

ORDINANCE NO. 2023-004

AN ORDINANCE OF THE CARENCRO CITY COUNCIL TO REMOVE THE WORD “CITY MANAGER” FROM CERTAIN ORDINANCES OF THE CITY OF CARENCRO

WHEREAS, various specific ordinances of the City of Carencro affords the city manager with certain powers and authority and whereas the City of Carencro operates without a city manager, those certain ordinances that reference a city manager require revision to accurately reflect the structure of the municipal government and vest the power and authority once given to the city manager to the Mayor, or the designee of the Mayor, other than the power to execute or sign official declarations, contracts and other agreements on behalf of the City of Carencro, which power is specifically reserved for the office of the Mayor.

A. **BE IT ORDAINED** by the Mayor and City Council of the City of Carencro, Louisiana that by the City Council for the City of Carencro, Louisiana that Chapter 2, Article VI, Section 2-152 of the Code of Ordinances of the City of Carencro, Louisiana, is hereby amended to read as follows:

Sec. 2-152. - Debarment of contractors.

(a) *Definitions*. When used herein, the following words and phrases have the meaning ascribed to them in this section, unless the context clearly indicates a different meaning:

Contractor means contractor, subcontractor, consultant or subconsultant selected under applicable state law.

Debarment means the disqualification of a contractor to receive invitations for bids or requests for proposals or the award of any contract by the City of Carencro and shall be applicable to selection of consultants by the city and participation as a joint venture, subcontractor or consultant or subconsultant on City of Carencro projects.

Debarment committee means the committee consisting of the following persons acting upon a unanimous vote: the supervisor of the applicable department or his designee; the Mayor; the purchasing and property manager, and the city attorney or his designee. The Mayor or the Mayor's designee shall serve as chair of the debarment committee.

Department means the particular department of City of Carencro which is concerned with or interested in the contractor in question.

Regulations means the rules and regulations governing debarment and the administration of this article as approved by the city council.

Suspension means the determination that a person shall be ineligible to serve as a contractor on a project of the City of Carencro for a stated period of time as determined by the debarment committee in accordance with the provisions of this article.

(b) *Applicability.* This article applies to a debarment for cause from consideration for awarding of contracts and participating in performance of contracts as a contractor or a suspension from consideration during an investigation where there is probable cause for debarment.

(c) *Authority.* After ten days' written notice to the contractor involved and reasonable opportunity for that contractor to be heard, the debarment committee shall have authority to debar or suspend and may debar or suspend a contractor for cause from consideration for awarding of a contract or participating in any manner in city projects pursuant to the regulations, provided that doing so is in the best interest of the city. The causes for debarment or suspension are set forth in section 2-153. The period of debarment shall be as determined by the debarment committee, but shall not exceed three years from the finality of the debarment. The period of suspension shall not exceed six months. The authority to debar or suspend shall be exercised only after notice and hearing in accordance with the provisions of section 2-154.

(Ord. No. 2006-015, §§ A–C, 9-18-2006)

B. **BE IT ORDAINED** by the Mayor and City Council of the City of Carencro, Louisiana that by the City Council for the City of Carencro, Louisiana that Chapter 22, Division 3, Section 22-224 of the Ordinances of the City of Carencro, Louisiana is hereby amended to read as follows:

Sec. 22-224. - Notice to vehicle owner and property owner; failure to remove.

(a) Whenever any motor vehicle is determined to be a junked motor vehicle and/or an abandoned motor vehicle, the City of Carencro, through its representative, shall cause a written notice to be placed on the motor vehicle itself and either hand-delivered to the owner of the motor vehicle with a receipt signed by the owner of the motor vehicle or sent by certified mail, return receipt requested, if the name of the owner of the motor vehicle is known, advising that the vehicle shall be removed within 15 days after notice and providing for the procedures to request a hearing before the Mayor or the designee of the Mayor pursuant to section 22-224.1 of this Code. If the vehicle is not removed pursuant to the notice, and no timely written request for a hearing is made pursuant to section 22-224.1 of this Code or if a hearing is held and it is determined at the hearing that the motor vehicle is a public nuisance and the applicable appeal delays have run, the motor vehicle may be removed by the city and disposed of in accordance with the provisions of sections 22-224 or 22-225 of this Code, depending upon the condition of the motor vehicle if the motor vehicle is owned by someone other than the owner or occupant of the premises upon which the motor vehicle is located. The City of Carencro shall further give written notice to the owner of the premises, if in possession thereof, or the occupant of the premises upon which the motor vehicle is located, by either certified mail or hand delivery with a receipt signed by the owner or occupant of the premises. If notice by certified mail is returned, refused or unclaimed, notice shall be deemed to have been given.

