

2049

ORDINANCE NO. 1118

An Ordinance amending and re-enacting Ordinance No. 843 of the Parish of St. Mary, State of Louisiana, providing for the levying and collecting of a tax upon the occupancy of Hotel Rooms, Motel Rooms and Overnight Camping Facilities located within the boundaries of the East Atchafalaya Tourist Commission.

BE IT ORDAINED by the St. Mary Parish Council in regular session convened this 12th day of September, 1990, that Section 4 of Ordinance No. 843 of the Parish of St. Mary is hereby amended to read as follows:

"SECTION 4. There is hereby levied and the Parish Council of St. Mary Parish, Louisiana shall collect a tax of 4% upon the occupancy of hotel rooms, motel rooms, and overnight camping facilities located within the present and future boundary limits of the East Atchafalaya Tourist Commission. The word "hotel" as used herein shall mean and include any establishment, both public and private, engaged in the business of furnishing or providing rooms and overnight camping facilities intended or designated for dwelling, lodging or sleeping purposes to transient guests where such establishment consists of two or more guests rooms and does not encompass any hospital, convalescent or nursing home or sanitarium, or any hotel-like facility operated by or in connection with a hospital or medical clinic providing rooms exclusively for patients and their families. The tax shall be paid by the person who exercises or is entitled to occupancy of the hotel room, and shall be paid at the time the rent or fee of occupancy is paid."

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

This Ordinance shall become effective October 1, 1990.

This Ordinance having been offered and read on this 25th day of July, 1990; having been published in accordance with law; and having been heard in a public hearing held at Franklin, Louisiana on the 12th day of September, 1990; was adopted by the following vote on the 12th day of September, 1990.

AYES: Joseph Davis, Chuck Rogers, Emory Jennings, Mike Taylor, James Russo, Henry Steckler, Loylis Duhon, H. V. Fondren, Robert McHugh and Harold Clausen.

NAYS: None.

ABSENT: Dr. Gary Wiltz.

APPROVED:

*Harold G. Clausen, Sr.*  
HAROLD G. CLAUSEN, SR., CHAIRMAN  
ST. MARY PARISH COUNCIL

ATTEST:

*Kimberly W. Fusateri*  
KIMBERLY W. FUSATERI, CLERK  
ST. MARY PARISH COUNCIL

This Ordinance was submitted to the President of St. Mary Parish on this the 14<sup>th</sup> day of September, 1990 at the hour of 8:25am.

APPROVED:

*Prescott Foster*  
PRESCOTT FOSTER, PRESIDENT  
ST. MARY PARISH

This Ordinance was returned to the Clerk of the Council on this the 14<sup>th</sup> day of

## ORDINANCE NO. 843

An ordinance creating and establishing the East Atchafalaya Tourist Commission; providing for the composition and membership of such commission; levying and providing for the collection of a tax not to exceed 2% of the rent or fee charged for the occupancy of hotel rooms, motel rooms and overnight camping facilities located within the jurisdiction of the Commission; providing for the dedication of the proceeds of said tax, less the cost of collection, to be used by the Commission solely for the purpose of carrying out programs and activities designated to attract conventions and tourists into the jurisdiction of the Commission; to provide for approval of the Commission's budget by the St. Mary Parish Police Jury; and to otherwise provide with respect thereto.

WHEREAS, Act 19 of the Louisiana Legislature of 1975 (R.S. 33-4574-3574.3) authorizes and empowers the governing authority of any Parish in Louisiana upon its own initiative to form and create a tourist commission with such name as the governing authority may designate, for the purpose of promoting tourism within the jurisdiction of the commission; provides for the composition of such commission; and authorizes the governing authority of the Parish to levy and collect a tax not to exceed 2% of the rent or fee for the occupancy of hotel rooms, motel rooms, and overnight camping facilities within the jurisdiction of the commission and otherwise provides with respect thereto;

NOW, THEREFORE, BE IT ORDAINED BY THE POLICE JURY OF ST. MARY PARISH, LOUISIANA, THAT:

SECTION 1. There be and is hereby created, a tourist commission, said Commission being formed for the purpose of promoting tourism within Wards 6 and 9, North of Bayou Bouef, of the Parish of St. Mary, State of Louisiana. The name of the commission shall be "EAST ATCHAFALAYA TOURIST COMMISSION", hereinafter sometimes referred to as the "Commission".

