

**IBERVILLE PARISH COUNCIL MINUTES
PUBLIC HEARING, TUESDAY, APRIL 19, 2016
PROPOSED ORDINANCES**

The Parish Council of Iberville Parish, State of Louisiana, held a Public Hearing in the Council Meeting Room, 58050 Meriam Street, Plaquemine, Louisiana, on the 19th day of April, 2016 at 6:00 P.M. pursuant to a Notice of Public Hearing posted on the 14th day of April, 2016 on the Parish website and on the Council meeting room door. The Post South did not publish the notice due to their error.

The Council Chairman, Matthew H. Jewell, called the meeting to order at 6:00 p.m. followed by the roll call with the following Council Members in attendance: Mitchel J. Ourso, Sr.; District 2; Thomas E. Dominique, Sr., District 3; Edwin M. Reeves, Jr., District 5; Courtney P. Lewis, District 6; Ty J. Arnold, District 7; Hunter S. Markins, District 8; Terry J. Bradford, District 9; Louis R. Kelley, Jr., District 10; Matthew H. Jewell, District 12; Bart B. Morgan, District 13.

Absent: Warren Taylor, District 1; Leonard Jackson, Sr., District 4; Timothy J. Vallet, District 11.

Parish President- J. Mitchell Ourso, Jr., Chief Administrative Officer- Edward Songy and Legal Counsel- Scott Stassi were also in attendance.

A quorum was present and due notice had been given.

Mr. Songy read the following ordinances in entirety.

ORDINANCE 1 Ordinance to enact additional procedures and remedies to Chapter Four, Article One pertaining to blighted property, derelict and dangerous buildings and other dangerous structures

The floor was opened to comments and questions. There was no opposition to the ordinance.

ORDINANCE 2 Ordinance establishing the Bureau of Administrative Adjudication and position of Administrative Hearing Officer

The floor was opened to comments and questions. There was no opposition to the ordinance.

ORDINANCE 3 Ordinance to accept Immovable Property from RRE FRB SBL-LA, LLC, located at municipal address of 58405 Barrow Street, Plaquemine, Louisiana 70764 by Quitclaim Deed Pursuant to Assignment of Judgment

The floor was opened to comments and questions. There was no opposition to the ordinance.

There being no further business to be conducted, the hearing was adjourned at 6:19 p.m.

/s/ KIRSHA D. BARKER
COUNCIL CLERK

/s/ MATTHEW H. JEWELL
COUNCIL CHAIRMAN

**IBERVILLE PARISH COUNCIL MINUTES
REGULAR MEETING, TUESDAY, APRIL 19, 2016**

The Parish Council of Iberville Parish, State of Louisiana, met in Regular Session, in the Council Meeting Room, 2nd Floor, Courthouse Building, 58050 Meriam Street, Plaquemine, Louisiana, on the 19th day of April, 2016.

The Council Chairman, Matthew H. Jewell, called the meeting to order at 6:30 p.m. followed by the roll call with the following Council Members in attendance: Mitchel J. Ourso, Sr.; District 2; Henry J. Scott, Jr., District 3; Leonard Jackson, Sr., District 4; Edwin M. Reeves, Jr., District 5; Salaris G. Butler, Sr., District 6; Howard Oubre, Jr., District 7; Hunter S. Markins, District 8; Terry J. Bradford, District 9; Louis R. Kelley, Jr., District 10; Matthew H. Jewell, District 12; Bart B. Morgan, District 13.

Absent: Warren Taylor, District 1; Timothy J. Vallet, District 11.

Parish President- J. Mitchell Ourso, Jr., Chief Administrative Officer- Edward Songy and Legal Counsel- Scott Stassi were also in attendance.

A quorum was present and due notice had been posted on the Parish website and on the Council meeting room door on the 14th day of April, 2016. The Post South did not publish the notice due to their error. The Pledge of Allegiance followed.

Council Chairman Jewell called for anyone wanting to make public comments to register with the Clerk. No one registered to speak.

PRESENTATIONS AND APPEARANCES

A) Proclamation for Autism Awareness Month

- Chairman Jewell read aloud the Proclamation for Autism Awareness Month. The proclamation was presented to Ms. Teresa Wilson and Mr. Daniel Verret representing Families Helping Families of Greater Baton Rouge. Ms. Teresa Wilson came before the council to speak on behalf of the organization and to announce their upcoming “7th Annual Active for Autism Run/Walk and Family Fun Fest” on Saturday, April 30, 2016. The event promotes awareness for those affected by autism. Mr. Daniel Verret came before the Council to thank them for the proclamation and for promoting autism awareness in Iberville Parish. A picture was taken for the newspaper.

B) Proclamation for the National Fair Housing Law of 1968

- Chairman Jewell read the proclamation aloud. The proclamation proclaimed the 48th Anniversary of the National Fair Housing Law, Title VIII of the Civil Rights

Act of 1968, during the month of April, as an occasion for all Americans- individually and collectively- to rededicate themselves to the principle of freedom housing discrimination whenever it exists. The proclamation will be mailed to the LA Office of Community Development.

APPROVAL OF MINUTES

Upon a motion by Councilman Reeves, and seconded by Councilman Bradford, it was moved to wave the reading of the minutes of April 19, 2016 and approve as corrected.

The motion having been duly submitted to a vote was duly adopted by the following yea and nay votes on roll call:

YEAS: Ourso, Dominique, Jackson, Reeves, Lewis, Arnold, Markins, Bradford, Kelley, Morgan.

NAYS: None.

ABSTAIN: None.

ABSENT: Taylor, Vallet.

The motion was declared adopted by the Chairman.

PRESIDENT'S REPORT

President Ourso reported on the following:

- President Ourso asked the Council to please support the two ordinances that are being introduced tonight. He recommends appointing Attorney Arthur N. Bagwell as the Parish's Administrative Hearing Officer.
- President Ourso provided the Council with pictures of the following: the water tower on Belleview Road is currently being raised, the process of raising the Choctaw water tower will begin on April 26, 2016, and pictures of Price Street's drainage improvements.
- Water District #3 experienced a boil water advisory. The water line was placed before President Ourso's administration, and over time the root system broke through the water line. The Department of Health and Hospitals (DHH) lifted the advisory as soon as the Parish replaced the water line and provided samples.
- The asbestos abatement process will begin at the same time as the replacing of the HVAC system in the Courthouse. The Parish will declare a state of emergency and will alternate closing each floor of the Courthouse for an estimated 30 days. President Ourso met with the elected officials and they will work together to relocate their offices during this state of emergency.

CHAMBER OF COMMERCE REPORT

Mr. Hank Grace was not present.

FINANCIAL REPORT

Mr. Randall Dunn stated financial statements have been sent out. The Finance Department is currently closing out last year and submitting paperwork to the auditors.

OLD BUSINESS

ORDINANCE IPC# 005-16

**ORDINANCE TO ENACT ADDITIONAL PROCEDURES AND REMEDIES TO
CHAPTER FOUR PERTAINING TO BLIGHTED PROPERTY, DERELICT AND
DANGEROUS BUILDINGS AND OTHER DANGEROUS STRUCTURES**

WHEREAS, there is a need to protect the public safety, health and welfare of the citizens of the Parish of Iberville in regard to blighted property, derelict and dangerous buildings and other dangerous structures located within the Parish of Iberville.

WHEREAS, there are numerous blighted properties, derelict and dangerous buildings and structures located in Iberville Parish. The spread of blight and the number of blighted, dangerous and derelict properties and structures in Iberville Parish continues to increase from year to year. Additionally, the number of violations of public health, housing, fire code and environmental violations continues to increase. There is a need to establish a manner in which to effectively and efficiently reduce the spread of blight and decrease the number of blighted, dangerous and derelict properties and structures within Iberville Parish.

