

The following Ordinance was moved for adoption by Mrs. Jackie Balmer and seconded by Mr. Ronnie Hayes.

**PROPOSITION NO. 302 ORDINANCE NO. 804**

An Ordinance Amending Chapter 17, Solid Waste, of the Town of Welsh, of the Code of Ordinances of the Town of Welsh, Louisiana.

WHEREAS, Welsh, Louisiana is empowered to adopt amendments and revisions of its ordinances by Louisiana Revised Statutes.

WHEREAS, the Mayor and Board of Alderman are desirous of exercising said power; now therefore

BE IT ORDAINED by the Mayor and Board of Alderman of the Town of Welsh, Louisiana, and it is hereby ordained by the same:

Article IV. ABANDONED AND JUNKED PROPERTY is hereby amended to read as follows:

Sec. 17-120 Definitions

A. "Junk"-includes any junk 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 portion of any occupied lot, neutral ground, street or sidewalk.

B. "Boats and watercraft"-include any device upon which any person or property may be transported upon any type of water body and shall also include any trailer or other device upon which a boat or watercraft may be transported by land; the definition shall also include any vehicle or device which is capable of traveling both upon land or water.

Sec. 17-121 - Storage, Abandonment, prohibited.

The storing or abandoning of junk, 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 town is hereby prohibited.

Sec. 17-122 - Notice to owner of property to remove.

In the case of abandoned property, written notice shall be served upon the owner of the lot or parcel of ground upon which the junk material is located by certified mail which notice shall require that the person owning or occupying the premises shall remove the junk material within ten (10) days of such notice.

Sec. 17-123 - Removal by town of junk property, collection costs.

a) In default of removing from the designated area abandoned property or junk property described in this ordinance within the period provided for hereinabove, the mayor, town superintendent or the mayor's duly authorized representative is hereby authorized and empowered at the expense of the person owning the premises to order, by town employees or by contract, the removal of the junk from the designated area.

b) The actual cost of the work of removing the junk property, whether performed by town employees or by contract, plus accrued interest at the rate of eight (8) percent per annum from the date of completion of such work shall be charged to the person owning the premises, which charge shall be due and payable on the completion of such work.

c) If the full amount due to the town for the removal of the junk as provided in this section is not paid by the person owning the premises within thirty (30) days after completion of such work as provided for hereinabove, the mayor or the town superintendent or the mayor's duly authorized representative, shall cause to be recorded in the mortgage records of the parish a sworn statement showing the cost incurred for the work and the date and the place or property

upon which such work was done. The recordation of such sworn statement shall constitute a lien and privilege on the property and shall remain in full force and effect for the full amount due including principal, interest, and recording costs and cost of court, if any, for collection, for a period of ten (10) years for the date of filing. Such lien and privilege shall be prior in rank to mortgages, vendor privileges and other privileges except tax privileges. The cost and expense of the removal shall be collected in the manner fixed for the collection of taxes and shall be subject to a delinquent penalty of ten (10) percent if the same is not paid in full on or before thirty (30) days after date of completion of such work.

d) The owner of the property removed pursuant to this article shall be liable to the town for the cost of removal not to exceed five hundred dollars (\$500.00). Should the cost to remove the junk property exceed five hundred dollars (\$500.00), the town shall then request (3) three bids for the removal of the junk property.

Sec. 17-124 - Declaration of Public Nuisance.

The presence of any junk on any private lot, tract or parcel of land or portion thereof, occupied or unoccupied, improved or unimproved, or at any water body within the Town of Welsh shall be deemed and is hereby declared a public nuisance; and it shall be unlawful to cause or maintain such a public nuisance.

Sec. 17-125 - Repealed.

Sec. 17-126 - Repealed

Sec. 17-125 Civil Proceedings

The Mayor, Chief of Police and/or the Board of Aldermen is authorized to commence any civil proceedings to abate any nuisance described in this Subpart in any court of competent jurisdiction.

