

Town of Abita Springs



**MAYOR
DANIEL J. CURTIS**

**TOWN COUNCIL MEETING
TUESDAY, SEPTEMBER 17, 2019 6:00PM
TOWN OF ABITA SPRINGS, ABITA SPRINGS TOWN HALL
22161 LEVEL ST., ABITA SPRINGS, LA 70420**

POSTED: SEPTEMBER 13, 2019 5PM

CALL TO ORDER: Mayor Curtis
INVOCATION: Alderman Randolph
PLEDGE OF ALLEGIANCE: Alderman Saussy

PUBLIC HEARING: 1.) Public Hearing - INSTRUMENT 2019-011 AN ORDINANCE PROVIDING FOR THE INCURRING OF DEBT AND ISSUANCE OF EIGHT HUNDRED THOUSAND DOLLARS (\$800,000) OF LIMITED TAX BONDS, SERIES 2019, OF THE TOWN OF ABITA SPRINGS, STATE OF LOUISIANA; PRESCRIBING THE FORM, TERMS AND CONDITIONS OF SAID BONDS; DESIGNATING THE DATE, DENOMINATION AND PLACE OF PAYMENT THEREOF IN PRINCIPAL AND INTEREST; PROVIDING FOR THE ACCEPTANCE OF OFFERS FOR THE PURCHASE OF SAID BONDS; AND PROVIDING FOR OTHER MATTERS IN CONNECTION THEREWITH.

MAYOR'S ANNOUNCEMENTS: Candidate Introduction, Terri Lewis Stevens, Larry Frieman, John Keller and Nick Tranchina

ROLL CALL:

CALL FOR AGENDA MODIFICATIONS
ACCEPT AUGUST 20, 2019 TOWN COUNCIL MEETING MINUTES
ACCEPT THE JULY 2019 FINANCIAL REPORT

OLD BUSINESS:

- 1.) Consideration of AMENDMENT & INSTRUMENT 2019-007 AN ORDINANCE OF THE BOARD OF ALDERMEN OF THE TOWN OF ABITA SPRINGS; TO REPEAL SECTION 9-215.1 OF THE TOWN OF ABITA SPRINGS CODE OF ORDINANCES RELATIVE TO THE BROOK FOREST ZONING DISTRICT AND TO PROVIDE FOR RELATED MATTERS.
- 2.) Consideration of AMENDMENTS & INSTRUMENT 2019-008 AN ORDINANCE OF THE BOARD OF ALDERMEN OF THE TOWN OF ABITA SPRINGS; TO AMEND SECTION 9-205 BY ADDING THERETO THE DEFINITION OF OWNER AND SHORT-TERM RENTALS AND TO ADD SECTION 9-231 TO PROVIDE FOR AND REGULATE THE USE OF SHORT-TERM RENTALS AND TO PROVIDE FOR RELATED MATTERS.
- 3.) ADOPT INSTRUMENT 2019-011 AN ORDINANCE PROVIDING FOR THE INCURRING OF DEBT AND ISSUANCE OF EIGHT HUNDRED THOUSAND DOLLARS (\$800,000) OF LIMITED TAX BONDS, SERIES 2019, OF THE TOWN OF ABITA SPRINGS, STATE OF LOUISIANA; PRESCRIBING THE FORM, TERMS AND CONDITIONS OF SAID BONDS; DESIGNATING THE DATE, DENOMINATION AND PLACE OF PAYMENT THEREOF IN PRINCIPAL AND INTEREST; PROVIDING FOR THE ACCEPTANCE OF OFFERS FOR THE PURCHASE OF SAID BONDS; AND PROVIDING FOR OTHER MATTERS IN CONNECTION THEREWITH.

NEW BUSINESS:

Introduce INSTRUMENT 2019-012 AN ORDINANCE OF THE BOARD OF ALDERMEN OF THE TOWN OF ABITA SPRINGS; TO AMEND SECTION 9-223 YARDS AND ACCESSORY BUILDINGS IN RESIDENTIAL DISTRICTS, RELATED TO LIMITATIONS ON ACCESSORY BUILDINGS, (c) (2) b. and d.

OPEN/ANNOUNCEMENTS/ADJOURNMENT:

IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT, IF YOU NEED SPECIAL ASSISTANCE, PLEASE CONTACT US AT (985) 892-0711.
PLEASE CONTACT TOWN HALL AT THE SAME NUMBER FOR ADDITIONAL INFORMATION REGARDING THIS AGENDA.

Town of Abita Springs



**MAYOR
DANIEL J. CURTIS**

1
2 THE FOLLOWING AMENDMENT WAS MOVED FOR ADOPTION BY ALDERMAN MEMBER _____, AND
3 SECONDED FOR ADOPTION BY ALDERMAN MEMBER _____.

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5 AMENDMENT TO INSTRUMENT #2019-007, AN ORDINANCE OF THE BOARD OF ALDERMEN OF THE TOWN
6 OF ABITA SPRINGS; TO REPEAL SECTION 9-215.1 OF THE TOWN OF ABITA SPRINGS CODE OF ORDINANCES
7 RELATIVE TO THE BROOK FOREST ZONING DISTRICT AND TO PROVIDE FOR RELATED MATTERS.

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9 **AMENDMENT 1**

10 On Page 1, line 13, insert the following:

11
12 BE IT FURTHER ORDAINED by the Board of Aldermen of the Town of Abita Springs that there is hereby
13 enacted a moratorium on the issuance of any permits whatsoever by the Town of Abita Springs pertaining to
14 any development or improvements on any lots created by resubdivision of properties located in the area
15 comprising the former Brook Forest Residential District.

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17 This moratorium shall remain in effect for a period of six months as of the effective date of this ordinance.

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19 This ordinance shall take effect upon signature of the mayor.

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21 The vote was:

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23 AYES:
24 NAYS:
25 ABSTENTIONS:
26 ABSENT:

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29 _____

30 ATTEST
31 Janet Dufrene, Town Clerk

32 _____
33

Honorable Daniel J. Curtis, Mayor

Town of Abita Springs



**MAYOR
DANIEL J. CURTIS**

INSTRUMENT 2019-007

AN ORDINANCE OF THE BOARD OF ALDERMEN OF THE TOWN OF ABITA SPRINGS;
TO REPEAL SECTION 9-215.1 OF THE TOWN OF ABITA SPRINGS CODE OF
ORDINANCES RELATIVE TO THE BROOK FOREST ZONING DISTRICT AND TO
PROVIDE FOR RELATED MATTERS.

IT IS HEREBY ORDAINED by the Board of Aldermen of the Town of Abita Springs that the
Code of Ordinance of the Town of Abita Springs be amended as follows:
Section 9-215.1 is hereby repealed.

An Ordinance introduced by Alderman Patterson and seconded by Alderwoman Randolph on this
16th day of July 2019.

An Ordinance adopted by Alderman _____ and seconded by Alderman
_____ on this _____ day of _____, 2019.

The vote was:

YEAS:

NAYS:

ABSENT:

ABSTAIN

HONORABLE DANIEL J. CURTIS, MAYOR

ATTEST

JANET DUFRENE, TOWN CLERK

Town of Abita Springs



MAYOR DANIEL J. CURTIS

1 THE FOLLOWING AMENDMENT WAS MOVED FOR ADOPTION BY ALDERMAN MEMBER _____, AND
2 SECONDED FOR ADOPTION BY ALDERMAN MEMBER _____.

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4
5 AMENDMENT TO INSTRUMENT #2019-008, AN ORDINANCE OF THE BOARD OF ALDERMEN OF THE TOWN
6 OF ABITA SPRINGS; TO AMEND SECTION 9-205 BY ADDING THERETO THE DEFINITION OF OWNER AND
7 SHORT-TERM RENTALS AND TO ADD SECTION 9-231 TO PROVIDE FOR AND REGULATE THE USE OF
8 SHORT-TERM RENTALS AND TO PROVIDE FOR RELATED MATTERS.

