

CITY OF CROWLEY
REGULAR COUNCIL MEETING
FEBRUARY 9, 2005

The Mayor 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. Wednesday the 9th day of February, 2005, at the regular meeting place of said Mayor and Board of Aldermen, the City Hall, 426 North Avenue F, Crowley, Louisiana.

Mayor de la Houssaye presided with the following Aldermen present: James M. Buatt, Tiger Istre, Woody Marceaux, Vernon Martin, Mary T. Melancon, Steven C. Premeaux, and Kitty Valdetero. Absent were Laurita D. Pete and Ira Thomas.

Alderman Buatt led the Pledge of Allegiance to the flag and Alderman Marceaux gave the invocation.

PUBLIC HEARINGS:

Mayor de la Houssaye opened the public hearing on Rule to Show Cause for Condemnation of Property of Lot 14 of Block 87 of West Crowley Addition belonging to Jane Lyons Williams Estate.

The following resolution was offered by Alderman Martin, duly seconded by Alderwoman Valdetero, and duly resolved and adopted.

RESOLUTION OF THE MAYOR AND BOARD OF
ALDERMEN OF THE CITY OF CROWLEY,
ACADIA PARISH, LOUISIANA, ORDERING THE
CONDEMNATION OF LOT 14 OF BLOCK 87,
WEST CROWLEY ADDITION.

WHEREAS, a Condemnation Hearing was held regarding the above described property on the 9th day of February, 2005; and

WHEN AFTER considering the evidence presented, the testimony of all parties interested, after due consideration of the circumstances and condition of the building, the report of the Building 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 they do hereby Order the buildings and/or structures situated on Lot 14 of Block 87, West Crowley Addition, Crowley, Louisiana, the property of Jane Lyons Williams Estate, having a municipal address of 565 North Avenue C, Crowley, Louisiana, be and the same are hereby condemned; and

IT IS FURTHER ORDERED that the said building and/or structure be demolished and/or removed together with all trash and debris within sixty (60) days from the date hereof.

THUS DONE AND ADOPTED by the Mayor and Board of Aldermen of the City of Crowley, Acadia Parish, Louisiana, in regular session duly convened on this the 9th day of February, 2005, at Crowley, Acadia Parish, Louisiana.

ISABELLA L. de la HOUSSAYE, MAYOR

ATTEST:

JUDY L. ISTRE, CITY CLERK

Mayor de la Houssaye called the public hearing to a close.

Mayor de la Houssaye opened the public hearing on proposed ordinance no. 1301, the ordinance on International Residential Code was read by title.

Mr. Regan asked for opponents to the proposed ordinance no. 1301. A third and final call was made with no one coming forward to speak.

Mr. Regan asked for proponents of the proposed ordinance no. 1301. There were no comments after the third and final call.

Mayor de la Houssaye called the public hearing to a close.

Mayor de la Houssaye opened the public hearing on proposed ordinance no. 1306, the ordinance on Zoning/Fences was read by title.

Mr. Regan asked for opponents to the proposed ordinance no. 1306. A third and final call was made with no one coming forward to speak.

Mr. Regan asked for proponents of the proposed ordinance no. 1306. There were no comments after the third and final call.

Mayor de la Houssaye called the public hearing to a close.

Mayor de la Houssaye opened the public hearing on proposed ordinance no. 1310, the ordinance on dangerous animals was read by title.

Mr. Regan asked for opponents to the proposed ordinance no. 1310. A third and final call was made with no one coming forward to speak.

Mr. Regan asked for proponents of the proposed ordinance no. 1310. There were no comments after the third and final call.

Mayor de la Houssaye called the public hearing to a close.

Mayor de la Houssaye opened the public hearing on proposed ordinance no. 1311, the ordinance on motor vehicles for hire was read by title.

Mr. Regan asked for opponents to the proposed ordinance no. 1311. A third and final call was made with no one coming forward to speak.

Mr. Regan asked for proponents of the proposed ordinance no. 1311. Mr. Markel Poulard spoke in favor of the proposed ordinance.

Mayor de la Houssaye called the public hearing to a close.

Mayor de la Houssaye opened the public hearing on proposed ordinance no. 1312, the ordinance to amend the fiscal 2005 budget was read by title.

Mr. Regan asked for opponents to the proposed ordinance no. 1312. A third and final call was made with no one coming forward to speak.

Mr. Regan asked for proponents of the proposed ordinance no. 1312. There were no comments after the third and final call.

Mayor de la Houssaye called the public hearing to a close.

Mayor de la Houssaye opened the public hearing on Rule to Show Cause for Condemnation of Property of Lot 11 of Block 4 of Keller Addition belonging to Charles Tedman and Elizabeth A. Guidry.

The following resolution was offered by Alderman Marceaux, duly seconded by Alderwoman Melancon, and duly resolved and adopted.

RESOLUTION OF THE MAYOR AND BOARD OF
ALDERMEN OF THE CITY OF CROWLEY, ACADIA
PARISH, LOUISIANA, ORDERING THE
CONDEMNATION OF LOT 11 OF BLOCK 4 OF THE
KELLER ADDITION.

WHEREAS, a Condemnation Hearing was held regarding the above described property on the 9th day of February, 2005; and

WHEN AFTER considering the evidence presented, the testimony of all parties interested, after due consideration of the circumstances and condition of the building, the report of the Building 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 they do hereby Order the buildings and/or structures situated on Lot 11 of Block 4 of the Keller Addition, Crowley, Louisiana, the property of Charles Tedman and Elizabeth Averette Guidry, having a municipal address of 313 Keller Street, Crowley, Louisiana, be and the same are hereby condemned; and

IT IS FURTHER ORDERED that the said building and/or structure be demolished and/or removed together with all trash and debris within sixty (60) days from the date hereof.

THUS DONE AND ADOPTED by the Mayor and Board of Aldermen of the City of Crowley, Acadia Parish, Louisiana, in regular session duly convened on this the 9th day of February, 2005, at Crowley, Acadia Parish, Louisiana.

ISABELLA L. de la HOUSSAYE, MAYOR

ATTEST:

JUDY L. ISTRE, CITY CLERK

Mayor de la Houssaye called the public hearing to a close.

READING & APPROVAL OF MINUTES / BILLS:

Alderswoman Melancon moved to dispense with the reading of the minutes of the January 11th, 2005 regular council meeting; and approve them as written and distributed. Seconded by Alderman Buatt and duly adopted.

Alderswoman Valdetero moved to dispense with the reading of the minutes of the January 14th, 2005 special council meeting; and approve them as written and distributed. Seconded by Alderman Premeaux and duly adopted.

Alderman Buatt moved to dispense with the reading of the minutes of the February 4th, 2005 special council meeting; and approve them as written and distributed. Seconded by Alderman Martin and duly adopted.

Alderman Martin moved to approve all bills presented for payment. Seconded by Alderman Premeaux and duly adopted.

MAYOR'S REPORT:

Mayor de la Houssaye presented the Sales Tax Report and User Fee Report that compare current collections to collections from previous years. The Recap of all Funds Report compares actual revenues and expenditures for the five months of the fiscal year to the budgeted revenues and expenditures of the same period.

CORRESPONDENCES:

A letter of appreciation from Molena Duhon of the Motor Vehicle Office was read that thanked everyone for approving the renovations to their building and also for the assistance received in completing that project.

STANDING COMMITTEE REPORTS:

PUBLIC WORKS:

Alderwoman Melancon offered a motion to approve Partial Payment No. 6 to Quality Construction Specialist under Work Order No. 1 for “City Wide Crack Routing, Cleaning, and Sealing” in the amount of \$5,154.84. Seconded by Alderman Martin and duly adopted.

Alderwoman Melancon offered a motion to approve Change Order No. 1, the Final Contract Change Order, under the Quality Construction Specialist Work Order No. 1 for “City Wide Crack Routing, Cleaning, and Sealing ”in the amount of negative (-)\$1,924.25 and to add 41 days of contract time. Seconded by Alderman Martin and duly adopted.

The following resolution was offered by Alderwoman Melancon, duly seconded by Alderwoman Valdetero, and duly resolved and adopted.

RESOLUTION OF ACCEPTANCE

A resolution authorizing and directing the Mayor to execute for and on behalf of the City of Crowley, a Notice of Acceptance for Quality Construction Specialists, Contractor, pertaining to the substantial completion of the contract for “2003-2004 Streets & Drainage Maintenance Material and Repair – Proposal No. 3 – Work Order No. 1” for the City of Crowley in accordance with the plans and specifications contained in the contract documents pertaining thereto.

WHEREAS, Quality Construction Specialists, as Contractor, has substantially completed “2003-2004” Streets & Drainage Maintenance Material and Repair – Proposal No. 3 – Work Order No. 1” for the City of Crowley 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 Board of Alderman that the Mayor of said City of Crowley be, and is hereby empowered, authorized and directed to execute a Notice of Acceptance for and on behalf of the City of Crowley accepting the work as being substantially completed, and that the Mayor be authorized and directed to have a copy of said acceptance recorded in the Conveyance Records of the Parish of Acadia, State of Louisiana.

ADOPTED: February 9, 2005

ISABELLA L. de la HOUSSAYE, MAYOR

ATTEST:

JUDY L. ISTRE, CITY CLERK

Alderwoman Melancon offered a motion to approve Partial Payment No. 4 to H & S Construction Company for the “2004-2005 Annual Street Repair Work” in the amount of \$29,962.44 Seconded by Alderman Martin and duly adopted.

Alderwoman Melancon offered a motion to purchase a John Deere 310G backhoe through a state contract from Nortrax in the amount of \$43,080.50 and to purchase the extended warranty in the amount of \$1,761 and refer to Revenue and Finance. Seconded by Alderman Martin and duly adopted.

UTILITY:

Alderman Martin offered a motion to authorize the City Engineer to provide cost estimates to install a double tank surge protector at 710 South Avenue D. Seconded by Alderwoman Valdetero and duly adopted.

Alderman Marceaux offered a motion to authorize Mader Engineering to research if a double tank surge protector is a feasible solution to the drainage problems at 710 South Avenue D. Seconded by Alderwoman Melancon and duly adopted.

Alderman Martin offered a motion to authorize the Mayor to set the adjustment for Park Avenue Cleaners at 65% and Whiteway Laundry at 75% for the Calendar Year 2005, to calculate the total final annual adjustment for 2005 at the start of 2006, to apply that adjustment to Park Avenue Cleaners and Whiteway Laundry's first sewer bill in 2006, and to continue with this same process thereafter until further notice. Seconded by Alderwoman Valdetero and duly adopted.

Alderman Martin offered a motion to approve Partial Payment No. 19 for the Release of Retainage for Material and Labor Liens in the amount of \$70,030.31 to Stelly Construction Co. for "West Crowley Sewerage Improvements (LCDBG FY 01 Program)". Seconded by Alderwoman Melancon and duly adopted.

Alderman Martin offered a motion to approve Partial Payment No. 3 to Keough & Jones Electric Company for "Crowley Sewer Pump Stations Electrical Controls Upgrades" in the estimated amount of \$16,501. Seconded by Alderwoman Valdetero and duly adopted.

