

CITY OF CROWLEY

REGULAR MEETING

**APRIL 10, 2001**

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. Tuesday the 10<sup>th</sup> day of April, 2001, at the regular meeting place of said Mayor and Board of Aldermen, the City Hall, 426 North Avenue F, Crowley, Louisiana.

Mayor Isabella L. de la Houssaye presided with the following Aldermen present: James M. Buatt, Greg Jones, Vernon Martin, Mary T. Melancon, Laurita D. Pete and Steven C. Premeaux. Aldermen J. Elliot Doré, Ira Thomas and Bill Williams were absent.

Alderman Premeaux led the Pledge of Allegiance to the flag and Reverend Roger Brown gave the invocation.

**PUBLIC HEARING:**

Mayor de la Houssaye opened the public hearing on proposed ordinance # 1248. The ordinance was read by title.

Three calls were made for opponents to the proposed ordinance # 1248. There were no comments made.

Mayor de la Houssaye asked for proponents of the proposed ordinance # 1248. Alderman Martin spoke in favor of this ordinance.

Mayor de la Houssaye called the public hearing on ordinance # 1248 to a close.

Mayor de la Houssaye opened the public hearing on proposed ordinance # 1249. The ordinance was read by title.

Three calls were made for opponents to the proposed ordinance # 1249. No comments were made.

Mayor de la Houssaye asked for proponents of the proposed ordinance # 1249. Comments were heard in favor of the proposed ordinance from Alderman Martin and Alderwoman Pete.

Mayor de la Houssaye called the public hearing on ordinance # 1249 to a close.

Mayor de la Houssaye opened the public hearing on proposed ordinance # 1250. The ordinance was read by title.

Three calls were made for opponents to the proposed ordinance # 1250. There were no comments made.

Mayor de la Houssaye asked for proponents of the proposed ordinance # 1250. Mrs. Georgie Petitjean spoke in favor of this ordinance.

Mayor de la Houssaye called the public hearing on ordinance # 1250 to a close.

Mayor de la Houssaye opened the public hearing on proposed ordinance # 1251. The ordinance was read by title.

She asked for opponents of the proposed ordinance # 1251. A third and final call was made with no one coming forward to speak.

Three calls were made for opponents to the proposed ordinance # 1251. No comments were made.

Mayor de la Houssaye called the public hearing on ordinance # 1251 to a close.

### **READING & APPROVAL OF MINUTES / BILLS:**

Alderman Martin moved to dispense with the reading of the minutes of the March 13, 2001 regular council meeting; and approve them as written and distributed to each Alderman. Seconded by Alderman Buatt and duly adopted.

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

### **MAYOR'S REPORT:**

The Mayor presented the Sales Tax Report, User Fee Report and the Recap of all Funds Report.

### **STANDING COMMITTEE REPORTS:**

### **PUBLIC SAFETY:**

Alderman Buatt commented on the success of the Cleanest City Contest. The City was awarded second place and the efforts made by many individuals helped to bring our community closer together. His recommendation is to continue to work to keep our city clean on a quarterly basis.

He thanked the following people who did an outstanding job in preparing the city for the contest.

Georgie Petitjean – Chairman

Mayor’s office, Margaret Young - liaison with Georgie Petitjean

Mayor’s office, Debra Jackson and Jackie Babineaux

Mitchell Istre and the Street Department

Qunicy Fogleman and the Beautification Team

Anti-Litter Committee

Betty Miller and the City Ambassadors

Mrs. Ida Yeager with Crowley Kindergarten School

Nation Association of University Women Pacesetters

Crowley Garden Club

Plant N Pray Garden Club

Ross Elementary School

Saint Michael Elementary School – 3<sup>rd</sup> Graders

Rotary Club

Martha Harmon

Shelter Corley Motors, Ltd.

Postal Employee, Jude Leonards

KSIG - Bill and Shel Show

Crowley Post Signal

Crowley Flower Shop

Charlotte Jones

Hershel Doucet

Mona Sims

Charlotte Jeffers

Rita Johnson and Raynel Gilder with Crowley Main Street

Katherine Stagg – Clean Sweep Participants

Pam Kimball - State Litter Coordinator

Flo Faulk - Poster Contest at elementary schools of Ross, South Crowley, North Crowley, St. Michael, Northside Christian and Redemptorist Catholic.

Nancy Neelon – Puppet shows in the schools

**PUBLIC WORKS:**

Alderwoman Melancon offered a motion to upgrade the parking area at Martin Luther King Center to an asphaltic concrete surface under work order #1 of H & S Construction's Annual Contract and refer the matter to the Revenue and Finance committee. Seconded by Alderwoman Pete and duly adopted.

**UTILITY:**

Alderman Martin offered a motion to authorize a settlement agreement with Mr. Milo Nickel, Jr. representing Whiteway Laundry for \$1,500. Seconded by Alderman Premeaux and duly adopted with Alderman Buatt voting nay.