9 10 **AMENDMENT 1**

11 On Page 2 delete lines 37 and 38 in lieu thereof insert the words "*Owner* is a person who is named on the real
12 property document, translative of title, recorded in the St. Tammany Parish Clerk of Court's Office. In a
13 residential district, the *owner* is one who also shows proof of homestead exemption."

14 15 **AMENDMENT 2**

16 On Page 2 delete lines 58 through 61 and re-order the list accordingly.

17 18 **AMENDMENT 3**

19 On Page 2 following line 68 insert the following statements "(1) For permits issued in the residential districts,
20 the Owner shall provide a real property document, translative of title, recorded in the St. Tammany Parish
21 Clerk of Court's Office and proof of homestead exemption. (2) For permits issued in all remaining eligible
22 districts, the *Owner* shall provide verification of ownership evidenced by a real property document, translative
23 of title, recorded in the St. Tammany Parish Clerk of Court's Office"

24 25 **AMENDMENT 4**

26 On Page 2 line 69 following the caption "(b)" delete the words "The Owner shall occupy the dwelling and be
27 present during any short-term rental occupancy" and in lieu thereof insert the words "The Owner shall keep
28 on file with the Town the name, telephone number, cell phone number, and e-mail address of a local contact
29 person who shall be responsible for responding to questions or concerns regarding the operation of the short-
30 term rental. This information shall be posted in a conspicuous location within the short-term rental dwelling.
31 The local contact person shall be available twenty-four (24) hours a day to accept telephone calls and respond
32 physically to the short-term rental within sixty (60) minutes when the short-term rental is rented and
33 occupied."

34 35 **AMENDMENT 5**

36 On Page 2 lines 71, 72, 73, and 74 following the word "permit," delete the words "unless that person is the
37 owner of a residential dwelling unit on a parcel immediately adjacent to and sharing an adjoining
38 property line to an already permitted short-term rental, in such case that person may hold two short term
39 rental permits."

40 41 **AMENDMENT 6**

42 On Page 3 line 86 following the word "rental" delete the words "is permitted" and in lieu thereof insert the
43 words "shall be permitted except for a sign not more than four (4) square feet showing the name of the house."

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AMENDMENT 7

On Page 3 line 106 following the word "Town." insert the following words "The application must be approved by the Zoning Commission."

AMENDMENT 8

On Page 3 line 114 following the word "exemption" insert the following words "for all properties located in eligible residential districts;"

AMENDMENT 9

On Page 3 line 125 following the word "than" delete the number "fifty (50)" and in lieu thereof insert the number "fifteen (15)"

AMENDMENT 10

On Page 4 line 141 following the word "Section" delete the following number "9-228" and in lieu thereof insert the number "1-108"

The vote was:

AYES:

NAYS:

ABSTENTIONS:

ABSENT:

ATTEST
Janet Dufrene, Town Clerk

Honorable Daniel J. Curtis, Mayor

Town of Abita Springs



**MAYOR
DANIEL J. CURTIS**

INSTRUMENT 2019-008

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3
4 AN ORDINANCE OF THE BOARD OF ALDERMEN OF THE TOWN OF ABITA SPRINGS; TO AMEND
5 SECTION 9-205 BY ADDING THERETO THE DEFINITION OF OWNER AND SHORT-TERM RENTALS
6 AND TO ADD SECTION 9-231 TO PROVIDE FOR AND REGULATE THE USE OF SHORT-TERM
7 RENTALS AND TO PROVIDE FOR RELATED MATTERS.
8

9 **WHEREAS**, the short-term rental of residential units and dwellings is an increasing segment of the
10 rental market across the country; and,
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12 **WHEREAS**, there are numerous short-term rental listings in the Town of Abita Springs; and,
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14 **WHEREAS**, the regulation of short-term rentals is necessary to provide minimum safety requirements
15 and for the collection of applicable taxes; and,
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17 **WHEREAS**, the regulation of short-term rentals is necessary to protect and promote the public peace
18 and the health, safety and welfare of the citizens of the Town of Abita Springs and the occupants of
19 short-term rentals; and,
20

21 **WHEREAS**, the Board of Aldermen of the Town of Abita Springs deems these amendments appropriate
22 to protect the health, safety, and welfare of the citizens of Abita Springs; and,
23

24 **NOW, THEREFORE, BE IT ORDAINED** by the Board of Aldermen of the Town of Abita Springs, at its
25 regular session convened, that Section 9-205 of the Code of Ordinances of the Town of Abita Springs
26 shall be amended as follows, to wit:
27

28 **Amend SECTION 9-205- DEFINITIONS, to add a new definition for Owner and Short-Term**
29 **Rentals as outlined below.** The remainder of all other definitions, as set forth in Section 9-205 shall
30 remain in full force and effect following the amendment below.
31

32 **Sec. 9-205. -Definitions** – For the purpose of this chapter, the following terms, phrases, words, and
33 their derivations shall have the meaning given herein. When not inconsistent with the context, words
34 used in the present tense include the future, words in the plural number include the singular number,
35 and words in the singular number include the plural number. The word "shall" is always mandatory
36 and not merely directory.

37 ~~Owner is the person who possesses ownership of the real property containing a residential dwelling~~
38 ~~unit subject to a short-term rental as evidenced by a deed and proof of homestead exemption. Owner~~
39 ~~is a person who is named on the real property document, translative of title, recorded in the St.~~
40 ~~Tammany Parish Clerk of Court's Office. In a residential district, the owner is one who also shows~~
41 ~~proof of homestead exemption.~~

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43 *Short-term Rental* is the rental of a residential dwelling unit or accessory building on a temporary
44 basis for the purpose of overnight lodging for a period of (30) thirty consecutive days or less.

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46 **BE IT FURTHER ORDAINED** by the Board of Aldermen of the Town of Abita Springs, at its regular
47 session convened, that Section 9-231 of the Code of Ordinances of the Town of Abita Springs shall be
48 added as follows, to wit:

49
50 **Amend PART 9, CHAPTER 2 – ZONING REGULATIONS, to add a new section as outlined below.**
51 The remainder of all other sections of zoning regulations, as set forth in Part 9, Section 2 Zoning
52 Regulations shall remain in full force and effect following the amendment below.

53
54 **Sec. 9-231 Short Term Rentals**

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56 **(1) Applicability.** No person shall use or maintain, nor shall any person advertise the use of any
57 residential dwelling unit on any parcel in this town for short-term rental without a short-term
58 rental permit. Short-term rentals may only be allowed in the following districts:

- 59
60 (a) Residential District, as described in Sec. 9-215 of the Abita Springs Code of Ordinances;
61 ~~(b) Brook Forest Residential District, as defined in Sec. 9-215.1 of the Abita Springs Code~~
62 ~~of Ordinances;~~
63 ~~(c) Midtown Cultural District, as described in Sec. 9-218.3 of the Abita Springs Code of~~
64 ~~Ordinances; and~~
65 (d) Historic District, as described in Sec. 9-222 of the Abita Springs Code of Ordinances.
66 (e) Commercial Districts as defined in section 9-218, 9-218.1, and 9-218.2.

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68 **(2) Regulations.**

69
70 (a) The short-term rental permit shall be in the name of the Owner, who shall be an owner of
71 the real property upon which the short-term rental use is to be permitted.

72 1) ~~For permits issued in residential districts, the Owner shall provide a real property~~
73 ~~document, translative of title, recorded in the St. Tammany Parish Clerk of Court's~~
74 ~~Office and proof of homestead exemption.~~

75 2) ~~For permits issued in all remaining eligible districts, the Owner shall provide~~
76 ~~verification of ownership evidenced by a real property document, translative of title,~~
77 ~~recorded in the St. Tammany Parish Clerk of Court's Office.~~

78 ~~(b) The Owner shall occupy the dwelling and be present during any short-term rental~~
79 ~~occupancy. The Owner shall keep on file with the Town the name, telephone number, cell phone~~
80 ~~number, and e-mail address of a local contact person who shall be responsible for responding to~~
81 ~~questions or concerns regarding the operation of the short-term rental. This information shall be~~
82 ~~posted in a conspicuous location within the short-term rental dwelling. The local contact person~~
83 ~~shall be available twenty-four (24) hours a day to accept telephone calls and respond physically to~~
84 ~~the short-term rental within sixty (60) minutes when the short-term rental is rented and occupied."~~

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(c) One person may hold no more than one short-term rental permit, ~~unless that person is the owner of a residential dwelling unit on a parcel immediately adjacent to and sharing an adjoining property line to an already permitted short-term rental, in such case that person may hold two short-term rental permits.~~ The permit shall not be transferable.