Alderman Martin offered a motion to approve Plans and Specs and authorize the advertisement for bids for Contract 1 (Pump Station and Force Main) for the "North of I-10 Sewerage Extension Project" contingent upon LDEQ approval. Seconded by Alderman Istre and duly adopted.

Alderman Martin offered a motion to approve Partial Payment No. 4 for the Release of Retainage to Stelly Construction Company for the "Abandonment and Replacement of the Avenue I/Hockaday Pump Stations Force Main" in the amount of \$32,029.44 contingent upon completion of the punch list and a clear lien certificate. Seconded by Alderwoman Melancon and duly adopted.

Alderman Martin offered a motion to approve Partial Payment No. 4 to E. B. Feucht for "I/I Rehabilitation Program – 2004" in the amount of \$6,091.20. Seconded by Alderwoman Melancon and duly adopted.

PUBLIC SAFETY:

Alderman Buatt offered a motion to authorize the Quality Manager to revise the current Internet usage and communications device policies. Seconded by Alderman Martin and duly adopted.

The following resolution was offered by Alderman Buatt, duly seconded by Alderman Martin, and duly resolved and adopted.

RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF CROWLEY, ACADIA PARISH, LOUISIANA, RESCINDING THE NOTICE OF RULE TO SHOW CAUSE AND THE ORDER OF CONDEMNATION OF IMPROVEMENTS ON LOT 9 OF BLOCK 20 OF THE ORIGINAL CITY OF CROWLEY.

WHEREAS, Notice of Rule to Show Cause for condemnation was issued by the Mayor and Board of Aldermen of the City of Crowley on the 14th day of December, 2004 against the property described as Lot 9 of Block 20 of the Original City of Crowley; and

WHEREAS, a condemnation hearing was held on the 11th day of January, 2005, at which time it was ordered that the building and/or structures situated on Lot 9 of Block 20 of the Original City of Crowley be and the same were ordered condemned; and

WHEREAS, after the Resolution Ordering Condemnation had been filed, it was discovered that there was an inadvertent error in that the property description of "Lot 9 of Block 20 of the Original City of Crowley" should in fact read "Lot 9 of Block 20 of the Andrus Addition to the City of Crowley"; and

WHEREAS, the Mayor and Board of Aldermen desire to cancel said Notice of Rule to Show Cause and the Resolution Ordering Condemnation of record in the office of the Clerk of Court;

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 they do hereby rescind and authorize cancellation of the Notice of Rule to Show Cause for Condemnation of Lot 9 of Block 20 of the Original City of Crowley belonging to Alcide and Alice Richard c/o James Guidry recorded on the 15th day of December, 2004 under Original Act No. 736042 in Mortgage Book 705 at Page 437 and in Conveyance Book T-60 at Page 803 and do hereby authorize, empower and direct the Clerk of Court to cancel same; and

BE IT FURTHER RESOLVED by the Mayor and Board of Aldermen that they do hereby rescind and authorize cancellation of the Resolution Ordering Condemnation of Lot 9 of Block 20 of the Original City of Crowley belonging to Alcide and Alice Richard c/o James Guidry recorded on the 14th day of January, 2005 under Original Act No. 736981 in Conveyance Book U-60 at page 1016 and do hereby authorize, empower and direct the Clerk of Court to cancel same;

THUS DONE AND ADOPTED in regular session at Crowley, Acadia Parish, Louisiana, on this the 9th day of February, 2005.

ISABELLA L. de la HOUSSAYE, MAYOR

ATTEST:

JUDY L. ISTRE, CITY CLERK

The following resolution was offered by Alderman Buatt, duly seconded by Alderman Martin, and duly resolved and adopted.

A RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF CROWLEY, ACADIA PARISH, LOUISIANA, ORDERING AND ISSUING A RULE TO SHOW CAUSE FOR CONDEMNATION OF PROPERTY.

WHEREAS, the City Inspector has notified the Mayor and Board of Aldermen of a violation of the Building and Safety Codes of the City of Crowley; and

WHEREAS, notice has been issued to the property owner, Alcide and Alice Richard , by the City Inspector's Office for repairs and/or demolition to be made of the improvements on Lot 9 of Block 20 of the Andrus Addition of the City of Crowley, having a municipal address of 913 East Clay Street, Crowley, Louisiana; and

WHEREAS, no action has been taken and the City Inspector has requested a public hearing on the condemnation of the said property; and

WHEREAS, Mayor Isabella L. delaHoussaye has appointed Mr. Glen E. Howie, Attorney at Law, to represent the absent and/or deceased property owners;

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 the Notice of Rule to Show Cause should be issued to Alcide and Alice Richard through their duly appointed attorney, Glen E. Howie, for a public hearing to be held by the Mayor and Board of Aldermen on the 9th day of February, 2005, in regular session at 6:00 p.m. and that said notice be properly recorded and served upon the property owner and/or appointed representative pursuant to law.

THUS DONE AND ADOPTED by the Board of Aldermen of the City of Crowley, Acadia Parish, Louisiana, in regular session duly convened on this the 9th day of February, 2005, at Crowley, Acadia Parish, Louisiana.

ISABELLA L. de la HOUSSAYE, MAYOR

ATTEST:

JUDY L. ISTRE, CITY CLERK

ZONING & ANNEXATION:

Alderman Marceaux offered a motion to refer to the City Attorney for review the proposed ordinance relating to the Removal and Disposal of Litter and Temporary Sign Ordinances. Seconded by Alderwoman Melancon and duly adopted.

The following resolution was offered by Alderman Marceaux, duly seconded by Alderwoman Melancon, and duly resolved 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 RECOGNIZE AND ADOPT THE SUBDIVISION REGULATIONS AS ADOPTED BY THE PLANNING COMMISSION OF THE CITY OF CROWLEY; TO PROVIDE MINIMUM STANDARDS AND REGULATIONS FOR THE ORDERLY DEVELOPMENT OF THE CITY; AND TO AMEND AND RE-ENACT CHAPTER 13 OF THE CODE OF ORDINANCES OF THE CITY OF CROWLEY AND TO REDESIGNATE CHAPTER 13 AS SUBDIVISION REGULATIONS, STREETS, SIDEWALKS AND EXCAVATION REGULATIONS; AND TO PROVIDE A SCHEDULE OF FEES AND COSTS FOR FILING PLATS, PERMITS, PLANS AND

SPECIFICATIONS AND OTHER DOCUMENTS IN CONNECTION THEREWITH; AND TO PROVIDE FOR COMPLIANCE WITH AND ENFORCEMENT OF THE SUBDIVISION REGULATIONS AND PROVISIONS; TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES IN CONTRARY THERETO AND/OR IN CONFLICT THEREWITH; TO PROVIDE THE PROVISIONS THEREOF TO BE SEVERABLE; AND TO PROVIDE FOR ALL MATTERS RELATIVE 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 9th day of March, 2005, 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 RECOGNIZE AND ADOPT THE SUBDIVISION REGULATIONS AS ADOPTED BY THE PLANNING COMMISSION OF THE CITY OF CROWLEY; TO PROVIDE MINIMUM STANDARDS AND REGULATIONS FOR THE ORDERLY DEVELOPMENT OF THE CITY; AND TO AMEND AND RE-ENACT CHAPTER 13 OF THE CODE OF ORDINANCES OF THE CITY OF CROWLEY AND TO REDESIGNATE CHAPTER 13 AS SUBDIVISION REGULATIONS, STREETS, SIDEWALKS AND EXCAVATION REGULATIONS; AND TO PROVIDE A SCHEDULE OF FEES AND COSTS FOR FILING PLATS, PERMITS, PLANS AND SPECIFICATIONS AND OTHER DOCUMENTS IN CONNECTION THEREWITH; AND TO PROVIDE FOR COMPLIANCE WITH AND ENFORCEMENT OF THE SUBDIVISION REGULATIONS AND PROVISIONS; TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES IN CONTRARY THERETO AND/OR IN CONFLICT THEREWITH; TO PROVIDE THE PROVISIONS THEREOF TO BE SEVERABLE; AND TO PROVIDE FOR ALL MATTERS RELATIVE 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 February, 2005.

JUDY L. ISTRE, CITY CLERK

THUS DONE, SIGNED AND ADOPTED in regular session duly convened on the 9th day of February, 2005, in Crowley, Acadia Parish, Louisiana.

ISABELLA L. de la HOUSSAYE, MAYOR

ATTEST:

JUDY L. ISTRE, CITY CLERK

PUBLIC BUILDING:

Alderman Premeaux offered a motion to approve Substantial Completion for Masonry Restoration to the Crowley Administrative offices from Lafayette Waterproofing Inc. Seconded by Alderwoman Melancon and duly adopted.

Alderman Premeaux offered a motion to approve Partial Payment No. 10 to Besette Development Corporation for the LaPac Plant Addition in the amount of \$10,779.34. Seconded by Alderwoman Melancon and duly adopted.

Alderman Premeaux offered a motion to approve Final Payment to Ron Lawson for architect fees for the LaPac Plant Addition in the amount of \$21,612.94. Seconded by Alderman Istre and duly adopted.

INSURANCE & PERSONNEL:

Alderman Martin offered a motion to approve the hiring dates for Tony Signorelli as January 19th 2005, Jacob Hanks as January 21st 2005 and Stephon Lopez as January 31st 2005 for their civil service personnel action forms. Seconded by Alderman Buatt and duly adopted.

COMMUNITY & ECONOMIC DEVELOPMENT:

Alderman Istre offered a motion to schedule JulyFete for Sunday, July 3, 2005. Seconded by Alderwoman Melancon and duly adopted.

RECREATION:

Alderman Premeaux offered a motion to authorize the Mayor and the City Attorney to negotiate the leasing of Bicentennial Park to Saint Michael Catholic School Board and to report findings. Seconded by Alderwoman Valdetero and duly adopted.

Alderman Premeaux offered a motion to approve Phase II of Hensgens Park in the amount of \$176,042. Seconded by Alderwoman Melancon and duly adopted.

Alderman Martin offered a motion to authorize the Mayor to amend the Loan Agreement and Participant Notes of the LCDA Capital Projects and Equipment Acquisition Program to include Phase II of Hensgens Park in the amount of \$176,000 and to decrease the funds available for the North of I-10 sewer project in the amount of \$176,000. Seconded by Alderwoman Melancon with Alderman Istre voting nay.

REVENUE & FINANCES:

Alderwoman Valdetero offered a motion to appropriate funds from General Fund – Fund Balance to purchase a John Deere 310G backhoe from Nortrax in the amount of \$43,080.50 and to purchase the extended warranty in the amount of \$1,761. Seconded by Alderman Buatt and duly adopted.

The following resolution was offered by Alderwoman Valdetero, duly seconded by Alderwoman Melancon, and duly resolved and adopted.

A RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF CROWLEY, ACADIA PARISH, LA. 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 for the time and place where the Board will consider its adoption.

