

EMERGENCY ORDINANCE NO. 392- 2016

AN ORDINANCE OF THE CITY OF YOUNGSVILLE, LOUISIANA, TO TEMPORARILY SUSPEND ALL REGULATIONS RELATING TO THE PLACEMENT OF TEMPORARY STORAGE UNITS, TRAILERS, AND RECREATIONAL VEHICLES AND ADOPTING TEMPORARY REGULATIONS INCLUDING BUT NOT LIMITED TO CONDITIONAL PERMITS, PLACEMENT, MAINTENANCE, UTILITIES, REMOVAL, SANITATION, AND OTHER RELATED HEALTH AND SAFETY MATTERS FOR TRAILERS AND RECREATIONAL VEHICLES LOCATED ON RESIDENTIAL AND COMMERCIAL PROPERTIES IN RESPONSE TO WIDESPREAD DAMAGE CAUSED BY THE MASSIVE STORMS AND FLOODING RESULTING THEREFROM WHICH BEGAN ON FRIDAY, AUGUST 12TH, 2016, AND CONTINUED THEREAFTER; MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT.

WHEREAS, the City of Youngsville issued a Declaration of State of Emergency on Sunday, August 14th, 2016, in response to the widespread damage caused by the severe thunderstorms and flooding which occurred on or after August 12th, 2016; and,

WHEREAS, the President of the United States, and the Governor of the State of Louisiana declared a State Of Emergency in response to the occurrence of widespread and severe damage resulting from the severe thunderstorms, flooding, and damage which occurred on or after August 12th, 2016, in the State of Louisiana; and,

WHEREAS, due to widespread residential and commercial property damage necessitating repairs and rehabilitation and the unavailability of storage units, housing and rental properties including hotels, the City has an urgent need to provide temporary storage units and housing for residents and business owners; and,

WHEREAS, the City Council finds that it is in the public interest to protect public health, safety, property, and the general welfare of the public to temporarily suspend all regulations relating to the placement of temporary storage units, trailers, and recreational vehicles and adopting temporary regulations including but not limited to conditional permits, placement, maintenance, utilities, removal, sanitation, and other related health and safety matters for temporary storage units, trailers, and recreational vehicles located on residential and commercial properties in response to widespread damage caused by the severe thunderstorms and flooding which occurred on or after August 12th, 2016, in the State of Louisiana;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF YOUNGSVILLE, LOUISIANA:

SECTION 1: FINDINGS

The findings and recitations set out in the preamble to this Ordinance are found to be true and correct and they are hereby adopted by the City Council and made a part hereof for all purposes.

SECTION 2: PURPOSE

The City Council finds that it is in the public interest to protect public health, safety, property, and the general welfare of the public to temporarily suspend all regulations relating to the placement of temporary storage units, trailers, and recreational vehicles and adopting temporary regulations including but not limited to conditional permits, placement, maintenance, utilities, removal, sanitation, and other related health and safety matters for temporary storage units, trailers, and recreational vehicles located on residential and commercial properties in response to widespread damage caused by the severe thunderstorms and flooding which occurred on or after August 12th, 2016. The purpose and intent of the temporary suspension of current regulations is to allow the conditional placement and use of temporary storage units and privately owned trailers and recreational vehicles at damaged residential or commercial locations during construction subject to the limitations provided in Section 3. This temporary suspension does NOT allow the placement of mobile homes, manufactured housing, or FEMA alternative housing units.

SECTION 3: Temporary Storage Unit and Trailer/Recreational Vehicle Placement

Definitions:

Temporary Storage Unit – A transportable unit including and container, storage unit, shed-like container or other portable structure designed and used primarily for temporary storage of building materials (before they are utilized for building purposes), household goods, and other such materials for use on a limited basis and shall not include storage of hazardous or toxic materials.

Camper—A portable dwelling designed to be used for casual travel being whether a self-propelled unit, or not, or an independent or dependent unit, including, but not limited to, truck campers, bus campers, and self-propelled travel homes.

Recreational Vehicle-- A vehicular type unit primarily designed as temporary living quarters for recreational, camping, or travel use, which is self-propelled or is affixed to or drawn by another vehicle.

