

MINUTES OF A REGULAR MEETING OF THE MAYOR AND COUNCILMEN OF THE CITY OF GONZALES, STATE OF LOUISIANA, TAKEN ON OCTOBER 28, 2013, 5:30 P.M. AT CITY HALL.

MEMBERS PRESENT:

Mayor Barney D. Arceneaux  
Councilman Kirk Boudreaux  
Councilman Terance Irvin

Councilman Gary Lacombe  
Councilman Kenneth Matassa  
Councilman Timothy Vessel Sr.

MEMBERS ABSENT: NONE

ALSO PRESENT:

Lisa Babin, Administrative Clerk  
Clay Stafford, City Clerk

Ryland Percy, City Attorney  
Sherman Jackson, Police Chief

Motion by Councilman Kirk Boudreaux, seconded by Councilman Gary Lacombe to approve the minutes from the last meeting, held on October 14, 2013. UNANIMOUS

Final Vote on Ordinance # 3022:

AN ORDINANCE AMENDING THE CODE OF ORDINANCE  
(DELETE) CHAPTER 14. PEDDLERS, SOLICITORS AND  
ITINERANT VENDORS\*

BE IT ORDAINED, by the Mayor and Councilman of the City of Gonzales, Louisiana:

That the Code of Ordinance of the City of Gonzales be hereby amended as follows:

(Delete)

Chapter 14. **PEDDLERS, SOLICITORS AND ITINERANT VENDORS\***

YEAS: Councilman Kirk Boudreaux, Councilman Terance Irvin, Councilman Gary Lacombe  
Councilman Kenneth Matassa, Councilman Timothy Vessel Sr.

NAYS: NONE

ABSENT: NONE

Final Vote on Ordinance # 3023:

AN ORDINANCE AMENDING THE CODE OF ORDINANCE  
CHAPTER 18. TAXATION. ARTICLE II. OCCUPATIONAL  
LICENSE TAXES\* (CHANGE) DIVISION 2. TO READ:  
PEDDLERS, SOLICITORS AND ITINERANT VENDORS\*  
(CHANGE) SEC. 18-36. & Sec. 18-37 TO READ: (CHANGE) TO  
(ADD) SEC. 18-37.1 – SEC. 18-37.4 TO READ:

BE IT ORDAINED, BY the Mayor and Councilmen of the City of Gonzales, Louisiana:

That the Code of Ordinance of the City of Gonzales be hereby amended to Read:

**CHAPTER 18. TAXATION\***

**ARTICLE II. OCCUPATIONAL LICENSE TAXES\***

**DIVISION 2. PEDDLERS, SOLICITORS AND ITINERANT VENDORS\***

**Sec. 18-36. Definitions.**

- (a) *Itinerant Vendor* means and includes and shall be construed to mean and include all persons, as well as their agents, and employees who engage in the temporary or transient business in the city or offering for sale any goods or merchandise, including photographs and portraits, or exhibiting the same for sale or exhibiting the same for the purpose of taking orders for the sale thereof, and who, for the purpose of carrying on such business or conducting such exhibits thereof, either hire, rent, lease or occupy any room or space in any building, structure, or other enclosure, or lot in the city, in, through, or from which any goods, or merchandise may be sold, offering for sale, exhibited for sale, or exhibited for the

purpose of taking orders for the sale thereof. The word "temporary" as above used means and shall be construed to mean any such business transacted or conducted in the city for which definite arrangements have not been made for the hire, rental or lease of premises for at least six (6) months in or upon which such business is to be conducted. The word "transient" as used above means and shall be construed to mean any such business of any such itinerant vendor as may be operated or conducted by persons, or by their agents or employees who reside away from the city, or who have fixed places of business in places other than the city, or who move stocks of goods or merchandise or samples thereof into the city with purpose or intention of removing them or the unsold portion thereof away from the city before the expiration of six (6) months.

- (b) *House-to-house peddling* means the practice of going in and upon private residences in the city, by solicitors, peddlers, hawkers, or itinerant merchants and transient vendors of merchandise, not having been required or invited to do so by the owner or owners, occupant or occupants of the private residences, for the purpose of soliciting orders for the sale of goods, wares or merchandise, and/or for the purpose of disposing of and/or peddling or hawking the same, and/or for the purpose of sale of services. Religious, political, or charitable solicitation is not considered to be peddling.
- (c) *Peddler*: For purposes of this section this term is meant to apply to all solicitors, peddlers, hawkers and transient vendors referenced in 18-36(b) above.