NOW THEREFORE, BE IT RESOLVED, by the Mayor and Board of Aldermen, 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 AMENDING THE BUDGETS FOR THE CITY OF CROWLEY FOR THE FISCAL YEAR, BEGINNING SEPTEMBER 1, 2004 AND ENDING AUGUST 31, 2005; AND TO PROVIDE FOR ALL MATTERS RELATIVE THERETO; AND TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT THEREWITH.

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 8th day of March, 2005 at 6:00 o'clock p.m. in the Council Chambers, City Hall, Crowley, LA, to consider the adoption of the following ordinance.

AN ORDINANCE AMENDING THE BUDGETS FOR THE CITY OF CROWLEY FOR THE FISCAL YEAR, BEGINNING SEPTEMBER 1, 2004 AND ENDING AUGUST 31, 2005; AND TO PROVIDE FOR ALL MATTERS RELATIVE THERETO; AND TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT THEREWITH.

Copies of the proposed Ordinance are available for a nominal fee in the Office of the City Clerk, City Hall, Crowley, LA.

THUS DONE AND SIGNED on this the 9th day of February, 2005.

JUDY L. ISTRE, CITY CLERK

ISABELLA L. de la HOUSSAYE, MAYOR

ATTEST:

JUDY L. ISTRE, CITY CLERK

RESOLUTIONS:

The following resolution was offered by Alderman Marceaux, duly seconded by Alderwoman Melancon, and duly resolved 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 PROVIDE PROTECTION OF THE PUBLIC WATER SUPPLY AGAINST CONTAMINATION BY ESTABLISHING "DRINKING WATER CRITICAL PROTECTION AREAS" WITHIN ONE THOUSAND (1,000) FEET FROM ANY DRINKING WATER WELL IDENTIFIED BY THE LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY; AND TO PROVIDE THE PROVISIONS THEREOF TO BE SEVERABLE; AND TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES IN CONTRARY THERETO AND/OR IN CONFLICT THEREWITH; AND TO PROVIDE FOR ALL MATTERS RELATIVE 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 8th day of March, 2005, 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 PROVIDE PROTECTION OF THE PUBLIC WATER SUPPLY AGAINST CONTAMINATION BY ESTABLISHING "DRINKING WATER CRITICAL PROTECTION AREAS" WITHIN ONE THOUSAND (1,000) FEET FROM ANY DRINKING WATER WELL IDENTIFIED BY THE LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY; AND TO PROVIDE THE PROVISIONS THEREOF TO BE SEVERABLE; AND TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES IN CONTRARY THERETO AND/OR IN CONFLICT THEREWITH; AND TO PROVIDE FOR ALL MATTERS RELATIVE 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 February, 2005.

JUDY L. ISTRE, CITY CLERK

THUS DONE, SIGNED AND ADOPTED in regular session duly convened on the 9th day of February, 2005, in Crowley, Acadia Parish, Louisiana.

ISABELLA L. de la HOUSSAYE, MAYOR

ATTEST:

JUDY L. ISTRE, CITY CLERK

ORDINANCES:

The following Ordinance was offered by Alderman Buatt, duly seconded by Alderwoman Melancon, and duly ordained and adopted.

ORDINANCE NO. 1301

AN ORDINANCE TO AMEND AND RE-ENACT SECTION 5-2 OF ARTICLE I OF CHAPTER 5 OF THE CODE OF ORDINANCES OF THE CITY OF CROWLEY TO ADOPT THE INTERNATIONAL RESIDENTIAL CODE TO PROVIDE STANDARDS AND REGULATIONS FOR RESIDENTIAL BUILDINGS AND STRUCTURES IN THE CITY; AND TO PROVIDE THE PROVISIONS THEREOF TO BE SEVERABLE; AND TO REPEAL; ALL ORDINANCES OR PARTS OF ORDINANCES IN CONTRARY THERETO AND/OR IN CONFLICT THEREWITH; AND TO PROVIDE FOR COMPLIANCE WITH AND ENFORCEMENT OF THOSE PROVISIONS UNDER THE STATE UNIFORM CONSTRUCTION CODE; AND TO PROVIDE FOR ALL MATTERS RELATIVE THERETO.

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

WHEREAS, a public hearing having been held in accordance with law on the 9th day of February, 2005, at 6:00 o'clock p.m. at City Hall, Crowley, Louisiana; and

WHEREAS, the City of Crowley has adopted the Uniform State Construction Code in accordance with the provisions of Act 400, 1991, regular session of the Louisiana Legislature; and

WHEREAS, the adoption of the Uniform State Construction Code regulations do not include the International Residential Code; and

WHEREAS, the Mayor and Board of Aldermen find that the adoption of the International Residential Code of 2000 is necessary to supplement thereby eliminating obsolete, conflicting, and unnecessary construction regulations and in order to carry forth

NOW THEREFORE BE IT RESOLVED by the Mayor and Board of Aldermen of the City of Crowley, Acadia Parish, Louisiana, that:

SECTION 1: Section 5-2 of Article I of Chapter 5 of the Code of Ordinances of the City of Crowley be and the same is hereby amended and re-enacted to read as follows:

Sec. 5-2 Adoption of the Louisiana State Uniform Construction Code.

(A) There is hereby adopted by the city, for the purpose of establishing rules and regulations for the construction, alteration, removal, demolition, equipment, use and occupancy, location and maintenance of buildings and structures, including permits and penalties, that certain building code known as the Louisiana State Uniform Construction Code, which code consists of the 2000 edition of the International Building Code, published by the International Code Council, which replaces the 1997 Standard Building Code; the

1999 edition of the National Electrical Code published by the National Fire Protection Association; and the 2000 edition of the Louisiana State Plumbing Code, published by Louisiana Department of Health and Hospitals; the 2000 International Mechanical Code and the 2000 International Fuel Gas Code, of which not less than three copies have been and now are filed in the office of the clerk of the city, and the same are hereby adopted and incorporated as fully as if set out at length in this section and the provisions thereof shall be controlling in the construction of all buildings and structures therein contained within the corporate limits of the city. The State Uniform Construction Code shall be effective January 1, 2004.

(B) There is hereby adopted by the city, for the purpose of establishing rules and regulations for the construction, alteration, removal, demolition, equipment, use and occupancy, location and maintenance of residential buildings and the accessory structures, including permits and penalties, that certain building code known as the International Residential Code, 2000 Edition, of which not less than three copies have been and are now on file in the office of the City Clerk of the city and the same are hereby adopted and are incorporated herein as fully as if set out in length in this section and the sections thereof shall be controlling in the construction of residential buildings and accessory structures therein contained within the corporate limits of the city.

SECTION 2: This Ordinance shall become effective immediately upon its adoption.

SECTION 3: If 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, then 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 herewith be and the same are hereby repealed;

THUS DONE, SIGNED AND ADOPTED in regular session duly convened on this the 9th day of February, 2005, at Crowley, Acadia Parish, Louisiana, after a roll call vote as follows:

YEAS: James M. Buatt, Tiger Istre, Woody Marceaux, Vernon Martin, Mary T. Melancon, Steven C. Premeaux, and Kitty Valdetero

NAYS: None

ABSENT: Laurita D. Pete and Ira Thomas

ISABELLA L. de la HOUSSAYE, MAYOR

ATTEST:

JUDY L. ISTRE, CITY CLERK

The following Ordinance was offered by Alderman Buatt, duly seconded by Alderman Martin, and duly ordained and adopted.

ORDINANCE NO. 1306

AN ORDINANCE TO AMEND SECTION 3.1304, OF ARTICLE III OF APPENDIX A – ZONING, ORDINANCE NO. 1059 OF THE CODE OF ORDINANCES OF THE CITY OF CROWLEY TO INCREASE THE HEIGHT OF FENCES, WALLS AND HEDGES

TO EIGHT (8) FEET ON REAR AND SIDE YARDS; AND TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES IN CONTRARY THERETO AND/OR IN CONFLICT THEREWITH; AND TO PROVIDE FOR ALL MATTERS RELATIVE THERETO.

WHEREAS, this Ordinance has been duly introduced and by its title and referred to the Zoning and Planning Commission of the City of Crowley for a public hearing; and

WHEREAS, a recommendation having been received by the Planning Commission after a public hearing; and

WHEREAS, a public hearing having been held in accordance with law by the Board of Aldermen on the 9th day of February, 2005 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, IN REGULAR SESSION, DULY CONVENEED THAT:

SECTION 1: That Section 3.1304 of Article III of Appendix A – Zoning, Ordinance No. 1059 of the Code of Ordinances of the City of Crowley be and the same is hereby amended and reenacted to read as follows, to-wit:

Sec. 3.1304 Fences, walls and hedges.

Notwithstanding other provisions of this ordinance, fences, walls, and hedges may be permitted in any required yard, or along the edge of any yard provided that no fence, wall, or hedge along the rear or sides from the building setback line to the rear shall be over eight (8) feet in height, and front yard and side yard from the building setback line to the front lot line shall not be over three (3) feet in height, unless landscape plans are filed for which permission may be granted by the Mayor and Board of Aldermen when the neighborhood will be improved by such an exception. The height of fences, walls, and hedges shall be measured vertically from ground level in the adjacent yard.

SECTION 2: That Section 3 of Article III of Appendix A – Zoning, Ordinance No. 1059 of the Code of Ordinances of the City of Crowley be and the same is hereby amended and reenacted to read as follows, to-wit:

Sec. 3.1350. Definitions.

a) *Approved fence materials* means materials normally manufactured for, used as, and recognized as, fencing materials such as: wrought iron or other decorative metals suitable for the construction of fences, fired masonry, concrete, stone, chain link, metal tubing, wood planks, and vinyl or fiberglass composite manufactured specifically as fencing materials. Fence materials must also be materials approved for exterior use and are weather and decay-resistant. The provisions of this chapter are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative has been approved. An alternative material, design or method of construction shall be approved where the Crowley Planning Commission and Crowley City Council finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this chapter in quality, strength, effectiveness, fire resistance, durability and safety.

b) *City* means the City of Crowley.

c) *Code* means the Code of Civil and Criminal Ordinances of the City of Crowley, Louisiana.

d) *Corner lot* means a lot situated at the junction of two (2) or more streets.

