

CITY OF CROWLEY
REGULAR COUNCIL MEETING
January 14, 2003

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 14th day of January, 2003, 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, Tiger Istre, Woody Marceaux, Vernon Martin, Mary T. Melancon, Laurita D. Pete, Steven C. Premeaux, Ira Thomas and Kitty Valdetero.

Alderwoman Melancon led the Pledge of Allegiance to the flag and Alderman Martin gave the invocation.

APPEARANCES:

Mr. Adren Wilson came before the assembly requesting the support of the bill entitled "Leave no Child Behind".

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

RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF CROWLEY, ACADIA PARISH, LOUISIANA, IN SUPPORT OF THE ACT TO LEAVE NO CHILD BEHIND

WHEREAS, a comprehensive National Policy is necessary to insure that every child is protected from neglect, abuse, and violence, provided decent and affordable housing, the opportunity to succeed in school and to be free from hunger; and

WHEREAS, a board range of National programs, services and policy initiatives is necessary to improve the lives of the Nations children; and

WHEREAS, a comprehensive agenda which provides for the needs of all children will strengthen and support the families and communities of this Nation; and

WHEREAS, the "Act to Leave No Child Behind" (S.940/H.R. 1990) sponsored by eleven (11) members of the United States Senate and eighty-one (81) members of the United States House of Representatives, sets forth a comprehensive National Policy Agenda with specific policy objectives in the areas of health care, environmental protection, parental support, nutrition, housing, public safety, youth development and other areas designed to provide all children the opportunity for a productive future; and

WHEREAS, the development of a comprehensive plan to provide for the needs of all children will benefit the families and communities of this Nation and strengthen the opportunities for the Nation to successfully move forward in the Twenty First Century;

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 support the "Act to Leave No Child Behind" (S.940/H.R. 1990) as a comprehensive measure to provide policy objectives for a National Children's Agenda to benefit all children regardless of their economic status, race, color or religion.

THUS DONE AND ADOPTED in regular session on this the 14th day of January, 2003 at Crowley, Acadia Parish, Louisiana.

ISABELLA L. DE LA HOUSSAYE,

MAYOR
ATTEST:

JUDY L. ISTRE, CITY CLERK

PUBLIC HEARING:

Mayor de la Houssaye opened the public hearing to show cause why the improvements on Lots 9-10 of Block 2, Mear Subdivision belonging to Dora Ellen B. Dailey should not be condemned.

City Inspector, Danny Hebert, described the conditions of the dwellings and recommended to condemn it with a 90-day allowance for repairs; and if a considerable amount of work were not done in that period the homes would be demolished.

Mr. Clayton Dailey came forward to speak in favor of repairing one of the homes and evaluate the conditions of the second home to determine if it is feasible to repair it. He stated that vandals were responsible for breaking into the vacant homes and causing a considerable amount of damage.

The following resolution was offered by Alderman Thomas, duly seconded by Alderman Premeaux, and duly resolved and adopted after a roll call vote with Alderman Istre and Alderwoman Valdetero voting nay.

A RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF CROWLEY ORDERING THE CONDEMNATION OF LOTS 9 AND 10, BLOCK 2, MEAR SUBDIVISION, CITY OF CROWLEY

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

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Board of Aldermen, in regular session, duly convened, it is ordered that the building or home owned by Dora Ellen B. Dailey, being improvements located at 914 & 918 Mear Street, Lots 9 and 10 of Block 2, Mear Subdivision, Crowley, Louisiana, be and the same is hereby condemned; and it is further

ORDERED that the said building be demolished and/or removed together with all trash and debris within ninety (90) days from the date hereof.

THUS DONE AND ADOPTED on this the 14th day of January, 2003, in regular session duly convened, at Crowley, Acadia Parish, LA.

ISABELLA L. DE LA HOUSSAYE,

MAYOR
ATTEST:

JUDY L. ISTRE, CITY CLERK

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

Mayor de la Houssaye opened the public hearing to show cause why the improvements on Lot 7 of Block 3, Keller Addition belonging to Bowen Miller should not be condemned.

City Inspector, Danny Hebert, described the conditions of the dwelling and recommended to condemn it with a 60-day allowance for repairs; and if a considerable amount of work were

not done in that period the home would be demolished. There was no one present to represent the interest of the property.

Mayor de la Houssaye opened the public hearing to show cause why the improvements on Lots 9-10 of Block 2, Mear Subdivision belonging to Dora Ellen B, Dailey should not be condemned. No one came forward t

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

A RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF CROWLEY ORDERING THE CONDEMNATION OF LOT 7, BLOCK 3, KELLER ADDITION, CITY OF CROWLEY

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

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Board of Aldermen, in regular session, duly convened, it is ordered that the building or home owned by Bowen Miller, et al, being Improvements located at 324 Keller, Lot 7 of Block 3, Keller Addition, Crowley, Louisiana, be and the same is hereby condemned; and it is further

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

THUS DONE AND ADOPTED on this the 14th day of January, 2003, in regular session duly convened, at Crowley, Acadia Parish, LA.

ISABELLA L. DE LA HOUSSAYE,

MAYOR
ATTEST:

JUDY L. ISTRE, CITY CLERK

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

Mayor de la Houssaye opened the public hearing on proposed Ordinance No. 1263. The proposed ordinance on "Sewer Connections" was read by title.

A lengthy discussion was held on the proposed Ordinance with a written substitute Ordinance No. 1263 being presented.

Mayor de la Houssaye called the public hearing on Ordinance No. 1263 to a close.

Mayor de la Houssaye opened the public hearing on proposed Ordinance No. 1264. The proposed ordinance on "Regulations of Adult & Sexually Oriented Businesses" was read by title. No comments were made.

Mayor de la Houssaye called the public hearing on Ordinance No. 1264 to a close.

Mayor de la Houssaye opened the public hearing on proposed Ordinance No. 1265. The proposed ordinance to "designate East Fifteenth Street and Avenue G as a 3 Way Intersection / 3rd Street and Avenue N as a 4 Way Intersections" was read by title.

No one coming forward to speak.

Mayor de la Houssaye called the public hearing on Ordinance No. 1265 to a close.

APPOINTMENTS:

Alderwoman Melancon moved to appoint James Buatt as Mayor Pro-Tem. Seconded by Alderman Martin, and duly adopted.

Alderman Premeaux moved to appoint Mary Melancon as First Alternate Mayor Pro-Tem. Seconded by Alderman Thomas, and duly adopted.

Alderman Martin moved to appoint Laurita Pete as Second Alternate Mayor Pro-Tem. Seconded by Alderman Istre, and duly adopted.

Alderman Buatt moved to ratify the Mayor's appointment of the following Department Heads. Seconded by Alderman Martin, and duly adopted.

Thomas K. Regan – City Attorney
Judy L. Istre – City Clerk & Tax Collector
Mitchell Istre – Street Commissioner
Margaret Young – Administrative Assistant
Jackie Babineaux – Quality Manager
Russell Meche – Fire Chief
Danny Hebert – City Inspector
Kenneth Nutt – Public Works Director
Richard Pizzolatto – Director of Adult Recreation
Tim Robichaux – Director of Youth Recreation
Brian Mallet – Wastewater Superintendent

READING & APPROVAL OF MINUTES / BILLS:

Alderman Martin moved to dispense with the reading of the minutes of the December 10, 2002 regular council meeting; and approve them as written and distributed to each Alderman. Seconded by Alderwoman Pete and duly adopted.

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

MAYOR'S REPORT:

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

STANDING COMMITTEE REPORTS:

PUBLIC WORKS:

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

RESOLUTION OF TERMINATION

A resolution authorizing and directing the Mayor to execute for and on behalf of the City of Crowley, a Notice of Termination for Grubbs Emergency Services, L.L.C., Contractor, pertaining to the substantial completion of the contract subject to a punch list attached hereto and made a part of this Resolution, for "Hurricane Lili Cleanup" for the City of Crowley in accordance with the documents pertaining thereto.

WHEREAS, Grubbs Emergency Services, L.L.C., as Contractor, has substantially completed "Hurricane Lili Cleanup" for the City of Crowley in accordance with the contract documents pertaining thereto; and

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

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

substantially completed, and that the Mayor be authorized and directed to have a copy of said acceptance recorded in the Conveyance Records of the Parish of Acadia, State of Louisiana.
ADOPTED: January 14, 2003

ISABELLA L. DE LA HOUSSAYE,

MAYOR
ATTEST:

JUDY L. ISTRE, CITY CLERK

Alderman Melancon moved to authorize the City Attorney and the Police Jury Attorney to write a letter to HUD for the proposed abandonment of Kathy Apartment Bridge and Street. Seconded by Alderman Istre and duly adopted.

