

AGENDA
ST. LANDRY PARISH COUNCIL
REGULAR MEETING—WEDNESDAY, AUGUST 20TH, 2008—6:00 P.M.
ST. LANDRY PARISH COURTHOUSE, 118 S. COURT ST.
ST. LANDRY PARISH COUNCIL MEETING ROOM # 132
OPELOUSAS, LOUISIANA

I. CALL TO ORDER

II. ROLL CALL

III. PLEDGE OF ALLEGIANCE

Pledge of Allegiance by Councilman Jerry Red

IV. INVOCATION

Invocation by Council Chaplin Jerry Red

V. WELCOME GUESTS

VI. APPROVAL OF MINUTES

Motion to dispense with the reading of the minutes of July 16th, 2008, and further that a resolution be adopted approving said minutes as published.

VII. CONDOLENCES:

Motion to adopt resolutions of condolences for the following families:
(Call for a moment of silence)

VIII. PERSONS TO ADDRESS THE COUNCIL:

1. Jude Moreau, Director St. Landry Parish Communications District (911), will address the council and answer questions in reference to the name change of Choctaw Drive.
2. Vera Sims, 114 Lofton Street, Opelousas, LA will address the council regarding drainage concerns on Lofton Street

IX. PARISH PRESIDENT'S REPORT:

X. PUBLIC WORKS REPORT:

XI. ORDINANCES FOR INTRODUCTION:

Introduce an ordinance regarding roadhouses near residential areas.

XII. ORDINANCES FOR ADOPTION:

1. **Ordinance 2008-0010**

**AN ORDINANCE TO AMEND ST. LANDRY PARISH CODE OF ORDINANCES
ARTICLE III: MASS MEETINGS**

Amend the St. Landry Parish Article III: Mass Meetings Ordinance to add the following section:

Sec. 14-122. Southern Development Foundation:

The Southern Development Foundation (Southwest Louisiana Zydeco Music Festival) is hereby granted exemption from the mass meeting permit application process and the mass meeting filing and license fees beginning with the 2008 festival year.

2. **ORDINANCE 2008-005**

**AN ORDINANCE TO AMEND ST. LANDRY PARISH CODE OF ORDINANCES
SECTION 18-25, NO-THRU TRUCK TRAFFIC ROUTES**

Amend Sec. 18-25. No-thru truck traffic routes to include:

Midway lane from Hwy 743 to Hwy 190 and to include weight limits not to exceed Ten-thousand (10,000) pound on Midway lane.

Sec. 18-25. No-thru truck traffic routes.

The following roads are hereby restricted and designated as "No-Thru Truck Traffic" routes:

Andrepoint Road (Parish Road 6-10).
Beck Miller Road (Parish Road 6-340).
Beck Miller Road (Parish Road 6-340-1).
Belmont Drive.
Country Ridge.
Darjean Road.
Dresser Loop.
Fisher Road (Parish Road 4-110).
Fort Hamilton Drive (Parish Road 1-319).
Filot Cove Road.
Gordon Street (Parish Road 6-45).
Greg Drive.
Highway 1244.
Jacob Road (Parish Road 6-345).
Jeff Thibodeaux (Parish Road 6-345).
Judson Walsh.
Lawyer Road.
Littell Street (Parish Road 6-40).
McClelland Road (Parish Road 6-35).
North 6th Street between Hwy 190 and Hwy 104.
Oscar Rivette Road.
Perry Drive (Parish Road 6-40-1).
Plantation Road.
Rainbow Drive.
Rolling Oaks Drive (Parish Road 1-397).
Sir Thomas Henry Drive.
Smith Lane (Parish Road 5-30).
Soileau Road (Parish Road 6-275).
Soileau Road from Hwy 13 to Hwy 757.
Thibodeaux Street (Parish Road 6-35-2).
Midway lane from Hwy 743 to Hwy 190 and to include weight limits not to exceed Ten-thousand (10,000) pound on Midway lane.

