

ORDINANCE NO. 266

AN ORDINANCE prohibiting the keeping, maintaining or storing of junk, such as, but not limited to, discarded or abandoned major appliances, such as refrigerators, freezers, ranges or machinery or other metal, tin or other discarded items, within the Village of Dubach, defining junk, providing exceptions therefor by special permit from the Chief of Police of the Village of Dubach, providing for notice and subsequent Court procedure to have an item declared as junk and ordering it removed, providing the order or judgment can be used in proceedings for violation and providing the penalty for violation of the Ordinance.

WHEREAS, the keeping, maintaining and storing of junk within the Village of Dubach is declared a public nuisance and on occasions dangerous to the health, welfare and safety of the citizens of the Village of Dubach.

SECTION 1 - THEREFORE, BE IT ORDAINED BY THE MAYOR AND TOWN COUNCIL IN REGULAR SESSION CONVENEED, that it shall be unlawful for the owner or occupant of any immovable property within the Village of Dubach to keep, maintain or store any type of junk within the Village of Dubach.

SECTION 2 - BE IT FURTHER ORDAINED BY THE MAYOR AND TOWN COUNCIL IN REGULAR SESSION CONVENEED, that junk, owner and occupant are for the purposes of this Ordinance defined as follows:

1. JUNK is any discarded or abandoned major appliances, such as refrigerators, freezers, ranges or machinery or other metal, tin or other discarded items, on any vacant lot, or any unused portion of any occupied lot, neutral ground, street or sidewalk, within the village.
2. OWNER is any person who is legally vested with title and ownership to any immovable property that is located within the Village of Dubach.

3. OCCUPANT is any person in possession of immovable property who is not the owner thereof.

SECTION 3 - BE IT FURTHER ORDAINED BY THE MAYOR AND TOWN COUNCIL IN REGULAR SESSION CONVENEED, that the Chief of Police of the Village of Dubach may, upon showing of good cause, issue to an owner or occupant a permit to keep, maintain or store junk for a period of thirty (30) additional days from the date of receipt of notice of violation of this article.

An owner or occupant possessing such special permit so issued shall not be considered as being in violation of this article during this grace period of thirty (30) days. An additional extension shall not be issued by the Chief of Police of the Village of Dubach.

SECTION 4 - BE IT FURTHER ORDAINED BY THE MAYOR AND TOWN COUNCIL IN REGULAR SESSION CONVENEED, that the Village of Dubach shall notify, in writing, any owner or occupant of property on which junk is located, to remove the junk from the premises within (30) days from the receipt of the notice and upon the failure of the owner or occupant to comply with the notice, proceed as set forth in SECTION 5.

SECTION 5 - BE IT FURTHER ORDAINED BY THE MAYOR AND TOWN COUNCIL IN REGULAR SESSION CONVENEED, that the Village of Dubach may, by filing of a petition in the Ruston City Court, direct the owner and/or occupant of the immovable property to show cause why item/items described in the proceedings should not be declared junk and a public nuisance, and if the Court finds that the owner or occupant has such junk as defined herein on the immovable property, the Court shall order the junk removed within ten (10) days. All costs shall be taxed against the owner and/or occupant.

SECTION 6 - BE IT FURTHER ORDAINED BY THE MAYOR AND TOWN

COUNCIL IN REGULAR SESSION CONVENED, that if the owner or occupant fails to remove the junk within ten (10) days from the date of the order and judgment of the Court, then such order and judgment of the Court shall be prima facie evidence of violation of this Ordinance and shall be received in evidence on any proceedings against such owner or occupant for violation of the said Ordinance.

SECTION 7 - BE IT FURTHER ORDAINED BY THE MAYOR AND TOWN COUNCIL IN REGULAR SESSION CONVENED, that anyone who violates the provisions of this Ordinance shall be punished as provided for by Section _____ of the Code of Ordinances of the Village of Dubach.


This Ordinance was read and considered section by section and as a whole and was declared adopted on this 21 day of JANUARY, 2002, by the following yeay and nay vote.

YEA: RONNIE ROBERSON, HATTIE GRAHAM,
L.H. CARRICO, STEVE COPELAND

NAY: DARRELL MCADAMS

ABSENT: 


CLERK


MAYOR