Sec. 17-126 Penalties

Any person violating any of the provisions of this Subpart shall be guilty of a misdemeanor and upon conviction shall be subject to a fine of not more than Two Hundred (\$200.00) Dollars or imprisonment for not more than ten (10) days or both. Each transaction in violation of the provisions herein contained shall be deemed a separate offense.

#### ARTICLE IV - JUNK AND/OR ABANDONED VEHICLES

Sec. 17-150 Purpose

1. To establish procedures for the abatement and removal of junk and/or inoperable vehicles and parts thereof.
2. To enhance the aesthetic qualities of the Town of Welsh
3. To conserve and maintain property values.
4. To protect the health of the public.
5. To provide for public safety.

Sec. 17-151. - Declaration of public nuisance; prohibition.

The presence of any junked vehicle or abandoned vehicle within the Town of Welsh on any public land, private or public lot, private tract or private tract or public parcel or land, private parcel or land, or portion thereof, occupied or unoccupied, improved or unimproved, or at any body of water within the Town of Welsh shall be deemed and is hereby declared a public nuisance. It shall be unlawful for any person to cause or maintain such a public nuisance by abandoning, wrecking, dismantling, partially dismantling, rendering inoperable, or discarding any vehicle on the real property of another or on public property, or to suffer, permit, or allow any junked vehicle and/or abandoned vehicle to be parked, left, or maintained on his own real immovable property, provided that this section shall not apply to:

- (1) Any junked vehicle in an appropriate business, storage place, or depository, maintained at a location where such business, storage place, or depository where such business is authorized to store or possess same under the comprehensive zoning ordinance and other regulatory ordinances for the Town of Welsh. However, such vehicles shall be stored in a completely enclosed building that is in good repair and capable of safely storing the vehicle and the vehicle is not in sight of the public, or such vehicles shall be enclosed by a wooden fence of at least eight (8) feet in height that completely prohibits the public from viewing the aforementioned vehicles where the wooden fence is kept in good repair.
- (2) Any vehicle stored as the property of a member of the armed forces of the United States who is on active-duty assignment.

#### Sec 17-152. Definitions

##### A. "Vehicle"

Shall include, but not be limited to, any automobile, motorcycle, truck, bus, motorized bicycle, motor home, motorized recreational vehicle, off road vehicle, all-terrain vehicle (ATV), four-wheeler, side-by-side, boat, watercraft, camper, travel trailer, utility trailer, enclosed trailer, semi-trailers of any kind, equipment trailers, fuel trailers, boat trailers or any other device upon which a boat or watercraft may be transported by land, box trailers, combination trailers, mobile construction equipment of any kind, or any similar vehicle of any kind capable of being moved on a public right-of-way. The definition of vehicle shall also include any part or component of any of the afore described vehicles.

##### B. "Junk/Abandoned Vehicle"

1. Shall be defined as, but not be limited to, any vehicle that is damaged to such an extent as to render it unlawful to operate on any public right of way. This includes, but is not limited to: broken headlights or tail lights, broken windshields, broken windows, flat tires, missing side view mirrors, missing wheels, missing seats, missing steering wheel, missing body parts, or missing drive train parts.
2. Shall also be defined as, any vehicle in in a condition of neglect such as, but not limited to, having windows open to the weather, the vehicle being sunken into the ground, the vehicle being covered in mold growth, the vehicle being enveloped by vegetation.
3. Shall also be defined as, any vehicle that is apparently inoperable.
4. Shall also be defined as, any vehicle is wrecked, dismantled, partially dismantled, abandoned, or discarded.
5. Shall also be defined as any vehicle that is causing potential harm or a safety risk to persons or property.

#### Sec. 17-153. - Notification to Owners.

- A. Whenever any vehicle is determined to be a junked vehicle and/or an abandoned vehicle, the Town of Welsh, through its authorized representative, shall cause the following notice to issue:
  1. Town of Welsh shall place a written notice on the vehicle itself;
  2. Town of Welsh shall deliver written notice to the owner of record of the property upon which the vehicle is located, either by hand-delivery or by certified mail, return receipt requested;
  3. If different from the owner of record, the Town of Welsh shall deliver written notice to the occupant of the property upon which the vehicle is located, either by hand-delivery or by certified mail, return receipt requested; and
  4. If known, the Town of Welsh shall deliver written notice to the owner of the vehicle, either by hand-delivery or by certified mail, return receipt requested.