(Ord. No. 1998-2, 2-9-98; Ord. No. 1998-3, 3-9-98; Ord. No. 1998-4, 5-11-98; Ord. No. 2000-8, § 1, 8-14-00; Ord. No. 2000-4, § 1, 6-12-00; Ord. No. 2001-3, 7-9-01; Ord. No. 2001-4, 7-9-01; Ord. No. 2001-6, 9-10-01; Ord. No. 2003-6, 6-9-03; Ord. No. 2005-0004, 6-20-06)

3. **ORDINANCE 2008-009**

**AN ORDINANCE TO AMEND ORDINANCE 2003 #4
GENERAL NUISANCE ORDINANCE**

GENERAL NUISANCE ORDINANCE

**AN ORDINANCE OF THE ST. LANDRY PARISH
CODE OF ORDINANCES TO ESTABLISH RULES AND REGULATIONS FOR THE
ENFORCEMENT OF NUISANCE REGULATIONS**

DIVISION 1: WEEDS AND NOXIOUS GROWTHS

Sec. 1-1: Definitions.

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

Demand or notice means that form or written declaration to the intended receiver of the information, prepared in a manner calculated to give to the receiver reasonable notice of the intentions of the St. Landry Parish Government.

Lot means any lot, portion of lot or any other property, improved or unimproved, located within a residential area, whether or not said residential area is a dedicated subdivision.

Immovable property means any immovable property that is not defined as a lot.

Residential area means a designated subdivision or any area that contains three (3) or more occupied residences within a five hundred (500) foot radius of the nuisance in question.

Subdivision means a parcel of land that has been divided and individual lots sold to new owners, with the whole bearing a common development title or name.

Neighborhood means a subdivision or area within the jurisdiction of the St. Landry Parish Government that contains residences or business establishments in close proximity to one another. Determination of "close proximity" shall be made by the director of the public works department.

Neutral ground means that area between the property line and the traveled surface of the roadway.

Noxious foliage means any foliage that is disagreeable, harmful, unpleasant, or destructive to living beings.

Occupant means any person who lives in, resides in, conducts or operates a business in, or uses any building, house, structure or grounds.

Owner means the recorded owner of any building, house, structure or grounds, as recorded in the records of the tax assessor's office and the parish governing body shall have the right to rely exclusively on said tax rolls for purposes of this article.

Resident means an occupant of a residential property.

Sec. 1-1: Territorial applicability.

This article sets forth regulations governing the growth of grass, weeds, and noxious foliage within the jurisdiction of the St. Landry Parish Government.

Sec. 1-2: Prohibitions.

- (1) *Properties within the city limits and occupied subdivisions and neighborhoods in the unincorporated areas.* No owner, tenant or occupant of any leased, occupied or unoccupied lot, place, property, or area shall permit any noxious weeds, grass, or deleterious, unhealthy, or noxious growth over twelve (12) inches in height to grow, stand, or accumulate on any lot, place, or area leased or occupied by the such owner, tenant, or occupant, or on any abutting sidewalk or neutral ground within any residential area; nor shall the owner, tenant, or occupant allow a lot, place, or area of any abutting sidewalk or neutral ground to become a haven for rodents, other dangerous animals, or reptiles in any residential area.

- (2) *Properties outside occupied subdivisions and neighborhoods.* No owner, tenant, or occupant of any leased, owned, or occupied lot, place, property, or area within the jurisdiction of the St. Landry Parish Government, and located outside an occupied subdivision or neighborhood, defined herein, shall permit any weeds, grass, or deleterious, unhealthy, or noxious growths or matter over twenty-four (24) inches in height to grow, stand, or accumulate on any lot, place, or area leased, owned or occupied by the owner, tenant or occupant, or any abutting sidewalk or neutral ground located within any residential area; nor shall such owner, tenant or occupant allow such lot or area, or any abutting sidewalk or neutral ground to become a haven for rodents or other dangerous animals.

Sec. 1-3: Exemptions for Agricultural properties, forests and woodlands.

