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March 14, 2022

The City Council of the City of Sulphur, Louisiana, met in regular session at 1551 East Napoleon Street in the Council Chambers, Sulphur, Louisiana, on March 14, 2022, at 5:30 p.m., after full compliance with the convening of said meeting with the following members present:

DRU ELLENDER, Council Representative of District 1  
MIKE KOONCE, Council Representative of District 2  
JOY ABSHIRE, Council Representative of District 4  
MANDY THOMAS, Council Representative of District 5

ABSENT - MELINDA HARDY, Council Representative of District 3

After the meeting was called to order and the roll called with the above result, prayer was led by Mrs. Ellender, followed by the reciting of the Pledge of Allegiance led by Mr. Koonce.

The Chairman asked if there were any changes to the minutes of the previous meeting. With no changes made, motion was made by Mrs. Ellender seconded by Mrs. Thomas that the minutes stand as written. Motion carried unanimously.

Motion was then made by Mrs. Ellender seconded by Mr. Koonce that item #7 be removed from the agenda:

Public hearing on ordinance granting a rezone to Badar Khan (Mike Clifton purchaser), 3901 Maplewood Drive, from Business to Commercial to allow for storage units.

Motion carried unanimously.

Motion was then made by Mrs. Ellender seconded by Mr. Koonce that item #14A be added to the agenda:

Introduction of ordinance authorizing Mayor Danahay to enter into a Cooperative Endeavor Agreement with LA DOTD for a donation of 160 cubic yards of reclaimed asphalt pavement.

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The Chairman then stated that this item was being added since it was received after the agenda had already been published in the official journal. There weren't any comments from the public.

Motion carried unanimously.

Motion was then made by Mrs. Ellender seconded by Mrs. Thomas that the agenda stand as amended.

Motion carried unanimously.

The first item on the agenda is a presentation by Sulphur Armed Forces Commission. The Commission presented a certificate and a \$100.00 gift card to the SHS Choir and thanked them for all their support in the past years.

The next item on the agenda is recognition of SHS Twisters Dance Team. Mayor Danahay presented the dance team with a certificate in recognition of placing 11<sup>th</sup> in the nation for pom and 14<sup>th</sup> in the nation for jazz. He thanked them for their dedication and excellence in their sport.

The next item on the agenda is recognition of SHS Boys Soccer Team. Mayor Danahay congratulated the boys for a record this season that was 20-3-2, going undefeated in district play and winning the district championship for the first time in 21 years. As for individual achievements, 5 players made the 1<sup>st</sup> Team All District, 2 players made 2<sup>nd</sup> Team and 1 made Honorable Mention. One member was able to participate in the Louisiana All Star game, 2 players made the All-Academic Team with a GPA of 4.0 or higher. He also recognized Coach Trevor Foolkes and his staff who have invested much time and energy in these young men's athletic and academic achievements.

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The next item on the agenda is an Extension for temporary housing in recreational vehicles due to damage caused by Hurricane Laura for the following addresses:

- a. To extend temporary housing in a recreational vehicle at 211 West Lincoln Street, in accordance with Ordinance No. 1693.

Donna Brown, West Lincoln Street, addressed the Council and stated that the Council has already given the applicant 3 extensions since January. They haven't done any repairs to the home and their RV needs to be gone. Mrs. Ellender stated that they're trying to sell their home for approximately \$150,000 then it'll cost approximately \$100,000 to move it. The primary reason for our temporary RV ordinance is to allow people to stay in the RV while they make home repairs, not until they're able to sell their home. Motion was then made by Mrs. Ellender seconded by Mr. Koonce that the above be granted an extension to live in their RV.

A vote was then called with the results as follows:

YEAS: None

NAYS: Mrs. Ellender, Mr. Koonce, Mrs. Abshire, Mrs. Thomas

ABSENT: Mrs. Hardy

And the said extension failed on this 14<sup>th</sup> day of March, 2022.

ATTEST:

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ARLENE BLANCHARD, Clerk

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JOY ABSHIRE, Chairman

The next item on the agenda is a public hearing on ordinance granting a variance to Regina Perry, 767 North Claiborne Street, to allow for a mobile home to be 384 sq. ft. rather than the required 600 sq. ft. Motion was made by Mrs. Ellender seconded by Mrs. Thomas that the following ordinance be adopted to-wit:

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Public hearing on ordinance granting a variance to Regina Perry, 767 North Claiborne Street, to allow for a mobile home to be 384 sq. ft. rather than the required 600 sq. ft.

A vote was then called with the results as follows:

YEAS: None

NAYS: Mrs. Ellender, Mr. Koonce, Mrs. Abshire, Mrs. Thomas

ABSENT: Mrs. Hardy

And the said ordinance failed on this 14<sup>th</sup> day of March, 2022.

ATTEST:

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ARLENE BLANCHARD, Clerk

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JOY ABSHIRE, Chairman

The next item on the agenda is a public hearing on ordinance granting a rezone to Gaynell Bynum (Amrik Thind purchaser), 937 Prater Road, from Residential to Mixed Residential to allow for 11 duplexes. After discussion, motion was made by Mrs. Ellender seconded by Mrs. Thomas that the following stipulations be added:

1. Delete final 3 residence and use for parking (per plat)
2. Conduct a drainage study
3. No mobile homes shall be allowed on property

A vote was then called with the results as follows:

YEAS: Mrs. Ellender, Mr. Koonce, Mrs. Abshire, Mrs. Thomas

NAYS: None

ABSENT: Mrs. Hardy

And the said stipulations were added on this 14<sup>th</sup> day of March, 2022.

ATTEST:

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ARLENE BLANCHARD, Clerk

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JOY ABSHIRE, Chairman

Motion was then made by Mr. Koonce seconded by Mrs. Thomas that the following ordinance be adopted to-wit:

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ORDINANCE GRANTING A REZONE TO GAYNELL BYNUM, 937 PRATER ROAD, FROM RESIDENTIAL TO MIXED RESIDENTIAL TO ALLOW FOR 11 DUPLEXES.

BE IT ORDAINED by the City Council of the City of Sulphur, Louisiana, that they do hereby grant a rezone to Gaynell Bynum, 937 Prater Road, from Residential to Mixed Residential to allow for 11 duplexes for the following described property:

@320909-2002-000401 0000

N 69.65 FT -OR- N ½ LOT 4 PARTITION OF E ½ SE SW 32.9.9

@320909-2002-000402 0000

TRACT IN M R WAIT SURVEY DECS AS – S 69.65 FT LOT 4 PARTITION OF HEIRS OF CLEMENT DUHON AND LEONA DUHON OF E ½ SE SW 32.9.9 LESS E 150.5 FT

NOW BEING ALSO DESC AS W 474.7 FT M/L OF THE S 69.65 FT OF LT 4 HEIRS OF CLEMENT AND LEONA DUHON

@320909-2002-000403 0000

E 150.5 FT M/L OF S 69.65 FT OF LOT 4 PARTITION OF THE HEIRS OF CLEMENT DUHON AND LEONA DUHON OF E ½ SE SW 32.9.9

REF1-JAMES P BULT B 1384 P 439-77

REF2-GEORGE EDGAR WAIT B 2237 P 195-91

REF3-WAIT, GEORGETTE FAYE B 2686 P 415-97

REF4-ASSESSED BULT, MINNIE OPEL-98

REF5-PART MINNIE OPEL BULT WAIT PART GAYNELL BULT BYNUM B 3004 P 508-02

REF6-WAIT, MINNIE OPEL BULT B 3004 P 511-02

This rezone is granted by the City of Sulphur and may be withdrawn by the City of Sulphur should said rezone interfere with the rights and privileges owned by the City of Sulphur pursuant to a pre-existing right of way, servitude, or easement. If withdrawn, any improvements constructed thereon shall be removed at the expenses of owner thereof.

Grantee hereby agrees and contracts to hold Grantor harmless from any damages created and/or caused by the granting of this rezone, including, but not limited to, litigation defense, litigation costs, violation of subdivision restrictive covenants, building code violations or any other damages, property and/or monetary or otherwise, relating thereto.