- e) *Dilapidated fence* means a fence which is decayed, deteriorated, or fallen into partial ruins.
- f) *Zoning Planning Administrator* means the City of Crowley Zoning Planning Administrator and his or her designee.
- g) *Easement* means a right created by grant, reservation, agreement, prescription, or necessary implication, which one has in the land of another. It is either for the benefit of appurtenant land such as for the right to cross, or egress, such as a public utility easement, or in specific, such as an exclusive utility easement. An easement may or may not have descriptive bounds.
- h) *Fence* means any wall or structure more than twelve (12) inches in height erected or maintained for the purpose of enclosing, partitioning, screening, restricting access to or decorating the enclosed lot, parcel, building or structure, or divides any yard.
- i) *Fence contractor* means a person who, for remuneration, erects, maintains, constructs, or reconstructs a fence on the premises of another. It does not mean the owner who owns or leases the premises on which the fence is located.
- j) *Fence contracting* means engaging in the business of erecting, maintaining, constructing, or reconstructing fences.
- k) *Fence structure* means any part of a fence including the base, footings, supporting columns, braces, structural members, or any other of its appendage.
- l) *Front yard* means a yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and a line parallel to it at the building line.
- m) *Game court* means a structure having a playing surface, paved or unpaved, with or without enclosing fences, designed to be used for playing or practicing tennis, badminton, volley ball, paddle tennis handball, baseball, batting, handball, racquet ball, squash, basketball, or similar games.
- n) *Interior lot* means a lot situated in a block with frontage on only one (1) street, and specifically not a corner lot.
- o) *Interior lot line* means a side yard lot line that is adjacent to a corner lot or an interior lot's side yard line.
- p) *Outside storage* means the storage of commodities, goods and/or refuse outside of an enclosed building.
- q) *Public right-of-way* means a strip of land which is used as a roadbed for a street, alley or highway intended for use by the public at large, or land set aside as an easement or in fee, either by agreement or condemnation.
- r) *Rear yard* means a yard extending across the full width of the lot, the depth of which is the horizontal distance between the rear lot line and a line parallel to it at the building line.
- s) *Registered when used with or in reference to the words "fence contractor"* means a person or firm registered with the city to engage in the business of fence contracting.
- t) *Residential district* means a district zoned for residential use in the City of Crowley comprehensive zoning ordinance excluding multi-family.
- u) *Retaining wall* means a wall designed to bear against soil or other material and resists lateral and other forces from the material held in place.

v) *Reverse frontage corner lot* means a corner lot where the rear lot line is adjacent to a side lot line of an adjoining lot or across an alley from such side lot line.

w) *Screening fence or blind fence* means a fence that screens from view the interior of a property so that the visibility through the fence is prevented from the exterior side of the fence standing three (3) feet from it at ground level.

x) *Screening wall* means a wall or architectural extension that may be part of the structure or a stand-alone feature that screens from view the interior of a property so that visibility through the wall shall be prevented from the exterior side of the wall or architectural extension.

y) *Setback* means the distance from the property line or the right-of-way line of all streets adjacent to the premises on which a fence is located to the part of the fence closest to the property line or right-of-way line.

z) *Side yard* means an open, unoccupied space on the same lot with the building, and between the building line and the side lot line.

aa) *Street* means public street and private street.

bb) *Through lots or double front lots* means a lot situated on a block with frontage on two (2) streets, and specifically not a corner lot.

cc) *Vision or visibility triangle* means that an imaginary area is created by measuring along two (2) intersecting property lines. The vision triangle is determined by measuring back from the intersection point of the two (2) property lines parallel to the intersecting streets a distance of thirty-five (35) feet, and drawing an imaginary line across these two (2) points.

dd) *Yard* means an open, unoccupied space on a lot, other than a court, which is unobstructed from the ground upward by buildings or structures.

Sect. 3.1351. Permits.

a) *Required.* It is unlawful for any person to construct, repair, replace, or cause to be constructed, repaired, or replaced, a fence or any part of a fence in the city without first obtaining a fence permit from the Zoning Planning Administrator.

b) *Unlawful securing of permits.* It is unlawful for any firm or corporation who is not registered by the state as a fence contractor to secure a permit by this chapter.

1) It is an affirmative defense to this subsection that the fence work is being done by a property owner on a property legally owned or leased by that owner or lessee.

c) *Approved plans.* The Zoning Planning Administrator shall review the application, plans, specifications, computations and other data filed by an applicant for a permit. When the Zoning Planning Administrator issues a permit where the plans are required, the Zoning Planning Administrator shall endorse in writing the plans and specifications "Approved". Such reviewed plans and specifications shall not be changed, modified or altered by any person without authorization from the Zoning Planning Administrator, and a person shall do work regulated by this chapter in accordance with the approved plans.

d) *Expiration.* Every permit issued shall become invalid unless the work authorized by such permit is commenced within ninety (90) days after its issuance, or if the work authorized by such permit is suspended, abandoned or lacks the required, by the inspections department, inspections for a period of ninety (90) days after the time the work is commenced. The Zoning Planning Administrator may extend the time for action by the applicant for a period not exceeding ninety (90) days on written request by the applicant showing that circumstances beyond the control of the applicant have prevented action from

being taken. No applications shall be extended more than once. Changes, alterations, or adjustments in the permit or in the work authorized by the issuance of the permit, after it has been issued shall not extend the original expiration date established upon the original issuance of the permit.

e) *Suspension or revocation.* The Zoning Planning Administrator may, in writing, suspend or revoke a permit issued under the provisions of this chapter when the permit was issued in error, on the basis of incorrect information, on in violation of any applicable law.

f) *Validity of permit.* The issuance or granting of a permit or approval of plans, specifications and computations is not a permit for, or an approval of, any violation of any of the provisions of this chapter or of any other city ordinance. Permits presuming to give authority to violate or cancel the provisions of this chapter or any other city ordinance are not valid.

g) *Construction documents.* Construction documents and other data shall be submitted in one or more sets, as required by the Zoning Planning Administrator, with each application for a permit. When required by the Zoning Planning Administrator, the applicant shall also provide additional information as required by the building code. Where special conditions exist, the Zoning Planning Administrator is authorized to require additional construction documents.

h) *Availability of plans.* One set of approved plans, specifications, and a copy of the permit shall be made available, by the applicant, for inspection of the work authorized by the permit. The applicant shall keep the said set of approved plans, specifications and permit on the work site during the construction process.

i) *Other laws.* The owner or the owner's authorized agent who applies for a permit to construct a fence must comply with all the requirements of this chapter and the requirements of the building code. The provisions of this chapter shall not be deemed to nullify any provisions of local, state or federal law.

Sec. 3.1352. Application.

a) *Applicant authorization.* Any person making application for a fence permit shall complete a permit application, provided by the Zoning Planning Administrator, showing the following information:

- 1) Applicant's name, address, phone number and, if the applicant represents a corporation, the name, address, and phone number of the registered agent of the corporation;
- 2) Name of the owner of the property;
- 3) Local address where the fence is proposed to be erected;
- 4) Type of fence construction;
- 5) Height of fence;
- 6) Diagram showing proposed location of the fence and listing relevant dimensions between the fence and other structures on the lot and the location of property lines;
- 7) Approximate value of the proposed fence;
- 8) The fence contractor's registration number; and
- 9) The applicant's authorized signature.

b) *Expiration of plan review.* Application for which no permit is issued within ninety (90) days following the date of application shall expire by limitation, and plans and

other data submitted for review may be returned to the applicant or destroyed by the Zoning Planning Administrator. The Zoning Planning Administrator may extend the time for action by the applicant for a period not exceeding ninety (90) days on written request by the applicant showing that circumstances beyond the control of the applicant have prevented action from being taken. No applications shall be extended more than once.

Sec. 3.1353. Fees.

a) *Investigation.* When a person begins any work for which a permit is required by this chapter without first obtaining a permit, he or she shall pay a special investigation fee equal to the amount of the permit fee whether or not a permit is issued. Payment of the investigation fee shall not exempt any person from compliance with all other provisions of this chapter nor from any penalty prescribed by law.

b) *Reinspection fee.* Reinspection fees are set forth by the building code.

c) *Permit fees.* Fence permit fees are set forth by the building code.

Sec. 3.1354. Encroachment on public property.

No person shall construct a fence, guy wire, brace or any fence post upon or protruding over public right-of-way or property that the city or the general public has dominion and control over, owns or has an easement over, under, around or through.

Sec. 3.1355. Fence not to create a traffic hazard.

It is unlawful to erect, maintain, suffer or permit any fence on any corner lot in such a manner as to create a traffic hazard. Failure of the owner, agent or occupant to remove such obstruction within ten (10) days after receipt of notice to do so is a violation of this chapter.

Sec. 3.1356. Construction within easements.

a) Permission to build a fence upon a utility easement does not remove the obligation of the owner of the fence to remove the fence upon demand of the utility company. The owner of the fence shall remove and rebuild the fence at the owner's expense.

b) The owner of a fence shall be responsible for the design, construction and maintenance of the fence and shall be so as not to interfere with utility lines or normal drainage.

c) Permission to build a fence upon a utility easement must be granted by the Planning Commission.

d) Where a fence is to be placed in an easement containing underground utilities the owner or occupant shall sign a release indemnifying the city from any damages for removal of the fence and damage to the fence as a result of the need to repair or replace said utilities.

Sec. 3.1357. Relocation or construction of private fences related to public improvement projects.

a) Fences relocated or constructed due to construction of a public improvement project (e.g. road widening project) may be located as close as practical on or inside the new property line and must comply with the installation standards required by the Zoning Planning Administrator. This section does not permit any obstruction which may create traffic or other safety hazard. The owner of the fence shall comply with all other requirements of this chapter.

b) A permit is not required for the relocation or construction of fence relocated or constructed to accommodate a public improvement project, unless the relocation or construction is performed by the property owner or his or her representatives.

Sec. 3.1358. Height limitation – Rear yard.

It is unlawful for any person to construct, erect, maintain, suffer, or permit a fence in any rear yard or along any rear yard lot which fence exceeds eight (8) feet in height measured from the finished grade at any point eighteen (18) inches or less either side of the fence.

a) It is an affirmative defense to this section that the fence is a screening fence or wall used to screen trash dumpsters in a non-residential zoning district and does not exceed eight (8) feet in height.

b) It is an affirmative defense to this section that the vertical support posts and gates do not extend more than six (6) inches above the top of the fence.

Sec. 3.1359. Height limitation – Side yard.

a) It is unlawful for any person to construct, erect, maintain, suffer, or permit a fence in any side yard or along any side yard lot line which fence exceeds eight (8) feet in height measured from the finished grade at any point eighteen (18) inches or less from either side of the fence.

b) It is an affirmative defense to this section that the vertical support posts and gates do not exceed more than six (6) inches above the top of the fence.

Sec. 3.1360. Construction in front yards.

a) It is unlawful for any person to construct, erect, maintain, suffer or permit a fence in the required front yard building setback area.

1) The fence is forty-eight (48) inches or less in height measured from the finished grade at any point eighteen (18) inches or less from either side of the fence.

2) In the case of a corner lot and when the fence is located in a vision triangle, the fence is thirty-six (36) inches or less in height measured from the finished grade at any point eighteen (18) inches or less from either side of the fence, and the fence allows at least fifty (50%) percent through vision, with a triangular area formed by the intersection of the adjacent street right-of-way lines and a point on each such right-of-way line thirty-five (35) feet from the intersection.

3) That the vertical support posts and gates do not extend more than four (4) inches above the top of the fence intersection.

Sec. 3.1361. Construction on reverse frontage lots.

a) On all reverse frontage lots located on property zoned or used for residential purposes, it is unlawful for any person to construct, maintain, suffer or permit a fence within the required side yard area that is adjacent to a front yard area at a distance closer than fifteen (15) feet from and perpendicular to the side property line.

b) It is an affirmative defense to subsection a) above that:

1) The fence is forty-eight (48) inches or less in height measured from the finished gate at any point eighteen (18) inches or less from either side of the fence.

