

ORDINANCE NO. 2017-236

**AMENDING SECTION 16 ARTICLE B OF THE CODE OF ORDINANCES
REMOVAL OF ABANDONED, INOPERATIVE, OR NUISANCE VEHICLES**

BE IT ORDAINED by the Livonia Town Council in regular session convened that Chapter 16 Article B of the Code of Ordinances of the Town of Livonia is hereby amended and reenacted to read as follows:

Article B. Removal of Abandoned, Inoperative or Nuisance Vehicles

Section 16.11 Findings and declarations

Section 16.12 Definitions

Section 16.13 Exceptions

Section 16.14 Administration and enforcement

Section 16.15 Right to enter on private property

Section 16.16 Abatement of abandoned, inoperative, and/or nuisance vehicles

Section 16.16.1 Request for Hearing

Section 16.17 Failure or refusal to comply

Section 16.18 Removal of vehicles from private property

Article B. Removal of Abandoned, Inoperative or Nuisance Vehicles

Section 16.11 Findings and declarations

Abandoned vehicles, inoperative vehicles and/or nuisance vehicles, as defined in this article, have been found to create conditions detrimental to the health, welfare, and safety of the residents of the town by promoting blight and deterioration, inviting plundering, creating fire hazards, constituting a potential attractive nuisance to minors, harboring or creating breeding grounds for mosquitoes and other pests, and by tending to reduce the value of property. Therefore, the presence of abandoned, inoperative, and/or nuisance vehicles, except as expressly hereinafter permitted, is declared to constitute a public nuisance which may be abated as such in accordance with the provisions of this Article.

(Ordinance 125 adopted 3/12/01)

Section 16.12 Definitions

As used in this Article:

(1) "Abandoned vehicle" means a motor vehicle that is left for more than three days in any of the following circumstances:

- (a) Unattended on public property

(b) On the shoulder or within the right-of-way of a four-lane highway, two-lane highway, or any road, street or thoroughfare within the corporate limits of Livonia.

(c) Illegally on public property

(d) On private property without the consent of the owner or person in control of the property.

(2) "Antique vehicle" means any motor vehicle twenty-five (25) years or older, which is substantially in its original condition. These vehicles must be registered as antiques and display antique license plates.

(3) "Nuisance Vehicle" means a motor vehicle where any one or more of the following factors are present and which, in the aggregate, evidence that the motor vehicle is not being used and maintained as an operating vehicle and the condition of the motor vehicle or the surrounding area does not indicate that active on-going efforts are underway to return the motor-vehicle to operating condition within the immediate future. The factors which may indicate that a motor vehicle is a nuisance vehicle include one or more of the following:

(a) The motor vehicle is partially dismantled, partially disassembled, or wrecked, or lacks major mechanical or body parts;

(b) The motor vehicle is not capable of movement under its own power in the manner in which it was originally intended, or is otherwise inoperable for use as a motor vehicle;

(c) Based upon the records of the town or from the condition of the motor vehicle, it is readily apparent that it is and has remained inoperable for a period in excess of 30 days;

(d) The motor vehicle has one or more tires missing or not reasonably inflated to the extent they are useable, or has one or more broken or severely cracked windows;

(e) The motor vehicle does not have a current license plate, registration, motor vehicle inspection sticker and/or it is evident that the motor vehicle is not currently operable in a legal manner;

(f) The motor vehicle is located in an area of a growth of weeds, grass, or other noxious vegetation over twelve inches in height;

(g) The location or condition of the motor vehicle makes it a possible breeding ground or harbor for mosquitoes, other insects, rats, snakes, or other vermin;

(h) The motor vehicle is a point of collection for pools or ponds of water;

(i) The motor vehicle is a point of concentration of quantities of gas or oil or other flammable or explosive materials;

(j) The motor vehicle is a point of collection of garbage, food waste, animal waste or other putrescent matter, or of trash, junk or similar collection of items, alone or in the aggregate;

(k) The motor vehicle has sharp or jagged parts, or has sharp or otherwise dangerous edges or points of metal, plastic, or glass;

(l) The motor vehicle has areas of confinement (trunk, no door knobs/window handles) which cannot be operated from the interior of those areas;

(m) The motor vehicle has been utilized by minors for recreational activities within the previous 60 days;

(n) The motor vehicle is situated or located haphazardly, or is in danger of falling or turning over;

(o) The motor vehicle has an accumulation of factors that make it a health or safety hazard.