Alderman Martin offered a motion to amend the Utility Fund budget for an increase of \$350,000 from surplus funds for the Beneficial Environmental Project and refer to Revenue and Finance. Seconded by Alderman Jones and duly adopted.

Alderman Martin offered a motion to introduce a resolution to approve the settlement of the fines for the Wastewater Discharge Permit. Seconded by Alderman Buatt and duly adopted.

Alderman Martin offered a motion to authorize the Mayor to sign the Settlement Agreement for the Wastewater Discharge Permit. Seconded by Alderwoman Melancon and duly adopted.

Alderman Martin offered a motion to authorize Mader Miers Engineering to prepare plans, specifications and to proceed with the bid process to implement the Beneficial Environmental Project. Seconded by Alderman Buatt and duly adopted.

Alderman Martin offered a motion to authorize Mader Miers Engineering to evaluate the cause of the surcharging of the sewer main on First Street between Avenue C and Avenue D. Seconded by Alderman Jones and duly adopted.

### **ZONING & ANNEXATION:**

Alderman Jones offered a motion to grant a variance to Michael Landry of 424 East Second Street to erect a 4 foot fence that exceeds the 3 feet height requirement of the code of ordinance and to install the fence eleven feet on city's right-of-way on Avenue J in accordance with the plat. Seconded by Alderwoman Pete and duly adopted.

### **PUBLIC BUILDINGS:**

Alderman Premeaux offered a motion to amend the Rice Theatre contract to include the services of a sound and light technician. The rental contract will call for six hours of light and sound services to be included in the rental with each additional hour of light and sound services to be \$10 per hour per technician. The rental fee shall increase to \$400 for a 24-hour rental fee for for-profit groups and \$350 for a 24-hour rental for non-profit groups. Seconded by Alderman Buatt. Alderman Buatt moved to table the above motion concerning amendments to the Rice Theatre contract. Seconded by Alderman Martin and duly adopted.

### **INSURANCE & PERSONNEL:**

Alderwoman Pete offered a motion to authorize Vernell Baptease with National Family Care Life Insurance to offer through payroll deduction a supplemental insurance plan to interested employees. Seconded by Alderman Martin and duly adopted.

### **COMMUNITY & ECONOMIC DEVELOPMENT:**

Alderwoman Melancon offered a motion to approve a resolution to authorize the Mayor to execute an act of sale conveying to Harsco Corporation 19.6 acres of land pursuant to the terms of a lease. Seconded by Alderman Martin and duly adopted.

## **RECREATION:**

Alderman Martin offered a motion to obtain three quotes for tables and chairs for the Rice Festival Building and the Martin Luther King Center; and to approve the purchase of tables and chairs at a cost not to exceed \$9,000. Seconded by Alderwoman Melancon and duly adopted.

## **REVENUE & FINANCE:**

Alderman Buatt offered a motion to approve the hourly rates for engineering services for Mader-Miers Engineering, Inc. effective April 1, 2001. Seconded by Alderman Jones and duly adopted.

Alderman Buatt offered a motion to asphalt Martin Luther King parking lot for an estimated cost of \$15,800. Seconded by Alderwoman Pete and duly adopted.

Alderman Buatt offered a motion to amend the Fiscal 2001 Budget by increasing the Youth Recreation Building Maintenance's Capital Outlay account by \$15,800. Seconded by Alderman Premeaux and duly adopted.

Alderman Buatt offered a motion to amend the Fiscal 2001 Budget by increasing the Utility Fund's Disposal Capital Outlay account by \$350,000. Seconded by Alderman Premeaux and duly adopted.

## **RESOLUTIONS:**

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

## RESOLUTION

RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF CROWLEY, ACADIA PARISH, LOUISIANA, AUTHORIZING AN ACT OF SALE TO HARSCO CORPORATION OF A 19.6 ACRE TRACT OF LAND PURSUANT TO THE TERMS OF A LEASE BETWEEN THE CITY OF CROWLEY AND HARSCO CORPORATIONS; AND TO PROVIDE FOR ALL MATTERS IN CONNECTION THEREWITH

WHEREAS, by Lease Agreement (the "Lease") between the City of Crowley (as "Lessor") and Harsco Corporation (as "Lessee") dated October 9, 1973, recorded May 25, 1975 at COB H-33, Page 76, No. 422493, in the records of Acadia Parish, Louisiana, the City leased to Harsco that certain 24.12 acre tract of land described on Exhibit "A" attached hereto; and

WHEREAS, the Lease was amended (the "Amendment") on December 1, 1980, to remove a 4.45 acre parcel shown on the survey attached to Exhibit "B", therefrom, which Amendment was recorded December 19, 1980, at COB P-38, Page 209, No. 472411 of the records of Acadia Parish, Louisiana; and

WHEREAS, Harsco acquired the 4.45 acre parcel by Act of Sale dated October 27, 1983, recorded October 31, 1983, at COB A-42, Page 838, No. 050251 of the records of Acadia Parish, Louisiana, leaving a 19.67 acre parcel described on Exhibit "B" (the "Project") remaining subject to the terms and conditions of the lease; and

