfires or cooking fires commonly used for traditional, recreational or ceremonial occasions burning natural unprocessed wood logs, chips or processed wood logs in a traditional manner; provided no public nuisance, health or safety hazard is or will be created and is not prohibited by state law or regulations.

3) Outdoor open fires purposely set on inimproved acreage used and/or assessed as agricultural crop, pasture, forest or woodlands for specific customarily recognized agricultural, forestry or game management purposes and in compliance with applicable laws, regulations or orders of governmental entities having jurisdiction, including but not limited to the Louisiana Forestry Commission, the Louisiana Department of Agriculture, the Louisiana Fire Marshal, the Louisiana Department of Wildlife & Fisheries and the Louisiana Department of Environmental Quality or controlled burns conducted by the Crowley Fire Department for training purposes at the Crowley Firemen's Training Facility.

4) **Special permitting for land clearing debris:** Natural vegetative materials such as leaves, branches, trees, logs, stumps, shrubbery and brush generated from land clearing operations on parcels within the corporate limits may be burned on site by special permit issued by the office of the City Inspector provided that the owner and/or contractor comply with the following local regulations provided for herein and all applicable state and local laws, regulations and permitting required.

5) **Limitations and regulations:**

a) The burning may be permitted provided that a control burning device commonly known as "forced air curtain burners" or similar devices are used and operated to control the emission of smoke, suspended particulate matter or any air contaminants or

combinations thereof to meet the requirements of state law and regulations for air quality and the operator and device has been permitted by the Louisiana Department of Environmental Quality (LDEQ).

b) The control burning device shall be situated not less than two hundred feet from any public road, street, highway or alleyway or dwellings or structures located on adjacent property.

c) The control burn is conducted in accordance with the requirements and regulations and a certified copy of the LDEQ permit for the operation of the device has been provided to the office of the City Inspector.

d) The burn shall be conducted during daylight hours from sunrise and shall be extinguished within thirty minutes after sundown. Written notice of the date and time of the commencement of the burn and a drawing or sketch has been provided to all adjacent property owners and property owners within five hundred feet of the property lines not less than twenty-four hours prior to commencement of the burn.

C) The owner/contractor shall provide a plat or drawing to scale showing the dimensions of the acreage and all adjacent property and the location of the device in relation to the property lines with all dwellings and structures within three hundred feet of the property line of said parcel. The office of the City Inspector, after having received satisfactory evidence of compliance and having received all required documents for such activity specifying the date and/or dates requested for the burn and information necessary to verify same to the satisfaction of the City Inspector, may issue a special permit.

D) The owner/contractor shall pay an application and permitting fee of \$400.00 and which shall include one inspection after the device has been situated on the property prior to the commencement of operations. In the event any changes requested or future inspections necessary. The owner/contractor shall pay an additional inspection fee of \$150.00 for each additional inspection as necessary.

1) **Enforcement and penalties for violations:**

a) Any persons or entities in violation of this section shall be guilty of a misdemeanor and shall pay a fine of not less than \$50.00 and no more than \$200.00 or serve 30 days in jail or both.

b) In addition to the criminal penalties, the City shall have a civil cause of action against any person who violates these provisions and may at its option enforce the provisions of this article by obtaining a Writ of Injunction from District Court and shall be entitled to recover from such persons or entities all actual damages including costs and expenses incurred by the City and reasonable attorney's fees and other litigation costs reasonably incurred to enforce these provisions.

SECTION 2. This ordinance shall be effective immediately upon adoption.

SECTION 3: Any provision, part, word, section, subsection, sentence, clause or phrase of this ordinance should be held invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance and do hereby declare the provisions hereof to be severable there in that event, only that particular provision, part, word, section, subsection, sentence, clause or phrase shall be deemed unconstitutional or invalid and the remaining provisions, parts, words, sections, subsections, sentences, clauses or phrases will not be affected and shall continue in full force and effect; and

SECTION 4: All ordinances or parts of ordinances inconsistent with or in conflict hereto be and the same are hereby repealed;

THUS DONE AND ADOPTED in regular session duly convened on the 9th day of October, 2012 at Crowley, Acadia Parish, Louisiana, after a roll call vote as follows:

YEAS: Bryan Borill, Elliot Doré, Jeff Doré, Lyle Fogleman, Vernon Martin, Mary Melancon, and Kitty Valdetero

NAYS: None

ABSTAIN: None

ABSENT: Laurita Pete

STEVEN PREMEAUX, Mayor Pro-Tem

GREG A. JONES, Mayor

ATTEST:

JUDY L. ISTRE, City Clerk

OTHER BUSINESS:

There being no further business to come before the Council upon motion duly made by Alderwoman Mary Melancon and seconded by Alderwoman Kitty Valdetero the meeting was adjourned at 6:40 p.m.

STEVEN PREMEAUX, Mayor Pro-Tem

ATTEST:

JUDY L. ISTRE, City Clerk

Presented rough draft to Mayor on October 9th, 2012 at 9:30 a.m.

Presented for Mayor's signature on October 9th, 2012 at 9:30 a.m.

Mayor signed & returned to City Clerk on October , 2012 at .m.

Published in newspaper on October , 2012