

MUNICIPAL MINUTES, TOWN OF CHURCH POINT, STATE OF LOUISIANA
REGULAR MEETING / PUBLIC HEARING NOVEMBER 2, 2020

PUBLIC HEARING:

Mayor Meche called the public hearing to order to that public comment could be offered on the following:

Potential repeal and replace of tree ordinance # 030220-4, revising private property statute.

No public comments were offered.

REGULAR MEETING:

ATTENDANCE

MAYOR: Ryan "Spanky" Meche

ALDERMEN: Christine Semien (Ward 1), Kim Cormier (Ward 2), Pat O'Pry (Ward 3), Chris Lebas (Ward 4),
Errol "Slu" Comeaux (Ward 5)

CHIEF OF POLICE: Dale Thibodeaux

MUNICIPAL CLERK: Rowdy Latiolais

TOWN ATTORNEY: Lucas Colligan

ABSENT: None

COMMENCEMENT

CALL TO ORDER

Mayor Meche called the Regular Council Meeting to order.

INVOCATION AND PLEDGE

Prayer led by Councilman O'Pry / Pledge led by Councilman Cormier.

READING AND APPROVAL OF PREVIOUS MINUTES

It was moved by O'Pry, seconded by Lebas to accept the minutes as written.

Vote: All in favor

Minutes unanimously accepted

APPROVAL OF FINANCIAL REPORT

It was moved by Comeaux, seconded by Cormier to accept the September 2020 financial report.

Vote: All in favor

Financial report unanimously accepted.

NEW BUSINESS

It was moved by Comeaux, seconded by O’Pry to approve a budget amendment for \$18,740 for previously approved police radios during the 2019-2020 fiscal budget year.

Vote: All in favor

Amendment unanimously approved

It was moved by O’Pry, seconded by Cormier to approve a capital outlay budget amendment for \$10,404 for a police side by side, to be paid for with insurance payment of \$14,699.99 for recently totaled police unit.

Vote: All in favor

Amendment unanimously approved

It was moved by Comeaux, seconded by O’Pry to approve a resolution authorizing the restructure of Farmer’s CD # 4510924, cashing out half of the \$123,367 total and creating a new CD with the remaining half.

Vote: All in favor

Resolution unanimously approved

It was moved by Cormier, seconded by O’Pry to declare surplus a 2006 Dodge pickup street department truck.

Vote: All in favor

Surplus truck unanimously approved

LEGAL

It was moved by Lebas, seconded by Cormier to repeal and replace tree ordinance # 030220-4, revising private property statute.

Vote: All in favor

Ordinance unanimously repealed and replaced; posted in appendix

MISC/DISCUSSION

It was moved by Comeaux, seconded by Semien to approve a resolution requesting financial assistance from the State of Louisiana under the fiscal year 2020-2021 Local Government Assistance Program and Community Water Enrichment Fund Program.

Vote: All in favor

Resolution unanimously approved

CLOSING

It was moved by Cormier, seconded by O’Pry to adjourn the meeting.

Vote: All in favor

Meeting unanimously adjourned

APPROVED AS TO AUTHENTICITY:

RYAN MECHE, MAYOR

DATE

ROWDY LATIOLAIS, CLERK

DATE

APPENDIX

ORDINANCE# 110220-1

INTRODUCTION OF AN ORDINANCE DEFINING, REGULATING, PRESERVING, CONTROLLING THE PRUNING, TRIMMING, REMOVAL, DISPOSAL OF, CARE OF AND PRESERVATION OF TREES LOCATED ON PUBLIC AND PRIVATE PROPERTY LOCATED WITHIN THE CORPORATE LIMITS OF THE TOWN OF CHURCH POINT; TO PROVIDE AND ESTABLISH RULES , REGULATIONS, PROCEDURES AND PRACTICES FOR FULFILLING THESE PURPOSES

WHEREAS, the Board of Alderman for the Town of Church Point, recognizes all of its right, duty and obligation to regulate and maintain the integrity and safety of the public;

WHEREAS, the Town of Church, deems it necessary to protect the health, safety and welfare of the Public, in part, by regulating and controlling the pruning, trimming, replanting, removal, disposal of, care and preservation of trees and shrubs located on the streets and public grounds within the Town and to provide and establish procedures and practices for fulfilling these purposes. The purpose of this ordinance is not to address privately owned trees affecting private property. The purpose of this ordinance is to protect the general public and public property.

WHEREAS, the Town of Church Point, makes and adopts the following findings and purposes:

WHEREAS, the Town of Church Point, repeals Ordinance # 030220-4, and replaces it with the following:

SECTION 1:

(A) *Definitions:*

(1) Public Trees- are herein defined as trees, shrubs, bushes and all other woody vegetation located or lying on all property owned, leased or controlled by the Town of Church Point which includes but is not limited town streets, sidewalks, right of ways, servitudes, easements, public parks and the like;

(2) Private Trees: are herein defined as trees, shrubs, bushes and all other woody vegetation located or lying on property owned, leased or controlled by a private person or persons as defined herein located within the corporate limits of the Town of Church Point;

(3) Arborist: Expert in tree care and maintenance that is licensed by the State of

Louisiana

(4) **Person(s)**: An individual, firm, association, partnership or corporation or any other entity that is not defined as public.

