

**MUNICIPAL MINUTES, TOWN OF CHURCH POINT, STATE OF  
LOUISIANA, SPECIAL MEETING FEBRUARY 15, 2017**

**ATTENDANCE**

**MAYOR:** Russell Stelly

**CHIEF OF POLICE:** Albert Venable

**ALDERMEN:** Errol Comeaux (Ward 5), Robert Dale Wimberley (Ward 4), Gary Duplechin (Ward 3), Joy Daigle (Ward 2), Gene Malbrough (Ward 1)

**ABSENT:** *None*

**ADMINISTRATIVE STAFF:** M. Todd Richard (Municipal Clerk),  
Brad Andrus (Legal Counsel)

**COMMENCEMENT**

**Call to order.**

Mayor Stelly called the Special Meeting to order.

**Invocation and Pledge of Allegiance**

Invocation was led by Councilmember Duplechin. The Pledge of Allegiance was given by Councilmember Malbrough.

**Reading and approval of the minutes of the previous meeting**

It was moved by Councilmember Comeaux, seconded by Councilmember Wimberley, to accept the minutes as provided.

The vote was as follows:

YEAS: Comeaux, Wimberley, Duplechin, Daigle, Malbrough.

NAYS: None

ABSTAIN: None

*Motion approved unanimously.*

**Old Business**

*None*

**New Business**

**1. Legal**

**a. Adoption of Ordinance # 020617**

**ORDINANCE #020617**

**AN ORDINANCE PROHIBITING THE PARKING,  
STOPPING OR LEAVING STANDING OF VEHICLES, AS  
DEFINED BY LOUISIANA REVISED STATUTE 32:1 ET SEQ,  
ON THE SHOULDERS, SIDEWALKS OR PARKING AREAS  
ALONG “MAIN STREET” ON MARDI GRAS SUNDAY**

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**BE IT ORDAINED BY THE MAYOR AND THE BOARD OF ALDERMAN OF THE TOWN OF THE TOWN OF CHURCH POINT**, in special session, on the 15th day of February, 2017, that the following ordinance was introduced by Councilmember Wimberley, duly seconded by Councilmember Duplechin, and duly ordained and adopted.

**BE IT FURTHER ORDAINED** that pursuant to the authority conferred by Louisiana R.S. 32:41 and any subsequent amendments thereto, the Town of Church Point hereby recognizes the power granted to municipalities regulating the standing or parking of vehicles with respect to state maintained highways within the corporate limits of the Town of Church Point. As such, the Church Point Board of Alderman, after careful consideration, has determined that regulating the parking, stopping or parking of vehicles along “Main Street” during “Mardi Gras Sunday” is necessary in order to protect the best interest of the public and to provide for the safety of all persons.

**BE IT FURTHER ORDAINED** that, with due regard for the safety of all persons and to insure the safety of all persons, the Town of Church Point hereby enacts the following ordinance.

**DEFINITIONS:**

As per Louisiana revised Statute 32:1 et seq,:

1. **"Vehicle"** means every device by which persons or things may be transported upon a public highway, street or bridge, except devices moved by human power or used exclusively upon stationary rails or tracks.
2. **"Motor vehicle"** means every vehicle which is self-propelled, and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails, but excluding a motorized bicycle. "Motor vehicle" shall also include a "low-speed vehicle" which is a four-wheeled, electric-powered vehicle with a maximum speed of not less than twenty miles per hour but not more than twenty-five miles per hour and is equipped with the minimum motor vehicle equipment appropriate for vehicle safety as required in 49 C.F.R. 571.500.
3. **"Motorcycle"** means every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding a tractor and excluding a motorized bicycle.
4. **"Motor driven cycle"** means every motorcycle, including every motor scooter, with a motor of not to exceed five horsepower.
5. **"Bicycle or a ridden animal"** shall be a vehicle, and a trailer or semitrailer shall be a separate vehicle.
6. **"Trailer"** " means every single vehicle without motive power designed for carrying property or passengers wholly on its own structure, drawn by a motor vehicle which carries no part of the weight and load of the trailer on its own wheels and having two or more load carrying axles.
7. **"Stop"** means, when required, the complete cessation from movement.
8. **"Stop" or "stopping"** means, when prohibited, any halting, even momentarily of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer, weights and standards police officer, or traffic control sign or signal.
9. **"Shoulder"** means the portion of the highway contiguous with the roadway for accommodation of stopped vehicles, for emergency use, pedestrian use, mobility aid use, bicycle use, and for lateral support of base and surface.
10. **"Sidewalk"** means that portion of a highway between the curb lines, or the lateral lines of a highway, and the adjacent property lines, intended for the use of pedestrian.
11. **"Park" or "parking"** means the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers.
12. **"Parking area"** means an area used by the public as a means of access to and egress from, and for the free parking of motor vehicles by patrons of a shopping center, business, factory, hospital, institution, or similar building or location.
13. **"Main street"** is designated as that part of Louisiana Highway 35 and Louisiana Highway 95, within the corporate limits of the Town of Church Point, from the intersection of Ebey Street (Louisiana Highway 95) and Main Street to the intersection of Plaquemine Street and Main Street (Highway 35).

**BE IT FURTHER ORDAINED** that on the Sunday of “**Courir De Mardi Gras**” in the **Town of Church Point** ” ... No person shall stop, park, or leave standing any vehicle as defined by Louisiana Revised Statute 32:1 et seq, including but not limited to, any motor vehicles, motorcycles, trailers or any movable or immovable object(s) that would occupy the shoulders, sidewalks or parking areas along and on “Main Street” **between the hours of 2:00 am February 26, 2017 ( Mardi Gras Sunday ) to 5:00 am February 27 ( Mardi Gras Monday) from the intersections of *La. Highway 95 Main Street at the Eastern Corporation Limits along Main Street to the intersection of Plaquemine Street and Main Street ( Highway 35)*. In the event of an emergency, the driver of a vehicle may lawfully stop and park the vehicle (on the shoulder) in accordance with the normal standards of prudent conduct to protect himself and others from harm. When the emergency ends, the vehicle shall be removed. This ordinance shall not apply to authorized emergency vehicles as defined in Louisiana Revised Statutes 32:1 a person with a mobility impairment operating an electric mobility aid. An "electric mobility aid" shall mean a mobility aid, usable indoors and designed for and used by individuals and which is prescribed by a physician for a medical condition that affects the user's ability to ambulate independently. To qualify as an electric mobility aid, a mobility aid must not be capable of exceeding a speed of twenty miles per hour on a paved surface when operating under its own power.**

**BE IT FURTHER ORDAINED** that any person violating any of the provisions of ordinance shall be assessed a fine not exceeding two hundred dollars (\$200.00) or imprisonment for a term not exceeding thirty (30) days or both or by both such fine and imprisonment, within the discretion of the Church Point Mayor’s Court, for each offense. In addition to the aforementioned, any person violating any of the provisions of this ordinance shall subject such vehicle, as defined by La. R.S. 32:1 et seq, to be towed at the owners expense.

**BE IT FURTHER ORDAINED THAT** this ordinance will become effective immediately upon its adoption at a duly called public meeting, a quorum being present and by a majority vote of the town council.

All ordinances and laws or parts of ordinances and laws not specifically noted above which are in conflict with this ordinance are hereby repealed.

Said Ordinance having been introduced on the 15th day of February 2017, by Alderman notice of public hearing having been held on February 15<sup>th</sup>, 2017 , the title having been read and the Ordinance considered, a vote was taken and the following result was had:

YEAS: Comeaux, Wimberley, Duplechin, Malbrough, Daigle  
NAYS: None  
ABSENT: None  
ABSTAINED: None

Whereon the presiding officer declared the Ordinance duly adopted on this 15<sup>th</sup> day of February 2017.

The Ordinance shall become effective immediately after adoption.

