

BY COUNCILMAN FRALICK

CITY OF CENTRAL
ORDINANCE NO. 2016-34E

AN EMERGENCY ORDINANCE TO GRANT THE CITY OF CENTRAL POWER TO ENTER PRIVATE LAND FOR DEBRIS REMOVAL RELATIVE TO THE AUGUST 2016 FLOOD, SUSPENDING ANY NOTICE AND HEARING REQUIREMENTS RELATIVE TO SAME, AND TO PROVIDE FOR RELATED MATTERS

WHEREAS, a heavy rain event beginning during the second week of August 2016 caused catastrophic flooding within the City of Central, which flooding constitutes an emergency pursuant to La. R.S. 33:405(D) and La. R.S. 42:17(A)(5); and

WHEREAS, as a result of such flooding, there is a significant amount of debris in the City of Central; and

WHEREAS, in order to be eligible for reimbursement by the federal government, debris removal must be in the public interest; and

WHEREAS, removal of the debris currently in the City of Central as a result of the August 2016 flood is in the public interest, as it is necessary to eliminate immediate threats to life, public health, and safety and to ensure economic recovery of the affected community to the benefit of the community at large; and

WHEREAS, to facilitate the removal of debris currently in the City of Central, right-of-entry onto private property may be necessary; and

WHEREAS, the Council of the City of Central recognizes that the obtaining of waivers from affected citizens of the City of Central prior to commencement of debris removal is not feasible or practical given the widespread nature of this disaster, people having to relocate to other areas, and the fact that we estimate the majority of the City of Central was affected by the disaster; and

WHEREAS, it is well settled that the activities of debris removal supersede the interests of individual citizens during this state of emergency as the activities are in the best interests of the people; and

WHEREAS, this ordinance is being considered at an emergency meeting of the City Council pursuant to La. R.S. 33:405(D), La. R.S. 42:17(A)(5), and La. R.S. 42:19(A)(1)(b)(iv) – notice of which was given to the Mayor and all Council Members by text, email, telephone, or face-to-face; and

WHEREAS, any emergency ordinance can continue in force for sixty days.

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Central, State of Louisiana as follows:

Section 1: Any notice and hearing requirements found in existing ordinances are suspended in order to all the City of Central to respond to the immediate need for action and the difficulty in location property owners in the affected parishes.

Section 2: This ordinance is only for the purpose of flood recovery related to the August 2016 flood.

Section 3: This ordinance does not include the demolition of structures.

Section 4: The specific terms and conditions of this Ordinance shall prevail against other ordinances of the City to the extent that there may be any conflict.

Section 5: Severability. If any section, subsection, sentence, clause or provision of this Ordinance is declared by a court of competent jurisdiction to be invalid, such declaration of invalidity shall not affect the validity of the Ordinance as a whole, or parts thereof, other than the part declared invalid. The remainder of the Ordinance shall not be affected by the declaration of invalidity and shall remain in force and effect.

Section 6. Effective Date. This Ordinance shall be effective upon passage by the Council of the City of Central by at least a two-thirds (2/3) vote and approval by the Mayor. It shall be published in the ordinary course of business. Pursuant to La. R.S. 33:405(D), this ordinance shall remain in effect for sixty (60) days.

Introduced before the Council on August 16, 2016.

This Ordinance having been submitted to a vote, the vote thereon was as follows:

For: Ellis, Evans, Fralick, Messina, Vance

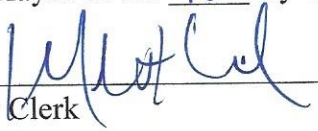
Against: None

Absent: None

Adopted the 16th day of August, 2016.

Signed the 16th day of August, 2016.

Delivered to the Mayor on the 16th day of August, 2016.



Mark Miley, City Clerk

Approved:



I.M. Shelton, Jr. Mayor

Received from Mayor on the 16th day of August, 2016:



Mark Miley, City Clerk

Adopted Ordinance published in *The Advocate* on the 15th day of September, 2016

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