P U B L I C N O T I C E

ST. LANDRY PARISH GOVERNMENT

**\*PUBLIC HEARING\***

THE ST. LANDRY PARISH COUNCIL HEREBY GIVES **NOTICE THAT IT WILL HOLD A PUBLIC HEARING ON WEDNESDAY**, **AUGUST 17th, 2022**, AT **OLD CITY MARKET** LOCATED AT **131 W. BELLEVUE STREET, OPELOUSAS, LOUISIANA.**

THE HEARING IS FOR THE PURPOSE OF RECEIVING ANY AND ALL OBJECTIONS FROM THE GENERAL PUBLIC IN CONNECTION WITH THE FOLLOWING:

**5:45 p.m.**

**ORDINANCE NO. 2022–012**

**(Sponsored by Councilman Timmy Lejeune)**

An Ordinance to Establish the Procedure and Appointment of Officer(s) for St. Landry Parish’s Civil Enforcement of its Code and Ordinances.

• WHEREAS, the St. Landry Parish Home Rule Charter Section 1-05 provides that “the Parish Government of St. Landry Parish shall continue to have all the powers, privileges, immunities and authorities previously possessed under state law.”

• WHEREAS, La. R.S. § 33:1242 provides parishes the authority to “enforce ordinances which they are authorized to pass… and may prosecute… by fine or forfeiture to be collected by civil process before any court of competent jurisdiction.”

• WHEREAS, La. R.S. § 33:1236(10) provides parishes the authority to “appoint all officers necessary to carry into execution the parish regulations, and to remove them from office.”

• WHEREAS, the St. Landry Parish Home Rule Charter Section 1-05 provides, “The parish government shall have and exercise any other powers, rights, privileges, immunities, authorities, and functions, not inconsistent with the Charter, that may be conferred on or granted to a local governmental subdivision by the constitution and general laws of the state, and this includes the right and authority to exercise any power and perform any function necessary, requisite, or proper for the management of parish government affairs which is not denied by this Charter, general state law or the constitution.”

• WHEREAS, the St. Landry Parish Home Rule Charter Section 1-06 provides, “The parish government shall have the power to pass all ordinances necessary to promote, protect, and preserve the general welfare, safety, health, peace, and orderly conduct of the parish, and this includes the power to pass ordinances on all subject matters not inconsistent with the constitution or denied by state law.”

• WHEREAS, the St. Landry Parish Code of Ordinances Section 1-14(d) provides, “Violations of this Code may be abated by injunctive or other equitable relief. The imposition of a penalty does not prevent injunctive relief.”

BE IT ORDAINED BY THE COUNCIL FOR ST. LANDRY PARISH GOVERNMENT that the following Ordinance establishing the procedure and the appointment of officers for St. Landry Parish’s civil enforcement of its Code and ordinances.

1. Civil enforcement authority—Determination of need to function.

The parish council hereby determines, finds, and declares upon its own initiative that violations of the Parish Code and ordinances exist in the Parish, and to promote and protect the health, safety, and general welfare, safety, health, peace, and orderly conduct of the citizens of St. Landry Parish, there is a need for the civil enforcement authority to function.

2. Parish Authority to Civilly Enforce Parish Code and Ordinances.

The Parish shall have supplemental authority, through civil action, to enjoin and issue fines for violations of the Parish Code and ordinances. This supplemental authority shall be enforced by the Executive Branch of the St. Landry Parish Government and its designees, and is in addition to other civil and criminal enforcement authority provided in the Parish Code and ordinances. No other public or private entities or agencies shall exercise the authority granted herein. The fines may be assessed and issued civilly by the Parish regardless of whether the fine is enumerated in the Code and ordinances as a civil or criminal fine. The Parish shall follow all applicable notice and procedural requirements found in the Parish Code and ordinances.

3. Other Civil and Criminal Enforcement Authority Unaffected.

The authority delegated herein shall be supplementary to all other civil and criminal enforcement authority detailed in the Parish Code and ordinances, all of which shall remain unaffected by this ordinance. The civil enforcement authority shall defer to any appropriate criminal enforcement authority, and shall only act when the appropriate criminal enforcement authority determines it will not to act, does not act within a reasonable time, or acts but does not abate the violation.

4. Civil Enforcement Officer.

There shall be a parish civil enforcement official who shall be the enforcement officer responsible for supplementary civil enforcement of the Parish Code and ordinances on behalf of the Parish. The Parish President shall appoint and remove the civil enforcement official, and shall set the salary for the position.

5. Enforcement of the Parish Code and ordinances.

The parish civil enforcement official may, through the parish attorney, seek to enjoin further violations of the Parish Code and ordinances. The parish civil enforcement official may also issue a Notice of Violation to the individual or entity in violation of a provision of the Parish Code or ordinance. If the fine assessed in the Notice of Violation is not paid by the violating individual or entity in forty-five (45) days, the Parish Attorney of District Attorney, if there is no Parish Attorney, shall formalize the Notice of Violation into a civil petition, file a civil action lawsuit, and seek to judicially collect the fine.

6. Judicial review.

Any person aggrieved by any action of the civil enforcement authority may appeal to a court of law as provided by the laws of the state.

\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*

Ordinance having been introduced on the 19th day of July, 2022, notice of Public Hearing having been published, said public hearing having been held, the title having been read, and the Ordinance considered, a record vote was taken and the following results were had:

BY ORDER OF ST. LANDRY PARISH COUNCIL

/sVivian Olivier, Chairwoman

Sherell Jordan, Council Clerk

St. Landry Parish Council

P.O. Drawer 100, Opelousas, LA 70570

Telephone Number: 337-942-6863

In accordance with the Americans with Disabilities Act, if you need special assistance, please contact Sherell Jordan or Karen Barlow at 337-942-6863 describing the assistance that is necessary.