

CHAPTER 22
JUNK

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SECTION 22.01 DEFINITIONS

When used in this Chapter, the following terms shall have the indicated meanings:

- a. **Abandoned vehicle** shall mean any motor vehicle or mobile home as defined herein, which:
- (1) Has remained for a period of more than twenty-four (24) hours on public property illegally;
 - (2) Lacks vital component parts or is in an inoperable condition such that it has no substantial potential further use consistent with its usual functions, except for vehicles kept in an enclosed garage or storage building;
 - (3) Has remained for a period of more than sixty (60) days on private property without the consent of the person in control of such property;
 - (4) Is voluntarily surrendered by its owner to and accepted by the Town or the Department; or
 - (5) Comes into the possession of the Town or the Department by seizure, confiscation or other means hereinafter provided.
- b. **Abandoning a vehicle** shall mean any act which renders a thing an "abandoned vehicle" as defined herein.
- c. **Department** shall mean the Police Department of the Town.
- d. **Impound** or any form of the word thereof shall be construed to mean the removal of an abandoned or inoperable motor vehicle or mobile home.
- e. **Mobile home** shall mean a movable or portable building which is constructed on a chassis, and/or which is designed to be towed over Louisiana roads and highways under special permit, designed for year-round occupancy, and designed primarily to be used without a permanent foundation, but which may sit on a permanent foundation, and designed to be connected to utilities. It may consist of one or more sections that can be telescoped when transported and expanded later for additional capacity, or of two or more sections, separately transportable, but designed to be joined together into one integral unit. Nothing contained herein shall be construed to relieve a mobile home owner from acquiring a moving permit before moving a mobile home to be placed in the Town or from being responsible for removing or repairing the mobile home after fire or damage to it has made it inoperable or uninhabitable.
- f. **Motor vehicles** shall mean all vehicles propelled or driven by gasoline or diesel motor or engine which was, is or may be used to carry, haul, or transport persons or property, including

automobiles, cars, buses, vans, trucks, pick-up trucks, tractors, motorcycles, tractor-trailers and other automotive vehicles, but not including locomotives, trains and other vehicles which travel on or are used on rails or tracks exclusively.

g. **Official** shall mean the Mayor or the Mayor's representative.

h. [Reserved]

i. [Reserved]

j. **Property** shall mean any immovable property within the Town, whether public or private, and shall include streets, alleys or highways.

l. [Reserved]

m. **Streets** shall mean roadways or passageways for the use of motor vehicles or pedestrians in the corporate limits of the town, including streets, roads, avenues, boulevards, roadways, lanes, thoroughfares, overpasses, bridges, ramps, viaducts, alleys, ways, shoulders, medians, neutral grounds, sidewalks, rights-of-way, walkways, and other public highways in the Town.

n. **Town** shall mean Town of Blanchard or its representatives.

o. **Vacate** shall mean to place and leave a motor vehicle unattended for an unreasonable period of time.

(Amended March 3, 2004 – Effective April 1, 2004 – Ordinance 6 of 2003)

SECTION 22-02 DECLARATION OF PUBLIC NUISANCE.

The outside accumulation and storage of abandoned, wrecked, junked, partially dismantled or inoperative motor vehicles or motor homes as defined herein within the Town is hereby found to create an unsightly condition, tending to reduce the value of private property; to invite plundering, to create fire hazards and to constitute an unattractive nuisance and creating a hazard to health and safety. The accumulation and outside storage of such vehicles is determined to be in the nature of rubbish, litter and unsightly debris and is hereby declared to constitute a public nuisance, which may be abated as provided herein or as provided under any other applicable ordinance of the Town or by the laws of the State of Louisiana.

(1) All persons are prohibited from abandoning a motor vehicle or mobile home in or on Town streets, Town property or private property within the corporate limits of the Town.

(2) Any person who violates any section of this Chapter shall be fined not more than Five Hundred & NO/100 (\$500.00) Dollars or imprisoned for not more than sixty (60) days, or both, and such vehicles shall be impounded.

(Amended March 4, 2004 – Effective April 1, 2004 – Ordinance 6 of 2003)

SECTION 22.03 REMOVAL OF ABANDONED VEHICLES; FEES AND CHARGES.