Upon approval of this rezone the owner of this rezone shall be responsible for the recordation thereof, with the Clerk of Court, Calcasieu Parish, Louisiana, and shall provide the City of Sulphur a receipt evidencing recordation within 10 days of the effective date of this rezone.

**No work shall commence until all applicable permits are obtained. In the event work is commenced prior to obtaining all applicable permits, this rezone shall be withdrawn and considered null and void.**

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BE IT FURTHER ORDAINED by the City Council of the City of Sulphur, Louisiana, that they do hereby grant a rezone to Gaynell Bynum, 937 Prater Road, from Residential to Mixed Residential to allow for 11 duplexes.

A vote was then called with the results as follows:

YEAS: None

NAYS: Mrs. Ellender, Mr. Koonce, Mrs. Abshire, Mrs. Thomas

ABSENT: Mrs. Hardy

And the said ordinance failed on this 14<sup>th</sup> day of March, 2022.

ATTEST:

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ARLENE BLANCHARD, Clerk

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JOY ABSHIRE, Chairman

The next item on the agenda is a public hearing on ordinance granting a rezone and subdivide lots to Ankur Patel, property east of Kyoto's Japanese Restaurant, from Business to Commercial for a hotel. After much discussion, motion was made by Mrs. Ellender seconded by Mrs. Thomas that the following stipulations be added:

1. Rezone/subdivision is contingent upon receiving written consent of the consenting parties within 1 year of the effective date of this ordinance.
2. Submit a traffic count.

Motion carried unanimously.

Motion was then made by Mr. Koonce seconded by Mrs. Ellender that the following ordinance be adopted to-wit:

ORDINANCE NO.                      M-C SERIES AS AMENDED

ORDINANCE GRANTING A REZONE (LOT 2-C-B) AND SUBDIVISION TO ANKUR PATEL, PROPERTY EAST OF KYOTO'S JAPANESE RESTAURANT, FROM BUSINESS TO COMMERCIAL FOR A HOTEL.

BE IT ORDAINED by the City Council of the City of Sulphur, Louisiana, that they do hereby grant a rezone (Lot 2-C-B) and subdivision to Ankur Patel, property east of Kyoto's Japanese Restaurant, from Business to Commercial for a hotel with the following stipulations:

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1. Rezone/subdivision is contingent upon receiving written consent of the consenting parties within 1 year of the effective date of this ordinance.
  2. Submit a traffic count.

BE IT FURTHER ORDAINED that a rezone (Lot 2-C-B) and subdivision be granted for the following described property:

**LEGAL DESCRIPTION: (LOT 2-C-A)**

A CERTAIN TRACT OR PARCEL OF GROUND DESIGNATED AS "LOT 2-C", CONTAINING 1.30 ACRES, MORE OR LESS, SITUATED IN SECTION 6, TOWNSHIP 10 SOUTH, RANGE 9 WEST, CALCASIEU PARISH, STATE OF LOUISIANA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER (NW/4 - SE/4) OF SECTION 6, TOWNSHIP 10 SOUTH, RANGE 9 WEST, CALCASIEU PARISH, LOUISIANA; THENCE PROCEED ALONG THE EAST/WEST CENTER SECTION LINE OF SECTION 6, NORTH 89°31'00" EAST, FOR A DISTANCE OF 80.70 FEET TO A POINT LOCATED AT THE INTERSECTION OF THE EAST/WEST CENTER SECTION LINE AND THE EASTERLY RIGHT-OF-WAY LINE OF SOUTH CITIES SERVICE HIGHWAY - LOUISIANA STATE HIGHWAY NO. 108; THENCE CONTINUING ALONG SAID RIGHT-OF-WAY LINE, SOUTH 01°04'42" WEST, A DISTANCE OF 555.12 FEET TO AN EXISTING 3/4" ROD, SAID POINT BEING LOCATED AT THE NORTHEAST INTERSECTION OF THE NORTHERLY RIGHT-OF-WAY LINE OF INTERSTATE HIGHWAY NO. 10 AND THE EASTERLY RIGHT-OF-WAY LINE OF SOUTH CITIES SERVICE HIGHWAY-LOUISIANA STATE HIGHWAY NO. 108; THENCE CONTINUING ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF INTERSTATE HIGHWAY NO. 10, SOUTH 42°14'39" EAST, FOR A DISTANCE OF 665.16 FEET TO FOUND HIGHWAY MONUMENT; THENCE SOUTH 78°36'06" EAST, FOR A DISTANCE OF 19.78 FEET TO AN EXISTING 1/2" ROD, SAID ROD BEING THE POINT OF BEGINNING FOR LOT 2-C-A; THENCE DEPARTING SAID RIGHT-OF-WAY, NORTH 01°26'27" EAST, A DISTANCE OF 348.58 FEET TO AN EXISTING SCRIBE IN CONCRETE; THENCE ALONG A NON-TANGENT CURVE TO THE RIGHT HAVING A DELTA OF 26°35'52", A RADIUS OF 383.58 FEET, AN ARC LENGTH OF 178.08 FEET, A CHORD BEARING SOUTH 72°22'01" EAST, AND A CHORD DISTANCE OF 176.47 FEET TO A SET 1/2" ROD; THENCE SOUTH 00°52'17" WEST, A DISTANCE OF 329.71 FEET TO A SET 1/2" ROD; THENCE NORTH 78°36'06" WEST, A DISTANCE OF 175.39 FEET TO THE POINT OF BEGINNING OF LOT 2-C-A.

**LEGAL DESCRIPTION: (LOT 2-C-B) REZONE TO COMMERCIAL**

A CERTAIN TRACT OR PARCEL OF GROUND DESIGNATED AS "LOT 2-C", CONTAINING 1.68 ACRES, MORE OR LESS, SITUATED IN SECTION 6, TOWNSHIP 10 SOUTH, RANGE 9 WEST, CALCASIEU PARISH, STATE OF LOUISIANA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER (NW/4 - SE/4) OF SECTION 6, TOWNSHIP 10 SOUTH,

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RANGE 9 WEST, CALCASIEU PARISH, LOUISIANA; THENCE PROCEED ALONG THE EAST/WEST CENTER SECTION LINE OF SECTION 6, NORTH 89°31'00" EAST, FOR A DISTANCE OF 80.70 FEET TO A POINT LOCATED AT THE INTERSECTION OF THE EAST/WEST CENTER SECTION LINE AND THE EASTERLY RIGHT-OF-WAY LINE OF SOUTH CITIES SERVICE HIGHWAY - LOUISIANA STATE HIGHWAY NO. 108; THENCE CONTINUING ALONG SAID RIGHT-OF-WAY LINE, SOUTH 01°04'42" WEST, A DISTANCE OF 555.12 FEET TO AN EXISTING 3/4" ROD, SAID POINT BEING LOCATED AT THE NORTHEAST INTERSECTION OF THE NORTHERLY RIGHT-OF-WAY LINE OF INTERSTATE HIGHWAY NO. 10 AND THE EASTERLY RIGHT-OF-WAY LINE OF SOUTH CITIES SERVICE HIGHWAY-LOUISIANA STATE HIGHWAY NO. 108; THENCE CONTINUING ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF INTERSTATE HIGHWAY NO. 10, SOUTH 42°14'39" EAST, FOR A DISTANCE OF 665.16 FEET TO FOUND HIGHWAY MONUMENT; THENCE SOUTH 78°36'06" EAST, FOR A DISTANCE OF 195.17 FEET TO A SET 1/2" ROD, SAID ROD BEING THE POINT OF BEGINNING; THENCE DEPARTING SAID RIGHT-OF-WAY, NORTH 00°52'17" EAST, FOR A DISTANCE OF 329.71 FEET TO A SET 1/2" ROD; THENCE ALONG A NON-TANGENT CURVE TO THE RIGHT HAVING A DELTA OF 9°37'22", A RADIUS OF 383.58 FEET, AN ARC LENGTH OF 64.42 FEET, A CHORD BEARING NORTH 89°31'22" EAST, AND A CHORD DISTANCE OF 64.35 FEET TO AN EXISTING 1/2" ROD; THENCE ALONG A NON-TANGENT CURVE TO THE RIGHT HAVING A DELTA OF 37°53'46", A RADIUS OF 149.01 FEET, AN ARC LENGTH DISTANCE OF 98.56 FEET, A CHORD BEARING NORTH 70°25'51" EAST, AND A CHORD DISTANCE OF 96.77 FEET TO AN EXISTING 1/2" ROD; THENCE ALONG A CURVE TO THE RIGHT HAVING A DELTA OF 52°08'54", A RADIUS OF 37.22 FEET, AN ARC LENGTH DISTANCE OF 33.88 FEET, A CHORD BEARING NORTH 82°14'32" EAST, AND A CHORD DISTANCE OF 32.72 FEET TO AN EXISTING 1/2" ROD; THENCE SOUTH 71°43'07" EAST, A DISTANCE OF 18.05 FEET TO A SET 1/2" ROD; THENCE SOUTH 01°44'25" WEST, A DISTANCE OF 401.46 FEET TO AN EXISTING 1/2" ROD; THENCE NORTH 78°36'06" WEST, A DISTANCE OF 201.88 FEET TO THE POINT OF BEGINNING.