SECTION 2. The Commission shall be domiciled in the City of Morgan City, Louisiana, and it shall have authority to sue and be sued, to accept grants or donations of every type, to make capital improvements for the purpose of obtaining Federal Funds, to do all things necessary for the promotion and advertisement and publication of information relating to tourist attractions within its jurisdiction. However, the Commission shall not exercise any function which results in competition with local retail businesses or enterprises. Such Tourist Commission shall

not be construed to be a political subdivision of the State or of the Parish of St. Mary.

SECTION 3: (A) The Commission shall be composed of seven (7) members, who shall be known as directors. The directors shall be appointed for terms of three years, and shall serve without compensation. The directors shall be residents of the jurisdiction of the Commission, and shall be appointed by the St. Mary Parish Police Jury as follows: Nominations shall be received from the following private non-profit groups interested in promoting tourism: The St. Mary Parish Police Jury; the Mayor and Council, City of Morgan City; Morgan City, Berwick and Patterson Area Chamber of Commerce; Tri-City Hotel-Motel Association and Retail Merchants Association.

(B) The Directors so appointed shall elect from among themselves a Chairman. The Chairman of the Commission shall be elected by the Board of Directors to serve a term of one (1) year with election to be held the first scheduled meeting after the new directors are appointed by the St. Mary Parish Police Jury. In addition to the Chairman, the Commission shall elect from the membership a Vice-Chairman, Secretary and Treasurer. The office of Secretary and Treasurer may be combined if the Commission so elects.

SECTION 4. There is hereby levied and the Police Jury of St. Mary Parish, Louisiana, shall collect a tax of 2% upon the occupancy of hotel rooms, motel rooms, and overnight camping facilities located within the present and future boundary limits of the East Atchafalaya Tourist Commission. The word "hotel" as used herein shall mean and include any establishment, both public and private, engaged in the business of furnishing or providing rooms and overnight camping facilities intended or designed for dwelling, lodging or sleeping purposes to transient guests where such establishment consists of two or more guests rooms and does not encompass any hospital, convalescent or nursing home or sanitarium, or any hotel-like facility operated by or in connection with a hospital or medical clinic providing rooms exclusively for patients and their families. The tax shall be paid by the person who exercises or is entitled to occupancy of the hotel room, and shall be paid at the time the rent or fee of occupancy is paid.

SECTION 5. The word "person" as used herein shall have the same definition as that contained in Louisiana Revised Statutes 47:301(8). The tax shall not apply to the rent for hotel rooms rented to the same occupant for a period of thirty (30) or more calendar days, or those hotel rooms rented on an annual contract basis for consecutive days, or nonconsecutive days. Every person owning, operating, managing or controlling any hotel or motel or overnight camping facility which falls under the definition of this ordinance shall collect the tax imposed herein and shall remit same to the St. Mary Parish Police Jury through the Sales and Use Tax Department on or before the 20th day of each month for the preceding month's receipts. Every person collecting said tax shall pay the tax due on such occupancies at the time designated and any person failing to pay same, as required herein, shall be assessed 5% of the amount due as penalty, and after the first 30 days following the due date thereof, he shall be assessed an additional five (5%) per cent of such amount due as additional penalty. Provided, however, that said penalty shall never be less than \$10.00. Delinquent taxes shall draw interest at the rate of one (1%) per cent per month on the unpaid balance, beginning 60 days from the due date. In case the collection is turned over to an attorney, fees shall be assessed in the amount of 25% of the total or principal, interest and penalties.

