

**City of Harahan
6437 Jefferson Highway
Mayor and Harahan City Council
Regular Meeting Agenda**

Date: May 23, 2019

Time: 7:00 P.M.

The Public Meeting is called to order by the Mayor, followed by the Pledge of Allegiance.

ROLL CALL

SPECIAL PRESENTATIONS

- 1. Darlene Schwartz, Community Liaison**
- 2. Chief Walker - Current State of the Harahan Police Department**

APPROVAL OF MINUTES

**Reading of the Minutes of the Council Meeting on April 18, 2019.
Approval of the Minutes of the Council Meeting on April 18, 2019.**

**Reading of the Minutes of the Special Meeting on May 1, 2019.
Approval of the Minutes of the Special Meeting on May 1, 2019.**

COMMUNICATIONS

**Reading of the Minutes of the Planning and Zoning Board on March 20, 2019.
Approval of the Minutes of the Planning and Zoning Board on March 20, 2019.**

**Reading of the Minutes of the Board of Adjustments and Appeals on April 17, 2019.
Approval of the Minutes of the Board of Adjustments and Appeals on April 17, 2019.**

RESOLUTIONS

**PROPOSED RESOLUTION NO. 2019 – 4
A resolution adopting the 2019 millage rate(s).**

**PROPOSED RESOLUTION NO. 2019 – 6
A Resolution authorizing Mayor Baudier, on behalf of the City of Harahan, to enter into an intergovernmental agreement with the Parish of Jefferson, to provide the City of Harahan funds to be used for a fire truck.**

ORDINANCES FOR APPROVAL

**PROPOSED ORDINANCE NO. 2018 – 26 (Deferred 04/18/19)
An Ordinance granting a Franchise to MCIMETRO Access Transmission Corp. D/B/A: Verizon Access Transmission Services to lay, maintain and operate a fiber optic transmission cable for the transmission of telephonic, data and other electronic messages in, on, and/or across public places or ways and prescribing conditions and limitations.**

**PROPOSED ORDINANCE NO. 2019 – 11 (Deferred 04/18/2019)
An ordinance amending the Code of Ordinances of the City of Harahan to provide for the imposition of charges for recycling services.**

**PROPOSED ORDINANCE NO. 2019 – 12 (Deferred 04/18/2019)
An ordinance to impose for six months a moratorium on the re-subdivision, rezoning, and/or issuance of permits for construction or placement of building structures on property within a portion of the City of Harahan, known as J.W. Colonial Estates.**

**PROPOSED ORDINANCE NO. 2019 – 13
An ordinance imposing a monthly service charge to provide commercial and individuals with standard fire service.**

ORDINANCE FOR INTRODUCTION (FIRST READING)

None

OLD BUSINESS

None

NEW BUSINESS

None

ADDRESS THE COUNCIL

SECRETARY'S REPORT

Secretary's report for April, 2019

Total revenue \$633,640.00

REPORTS

PAY BILLS

Bill's paid in April, 2019

Total expenditures \$727,711.41

EXECUTIVE SESSION

None

ADJOURN

1 The following Resolution was offered unanimously by the Council of the City of
2 Harahan:

3
4 **PROPOSED RESOLUTION NO. 2019 - 4**

5
6 **BE IT RESOLVED, that the following millage(s) are hereby levied on the 2019**
7 **tax roll on all property subject to taxation by the City of Harahan:**

8
9 **MILLAGE**

| | | |
|----|--|---------------|
| 10 | | |
| 11 | CONSTITUTIONAL GENERAL ALIMONY | 4.100 |
| 12 | 1977 GENERAL ALIMONY | 1.610 |
| 13 | 1982 GENERAL ALIMONY | 2.340 |
| 14 | SEWERAGE MAINTENANCE TAX | 0.880 |
| 15 | FIRE PROTECTION, CONSTRUCTION AND MAINTENANCE | 5.000 |
| 16 | SEWERAGE CONSTRUCTION AND MAINTENANCE | 3.000 |
| 17 | POLICE PAYROLL, BENEFITS AND EXPENSES | 5.000 |
| 18 | | |
| 19 | TOTAL TAX | 21.930 |
| 20 | | |