This rezone and subdivision is granted by the City of Sulphur and may be withdrawn by the City of Sulphur should said rezone and subdivision interfere with the rights and privileges owned by the City of Sulphur pursuant to a pre-existing right of way, servitude, or easement. If withdrawn, any improvements constructed thereon shall be removed at the expenses of owner thereof.

Grantee hereby agrees and contracts to hold Grantor harmless from any damages created and/or caused by the granting of this rezone and subdivision, including, but not limited to, litigation defense, litigation costs, violation of subdivision restrictive covenants, building code violations or any other damages, property and/or monetary or otherwise, relating thereto.

Upon approval of this rezone and subdivision the owner shall be responsible for the recordation thereof, with the Clerk of Court, Calcasieu Parish, Louisiana, and shall provide the City of Sulphur a receipt evidencing recordation within 10 days of the effective date of this rezone.



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**No work shall commence until all applicable permits are obtained. In the event work is commenced prior to obtaining all applicable permits, this rezone and subdivision shall be withdrawn and considered null and void.**

BE IT FURTHER ORDAINED by the City Council of the City of Sulphur, Louisiana, that they do hereby grant a rezone (Lot 2-C-B) and subdivision to Ankur Patel, property east of Kyoto's Japanese Restaurant, from Business to Commercial for a hotel.

A vote was then called with the results as follows:

YEAS: Mrs. Ellender, Mr. Koonce, Mrs. Abshire, Mrs. Thomas

NAYS: None

ABSENT: Mrs. Hardy

And the said ordinance was declared duly adopted on this 14<sup>th</sup> day of March, 2022.

ATTEST:

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ARLENE BLANCHARD, Clerk

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JOY ABSHIRE, Chairman

The next item on the agenda is a public hearing on ordinance granting an Exception to Post Oak Mobile Home Park of Sulphur, LLC, 598 South Post Oak Road, to allow for mobile homes in a Business District. After much discussion, the following people spoke in favor of the Exception:

Barbara Dickens, Mrs. Ramirez, Josh Foster-Exit Realty, John Monceaux-Exit Realty, Attorney Maurice Tynes (representing Barbara Dickens)

The following people spoke in opposition of the Exception:

Michael Manuel, Darren Sergeant, Mitch Bowers

There were also many residents of Gilmar Acres that were in attendance

After much discussion, motion was made by Mr. Koonce seconded by Mrs. Ellender that the following ordinance be adopted to-wit:

Ordinance granting an Exception to Post Oak Mobile Home Park of Sulphur, LLC, 598 South Post Oak Road, to allow for mobile homes in a Business District.

WHEREAS in accordance with Article IV, Part 3, Section 4 (3) of the Land Use Ordinance of the City of Sulphur, application has been received from Post Oak Mobile Home

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Park of Sulphur, LLC, 598 South Post Oak Road, to allow for mobile homes in a Business District for the following described property:

COM 726.7 FT N AND 30 FT E OF SW COR SW 36.9.10, TH N ALONG E  
R/W LINE POST OAK ROAD 19.45 FT E 160 FT N 244.75 FT E 476.1 FT S  
264.2 FT W 637.9 FT TO COM

This Exception is granted by the City of Sulphur and may be withdrawn by the City of Sulphur should said Exception interfere with the rights and privileges owned by the City of Sulphur pursuant to a pre-existing right of way, servitude, or easement. If withdrawn, any improvements constructed thereon shall be removed at the expenses of owner thereof.

Grantee hereby agrees and contracts to hold Grantor harmless from any damages created and/or caused by the granting of this Exception, including, but not limited to, litigation defense, litigation costs, violation of subdivision restrictive covenants, building code violations or any other damages, property and/or monetary or otherwise, relating thereto.

If City Council does hereby approve this Exception the owner of this Exception shall be responsible for the recordation thereof, with the Clerk of Court, Calcasieu Parish, Louisiana, and shall provide the City of Sulphur a receipt evidencing recordation within 10 days of the effective date of this Exception.

**No work shall commence until all applicable permits are obtained. In the event work is commenced prior to obtaining all applicable permits, this Exception shall be withdrawn and considered null and void.**

BE IT FURTHER ORDAINED by the City Council of the City of Sulphur Louisiana, that they do hereby grant an Exception to Post Oak Mobile Home Park of Sulphur, LLC, 598 South Post Oak Road, to allow for mobile homes in a Business District.

A vote was then called with the results as follows:

YEAS: None

NAYS: Mrs. Ellender, Mr. Koonce, Mrs. Abshire, Mrs. Thomas

ABSENT: Mrs. Hardy

And the said ordinance failed on this 14<sup>th</sup> day of March, 2022.

ATTEST:

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ARLENE BLANCHARD, Clerk

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JOY ABSHIRE, Chairman

The next item on the agenda is a public hearing on ordinance amending Article IV, Part 2, Section 5 (2) (f) of the Code of Ordinances of the City of Sulphur – Temporary Uses for

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manufactured homes. Mayor Danahay stated that this part of the ordinance gave the Land Use Administrator authority to temporarily grant the placement of a mobile home for emergency uses in any district. The Land Use Commission and Council have granted these for many years, not the Land Use Administrator. This part of the ordinance needs to be removed. Motion was made by Mrs. Ellender seconded by Mrs. Thomas that the following ordinance be adopted to-wit:

ORDINANCE NO. 1769, M-C SERIES

ORDINANCE AMENDING ARTICLE IV, PART 2, SECTION 5 (2)(F) OF THE  
CODE OF ORDINANCES OF THE CITY OF SULPHUR – TEMPORARY  
USES FOR MANUFACTURED HOMES.

BE IT ORDAINED by the City Council of the City of Sulphur, Louisiana, that they do hereby amend Article IV, Part 2, Section 5 (2)(f) of the Code of Ordinances of the City of Sulphur – Temporary Uses for Manufactured Homes to read as follows:

**Section 5. Temporary uses.**

- (1) *Authority.* Temporary uses are permitted in any land use district, subject to the standards hereinafter established, provided that all temporary uses shall meet the bulk regulations and parking requirements for the land use district in which the use is located and provided that no temporary use shall be permitted to continue for such a length of time that it constitutes in effect a permanent use.
- (2) *Particular Temporary Uses Permitted.* Permitted uses include:
  - (a) Garage sales.
  - (b) Indoor and outdoor art and craft show, exhibits and sales.
  - (c) Contractor's office and equipment sheds which shall be limited to the actual period of construction and to be terminated thirty (30) days after completion of construction.
  - (d) Sales of Christmas trees or other seasonal goods provided that such sales are located on property with direct access to collector or arterial.
  - (e) Religious revival tents.
  - (f) Truck trailers used for the temporary storage of goods or equipment in connection with general retail sales and service, not to exceed thirty (30) days.
  - (g) A temporary use permit shall be required, and may be issued, for the placement of a portable on demand storage unit or POD for temporary use. PODs shall comply with the following:

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- (1) The POD does not obstruct any public right-of-way or site triangle and is not within the side or rear set-back limits that would be applicable to structures.
  - (2) The POD is removed within six (6) months of placement. The chief building official may grant additional time if needed due to hardship or natural disaster. No PODs may be used on a site if two (2) other POD placements previously occurred in the prior twelve (12) months.
  - (3) If a building permit has been issued for construction or remodeling, the POD must be removed within ten (10) days of final building inspection.
  - (4) No hazardous or flammable materials may be stored in container.
  - (5) Containers must have fully operational locks and remain locked when unsupervised.
  - (6) The name and telephone number of the POD's supplier shall be on the exterior of the POD, but any other advertising is prohibited on container.
  - (7) All PODs shall be maintained in good condition and repair
  - (8) Exemptions: Properties located within business, commercial, or industrial districts are exempt from the provisions of this paragraph, and no temporary storage use permit shall be required for a POD on a property within those land use districts.
- (3) *Temporary Placement of Recreational Vehicle for Occupancy for a Related Family Member Due to Natural Disaster.*
- (a) When a natural disaster occurs, a recreational vehicle may be placed either on a residential, mixed residential or industrial lot. Situations in other districts will be considered on a case by case basis to be determined by the land use administrator and mayor.
  - (b) Prior to the placement of a recreational vehicle in districts as stated above, the land use administrator, chief building official/ordinance enforcement director and city council clerk shall review all requirements, as established by administration, as to whether the recreational vehicle will be allowed. In the absence of either the land use administrator, chief building official/ordinance enforcement director or city council clerk, the mayor shall be authorized to sign as a third signature.
  - (c) The temporary placement of a recreational vehicle shall not exceed a 6-month period from the date the recreational vehicle is placed on property, unless voted on by the land use commission and city council.
  - (d) Any applicant aggrieved by the decision of the land use administrator, chief building official/ordinance enforcement director and city council clerk, may be placed on the next available land use and city council agenda.
  - (e) The enforcement of the temporary placement of recreational vehicle for occupancy for a related family member due to natural disaster shall be the duty of the land use administrator and the chief building official/ordinance enforcement director.

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- (f) Any person violating this subsection shall be punished by a one hundred dollar (\$100.00) fine each day the violation occurs.

A vote was then called with the results as follows:

YEAS: Mrs. Ellender, Mr. Koonce, Mrs. Abshire, Mrs. Thomas

NAYS: None

ABSENT: Mrs. Hardy

And the said ordinance was declared duly adopted on this 14<sup>th</sup> day of March, 2022.

ATTEST:

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ARLENE BLANCHARD, Clerk

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JOY ABSHIRE, Chairman

The next item on the agenda is a public hearing on ordinance amending Ordinance No. 1745, M-C Series – Abandoned Vehicles and Nuisance Vehicles. Motion was made by Mr. Koonce seconded by Mrs. Ellender that the following ordinance be adopted to-wit:

ORDINANCE NO. 1770, M-C SERIES

ORDINANCE AMENDING ORDINANCE NO. 1745, M-C SERIES –  
ABANDONED VEHICLES AND NUISANCE VEHICLES.

BE IT ORDAINED by the City Council of the City of Sulphur, Louisiana, the governing authority thereof, that they do hereby amend Ordinance No. 1745, M-C Series – Abandoned Vehicles and Nuisance Vehicles to read as follows:

**ARTICLE III. ABANDONED VEHICLES AND NUISANCE VEHICLES**

**Sec. 12-31. Definitions.**

For the purpose of this article, the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense shall include the future words; words used in the plural number include the singular number; and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

*City* is the City of Sulphur, Louisiana, a municipal corporation organized under the laws of the state, acting pursuant to and under the police power vested in the city.

*Chief building official/ordinance enforcement officer* is the designee of the Director of Municipal Services.

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Abandoned vehicles and nuisance vehicles, shall be defined as:

- (1) Creating conditions detrimental to the health, welfare, and safety of the residents of the city by promoting blight and deterioration, inviting plundering, creating fire hazards, constituting a potential attractive nuisance to minors, harboring, or creating breeding grounds for flies, mosquitoes, snakes, rats, and other pests and vermin in or on the premises.
- (2) Motor vehicles, which are self-propelled and designed to travel along the ground, on the water, in the air, and shall also include non-motorized, are not limited to automobiles, buses, motor bikes, motorcycles, motor scooters, trucks, tractors, boats, go-carts, airplanes, watercraft recreational vessels, motor homes, travel trailers, utility trailers, boat trailers, which, by reason of deterioration through rusting, rotting or otherwise, have become inoperable and/or unusable for the purposes for which they were intended.

*Abandoned vehicle* means a motor vehicle that is left for more than (10) ten days in any of the following circumstances:

- (a) Unattended on public property
- (b) On the shoulder or within the right-of-way of an interstate, multi-lane road, street, or highway, two-lane road, street, or highway, or any road, street or thoroughfare within the City limits of Sulphur.
- (c) Illegally on public property
- (d) On private property without the consent of the owner or person in control of the property.

*Nuisance or junked vehicle* means a motor vehicle where any one or more of the following factors are present and which, in the aggregate, evidence that the motor vehicle is not being used and maintained as an operating motor vehicle and the condition of the motor vehicle or the surrounding area does not indicate that active on-going efforts are underway to return the motor vehicle to operating condition within the immediate future. The factors which may indicate that a motor vehicle is a nuisance vehicle include one or more of the following:

- (a) The motor vehicle is partially dismantled, partially disassembled or wrecked, or lacks major mechanical or body parts;
- (b) The motor vehicle is not capable of movement under its own power in the manner in which it was originally intended, or is otherwise inoperable for use as a motor vehicle; testing for operability of forward movement a minimum of 10 feet and/or backward movement a minimum of 10 feet.
- (c) Based upon the records of the city or from the condition of the motor vehicle, it is readily apparent that it is and has remained inoperable for a period in excess of 30 days;
- (d) The motor vehicle has one or more tires missing or not reasonably inflated to the extent they are useable, or has one or more broken or severely cracked windows;

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- (e) The motor vehicle does not have one or more of the following: a current license plate, registration, motor vehicle inspection sticker and/or it is evident that the motor vehicle is not currently operable in a legal manner;
  - (f) The motor vehicle is located in an area of a growth of weeds, grass or other noxious vegetation over twelve (12) inches in height;
  - (g) The location or condition of the motor vehicle makes it a possible breeding ground or harbor for mosquitoes, other insects, rats, snakes, or other vermin;
  - (h) The motor vehicle is a point of collection for pools or ponds of water;
  - (i) The motor vehicle is a point of concentration of quantities of gas or oil or other flammable or explosive materials;
  - (j) The motor vehicle is a point of collection of garbage, food waste, animal waste or other putrescent matter, or of trash, junk or similar collection of items, alone or in the aggregate;
  - (k) The motor vehicle has sharp or jagged parts, or has sharp or otherwise dangerous edges or points of metal, plastic or glass;
  - (l) The motor vehicle has areas of confinement (trunk, no doorknobs/window handles) which cannot be operated from the interior of those areas;
  - (m) The motor vehicle has been utilized by minors for recreational activities within the previous 60 days;
  - (n) The motor vehicle is situated or located haphazardly, or is in danger of falling or turning over;
  - (o) The motor vehicle has an accumulation of factors that make it a health or safety hazard.
- (3) Exceptions: The provisions hereto shall not apply to:
- a. A motor vehicle which is completely enclosed within a building, garage, or under a carport, or is covered with a vehicle cover and is in good condition (tarps are not considered a vehicle cover) and placed at the rear of a residence or other primary structure which is properly maintained and located on the property in such a manner that the vehicle is not visible from the street or other public or private property. Motor vehicle/vehicles not enclosed in a building, garage, or under a carport or placed at the rear of a primary structure shall be enclosed on all boundary lines behind a proper fence of suitable and substantial fence material non-transparent not less than six (6) feet, nor more than eight (8) feet high, and shall properly screen said enclosed vehicle or vehicles causing it to not be visible from the street or other public or private property. Provided further, said fence shall be kept in a constant state of good repair, shall also meet the aesthetic requirements for that area of the city and that no signs or other advertising matter of any kind of character shall be placed upon said fence.

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- b. Any motor vehicle which is 25 years old or older retained by the owner for antique collection purposes; and significantly in its original condition, and which displays a registered antiques license plate, rather than retained by the owner for salvage or for transportation unless the vehicle presents a nuisance, which shall be separately regulated and enforced under the nuisance laws of the City.
  - c. Any motor vehicle upon which regular work is being conducted to make it inspection-ready providing that said work is complete within six (6) months of date violation was communicated to property owner.

