

MINUTES

WEST BATON ROUGE PARISH COUNCIL

REGULAR MEETING

GOVERNMENT BUILDING

880 North Alexander Avenue, Port Allen

Thursday, April 25, 2024

5:30 PM

The Following Minutes Are Summarized For Brevity, For Precise Meeting Information Please Refer To Meeting Audio Or Video.

1. CALL MEETING TO ORDER & REQUEST ALL ELECTRONIC DEVICES BE SILENCED

A Regular Meeting of the West Baton Rouge Parish Council was held on Thursday, April 25, 2024 and called to order at 05:30 PM. Council Chairman Carey Denstel asked that all electronic devices be placed on silent.

2. OPENING PRAYER

Councilman Atley Walker Jr. led everyone in an opening prayer.

3. PLEDGE OF ALLEGIANCE

Chairman Denstel recognized Lieutenant David Parker who led everyone in the Pledge of Allegiance.

4. LOG ATTENDANCE

The following members were recorded as being present: Mrs. Katherine Andre, Messrs. Kirk Allain, Daryl "Turf" Babin, Atley Walker, Brady Hotard, Kenneth Gordon, Carey Denstel, Alan Crowe.

Absent: Mr. Gary Joseph

Also present were, Mr. Jason Manola, Parish President, Mr. Phillip Bourgoyne, Executive Assistant, Mr. Chance Stephens, Director of Finance, Mr. Kevin Durbin, Director of Public Works, Ms. Kristen Canezaro, Special Legal Counsel and Mrs. Michelle Tullier, Council Clerk.

5. MINUTES APPROVAL

A. Approval of Minutes from April 11, 2024, Regular Meeting.

A motion was made by Council Member Brady Hotard, seconded by Council Member Kenneth Gordon to Approve Minutes from April 11, 2024, Regular Meeting.

The vote was recorded as follows:

YEAS: 8 (Kirk Allain, Daryl "Turf" Babin, Atley Walker, Brady Hotard, Kenneth Gordon, Carey Denstel, Alan Crowe, Katherine Andre)

NAYS: 0 (None)

ABSENT: 1 Gary Joseph

ABSTAIN: 0 (None)

As a result of the votes, the motion Passed.

6. CONSIDER ANY AMENDMENTS TO THE AGENDA

There were no items to consider at this time.

7. PARISH PRESIDENT’S REPORT

Parish President Jason Manola was recognized and covered the following items:
Intent to dissolve the WBR Parish Transportation Authority account, which has not been used in years;
Presented the Council with the MOU agreement with the District Attorney's Office in regard to the Sales Tax proposition;
ITEP Webinar this Friday;
Recent Solar Workshop attendance and what was discussed;
Reminded the Council of their presence being requested for a short video shoot tomorrow at 9:00am.

8. PUBLIC COMMENTS

There were no comments to consider at this time.

9. **COMMUNICATIONS WITH COUNCIL MEMBERS AND/OR ELECTED OR APPOINTED OFFICIALS**

Mr. Kevin Durbin was recognized and briefly updated the Council on the recent Solar Workshop that he and President Manola attended.

Mr. Phillip Bourgoyne was recognized and updated the Council on Lukeville signs, the current location of Parish mowers, digging going on at the North End of the Parish and the recent completion of the apron on Raymond LaBauve and upgrades to the curve on Rambin Road.

Councilman Hotard updated the Council on the upcoming request for remote-controlled mowers, and advised them that the mowers selected would be priced higher than originally budgeted. Therefore, they will be bid out, asking for support on this item from the rest of the Council, as they are needed for our larger canals in the Parish.