21 **BE IT FURTHER RESOLVED** that the proper administrative officials of the City
22 of Harahan, State of Louisiana, be and they are hereby empowered, authorized, and
23 directed to spread said taxes, as hereinabove set forth, upon the assessment roll of
24 said City for the year 2019, and to make the collection of the taxes imposed for and
25 on behalf of the taxing authority, according to law, and that the taxes herein levied
26 shall become a permanent lien and privilege on all property subject to taxation as
27 herein set forth, and collection thereof shall be enforceable in the manner provided by
28 law.

29
30 The foregoing resolution was read in full, the roll was called on the adoption
31 thereof, and this resolution was adopted by the following votes:

32
33 **YEAS:**

34 **NAYS:**

35 **ABSENT:**

36 **ABSTENTION:**

37
38 I hereby certify that the foregoing is a true and exact copy of the resolution
39 adopted at the board meeting held on _____, 2019, at which meeting a
40 quorum was present and voting.

41
42 **City of Harahan, Louisiana, this ____ day of _____.**

43
44
45
46 _____
47 **Nicole Lee**
48 **Municipal Clerk/Tax Collector**
49

The following Resolution was offered by Councilman Johnston:

PROPOSED RESOLUTION NO. 2019 - 6

A Resolution authorizing Mayor Baudier, on behalf of the City of Harahan, to enter into an intergovernmental agreement with the Parish of Jefferson, to provide the City of Harahan funds to be used for a fire truck.

WHEREAS, the City of Harahan, is a City within the Parish of Jefferson; and

WHEREAS, Jefferson Parish Councilman Paul Johnston, District 2, granted the City of Harahan the funds, in the amount of \$300,000, to be used as a down payment for a fire truck.

NOW THEREFORE, BE IT RESOLVED by the Harahan City Council acting as governing authority of said city that:

SECTION 1. Mayor Tim Baudier, on behalf of the City of Harahan, is hereby authorized to enter into an intergovernmental agreement with the Parish of Jefferson, to provide the City of Harahan funds to be used as a down payment for a fire truck.

The foregoing resolution having been submitted to a vote, the vote thereon was as follows:

YEAS:

NAYS:

ABSENT:

ABSTENTION:

And this resolution was declared adopted on the ___ day of _____, 2019.

**Nicole Lee
City Clerk**



JEFFERSON PARISH LOUISIANA

OFFICE OF THE COUNCIL

PARISH COUNCIL

CHRISTOPHER L. ROBERTS
Councilman At-Large, Div. A

CYNTHIA LEE - SHENG
At-Large, Div. B

RICKY J. TEMPLET
Council District 1

PAUL D. JOHNSTON
Council District 2

MARK D. SPEARS
Council District 3

DOMINICK F. IMPASTATO III
Council District 4

JENNIFER VAN VRANCKEN
Council District 5

WESTBANK
POST OFFICE BOX 9
GRETNA, LA 70054
(504) 364-2600

EASTBANK
POST OFFICE BOX 10242
JEFFERSON, LA 70181-0242
(504) 736-6600

SONNY BURMASTER
Chief of Staff

EULA A. LOPEZ
Parish Clerk
OFFICE OF THE CLERK
200 DERBIGNY ST.
SUITE 6700
GRETNA, LA 70054
(504) 364-2626


May 14, 2019

Hon. Tim Baudier, Mayor
City of Harahan
6437 Jefferson Highway
Harahan, LA 70123

Dear Mr. Baudier:

Enclosed herewith is a certified copy of **Resolution No. 133618** adopted by the Jefferson Parish Council on Wednesday, May 8, 2019, which is self-explanatory.

