

CITY OF CROWLEY  
REGULAR MEETING  
DECEMBER 13, 2011

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 13<sup>th</sup> day of December, 2011 at the regular meeting place of said Mayor and Board of Aldermen, the Council Chambers, 426 North Avenue F, Crowley, Louisiana.

Mayor Greg A. Jones presided with the following Aldermen present: Bryan Borill, J. Elliot Doré, Jeff Doré, Lyle Fogleman Jr., Vernon Martin, Mary Melancon, and Steven Premeaux. Alderwomen Laurita Pete and Kitty Valdetero were absent.

Alderman J. Elliot Doré led the Pledge of Allegiance to the flag and Alderman Bryan Borill gave the invocation.

**PUBLIC HEARINGS:**

Mayor Greg A. Jones opened the public hearing on proposed ordinance no. 1430, the ordinance was read by title as follows:

AN ORDINANCE AMENDING THE BUDGETS FOR THE CITY OF CROWLEY FOR THE FISCAL YEAR, BEGINNING SEPTEMBER 1, 2011 AND ENDING AUGUST 31, 2012; AND TO PROVIDE FOR ALL MATTERS RELATIVE THERETO; AND TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT THEREWITH.

Mr. Regan asked for proponents to the proposed ordinance no. 1430. A third and final call was made with no one coming forward to speak.

The call for opponents of the proposed ordinance no. 1430 was made and there were no comments after the third and final call.

Mayor Greg A. Jones called the public hearing on ordinance no. 1430 to a close.

Mayor Greg A. Jones opened the public hearing on proposed ordinance no. 1431, the ordinance was read by title as follows:

AN ORDINANCE TO PROVIDE REGULATIONS OF PERSONS AND BUSINESSES DISPLAYING OR EXHIBITING FOR THE PURPOSE OF TAKING ORDERS, OFFERING TO SELL OR SELLING MERCHANDISE, WARES, GOODS, FOOD, FOOD PRODUCTS, PLANTS, MIRRORS, ARTIFACTS OR ANY SELLABLE PRODUCT FROM A VEHICLE, MOBILE UNIT OR OTHER MEANS OF CONVEYANCE, CART, STAND, TEMPORARY BUILDING, PORTABLE UNIT OR TENT, WHETHER ENCLOSED OR UNENCLOSED; TO PROVIDE DEFINITIONS, REQUIREMENT FOR LICENSES, PERMITS, APPLICATION, INSPECTIONS, POSTING OF PRICES, BONDS AND INSURANCE, MAINTENANCE OF RECORDS, PAYMENT OF ALL TAXES AND FEES AND PENALTIES FOR VIOLATION THEREOF; TO PROVIDE FOR THE PROVISIONS HEREOF TO BE SEVERABLE; TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT THERETO OR IN CONFLICT THEREWITH; AND TO PROVIDE

FOR ALL OTHER MATTERS RELATIVE OR PERTAINING THERETO.

Mr. Regan asked for proponents to the proposed ordinance no. 1431. A third and final call was made with no one coming forward to speak.

The call for opponents of the proposed ordinance no. 1431 was made and there were no comments after the third and final call.

Mayor Greg A. Jones called the public hearing on ordinance no. 1431 to a close.

Mayor Greg A. Jones opened the public hearing on proposed ordinance no. 1432, the ordinance was read by title as follows:

AN ORDINANCE TO AMEND AND RE-ENACT SECTION 5-4 OF CHAPTER 5 OF ARTICLE I, SECTION 5-23 OF CHAPTER 5 OF ARTICLE II, SECTIONS 5-83 AND 5-87 OF CHAPTER 5 OF ARTICLE IV AND SECTION 5.124 OF CHAPTER 5 OF ARTICLE V TO INCREASE FEES FOR BUILDING PERMITS, MOVING AND RELOCATION PERMITS, DEMOLITION PERMITS, ELECTRICAL PERMITS, PLUMBING AND SEWER PERMITS, GAS INSPECTION PERMITS, TO PROVIDE FOR THE PROVISIONS HEREOF TO BE SEVERABLE; TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT THERETO OR IN CONFLICT THEREWITH; AND TO PROVIDE FOR ALL OTHER MATTERS RELATIVE OR PERTAINING THERETO.

Mr. Regan asked for proponents to the proposed ordinance no. 1432. A third and final call was made with no one coming forward to speak.

The call for opponents of the proposed ordinance no. 1432 was made and there were no comments after the third and final call.

Mayor Greg A. Jones called the public hearing on ordinance no. 1432 to a close.

Mayor Greg A. Jones opened the public hearing on proposed ordinance no. 1433, the ordinance was read by title as follows:

AN ORDINANCE TO AMEND AND RE-ENACT SUBSECTION 3.1304 OF SECTION 3.13 OF ARTICLE III, SUBSECTION 7.109 OF SECTION 7.1 OF ARTICLE VII AND SUBSECTION 11.203 OF SECTION 11.2 OF ARTICLE XI OF APPENDIX A OF THE ZONING ORDINANCE OF THE CITY OF CROWLEY AND TO ADD SECTION 11.4 TO ARTICLE XI OF APPENDIX A OF THE ZONING ORDINANCE OF THE CITY OF CROWLEY; TO PROVIDE FOR THE PROVISIONS HEREOF TO BE SEVERABLE; TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT THERETO OR IN CONFLICT THEREWITH; AND TO PROVIDE FOR ALL MATTERS RELATIVE OR PERTAINING THERETO.

Mr. Regan asked for proponents to the proposed ordinance no. 1433. A third and final call was made with no one coming forward to speak.

The call for opponents of the proposed ordinance no. 1433 was made and there were no comments after the third and final call.

Mayor Greg A. Jones called the public hearing on ordinance no. 1433 to a close.

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

Alderwoman Mary Melancon moved to dispense with the reading of the minutes of the November 8<sup>th</sup>, 2011 regular council meeting and approve them as written and distributed. Seconded by Alderman Jeff Doré and duly adopted.

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

**MAYOR'S REPORT:**

Mayor Greg A. Jones presented the Sales Tax chart and User Fee chart that track the collection trend.

**STANDING COMMITTEE REPORTS:**

**PUBLIC WORKS COMMITTEE:**

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

A motion was offered by Alderwoman Mary Melancon and seconded by Alderman Lyle Fogleman to authorize Mader Engineering to prepare specifications for the second half of FY 2011-12 Annual Materials Contracts. Motion carried.

**UTILITY COMMITTEE:**

Chairperson – Alderman Vernon Martin  
Vice-Chairperson – Alderwoman Kitty Valdetero  
Members – Aldermen J. Elliot Doré, Jeff Doré, and Lyle Fogleman, Jr.