10. **PUBLIC HEARING ON PREVIOUSLY INTRODUCED ORDINANCES**

- A. **An Ordinance Amending Chapter 104 Zoning To Incorporate Amended Zoning Designation Map (Zoning Plan) Under Section 104-3 Establishment Of Districts, Official Zoning Map For Rezoning Request Of TMI Enterprise LLC. Regarding Property Located At 4991 N. River Road Port Allen, La 70767. File #2024-3. Described by the WBR Assessor as: 15.50 AC IN SECS 43, 44, & 45 T6S, R12E, DESIG AS: TRACT B-1 CONT 5.00 AC, TRACT B-2 CONT 5.00 AC, TRACT B-3 CONT 5.50 AC. 50-96C. Rezoning 15.5 (+-) acres from R-MH (Mobile Home Park) to I-2 (Moderate Industrial District).** The Chairman opened a public hearing for the purpose of receiving comment regarding the aforementioned item.

Mr. Kevin Durbin was recognized and notified the Council of the recommendation of approval by the Planning and Zoning Commission, and offered to answer any questions.

No public comments for or against said ordinance were presented. No written protests opposing the ordinance were received. The Council Chairman at this point declared the Public Hearing closed.

A motion was made by Council Member Kenneth Gordon, seconded by Council Member Brady Hotard to approve An Ordinance Amending Chapter 104 Zoning To Incorporate Amended Zoning Designation Map (Zoning Plan) Under Section 104-3 Establishment Of Districts, Official Zoning Map For Rezoning Request Of TMI Enterprise LLC. Regarding Property Located At 4991 N. River Road Port Allen, La 70767. File #2024-3. Described by the WBR Assessor as: 15.50 AC IN SECS 43, 44, & 45 T6S, R12E, DESIG AS: TRACT B-1 CONT 5.00 AC, TRACT B-2 CONT 5.00 AC, TRACT B-3 CONT 5.50 AC. 50-96C. Rezoning 15.5 (+-) acres from R-MH (Mobile Home Park) to I-2 (Moderate Industrial District).

The vote was recorded as follows:

YEAS: 8 (Kirk Allain, Daryl "Turf" Babin, Atley Walker, Brady Hotard, Kenneth Gordon, Carey Denstel, Alan Crowe, Katherine Andre)

NAYS: 0 (None)

ABSENT: 1 Gary Joseph

ABSTAIN: 0 (None)

As a result of the votes, the motion Passed.

Ordinance 16 of 2024 can be found at the end of these minutes.

- B. **An Ordinance To Amend and Reenact The West Baton Rouge Parish Code of Ordinances, Part II ("Code of Ordinances"), Chapter 6 (Alcoholic Beverages), Article I (In General), Sec 6-3 (Closing Hours), Article II (Beverages Of Low Alcohol Content), Division 1 (Generally, Section 6-23 (Prohibited activities of permittees), Article III (Beverages of High Alcohol Content), Division 1 (Generally), Section 6-116 (Prohibited activities of licenses and permittees).**

The Chairman opened a public hearing for the purpose of receiving comment regarding the aforementioned item.

Chief of Staff Mr. Kevin Duvall of the WBR Sheriff's Office, along with Sheriff Mike Cazes, were recognized and gave numerous reasons for the passing of the aforementioned ordinance.

No public comments for or against said ordinance were presented. No written protests opposing the ordinance were received. The Council Chairman at this point declared the Public Hearing closed.

There was a short discussion among the Council with regard to alcohol permit regulations.

A motion was made by Council Member Kirk Allain, seconded by Council Member Katherine Andre to approve An Ordinance To Amend and Reenact The West Baton Rouge Parish Code of Ordinances, Part II (“Code of Ordinances”), Chapter 6 (Alcoholic Beverages), Article I (In General), Sec 6-3 (Closing Hours), Article II (Beverages Of Low Alcohol Content), Division 1 (Generally, Section 6-23 (Prohibited activities of permittees), Article III (Beverages of High Alcohol Content), Division 1 (Generally), Section 6-116 (Prohibited activities of licenses and permittees).

