

**Minutes
Public Hearing
Town of Iowa
115 N. Thomson
Iowa, LA
November 14, 2022 6:30 p.m.**

A Public Hearing was called in compliance with all requirements as to notice and open meeting regulations.

Present: Mayor Paul Hesse; Council Members Gerald Guidry, Joe Becnel, Vernessa Guillory, Daniel Hennigan, and Julie Fontenot; Town Clerk Cynthia Mallett; Town Attorney Eugene Bouquet, Chief of Police Keith Vincent, and about 4 citizens.

Mayor Hesse called the public hearing to order at 6:30 p.m.

Mayor Hesse read the title to the introduced Ordinance No. 2022-05, An Ordinance Establishing Access Management to Maintain Traffic Control. He asked if anyone had any questions or comments. No questions or comments were said.

Mayor Hesse read the title to the introduced Ordinance No. 2022-06, An Ordinance Amending the FY 2021-2022 Budget for the Town of Iowa Louisiana. He asked if anyone had any questions or comments. No questions or comments were said.

Mayor Hesse read the title to the introduced Ordinance No. 2022-07, An Ordinance Amending the Code of Ordinances for the Town of Iowa to Include Nuisance Abatement. He asked if anyone had any questions or comments. No questions or comments were said.

Mayor closed the Public Hearing at 6:32 p.m.

**Minutes
Town of Iowa
115 N. Thomson, Iowa, LA
November 14, 2022 6:32 p.m.**

Mayor and Town Council met in regular session this date in compliance with all requirements as to notice.

Mayor Hesse called the meeting to order at 6:32 pm.

Present: Mayor Paul Hesse; Council Members: Daniel Hennigan, Gerald Guidry, Vernessa Guillory, Joe Becnel, and Julie Fontenot; Fire Chief Sonny Coffey; Town Clerk Cynthia Mallett; Town Attorney Eugene Bouquet; Chief of Police Keith Vincent; and about 4 citizens.

Invocation was led by Council Member Joe Becnel; followed by Pledge.

It was **moved by** Daniel Hennigan, **seconded by** Gerald Guidry to amend the agenda to add:

- a. Upon the recommendation of Jeff Kudla, Architect, Motion to approve payment #1 to K&J Development in the amount of \$257,323.65 for Ball Field Improvements Phase #1.
- b. Report from Officer Crooks on condemnations: 414 S. Sherman and 502 Railroad Avenue

The motion passed unanimously.

It was **moved by** Daniel Hennigan, **seconded by** Julie Fontenot to adopt the agenda as amended. The motion passed unanimously.

It was **moved by** Julie Fontenot, **seconded by** Joe Becnel to approve minutes as presented for Regular Meeting October 10, 2022. The motion passed unanimously.

Mayor Hesse asked Officer Crooks to report on 414 S. Sherman and 502 Railroad Avenue. Officer Crooks noted that nobody was present to represent ownership of these addresses. Officer Crooks stated that he had an inspection report from Calcasieu Parish recommending demolition of 414 S. Sherman. It

was **moved by** Daniel Hennigan, **seconded by** Joe Becnel to send notice for a condemnation hearing to the registered owner. The motion passed unanimously.

Officer Crooks reported the progress of the structures located at 500 and 502 Railroad Avenue both belonging to Wilfred Miller. He reported that Mr. Miller was planning to use the materials from 500 Railroad to repair 502 Railroad, but no progress has been done since he last talked to him. Mayor Hesse told Officer Crooks to have an inspection done by Calcasieu Parish and then it will be addressed after receiving the report.

Ms. Green, Executive Director for the Calcasieu Parish Voluntary Council on Aging, Inc. came forward. She gave the Mayor and Council Members a report of Senior Center in-kind financials for the 6 centers they operate. She spoke about the plans they have to build a new building in Iowa for the Senior's program. She said they depend on the Town of Iowa to help them pay the rent until they can build the new building. She requested that the town consider continuing to pay the \$12,000.00 annually toward the rent of the present building until that time along with the \$4,000.00 for reimbursement of wages. Mayor Hesse said that the Cooperative Endeavor Agreement that was passed at the last regular meeting was to grant \$12,000.00 to the Iowa Senior Center exclusively because they needed specific items. Ms. Green said the Council on Aging can provide to the center the items listed on the previous agreement. Mayor Hesse asked the Council to amend the Cooperative Endeavor Agreement to be paid toward the cost of rent instead of the specific items as listed. It was **moved by** Daniel Hennigan, **seconded by** Julie Fontenot to amend the agreement as requested and authorize Mayor Hesse to execute it. The motion passed unanimously.

Mr. Jeff Kudla, Architect, was not present to report project updates but submitted requests for approval of the council. Upon the recommendation of Jeff Kudla, it was **moved by** Daniel Hennigan, **seconded by** Julie Fontenot to approve payment of invoice #5198, final invoice for retainage, to Efficient Air Systems in the amount of \$9,800.00 for the HVAC system. The motion passed unanimously.