WHEREAS, the "Lease" provided an Option to Purchase the Project to the Lessee upon retirement of the Industrial Revenue Bonds (issued in association with the project), upon payment by the Lessee to the Lessor of the sum of \$100, plus \$1,500 per acre of leased land; and

WHEREAS, Lessee redeemed the Bonds pursuant to the call provisions contained therein; and

WHEREAS, Lessee has given written notice of its exercise of the Option to Purchase contained in the Lease after full payment of the Bonds retired under the provisions of the lease; and

WHEREAS, it was the intent and purpose of the Lessee, as part of an industrial inducement plan, to acquire and construct a manufacturing plant and facility to induce Harsco Corporation to locate within the community to provide employment and increased economic activity within the community; and

WHEREAS, under the terms of the lease it was contemplated that upon retirement of the bonded indebtedness and all obligations associated therewith, that Harsco Corporation would exercise the Option to Purchase the Project provided under the terms and conditions of the aforesaid Lease; and

WHEREAS, the industrial inducement objectives of the City of Crowley have been fulfilled by Harsco Corporation, including the direct obligations under the terms and conditions of the aforesaid Lease and also the continued operation of the manufacturing plan and facility, thereby providing employment and increased economic activity associated therewith; and

WHEREAS, the Mayor and Board of Aldermen of the City of Crowley desire to transfer the said Project to Harsco Corporation;

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:

SECTION 1: They do hereby authorize, empower and direct the Honorable Isabella L. de la Houssaye, Mayor of the City of Crowley, to execute an Act of Sale conveying to Harsco Corporation that certain tract of land containing 19.67 acres of land as described in Exhibit "B" of said sale document; and the exclusive right of ownership, occupancy and possession of the project, subject to those liens and encumbrances, if any, which the Project was subject to when conveyed to the City of Crowley; those liens which were created by the Lessee or consented thereto; and those liens and encumbrances resulting from the failure to perform any of the agreements contained in the Lease

Agreement or any other encumbrances as may be permitted by the said Lease Agreement for a consideration to be not less than \$1,500.00 per acre, plus the sum of \$100.00; and

SECTION 2: BE IT FURTHER RESOLVED that in addition to all of the usual terms and conditions contained therein, that the sale of the building, equipment and improvements which are part of the original "Project" and as amended, that the building, equipment and improvements be transferred "AS IS", "WHERE IS", and "WITHOUT ANY WARRANTY WHATSOEVER"; and

SECTION 3: BE IT FURTHER RESOLVED, that the Honorable Isabella L. de la Houssaye, Mayor of the City of Crowley, be and she is hereby authorized, empowered and directed to execute any and all necessary additional documents and other instruments as may be necessary and proper in connection with said Act of Sale.

THUS DONE, AND ADOPTED in regular session on this the 10<sup>th</sup> day of April, 2001, at Crowley, Acadia Parish, Louisiana, at which a quorum was acting throughout.

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MAYOR

ISABELLA L. DE LA HOUSSAYE,

ATTEST:

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JUDY L. ISTRE, CITY CLERK

Alderman Martin offered a motion to waive the \$40,112.00 payment in lieu of taxes due from Harsco. Seconded by Alderman Jones and duly adopted.

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

## RESOLUTION

A RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF CROWLEY, ACADIA PARISH, LOUISIANA, AUTHORIZING A SETTLEMENT WITH THE LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY TO PERFORM A BENEFICIAL ENVIRONMENTAL PROJECT SUBJECT TO PUBLICATION OF PUBLIC NOTICE; AND TO PROVIDE FOR ALL MATTERS IN CONNECTION THERWITH.

WHEREAS, the Louisiana Department of Environmental Quality and the United States Department of Environmental Protection has issued the City of Crowley a National Pollutant Elimination System Permit (NPDES), which regulates the discharge of treated sanitary and industrial wastewater into navigable waters; and

WHEREAS, the Louisiana Department of Environmental Quality has alleged that certain effluent excursions for September, 1993 through March, 2001 are in violation of the NPDES Permit; and

WHEREAS, the City of Crowley disagrees that is has committed any violation or has any liability therefor; and

WHEREAS, a settlement of the alleged violation has been proposed and agreed to by the parties;

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 City of Crowley enter into a settlement agreement with the Louisiana Department of Environmental Quality to dispose of and settle all claims of alleged violations of the NPDES Permit by the Louisiana Department of Environmental Quality containing the

usual terms and conditions therein and, more particularly, with the City agreeing to expend funds to perform a Beneficial Environmental Project (BEP), including the demolition and removal of the abandoned treatment facility, installation of a comminutor on the influent pipe of the main pump station; and

BE IT FURTHER RESOLVED that the Honorable Isabella L. de la Houssaye, Mayor of the City of Crowley, be and she is hereby authorized to execute the Settlement Agreement after forty-five (45) days have elapsed since publication of the Notice of the proposed settlement in the official journal of the City of Crowley, as shown by the Affidavit of Publication; and

BE IT FURTHER RESOLVED that the Honorable Judy L. Istre, Clerk, be and she is hereby authorized, empowered and directed to publish Notice of the proposed settlement in the official journal of the City of Crowley, as required by law.

