

**BY COUNCIL MEMBERS MESSINA AND FRALICK
TA-3-18**

CITY OF CENTRAL

ORDINANCE NO. 2018-40

**AN ORDINANCE CLARIFYING THE TERMS OF MEMBERS OF
THE BOARD OF ADJUSTMENT**

WHEREAS, Louisiana Revised Statutes 33:4727 provides for the creation of a Board of Adjustment, the appointment of its members and the length of such members' terms, including that the initial members shall have staggered terms ranging from one (1) to five (5) years and that subsequent terms shall all be five years; and

WHEREAS, there are not complete records showing how the initial appointments to the Board of Adjustment were made or the remaining term length of current members, some of whom were appointed on the same date; and

WHEREAS, Section 1.511 (b) of the City of Central Code of Ordinances and 13.1 B.(1) of the City of Central Zoning Code mistakenly provide that the members terms, after the initial term shall be for four (4) years instead of five (5) years as required by Louisiana Revised Statutes 33:4727 A.(2); and

WHEREAS, the City of Central seeks to correct Section 1.511 (b) of its Code of Ordinances and 13.1 B.1. of its Zoning Code so that it complies with the statute and to clarify and properly set the terms of each seat on the Board of Adjustment.

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

Section 1: That Section 1.501 (b) of the City of Central Code of Ordinances is hereby amended deleting the crossed-out word and adding the underlined word as follows:

(b) The Mayor shall designate the terms of the initial members of the board of adjustment. One member shall be appointed for an initial term of one year; one for two years; one for three years; one for four years; and one for five years. After the expiration of an initial term, all subsequent terms for that seat shall be for ~~four~~ five years. If a vacancy occurs otherwise than by an expiration of term, it shall be filled by appointment for the unexpired term.

Section 2: That Section 13.1 B.1. of the City of Central Zoning Code is hereby amended deleting the crossed-out word(s) and adding the underlined word(s) as follows:

1. Establishment and Terms. There is hereby created a Board of Adjustment, which shall consist of five members all of whom shall be land owners and qualified voters in the City. The Board members shall serve without compensation. Members of the Board shall all be appointed by the Mayor with the advice and consent of the Council. Members of the Board may be removed for cause by the Mayor, with the consent of the Council, upon written charges and after a public hearing. The Mayor shall designate the terms of the initial members of the Commission. One member shall be appointed for an initial term of one (1) year; one for two (2) years; one for three (3) years, one for four (4) years; and one for five (5) years. After the expiration of an initial term, all subsequent terms for that seat shall be for ~~four (4)~~ five (5) years. If a vacancy occurs otherwise than by an expiration of term, it shall be filled by appointment for the unexpired term.

(b) The seats on the Board of Adjustment shall be designated as "A" through "E". The terms for the various seats are staggered so that the current terms expire as follows:

1. Seat "A" expired on December 31, 2016.
2. Seat "B" expired on December 31, 2017.
3. Seat "C" shall expire on December 31, 2018.
4. Seat "D" shall expire on December 31, 2019.
5. Seat "E" shall expire on December 31, 2020.

New terms shall begin on January 1 after the expiration and shall expire on December 31 five (5) years later.

Section 3: The Mayor shall designate which of the current planning commissioners sits in which seat and shall report the same to the City Council.

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 25, 2018.

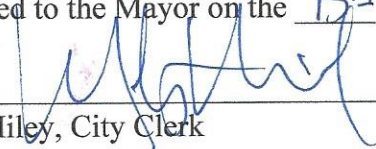
This Ordinance having been submitted to a vote, the vote thereon was as follows:

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

Adopted the 9th day of October, 2018.

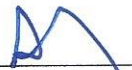
Signed the 12th day of October, 2018.

Delivered to the Mayor on the 15th day of October, 2018.



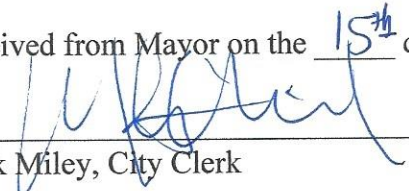
Mark Miley, City Clerk

Approved:



I.M. Shelton, Jr. Mayor

Received from Mayor on the 15th day of October, 2018:



Mark Miley, City Clerk

Adopted Ordinance published in *The Advocate* on the 23rd day of October, 2018