(6) **Tree service:** Work performed on shade or ornamental trees including but limited to removal, planting, trimming, spraying, controlling and fertilizing of trees.

SECTION 2: TREES LOCATED ON PUBLIC PROPERTY:

(a) The Town of Church Point shall have the right to prune, maintain or remove or caused to be removed all trees, plants and shrubs located on property owned, leased or controlled by the Town, as may be necessary, to ensure the safety of town employees, the public, those who are tasked with servicing town utilities or to preserve the symmetry and beauty of such public grounds;

(b) The town may remove or cause or order to be removed, any tree or part thereof which is in an unsafe condition which constitute a potential threat to the safety of the public or public property, harbor insects or other pests, is affected with any injurious fungus or disease which constitute a potential threat to the safety of the public or public property or which by reason of its nature is injurious to sewers, electric power lines, gas lines, water lines or other public improvements; or which by reason of its nature is injurious to sewers, electric power lines, gas lines, water lines or other public improvements or is affected with any injurious fungus, insect or other pest.

(c) *The authority to prune, maintain or remove or cause or order to be removed, any tree(s) or any part(s) thereof located on public property, shall be vested in the Mayor or anyone he so authorizes.*

SECTION 3: TREES LOCATED ON PRIVATE PROPERTY.

(a) **Overhanging tree(s):** Every private person or persons who owns any tree(s) or any parts thereof, shrubs or other wooded vegetation overhanging any town street, right-of-way, sidewalk, servitude, easement or any other public grounds located within the corporate limits of the Town, shall have a clearance height of 15 feet; such private owner shall have a duty to prune, cut and/or remove any trees(s) and any parts thereof, shrubs and any other wooded vegetation:

(1) When such creates or constitutes a hazard to public property,

(2) That obstructs the light from a street light,

(3) That obstructs the view of any street intersection, traffic sign, traffic control device;

(b) **Right of the town to prune, cut and/or remove any tree(s) or any parts thereof located on private property:** The town shall have the right enter and to prune, cut and/or remove any tree(s) located **on private property** when:

(1) When such creates or constitutes a hazard to the general public or public property;

(2) That obstructs the light from a street light;

(3) That obstructs the view of any street intersection, traffic sign, traffic control device;

(4) Any other obstruction that creates a safety hazard to the General public or creates an unsafe condition that endangers the public welfare;

(c) **Licensed Arborist**

Prior to pruning, cutting or removing tree(s) in accordance with this section a licensed Arborist may be hired by the party making the complaint to assess such tree or trees and determine the health of such tree or trees. If in the opinion of such arborists such tree(s) is determined to be in an unsafe condition then such tree(s) shall be removed. However, the Mayor may override any decision or determination made by such arborist in regards to the removal of such tree(s).

(d) Notice to Owner. hearing: notice filed with recorder of mortgages binds transferees

No tree(s) may be removed in accordance with this section unless and until such owner of such tree(s) is given proper notice and an opportunity to be heard. Proper notice to the owner and the opportunity for a hearing shall comply with the procedures dictated by La. R.S. 33:4762

After the hearing, if, in the opinion of the Board of Alderman, the facts justify it, an order shall be entered condemning the tree and ordering that it be removed within a certain delay. The Board of Alderman may grant the owner the option of removing the tree(s) on his own and at his own costs, but in such a case the time allowed to remove shall be specified in the decision of the Board of Alderman. The decision and order of the Board of Alderman shall be in writing and shall be final unless appealed from within five days as hereinafter provided.

The Town shall notify, in writing, the owners of the property where such tree or trees are located. Such removal shall be done by said owners at their own expense within 20 (twenty) days after date of service of notice and in the event of failure of owners to comply with such provisions, the Town shall have the authority to enter such property where tree(s) are located remove such trees The Town cannot be held liable for any damages to any property in pursuit of the terms of this section. All expenses and costs associated with the removal of such tree(s) will be assessed to the owner(s) and such must be paid within sixty (60) days of receipt, via United States Postal Service, of expenses and costs of removal of such tree(s) to the owner(s).