Upon the recommendation of Jeff Kudla, it was **moved by** Daniel Hennigan, **seconded by** Julie Fontenot to approve payment #8 to K&J Development of SWLA in the amount of \$23,310.72 for the public storage and break room building project. The motion passed unanimously.

Upon the recommendation of Jeff Kudla, it was **moved by** Julie Fontenot, **seconded by** Joe Becnel to approve Payment #1 to K&J Development in the amount of \$257,323.65 for Ball Field Improvements Phase #1. The motion passed unanimously.

Mr. Walt Jessen came forward to report project updates. Mr. Jessen provided copies of the bid tabulation for Project No. I-2022-198 , Sherman Avenue (Hwy 90 North to Dead End).Bids are as follows:

1. R.E. Heidt \$227,136.50
2. R.C. Paving \$234,133.00
3. Apeck Construction \$256,423.19

It was **moved by** Julie Fontenot, **seconded by** Vernessa Guillory to award this project to the lowest qualified bidder, R.E. Heidt Construction Co., LLC., for the amount of \$227,136.50. The motion passed unanimously.

Mayor Hesse informed the Council that an application was made to Calcasieu Parish Road and Drainage Trust Fund for 2023 grant year and a resolution is needed to complete the application. It was **moved by** Daniel Hennigan, **seconded by** Vernessa Guillory to approve the following resolution. The motion passed unanimously.

RESOLUTION NO. 2022-24
A RESOLUTION requesting assistance and making application
to the Calcasieu Parish Police Jury Road and Drainage Trust Fund
for participation in the cost of South Storer Drainage Improvements
Town of Iowa, LA

WHEREAS, funding is needed to complete this drainage improvement project; and
WHEREAS, funding of a portion of the cost needed for the improvement has been committed by the Town of Iowa (61% Town/39% Parish); and

WHEREAS, piping the existing roadside ditch on the east side of South Storer Avenue from US Highway 90 North to Third Street by the installation of reinforced concrete pipe and catch basins will improve the drainage system and safely remove the storm water from the nearby residential area.

BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF IOWA, LOUISIANA, in regular session convened, that:

SECTION 1: All of the above and foregoing is hereby made a part of this resolution.

SECTION 2: The Town Council of the Town of Iowa, Louisiana, does hereby request funding assistance and authorizes the Mayor of the Town of Iowa to make an application to the Calcasieu Parish Police Jury Road and Drainage Trust Fund for improvement of the drainage on South Storer Avenue.

Section 3: This resolution is effective as of November 1, 2022.

PASSED AND ADOPTED at Iowa, Louisiana, on this 14th day of November, 2022 and made effective as of the 1st day of November 2022.

PAUL HESSE, MAYOR
TOWN OF IOWA, LA

ATTEST:

CYNTHIA MALLET, CLERK

Mr. James Hardy, Waste Water Superintendent, came forward and reported on Waste Water/Sewer Department activities for the month of October.

Mr. Pat Thibodeaux, Public Works Director, came forward and reported on the activities of the public works department for the month of October. He gave updates on Drainage, Water Leaks repaired, and installation of water meters.

Fire Chief Sonny Coffey came forward and reported on Fire Department activities for the month of October. The Council was presented with a Cooperative Endeavor Agreement between the Town of Iowa and Fire Protection District No. One of Ward Eight for financial assistance to the Fire District in the amount of \$300,000.00 toward the purchase of a new Fire Engine. It was **moved by** Julie Fontenot, **seconded by** Vernessa Guillory to approve the Cooperative Endeavor Agreement as presented. The motion passed unanimously.

Police Chief Keith Vincent came forward and reported on the Police Department's activities for the month of October. Mayor Hesse told the Council that there is a police car that was no longer needed by the police department, and it would be better used by the Town of Oberlin. It was **moved by** Julie Fontenot, **seconded by** Daniel Hennigan to approve Resolution 2022-25. The motion passed unanimously.

RESOLUTION 2022-25

A RESOLUTION DONATING MOVEABLE SURPLUS PROPERTY TO
A POLITICAL SUBDIVISION

WHEREAS, The Town of Iowa no longer has need of 2014 Ford Interceptor Sedan VIN 1FAHP2MKXEG100830 known as Unit 11; and

WHEREAS, The Town of Oberlin Police Department has need of a vehicle; and
WHEREAS, The Town of Iowa hereby acknowledges the public service provided by
Town of Oberlin to the citizens of the Town of Oberlin; and
WHEREAS, Article VII, Section 14 of Louisiana Constitution allows the donation or
exchange of surplus moveable property between political subdivision.

THEREFORE, BE IT RESOLVED, by the Mayor and Town Council Members for the Town of Iowa,
Louisiana, in regular session this date does hereby authorize Mayor Paul Hesse to execute a Donation of
Surplus Property for the above-described vehicle.

The following Council Members voted:

YEAS: Julie Fontenot, Daniel Hennigan, Gerald Guidry, Joe Becnel, and Vernessa Guillory

NAY: None

ABSENT: None

ABSTAIN: None

WHEREAS, this resolution was declared adopted on this 14th day of November, 2022.