A motion was offered by Alderman Vernon Martin and seconded by Alderman Elliot Doré to approve Partial Payment No. 4 to E. B. Feucht and Sons, Inc. for the LCDBG FY 2010-11 Project for “Sewerage Repairs in Northeast and Southeast Crowley” in the amount of \$86,133.13. Motion carried.

**PUBLIC SAFETY COMMITTEE:**

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

A motion was offered by Alderman Lyle Fogleman and seconded by Alderman Bryan Borill to approve a new 2011 Class A Retail Outlet Beer Permit and a 2011 Class A Retail Outlet Liquor Permit for Yvonne E. Thibodeaux d/b/a Sparkles-N-Stars III located at 625 West 2nd Street. Motion carried.



Vice-Chairperson – Alderman Vernon Martin  
Members – Aldermen Bryan Borill, J. Elliot Doré and Steven Premeaux

A motion was offered by Alderman Vernon Martin and seconded by Alderman Elliot Doré to approve a trailer petition for Kenneth Clement located at 619 West Hutchinson Avenue described as Lot 7, Block 83, Original Crowley contingent upon proof of title. Motion carried.

**INSURANCE & PERSONNEL COMMITTEE:**

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

A motion was offered by Alderman Jeff Doré and seconded by Alderman Elliot Doré to accept the recommendation from Mark Landry of Landry, Harris and Company to renew the city's program of self insurance for worker's compensation in the amount of \$69,451 from Safety National Casualty Company effective January 1, 2012 to January 1, 2013. Motion carried.

**RECREATION COMMITTEE:**

Chairperson – Alderman Steven Premeaux  
Vice-Chairperson – Alderman J. Elliot Doré  
Members – Aldermen Lyle Fogleman, Jr., Mary Melancon and Laurita Pete

A motion was offered by Alderman Steven Premeaux and seconded by Alderwoman Mary Melancon to approve Change Order No. 1 to the contract with Trans Texas Tennis, Ltd for the Gladly Trahan Tennis Centre in the amount of -\$3,220. Motion carried.

**RESOLUTIONS:**

The following resolution was offered by Alderman Lyle Fogleman, duly seconded by Alderman Vernon Martin, 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(s) of the Building and Safety Codes of the City of Crowley; and

WHEREAS, Notice of Violations has been issued to the property owner, Joyce Guidry Hunter, by the City Inspector's office for repairs and/or demolition to be made of the improvements situated on the south part of Lot 12 of Block 19 of Duson #3 Addition to the City of Crowley, having a municipal address of 1117 West 5<sup>th</sup> Street, Crowley, Louisiana, and was received by the property owner via Certified Mail Return Receipt Requested; and

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

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 Joyce Guidry Hunter for a public hearing to be held by the Mayor and Board of Aldermen on the 10<sup>th</sup> day of January, 2012, in regular

session at 6:00 o'clock p.m. and that said notice be properly recorded and served upon the property owner pursuant to law;

THUS DONE AND ADOPTED in regular session duly convened on the 13<sup>th</sup> day of December, 2011 at Crowley, Acadia Parish, Louisiana at which a quorum was present and acting throughout.

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GREG A. JONES, MAYOR

ATTEST:

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JUDY L. ISTRE, CLERK

The following resolution was offered by Alderman Lyle Fogleman, duly seconded by Alderman Steven Premeaux, and adopted with an abstention from Alderman Bryan Borill.

A RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF CROWLEY, ACADIA PARISH, LOUISIANA, DECLARING AS JUNK A 1998 FORD EXPLORER AND AUTHORIZING THE DONATION OF THE VEHICLE TO THE VILLAGE OF ESTHERWOOD BY INTERGOVERNMENTAL AGREEMENT; AND TO PROVIDE FOR ALL MATTERS RELATIVE THERETO.

WHEREAS, the 1998 Ford Explorer bearing VIN # 1FMZU35P6WUA42575 is no longer needed by the City of Crowley and should be declared junk; and

WHEREAS, the Village of Estherwood has requested a donation of the 1998 Ford Explorer which has a value of less than \$5,000.00 and which they believe can be made serviceable for the needs of a small community; and

WHEREAS, a real and substantial mutual interest in police protection and public safety and is consistent with the agreement to provide mutual aid to one another in the event of emergencies which exists between the Crowley Police Department and the Village of Estherwood; and

WHEREAS, due to their close proximity and the contiguous boundaries of the areas of responsibility of the Village of Estherwood and the City of Crowley, the donation of this vehicle will aide and assist the departments in their efforts to provide police protection and public safety services to the community; and

NOW THEREFORE BE IT RESOLVED by the Board of Aldermen of the City of Crowley, Acadia Parish, Louisiana, in regular session duly convened that they do hereby declare that certain 1998 Ford Explorer bearing VIN #1FMZU35P6WUA42575 is no longer needed for public use by the City of Crowley and is junk equipment with a value of less than \$5,000.00; and

BE IT FURTHER RESOLVED that they do hereby authorize the donation of the above described vehicle by Intergovernmental Agreement to the Village of Estherwood "as is and without any warranty whatsoever" and that the value of the vehicle is less than \$5,000.00; and

BE IT FURTHER RESOLVED they do hereby authorize, empower and direct the Honorable Greg A. Jones, Mayor of the City of Crowley, to execute any and all necessary documents in connection with the said donation and to do any and all things as may be deemed necessary and as may be meet and proper in the premises.

THUS DONE AND ADOPTED in regular session duly convened on the 13<sup>th</sup> day of December, 2011, in Crowley, Acadia Parish, Louisiana.

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GREG A. JONES, MAYOR

ATTEST:

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JUDY L. ISTRE, CLERK

The following resolution was offered by Alderman Lyle Fogleman, duly seconded by Alderman Vernon Martin, and adopted.

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

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

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

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

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

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

AN ORDINANCE TO AMEND SECTION 44 OF CHAPTER 14 OF THE CODE OF ORDINANCES OF THE CITY OF CROWLEY TO THERETO SUBSECTION (v) TO PROHIBIT PARKING ON THE NORTH SIDE OF WEST MILL STREET FROM THE INTERSECTION OF THE WEST RIGHT OF WAY LINE OF THE EXTENSION OF NORTH AVENUE C WITH THE NORTH RIGHT OF WAY LINE OF MILL STREET TO THE INTERSECTION OF THE WEST RIGHT OF WAY LINE OF NORTH AVENUE E; TO PROVIDE FOR THE PROVISIONS HEREOF TO BE SEVERABLE; TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT THERETO OR IN CONFLICT THEREWITH; AND TO PROVIDE FOR ALL OTHER MATTERS RELATIVE OR PERTAINING THERETO.

