

CITY OF ST. GEORGE

BY COUNCIL MEMBER MONACHELLO:

ORDINANCE NO. 2024-018

AN ORDINANCE TO ENACT TITLE 2, CHAPTER 8 AND TITLE 12, CHAPTER 7 RELATIVE TO ABANDONED, INOPERATIVE MOTOR VEHICLES ON PUBLIC AND PRIVATE PROPERTY AND TO PROVIDE FOR RELATED MATTERS

WHEREAS, the Council for the City of St. George finds abandoned and inoperative vehicles reduce the value of property; promote blight and deterioration; invite plundering; create fire hazards; constitute an unattractive nuisance creating a hazard to the health and safety of minors; create a harborage for rodents and insects; and create injurious to health, safety and general welfare.

WHEREAS, the Council for the City of St. George finds the presence of abandoned or inoperative vehicles constitute a public nuisance.

WHEREAS, La. R.S. 32:474 provides a municipality with the authority to take into custody any motor vehicle found abandoned on public or private property.

WHEREAS, the Council for the City of St. George seeks to enact an ordinance to abate and dispose of abandoned, inoperative vehicles on public and private property within the City.

BE IT ORDAINED by the St. George City Council, State of Louisiana, Title 2. Streets, Alleys, Sidewalks, and Public Building Regulations, Chapter 8, Abandoned, Inoperative Motor Vehicles on Public Property and Title 12. Nuisances, Chapter 7, Abandoned, Inoperative Motor Vehicles on Private Property are enacted as follows:

Section 1. Enactment

**Title 2. STREETS, ALLEYS, SIDEWALKS, AND PUBLIC BUILDING REGULATIONS
Chapter 8. ABANDONED, INOPERATIVE MOTOR VEHICLES ON
PUBLIC PROPERTY**

Sec. 2:801. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

Abandoned means a vehicle left unattended and inoperative for a period of 48 hours.

Enforcing agency means the Chief of Police, Sheriff, or Director of Public Works, as well as their

duly authorized agents.

Inoperative means incapable of being lawfully moved upon the highways and streets, and includes, but is not limited to, vehicles which are not currently and validly registered for operation or use on the highways and streets. All such vehicles are declared to be inoperative.

Vehicle means every device by which persons or things may be transported upon a public highway or bridge, except devices moved by human power or used exclusively upon stationary rails or tracks. A bicycle or a ridden animal shall be a vehicle, and a trailer or semitrailer shall be a separate vehicle.

Sec. 2:802. Removal of abandoned, inoperative motor vehicles.

- (a) The enforcing agency shall be responsible for the administration of this chapter and may remove or cause to be removed from the streets and public property of the City all abandoned inoperative motor vehicles in accordance with the provisions of this chapter.
- (b) The enforcing agency may remove or cause to be removed the abandoned inoperative vehicle and is hereby authorized to convey same to a wrecker service.
- (c) Wrecker services provided under the authority of this Section shall be licensed, bonded and registered with the City and shall not charge fees in excess of the approved fee schedule as adopted and in force in the City.
- (d) All abandoned inoperative motor vehicles removed from the streets or public ways in accordance with this Section shall be subject to towing and service fees as set forth by law, which charge shall be due by the owner of or any person claiming an interest in the abandoned inoperative motor vehicle.

Sec. 2:803. Record of sales of abandoned, inoperative motor vehicles.

The enforcing agency shall keep a complete record of all abandoned inoperative motor vehicles removed from streets and public ways with details as to the date of removal, the location from which removed, and the name and address of the approved wrecker service to whom the inoperative motor vehicle was conveyed.

Sec. 2:804. Immediate removal of vehicle obstructing traffic or endangering public health, safety or welfare.