WHEREAS, in addition to the procedures and remedies set forth in the complied ordinances for the Parish of Iberville, in Chapter Four, Article One, Section 4-1 through Section 4-11, the following procedures and remedies are enacted pertaining to blighted property, derelict and dangerous buildings and other dangerous structures:

**ARTICLE V: BLIGHTED PROPERTY, DERELICT AND DANGEROUS BUILDINGS
AND OTHER DANGEROUS STRUCTURES PROHIBITED**

Section One: Findings and declarations

In addition to and in accordance with the determination made and the authority granted by Louisiana law to secure and remove any building or other structure which, by reason of its nature or condition, endangers the public welfare or safety, La. R.S. 33:1236(49), relating to the repair and condemnation of buildings, dwellings, and other structures that have become derelict and present a danger to the health and welfare of residents of the parish, and La. R.S. 14:107.3, relating to criminal blighting of property, which means those commercial or residential premises, including lots, which have been declared vacant, uninhabitable, and hazardous by the administrative hearing officer, any such building or other structure which, by reason of its nature or condition, endangers the public welfare or safety, any such buildings, dwellings and other structures that have become derelict and present a danger to the health and welfare of residents of the parish, and any commercial or residential premises, including lots, which have been declared vacant, uninhabitable, and hazardous by the administrative hearing officer are hereby declared to

constitute a public nuisance, which is expressly prohibited and which may be abated as such in accordance with the provisions of this part.

For purposes of this ordinance, any property defined as “blighted property,” “derelict and dangerous,” “otherwise dangerous to human life” or “vacant or not lawfully occupied” shall constitute a public nuisance. Any property that is determined to be a public nuisance, following due notice and a hearing conducted in accordance with the provisions set forth herein, shall be ordered by the hearing officer to be secured and repaired, or the violation corrected, or, depending upon the circumstances, shall declare the property condemned and order it to be demolished and removed. Additionally, the hearing officer shall have all such other authority as set forth herein after.

Section Two: Standards and Definitions

A. Blighted Property. For the purposes of, and in order to meet the provisions of, R.S. 14:107.3:

(1) "Blighted property" means those commercial or residential premises, including lots, which have been declared vacant, uninhabitable, and hazardous by an administrative hearing officer. Such premises may include premises which, because of their physical condition, are considered hazardous to persons or property, have been declared or certified blighted, and have been declared to be a public nuisance by an administrative hearing officer.

(2) "Housing violations" means only those conditions in privately owned structures which are determined to constitute a threat or danger to the public health, safety, and welfare or to the environment.

(3) "Public nuisance" for purposes of blighted property, means any garage, shed, barn, house, building, or structure, that by reason of the condition in which it is permitted to remain, may endanger the health, life, limb, or property of any person, or cause any hurt, harm, damages, injury, or loss to any person in any one or more of the following conditions:

(a) The property is dilapidated, decayed, unsafe, or unsanitary, is detrimental to health, morals, safety, public welfare, and the well-being of the community, endangers life or property, or is conducive to ill health, delinquency, and crime.

(b) The property is a fire hazard.

(c) The conditions present on the property and its surrounding grounds are not reasonably or adequately maintained, thereby causing deterioration and creating a blighting influence or condition on nearby properties and thereby depreciating the value, use, and enjoyment to such an extent that it is harmful to the public health, welfare, morals, safety, and the economic stability of the area, community, or neighborhood in which such public nuisance is located.

B. Derelict and Dangerous. R.S. 33:1236 (49)(a)(I)

(1) The phrase "derelict and present a danger to the health and welfare," as used herein, shall include, but not be limited to, buildings or structures which have any of the following characteristics:

(a) Those which are structurally unsafe, as follows:

(i). Those which have interior walls or other vertical structural members that list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside the middle third of its base.

(ii). Those which, exclusive of the foundation, show thirty-three (33) percent or more of damage or deterioration of the supporting member or members or fifty (50) percent of damage or deterioration of the non-supporting, enclosing or outside walls or covering.

(iii). Those which have improperly distributed loads upon the floors or roofs or in which the same are overloaded, or which have insufficient strength to be reasonably safe for the purpose used.

(iv). As a result of deterioration, inadequate maintenance, damage by fire, wind or other causes so to have become dangerous to life, safety, morals or the general health and welfare of the occupants or people of the parish.

(b) Those which are unhealthful, as follows:

(i). Those which are so dilapidated, decayed or unsanitary or which so utterly fail to provide the amenities essential to decent living that they are unfit for human habitation, or are likely to cause sickness or disease, so as to work injury to the health, morals, safety or general welfare of those occupying such building.

(c) Those which constitute a fire hazard, as follows:

(i). Those buildings containing electrical wiring and appliances in dangerous and defective conditions likely to cause fire. Electrical wiring and appliances installed or in use which are not in compliance with the provisions of any ordinance of the parish regarding such wiring or appliances and the installation thereof shall be deemed dangerous and defective.

(ii). Those buildings containing gas plumbing or appliances in dangerous or defective condition likely to cause fire. Gas plumbing or appliances installed or in use which are not in compliance with the provisions of any ordinances of this parish regulating such plumbing and appliances and the installation thereof shall be deemed dangerous and defective.

(iii). Those buildings which contain combustible or explosive matter or accumulation of rubbish, trash or unnecessary accumulation of waste paper, boxes, shavings or any highly flammable materials especially liable to fire, therein, or in close proximity thereto.

(iv). Those buildings containing numerous openings in the walls or other unstopped spaces throughout, attributable to vandalism or general disrepair, which increased the risk of conflagration in the area.

(v). Those buildings which are vacant and have windows, doors or other openings which remain unsecured permitting entry by unauthorized persons.

(vi). Those buildings which contain other fire hazards in violation of the National Fire Prevention Act, the state fire marshal act, the building code, and provisions of the Code or other ordinances of this parish if the violation is of such a nature that the building constitutes a danger to its occupants and/or others.

(d) Those which are otherwise dangerous to human life:

(i). Those, regardless of their structural condition, which have during times that they were not actually occupied by their owners, lessees or other invitees, been left unsecured from unauthorized entry to the extent that they may be entered and utilized by vagrants or other uninvited persons as a place of harborage or may be entered and utilized by children as a play area.

(ii). Those which have part thereof which are so attached that they may fall and injure members of the public or property.

(iii). Those which are not provided with adequate egress.

(iv). Those buildings existing in violation of any provisions of this Code, the building code, the fire code, or other ordinances of this parish if the violation is of such a nature that the building constitutes a danger to its occupants and/or others.

C. Vacant or Not Lawfully Occupied: "Vacant or not lawfully occupied" building or other structure shall include but not be limited to any premises which is not actually occupied by its owner, lessee, or other invitee, and has been left unsecured or inadequately secured from unauthorized entry to the extent that the premises may be entered and utilized by vagrants or other invited persons as a place of harborage or any premises which by reason of dilapidation, deterioration, state of disrepair, or other such status is otherwise detrimental to or endangers public safety, health or welfare. The property does not have to have been declared blighted.

D. Secured: For the purposes of this Section, the term "secured" shall mean the closing of the building or structure by means of placing or attaching boards or other materials over doors, windows, and other means of entrance in order to prohibit persons from entering the building or structure and in order to maintain it in its present condition without further damage to such building or structure or danger to the public welfare and safety.

(1) A building that is boarded up, fenced or otherwise secured in any manner may, nevertheless, be deemed to be a dangerous building under the foregoing criteria if:

- (a). The building constitutes a danger to the public even though secured from entry; or
- (b). It is found that the means utilized to secure the building are not adequate to prevent unauthorized entry of the building.

Section Three: Hearing; notice and placarding of building or structure

Hearings before the administrative hearing officer shall be conducted in accordance with the provisions set forth in the ordinance establishing the Bureau of Administrative Adjudication and the Administrative Hearing Officer.

(a) If a building or structure has, upon inspection, been found to be in violation of the provisions set forth herein above, the building shall be posted with a violation notice and a written notice of the hearing shall be made in accordance with the provisions of the ordinance establishing the Bureau of Administrative Adjudication and the Administrative Hearing Officer.

(b) After completion of the presentation of testimony by all parties appearing at the scheduled hearing, the hearing officer shall make written findings of fact as to whether or not the building or structure constitutes “blighted property,” “derelict and dangerous,” “otherwise dangerous” or vacant or not lawfully occupied” according to the definitions and standards set forth in Section Two herein.