- B. If notice by certified mail is returned, refused, and/or unclaimed, notice shall be deemed to have been given.
- C. Each written notice issued pursuant to subsection (a) of this section shall state the following:
  - 1. The procedure by which one may request a hearing before the chief administrative officer pursuant to section 17-154 of this title;
  - 2. That, if the junked vehicle is not removed within 10 calendar days of the date of the notice and no timely request for a hearing is made, the Town of Welsh may remove and dispose of the vehicle pursuant to section 17-157 or 17-158;
  - 3. That, in lieu of removal of the vehicle pursuant to section 17-157 or 17-158, the owner or occupant of the property upon which the vehicle is located and/or the owner of the vehicle may, within 10 calendars days of the date of the notice, remit to the Town of Welsh a sum equal to the total of all costs, expenses, and charges for towing the vehicle and all administrative costs associated therewith, including, but not limited to, costs of providing the requisite notice, together with a written letter of authority authorizing the Town of Welsh to remove and dispose of the vehicle.
- D. When notified as set forth herein, the owner and/or occupant of the premises upon which the vehicle is located shall be jointly and severally liable with the owner of the vehicle.

Sec. 17-154. - Hearing in accordance with LSA-RS 13:2575.

- (A) The owner of the junked vehicle and/or abandoned vehicle, the owner of the premises, if in possession thereof, or the occupant of the premises upon which the motor vehicle is located, may, within 10 days from the date from which the notice of removal was hand delivered or mailed, request in writing a hearing directed to the Town of Welsh City Hall, 112 South Adams Street, Welsh, Louisiana 70591 or P.O. Box 786, Welsh, Louisiana 70591 to contest the determination made by the Town of Welsh. In cases where the notice is not mailed or hand delivered, the request for a hearing may be made within 15 days from the date on which it is reasonably calculated that the owner to be notified received notice, but not more than 30 days from the date of posting or delivery of said notice. The written request for a hearing must be received by the Town of Welsh City Hall within the appropriate time period stated herein (either 15 days or 30 days, depending on the method of notice delivery), and must be made at the place designated in the notice provided to the owner of the junked and/or abandoned vehicle and the owner of the premises, if in possession thereof, or the occupant of the premises upon which the motor vehicle is located.
- (B) The hearing provided herein shall be conducted by the administrative officer or his designee who shall act as the hearing officer.
- (C) The hearing shall be held within a reasonable amount of time after the receipt of the written request for a hearing, and the person requesting the hearing shall be notified in writing of the time and place of the hearing at least five days in advance thereof. At the hearing, the Town of Welsh or the person requesting the hearing may introduce such testimony or other evidence as is deemed necessary.
- (D) Any person determined by a final order of the hearing officer to be in violation of this division may appeal this determination to the district court for the Parish of Jefferson Davis. Such appeal shall be instituted by filing, within 30 days of the date of the hearing officer's order, a petition with the clerk of the district court along with payment of such reasonable costs as may be required by the clerk of court.

Sec. 17-155. - Seizure.

- (A) After notice and hearing, The Town of Welsh, through its duly authorized representative, may seize or otherwise hold any junked vehicle and/or abandoned vehicle which is found to be in violation of this division. The owner thereof shall be entitled to regain possession upon the payment of such costs as may be fixed by the policing authority for the violation. The costs so fixed shall cover all charges and expenses for removing the vehicle to the place of

holding as well as all other costs, charges, and expenses, including, but not limited to, administrative costs of providing the requisite notice incurred during the period of holding.

- (B) The Town of Welsh, through its authorized representative, may take into custody any junked vehicle and/or abandoned vehicle found on public or private property. The Town of Welsh may employ its own personnel, equipment, and/or facilities, and/or may employ such other persons, equipment and/or facilities for the purpose of removing, preserving, and storing junked vehicles and/or abandoned vehicles as it may determine necessary.

