

TOWN OF DUBACH

ORDINANCE NO: 392

AN ORDINANCE OF THE TOWN OF DUBACH TO REPEAL THE EXISTING CARE OF PREMISES ORDINANCE AND TO ADOPT A NEW ORDINANCE PROVIDING FOR THE REGULATION OF ACCUMULATION OF JUNK, DEBRIS, AND ABANDONED CARS IN COMPLIANCE WITH THE LOUISIANA REVISED STATUTES.

WHEREAS, it has been determined to be in the best interest of the Town of Dubach and its citizens that the Town's ordinances clearly state the requirements regarding junked vehicles and accumulated junk and debris;

NOW THEREFORE BE IT ORDAINED BY the Board of Aldermen of the Town of Dubach that Ordinance 308-E is hereby repealed and replaced in its entirety and a new ordinance is adopted to read as follows:

**STORING JUNK, DEBRIS AND INOPERABLE OR
ABANDONED VEHICLES ORDINANCE**

Section 1. Findings of Fact

It having been determined that there exists within the Town of Dubach abandoned or inoperable vehicles, and accumulation of junk and debris which endangers the health, safety, and general welfare of the citizens of the Town of Dubach and upon the authority of Louisiana Revised Statute 33:4876 it is deemed in the public interest of the citizens of Dubach to establish clear guidelines for the removal of all such vehicles, junk, and debris in order to safeguard the public health, safety and welfare of the community it is necessary to adopt this ordinance.

Section 2. Definitions

- A. The term "junk, wrecked or used automobiles or motor vehicles" as used herein shall mean any motor vehicle which is totally inoperable, left unattended on any portion of any occupied lot, neutral ground, street or sidewalk, and is so damaged or dismantled as to be a total loss.
- B. The term "total loss" shall mean that the cost to repair a damaged or dismantled motor vehicle exceeds the junk value of said vehicle, as determined by any recognized national appraisal book.

Section 3. Responsibility of Automobile Owners

- A. Owners of automobiles shall not abandon, store, or otherwise leave any junk,

wrecked or used automobiles on the neutral ground, street, shoulder of the street, sidewalk, any lot or other property not owned by the owner of the automobile within the Town of Dubach, on any property owned by the Town of Dubach, or on any lot owned by the owner of the automobile within the Town of Dubach where the junked vehicle is observable to the public or otherwise is causing a hazardous health or dangerous condition.

- B. The Police Chief or any other Dubach Police Officer designated by the Chief or any other person authorized to act on behalf of the Town shall notify the Town Clerk of any abandoned vehicles in violation of section (c) of this ordinance. The Town Clerk shall notify the owner of any such junk, wrecked or used automobile in writing that the vehicle must be removed within ten (10) days of receipt of the notice or the vehicle shall become public property and removed and disposed of as determined by the Town. If the vehicle still has a Louisiana license plate or Louisiana registration located on the car, then such notice shall be mailed by certified or registered mail to the owner's last address listed with the Louisiana Department of Motor Vehicles. The Chief of Police or his designee shall be responsible for providing such information from the Department of Motor Vehicles to the Town Clerk. If the vehicle does not contain such identification, then the notice shall be placed on the vehicle itself by the Chief of Police or any other Dubach Police Officer designated by the Chief. A copy of any and all notices placed directly on a junked, wrecked or used automobile shall be filed with the Town Clerk.
- C. Any vehicle which remains on the public ways or private property as described in this section after proper notice has been given and the delay provided has expired shall be considered as public property and removed and disposed of as determined proper by the Mayor or the Mayor's designee. The Mayor and/or the Mayor's designee is specifically authorized to sell any such junk, wrecked or used automobiles for scrap and all such funds shall be credited to the general fund of the Town of Dubach. The Police Chief, a Dubach Police Officer, or other designated person shall notify the Town Clerk that the owner has not removed the vehicle in violation of the notice provided, the date the vehicle was removed, and how the vehicle was disposed. The Town Clerk shall note the same in the Town's records.