If the hearing officer finds that the building or structure is in violation of the standards and definitions set forth in Section Two herein above, the hearing officer shall issue an order directing the owner, occupant and all other persons having an interest in said building as shown by the mortgage and conveyance records of the parish where the land is located:

- (1) That the building shall be vacated if same is occupied and the hearing officer finds that the building is in such condition as to make it dangerous to the health, safety or welfare of its occupants;
- (2) That the building shall be either repaired or demolished and removed (at the owner’s option), if it can reasonably be brought into compliance by repair;
- (3) That the building be demolished and removed if it cannot reasonably be repaired; and
- (4) If the building is unoccupied and the condition of the building is such that it may be brought into compliance by securing it from unauthorized entry, then the order may provide that it be secured and be kept secured and may include or adopt written specifications that must be complied with in securing the building and the order may provide that the building be demolished and removed if it is not secured in compliance therewith.

If the hearing officer finds that the building or structure is in violation of the standards and definitions set forth Section Two herein above, the hearing officer shall order that the parish place a notice or notices in a conspicuous place on such building; such notice to read as follows:

“This building has been found to be a dangerous building. Occupancy of this building is prohibited by law as such occupancy is dangerous to the health, safety and welfare of its occupants. This notice is posted (here the notice shall set forth the date and hour such notice is posted). All persons must vacate this building not later than forty-eight (48) hours after the time of posting and shall not re-enter the same until the parish finds that the building has been repaired so as to be in compliance with the ordinances of the Parish of Iberville with the requisite permits and inspections.” This notice shall remain on this building until it is repaired or demolished.

If the hearing officer finds that the building is in such condition that repairs are allowed, the hearing officer shall order that the parish post a notice or notices in conspicuous place on such building, such notice(s) to read as follows:

“This building has been found to be a dangerous building by the Parish of Iberville. No person shall enter this building except persons authorized by the owner who enter solely for the purpose of correcting the hazardous conditions therein with the requisite permits and inspections of Iberville Parish.” This notice shall remain on this building until it is repaired or demolished.

The persons having an interest in the property shall be given a reasonable period of time in which to comply with the hearing officer’s order, such period not to exceed thirty (30) days, unless, in the judgment and discretion of the hearing officer, it is determined that a greater period of time is necessary. The order shall state the date by which the action ordered must be completed, and state that the Parish agency or department having enforcement responsibility shall cause the building to be vacated, repaired and/or demolished if the persons having an interest in the property do not comply with the order. The order of the hearing officer shall be served on all persons having an interest in the property as provided in the ordinance establishing the Bureau of Administrative Adjudication and the Administrative Hearing Officer. A copy of the order of the hearing officer shall also be filed in the mortgage and conveyance records of the parish in which the land lies.

(c) If the persons having an interest in the property fail to comply with the order of the hearing officer within the time specified in the order for compliance, the Parish agency or department having enforcement responsibility shall cause such building to be vacated, repaired and/or demolished pursuant to the order of the hearing officer.

(d) In any instance in which an order had been issued that a building be brought into compliance by securing the building and the owner complies with the order by securing the building, the hearing officer’s case file shall, nevertheless, remain active for a period of three (3) years from the date of signature of the order. The Parish agency or department having enforcement responsibility may request that the hearing officer reconvene the hearing if he receives evidence that the building has not remained secured and is in contravention of this Article. Upon notice to the owner, lien holders, occupants and other persons having an interest in the property, the hearing officer shall reconvene the hearing. If the hearing officer finds that the building remains a dangerous building notwithstanding the owner’s efforts to secure it, he may issue a revised order that the building be demolished.

Section Four: Emergencies

A. In cases where it reasonably appears that there is immediate danger to the health, life or safety of any person unless the building is immediately repaired, vacated, demolished or secured, the Parish agency or department having enforcement responsibility shall report such facts to the director of the department of inspection and code enforcement. If the director finds that there is in fact an immediate danger to the health, life or safety of any person unless the building is immediately repaired, vacated, demolished or secured, he shall cause the immediate repair, vacation, demolition or securing of such building, without any requirement for notice to the owner or interested parties in advance.

B. Whenever the director causes a building to be repaired, vacated, demolished or secured pursuant to this section, he shall cause a notice, as described in Section 19(b) of the ordinance establishing the Bureau of Administrative Adjudication and the Administrative Hearing Officer to be posted on the building.

Further, whenever the director causes a building to be repaired, vacated, demolished or secured pursuant to this section, he shall also cause notice to be given to the owners and lien holders of the building, all persons having possession of any portion thereof, and all other persons who may have an interest in the building that a hearing will be held concerning the orders issued in connection therewith. The notice shall set forth the specific conditions which render the building an immediate danger, within the standards set forth herein above, the date, time and place of such hearing, that all persons having an interest in the building may appear in person and/or be represented by an attorney, and may present testimony and may cross-examine all witnesses. The notice shall comply with the provisions set out in the ordinance establishing the Bureau of Administrative Adjudication and the Administrative Hearing Officer, however, the hearing shall be held as soon as it is reasonably possible, but in no case later than ten (10) days after the director of the Parish agency or department having enforcement responsibility has caused the building to be repaired, vacated, demolished or secured, unless all persons having either an ownership interest or a possessory interest in the building request a continuance of the hearing. At such a hearing, the burden shall be upon the parish to show that there was an immediate danger to health, life or safety necessitating immediate action, and whether the building constitutes a dangerous building within the provisions of this article at the time of the hearing. After completion of the presentation of the testimony by all parties appearing, the hearing officer shall make written findings of fact as to whether or not the building was an immediate danger to health, life or safety necessitating the action taken by the director of the department of inspection and code enforcement, and whether the building was a dangerous building within the provisions of this article. If the hearing officer finds that there was an immediate danger to public health, life or safety that required the action that was taken, all administrative expenses and any cost of repair or demolition shall be calculated and assessed to the owners of the building, and shall constitute a lien and privilege on the land on which the building stands or stood, which shall bear legal interest at the rate provided by law. If the hearing officer finds that the building, at the time of the hearing, constitutes a dangerous building within the provisions of this article, he shall issue an order for its abatement as set out in Section Three above. The provisions of Section Three above, and Section Nineteen of the ordinance establishing the Bureau of Administrative Adjudication and the Administrative Hearing Officer shall be applicable to any such order.

Section Five: Caused By or Related To The Effects Of Natural Disasters

A. When removal of debris and demolition of structures from private properties is necessitated by the effects of a natural disaster or other related causes, the Parish will adopt and incorporate, in full, a Plan for Demolition and Removal set out by Parish Council Resolution and/or by Emergency Executive Order of the Parish President, which will govern the demolition and removal of said structures and debris.

B. With respect to the provisions of this Section, any and all requirements to assess or levy fees, costs, liens and the like may be waived by the Office of the Parish President.

C. With respect to the provisions of this Section, any and all requirements for notice may be waived by the Office of the Parish President.

D. Where there exist any conflict between an adopted Plan under this Section and the other provisions of this code pertaining to blighted and derelict property, the Plan shall control.

E. Where there exists any conflict between an adopted Plan and an Emergency Executive Order, the Executive Order shall control.

Section Six: Civil Penalty

For any violation of the provisions of this Article, a civil penalty of not less than \$100.00 per day and no more than \$500.00 per day shall be imposed by order of the Hearing Officer. Each day that the violation exist shall constitute a separate violation. In addition to the imposition of the aforesaid penalty, the Hearing Officer shall order the violator to pay all costs and fees incurred by the parish for securing, demolition or removal, or both, of such structures, and for maintenance of property in a sanitary condition.

Section Seven: Liens

Liens for removal and securing dangerous structures; maintenance of property; interest; assistance of National Guard.

A. (1) Upon failure of the property owner to pay any fine levied by the hearing officer, or any costs incurred by the parish for securing, or demolition or removal, or both, of such structures, and for maintenance of property in a sanitary condition, the hearing officer or finance director of the parish may file a certified copy of the order levying a fine or fines or a copy of an invoice reflecting the amount of such costs and fees with the recorder of mortgages, and the same, when so filed and recorded, shall operate as a lien and privilege in favor of the parish against the property.

(2) Any fine, costs and interest on costs incurred by the parish shall be paid prior to cancellation of the lien. The rate of interest shall not exceed the rate of legal interest, as provided in Civil Code Article 2924, and shall be computed from the date of recordation of the lien until paid or enforced.

(3) The lien obtained by the parish shall not only include the costs provided for in Subsection A of this Section but shall include all attorneys' fees and all costs incurred in the locating of the owner, notification of the owner, and the enforcement and collection of the amount secured by the lien.