Yours truly,


Eula A. Lopez, Parish Clerk
Jefferson Parish Council

EAL/kbo
Enclosure

On motion of **Ms. Lee-Sheng**, seconded by **Mr. Johnston**, the following resolution was offered:

RESOLUTION NO. 133618

A resolution ratifying an Intergovernmental Agreement with the City of Harahan for the benefit of its Fire Department to defray the cost to purchase a new fire truck at a cost not to exceed \$300,000.00. (Council District 2)

WHEREAS, Art. VII, Sec. 14(C) of the Louisiana Constitution of 1974 provides that for a public purpose, the State and its political subdivisions may engage in cooperative endeavors with each other, with the United States or its agencies, or with any public or private association, corporation or individuals; and

WHEREAS, Art. VII, Sec. 14(B) of the Louisiana Constitution of 1974 provides that public funds may be used for programs of social welfare for the aid and support of the citizens of Jefferson Parish; and

WHEREAS, Jefferson Parish desires, as authorized in Sec. 1.01(6) in the Jefferson Parish Charter, to cooperate with the City of Harahan Fire Department in the implementation of the Project as hereinafter provided; and

WHEREAS, the public purpose of the Project is described as: assisting the Fire Department for the City of Harahan in its fire prevention and suppression efforts by providing funding to defray the cost to purchase a new fire truck; in the furtherance of effective fire protection and response, and the promotion of the health and safety initiatives of Jefferson Parish; and

WHEREAS, the Harahan Fire Department provides fire prevention and protection services to the citizens of and visitors to the City of Harahan, which is an incorporated municipality within Jefferson Parish; and

WHEREAS, the Parish of Jefferson has a reasonable expectation of receiving the value of effective fire protection and response for the citizens of Jefferson Parish that is at least equivalent to the \$300,000.00 of consideration described in this Agreement; and

WHEREAS, the transfer or expenditure of public funds or property is not a gratuitous donation; and

WHEREAS, the citizens of Jefferson Parish will benefit from the efforts of these agencies working together;

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE JEFFERSON PARISH COUNCIL, acting as governing authority of said Parish,

SECTION 1. That the Intergovernmental Agreement with the **City of Harahan for the benefit of its Fire Department**, to defray the cost to purchase a new fire truck at a cost not to exceed \$300,000.00, is hereby ratified.

SECTION 2. That all costs associated with this Agreement shall be charged to Account No. 23010-2782-7680.162 (30182.000).

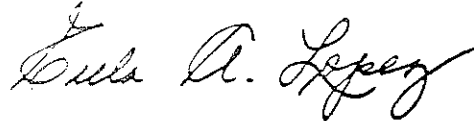
SECTION 3. That the Chairwoman of the Jefferson Parish Council, or in her absence the Vice-Chairman, is hereby authorized to sign any and all documents necessary to give full force and effect to this resolution.

The foregoing resolution having been submitted to a vote, the vote thereon was as follows:

YEAS: 6 NAYS: None ABSENT: None

The resolution was declared to be adopted this the **8th day of May, 2019.**

THE FOREGOING IS CERTIFIED
TO BE A TRUE & CORRECT COPY



EULA A. LOPEZ
PARISH CLERK
JEFFERSON PARISH COUNCIL

1 The following Ordinance was proposed by Councilman Chatelain and seconded by Councilman Johnston:

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3
4 PROPOSED ORDINANCE NO. 2018 – 26

5
6 AN ORDINANCE GRANTING A FRANCHISE TO MCIMETRO ACCESS
7 TRANSMISSION SERVICES CORP. D/B/A: VERIZON ACCESS
8 TRANSMISSION SERVICES TO LAY, MAINTAIN AND OPERATE A
9 FIBER OPTIC TRANSMISSION CABLE FOR THE TRANSMISSION OF
10 TELEPHONIC, DATA AND OTHER ELECTRONIC MESSAGES IN, ON,
11 AND/OR ACROSS PUBLIC PLACES OR WAYS AND PRESCRIBING
12 CONDITIONS AND LIMITATIONS.