(d) Short-term rentals shall not be operated outdoors or in a recreational vehicle.

(e) Short-term rentals use shall be limited to residential dwelling units existing and constructed as of the date of application for the short-term rental permit.

(f) Short-term rental dwellings shall meet all applicable building, health, fire, and related safety codes at all times and shall be inspected by the fire department before any short-term rental activity can occur. Each bedroom shall contain a smoke detector and a carbon monoxide detector.

(g) A minimum of one on-site parking space shall be provided for use per bedroom used by the short-term rental occupants. Vehicles shall be parked in the designated area onsite and shall not be parked on the street.

(h) The short-term rental shall appear outwardly to be a residential dwelling. No exterior signage or other exterior evidence that the property is used for short-term rental ~~is permitted.~~ shall be permitted except for a sign not more than four (4) square feet showing the name of the house.

(i) Use of the short-term rentals for commercial functions, ceremonies, and/or other special events shall be prohibited.

(j) The Owner shall ensure that the occupants and/or guests of the short-term rental use do not create unreasonable noise or disturbances, engage in disorderly conduct or violate provisions of this code or any state law pertaining to noise, disorderly conduct, the consumption of alcohol, or the use of illegal drugs or be subject to fines and penalties levied by the city up to and including revocation of the short-term rental permit.

(k) The Owner, upon notification that occupants and/or guests of his or her short-term rental use have created unreasonable noise or disturbances, engaged in disorderly conduct or committed violations of this code or state law pertaining to noise, disorderly conduct, the excessive consumption of alcohol or the use of illegal drugs, shall prevent a recurrence of such conduct by those occupants or guests or be subject to fines and penalties levied by the Town up to and including revocation of the short-term rental permit.

(l) The Owner shall maintain an occupational license and pay all occupancy taxes required by law, including but not limited to state sales tax and hotel/motel occupancy tax.

(m) No food service shall be provided by the Owner or anyone on his behalf.

(3) Permits. Prospective owner-applicants of a short-term rental use shall apply for an annual permit with the planning director in accordance with the provisions of this Section and on a form provided by the Town. ~~The application must be approved by the Zoning Commission.~~ A Short-term Rental Permit is a privilege, not a right, and may be revoked or not renewed based on non-compliance with the requirements provided herein.

(a) The application shall be accompanied by the short-term rental permit fee as set forth herein to cover the administrative costs of issuing a short-term rental permit and, but not limited to, inspecting the following information:

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- 1) The name, address, and phone number of the applicant, and verification that the applicant is the Owner of the property, including proof of homestead exemption for all properties located in eligible residential districts;
- 2) The assessor's parcel number of the lot on which the short-term rental use is proposed;
- 3) A site and floor plan identifying the location of parking on the site and the location of any bedrooms to be used for short-term rental use;
- 4) Evidence that the property has current, valid liability insurance of \$500,000.00 or more with proof that such coverage includes use as a short-term rental property; and
- 5) Acknowledgment of compliance with all regulations pertaining to the operation of a short-term rental.

(b) The permit term for all short-term rental permits shall run from January 15 to January 14 of each year, regardless of when issued. All permits must be renewed annually.

(c) There shall be no more than ~~fifty (50)~~ fifteen (15) short-term rental permits issued by the Town annually.

(d) The annual permit fee for a short-term rental permit shall be \$250.00.

(e) Any fraud, material misrepresentations, or false statements contained in the attestations, required documentation, or correlating application materials shall be grounds for immediate revocation of a short-term rental permit. Furthermore, all requirements herein shall be continuously maintained throughout the duration of the permit.

(4) Violations. Any violation of this Section and the correlating provisions in this chapter may subject a violator to any remedy, legal or equitable, available to the town. Violations include but are not limited to: advertisement or rental of a short-term rental without proper permitting, operation outside the scope of any of the applicable short-term rental regulations provided by law and advertising a short-term rental outside the permitted scope of a short-term rental permit. The Planning Director may suspend, revoke or not renew any permit issued pursuant to this Section if the Planning Director determines that the permit holder has violated any provision of this Section, two (2) or more times. Remedies include but are not limited to: revocation of a short-term rental permit, daily fines, and property liens, as more fully provided in Section ~~9-228~~ 1-108 of this Chapter. Each day of violation shall be considered a separate offense. Nothing contained herein shall be construed to limit the legal remedies available to any other person for the correction of violations of this Section.

BE IT FURTHER ORDAINED that all other sections of Chapter 2 shall remain the same and in full force.

BE IT FURTHER ORDAINED that if any provision of this Section shall be held to be invalid, such invalidity shall not affect other provisions herein which can be given effect without the invalid provision and to this end the provisions of this ordinance are hereby declared to be severable.

BE IT FURTHER ORDAINED, that the Clerk of this Board be, and she is hereby authorized and empowered to take any and all actions which she, in the exercise of her discretion, deems necessary to promulgate the provisions of this ordinance.

Introduced on a motion of Alderwoman Randolph, seconded by Alderman Patterson on the 16th day of July 2019. Adopted on motion of Alderman _____ and seconded by Alderman _____ on the _____ day of _____ 2019. The vote was:

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180 AYES:

181 NAYS:

182 ABSTENTIONS:

183 ABSENT:

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187 ATTEST

188 Janet Dufrene, Town Clerk

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Honorable Daniel J. Curtis, Mayor

Town of Abita Springs



**MAYOR
DANIEL J. CURTIS**

INSTRUMENT 2019-008

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4 AN ORDINANCE OF THE BOARD OF ALDERMEN OF THE TOWN OF ABITA SPRINGS; TO AMEND
5 SECTION 9-205 BY ADDING THERETO THE DEFINITION OF OWNER AND SHORT-TERM RENTALS
6 AND TO ADD SECTION 9-231 TO PROVIDE FOR AND REGULATE THE USE OF SHORT-TERM
7 RENTALS AND TO PROVIDE FOR RELATED MATTERS.
8

9 **WHEREAS**, the short-term rental of residential units and dwellings is an increasing segment of the
10 rental market across the country; and,
11

12 **WHEREAS**, there are numerous short-term rental listings in the Town of Abita Springs; and,
13

14 **WHEREAS**, the regulation of short-term rentals is necessary to provide minimum safety requirements
15 and for the collection of applicable taxes; and,
16

17 **WHEREAS**, the regulation of short-term rentals is necessary to protect and promote the public peace
18 and the health, safety and welfare of the citizens of the Town of Abita Springs and the occupants of
19 short-term rentals; and,
20

21 **WHEREAS**, the Board of Aldermen of the Town of Abita Springs deems these amendments appropriate
22 to protect the health, safety, and welfare of the citizens of Abita Springs; and,
23

24 **NOW, THEREFORE, BE IT ORDAINED** by the Board of Aldermen of the Town of Abita Springs, at its
25 regular session convened, that Section 9-205 of the Code of Ordinances of the Town of Abita Springs
26 shall be amended as follows, to wit:
27

28 **Amend SECTION 9-205- DEFINITIONS, to add a new definition for Owner and Short-Term**
29 **Rentals as outlined below.** The remainder of all other definitions, as set forth in Section 9-205 shall
30 remain in full force and effect following the amendment below.
31

32 **Sec. 9-205. -Definitions** – For the purpose of this chapter, the following terms, phrases, words, and
33 their derivations shall have the meaning given herein. When not inconsistent with the context, words
34 used in the present tense include the future, words in the plural number include the singular number,
35 and words in the singular number include the plural number. The word "shall" is always mandatory
36 and not merely directory.