B. (1) After the parish has levied such fine or fines or incurred such costs as constitute the lien and privilege on the property, the director of finance or equivalent officer may add said amounts to the next ad valorem tax bill of the owner, and said amount shall be subject to the same interest and penalties as delinquent ad valorem taxes.

(2) Alternatively, the privilege and lien may be enforced in the district court pursuant to the Code of Civil Procedure, and may be enforced either against the subject property or against the owner personally by ordinary process and subsequent seizure and sale or garnishment of other movable or immovable property of the owner pursuant to the Code of Civil Procedure.

(4) The amount of any parish lien operating against the property and any interest accruing thereon may be canceled in whole or in part by the governing authority of the parish in order to facilitate the sale or disposition of the property for the unpaid lien.

C. (1) The governing authority of the parish may request and the adjutant general may assign subject to the approval of the governor, national guard personnel and equipment to assist in the removal and demolition of condemned buildings, structures, or public nuisances. The provisions of this Subsection shall be applicable when the budget for the demolition and removal of condemned structures has been expended by the governing authority of the parish. However, the request must be accompanied by documentation that all procedural protections and substantive restraints have been adhered to by the parish.

(2) In the event all procedural protections and substantive restraints have been adhered to by the parish, the parish and its personnel and the national guard and its personnel shall not be liable to the owner of the building, structure, or public nuisance for any damages sustained resulting from the demolition of the building, structure, or public nuisance.

Section Eight: Appeals

A. Any person or persons jointly or severally aggrieved by any decision of the Iberville Parish Hearing Officer shall have a right to appeal the decision in accordance with the provisions set forth in Section Twenty-Two of the ordinance establishing the Bureau of Administrative Adjudication and the Administrative Hearing Officer.

NOW, THEREFORE BE IT ORDAINED by the Iberville Parish Council, in regular session convened on the date set forth below, that the Iberville Parish Council enacts this Ordinance for the purpose of establishing additional procedures and remedies pertaining to blighted property, derelict and dangerous buildings and other dangerous structures.

This ordinance shall become effective on this the 19th day of April, 2016.

The foregoing ordinance, which was previously introduced at a regular meeting of the Parish Council on the 15th day of March, 2016, and a summary thereof having been published in the official journal, the public hearing on this ordinance held on the 19th day of April, 2016, at 6:00 p.m., in the Council Meeting Room, 58050 Meriam Street, Plaquemine, Louisiana, was brought up for final passage with a motion by Councilman Reeves, and seconded by Councilman Arnold, having been duly submitted to a vote, the ordinance was duly adopted by the following yea and nay vote on roll call:

YEAS: Ourso, Dominique, Jackson, Reeves, Lewis, Arnold, Markins, Bradford, Kelley, Morgan.

NAYS: None.

ABSTAIN: None.

ABSENT: Taylor, Vallet.

The ordinance was declared adopted by the Chairman on the 19th day of April, 2016.

ORDINANCE IPC# 006-16

ORDINANCE ESTABLISHING THE BUREAU OF ADMINISTRATIVE ADJUDICATION AND POSITION OF ADMINISTRATIVE HEARING OFFICER

WHEREAS, there is a need to protect the public safety, health and welfare of the citizens of the Parish of Iberville in regard to blighted property, abandoned property and/or from violations of public health, housing, fire code, environmental and historic district ordinances occurring within the Parish of Iberville by owners of immovable property, their agents, tenants or representatives.

WHEREAS, there are numerous blighted and/or abandoned properties in Iberville Parish. The spread of blight and the number of abandoned properties in Iberville Parish continues to increase from year to year. Additionally, the number of violations of public health, housing, fire code and environmental ordinances, rules and regulations continues to increase. There is a need to effectively and efficiently reduce the spread of blight and decrease the number of abandoned properties in Iberville Parish in a timely manner.

WHEREAS, La R.S 13:2575, as revised in 2013 and which became effective June 12, 2013, allows for the establishment of an administrative adjudication hearing procedure, which provides a time period for persons charged with owning blighted or abandoned property or violating a public health, housing, fire code and environmental ordinance to have a hearing.

WHEREAS, La R.S 13:2575 further provides for the appointment of one or more hearing officer(s) who shall be empowered to conduct hearings in accordance with the provisions as set forth in this Ordinance.

BE IT ORDAINED that pursuant to the applicable provisions of La. R.S. 13:2575 and all other applicable statutes, ordinances, rules and regulations, the Bureau of Administrative Adjudication and position of Administrative Hearing Officer(s) is hereby established. Any

agency or department of the Parish of Iberville having a responsibility for the enforcement of any public health, housing, fire code and environmental ordinance, or any matters involving or pertaining to blighted and/or abandoned properties may seek to affect correction of the violation and the imposition of civil fines, civil penalties, fees and hearing costs for violations of such Ordinances by the owners of movable and immovable property or their agents, tenants, representatives, licensees, permittees or any other interested party pursuant to the procedures for administrative adjudication established in the sections of this Chapter.

Section One: Definitions

The following definitions shall apply in the interpretation of this Chapter. Whenever applicable, the terms used herein may be used interchangeably. The intent and spirit of these definitions is to include everyone and everything that is related to these Ordinances and the properties so affected:

“Parish” shall mean the Parish of Iberville, inclusive of the Office of the Parish President.

“Counsel to the Parish President” shall mean that person who serves exclusively as the in-house, executive counsel to the Office of the Parish President.

“Decision” or “order” shall mean an administrative act of the Administrative Hearing Officer under authority of this Chapter.

“Bureau” shall mean the office that heretofore has been created by Ordinance.

“Director” shall mean the head of a Parish agency or department which enforces any public health, housing, fire code, environmental regulation or any matters involving blighted and/or abandoned properties and any other Ordinance violations that have been determined by the Iberville Parish Council to be enforceable pursuant to this Chapter.

“He,” “him”, “her”, and “she” shall be deemed to be interchangeable; it is understood that the masculine and feminine of any word is likewise interchangeable.

“Immovable property” shall mean any unimproved land, any improved land, and any buildings, structures or other things, of whatever nature or description, which are permanently attached to such land, and anything which is otherwise defined as immovable by law.

“Interested Person” shall mean and be deemed to include any person with an interest in this process.

“Licensee” shall mean and be deemed to include any person to whom a Parish license or permit of any kind has been issued and/or sought by such person.

“Movable property” shall mean property that is not defined as immovable, or property that is otherwise defined as movable by law.

“Officer” shall mean the Administrative Hearing Officer.

“Owner” shall mean and be deemed to include any person who possesses an interest in immovable property located in this Parish; such interest may or may not be recorded on the public records.

“Occupant” shall mean and be deemed to include any person occupying immovable property by permission or accommodation of the owner, former owner, lessor, lessee, tenant or another occupant.

“Parish Attorney” or “Counsel to the Parish President” shall mean that person who serves exclusively as the in-house executive counsel to the Office of the Parish President.

“Permittee” shall mean and be deemed to include any person who has sought and/or been granted permission to act or take action and which is ordinarily derived from the granting of a permit.

“Person” shall mean and be deemed to include any individual, and any legal entity, with the power to sue or be sued, and any person or entity with the power to own, alienate and/or encumber immovable property and shall be deemed to include any individual, entity or being, capable of being sued or capable of bringing suit.

“Property” means movable and immovable property.

“Respondent” or “alleged violator” shall mean any person or entity, including any landowner, occupant, tenant, lessee, lessor, and/or the authorized representative of any such person or entity who has been given a notice of a violation under this Chapter.

“Registration” and “License” is to be used interchangeably.

“Tenant” shall mean and be deemed to include any person who rents, uses, or otherwise occupies a building, structure or property owned or leased by another.

“Violation” shall encompass all Ordinances, including but not limited to housing, blighted properties, abandoned properties, dangerous and/or derelict structures, public health, housing, fire code, environmental and historic district ordinances.

“Violator” shall mean a person who has been found liable for a violation or ordered to correct a violation in an order issued under this Chapter.