SECTION 6. The proceeds of the tax so levied, less \$100.00 monthly or five (5%) per cent of the tax collected monthly, whichever is greater, to be retained by the governing authority of St. Mary Parish as a collection fee, shall be appropriated by the said governing authority to the Commission and shall be used by the Commission for the purposes of attracting conventions and tourists into the jurisdiction of the Commission. The Commission shall have authority to spend money for advertising, promotion and publication of information. The Commission shall annually adopt and submit to the Police Jury of St. Mary Parish a budget of receipts and expenditures.

SECTION 7. The Commission may borrow money to pay its obligations that cannot be paid at maturity out of current revenue from the tax authorized herein but shall not borrow a sum greater than can be repaid

out of the revenue anticipated from the tax authorized herein during the year in which the money is borrowed.

SECTION 8. If any provision or item of this ordinance or the application thereof is held invalid, such invalidity shall not affect other provisions, items or applications of this ordinance which can be given effect without the invalid provisions, items or applications, and to this end the provisions of this ordinance are hereby declared severable.

THE ABOVE AND FOREGOING ORDINANCE was considered section by section and as a whole and was declared by the following "yea" and "nay" vote on this the 14th day of February, 1979.

YEAS: Matilda Aloisio, Lee T. Champagne, Harold Clausen, Joseph M. Davis, Loylis Duhon, Albert Foulcard, Everette A. Fouquier, Wilson T. Gautreaux, Gregory J. Hamer, Emory Jennings, Lawrence Michel, Lige Robison, J. Paul Russo and B. R. Butler

NAYS: None

ABSENT AND NOT VOTING: A. J. LeBourgeois

APPROVED:

B. R. Butler  
B. R. BUTLER  
PRESIDENT

ATTEST:

Connie A. Martin  
CONNIE A. MARTIN  
SECRETARY

ORDINANCE NO. 843-A

AN ORDINANCE AMENDING AND RE-ENACTING ORDINANCE NO. 843 OF THE PARISH OF ST. MARY TO PROVIDE FOR THE DOMICILE OF THE ATCHAFALAYA DELTA TOURIST COMMISSION; AND TO OTHERWISE PROVIDE WITH RESPECT THERETO.

BE IT ORDAINED by the Police Jury of the Parish of St. Mary, State of Louisiana, in regular session convened on this 9th day of March, 1983.

SECTION 1: Section 2 of Article 843 of the Parish of St. Mary is hereby amended and reenacted to read as follows: The Commission shall be domiciled within its corporate boundaries, and it shall have the authority to sue and be sued, to accept grants or donations of every type, to make capital improvements for the purpose of obtaining Federal Funds, to do all things necessary for the promotion and advertisement and publication of information relating to tourist attractions within its jurisdiction. However, the Commission shall not exercise any function which results in competition with local retail businesses or enterprises. Such Tourist Commission shall not be construed to be a political subdivision of the State or of the Parish of St. Mary.

SECTION 2: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Effective Date: March 9, 1983

TRANSCRIPT FROM THE OFFICIAL PROCEEDINGS OF THE ST.  
MARY PARISH COUNCIL REGULAR MEETING, OCTOBER 8, 1986  
(Regarding Atchafalaya Delta Tourist Commission)