**Sec. 18-37. Itinerant vendors prohibited.**

It shall be unlawful for any itinerant vendor to sell, offer for sale, exhibit for sale, or exhibit for the purpose of taking orders for the sale thereof any goods or merchandise in the City of Gonzales.

**Sec. 18-37.1. House to House Peddling Prohibition**

House-to-house peddling is hereby declared to be a nuisance and punishable as such as a misdemeanor except under the following circumstances:

- (1) *Hours*: House-to-house peddling shall be allowed between the hours of 9:00 a.m. and 6:00 p.m. with the following exceptions:
- (a) A "No Solicitation" sign has been posted at the residence by the owner or occupant, provided that the sign shall be legible and visible at the entranceway to the premises; or
- (b) By resolution of the board of the homeowners' association, a sign has been posted at each entrance to a recognized single family residential subdivision designating the subdivision as a no peddling area. A certified copy of the resolution shall be provided to the city clerk. The sign shall clearly state that house-to-house peddling is prohibited in the subdivision and shall be legible and visible from the public street. No sign shall be posted pursuant to this subsection without the approval of the city engineer.
- (2) *Meat and poultry*: Peddling of meat and poultry products must be in compliance with the requirements promulgated by the Ascension Parish Health Department.

**Sec. 18-37.2 Permit required.**

- (1) All those wishing to engage in house-to-house peddling must first obtain a permit from the business license department.
- (2) All persons engaged in house to house peddling, as herein defined, must have a valid permit for the time period in which they are peddling.
- (3) All persons engaged in house to house peddling, as herein defined, must have a valid permit on their person, and produce said permit and suitable identification to demonstrate that the solicitor is the person identified by the permit upon demand by an occupant or law enforcement officer or agent.
- (4) Minor children engaged in house to house peddling, as herein defined, receive permits through their parents or legal custodians.

- (5) Minor children engaged in house to house peddling, as herein defined, must be accompanied by an adult, at least eighteen (18) years of age, while engaging in house-to-house peddling.

**Sec. 18-37.3 Permit Requirements.**

- (1) Applicants for a permit under this section shall complete a written application, along with a fee of two hundred fifty dollars (\$250.00), which shall cover the credentialing and background verification of up to four employees authorized to peddle door-to-door under each permit. Any employee credentialed in excess of four (4) shall incur an additional fee of forty dollars (\$40) each. The permit application must contain the following information:
  - (a) Name and address of applicant.
  - (b) Name and address of company, employer, or other commercial enterprise represented.
  - (c) A brief description of the nature of the peddling.
  - (d) If a vehicle is being used, a description of the make and model vehicle and a license plate number.
  - (e) Certification that the applicant has registered with the Ascension Parish Sales and Use Tax Authority.
- (2) Applications must include a copy of a valid state or federal identification card, passport, or official school identification (for minors).

**Sec. 18-37.4 Permit Issuance.**

- (1) Upon receipt of the completed application, the business license department shall issue a permit to the applicant.
- (2) All those issued a permit under this section shall have said permit available upon request by any person or law enforcement officer or agent at all times during the door-to-door peddling, whether on the premises or while in transit from one location to another for purposes of peddling.
- (3) Permits issued under this section shall be valid for one year from the date of issuance.

YEAS: Councilman Kirk Boudreaux, Councilman Terance Irvin, Councilman Gary Lacombe  
Councilman Kenneth Matassa, Councilman Timothy Vessel Sr.

NAYS: NONE

ABSENT: NONE

Final Vote on Ordinance # 3024:

AN ORDINANCE AMENDING THE CODE OF ORDINANCE  
CHAPTER 20. UTILITIES\* TO (ADD) ARTICLE VI. WASTEWATER  
FACILITIES IMPACT FEE SEC. 20-120 –SEC, 20-132. TO READ:

**ARTICLE VI. WASTEWATER FACILITIES IMPACT FEE**

**Sec. 20-120. Findings.**

The city council finds, determines and declares that:

- (1) The city must maintain and expand its wastewater facilities in order to maintain current standards of public health if new development is to be accommodated without decreasing current standards of public health.
- (2) The imposition of impact fees is one of the preferred methods of ensuring that development bears a proportionate share of the cost of wastewater facilities necessary to accommodate such development. This must be done in order to promote and protect the public health, safety and welfare.