UTILITY:

Alderman Martin moved to authorize the purchase and installation of up to five (5) overflow monitors for the sanitary sewerage system at a cost not to exceed \$12,000 per monitor and refer to Revenue & Finance Committee for funding considerations. Seconded by Alderman Melancon and duly adopted.

Alderman Martin moved to approve Partial Payment No. 7 to B & K Construction Co. for the "North Crowley Pump Station and Collection Line Upgrade" project in the amount of \$122,100.47. Seconded by Alderman Valdetero and duly adopted.

Alderman Martin moved to approve Change Order No. 2 to B & K Construction Co. for the "North Crowley Pump Station and Collection Line Upgrade" project in the amount of \$11,350.00. Seconded by Alderman Thomas and duly adopted.

Alderman Martin moved to approve Partial Payment No. 1 to Waste Water Services, Inc. for the Sewer Extension on Capital Avenue for the Acadia Parish Detention Center in the amount of \$10,106.95; and approve Change Order No. 1 in the amount of (minus) \$1,644.00 to adjust contract quantities to final quantities. Seconded by Alderman Melancon and duly adopted. The following resolution was offered by Alderman Martin, duly seconded by Alderman Melancon, and duly resolved and adopted.

RESOLUTION OF TERMINATION

A resolution authorizing and directing the Mayor to execute for and on behalf of the City of Crowley, a Notice of Termination for Wastewater Services, Inc., Contractor, pertaining to the substantial completion of the contract subject to a punch list attached hereto and made a part of this Resolution, for "Sewer Line Extension to the Acadia Parish Detention Center Expansion" for the City of Crowley in accordance with the plans and specifications contained in the contract documents pertaining thereto.

WHEREAS, Wastewater Services, Inc., as Contractor, has substantially completed "Sewer Line Extension to the Acadia Parish Detention Center Expansion" for the City of Crowley in accordance with the plans and specifications contained in the contract documents pertaining thereto; and

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

NOW, THEREFORE, BE IT RESOLVED by the City of Crowley Board of Aldermen that the Mayor of said City of Crowley be, and is hereby empowered, authorized and directed to execute a Notice of Termination for and on behalf of the City of Crowley accepting the work as being substantially completed, and that the Mayor be authorized and directed to have a copy of said acceptance recorded in the Conveyance Records of the Parish of Acadia, State of Louisiana.

ADOPTED: January 14, 2003

ISABELLA L. DE LA HOUSSAYE,

MAYOR
ATTEST:

JUDY L. ISTRE, CITY CLERK

Alderman Martin moved to authorize the City Attorney to address a letter to the Sheriffs Department and the Police Jury requesting a screening device be installed on the property of the Detention Center sewer service line. Seconded by Alderwoman Pete and duly adopted.

Alderman Martin moved to authorize Mader-Miers Engineering to proceed with the necessary survey and design services for "Replacement of the Avenue I and Hockaday Pump Stations Force Mains" and refer this to the Revenue and Finance Committee for funding considerations. Seconded by Alderman Buatt and duly adopted.

Alderman Martin moved to authorize Mader-Miers Engineering to proceed with the necessary survey and design services for the "Wastewater Treatment Facility Driveway and Parking Lot Repairs", seek possible funds from FEMA, and refer this to the Revenue and Finance Committee for funding considerations. Seconded by Alderwoman Melancon and duly adopted.

PUBLIC SAFETY:

The following resolution was offered by Alderman Buatt, 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, ORDERING AND ISSUING A RULE TO SHOW CAUSE FOR CONDEMNATION OF PROPERTY

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

WHEREAS, notice has been issued to the property owner, Mark Anthony & Wyla V. Crosby, 1693 Red Lick Road, Ville Platte, Louisiana, by the City Inspector's office for repairs and/or demolition to be made of the improvements on Lots 2,3,4,5,6,7 & 8 of Block 23, of the Andrus Addition, City of Crowley, having a municipal address of 1014 East Cedar, Crowley, Louisiana; and

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

NOW THEREFORE, BE IT RESOLVED by the Mayor and Board of Aldermen of the City of Crowley, in regular session duly convened, that notice of rule to show cause should be issued to Mark Anthony & Wyla V. Crosby for a public hearing to be held by the Mayor and Board of Aldermen on the 11th day of February, 2003, at 6:00 p.m. for the condemnation of the improvements of on Lots 2,3,4,5,6,7 & 8 of Block 23, of the Andrus Addition and that said notice be properly recorded and served upon the property owner pursuant to law.

THUS DONE AND ADOPTED by the Board of Aldermen of the City of Crowley, Acadia Parish, Louisiana, on this the 14th day of January 2003, in regular session duly convened, at Crowley, Acadia Parish, LA.

ISABELLA L. DE LA HOUSSAYE, MAYOR

ATTEST:

JUDY L. ISTRE, CITY CLERK

Alderman Buatt offered a motion to allow Police Officers that reside within the Parish to utilize the “take home car policy” that would allow a 20 miles radius outside the corporate limits.

Seconded by Alderman Thomas and duly adopted.

Alderman Buatt offered a motion to hire Luke LeBlanc effective January 13, 2003 as a Police Officer and refer to Insurance and Personnel Committee. Seconded by Alderman Premeaux and duly adopted.

Alderman Buatt offered a motion to transfer funds from the Special 7 Bond Account in the amount of \$5,500 to be placed in the Police Department’s Capital Outlay account for the purchase of an Intoxilyzer 5000 machine. Seconded by Alderman Premeaux and duly adopted.

Alderman Buatt offered a motion to rescind the action taken on the application for a liquor license for Tommy Cormier and to reintroduce an application for approval based on his application for expungement from record for a prior conviction. Seconded by Alderwoman Melancon and duly adopted.

Alderman Buatt offered a motion to hire Marcus DeVille as a Provisional Hire Police Officer effective January 16, 2003 contingent upon Civil Service scores and refer to the Insurance and Personnel Committee. Seconded by Alderman Premeaux and duly adopted.

Alderman Buatt offered a motion to approve a new application from Tommy Cormier for a 2003 Class A – Retail Outlet Beer Permit for Cormier’s Cajun Restaurant located at 322 South Eastern Avenue, Crowley, LA. Seconded by Alderwoman Melancon and duly adopted.

Alderman Buatt offered a motion to approve a new application from Keith Ardoin for a 2003 Class B – Retail Package Beer and 2003 Class B – Retail Package Liquor Permit for the Corner Store located at 701 West 4th Street, Crowley, LA. Seconded by Alderwoman Pete and duly adopted.

Alderman Buatt offered a motion to approve the renewal of a 2003 Class A- Retail Outlet Beer Permit for Laura Beniot, d/b/a Old Tyme Café’ located at 305 West Oak Street, Crowley, LA. Seconded by Alderwoman Melancon and duly adopted.

Alderman Buatt offered a motion to approve the renewal of 2003 Class B – Retail Package Beer and 2003 Class B – Retail Package Liquor Permit for Diamond Shamrock #378 located at 1754 North Parkerson Avenue, Crowley, LA. Seconded by Alderwoman Melancon and duly adopted.

PUBLIC BUILDING:

Alderman Premeaux moved to authorize the Mayor to advertise for bids for the Crowley Administrative Offices/Rice Interpretative Center/ Recording Studio Museum following approval of plans by Facility Planning. Seconded by Alderman Buatt and duly adopted.

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

RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF CROWLEY, ACADIA PARISH, LOUISIANA, AUTHORIZING TERMINATION OF THE CONTRACT FOR THE CROWLEY ENTERPRISE CENTER

WHEREAS, the Enterprise Center suffered severe damage to the roof and interior as a result of high winds and rain during Hurricane Lili on October 3, 2002; and

WHEREAS, an emergency was declared for the immediate repair of the Center and to mitigate further damage to the building and facilities and to maintain occupancy of the facility by the lessees of the City of Crowley; and

WHEREAS, a contract for repairs was entered into with E. L. Habetz Builders, Inc.; and

WHEREAS, E. L. Habetz Builders, Inc. has tendered the building and facilities to the City as substantially complete.

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 do hereby authorize, empower and direct the Honorable Isabella L. de la Houssaye, Mayor to execute a Notice of Substantial Completion and Termination of the Contract dated October 11, 2002 with E. L. Habetz, Inc. recorded under Original Act Number 705025 in Mortgage Book 638 at Page 690 records of the Clerk and Recorder of Acadia Parish, Louisiana, and file Notice of the Termination of the work by the contractor in the records of the Clerk and Recorder of Acadia Parish, Louisiana.