(b) The written notice described in subsection (a) of this section shall state that in lieu of removal, the owner or occupant of the premises and/or the owner of the motor vehicle may remit the total amount charged for towing, together with a written letter of authority authorizing the City of Carencro to remove and dispose of the motor vehicle. The letter of authority shall be on a form prescribed and furnished by the city. In the event that anyone other than the person determined to be the owner of the motor vehicle grants authority for removal of the motor vehicle and pays the fees for same, removal shall not take place until the 15-day delay accorded the owner of the motor vehicle has expired, and no timely written request for a hearing is made pursuant to section 22-224.1 of this Code, or if a hearing is held and it is determined at the hearing that the motor vehicle is found to be a public nuisance and the applicable appeal delays have run, in order to permit the motor vehicle owner to remove same at his expense. The owner or occupant of the premises, who has been given notice in accordance with this section, and the owner of the motor vehicle are each responsible for removal of same equally, and the City of Carencro may choose to proceed against all or any one of the foregoing to compel removal of same.

(c) If the motor vehicle is not removed within 15 days from the date of the posting of the notice or authority and the fee given to the city to remove same within said delays, and no timely written request for a hearing is made pursuant to section 22-224.1 of this Code, or if a hearing is held and it is determined at the hearing that the motor vehicle is found to be a public nuisance and the

applicable appeal delays have run, the motor vehicle may be removed and disposed of by the city in accordance with the provisions of sections 22-224 or 22-225 of this Code, as applicable. In such event, the City of Carencro shall be entitled to recover the \$100.00 fine and any and all costs which are incurred by the city with reference to the removal, storage and/or disposal of the motor vehicle. In the event the owner of the premises upon which the vehicle is located is to be taxed for such costs, such costs may be represented and secured by a lien filed in the public records of the Lafayette Parish Clerk of Court attesting to the costs incurred. Such lien shall be recoverable and may be enforced in the same manner and by the same procedure for collection of sums due for grass cutting liens as detailed in section 22-55 of this Code.

(Ord. No. 2000-010, art. II, § 4, 4-17-2000; Ord. No. 2013-023, § 3, 1-21-2014)

C. **BE IT ORDAINED** by the Mayor and City Council of the City of Carencro, Louisiana that by the City Council for the City of Carencro, Louisiana that Chapter 22, Division 3, Section 22-224.1 of the Ordinances of the City of Carencro, Louisiana is hereby amended to read as follows:

Sec. 22-224.1 - Hearing.

(a) The owner of the junked vehicle and/or abandoned vehicle, the owner of the premises, if in possession thereof, or the occupant of the premises upon which the motor vehicle is located, may, within 15 days from the date from which the notice of removal was hand delivered or mailed, request in writing a hearing directed to the Carencro Police Department, 110 Centennial Drive, Carencro, Louisiana 70520, to contest the determination made by the City of Carencro. In cases where the notice is not mailed or hand delivered, the request for a hearing may be made within 15 days from the date on which it is reasonably calculated that the owner to be notified received notice, but not more than 30 days from the date of posting or delivery of said notice. The written request for a hearing must be received by the Carencro Police Department within the appropriate time period stated herein [either 15 days or 30 days, depending on the method of notice delivery], and must be made at the place designated in the notice provided to the owner of the junked and/or abandoned vehicle and the owner of the premises, if in possession thereof, or the occupant of the premises upon which the motor vehicle is located.

(b) The hearing provided herein shall be conducted by the Mayor or the Mayor's designee, who shall act as the hearing officer.

(c) The hearing shall be held within a reasonable amount of time after the receipt of the written request for a hearing, and the person requesting the hearing shall be notified in writing of the time and place of the hearing at least

five days in advance thereof. At the hearing, the City of Carencro or the person requesting the hearing may introduce such testimony or other evidence as is deemed necessary.

(d) Any person determined by a final order of the hearing officer to be in violation of this ordinance may appeal this determination to the district court for the Parish of Lafayette. Such appeal shall be instituted by filing, within 30 days of the date of the hearing officer's order, a petition with the clerk of the district court along with payment of such reasonable costs as may be required by the clerk of court.

(Ord. No. 2013-023, § 5, 1-21-2014)

D. **BE IT ORDAINED** by the Mayor and City Council of the City of Carencro, Louisiana that by the City Council for the City of Carencro, Louisiana that Chapter 22, Article V, Section 316 of the Ordinances of the City of Carencro, Louisiana is hereby amended to read as follows:

Sec. 22-316. - Citations.

Citations may be issued by the Mayor or the Mayor's designee for violations of this article.