The vote was recorded as follows:

YEAS: 8 (Kirk Allain, Daryl "Turf" Babin, Atley Walker, Brady Hotard, Kenneth Gordon, Carey Denstel, Alan Crowe, Katherine Andre)
NAYS: 0 (None)
ABSENT: 1 Gary Joseph
ABSTAIN: 0 (None)

As a result of the votes, the motion Passed.

Ordinance 17 of 2024 can be found at the end of these minutes.

C. An Ordinance To Amend And Reenact The West Baton Rouge Parish Code Of Ordinances, Part II (“Code Of Ordinances”), Chapter 70 (“Roads And Drainage”), Section 70-2 (“Obstruction Of Waters, Drains, And Drainage Canals”) To Provide For Enforcement Of Drainage Servitude Obstructions.

The Chairman opened a public hearing for the purpose of receiving comment regarding the aforementioned item.

Mr. Durbin was again recognized and explained to the Council the need for the aforementioned ordinance. Parish President Manola noted that using this language would be the last resort.

No public comments for or against said ordinance were presented. No written protests opposing the ordinance were received. The Council Chairman at this point declared the Public Hearing closed.

A motion was made by Council Member Daryl "Turf" Babin, seconded by Council Member Brady Hotard to approve An Ordinance To Amend And Reenact The West Baton Rouge Parish Code Of Ordinances, Part II (“Code Of Ordinances”), Chapter 70 (“Roads And Drainage”), Section 70-2 (“Obstruction Of Waters, Drains, And Drainage Canals”) To Provide For Enforcement Of Drainage Servitude Obstructions.

The vote was recorded as follows:

YEAS: 8 (Kirk Allain, Daryl "Turf" Babin, Atley Walker, Brady Hotard, Kenneth Gordon, Carey Denstel, Alan Crowe, Katherine Andre)
NAYS: 0 (None)
ABSENT: 1 Gary Joseph
ABSTAIN: 0 (None)

As a result of the votes, the motion Passed.

Ordinance 18 of 2024 can be found at the end of these minutes.

11. INTRODUCTION OF ORDINANCES

Mrs. Tullier, Council Clerk read by title the below proposed ordinance/s being introduced and publicized by title, and considered for adoption following a public hearing as specified below, at 5:30 pm in the Council Chambers, located at 880 North Alexander Avenue, Port Allen, La.:

- A.** An Ordinance To Create A New Section Of The West Baton Rouge Parish Code Of Ordinances, Part II (“Code Of Ordinances”), Chapter 30 (“Franchises”), Article III (“Electrical”) To Grant A Franchise To Operate An Electrical Transmission And Distribution System To Entergy Louisiana, LLC, Within West Baton Rouge Parish Unincorporated Areas. Public Hearing Date: May 9, 2024
- B.** An Ordinance Amending Chapter 104 Zoning To Incorporate Amended Zoning Designation Map (Zoning Plan) Under Section 104-3 Establishment Of Districts, Official Zoning Map, and Section 111-78 (Special, Conditional Use Requirements and Procedures) For Rezoning Request Of TMI Enterprise/Louie Vielee, Regarding Property Located At 3022 Hwy 190 W Port Allen, La 70767. File #2024-7: Described by the WBR Assessor as: 7.62 AC IN SEC 44 T7S R12E DESIG AS: TRACT A CONT 3.46 AC TRACT B CONT 3.80 AC AND W/ 25' OF TRACT A CONT 0.36 AC. Rezoning From C-1.2 and AG-2 to I-1 with a Special Use Permit for Warehouse, Storage, and Distribution, Heavy. Master Plan Change Public Hearing Date: May 23, 2024.

12. **CONSIDER STATUS REPORT, CHANGE ORDER AND/OR OTHER MATTERS AS REQUIRED ON CURRENT PROJECTS**

There were no items to consider at this time.

13. **RESOLUTIONS**

There were no resolutions to consider at this time.

14. **CONSIDER SUBDIVISION PLATS, CONDEMNATIONS, WAIVERS AND MATTERS RELATED THERETO**

There were no items to consider at this time.