(4) "Enforcing agency" means the chief of police as well as his duly authorized officers.

(5) "Inoperative" means incapable of self-propelled movements.

(6) "Owner of the premises" means the owner of the land on which the vehicles are located, as shown on the last equalized assessment roll.

(7) "Owner of the vehicle" means the last registered owner.

(8) "Vehicle" means a device, by which any person or property may be propelled, moved, or drawn upon a highway, except a device moved by human power or used exclusively upon stationary rails or tracks.

(Ordinance 125 adopted 3/12/01)

Section 16.13 Exceptions

This Article shall not apply to:

(1) A vehicle which is completely enclosed within a building in a lawful manner or is not otherwise visible from the street or other public or private property.

(2) Any motor vehicle in an appropriate storage place or depository maintained at a location where such business is authorized under the regulatory ordinances of the town.

(3) Any motor vehicle in operable conditions specifically adapted or constructed for racing or operation on privately owned drag strips or raceways.

(4) Any motor vehicle retained by the owner for antique collection purposes, as defined herein, rather than for salvage or for transportation.

(5) Any motor vehicle stored as the property of a member of the armed forces of the United States who is on active duty assignment.

(Ordinance 125 adopted 3/12/01)

Section 16.14 Administration and enforcement

Except as otherwise provided herein, this Article shall be administered and enforced by the police chief or his designee. In the enforcement of this Article, persons charged with administration and enforcement may enter upon private or public property to examine the vehicle or parts thereof, or obtain information as to the identity of a vehicle and to remove or cause the removal of a vehicle or parts thereof declared to be a nuisance pursuant to this Article. (Ordinance 125 adopted 3/12/01)

Section 16.15 Right to enter on private property

When the town has contracted with or granted a permit to any person, the person shall be authorized to enter upon private property or public property to remove or cause the removal of a vehicle or parts thereof declared to be a nuisance pursuant to this Article. (Ordinance 125 adopted 3/12/01)

Section 16.16 Abatement of abandoned and nuisance vehicles.

(1) Abatement of Abandoned Vehicles:

(a) Whenever any motor vehicle is found to be an abandoned vehicle, a notice shall be posted on the windshield of the vehicle directing that the vehicle is to be removed from that location within 48 hours, not to include weekends or legal holidays, and shall direct that the failure to remove the vehicle from within the corporate limits of the town may result in the vehicle being removed by the town, or by a tow truck operator on behalf of the town.

(b) If the abandoned vehicle is not removed within 48 hours, not to include weekends or legal holidays, from date of posting the notice, the abandoned vehicle may be removed and disposed of by a tow truck operator on behalf of the town, with all costs of towing and storage to be collected from the property owner, vehicle owner or lien holder retrieving the vehicle, or from the sale or disposition of the vehicle, as otherwise provided by law. If the abandoned vehicle is

found again at another location within the corporate limits of the town after the initial posting of notice, the vehicle may be removed by the town, or by a tow truck operator on behalf of the town, without further notice being required.

(c) In addition to the notice to be placed upon the windshield of the abandoned vehicle, as provided above, notice shall also be provided within ten days of the date the vehicle was removed, to the registered owner of the abandoned vehicle and any registered lien holders (if such owner and/or lien holders can be reasonably determined), at the address reflected by the records of the Louisiana Office of Motor Vehicles, by certified U.S. Mail, or by personal service through town police personnel. If service by certified mail or personal service is unsuccessful, publication of the notice of the removal one time in the official journal of the town shall be deemed sufficient.