37 *Owner* is the person who possesses ownership of the real property containing a residential dwelling
38 unit subject to a short-term rental as evidenced by a deed and proof of homestead exemption.
39

40 *Short-term Rental* is the rental of a residential dwelling unit or accessory building on a temporary
41 basis for the purpose of overnight lodging for a period of (30) thirty consecutive days or less.
42

43 **BE IT FURTHER ORDAINED** by the Board of Aldermen of the Town of Abita Springs, at its regular
44 session convened, that Section 9-231 of the Code of Ordinances of the Town of Abita Springs shall be
45 added as follows, to wit:

46
47 **Amend PART 9, CHAPTER 2 – ZONING REGULATIONS, to add a new section as outlined below.**
48 The remainder of all other sections of zoning regulations, as set forth in Part 9, Section 2 Zoning
49 Regulations shall remain in full force and effect following the amendment below.
50

51 **Sec. 9-231 Short Term Rentals**

52
53 **(1) Applicability.** No person shall use or maintain, nor shall any person advertise the use of any
54 residential dwelling unit on any parcel in this town for short-term rental without a short-term
55 rental permit. Short-term rentals may only be allowed in the following districts:
56

- 57 (a) Residential District, as described in Sec. 9-215 of the Abita Springs Code of Ordinances;
- 58 (b) Brook Forest Residential District, as defined in Sec. 9-215.1 of the Abita Springs Code
59 of Ordinances;
- 60 (c) Midtown Cultural District, as described in Sec. 9-218.3 of the Abita Springs Code of
61 Ordinances; and
- 62 (d) Historic District, as described in Sec. 9-222 of the Abita Springs Code of Ordinances.
- 63 (e) Commercial Districts as defined in section 9-218, 9-218.1, and 9-218.2.
64

65 **(2) Regulations.**

- 66
67 (a) The short-term rental permit shall be in the name of the Owner, who shall be an owner of
68 the real property upon which the short-term rental use is to be permitted.
- 69 (b) The Owner shall occupy the dwelling and be present during any short-term rental
70 occupancy.
- 71 (c) One person may hold no more than one short-term rental permit, unless that person is the
72 owner of a residential dwelling unit on a parcel immediately adjacent to and sharing an
73 adjoining property line to an already permitted short-term rental, in such case that person may
74 hold two short term rental permits. The permit shall not be transferable.
- 75 (d) Short-term rentals shall not be operated outdoors or in a recreational vehicle.
- 76 (e) Short-term rentals use shall be limited to residential dwelling units existing and constructed
77 as of the date of application for the short-term rental permit.
- 78 (f) Short-term rental dwellings shall meet all applicable building, health, fire, and related safety
79 codes at all times and shall be inspected by the fire department before any short-term rental
80 activity can occur. Each bedroom shall contain a smoke detector and a carbon monoxide
81 detector.
- 82 (g) A minimum of one on-site parking space shall be provided for use per bedroom used by the
83 short-term rental occupants. Vehicles shall be parked in the designated area onsite and shall
84 not be parked on the street.

- 85 (h) The short-term rental shall appear outwardly to be a residential dwelling. No exterior
86 signage or other exterior evidence that the property is used for short-term rental is permitted.
87 (i) Use of the short-term rentals for commercial functions, ceremonies, and/or other special
88 events shall be prohibited.
89 (j) The Owner shall ensure that the occupants and/or guests of the short-term rental use do
90 not create unreasonable noise or disturbances, engage in disorderly conduct or violate
91 provisions of this code or any state law pertaining to noise, disorderly conduct, the
92 consumption of alcohol, or the use of illegal drugs or be subject to fines and penalties levied by
93 the city up to and including revocation of the short-term rental permit.
94 (k) The Owner, upon notification that occupants and/or guests of his or her short-term rental
95 use have created unreasonable noise or disturbances, engaged in disorderly conduct or
96 committed violations of this code or state law pertaining to noise, disorderly conduct, the
97 excessive consumption of alcohol or the use of illegal drugs, shall prevent a recurrence of such
98 conduct by those occupants or guests or be subject to fines and penalties levied by the Town
99 up to and including revocation of the short-term rental permit.
100 (l) The Owner shall maintain an occupational license and pay all occupancy taxes required by
101 law, including but not limited to state sales tax and hotel/motel occupancy tax.
102 (m) No food service shall be provided by the Owner or anyone on his behalf.
103

104 **(3) Permits.** Prospective owner-applicants of a short-term rental use shall apply for an annual
105 permit with the planning director in accordance with the provisions of this Section and on a
106 form provided by the Town. A Short-term Rental Permit is a privilege, not a right, and may be
107 revoked or not renewed based on non-compliance with the requirements provided herein.
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109 (a) The application shall be accompanied by the short-term rental permit fee as set forth herein
110 to cover the administrative costs of issuing a short-term rental permit and, but not limited to,
111 inspecting the following information:
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- 113 (1) The name, address, and phone number of the applicant, and verification that the
114 applicant is the Owner of the property, including proof of homestead exemption;
- 115 (2) The assessor's parcel number of the lot on which the short-term rental use is proposed;
- 116 (3) A site and floor plan identifying the location of parking on the site and the location of any
117 bedrooms to be used for short-term rental use;
- 118 (4) Evidence that the property has current, valid liability insurance of \$500,000.00 or more
119 with proof that such coverage includes use as a short-term rental property; and
- 120 (5) Acknowledgment of compliance with all regulations pertaining to the operation of a
121 short-term rental.
122

123 (b) The permit term for all short-term rental permits shall run from January 15 to January 14
124 of each year, regardless of when issued. All permits must be renewed annually.

125 (c) There shall be no more than fifty (50) short-term rental permits issued by the Town
126 annually.

127 (d) The annual permit fee for a short-term rental permit shall be \$250.00.

128 (e) Any fraud, material misrepresentations, or false statements contained in the attestations,
129 required documentation, or correlating application materials shall be grounds for immediate
130 revocation of a short-term rental permit. Furthermore, all requirements herein shall be
131 continuously maintained throughout the duration of the permit.
132

133 **(4) Violations.** Any violation of this Section and the correlating provisions in this chapter may
134 subject a violator to any remedy, legal or equitable, available to the town. Violations include but
135 are not limited to: advertisement or rental of a short-term rental without proper permitting,
136 operation outside the scope of any of the applicable short-term rental regulations provided by law
137 and advertising a short-term rental outside the permitted scope of a short-term rental permit. The
138 Planning Director may suspend, revoke or not renew any permit issued pursuant to this Section if
139 the Planning Director determines that the permit holder has violated any provision of this Section,
140 two (2) or more times. Remedies include but are not limited to: revocation of a short-term rental
141 permit, daily fines, and property liens, as more fully provided in Section 9-228 of this Chapter.
142 Each day of violation shall be considered a separate offense. Nothing contained herein shall be
143 construed to limit the legal remedies available to any other person for the correction of violations
144 of this Section.