\_\_\_\_\_  
**RUSSELL STELLY**  
**MAYOR**

ATTEST:

\_\_\_\_\_  
**TOWN CLERK**

**b. Adoption of Ordinance # 021517**

ORDINANCE NO.# 021517

AN ORDINANCE ADOPTING LOUISIANA REVISED STATUTES 33:4761 ET SEQ  
REGARDING THE REMOVAL OF DANGEROUS STRUCTURES WITHIN THE  
CORPORATE LIMITS OF THE TOWN OF CHURCH POINT

WHEREAS, it is the desire of the Town Council/Board of Alderman for the Town of Church Point to protect the publics welfare by condemning any buildings or structures that is in a dilapidated or dangerous condition and causing such to be demolished;

BE IT ORDAINED that the Town of Church Point , by way of an act by the Board of Alderman, hereby formally adopt Louisiana revised Statutes 33:4761, 33:4762, 33:4763, 33:4764, 33:4765, 33:4766, and 33:4768 and any subsequent amendments thereto are copied herein in extensor as the ordinance and regulations for the Town of Church Point regarding the removal of dangerous structures within the corporate limits of the Town of church Point. Such Louisiana Statutes being:

La R.S. 33:4761- The governing authority of any parish or municipality may condemn and cause to be demolished or removed any building or structure within the parish or municipality when it is in a dilapidated and dangerous condition which endangers the public welfare.

**La. R.S. 33:4762 Notice to owner; hearing; notice filed with recorder of mortgages binds transferees A.(1) Before the parish or municipal governing authority may condemn any building or structure, there shall be submitted to it a written report recommending the demolition or removal of the building signed by some parish or city official or other person authorized to act in such matters for the parish or municipality. The parish president, police jury, mayor, or chief executive shall thereupon serve notice on the owner of the building or structure requiring him to show**

cause at a meeting of the governing authority, regular or special, why the building or structure should not be condemned. The date and hour of the meeting shall be stated in the notice which shall be served at least ten days prior to the date of the hearing, except in case of grave public emergency as provided in Subsection C of this Section. (2)(a) The notice may be served by mailing it via the United States Postal Service, by either registered or certified mail, return receipt requested, to the owner at the owner's last known address.(b) Service by registered or certified mail shall be considered personal service if the certified return receipt or the return form is signed by the addressee. Service by registered or certified mail shall be considered domiciliary service if the certified return receipt or the return form is signed by anyone other than the addressee.(c) If the registered or certified mail is returned for failure to obtain a signature on the return receipt form or returned due to refusal of delivery, service may be accomplished by first class mail, with a certificate of mailing. Service by first class mail in accordance with this Subparagraph shall be considered personal service and is effective when mailed. (3) The notice may also be served by the marshal of the municipality or by any sheriff or deputy sheriff or constable having jurisdiction and power to serve legal process where the owner of the building or structure is found in the state of Louisiana, and the officer shall make return of the service as in ordinary cases. B. If the owner is absent from the state or unrepresented therein, then the notice shall be served upon the occupant of the condemned building or structure, if any, and also upon an attorney at law appointed by the parish president, police jury, mayor, or chief executive to represent the absentee. Domiciliary service may be made as in ordinary cases. C. In case of grave public emergency where the condition of the building is such as to cause possible immediate loss or damage to person or property, the parish or municipal governing authority may condemn the building after twenty-four hours' notice served upon the owner or his agent or the occupant and attorney at law appointed to represent the absentee owner. Any such notice may be attached to a door or main entrance of the premises or in a conspicuous place on the exterior of the premises and shall have the same effect as delivery to or personal service on the owner, occupant, or attorney at law appointed to represent the absentee owner. D.(1) Any notice served pursuant to this Section shall be filed by the appropriate parish or municipal governing authority with the recorder of mortgages where the property is located. Once filed, said notice shall be deemed notice to all subsequent transferees. Any transferee of such property takes the property subject to all recorded liens, mortgages, and notices thereunto pertaining. (2) For purposes of any type of funding assistance being sought by the building or structure owner, any notice served pursuant to this Section shall be de facto proof that the building or structure is more than fifty percent damaged.