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

NOTICE OF PROPOSED ADOPTION OF ORDINANCE

The Board of Aldermen of the City of Crowley shall meet on the 10<sup>th</sup> day of January, 2012, at 6:00 p.m. in the Council Chambers, City Hall, Crowley, Louisiana, to consider the adoption of the following ordinance:

AN ORDINANCE TO AMEND SECTION 44 OF CHAPTER 14 OF THE CODE OF ORDINANCES OF THE CITY OF CROWLEY TO THERETO SUBSECTION (v) TO PROHIBIT PARKING ON THE NORTH SIDE OF WEST MILL STREET FROM THE INTERSECTION OF THE WEST RIGHT OF WAY LINE OF THE EXTENSION OF NORTH AVENUE C

WITH THE NORTH RIGHT OF WAY LINE OF MILL STREET TO THE INTERSECTION OF THE WEST RIGHT OF WAY LINE OF NORTH AVENUE E; TO PROVIDE FOR THE PROVISIONS HEREOF TO BE SEVERABLE; TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT THERETO OR IN CONFLICT THEREWITH; AND TO PROVIDE FOR ALL OTHER MATTERS RELATIVE OR PERTAINING THERETO.

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

THUS DONE AND SIGNED on this the 13<sup>th</sup> day of December, 2011.

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JUDY L. ISTRE, CITY CLERK

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THUS DONE, SIGNED AND ADOPTED in regular session duly convened on the 13<sup>th</sup> day of December, 2011, in Crowley, Acadia Parish, Louisiana.

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GREG A. JONES, MAYOR

ATTEST:

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JUDY L. ISTRE, CITY CLERK

**ORDINANCES:**

The following ordinance was been previously introduced at a regular meeting convened on November 8<sup>th</sup>, 2011, published by title in the official journal of the City, and a public hearing held thereon on December 13<sup>th</sup>, 2011. It was offered for final adoption by Alderman Elliot Doré, seconded by Alderman Vernon Martin and duly adopted.

ORDINANCE NO. 1430

AN ORDINANCE AMENDING THE BUDGETS FOR THE CITY OF CROWLEY FOR THE FISCAL YEAR, BEGINNING SEPTEMBER 1, 2011 AND ENDING AUGUST 31, 2012; 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 having been held in accordance with the law on the 8<sup>th</sup> day of November, 2011 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 8<sup>th</sup> day of November, 2011 that the following Amended Operating Budgets are hereby approved, adopted and finalized.

Account Name	Original 2011-12 Budget	Amendment	Amended 2011-12 Budget
<b>General Fund - Revenue</b>			
Grants	24,000	21,525	45,525
Other Revenues	<u>88,050</u>	<u>2,620</u>	<u>90,670</u>
Total Revenues		24,145	
<b>General Fund -Expenditures</b>			
Police - Salary & Fringe	2,144,235	20,000	2,164,235
Police - Capital Outlays	24,000	65,000	89,000
Fire - Capital Outlays	0	50,000	50,000
Street - Other Expense	18,300	(10,000)	8,300
Non Departmental - Debt Service	<u>982,251</u>	<u>67,462</u>	<u>1,049,713</u>
Total Expenditures		192,462	
<b>General Fund - Other Financing Sources</b>			
Transfers & Appropriation - Out	3,000	150,000	153,000
<b>1 &amp; 1/2 Cent Sales Tax - Other Financing Sources</b>			
Transfers & Appropriations - Out	3,611,500	200,000	3,811,500
<b>Youth Recreation Operation</b>			
Expenditures - Debt Services	35,738	9,524	45,262
<b>Youth Recreation Building Maintenance</b>			
Revenues - Other Revenues	300,000	51,500	351,500
Expenditures - Capital Outlay	300,000	180,000	480,000
Expenditures - Debt Service	<u>12,211</u>	<u>3,256</u>	<u>15,467</u>
Total Expenditures		183,256	
<b>Rice City Civic Center</b>			
Expenditures - Debt Service	7,782	2,074	9,856
<b>Utility Fund - Sewage</b>			
Revenues - Grants & Loans	-	25,150	25,150
Expenditures - Debt Service	229,192	32,468	261,660
<b>LCDBG</b>			
Revenues -Grant	-	43,453	43,453
Expenditure - Capital Outlay	-	43,453	43,453
<b>Employee Benefit Plan</b>			
Expenditures - Insurance Claims	830,000	350,000	1,180,000
Other Financing Sources - Appropriation - In	0	350,000	350,000

BE IT FURTHER ORDAINED, the amounts shall be available for expenditures only to the extent and only as included within the amended 2011-2012 fiscal budget, 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, Greg A. Jones, is hereby authorized and in his sole discretion, to make such changes within the various budget classifications as he 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 13<sup>th</sup> day of December, 2011 at Crowley, Acadia Parish, Louisiana, after a roll call vote as follows:

YEAS: Bryan Borill, J. Elliot Doré, Jeff Doré, Lyle Fogleman, Vernon Martin, Mary Melancon, and Steven Premeaux

NAYS: None

ABSTAIN: None

ABSENT: Laurita Pete and Kitty Valdetero

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GREG A. JONES, MAYOR

ATTEST:

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JUDY L. ISTRE, CITY CLERK

The following ordinance by title, was previously introduced at a regular meeting convened on November 8<sup>th</sup>, 2011, published by title in the official journal of the City, and a public hearing held thereon on December 13<sup>th</sup>, 2011. It was offered for final adoption by Alderman Lyle Fogleman, and seconded by Alderwoman Mary Melancon.

ORDINANCE NO. 1431

AN ORDINANCE TO PROVIDE REGULATIONS OF PERSONS AND BUSINESSES DISPLAYING OR EXHIBITING FOR THE PURPOSE OF TAKING ORDERS, OFFERING TO SELL OR SELLING MERCHANDISE, WARES, GOODS, FOOD, FOOD PRODUCTS, PLANTS, MIRRORS, ARTIFACTS OR ANY SELLABLE PRODUCT FROM A VEHICLE, MOBILE UNIT OR OTHER MEANS OF CONVEYANCE, CART, STAND, TEMPORARY BUILDING, PORTABLE UNIT OR TENT, WHETHER ENCLOSED OR UNENCLOSED; TO PROVIDE DEFINITIONS, REQUIREMENT FOR LICENSES, PERMITS, APPLICATION, INSPECTIONS, POSTING OF PRICES, BONDS AND INSURANCE, MAINTENANCE OF RECORDS, PAYMENT OF ALL TAXES AND FEES AND PENALTIES FOR VIOLATION THEREOF; TO PROVIDE FOR THE PROVISIONS HEREOF TO BE SEVERABLE; TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT THERETO OR IN CONFLICT THEREWITH; AND TO PROVIDE FOR ALL OTHER MATTERS RELATIVE OR PERTAINING THERETO.

An amendment was offered by Alderman Vernon Martin and seconded by Alderman Bryan Borill to limit the annual license to no more than three events annually.

The following ordinance as amended was voted on and adopted.