13
14 WHEREAS, the City of Harahan, Louisiana, desires to establish and provide for a fiber
15 optic transmission cable system for its citizens and to provide for the regulation and use of such system;
16 and

17 WHEREAS, MCImetro Access Transmission Services Corp. d/b/a: Verizon Access
18 Transmission Services has made application to the City of Harahan, Louisiana, for the franchise and
19 authority to construct, operate and maintain a fiber optic transmission cable system within public rights of
20 way within the City of Harahan, Louisiana according to all Federal, State and City statutes, rules, regulations
21 and ordinances; and

22 WHEREAS, after examining the adequacy and feasibility of the proposal of MCImetro
23 Access Transmission Services Corp., and upon full public proceedings affording due process, it has been
24 determined that the public interest would be served by adoption of this Ordinance granting to MCImetro
25 Access Transmission Services Corp. a franchise and right for the installation, operation and maintenance
26 of a fiber optic transmission cable system within public rights of way of the said City.

27 BE IT ORDAINED by the City Council of the City of Harahan that:

28 **OBJECT**

29 The City of Harahan ("City") grants MCImetro Access Transmission Services Corp. d/b/a
30 Verizon Access Transmission Services ("Company") for a period of twenty (20) years, the right and authority
31 to lay, construct, lease and/or operate a fiber optics transmission cable, and all appurtenances and
32 appendages thereto, for the transmission of telephonic, data, voice, video and other services in, under,
33 over, along and/or across the City rights-of-way, together with the right to make, install, maintain, repair
34 and replace all such cable and other usual equipment, supporting structures, facilities or apparatus as may
35 be reasonably necessary or desirable in the operation of said fiber optics communications transmission
36 system. The right to use and occupy said streets, alleys, public ways and places for the purposes herein
37 set forth shall not be exclusive, and the City reserves the right to grant similar use of said streets, alleys,
38 public ways and places to any person.

39 If, at any time during the period of this franchise, the City shall lawfully elect to vacate, relocate,
40 abandon, alter, reconstruct or change the grade of any street, sidewalk, alley or other public right of way to
41 include drainage and utility areas for any City project, the Company, upon reasonable notice by the City,
42 shall remove, relay and relocate its poles, wires, cables, underground conduits, manholes and other fixtures
43 at its own expense in accordance with Louisiana law and City ordinances. Notwithstanding the foregoing,
44 nothing in this franchise is intended to eliminate or waive any right the Company may have to
45 reimbursement under applicable law or the terms of any public funding grant for a project.

46 **TERM OF CONTRACT**

47 This contract shall be for a term of twenty (20) years commencing upon effective date of this
48 Ordinance. The Ordinance shall renew for an additional term of twenty (20) years based on then existing
49 federal, state and local statutes, rules and regulations.

50 **COMPENSATION**

51 Company, its successors and assigns shall pay to the City in consideration of this franchise an
52 annual amount equal to five percent (5%) of its gross revenues derived from retail subscribers of its
53 intrastate telecommunications services who are located within the corporate limits of the City. The
54 payments required by this section will be calculated quarterly and paid by the end of the subsequent
55 quarter. Calculations shall begin upon the first calendar quarter in which gross revenues are earned and
56 the first payment to the City will be due and payable on the 1st day of the end of the following quarter, and
57 quarterly thereafter. Should the Company withdraw from the City, a final payment will be due and payable
58 to the City no later than six (6) months after withdrawing.

59 The City may audit the records (not more than once every 18 months) to verify the correctness of the
60 amounts remitted

61 **PERMITS REQUIRED**

62 -Prior to beginning any work in the public rights of way, the Company shall obtain from the City and
63 pay to City publicly disclosed one-time construction permit fees, all permits required by the City or the State
64 of Louisiana for the construction and operation of a fiber optic telecommunications system.

65 **RESTORATION**

66 In case of any disturbance by Company of pavement, sidewalk, driveway, or other surfacing of the
67 City, Company shall at its own cost and expense, replace and restore all sidewalk, driveway or surface of
68 any street or alley disturbed, to as reasonably good a condition as before said work was commenced.

69 **SAFETY REQUIREMENTS**

70 (a) The Company shall at all times employ ordinary care and shall install and maintain in use
71 commonly accepted methods and devices for preventing failures and accidents which are likely to cause
72 damage, injuries or nuisances to the public.