The enforcing agency may immediately remove any vehicle that obstructs traffic or endangers the public health, safety, or welfare from the streets or other public property of the City, including, but not limited to, the following circumstances:

- (1) When any vehicle is left unattended upon a bridge, viaduct, causeway, or underpass or along a street, road, or alley, where such vehicle constitutes an obstruction to traffic.
- (2) When a vehicle upon a highway, street, road, or alley is disabled as to constitute an obstruction to traffic, or the person in charge of a vehicle is, by reason of physical injury,

- incapacitated and is unable to provide for its custody or removal.
- (3) When any vehicle is left unattended upon a street and is parked illegally and constitutes an obstruction to traffic or danger to local neighborhood residents.

Sec. 2:805 Penalty for violation.

Any abandoned, inoperative vehicle as herein defined shall constitute a nuisance and the owner or individual who abandoned the vehicle shall be subject to a fine of up to \$500 in addition to any other penalty provided by law. Each day a violation is committed or permitted to continue shall constitute a separate violation. Violations of this Section may be enforced by the City pursuant to the Administrative Procedure Ordinance, Title 4, of the City of St. George Code, or in any court of competent jurisdiction.

Title 12. NUISANCES
Chapter 7. ABANDONED, INOPERATIVE MOTOR VEHICLES ON
PRIVATE PROPERTY

Sec. 12:701. Findings and declarations.

In addition to and in accordance with the determination made and the authority granted to remove abandoned, inoperative vehicles as public nuisances, the City Council makes the following findings and declarations:

The accumulation and storage of abandoned, inoperative, dismantled, or wrecked vehicles is found to create a condition tending to reduce the value of property; to promote blight and deterioration; to invite plundering; to create fire hazards; to constitute an attractive nuisance creating a hazard to the health and safety of minors; to create a harborage for rodents and insects; and to be injurious to the health, safety and general welfare. Therefore, the presence of abandoned or inoperative vehicles, except as expressly permitted, is declared to constitute a public nuisance that may be abated as such in accordance with the provisions of this chapter.

Sec. 12:702. Definitions.

The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

Abandoned, inoperative vehicle means any vehicle which is incapable of being lawfully moved upon the highways and streets, and includes, but is not limited to, wrecked or dismantled vehicles. Lack of current and/or valid registration, inspection sticker, or license plate alone does not constitute abandoned, inoperative condition. Vehicles that are otherwise in compliance with La. R.S. 32:1301—1310 are not considered to be abandoned, inoperative vehicles for purposes of this chapter.

Antique vehicle means any motor vehicle 25 years or older, which is operable and substantially in its original condition. These vehicles must be registered as antiques and display antique license plates.

Enforcing agency means the Chief of Police, Sheriff, or Director of Public Works as well as their duly authorized agents.

Owner of the premises means the owner of the land on which the vehicle is located, as shown on the last equalized assessment roll.

Owner of the vehicle means the last registered owner.

Vehicle means every device by which persons or things may be transported upon a public highway or bridge, except devices moved by human power or used exclusively upon stationary rails or tracks. A bicycle or a ridden animal shall be a vehicle, and a trailer or semitrailer shall be a separate vehicle.

Sec. 12:703. Exceptions.

This chapter shall not apply to:

- (1) A vehicle that is completely enclosed within a building in a manner that 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 comprehensive zoning ordinance and other regulatory ordinances of the City;
- (3) Any motor vehicle in operable condition specifically adapted or constructed for racing or operation on privately owned drag strips or raceways;
- (4) Any antique vehicle retained by the owner for collection purposes, as defined herein, rather than for salvage or for transportation; and
- (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.

Sec. 12:704. Administration, enforcement, right of law enforcement officers to enter private property.

Except as otherwise provided herein, the provisions of this chapter shall be administered and enforced by the Chief of Police, Sheriff, or City services. In the enforcement of this chapter, such 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 chapter.

Sec. 12:705. Right to enter on private property.

When the City has contracted with or granted a permit to any person or persons, such person or persons 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 chapter.

Sec. 12:706. Notice to owner or occupant to abate public nuisance on occupied or unoccupied premises.

