

BY COUNCILMAN FRALICK

CITY OF CENTRAL
ORDINANCE NO. 2016-45

AN 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; 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, at an August 16, 2016, emergency meeting of the Council of the City of Central, held in accordance with La. R.S. 33:405, the Council suspended any notice and hearing requirements found in existing ordinances, only for the purpose of flood recovery related to the August, 2016 flood; and

WHEREAS, pursuant to La. R.S. 33:405(D)(2), that authority may not continue in force for more than sixty (60) days; and

WHEREAS, the Council for the City of Central anticipates that the debris removal will need to continue in force for more than sixty (60) 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 publication.

Introduced before the Council on September 27, 2016.

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

For: Ellis, Messina, Vance
Against: None
Absent: Evans, Fralick

Adopted the 11th day of October, 2016.

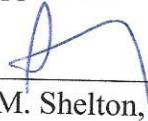
Signed the 14th day of October, 2016.

Delivered to the Mayor on the 14th day of October, 2016.



Mark Miley, City Clerk

Approved:



I.M. Shelton, Jr. Mayor

Received from Mayor on the 14th day of October, 2016:



Mark Miley, City Clerk

Adopted Ordinance published in *The Advocate* on the 25th day of October, 2016