In case of grave public emergency where the condition of the tree is such as to cause possible immediate loss or damage to person or property, the town may remove the tree(s) after twenty-four hours notice served upon the owner or his agent or the occupant and attorney at law appointed to represent the absentee owner. Any such notice may be attached to a door or a main entrance of the premises or in a conspicuous place on the property and shall have the same effect as delivery to or personal service on the owner, occupant, or attorney at law appointed to represent the absentee owner. Any notice served pursuant to this Section shall be filed by the town with the recorder of mortgages where the property is located. Once filed, said notice shall be deemed notice to all subsequent transferees. Any transferee of such property takes the property subject to all recorded liens, mortgages, and notices thereunto pertaining. The last known address of the owner of the property that is listed as the

Acadia Parish Tax Assessment from the Acadia Parish Tax Assessors Office and such shall be considered that owners proper address for notification purposes

The Town of Church Point has a privilege and lien upon an immovable and its improvements, and the owner is personally liable for: (1) The cost for the removal of such tree(s) and (2) The costs of all attorney fees incurred by the Town of Church Point in connection with such removal. The privilege and lien shall be preserved and enforced only after the owner has refused, after notification by the town and reasonable opportunity to be heard, to pay the costs incurred by the town. The privilege and lien shall be preserved by the filing and recording of an affidavit signed by the mayor or his designee in the mortgage office of the parish in which the tree(s) is situated. The affidavit shall include a description of the property sufficient to reasonably identify such and a statement of facts listing the approximate cost or costs incurred by the town. The privilege and lien shall be enforced by ordinary process in the district court having jurisdiction within three years after it is perfected. Alternatively, the privilege and lien may be enforced by assessing the amount of the privilege and lien against the immovable as a tax against the immovable, to be enforced and collected as any ordinary property tax lien to be assessed against the property; the lien and privilege may be collected in the manner fixed for collection of taxes and shall be subject to the same civil penalties for delinquencies. After the town has incurred such costs as constitute the lien and privilege on the property, the mayor or his designee may send an attested bill of said costs and expenses which constitute the lien and privilege to the tax assessor of Acadia Parish in which the property is located, who shall add the amount of the bill to the next tax bill of the owner. The lien obtained by the town pursuant to proper notification and filing shall include not only the costs provided for in Subsection A of this Section but shall include all attorney fees and all costs of court incurred in the locating of the owner, the notification of the owner, and the enforcement and collection of the amount secured by the lien against the immovable and the improvements. {2} If authorized by a municipal ordinance, the parish or municipality may also recover interest on the amounts secured by the lien. The interest shall not exceed the rate of legal interest provided in R.S. 9:3500 and shall be computed from the date of recordation of the lien until paid. The privilege and lien of the parish or municipality shall prime all other liens or privileges against the property filed after the notice to the owner to show cause is filed with the recorder of mortgages pursuant to R.S. 33:4762{D), regardless of the date on which the lien and privilege of the parish or municipality is perfected, except that the lien and privilege of the town will not prime other tax liens against the property. The lien of the town shall not be cancelled until after payment of all amounts, including costs, attorney fees, and interest. In addition to the lien and enforcement procedures authorized under this Section, the town has a cause of action against the owner personally for the costs incurred by the town, if such owner is not indigent and has the ability to pay a judgment obtained by the town. Such action may be brought by ordinary proceeding in any court of competent jurisdiction. If property, which may be subject

to a lien and privilege granted in favor of the town under this Section, is owned in indivision and the owners in indivision, with their proportionate share in the property, are listed separately by the tax assessor on the ad valorem tax roll for the town, then the town shall notify each owner in indivision of his liability under this Section.(2) Upon failure of each owner in indivision to pay his proportionate share of the charges incurred under this Section, that part of the property for which the charges are not paid shall be subject to a lien and privilege in favor of the town as provided in this Section. (3) Notwithstanding the provisions of this Section to the contrary, upon payment by an owner in indivision of his proportionate share listed on the ad valorem tax roll for the town of the charges, attorney fees, and interest incurred under this Section, and after certification of such proportionate interest by the assessor, the lien and privilege granted under this Section shall be removed from the proportionate interest of the paying owner in indivision. If outstanding charges levied under this Section are added to the annual ad valorem tax bill, the proportionate payment by the paying owner in indivision shall be reflected on the bill, and his interest in the property free of such charge shall be distinguished on the tax bill. (4) Notice of the lien and privilege required herein shall be made upon the owners in indivision at their actual address or the last known address listed on the tax rolls of the parish.

(g) **Permit:** It shall be unlawful for any person or firm to engage in the business or occupation of trimming, planting, cutting, pruning, treating or removing trees within the Town of Church Point without first applying for and procuring a permit. The permit fee shall be fifty dollars (\$50.00) per permit or two-hundred dollars (\$200.00) for a one (1) year permit, annually, in advance, provided, however, that no permit fee shall be required of any public service utility company. Before any such permit shall be issued, each applicant shall first file written evidence of possession of liability insurance in the minimum amount of one million dollars (\$1,000,000.00) for bodily injury and one million dollars (\$1,000,000.00) for property damage.

(J) Severability: In the event any section, part or portion of this ordinance shall be found unconstitutional, or otherwise unenforceable, the remaining portion shall be valid and of full force and effect.

(k) Repeal of conflicting ordinances: All ordinances and laws or parts of ordinances and laws not specifically noted above which are in conflict with this ordinance are hereby repealed.

(l) **THUS DONE AND PASSED**, at Church Point, Louisiana, this 2nd day of November, 2020, after due reading of the whole.