THUS DONE, AND ADOPTED in regular session on this the 10<sup>th</sup> day of April, 2001, at Crowley, Acadia Parish, Louisiana, at which a quorum was acting throughout.

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ISABELLA L. DE LA HOUSSAYE,

MAYOR

ATTEST:

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JUDY L. ISTRE, CITY CLERK

The following resolution was offered by Alderman Jones, 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,  
AUTHORIZING NEGOTIATION OF CONTRACTS TO  
COMPLETE THE OBLIGATIONS OF J. B. TALLY &  
COMPANY, INC., UNDER VARIOUS CONTRACTS; AND  
PROVIDE FOR ALL OTHER MATTERS RELATED THERETO.

WHEREAS, the City of Crowley has entered into several contracts for construction of public works with J. B. Tally & Company, Inc.; and

WHEREAS, a lien has been filed by Merrick Construction Company, Inc. against the Pine Street/Bayou Blanc Bridge Project which is in excess of the remaining balance owed by the City of Crowley to the J. B. Tally & Company, Inc.; and

WHEREAS, although work on the bridge has been accepted and notice of termination of the contract has been filed, the punch list items have not been completed by J. B. Tally & Company, Inc. on the Pine Street/Bayou Blanc Bridge Project; and

WHEREAS, the City of Crowley has discovered, in the audit of the Street Improvements Program, certain overpayments made to J. B. Talley & Company, Inc. which should be offset against all amounts due; and

WHEREAS, the engineer has reported that several warranty items under the Street Improvements Contract were not performed by J. B. Talley & Company, Inc.; and

WHEREAS, the City Attorney has recommended that the City of Crowley offset payments due and owing J. B. Talley & Company, Inc.; and remit the balance, if any to J. B. Talley & Company, Inc. and its bond company, National Union Fire Insurance Company; and to make demand on the bond company, National Union Fire Insurance Company, to pay all sums necessary to release the Pine Street Bridge Project from the lien filed by Merrick Construction;

NOW THEREFORE, BE IT RESOLVED by the Mayor and Board of Aldermen of the City of Crowley, Acadia Parish, Louisiana, in regular session duly convened, that they do hereby authorize, empower and direct the Honorable Isabella L. de la Houssaye, Mayor of the City of Crowley, to negotiate with other contractors and award contracts for the estimated cost of completing the items under the Pine Street/Bayou Blanc Bridge Project and the warranty items for the Street Improvements Project which have not been performed or completed by J. B. Talley & Company, Inc.; and

BE IT FURTHER RESOLVED that the Honorable Isabella L. de la Houssaye, Mayor of the City of Crowley, be and she is hereby further authorized, empowered and directed to withhold and deduct payments for offsets as may be due to the City of Crowley as recommended by Thomas K. Regan, City Attorney, including but not limited to the cost of punch list items for the Pine Street/Bayou Blanc Bridge Project, the cost of warranty items for the Street Improvements Project, the amount due from J. B. Talley for overpayments under the Street Improvements Contract from the remaining balances due J. B. Talley & Company, Inc. on the Pine Street/Bayou Blanc Bridge Project and the Wastewater Treatment Facility Outfall Reconstruction Contract; with the balance, if any, thereafter being paid to J. B. Talley & Company, Inc., St. Martin Bank & Trust Company, Merrick Construction, and, if necessary, National Union Fire Insurance Company; and

BE IT FURTHER RESOLVED that Thomas K. Regan, City Attorney, is hereby authorized, empowered and directed to make such demands, file such claims and suit as may be necessary to obtain a release of the lien and charges against J. B. Talley & Company, Inc. by Merrick Construction and others; and

BE IT FURTHER RESOLVED that the Honorable Isabella L. de la Houssaye, Mayor of the City of Crowley, be and she is hereby authorized, empowered and directed to execute any and all necessary documents to conclude a settlement of the transaction with National Union Fire Insurance Company and J. B. Talley & Company, Inc. as may be meet and proper under the circumstances.

THUS DONE AND ADOPTED in regular session on this the 10<sup>th</sup> day of April, 2001, at Crowley, Acadia Parish, Louisiana, at which a quorum was acting throughout.

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ISABELLA L. DE LA HOUSSAYE,

MAYOR

ATTEST:

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JUDY L. ISTRE, CITY CLERK

**ORDINANCE:**

The following ordinance was offered by Alderwoman Melancon, seconded by Alderman Jones, and duly ordained and adopted.