15. **CORRESPONDENCE REPORT**

- Reminder Financial Disclosure Time Deadline: May 15, 2024.
- Planning & Zoning Meeting Tuesday, May 7, 2024 a 5:30pm;
- Council Meeting is Thursday, May 9, 2024 at 5:30pm.

2. **ADJOURN**

There being no further business, a motion to adjourn was made by Council Member Kirk Allain and was adopted by acclamation at 06:00 PM.



Carey Denstel, Chairman



Michelle Z. Tullier, Council Clerk

ORDINANCE 16 OF 2024

As Introduced by the West Baton Rouge Parish Council
At the Meeting of March 14, 2024
And Adopted on April 25, 2024

An Ordinance Amending Chapter 104 Zoning To Incorporate Amended Zoning Designation Map (Zoning Plan) Under Section 104-3 Establishment Of Districts, Official Zoning Map For Rezoning Request Of TMI Enterprise LLC. Rezoning From R-MH (Mobile Home Park) to I-2 (Moderate Industrial District).

NOW THEREFORE BE IT ORDAINED by the West Baton Rouge Parish Council in legal session that Chapter 104 Zoning, Sec. 104-3 Establishment of Districts, Official Zoning Map of the Compiled Ordinances of the Parish of West Baton Rouge, Louisiana is amended and re-enacted to read as follows:

Sec.104-3. Establishment Of Districts, Official Zoning Map For Rezoning Request Of TMI Enterprise LLC. Regarding Property Located At 4991 N. River Road Port Allen, La 70767. File #2024-3: Described by the WBR Assessor as: 15.50 AC IN SECS 43, 44, & 45 T6S, R12E, DESIG AS: TRACT B-1 CONT 5.00 AC, TRACT B-2 CONT 5.00 AC, TRACT B-3 CONT 5.50 AC. 50-96C. Rezoning 15.5 (+-) acres from R-MH (Mobile Home Park) to I-2 (Moderate Industrial District).

THEREFORE, BE IT FURTHER ORDAINED by the West Baton Rouge Parish Council that this ordinance shall become effective pursuant to Section 2-12 (C) of the Home Rule Charter.

THEREFORE, BE IT FURTHER RESOLVED by the West Baton Rouge Parish Council, that all other ordinances or parts of ordinances in conflict herewith are hereby repealed in their entirety.

NOW THEREFORE BE IT FURTHER RESOLVED by the Parish Council of the Parish of West Baton Rouge, Louisiana, that if any provision or item of this ordinance or the application thereof is held invalid, such invalidity shall not affect other provisions, items or applications of this ordinance which can be given

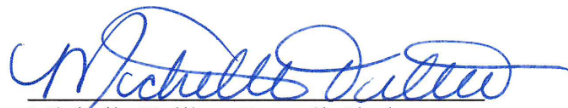
effect without the invalid provisions, items, or applications of this ordinance are hereby declared severable.

THE FOREGOING ORDINANCE AFTER HAVING BEEN SUBMITTED TO A PUBLIC HEARING WAS CONSIDERED, AND UPON MOTION BY COUNCIL MEMBER KENNETH GORDON, WHICH WAS SECONDED BY COUNCIL MEMBER BRADY HOTARD. THE ORDINANCE WAS SUBMITTED TO A VOTE AND RESULTED IN THE FOLLOWING:

YEAS: 8 (MRS. ANDRE, MESSRS. GORDON, HOTARD, ALLAIN, BABIN, WALKER, DENSTEL, CROWE)
NAYS: 0 (NONE)
ABSENT: 1 (MR. JOSEPH)
ABSTAIN: 0 (NONE)

WHEREUPON the ordinance was declared adopted on the 25th Day of April, 2024.