Sec. 17-156. - Failure to remove upon notification.

- (A) If the vehicle is not removed within 10 calendar days of the date of the notice or authority and no timely request for a hearing pursuant to section 17-150 is made the vehicle may be removed and disposed of by the Town of Welsh in accordance with section 17-157 or 17-158 of this title, as applicable. In such event, The Town of Welsh shall be entitled to recover any and all costs, charges, and expenses incurred by The Town of Welsh for the removal, storage, and/or disposal of the vehicle and for all administrative costs associated therewith, including, but not limited to, costs of providing the requisite notice. In the event the owner of the premises upon which the vehicle is located is to be taxed for such costs, charges, and expenses, the same may be represented and secured by a lien filed in the public records of the Jefferson Davis Parish Clerk of Court attesting to the costs, charges and expenses incurred. Such lien shall be recoverable and may be enforced in the same manner and by the same procedure set forth at section 17-101 of this title, relative to weeds and noxious growths.
- (B) In lieu of removal of the vehicle pursuant to section 17-157 or 17-158, the owner or occupant of the property upon which the vehicle is located and/or the owner of the vehicle may, within 10 calendar days of the date of the notice, remit to the Town of Welsh a sum equal to the sum of all costs, charges, and expenses of towing the vehicle and all administrative costs associated therewith, including, but not limited to, costs of providing the requisite notice, together with a written letter of authority authorizing the Town of Welsh to remove and dispose of the vehicle. The letter of authority shall be in the form provided by the Town of Welsh. In the event that anyone other than the person determined to be the owner of the vehicle grants authority for removal thereof and pays the required fees costs, charges, and expenses, then, in order to permit the owner of the vehicle the opportunity to remove the vehicle himself, the Town of Welsh shall not remove the vehicle until the elapse of 15 days from the date of the notice.

Sec. 17-157. - Sale by the Town of Welsh of abandoned vehicle which does not qualify as junked vehicle; procedure.

Whenever any vehicle which does not qualify as a junked vehicle has been seized or is otherwise held by the Town of Welsh after having been removed from public or private property, and the same has not been claimed for a period of three months, then, in such case, the vehicle shall be considered as having been abandoned to the Town of Welsh and, as such, the Town of Welsh may dispose of the vehicle and collect all costs, charges and expenses of removing, storing and disposing of the vehicle and all administrative costs associated therewith, including, but not limited to, costs of providing the requisite notice, in the following manner:

- (A) Within ten days after the seizure of the vehicle, the Town of Welsh shall notify the owner of the vehicle: (i) that the Town of Welsh is holding the vehicle, (ii) of the location of the vehicle, and (iii) that the vehicle will be sold to the highest bidder as of a date stated therein, unless the owner claims the vehicle and pays to the Town of Welsh all costs, charges, and expenses incurred for the removal, storage and detention of the vehicle prior to the date of the sale. Any such notice shall be mailed via certified mail, return receipt requested, to the last known address of the owner of the vehicle. A second letter shall be sent after the elapse of three months from the date of seizure. A copy of both letters shall be sent to any person known to be the holder of a security interest in the vehicle.
- (B) Before any seized vehicle is sold, the Town of Welsh shall cause the vehicle to be appraised by a competent appraiser and shall publish a notice of the sale of the vehicle

in the official journal of the Town of Welsh not less than three times within the ten-day period immediately preceding the sale. Such notice shall include the following information: (i) a description of each vehicle to be sold at the sale; (ii) the date and place of the sale; and (iii) that the Town of Welsh may sell the vehicles individually or in globo, at the discretion of the Town of Welsh, to the highest bidder therefor.