ORDINANCE NO. 1431

AN ORDINANCE TO PROVIDE REGULATIONS OF PERSONS AND BUSINESSES DISPLAYING OR EXHIBITING FOR THE PURPOSE OF TAKING ORDERS, OFFERING TO SELL OR SELLING MERCHANDISE, WARES, GOODS, FOOD, FOOD PRODUCTS, PLANTS, MIRRORS, ARTIFACTS OR ANY SELLABLE PRODUCT FROM A VEHICLE, MOBILE UNIT OR OTHER MEANS OF CONVEYANCE, CART, STAND, TEMPORARY BUILDING, PORTABLE UNIT OR TENT, WHETHER ENCLOSED OR UNENCLOSED; TO PROVIDE DEFINITIONS, REQUIREMENT FOR LICENSES, PERMITS, APPLICATION, INSPECTIONS, POSTING OF PRICES, BONDS AND INSURANCE, MAINTENANCE OF RECORDS, PAYMENT OF ALL TAXES AND FEES AND PENALTIES FOR VIOLATION THEREOF; TO PROVIDE FOR THE PROVISIONS HEREOF TO BE SEVERABLE; TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT THERETO OR IN CONFLICT THEREWITH; AND TO PROVIDE FOR ALL OTHER MATTERS RELATIVE OR PERTAINING THERETO.

WHEREAS, an increasing number of temporary or occasional outdoor displays of merchandise for retail sale and distribution have raised a broad range of issues involving such transactions and activities including the increased the number of vendors, locations, size and area occupied and used for such transactions by temporary merchants and locations; and

WHEREAS, the Mayor and members of the Board of Aldermen have received questions and concerns involving lack of documentation of transactions, lack of proper record keeping for sales tax and other purposes, lack of consumer information including pricing, pricing policies, name(s) and address(es) of manufacturer(s), failure to provide warranties or warrant information, lack of ability to contact merchants/vendors for complaints and/or return of merchandise, inadequate parking and lack of traffic control and other issues; and

WHEREAS, the Mayor and Board of Aldermen find that regulation of such business transactions and requirements are appropriate and necessary; 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 13<sup>th</sup> day of December, 2011 at 6:00 o'clock p.m. at City Hall, Crowley, Louisiana; and

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

SECTION 1: Chapter 11 of the Code of Ordinances of the City of Crowley be and the same shall be amended to add thereto Article VI, Regulation of Transient and Open-Air Businesses to read as follows, to-wit:

Article VI. Regulation of Transient and Open-Air Businesses  
Sec. 11.150. Purpose.

The purpose of this Ordinance is to protect the public health, safety and welfare by reducing the creation of unsafe conditions and circumstances on public and private property, to discourage the sale of inferior quality merchandise, to require disclosure of adequate information to accurately identify persons and entities to establish a requirement for

jurisdiction and service of process for civil claims, to require posting of a security bond, to provide requirements for sales records and receipts and written evidence and filings of reports of all transactions and to provide a method for enforcement of violations of this Ordinance.

Sec. 11.151. Definitions.

For the purposes of this Article, unless the context clearly otherwise requires or unless otherwise defined in specific portions of the Article, the following words shall have the respective meanings ascribed to each in this Section:

A) *Transient Merchant*: Any person, firm, partnership, corporation or other association, including agents, representatives and employees thereof, who exhibits merchandise, including models or samples thereof, in any hotel or motel room, rooming house, store, club, storehouse, house, or other permanent building structure, for the purpose of selling, offering to sell or taking orders for the sale of such merchandise.

B) *Open-Air Merchant*: Any person, firm, partnership, corporation or other association, including agents, representatives and employees thereof, who exhibits merchandise, including models or samples thereof, in , upon or about a vehicle, mobile unit or other means of conveyance, cart, stand, temporary building, portable unit or tent, whether enclosed or unenclosed, or who exhibits such merchandise on any private street, driveway, lot, parking lot or other outdoor property within the City of Crowley, for the purpose of selling, offering to sell or taking orders for the sale of such merchandise.

C) *Merchandise*: Any consumer item, new or used, wares, goods, food, food products, plants, paintings, mirrors, artifacts or any sellable product except for the items listed hereafter.

D) *Separate Location*: A separate location exists unless a similar or associated type of business is operated as a unit (single license) under a single roof or on the same contiguous tract or land.

E) *Peddler*: For the purpose of this Article, a *peddler* means any person who, for himself or any other person, goes from house to house, or place to place, or store to store, exposing and selling the merchandise which he carries with him and delivering same at the time of or immediately after the sale or without returning to the base of business operation between the taking of the order and the delivery of the goods; however, any person who uses the same vehicle or a combination of one (1) or more vehicles for the purpose of taking orders and delivering merchandise, regardless of the fact that the vehicle returns to the base of operations between the taking of the order and the delivery of the merchandise, shall be deemed a peddler, unless such person can show that the merchandise delivered is accompanied by an invoice or delivery ticket prepared at the base of operations and which conforms to the original order and that the person delivering the merchandise has permitted no deviation from the original order by allowing the purchaser to reject, cancel, increase or decrease the quantity at the time of delivery or to offset against such quantity any merchandise delivered at a prior time which is being returned. This extension of the meaning of the term *peddler* shall not be interpreted so as to prevent rejection or cancellation of bona fide orders or the return of inferior merchandise, but shall be construed so as to prevent persons peddling merchandise from escaping their tax liability by subterfuge through means of so-called "standing order" or blanket advance orders, increase and decrease in quantities at the time of delivery, arbitrary rejections and cancellations, and offset of merchandise returned by reason of non-sale rather than obligation of warranty, all of which are hereby declared to be mere devices to prevent normal methods of operations so as to disguise the business of a peddler as an ordinary wholesale business. *Peddler* shall include but is not limited to hawkers, itinerant vendors, and any retail dealers not having a fixed place of business.

F) *Business*: Any business, trade or occupation unless exempted hereinafter.

G) *Person:* An individual, firm, corporation, partnership, association or other legal entity.

H) *City:* City of Crowley.

Sec. 11.152. Exemptions.

A) The provisions of this Ordinance shall not apply to any person, firm, partnership, corporation or other unincorporated association having a licensed permanent retail location in the City of Crowley provided that:

1) The name of such licensed retail business is used in connection with all merchandise sold or offered for sale.

2) All vendees are notified that all merchandise is sold under the auspices of said licensed permanent retail business.

3) The name of the licensed permanent establishment is clearly included in all advertisements in connection with the sale of such merchandise.

4) The owner or owners of the licensed retail establishment expressly assume responsibility for all merchandise sold within the establishment, building or structure or on the same parcel of property whether sold from a vehicle, mobile unit or other means of conveyance, cart, stand, temporary building, portable unit or tent, whether enclosed or unenclosed.

B) The provision of this Ordinance shall not apply to:

1) Sales of meat, seafood, vegetables, fruit or perishable farm products.

2) Sales of handcrafted items at arts and crafts show, fairs or festivals sponsored by a Louisiana nonprofit corporation.