*Office of ordinance enforcement* in and for the city, shall be the duly authorized agent of the director of inspection, permits, licensing and ordinance enforcement department for the enforcement of section 12-31.

*Person* is any individual, firm partnership, association, corporation, company or organization of any kind.

**Sec. 12-32. Junked motor vehicles declared as public nuisance.**

The presence of any junked motor vehicle on any private lot, tract or parcel of land, or portion thereof, occupied or unoccupied, improved or unimproved, within the city shall be deemed and is hereby declared a public nuisance; and it shall be unlawful for any person to cause or maintain such a public nuisance by wrecking, dismantling, partially dismantling, rendering inoperable, abandoning or discarding any motor vehicle on the real property of another or to suffer, permit or allow any junked motor vehicle to be parked, left or maintained on his/her real property; provided that this section shall not apply with regard to:

- (1) Any junked motor vehicle or vehicles in an enclosed building;
- (2) Any junked motor vehicle or vehicles in an appropriate storage place or depository maintained at a location where such business is authorized under regulatory ordinances of the city.
- (3) Any junked motor vehicle maintained behind a six-foot fence properly maintained and enclosed on all boundary lines with a proper, suitable and substantial fence non-transparent not less than six (6) feet, nor more than eight (8) feet high, and properly screening said enclosed vehicle or vehicles and is not otherwise visible from the street or other public or private property. Provided further, said fence shall be kept in a constant state of good repair, shall also meet the aesthetic requirements for that particular area of the city and that no signs or other advertising matter of any kind of character shall be placed upon said fence.

**Sec. 12-33. Notice to owner or occupant to abate public nuisance on occupied or on non- occupied premises.**

- (a) Whenever any such public nuisance exists on occupied or non-occupied premises within the city in violation of Section 12-32 hereof, the chief building official/ordinance enforcement officer or his duly authorized agent shall order the owner of the premises, if in possession thereof, or the occupant of the premises whereon such public nuisance exists to abate or remove the same or require that any vacant lot or parcel of property, or any unused portion



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on any occupied lot or other parcel of property, used for the storage of junked vehicles, as described and defined, shall be surrounded or enclosed by an approved fence or other nontransparent enclosure of uniform material, design and construction at least six (6) feet in height from ground level and no more than eight (8) feet high that is aesthetically compatible with the surrounding area, fence, or other nontransparent enclosure which shall be maintained by the owner or the lessee of the premises at his cost: further, the owner or lessee of the premises shall be required to take such action as may be recommended by the parish health department, or the state health department, to prevent the breeding of flies, mosquitoes, snakes, rats and other pests and vermin in or on the premises. The order shall:

- (1) Be in writing.
  - (2) Specify the public nuisance and its location.
  - (3) Specify the corrective measures required; and
  - (4) Provide for compliance within ten (10) days from service thereof.
- (b) Such order shall be served upon the owner of the premises of occupied or non-occupied or the occupant or the owner of the vehicle by having him/her served personally or by sending the order by certified mail, return receipt requested, to the address of the premises or the address of the owner of the vehicle as shown by the department of motor vehicles and such certified mail is refused, the owner is deemed to have received notice and the ten (10) day period commences to run on the date of refusal.
- (c) Within ten (10) days after service of notice, the owner or occupant of the premises or the owner of the vehicle shall abate the nuisance by:
- (1) Removing the nuisance from the premises, or
  - (2) Commencing repairs to the vehicle sufficient to disqualify the vehicle as an abandoned or junked vehicle.

If the owner or occupant of the occupied or non-occupied premises fails or refuses to comply with the order of the chief building official/ordinance enforcement officer or his duly authorized agent within the ten (10)-day period after service thereof this shall constitute a misdemeanor, and the chief building official/ordinance enforcement officer may issue a misdemeanor summons and a penalty of a fine of up to five hundred (\$500.00) dollars or six months imprisonment or both for each violation and may subject the owner or occupant of the premises or his duly authorized agent and/or shall take possession of the junked motor vehicle or vehicles as defined in Section 12-31 subsection (2) and remove it/them from the premises. The chief building official/ordinance enforcement officer or his duly authorized agent shall remove and dispose of the junked motor vehicle or vehicles in the following manner:

- (1) Prior to the disposition of any junked vehicle, the ordinance enforcement officer shall place on the windshield of an abandoned, stripped or junked motor vehicle a notice of removal, which notice shall be placed on the vehicle windshield at least twenty-four (24) hours prior to its removal. The notice shall state that the vehicle, unless corrective measures outlined by the chief building official/ordinance enforcement officer are

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taken within ten (10) days, shall be considered public property and removed by the City of Sulphur or by a tow truck operator acting on behalf of the city and may dispose of the vehicle pursuant to the Louisiana Towing and Storage Act. La R.S. 32:1711. In the event that the owner or occupant of the premises upon which the derelict or junk vehicle is located is to be taxed for the costs of abatement, reasonable notice shall also be sent to the owner or occupant of said premises, directing that the vehicle be removed from its location.

The notice shall further state the following:

- a. The date of notice was placed on the junked motor vehicle or vehicles as defined in Section 12-31 subsection (2) and served on the property owner.
- b. The date the ten (10) day notice will expire.
- c. The authority to be contacted by any person claiming to have an adverse interest in the vehicle, or to evidence that the required corrective measures have been taken or performed.

Such notice shall be placed on the windshield or in a prominent place on the abandoned, stripped or junked motor vehicle so as to be plainly in the public view, and a copy also served on the owner of the property where the junked motor vehicle is located.

- (2) The department of ordinance enforcement, after the time provided for above has expired, shall remove or cause to be removed, the abandoned, stripped or junked motor vehicle from the property where located, and after applicable deadlines have run under this Chapter is hereby authorized to convey the vehicle to a scrap iron dealer approved or other approved depository by the director of municipal services and the purchasing agent, for sale as scrap iron or otherwise.
- (3) All abandoned, stripped, or junked motor vehicles removed from the city streets, occupied, or unoccupied property in accordance with this section shall be subject to a towing charge, service charge, and/or removal charge of no less than five hundred (\$500.00) dollars, which charges shall be due by the owner of the property where the vehicle was removed from or any person claiming an interest in the abandoned, stripped, or junked motor vehicle. If after the removal of the junked motor vehicle or vehicles the deemed owner fails to pay all associated costs or expenses for said removal within the ten (10) day period, the city after due notice, shall have the tax collector of the city furnish the owner, as shown on the last assessment rolls of the city, by registered mail, a written statement showing the cost or expense incurred for the work, together with all authorized charges incurred in the removal of the property or place on which the work was done. If the statement is not paid within one (1) month thereafter, the amount thereof shall be included in and shall form part of the taxes due by the owner of the property, and when collected shall be credited to the general fund of the city.
- (4) If applicable, the director of municipal services shall furnish a report to the director of motor vehicle division of the department of revenue of the state each month, with the following information:
  - a. Location where the junked or stripped motor vehicle was abandoned.

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- b. All identification information available.
  - c. Date of transfer/sale and name and address of scrap iron dealer, towing service or dismantler to whom vehicle was transferred for final disposition.
  - d. Any proceeds received from the sale of abandoned, junked, wrecked or used motor or non-motor vehicles as defined in Section 12-31 subsection (2), junked or discarded or abandoned after their removal from the streets of the City or from private property, shall accrue to the general fund of the City.
- (5) Emergency removal of abandoned vehicles or nuisance vehicles.
- a. In circumstances where the location of the vehicle or its condition present an immediate safety concern as determined by the chief building official/ordinance enforcement officer or his duly authorized agent may forgo notice to the property owner, registered owner of the vehicle, and lien holders, as may be applicable, and immediately remove the vehicle.
  - b. The vehicle or vehicles will be stored, and the respective owners and or lien holders, as may be applicable, shall be given notice in accordance with provisions of the ordinance.
- (6) The implementation of any of the remedies set forth shall not limit the authority granted in any sections of this ordinance nor otherwise limit the ability of the City to proceed under the authority of any other provision of this Code or of Louisiana Law.