145
146 **BE IT FURTHER ORDAINED** that all other sections of Chapter 2 shall remain the same and in full force.
147

148 **BE IT FURTHER ORDAINED** that if any provision of this Section shall be held to be invalid, such
149 invalidity shall not affect other provisions herein which can be given effect without the invalid
150 provision and to this end the provisions of this ordinance are hereby declared to be severable.
151

152 **BE IT FURTHER ORDAINED**, that the Clerk of this Board be, and she is hereby authorized and
153 empowered to take any and all actions which she, in the exercise of her discretion, deems necessary to
154 promulgate the provisions of this ordinance.
155

156 Introduced on a motion of Alderwoman Randolph, seconded by Alderman Patterson on the 16th day
157 of July 2019. Adopted on motion of Alderman _____ and seconded by Alderman _____ on the _____
158 day of _____ 2019. The vote was:

159
160 AYES:

161 NAYS:

162 ABSTENTIONS:

163 ABSENT:
164
165

166 _____
167 ATTEST

168 Janet Dufrene, Town Clerk
169

Honorable Daniel J. Curtis, Mayor

1 The following ordinance, having been previously introduced on August 20, 2019, and laid
2 over with a public hearing having been held in connection therewith on this date, was offered for
3 adoption by _____ and seconded by _____:

4
5 **INSTRUMENT 2019-011 - ORDINANCE**

6
7 An ordinance providing for the incurring of debt and issuance of
8 Eight Hundred Thousand Dollars (\$800,000) of Limited Tax Bonds,
9 Series 2019, of the Town of Abita Springs, State of Louisiana;
10 prescribing the form, terms and conditions of said Bonds;
11 designating the date, denomination and place of payment thereof in
12 principal and interest; providing for the acceptance of offers for the
13 purchase of said Bonds; and providing for other matters in
14 connection therewith.
15

16 WHEREAS, the Town of Abita Springs, State of Louisiana (the “Issuer”), is authorized to
17 levy a special tax of 7.86 mills (such rate being subject to adjustment from time to time due to
18 reassessment) in each year pursuant to Section 27(A) of Article VI of the Louisiana Constitution
19 of 1974, as amended (the “Tax”); and
20

21 WHEREAS, Section 1430 of Title 39 of the Louisiana Revised Statutes of 1950, as
22 amended (the “Act”), authorizes the Issuer to borrow money in anticipation of revenues to be
23 realized from the Tax; and
24

25 WHEREAS, the Issuer has no outstanding indebtedness of any kind payable from a pledge
26 or dedication of the avails or proceeds of the Tax, except for its outstanding Limited Tax Refunding
27 Bonds, Series 2012, issued pursuant to an ordinance adopted on June 19, 2012, in the original
28 principal amount of \$556,000 (the “Outstanding Parity Bonds”); and
29

30 WHEREAS, the Issuer wishes to incur debt and issue Eight Hundred Thousand Dollars
31 (\$800,000) of its Limited Tax Bonds, Series 2019 (the “Bonds”), in the manner authorized and
32 provided by the Act for the purposes hereinafter set forth; and
33

34 WHEREAS, it is the wish of this Governing Authority to fix the details necessary with
35 respect to the issuance of the Bonds and to provide for the authorization and issuance thereof;
36

37 NOW, THEREFORE, BE IT ORDAINED by the Mayor and Board of Aldermen of the
38 Town of Abita Springs, State of Louisiana, acting as the governing authority of the Issuer, that:
39

40 SECTION 1. Definitions. As used herein, the following terms shall have the following
41 meanings, unless the context otherwise requires:
42

43 “Act” means Section 1430 of Title 39 of the Louisiana Revised Statutes of 1950 (R.S.
44 39:1430), as amended, and other constitutional and statutory authority.
45

46 **“Additional Parity Obligations”** means any additional *pari passu* indebtedness which
47 may hereafter be issued pursuant to Section 9 hereof on a parity with the Bonds.

48
49 **“Bond”** or **“Bonds”** means the Issuer's Limited Tax Bonds, Series 2019, authorized by
50 this Ordinance in the aggregate principal amount of Eight Hundred Thousand Dollars (\$800,000),
51 and any bond of said issue, whether initially delivered or issued in exchange for, upon transfer of,
52 or in lieu of any bond previously issued.

53
54 **“Bond Register”** means the records kept by the Paying Agents at their principal offices
55 in which registration of the appropriate Bonds and transfers thereof shall be made as provided
56 herein.

57
58 **“Code”** means the Internal Revenue Code of 1986, as amended.

59
60 **“Executive Officers”** means, collectively, the Mayor and the Clerk of the Issuer.

61
62 **“Fiscal Year”** means the one-year accounting period beginning July 1st of each year, or
63 such other period as may be designated by the Governing Authority as the fiscal year of the Issuer.

64
65 **“Governing Authority”** means the Mayor and Board of Aldermen of the Town of Abita
66 Springs, State of Louisiana, or its successor in function.

67
68 **“Government Securities”** means direct obligations of, or obligations the principal of and
69 interest on which are unconditionally guaranteed by the United States of America, which are non-
70 callable prior to their maturity, may be United States Treasury obligations such as the State and
71 Local Government Series and may be in book-entry form.

72
73 **“Interest Payment Dates”** means each March 1 and September 1 during the period the
74 Bonds are outstanding, commencing on March 1, 2020.

75
76 **“Issuer”** means the Town of Abita Springs, State of Louisiana.

77
78 **“Ordinance”** means this ordinance authorizing the issuance of the Bonds, as it may be
79 supplemented and amended.

80
81 **“Outstanding”** when used with respect to the Bonds means, as of the date of
82 determination, any Bond theretofore issued and delivered under this Ordinance, except:

- 83
84 1. Any Bond theretofore canceled by the Paying Agent or delivered to the
85 appropriate Paying Agent for cancellation;
86
87 2. Any Bond for which payment sufficient funds or government securities, or
88 both, have been theretofore deposited in trust for the owners of such Bond
89 with the effect specified in this Ordinance or by law;

- 91 3. Any Bond in exchange for or in lieu of which another Bond has been
92 registered and delivered pursuant to this Ordinance; and
93
94 4. Any Bond alleged to have been mutilated, destroyed, lost or stolen which
95 may have been paid as provided in this Ordinance or by law.
96

97 **“Outstanding Parity Bonds”** has the meaning as set forth in the preamble hereto.
98

99 **“Owner”** or **“Owners”** when used with respect to any Bond means the Person(s) in whose
100 name such Bond is registered in the appropriate Bond Register.
101

102 **“Paying Agent”** or **“Paying Agents”** means Citizens Bank & Trust Company, Covington,
103 Louisiana, for the initial odd numbered Bonds, and any replacements therefor, and the Clerk of the
104 Issuer, for the initial even numbered Bonds, and any replacements therefor, or such successor
105 Paying Agents which may be named by this Governing Authority.
106

107 **“Person”** means any individual, corporation, partnership, joint venture, association, joint-
108 stock company, trust, unincorporated organization or government or any agency or political
109 subdivision thereof.
110

111 **“Purchaser”** or **“Purchasers”** means the aforesaid Citizens Bank & Trust Company for
112 the initial odd numbered Bonds and the Louisiana Public Facilities Authority, of Baton Rouge,
113 Louisiana, for the initial even numbered Bonds.
114

115 **“Record Date”** for the interest payable on any Interest Payment Date, means the 15th
116 calendar day of the month next preceding such Interest Payment Date.
117

118 **“State”** means the State of Louisiana.
119

120 **“Tax”** means the Issuer’s special ad valorem tax of seven and eighty-six hundredths (7.86)
121 mills (such rate being subject to adjustment from time to time due to reassessment), and authorized
122 to be levied and collected annually in each year pursuant to Section 27.(A) of Article VI of the
123 Louisiana Constitution of 1974, as amended.
124

125 SECTION 2. Authorization of Bonds; Maturities. In compliance with the terms and
126 provisions of the Act, there is hereby authorized the incurring of an indebtedness of Eight Hundred
127 Thousand Dollars (\$800,000) for, on behalf of, and in the name of the Issuer, for the purpose of
128 paying costs of acquiring and constructing improvements and replacements to the Issuer’s
129 sewerage system, water system and Town Hall, including equipment, accessories and fixtures
130 therefor, and to pay costs of issuance of the Bonds, and to represent said indebtedness this Govern-
131 ing Authority does hereby authorize the issuance of its Limited Tax Bonds, Series 2019, in the
132 principal amount of Eight Hundred Thousand Dollars (\$800,000). The Bonds shall be in fully
133 registered form, shall be dated the date of delivery thereof and shall be in the denominations
134 hereinafter set forth and shall be numbered R-1 upward. The unpaid principal of the Bonds shall
135 bear interest at the following rates of interest per annum from the date thereof, or from the most
136 recent Interest Payment Date to which interest has been paid or duly provided for, payable on each

