

## ORDINANCE NO. 122

### **ORDINANCE PROVIDING FOR PENALTIES, REMEDIES, VIOLATIONS AND RELATED MATTERS RELATIVE TO VIOLATIONS OF THE ORDINANCES OF THE VILLAGE OF CHOUDRANT, LOUISIANA OR APPLICABLE LAW**

**WHEREAS**, the Board of Aldermen of the Village of Choudrant has determined that it is advisable to provide for penalties, remedies, violations and related matters relative to violations of the Ordinances of the Village or applicable law.

#### **BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE VILLAGE OF CHOUDRANT, LOUISIANA:**

**§1.** An Ordinance relating to violations of the Ordinances of the Village of Choudrant, Louisiana (the "Village") or applicable law is enacted to provide as follows:

#### **Section 1. Penalties; continuing violations; general; additional remedies; denial of additional services withholding approvals; violations.**

(a) It shall be unlawful for any person to violate or fail to comply with any provision of the Ordinances of the Village or applicable law. Each day any violation thereof shall continue shall constitute a separate violation.

- (1) *General.* Where no specific penalty is provided therefor, the violation of any provision of the Ordinances of the Village or applicable law shall be punished by a fine not exceeding \$500.00 or imprisonment for a term not exceeding 60 days, in the discretion of the court.
- (2) *Additional remedies.* In addition to any other legal remedies provided herein or any other Ordinance of the Village or otherwise under law, the Village may (i) bring an action for temporary restraining order, temporary or permanent injunction, or any other judicial remedy (including, in appropriate cases, for mandamus) to prevent the violation and/or to prevent the occupancy or use of any site or structure involved in the violation, or otherwise to abate a violation, without limitation, by any such judicial remedy, without the necessity of the Village proving irreparable harm or furnishing bond or other security and with the Village, should it prevail in whole or in part, being entitled to recover attorney's fees and costs, and/or (ii) withhold any approval, permit, certificate or license while any violation or failure to comply with any provision of the Ordinances of the Village or applicable law is continuing. Additionally, any forbearance by the Village of enforcement in any instance shall not constitute a waiver of Village's authority to seek enforcement in any other instance.
- (3) *Denial of additional services.* Failure to pay any past due amount(s) owed to the Village by (a) any person or related person (as defined below) or (b) any legal entity or related legal entity (as defined below), may result, at the Village's discretion, in the denial of issuance of other municipal permits, utilities or services, until such amount(s) have been paid in full. "Related person" means a spouse, cohabitor, co-owner, partner or joint venturer of a person. "Related legal entity" means (i) a parent, subsidiary, affiliate or commonly owned entity of a legal entity or (ii) a legal entity in which a person or a related person has an ownership interest or exercises control. No person or legal entity shall request, solicit or utilize any other person or legal entity to avoid or circumvent the provisions hereof.

(b) It shall be a violation of this the Ordinances of the Village or applicable law for any person to fail to comply with the terms of any approval, permit, certificate or license granted or issued by the Village under the Ordinances of the Village or under applicable law or any condition imposed under such approval, permit, certificate or license or to fail to obtain a proper approval, permit, certificate or license required by the Ordinances of the Village or by applicable

law or fail to comply with any emergency order issued by the Mayor, other Village official or the Board of Aldermen. In addition to any other legal remedies provided in the Ordinances of the Village or applicable law or otherwise under law, the Village is authorized to take any one or more of the following actions to remedy any such violation:

- (1) Withhold any approvals, permits, certificates or licenses required by the Ordinances of the Village or applicable law.
- (2) Issue stop orders against any work undertaken by a person who fails to comply with the terms of any approval, permit, certificate or license granted under this The Ordinances of the Village or applicable law or any condition imposed under such approval, permit, certificate or license or who fails to obtain a proper approval, permit, certificate or license required by the Ordinances of the Village or applicable law, including the immediate cessation of municipal utility services.
- (3) Issue stop orders against any previously approved actions in violation of the Ordinances of the Village or applicable law, including the immediate cessation of municipal utility services.
- (4) Prosecute the violation under Sec. 1 (a).

'2. All other Ordinances, or any parts thereof, which are in conflict with the provisions of this Ordinance, are hereby repealed. To the extent that any provision or provisions of this Ordinance are inconsistent or in conflict with any other provision of this Ordinance or any regulation of the Village, the provisions of this Ordinance shall be deemed to control.

'3. If any one or more of the provisions of this Ordinance shall, for any reason, be held to be illegal or invalid, such illegality or invalidity shall not affect any other provision of this Ordinance, but this Ordinance shall be construed and enforced as if such illegal or invalid provisions had not been contained herein and such provisions are declared severable. Any constitutional or statutory provision enacted after the date of this Ordinance which validates or makes legal any provision of this Ordinance which would not otherwise be valid or legal, shall be deemed to apply to this Ordinance.

'4. This Ordinance shall become effective after final adoption and publication of the same in the manner prescribed by law or on August 3, 2020, whichever last occurs.

This Ordinance was introduced on June 22, 2020 by Alderman Maier; Notice of Public Hearing having been published on Friday, July 24, 2020, and said Public Hearing having been held, the title having been read and the Ordinance considered, a motion to adopt was made by Alderman Patton, seconded by Alderman Croswell, a record vote was taken and the following result was had:

**YEA: Croswell, Maier, Patton**

**NAY: None**

**ABSENT: None**

**WHEREUPON**, the presiding officer declared the above Ordinance duly adopted on the 3<sup>rd</sup> day of August, 2020.

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CELESTE BUTLER, CLERK

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BILL SANDERSON, MAYOR