ORDINANCE NO. 1248

AN ORDINANCE TO DESIGNATE AND NAME AN UN-NAMED STREET IN THE RECREATION CENTER COMPLEX, OSCAR JOHNSON DRIVE, FROM ITS INTERSECTION WITH MILL STREET AND SOUTHEASTERLY TO ITS INTERSECTION WITH SOUTH AVENUE C; AND TO PROVIDE FOR ALL MATTERS IN CONNECTION THEREWITH; AND TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES CONTRARY 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 10<sup>th</sup> day of April, 2001 at 6:00 p.m.; and

WHEREAS, the City of Crowley received a request from the Recreation Committee and citizens to name and designate an un-named street in the Recreation Department; and

WHEREAS, Oscar Johnson is a most distinguished member of the community, who served for many years in the capacity as Director of Recreation for the City of Crowley; and

WHEREAS, Oscar Johnson devoted his life to promoting and enhancing sports and recreational opportunities for children and citizens of the community; and

WHEREAS, the naming of the street within the Recreation Department in honor of Oscar Johnson in recognition of his contributions to the City of Crowley, the recreation community and the children is appropriate.

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

SECTION 1: The street located in the Recreation Department Complex, within the corporate limits of the City of Crowley, South from its intersection with Mill Street, thence Southeasterly to its intersection with South Avenue C is hereby designated and named Oscar Johnson Drive.

SECTION 2: All ordinances, resolutions and regulations affecting and appertaining to the above described streets, including but not limited to rights of way, traffic enforcement, traffic laws, parking regulations, speed limits and all other provisions of the Code of Ordinances of the City of Crowley which are merely cited as illustrative are hereby amended and re-enacted for such provisions, ordinances, resolutions and regulations to apply to Oscar Johnson Drive.

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

SECTION 4: Should any part, word, section or article of this ordinance be invalidated by any Court of competent jurisdiction, the remaining provisions, words or sections shall not be affected and shall continue in full force and effect.

SECTION 5: This Ordinance shall become effective on the 10 day of April, 2001.

THUS DONE AND ADOPTED on this the 10 day of April, 2001 at Crowley, Acadia Parish, LA, after roll call vote as follows:

YEAS: James M. Buatt, Greg Jones, Vernon Martin, Mary T. Melancon, Laurita D. Pete and Steven C. Premeaux

NAYS: None

ABSENT: J. Elliot Doré, Ira Thomas and Bill Williams

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ISABELLA L. DE LA HOUSSAYE,

MAYOR

ATTEST:

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JUDY L. ISTRE, CITY CLERK

The following ordinance was offered by Alderman Martin, seconded by Alderwoman Pete, and duly ordained and adopted.

ORDINANCE NO. 1249

AN ORDINANCE TO REDESIGNATE AND RENAME THE EXTENSION OF MOORE AVENUE AS EDDIE SCOTT AVENUE, NORTH FROM ITS INTERSECTION WITH EIGHTH STREET TO ITS TERMINUS; AND TO PROVIDE FOR ALL MATTERS IN CONNECTION THEREWITH; AND TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES CONTRARY 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 10<sup>th</sup> day of April, 2001 at 6:00 p.m.; and

WHEREAS, the City of Crowley has received a request from citizens groups and family members to redesignate and rename the extension of Moore Avenue as Eddie Scott Avenue; and

WHEREAS, it is appropriate to honor Eddie Scott in such a manner since the property was contributed by him.

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

SECTION 1: Moore Avenue within the corporate limits of the City of Crowley, north from its intersection with Eighth street to its terminus, be and it is hereby redesignated and renamed Eddie Scott Avenue.

SECTION 2: All ordinances, resolutions and regulations affecting and appertaining to the above described streets, including but not limited to rights of way, traffic enforcement, traffic laws, parking regulations, speed limits and all other provisions of the Code of Ordinances of the City of Crowley which are merely cited as illustrative are hereby amended and re-enacted for such provisions, ordinances, resolutions and regulations to apply to Eddie Scott Avenue.

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

SECTION 4: Should any part, word, section or article of this ordinance be invalidated by any Court of competent jurisdiction, the remaining provisions, words or sections shall not be affected and shall continue in full force and effect.

SECTION 5: This Ordinance shall become effective on the 10<sup>th</sup> day of April, 2001.

THUS DONE AND ADOPTED on this the 10<sup>th</sup> day of April, 2001 at Crowley, Acadia Parish, LA, after a roll call vote as follows:

YEAS: James M. Buatt, Greg Jones, Vernon Martin, Mary T. Melancon, Laurita D. Pete and Steven C. Premeaux

NAYS: None

ABSENT: J. Elliot Doré, Ira Thomas and Bill Williams

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ISABELLA L. DE LA HOUSSAYE,

MAYOR

ATTEST:

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JUDY L. ISTRE, CITY CLERK

The following ordinance was offered by Alderman Martin, seconded by Alderman Premeaux, and duly ordained and adopted.