APPROVED:

Paul Hesse, Mayor

ATTEST:

Cynthia Mallett, Municipal Clerk

Mayor Hesse explained Ordinance No. 2022-05 and the need to adopt this ordinance. Council Member Daniel Hennigan asked if it would only be enforced for Hwy 90, N. Thomson, and Miller Street and if so, then he would like that language in this ordinance. Mr. Bouquet said he recalled an ordinance the town adopted that said these were the only areas for commercial buildings so if that is correct, we would not need to add these streets to the ordinance but he will check and if needed this ordinance can be amended to specify these streets only. It was **moved by** Daniel Hennigan, **seconded by** Julie Fontenot to adopt Ordinance No. 2022-05. The motion passed unanimously.

ORDINANCE No. 2022-05

AN ORDINANCE ESTABLISHING ACCESS MANAGEMENT SO AS TO MAINTAIN TRAFFIC CONTROL

WHEREAS, Internal connections between neighboring properties and shared driveways allow vehicles to circulate from one business or development to the next without having to reenter a collector or arterial street. Unified access and circulation improve the overall ease of access to development and reduces the need for individual driveways. The purpose of this section is to accomplish unified access and circulation systems for commercial development.

NOW, THEREFORE, BE IT ENACTED by the Mayor and Town Council of Town of Iowa, Louisiana, as an Ordinance:

(A) A system of joint use driveways and cross access easements shall be established wherever feasible as per Louisiana Administrative Code (LAC) Title 70 §1521, §1525 and DOTD policy page 43.

1. An access and/or circulation system plan that includes coordinated or shared parking areas wherever feasible.

2. Stub-outs and other design features to make it visually obvious that the abutting properties must be tied in, to provide cross access via a service drive.
- (B)** Adjacent commercial or office properties and compatible major traffic generators (i.e. Shopping plazas, office parks, apartments, etc.) shall provide a cross access drive to allow circulation between sites. This requirement shall also apply to a new building site that abuts an existing developed property unless it is shown to be clearly impractical as per DOTD policy page 43 and LAC §1525E. Property owners shall record a cross access easement through a note on the plat or by recordation of a separate document in the records of Calcasieu Parish Clerk of Court.
- (C)** Property owners who provide for joint and cross access may be granted a temporary driveway permit, when necessary, to provide reasonable access until such time as the joint use driveway and cross access drives are provided with adjacent properties. This is conditioned upon the owner signing an agreement to close and eliminate any pre-existing driveways that were provided for access in the interim after the construction of the joint use driveway as per DOTD Policy page 53 and LAC §1539.
- (D)** In the interest of promoting joint access and cross access plans, development sites under the same ownership or consolidated for the purposes of development and comprised of more than one building site shall be considered unified parcels for the purposes of compliance with the access management requirements. This shall also apply to phased development plans as per DOTD Policy page 43 and LAC §1525. The following requirements shall apply:
1. The number of connections permitted shall be the minimum number necessary to provide reasonable access to the overall site and not the maximum available for that frontage.
 2. Access to out parcels shall be internalized using a shared circulation system and designed to avoid excessive movement across parking aisles or queuing across surrounding parking and driving aisles.
- (E)** Where abutting properties are in different ownership and not part of an overall development plan, only the building site under consideration for development approval shall be subject to the requirements of this section. Abutting properties shall be required to provide for cross access at the time these properties are proposed for development as per DOTD Policy Chapter 4 pages 27-28 for information pertaining to reevaluation of existing developments, which may be incorporated.
- (F)** Construction of driveways along turn lanes and tapers is prohibited unless no other access to the property is available. In this instance, the driveway may be restricted to certain turning movements. In addition, the lane shall be extended a minimum of 50 feet in advance of the driveway as per DOTD policy pages 31-33,
- (G)** Driveways shall be designed with adequate on-site storage for entering and exiting vehicles to reduce unsafe conflicts as per DOTD policy page 45-49 and LAC §1521A.5

(H) Special driveway designs-The Town of Iowa may require internal driveway improvements, turning movement prohibitions, auxiliary lanes, and traffic control devices to address safety and/or capacity problems within the property that may have a detrimental effect on the adjacent public street system as per DOTD policy pages 45-49 and Access Connections Geometrics.

After public hearing was held on the above Ordinance, the title having been read and the Ordinance considered, on motion by Daniel Hennigan seconded by Julie Fontenot to adopt the Ordinance, a record vote was taken and the following result was had:

YEAS: Daniel Hennigan, Julie Fontenot, Gerald Guidry, Joe Becnel,
and Vernessa Guillory

NAYS: None

ABSENT: None

ABSTAIN: None

WHEREUPON, the presiding officer declared the above Ordinance duly adopted on the 15th day of November, 2022

PAUL HESSE, MAYOR

I certify that the above ordinance was presented to the Mayor by me on the 15th day of November, 2022..

CYNTHIA MALLETT, TOWN CLERK

I, acknowledge receipt of the above ordinance from the Town Clerk on this 15th day of November , 2022.

PAUL HESSE, MAYOR

I, hereby approve the above ordinance on this 15th day of November, 2022.