**Sec. 12-34. Record of sales of abandoned, stripped or junked vehicles.**

The department of ordinance enforcement shall keep a complete record of all abandoned, stripped or junked motor vehicles removed from private property or city streets, with details as to the date of placing a ten (10) day notice, date of removal from private property or city streets, name and address of scrap iron dealer, towing service, dismantler or depository to whom the stripped or junked motor vehicle was taken.

- (1) For the purpose of carrying out the provisions of this article, the City of Sulphur is authorized to enter into a contract with an approved towing service, scrap dealer, dismantler or depository. After compliance with this chapter and forty-eight (48) hours after removal, title to any junked motor vehicle shall pass to the contractor. The junked motor vehicles (s) after compliance herewith, shall be disposed of by the contractor. Forty-eight (48) hours after the junked motor vehicle is transferred to contractor, the city shall be relieved of all liability for the vehicle or vehicles.
- (2) All contractors under this chapter shall carry liability insurance in amounts provided by the purchasing agent, shall own such equipment as may be required or necessary to properly carry out the contract and shall agree to hold the city free and harmless from any claims arising out of the work performed. The contracts to be so executed shall be approved by the office of the city attorney as to form.
- (3) In the event contracts are executed with more than one (1) contractor, the director of municipal services shall make assignments on an approved rotating basis so that all

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contractors will be given an equal number of assignments to the extent feasible and practical.

**Sec. 12-35. Appeals to nuisance vehicle abatement.**

- (a) Any person desiring to appeal the requirements of the notice shall request a hearing, in writing, before the City Council within ten (10) days of receipt of the notice. Any person aggrieved by the decision of the City Council shall have the right to appeal to the District Court of appropriate jurisdiction within thirty (30) days of the decision by the City Council.
- (b) If the owner of the premises so desires, he may, after the appeal to the City Council, request within ten (10) days of the clerk of the city, either in person or in writing and without the requirement of bond, that a date and a time be set when he may appear before the District court for a trial to determine whether or not he is in violation of this ordinance, and whether or not the location and continued existence of the junked motor vehicle or vehicles as described in Section 12-31 subsection (2) on this property constitutes a public nuisance.

**Sec. 12-36. Preliminaries to trial in court.**

Upon receiving the request for trial, made as hereinabove provided, the clerk of the city shall forthwith notify the office of the city attorney. Upon being so notified, the city attorney or his designated assistant shall cause an affidavit to be prepared and filed charging that the owner or occupant of the occupied or non-occupied premises, as the case may be, has violated the provisions of this article. After service of the warrant, the complaint shall be placed on the docket of the appropriate court and tried in the same manner as are violations of other city ordinances.

**Sec. 12-37. Trial in the city court.**

Upon a finding that the defendant is in violation of this chapter, the defendant shall be deemed guilty of a misdemeanor and subject to a fine in accordance with the penalty provision hereinafter set forth. The city court shall further order the defendant to remove and abate the nuisance within ten (10) days, the same being a reasonable time, or render such other judgment or order as may be appropriate under the circumstances. If the defendant shall fail and refuse, within the ten (10) days to abate or remove the nuisance, the city court may issue an order directing the director of municipal services to have the same removed, and the director of municipal services or his duly authorized agent shall take possession of the junked motor vehicle and remove it from the premises. The director of municipal services or his duly authorized agent shall thereafter dispose of the junked motor vehicle in the manner provided in section 12-33 above.

**Sec. 12-38. Removal with permission of owner or occupant.**

If, within ten (10) days after receipt of notice from the director of municipal services, or his duly authorized agent, to abate the nuisance, as herein provided, the owner or occupant of the premises shall give his written permission to the director of public works, or his duly authorized agent for removal of the junked motor vehicle from the premises, the giving of such permission shall be considered compliance with the provisions of this chapter with all associated costs for

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removal assessed back to the owner or occupant whichever the case may be. If after the removal of the junked motor vehicle or vehicles the deemed owner or occupant fails to pay all associated costs or expenses for said removal within the ten (10) day period, the city after due notice, shall have the tax collector of the city furnish the owner or occupant, as shown on the last assessment rolls of the city, by registered mail, a written statement showing the cost or expense incurred for the work, together with all authorized charges incurred in the removal of the property or place on which the work was done. If the statement is not paid within one (1) month thereafter, the amount thereof shall be included in and shall form part of the taxes due by the owner of the property, and when collected shall be credited to the general fund of the city.

**Sec. 12-39. Removal from unoccupied premises by order of city court.**

If there is a junked motor vehicle, as herein defined, on premises that are unoccupied, and neither the owner of the premises nor the owner of the vehicle can be found and notified to remove the junked vehicle or vehicles, then upon a showing of such facts to the city court, the city court may issue an order directing the director of municipal services to have the junked vehicle or vehicles removed, and the director of municipal services or his duly authorized agent shall take possession of the junked motor vehicle or vehicles and remove it from the premises. The director of municipal services or his duly authorized agent shall thereafter dispose of the junked motor vehicle or vehicles in the same manner as provided in section 12-33. Any and all associated costs shall be assessed back to the owner or occupant whichever the case may be.

**Sec. 12-40. Evidence of abandonment.**

If a junked motor vehicle or vehicles, as defined in this chapter has been situated on the private property of another, without that person's permission, for a period of sixty (60) days or longer, this fact shall be prima facie evidence that the owner of the vehicle or vehicles has abandoned same.

**Sec. 12-41. Penalty.**

Any person, violating any of the provisions of this chapter shall be guilty of a misdemeanor, and upon conviction shall be subject to a fine of not more than five hundred dollars (\$500.00) or imprisonment for not more than six (6) months, or both. Each transaction in violation of any of the provisions hereof shall be deemed a separate offense.

**Sec. 12-42. Notice to owners; duties of city; charging of cost to owner.**

- (a) If any person shall fail to remove any junked motor vehicle or vehicles on any private lot, tract or parcel of land, or portion thereof, occupied or unoccupied, improved or unimproved, within the city, notice shall be given to the owner of the lot, place or area, as shown on the last assessment roll of the city, which notice shall be served by the ward marshal in and for the city and given by registered mail, addressed in accordance with the tax rolls of the city. Notice will be sent to the owner once per calendar year.
- (b) If no action has been taken by the owner of the property within ten (10) days after notice has been given as above provided, or the registered mail is returned to the city with no

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forwarding address, then the mayor shall employ the necessary labor and proceed to perform the necessary work to remove the junked motor vehicle or vehicles as stated in section 12-31, and charge the owner thereof the actual expenses for the work performed together with the charges authorized to tow junked motor vehicles by section 12-33.

- (c) If, after the removal of the junked motor vehicle or vehicles, by the city after due notice as above provided the costs or expense thereof has not been paid within ten (10) days, the tax collector of the city shall furnish the owner, as shown on the last assessment rolls of the city, by registered mail, a written statement showing the cost or expense incurred for the work, together with the charges authorized by section 12-33 of the place or property on which the work was done. If the statement is not paid within one (1) month thereafter, the amount thereof shall be included in and shall form part of the taxes due by the owner of the property, and when collected shall be credited to the general fund of the city.

BE IT FURTHER ORDAINED that this Ordinance shall become effective upon the Mayor's signature.

A vote was then called with the results as follows:

YEAS: Mrs. Ellender, Mr. Koonce, Mrs. Abshire, Mrs. Thomas

NAYS: None

ABSENT: Mrs. Hardy

And the said ordinance was declared duly adopted on this 14<sup>th</sup> day of March, 2022.

ATTEST:

\_\_\_\_\_  
ARLENE BLANCHARD, Clerk

\_\_\_\_\_  
JOY ABSHIRE, Chairman

The next item on the agenda is a public hearing on ordinance amending Chapter 12 of the Code of Ordinances of the City of Sulphur to create Article V – Junked Items. Motion was made by Mrs. Thomas seconded by Mrs. Ellender that the following ordinance be adopted to-wit:

ORDINANCE NO. 1771, M-C SERIES

ORDINANCE AMENDING CHAPTER 12 OF THE CODE OF ORDINANCES  
OF THE CITY OF SULPHUR TO PROVIDE FOR ARTICLE V – JUNKED  
ITEMS.

