

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 22.6-22.8 RESERVED

SECTION. 22-09 – POLICY REGARDING THE REGULATION OF NON-INDUSTRIAL WASTE, GARBAGE AND JUNK

- (a) This ordinance is intended to serve the public interest by providing methods of dealing with waste and hazardous nuisances within the incorporated limits of the Town of Blanchard that have become threats to the health, safety and welfare of the public.
- (b) It is not the intent of this ordinance to dictate aesthetic preferences or community standards.
- (c) It is not intended that the provisions of this ordinance be applied to sites containing hazardous materials, industrial waste, or other toxic substances or materials. Sites so identified shall be referred to the United States Environmental Protection Agency and the State Department of Environmental Quality (DEQ) for further action.
- (d) Areas of compliance will include community subdivisions for residential housing, commercial buildings and property and all building sites.

Amended Section 22-09 - Ordinance 2 of 2018 – Effective April 1, 2018

SECTION. 22-10- DEFINITIONS

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

1. *Abandoned motor vehicle* shall mean a motor vehicle meeting any of the following criteria:

- a. Inoperable and left unattended on any public property, including but not limited to a shoulder or right of way of a public road, street, or highway;
 - b. Remaining on the shoulder or right of way of any interstate or four-lane highway for more than 24 hours;
 - c. Remaining on public property without the consent of the owner of such property for more than 24 hours; or
 - d. Remaining on private property, without the consent of the owner or person in control of the property, for more than three days.
2. **Agent** shall mean: Any person or entity who has written authority to act in place of the owner as defined herein.
3. **Antique vehicle** shall mean a motor vehicle 25 years old or older, which is substantially in its original condition, and which displays a registered antiques license plate.
4. **Code violation** means a violation of any provision of the Townof Blanchard, Louisiana Code of ordinances related to public health, housing, environment, nuisance, vegetation or zoning ordinances, as amended.
5. **Deleterious growth and obnoxious matter** shall mean:
- a. Weeds, grass or saplings allowed to grow around any exterior wall of any structure, or stands of bamboo which generate any type of vermin or which may provide cover for criminal activity, weeds, grass or vegetation in excess of eighteen (18) inches in height other than in isolated locations on the property and other than cultivated trees, shrubs, flowers and gardens.
 - b. Trash, rubbish and garbage consisting of excrement, offal, filth, manure, foul and offensive matter, stagnant, corrupt or putrid water, dead animals or fowl, shells, hay, straw, lumber, kitchen debris, limbs or vegetation any of which can be reasonably expected to be a hazard or which poses or may potentially pose a threat to the health or safety of any person.
 - c. Lumber, fallen trees, limbs, trash, garbage, debris, glass or building material scattered over the premises in question.

6. **Junk** shall mean:
- (a) Abandoned, discarded or unused objects or equipment including but not limited to boats, mobile homes, manufactured homes, movable or portable buildings, furniture, appliances, cans or containers.
 - (b) Standing water in any receptacle.
7. **Junk vehicle** shall mean a motor vehicle that is totally inoperable and remaining on any occupied lot, street, or sidewalk, and that is so damaged or dismantled as to have a value less than the cost to repair the vehicle.
8. **Nuisance vehicle** shall mean a motor vehicle where any one or more of the following factors are present and which, in the aggregate, indicate that the motor vehicle is not being used and maintained as an operating motor 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 city 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 six 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.
9. **Occupant** shall mean: Any person who lives in, resides in, conducts or operates a business in or uses any building, house, structure or grounds.
10. **Order, judgment or notice of judgment** means an administrative act of the hearing officer.
11. **Owner** shall mean: The record owner or owners of any building, house, structure or grounds, as recorded in the records of the tax assessor's office.
12. **Party in Interest** shall mean: Any person or corporate entity shown in the public record to have a lien or mortgage on the property.
13. **Town** shall mean the Town of Blanchard.
14. **Unoccupied** means having no legal occupant(s), vacant
15. **Violator** means person(s), natural or juridical, who has been found liable and/or guilty of a Code violation and/or ordered to abate or correct a violation in an order issued under this article.

Amended Section 22-10 - Ordinance 2 of 2018 – Effective April 1, 2018

Amended Section 22-10 – Ordinance 15 of 2020 – Effective November 10, 2020.

SECTION 22-11 – VIOLATIONS

- (a) The outside accumulation, storing, collecting or abandoning of junk, junk vehicle, nuisance vehicle, or any part or parts of any junk vehicle or nuisance vehicle any other junk, discarded or abandoned major appliances or other metal, tin, or other discarded items; brush and limbs more than seven days after they have been cut or more than 24 days after a weather occurrence on any residential lot – front, side and backyards, neutral ground, street or sidewalk, within the incorporated limits of the Town is hereby found to create an unsightly condition, tending to reduce the value of private property, constitutes an unattractive nuisance and creates a hazard to health and safety and is PROHIBITED. As used in this Chapter, junk vehicle and nuisance vehicle shall not include an antique vehicle.