PAUL HESSE, MAYOR

I certify that the above ordinance was received by me from the Mayor on this 15th day of November, 2022.

CYNTHIA MALLETT, TOWN CLERK

Mayor Hesse announced Ordinance No. 2022-06, An Ordinance Amending Budget for Fiscal Year 2021-2022. He explained after completing the annual audit the funds expended in Sales Tax I was over the budgeted amount because all hurricane expenditures and American Rescue Act Expenditures are paid through Sales Tax I. It was **moved** by Vernessa Guillory, **seconded** by Julie Fontenot to adopt Ordinance No 2022-06. The motion passed unanimously.

ORDINANCE 2022-06
AN ORDINANCE
AMENDING THE FY 2021/2022 BUDGET FOR THE
TOWN OF IOWA LOUISIANA

BE IT ORDAINED by the Mayor and Town Council of the Town of Iowa, Louisiana that:

The following is an amended statement of the FY21/22 Budget

SECTION 1: The following is an amended statement of the probable receipts and disbursements of the Town of Iowa, Louisiana for the fiscal year commencing July 1, 2021 and ending June 30th, 2022 and the same is hereby declared to be and is designated the adopted amended budget for the Town of Iowa, Louisiana for FY2021-22.

Sales Tax I Water Improvement

Changes:	Budget	Actual
Expenditures:	\$ 1,186,284.99	to \$1,860,596.32

SECTION 2: This section shall become effective immediately upon adoption.

BE IT ORDAINED by the Mayor and Board of Council Members of the Town of Iowa, Louisiana, in Regular Session duly convened on November 14, 2022 an amended budget for the fiscal year of 2021 and 2022 be adopted and enacted.

THUS DONE AND INTRODUCED at a regular meeting of the Mayor and Town Council for the Town of Iowa, Louisiana, held on the 12th day of October 2022.

After public hearing was held on the above ordinance, the title having been read and the ordinance considered, motion by Vernessa Guillory, seconded by Julie Fontenot to adopt the ordinance, a record vote was taken and following result was had:

YEAS: Vernessa Guillory, Julie Fontenot, Gerald Guidry, Daniel Hennigan, and Joe Becnel

NAYS: None

ABSENT: None

ABSTAIN: None

WHEREUPON, the presiding officer declared the above ordinance duly adopted on this 14th day of November, 2022.

PAUL HESSE, MAYOR

I certify that the above ordinance was presented to the Mayor by me on the 15th day of November, 2022.

CYNTHIA MALLETT, TOWN CLERK

I, acknowledge receipt of the above ordinance from the Town Clerk on this 15th day of November, 2022.

PAUL HESSE, MAYOR

I, hereby approve the above ordinance on this 15th day of November, 2022..

PAUL HESSE, MAYOR

I certify that the above ordinance was received by me from the Mayor on this 15th day of November, 2022

CYNTHIA MALLETT, TOWN CLERK

Mayor Hesse read the title of Ordinance No. 2022-07 and the reason the town needs a nuisance ordinance. It was **moved by** Joe Becnel, **seconded by** Vernessa Guillory to adopt Ordinance No. 2022-07. Council Member Daniel Hennigan stated that he opposed the five arrests stated in the ordinance as being too many. The vote is as follows: YEAS: Joe Becnel, Vernessa Guillory, Gerald Guidry, and Julie Fontenot; NAYS: Daniel Hennigan; ABSENT: None; ABSTAIN: None
The motion passed.

ORDINANCE NO. 2022-07

AN ORDINANCE AMENDING THE CODE OF ORDINANCES FOR THE TOWN OF IOWA TO INCLUDE NUISANCE ABATEMENT

WHEREAS, the Town of Iowa presently has, in the Code of Ordinances Section 23:31-32 Nuisance on private premises generally and Nuisance abatement; and

WHEREAS, the Town of Iowa needs to expand on definitions, right to enjoin certain nuisances, and abatement.

BE IT ORDAINED by the Mayor and Board of Council Members of the Town of Iowa, in regular session assembled, that Town of Iowa Code of Ordinances is hereby amended as follows: to-wit:

Definitions; right to enjoin certain nuisances; abatement.

(a) For the purpose of this section, the following terms shall have the following definitions:

(1) *Drug-related criminal activity* means the illegal manufacture, sale, or distribution of, or possession with intent to manufacture, sell, or distribute, a controlled dangerous substance, as defined by LSA R.S. 40:961 or of drug paraphernalia as defined by LSA R.S. 40:1031;

(2) *Maintenance of a nuisance* means to knowingly conduct, carry on, or permit on one's premises a prohibited activity as defined in this section and having failed to make reasonable attempts to abate such activity after having been provided notice of same, including the nature and extent of such nuisance, by the Town of Iowa or the Iowa Police Department;

(3) *Nuisance* means a prohibited activity as hereinafter defined in this section.

(4) *Order of abatement* means an order of the district court effecting the closure of a premises under the terms and conditions set forth by the district court;

(5) *Premises* means any building, structure, land, watercraft, or movable owned or occupied by a proprietary party or representative thereof;

(6) *Prohibited activity* means prostitution, as defined in this section, obscenity, as now or hereafter defined by the criminal laws of this state, or a pattern of drug-related criminal activity, disturbance-related activity, and/or high violent crime activity as defined in this section.

