

1 BY COUNCILMAN FRALICK

2
3 CITY OF CENTRAL
4 PROPOSED ORDINANCE NO. 2016- ____
5

6 AN ORDINANCE TO GRANT THE CITY OF CENTRAL POWER TO ENTER PRIVATE
7 LAND FOR DEBRIS REMOVAL RELATIVE TO THE AUGUST 2016 FLOOD,
8 SUSPENDING ANY NOTICE AND HEARING REQUIREMENTS RELATIVE TO SAME,
9 AND TO PROVIDE FOR RELATED MATTERS
10

11 WHEREAS, a heavy rain event beginning during the second week of August 2016 caused
12 catastrophic flooding within the City of Central; and
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14 WHEREAS, as a result of such flooding, there is a significant amount of debris in the City
15 of Central; and
16

17 WHEREAS, in order to be eligible for reimbursement by the federal government, debris
18 removal must be in the public interest; and
19

20 WHEREAS, removal of the debris currently in the City of Central as a result of the August
21 2016 flood is in the public interest, as it is necessary to eliminate immediate threats to life, public
22 health, and safety and to ensure economic recovery of the affected community to the benefit of the
23 community at large; and
24

25 WHEREAS, to facilitate the removal of debris currently in the City of Central, right-of-
26 entry onto private property may be necessary; and
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28 WHEREAS, the Council of the City of Central recognizes that the obtaining of waivers
29 from affected citizens of the City of Central prior to commencement of debris removal is not
30 feasible or practical given the widespread nature of this disaster, people having to relocate to other
31 areas, and the fact that we estimate the majority of the City of Central was affected by the disaster;
32 and
33

34 WHEREAS, it is well settled that the activities of debris removal supersede the interests of
35 individual citizens during this state of emergency as the activities are in the best interests of the
36 people; and
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38 WHEREAS, at an August 16, 2016, emergency meeting of the Council of the City of
39 Central, held in accordance with La. R.S. 33:405, the Council suspended any notice and hearing
40 requirements found in existing ordinances, only for the purpose of flood recovery related to the
41 August, 2016 flood; and
42

1 WHEREAS, pursuant to La. R.S. 33:405(D)(2), that authority may not continue in force
2 for more than sixty (60) days; and
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4 WHEREAS, the Council for the City of Central anticipates that the debris removal will
5 need to continue in force for more than sixty (60) days;
6

7 NOW THEREFORE, BE IT ORDAINED by the Council of the City of Central, State of
8 Louisiana as follows:
9

10 Section 1: Any notice and hearing requirements found in existing ordinances are
11 suspended in order to all the City of Central to respond to the immediate need for action and the
12 difficulty in location property owners in the affected parishes.
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14 Section 2: This ordinance is only for the purpose of flood recovery related to the
15 August 2016 flood.
16

17 Section 3: This ordinance does not include the demolition of structures.
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19 Section 4: The specific terms and conditions of this Ordinance shall prevail against
20 other ordinances of the City to the extent that there may be any conflict.
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22 Section 5: Severability. If any section, subsection, sentence, clause or provision of this
23 Ordinance is declared by a court of competent jurisdiction to be invalid, such declaration of
24 invalidity shall not affect the validity of the Ordinance as a whole, or parts thereof, other than the
25 part declared invalid. The remainder of the Ordinance shall not be affected by the declaration of
26 invalidity and shall remain in force and effect.
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28 Section 6. Effective Date. This Ordinance shall be effective upon publication.
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30 Introduced before the Council on September 27, 2016.
31

32 This Ordinance having been submitted to a vote, the vote thereon was as follows:
33

34 For:

35 Against:

36 Absent:
37

38 Adopted the _____ day of _____, 2016.
39

40 Signed the _____ day of _____, 2016.
41

42 Delivered to the Mayor on the _____ day of _____, 2016.
43

1 _____
2 Mark Miley, City Clerk

3
4 Approved:

5
6 _____
7 I.M. Shelton, Jr. Mayor

8
9 Received from Mayor on the ____ day of _____, 2016:

10
11 _____
12 Mark Miley, City Clerk

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14 Adopted Ordinance published in *The Advocate* on the ____ day of _____, 2016