ORDINANCE NO. 1250

AN ORDINANCE TO AMEND CHAPTER 9 OF THE CODE OF ORDINANCES OF THE CITY OF CROWLEY TO ADD ARTICLE III THERETO, TO PROVIDE FOR LITTER CONTROL AND REDUCTION, TO BE COMPRISED OF SUBSECTIONS 9-51 TO 9-60; TO PROVIDE FOR LITTER REDUCTION; TO PROHIBIT LITTERING ON PUBLIC AND PRIVATE PROPERTY; TO DEFINE CERTAIN WORDS AND TERMS; TO PROVIDE FOR PENALTIES FOR VIOLATION THEREOF; TO PROVIDE FOR THE COLLECTION AND DISTRIBUTION OF FINES; TO PROVIDE AUTHORITY FOR A COMMUNITY SERVICE LITTER ABATEMENT WORK PROGRAM; TO PROVIDE FOR LIMITED LIABILITY THEREFOR; TO ESTABLISH A LITTER REDUCTION COMMITTEE AND PROVIDE FOR THE APPOINTMENT OF MEMBERS THERETO; TO PROVIDE, IN ADDITION TO PENALTIES, AUTHORITY FOR REQUIRING INDIVIDUALS CONVICTED TO REMOVE LITTER FOR A PRESCRIBED PERIOD OF TIME IN LIEU OF PENALTIES; AND TO PROVIDE FOR ALL MATTERS IN CONNECTION THEREWITH; AND TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES CONTRARY 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 10<sup>th</sup> day of April, 2001 at 6:00 p.m.; and

WHEREAS, the State of Louisiana has established a commission for public action to reduce litter and to encourage recycling; and

WHEREAS, the statute recognizes a state-wide need for a beautification program and encourages local governments to do likewise; and

WHEREAS, the Mayor and Board of Aldermen of the City of Crowley find that litter constitutes a serious public problem within the jurisdiction of the City of Crowley;

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

SECTION 1: Chapter 9 of the Code of Ordinances of the City of Crowley, be and the same is hereby amended and re-enacted to add thereto Article III, Litter Control and Reduction, to be comprised of subsections 9-51 to 9-60 as follows, to-wit:

Article III. Litter Control and Reduction.

9-15. Definitions.

As used in this Article, the following words shall have meanings described to them unless the context requires otherwise:

- (1) "Litter" means all waste material except as provided and defined in LA-R.S. 30:2173(2), including but not limited to disposable packages, containers, sand, gravel, rubbish, cans, bottles, refuse, garbage, trash, debris, dead animals, furniture or appliances, automotive parts, including but not limited to tires and engines, trailers, boats and boating accessories, tools and equipment, and building materials, or other discarded materials of any kind and description. Litter shall not include agricultural products that are being transported from the harvest or collection site to a processing or marketing site if reasonable measures are taken to prevent the agricultural product from leaving the transporting vehicle. Litter shall also not include recyclable cardboard being transported and compressed bundles to processing facilities. "Agricultural product" as used in this definition means all crops; livestock, poultry and forestry; and all aquacultural, floracultural, horticultural, silvicultural; and viticultural products.
- (2) "Dispose" means throw, discard, place, deposit, discharge, burn, dump, drop, eject, or allow the escape of a substance.
- (3) "Public or private property" means the right-of-way of any road, street, alleyway or highway, ditch or banks thereof, any parks, playgrounds, residential, commercial or industrial properties.
- (4) "Court" means the judge of the Sixth Ward and Crowley City Court.

9-52. Intentional littering prohibited; criminal penalties.

A. Littering prohibited.

No person shall intentionally dispose or permit the disposal of litter upon any public or private property in the corporate limits of the city, or place upon property not owned by him, whether from a vehicle or otherwise, including but not limited to public streets, roads, alleyways, highways, right-of-ways, ditches, public parks, recreational areas, residential, commercial or industrial property, except as such property may be designated by the state, any of its agencies or any political subdivision for the disposal of such litter and such person is authorized to use such property for such purpose.

B. Inference.

(1) If the litter is disposed from a motor vehicle, boat or other means of conveyance, except a bus, school bus or large passenger vehicle as defined in LA-R. S. 32:1, there shall be an inference that the driver of the conveyance disposed of the litter. If such litter was possessed by a specific person immediately before the act of disposing, there shall be an inference that the possessor committed the act of disposing.

(2) When litter disposed in violation of this Section is discovered to contain any article or articles, including but not limited to letters, bills, publications, or other writings, which display the name of a person or in any other manner indicate that the article belongs or belonged to such person, there shall be an inference that such person has violated this Section.

C. Citation.

The person shall be cited for the offense by means of a citation, summons or other means provided by law.

D. Penalty.

(1) Whoever violates the provisions of this Section shall, upon first conviction, be fined not less than Fifty & no/100 (\$50.00) Dollars nor more than Two

Hundred Fifty & no/100 (\$250.00) Dollars and sentenced to serve four (4) hours of community service in a litter abatement work program as approved by the court.

(2) Upon second conviction, an offender shall be fined not less than One Hundred & no/100 (\$100.00) Dollars nor more than Two Hundred Fifty & no/100 (\$250.00) Dollars and sentenced to serve eight (8) hours of community service in a litter abatement work program as approved by the court.