- (b) Failure to cut and destroy all deleterious growth or obnoxious matter growing, lying or being in or upon any lot, place or area or other property and remove such weeds, grass or matter from the premises, within any approved subdivision within the incorporated limits of the Town, is PROHIBITED. Such cutting and removal shall be done as often as necessary in order to ensure that such lots, places or areas do not constitute a hazard to the health of the citizens of the Town.

Amended Section 22-11 - Ordinance 2 of 2018 – Effective April 1, 2018

SECTION. 22-12– INSPECTION

- (a) When any complaint is made, the Mayor or the Mayor’s designee will visually assess the property for the purpose of ascertaining whether a violation of this Chapter exists, when there is reason to believe that such may be the case. If a violation is ascertained, photographs will be taken and the owner/occupant will be notified by letter.
- (b) If it is deemed necessary, the Mayor or the Mayor’s designee, escorted by the Chief of Police or a Blanchard Police officer may, with caution, enter upon the property at a reasonable time.
- (c) When entering upon a property that is occupied, such official shall first identify himself, present proper credentials and request entry. If the property is unoccupied, the official shall first make reasonable effort to locate the owner or other person having control thereof and request entry.

Amended Section 22-12 - Ordinance 2 of 2018 – Effective April 1, 2018

SECTION 22-13 – ENFORCEMENT

1. DIVISION 1 – CIVIL ENFORCEMENT

The Mayor shall be authorized to send a notice of violation to any owner or occupant of any property, in which the condition appears to violate the provisions of this Ordinance.

First Violation:

A person shall receive a warning citation by certified or registered letter, return receipt requested and be allowed fourteen (14) days to abate the violation.

Second Violation:

If the violation is not abated by the 15th day after the warning citation is issued, that person shall be personally issued a Notice of Violation. The Mayor or the Mayor’s designee will make every effort to contact the owner/occupant to appear at a meeting with the Mayor in an attempt to resolve the violation.

Each day that the violation is not abated shall constitute a separate offense. Daily fines shall be set at \$75.00.

2. DIVISION 2 – MISDEMEANOR CRIMINAL VIOLATIONS

In addition to the procedures and civil regulations set forth above, it shall be a misdemeanor criminal offense for a property owner, occupant, agent, tenant or anyone else having control of the premises to violate any of the requirements set forth above.

- a. Upon personal issuance of a Notice of Violation, the person to whom the notice of violation is issued shall be required to appear at Blanchard Mayor's Court upon notice to face misdemeanor proceedings.
- b. Any person convicted of violating any provision of this chapter shall, in addition to being ordered to abate the violation, be subject to the following penalty:
 1. The first violation, a fine of not less than \$100.00 nor more than \$500.00, or by imprisonment of not more than thirty (30) days, or by both such fine and imprisonment.
 2. The second violation and subsequent violations, a fine of not less than \$300.00 nor more than \$700.00 or by imprisonment of not more than sixty (60) days, or by both such fine and imprisonment.
- c. In addition to the penalties contained in this Ordinance, the Court may order that any defendant convicted after a trial or after pleading guilty, pay restitution to the Town in an amount equal to the amount of expenses and charges incurred for the following:
 1. Removing and disposing of the junk, wrecked or used automobiles or motor vehicles, or any part thereof,
 2. Removing and disposing any other junk, discarded or abandoned major appliances,
 3. Removing and disposing other metal, tin or other discarded items,
 4. Cutting and destroying all obnoxious weeds, grass or deleterious or unhealthful growth, or other obnoxious matter in excess of 18 inches in height, growing, lying or being in or upon any lot, place or area or other property on any lot, neutral ground, street or sidewalk.
- d. In no case shall the fines and the amount ordered as restitution exceed that which was actually spent for the removal and disposition. It shall not be a defense under this Section that the Town performed the work necessary to correct the noted deficiencies and violations or that the Town caused such work to be performed.
- e. Notwithstanding any provision contained in this Ordinance to the contrary, the Town shall have the authority to abate any violation(s) enumerated under the provisions of this Ordinance by the utilization of Town resources or a private contractor. Any costs or expenses incurred by the Town relative to the abatement of any violation(s) under the provisions of this Ordinance, including orders of the Mayor, shall be the responsibility of the owner. The Town shall have a lien and privilege for the cost of abating any violation on any property located within the incorporated limits of the Town of Blanchard as provided under applicable law.

Amended Section 22-13 – Ordinance 15 of 2020 – Effective November 10, 2020.