- (3) Connecting to the city wastewater system will create a need for the construction, equipping, or expansion of the wastewater facilities.
- (4) The fees established in Sec. 20-125 are derived from, are based upon, and provide for the costs of providing additional wastewater facilities necessitated by connections to the city sewerage system.

**Sec. 20-121. Intents and purposes.**

The purpose of this article is to regulate the use and development of land so as to assure that new development bears a proportionate share of the cost of capital expenditures necessary to provide wastewater facilities by the city.

**Sec. 20-122. Rules of construction.**

- (a) The provisions of this article shall be liberally construed so as to effectively carry out its purpose in the interest of the public health, safety and welfare.
- (b) For the purposes of administration and enforcement, unless otherwise stated in this article, the following rules of construction shall apply:
  - (1) In the case of any difference of meaning or implication between the text of this article and any caption, illustration, summary table, or illustrative table, the text shall control.
  - (2) The word "shall" is always mandatory and not discretionary; the word "may" is permissive.
  - (3) Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
  - (4) The phrase "used for" includes "arranged for," "designed for," "maintained for," or "occupied for."
  - (5) The word "person" includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.
  - (6) The word "includes" shall not limit a term to the specific example but is intended to extend its meaning to all other instances or circumstances of like kind or character.
  - (7) "City" means the City of Gonzales.
  - (8) "City engineer" means a civil engineer licensed to practice in the State of Louisiana, employed by, or contracted for, the city and charged with making engineering recommendations to the government.

**Sec. 20-123. Definitions.**

*Wastewater facilities* means those facilities within the wastewater collection, transmission and treatment system already in place that may need to be improved to provide capacity for proposed land developments and shall include trunk sewer lines, pumping stations, and major wastewater treatment facilities that are part of the city wastewater system.

*Site-related facility* means an improvement or facility which is for the primary use and benefit of a new development and/or which is for the primary purpose of safe and adequate provisions of wastewater facilities to serve the new development and for which the developer or property owner is solely responsible under subdivision ordinances and other applicable regulations.

*Connection to wastewater system* means the physical connection of a building, structure, or developed land or lots to the City of Gonzales' wastewater lines, no matter if such connection is made through or by intermediate lines.

*Capital equipment* means equipment with an expected use life of five years or more.

*Feepayer* means one who is required to pay a wastewater facility impact fee by this article.

*Residential* includes single-family or multifamily housing units as defined in the Gonzales Zoning Ordinance (Chapter 22).

*Commercial* includes any unit or structure as defined in the Gonzales Zoning Ordinance (Chapter 22).

**Sec. 20-124. Imposition of wastewater facilities impact fee.**

After the effective date of this ordinance, any person in either the incorporated or unincorporated areas served by the city's wastewater system who:

- (1) Has subdivision improvements which are to be connected to the wastewater system and are accepted for maintenance by the city;
- (2) Connects to the wastewater system; or
- (3) Changes, modifies or expands the use of an existing connection to the wastewater system

is hereby required to pay a wastewater facilities impact fee in the manner and amount set forth in this article.

**Sec. 20-125. Computation of the wastewater facilities impact fee.**

- (a) The amount of the wastewater facilities impact fee shall be determined by the following fee schedule:

Water Meter Size (Inches)	Estimated Water Flow GPD/ Customer	ROUNDED TO NEAREST DOLLAR AMOUNT					
		Impact Fee 2014	Impact Fee 2015	Impact Fee 2016	Impact Fee 2017	Impact Fee 2018	Impact Fee 2019
¾	1,162	\$2,265	\$2,492	\$2,742	\$3,017	\$3,319	\$3,651
1	1,237	\$2,345	\$2,580	\$2,838	\$3,122	\$3,435	\$3,779
1½	3,688	\$6,996	\$7,696	\$8,466	\$9,313	\$10,245	\$11,270
2	15,378	\$29,170	\$32,087	\$35,296	\$38,826	\$42,709	\$46,980
3	16,441	\$31,184	\$34,303	\$37,734	\$41,508	\$45,659	\$50,225
4	39,869	\$75,625	\$83,188	\$91,507	\$100,658	\$110,724	\$121,797
6	84,849	\$160,944	\$177,039	\$194,743	\$214,218	\$235,640	\$259,204
8	243,000	\$460,927	\$507,020	\$557,722	\$613,495	\$674,845	\$742,330

- (b) In the case of change, modification or expansion of use of an existing connection to the wastewater system, the impact fee shall be based upon the net increase in the size of the meter for the new connection over the size of the meter for the previous connection.