ATTEST:


Michelle Tullier, Council Clerk

ORDINANCE 17 OF 2024

As Introduced by the West Baton Rouge Parish Council
At the Regular Meeting of April 11, 2024
And Adopted on April 25, 2024

An Ordinance To Amend and Reenact The West Baton Rouge Parish Code of Ordinances, Part II (“Code of Ordinances”), Chapter 6 (Alcoholic Beverages), Article I (In General), Sec 6-3 (Closing Hours), Article II (Beverages Of Low Alcohol Content), Division 1 (Generally, Section 6-23 (Prohibited activities of permittees), Article III (Beverages of High Alcohol Content), Division 1 (Generally), Section 6-116 (Prohibited activities of licenses and permittees)

WHEREAS, one of the primary functions of local governments is to protect the health, safety and welfare of its people; AND

WHEREAS, in exercising its role to carry-out the above, the West Baton Rouge Parish Council utilizes its police powers under the Constitution and laws of the State of Louisiana; AND

WHEREAS, such exercise of police power involves from time-to-time creating or amending local laws in order to protect the public.

NOW THERE BE IT ORDAINED by the West Baton Rouge Parish Council, in legal session, Chapter 6 (Alcoholic Beverages Article I (In General), Sec 6-3 (Closing Hours), Article II (Beverages Of Low Alcohol Content), Division 1 (Generally, Section 6-23 (Prohibited activities of permittees), Article III (Beverages of High Alcohol Content), Division 1 (Generally), Section 6-116 (Prohibited activities of licenses and permittees)of the Compiled Ordinances of the Parish of West Baton Rouge, Louisiana, is amended and re-enacted to read as follows:

(NOTE: underlined words are additions and strikethrough words are deletions. Three asterisks - * * * indicate sections of the code skipped for brevity of this ordinance. Such sections are to be retained by the code editors.):

PART II – CODE OF ORDINANCES

* * *

Chapter 6 ALCOHOLIC BEVERAGES

* * *

ARTICLE I – IN GENERAL

* * *

Sec. 6-3. – Closing Hours

(a) **Class A (on premise consumption) permit holders.** Shall be closed for operation, and all premises must be vacated by the public at 2:00 a.m. until 6:00 a.m. the same day, Monday through Saturday, except as provided by section 6-2.

(1) **Exemptions.** Businesses defined as gaming facilities per section 101-1. Gaming facilities may remain open for the sale of other items permitted by law, but any sale or consumption of alcoholic beverages in such places of business during the prohibited periods set forth in Sec. 6-23 and Sec. 6-116 is expressly prohibited. During the prohibited periods, no open glasses, bottles, cans, or other containers holding alcoholic beverages shall be allowed anywhere on the licensed premises except in a locked cabinet or cupboard; provided, that those businesses which maintain separate rooms for the conduct of the business of dealing in alcoholic beverages may securely close and lock said separate rooms. Proof of the finding of any open container holding alcoholic beverages at any other place in the licensed premises during the prohibited periods shall result in a presumption that some of the contents of the container were consumed on the licensed premises on the date found; and shall further result in a presumption that the contents of the container were sold by the permit holder, his manager, agent, servant or employee on the date found. The term "open" as used in this subsection shall include, but not be restricted to, any container from which the top has at any time been removed, regardless of whether it has been replaced, and in the case of a sealed container, any container on which the seal has been broken.

(b) **Class B (off premise consumption) permit holders & Class A/R (Alcohol Restaurant) permit holders.** Restaurants, Grocery stores, convenience stores, drug stores, or other businesses which hold a Class B or Alcohol Restaurant License may remain open for the sale of other items permitted by law, but any sale or consumption of alcoholic beverages in such places of business during the prohibited periods set forth in Sec. 6-23 is expressly prohibited. During the prohibited periods, no open glasses, bottles, cans, or other containers holding alcoholic beverages shall be allowed anywhere on the licensed premises except in a locked cabinet or cupboard; provided, that those businesses which maintain separate rooms for the conduct of the business of dealing in alcoholic beverages may securely close and lock said separate rooms. Proof of the finding of any open container holding alcoholic beverages at any other place in the licensed premises during the prohibited periods shall result in a presumption that some of the contents of the container were consumed on the licensed premises on the date found; and shall further result in a presumption that the contents of the container were sold by the permit holder, his manager, agent, servant or employee on the date found. The term "open" as used in this subsection shall include, but not be restricted to, any container from which the top has at any time been removed, regardless of whether it has been replaced, and in the case of a sealed container, any container on which the seal has been broken.