3) Sales made at events commonly known as flea markets, stamp shows, coin shows, arts and crafts shows, trade shows or other exhibitions, provided the manager, promoter, coordinator or other persons in authority for such market, show or exhibition and with the applicable requirements of the City of Crowley.

4) Authorized sales by participating vendors on fairgrounds during a local or parish fair.

5) Sales of soft drinks or refreshments.

6) Sales of second-hand or used clothing.

7) Sales of cut flowers.

8) Sales of balloons and other trinket items at parades and circuses, provided that the sponsor of the parade or circus has obtained the proper permit and authorization from the City of Crowley.

9) Sales of handcrafted items made or produced by an individual who has obtained a valid home-occupation license from the City of Crowley as required by law.

Sec. 11.153. Annual license tax.

There is hereby levied an annual license tax, as specified under the provisions of Section 11.2 of this Article, upon each person acting as a transient merchant or open-air merchant in the City of Crowley who may be subject to such license under the provisions of this article.

Sec. 11.154. License required; payment of fees and charges; annual license; limitation of events.

A) It shall be unlawful for any person or legal entity to transact any business or phase of business in the City of Crowley, including advertising, without first applying to the City of Crowley for a license or permit required by this Chapter.

B) Payment of the annual license fee and any additional charges for application for license/permit shall be paid before the license is issued.

C) The annual peddler's license/permit shall be valid during the period of January 1<sup>st</sup> to December 31<sup>st</sup> of each calendar year and may be used for not more than three (3) separate events. Each event shall be deemed to have occurred on the date of the advertised sale or appearance for sale or the first transaction of a sale or order having been recorded by the licensee and the last day of the advertised or posted sale or event or the last recorded transaction of sale or order received which is recorded more than one calendar date from said transaction.

Sec. 11.155. Application for license/permit.

A) Every person or legal entity subject to the provisions of this section, before selling at retail or offering for sale at retail within the incorporated limits of the City of Crowley any goods, wares or merchandise, either from stock or by sample, shall make application with the City of Crowley for a license/permit to conduct such business within the City of Crowley. Such application shall be in writing, duly sworn by the applicant in person, or by the applicant's duly authorized representative, and shall contain the following information:

1) The name, complete address and telephone number of the person having the management, supervision or ownership of such business.

2) The name, complete address, telephone number and local address or location of the person having supervision of the licenses premises while engaged in such business in the City.

3) Photocopy of a valid driver's license, valid identification card, military identification issued by a governmental agency of any state or United States. In the event such form of identification cannot be provided, the permit shall not be issued.

4) The capacity and authority in which such person will act; that is, whether as proprietor, agent or employee.

5) The name, complete address and telephone number of the person or legal entity for whose account the business shall be conducting, and if a corporation, under the laws of what state the same is incorporated.

6) The complete address of the permanent or established business location of the person, legal entity or owner of the business.

7) The complete address, legal description or other identifying information in the City where the applicant proposes to engage in such business, the name, complete address and telephone number of the owner of the property on which the business is to be conducted, a copy of the lease or other instrument authorizing the use of the property by the owner stating all terms and conditions required thereon.

8) A list of all places or locations, other than the permanent place of business of the owner, where such transient merchant or open-air merchant within the six (6) months next preceding the date of such application conducted or carried on a temporary or transitory business, stating the nature thereof and giving the complete street addresses and locations of any building or structure on which such business was conducted.

9) The length of time or duration it is proposed or expected that such business shall be conducted.

10) A statement of the nature, character and quantity of the goods, wares or merchandise to be sold at retail, offered to be sold at retail or taking orders to be sold at retail in the City, including the brand name or manufacturer's name, and the gross amount of the merchandise at invoice costs of such merchandise.

11) A statement as to whether the goods are to be sold at retail from stock in possession or ordered by sample, whether delivery is to occur at the time of sale at the retail location and whether the same are to be sold at retail at auction or public outcry, or by personal solicitation, or otherwise.

12) A brief statement of the nature and character of the advertising done or to be done in order to attract customers and the media or method used to disseminate said advertising.

13) The names of all sales personnel or employees who have committed crimes within the past five (5) years, the number of arrests or convictions of misdemeanors or crimes, and the nature of the offenses for which arrested or convicted, if any.

14) To the application must be appended a letter from the firm for which the applicant purports to do business, authorizing the applicant to act as its representative.

B) It shall be unlawful for any transient merchant, vendor, solicitor, peddler or canvasser to engage in business until he shall have first applied to and obtained a permit to engage in business, in accordance with the above provisions and has paid all taxes and fees required by law for the transaction of such business in the incorporated limits of the City of Crowley; the City of Crowley shall issue such permit in writing which state the date same was issued, the nature of the business authorized to be carried on and the expiration date of such permit, the place where such business may be carried on under such permit, and the name of the person or persons authorized to carry on the same, which permit shall be signed by the City of Crowley or its authorized representative.

Sec. 11.156. General regulations and restrictions.

No licensee/permittee shall operate in the following areas of public space or specified distances therefrom:

A) On or within a public street, boulevard, highway, roadway, alleyway, right of way, park, parking lot, emergency lane, neutral ground, shoulder, public building or facility or any other public property dedicated for a specific use situated within the City or on private property except specifically authorized by this Ordinance.

B) Within ten (10') feet of any street intersection or pedestrian crosswalk.

C) Within ten (10') feet of any public or private driveway, loading zone or bus stop.

D) In any location which will not leave a minimum of five (5') feet of unobstructed pedestrian space or such greater amount of space, private building or structure.

E) In any area within twenty (20') feet of a building entrance or exit.

F) On the median strip of a divided roadway.

G) Within twenty (20') feet of any fire hydrant, fire escape or designated fire lane.

H) Within ten (10') feet of any private or public parking space or access ramp designated for persons with disabilities.

I) On the premises of a festival or special event as defined in the written rules and regulations, or on the grounds of any public park, facility, recreation center or multipurpose facilities except in conjunction with a festival or special public event.

J) No such transactions shall be conducted on any area of private property within ten (10') feet of the property line of the licensed/permited location.

Sec. 11.157. Issuance of permit.

No permit shall be issued until the expiration of ten (10) days from date of application and after proper investigation of said applicant and provided said applicant meets all requirements herein set forth and has complied with all other applicable ordinances. The permit issued shall be valid for a period of duration of the sale.

Sec. 11.158. Location of operation.

No licensee/permittee shall operate except in the specific location, address or description designated on the license/permit.

Sec. 11.159. Designation of merchandise.

No licensee/permittee shall sell, offer for sale, exhibit for sale or exhibit for the purpose of taking orders for the sale thereof, any goods or merchandise other than the merchandise, goods or wares designated on the license/permit.

Sec. 11.160. Hours of operation.