2) In the case of a corner lot and when the fence is located in a vision triangle, the fence is thirty-six (36) inches or less in height measured from the finished grade at any point eighteen (18) inches or less from either side of the fence, and the fence allows at least fifty (50%) percent through vision, within a triangular area formed by the intersection of the adjacent street right-of-way lines and a point on each such right-of-way line thirty-five (35) feet from the intersection.

3) That the vertical support posts and gates do not extend more than four (4) inches above the top of the fence.

c) The owner of property adjoining a reverse frontage lot may have a fence that meets the requirements in subsection a) above at the adjoining property line.

d) A person may construct a fence at the property line on property zoned for non-residential and not abutting a residential zoned property, if the person constructs the fence to provide an adequate visibility setback in accordance with the applicable sections of the comprehensive zoning ordinances of the City of Crowley, Louisiana, and to otherwise comply with the provisions of this chapter. If a property zoned non-residential abuts a property zoned residential, the property zoned non-residential must comply with the residential requirements of this section.

Sec. 3.1362. Use of barbed wire or electrically charged fences.

a) It is unlawful for any person to erect, maintain, or permit a fence that is electrically charged in any manner.

b) It is unlawful for any person to erect, maintain, or permit a fence that has barbed wire in or on it.

c) It is unlawful for any person to erect, maintain, or permit a fence that has concertina wire in or on it.

d) It is unlawful for any person to erect, maintain, or permit a fence that has razor wire in or on it.

e) It is unlawful for any person to erect, maintain, or permit a fence that in it or on it, barbs, projections, broken glass, or anything reasonably capable of causing harm to persons or animals.

Sec. 3.1363. Inspection.

a) *General.* A fence permit applicant shall make all construction or work for which a permit is required accessible and exposed for inspection until approved by the Code Enforcement Officer. Approval as a result of an inspection is not an approval of a violation of the provisions of this chapter or of other city ordinances. Inspections presuming to give authority to violate or cancel the provisions of this chapter or of other city ordinances are not valid. The permit applicant shall ensure the work remains accessible and exposed for inspection purposes. Neither the Zoning Planning Administrator nor the city is liable for expense entailed in removing or replacing of any material to allow inspection. The Zoning Planning Administrator may require the applicant to submit a survey of the lot, showing the final fence location to verify that the fence is located in accordance with the approved plans.

b) *Inspection requests.* The person authorized to do work approved by a permit must notify the Zoning Planning Administrator that such work is ready for inspection. The Zoning Planning Administrator may require that every request for inspection be filed at least one working day before such inspection is desired.

Sec. 3.1364. Conflicts between this chapter and zoning regulations.

In all cases of conflict between this chapter and the zoning regulations of the city, concerning construction and maintenance of fences, this chapter shall prevail. In all cases of conflict between this chapter and any specific ordinance, project plan or special fence project plan designating specific fencing stipulations, the ordinance, project plan or special fence project plan shall prevail.

Sec. 3.1365. Fence construction and materials.

a) *Construction.*

1) No person shall construct a fence that is not able to structurally support fencing materials as required in the building code.

2) A person building a fence to enclose an area shall provide a gate or other opening in the fence of at least three (3) feet in width.

3) A person building a fence shall comply with the requirements of the building code and all other city ordinances with regard to construction, materials, and workmanship.

4) A person constructing a masonry fence or masonry retaining wall exceeding four (4) feet in height shall do so only in compliance with a design submitted by a registered engineer or registered architect.

5) A person constructing a fence shall build it of rigid construction with acceptable materials approved by the building code.

6) A person constructing a masonry fence (including concrete block) shall make the exterior surfaces free from sharp projections.

7) A person constructing metal or masonry fences shall, to preserve the exterior finish, apply a stain, pigment, paint or other exterior surface treatment that is specifically manufactured for the purpose of preserving a specific metal or masonry material.

8) A person applying a stain, pigment, paint or other surface treatment to a wooden fence shall use materials and finishes specifically manufactured for the purpose of preserving a specific wooden material.

9) No person shall construct a wall or fence that exceeds two (2) feet in thickness, unless approved by the Zoning Planning Administrator. Cavities or spaces within a wall or fence shall not be used for the support, storage, shelter, or enclosure of animals or personal property.

10) A person constructing a fence shall use only approved materials and construction methods that ensure uniform construction throughout. Once the person has established a pattern of materials and construction method he or she shall carry it out throughout the entire length of the section from corner post to corner post.

11) A person constructing or maintaining a fence or wall enclosure around a swimming pool shall comply with the minimum requirements of the building code and the swimming pool ordinance.

12) A person constructing a fence with boards shall use species such as cedar, redwood, or other durable decay-resistant composition.

13) A person constructing a fence shall install the finished sides of all fences constructed adjacent to any arterial street or collector facing toward the right-of-way.

b) *Prohibited fence materials.*

1) No person shall use rope, string, wire products, including but not limited to chicken wire, hog wire, wire fabric, and similar welded or woven wire fabrics, chain, netting, cut or broken glass, paper, unapproved corrugated metal panels, galvanized sheet metal, plywood, or fiberglass panels in any fence or any other material that is not manufacture specifically as fencing material. The Zoning Planning Administrator may require the applicant to provide the manufacturer's standards to establish the intended use of a proposed fencing material.

2) No person shall construct a fence of used, damaged or unsafe material.

3) No person shall weave or use slats of any material including but not limited to metal, fiberglass or bamboo through a chain link fence to create a blind fence, screening fence or any other type of fence addressed in this chapter.

4) Used materials, equipment and devices shall not be reused unless it can be determined by the Zoning Planning Administrator that they meet the requirements of the building code for new materials.

Sec. 3.1366. Maintenance and standard of fences.

a) A fence or fences shall be maintained by the owner of the property in compliance with the requirements of this chapter including but not limited to the following maintenance standards:

1) A fence more than four (4) feet in height shall not be out of vertical alignment more than one (1) foot from the vertical measured at the top of the fence. A fence four (4) feet or less in height shall not be more than six (6) inches from the vertical measured at the top of the fence.

2) The owner shall replace broken, damaged, removed or missing parts of a fence within ten (10) days of the day the owner received notice from the Zoning Planning Administrator, with the same material or material with comparable composition, color, size, shape and quality of the original fence to which the repair is being made. The Zoning Planning Administrator may, upon written notice from the owner that unusual circumstances prevent the timely repair of a fence, extend the replacement time as required. The Zoning Planning Administrator shall not extend the replacement time longer than reasonably necessary. The owner requesting a replacement time extension shall provide the Zoning Planning Administrator a written scope and schedule detailing materials and estimated time period of the completed replacement for approval. No person shall use materials not specifically manufactured as fencing materials such as plywood, corrugated steel panels or fiberglass panels as fencing materials.

3) A fence not required by a specific order of the City Council, the zoning ordinances of the city or required to enclose a swimming pool or spa may be completely removed within the ten (10) day period rather than replaced.

4) A fence shall be maintained in sound structural condition.

5) Property owners shall maintain fences, including those existing prior to the adoption of this chapter, at all times in a state of good repair, safe and secure condition, with all braces, bolts, nails, supporting frame and fastenings free from deterioration, termite infestation, rot, rust or loosening, and able to withstand at all times the wind pressure for which they were designed.

6) Property owners shall regularly paint fence supports, gates, structural members and exterior surfaces that are covered with paint to prevent rusting, peeling or blistering surfaces.

7) Property owners shall not maintain graffiti, writings and other symbols on a fence except for those which are permitted as signs or which pertain to the address or occupancy of a property.

8) Existing fences that were constructed prior to the adoption of this chapter that were constructed with materials not currently permitted by this chapter may be maintained as long as no part of the fence is or becomes unsafe, dilapidated or a public nuisance. If the Code Enforcement Officer determines the existing fence is unsafe, dilapidated or a public nuisance, the fence must be repaired with materials approved by this chapter or removed. The repairs must be made in complete sections extending a minimum of support post to support post. If the Code Enforcement Officer determines the extent of repair on any existing fence (materials in non-compliance) is in excess of fifty (50%) percent of the linear length of the total fence or more than a combined one hundred (100) linear feet then the entire fence must be replaced with materials approved by this chapter.

9) The construction of a fence or wall on the property line shall not preclude the property owner's responsibility to maintain and keep the area defined between

the property line to the back of curb or edge of the pavement free and clear of debris and high weeds.

Sec. 3.1367. Contractor's registration required.

a) It is unlawful for any person to engage in the business of fence contracting without a valid contractor's registration.

b) To register as a fence contractor, the applicant shall complete in writing the required forms furnished for that purpose and file them with the City Clerk's office.

c) A person wanting to obtain or renew a fence contractor's registration shall pay a registration fee.

d) Any person making application for a fence contractor's registration shall sign an application for the same.

e) Every contractor registration provided for in this code shall expire one (1) year following the date of its issuance and shall be renewed by the building official upon application and upon the payment to the City of Crowley of the required renewal fee.

Sec. 3.1368. Contractor's license; revocation.

a) The Crowley City Council may revoke or suspend a sign contractor's registration for the following reasons:

1) The registrant persistently violates the requirements of this code.

2) The registrant fails to finalize permits by obtaining the required approved inspections.

3) The registrant has been found by the Crowley City Council to have been grossly negligent in the performance of the work.

b) A contractor whose registration has been revoked or suspended may be reinstated by the City Council only if the contractor corrects all violations and pays all applicable fees.

Sec. 3.1369. Variance procedures.

a) A person may obtain a variance to this chapter only through the special fence project plan procedure of the Comprehensive Zoning Ordinances, site plan zoning or a development plan.

b) A variance to the provisions of this chapter may be granted in the following areas:

1) Height regulations;

2) Area regulations;

3) Setback regulations; and

4) Material regulations.

c) A variance shall not be granted to relieve a self-created or personal hardship, nor shall it be based solely on economic gain or loss. In order to grant a variance to the provisions of this chapter it must be determined that:

1) The requested variance does not violate the intent of this chapter;

- 2) The requested variance will not adversely affect surrounding properties;
- 3) The requested variance will not adversely affect public safety; and
- 4) Special conditions exist which are unique to this applicant or property.

d) An applicant is not eligible for a fence variance if the fence was installed prior to obtaining a fence permit or if the applicant failed to maintain a valid fence permit. The applicant shall remove a fence installed without a permit or bring it into compliance with this chapter before the Zoning Planning Administrator can accept a fence variance application.

Sec. 3.1370. Penalties.

Violation of this chapter shall be punished by a fine not to exceed five hundred dollars (\$500.00). Each day any violation of this chapter shall continue shall constitute a separate offense.

SECTION 3: This Ordinance shall become effective immediately upon its adoption.

SECTION 4: If 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, then 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.

SECTION 5: All ordinances or parts of ordinances inconsistent with or in conflict herewith be and the same are hereby repealed.