- (C) The Town of Welsh shall deduct from the proceeds of the sale of a vehicle under this division the amount necessary to pay all costs, charges, and expenses of the removal, detention, storage, and/or disposal of the vehicle. Any remaining funds shall be placed in an account specifically established by the Town of Welsh for the same. If, within one year of the date of the sale of a vehicle, the owner thereof presents sufficient proof of ownership, as determined by the Town of Welsh, he shall be entitled to the amount received by the Town of Welsh from the sale of the vehicle, less all costs, charges, and expenses of the sale and any sum due the Town of Welsh arising from the removal, storage, detention, and/or disposal of the vehicle and all administrative costs associated therewith, including, but not limited to, costs of providing the requisite notice. Similarly, if, within one year of the date of the sale of a vehicle, the holder of a lien with respect thereto presents to the Town of Welsh sufficient proof of such lien, as determined by the Town of Welsh, he shall be entitled to recover any proceeds from the sale remaining after the deduction of all costs, charges, and expenses of the sale and any sum due the Town of Welsh arising from the removal, storage, detention, and/or disposal of the vehicle and all administrative costs associated therewith; provided, however, that a lienholder shall not be entitled to recover an amount greater than the sum secured by the lien.

Sec. 17-158. - Sale or other disposal by the Town of Welsh of junked vehicles.

- (A) Any junked vehicle, as defined in this chapter, may be removed and disposed of after the elapse of 10 days from the date of the written notice required under section 17-153 of this title, provided that no timely request for a hearing is made in accordance with section 17-154 of this title. Further provided, if a hearing has been requested and it is determined at such hearing that the junked vehicle is a public nuisance, the junked vehicle shall not be removed and disposed of until all appeals have been exhausted and/or all applicable appeal delays have expired.
- (B) Any junked vehicle subject to removal and disposal under subsection (A) of this section shall be considered public property and shall be disposed of by the Town of Welsh, The Town of Welsh is hereby authorized to dispose of any such vehicle by any of the following means, to-wit:
- (1) By causing the junked vehicle to be delivered to a salvage or scrap facility and surrendered as scrap to any such facility willing to accept same;
  - (2) By contracting with one or more towing companies to provide that the towing company or companies shall remove the junked vehicle upon request of the Town of Welsh in return for being allowed to retain the value received from the sale of such junked vehicle; or
  - (3) Otherwise dispose of the junked vehicle using the most cost effective means possible, including payment of reasonable fees to any third party willing to accept the junked vehicle where no person is willing to purchase the junked vehicle or accept the same as scrap or salvage.

Sec. 17-159. - Criminal liability for noncompliance with removal order.

Any person who fails to comply with a notice delivered in accordance with this Division shall be guilty of a misdemeanor and shall be subject to a fine of up to \$500.00 or a term of up to sixty (60) days in jail, or both, for each violation. The Town of Welsh representative issuing the notice to remove a junked vehicle and/or abandoned vehicle is authorized to coordinate such efforts with the appropriate law enforcement agency and, in conjunction therewith, shall be entitled, with said law enforcement agency, to issue a misdemeanor summons for any violation of this section.

This ordinance shall be effective immediately upon publication.

Vote by roll call follows:

Yeas: Andrea King, Ronnie Hayes, Lawrence Mier, Clint Hardy, Jackie Balmer

Nays: None

Abstaining: None

Absent: None

PASSED, APPROVED AND ADOPTED by the Mayor and Board of Aldermen on this  
\_2nd\_ day of \_March\_\_\_\_\_, 2021.

\_\_\_\_\_  
KARL ARCENEUX. - MAYOR

ATTEST:  
\_\_\_\_\_

EVA KIBODEAUX  
Town Clerk

I certify that the foregoing ordinance was presented to the Mayor by me on  
\_\_\_\_\_, 2021.  
\_\_\_\_\_  
EVA KIBODEAUX, CLERK

I acknowledge receipt of the above ordinance from the clerk on  
\_\_\_\_\_, 2021.  
\_\_\_\_\_  
KARL ARCENEUX, MAYOR

I hereby \_\_\_\_\_ the ordinance on this \_\_\_\_ day of  
\_\_\_\_\_, 2021.  
\_\_\_\_\_  
KARL ARCENEUX, MAYOR

I certify the above ordinance was received by me from the Mayor  
on \_\_\_\_\_, 2021.  
\_\_\_\_\_  
EVA KIBODEAUX, CLERK