La. R.S. 33:4763 A. After the hearing, if, in the opinion of the parish or municipal governing authority the facts justify it, an order shall be entered condemning the building and ordering that it be demolished or removed within a certain delay. If repairs will correct the dilapidated, dangerous, or unsafe condition, the parish or municipal governing authority may grant the owner the option of making such repairs, but in such a case the general nature or extent of the repairs to be made, the time thereof, and the defects to be corrected shall be specified in the decision of the

**governing body. B. The decision and order of the parish or municipal governing authority shall be in writing and shall be final unless appealed from within five days as hereinafter provided**

**La. R.S. 33:4764 The owner, occupant, agent, or other representative of the owner may appeal from the decision of the parish or municipal governing authority to the district court having jurisdiction over the property. The appeal shall be made by the filing of a suit against the parish or municipality, setting forth the reasons why the decision or order of the governing body is illegal or improper, and the issue shall be tried de novo and by preference in the district court. Where a grave public emergency has been declared by the parish or municipal governing authority, the owner of the building who desires to prevent the demolition or removal thereof must file his petition within forty-eight hours of the posting of the notice of the demolition or removal order on the property and must, at the time of the filing of the petition, furnish such bond as may be fixed by the district judge to cover any damage that might be caused by the condition of the building. B. Either party may appeal from the judgment of the district court as in other cases.**

**La. R.S. 33:4765 Compliance with decision; demolition by parish or municipality where owner fails to comply; notice; assistance of national guard**

**A. The owner or his designated agent may proceed to demolish and remove the building, or have it repaired, in accordance with the order of the governing authority of the parish or municipality, provided the owner or his agent executes a contract in writing obligating himself to have the work done within the required time and files with the parish president, police jury, mayor, or chief executive a copy of the contract, together with a bond to guarantee performance. B. In the event the owner or occupant of the building or structure fails or refuses to comply with the decision of the governing authority of the parish or municipality and fails to appeal therefrom within the legal delays provided herein, then, in that event, the mayor or chief executive may proceed with the demolition or removal of the condemned building, structure, or public nuisance, in which case neither the parish president, police jury, or mayor nor the parish or municipality shall be liable in damages. C.(1) Prior to the demolition or removal of the building or structure by the parish or municipality, the parish president, police jury, mayor, or some official designated by the appropriate authority shall serve notice on the owner, or his agent, and on the occupant of the building, if any there be, or upon the attorney at law appointed to represent the minor, interdict, or absentee owner, giving the time when work will begin upon the demolition or removal of the building, structure, or public nuisance. (2) Notwithstanding Paragraph (1) of this Subsection, in cases of grave public emergency, the posting of the notice attached to the door or main entrance of the premises or in a conspicuous place on the exterior of the premises giving the time when work will begin upon the demolition or removal of the building, structure, or public nuisance shall be considered sufficient notice to the owner, occupant or attorney at law appointed to represent the absentee owner. D. The parish or municipal governing authority 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 a governing authority of a parish or municipality. However, the request must be accompanied by documentation that all procedural protections and substantive restraints have been adhered to by the parish or governing authority. E. In the event all procedural protections and substantive restraints have been adhered to by the parish or municipal governing authority, the parish or municipality and their personnel and the national guard and their 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

**LA. R.S. 33:4766 Lien and privilege for cost of demolition, removal, and maintenance by parish or municipality; interest; attorney fees**

**A. The parish or municipality has a privilege and lien upon an immovable and its improvements, and the owner is personally liable for: (1) The cost to the parish or municipality of maintenance of the immovable or improvements; and(2) The cost to the parish or municipality of demolishing or removing, or both, a building or other structure situated upon the immovable or improvements, and all attorney fees incurred by the parish or municipality in connection with such demolition or removal.**