137 Interest Payment Date and the Bonds shall mature serially on September 1 of each of the years as
138 follows:

139

140	<u>BOND</u>	<u>YEAR</u>	<u>PRINCIPAL MATURING</u>	<u>INTEREST</u>
141	<u>NUMBER</u>	<u>(SEPTEMBER 1)</u>	<u>DENOMINATIONS</u>	<u>RATE</u>
142				
143	R-1	2020	\$ 27,000	2.750%
144	R-2	2020	20,000	1.375
145	R-3	2021	27,000	2.750
146	R-4	2021	20,000	1.375
147	R-5	2022	28,000	2.750
148	R-6	2022	20,000	1.375
149	R-7	2023	29,000	2.750
150	R-8	2023	20,000	1.375
151	R-9	2024	31,000	2.750
152	R-10	2024	20,000	1.375
153	R-11	2025	86,000	2.750
154	R-12	2025	20,000	1.375
155	R-13	2026	89,000	2.750
156	R-14	2026	20,000	1.375
157	R-15	2027	92,000	2.750
158	R-16	2027	20,000	1.375
159	R-17	2028	94,000	2.750
160	R-18	2028	20,000	1.375
161	R-19	2029	97,000	2.750
162	R-20	2029	20,000	1.375

163

164 The principal of the Bonds, upon maturity or redemption, shall be payable at the principal
165 office of the appropriate Paying Agent, upon presentation and surrender thereof, and interest on
166 the Bonds shall be payable by check mailed by the appropriate Paying Agent to the Owner
167 (determined as of the close of business on the Record Date) at the address shown on the Bond
168 Register. Each Bond delivered under this Ordinance upon transfer of, in exchange for or in lieu
169 of any other Bond shall carry all the rights to interest accrued and unpaid, and to accrue, which
170 were carried by such other Bond, and each such Bond shall bear interest (as herein set forth) so
171 neither gain nor loss in interest shall result from such transfer, exchange or substitution.

172

173 No Bond shall be entitled to any right or benefit under this Ordinance, or be valid or obliga-
174 tory for any purpose, unless there appears on such Bond of registration, substantially in the form
175 provided in this Ordinance, executed by the Paying Agent by manual signature.

176

177 SECTION 3. Redemption Provisions. The Bonds are callable for redemption at the option
178 of the Issuer in full or in part at any time at the principal amount thereof, plus accrued interest to
179 the date of redemption. Official notice of such call of any of the Bonds for redemption shall be
180 given by means of first class mail, postage prepaid, by notice deposited in the United States mail
181 not less than fifteen (15) days prior to the redemption date addressed to the Owner of each Bond
182 to be redeemed at his address as shown on the registration books of each Paying Agent.

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SECTION 4. Registration and Transfer. The Issuer shall cause to be kept at the principal office of each Paying Agent a register (the “Bond Register”) in which registration of the appropriate Bonds and transfers thereof shall be made as provided herein. The Bonds may be transferred, registered and assigned only on the appropriate Bond Register, and such registration shall be at the expense of the Issuer. A Bond may be assigned by the execution of the assignment form on the Bond. A new Bond will be delivered by such Paying Agent to the last assignee (the new Owner) in exchange for such transferred and assigned bond after receipt of the Bond to be transferred in proper form. Such new Bond shall be in authorized denomination and like principal amount and maturity.

SECTION 5. Form of Bonds. The Bonds and the endorsements to appear thereon shall be in a form acceptable to the Executive Officers, as the same may be advised by bond counsel and the Purchasers.

SECTION 6. Execution of Bonds. The Bonds shall be signed by the Executive Officers for, on behalf of, in the name of and under the corporate seal of the Issuer, which signatures and corporate seal may be either manual or facsimile.

SECTION 7. Pledge of Tax Avails. The Bonds, equally with the Outstanding Parity Bonds, shall be secured by and payable from an irrevocable pledge and dedication of the avails or proceeds of the Tax. This Governing Authority does hereby obligate itself and its successors in office to impose and collect the Tax annually in each year and does hereby irrevocably and irrepealably dedicate, appropriate and pledge the annual income to be derived from the assessment, levy and collection of the Tax in each year to the payment of the Bonds and the Outstanding Parity Bonds. The Issuer, to the extent allowed by law, shall maintain the Tax rate such that the Tax revenues for each fiscal year will be not less than 1.35 times the combined maximum debt service requirements for the Bonds, the Outstanding Parity Bonds and any Additional Parity Obligations in such fiscal year.

SECTION 8. Sinking Fund. For the payment of the principal of and the interest on the Bonds and the Outstanding Parity Bonds, the Issuer shall maintain a special fund known as the “Town of Abita Springs Limited Tax Bonds (2012) Sinking Fund” (the “Sinking Fund”), the Sinking Fund to be maintained with the regularly designated fiscal agent bank of the Issuer. The Issuer shall deposit in the Sinking Fund from the first revenues of the Tax received in any calendar year, a sum equal to the principal and/or interest falling due on the Bonds and the Outstanding Parity Bonds in that calendar year, together with such additional proportionate sum as may be required to pay said principal and interest as the same become due and any amount required to pay the charges of the Paying Agent. The depository for the Sinking Fund shall transfer from the Sinking Fund to the Paying Agent at least one (1) day in advance of each Interest Payment Date, funds fully sufficient to pay promptly the principal and interest falling due on such date.

It shall be specifically understood and agreed, however, and this provision shall be a part of this contract, that after funds have actually been set aside out of the revenues of the Tax for any calendar year sufficient to pay the principal and interest on the Bonds and the Outstanding Parity Bonds and for that year, and all required amounts have been deposited in the Sinking Fund,

229 then any excess of annual revenues of the Tax remaining in that calendar year shall be free for
230 expenditure by the Issuer for any other lawful corporate purpose for which the Tax was voted.

231
232 All moneys deposited with the regularly designated fiscal agent bank of the Issuer
233 or the Paying Agent or any other bank under the terms of this Ordinance shall constitute sacred
234 funds for the benefit of the Owners and shall be secured by said fiduciaries at all times to the full
235 extent thereof in the manner required by law for the securing of deposits of public funds.

236
237 All or any part of the moneys in the Sinking Fund shall, at the written request of
238 the Issuer, be invested in accordance with the provisions of the laws of the State of Louisiana, in
239 which event all income derived from such investments shall be added to the General Fund of the
240 Issuer.

241
242 SECTION 9. Additional Parity Obligations. The Issuer shall issue no other bonds,
243 indebtedness or obligations of any kind or nature payable from a pledge or dedication of the funds
244 to be derived by the Issuer from the levy and collection of the Tax having priority over or parity
245 with the Bonds, except that additional bonds or indebtedness may hereafter be issued on a parity
246 with the Bonds under the following conditions:

247
248 (1) The Bonds or any part thereof, including the interest thereon, may be refunded,
249 and the refunding obligations so issued shall enjoy complete equality of lien with
250 the portion of the Bonds which is not refunded, if there be any, and the refunding
251 obligations shall continue to enjoy whatever priority of lien over subsequent issues
252 may have been enjoyed by the Bonds refunded; provided, however, that if only a
253 portion of the Bonds outstanding is so refunded and the refunding obligations
254 require total principal and interest payments during any year in excess of the
255 principal and interest which would have been required in such year to pay the Bonds
256 refunded thereby, then such Bonds may not be refunded without the consent of the
257 Owner of the unrefunded portion of the Bonds issued hereunder (provided such
258 consent shall not be required if such refunding obligations meet the requirements
259 set forth in clauses (2) (3) and (4) of this Section).

260
261 (2) Additional Parity Obligations may be issued on and enjoy a full and complete
262 parity with the Bonds with respect to the funds to be derived by the Issuer from the
263 levy and collection of the Tax provided that the anticipated Tax revenues in the
264 year in which the Additional Parity Obligations are to be issued, must be at least
265 1.35 times the combined principal and interest requirements for any calendar year
266 on the Bonds, the Outstanding Parity Bonds and the proposed Additional Parity
267 Obligations and any outstanding Additional Parity Obligations issued pursuant to
268 the provisions hereof.

269
270 (3) The Issuer must be in full compliance with all covenants and undertakings in
271 connection with the Bonds and there must be no delinquencies in payments required
272 to be made by this ordinance in connection therewith.