73 **LIABILITY AND INDEMNIFICATION**

74 (a) By acceptance of this franchise and right, Company agrees that it shall defend, indemnify,
75 protect and hold harmless the City and its officers, agents and employees from any and all claims
76 whatsoever, from liabilities, losses, costs, judgments, penalties, damages and expenses, including
77 attorneys' fees, arising out of Company's negligence or willful misconduct during the installation, operation
78 or maintenance by the Company of the Company's fiber optic transmission system, provided that the
79 Company shall have no obligation to indemnify, protect and hold harmless the City under this section in the
80 event Company's failure to comply with the requirements herein is the result of a force majeure event or
81 events beyond the control of Company.

82 (b) The Company agrees that it will provide throughout the term of this franchise, workers
83 compensation insurance and liability insurance in the minimum amounts of:

- 84 1) Commercial General Liability Insurance with a limit of \$1,000,000 per occurrence
85 for bodily injury and property damage and \$2,000,000 general aggregate including

- 86 premises-operations, products and complete operations.
- 87 2) Commercial Automobile Liability in the amount of \$1,000,000 combined single limit
88 each accident for bodily injury and property damage covering all covering all
89 owned, non-owned and hired vehicles.
- 90 3) Company agrees that the above required insurance contracts will contain the
91 following provisions:
- 92 a) The City and its officers, employees, board members and elected
93 representatives shall be included as additional insured as the interests of
94 each may appear under this Agreement as to all applicable coverage;
95 except workers compensation and employer's liability
- 96 b) Upon receipt of notice from its insurer(s) Company shall use commercially
97 reasonable efforts to provide the City with thirty (30) days' prior written
98 notice of cancellation; and
- 99 c) Notice required by this Section shall be delivered to the person specified
100 in Section 12 herein by first class mail.

101 **TERMINATION CLAUSE**

102 The City reserves the right to terminate the contract for non-compliance with any conditions of this
103 contract or for the Company's failure to comply with all applicable laws, future and present. The Ordinance
104 may only be terminated for cause by the City giving the Contractor thirty (30) days written notice of its
105 intention to do so and giving the Company the opportunity to cure the non-compliance.

106 **NOTICE**

107 For the purpose of giving notice, the Company's address is declared to be:

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110 MCImetro Access Transmission Services Corp.
111 d/b/a: Verizon Access Transmission Services
112 Attn: Franchise Manager
113 600 Hidden Ridge
114 Irving, TX 75038
115
116 With Copies to (except for invoices):
117
118 Verizon
119 1320 North Courthouse Road, Suite 900
120 Arlington, VA 22201
121 Attn: Vice President and Deputy General Counsel, Network Services
122
123 Invoices:
124
125 Verizon
126 Attn: Contract Admin.
127 6929 N. Lakewood Ave. MD 5.3-4009
128 Tulsa, OK. 74117
129
130 24-Hour Emergency Contact:
131
132 1-800-MCI-WORK
133
134

135 The City's address shall be:

136
137 City of Harahan
138 6437 Jefferson Highway
139 Harahan, LA 70123
140
141

142 Unless the City is notified in writing to the contrary, the placing of notices in the United States Mail
143 addressed to the Company as set forth above shall constitute compliance with the provisions of this Section.

144
145 This Ordinance having been submitted to a vote, the vote thereon was as follows:

146
147 YEAS:
148 NAYS:
149 ABSENT:

150 ABSTENTION:

151
152 This Ordinance was declared adopted on this _____ day of _____, to become effective
153 immediately upon the signature of the Mayor, or upon the expiration of the time period without the signature
154 of the Mayor.

155
156 _____
157 Tim Baudier, Mayor

Nicole Lee, City Clerk

1 The following Ordinance was proposed by Councilman Asbill and seconded by
2 Councilman _____ ;

3
4 **PROPOSED ORDINANCE NO. 2019 – 11**

5
6 An ordinance amending the Code of Ordinances of the City of Harahan to provide
7 for the imposition of charges for recycling services.