(7) *Proprietary party* means an owner, lessee, sublessee, or occupant of any premises covered by this section;

(8) *Prostitution* means the practice by a person of indiscriminate sexual intercourse with another for compensation, or the solicitation by one person of another with the intent to engage in indiscriminate sexual intercourse with the latter for compensation;

(9) *Representative* means an officer, agent, employee, or other representative of a proprietary party;

(10) *Disturbance-related activity* means the operation of any premises in such a manner which may cause or which causes any disturbances to residents of normal sensitivities living in any neighborhood adjacent to the premises including but not limited to violations of sections 8 (animals), 32:1 (Town of Iowa Criminal Code), and 23 (Environment).

(11) *High violent crime activity* means felony level criminal offenses occurring on the premises, resulting in the physical injury to any person and/or the commission or attempted commission of any crime of violence cited under LA R.S. 14:2(B).

(b) Maintenance of a nuisance in or upon any premises by a proprietary party, his representative, or any person acting in active concert with him or them may be enjoined as provided in this section. Maintenance of the same nuisance at any other location within the jurisdictional area of the court issuing the injunction by such individuals may be enjoined in such action.

(c) An order of abatement directing the effectual closing of the premises in question may be entered as part of the judgment in the case as provided by this chapter.

Documentation to be considered; notice

(a) In determining whether a nuisance exists in or upon any premises, the following non-exclusive documentation shall be considered: complaints, arrest reports, citations, search warrants, incident reports, videotapes, photographs, officer declarations, citizen declarations, and regulatory agency inspections.

(b) Upon determining that a nuisance exists in or upon a premises, the Town of Iowa or the Iowa Police Department shall send notice, by certified mail, to the last known address of the owner of the premises requesting that the owner meet with representatives of the town or the police department to discuss the nuisance. The town police department shall assist the owner of the premises to whatever extent is practical and legal in finding a remedy for the nuisance. The notice referred to hereinabove shall include a description which identifies and documents the nuisance.

(c) After the meeting provided for in subsection (b), the police department shall supply the owner of the premises with a written list of recommendations for abating the nuisance.

(d) If the owner of the premises fails to take remedial action to abate the nuisance within 30 days of the meeting provided for in subsection (b) or if the owner does not respond to the certified letter provided for in subsection (b) within 30 days of its receipt, the town attorney for the Town of Iowa may pursue any remedy available to enjoin or abate the nuisance as set forth in this chapter.

Presumption of public nuisance

A public nuisance constitutes any of the following acts that have occurred on premises regardless of who has committed the acts:

(a) *Drug-related criminal activity*: Five arrests and/or citations for any violation of any provisions of the Louisiana Uniform Controlled Dangerous Substance Act, LA R.S. 40:961, et seq. or of drug paraphernalia as defined by LA R.S. 40:1031, in 12 consecutive months made on the premises shall constitute presumptive evidence that the premises are a public nuisance.

(b) *High violent crime activity*: Three felony crimes occurring in 12 consecutive months wherein physical injury or death to any person results on the premises and/or the commission or attempted commission of any crime of violence cited under LA R.S. 14:2(B), shall constitute presumptive evidence that the premises are a public nuisance.

(c) *Prostitution-related activity*: Five arrests and/or citations for obscenity, prostitution, or solicitation for prostitution or any related provisions of LA R.S. 14:82, et seq. or any corresponding town ordinance in 12 consecutive months shall constitute presumptive evidence that the premises are a public nuisance.

(d) *Disturbance-related activity*: The maintenance of any premises in such a manner which may cause or which causes any disturbances to residents of normal sensitivities living in any neighborhood adjacent to the premises shall be a public nuisance. Police investigatory reports indicating that 12 disturbances did occur on or emanated from the premises and were quelled by police in 12 consecutive months shall constitute presumptive evidence that the premises are a public nuisance.

Right to petition for injunction or order of abatement of nuisance

(a) The issuance of an injunction or order of abatement pursuant to this chapter may be petitioned for by the town attorney for the Town of Iowa or by the district attorney for the Parish of Calcasieu after the owner of the premises has been notified as outlined in the "Documentation to be considered; notice" section, of this document.

(b) Application for injunctive relief afforded by this chapter shall be by petition.

(c) After a petition for an injunction has been filed, notice thereof shall be promptly served on the adverse party and a preliminary hearing shall be held within seven days from the time such notice is served. If, following the preliminary hearing, an independent judicial determination is made that there is probable cause to believe that maintenance of a nuisance, as defined in this chapter, exists, an order granting a preliminary injunction may issue describing on its face in reasonable detail the conduct sought to be permanently enjoined.

(d) Regardless of whether or not a preliminary injunction has been granted, an adversary hearing shall be held not less than five days nor more than 20 days after the preliminary hearing, or within such additional reasonable time to which the adverse

party consents. The court shall render its judgment within 48 hours following the conclusion of the adversary hearing. If, following the adversary hearing, an independent judicial determination is made that maintenance of a nuisance, as defined in this chapter, does in fact exist, an order granting a final injunction may issue describing on its face in reasonable detail the conduct permanently enjoined.