- Mr. McHugh Ordinances. For introduction - An Ordinance changing the domicile of the Atchafalaya Delta Tourist Commission.
- Mr. Steckler I move just introduction.
- Mr. McHugh Introduction yeah.  
Item B - Restricting parking of certain vehicles on certain streets in Wards 5 & 8 of the Parish of St. Mary and providing penalties for the violation of same.
- Mr. Taylor I'd like to offer that.
- Mr. McHugh Mr. Taylor.
- Mr. Steckler Second
- Mr. McHugh Seconded by Mr. Steckler
- Mrs. Pusateri This list all the streets in Bayou Vista. I wanted to let ya'll know that.
- Mr. McHugh Discussion. Got a question Mr. Emory?
- Mr. Jennings Yes, but its on the first one on the Atchafalaya Domicile.
- Mr. McHugh Uh Uha.
- Mr. Jennings Mr. Leonard has some information on that.
- Mr. Leonard Yes, I do. Uh as you know this came up when the Atchafalaya Delta Tourist Commission wrote a letter to my office asking for this action to be taken. And uh as a result of that we've done some research into the records of the Parish and Police Jury and find that in 1983 I forget the date. March 9th that an Ordinance was introduced and voted on at that time that effectively changed the domicile of the requirements of the Atchafalaya Delta Tourist Commission. Which in the original ordinance it said that the Commission had to be domiciled in the City of Morgan City. At that meeting the Police Jury adopted an ordinance saying that the domicile can be anywhere within the jurisdictional limits of the uh Tourist Commission. Now at the time that that was done 1983 uh the rules of the Police Jury are much different were much different than those of the Parish Council under the Charter. As you know an ordinance has to be uh introduced in writing, has to be introduced, it has to be published, it has to lay over a period of 30 days before any action can be taken on it. Uh in 1983 under the Police Jury rules and regulations that was not so. An ordinance could be introduced at the meeting not in writing verball, voted on and if it passed it became immediately an effective ordinance and I think thats what happened back in at that time in 1983, is that the action of the Police Jury uh in changing the domicile requirements to anywhere within the jurisdictional limits is a valid exercise of the Police Jury's authority. And I don't think that uh the Ordinance here is necessary to do that unless it would change what the Police Jury did in 1983.
- Mr. Steckler I'd like to withdraw my introduction of that ordinance.
- Mr. McHugh Something's going on I don't completely understand. I was my impression that this was properly done by the Police Jury and then I see some more information later on just a week or so ago. Two weeks ago that syas no that reallin in effect did not happen so uh we're right back to where we where with my situation two weeks ago. Do we have an effective ordinance in place that you know?

- Mr. Leonard I was just referred right before this meeting to the uh action that the Police Jury took in 1983 and had an opportunity to review that immediately before this meeting took place. Uh and based on my review of those actions and whats in the official minutes of the Police Jury I think that that action was taken in 1983.
- Mr. McHugh Mr. Jennings.
- Mr. Jennings Mr. McHugh, I have a copy of the letter when it was approved by the Police Jury back in February 17, 1983, and uh that was the question that came up. We approved of it, passed it unanimously by the Police Jury at that time. The ordinance where they could move the domicile to the district goes up to change district to the calumet cut that we could move the domicile. We passed the ordinance as Mr. Leonard said it was approved by the Police Jury so really I don't see where we need another ordinance.
- Mr. Steckler Ok. I'd like to withdraw my introduction of that ordinance. Mr. McHugh and I talked with the City of Mrogan City and they have no objection to moving the domicile, however, they would like to be insured that the signs and so forth be forth coming that the we discussed.
- Mr. Leonard Let me say one other thing that when the Atchafalaya Delta Tourist Commission wrote to me recently uh they informed me that they had requested that in the past and it was only upon checking the official minutes that we found that that action had an did indeed been taken.
- Mr. McHugh Thank you Mr. Leonard. Alright uh.
- Mr. Jennings If anybody wants to see a copy of the letter I have it here.
- Mr. McHugh I'm familiar with it.
- Mr. Jennings Ok.

This transcript from the October 8, 1986, Regular Meeting of the St. Mary Parish Council is being attached to this ordinance due to the fact that Ordinance 843-A does not exist in the minutes of the March 9, 1983, Official Proceedings of the Police Jury.

This Ordinance was included into the Ordinances of St. Mary Parish at the instructions of the Legal Advisor, Edward M. Leonard, Jr.