Trailer/Travel Trailer—A portable vehicular structure built on a chassis, which may or may not be self-propelled, being either a dependent or independent unit, designed for casual travel and/or temporary living, including recreational vehicles.

Residential:

In order to place a Temporary Storage Unit and/or a Temporary Trailer/Recreational Vehicle at your residential location, the following requirements apply:

- Temporary Storage Units and Temporary Trailers/Recreational Vehicles must be located on the property where the damaged residential building is located, not in the city right-of-way (including sidewalk areas, streets or alleys.)
- The Temporary Storage Units and Trailer/Recreational Vehicle may **only** be used/occupied by the property owner of the subject residential building. No subletting of the Temporary Storage Units or Trailer/Recreational Vehicle will be permitted.
- The Temporary Storage Units and Temporary Trailers/Recreational Vehicles shall meet the setbacks for the property upon which it is located, where practicable.
- No additional structures or accessory structures may be added to the Temporary Storage Units and Temporary Trailer/Recreational Vehicle with the exception of ADA-compliant ramps.
- The Temporary Storage Units and Temporary Trailer/Recreational Vehicle must be removed from the property upon issuance of a Certificate of Occupancy for the repaired building, or by March 1st, 2017, whichever occurs first.

Commercial:

In order to place a Temporary Storage Units and/or Temporary Trailer/Recreational Vehicle at your commercial location, the following requirements apply:

- The Temporary Storage Units and Temporary Trailers/Recreational Vehicles may **only** be utilized for permanent businesses within the City of Youngsville that have sustained damage to their buildings.
- The Temporary Storage Units and Temporary Trailers/Recreational Vehicles must be located on the property where the permanent business is located.
- The Temporary Storage Units and Temporary Trailer/Recreational Vehicle may not be utilized for any residential purpose.
- No additional structures or accessory structures may be added to the Trailer/Recreational Vehicle with the exception of ADA-compliant ramps.
- A maximum of three (3) Temporary Storage Units and/or Temporary Trailers/Recreational Vehicles may be located per commercial property. The Temporary Storage Units and the Temporary Trailers/Recreational Vehicles should be grouped together to allow the maximum parking area possible.
- Any signage for the business located in the Temporary Storage Units and Temporary Trailer/Recreational Vehicle is limited to a thirty-two (32) square foot sign upon the wall of the Temporary Storage Units and Trailer/Recreational Vehicle. No temporary detached signs or off-premise signs are permitted.

- The Temporary Storage Units and the Trailer/Recreational Vehicle must be removed from the property upon issuance of a Certificate of Occupancy for the repaired building, or by March 1st, 2017, whichever occurs first.

All such vehicles such as storage units, trailers, mobile homes, recreational vehicles, etc. will be considered temporary in nature. A permit by the City of Youngsville must be issued in advance of placement, and may be subject to additional site conditions. Utility connections will require separate permits and approval.

SECTION 4: SPECIAL EXCEPTIONS

The City Council hereby authorizes the Mayor, the CAO, or his/her designated representative to make special exceptions for site specific placement for storage units, trailers and recreational vehicles in appropriate cases and subject to appropriate conditions and safeguards that are consistent with the general purposes and intent of this Ordinance and in accordance with any applicable rules contained in this Ordinance.

SECTION 4.1: INSPECTIONS

- (a) Authorized. The building inspector is hereby authorized to make such inspections as are necessary to determine compliance with this article and city ordinances.
- (b) Entry on premises. The building inspector shall have the power to enter upon any private or public property with the purpose of inspecting and investigating conditions relating to the enforcement of this article.

SECTION 4.2: NOTICES, HEARINGS AND ORDERS

- (a) Notice of violation. Whenever it is determined that there are grounds to believe that there has been a violation of any provision of this article, the City of Youngsville shall give notice of such alleged violation to the licensee or agent, as hereinafter provided. Such notice shall:
 - 1) Be in writing.
 - 2) Include a statement of the reasons for its issuance.
 - 3) Allow five (5) days for compliance.
 - 4) Be served upon the licensee or his agent; provided that such notice or order shall be deemed to have been properly served upon such licensee or agent when a copy thereof has been served in person or sent by certified mail to his/her last known address.
 - 5) Contain an outline of remedial action that, if taken, will effect compliance with the provisions of this article.
 - 6) After all procedures outlined above are exhausted citations may be issued.