E. **BE IT ORDAINED** by the Mayor and City Council of the City of Carencro, Louisiana that by the City Council for the City of Carencro, Louisiana that Chapter 30, Article V, Section 30-51 of the Ordinances of the City of Carencro, Louisiana is hereby amended to read as follows:

Sec. 30-51. - Designation of the floodplain administrator.

The Mayor or designee is hereby appointed the floodplain administrator to administer and implement the provisions of this chapter and other appropriate sections of 44 CFR (Emergency Management and Assistance—National Flood Insurance Program Regulations) pertaining to floodplain management.

(Ord. No. 2018-017, § 2, 12-17-2018)

F. **BE IT ORDAINED** by the Mayor and City Council of the City of Carencro, Louisiana that by the City Council for the City of Carencro, Louisiana that Chapter 22,

Article VI, Division 7, Section 22-454 (b) of the Ordinances of the City of Carencro, Louisiana is hereby amended to read as follows:

Sec. 22-454 – Administrative Appeals

(b) *Hearing.* The Mayor or the Mayor’s designee shall: (a) issue notice of the hearing requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearing; and (b) conduct the hearing and take evidence. At any hearing held pursuant to this section, testimony must be under oath. Hearing testimony shall be recorded stenographically if the party who has filed the appeal pays the costs of the same; otherwise, there shall be no recorded transcript of the proceedings. After the Mayor has reviewed the evidence, he may issue an order to the person who received the notice of noncompliance or cease and desist order or fine regarding the matter appealed; such order may affirm, modify, or rescind the original notice of noncompliance, cease and desist order, or assessment. Decisions of the Mayor following any administrative hearing shall be final, shall be in writing, and shall be based on the full and complete written administrative record compiled by the planning department with opportunity for input from the party requesting the appeal.

(Ord. No. 2007-024, § 2, 1-22-2008)

G. **BE IT ORDAINED** by the Mayor and City Council of the City of Carencro, Louisiana that by the City Council for the City of Carencro, Louisiana that Chapter 22, Article VI, Division 7, Section 22-455 of the Ordinances of the City of Carencro, Louisiana is hereby amended to read as follows:

Sec. 22-455. Judicial review.

A party aggrieved by any notice of noncompliance, cease and desist order, or fine issued or imposed by the city shall have the right of judicial review. Proceedings for judicial review must be instituted by filing a petition in the 15th Judicial District Court in and for the Parish of Lafayette, Louisiana, within 30 days after receipt of notice of the notice of noncompliance, cease and desist order, or fine from the city or, if an administrative hearing is requested, within 30 days after receipt of the decision rendered by the Mayor following such administrative hearing.

(Ord. No. 2007-024, § 2, 1-22-2008)

H. **BE IT ORDAINED** by the Mayor and City Council of the City of Carencro, Louisiana that by the City Council for the City of Carencro, Louisiana that Chapter 22, Article VI, Division 7, Section 22-456 of the Ordinances of the City of Carencro, Louisiana is hereby amended to read as follows:

Sec. 22-456. - Compromise/mitigation of fines.

The Mayor may at any time compromise and/or mitigate the amount of fines assessed for a violation of this article based upon an affirmative good faith showing by the violator that one or more of the following mitigating factors is applicable:

- (1) There were no significant previous violations and the facility has historically been in compliance.
- (2) The cause of the violation was due to an act of God, war, or third parties not associated with the facility.
- (3) The nature and gravity of the violation was not significant.
- (4) There have been good faith efforts by the violator to prevent future violations.
- (5) Payment of the full fine amount will create a real and verifiable danger of rendering the facility incapable of future operation.
- (6) There are other pertinent factors which, in the opinion of the Mayor, are probative of the fact that the violation did not endanger the public safety, health, or welfare and did not jeopardize the integrity of the MS4.

(Ord. No. 2007-024, § 2, 1-22-2008)

I. **BE IT ORDAINED** by the Mayor and City Council of the City of Carencro, Louisiana that by the City Council for the City of Carencro, Louisiana that Chapter 22, Article VI, Division 7, Section 22-458 of the Ordinances of the City of Carencro, Louisiana is hereby amended to read as follows:

Sec. 22-458. - Injunctive relief.

If a person has violated or continues to violate the provisions of this article, the Mayor may petition for a temporary restraining order and/or a preliminary and/or permanent injunction restraining the person from activities that would create further violations and/or compelling the person to comply with this article and/or perform abatement or remediation of the violation.

(Ord. No. 2007-024, § 2, 1-22-2008)

J. **BE IT ORDAINED** by the Mayor and City Council of the City of Carencro, Louisiana that by the City Council for the City of Carencro, Louisiana that Appendix C Section 14 of the Ordinances of the City of Carencro, Louisiana is hereby amended to read as follows:

APPENDIX C - PERSONNEL POLICIES AND PROCEDURES

Section 14. - Grievance procedure.