8
9 WHEREAS, residents of Harahan did previously benefit from recycling collection
10 and disposal;

11
12 WHEREAS, residents have inquired that the recycling service should be reinstated;

13
14 WHEREAS, the City has negotiated with its current waste contactor for the
15 collection and disposal of recyclables;

16
17 NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Harahan
18 that:

19
20 SECTION 1. Section 78-1 of the Harahan Code of Ordinances shall be amended to
21 add the following term:

22
23 *Recycling Services* means the collection of recyclable materials, as defined in the
24 contract for the services, and transportation and disposal of the recyclable materials to a
25 recycling processor.

26
27 SECTION 2. Section 78-44 of the Harahan Code of Ordinances is hereby amended
28 to read as follows:

29
30 Section 78-44. — Charges.

- 31
32 a. Basic charges for solid waste disposal shall be as follows:
- 33 i. The basic charge for garbage and trash collection and disposal shall be
34 \$4.00 per month per residential unit to which water service is supplied,
35 and such fee shall be assessed on the user's water bill.
 - 36 ii. The basic charge for city-wide, curbside recycling services shall be
37 \$1.50 per month per residential unit to which water service is supplied,
38 and such fee shall be assessed on the user's water bill.
- 39 b. In accordance with the provisions of any contract, presently existing or hereafter
40 arising between the city and any garbage and trash collection and disposal
41 company and/or recycling company, any additional charges which may become
42 due annually as a result of increases in the consumer price index as published by
43 the U.S. Department of Labor are authorized to be billed to the residents and
44 users of the garbage and trash collection and disposal services provided in the
45 city.
- 46 c. Any increases in cost to the city for garbage and trash collection and disposal
47 and/or recycling services are authorized to be billed to the residents and users of
48 the garbage and trash collection and disposal services provided by the city.
- 49 d. The city is hereby authorized to include in the annual amounts levied on the tax
50 rolls of the city and/or in statements for water services, an amount, in addition to
51 the said basic garbage and trash charge and/or recycling charge, equal to the
52 increases, if any, for said garbage and trash collection and/or recycling services
53 and disposal charges based upon increases in the consumer price index and
54 garbage and trash collection and disposal cost, as provided above.
- 55

56 SECTION 3. If any provision of this ordinance is held to be invalid or otherwise
57 unenforceable by the final judgment of a court of competent jurisdiction, such
58 invalidity shall not affect the validity of any of the remaining provisions of this

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ordinance that may be given effect without the invalid provision; and to this end, the provisions of this ordinance are hereby declared to be severable.

SECTION 3. All ordinances or parts thereof of the City of Harahan in conflict with this ordinance are hereby repealed.

The ordinance having been considered by section and as a whole, a vote was taken and the vote was as follows:

- YEAS:
- NAYS:
- ABSENT:
- ABSTENTION:

This Ordinance was declared adopted on this _____ day of _____, 2019 to become effective immediately upon signature of the Mayor or upon expiration of the time period without the signature of the Mayor.

TIMOTHY BAUDIER
Mayor

NICOLE LEE
City Clerk

Sec. 78-1. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Commercial refuse means garbage and trash produced in operation of retail stores.

Dwelling unit means a structure occupied by one individual or a family, related by blood or marriage. Double houses, apartments, etc., are considered multiple dwelling units and each unit a separate dwelling unit.

Garbage means putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

Refuse means all putrescible and nonputrescible solid wastes (except body wastes), including garbage and rubbish.

Rubbish means nonputrescible solid wastes (excluding ashes), consisting of both combustible and noncombustible wastes, such as paper, cardboard, tin cans, yard clippings, wood, glass, bedding, crockery and similar materials.

(Code 1990, § 19-1; Ord. No. 580, § 2, 2-15-1969)

Sec. 78-44. - Charges.

- (a) The basic charge for garbage and trash collection and disposal for residents of the city of \$4.00 per month is hereby ratified and maintained.
- (b) In accordance with the provisions of any contract, presently existing or hereafter arising between the city and any garbage and trash collection and disposal company, any additional charges which may become due annually as a result of increases in the consumer price index as published by the U.S. Department of Labor are authorized to be billed to the residents and users of the garbage and trash collection and disposal services provided in the city.
- (c) Any increases in cost to the city for garbage and trash collection and disposal are authorized to be billed to the residents and users of the garbage and trash collection and disposal services provided by the city.
- (d) The city is hereby authorized to include in the annual amounts levied on the tax rolls of the city and/or in statements for water services, an amount, in addition to the said basic garbage and trash charge, equal to the increases, if any, for said garbage and trash collection and disposal charges based upon increases in the consumer price index and garbage and trash collection and disposal cost, as provided above.