THUS DONE AND ADOPTED on this the 9th day of February, 2005, at Crowley, Acadia Parish, Louisiana, after a roll call vote as follows:

YEAS: James M. Buatt, Tiger Istre, Woody Marceaux, Vernon Martin, Mary T. Melancon, Steven C. Premeaux, and Kitty Valdetero

NAYS: None

ABSENT: Laurita D. Pete and Ira Thomas

ISABELLA L. de la HOUSSAYE, MAYOR

ATTEST:

JUDY L. ISTRE, CITY CLERK

The following Ordinance was offered by Alderman Buatt, duly seconded by Alderwoman Melancon, and duly ordained and adopted.

ORDINANCE NO. 1310

AN ORDINANCE TO AMEND AND RE-ENACT CHAPTER 4, ANIMALS AND FOWL OF THE CODE OF ORDINANCES OF THE CITY OF CROWLEY, ACADIA PARISH, LOUISIANA, TO AMEND SECTION 4-1 DEFINITIONS, TO ENACT ARTICLE II. VICIOUS OR DANGEROUS ANIMALS; TO PROVIDE THE

PROVISIONS THEREOF TO BE SEVERABLE; TO PROVIDE FOR ALL RELATED MATTERS THEREOF; AND TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH OR CONTRARY 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 February, 2005, at 6:00 p.m. at City Hall, Crowley, Louisiana;

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF CROWLEY, ACADIA PARISH, LOUISIANA, IN REGULAR SESSION, DULY CONVENED, THAT:

SECTION 1: Chapter 4 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:

Chapter 4

ANIMALS AND FOWL

ARTICLE I. In General §§ Section 4-1-4-

ARTICLE II. Vicious and Dangerous Animals. §§ Section 4-

ARTICLES I. IN GENERAL

Sec. 4-1. Definitions.

When used in this chapter, the following words, terms and phrases, and their derivations shall have the meanings ascribed to them in this section, including Articles II hereof, except where the content clearly indicates a different meaning:

(A) “*Animal*” means any living domestic or wild creature.

(B) “*Animal Control Advisory Board*” means that Advisory Board established and appointed by the Mayor and confirmed by the Board of Aldermen of the City of Crowley.

(C) “*Animal Control Supervisor*” means that person employed by the Mayor and Board of Aldermen of the City of Crowley to act as the supervisor of the of the Animal Control Clinic

(D) “*Animal Control Officer*” means any person employed or appointed by the Mayor and Board of Aldermen of the City of Crowley, including duly commissioned police officers and/or animal control officers as well as any law enforcement officer within the City of Crowley who is authorized to investigate and enforce violations relating to animal control under the provisions of this ordinance.

(E) “*At Large*” means an animal that is not under the direct control of the owner.

(F) “*Dangerous or Vicious Animal*” means any animal that, because of its aggressive nature, training or characteristic behavior, presents a risk of serious physical harm or death to human beings, or would constitute a danger to human life, physical well-being, or property if not kept under the direct control of the owner. This definition shall not apply to animals utilized by law enforcement officers in the performance of their duties. The term “dangerous and vicious animal” includes any animal that according to the records of either the City Animal Shelter, the City Department of Animal Control, or any law enforcement agency:

(1) Has aggressively bitten, attacked, endangered, or inflicted severe injury on a human being on public or private property, or when unprovoked, has chased or approached a person upon the street, sidewalks, or any public grounds in a menacing fashion

or apparent attitude of attack, provided that such actions are attested to in a sworn statement by one or more persons and dutifully investigated by any of the above-referenced authorities;

(2) Has severely injured or killed a domestic animal while off the owner's property; or

(3) Has been used primarily or in part for the purpose of animal fighting, or is trained for fighting other animals.

(G) "*Animal Shelter*" means any premises designated by city administrative authority for the impounding and caring for animals held under authority of this chapter.

(H) "*Circus*" means a nonresident variety show, which features animal acts.

(I) "*Direct Control*" means immediate, continuous physical control of an animal such as by means of a leash, cord, secure fence, or chain of such strength to restrain the animal and controlled by a person capable of restraining the animal, or safe and secure restraint within a vehicle. If the controlling person is at all times fully and clearly within unobstructed sight and bearing of the animal, voice control shall be considered direct control when the animal is actually participating in training or in an official showing, obedience, or field event. Direct control shall not be required of animals actually participating in a legal sport in an authorized area or to government police animals.

(J) "*Impoundment*" means taking or picking up and confining of an animal by any police officer, animal control officer or any other public officer under the provisions of this chapter.

(K) "*Breeder or Trainer*" means any person engaged in the business of breeding, training, buying, selling or boarding animals or engaged in the training of animals for guard, sentry, hunting, retrieving, sporting or showing or any legitimate purposes.

(L) "*Kennel*" means any person not engage in business, owning, harboring, keeping or maintaining four (4) or more animals over the age of six (6) months.

(M) "*Owner*" means any person, partnership, corporation or other legal entity owning, harboring or keeping any animal, or in the case of a person under the age of eighteen (18), that person's parent or legal guardian. An animal shall be deemed to be harbored if it is fed or, sheltered for three (3) or more consecutive days. This definition shall not apply to any veterinary clinic or boarding kennel.

(N) "*Muzzle*" means a device constructed of strong, soft material or a metal designed to fasten over the mouth of an animal to prevent the animal from biting any person or other animal.

(O) "*Pet Shop*" means a facility or establishment engaged in the business of breeding, buying, selling, trading or boarding animals of any species.

(P) "*Sanitary Condition*" means a condition of good order and cleanliness to minimize the possibility of disease transmission.

(Q) "*Restraint*" means an animal secured by a leash, led under the control of a person physically capable of restraining the animal and obedient to that person's commands, or securely enclosed within the real property limits of the owner's premises.

(R) "*Theatrical Exhibit*" means any exhibition or act featuring performing animals.

(S) "*Veterinary Clinic or Hospital*" means any establishment maintained and operated by a licensed veterinarian for the boarding of animals or the diagnosis and treatment of diseases and injuries of animals.

(T) “*Zoological Garden*” means any park or zoo operated by any person for the keeping of animals.

(U) “*Under Restraint*” means that an animal is secured by a lease, led under the control of a person physically capable of restraining the animal and obedient to that person’s commands or securely enclosed within the property limits of the owner’s premises.

(V) “*Rabies Certificate*” means a written document issued by a duly licensed veterinarian attesting to the date of an immunization of the animal described by name, immunization tag identification number and/or written description and the name, address, and phone number of the owner of said animal;

(W) “*Rabies Tag*” means a metal tag issued by a dully licensed veterinarian bearing an immunization number showing the calendar year during which the vaccination was administered.

(X) “*Microchip Identification Tag*” means a duly adopted licensed veterinarian approved readable data storage device approved for implantation subcutaneous in animals.

SECTION 2: Chapter 4 of the Code of Ordinances of the City of Crowley, be and the same is hereby amended and re-enacted to add Article II, Vicious or Dangerous Animals, repealing and superceding any and all other provisions found in this Code with reference to vicious or dangerous animals to read as follows, to-wit:

ARTICLE II. VICIOUS OR DANGEROUS ANIMALS

Sec. 4-50. Animals Declared Dangerous or Vicious.

(A) The following animals or breeds of animals are declared to be dangerous or vicious by virtue of their predominate characteristics and present a real and eminent danger to the public health and safety of person and property, and as such are declared to be subject to the requirements of Section 4-55 and Section 4-56

- (1) Dogs
 - (a) Akita
 - (b) Alaskan Malamute
 - (c) Chow
 - (d) Doberman Pinscher
 - (e) German Shepherd
 - (f) Pit Bull
 - (g) Presa Canario
 - (h) Siberian Husky
 - (i) Stafford Shire Bull Terrier
 - (j) Wolf Hybrid
- (2) Non-Domestic wildlife, including but not limited to
- (3) Reptiles, including all snakes

(B) The owners of any of the above animals shall comply with the requirements for keeping dangerous and vicious animals as set forth herein.

Sec. 4-51. Procedure for Declaring an Animal Dangerous or Vicious

(A) An animal control officer or any adult person may request under oath that an animal be classified as dangerous or vicious by submitting a sworn written complaint on a form approved by the department of animal control. Upon receipt of such complaint, the animal control supervisor shall notify the owner of the animal that a complaint has been filed and that an investigation into the allegations set forth in the complaint will be conducted.

(B) At the conclusion of an investigation, the animal control supervisor may:

(1) Determine that the animal is not dangerous or vicious and, if the animal is impounded, waive any impoundment fees incurred and release the animal to its owner; or

(2) Determine that the animal is dangerous or vicious and order the owner to comply with the requirements for keeping dangerous or vicious animals set forth herein and, if the animal is impounded, release the animal to the animal's owner after the owner has paid all fees incurred for the impoundment. If all impoundment fees have not been paid within ten (10) business days after a final determination that the animal is dangerous or vicious, the animal control supervisor may cause the animal to be humanely destroyed.

Sec. 4-52. Notification of Dangerous or Vicious Animal Declaration.

(A) Within five (5) business days after declaring an animal dangerous or vicious, the animal control supervisor shall notify the owner by certified mail of the animal's designation as a dangerous or vicious animal and any specific restrictions and conditions for keeping the animal, as set forth herein. The animal control supervisor also shall notify the chief executive and the police department of the designation of any animal as a dangerous or vicious animal. Such notification shall describe the animal and specifically any particular requirements or conditions placed upon the animal owner.

(B) The notice shall inform the animal owner that he may request, in writing, a hearing to contest the animal control supervisor's finding and designation within five (5) business days after delivery of the dangerous or vicious animal declaration notice.

(C) If the animal control supervisor cannot with due diligence locate the owner of an animal that has been seized pursuant to this ordinance, the animal control supervisor shall cause the animal to be impounded for not less than five (5) business days. If after five (5) days, the owner fails to claim the animal, the animal control supervisor may cause the animal to be humanely destroyed.

(D) Failure of the animal owner to request a hearing shall result in the animal being finally declared a dangerous or vicious animal and shall subject the animal and its owner to the provisions of this ordinance.

Sec. 4-53. Hearing on Dangerous or Vicious Animal Declaration.

(A) The animal control board shall hold a hearing within fifteen (15) business days after receiving the animal owner's written request for such a hearing. The board shall provide notice of the date, time and location of the hearing to the animal owner by certified mail and to the complainant by regular mail.

(B) At a hearing, all interest persons shall be given the opportunity to present evidence on the issue of the animal's dangerousness or viciousness. Criteria to be considered in a hearing required by this Section shall include but not be limited to the following:

(1) Provocation:

(2) Severity of attack or injury to a person or domestic animal:

(3) Previous aggressive history of the animal;

- (4) Observable behavior of the animal;
- (5) Site and circumstances of the incident, and
- (6) Statements from interest parties.

(C) A determination at a hearing that the animal is in fact a dangerous or vicious animal as defined herein shall subject the animal and its owner to the provisions of this ordinance.

Sec. 4-54. Appeal from Dangerous or Vicious Declaration.