(3) Upon third or subsequent conviction, an offender shall be fined not less than One Hundred Fifty & no/100 (\$150.00) Dollars nor more than Two Hundred Fifty & no/100 (\$250.00) Dollars or be imprisoned for not more than sixty (60) days or both, and shall be sentenced to serve not less than twenty-four (24) hours and not more than seventy-five (75) hours of community service in a litter abatement work program as approved by the court, or all or any combination of the above mentioned penalties.

(4) The judge may require an individual convicted of a violation of this Section to remove litter from city streets and alleyways, public right-of-way, public playgrounds, public parks, or other appropriate locations for any prescribed period of Time in lieu of the penalties prescribed in this Section.

E. For the purpose of this Section, each occurrence shall constitute a separate violation.

F. A person may be found guilty and fined under this Section although the commission of the offense did not occur in the presence of a law enforcement officer if the evidence presented to the court establishes that the defendant has committed the offense.

G. Court costs.

Persons found guilty under the provisions of this Section shall pay special court costs of Fifty & no/100 (\$50.00) Dollars in lieu of other costs of court and the special court costs shall be disbursed as follows:

- (1) Twenty & no/100 (\$20.00) Dollars to be paid to the Judicial Expense Fund of the City Court;
- (2) Twenty & no/100 (\$20.00) Dollars to be paid to the City Clerk; and
- (3) Ten & no/100 (\$10.00) Dollars to the Clerk of Court.

9-53 Community service litter abatement work program; establishment; limited liability.

A. A community service litter abatement work program may be established by the municipality which shall be court approved. Such program shall supervise persons ordered to perform community service work collecting or removing litter within the jurisdiction, in accordance with the requirements of LA-R.S. 30:2531.4. The program shall provide for the collection and removal of litter from public highways, rights-of-way, parks, roads, beaches, recreational areas and other public areas within the corporate limits of the City of Crowley. The community service litter abatement work program shall be approved by the City Court.

B. A person who participates in a community service litter abatement work program established pursuant to this Section shall have no cause of action for damages against the City of Crowley or any person supervising his/her participation therein, nor against any employee or agent of the City of Crowley, for any injury or loss suffered by him/her during or arising out of his/her participation in the program, unless the injury or loss was caused by the intentional or grossly negligent act or omission of the City of Crowley, its employee or agent. The City of Crowley shall not be liable for any injury caused by the individual participating in the program unless the gross negligence or intentional act of the entity or its employee or agent was a substantial factor in causing the injury. No provision hereof shall negate the requirements to provide an offender with necessary medical treatment as statutorily required.

9-54. Application of other laws.

Nothing in this Part shall limit the authority of the City of Crowley to enforce any other laws, rules or regulations of the State of Louisiana or the Parish of Acadia, or to supersede, amend or delete any of the provisions of other laws, rules or regulations relating to litter control and reduction of litter. However, no person shall be prosecuted for an occurrence in violation of this Part if the person is being prosecuted for the same occurrence under any other law, statute or ordinance of the State or other political subdivision.

9-55. Collection and distribution of fines.

All fines collected under the provisions of this Article shall be payable to the City of Crowley.

9-56 Establishment of a Litter Reduction Committee.

A. In order to aid in the reduction of litter and to promote anti-litter efforts within the City, there is hereby authorized a committee which shall be known as the Crowley Litter Reduction and Anti-Litter Committee.

B. The committee shall consist of five (5) members appointed by the Mayor and shall be residents of the City of Crowley. The Mayor shall designate one (1) of the members to serve as chairman of the commission. Members shall serve at the pleasure of the Mayor.

C. The names of three (3) nominees shall be submitted upon the recommendation of the Garden Clubs of the City of Crowley and the Chamber of Commerce of the City of Crowley. Each appointment shall be submitted to the Board of Aldermen for confirmation.

D. The Members shall serve without pay.

E. Each Member shall serve a term of one (1) year. The initial Members shall serve staggered terms of one (1), two (2) three (3) and four (4) years. Thereafter, said term shall be annual.

F. The commission shall make recommendations to the Mayor and Board of Aldermen for activities and projects and shall solicit and encourage the assistance and active cooperation of business, industry and civic organizations to aid in the eradication of litter within the City and to provide recommendations and suggestions to the Governing Authority for anti-littering campaign and litter reduction in the City.

SECTION 2: All ordinances or parts of ordinances or resolutions or parts of resolutions inconsistent with or in conflict with the provisions of this ordinance be and the same are hereby repealed.

SECTION 3: Should any part, word, section or article of this ordinance be invalidated by any Court of competent jurisdiction, the remaining provisions, words or sections shall not be affected and shall continue in full force and effect.

SECTION 4: This ordinance shall become effective on the 10<sup>th</sup> day of April, 2001.

THUS DONE AND ADOPTED on this the 10<sup>th</sup> day of April, 2001 at Crowley, Acadia Parish, LA, after a roll call vote as follows

YEAS: James M. Buatt, Greg Jones, Vernon Martin, Mary T. Melancon, Laurita D. Pete and Steven C. Premeaux

NAYS: None

ABSENT: J. Elliot Doré, Ira Thomas and Bill Williams

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ISABELLA L. DE LA HOUSSAYE,

MAYOR

ATTEST:

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JUDY L. ISTRE, CITY CLERK

The following ordinance was offered by Alderman Jones, seconded by Alderman Premeaux, and duly ordained and adopted.