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ARTICLE II BEVERAGES OF LOW ALCOHOL CONTENT

* * *

DIVISION 1. GENERALLY

* * *

Sec. 6-23. - Prohibited activities of permittees.

No holder of a retail dealer's permit issued hereunder, and no servant, agent or employee of such permittee shall:

- (1) Commit or do on the licensed premises any of the acts and things prohibited by the provisions of R.S. 26:286 and as amended thereafter or by any other applicable acts of Louisiana, all of which are made a part thereof by reference for all purposes as fully as if written herein in extenso. A violation of this section by a retail dealer or retail dealer's agent, associate, employee, representative, or servant shall be considered the retail dealer's act for purposes of suspension or revocation of the permit. Violation of this section is sufficient cause for the suspension or revocation of a permit.
- (2) Sell, store, use, consume, handle, give away or otherwise dispose of any of the beverages described in [section 6-21](#) between the hours of 1:00 a.m. and 6:00 a.m. daily ~~and to conduct the operation of said business between the hours of 2:00 a.m. and 6:00 a.m. daily~~, except as provided by [section 6-2](#). ~~Restaurants, grocery stores, drugstores, gaming facilities (including riverboat casinos) or other business may remain open for the sale of other items permitted by law, but any sale or consumption of alcoholic beverages in such places of business during the~~

~~prohibited periods set forth above is expressly prohibited. During the prohibited periods, no open glasses, bottles, cans, or other containers holding alcoholic beverages shall be allowed anywhere on the licensed premises except in a locked cabinet or cupboard; provided, that those businesses which maintain separate rooms for the conduct of the business of dealing in alcoholic beverages may securely close and lock said separate rooms. Proof of the finding of any open container holding alcoholic beverages at any other place in the licensed premises during the prohibited periods shall result in a presumption that some of the contents of the container were consumed on the licensed premises on the date found; and shall further result in a presumption that the contents of the container were sold by the permit holder, his manager, agent, servant or employee on the date found. The term "open" as used in this subsection shall include, but not be restricted to, any container from which the top has at any time been removed, regardless of whether it has been replaced, and in the case of a sealed container, any container on which the seal has been broken.~~

- (3) Sell any of the alcoholic beverages described in section 6-21 to any person who is less than 21 years of age.

The provisions of this section shall be applicable to holder of class AR permits under this chapter.

* * *

ARTICLE II BEVERAGES OF HIGH ALCOHOL CONTENT

* * *

DIVISION 1. GENERALLY

Sec. 6-116. - Prohibited activities of licensees and permittees.

No holder of a retail dealer's license and permit issued under this article, and no servant, agent or employee of such licensee and permittee shall:

- (1) Commit or do on the licensed premises any of the acts and things prohibited by the provisions of R.S. 26:286, all of which are made a part hereof, by reference, for all purposes as fully as if written herein in extenso. A violation of this section by a retail dealer or retail dealer's agent, associate, employee, representative, or servant shall be considered the retail dealer's act for purposes of suspension or revocation of the permit. Violation of this section is sufficient cause for the suspension or revocation of a permit.
- (2) Sell, store, use, consume, handle, give away or otherwise dispose of any of the beverages described in section 6-114 between the hours of 1:00 a.m. and 6:00 a.m. daily ~~and to conduct the operation of said business between the hours of 2:00 a.m. and 6:00 a.m. daily~~, except as provided by [section 6-2](#). Restaurants, grocery stores, drugstores, gaming facilities (including riverboat casinos) or other business may remain open for the sale of other items permitted by law, but any sale or consumption of alcoholic beverages in such places of business during the prohibited periods set forth above is expressly prohibited. During the prohibited periods, no open glasses, bottles, cans, or other containers holding alcoholic beverages shall be allowed anywhere on the licensed premises except in a locked cabinet or cupboard; provided, that those businesses which maintain separate rooms for the conduct of the business of dealing in alcoholic beverages may securely close and lock said separate rooms. Proof of the finding of any open container holding alcoholic beverages at any other place in the licensed premises during the prohibited periods shall result in a presumption that some of the contents of the container were consumed on the licensed premises on the date found; and shall further result in a presumption that the contents of the container were sold by the permit holder, his manager, agent, servant or employee on the date found. The term "open" as used in this subsection shall include, but not be restricted to, any container from which the top has at any time been removed, regardless of whether it has been replaced, and in the case of a sealed container, any container on which the seal has been broken.
- (3) Sell any of the alcoholic beverages described in section 6-114 to any person who is less than 21 years of age.

* * *

BE IT FURTHER ORDAINED by the West Baton Rouge Parish Council that this ordinance shall become effective upon the signature of the Parish President.

THEREFORE BE IT RESOLVED by the West Baton Rouge Parish Council, that all other ordinances or parts of ordinances in conflict herewith are hereby repealed in their entirety.

THEREFORE BE IT FURTHER RESOLVED by the Parish Council of the Parish of West Baton Rouge, Louisiana, that if any provision or item of this ordinance or the application thereof is held invalid, such invalidity shall not affect other provisions, items or applications of this ordinance which can be given effect without the invalid provisions, items, or applications of this ordinance are hereby declared severable.

THE FOREGOING ORDINANCE AFTER HAVING BEEN SUBMITTED TO A PUBLIC HEARING WAS CONSIDERED, AND UPON MOTION BY COUNCIL MEMBER KIRK ALLAIN, WHICH WAS SECONDED BY COUNCIL MEMBER KATHERINE ANDRE. THE ORDINANCE WAS SUBMITTED TO A VOTE AND RESULTED IN THE FOLLOWING:

YEAS: 8 (MRS. ANDRE, MESSRS. ALLAIN, BABIN, WALKER, DENSTEL, CROWE, HOTARD, GORDON)

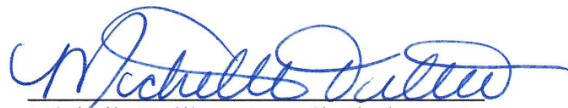
NAYS: 0 (NONE)

ABSENT: 1 (MR. JOSEPH)

ABSTAIN: 0 (NONE)

WHEREUPON the ordinance was declared adopted on the **25th Day of April, 2024.**

ATTEST:


Michelle Tullier, Council Clerk

ORDINANCE 18 OF 2024

As Introduced by the West Baton Rouge Parish Council
At the Regular Meeting of April 11, 2024
And Adopted on April 25, 2024

An Ordinance To Amend And Reenact The West Baton Rouge Parish Code Of Ordinances, Part II (“Code Of Ordinances”), Chapter 70 (“Roads And Drainage”), Section 70-2 (“Obstruction Of Waters, Drains, And Drainage Canals”) To Provide For Enforcement Of Drainage Servitude Obstructions.

WHEREAS, one of the primary functions of local governments is to protect the health, safety and welfare of its people; **AND**

WHEREAS, in exercising its role to carry-out the above, the West Baton Rouge Parish Council utilizes its police powers under the Constitution and laws of the State of Louisiana; **AND**

WHEREAS, such exercise of police power involves from time-to-time creating or amending local development (and other) laws in order to protect the public; **AND**

WHEREAS, one exercise of said police power involves the establishment and preservation of servitudes for the purposes of drainage; **AND**

WHEREAS, the Council finds that some property owners have obstructed established drainage servitudes either with their knowledge of such obstruction or by accident **AND**;

WHEREAS, the Council and the Louisiana State Legislature has heretofore provided for the enforcement of certain development-related nuisance remedies.