THUS DONE AND SIGNED at Crowley, Acadia Parish, Louisiana, on this the 14th day of January, 2003.

ISABELLA L. DE LA HOUSSAYE, MAYOR

ATTEST:

JUDY L. ISTRE, CITY CLERK

Alderman Martin moved for the City to co-host a breakfast at a cost of \$200.00 for the training workshop of LACSO, Inc. in January 2003. Seconded by Alderwoman Pete and duly adopted.

INSURANCE & PERSONNEL:

Alderwoman Pete moved to approve the Worker's Compensation Policy effective January 1, 2003 through December 31, 2003. Seconded by Alderman Istre and duly adopted.

Alderwoman Pete moved to hire Luke LeBlanc effective January 13, 2003 as a Police Officer. Seconded by Alderman Buatt and duly adopted.

Alderwoman Pete moved to hire Marcus DeVille as a Provisional Hire Police Officer effective January 16, 2003 contingent upon Civil Service scores. Seconded by Alderwoman Melancon and duly adopted.

Alderwoman Pete moved to hire Sarah Breaux as a Police Officer effective January 30, 2003. Seconded by Alderman Buatt and duly adopted.

REVENUE & FINANCE:

Alderwoman Valdetero offered a motion to amend the Fiscal 2003 budget and appropriate \$60,000 from the Fund Balance of the Utility Fund to the Sewer Department's Capital Outlay account, for the purchase and installation of up to five (5) overflow monitors for the sanitary sewer system at a cost not to exceed \$12,000 per monitor. Seconded by Alderman Marceaux and duly adopted.

Alderwoman Valdetero offered a motion to amend the Fiscal 2003 budget and appropriate \$300,000 from the Fund Balance of the Utility Fund to the Sewer Department's Capital Outlay account, for the "Replacement of the Avenue I and Hockaday Pump Station Force Main". Seconded by Alderman Premeaux and duly adopted.

Alderwoman Valdetero offered a motion to amend the Fiscal 2003 budget and appropriate up to \$90,000 from the Fund Balance of the Utility Fund to the Disposal Department's Capital Outlay account, for the "Wastewater Treatment Facility Driveway and Parking Lot Repairs" and direct the Mayor to seek possible funds from FEMA. Seconded by Alderwoman Melancon and duly adopted.

Alderwoman Valdetero offered a motion to amend the Fiscal 2003 budget and approve the transfer of funds from the Special 7 Bond Checking Account in the amount of \$5,500 to be

placed in Police Department's Capital Outlay account, for the purchase of an Intoxilyzer 5000 machine. Seconded by Alderman Istre and duly adopted.

Alderwoman Valdetero offered a motion to amend the Fiscal 2003 General Fund Budget and appropriate \$1,410,000 from the Fund Balance of the General Fund to the Non Departmental's Disaster account, for the expenses associated with Hurricane Lili. Seconded by Alderman Martin and duly adopted.

ORDINANCES:

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

ORDINANCE NO. 1263

AN ORDINANCE TO AMEND AND RE-ENACT SECTION 10-20 OF ARTICLE II OF CHAPTER 10 OF THE CODE OF ORDINANCES OF THE CITY OF CROWLEY, PROVIDING FOR SEWER CONNECTIONS REQUIRED WITHIN THE CITY OF CROWLEY; TO AMEND AND RE-ENACT SECTION 10-21 OF ARTICLE II OF CHAPTER 10 OF THE CODE OF ORDINANCES OF THE CITY OF CROWLEY PROHIBITING PRIVATE DISPOSAL SYSTEMS WITHIN THE CITY OF CROWLEY AND PROVIDING EXCEPTIONS THERETO; TO AMEND AND RE-ENACT SECTION 10-24 OF ARTICLE II OF CHAPTER 10 OF THE CODE OF ORDINANCES OF THE CITY OF CROWLEY AUTHORIZING CONNECTIONS TO PROPERTY OUTSIDE OF THE CITY OF CROWLEY; AND TO PROVIDE FOR ALL MATTERS IN CONNECTION THEREWITH; AND TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES CONTRARY THERETO.

WHEREAS, the provisions of Article II of Chapter 10 of the Code of Ordinances relative to mandatory sewer connections required and the use of private disposal systems within the City of Crowley are in conflict with the regulations of the Department of Health of the State of Louisiana; and

WHEREAS, it is desirable that the provisions of the City's Utility Code to be consistent with the State Health Code; and

WHEREAS, property owners situated outside of the corporate limits who request Wastewater Treatment Services from the City of Crowley should be annexed into the City; and

WHEREAS, it has been the policy to require such owners to petition for annexation of their property; and

WHEREAS, property owners newly annexed by the City, currently utilizing properly maintained private Wastewater Treatment and Disposal Systems meeting the requirements of the State and Sanitary Code should be allowed to use their systems for a reasonable period of time subsequent to the Annexation of the property; 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 14th day of January, 2003 at 6:00 p.m.; and

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: That Section 10-20 of Article II of Chapter 10 of the Code of Ordinances of the City of Crowley, be and it is hereby amended to read as follows:

Section 10-20. Sewer connection required.

(a) All plumbing, fixtures, sewer disposal facilities, and waste fixtures within a structure or located on any premises (either public or private), shall be connected to the Wastewater Treatment Sewer System of the City of Crowley, when determined by the City Inspector there is available a main or lateral sewer line; after taking into consideration, among other aspects, the separation (both horizontal and vertical) of the structure in question and the sewer main or lateral, the municipal boundary, geographic location or other legally created boundaries and the available capacity of the wastewater treatment system, however, no connection(s) shall be permitted unless the property and the premises shall be situated within the corporate limits of the City.

(b) In the event a premises within the corporate limits or newly annexed into the corporate limits currently utilizes a private Wastewater Treatment and Disposal System meeting the requirements of the State Sanitary Code, as approved by the State Health officer and the City Inspector, such premises may continue to utilize a properly maintained private Sewage Treatment System for a period not to exceed five (5) years from the date of Annexation of the premises by the City.

SECTION 2: That Section 10-21 of Article II of Chapter 10 of the Code of Ordinances of the City of Crowley, be and is hereby amended to read as follows:

Section 10-21. Private sewage disposal systems, regulations.

(a) It shall be unlawful to use or install septic tanks, field drainage systems, mechanical plants, or any type of waste facility not connected to the sanitary sewer system on any premises, when a determination of available facilities has been made by the City Inspector as provided in Section 20 hereof.

(b) In the event that a premise is not required to be connected to a public sewer main or lateral, wastewater or sewage shall be disposed of only in a properly constructed and maintained mechanical plant or other acceptable means of private sewage treatment. All means of private wastewater treatment and disposal shall meet the requirements of the State Sanitary Code and shall be inspected and approved by the state health officer or representative thereof, and/or the City Inspector, as may be required by the codes, ordinances or regulations applicable thereto.

SECTION 3: That Section 10-24 of Article II of Chapter 10 of the Code of Ordinances of the City of Crowley, be and it is hereby amended to read as follows:

Section 10-24. Connection(s) outside city – Authorized.

Any owner of property lying outside of the municipal limits of the City of Crowley and currently connected to the sanitary wastewater treatment system of the City, may remain connected thereto, provided such premises and systems comply with all rules and regulations relating to sewer and wastewater disposal connections and requirements of the Sanitary Code of the City of Crowley and the State of Louisiana; and pay the monthly fees and annual charges, as may be required.

SECTION 4: All ordinances in conflict herewith or contrary hereto, be and the same are hereby repealed.

SECTION 5: 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 14th day of January, 2003 at Crowley, Acadia Parish, LA, after a roll call vote as follows:

YEAS: James M. Buatt, Tiger Istre, Woody Marceaux, Vernon Martin, Laurita D. Pete, Mary T. Melancon, Steven Premeaux, Ira Thomas and Kitty Valdetero

NAYS: None

ABSENT: None

ABSTAIN: None

ISABELLA L. DE LA HOUSSAYE, MAYOR

ATTEST:

JUDY L. ISTRE, CITY CLERK

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

ORDINANCE NO. 1264

AN ORDINANCE TO AMEND CHAPTER 11 OF THE CODE OF ORDINANCES OF THE CITY OF CROWLEY, BY ADDING THERETO ARTICLE VI, REGULATION OF ADULT AND SEXUALLY ORIENTED BUSINESSES; TO PROVIDE FOR THE LICENSING, HOURS OF OPERATION, LOCATION, AND OTHER MATTERS RELATED THERETO; AND TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH OR CONTRARY THERETO.