Section Two: Inclusion and Adoption of all Existing Sections and Subsections of this Code

It is the intention of the Parish to adopt and include, interchangeably, all rules, regulations, fines & penalties of the Code of Ordinances (including but not limited to any amendments thereto and Supplements) to the extent that the Parish has the authority to initiate investigations, investigate,

refer matters to additional agencies or departments, and otherwise fully participate in any and all regulatory matters of the Parish and all ordinances that may hereinafter be adopted.

Section Three: Referral for Disposition

The Parish enforcement officers are specifically vested with the right to exclusively have the ability to refer matters to the Office of the District Attorney and/or the Administrative Hearing Officer on a case-by-case basis as exclusively determined by the Parish.-

Section Four: Conflicts

(1) It is the intention and desire of the Parish Council to supersede and replace all such provisions where there exists any conflict.

(2) Where there exists any conflict, the more restrictive provision shall apply, all at the sole discretion and interpretation of the Hearing Officer.

Section Five: Hearing Officer(s)

(a) Hearing Officer(s) shall be appointed by the Office of the Parish President, with confirmation by the Iberville Parish Council.

(b) All Hearing Officers shall be sworn before the Parish attorney to uphold the Constitution of the United States, the laws and Constitution of the State of Louisiana, and the Charter and Ordinances of the Parish, and to abide by the provisions of the Louisiana Code of Governmental Ethics before assuming office.

(c) A Hearing Officer shall be an attorney licensed to practice law in the State of Louisiana.

(d) A Hearing Officer shall be an attorney in good standing with any and all Courts of this State.

(e) A Hearing Officer shall have been licensed to practice law in Louisiana for ten (10) years.

(f) A Hearing Officer cannot have been an employee of the Parish Council, or any of its departments or agencies within two (2) years of employment as a hearing officer.

g) Prohibitions as to a Hearing Officer shall also include the Hearing Officer's law firm or association of attorneys.

Section Six: Authority of Hearing Officer

Hearing Officers who have been duly appointed and sworn shall have the authority to hear and decide any alleged violation of any public health, housing (which shall also encompass the terms and applicable provisions of R.S. 14:107.3), fire code, environmental, and historic district ordinance, or any matters involving alleged violations pertaining to blighted and/or abandoned properties.

Section Seven: Authority to Assess and Levy

(1) The Officer shall have the authority to assess and levy all civil fines, penalties and costs relating to blighted property, abandoned property and/or for violations of public health, housing, fire code and environmental ordinances that now exist in the Code of Ordinances and those that are created hereinafter.

Section Eight: Repairs, Remediation, Restoration and Correction

Notwithstanding any provision herein to the contrary, the Officer shall have the additional power and authority to order repair, restoration, remediation and/or correction of any violation.

Section Nine: Costs, Fines and Penalties

(1) The Officer shall have the exclusive authority to assess and levy fines, penalties and administrative costs.

(2) Such costs, fines and penalties as may be assessed are separate and distinct from that which may be determined and assessed by any court of competent jurisdiction.

(3) COSTS

(a) The Officer shall assess costs of any proceeding when there is finding of a violation.

(b) Administrative costs are mandatory and may not be waived or reduced by the Officer when determined that the Respondent has violated any section of the Parish Ordinances.

(c) Administrative costs shall not be less than \$100.00 (one hundred dollars), but may include the additional tabulation of reasonable out-of-pocket costs expended by the Parish (i.e. postings or advertisement, postage, photographs, video, related office expenses, subpoena service charges, expert fees, consultant fees, professional service expenses, attorney fees, and such other reasonably related expenses) necessary to prosecute a matter.

(d) Additional administrative costs may be assessed against the Respondent by the Officer to include reimbursement to the Parish for employee time expended to prosecute a matter.

(4) FINES AND PENALTIES

(a) Fines and penalties may be assessed up to five hundred dollars (\$500.00) per violation and up to five hundred dollars (\$500.00) per day for continuing violations.

(b) The Officer may assess and levy a daily late fee or charge against a Respondent who fails to timely and properly tender sufficient funds to satisfy any order issued by the Officer. Late fees and charges may be levied at any subsequent hearing after a determination has been made in the event Respondent fails to timely pay.

(c) Unless otherwise precluded by State or Federal law, there shall now be no limit on the aggregate of any assessment, fine or penalty.

(d) The Officer shall have the authority to refer any matter to the Office of the District Attorney for the 18th Judicial District Court for further handling, the United States Department of Justice, United States Corps of Engineers, State of Louisiana or such other departments or agencies as needed and warranted under the circumstances.

Section Ten: Movable

Where there exists a violation of any Ordinance and the matter involves a movable susceptible of seizure, the Officer shall have the authority to issue such seizure orders as are necessary to seize and take control of such movable property for safekeeping, retention purposes or disposal, all as permitted in law.

Section Eleven: Separate Offense

(A) It shall be the authority of the Officer to assess and levy a separate fine and/or penalty to any Respondent for each offense committed in violation of Parish Ordinances.

(B) For each day a violation occurs, the same shall constitute a separate offense regardless of whether such violation is of a continuing nature.

(C) Unless otherwise precluded by Local, State or Federal law, there shall now be no limit on the aggregate of any assessment, fine or penalty.

Section Twelve: Multiple / Repeat Offenses

(A) Within one year of a final determination by the Officer that a Respondent has violated an Ordinance that the Respondent is cited for the same or similar violation of the Parish Ordinance, the Officer is authorized to then assess and levy up to and including twice or double the fine and/or penalty.

(B) After the first year, and in the event of repeated violations thereafter, the Officer may assess and levy triple or three times the fine and/or penalty.

(C) In the event that a Respondent violates any Ordinance more than three times within a three-year period, then the Officer, in his discretion, may assess and levy such fines or penalties as may be warranted under the circumstances and allowed as per law.

Section Thirteen: Authority to Suspend, Revoke, Rescind Applications & Permits

(A) The Officer shall have the authority to suspend, revoke and/or rescind any Permit issued by the Parish for any reason.

(B) In the case of suspension of a Permit, the Officer shall have the authority to order a Respondent to comply with any and all Ordinances so affected.

(C) The Officer shall have the authority to rescind and revoke any application made to the Parish.

Section Fourteen: Exemptions

There is not the intent to create nor are there any known exemptions to these violations, penalties, rules or regulations.

Section Fifteen: Community Service

Where not precluded by law, the Officer shall have the additional authority and power to order community service, at his discretion, commensurate with the penalties herein.

Section Sixteen: Schedule of Costs, Fines, Penalties

Schedules of costs fines and penalties are those referenced in the Code of Ordinances.

Section Seventeen: Counsel to the Parish President not to assist

Legal counsel to the Office of the Parish President may not provide legal assistance to the Hearing Officer in the administration of this Chapter.

Section Eighteen: Powers of the Hearing Officer

The Hearing Officer shall have all power and authority set forth in the applicable provisions of La. R.S. 13:2575, the provisions of La. R.S. 14:107.3 and all other applicable state laws and regulations, and the following nonexclusive powers to:

- (1) Administer oaths and affirmations;
- (2) Issue orders, including the declaration and certification set forth in La. R.S. 14:107.3, and/or administrative subpoenas compelling the attendance of witnesses, respondents and violators and the production of documents;
- (3) Levy fines, fees, penalties, and hearing costs including, but not limited to, the levying of fines and costs associated with the removal and/or securing of dangerous structures as authorized and provided for by law;
- (4) Order violators to correct violations within a stipulated time;
- (5) Take necessary and lawful measures to affect correction of the violation if the violator fails to do so within the time allocated by the Hearing Officer;

(6) To place, or cause to be placed, liens against the immovable property located within the Parish in or on which the violation occurred, if the violator fails to remit payment for any cost and/or fines, within thirty (30) days of the levy of the same.

(7) Take such actions as are necessary to protect the safety, health and welfare of the citizens and property of this Parish.

(8) Assume such inherent powers as are necessary to protect the safety, health and welfare of the citizens and property of this Parish.