In addition to the penalties contained in this Ordinance, the Court may order that any defendant convicted after a trial or after pleading guilty, pay restitution to the Town in an amount equal to the amount of expenses and charges incurred for the following:

Removing and disposing of the junk, wrecked or used automobiles or motor vehicles, or any part thereof,
Removing and disposing any other junk, discarded or abandoned major appliances,
Removing and disposing other metal, tin or other discarded items,
Cutting and destroying all obnoxious weeds, grass or deleterious or unhealthful growth, or other obnoxious matter in excess of 18 inches in height, growing, lying or being in or upon any lot, place or area or other property on any lot, neutral ground, street or sidewalk.

In no case shall the fines and the amount ordered as restitution exceed that which was actually spent for the removal and disposition. It shall not be a defense under this Section that the Town performed the work necessary to correct the noted deficiencies and violations or that the Town caused such work to be performed.

- (a) Notwithstanding any provision contained in this Ordinance to the contrary, the Town shall have the authority to abate any violation(s) enumerated under the provisions of this Ordinance by the utilization of Town resources or a private contractor. Any costs or expenses incurred by the Town relative to the abatement of any violation(s) under the provisions of this Ordinance, including orders of the Mayor, shall be the responsibility of the owner. The Town shall have a lien and privilege for the cost of abating any violation on any property located within the incorporated limits of the Town of Blanchard as provided under applicable law.

Amended Section 22-13 - Ordinance 2 of 2018 – Effective April 1, 2018

SECTION. 22-14 – NOTICE OF VIOLATION

Notice of Violation may be served upon the owner, occupant or party in interest of the property. The Mayor is authorized to send the notice of violation to the property owner, occupant or any party of interest via certified mail, return receipt requested. If such notice is unsuccessful, notice shall be made by publication in the official journal of the Town in two consecutive issues or as otherwise provided in La. R.S. 33:5062. A copy of the legal notice shall also be posted in a conspicuous place on or about the property affected by the notice of violation.

- (a) If the owner and party in interest of the property shall fail to comply with any notice sent pursuant to any provision of this Ordinance or shall fail to comply with any order, decision or determination rendered by the Mayor as provided in this Ordinance, the Town may cause such work to be performed by Town resources or a private contractor, and in such event, the Town shall be entitled to assess and collect all costs incurred in performing such work, together with an administrative charge of \$150.00. This charge shall be levied on any case appealed prior to the granting of any time extension by the Mayor.

- (b) The Town shall have a lien and privilege for the costs of performing any work, or abating any violation pursuant to the provisions of this Ordinance against the property upon which the work was performed or the violation(s) abated, and shall be entitled to enforce its lien in accordance with the provisions of this Ordinance.

Amended Section 22-14 - Ordinance 2 of 2018 – Effective April 1, 2018

Amended Section 22-14 – Ordinance 15 of 2020 – Effective November 10, 2020.

SECTION 22-15 – APPEAL

Any person aggrieved by any decision rendered pursuant to this Chapter may appeal to the Caddo Parish District Court as in other cases.

Sec. 22-16 – LIENS

1. After the time and procedures have run for a final appeal the Town shall have a lien and privilege against the immovable property in, on, or upon which violation(s) occurred. The lien and privilege shall secure all fines, fees, costs, and penalties that are assessed by the city and described in the order, judgment, or notice of judgment and the notice or statement of costs. The recordation of the order, judgment, or notice of judgment in the mortgage office of the parish shall constitute a lien and privilege against the land upon which violation(s) exists. Any lien and privilege recorded against an immoveable property under this article shall be included in the next annual ad valorem tax bill.

2. The Town, upon recordation of the order, judgment, notice of judgment, or lien and upon notice to the Board of Alderpersons, may:

- a. Apply to the clerk of district court for issuance of a writ in accordance with Code of Civil Procedure Article 2253, under the authority of R.S. 13:2575 and 13:2576, upon describing with particularity the immovable property and the manner in which the writ is to be enforced; or
- b. Institute a suit against the owner of record in any court of competent jurisdiction to enforce the order, judgment, notice of judgment, or lien.
- c. In order for the lien and privilege to arise, the order, judgment, notice of judgment or lien shall be final and not subject to appeal when recorded in the mortgage office and all appeal delays have elapsed.
- d. Any monies collected pursuant to this chapter shall first satisfy all outstanding municipal liens recorded against an immovable property and only when all outstanding municipal liens are satisfied in full shall monies be applied towards an immovable property's ad valorem taxes.

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

(Amended Section 22.15 – Ordinance 2 of 2018 – Effective April 1, 2018)

(Amended Section 22-16 – Ordinance 15 of 2020 – Effective November 10, 2020.)