Section

- 6-201 Purpose and Findings
- 6-202 Definitions
- 6-203 Classification
- 6-204 License Required
- 6-205 Issuance of License
- 6-206 Fees
- 6-207 Inspection
- 6-208 Expiration of License
- 6-209 Suspension
- 6-210 Revocation
- 6-211 Hearing; License Denial, Suspension, Revocation; Appeal
- 6-212 Transfer of License
- 6-213 Location of Sexually Oriented Business
- 6-214 Regulations Pertaining to Exhibition of Sexually Explicit Films, Videos, or Live Entertainment in Viewing Rooms
- 6-215 Additional Regulations for Escort
- 6-216 Additional Regulations Concerning Public Nudity
- 6-217 Prohibition Against Children in a Sexually Oriented Business
- 6-218 Hours of Operation
- 6-219 Exemptions
- 6-220 Injunction
- 6-221 Severability
- 6-222 Conflicting Ordinances Repealed
- 6-223 Effective Date

WHEREAS, sexually oriented businesses require special supervision from the public safety agencies of the City in order to protect and preserve the health, safety, morals, and welfare of the patrons of such businesses as well as the citizens of the City; and

WHEREAS, the City Council finds that sexually oriented businesses are frequently used for unlawful sexual activities, including prostitution, and for sexual liaisons of a casual nature; and

WHEREAS, the concern over sexually transmitted diseases is a legitimate health concern of the City which demands reasonable regulation of sexually oriented businesses in order to protect the health and well-being of the citizens; and

WHEREAS, licensing is a legitimate and reasonable means of accountability to ensure that operators of sexually oriented businesses comply with reasonable regulations and to ensure that operators do not knowingly allow their establishments to be used as places of illegal sexual activity or solicitation; and

WHEREAS, there is convincing documented evidence that sexually oriented businesses, because of their very nature, have a deleterious effect on both the existing businesses around them and the surrounding residential areas adjacent to them, causing increased crime and the downgrading of property values; and

WHEREAS, it is recognized that sexually oriented business, due to their nature, have serious objectionable operational characteristics, particularly when they are located in close proximity to each other, thereby contributing to urban blight and downgrading the quality of life in the adjacent area; and

WHEREAS, the City Council desires to minimize and control these adverse effects and thereby protect the health, safety, and welfare of the citizenry; protect the citizens from increased crime; preserve the quality of life; preserve the property values and character of surrounding neighborhoods, and deter the spread of urban blight; and

WHEREAS, the City Council had determined that location criteria alone do not adequately protect the health, safety, and general welfare of the people of this City; and

WHEREAS, it is not the intent of this Ordinance to suppress any speech activities protected by the First Amendment, but to enact a content-neutral ordinance which addresses the secondary effects of sexually oriented businesses; and

WHEREAS, it is not the intent of the City Council to condone or legitimize the distribution of obscene material, and the Council recognizes that state and federal law prohibits the distribution of obscene materials, and expects and encourages state law enforcement officials to enforce state obscenity statutes against any such illegal activities in the City.

Pursuant to the authority granted by the Constitution and the legislature of the State of Louisiana, be it enacted by the Board of Aldermen of the City of Crowley, Acadia Parish, Louisiana:

SECTION 6-201. Purpose and findings.

(a) *Purpose:* It is the purpose of this Ordinance to regulate sexually oriented business in order to promote the health, safety, morals, and general welfare of the citizens of the City, and to establish reasonable and uniform regulations to prevent the deleterious location and concentration of sexually oriented businesses within the City. The provisions of this Ordinance have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent nor effect of this Ordinance to restrict or deny access by adults to sexually oriented materials protected by the First Amendment; or to deny access by the distributors and exhibitors of

sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this Ordinance to condone or legitimize the distribution of obscene material.

(b) *Findings*: Based on evidence concerning the adverse secondary effects of adult uses on the community presented in hearings and in reports made available to the council, and on findings incorporated in the cases of *City of Renton v. Playtime Theatres, Inc.*, 475 U.S. 41 (1986), *Young v. American Mini Theatres*, 426 U.S. 50 (1976), *FW/PBS, Inc. v. City of Dallas*, 493 U.S. 215 (1990), *Barnes v. Glen Theatre, Inc.*, 501 U.S. 560 (1991), *City of Erie v. Pap's A.M.*, 120 S. Ct. 1382 (2000), and on studies in other communities including, but not limited to: Phoenix, Arizona; Minneapolis, Minnesota; St. Paul, Minnesota; Houston, Texas; Indianapolis, Indiana; Amarillo, Texas; Garden Grove, California; Los Angeles, California; Whittier, California; Austin, Texas; Seattle, Washington; Oklahoma City, Oklahoma; Cleveland, Ohio; Beaumont, Texas; Dallas, Texas; Newport News, Virginia; Bellevue, Washington; New York, New York; and St. Croix County, Wisconsin; and also on findings from the *Report of the Attorney General's Working Group On The Regulation Of Sexually Oriented Businesses* (June 6, 1989, State of Minnesota), the Council finds:

(1) Sexually oriented businesses lend themselves to ancillary unlawful and unhealthy activities that are presently uncontrolled by the operators of the establishments. Further, there is presently no mechanism to make the owners of these establishments responsible for the activities that occur on their premises.

(2) Certain employees of sexually oriented businesses, defined in this Ordinance as adult theaters and adult cabarets, engage in higher incidence of certain types of illicit sexual behavior than employees of other establishments.

(3) Sexual acts, including masturbation, and oral and anal sex, occur at sexually oriented businesses, especially those which provide private or semi-private booths or cubicles for viewing films, videos, or live sex shows.

(4) Offering and providing such space encourages such activities, which creates unhealthy conditions.

(5) Persons frequent certain adult theaters, adult arcades, and other sexually oriented businesses for the purpose of engaging in sex within the premises of such sexually oriented businesses.

(6) At least 50 communicable diseases may be spread by activities occurring in sexually oriented businesses, including, but not limited to, syphilis, gonorrhea, human immunodeficiency virus infection (HIV-AIDS), genital herpes, hepatitis B, Non A, Non B amebiasis, salmonella infections, and shigella infections.

(7) Since 1981 and to the present, there has been an increasing cumulative number of reported cases of AIDS (acquired immunodeficiency syndrome) caused by the human immunodeficiency virus (HIV) in the United States: 600 in 1982; 2,200 in 1983; 4,600 in 1984; 8,555 in 1985; and 253,448 through December 31, 1992.

(8) There have been increased numbers of reported cases of AIDS in the State of Louisiana.

(9) Since 1981 and to the present, there has been an increasing cumulative number of persons testing positive for the HIV antibody test in Southwest Louisiana.

(10) The number of cases of early (less than one year) syphilis in the United States reported annually has risen, with 33,613 cases reported in 1982, and 45,200 through November, 1990.

(11) The number of cases of gonorrhea in the United States reported annually remains at high level, with over one-half million cases being reported in 1990.

(12) In his report of October 22, 1986, the Surgeon General of the United States has advised the American Public that AIDS and HIV infection may be transmitted through sexual contact, intravenous drug abuse, exposure to infected blood and blood components, and from an infected mother to her newborn.

(13) According to the best scientific evidence, AIDS and HIV infection, as well as syphilis and gonorrhea, are principally transmitted by sexual acts.

(14) Sanitary conditions in some sexually oriented businesses are unhealthy, in part, because the activities conducted there are unhealthy and, in part, because of the unregulated nature of the activities and the failure of the owners and the operators of the facilities to self-regulate those activities and maintain those facilities.

(15) Numerous studies and reports have determined that semen is found in the areas of sexually oriented businesses where persons view "adult" oriented films.

(16) The findings noted in Subsections (1) through (15) raise substantial governmental concerns.

(17) Sexually oriented businesses have operational characteristics which should be reasonably regulated in order to protect those substantial governmental concerns.

(18) A reasonable licensing procedure is an appropriate mechanism to place the burden of that reasonable regulation on the owners and the operators of the sexually oriented businesses. Further, such a licensing procedure will place an incentive on the operators to see that the sexually oriented business is run in a manner consistent with the health, safety, and welfare of its patrons and employees, as well as the citizens of the City. It is appropriate to require reasonable assurances that the licensee is the actual operator of the sexually oriented business, fully in possession and control of the premises and activities occurring therein.