A. Any full-time employee, other than an employee during the orientation period, may make a complaint about or appeal any decision relating to the circumstances of his employment except:

- (1) A salary recommendation, unless an employee can demonstrate both that there has been a significant departure from established office procedures and such departure significantly affected the managerial decision.
- (2) A promotional decision, except where an employee can demonstrate that established promotional policies or procedures were either not followed or were unfairly applied.
- (3) Work activity accepted by the employee as a condition of employment.
- (4) Work activity which reasonably may be expected to be part of the employee's regular job position.
- (5) The specific contents (rather than an interpretation of the contents) of any municipal employee personnel ordinance, policy, guideline, or regulation.
- (6) The methods, means, and personnel by which managerial and department head employees choose to carry out the responsibilities properly assigned to the division or office.

B.(1)The employee shall first discuss the matter directly with his department head. If, after such discussion, the employee desires to pursue the matter, he shall state the complaint or appeal, in writing. The employee's department head

shall meet with and provide a written response to the employee and a copy to the Mayor within a reasonable time, which shall not exceed seven days.

(2) If the employee desires to appeal the decision of his department head, he may do so in writing to the mayor within five working days after receiving the written response of the department head. The Mayor, or the designee of the Mayor, may meet with the employee and the employee's department head. At (or prior to) the meeting, the employee may submit written documentation and testimony. Oral testimony shall be provided only by the employee and his department head. The mayor shall provide the employee with his written decision concerning the appeal within a reasonable time after the meeting. The decision of the mayor shall be final.

C. If the employee's department head fails to exercise the responsibilities assigned in this procedure within a reasonable time, without demonstrating good reason to the employee, the employee may appeal to the Mayor as provided in (B)(2).

D. If, after having begun this procedure, the employee fails to exercise his responsibilities under any step within the specified time frames and without demonstrating reasonable cause for his failure to do so, the complaint or appeal shall be permanently terminated.

E. At any stage of this procedure, the most recent decision that has been rendered on the complaint or appeal shall remain in full force until such time as that decision has been upheld, reversed, or modified.

(Ord. No. 2002-016, 5-20-2002)

I. **BE IT ORDAINED** by the Mayor and City Council of the City of Carencro, Louisiana that by the City Council for the City of Carencro, Louisiana that Chapter 62, Article V, Section 62-133 of the Ordinances of the City of Carencro, Louisiana is hereby amended to read as follows:

Section 62-133. - Prohibited signs applicable to all uses.

The following types of signs are prohibited:

(1) Abandoned signs.

(2) Audible signs.

- (3) Beacons.
- (4) Flashing signs.
- (5) Inflatable signs except for use in conjunction with grand openings and special events, limited to two times per year for a maximum of two days each time.
- (6) Lasers.
- (7) Reserved.
- (8) Parapet signs.
- (9) Projected signs.
- (10) Revolving or rotating signs.
- (11) Roof signs.
- (12) Search lights.
- (13) Signs attached to trees, shrubs or any living vegetative matter.
- (14) Signs, other than public directional signs, public service signs, public information signs, subdivision signs or official notices which encroach into a public right-of-way.
- (15) Signs resembling traffic control devices or emergency devices.
- (16) Signs which restrict or impair visibility at the intersection of the right-of-way lines of two streets, or of a street and a railroad right-of-way, or of a street and a pedestrian or bicycle right-of-way, or of a driveway and street right-of-way.
- (17) Snipe signs (see section 62-131(2) for an exception to the prohibition against use of snipe signs).
- (18) Murals that serve to advertise or promote a business, service or product.
- (19) Billboards (except within 250 feet of an interstate highway).
- (20) Any sign not specifically defined and allowed by the provisions of this article.
- (21) Those situations involving signage which are not specifically covered by existing provisions in the Code of Ordinances shall be handled on a case by case

basis by the planning department and Mayor of the City of Carencro. Any such resulting determination made by the City of Carencro may be appealed by the affected applicant to the Carencro City Council.

(Ord. No. 2004-026, § 12, 2-21-2005; Ord. No. 2007-002, § 1 e., 3-19-2007; Ord. No. 2007-018, § 1, 10-15-2007; Ord. No. 2012-017, § 1, 7-16-2012)

THUS ADOPTED in the City of Carencro, this the _____ day of

_____, 2023.

CHARLOTTE STEMMANS CLAVIER, MAYOR

JORDAN ARCENEAUX

ANTOINE BABINEAUX, JR.

DANIELLE CAPRITTO

TAYLOR JAMES

ALFRED SENEGAL