(a) For purposes of this section, evidence that a vehicle is or appears to be inoperable includes but is not limited to: a missing wheel or wheels, absence of a motor, flat or missing tire or tires, any unsafe condition that would be a danger to life or property, or the absence of those parts and equipment in proper condition and adjustment as required in LSA R.S. 32:51, et seq.

(b) Any motor vehicle or motor home abandoned on or about the Town streets or Town property for more than seven days shall be subject to removal, impoundment and detention by the Town or any person authorized and instructed by the Town to do so. Prior to the removal, impoundment or detention of a motor vehicle or motor home in accordance with this section, a notice shall be securely affixed to such vehicle, stating that the vehicle has been parked there for an excessive period of time, and notifying the owner thereof that it will be towed away unless removed within seven days. If the abandoned vehicle constitutes a public hazard, such vehicle shall be subject to immediate removal, impoundment or detention without notice. Nothing contained herein shall prohibit the Department from removing and impounding any motor vehicle or motor home which is an obstruction to traffic to or the use of a public street or right-of-way.

(c) When an abandoned motor vehicle or motor home has been located on private property for a period in excess of thirty (30) days, or when a vehicle is determined to be an abandoned vehicle, the Department or Official shall be authorized to send a letter by certified or registered mail, return receipt requested, ordering the owner or occupant of said property to remove or enclose the vehicle within seven (7) days from the date of receipt of said letter. In the event the letter is not deliverable, the Department or Official shall place a notice on said abandoned vehicle providing for a period of seven (7) days to remove or relocate such vehicle(s). After the expiration of the time provided for above without further notice to owner or reputed possessor, the Town shall be authorized to remove and impound said vehicle. Such vehicles shall be subject to towing charges, storage fees and any and all reasonable fees and necessary costs of any impounded vehicle.

(d) An abandoned motor vehicle impounded by the Town shall be subject to towing charges and to a storage fee for each day it is impounded and this fee shall be chargeable to the vehicle owner and/or person having authority over the vehicle.

(e) Whenever any motor vehicle has been removed, impounded or detained in accordance with this section, the police department or a third party contracted by the Town shall as soon as practicable, send a certified letter, return receipt requested, to the last known owner of such vehicle, notifying such owner of the following:

- (1) That the vehicle has been impounded;
- (2) The amount or rate of assessed charges for towing, storage or other costs incident to the impoundment, and that the release of the vehicle may be obtained by paying the stated charges and all outstanding parking infraction amounts and by showing proof of ownership of such vehicle;
- (3) That in the alternative the owner may obtain release of the vehicle by posting an appearance bond which shall be in an amount not less than the total of all amounts described in subsection (e)(2);
- (4) The procedure to be followed in obtaining and posting such bond;
- (5) That he has the opportunity for a hearing if he so requests concerning the amount and propriety of the fees for impoundment and storage fees under of this section;
- (6) The procedure to be followed in requesting such a hearing.

(Amended March 4, 2004 – Effective April 1, 2004 – Ordinance 6 of 2003)

SECTION 22.04 RECORD KEEPING.

The Department shall keep a complete and accurate record of any and all abandoned, junked or unclaimed motor vehicles or motor homes impounded pursuant to this article. The record shall contain the following information:

- (1) Date of removal and impoundment of abandoned vehicle or motor home;
- (2) Date of removal of junked vehicle or motor home;
- (3) Place from which such vehicle or motor home was removed;
- (4) Date of placing notice on such vehicle or motor home;
- (5) All available identification information pertaining to such vehicle or motor home; and
- (6) Any other pertinent information necessary for an orderly process.

Such record for each impounded motor vehicle or motor home shall be retained by the Department for five years following impoundment.

(Amended March 4, 2004 – Effective April 1, 2004 – Ordinance 6 of 2003)

Section 2. All ordinances or resolutions or parts hereof in conflict herewith are hereby repealed. Specifically, all sections of Chapter 22 of the Town Code of Ordinances in effect prior to the **(Amended March 4, 2004 – Effective April 1, 2004 – Ordinance 6 of 2003)**