- (a) Whenever any public nuisance exists on occupied or unoccupied premises with the City in violation of Section 12:701, the enforcing agency shall order the owner of the vehicle, or the owner or the occupant of the premises whereon such public nuisance exists, to abate or remove the same. Such order shall:
 - (1) Be in writing;
 - (2) Specify the public nuisance and its location;
 - (3) Specify the corrective measures required;
 - (4) Provide for compliance within 15 days from service thereof; and
 - (5) Provide for opportunity for hearing by written request received by the enforcing agency within seven days.
- (b) The order shall be served upon the owner or occupant of the premises by serving him personally or by sending the order by certified mail, return receipt requested, to the address of the premises and the address shown by the Department of Motor Vehicles.
- (c) Within the 15 day period after service of notice, the owner or occupant of the premises or the owner of the vehicle shall abate the nuisance by:
 - (1) Removing the nuisance from the premises; or
 - (2) Commencing repairs to the vehicle which shall be completed within 30 days (an extension not to exceed six months may be given by the enforcing agency for good cause).
- (d) It shall be the responsibility of the owner or occupant of the property or owner of the vehicle to notify the enforcing agency as soon as the vehicle has been removed or as soon as repairs have been completed. Upon notification, the enforcing agency will verify that compliance has taken place.
- (e) If the owner or occupant of the premises or the owner of the vehicle fails to abate the nuisance within the 15 day period of notification or fails to timely request a hearing, the enforcing agency may issue a summons to the owner or occupant of the premises and remove vehicle from the premises in the same manner as provided by state law and local ordinance.

Sec. 12:707. Notice presumed from refused certified mail.

For purposes of this chapter, when the owner of the premises or owner of the vehicle has been served notice by certified mail as set forth in Section 12:706, and such certified mail is

refused, the owner is deemed to have received notice in accordance with the provisions of this chapter, and the 15 day period commences to run on the date of refusal.

Sec. 12:708. Failure or refusal to comply.

The failure or refusal to comply with the provisions of this chapter shall constitute a violation, and the violator shall be subject to a fine up to \$500. Each day of the violation shall constitute a separate violation. Violations of any provision of this chapter may be enforced by the City pursuant to the administrative procedures set forth in Title 4 of the Code of Ordinances for the City of St. George or by a court of competent jurisdiction.

Sec. 12:709. Removal from unoccupied premises when owner's whereabouts are unknown or notice is returned unclaimed.

- (a) When there is an abandoned or inoperative vehicle on premises that are unoccupied and the identity or whereabouts of the owner of the premises is unknown or unascertainable after a diligent search has been made, or if notice sent to the last record owner of the property by certified mail has been returned as unclaimed, then the enforcing agency shall place an advertisement in the official journal of East Baton Rouge Parish for the whereabouts of the owner for a period of 15 days. If no response is forthcoming after the 15-day period, then the enforcing agency may take possession of the motor vehicle and remove it from the premises. The enforcing agency shall thereafter dispose of the vehicle in the same manner as provided in Section 12:706.
- (b) If notice sent to the occupant of the premises is returned "unclaimed," service may be accomplished by posting the notice on the doorway of the premises with the 15-day period commencing on the date of posting.

Sec. 12:710. 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. In any case where an owner requests a law enforcement agency having jurisdiction to remove from his property a vehicle identified by the property owner to be illegally situated on his property and has filed with the law enforcement agency an acceptable indemnification agreement, the law enforcement agency shall be authorized and empowered to remove vehicle by wrecker service in accordance with established policies and procedures for obtaining of wrecker services by law enforcement agencies in the City.

Section 2. Effective Date

This Ordinance shall be effective upon publication.

This Ordinance having been submitted to a vote, the vote thereon was as follows:

For: Cook, Edmonds, Heck, Himmel and Monachello
Against: NONE

Adopted this 24th day of September, 2024.

Signed this 1st day of October, 2024.


Delivered to Mayor on the 1st day of October, 2024:


Lorraine Beaman, City Clerk

Approved:


Dustin Yates, Mayor

Received from Mayor on the 1st day of October, 2024:


Lorraine Beaman, City Clerk

Adopted Ordinance published in *The Advocate* on the 11th day of October, 2024.