273

274 (4) The Additional Parity Obligations must be payable in principal on September
275 1st of each year in which principal falls due and payable as to interest on March 1
276 and September 1 of each year.

277
278 (5) The Clerk of the Issuer will certify the Issuer's compliance with the
279 requirements of Clauses (2) and (3), as are applicable.

280
281 (6) Junior and subordinate bonds or indebtedness may be issued without
282 restriction.

283
284 SECTION 10. Budget; Audit. As long as any of the Bonds are outstanding and unpaid in
285 principal or interest, the Issuer shall prepare and adopt a budget prior to the beginning of each
286 Fiscal Year and shall furnish a copy of such budget within thirty (30) days after its adoption to any
287 Owner who requests the same. Not later than six (6) months after the close of each Fiscal Year,
288 the Issuer shall cause an audit of its books and accounts to be made by the Legislative Auditor or
289 an independent firm of certified public accountants showing the receipts and disbursements made
290 by the Issuer during the previous Fiscal Year. Such audit shall be available for inspection by any
291 Owner, and, upon completion, a copy of such audit shall be furnished to the Purchasers, if
292 requested.

293
294 SECTION 11. Application of Proceeds. The Executive Officers are hereby empowered,
295 authorized and directed to do any and all things necessary and incidental to carry out the provisions
296 of this Ordinance; to cause the necessary Bonds to be printed; to issue, execute and seal the Bonds;
297 and to effect delivery thereof as herein provided. The proceeds derived from the sale of the Bonds
298 shall be deposited by the Issuer with its fiscal agent bank or banks to be used only for the purposes
299 for which the Bonds are issued.

300
301 SECTION 12. Bonds Legal Obligations. The Bonds shall constitute legal, binding and
302 valid obligations of the Issuer and shall be the only representations of the indebtedness as herein
303 authorized and created.

304
305 SECTION 13. Ordinance a Contract. The provisions of this Ordinance shall constitute a
306 contract between the Issuer, or its successor, and the Owner or Owners, and such Owner or Owners
307 may at law or in equity, by suit, action, mandamus or other proceedings, enforce and compel the
308 performance of all duties required to be performed by this Governing Authority or the Issuer as a
309 result of issuing the Bonds.

310 No material modification or amendment of this Ordinance, or of any ordinance amendatory
311 hereof or supplemental hereto, may be made without the consent in writing of the Owners of two-
312 thirds (2/3) of the aggregate principal amount of the Bonds then outstanding; provided, however,
313 that no modification or amendment shall permit a change in the maturity or redemption provisions
314 of the Bonds, or a reduction in the rate of interest thereon, or in the amount of the principal
315 obligation thereof, or affecting the obligation of the Issuer to pay the principal of and the interest
316 on the Bonds as the same shall come due from the revenues appropriated, pledged and dedicated
317 to the payment thereof by this Ordinance, or reduce the percentage of the Owners required to
318 consent to any material modification or amendment of this Ordinance, without the consent of the
319 Owners of all of the Outstanding Bonds.

320
321 SECTION 14. Severability; Application of Subsequently Enacted Laws. In case any one
322 or more of the provisions of this Ordinance or of the Bonds shall for any reason be held to be
323 illegal or invalid, such illegality or invalidity shall not affect any other provisions of this Ordinance
324 or of the Bonds, but this Ordinance and the Bonds shall be construed and enforced as if such illegal
325 or invalid provisions had not been contained therein. Any constitutional or statutory provisions
326 enacted after the date of this Ordinance which validate or make legal any provision of the
327 Ordinance and/or the Bonds which would not otherwise be valid or legal, shall be deemed to apply
328 to this Ordinance and to the Bonds.

329
330 SECTION 15. Recital of Regularity. This Governing Authority having investigated the
331 regularity of the proceedings had in connection with the Bonds and having determined the same
332 to be regular, the Bonds shall contain the following recital, to-wit:

333

334 "It is certified that this Bond is authorized by and is issued in conformity
335 with the requirements of the Constitution and statutes of the State of
336 Louisiana ."

337
338 SECTION 16. Effect of Registration. The Issuer, the Paying Agents, and any agent of
339 either may treat the Owner in whose name the Bond is registered as the Owner thereof, for the
340 purpose of receiving payment of the principal of and interest on such Bond and for all other
341 purposes whatsoever, and to the extent permitted by law, neither the Issuer, the Paying Agents,
342 nor any agent of either shall be affected by notice to the contrary.

343
344 SECTION 17. Notice to Owners. Wherever this Ordinance provides for notice to Owners
345 of any event, such notice shall be sufficiently given (unless otherwise herein expressly provided)
346 if in writing and mailed, first-class postage prepaid, to each Owner, at the address of such Owner
347 as it appears in the appropriate Bond Register. In any case where notice to Owners is given by
348 mail, neither the failure to mail such notice to and particular Owner, nor any defect in any notice
349 so mailed, shall affect the sufficiency of such notice with respect to all other Bonds. Where this
350 Ordinance provides for notice in any manner, such notice may be waived in writing by the Owner
351 or Owners entitled to receive such notice, either before or after the event, and such waiver shall be
352 equivalent of such notice. Waivers of notice by Owners shall be filed with the appropriate Paying
353 Agent, but such filing shall not be condition precedent to the validity of any action taken in reliance
354 upon such waiver.

355
356 SECTION 18. Cancellation of Bonds. All Bonds surrendered for payment, redemption,
357 transfer, exchange or replacement, if surrendered to the Paying Agent, shall be promptly canceled
358 by it and, if surrendered to the Issuer, shall be delivered to the appropriate Paying Agent and, if
359 not already canceled , shall be promptly canceled by the Paying Agent. The Issuer may at any time
360 deliver to the Paying Agent for cancellation any Bonds previously registered and delivered which
361 the Issuer may have acquired in any manner whatsoever, and all Bonds so delivered shall be
362 promptly canceled by the Paying Agent. All canceled Bonds held by the Paying Agents shall
363 disposed of as directed in writing by the Issuer.

364

365 SECTION 19. Discharge of Ordinance; Defeasance. If the Issuer shall pay or cause to be
366 paid, or there shall otherwise be paid to the Owners, the principal of and interest on the Bonds, at
367 the times and in the manner stipulated in this Ordinance, then the pledge of the money, securities,
368 and funds pledged under this Ordinance and all covenants, agreements and other obligations of the
369 Issuer to the Owners shall thereupon cease, terminate and become void and be discharged and
370 satisfied, and the Paying Agent shall paid over or deliver all money held by it under this Ordinance
371 to the Issuer.

372
373 Bonds or interest installment for the payment or redemption of which money shall have
374 been set aside and shall be held in trust (through deposit by the Issuer of funds for such payment
375 or otherwise) at the maturity date thereof shall be deemed to have been paid within the meaning
376 and with the effect expressed above in this Section if they are defeased in the manner provided by
377 Chapter 14 of Title 39 of the Louisiana Revised Statutes of 1950, as amended.

378
379 SECTION 20. Successor Paying Agents. The Issuer will at all times maintain a Paying
380 Agent(s) meeting the qualification hereinafter described for the performance of the duties
381 hereunder for the Bonds. The designation of the initial Paying Agents in this Ordinance is hereby
382 confirmed and approved. The Issuer reserves the right to appoint a successor Paying Agent by (a)
383 filing with the Person then performing such function a certified copy of an ordinance giving notice
384 of the termination of the Agreement, as appropriate, and appointing a successor and (b) causing
385 notice to be given to each Owner. Every subsequent Paying Agent appointed hereunder shall at
386 all times be a bank or trust company organized and doing business under the law of the United
387 States of America or of any state, authorized under such laws to exercise trust powers, and subject
388 to supervision or examination by Federal or State authority.

389
390 SECTION 21. Disclosure Under SEC Rule 15c2-12. The Issuer will not be required to
391 comply with the continuing disclosure requirements described in Rule 15c2-12(b) of the Securities
392 and Exchange Commission [17 CFR §240.15c2-12(b)].