(Code 1990, § 19-40; Ord. No. 837, §§ 1—3, 12-28-1981; Ord. No. 1082, §§ 1—4, 2-2-1995; Ord. No. 1097, § 1, 1-19-1996)

State Law reference— Solid waste collection service charges, R.S. 33:4169.1(A)(4), (C).

1 The following Ordinance was proposed by Councilman Asbill and seconded by
2 Councilman _____ :

3
4 **PROPOSED ORDINANCE NO. 2019 – 12**

5
6 An ordinance to impose for six months a moratorium on the re-subdivision,
7 rezoning, and/or issuance of permits for construction or placement of building structures
8 on property within a portion of the City of Harahan, known as J.W. Colonial Estates.

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10 WHEREAS, to protect and preserve the health, safety, and property interests of
11 residents from the adverse effects of flooding, and public health hazards resulting from
12 intensification of development within a certain portion of the City of Harahan;

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14 WHEREAS, this temporary moratorium is necessary to allow sufficient time for
15 review of existing land uses and/or permits and to formulate measures to protect residents
16 in and/or near the area more fully described within this ordinance;

17
18 WHEREAS, developers of the property described herein have reportedly received
19 instructions from the prior city administration which are contrary to the interests of the City
20 and such instructions must be reviewed to protect the interests of this City and its citizens;

21
22 NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Harahan
23 that:

24
25 SECTION 1. There shall be a six (6) month moratorium on the re-subdivision,
26 rezoning, and/or issuance of permits for construction or placement of any building
27 structures on property within a portion of the City, known as J.W. Colonial Estates,
28 described as follows:

29
30 Commence at the southwest intersection of Jefferson Highway and Colonial Club
31 Drive, also the point of beginning; thence follow Colonial Club Drive south to its
32 intersection with Club Drive; thence follow Club Drive west to its intersection with
33 Fortier Lane; thence follow Fortier Lane to its ending point at the Mississippi River
34 Levee; thence follow the Mississippi River Levee west to its intersection with
35 Glenwood Avenue; thence follow Glenwood Avenue North to its intersection with
36 Jefferson Highway; thence follow Jefferson Highway east to its southwest
37 intersection with Colonial Club Drive, also the point of beginning.

38
39 SECTION 2. This ordinance shall be effective immediately upon final adoption,
40 unless subsequently vetoed, and shall remain in effect for six consecutive months. The
41 moratorium imposed herein may be vacated or extended, in whole or in part, by subsequent
42 ordinance of this Council.

43
44 SECTION 2. If any provision of this ordinance is held to be invalid or otherwise
45 unenforceable by the final judgment of a court of competent jurisdiction, such invalidity
46 shall not affect the validity of any of the remaining provisions of this ordinance that may be
47 given effect without the invalid provision; and to this end, the provisions of this ordinance
48 are hereby declared to be severable.

49
50 SECTION 3. All ordinances or parts thereof of the City or Harahan in conflict with
51 this ordinance are hereby repealed.

52
53 The ordinance having been considered by section and as a whole, a vote was taken
54 and the vote was as follows:

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56 YEAS:

57 NAYS:

58 ABSENT:

59 ABSTENTION:

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This Ordinance was declared adopted on this _____ day of _____, 2019
to become effective immediately upon signature of the Mayor or upon expiration of
the time period without the signature of the Mayor.

TIMOTHY BAUDIER
Mayor

NICOLE LEE
City Clerk

1 The following Ordinance was proposed by Councilman Asbill and seconded by
2 Councilman _____ ;

3
4 **PROPOSED ORDINANCE NO. 2019-13**

5
6 An ordinance imposing a monthly service charge to provide commercial and
7 individuals with standard fire service.