ORDINANCE NO. 1251

AN ORDINANCE TO PROHIBIT PERSONS FROM INTENTIONALLY CAUSING ANIMALS TO FIGHT WITH OTHER ANIMALS OR TO INJURE EACH OTHER OR TO CAUSE THE COMBAT BETWEEN TWO OR MORE ANIMALS IN WHICH THE FIGHTING, KILLING, MAIMING OR INJURY OF THE ANIMALS IS A SIGNIFICANT FEATURE OR MAIN PURPOSE OF THE EVENT; AND TO PROVIDE FOR PENALTIES FOR VIOLATION THEREOF; AND TO PROVIDE FOR THE SEIZURE AND DISPOSITION OF ANIMALS; AND TO PROVIDE FOR ALL MATTERS IN CONNECTION THEREWITH; AND TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES CONTRARY 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 10<sup>th</sup> day of April, 2001 at 6:00 p.m.; and

WHEREAS, the City of Crowley desires to provide in the Code of Ordinances, prohibiting the fighting of animals for the purpose of amusement or gain to cause the combat of animals in which the fighting, killing, maiming and injury of the animals is the main feature or purpose of the event; and

WHEREAS, the Board of Aldermen finds that it is cruel treatment to utilize animals in such fashion;

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF CROWLEY, ACADIA PARISH, 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 add thereto Section 4-23 as follows, to-wit:

Section 4-23. Fighting of animals prohibited; penalty.

(A) Fighting prohibited.

No person or persons shall intentionally do any of the following, to-wit:

- (1) For amusement or gain, cause any animal to fight with another animal or to cause any animal to injure another animal.
- (2) Permit any act in violation of Paragraph (1) to be done on any premises under his charge or control, or aid and abet any such act or activity.

- (3) Promote, stage, advertise or be employed for the purposes of causing animals to engage in fights.
- (4) Own, manage or operate any facility kept or used for the purpose of fighting animals.
- (5) Knowingly attend as a spectator any organized event where fighting of animals occurs or is to occur.

(B) "Fighting of animals" defined.

An organized event featuring the combat of two or more animals in which the fighting, killing, maiming or injury of one or more of the animals is a significant feature or main purpose of the event.

(C) Penalty.

Whoever violates any provisions of Paragraphs 1 through 5 of Subsection A shall, upon conviction, be fined not more than Five Hundred & no/100 (\$500.00) Dollars or imprisoned not more than six (6) months or both.

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 thereto Section 4-24 as follows, to-wit:

Section 4-24. Seizure and disposition of animals.

- (A) Any law enforcement officer making arrest under the provisions of Section 4-23(A) may take possession of all fighting animals on the premises where the arrest is made or in the immediate possession or control of the person being arrested, whether or not the animals are actually engaged in a fight at the time.

(B) Upon conviction of the person so charged, all animals so seized shall be adjudged by the court to be forfeited and the court shall order humane disposition of same in accordance with LA-R. S. 14:102.2.

(C) For purpose of a seizure, all animals used or employed in violation of the provisions of Paragraphs 1 through 5 of Subsection A are dangerous, vicious and a threat to the health and safety of the public and are hereby declared to be contraband under the provisions of LA- R. S. 14:102.6.

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

SECTION 4: Should any part, word, section or article of this ordinance be invalidated by any Court of competent jurisdiction, the remaining provisions, words or sections shall not be affected and shall continue in full force and effect.

THUS DONE AND ADOPTED on this the 10th day of April, 2001 at Crowley, Acadia Parish, LA, after a roll call vote as follows:

YEAS: James M. Buatt, Greg Jones, Vernon Martin, Mary T. Melancon, Laurita D. Pete and Steven C. Premeaux

NAYS: None

ABSENT: J. Elliot Doré, Ira Thomas and Bill Williams

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ISABELLA L. DE LA HOUSSAYE,

MAYOR

ATTEST:

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JUDY L. ISTRE, CITY CLERK

Alderman Martin offered a motion to allow Connie Maynard to use wordings such as City of Crowley Rice Capital of the World, City of Crowley Tree City USA, etc on souvenir items. Seconded by Alderman Jones and duly adopted.

Alderwoman Pete offered a motion authorize Mader Miers to determine the cause of erosion problems along the drainage ditch in Andrus Addition. Seconded by Alderwoman Melancon and duly adopted.

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

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MAYOR

ISABELLA L. DE LA HOUSSAYE,

ATTEST:

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JUDY L. ISTRE, CLERK

Presented rough draft to Mayor on April 16, 2001 at 3:10 p.m.

Presented for Mayor's signature on April 19, 2001 at 3:40 p.m.

Mayor Signed & returned to City Clerk on April , 2001 at m.