**B. "Maintenance" shall include but not be limited to grass cutting, weed abatement, and trash and garbage removal. C. The privilege and lien shall be preserved and enforced only after the owner has refused, after notification by the parish or**

**municipality and reasonable opportunity to be heard, to pay the costs incurred by the parish or municipality. D. The privilege and lien shall be preserved by the filing and recording of an affidavit signed by the parish president, police jury, mayor of the municipality, or his designee in the mortgage office of the parish in which the immovable is situated. The affidavit shall include a description of the property sufficient to reasonably identify the immovable and a statement of facts listing the approximate cost or costs incurred by the parish or municipality. E.(1) The privilege and**

**lien shall be enforced by ordinary process in the district court having jurisdiction of the immovable within three years after it is perfected. Alternatively, the privilege and lien may be enforced by assessing the amount of the privilege and lien against the immovable as a tax against the immovable, to be enforced and collected as any ordinary property tax lien to be assessed against the property; the lien and privilege may be collected in the manner fixed for collection of taxes and shall be subject to the same civil penalties for delinquencies. After the parish, levee board, or municipality has incurred such costs as constitute the lien and privilege on the property, the parish president, police jury, mayor, president or executive director of the levee board, or any director of any community development department of the parish or municipality may send an attested bill of said costs and expenses which constitute the lien and privilege to the director of administration or tax assessor of the parish in which the property is located, who shall add the amount of the bill to the next tax bill of the owner. The lien obtained by the parish, levee board, or municipality pursuant to proper notification and filing shall include not only the costs provided for in Subsection A of this Section but shall include all attorney fees and all costs of court incurred in the locating of the owner, the notification of the owner, and the enforcement and collection of the amount**



secured by the lien against the immovable and the improvements. (2) If authorized by parish or municipal ordinance, the parish or municipality may also recover interest on the amounts secured by the lien. The interest shall not exceed the rate of legal interest provided in R.S. 9:3500 and shall be computed from the date of recordation of the lien until paid. The privilege and lien of the parish or municipality shall prime all other liens or privileges against the property filed after the notice to the owner to show cause is filed with the recorder of mortgages pursuant to R.S. 33:4762(D), regardless of the date on which the lien and privilege of the parish or municipality is perfected, except that the lien and privilege of the parish or municipality will not prime other tax liens against the property. F. The lien of the parish or municipality shall not be cancelled until after payment of all amounts, including costs, attorney fees, and interest. G. In addition to the lien and enforcement procedures authorized under this Section, the parish or municipality has a cause of action against the owner personally for the costs incurred by the parish or municipality, if such owner is not indigent and has the ability to pay a judgment obtained by the parish or municipality. Such action may be brought by ordinary proceeding in any court of competent jurisdiction. H.(1) If property, which may be subject to a lien and privilege granted in favor of a parish or municipality under this Section, is owned in indivision and the owners in indivision, with their proportionate share in the property, are listed separately by the tax assessor on the ad valorem tax roll for the parish or municipality, then the parish or municipality shall notify each owner in indivision of his liability under this Section.(2) Upon failure of each owner in indivision to pay his proportionate share of the charges incurred under this Section, that part of the property for which the charges are not paid shall be subject to a lien and privilege in favor of the parish or municipality as provided in this Section. (3) Notwithstanding the provisions of Subsection F of this Section to the contrary, upon payment by an owner in indivision of his proportionate share listed on the ad valorem tax roll for the parish or municipality of the charges, attorney fees, and interest incurred under this Section, and after certification of such proportionate interest by the assessor, the lien and privilege granted under this Section shall be removed from the proportionate interest of the paying owner in indivision. If outstanding charges levied under this Section are added to the annual ad valorem tax bill, the proportionate payment by the paying owner in indivision shall be reflected on the bill, and his interest in the property free of such charge shall be distinguished on the tax bill. (4) Notice of the lien and privilege required herein shall be made upon the owners in indivision at their actual address or the last known address listed on the tax rolls of the parish.