Section Nineteen: Hearing Practice and Procedures

(a) Prior to holding an administrative hearing for any violation set forth herein, and any other Ordinance violations that may be determined by the Parish Council, the Parish agency or department having enforcement responsibility shall notify the property owner, if he is an alleged violator, or both the alleged violator and the owner of any property on which a violation is alleged, if the alleged violator is not the property owner, at least fifteen (15) days in advance of the date that such a hearing is scheduled. The notification shall state the time, date and location of the hearing, and state the alleged violations; and it shall be sent by certified or registered U.S. Mail to the owner or violator, or both, or personally served on the owner or violator, or both. The date of the postmark shall be deemed to be the date of delivery. Any notification so sent and returned by U.S. Post Office shall be considered as having fulfilled the notification requirement; provided, that in the case of such a returned notice, if the person to be notified has a telephone number listed in the Iberville Parish phone directory at least one attempt shall be made to notify him by telephone. Proof of notification and attempts at service and telephone notice shall be entered in the record of each case prior to the hearing.

(b) In addition to the personal or mail service required by paragraph (a) of this Section, if a violation relates to immovable property, a copy of the notice shall be affixed in a prominent location on the property on which a violation is alleged, or if safe access to the property is not reasonably practicable, on some prominent fixture on the adjacent public right-of-way as near as possible to the property, at least five (5) days in advance of the date of the hearing. It shall be unlawful for any person other than an agent of the Parish to remove such notice posted on the public right-of-way prior to the commencement of the hearing.

(c) The notice of violation shall be, as much as possible, in laymen's language susceptible of understanding by a person of normal capacity, and shall, in large print, inform the person noticed of the need to appear at the hearing and the risk of penalties and liens which may be imposed.

(d) Failure of any person charged with a violation to appear at the hearing shall be considered an admission of liability for the charged violation; provided that the notice requirements established in paragraphs (a), (b) and (c) of this Section have been satisfied, and provided further that a Hearing Officer, in his sound discretion and for good cause shown, may vacate an order issued on the basis of such an admission and reopen the proceedings, and may do so when requested in writing by the violator or by the appropriate director.

(1) In case of application for an administrative re-hearing by the violator, the violator shall timely notice the director within fifteen (15) days of the issuance of the notice of the final order of a request for a rehearing.

(2) In such a request, the violator shall submit any and all proof that he deems necessary to demonstrate “good cause” for such a re-hearing.

(3) In such a case, the director shall have exclusive authority to recommend or not recommend a re-hearing to the Hearing Office.

(4) The director shall submit his recommendation to the Hearing Officer within fifteen (15) days.

(5) The Hearing Officer shall deny or grant a re-hearing within fifteen (15) days of receipt of the director’s recommendation.

(6) The Administrative Procedure Act (Title 49) shall specifically not apply to this limited procedure of a request for a re-hearing.

(e) Any order compelling the attendance of witnesses or the production of documents shall be enforced by the 18th Judicial District Court for the Parish of Iberville or by any other court of competent jurisdiction, in the same manner as any subpoena in a civil matter.

(f) Complaints may be initiated by the public and violation notices will be issued upon the submission of affidavits and/or documentary evidence sufficient to prove the existence of health, housing, fire code and environmental Ordinance violations and/or any matters involving or pertaining to blighted and/or abandoned properties.

(g) Any administrative adjudication hearing held under the provisions of this Chapter shall be conducted in accordance with the rules of evidence of the Administrative Procedure Act, LSA R.S. Title 49, as may be amended from time to time. Testimony of any person shall be taken under oath and shall be recorded. The person charged with the Ordinance violation may present any relevant evidence and testimony at such hearing and may be represented by an attorney at law. However, his physical presence shall not be required at the hearing, and a failure to appear shall not be deemed an admission under paragraph (d) of this Section, if documentary evidence, duly verified by such person, is submitted to the Hearing Officer prior to the date of the hearing.

(h) In determining the amount of any fine or penalty, the Hearing Officer shall consider the age, financial circumstances and physical and mental capacity of the violator and the degree of hardship which the fine or penalty will impose, shall weigh those factors against the degree of culpability of the violator and the gravity of the offense, and the damage to the public health, safety, welfare, and convenience and the cost to the Parish or to others occasioned by the offense.

(i) Within five (5) legal days of the close of the hearing, the Hearing Officer shall issue a final order stating whether or not the person charged is liable for the violation; the amount of any fine

or costs assessed against him and a date by which the violation shall be corrected. Any order assessed against him or her and a date by which the violation shall be corrected. Any order assessing a fine, or costs and/or stipulating a correction date may be enforced by the 18th Judicial District Court. The final order shall be served in the same fashion as the original notice or, if the violator has counsel of record, by mailing or delivering the order to counsel. The final order shall notify the violator of his right of appeal and shall, so much as possible, conform to the stylistic and typographical requirements established for the notice of violation.

(j) The Hearing Officer may, for each separate violation, order the payment of fines and hearing costs, the total of which shall not exceed the maximum which may be imposed on a misdemeanor by the 18th Judicial District Court; provided, however, that no civil fines or hearing costs imposed may exceed those specified for the criminal violation of the same Ordinance. All such fines and costs shall be paid into the general fund, unless it is otherwise provided by law.

(k) The Hearing Officer, for good cause, may suspend all or a portion of his final order and may make any suspension contingent on the fulfillment of some reasonable condition.

(l) The Director of the Department of Finance shall have the authority, pursuant to any applicable statutes, to sell, dispose and/or alienate such properties.

(m) Except as may otherwise be applicable, any criminal sanctions or other enforcement actions that may be brought, such as injunctive relief, are not affected by these provisions.

Section Twenty: Non-exclusivity of Procedures

The procedures and remedies established by this Chapter shall not be deemed exclusive and may be employed in the civil enforcement of an Ordinance before, during or after the employment of any other civil enforcement mechanism provided by law, or before, during or after the commencement or conclusion of enforcement action in a civil or criminal court, unless the civil courts have definitely exonerated the alleged violator of the violation charged.

Section Twenty-One: Liens

(1) The Hearing Officer shall record or cause to be recorded a certified copy of an order imposing a fine or other charge in the public records of the Parish after thirty (30) days from the issuance of the final order. The costs of such recordation shall be assessed to the property in question. The Hearing Officer may assess a reasonable fee for the costs of lien certificate preparation and title examination. Once recorded, the certified copy of this order shall constitute a lien against the land on which the violation exists.

(2) Any lien placed against such immovable property under this Chapter shall be included in the next annual ad valorem tax bill and must be paid along with such taxes, subject, however, to any valid homestead exemption. Failure to pay the liens shall cause any parcel of immovable property which is not subject to a bona fide homestead exemption to be subject to the same provisions of law as govern tax sales of immovable property, except as may otherwise be

authorized by statute. Except as may otherwise be provided, any lien placed against immovable property that has a legal homestead exemption from taxes will become payable ninety (90) days after the death of the owner thereof or immediately upon transfer of title to a new owner, whichever comes first.

(3) Any fee or charge assessed by the Assessor's Office shall be added to the tax bill and thereafter paid to the Assessor upon payment of such taxes.

Section Twenty-Two: Appeals

(1) Any person or persons jointly or severally aggrieved by any decision of the Iberville Parish Hearing Officer may present a petition to the district court of the parish along with payment of such reasonable costs as may be required by the clerk of Court. Such petition shall be duly verified, set forth that the decision is illegal, in whole or in part, and specify the grounds of the illegality. The petition shall be presented to the court within thirty days after the filing of the decision of the hearing officer.

(2) Upon the presentation of such petition, the court may allow a writ of certiorari directed to the Hearing Officer to review the decision of the Hearing Officer and there shall be prescribed therein the period of time within which a return may be made and served upon the relator's attorney. Such period shall be not less than ten days but may be extended by the court. The allowance of the writ shall not stay the proceedings upon the decision or any enforcement thereof unless the person who files the appeal for writ of certiorari furnishes security prior to filing notice of appeal with the agency of the parish designated by ordinance to accept such payments in the amount to be fixed by the Hearing Officer sufficient to assure satisfaction of the finding of the Hearing Officer relative to the fine, fee, penalty, costs of the hearing, and costs, if any, of correcting the violation.

(3) The Iberville Parish Hearing Officer shall not be required to return the original papers acted upon by the Hearing Officer, but may return certified or sworn copies thereof or such portions thereof as may be called for by the writ. The return shall concisely set forth such other facts as may be pertinent and material to show the grounds of the decision appealed from and shall be verified.