393
394 SECTION 22. Arbitrage and Bank Qualification. The Issuer covenants and agrees that, to
395 the extent permitted by the laws of the State of Louisiana, it will comply with the requirements of
396 the Code and any amendment thereto in order to establish, maintain and preserve the exclusion
397 from “gross income” of interest on the Bonds under the Code. The Issuer further covenants and
398 agrees that it will not take any action, fail to take any action, or permit any action within its control
399 to be taken, or permit at any time or times any of the proceeds of the Bonds or any other funds of
400 the Issuer to be used directly or indirectly in any manner, the effect of which would be to cause
401 the Bonds to be “arbitrage bonds” or would result in the inclusion of the interest on the Bonds in
402 gross income under the Code, including, without limitation, (i) the failure to comply with the
403 limitation on investment of Bond proceeds or (ii) the failure to pay any required rebate of arbitrage
404 earnings to the United States of America or (iii) the use of the proceeds of the Bonds in a manner
405 which would cause the Bonds to be a “private activity bond”.

406
407 The Bonds are designated as “qualified tax-exempt obligations” within the meaning of
408 Section 265(b)(3) of the Code. In making this designation, the Issuer finds and determines that:
409

- 410 (a) the Bonds are not “private activity bonds” within the meaning of the Code;
- 411 and
- 412
- 413 (b) the reasonably anticipated amount of qualified tax-exempt obligations
- 414 which will be issued by the Issuer and all subordinate entities in calendar
- 415 year 2019 will not exceed \$10,000,000.
- 416

417 The Executive Officers are hereby empowered, authorized and directed to take any and all
 418 action and to execute and deliver any instrument, document or bond necessary to effectuate the
 419 purposes of this Section.

420

421 SECTION 23. Publication. A copy of this Ordinance shall be published immediately after
 422 its adoption in one (1) issue of the official journal of the Issuer.

423

424 SECTION 24. Award of Bonds. The Issuer hereby accepts the offers of the Purchasers to
 425 purchase the Bonds, executed copies of which are on file with the Clerk of the Issuer, and said
 426 Clerk is hereby authorized to execute said offers on behalf of the Issuer. As a condition to the
 427 delivery of the Bonds to the Purchasers, the Purchasers will execute a standard letter, acceptable
 428 to the Issuer, indicating they have conducted their own analysis with respect to the Bonds and are
 429 extending credit in the form of the Bonds as a vehicle for making a commercial loan to the Issuer.
 430 The Bonds shall be delivered to the Purchasers upon payment of the principal amounts set forth in
 431 each offer.

432

433 SECTION 25. Compliance. The Executive Officers and/or their designees are directed to
 434 establish, continue and/or amend as applicable, written procedures to assist the Issuer in
 435 complying with various State and Federal statutes, rules and regulations applicable to the Bonds
 436 and are further authorized to take any and all actions as may be required by said written procedures
 437 to ensure continued compliance with such statutes, rules and regulations throughout the term of
 438 the Bonds.

439

440 The final adoption of the foregoing Ordinance having been duly moved and seconded, the
 441 roll was called and the following vote was taken and recorded:

442

<u>Member</u>	<u>Yea</u>	<u>Nay</u>	<u>Absent</u>	<u>Abstaining</u>
Regan Contois	_____	_____	_____	_____
Ryan Murphy	_____	_____	_____	_____
Pat Patterson	_____	_____	_____	_____
Evette Randolph	_____	_____	_____	_____
Stephen Saussy	_____	_____	_____	_____

445 There being a favorable vote on the ordinance of at least a majority of the authorized
446 members of the Governing Authority, the ordinance was declared adopted on this the 17th day of
447 September, 2019.

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Janet Dufrene, Town Clerk

Presented to Mayor on September 17, 2019, for action as evidenced by his signature:

Approved: _____

Disapproved: _____

Presented to Clerk on September 17, 2019.

Town of Abita Springs



**MAYOR
DANIEL J. CURTIS**

INSTRUMENT 2019-012

1
2
3 AN ORDINANCE OF THE BOARD OF ALDERMEN OF THE TOWN OF ABITA SPRINGS; TO AMEND SECTION
4 9-223 (c) (2) b. and d. REGULATING THE HEIGHT AND SIZE OF ACCESSORY BUILDINGS IN RESIDENTIAL
5 DISTRICTS AND TO PROVIDE FOR RELATED MATTERS.
6

7 **IT IS HEREBY ORDAINED** by the Board of Aldermen of the Town of Abita Springs that Section 9-223 (c)
8 (2) b. and d. of the Code of Ordinances of the Town of Abita Springs is amended and re-ordained to read
9 as follows:

10
11 (c) In areas zoned residential, accessory buildings may be constructed provided that use and construction
12 be limited to the following:

13
14 (2) Limitations:

15
16 b. All accessory buildings shall be limited to a height not to exceed 35 feet.

17
18 d. An accessory building shall not be greater in size than 7 percent of the total area of the lot.

19
20 **BE IT FURTHER ORDAINED** that in all other respects Section 9-223 shall remain unchanged and in full
21 force and effect.

22
23 An Ordinance introduced by Alderman _____ and seconded by Alderman _____ on this ____
24 day of _____ 2019.

25
26 This Ordinance was adopted on a motion of Alderman _____, seconded by Alderman _____, on this
27 _____ day of _____ 2019.

28
29 YEAS:

30 NAYS:

31 ABSENT:

32 ABSTAIN:
33
34

35 _____
36 HONORABLE DANIEL J. CURTIS, MAYOR

37 _____
38 JANET DUFRENE, TOWN CLERK

Sec. 9-223. - Yards and accessory buildings in residential districts.

- (a) In the residential, commercial, multifamily, mobile home, historic, historic residential districts and townhouse district where single family residential use is sought the minimum dimensions of yards shall be as follows:
- (1) *Front yard.* There shall be a front yard of not less than 30 feet between the front property line at the street and the wall of the building adjacent to the front property line.
 - (2) *Rear yard.* There shall be a rear yard having a depth of not less than 20 percent of the lot depth or 25 feet, whichever is greater.
 - (3) *Side yard.* There shall be two side yards, one on each side of the main building.
 - a. Interior side yard setbacks. The side yard setback on the side of a lot adjacent to an interior lot line shall be a minimum of 20 feet in width, except on buildable lots measuring 75 feet or less in width, in which case the side yard on the interior lot line side of the building shall measure a minimum of 15 feet in width.
 - b. Corner lot side yard setbacks. The side yard setback on the street side of a corner lot shall be a minimum of 30 feet, except on buildable lots measuring 75 feet or less in width or those abutting that dedicated part of Warren St., not opened as of the effective date of this ordinance, in which case the side yard on the street side of the corner lot shall measure a minimum of 20 feet in width.
 - (4) *Driveways.* All private driveways shall be at least five feet from the property line.
- (b) No variance shall be granted to these requirements for any irregular shaped lot located in the townhouse district which does not meet minimum residential lot size, and dimension requirements. Such lots may not be combined to create a regular shaped lot.
- (c) In areas zoned residential, accessory buildings may be constructed provided that use and construction be limited to the following:
- (1) An accessory building is a building constructed and used for purpose other than residence.
 - (2) Limitations:
 - a. An accessory building shall be not less than five feet from the main building. An addition to the main building on a lot shall be considered to be part of that building and not an accessory building.
 - b. All accessory buildings shall be limited to a height not to exceed 15 feet.
 - c. An accessory building shall not occupy the yard between the front entrance side of the main building and the property line parallel to the front entrance side of the main building.
 - d. An accessory building shall not be greater in size than 25 percent of the main building occupying the same lot.
 - e. Any addition to an accessory building shall be considered to be part of that building.
 - f. No accessory building shall be closer than five feet to the nearest property line on the lot it occupies.

(Ord. No. 108, § 19.32, 9-4-79; Ord. No. 152, 8-18-87; Ord. No. 175, 1-28-94; Ord. No. 188, § VI, 6-18-96; Ord. No. 209, 8-18-98; Ord. No. 318, 3-26-07; Ord. No. 446, 9-17-2013; [Ord. No. 497](#), § 3-19-2019)