If a notice to a property owner in accordance with Section 4.2(a) and the United States Postal Service returns the notice as “refused” or “unclaimed”, the validity of the notice is not affected, and the notice is considered as delivered.

- (a) Appeal from notice. Any person affected by any notice that has been issued in connection with the enforcement of any provision of this article applicable to such park may request a hearing before the Magistrate Court; provided that such person shall file within three (3) business days after the day the notice was served, a notice of appeal with the city clerk office, with a copy to the Mayor, a written petition requesting such hearing and setting forth a brief statement of the grounds thereof. The filing a request for a hearing shall operate as a stay of the notice and of the suspension, except in the case of an order issued under subsection (d) of this section.

- (b) Issuance of order. After such hearing, the Magistrate Court shall issue an order in writing sustaining, modifying, or withdrawing the notice of violation, which order shall be served by certified mail upon the petitioner. Any failure to comply with an order sustaining or modifying the finding of a violation shall constitute grounds for immediate revocation of the license of the park affected by the order.
- (c) Order without notice. Whenever the city finds that an emergency exists which requires immediate action to protect the public health or safety, the building inspector may, without notice or hearing, issue an order reciting the existence of such an emergency and requiring the action to be taken as deemed necessary to meet the emergency. Notwithstanding any other provisions of this section, such order shall be effective immediately, but upon written petition to the city shall be afforded a hearing as soon as possible. The provisions of subsection (c) of this section shall be applicable to such hearing and the order issued thereafter.

SECTION 4.3: VIOLATIONS DECLARED NUISANCE; ABATEMENT; PENALTY

Any noncompliance with this Emergency Ordinance is hereby deemed a nuisance. The City may abate and remove the nuisance and punish the person(s) responsible for causing or allowing the nuisance condition to exist. Any person(s) violating the article shall be subject to a fine not to exceed five hundred dollars (\$500.00) for each provision violated, and each day that there is a failure to comply with the terms of any provision of this article is declared to be a separate offense. For violations of the provisions of this article that govern fire safety, zoning, land use or public health and sanitation, including dumping of refuse, the fine may not exceed one thousand dollars (\$1,000.00) per day per violation. The Mayor, CAO or designee shall be the authority of the jurisdiction responsible for the issuance of citations and any action deemed necessary for the enforcement of this ordinance.

SECTION 5: STORAGE, COLLECTION AND DISPOSAL OF REFUSE AND GARBAGE

Each Resident/Property Owner shall be responsible for providing safe and adequate facilities for the collection and removal of waste and garbage. Storage, collection, and handling shall be conducted so as to create no health hazards, rodent harborage, insect breeding areas, or fire hazards.

SECTION 5.1: CONTROL OF ANIMALS, INSECTS, RODENTS AND OTHER PESTS

Grounds, buildings and structures where the Trailers/Recreational Vehicles are located shall be maintained free of the accumulation of high grass, weeds, and debris so as to prevent rodent and snake harborage or the breeding of flies, mosquitoes or other pests.

- (a) The resident/property owner shall be responsible for maintaining the entire area free of dry brush, leaves, limbs and weeds.
- (b) Animals are not allowed to run at large.

SECTION 6: SEVERABILITY

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this Ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clause, sentences, paragraphs and sections of this Ordinance.

SECTION 7: CONFLICTING PROVISIONS

All Ordinances or parts thereof in conflict herewith are repealed to the extent of such conflict only.

SECTION 8: EFFECTIVE DATE

This Emergency Ordinance shall become effective immediately upon adoption.

This Emergency Ordinance having been up for adoption on September 8th, 2016 was submitted to a vote and the vote therein was as follows:

YEAS: Jamison Abshire, Lauren Michel, Matt Romero, Ken Stansbury, Dianne McClelland

NAYS: None

ABSENT: None

ABSTAINED: None

This Emergency Ordinance was adopted on this the 8th day of September, 2016.

/s/ Ken Ritter
KEN RITTER, Mayor

ATTEST:

/s/ Sally M. Angers
SALLY M. ANGERS, City Clerk