**La. R.S. 4767 Attorney to represent absentee, minor, or interdict-In the event the building or structure is unoccupied and its owner is absent from the state and unrepresented therein, or in the event the building is owned by a minor who has no tutor or an interdict who has no curator, the parish president, police jury, or mayor shall appoint an attorney at law to represent the absentee, minor, or interdict upon whom the notices and other proceedings provided in this Subpart may be served. The attorney shall be paid a reasonable fee to be taxed as cost.**

**La. R.S. 33:4768 Alternative to demolition; repair by municipality or parish-A.(1) Notwithstanding any other provision of law to the contrary, the parish or**

municipal governing authority, as an alternative to demolition or removal, may make the repairs necessary to correct the defects in a condemned structure within its jurisdiction.(2) The parish or municipal governing authority may take such action only after a demolition or removal order has been issued and the delay for a legal appeal has run, or an appeal has been denied, and when in the discretion of the parish or municipal governing authority such action will restore the structure to a state of usefulness to the community. (3) The decision of the parish or municipal governing authority to repair the structure may be appealed in the same manner as provided in R.S. 33:4764. B. The costs of repairs made pursuant to Subsection A and a ten percent penalty thereon shall be reimbursed by the owner of the condemned property, and such costs and penalty shall operate as a lien and privilege on the property in favor of the parish or municipality. Until such time as the costs and penalty have been paid, the parish or municipal governing authority may lease such property and apply all revenue received to the amount owed by the owner and to the necessary maintenance of the structure.

**BE IT FURTHER ORDAINED THAT,** it shall be unlawful for any person, firm or corporation to use any structure or building, or any part of any structure or building in a manner inconsistent or contrary to its intended purpose and/or its intended or permitted use. Any person, firm or corporation violating any of the provisions of this ordinance shall be guilty of a misdemeanor, and upon conviction shall be subject to a fine of not more than \$200.00 or thirty days in jail.

BE IT FURTHER ORDAINED THAT It shall be unlawful for a person, firm or corporation to be in conflict with or in violation of any of the provisions of this ordinance.

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

BE IT FURTHER ORDAINED THAT IF ANY PROVISION OF THIS ORDINANCE IS HELD TO BE INVALID, SUCH VALIDITY SHALL NOT AFFECT OTHER PROVISIONS, ITEMS OR APPLICATIONS OF THIS ORDINANCE, WHICH CAN GIVE EFFECT WITHOUT THE INVALID PROVISIONS, ITEMS OR APPLICATION, AND TO THIS END THE PROVISIONS OF THIS ORDINANCE ARE HEREBY DECLARED SEVERABLE.

BE IT FURTHER ORDAINED BY THE CHURCH POINT BOARD OF ALDERMAN OF THE TOWN OF CHURCH POINT, in special session, on the 15<sup>th</sup> day of February 2017 , that the following Ordinance # 021517 was introduced by Councilmember Daigle, duly seconded by Councilmember Malbrough, and duly ordained and adopted.

THIS ORDINANCE BECOMES EFFECTIVE ON THE 25<sup>TH</sup> DAY OF FEBRUARY , 2017.

AND this ordinance having been submitted to a vote in special session assembled

of the Mayor and Board of Aldermen of the Town of Church Point, the vote thereon being as follows:

YEAS: Comeaux, Wimberley, Duplechin, Malbrough, Daigle

NAYS: None

ABSENT: None

ABSTAINED: None

AND the said ordinance was declared adopted on this 15th day of February 2017.

\_\_\_\_\_  
RUSSELL STELLY  
Mayor

ATTEST:

\_\_\_\_\_  
Town Clerk

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CERTIFICATE

I, \_\_\_\_\_, Clerk of the Town of Church Point, Louisiana, do hereby certify that the above is a true and exact copy of an Ordinance adopted by the Town of Church Point, Louisiana, in special session on the 15<sup>th</sup> day of February, 2017.

\_\_\_\_\_  
Town Clerk