(A) If the animal control supervisor determines that an animal is dangerous or vicious at the conclusion of a hearing conducted under Section 4-53, that decision shall be final unless the animal owner applies to a court of competent jurisdiction for any remedies that may be available within ten (10) days after receiving notice that the animal has been finally declared dangerous or vicious. The appeal must be a trial de novo and shall be a civil proceeding for the purpose of affirming or reversing the animal control supervisor's determination of dangerousness or viciousness.

(B) The appeal shall be commenced upon the filing of a petition and the issuance of a rule to show cause by the owner of the animal that the animal should not be declared a dangerous or vicious animal. This civil rule shall, at the time of its issuance, be fixed for hearing not later than five days, include Sundays, half holidays and holidays, from the date of the issuance. It shall be heard by preference over all other matters in cases fixed for the same day and shall be heard continuously day after day until submitted for adjudication. Upon the trial of the rule to show cause the court shall determine whether or not the animal is a dangerous or vicious animal and then make any order deemed appropriate by the court.

Sec. 4-55. Keeping of Dangerous or Vicious Animals.

The keeping of a dangerous or vicious animal as defined herein shall be subject to the following requirements:

(A) Leash. No person having charge, custody, control or possession of a dangerous or vicious animal shall allow the animal to exit its kennel, pen or other proper enclosure unless such animal is securely attached to a leash not more than four (4) feet in length. No such person shall permit a dangerous or vicious animal to be kept on a chain, rope or other type of leash outside its kennel or pen unless a person capable of controlling the animal is in physical control of the leash.

(B) Muzzle. It shall be unlawful for any owner or keeper of a dangerous or vicious animal to allow the animal to be outside of its proper enclosure unless it is necessary for the animal to receive veterinary care or exercise. In such cases, the animal shall wear a properly fitted muzzle to prevent it from biting humans or other animals. Such muzzle shall not interfere with the animal's breathing or vision.

(C) Confinement. Except when leashed and muzzled as provide in this Section, a dangerous or vicious animal shall be securely confined indoors or confined in a locked pen or other secure enclosure that is suitable to prevent the entry of children and is designed to prevent the animal from escaping. The enclosure shall include shelter and protection from the elements and shall provide adequate exercise room, light and ventilation. The enclosed structure shall be kept in a clean and sanitary condition and shall meet the following requirements:

(1) The structure must have secure sides and a secure top, or all sides must be at least eight (8) feet high;

(2) The structure must have a bottom permanently attached to the sides or the sides must be embedded not less than one (1) foot into the ground; and

(3) The structure must be of such material and closed in such a manner that the dog cannot exit the enclosure on its own.

(D) Indoor Confinement. No dangerous or vicious animal shall be kept on a porch, patio or in any part of the house or structure that would allow the dog to exit such building on its own violation. In addition, no such animal shall be kept in a house or structure when the windows or screen doors are the only obstacle preventing the animal from exiting the structure.

(E) Signs. All owners, keepers or harborers of dangerous or vicious animal shall display in a prominent place on their premises a sign easily readable by the public using the words "Beware of Dangerous or Vicious Animal."

(F) Liability insurance, surety bond. In the event any animal is found to have caused any abrasion, puncture, tear or piercing of the skin by biting a person or domestic animal after impoundment hearing, the owner of a said animal shall present to the animal control supervisor proof that the owner has procured liability insurance or a surety bond in the amount of not less than \$100,000.00 covering each animal so declared for any damage or injury that may be caused by each such dangerous or vicious animal. The liability insurance policy or surety bond shall contain a provision requiring that the City of Crowley Department of Animal Control be notified by the agent issuing the policy or bond or by the company issuing the policy or bond not less than ten (10) days prior to the date the insurance policy or bond is to be canceled, terminated or expire. The liability insurance, or surety bond, shall be obtained prior to the issuing of a permit to keep a dangerous or vicious animal. The animal owner shall sign a statement attesting the animal owner shall maintain and not voluntarily cancel the liability insurance policy, or the surety bond, at any time during which the owner possesses the dangerous or vicious animal. The appropriateness to the liability insurance or of the surety bond must be approved by the Mayor and Board of Aldermen of the City of Crowley.

(G) Notification of Escape. The owner or keeper of a dangerous or vicious animal shall notify the Department of Animal Control immediately if such animal escapes from its enclosure or restraint and is at large. Such immediate notification shall also be required if the animal bites or attacks a person or domestic animal.

(H) Failure to Comply. It shall be unlawful and a misdemeanor for any owner of a dangerous or vicious animal registered with the Department of Animal Control to fail to comply with the requirements and conditions set forth in this Section. Any animal found to be in violation of this Section shall be subject to immediate seizure and impoundment. In addition, failure to comply with the requirements and conditions set forth in this Ordinance shall result in the revocation of the animal's license and the permit providing for the keeping of such animal.

Section 4-56. Permit and Tag Requirement for a Dangerous or Vicious Animal.

(A) The owner of a dangerous or vicious animal shall, within three (3) business days after the classification of the animal as dangerous or vicious or upon acquisition of such an animal, obtain an annual permit from the Department of Animal Control to harbor the dog. The fee for such permit shall be fifty dollars (\$50.00) per year.

(B) At the time the permit is issued a red circular tag shall be issued to the owner of the dangerous or vicious animal. The tag shall be worn at all times by the animal to clearly and easily identify it as a dangerous or vicious animal.

(C) At the time the permit is issued, the animal shall be implanted with a microchip identification device by a veterinarian or trained animal control officer.

(D) The permit for maintaining a dangerous or vicious animal shall be presented to an animal control officer and/or the animal shall be presented for microchip scan and identification upon demand.

Section 4-57. Notification of Intent to Impound.

(A) When the Animal Control Supervisor of Animal Control or his designee intends to impound an animal declared to be dangerous or vicious for violation of any section a part hereof, or when an animal bites a person or domesticated animal, he shall notify the owner or custodian of the animal, by certified mail, of the intended impoundment at least five (5) business days prior to the intended impoundment, except as provided In Section 4-4-56.

(B) The notice of intent to impound shall inform the owner or custodian of the animal that he may request in writing, within five (5) business days prior to the intended impoundment, a hearing to contest the intended impoundment and finding of violation.

(C) Upon request by the owner or custodian of the animal for a hearing pursuant to subsection (b), a hearing shall be held within ten (10) business days after the request for a hearing. Notice of the date, time and location of the hearing shall be provided by certified mail to the animal's owner or custodian requesting such hearing.

(D) If the owner or custodian requests a hearing pursuant to subsection (b), no impoundment shall take place until conclusion of the hearing, except as authorized in Section 4-56.

Section 4-58. Immediate Impoundment.

(A) A dangerous or vicious animal may be immediately impounded without a pre-impoundment hearing when the animal control supervisor or his designee determines such immediate impoundment is necessary for the protection of public health or safety for violation of any section or part hereof or when the animal bites a person or domestic animal.

(B) The owner or custodian of the animal immediately impounded pursuant to subsection (a) shall be notified of the impoundment by certified mail within five (5) business days after the dog's impoundment.

(C) The notice of impoundment shall inform the owner or custodian of the animal that he may request, in writing, a hearing to contest the impoundment within five (5) business days after the mailing of the notice of impoundment.

(D) Upon request by the owner or custodian of the animal for a hearing under subsection (c), a hearing shall be held within ten (10) business days after such request. Notice of the date, time and location of the hearing shall be provided by certified mail to the animal owner requesting the hearing.

Section 4-59. Impoundment Hearing.

(A) If after a hearing on impoundment, the animal control supervisor or his designee finds no violation of Section 4-21, or that the animal has not bitten an individual, the animal shall be returned to its owner or custodian if already impounded, or shall not be impounded as intended.

(B) Incident to the findings and conclusions made at the impoundment hearing, the animal control supervisor or his designee may impose reasonable restrictions and conditions for the maintenance of the animal to ensure the health and safety of the public and the animal. Such conditions may include, but shall not be limited to:

(1) Proof of liability insurance in an amount not less than \$100,000.00 coverings such animal(s)

(2) Posting of a surety bond or other satisfactory proof of ability to respond in damages in an amount not less than \$100,000.00;

(3) Specific requirements as to size, construction and design of a kennel in which to house the animal;

(4) Requirements as to type and method of restraint and/or muzzling of the animal.

(5) Registration, permits, photo and microchip identification if not previously completed; and

(6) Payment of reasonable fees to recover the costs incurred by the Department of Animal Control in ensuring compliance with this Ordinance.

Section 4-60. Destruction.

(A) The animal control supervisor or his designee may order the destruction of an animal that it determines to be extremely dangerous or vicious to public health or safety, an animal that has made an extremely vicious attack upon an individual, or an animal declared dangerous or vicious whose owner is unable or unwilling to adequately restrain it or otherwise fail to comply with the provisions of this ordinance.

(B) The animal control supervisor or his designee shall give written notice by certified mail of his intention to destroy such animal to the owner or custodian of the animal, who may request in writing, within ten (10) business days after delivery of such notice, a hearing to contest the intended destruction.

(C) If no hearing is requested pursuant to subsection (b), the animal shall be destroyed pursuant to applicable provisions of law.

(D) If a hearing is requested pursuant to subsection (b), such hearing shall be held within ten (10) business days after the request; and the animal shall not be destroyed prior to the conclusion of the hearing.

(E) In the event that any insurance/surety bond is required under this article, and in the event that said insurance/surety bond is canceled, for any reason without acceptable replacement, the animal will be subject to automatic humane destruction.

(F) The animal owner shall be responsible for payment of all boarding costs and other fees as may be required for the City to humanely and safely keep the animal during any legal proceeding.

Section 4-61. Appeal from Order of Humane Destruction.

If the animal control supervisor or his designee orders a dangerous or vicious animal to be humanely destroyed pursuant to Section 4-21.6, that decision shall be final unless the animal owner applies to a court of competent jurisdiction for any remedies that may be available within fifteen (15) days after receiving notice of the destruction order. If an appeal is timely filed, the animal control supervisor shall suspend the destruction order pending the final determination of the court. The appeal hearing must be a trial de novo and shall be a civil proceeding for the purpose of affirming or reversing the animal control supervisor's destruction order.

Section 4-62. Change of Ownership.

(A) Any owner of a dangerous or vicious animal who sells or otherwise transfers ownership, custody or residence of the animal shall, within ten (10) business days after such change of ownership or residence, provide written notification to the Department of Animal Control of the name, address and telephone number of the new owner. It also shall be the responsibility of the person transferring ownership or custody of the animal to provide written notification of the animal's classifications as dangerous or vicious to the person receiving the animal. The previous owner shall furnish a copy of such notification to the Department of Animal Control along with written acknowledgement by the new owner of his receipt of such notification. The animal control supervisor of Animal Control or his designee shall notify the Chief Executive or the Police Department of any changes of ownership, custody or residence of the animal within three (3) business days after receiving the required information from the previous animal owner.