(2) Abatement of Nuisance Vehicles:

(a) Whenever any motor vehicle is found to be a nuisance vehicle, a notice shall be posted on the windshield of the vehicle directing that the vehicle is to be removed within fifteen days, not to include weekends or legal holidays, and shall direct that the failure to remove the vehicle from within the corporate limits of the town may result in the vehicle being removed by the town, or by a tow truck operator on behalf of the town.

(b) If the nuisance vehicle is not removed within fifteen days, not to include weekends or legal holidays, from date of posting the notice, the nuisance vehicle may be removed and disposed of by a tow truck operator on behalf of the town, with all costs of towing and storage to be collected from the property owner, vehicle owner or lien holder retrieving the vehicle, or from the sale or disposition of the vehicle, as otherwise provided by law. If the nuisance vehicle is found again at another location within the corporate limits of the town after the initial posting of notice, the vehicle may be removed by the town, or by a tow truck operator on behalf of the town, without further notice being required.

(c) In addition to the notice to be placed upon the windshield of the nuisance vehicle, as provided above, notice shall also be provided to the property owner at the address reflected on the most recent tax roll (if such owner can be reasonably determined) or registered owner of the motor vehicle and any registered lien holders (if such owner and/or lien holders can be reasonably determined) at the address reflected by the records of the Louisiana Office of Motor Vehicles, by certified U.S. Mail or by personal service through town police personnel. If service by certified mail or personal service is unsuccessful, publication one time in the official journal of the town shall be deemed sufficient.

Section 16.16.1 Request for hearing

Any person receiving notice that he is in violation of the requirements of Section 16.16(2) of this Chapter may request in writing a hearing directed to the Livonia Town Council, within the fifteen (15) day period after receipt of notice. The written request for a hearing must be received by the Town Clerk within the 15 day time period to show cause at a meeting of the council, why the vehicle should not be considered a nuisance.
(Ordinance 125 adopted 3/12/01)

Section 16.17 Failure or refusal to comply

The failure or refusal to comply with this Article or to request a hearing in writing shall constitute a misdemeanor, and the violator shall be subject to a fine of up to five hundred (\$500) dollars, sixty (60) days imprisonment, or both for each violation.
(Ordinance 125 adopted 3/12/01)

Section 16.18 Removal of vehicles from private property

Private property owners, whether commercial or residential, have the power, as authorized by general law, to cause vehicles to be removed from their property illegally situated thereon. If any case where a private property owner requests any law enforcement agency having jurisdiction, to cause to be removed from private property a vehicle said by the private property owner to be illegally situated on his private property, such law enforcement agency shall be authorized and empowered to cause the vehicle to be removed by wrecker service in accordance with established policies and procedures for obtaining of wrecker services by law enforcement agencies in the town.
(Ordinance 125 adopted 3/12/01)

Said Ordinance having been introduced on August 14, 2017, by James Bergeron, notice of public hearing have been published, said public hearing having been held, the title having been read and the Ordinance considered, a motion was made by James Bergeron and seconded by Greg Jarreau, to adopt the Ordinance. A record vote was taken and the following results were had:

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| YEAS: | Bergeron, G. Jarreau, T. Jarreau, LeBlanc, Pourciau |
| NAYS: | None |
| ABSENT: | None |
| ABSTAIN: | None |

Whereupon, the Ordinance was declared adopted on this 11th day of September, 2017.

ATTEST and delivered to the Mayor
September 12, 2017

Donna Bergeron, MMC
Town Clerk, Livonia, Louisiana

APPROVED and delivered to the Clerk
September 12, 2017

Rhett Pourciau, MAYOR
Town of Livonia, Louisiana

Published in official journal on September 14, 2017.