(4) If, upon the hearing, it shall appear to the court that testimony is necessary for the proper disposition of the matter, the court may take additional evidence or appoint a referee to take such evidence as it may direct. Such referee shall report the same to the court with his findings of fact and conclusions of law and his report shall constitute a part of the proceedings upon which the determination of the court shall be made.

(5) The court may reverse or affirm, wholly or in part, or may modify the decision brought up for review. All issues in any proceedings under this Section shall have preference over all other civil actions and proceedings. The appellant and Iberville Parish shall be parties in such civil action and proceeding; the Hearing Officer shall not be a party to such civil action and proceeding.

Section Twenty-Three: Record Requirements

(a) At its commencement by notice to the alleged violator, every civil adjudication proceeding shall be assigned a docket number and a style in the form of “In the Matter of” or in the form of “Parish of Iberville versus” followed by the name of the alleged violator. The record pertaining to each proceeding shall be maintained as a separate file in a manner similar to the fashion in which the clerks or court maintain the records of civil cases.

(b) Each department or agency charged with the enforcement of an Ordinance within the scope of this Chapter shall maintain a log or index of all civil adjudication proceedings, which shall set forth information including but not limited to the following:

(1) The style and docket number of the case and the date it was commenced;

(2) The Ordinance or Ordinances allegedly violated;

(3) The date or dates of the alleged violations;

(4) The address(es) or other description of the property on which the alleged violation(s) occurred;

(5) A statement as to whether any civil or criminal court proceedings pertaining to the alleged violations are or were pending, the dates or any hearings, trials, or continuances, and the dates of their commencement and/or termination and, if the case is terminated, of its final disposition;

(6) A statement as to the dates of any hearing and of any final order in the case and as to whether and when any lien was filed;

(7) A statement as to the date of filing and disposition of any appeal.

(8) The Hearing Officer shall review this log or index regularly to ensure that no civil or criminal remedies of the Parish are permitted to prescribe.

Section Twenty-Four: Superseding Ordinance

When this ordinance is applied, its provisions shall supersede all ordinances, or parts of ordinances, previously adopted and in conflict herewith.

NOW, THEREFORE BE IT ORDAINED by the Iberville Parish Council, in regular session convened on the date set forth below, that the Iberville Parish Council adopts this Ordinance for the purpose establishing the Bureau of Administrative Adjudication and position of Administrative Hearing Officer.

This ordinance shall become effective on this the 19th day of April, 2016.

The foregoing ordinance, which was previously introduced at a regular meeting of the Parish Council on the 15th day of March, 2016, and a summary thereof having been published in the official journal, the public hearing on this ordinance held on the 19th day of April, 2016, at

6:00 p.m., in the Council Meeting Room, 58050 Meriam Street, Plaquemine, Louisiana, was brought up for final passage with a motion by Councilman Reeves, and seconded by Councilman Arnold, having been duly submitted to a vote, the ordinance was duly adopted by the following yea and nay vote on roll call:

YEAS: Ourso, Dominique, Jackson, Reeves, Lewis, Arnold, Markins, Bradford, Kelley, Morgan.
NAYS: None.
ABSTAIN: None.
ABSENT: Taylor, Vallet.

The ordinance was declared adopted by the Chairman on the 19th day of April, 2016.

ORDINANCE IPC #007-16

ORDINANCE TO ACCEPT LAND FROM RRE FRB SBL-LA, LLC PURSUANT TO ASSIGNMENT OF JUDGMENT AND QUITCLAIM DEED DESIGNATED AS MUNICIPAL ADDRESS OF 58405 BARROW STREET, PLAQUEMINE, LOUISIANA

WHEREAS, the Iberville Parish Council pursuant to Section 4-3 of the Iberville Parish Code of Ordinances did condemn buildings located at municipal address 58405, which included asbestos abatement of the condemned structures prior to removal of the condemned structures. The Iberville Parish Council incurred costs for the asbestos abatement and demolition of the condemned structures on the property being transferred to the Iberville Parish Council by Assignment of Judgment and Quitclaim Deed, said property described as follows:

“A certain parcel of land in the second ward of the Parish of Iberville, State of Louisiana and being part of the Richard S. Martinez, et al. tract in Section 18, R12E and which property is more particularly described as follows: subject’s legal description states the superficial area to be 10.02 acres, per instructions of the agency officer, only 5.01 acres will be considered according to the appraisal. 5.01 acres is considered the eastern half of the 10.02 acre tract.

Being the same property as described in the Sheriff’s Deed in favor of RRE FRB SBL-LA, LLC, recorded May 21, 2015 at Book 667, Page 203, Entry No. 1944, official records of Iberville Parish, Louisiana.

Property address: 58405 Barrow Street, Plaquemine, LA 70764”

WHEREAS, the Iberville Parish Council at its January 19, 2016 meeting granted the Parish President authority to sign the Assignment of Judgment, Quitclaim Deed and Mutual Release, Assignment and Waiver Agreement in order to acquire the immovable property above described.

WHEREAS, Section 2-11(12) of the Iberville Parish Home Rule Charter provides that an ordinance is required for the Parish to acquire real property on behalf of the Parish Government.

WHEREAS, the above described immovable property shall be utilized for any lawful purpose in accordance with Louisiana law.

WHEREAS, the Parish President is authorized to sign any and all documentation relative to the above described immovable property in order to transfer title, ownership and possession of said immovable property to the Iberville Parish Council.

NOW THEREFORE BE IT ORDAINED as follows: That J. Mitchell Ourso, Jr., Parish President be and is hereby authorized to sign and execute any and all documents necessary to acquire, transfer and deliver the above described immovable property to the Iberville Parish Council in accordance with law.

The foregoing ordinance, which was previously introduced at a regular meeting of the Parish Council on the 15th day of March, 2016, and a summary thereof having been published in the official journal, the public hearing on this ordinance held on the 19th day of April, 2016, at 6:00 p.m., in the Council Meeting Room, 58050 Meriam Street, Plaquemine, Louisiana, was brought up for final passage with a motion by Councilman Reeves, and seconded by Councilman Arnold, having been duly submitted to a vote, the ordinance was duly adopted by the following yea and nay vote on roll call:

YEAS: Ourso, Dominique, Jackson, Reeves, Lewis, Arnold, Markins, Bradford, Kelley, Morgan.
NAYS: None.
ABSTAIN: None.
ABSENT: Taylor, Vallet.

The ordinance was declared adopted by the Chairman on the 19th day of April, 2016.

MOTION

MOTION TO NOMINATE ATTORNEY ARTHUR N. BAGWELL AS THE IBERVILLE PARISH HEARING OFFICER PURSUANT TO ORDINANCE IPC# 006-16

Upon a motion by Councilman Reeves, and seconded by Councilman Ourso, it was moved to nominate Attorney Arthur N. Bagwell as the Iberville Parish Hearing Officer pursuant to Ordinance IPC #006-16. The motion having been duly submitted to a vote was duly adopted by the following yea and nay votes on roll call:

YEAS: Ourso, Dominique, Jackson, Reeves, Lewis, Arnold, Markins, Bradford, Kelley, Morgan.
NAYS: None.
ABSTAIN: None.
ABSENT: Taylor, Vallet.

The motion was declared adopted by the Chairman on the 19th day of April, 2016.

NEW BUSINESS

A) Introduction of Ordinances

Mr. Songy introduced the following ordinance:

- 1) Third Ordinance to declare the following properties to be surplus and to authorize the Parish Administrator to sell the Parish of Iberville's interest in these properties at Public Sale pursuant to the terms of Ordinance #002-13

Upon a motion by Councilwoman Lewis, seconded by Councilman Dominique, it was moved that a public hearing be held on Tuesday, May 17, 2016 at 6:00 p.m. on the introduced ordinance.

The motion having been duly submitted to a vote, was duly adopted by the following yea and nay votes on roll call:

YEAS: Ourso, Dominique, Jackson, Reeves, Lewis, Arnold, Markins, Bradford, Kelley, Morgan.

NAYS: None.

ABSTAIN: None.

ABSENT: Taylor, Vallet.

The motion was declared adopted by the Chairman on the 19th day of April, 2016.

RESOLUTION COMMITTEE REPORT

The Resolution Committee met on Tuesday, April 19, 2016 at 6:20 p.m., followed by the roll call with the following Resolution Committee Members only in attendance: Reeves, Lewis, Arnold, Kelley, Markins, Jackson, Morgan, Dominique.