(B) Any person receiving an animal classified as dangerous or vicious must obtain the required permit, tag and enclosure prior to acquisition of the animal. The new owner shall comply fully with the provisions of this Ordinance pertaining to obtaining liability insurance, payment of fees, and maintenance, control and ownership of a dangerous or vicious animal.

Section 4-63. Continuation of Dangerous Dog Declaration.

Any animal that has been declared dangerous or vicious by any agency or department of this City, another municipality, county or state shall be subject to the provisions of this Ordinance for the remainder of its life. The person owning or having custody of any animal designated as a dangerous or vicious animal by any municipality, county or state government shall notify the Department of Animal Control of the animal's address and conditions of maintenance within ten (10) days of moving the animal into the City of Crowley. The restrictions and condition of maintenance of any animal declared dangerous or vicious by this City, another municipality, county or state shall remain in force while the animal remains in the City.

Sec. 4-64. Exemption from Liability of Prosecution.

Any citizen, law enforcement personnel, or animal control officer may kill any dangerous or vicious animal, and no citizen, law enforcement officer or animal control officer shall be liable for damages or to prosecution by reason of killing any dangerous or vicious animal.

Sec. 4-65. Miscellaneous.

(A) Nothing to the contrary withstanding, in the event that any animal bites a human being or a domesticated animal, (even without a declaration that the animal is dangerous and/or vicious) that biting animal will be micro-chipped. Any time an animal is brought to the animal control shelter, such animal shall be micro-chipped. In order for the owner or custodian of such animal to retrieve the animal, the owner or custodian must pay any costs incurred by the animal control center, including but not limited to the cost of micro-chipping. At the discretion of the animal control supervisor the process of micro-chipping may be accomplished by the owner or custodian with the owner or custodian's private veterinarian.

(B) Any owner wishing to register his animal, not otherwise subject to the provisions of this Article, solely for identification purposes may request the registration with implementation of a microchip identification device by paying cost of the permit fee described herein.

SECTION 3: All other Ordinances of the City of Crowley which are in conflict with this Ordinance are hereby repealed to the extent of such conflict and specifically Ordinance No. 1240 regulating and restricting the keeping of animals shall be amended only to the extent that they are in conflict herewith.

SECTION 4: The provisions of this Ordinance are declared to be severable. If any section, sentence, clause or phrase of the Ordinance shall for any reason be held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining sections, sentences, clauses and phrases of this Ordinance, but they shall remain in effect; it being the legislative intent that this Ordinance shall remain in effect notwithstanding the validity of any part.

THUS DONE AND ADOPTED on this the 9th day of February, 2005, at Crowley, Acadia Parish, Louisiana, after a roll call vote as follows:

YEAS: James M. Buatt, Tiger Istre, Woody Marceaux, Vernon Martin, Mary T. Melancon, Steven C. Premeaux, and Kitty Valdetero

NAYS: None

ABSENT: Laurita D. Pete and Ira Thomas

ISABELLA L. de la HOUSSAYE, MAYOR

ATTEST:

JUDY L. ISTRE, CITY CLERK

The following Ordinance was offered by Alderman Martin, duly seconded by Alderwoman Melancon, and duly ordained and adopted.

ORDINANCE NO. 1311

AN ORDINANCE TO AMEND AND RE-ENACT SECTION 15-6 OF CHAPTER 15 OF THE CODE OF ORDINANCES OF THE CITY OF CROWLEY, ACADIA PARISH, LOUISIANA, TO PROVIDE FOR AMOUNT OF BOND OR INSURANCE COVERAGE REQUIRED FOR THE BUSINESS OF OPERATING MOTOR VEHICLES FOR HIRE; TO PROVIDE FOR THE INFORMATION TO BE FILED WITH THE OFFICE OF THE CITY CLERK; TO PROHIBIT OPERATION OF MOTOR VEHICLES WITHOUT SUCH COVERAGE; AND TO PROVIDE THE PROVISIONS THEREOF TO BE SEVERABLE; AND TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES IN CONTRARY THERETO AND/OR IN CONFLICT THEREWITH; AND TO PROVIDE FOR ALL MATTERS RELATIVE THERETO.

WHEREAS, the City of Crowley regulates the ownership and operation of motor vehicles transporting passengers for hire over or upon the streets of Crowley; and

WHEREAS, in order to obtain a permit authorizing the transportation of hire in addition to an occupational license, the operator must post a bond with surety or provide evidence of public liability insurance as provided therein; and

WHEREAS, the current required amount of coverage of \$50,000.00 per person and \$100,000.00 per accident for personal injuries sustained and \$50,000.00 for property damage is difficult to obtain or is not available from insurance carriers licensed to do and doing business within the State of Louisiana for said purposes; and

WHEREAS, a real necessity exists within the community for individual transportation services provided by privately hired vehicles; and

WHEREAS, operators of such businesses have been unable to continue to operate the business unless the amount of insurance coverage or the bond limit per person is reduced; and

WHEREAS, the office of the Commissioner of Insurance has confirmed that the number of property and casualty insurers offering commercial insurance coverage for motor vehicles for the purpose of transporting passengers for hire is severely limited and there is reluctance to provide such coverage; and

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

WHEREAS, a public hearing having been held in accordance with law on the 9th day of February, 2005, at 6:00 o'clock p.m. at City Hall, Crowley, Louisiana; and

NOW THEREFORE BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF CROWLEY, ACADIA PARISH, LOUISIANA, IN REGULAR SESSION DULY CONVENED, THAT:

SECTION 1. Section 15-6 of Chapter 15 of the Code of Ordinances of the City of Crowley be and the same is hereby amended and re-enacted to read as follows:

Sec. 15-6. Bond or insurance.

(a) No person shall carry on the business of operating motor vehicles covered by this chapter unless and until such person shall have first filed with the city clerk an indemnity bond with surety for each such vehicle used and employed in such service, said surety to be a surety company authorized to do business in the state, said bond to have a minimum coverage of twenty-five thousand dollars (\$25,000.00) for personal injury to one person, a minimum coverage of fifty thousand dollars (\$50,000.00) for personal injuries in any one accident and ten thousand dollars (\$10,000.00) property damage coverage for any one accident, and to contain the stipulation that any persons sustaining injury or damage to person or property as a result of negligence shall have a right of action directly against the surety company issuing said bond as fully and to the same extent as if the bond were made and executed directly in favor of the claimant. Said indemnity or surety bond shall be submitted to the city clerk, who, after making a brief record of such bond, as to the amount, number of bond, its expiration date, agency issuing it, and the name of the company, shall approve same if it meets legal requirements, and the information then recorded shall be available to the public. No such motor vehicle shall be allowed to operate under coverage of such bond unless said bond be kept in full force at all times.

(b) In lieu of the bond required and described, every person operating any such vehicle in the city shall have the right to procure public liability and property damage insurance in an insurance company or companies authorized to do business in the state, affording protection to anyone damaged by the negligent operation of such vehicle to the extent hereinabove provided. In the event such insurance should be furnished in lieu of bond, the policy for such insurance shall be delivered to the city clerk and shall be approved by the clerk, and a brief record made thereof as hereinabove prescribed.

(c) Each such bond or policy shall provide that it may not be cancelled until ten (10) days written notice has been given the city clerk.

SECTION 2: If 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, then 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.

SECTION 3: All ordinances or parts of ordinances inconsistent with or in conflict herewith be and the same are hereby repealed.

THUS DONE AND ADOPTED on this the 9th day of February, 2005, at Crowley, Acadia Parish, Louisiana, after a roll call vote as follows:

YEAS: James M. Buatt, Tiger Istre, Woody Marceaux, Vernon Martin, Mary T. Melancon, Steven C. Premeaux, and Kitty Valdetero

NAYS: None

ABSENT: Laurita D. Pete and Ira Thomas

ISABELLA L. de la HOUSSAYE, MAYOR

ATTEST:

JUDY L. ISTRE, CITY CLERK

The following Ordinance was offered by Alderman Buatt, duly seconded by Alderwoman Valdetero, and duly ordained and adopted.

ORDINANCE NO. 1312

AN ORDINANCE AMENDING THE BUDGETS FOR THE CITY OF CROWLEY FOR THE FISCAL YEAR 2004 AND 2005, BEGINNING SEPTEMBER 1 AND ENDING AUGUST 31; AND TO PROVIDE FOR ALL MATTERS RELATIVE THERETO; AND TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT THEREWITH.

WHEREAS, the proposed Amended Operating Budgets and the accompanying budget ordinance have been submitted to this Board of Aldermen for review and consideration; and

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

WHEREAS, notice of a public hearing by the City of Crowley on the proposed Amended Operating Budgets and notice of the availability of the proposed amended budgets for review have been timely published in the official journal, the Crowley Post Signal; and

WHEREAS, the public hearing been held in accordance with the law on the 9th day of February, 2005 at 6:00 o'clock p.m. at City Hall on the proposed Amended Operating Budgets have now been reviewed and considered; now

THEREFORE BE IT ORDAINED by the Board of Aldermen of the City of Crowley, Acadia Parish, Louisiana, in Regular Session, duly convened on the 9th day of February, 2005 that the following 2005 Amended Operating Budgets are hereby approved, adopted and finalized.

Account Name	Current Proposed Amendment	Amended Budget 2004-2005
Expenditures		
Fire Department		
Capital Outlay	40,750	300,860
Street Department		
Capital Outlay	45,025	3,432,336
Sewage Department		
Capital Outlay	36,000	1,496,725

BE IT FURTHER ORDAINED, the amounts shall be available for expenditures only to the extent and only as included within the amended 2005 fiscal budgets, however nothing shall be construed to prohibit the Governing Authority from making amendments to the budget.

BE IT FURTHER ORDAINED, the Mayor of the City of Crowley, Isabella L. de la Houssaye, is hereby authorized and in her sole discretion, to make such changes within the various budget classifications as she may deem necessary.

BE IT FURTHER ORDAINED, if 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, then 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.

BE IT FURTHER ORDAINED that all ordinances or parts of ordinances inconsistent with or in conflict herewith be and the same are hereby repealed.

THUS AMENDED, APPROVED, ADOPTED AND FINALIZED on this the 9th day of February, 2005 at Crowley, Acadia Parish, Louisiana, after a roll call vote as follows:

YEAS: James M. Buatt, Tiger Istre, Woody Marceaux, Vernon Martin, Mary T. Melancon, Steven C. Premeaux, and Kitty Valdetero

NAYS: None

ABSENT: Laurita D. Pete and Ira Thomas

ISABELLA L. de la HOUSSAYE, MAYOR

ATTEST:

JUDY L. ISTRE, CITY CLERK

There being no further business to come before the Council upon motion duly made by Alderwoman Melancon and seconded by Alderman Istre the meeting was adjourned at 7:45 p.m.

ISABELLA L. de la HOUSSAYE, MAYOR

ATTEST:

JUDY L. ISTRE, CITY CLERK

Presented rough draft to Mayor on February 11, 2005 at 5:00 p.m.
Presented for Mayor's signature on February 11, 2005 at 5:00 p.m.
Mayor Signed & returned to City Clerk on February , 2005 at .m.