(19) Removal of doors on adult booths and requiring sufficient lighting on premises with adult booths advances a substantial governmental interest in curbing the illegal and unsanitary sexual activity occurring in adult theaters.

(20) Requiring licensees of sexually oriented businesses to keep information regarding current employees and certain past employees will help reduce the incidence of certain types of criminal behavior by facilitating the identification of potential witnesses or suspects and by preventing minors from working in such establishments.

(21) The disclosure of certain information by those persons ultimately responsible for the day-to-day operation and maintenance of the sexually oriented business, where such information is substantially related to the significant governmental interest in the operation of such uses, will aid in preventing the spread of sexually transmitted diseases.

(22) In the prevention of the spread of communicable diseases, it is desirable to obtain a limited amount of information regarding certain employees who may engage in the conduct which this Ordinance is designed to prevent, or who are likely to be witnesses to such conduct.

(23) The fact that an applicant for an adult use license has been convicted of a sexually related crime leads to the rational assumption that the applicant may engage in that conduct in contravention of this Ordinance.

(24) The barring of such individuals from the management of adult uses for a period of years serve as a deterrent to, and prevents conduct which leads to, the transmission of sexually transmitted diseases.

(25) The general welfare, health, morals, and safety of the citizens of the City will be promoted by the enactment of this Ordinance.

SECTION 6-202. Definitions.

Words, terms and phrases in this Ordinance shall be defined as follows:

(a) *Adult Arcade* means any place to which the public is permitted or invited, wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are regularly maintained to show images to five (5) or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by their emphasis upon matters exhibiting "specified sexual activities" or "specified anatomical areas."

(b) *Adult Bookstore, Adult Novelty Store or Adult Video Store* means a commercial establishment which has as a significant or substantial portion of its stock-in-trade, or derives a significant or substantial portion of its revenues, or devotes a significant or substantial portion of its interior business or advertising, or maintains a substantial section of its sales or display space for the sale or rental, for any form of consideration, of any one or more of the following:

(1) books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, compact discs, slides, or other visual representations, which are characterized by their emphasis upon the exhibition or display of "specified sexual activities" or "specified anatomical areas;"

(2) instruments, devices, or paraphernalia which are designed for use or marketed primarily for stimulation of human genital organs or for sadomasochistic use or abuse of the user or others.

(c) *Adult Cabaret* means a nightclub, bar, restaurant, or similar commercial establishment which regularly features:

(1) persons who appear semi-nude; or

(2) live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexually activities;" or

(3) films, motion pictures, video cassettes, slides or other photographic reproduction which are characterized by the exhibition or display of "specified sexually activities" or "specified anatomical areas."

(d) *Adult Motel* means a hotel, motel, or similar commercial establishment, which:

(1) offers accommodation to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the exhibition or display of "specified sexual activities" or "specified anatomical areas;" and has a sign visible from the public right-of-way which advertises the availability of this adult type of photographic reproductions; and either

(2) offers a sleeping room for rent for a period of time that is less than ten (10) hours,

(3) allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than ten (10) hours.

(e) *Adult Motion Picture Theater* means a commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."

(f) *Adult Theater* means a theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appear nude or semi-nude, or live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities."

(g) *Distinguished or Characterized by an Emphasis Upon* means the dominant or principal theme of the object referenced. For instance, when the phrase refers to films "which are distinguished or characterized by an emphasis upon the exhibition or display of specified sexual activities or specified anatomical areas," the films so described are those whose dominant or principal character and theme are the exhibition or display of "specified anatomical areas" or "specified sexual activities."

(h) *Employee, Employ, and Employment* describe and pertain to any person who performs any service on the premises of a sexually oriented business on a full-time, part-time, or contract basis, regardless of whether the person is denominated as an employee, independent contractor, agent, or by another status. *Employee* does not include a person exclusively on the premises for repair or maintenance of the premises, or for the delivery of goods to the premises.

(I) *Enforcement Officer* shall mean the City Zoning Administrator or such person as may be designated by the City Council.

(j) *Escort* means a person who, for consideration, and for another person, agrees or offers: (1) to act as a companion, guide, or date, or (2) to privately model lingerie, or (3) to privately perform a striptease

(k) *Escort Agency* means a person or business association that for a fee, tip, or other consideration, furnishes, offers to furnish, or advertises to furnish, escorts as one of its primary business purposes.

(l) *Establish or Establishment* means and includes any of the following:

(1) the opening or commencement of any sexually oriented business as a new business, to any oriented business;

(2) the conversion of an existing business, whether or not a sexually oriented business; or

(3) the addition of any sexually oriented business to any other existing sexually oriented business; or

(4) the relocation of any sexually oriented business.

(m) *Licensee* means a person in whose name a license to operate a sexually oriented business has been issued, as well as the individual listed as an applicant on the application for a license; and in the case of an employee, a person in whose name a license has been issue authorizing employment in a sexually oriented business.

(n) *Nude, Nudity or a State of Nudity* means the showing of the human male or female genitals, pubic area, vulva, anus, or anal cleft with less than a fully opaque covering, the showing of the female breast with less than a fully opaque covering of any part of the nipple, or the showing of the covered male genitals in a discernibly turgid state.

(o) *Operate or Cause to Be Operated* means to cause to function or to put or keep in a state of doing business. *Operator* means any person on the premises of a sexually oriented business who is authorized to exercise operational control of the business, or who causes to function or who puts or keeps in operation, the business. A person may be found to be operating or causing to be operated a sexually oriented business regardless of whether that person is an owner, part owner, or licensee of the business.

(p) *Person* means an individual, proprietorship, partnership, corporation, association, or other legal entity.

(q) *Regularly Features or Regularly Shown* means a consistent or substantial course of conduct, such that the films or performances exhibited constitute a substantial portion of the films or performances offered as a part of the ongoing business of the sexually oriented business.

(r) *Semi-nude or in a Semi-nude Condition* means the showing of the female breast below a horizontal line across the top of the areola at its highest point or the showing of the male or female buttocks. This definition shall include the entire lower portion of the human female breast, but shall not include any portion of the cleavage of the human female breast, exhibited by a dress, blouse, skirt, leotard, bathing suit, or other wearing apparel, provided the areola is not exposed in whole or in part.

(s) *Semi-nude Model Studio* means commercial establishment which regularly features a person (or persons) who appears semi-nude and is provided to be observed, sketched, drawn, painted, sculptured, or photographed by other persons who pay money or any form of consideration, but shall not include a proprietary school licensed by the State of Louisiana or a college, junior college or university supported entirely or in part by public taxation; a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation.

(t) *Sexually Encounter Center* means a business or commercial establishment, that as one of its principal business purposes, offers for any form of consideration, a place where two (2) or more persons may congregate, associate, or consort for the purpose of "specified sexual activities". The definition of sexual encounter center or any sexually oriented businesses shall not include an establishment where a medical practitioner, psychologist, psychiatrist, or similar professional person licensed by the state engages in medically approved and recognized sexual therapy.

(u) *Sexually Oriented Business* means an adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, semi-nude model studio, or sexual encounter center.

(v) *Specified Anatomical Areas* means

(1) the human male genitals in a discernibly turgid state, even if completely and opaquely covered.

(2) less than completely and opaquely covered human genitals, public region, buttocks, or a female breast below a point immediately above the top of the areola.

(w) *Specified Criminal Activity* means any of the following offenses:

(1) prostitution or promotion of prostitution; dissemination of obscenity; sale, distribution, or display of harmful material to a minor; sexual performance by a child; possession or distribution of child pornography; public lewdness; indecent exposure; indecency with a child; engaging in organized criminal activity relating to a sexually oriented business; sexual assault; molestation of a child; distribution of a controlled substance; or any similar offenses to those described above under the criminal or penal code of other states or countries;

(2) for which:

(A) less than two (2) years have elapsed since the date of conviction or the date of release from confinement imposed for the conviction, whichever is the later date, if the conviction is of a misdemeanor offense;

(B) less than (5) years have elapsed since the date of conviction or the date of release from confinement for the conviction, whichever is the later date, if the conviction is of a felony offense; or

(C) less than (5) years have elapsed since the date of the last conviction or the date of release from confinement for the last conviction, whichever is the later date, if the convictions are of two (2) or more misdemeanor offenses or a combination of misdemeanor offenses occurring within any twenty-four (24) month period.

(3) The fact that a conviction is being appealed shall have no effect on the disqualification of the application or a person residing with the applicant.