BE IT ORDAINED by the City Council of the City of Sulphur, Louisiana, the governing authority thereof, that they do hereby amend Chapter 12 of the Code of Ordinances of the City of Sulphur to provide for Article V – Junked Items to read as follows:

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## **ARTICLE V. JUNKED ITEMS**

### **Sec. 12-54. Definitions.**

For the purpose of this article, the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense shall include the future words; words used in the plural number include the singular number; and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

*City* is the City of Sulphur, Louisiana, a municipal corporation organized under the laws of the state, acting pursuant to and under the police power vested in the city.

*Chief building official/ordinance enforcement director* is the designee of the director of municipal services.

*Junked item* shall be:

- (1) Any unused major electrical appliance and/or parts thereof, including, but not limited to, washing machines(s), clothes dryer(s), refrigerators(s), and freezer(s).
- (2) Recreational vehicles, motor homes, travel trailers, machinery and/or equipment or parts thereof other than junked motor vehicles and unused major electrical appliances which, by reason of deterioration through rusting, rotting or otherwise, have become inoperable and/or unusable for the purposes for which they were intended.
- (3) Construction debris.
- (4) Waste paper, boxes and crates and/or parts thereof.

*Office of ordinance enforcement* in and for the city, shall be the duly authorized agent of the director of inspection, permits, licensing and ordinance enforcement department for the enforcement of section 12-31.

*Person* is any individual, firm partnership, association, corporation, company or organization of any kind.

### **Sec. 12-55. Junked items declared as public nuisance.**

The presence of any junked item on any private lot, tract or parcel of land, or portion thereof, occupied or unoccupied, improved or unimproved, within the city shall be deemed and is hereby declared a public nuisance; and it shall be unlawful for any person to cause or maintain such a public nuisance by wrecking, dismantling, partially dismantling, rendering inoperable, abandoning or discarding any junked item on the real property of another or to suffer, permit or allow any junked item to be placed, left or maintained on his real property; provided that this section shall not apply with regard to:

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- (1) Any junked item in an enclosed building;
  - (2) Any junked item in an appropriate storage place or depository maintained at a location where such business is authorized under regulatory ordinances of the city.
  - (3) Any junked item maintained behind a six-foot fence, which meets the fencing requirements for aesthetics in that particular area of the city.

**Sec. 12-56. Notice to owner or occupant to abate public nuisance on occupied premises.**

- (a) Whenever any such public nuisance exists on occupied premises within the city in violation of section 12-55 hereof, the chief building official/ordinance enforcement director or his duly authorized agent shall order the owner of the premises, if in possession thereof, or the occupant of the premises whereon such public nuisance exists to abate or remove the same or require that any vacant lot or parcel of property, or any unused portion on any occupied lot or other parcel of property, used for the storage of junked items, as described and defined, shall be surrounded or enclosed by an approved board fence or other nontransparent enclosure of uniform material, design and construction at least six (6) feet in height from ground level that is aesthetically compatible with the surrounding area, which board fence or other nontransparent enclosure shall be maintained by the owner or the lessee of the premises at his cost: further, the owner or lessee of the premises shall be required to take such action as may be recommended by the parish health department, or the state health department, to prevent the breeding of flies, mosquitoes, snakes, rats and other pests and vermin in or on the premises. The order shall:
  - (1) Be in writing.
  - (2) Specify the public nuisance and its location.
  - (3) Specify the corrective measures required; and
  - (4) Provide for compliance within ten (10) days from service thereof.
- (b) Such order shall be served upon the owner of the premises or the occupant by having him served personally or by sending the order by certified mail, return receipt requested, to the address of the premises. If the owner or occupant of the premises fails or refuses to comply with the order of the chief building official/ordinance enforcement director or his duly authorized agent within the ten-day period after service thereof, as provided herein, the chief building official/ordinance enforcement director or his duly authorized agent shall take possession of the junked item and remove it from the premises. The chief building official/ordinance enforcement director or his duly authorized agent shall remove and dispose of the junked item in the following manner:
  - (1) The department of ordinance enforcement, after the time provided for above has expired, shall remove or cause to be removed, the junked item from the property where located, and is hereby authorized to convey the item to a scrap iron dealer approved or other approved depository by the director of municipal services and the purchasing agent, for sale as scrap iron or otherwise.



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- (2) All junked items removed from the city streets, occupied, or unoccupied property in accordance with this section shall be subject to a contractor fee and current administration fee which fee shall be due by the owner of the property where the items were removed from or any person claiming an interest in the junked item.

**Sec. 12-57. Insurance and contracts for junked items.**

- (1) All contractors under this chapter shall carry liability insurance in amounts provided by the purchasing agent, shall own such equipment as may be required or necessary to properly carry out the contract and shall agree to hold the city free and harmless from any claims arising out of the work performed. The contracts to be so executed shall be approved by the office of the city attorney as to form.
- (2) In the event contracts are executed with more than one (1) contractor, the director of public works shall make assignments on an approved rotating basis so that all contractors will be given an equal number of assignments to the extent feasible and practical.

**Sec. 12-58. Notice to owner to abate nuisance on unoccupied premises.**

- (a) Whenever any such public nuisance exists on unoccupied premises within the city, and the owner thereof can be found, the director of municipal services or his duly authorized agent shall order the owner of the premises whereupon such public nuisance exists, to abate or remove the same. The order shall:
  - (1) Be in writing;
  - (2) Specify the public nuisance and its location;
  - (3) Specify the corrective measures required; and
  - (4) Provide for compliance within ten (10) days from service thereof.
- (b) The order shall be served upon the owner of the premises by serving him personally or by sending the order by certified mail, return receipt requested, to this address as shown on the current tax rolls. If the owner of the premises fails or refuses to comply with the order of the director of municipal services or his duly authorized agent within the ten-day period after service thereof, as provided herein, the director of municipal services or his duly authorized agent shall take possession of the junked item and remove it from the premises. The director of municipal services or his duly authorized agent shall remove and dispose of the junked item as provided in section 12-56 above.
- (c) If the owner of the premises so desires, he may within the ten-day period after service of notice to abate the nuisance, request of the clerk of the city, either in person or in writing and without the requirement of bond, that a date and a time be set when he may appear before the city court for a trial to determine whether or not he is in violation of this chapter, and whether or not the location and continued existence of the junked item on this property constitutes a public nuisance.

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**Sec. 12-59. Preliminaries to trial in city court.**

Upon receiving the request for trial, made as hereinabove provided, the clerk of the city shall forthwith notify the office of the city attorney. Upon being so notified, the city attorney shall cause an affidavit to be prepared and filed charging that the owner or occupant of the premises, as the case may be, has violated the provisions of this article. After service of the warrant, the complaint shall be placed on the docket of the city court and tried in the same manner as are violations of other city ordinances.

**Sec. 12-60. Trial in the city court.**

Upon a finding that the defendant is in violation of this chapter, the defendant shall be deemed guilty of a misdemeanor and subject to a fine in accordance with the penalty provision hereinafter set forth. The city court shall further order the defendant to remove and abate the nuisance within ten (10) days, the same being a reasonable time, or render such other judgment or order as may be appropriate under the circumstances. If the defendant shall fail and refuse, within the ten (10) days to abate or remove the nuisance, the city court may issue an order directing the director of municipal services to have the same removed, and the director of municipal services or his duly authorized agent shall take possession of the junked motor vehicle and/or junked item and remove it from the premises. The director of municipal services or his duly authorized agent shall thereafter dispose of the junked item in the manner provided in section 12-33 above.

**Sec. 12-61. Removal with permission of owner or occupant.**

If, within ten (10) days after receipt of notice from the director of public works, or his duly authorized agent, to abate the nuisance, as herein provided, the owner or occupant of the premises shall give his written permission to the director of public works, or his duly authorized agent for removal of the junked item from the premises, the giving of such permission shall be considered compliance with the provisions of this chapter.

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**Sec. 12-62. Removal from unoccupied premises by order of city court.**

If there is a junked item, as herein defined, on premises that are unoccupied, and the owner of the premises can be found and notified to remove the item, the, upon a showing of such facts to the city court, the city court may issue an order directing the director of municipal services to have the junked item removed, and the director of municipal services or his duly authorized agent shall take possession of the junked item and remove it from the premises. The director of municipal services or his duly authorized agent shall thereafter dispose of the junked item in the same manner as provided in section 12-56.