**Sec. 20-126. Payment of fee.**

- (a) The feepayer shall pay the wastewater facilities impact fee required by this article to the city as follows:

- (1) The wastewater facilities impact fee for each residential lot or commercial unit shall be paid by the developer of any new subdivision or commercial development prior to the approval of the final plat and/or the issuance of a building permit, whichever comes first.
  - (2) All wastewater facilities impact fees for previously existing subdivided lots as determined by the fee schedules shall be paid by the property owner prior to the issuance of an building permit or prior to connection to the city's wastewater system, whichever occurs first.
- (b) All funds collected shall be properly identified by and promptly transferred for deposit in the wastewater facilities impact fee fund to be held separately as determined in Sec. 20-128 and used solely for the purposes specified in this article.

**Sec. 20-127. Wastewater facilities impact fee fund established.**

- (a) There is hereby established the wastewater facilities impact fee fund.
- (b) Funds withdrawn from the wastewater facilities impact fee fund shall be used in accordance with the provisions of Sec 20-128 of this article.

**Sec. 20-128. Use of funds.**

- (a) Funds collected from wastewater facility impact fees shall be used solely for the purpose of expanding, acquiring, equipping, increasing the efficiency of and/or making improvements or replacements to capital equipment for wastewater facilities and wastewater treatment facilities under the jurisdiction of the city, and shall not be used for ordinary maintenance or operations.
- (b) In the event that bonds or similar debt instruments are issued for advanced provision of capital equipment for which wastewater facilities impact fees may be expended, impact fees may be used to pay debt service on such bonds or similar debt instruments to the extent that the facilities provided are of the type described in subsection (a) above.

**Sec. 20-129. Exemptions and credits.**

- (a) Wastewater facilities impact fees shall not be required on the following:
  - (1) Alterations or expansion of an existing building where a larger meter is not installed.
  - (2) The replacement of a destroyed, condemned or removed building or structure within three years of its destruction, condemnation or removal with a new building or structure where a larger meter is not installed.
  - (3) The installation of a replacement mobile home on a lot or other such site when a wastewater facilities impact fee for such mobile home site has previously been paid pursuant to this article or where a mobile home connected to the wastewater system legally existed on such site on or prior to the effective date of this ordinance.
  - (4) Structure on lots in subdivisions which have been connected to the wastewater facilities prior to the adoption of this ordinance.
- (b) Credits:
  - (1) Wastewater facilities improvements may be offered by the feepayer as total or partial payment of the required impact fee. The offeror must request a wastewater facilities impact fee credit. If the city accepts such an offer, whether the acceptance is before or after the effective date of this ordinance, the credit shall be determined in the following manner:
    - a. Credit for the dedication of land shall be valued at:

1. 1000 percent of the most recent assessed value by the Ascension Parish Assessor's Office;
  2. By such other appropriate methods as the city council may have accepted prior to the effective date of this ordinance for particular wastewater facilities improvements; or
  3. By fair market value established by private appraisers acceptable to the city. Credit for the dedication of wastewater facilities land shall be provided when the property has been conveyed at no charge to, and accepted by, the city in a manner satisfactory to the city council.
- b. Applicants for credit for construction of wastewater facilities improvements shall submit acceptable engineering drawings and specifications, and construction cost estimates to the city engineer. The city engineer shall determine credit for construction based upon either these cost estimates or upon alternative engineering criteria and construction cost estimates if the city engineer determines that such estimates submitted by the applicant are either unreliable or inaccurate. The city engineer shall provide the applicant with a letter or certificate setting forth the dollar amount of the credit, the reason for the credit, and the legal description or other adequate description of the project or development to which the credit may be applied. The applicant must sign and date a duplicate copy of such letter or certificate indicating his agreement to the terms of the letter or certificate and return such signed document to the city engineer before credit will be given. The failure of the applicant to sign, date, and return such document within 60 days shall nullify the credit.
- c. Except as provided in subsection d. below, credit against impact fees otherwise due will not be provided until:
1. The construction is completed and accepted by the city; and
  2. A suitable letter-of-credit or cash bond is received and approved in accordance with the subdivision ordinance for the city, when applicable.
- d. Credit may be provided before completion of specified wastewater facilities improvements if adequate assurances are given by the applicant that the standards set out in subsection c. will be met and if the feepayer posts security as provided below for the costs of such construction. Security in the form of a suitable letter-of-credit or cash bond shall be posted with, and approved by, the city in an amount determined by the city engineer. If the wastewater facilities construction project will not be constructed within one year of the acceptance of the offer by the city engineer, the amount of the security shall be increased by ten percent compounded, for each year of the life of the security. The security shall be reviewed and approved by the city attorney's office prior to acceptance of the security by the city engineer. If the wastewater facilities construction project is not to be completed within five years of the date of the feepayer's offer, the city council must approve the wastewater facilities construction project and its scheduled completion date prior to the acceptance of the offer by the city engineer.
- (2) Any claim for credit must be made no later than the time of application for connection. Any claim not so made shall be deemed waived.

- (3) Credits shall be transferable from one project or development to another.
- (4) Determinations made by the city engineer pursuant to the credit provisions of this section may be appealed to the city council by filing a written request with the city engineer within ten days of the city engineer's determination.

**Sec. 20-130. Penalty provision.**

A violation of this article shall be prosecuted in the same manner as misdemeanors are prosecuted and upon conviction the violator shall be punishable according to law; however, in addition to or in lieu of any criminal prosecution, the city shall have the power to sue in civil court to enforce the provisions of this article and to obtain appropriate injunctive relief.

**Sec. 20-131. Appeals.**

After determination of the applicability of the impact fee, a fee payer may appeal the amount of the impact fee due to the 23rd Judicial District Court. The applicant must file a Petition for Appeal within 30 days following the determination of the applicability of the impact fee. The filing of an appeal shall not stay the collection of the impact fee due unless a bond or other sufficient security has been filed.

**Sec. 20-132. Applicability.**

This ordinance shall apply in all incorporated and unincorporated areas served by the city wastewater system.

YEAS: Councilman Kirk Boudreaux, Councilman Terance Irvin, Councilman Gary Lacombe  
Councilman Kenneth Matassa, Councilman Timothy Vessel Sr.

NAYS: NONE

ABSENT: NONE

Motion by Councilman Kenneth Matassa, seconded by Councilman Gary Lacombe to adopt Resolution # 2823: A Resolution of the City of Gonzales granting authorization to submit a Grant Application to the Office of Facility Planning for the Go Program – LA Hwy. 30 corridor for Fiscal Year 2014-2015. UNANIMOUS

Motion by Councilman Gary Lacombe, seconded by Councilman Terance Irvin to adopt Resolution # 2824: a Resolution to the Louisiana Department of Environmental Quality stating action taken in regards to the MWPP Environmental Audit. UNANIMOUS

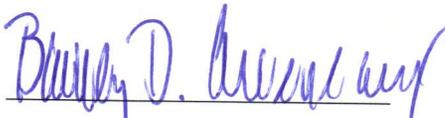
Motion by Councilman Gary Lacombe, seconded by Councilman Timothy Vessel Sr. to declare as surplus the following:

- (2) 2004 Grasshopper 321D lawn mowers – non running/ parts only UNANIMOUS

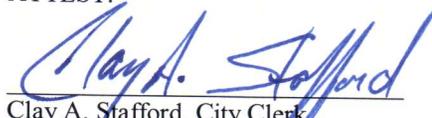
Motion by Councilman Gary Lacombe, seconded by Councilman Timothy Vessel Sr. to declare as surplus the following:

- (1) lot of Lead Brass Water Fittings UNANIMOUS

There being no further business to come before the Mayor and Councilmen of the City of Gonzales and upon a motion duly made and seconded, the meeting was adjourned.

  
Barney D. Arceneaux, Mayor-Administrator

ATTEST:

  
Clay A. Stafford, City Clerk