

ORDINANCE NO. _____ C.S

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES
RELATIVE TO ABANDONED AND JUNKED MOTOR VEHICLES
AND OTHER PROVISIONS RELATIVE THERETO

BE IT ORDAINED by the Hammond City Council that the below sections of Chapter 20 of the Code of Ordinances be revised so that ARTICLE II is reserved and ARTICLES VI and VII be added to read as follows:

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ARTICLE VI. ABANDONED MOTOR VEHICLES

Sec. 20-80. - Definitions.

The following words and phrases shall have the meanings herein assigned unless the context clearly indicates otherwise:

"Abandoned motor vehicle" means a motor vehicle that is left unattended on public property or on private property without the consent of the owner for more than twenty-four hours.

"Motor vehicle" shall include road vehicles, such as automobiles, vans, motorcycles, four wheelers and trucks which are self-propelled and capable of transporting persons or property, as well as off-road vehicles such as self-propelled construction, yard and farming equipment.

"Department" means the Hammond Police Department or any other City department given responsibility for enforcing this ordinance.

Sec. 20-81. - Declared public property.

The ownership of any abandoned motor vehicle which remains after notice is given as hereinafter provided, shall be forfeited to the public. Such vehicle shall be considered public property and removed and disposed of as hereinafter set forth in this ordinance.

Sec. 20-82. - Notice.

(a) Prior to the disposition or removal of an abandoned motor vehicle, the Department shall place on an abandoned motor vehicle a notice of removal which notice shall be placed on the vehicle at least ten (10) days prior to its removal. The notice shall state that the vehicle, unless claimed within ten (10) days, will be considered public property and removed and sold. The notice shall further state the following:

- (1) The date the notice was placed on the vehicle;
- (2) The date ten (10) days' notice will expire;

(3) The authority to be contacted by any person claiming to have an interest in the vehicle.

(b) Such notice shall be placed in a prominent place on the motor vehicle so as to be plainly in the public view.

(c) The Department, after the time provided for above has expired, may remove or cause to be removed the abandoned motor vehicle as provided in this ordinance, and is hereby authorized to convey same as provided herein.

(d) All abandoned motor vehicles removed in accordance with this ordinance shall be towed at the owner's expenses and subject to a fee of fifty dollars (\$50.00), plus the costs of towing. The fee shall be deposited in the City's general fund.

(e) The Department shall maintain records with the following information:

- (1) Location where the motor vehicle was abandoned;
- (2) All identification information available;
- (3) Date of transfer and name and address of scrap iron dealer, towing service or dismantler to whom vehicle was transferred for final disposition.

Sec. 20-82. – Removal and Sale or Disposition.

(a) If the abandoned motor vehicle is not removed within the time specified in the notice, the motor vehicle shall be removed and disposed of by the City or by a tow truck operator authorized to act on behalf of the City. The City may take into custody any motor vehicle determined abandoned on public or private property. The City may employ its own personnel, equipment and facilities or may employ persons, equipment and facilities for the purpose of removing, preserving and storing abandoned motor vehicles.

(b) The City or tow truck operator shall store and may dispose of the vehicle pursuant to the Louisiana Towing and Storage Act LSA RS 32:1711 and as it may be amended. If the owner makes a timely request for an administrative hearing under the provisions of the Louisiana Towing and Storage Act, such hearing shall be held by the City Director of Administration, or other person designated by the Mayor, in accordance with law. The City shall have no civil or criminal liability pursuant to any provision of law for any act or omission of its own under the provisions of this ordinance or for the acts or omissions committed by the tow truck operator.

(c) Removal of an abandoned motor vehicle in accordance with this ordinance by a tow truck operator shall not be considered a rotation call by the appropriate law enforcement agency as set forth in R.S. 32:1735(C). The tow truck operator shall not lose its place in the rotation call list for the recovery of an abandoned motor vehicle in accordance with this ordinance.

(d) Whenever an abandoned motor vehicle has been seized or is otherwise held by the City, and the same has not been claimed for a period of three months or more, then the motor vehicle shall be considered as having been abandoned to the City and the City may dispose of such

motor vehicle and collect the costs and charges of removing and storing said vehicle in the following manner:

- (i) The City shall send a registered or certified letter, return receipt requested, to the owner of said vehicle, within ten (10) days of the date the vehicle was seized, notifying the owner of the seizure and the location of the vehicle. The City shall send a second letter to the vehicle owner upon the expiration of the three-month period provided for above. Any such letter shall be sent to the owner of the vehicle at his last known address informing him that the City is holding said vehicle. The owner shall also be informed in the letter that the vehicle shall be sold to the highest bidder unless said owner, on or before the date of sale, claims the vehicle and pays to the City all costs and charges, including for the removal and detention of the vehicle. A copy of the letters shall also be sent to any person or firm known to be the holder of a mortgage on said vehicle.
- (ii) Before the sale of any such vehicles, the City shall have them appraised by a competent appraiser and shall publish a notice of the proposed sale of said vehicle or vehicles in the official journal of the City not less than three times within a ten-day period prior to the date of the sale. The published notice shall contain a complete list of the vehicles to be sold, the date and place of the sale, and notification that said vehicles will be sold either individually or in globo to the highest bidder therefor, all in the discretion of the City. The City may hold the sale through govdeals.com or any other method allowed by law.
- (iii) All funds received from the sale of a motor vehicle under the provisions hereof shall be set aside and placed in a separate account established therefor by the City.
- (iv) If, within one year following the date of the sale, the owner or lienholders of any of said vehicles shall present sufficient proof to the City of his ownership or lien, the said owner or lienholder shall be entitled to the amount received for his individual vehicle less his pro rata share of the costs and expenses of the sale, as well as all charges and costs due and owing for removal and storage of said vehicle. Any funds not claimed within one year following the date of sale shall be deposited to the general fund of the City and become the property of the City.