(x) Specified Sexual Activities means any of the following:

(1) the founding of another person's genitals, pubic region, anus, or female breasts;
(2) sex acts, normal or perverted, actual or simulated, including, intercourse, oral copulation, masturbation, or sodomy; or

(3) excretory functions as a part of, or in connection with, any of the activities set forth in (1) through (2) above.

(y) *Substantial Enlargement* of a sexually oriented business means the increase in floor areas occupied by the business by more than twenty-five (25) percent, as the floor areas exist on the date this Ordinance takes effect.

(z) *Transfer of Ownership or Control* of a sexually oriented business means and includes any of the following:

(1) the sale, lease, or sublease of the business;
(2) the transfer of securities which constitute a controlling interest in the business, whether by sale, exchange, or similar means; or
(3) the establishment of a trust, gift, or other similar legal device which transfers the ownership or control of the business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.

SECTION 6-203. Classification.

Sexually oriented businesses are classified as follows:

- (a) adult arcades;
- (b) adult bookstores, adult novelty stores, or adult video stores;
- (c) adult cabarets;
- (d) adult motels;
- (e) adult motion picture theaters;
- (f) adult theaters;
- (g) escort agencies;
- (h) semi-nude model studios; and
- (i) sexual encounter centers.

SECTION 6-204. License Required.

(a) it is unlawful:

(1) For any person to operate a sexually oriented business without a valid sexually oriented business license issued by the City pursuant to this Ordinance.

(2) For any person who operates a sexually oriented business to employ a person to work for the sexually oriented business who is not licensed as a sexually oriented business employee by the City pursuant to this Ordinance.

(3) For any person to obtain employment with a sexually oriented business without having secured a sexually oriented business employee license pursuant to this Ordinance.

(b) An application for a license must be made on a form provided by the City. All applicants must be qualified according to the provisions of this ordinance.

(c) An application for a sexually oriented business license or a sexually oriented business employee license shall file with the Enforcement Officer a completed application made on a form prescribed and provided by the City Treasurer. An application shall be considered complete if it includes the information required in this Section. The applicant shall be qualified according to the provisions of this Ordinance. The application shall be notarized. The application shall include the information called for in Subsections (1) through (6), and where applicable, Subsection (7), as follows:

(1) The full true name and any other names used in the preceding five (5) years.

(2) The current business address.

(3) Either a set of fingerprints suitable for conducting necessary background checks pursuant to this Ordinance, or the applicant's Social Security Number, to be used for the same purpose.

(4) If the applicant is for a sexually oriented business license, the name, business location, legal description, business mailing address and phone number of the proposed sexually oriented business.

(5) Written proof of age, in the form of either (i) copy of a birth certificate and current photo, (ii) a current driver's license with picture, or (iii) other picture identification document issued by a governmental agency.

(6) The issuance jurisdiction and the effective dates of any license or permit held by the applicant relating to a sexually oriented business, and whether any such license or permit has been denied, revoked, or suspended, and if so, the reason or reasons therefore.

(7) If the application is for a sexually oriented business license, the name and address of the statutory agent or other agent authorized to receive service of process.

The information provided pursuant to Subsections (1) through (7) shall be supplemented in writing by certified mail, return receipt requested to the Enforcement Officer within ten (10) working days of a change of circumstances which would render the information originally submitted false or incomplete.

(d) The application for a sexually oriented business licenses shall be accompanied by a sketch or diagram showing the configuration of the premises, including a statement of total floor space occupied by the business. The sketch or diagram need not be professionally prepared, but shall be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six (6) inches.

(e) If the person who wishes to operate a sexually oriented business is an individual, he or she shall sign the application for a license as applicant. If the person that wishes to operate a sexually oriented business is other than an individual (such as a corporation), each officer, director, general partner, or other person who will participate directly in decisions relating to management of the business shall sign the application for a license as the applicant. Each applicant must be qualified under Section 6-205, shall be considered as a licensee if a license is granted.

(f) A person who possesses a valid business license is not exempt from the requirement of obtaining any required sexually oriented business license. A person who operates a sexually oriented business and possesses a business license shall comply with the requirements and provisions of this Ordinance, where applicable.

(g) The information provided by an applicant in connection with the application for a license under this Ordinance shall be maintained by the Enforcement Officer on a confidential basis, and may be disclosed only: (1) to other governmental agencies in connection with a law enforcement or public safety function, or (2) as may otherwise be required by law or a court order.

SECTION 2-605. Issuance of License.

(a) Upon the filing of a completed application for a sexually oriented business license or a sexually oriented business employee license, the Enforcement Officer shall issue a Temporary License to the applicant, which Temporary License shall expire upon the final decision of the Enforcement Officer to deny or grant the license. Within twenty (20) days after the receipt of a completed application, the Enforcement Officer shall either issue a license, or issue a written notice of intent to deny a license, to the applicant. The Enforcement Officer shall approve the issuance of a license unless one or more of the following is found to be true:

(1) An applicant is less than eighteen (18) years of age.

(2) An applicant is delinquent in the payment of City taxes, fees, fines, or penalties assessed against or imposed upon the application in relation to a sexuality oriented business.

(3) An applicant has failed to provide information required by Section 6-204 for issuance of the license.

(4) An applicant has been convicted of a specified criminal activity. The fact that a conviction is being appealed shall have no effect under this Subsection. For the purpose of this Subsection, "conviction:"

(A) means conviction or a guilty plea; and

(B) includes a conviction of any business entity for which the applicant had, at the time of the offense leading to the conviction for a specified criminal activity, a management responsibility or a controlling interest.

(5) The license application fee required by this ordinance has not been paid.

(6) An application has falsely answered a question or request for information on the application form.

(7) The proposed sexually oriented business is located in a zoning district other than a district in which sexually oriented businesses are allowed to operate under the City of Crowley Zoning Ordinance, or is not in compliance with the location restrictions established for sexually oriented businesses in the appropriate zoning district(s).

(b) An applicant that is ineligible for a license due to Subsection (a)(4) of this Section may qualify for a sexually oriented business license only when the time period required by the applicable Subsection in Section 6-202(w) has elapsed.

(c) The license, if granted, shall state on its face the name of the person or persons to whom it is granted, the number of the license issued to that applicant, the expiration date, and, if the license is for a sexually oriented business, the address of the sexually oriented business. A sexually oriented business employee license shall contain a photograph of the licensee. The sexually oriented business license shall be posted in a conspicuous place at or near the entrance to the sexually oriented business so that it may be easily read at any time. A sexually oriented

business employee shall keep the employee's license on his or her person or on the premises where the licensee is then working or performing, and shall produce such license for inspection upon request by a law enforcement officer or other authorized city official.

SECTION 6-206. Fees.

(a) The non-refundable initial license fee and annual renewal fee for a sexually oriented business license or a sexually oriented business employee license shall be set by the City Council at an amount determined to be sufficient to pay the cost of administering this program, subject to Subsection (b) herein.

(b) In no event shall the fees exceed two hundred fifty dollars (\$250.00) for the initial license and one hundred twenty five dollars (\$125.00) for the renewal fee for a sexually oriented business license. In no event shall the fees exceed one hundred dollars (\$100.00) for the initial license, and fifty dollars (\$50.00) for the renewal fee, for a sexually oriented business employee license.

SECTION 6-207. Inspection.

(a) For the purpose of ensuring compliance with this Ordinance, an applicant, operator or licensee shall permit law enforcement officers and any other federal, state, county, or city agency in the performance of any function connected with the enforcement of this Ordinance, normally and regularly conducted by such agencies, to inspect, at any time the business is occupied or open for business, those portions of the premises of a sexually oriented business which patrons or customers are permitted to occupy.

(b) The provisions of this Section do not apply to areas of an adult motel which are currently being rented by a customer for use as a permanent or temporary habitation.

SECTION 6-208. Expiration of License.

(a) Each license shall expire one (1) year from the date of issuance and may be renewed only by making application as provided in Section 6-204. An application for renewal shall be made at least thirty (30) days before the expiration date, and when made less than thirty (30) days before the expiration date, the expiration of the license will not be affected.

(b) When the City denies renewal of a license, the applicant shall not be issued a license for one (1) year from the date of denial. If, subsequent to the denial, the City finds that the basis for denial of the renewal license has been corrected or abated, the applicant shall be granted a license if at least ninety (90) days have elapsed since the date that the denial became final.

SECTION 6-209. Suspension.

The City shall issue a written intent to suspend a license for a period not to exceed thirty (30) days if it determines that a licensee or an employee of a licensee has:

- (a) violated or is not in compliance with any section of this Ordinance; or
- (b) refused to allow an inspection of the sexually oriented business premises as authorized by this Ordinance.