8
9 WHEREAS, the Harahan Fire Department has been operating below standards set
10 by the National Fire Protection Association for many years;

11
12 WHEREAS, the Harahan Fire Chief has requested the support of previous councils
13 and administrations by requesting adequate budget allocations to operate within standards,
14 and which the City has not adequately funded;

15
16 WHEREAS, the safety and welfare of Harahan Fire Department's personnel is in
17 grave danger;

18
19 WHEREAS, risk of firefighters' injury also places lives and property of Harahan's
20 citizens in danger;

21
22 WHEREAS, Harahan citizens have experienced homeowner's insurance rate
23 increases due to the deficiencies of the Fire Department;

24
25 WHEREAS, the City has not assessed rate and/or millage increases for fire service
26 and protection in decades;

27
28 WHEREAS, the Harahan Fire Chief and other personnel have made the urgent
29 needs of the Harahan Fire Department clear to this Council and administration;

30
31 NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Harahan
32 that:

33
34 SECTION 1. Chapter 34, Section 34-2 of the Harahan Code of Ordinances is hereby
35 amended to read as follows:

36
37 Section 34-2. — Funding of Fire Department

38 (a) Annual Service Charge.

- 39 i. A service charge of \$15.00 per annum is levied and collected on all classes and
40 types of residential and commercial real property within the city. All funds
41 collected shall be dedicated exclusively for the purpose of creating a
42 permanent funding source for the Harahan Fire Department.
43 ii. The city clerk shall effectuate the implementation and collection of the service
44 charge.
45 iii. The city council shall budget all funds collected from the annual service
46 charge for fire department purposes.
47 ~~iv. All funds budgeted to the fire department shall be disbursed through the use~~
48 ~~of the city's purchase order system.~~

49
50 (b) Monthly Service Charge.

- 51
52 i. A monthly service charge of \$40 per residential unit and \$60 per commercial
53 unit within the Harahan city limits, and such fee shall be effectuated by the
54 city clerk and assessed on the user's water bill.
55 ii. Beginning immediately, the monthly service charge shall be directly allocated
56 to the Fire Department budget.
57

58 ~~(e) The city council may provide for exemptions to certain classes of real property~~
59 ~~owners by resolution, which may include, but not be limited to, classes based on age,~~
60 ~~income, use and physical characteristics of property.~~

61
62 SECTION 2. If any provision of this ordinance is held to be invalid or otherwise
63 unenforceable by the final judgment of a court of competent jurisdiction, such
64 invalidity shall not affect the validity of any of the remaining provisions of this
65 ordinance that may be given effect without the invalid provision; and to this end, the
66 provisions of this ordinance are hereby declared to be severable.

67
68 SECTION 3. All ordinances or parts thereof of the City or Harahan in conflict with
69 this ordinance are hereby repealed.

70
71 The ordinance having been considered by section and as a whole, a vote was
72 taken and the vote was as follows:

73
74 YEAS:

75 NAYS:

76 ABSENT:

77 ABSTENTION:

78
79 This Ordinance was declared adopted on this _____ day of _____, 2019
80 to become effective immediately upon signature of the Mayor or upon expiration of
81 the time period without the signature of the Mayor.

82
83
84
85 _____
86 TIMOTHY BAUDIER
Mayor

84
85 _____
86 NICOLE LEE
City Clerk

Sec. 34-2. - Funding of fire department.

- (a) A service charge of \$15.00 per annum is levied and collected on all classes and types of residential and commercial real property within the city. All funds collected shall be dedicated exclusively for the purpose of creating a permanent funding source for the city volunteer fire department.
- (b) The city clerk shall effectuate the implementation and collection of the service charge.
- (c) The city council shall budget all funds collected from the service charge for fire department purposes.
- (d) All funds budgeted to the fire department shall be disbursed through the use of the city's purchase order system.
- (e) The city council may provide for exemptions to certain classes of real property owners by resolution, which may include, but not be limited to, classes based on age, income, use and physical characteristics of property.

(Code 1990, § 8-2; Ord. No. 928, §§ I—V, 11-15-1986)