No licensee/permittee shall operate except during the hours designated on the license and no outside display or unsecured items shall remain in the open areas when not in operation.

Sec. 11.161. Cleanliness of premises; litter receptacles required/maintained.

The licensee/permittee must keep the area upon which they conduct the sale of merchandise and those areas immediately adjacent thereto free from all refuse, litter and trash. The licensee/permittee shall be responsible to collect all trash and debris attributable to their business activity or caused by their business activity and to deposit same into an appropriate trash container. The licensee/permittee shall provide a sufficient number of trash receptacles for litter which shall be clearly marked and maintained and emptied regularly.

Sec. 11.162. Ingress and egress; compliance with law enforcement.

No licensee/permittee shall conduct his business in such a way as would restrict or interfere with the ingress or egress of the abutting property owner or tenant, create a nuisance, increase traffic congestion or delay, constitute a hazard to traffic, life or property, or obstruct adequate access to emergency and sanitation vehicles. The licensee/permittee shall comply with the instructions of a law enforcement officer or fire department officer to move from a location in the interest of public safety.

Sec. 11.163. Zoning.

No license/permit issued herein shall be construed as having an affect on zoning, historic district, special district or other regulations.

Sec. 11.164. Bonding.

Before such license is issued by the City of Crowley, the applicant will be required to furnish a performance bond in an amount of Five Thousand & No/100 (\$5,000.00) Dollars. Such bond will be held by the City of Crowley for a period of ninety (90) days after all orders of goods, wares and retail merchandise have been delivered to the persons from whom the orders are taken, to assure delivery of said orders to the satisfaction of such persons, and to be in compliance with the specifications stated in the order and meeting the requirements of the solicitations and advertisements.

Sec. 11.165. Placard required.

Prior to the conducting of the business activity under this Ordinance, the licensee/permittee must submit to the City of Crowley the permit secured from the sheriff

and secure from the City a permit placard not less than 3'x3' and no more than 6'x6' which shall contain the trade name of the vendor, the authorized location, and the year of authorization together with the parish authorization to conduct such business activity which placard must be displayed conspicuously at the location at all times during the conduct of the business. The licensee/permittee must provide a photograph of said placard.

Sec. 11.166. Inspection.

Immediately upon issuing any permit provided for above, the City Clerk, City Inspector or any designated representative may at any time thereafter and at all reasonable hours make an inspection of the place of business as provided in said permit. The City Inspector shall determine whether or not such business is carried on or conducted by the person or persons and in the manner provided in the permit, and the application upon which the permit was issued, and whether or not the other provisions of this Ordinance are being observed in the carrying on of such business.

Sec. 11.167. Prices to be posted.

All vendors under this Ordinance must have the minimum and maximum price of the merchandise, wares, goods, food, food products, seafood of any kind, beverages, plants, flowers, paintings, mirrors, or any artifact or saleable product whatsoever posted conspicuously on a sign no smaller than 3'x5' and no larger than 6'x8'. No other signs, except one (1) permit placard shall be permitted. The licensee/permittee must provide a photograph of said placard.

Sec. 11-168. Record of Sales.

A) Each licensee/permittee shall maintain a separate register, book, ledger or other means of identifying transactions in an electronic format which shall be maintained for a period of three (3) years and shall be made available for inspection by any police officer, law enforcement official, inspector or sales tax/license tax/permit official at any time. All daily records shall consist of the transaction log recording each individual transaction or sale, identifying the item sold, the description of the item sold, the number thereof sold, the amount of the transaction, the amount of sales taxes charged and the amount collected.

B) The licensee/permittee shall issue and deliver a receipt of each transaction to each customer. Daily records shall be compiled in electronic form and transmitted via email to the office of the City Clerk or may be transferred onto a disc or copies made of ledgers or books shall be hand delivered or mailed via US Mail prepaid and properly addressed to the office of the City Clerk no later than 24 hours of the termination of the sales event or occupancy and for each occupancy or occurrence thereafter for the term of the annual license.

Sec. 11-169. Violations.

The violation of any of the foregoing provisions or the doing of business otherwise than provided in the application and permit issued thereon shall each constitute a violation of the license/permit and the City of Crowley may suspend the operation of such permit not to exceed ten (10) days and upon the request of the holder of such license/permit, grant a hearing and rule upon such violation. Should the City of Crowley find that there has been a violation of the conditions of the license/permit, such license/permit shall be immediately forfeited, surrendered and cancelled. A forfeiture of the license/permit shall not entitle the licensee/permittee to any refund of taxes or fees paid.

Sec. 11.170. Penalties for violations.

Any licensee/permittee who fails to obtain said license/permit or to comply with any regulations contained herein shall be guilty of a misdemeanor and upon conviction thereof shall be imprisoned for a period of not more than sixty (60) days or fined the sum of Two Hundred & No/100 (\$200.00) Dollars or both, at the discretion of the Court. A licensee/permittee so convicted shall forfeit said license/permit and shall not be entitled to a refund of the fees paid therefor. Every day that a violation of this Ordinance shall continue shall constitute a separate and distinct offense.

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 and 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, SIGNED AND ADOPTED in regular session duly convened on this the 13<sup>th</sup> day of December, 2011, at Crowley, Acadia Parish, Louisiana, after a roll call vote as follows:

YEAS: Bryan Borill, J. Elliot Doré, Jeff Doré, Lyle Fogleman, Vernon Martin, Mary Melancon, and Steven Premeaux

NAYS: None

ABSTAIN: None

ABSENT: Laurita Pete and Kitty Valdetero

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GREG A. JONES, MAYOR

ATTEST:

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JUDY L. ISTRE, CITY CLERK

The following ordinance was previously introduced at a regular meeting convened on November 8<sup>th</sup>, 2011, published by title in the official journal of the City, and a public hearing held thereon on December 13<sup>th</sup>, 2011. It was offered for final adoption by Alderman Jeff Doré, seconded by Alderman Steven Premeaux and duly adopted.

ORDINANCE NO. 1432

AN ORDINANCE TO AMEND AND RE-ENACT SECTION 5-4 OF CHAPTER 5 OF ARTICLE I, SECTION 5-23 OF CHAPTER 5 OF ARTICLE II, SECTIONS 5-83 AND 5-87 OF CHAPTER 5 OF ARTICLE IV AND SECTION 5.124 OF CHAPTER 5 OF ARTICLE V TO INCREASE FEES FOR BUILDING PERMITS, MOVING AND RELOCATION PERMITS, DEMOLITION PERMITS, ELECTRICAL PERMITS, PLUMBING AND SEWER PERMITS, GAS INSPECTION PERMITS, TO PROVIDE FOR THE PROVISIONS HEREOF TO BE SEVERABLE; TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT THERETO OR IN CONFLICT THEREWITH; AND TO PROVIDE FOR ALL OTHER MATTERS RELATIVE OR PERTAINING THERETO.