(e) An order granting the preliminary or final injunctive relief afforded by this section shall be effective against the parties enjoined, their officers, agents, representatives, employees, counsel or any other person or persons in active concert or participation with them, from the time actual knowledge of the order is received by personal service or otherwise.

(f) In all cases when the prohibited activity alleged is obscenity, no injunction shall be granted unless the court determines in a prior contradictory hearing that the conduct or activities alleged to be obscene are not protected by the Constitutions of the United States or the State of Louisiana.

(g) The defendant in the injunction proceeding may appeal to the court of competent jurisdiction an order granting a final injunction, but the appeal shall not stay enforcement of the injunctive relief or an order of abatement granted in the order. Such appeal shall be perfected within ten calendar days from the rendition of the order and shall be made returnable in the appropriate appellate court in not more than 30 calendar days from the rendition of the order. The appeal shall be heard with the greatest possible expedition, giving the proceedings preference over all matters except other matters of the same character. The applicant for the injunction may appeal to the court of competent jurisdiction an order denying the final injunction or denying an order of abatement.

(h) A violation of the provisions of an injunction issued in a cause instituted under the provisions of this section shall constitute contempt of court. Any person found guilty of such contempt shall be punished by a fine of not less than \$100.00 nor more than \$500.00, or by imprisonment in the parish prison for a period of not more than six months, or both. On conviction for a second or subsequent contempt, the offender shall be punished by both fine and imprisonment.

Order of abatement for certain nuisances.

(a) If it is established in an action under the provisions of this chapter that maintenance of a nuisance exists and that the owner knew of its existence, or had been notified of the use of the premises in such a fashion as to constitute maintenance of a nuisance as hereinabove defined, and, after a reasonable period of time, which shall not be less than 30 days, shall have failed to take any action to abate the nuisance after having been notified in the manner provided, an order of abatement may be entered as part of the judgment rendered in the case. The order of abatement shall direct the effectual closing of the premises for a period of one year, unless sooner released.

(b) Any person who in any manner uses premises he knows have been so directed to be closed shall be guilty of contempt of court and punished as provided.

Release of property and discontinuance of action upon giving of bond; violations

(a) If, after an order of abatement has been entered, the owner appears, pays all costs of the proceeding and files a bond with surety or sureties, bound in solido, to be approved by the clerk of court, in an amount to be ascertained by the court but not to exceed the sum of \$50,000.00, conditioned that he will immediately abate the nuisance for a period of one year thereafter, the court may, if satisfied of his good faith, order the release of the premises so closed under the order of abatement. Such release shall not affect any action against any person whatsoever.

(b) If the bond is given and all costs therein are paid before judgment and order of abatement, the action shall be thereby discontinued as to only the premises.

(c) In the event such bond is given and the premises released, each day that the owner knowingly permits the premises or any part thereof to be used for such prohibited activity during the term of the bond, shall warrant a forfeiture of \$100.00 under the bond for each day on which the premises are so used. Collection thereof shall be had by rule taken in the original action against the principal and sureties thereon on either of them, and the release shall be revoked.

(d) No forfeiture under the bond shall relieve the owner from any prosecution for contempt, and the consequences thereof. The penalty under the bond and the penalty for contempt shall be cumulative. The release of the property under the provisions of this section shall not release it from any judgment, penalty, lien or liability to which it may be subject by law.

Definitions; criminal street gangs and patterns of criminal street gang activities

(a) As used in this chapter, "criminal street gang" means any ongoing organization, association, or group of three or more persons, whether formal or informal, which has as one of its primary activities the commission of one or more of the criminal acts enumerated in paragraphs one through eight of subsection (b) of this section or which has a common name or common symbol, whose members individually or collectively engage in or have engaged in a pattern of criminal gang activity.

(b) As used in this chapter, "pattern of criminal gang activity" means the commission or attempted commission of two or more of the following offenses, provided at least one of those offenses occurred after the date this chapter goes into effect and the last of those offenses occurred within three years after a prior offense, and the offenses are committed on separate occasions by two or more persons or by different persons:

(1) Aggravated battery or second-degree battery as defined in LSA R.S. 14:34 and LSA R.S.

14:34.1.

- (2) Armed robbery as defined in LSA R.S. 14:64.
- (3) First or second-degree murder or manslaughter, as defined in LSA R.S. 14:30, 30.1 and 31.
- (4) The sale, possession for sale, transportation, manufacture, offer for sale, or offer to manufacture controlled substances as defined in LSA R.S. 40:961, et seq.
- (5) Illegal use of weapons or dangerous instrumentalities, as defined in LSA R.S. 14:94.
- (6) Aggravated arson as defined in LSA R.S. 14:51.
- (7) Intimidating, impeding, or injuring witnesses; or injuring officers, as defined in LSA R.S. 14:129.1.
- (8) Theft, as defined in LSA R.S. 14:67, of any vehicle, trailer, bicycle, or vessel.