**Sec. 12-63. Evidence of abandonment.**

If a junked item, as defined in this chapter has been situated on the private property of another, without that person's permission, for a period of sixty (60) days or longer, this fact shall be prima facie evidence that the owner of the item has abandoned same.

**Sec. 12-64. Penalty.**

Any person, violating any of the provisions of this chapter shall be guilty of a misdemeanor, and upon conviction shall be subject to a fine of not more than five hundred dollars (\$500.00) or imprisonment for not more than six (6) months, or both. Each transaction in violation of any of the provisions hereof shall be deemed a separate offense.

**Sec. 12-65. Notice to owners; duties of city; charging of cost to owner.**

- (a) If any person shall fail to remove any junked item on any private lot, tract or parcel of land, or portion thereof, occupied or unoccupied, improved or unimproved, within the city, notice shall be given to the owner of the lot, place or area, as shown on the last assessment roll of the city, which notice shall be given by registered mail, addressed in accordance with the tax rolls of the city. Notice will be sent to the owner once per calendar year.
- (b) If no action has been taken by the owner of the property within ten (10) days after notice has been given as above provided, or the registered mail is returned to the city with no forwarding address, then the mayor shall employ the necessary labor and proceed to perform the necessary work to remove the junked item as stated in section 12-56, and charge the owner thereof the actual expenses for the work performed together with the charges by section 12-56.
- (c) If, after the removal of the junked item, by the city after due notice as above provided the costs or expense thereof has not been paid within ten (10) days, the tax collector of the city shall furnish the owner, as shown on the last assessment rolls of the city, by registered mail, a written statement showing the cost or expense incurred for the work, together with the charges authorized by section 12-56 of the place or property on which the work was done. If the statement is not paid within the one (1) month thereafter, the amount thereof shall be included in and shall form part of the taxes due by the owner of the property, and when collected shall be credited to the general fund of the city.

BE IT ALSO FURTHER ORDAINED that this Ordinance shall become effective upon the Mayor's signature.

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A vote was then called with the results as follows:

YEAS: Mrs. Ellender, Mr. Koonce, Mrs. Abshire, Mrs. Thomas

NAYS: None

ABSENT: Mrs. Hardy

And the said ordinance was declared duly adopted on this 14<sup>th</sup> day of March, 2022.

ATTEST:

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ARLENE BLANCHARD, Clerk

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JOY ABSHIRE, Chairman

The next item on the agenda is a resolution approving liquor license for West Cal Arena for Simien Stables Trail Ride & Scholarship. Motion was made by Mrs. Thomas seconded by Mr. Koonce that the following resolution be adopted to-wit:

RESOLUTON NO. 3437, M-C SERIES

Resolution approving liquor license for West Cal Arena for Simien Stables Trail Ride & Scholarship.

BE IT RESOLVED by the City Council of the City of Sulphur, Louisiana, the governing authority thereof, that they do hereby approve liquor license for West Cal Arena for Simien Stables Trail Ride & Scholarship.

A vote was then called with the results as follows:

YEAS: Mrs. Ellender, Mr. Koonce, Mrs. Abshire, Mrs. Thomas

NAYS: None

ABSENT: Mrs. Hardy

And the said resolution was declared duly adopted on this 14<sup>th</sup> day of March, 2022.

ATTEST:

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ARLENE BLANCHARD, Clerk

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JOY ABSHIRE, Chairman

The next item on the agenda is a resolution supporting the Mud Lake South Marsh Creation and East Cove South Marsh Creation for Phase 1 funding from the Coastal Wetland Planning, Protection and Restoration (CWPPRA) Task Force for Planning, Engineering and Design. Motion was made by Mr. Koonce seconded by Mrs. Ellender that the following resolution be adopted to-wit:

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RESOLUTION NO. 3438, M-C SERIES

Resolution supporting the Mud Lake South Marsh Creation and East Cove South Marsh Creation for Phase 1 funding from the Coastal Wetland Planning, Protection and Restoration (CWPPRA) Task Force for Planning, Engineering and Design.

WHEREAS, marsh restoration is needed in the Calcasieu-Sabine Basin; and

WHEREAS, the Calcasieu-Sabine Basin marshes have experienced an increased inundation of saltwater due to Hurricanes Laura, Beta and Delta. It is unlikely that these marshes will recover from the losses experienced without comprehensive restoration efforts, and

WHEREAS, the Mud Lake South Marsh creation project will create 321 acres of marsh using sediment dredged from the Gulf of Mexico. Specific goals of the project are to create 321 acres of marsh and to degrade containment dikes as necessary to reestablish hydrologic connectivity with adjacent wetlands and to plant the created marsh; and

WHEREAS, the East Cove Marsh creation project will hydraulically dredge from Calcasieu Lake and pump via pipeline to create and nourish approximately 449 acres of marsh habitat. The goal of the project is to create and nourish marsh to restore habitat and limit the tidal flux to the complex of marshes in the area.

NOW, THEREFORE BE IT RESOLVED, by the City Council of the City of Sulphur, the governing authority thereof, that on this 14<sup>th</sup> day of March, 2022, that the Secretary is hereby authorized, empowered and directed to forward this Resolution of support for the “East Cove Marsh Creation and Mud Lake South Marsh Creation” to the Coastal Wetland Planning, Protection and Restoration Act Task Force.

BE IT FURTHER RESOLVED, that the Coastal Wetland Planning, Protection and Restoration Act Task Force, through this Resolution, are requested to support the “East Cove Marsh Creation and Mud Lake South Marsh Creation” for Phase I Funding for Planning, Engineering and Design.

A vote was then called with the results as follows:

YEAS: Mrs. Ellender, Mr. Koonce, Mrs. Abshire, Mrs. Thomas

NAYS: None

ABSENT: Mrs. Hardy

And the said resolution was declared duly adopted on this 14<sup>th</sup> day of March, 2022.

ATTEST:

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ARLENE BLANCHARD, Clerk

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JOY ABSHIRE, Chairman

The next item on the agenda is an introduction of ordinance authorizing Mayor Danahay to enter into a Cooperative Endeavor Agreement with LA DOTD for a donation of 160 cubic yards of reclaimed asphalt

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pavement. Motion was made by Mr. Koonce seconded by Mrs. Thomas that the following ordinance be introduced:

**ORDINANCE AUTHORIZING MAYOR DANAHAY TO ENTER INTO A COOPERATIVE ENDEAVOR AGREEMENT WITH LA DOTD FOR A DONATION OF 160 CUBIC YARDS OF RECLAIMED ASPHALT PAVEMENT.**

Motion was then made by Mr. Koonce seconded by Mrs. Thomas that the said ordinance be filed and remain on file with the Clerk of the Council, in final form, for public inspection and that the Mayor is hereby authorized and instructed to publish the Public Notice of Introduction of the above proposed ordinance in “The Southwest Daily News”, the official journal of the City of Sulphur, Louisiana, and that the said Notice of Introduction of the above ordinance is substantially in the following form:

**PUBLIC NOTICE**

PUBLIC NOTICE is hereby given, in accordance with Section 2-12B of the Home Rule Charter of the City of Sulphur, the following ordinance:

**ORDINANCE AUTHORIZING MAYOR DANAHAY TO ENTER INTO A COOPERATIVE ENDEAVOR AGREEMENT WITH LA DOTD FOR A DONATION OF 160 CUBIC YARDS OF RECLAIMED ASPHALT PAVEMENT.**

A public hearing on said ordinance will be held at 5:30 p.m. on the 11<sup>th</sup> day of April, 2022, in the City of Sulphur Council Chambers in Sulphur, Louisiana located at 1551 East Napoleon Street.

CITY OF SULPHUR, LOUISIANA  
BY: \_\_\_\_\_  
JOY ABSHIRE, Chairman

Motion carried.

There being no further business to come before the Council, the Chairman declared the meeting adjourned.

ATTEST:

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ARLENE BLANCHARD, Clerk

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JOY ABSHIRE, Chairman

3/14/22  
7:30 P.M.