SECTION 6-210. Revocation.

(a) The Enforcement Officer shall issue a written statement of intent to revoke a sexually oriented business license if a cause of suspension in Section 6-209 occurs and the license has been suspended within the preceding twelve (12) months.

(b) The Enforcement Officer shall issue a written statement of intent to revoke a sexually oriented business license if the Officer determines that:

- (1) a licensee gave false or misleading information in the material submitted during the application process;

(2) a licensee has knowingly allowed possession, use, or sale of controlled substances on the premises;

(3) a licensee has knowingly allowed prostitution on the premises;

(4) a licensee has knowingly operated the sexually oriented business during a period of time when the licensee's license was suspended;

(5) a licensee has knowingly allowed any act of sexually intercourse, sodomy, oral copulation, masturbation, or other sex act to occur in or on the licensed premises. This Subsection will not apply to an adult motel, unless the licensee knowingly allowed sexual activities to occur either (i) in exchange for money, or (ii) in a public place or within public view.

(c) The fact that a conviction is being appealed shall have no effect on the revocation of the license.

(d) When, after the notice and hearing procedure described in Section 6-211, the Enforcement Officer revokes a license, the revocation shall continue for one (1) year and the licensee shall not be issued a sexually oriented business for one (1) year from the date revocation becomes effective, provided that, if the conditions of Section 6-211(b) are met, a Provisional License will be granted pursuant to that Section. If, subsequent to revocation, the Enforcement Officer finds that the basis for the revocation found in Subsections (b)(1) and (b)(4) of this Section has been corrected or abated, the applicant shall be granted a license if at least ninety (90) days have elapsed since the date the revocation became effective.

SECTION 6-211. Hearing; License Denial, Suspension, Revocation; Appeal.

(a) If the Enforcement Officer determines that facts exist for denial, suspension, or revocation of a license under this Ordinance, the Enforcement Officer shall notify the applicant or licensee (respondent) in writing of the intent to deny, suspend, or revoke the license, including the grounds therefor, by personal delivery, or by certified mail. The notification shall be directed to the most current business address on file with the Enforcement Officer. Within five (5) working days of receipt of such notice, the respondent may provide to the Mayor, in writing, a response that shall include a statement of reasons why the license or permit should not be denied, suspended, or revoked. Within three (3) days of the receipt of respondent's written response, the Mayor shall notify respondent in writing of the hearing date on respondent's denial, suspension, or revocation proceeding.

Within ten (10) working days of the receipt of respondent's written response, the Mayor shall conduct a hearing at which respondent shall have the opportunity to be represented by counsel and present evidence and witnesses on his or her behalf. If a response is not received by the Mayor in the time stated or, if after the hearing, the Mayor finds that grounds as specified in this Ordinance exist for denial, suspension, or revocation, then such denial, suspension, or revocation shall become final five (5) days after the Mayor sends, by certified mail, written notice that the license has been denied, suspended, or revoked. Such notice shall include a statement advising the applicant or licensee of the right to appeal such decision to a court of competent jurisdiction.

If the Mayor finds that no grounds exist for denial, suspension, or revocation of a license, then within five (5) days after the hearing, the Mayor shall withdraw the intent to deny, suspend, or revoke the license, and shall so notify the respondent in writing by certified mail of such action and shall contemporaneously issue the license.

(b) When a decision to deny, suspend, or revoke a license becomes final, the applicant or licensee (aggrieved party) whose application for a license has been denied, or whose

license has been suspended or revoked, shall have the right to appeal such action to a court of competent jurisdiction. Upon the filing of any court action to appeal, challenge, restrain, or otherwise enjoin the City's enforcement of the denial, suspension, or revocation, the City shall immediately issue the aggrieved party a Provisional License. The Provisional License shall allow the aggrieved party to continue operation of the sexually oriented business or to continue employment as a sexually oriented business employee, as the case may be, and will expire upon the court's entry of a judgment on the aggrieved party's action to appeal, challenge, restrain, or otherwise enjoin the City's enforcement.

SECTION 6-212. Transfer of License.

A licensee shall not transfer his or her license to another, nor shall a licensee operate a sexually oriented business under the authority of a license at any place other than the address designated in the application.

SECTION 6-213. Location of Sexually Oriented Businesses.

(a) A person commits a misdemeanor if that person operates or causes to be operated a sexually oriented business in any zoning district other than permitted, as defined and described in the City of Crowley Zoning Ordinance.

(b) A person commits an offense if the person operates or causes to be operated a sexually oriented business within three hundred (300) feet of:

(1) A church, synagogue, mosque, temple, or building which is used primarily for religious worship and related religious activities;

(2) A public or private educational facility including, but not limited to, child day care facilities, nursery schools, preschools, kindergartens, elementary schools, private schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools, secondary schools, continuation schools, special education schools, junior colleges, and universities. "School" includes the school grounds, but does not include facilities used primarily for another purpose and only incidentally as a school;

(3) A boundary of a residential district as defined in the Zoning Ordinance;

(4) A public park or recreational area which has been designated for park or recreational activities including, but not limited to, a park, playground, nature trails, swimming pool, reservoir, athletic field, basketball or tennis courts, pedestrian/bicycle paths, wilderness areas, or other similar public land within the City which is under the control, operation, or management of the City park and recreational authorities;

(5) The property line of a lot devoted to a residential use as defined in the Zoning Ordinance;

(6) An entertainment business which is oriented primarily towards children or family entertainment; or

(7) Any premises licensed pursuant to the alcoholic beverage control regulations of the State.

(c) A person commits a misdemeanor if that person causes or permits the operation, establishment, substantial enlargement, or transfer of ownership or control of a sexually oriented business within two hundred (200) feet of another sexually oriented business.

(d) A person commits a misdemeanor if that person causes or permits the operation, establishment, or maintenance of more than one sexually oriented business in the same building, structure, or portion thereof, or the increase of floor area of any sexually oriented business in any building, structure, or portion thereof containing another sexually oriented business.

(e) For the purpose of Subsection (b) of this Section, measurement shall be made in a straight line, without regard to the intervening structures or objects, from the nearest portion of the building or structure used as the part of the premises where a sexually oriented business is conducted, to the nearest property line of the premises of a use listed in Subsection (b). The presence of a city, county or other political subdivision boundary shall be irrelevant for purposes of calculating and applying the distance requirements of this section.

(f) For purposes of Subsection (c) of this Section, the distance between any two sexually oriented businesses shall be measured in a straight line, without regard to the intervening structures or objects or political boundaries, from the closest exterior wall of the structure in which each business is located.

(g) Any sexually oriented business lawfully operating on March 1 2003, that is in violation of Subsection (a) through (f) of this Section shall be deemed a nonconforming use. The nonconforming use will be pertained to continue for a period not to exceed one (1) year, unless sooner terminated for any reason or voluntarily discontinued for a period of thirty (30) days or more. Such nonconforming uses shall not be increased, enlarged, extended, or altered except that the use of may be changed to a conforming use. If two or more sexually oriented businesses are within two hundred (200) feet of one another and otherwise in a permissible location, the sexually oriented business which was first established and continually operating at a particular location is the conforming use and the later established business(es) is/are nonconforming.

(h) A sexually oriented business lawfully operating as a conforming use is not rendered a nonconforming use by the location, subsequent to the grant or renewal of the sexually oriented business license, of a use listed in Subsection (c) of this section within two hundred (200) feet of the sexually oriented business. This provision applies only to the renewal of a valid license, and does not apply when an application is made for a license after the applicant's previous license has expired or been revoked.

SECTION 6-214. Regulations Pertaining to Exhibition of Sexually Explicit Films, Videos, or Live Entertainment in Viewing Rooms.

(a) A person who operates or causes to be operated a sexually oriented business (other than an adult motel) which exhibits on the premises, in a viewing room of less than one hundred fifty (150) square feet of floor space, a film, video cassette, live entertainment, or other video reproduction which depicts specified sexual activities or specified anatomical areas, shall comply with the following requirements:

(1) Upon application for a sexually oriented license, the application shall be accompanied by a diagram of the premises showing a plan thereof specifying the location of one or more manager's stations and the location of all overhead lighting fixtures and designating any portion of the premises in which patrons will not be permitted. A manager's station may not exceed thirty-two (32) square feet of floor area. The diagram shall also designate the place at which the permit, if granted, will be conspicuously posted. A professionally prepared diagram in the nature of an engineer's or architect's blueprint shall not be required; however, each diagram should be oriented to the north or to some designated street or object and should be drawn to a designated scale or with marked dimensions sufficient to show the various internal dimensions of all areas of the interior of the premises to a accuracy of plus or minus six (6) inches. The City may waive the foregoing diagram for renewal applications if the applicant adopts a diagram that was previously submitted and certifies that the configuration of the premises has not between altered since it was prepared.