WHEREAS, the cost of issuing permits, review of plans and inspections has not been increased in many years; and

WHEREAS, the cost of administration and handling of those fees and permits have substantially increased; and

WHEREAS, it is necessary that the cost of providing those services be fairly allocated to the persons/entities requesting and who are directly affected by same; 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 13<sup>th</sup> day of December, 2011 at 6:00 o'clock p.m. at City Hall, Crowley, Louisiana; and

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

SECTION 1: Section 5-4 of Chapter 5 of Article I 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:

Article I. General Provisions

Sec. 5-4. Permit Fees.

(a) No permit as required by the building code shall be issued until the fee prescribed in this section shall have been paid, nor shall an amendment to a permit be approved until the additional fee, if any, due to an increase in the size or square footage of the area under the roof of the building or structure, shall have been paid.

(b) For a permit and plan review of the construction or alteration of a building or structure, the fee shall be calculated based on the total number of square feet under roof of the building or structure at a rate of forty-five cents (\$0.45) per square foot. For a permit without plan review for the construction or alteration of a building or structure, the fee shall be calculated based on the total number of square feet under roof of the building or structure at a rate of twenty cents (\$0.20) per square foot.

(c) For a permit for the removal of a building or structure from one lot to another or to a new location within the same lot, the fee shall be forty & no/100 (\$40.00) dollars exclusive of any construction or inspection fees necessary to place the building or structure from one lot to another or to a new location within the same lot.

(d) For a permit for the removal of a building or structure outside of the corporate limits of the City, the fee shall be forty & no/100 (\$40.00).

(e) For a permit for the demolition of a building or structure, the fee shall be fifty & no/100 (\$50.00) dollars.

(f) In case of abandonment or discontinuance, the cost of work performed under a permit may be estimated, an adjustment of the fee made and the portion of the fee for uncompleted work returned to the permit holder, provided that no refund of a prescribed minimum fee shall be made. If such discontinuance is due to revocation of permit, a similar adjustment and return may be made; provided that no refund shall be made until all penalties incurred or imposed by due authority have been collected. After such a refund has been made, no work shall be resumed until a new application has been made and a new permit has been issued.

(g) The term "estimated cost" as used in this section means the reasonable value of all services, labor, materials, and use of scaffolding and other appliances or devices entering into and necessary to the prosecution and completion of the work ready for occupancy; provided that the cost of excavation or grading, and of painting, decorating or other work that is merely for embellishment or not necessary for the safe and lawful use of the building or structure is not deemed a part of such estimated cost.

SECTION 2: Section 5-23 of Chapter 5 of Article II 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:

Article II. Electrical

Division 1. Generally

Sec. 5-23. Inspection – Fees.

(a) For the issuance of an electrical permit for residential construction, the inspector shall collect the sum of sixty & no/100 (\$60.00) dollars. In addition to the permit fee, an inspection fee shall be charged and collected at the time of the issuance of the required residential electrical permit of thirty & no/100 (\$30.00) dollars plus two & no/100 (\$2.00) dollars per circuit.

(b) For the issuance of an electrical permit for commercial construction, the inspector shall collect the sum of one hundred twenty-five & no/100 (\$125.00) dollars. In addition to the permit fee, an inspection fee shall be charged and collected at the time of the issuance of the required commercial electrical permit of forty-five & no/100 (\$45.00) dollars plus two & 50/100 (\$2.50) dollars per circuit, regardless of type or amp rating.

(c) The inspector shall collect the following inspection fees for residential or commercial electrical services as follows:

*Electrical service, change of service, trailer or pole service:* twenty-five & no/100 (\$25.00) dollars

(d) The inspector shall collect inspection fees for electrical signs as follows:  
*For each sign:* twenty-five & no/100 (\$25.00) dollars plus seven & 50/100 (\$7.50) dollars for each transformer or circuit, whether incandescent, flashing, fixed, fluorescent or otherwise.

(e) The inspector shall collect inspection fees for all miscellaneous permits not otherwise listed of twenty-five & no/100 (\$25.00) dollars.

SECTION 3: Section 5-83 of Chapter 5 of Article IV 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:

Article IV. Plumbing and Gas Fitting

Division 1. Generally

Sec. 5-83. Same – Fees.

(a) The following permit and inspection fees shall be paid at the time a permit is issued:

- (1) First fixture: ten & no/100 (\$10.00) dollars
- (2) Each additional fixture: three & no/100 (\$3.00) dollars

(b) The term “fixture” shall include, but is not limited to the following: Water closets, catch basins, mud traps, slop sinks, bathtubs, kitchen sinks, urinals, wash trays, wash basins, pantry sinks, drinking fountains, showers, floor drains, fountains and any other type of plumbing fixture. Each waste opening or piping which terminates for future connections shall be considered a fixture.

(c) Where more than one inspection is required for any reason, the inspector shall charge and collect an additional fee of fifty & no/100 (\$50.00) dollars shall be charged for each additional inspection required and shall be paid prior to each additional inspection.

(d) The following sewer tap permit and inspection fees shall be paid at the time permit is issued:

- (1) Sewer tap/no street break: two hundred & no/100 (\$200.00) dollars
- (2) Sewer tap/break or cut street of less than one-half width of street: four hundred fifty & no/100 (\$450.00) dollars plus an additional one hundred & no/100 (\$100.00) dollars for concrete street
- (3) Sewer tap/break or cut street of more than one-half width of street: eight hundred & no/100 (\$800.00) dollars plus an additional one hundred & no/100 (\$100.00) dollars for concrete street

SECTION 4: Section 5-87 of Chapter 5 of Article IV 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:

Article IV. Plumbing and Gas Fitting

Division 1. Generally

Sec. 5-87. Gas inspection permit.

(a) For the issuance of an inspection permit, the inspector shall charge and collect a fee of fifty & no/100 (\$50.00) dollars.

(b) Where more than one inspection is required for any reason, the inspector shall charge and collect an additional fee of fifty & no/100 (\$50.00) dollars for each additional inspection.

SECTION 5: Section 5-124 of Chapter 5 of Article V 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:

Article V. Flood Damage Prevention

Sec. 5-124. Permit procedures.

(a) Application for a development permit shall be presented to the floodplain administrator on forms furnished by him/her and may include but not be limited to plans in duplicate drawn to scale showing the location, dimensions and elevation of proposed landscape alterations, existing and proposed structures and the location of the foregoing in relation to areas of special flood hazard. Additionally, the following information is required:

(1) Elevation, in relation to mean sea level, of the lowest floor (including basement) of all new and substantially improved structures;

(2) Elevation, in relation to mean sea level, to which any nonresidential structure shall be floodproofed;

(3) A certificate from a registered professional engineer or architect that the nonresidential floodproofed structure shall meet the floodproofing criteria of Section 5-127(2);

(4) Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of a proposed development;

(5) Maintain a record of all such information in accordance with Section 5-123(1).