Sec. 20-84. - Other procedures.

The City may utilize any alternate procedure for the sale or disposition of abandoned vehicles allowed by law, including but not limited to the Louisiana Towing and Storage Act. (LSA RS 32:1728.3).

Secs. 20-84 - 20-90. - Reserved.

ARTICLE VII. JUNKED MOTOR VEHICLES, OR ANY OTHER JUNK

Sec. 20-91. - Storing junked motor vehicles, or any other junk is prohibited.

The accumulation or storage of junked, wrecked or used motor vehicles as defined herein within the City is hereby found to be unlawful and 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 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 City or by the laws of the state.

Sec. 20-92. - Defined.

"Junk, wrecked or used motor vehicles" as used herein shall mean any inoperable automobile or motor vehicle on any portion of any private property or public property in the City.

"Motor vehicles" shall include road vehicles, such as automobiles, vans, motorcycles, four wheelers and trucks which are self-propelled and capable of transporting persons or property, as well as off-road vehicles such as self-propelled construction, yard and farming equipment.

"Any other junk" shall mean and include but is not limited to: discarded or abandoned appliances, such as refrigerators, freezers, ranges or machinery or other metal, tin or other discarded items, located on any private property or public property within the City.

"Inoperable" means any motor vehicle (a) from which the engine, wheels, or other parts have been removed, or (b) on which the engine, wheels, or other parts have been altered, damaged, or otherwise so treated that the vehicle is incapable of being driven under its own motor power, or (c) on which there are no license plates or registration or for which the license plates or vehicle registration has expired.

Sec. 20-93. - Declaration of public nuisance and illegality.

The presence of any "junked, wrecked or used motor vehicle" or "any other junk" on any private property or public property within the City shall be deemed and is hereby declared a public nuisance and it shall be unlawful for any person to cause or maintain such on private property or public property; provided that this ordinance shall not apply with regard to:

- (1) Any junked, wrecked or used motor vehicle in a totally enclosed building, or not visible from the street; or
- (2) Any junked, wrecked or used motor vehicle on the premises of a business enterprise operated in a lawful manner, when necessary to the operation of such business enterprise; or
- (3) Any junked, wrecked or used motor vehicle in an appropriate storage place or depository maintained at a location where such business is authorized and complies with all zoning laws and other regulatory ordinances of the City.

However, with respect to (2) and (3) above, the City may require, but not by way of limitation, that any property used for the storage of junked, wrecked or used motor vehicle, as herein defined, shall be surrounded or enclosed by a board fence or other enclosure or other measures to render the vehicles unseen from the street.

Sec. 20-94. - Notice; removal and costs; motor vehicles.

(a) The City shall place on any junked, wrecked or used motor vehicle, or send the owner by certified or registered mail, a notice which notice shall state that the motor vehicle must be removed and if not removed within ten (10) days, may be towed away at the owner's expense or may be subject to other enforcement measures as allowed by law.

(b) If placed on the motor vehicle, the notice shall be placed in a prominent place so as to be plainly in the public view. If the notice is mailed, it must be mailed by certified or registered mail to the owner of the motor vehicle as shown on the records of the State Office of Motor Vehicles.

(c) At the expiration of the ten (10) day period as provided above, or ten (10) days after unopened or unaccepted certified or registered mail is returned undeliverable, the City may at its choice, tow and store the motor vehicle with its own personnel or engage a licensed tow operator to accomplish the same, or undertake any other enforcement action allowed by law.

Sec. 20-95. - Compliance; abatement.

(a) In the event the junked, wrecked or used motor vehicle is removed within ten (10) days of the notice by service outlined in this ordinance to abate the nuisance, the responsible party will be deemed in compliance with in this ordinance.

(b) If, within ten (10) days after receipt of notice to abate the nuisance as herein provided, the owner or occupant of the premises, or the owner of the motor vehicle gives written permission to the City for removal of the motor vehicle from the premises, the giving of such permission shall be considered compliance with the provisions of this ordinance, subject to reimbursement by the responsible party of costs for such removal.

Sec. 20-96. - Sale or other disposition.