Absent: Vallet.

The following resolutions were read aloud by Mr. Songy:

- A) Resolution by the Iberville Parish Council to oppose centralized collection of sales and use tax by the State of Louisiana Department of Revenue

Councilman Reeves made a recommendation to forward the resolution to the regular meeting, seconded by Councilman Dominique. The recommendation having been duly submitted to a vote was duly adopted by the following yea and nay votes on roll call by Resolution Committee Members only:

YEAS: Reeves, Lewis, Arnold, Kelley, Markins, Jackson, Morgan, Dominique.

NAYS: None.

ABSTAIN: None.

ABSENT: Vallet.

The recommendation was declared adopted by the Chairman to forward this item to the regular meeting.

During the Regular Meeting:

RESOLUTION IPC# 2016-004

**RESOLUTION BY THE IBERVILLE PARISH COUNCIL TO OPPOSE
CENTRALIZED COLLECTION OF SALES AND USE TAX BY THE STATE OF
LOUISIANA DEPARTMENT OF REVENUE**

The following resolution was introduced by Councilman Reeves, and seconded by Councilman Jackson.

WHEREAS, the Iberville Parish Council, Sales and Use Tax Department, is currently the designated collector of all local sales and use tax for Parish taxing bodies in accordance with Louisiana law.

WHEREAS, the Iberville Parish Sales and Use Tax Department has properly certified and trained staff to address all issues pertaining to the collection of sales and use tax.

WHEREAS, the Iberville Parish Sales and Use Tax Department handles the collection and distribution of sales and use taxes collected for all taxing bodies in an efficient manner and timely distributes all collected taxes to the taxing bodies for their use.

WHEREAS, the local sales and use tax bodies do not encounter the bureaucracy and delays that are customarily encountered when dealing with State government agencies. Taxpayers and others are able to have the office telephones answered by an individual knowledgeable with sales and use tax issues rather than listen to a lengthy voice message and are unable to speak to a representative after numerous call attempts.

WHEREAS, the local sales and use tax department is responsive to the needs of its local taxpayers and best knows and understands the provisions of the local taxing ordinances and regulations. Furthermore in order to effectively enforce and ensure compliance with its ordinances and regulations, the local sales and use tax department and the Parish must be able to administer, collect and distribute the local sales and use tax collections.

There is no compelling reason to repeal or modify the long standing statutory scheme to provide for a single local authority to collect local sales and use taxes as such practice best serves the needs of local governments.

WHEREAS, the Iberville Parish Council is opposed to any State legislation that repeals or modifies the collection of local sales and use taxes by a local authority and transfer any of the local agency functions to the Louisiana Department of Revenue & Taxation.

WHEREAS, the Iberville Parish Council is opposed to HB 825, HB 826 and HB 131 which seek to deprive the local taxing authorities of their ability to administer and regulate their local

sales and use tax ordinances and regulations and best serve the needs of its citizens and taxing bodies.

WHEREAS, the Iberville Parish Council requests that a certified copy of this resolution be forwarded to the Honorable Governor John Bel Edwards, the Parish's state legislative delegation including the Honorable Troy Brown, Honorable Rick Ward, Honorable Major Thibaut, Honorable Ed Price, Honorable Chad Brown.

The above resolution was duly adopted in regular session this 19th day of April, 2016 by the following vote on roll call;

YEAS: Ourso, Dominique, Jackson, Reeves, Lewis, Arnold, Markins, Bradford, Kelley, Morgan.
NAYS: None.
ABSTAIN: None.
ABSENT: Taylor, Vallet.

The resolution was declared adopted by the Chairman on the 19th day of April, 2016.

B) Resolution for participation by Iberville Parish Parks and Recreation District in a Parish wide survey/study of current programs and future growth and development of recreational programs for Iberville Parish

Councilman Reeves made a recommendation to forward the resolution to the regular meeting, seconded by Councilman Dominique. The recommendation having been duly submitted to a vote was duly adopted by the following yea and nay votes on roll call by Resolution Committee Members only:

YEAS: Reeves, Lewis, Arnold, Kelley, Markins, Jackson, Morgan, Dominique.
NAYS: None.
ABSTAIN: None.
ABSENT: Vallet.

The recommendation was declared adopted by the Chairman to forward this item to the regular meeting.

During the Regular Meeting:

RESOLUTION IPC 2016-005

RESOLUTION FOR PARTICIPATION BY IBERVILLE PARISH PARKS AND RECREATION DISTRICT IN A PARISH WIDE SURVEY/STUDY OF CURRENT PROGRAMS AND FUTURE GROWTH AND DEVELOPMENT OF RECREATIONAL PROGRAMS FOR IBERVILLE PARISH

The following resolution was introduced by Councilman Reeves, and seconded by Councilman Jackson.

WHEREAS, the Iberville Parish Parks and Recreation District was created in 1983 pursuant to La. R.S. 33:4569 to provide for the operation of parks and recreational facilities and programs throughout the Parish. The Iberville Parish Governing Authority is vested with authority to name the seven (7) voting citizen members of the Board of Commissioners.

WHEREAS, recreational opportunities are essential for the growth and development of Iberville Parish and its six (6) municipalities and a community survey would benefit the future growth and development of the Iberville Parish Parks & Recreation programs and services throughout the Parish.

WHEREAS, pursuant to the provisions of La. R. S. 33:4569.3(5) the Iberville Parish Parks & Recreation District is directed to adopt and implement a parish wide recreation and parks program in accordance with priorities developed in conjunction with advisory commission members, local elected officials, other community leaders and citizens of Iberville Parish.

WHEREAS, Iberville Parish Parks & Recreation District has continually provided for the recreational needs of parish residents and in addition has managed and operated the Iberville Parish Civic Center pursuant to an agreement with the Parish Governing Authority.

WHEREAS, Iberville Parish Parks & Recreation District currently operates from the annual collection of a three (3) mill ad valorem tax which is subject to approval from the Parish Governing Authority and by the electors of the Parish.

WHEREAS, the Iberville Parish Council and Iberville Parish Parks & Recreation District will work cooperatively to ensure that the parks and recreational and other programs are administered to ensure the maximum feasible coordination of recreational programs throughout the Parish.

WHEREAS, a professional survey and assessment of recreational programs and opportunities for Parish residents would best serve the interest of the citizens, and ensure the maximum efficiency and coordination of recreational programs for Iberville Parish residents.

WHEREAS, the Iberville Parish Council shall provide for a professional review and survey of current and potential recreational programs throughout Iberville Parish, and through a combined and cooperative effort between the Iberville Parish Council and Iberville Parks & Recreation District the Parish residents will be provided the best recreational programs and opportunities available.

WHEREAS, Iberville Parish Parks & Recreation District should maintain its current services and programs provided for Parish residents and upon conclusion of the professional survey of the Parish for recreational opportunities, the entities shall be in a better position to determine the future programming for recreational opportunities throughout Iberville Parish.

WHEREAS, the Iberville Parish Council seeks the cooperative participation between the Iberville Parish Parks & Recreation District, the municipalities of Maringouin, Rosedale, Grosse Tete, Plaquemine, White Castle and St. Gabriel, and the Iberville Parish School Board as all

parties work together to deliver the best possible recreational programs for Iberville Parish residents.

WHEREAS, the Council Clerk is directed to forward copies of this resolution to the Board of Commissioners for Iberville Parish Parks & Recreation District and to the governing bodies of each of the Parish's municipalities and to the Iberville Parish School Board.

The above resolution was duly adopted in regular session this 19th day of April, 2016 by the following vote on roll call;

YEAS: Ourso, Dominique, Jackson, Reeves, Lewis, Arnold, Bradford, Kelley, Morgan.

NAYS: None.

ABSTAIN: Markins.

ABSENT: Taylor, Vallet.

The resolution was declared adopted by the Chairman on the 19th day of April, 2016.

ADJOURNMENT

There being no further business, it was moved by Councilman Kelley, and seconded by Councilman Bradford to adjourn at 7:02 p.m.

The motion was unanimously adopted.

/s/ KIRSHA D. BARKER
COUNCIL CLERK

/s/ MATTHEW H. JEWELL
COUNCIL CHAIRMAN