NOW, THEREFORE, BE IT ORDAINED that the West Baton Rouge Parish Code of Ordinances, Part II (“Code of Ordinances”), Chapter 70 (“Roads and Drainage”), Section 70-2 (“Obstruction of waters, drains, and drainage canals”) be amended and readopted to read as follows:

(NOTE: underlined words are additions and strikethrough words are deletions. Three asterisks - * * * indicate sections of the code skipped for brevity of this ordinance. Such sections are to be retained by the code editors.):

PART II – CODE OF ORDINANCES

CHAPTER 70

ROADS AND DRAINAGE

* * *

Sec. 70-2. – Obstruction of waters, drains, ~~and drainage canals,~~ and drainage servitudes.

- (a) Prohibited. It shall be unlawful for any person, firm, association or corporation to willfully obstruct any waters, drains or drainage canals of the parish by dumping or discharging or causing to be dumped or discharged, or permitting to be dumped or discharged into any such waters, drains or drainage canals any trees or other objects, articles, substances or materials whatsoever. Additionally, it shall be unlawful to prohibit the Parish from accessing, and/or traversing, and/or maintaining the areas inside of Parish drainage servitudes.
- (b) Evidence of violation. Should any person, firm, association or corporation who has dumped, discharged, caused or permitted to be dumped or discharged any such objects into the waters or drains or drainage canals of the parish fail to remove the same at his own expense within a period of ten days from receipt of notice of such obstruction, such failure on his part shall constitute prima facie evidence of willful intent to obstruct such water, drain or drainage canal within the meaning of this section. Additionally, should Parish employees be unable to access, and/or traverse, and/or maintain the areas inside of Parish drainage servitudes, such documented obstructions shall constitute prima facie evidence of willful intent to obstruct the same.
- (c) Administrative Adjudication Court. Alleged violations of this Section shall be deemed “nuisances” and shall be brought before the West Baton Rouge Parish Administrative Adjudication Court that has been established elsewhere in the Louisiana Revised Statutes and the West Baton Rouge Parish Unified Development Code.

* * *

BE IT FURTHER ORDAINED that this ordinance shall become effective upon the signature of the Parish President.

THEREFORE BE IT RESOLVED by the West Baton Rouge Parish Council, that all other ordinances or parts of ordinances in conflict herewith are hereby repealed in their entirety.

THEREFORE BE IT FURTHER RESOLVED by the Parish Council of the Parish of West Baton Rouge, Louisiana, that if any provision or item of this ordinance or the application thereof is held invalid, such invalidity shall not affect other provisions, items or applications of this ordinance which can be given effect without the invalid provisions, items, or applications of this ordinance are hereby declared severable.

THE FOREGOING ORDINANCE AFTER HAVING BEEN SUBMITTED TO A PUBLIC HEARING WAS CONSIDERED, AND UPON MOTION BY COUNCIL MEMBER DARYL “TURF” BABIN, WHICH WAS SECONDED BY COUNCIL MEMBER BRADY HOTARD. THE ORDINANCE WAS SUBMITTED TO A VOTE AND RESULTED IN THE FOLLOWING:

YEAS: 8 (MRS. ANDRE, MESSRS. BABIN, HOTARD, ALLAIN, WALKER, DENSTEL, CROWE, GORDON)

NAYS: 0 (NONE)

ABSENT: 1 (MR. JOSEPH)

ABSTAIN: 0 (NONE)

WHEREUPON the ordinance was declared adopted on the **25th Day of April, 2024.**

ATTEST:



Michelle Tullier, Council Clerk