Premises used by criminal street gang, nuisances, actions for injunction and other remedies for unlawful use

(a) Every building or place used by members of a criminal street gang for the commission of a pattern of criminal gang activity is a nuisance and may be the subject of an injunction or cause of action for damages or for abatement of the nuisance as provided for in this section.

(b) The town attorney for the Town of Iowa, or the district attorney for the Parish of Calcasieu may file a petition for injunctive relief with the appropriate court seeking eviction from or closure of any premises used for commission of a pattern of criminal gang activity. Upon proof by the plaintiff that the premises are being used by members of a criminal street gang for the commission of a pattern of criminal gang activity, the court may order the owner of record or the lessee of the premises to remove or evict the persons from the premises and order the premises sealed, prohibit further use of the premises, or enter such order as may be necessary to prohibit the premises from being used for the commission of a pattern of criminal gang activity and to abate the nuisance.

(c) Any action for injunction, abatement, or other relief filed pursuant to this section shall proceed according to the provisions of the Louisiana Code of Civil Procedure.

(d) Prior to bringing any action provided for in this section, the town or the police department shall send notice, by certified mail, to the last known address of the owner of the premises requesting that the owner meet with representatives of the town or the police department to discuss the criminal street gang activity. The town and the police department shall assist the owner of the premises to whatever extent is practical and legal in finding a remedy for the activity. The notice referred to hereinabove shall include a description which identifies and documents the criminal street gang activity.

(e) After the meeting provided for in subsection (d), the police department shall supply the owner of the premises with a written list of recommendations for abating the criminal street gang activity.

(f) If the owner of the premises fails to take remedial action to abate the criminal street gang activity within 30 days of the meeting provided for in subsection (d) or if the owner does not respond to the certified letter provided for in subsection (d) within 30 days of its receipt, the town attorney for the Town of Iowa or the district attorney for the Parish of Calcasieu may pursue any remedy available to enjoin or abate the activity as set forth in this chapter.

(g) If the court has previously issued injunctive relief ordering the owner of record or the lessee of the premises to close the premises or otherwise to keep the premises from being used for the commission of a pattern of criminal gang activity, the court, upon proof of failure to comply with the terms of the injunction and that the premises continue to be used for the commission of a pattern of criminal gang activity, may do one or more of the following:

(1) Order the premises demolished and cleared at the cost of the owner.

(2) Order the premises sold at public auction and the proceeds from the sale, minus the cost of the sale and the expenses of bringing the action, delivered to the owner.

(3) Order the defendant to reimburse the local governing authorities who have incurred expenses as a result of the defendant's failure to take reasonable steps or precautions to comply with the terms of any injunction issued pursuant to the provisions of this section.

Penalties

(a) Unless otherwise provided and in addition to any other remedy or penalties available under this Code any violation of this chapter shall be subject to, upon conviction, by a fine not to exceed \$250.00 for a first offense and \$500.00 for a second or subsequent offense within a 12 consecutive month period. Each day's violation of a provision herein shall constitute a separate offense. The imposition of a fine does not relieve a person of the duty to abate a violation.

(b) Unless otherwise provided and in addition to any other remedy or penalties available under this Code, any violation of this chapter shall be subject to, upon a finding of liability by the town's administrative adjudication hearing officer, a civil penalty not to exceed \$250.00 for a first offense and \$500.00 for a second or subsequent offense within a 12 consecutive month period. Each day's violation of a provision herein shall constitute a separate offense. The imposition of a civil penalty does not relieve a person of the duty to abate a violation.

Blighted and abandoned properties prohibited

(a) Blighted and abandoned properties are hereby declared to be public nuisances, and the maintenance or permitted maintenance of blighted and/or abandoned property by a property owner within the town limits is prohibited.

(b) "Blighted property" means any commercial or residential premises, including lots, which are vacant, uninhabitable and hazardous and because of their physical condition, are considered hazardous to persons or property.

(c) "Abandoned property" means any property that is vacant or not lawfully occupied. The terms "vacant" or "not lawfully occupied" shall include but shall not be limited to any premises which are not actually occupied by its owner, lessee, or other invitee or if occupied, without required utilities, and which has been left unsecured or inadequately secured from unauthorized entry to the extent that the premises could be entered and utilized by vagrants or other uninvited 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 the public safety, health, or welfare.

(d) All structures that utilize boarding of doors, windows, and other access points to prevent unauthorized entry and to secure the property shall meet or exceed the following requirements:

(1) All windows and doors shall be boarded in an approved manner to prevent entry by unauthorized persons and shall be painted to correspond to the color of the existing structure.

(2) Boarding sheet material shall be minimum ½ inch thick wood structural panels complying with the International Building Code.

(3) Boarding framing material shall be minimum nominal two-inch by four-inch solid sawn lumber complying with the International Building Code.

(4) Boarding fasteners shall be minimum ¾-inch diameter carriage bolts of such a length as required to penetrate the assembly and as required to adequately attach the washers and nuts. Washers and nuts shall comply with the International Building Code.