(2) the application shall be sworn to be true and correct by the applicant.

(3) No alteration in the configuration or location of a manager's station may be made without the prior approval of the City.

(4) It is the duty of the licensee of the premises to ensure that at least one (1) licensed employee is on duty and situated in each manager's station at all times that any patron is present inside the premises.

(5) The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager's station of every area of the premises to which any patron is permitted access for any purpose, excluding restrooms. Restrooms may not contain video reproduction equipment. If the premises has two (2) or more manager's stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose from at least one of the manager's stations. The view required in this Subsection must be by direct line of sight from the manager's station.

(6) It shall be the duty of the licensee to ensure that the view area specified in Subsection (5) remains unobstructed by any doors, curtains, partitions, walls, merchandise, display racks, or other materials and, at all times, to ensure that no patron is permitted access to any area of the premises which has been designated as an area in which patrons will not be permitted in the application filed pursuant to Subsection (1) of this Section.

(7) No viewing room may be occupied by more than one (1) person at any time.

(8) The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than five (5) foot-candles as measured at the floor level.

(9) It shall be the duty of the licensee to ensure that the illumination described above is maintained at all times that any patron is present in the premises.

(10) No licensee shall allow openings of any kind to exist between viewing rooms or booths.

(11) No person shall make or attempt to make an opening of any kind between viewing booths or rooms.

(12) The licensee shall, during each business day, regularly inspect the walls between the viewing booths to determine if any openings or holes exist.

(13) The licensee shall cause all floor coverings in viewing booths to be nonporous, easily cleanable surfaces, with no rugs or carpeting.

(14) The licensee shall cause all wall surfaces and ceiling surfaces in viewing booths to be constructed of, or permanently covered by, nonporous, easily cleanable material. No wood, plywood, composition board, or other porous material shall be used within forty-eight (48) inches of the floor.

(b) A person having a duty under Subsection (1) through (14) of Subsection (a) herein commits a misdemeanor if he or she knowingly fails to fulfill that duty.

SECTION 6-215. Additional Regulations for Escort Agencies.

(a) An escort agency shall not employ any person under the age of eighteen (18) years.

(b) A person commits an offense if the person acts as an escort, or agrees to act as an escort, for any person under the age of eighteen (18) years.

SECTION 6-216. Additional Regulations Concerning Public Nudity.

(a) It shall be a misdemeanor for a person to knowingly or intentionally, in a sexually oriented business, appear in a state of nudity or engage in specified sexual activities.

(b) It shall be a misdemeanor for a person to knowingly or intentionally, in a sexually oriented business, appear in a semi-nude condition, unless the person is an employee who, while semi-nude, is at least six (6) feet from any patron or customer and on a stage at least two (2) feet from the floor.

(c) It shall be a misdemeanor for an employee, while semi-nude in a sexually oriented business to receive directly any pay or gratuity from any patron or customer, or for any patron or customer to pay or give any gratuity directly to an employee, while that employee is semi-nude in a sexually oriented business.

(d) It shall be a misdemeanor for an employee, while semi-nude, to knowingly and intentionally touch a customer or the clothing of a customer.

SECTION 6-217. Prohibition Against Children in a Sexually Oriented Business.

A person commits a misdemeanor if the person knowingly allows a person under the age of eighteen (18) years on the premises of a sexually oriented business.

SECTION 6-218. Hours of Operation.

No sexually oriented business, except for an adult motel, may remain open at any time between the hours of one o'clock (1:00) A.M. and eight o'clock (8:00) A.M. on weekdays and Saturdays, and one o'clock (1:00) A.M. and noon (12:00) P.M. on Sundays.

SECTION 6-219. Exemptions.

It is a defense to prosecution under Section 6-216 that a person appearing in a state of nudity did so in a modeling class operated:

(a) by a proprietary school, licensed by the State of Louisiana; a college, junior college, or university supported entirely or partly by taxation; or

(b) By a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or

(c) In a structure:

(1) Which has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing; and

(2) Where, in order to participate in a class, a student must enroll at least three (3) days in advance of the class; and

(3) Where no more than one (1) nude model is on the premises at any one time.

SECTION 6-220. Injunction.

A person who operates or causes to be operated a sexually oriented business without a valid license or in violation of Section 6-212 of this Ordinance is subject to a suit for injunction as well as prosecution for criminal violations. Such violations shall be punishable by a fine of \$200.00 or thirty (30) days imprisonment. Each day a sexually oriented business so operates is a separate offense or violation.

SECTION 6-221. Severability.

Each section and provision of this Ordinance are hereby declared to be independent divisions and subdivisions and, notwithstanding any other evidence of legislative intent, it is hereby declared to be the controlling legislative intent that if any provisions of said Ordinance, or the application thereof to any person or circumstance is held to be invalid, the remaining sections or provisions and the application of such sections and provisions to any person or circumstances

other than those to which it is held invalid, shall not be affected thereby, and it is hereby declared that such sections and provisions would have been passed independently of such section or provision so known to be invalid.

SECTION 6-222. Conflicting Ordinances Repealed.

All Ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 6-223. Effective Date.

This Ordinance shall be enforced from and after March 1, 2003.

THUS DONE AND ADOPTED on this the 14th day of January, 2003 at Crowley, Acadia Parish, LA, after a roll call vote as follows:

YEAS: James M. Buatt, Tiger Istre, Woody Marceaux, Vernon Martin, Laurita D. Pete, Mary T. Melancon, Steven Premeaux, Ira Thomas and Kitty Valdetero

NAYS: None

ABSENT: None

ABSTAIN: None

ISABELLA L. DE LA HOUSSAYE, MAYOR

ATTEST:

JUDY L. ISTRE, CITY CLERK

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

ORDINANCE NO. 1265

ORDINANCE TO AMEND AND RE-ENACT SECTION 14-23(c) OF CHAPTER 14 OF THE CODE OF ORDINANCES OF THE CITY OF CROWLEY, BY ADDING SUBSECTION (22) TO DESIGNATE THIRD STREET AND AVENUE N AS A FOUR WAY STOP INTERSECTION; AND TO AMEND AND RE-ENACT SECTION 14-23 (d) OF CHAPTER 14 OF THE CODE OF ORDINANCES OF THE CITY OF CROWLEY, BY ADDING SUBSECTION (2) TO DESIGNATE FIFTEENTH STREET AND AVENUE G AS A THREE WAY STOP INTERSECTION; 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 14th day of January, 2003 at 6:00 p.m.; and

WHEREAS, it is necessary that a four way stop intersection at Third Street and Avenue N be added to the Code of Ordinances; and

WHEREAS, it is necessary that a three way stop intersection at Fifteenth Street and Avenue G be added to the Code of Ordinances; and

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: That Section 14-23 (c) be amended and re-enacted to add Third Street and Avenue N as a four way stop intersection to read as follows:

Section 14-23 (c)

(22): THIRD STREET AND AVENUE N

SECTION 2: That Section 14-23 (d) be amended and re-enacted to add East Fifteenth Street and the intersection of the West right-of-way line of Avenue G as a three way stop intersection to read as follows:

Section 14-23 (d)

(2): EAST FIFTEENTH STREET AND THE INTERSECTION OF THE WEST RIGHT-OF-WAY LINE OF AVENUE G

SECTION 3: All ordinances in conflict herewith or contrary hereto, 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 14th day of January, 2003 at Crowley, Acadia Parish, LA, after a roll call vote as follows:

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

NAYS: Ira Thomas

ABSENT: None

ABSTAIN: None

ISABELLA L. DE LA HOUSSAYE, MAYOR

ATTEST:

JUDY L. ISTRE, CITY CLERK

OTHER BUSINESS:

There being no further business to come before the Council upon motion duly made by Alderman Istre and seconded by Alderman Martin the meeting was adjourned at 8:15 p.m.

ISABELLA L. DE LA HOUSSAYE, MAYOR

ATTEST:

JUDY L. ISTRE, CITY CLERK

Presented rough draft to Mayor on January 17, 2003 at 4:00 p.m.

Presented for Mayor's signature on January 29, 2003 at 2:10 p.m.

Mayor Signed & returned to City Clerk on January , 2003 at .m.