Section 4. Responsibility of Owners and Occupants of Land

- A. It is the responsibility of the owner, lessee, tenant, occupant, or any person in control of property in the Town of Dubach not to place or store any junk, wrecked or used automobiles or motor vehicles on any property within the Town of Dubach for more than thirty (30) days unless the vehicle or vehicles are screened from the public view by board fence or other enclosure so that they are not visible to a person from any point on the ground off the premises and the vehicles are not

creating a hazardous health or dangerous condition.

- B. It is the responsibility of the owner of property within the Town of Dubach not to place or store or allow tenants, lessees, or occupants to place or store any part or parts of any junk, wrecked or used automobile or any other junk, discarded or abandoned major appliances, such as refrigerators, freezers, ranges or machinery or other metal, tin or other discarded items on any property within the Town of Dubach for more than thirty(30) days unless the items are screened from the public view by board fence or other enclosure so that they are not visible to a person from any point on the ground off the premises and the junked items are not creating a hazardous health or dangerous condition.
- C. The Public Works Foreman or any other person authorized to act on behalf of the Town may notify the Town Clerk of property in violation of Section (d) this ordinance. Thereafter, the Town Clerk shall notify the owner of the property in writing that the junk, wrecked or used automobile part(s), other junk, discarded or abandoned major appliances, such as refrigerators, freezers, ranges or machinery or other metal, tin or other discarded items must be removed within 10 days of receipt of the notice or the Town will remove the items and the person shall be liable to the Town for the cost of removal up to \$200.00. Such notice shall be mailed by certified to the owner's last known address or hand delivered to the property owner. If the owner cannot be located, notice shall be placed on the front door of the house, office or building on the property, or if none, attached to the large junk on the property.
- D. If the owner fails to remove the junk material within ten (10) days of receipt of the notice from the Town Clerk, the Public Works Foreman or other person authorized to act on behalf of the Town shall recommend removal of the junk material and make arrangements for same. All items removed from the land shall be disposed of properly. The Mayor or his designee is specifically authorized to sell any such junk, wrecked or used automobiles for scrap and all such funds shall be credited to the general fund of the Town of Dubach. However, nothing in this ordinance shall require the Town of Dubach, the Public Works Foreman, any Town employee, or any other person to remove or dispose of any hazardous materials. If it is discovered that the junk material contains or appears to contain any hazardous materials, the Public Works Foreman may cease clean up efforts and notify the Louisiana Department of Environmental Quality, the United States Environmental Protection Agency, or any other appropriate agency.
- E. Once the junk material is removed from the property, the Public Works Foreman or other person designated by the Foreman or the Mayor shall file with the Town Clerk a statement of the actual costs of the clean up or a statement that the costs of clean up exceed \$200.00. If the owner fails to pay the costs incurred by the

Town within 10 days of the completion of the work, the Town Clerk shall send a written statement of the cost to the owner by registered or certified mail. If the statement is not paid within 30 days of mailing the letter or if the statement is returned unclaimed, the amount of the statement shall be added to the property taxes due by the owner of said property.

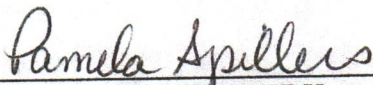
- F. The Town Clerk shall maintain a record of such charges prior to the filing of the tax rolls, which record shall be open to inspection during all normal office hours and which shall constitute legal notice to any purchasers of the property or any parties lending money thereon of the assessment.

BE IT FURTHER ORDAINED that if any portion of this ordinance 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.

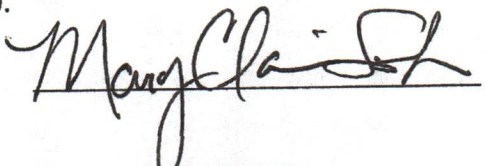
This Ordinance was duly introduced, the title of this ordinance was duly published in accordance with law, and then duly read and adopted on the 15 day of June, 2020 by the following votes: A motion was made by Evelyn Graham, seconded by Monique Roberts.

All__ YEAS None__ NAYS None__ ABSENT None__ ABSTAIN.

This Ordinance was adopted on the 15 day of June, 2020 and presented to the Mayor for her signature on the 15 day of June, 2020 (which is less than 3 days from the date the ordinance was adopted).


TOWN CLERK

Approved by the Mayor on this 15 day of June, 2020.


MAYOR