(5) The boarding sheet material shall be cut to fit the door or window opening neatly or shall be cut to provide an equal overlap at the perimeter of the door or window.

(6) Door walls. The door opening shall be framed with minimum two-inch by four-inch framing material secured at the entire perimeter and vertical members at not more than 24 inches on center. Blocking shall also be secured at not more than 48 inches on center vertically. Boarding sheet material shall be secured with screws and nails alternating every six inches on center.

(7) One door may be available for authorized entry but shall be secured and locked in a manner that prevents unauthorized entry at all times.

(8) No residential structure boarded shall remain in that state for a period longer than a total of 24 months all inclusive. No commercial structure

boarded shall remain in that state for a period longer than a total of 12 months all inclusive. If the property is secured in this manner for greater than the applicable time period, then the property shall be deemed blighted.

(e) In addition to any other remedies available under this Code or the law, any violation of this section shall be subject to, upon a finding of liability by the town's administrative adjudication hearing officer pursuant to R.S. 13:2575 and this Code, a civil penalty not to exceed \$250.00 for a first offense, \$500.00 for a second offense which occurs within 12 months of the first offense, and \$1,000.00 for a third offense which occurs within 12 months of the first offense. Upon the finding of a third offense, civil penalties may include an additional \$1,000.00 per day for all subsequent offenses and/or for each day the violation is not abated. The imposition of a civil penalty does not relieve a person of a duty to abate the violation. Each day any violation of this section shall continue shall constitute a separate offense.

After public hearing was held on the above Ordinance, the title having been read and the Ordinance considered, on motion by Joe Becnel seconded by Vernessa Guillory to adopt the Ordinance, a record vote was taken and the following result was had:

YEAS: Joe Becnel, Vernessa Guillory, Julie Fontenot, and Gerald Guidry

NAYS: Daniel Hennigan

ABSENT: None

ABSTAIN: None

CYNTHIA MALLETT, TOWN CLERK

I, acknowledge receipt of the above ordinance from the Town Clerk on this 15th day of November, 2022.

PAUL HESSE, MAYOR

I, hereby approve the above ordinance on this 15th day of November, 2022.

PAUL HESSE, MAYOR

I certify that the above ordinance was received by me from the Mayor on this 15th day of November, 2022.

CYNTHIA MALLETT, TOWN CLERK

Mayor Hesse offered for introduction proposed Ordinance No. 2022-08, An Ordinance Amending Ordinance No. 2017-05, Section 5, Ordinance No. 2017-06 Section 5, and Ordinance No. 2022-01 Section 6 providing for a decrease of Interest on Delinquent Sales Tax Payment. He explained that the State of Louisiana, Department of Revenue decreased the interest rate for delinquent sales tax and is encouraging all taxing bodies to do the same.

Mayor Hesse read the next item on the agenda and explained that Entergy's current agreement with the Town of Iowa for existing servitudes will expire and they are requesting to renew. He said he wanted Pat Thibodeaux to call Entergy and clarify the location/s and what it all entails.

Mayor Hesse read the next item on the agenda, to approve payment to Empire Dirtworks for the construction work at the Serenity Park. There was discussion of the progress and the retainage amount. It was **moved by** Julie Fontenot, **seconded by** Vernessa Guillory to approve Payment #3 to Empire Dirtworks for the construction of Serenity Park in the amount of \$67,251.90. The motion passed unanimously.

Mayor Hesse announced that a Proclamation was done proclaiming Deacon Bro. Melvin Rougeau day November 6, 2022. He read the proclamation.

Report of finance was reported by Mayor Hesse.

Mayor Hesse proposed having two meetings a month instead of one and asked the Council to think about this for the next year.

Council Member Joe Becnel said he met with Pat Thibodeaux about a request from a citizen about a 2-way stop and/or 3-way stop at Barkley & Helen Street. Chief Vincent said he needed more information and feedback for the reason why there would be a need to change it.

With no further business it was **moved by** Daniel Henningan, **seconded by** Joe Becnel to adjourn the meeting. The motion passed unanimously. The meeting was adjourned at 7:50 pm.

ATTEST:

Paul Hesse, Mayor

Cynthia Mallett, MMC

PUBLIC HEARING NOTICE

NOTICE IS HEREBY GIVEN that the Mayor and Town Council of the Town of Iowa, State of Louisiana, acting as the governing authority of the Town of Iowa, State of Louisiana, will meet on December 12, 2022 at six thirty (6:30) o'clock p.m., at its regular meeting place, Iowa City Hall Meeting Room, 115 N. Thomson Avenue, Iowa, Louisiana at which time there will be a public hearing on the adoption of the below introduced ordinance:

Ordinance No. 2022-08

An Ordinance Amending Ordinance No. 2017-05 Section 5, Ordinance No. 2017-06 Section 5, and Ordinance No. 2022-01 Section 6 Providing for a Decrease of Interest on Delinquent Sales Tax Payments

All interested citizens will have the opportunity to give written or oral comments. Handicapped persons needing assistance or aid should contact City Hall, 337-582-3535 before the meeting. Published in Lake Charles American Press.