(a) Whenever a junk, wrecked or used motor vehicle has been seized or is otherwise held by the City, and the same has not been claimed for a period of three months or more, then the motor vehicle shall be considered as having been abandoned to the City and the City may dispose of such motor vehicle and collect the costs and charges of removing and storing said vehicle in the following manner:

(i) If the vehicle is registered, the City shall send a registered or certified letter, return receipt requested, to the owner of said vehicle, within ten days of the date the vehicle was seized, notifying the owner of the seizure and the location of the vehicle. The City shall send a second letter to the vehicle owner upon the expiration of the three-month period provided for above. Any such letter shall be sent to the owner of the vehicle at his last known address informing him that the City is holding said vehicle. The owner shall also be informed in the letter that the vehicle shall be sold to the highest bidder unless said owner, on or before the date of sale, claims the vehicle and pays to the City all costs and charges, including for the removal and detention of the vehicle. A copy of the letters shall also be sent to any person or firm known to be the holder of a mortgage on said vehicle.

(ii) Before the sale of any such vehicles, the City shall have them appraised by a competent appraiser and shall publish a notice of the proposed sale of said vehicle or vehicles in the official journal of the City not less than three times within a ten-day period prior to the date of the sale. The published notice shall contain a complete list of the vehicles to be sold, the date and place of the sale, and notification that said vehicles will be sold either individually or in globo to the highest bidder therefor, all in the discretion of the City. The City may hold the sale through govdeals.com or any other method allowed by law. A sale shall not be required if the appraised value is less than the cost of removal and disposal, in which case, the City may discard the vehicle.

(iii) All funds received from the sale of a motor vehicle under the provisions hereof shall be set aside and placed in a separate account established therefor by the City.

(iv) If, within one year following the date of the sale, the owner or lienholders of any of said vehicles shall present sufficient proof to the City of his ownership or lien, the said owner or lienholder shall be entitled to the amount received for his individual vehicle less his pro rata share of the costs and expenses of the sale, as well as all charges and costs due and owing for removal and storage of said vehicle. Any funds not claimed within one year following the date of sale shall be deposited to the general fund of the City and become the property of the City.

(b) The City and the owner of any storage facility may utilize any alternate procedure for the sale or disposition of junk, wreck or used motor vehicles allowed by law, including but not limited to the Louisiana Towing and Storage Act (LSA RS 32:1728.2).

Sec. 20-97. - Notice; removal and costs; junk.

(a) The City may remove and dispose of "any other junk" as defined in this ordinance. If the junk is on private property, notice must be given to the owner of the property on which the junk is located. The notice shall provide that the junk must be removed within ten (10) days. The notice shall be sent by certified or registered mail to the owner's address as shown in the City's tax records. After ten (10) days elapse from the notice or after the unopened or unaccepted certified mail is returned undeliverable, containing notice to the address outlined above, the "junk" shall be considered as public property, and removed by the City and disposed of by the City or may be sold through govdeals.com.

(b) The cost of removing and disposing "any other junk" shall constitute a special lien collectable in the same manner as special assessments are collectible by law, and shall not exceed the total cost to remove and dispose of the "junk".

Sec. 20-98. - Compliance; abatement.

(a) In the event "any other junk" is removed within ten (10) days of the notice by service outlined these ordinances to abate the nuisance, the responsible party will be deemed in compliance with this ordinance.

(b) If, within ten (10) days after receipt of notice to abate the nuisance as herein provided, the owner or occupant of the premises, or the owner of the junk gives written permission to the City for removal of the junk from the premises, the giving of such permission shall be considered compliance with the provisions of this ordinance, subject to reimbursement by the responsible party of costs for such removal and disposition as outlined in this ordinance.

Sec. 20-99. – Civil enforcement.

In lieu of or in addition to the towing and impounding of motor vehicles or removal of junk in violation of this ordinance, or any other City ordinance, enforcement may be by civil process in Hammond City court or any court of competent jurisdiction.

Sec. 20-100. - Severability.

If any section, clause or provision of this ordinance shall be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the ordinance as a whole or any part thereof, other than the part so declared to be invalid.

Sec. 20-101. - Rules of construction.

(a) The fact that certain acts or conditions herein specifically declared to be a nuisance shall not be construed that any other act, fact, condition or thing shall not be a nuisance if such other act, fact, condition or thing would have been a nuisance under any other ordinance of the City. Nothing in this ordinance shall be construed to be a limitation upon the definition of or the provisions for the abatement of or punishment of any nuisance specified in any other ordinance.

(b) The provisions of this ordinance shall be supplemental to all other ordinances and remedies available to the City for any violation enumerated herein.

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The above and foregoing ordinance having been duly submitted to the Hammond City Council in writing; introduced at a public meeting on _____, 2023 of the Hammond City Council and discussed at a public meeting held on _____, 2023; after motion and second was submitted to the official vote of the Hammond City Council.

On motion by _____ and Second by _____ the foregoing ordinance was hereby declared adopted on _____, 2023 by the following roll call vote:

Votes: Kip Andrews () Carlee White Gonzales () Devon Wells () Sam DiVittorio () Steve Leon ()

WHEREFORE the above and foregoing ordinance was declared duly adopted on this _____ day of _____, 2023 at Hammond, Tangipahoa Parish, Louisiana.

Kip Andrews
President, Hammond City Council

Honorable Pete Panepinto
Mayor, City of Hammond

Lisa Cockerham
Clerk, Hammond City Council