(b) Approval or denial of a development permit by the floodplain administrator shall be based on all of the provisions of this article and the following relevant factors:

(1) The danger to life and property due to flooding or erosion damage;

(2) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

(3) The danger that materials may be swept onto other lands to the injury of others;

(4) The compatibility of the proposed use with existing and anticipated development;

(5) The safety of access to the property in times of flood for ordinary and emergency vehicles;

(6) The costs of providing governmental services during and after flood conditions, including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems;

(7) The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site;

(8) The necessity to the facility of a waterfront location, where applicable;

(9) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;

(10) The relationship of the proposed use to the comprehensive plan for that area.

(c) The inspector shall make no charge for the issuance of an elevation certificate.

SECTION 6: 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 and phrases will not be affected and shall continue in full force and effect;

SECTION 7: 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 13<sup>th</sup> day of December, 2011, at Crowley, Acadia Parish, Louisiana, after a roll call vote as follows:

YEAS: Bryan Borill, J. Elliot Doré, Jeff Doré, Lyle Fogleman, Vernon Martin, Mary Melancon, and Steven Premeaux

NAYS: None

ABSTAIN: None

ABSENT: Laurita Pete and Kitty Valdetero

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GREG A. JONES, MAYOR

ATTEST:

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JUDY L. ISTRE, CITY CLERK

The following ordinance was previously introduced at a regular meeting convened on November 8<sup>th</sup>, 2011, published by title in the official journal of the City, and a public hearing held thereon on December 13<sup>th</sup>, 2011. It was offered for final adoption by Alderman Bryan Borill, seconded by Alderman Jeff Doré and duly adopted.

ORDINANCE NO. 1433

AN ORDINANCE TO AMEND AND RE-ENACT SUBSECTION 3.1304 OF SECTION 3.13 OF ARTICLE III, SUBSECTION 7.109 OF SECTION 7.1 OF ARTICLE VII AND SUBSECTION 11.203 OF SECTION 11.2 OF ARTICLE XI OF APPENDIX A OF THE ZONING ORDINANCE OF THE CITY OF CROWLEY AND TO ADD SECTION 11.4 TO ARTICLE XI OF APPENDIX A OF THE ZONING ORDINANCE OF THE CITY OF CROWLEY; TO PROVIDE FOR THE PROVISIONS HEREOF TO BE SEVERABLE; TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT THERETO OR IN CONFLICT THEREWITH; AND TO PROVIDE FOR ALL MATTERS RELATIVE OR PERTAINING THERETO.

WHEREAS, the cost of issuing permits, review of plans and inspections has not been increased in many years; and

WHEREAS, the cost of administration and handling of those fees and permits have substantially increased; and

WHEREAS, it is necessary that the cost of providing those services be fairly allocated to the persons/entities requesting and who are directly affected by same; 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 13<sup>th</sup> day of December, 2011, at 6:00 o'clock p.m. at City Hall, Crowley, Louisiana; and

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: Subsection 3.1304 of Section 3 13 of Article III of Appendix A of the Zoning Ordinance of the City of Crowley be and the same is hereby amended and re-enacted to read as follows, to-wit:

Article III. Schedule of District Regulations Adopted

Sec. 3.13. Supplementary district regulations.

(3.1304) *Fences, walls and wedges.* 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 six (6) 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. Height measurements shall be measured vertically from ground level in the adjacent yard. Unless otherwise provided for in the Code of Ordinances of the City of Crowley, a permit fee for all fences shall be forty & no/100 (\$40.00) dollars plus an additional fee of two & no/100 (\$2.00) dollars for investigation of complaints.

SECTION 2: Subsection 7.109 of Section 7.1 of Article VII of Appendix A of the Zoning Ordinance of the City of Crowley be and the same is hereby amended and re-enacted to read as follows, to-wit:

Article VII. Regulation of Signs.

Sec. 7.1. General restrictions.

(7.109) Unless otherwise provided in these regulations , all signs shall be constructed and erected in accordance with the building code for the City of Crowley and a fee of seventy-five & no/100 (\$75.00) dollars for non-electric signs shall be charge.

SECTION 3: Subsection 11.203 of Section 11.2 of Article XI of Appendix A of the Zoning Ordinance of the City of Crowley be and the same is hereby amended and re-enacted to read as follows, to-wit:

Article XI. Amendments and Petitions

Sec. 11.2. Petitions.

(11.203) For each petition for a change in the classification of property or a portion thereof for which a change of classification is requested, regardless of the number of acres or size of the parcel, the fee shall be two hundred fifty & no/100 (\$250.00) dollars. Under no conditions or circumstances shall said sum or any part thereof be refunded for failure of said request to be adopted by the Mayor and Board of Aldermen. The petitioner or property owner shall also pay the direct cost of recording and transcribing the hearing to writing of all testimony given at the public hearing held by the Zoning Commission.

SECTION 4: Section 11.4 of Article XI of Appendix A of the Zoning Ordinance of the City of Crowley be and the same is hereby added thereto to read as follows, to-wit:

Article XI. Amendments and Petitions

Sec. 11.4.

All applications for all variances, including trailer petitions and request for home occupancies, shall be thirty-five & no/100 (\$35.00) dollars and for requests for conditional use(s) permit or zoning variance an additional one hundred fifty & no/100 (\$150.00) dollars.

SECTION 5: 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 6: All ordinances or parts of ordinances inconsistent with or in conflict herewith be and the same are hereby repealed;

THUS DONE AND ADOPTED in regular session duly convened on this the 13<sup>th</sup> day of December, 2011, at Crowley, Acadia Parish, Louisiana, after a roll call vote as follows:

YEAS: Bryan Borill, J. Elliot Doré, Jeff Doré, Lyle Fogleman, Vernon Martin, Mary Melancon, and Steven Premeaux

NAYS: None

ABSTAIN: None

ABSENT: Laurita Pete and Kitty Valdetero

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GREG A. JONES, MAYOR

ATTEST:

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JUDY L. ISTRE, CITY CLERK

**OTHER BUSINESS:**

Ms. Beverly Morris with the Dept. of Children & Family Services requested support from the city to encourage the Acadia Parish Police Jury to sponsor their Senior Citizen program. A motion was offered by Alderman Vernon Martin and seconded by Alderman Jeff Doré to authorize Mayor Jones to write a letter in support of a sponsorship from the Acadia Parish Police Jury for the Senior Citizen program. Motion carried.

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

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GREG A. JONES, Mayor

ATTEST:

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JUDY L. ISTRE, City Clerk

Presented rough draft to Mayor on December 14, 2011 at 3:00 p.m.

Presented for Mayor's signature on December 15, 2011 at 9:00 a.m.

Mayor signed & returned to City Clerk on December 15, 2011 at 4:30 p.m.

Published on December 23, 2011