- 1 Properties recorded as "agricultural" in the records of the tax assessor's office are exempt from the requirements of this article with the following exceptions:
- (a) Property within occupied subdivisions or neighborhoods recorded as agricultural, but which is not utilized for raising crops, including hay, and on which there is no evidence of grazing, shall not be totally exempt from this article. Such property shall be maintained by cutting a buffer zone of fifty (50) feet in depth onto the property from the property line along all property boundaries adjoining occupied subdivisions, neighborhoods, and public streets, unless other property restrictions are applicable. In such cases, the twelve (12) inch restriction applies within the required fifty (50) foot buffer zone.
 - (b) Properties outside of occupied subdivisions or neighborhoods recorded as agricultural in the records of the tax assessor's office not utilized for raising crops, including hay, and on which there is no evidence of grazing, shall not be totally exempt from this article. Such property shall be maintained by cutting a buffer zone of fifty (50) feet in depth onto the property from the property line along all property boundaries adjoining occupied subdivisions, neighborhoods, and public streets, unless other property restrictions are applicable. In such cases, the twenty-four (24) inch restriction applies within the required fifty (50) foot buffer zone.
- (2) Hayfields and naturally forested areas shall not be disturbed unless abutting a residential area and then only to the extent of one hundred feet (100) adjacent to any property line of any lot with an occupied residence located within said residential area. Additionally, the areas shall not be allowed to become a haven for rodents, other dangerous animals, or reptiles. A lot and/or hayfield and/or forested area shall be deemed to constitute a haven for rodents, other dangerous animals or reptiles upon determination by the parish public health unit that the presence of rodents, other dangerous animals or reptiles on said lot and/or hayfield and/or forested area creates a nuisance or is a threat to public health and safety.
- (3) Unoccupied immovable property used for commercial farming and designated as such by virtue of occupancy and continuous use, shall also be excluded from the provisions of this article, but in no case shall the owner of such immovable property allow it to become a haven for rodent, other dangerous animals or reptiles. Unoccupied immovable property shall be deemed to constitute a haven for rodents, other dangerous animals or reptiles upon determination by the parish public health unit that the presence of rodents, other dangerous animals or reptiles creates a nuisance or is a threat to the public health and safety.

- (4) The parish president or his designee may, at his option, cause notice to cut, destroy and/or remove from any lot, hayfield, forested area and/or immovable property such weeds, grass or deleterious, unhealthy or noxious growths or matter found growing, lying or located on such lot, hayfield, forested area and/or immovable property and/or to rid such lot, hayfield, forested area and/or immovable property of rodents, other dangerous animals or reptiles to be published on two (2) consecutive days in the official journal of the parish. Such notice shall be deemed to meet the requirements of notice to any and all owners, tenants or occupants of any such lot hayfield, forested area and/or immovable property.

Sec. 1-4: Authority of the Parish President of his Designee to enter property.

The parish president or his designee is hereby authorized to enter property found to be in violation of this article, and to cut, rake and remove any noxious weed, grass, or deleterious, unhealthy or noxious growth, on occupied or unoccupied property, growing or standing on any sidewalk or banquette, or on any lot, place, or area, provided no such work shall be undertaken by the parish president or his designee until the owner of the lot, place, or area, or the owners of the property abutting the sidewalk or banquette shall have had the opportunity to do the work at least; (a) ten (10) calendar days for a property owners first offense, or (b) five calendar days for all subsequent offenses after notice has been given by advertisement in the official journal of the St. Landry Parish Government for two (2) consecutive days or after notice has been given by mail to:

- (1) Such owner;
- (2) In such owner's absence, the agent of the leased or occupied premises;
or
- (3) If the agent is not known, the occupant thereof.

In lieu of the notice prescribed above, the parish president or his designee shall be authorized to undertake the work under the following circumstances or upon the giving of the following notice, to wit:

- (1) If the owner of any lot or other real property is unknown or his whereabouts is not known, a sign giving notice of the violation and of the intent to abate the violation shall be posted by the president or his designee upon or near the premises and may, at the option of the president or his designee, be published in the official journal of this parish one (1) time at least three (3) days before the work is performed. The president or his designee shall make an affidavit setting out the facts as to unknown address.
- (2) All costs incurred by the parish government in effecting notice to the owner shall be included in the costs specified in section 1-5.

Sec. 1-5: Liability for costs when St. Landry Parish Government does work; collection.

The actual cost to the St. Landry Parish Government including reasonable and required administrative charges of having work performed pursuant to the provisions of this article is declared to be a charge, cost, or expense of the property abutting the sidewalk or banquette, or of the lot, place, or area, where such noxious weeds, grass, deleterious, or unhealthy growths have been cut, destroyed, or removed. Such costs and expenses shall be collected in the manner fixed for the collection of taxes and shall be subject to the same penalties for delinquencies. The parish president or his designee shall cause the demand of the owners of such property the payment of such charges, costs, or expenses. After the cutting, destruction, or removal of such weeds, grass, or growths as shall have been done by the public works department, after due notice as above stated, if the costs or expenses thereof shall not have been paid within thirty (30)

days after demand, the director of the finance department shall add the amount of the bill to the next tax bill of the owner. The director of the finance department shall also have recorded in the mortgage office of the parish an attested bill showing the cost and expense incurred for the work and the place or property on which the work was done, so as to establish for the St. Landry Parish Government a lien and privilege curing the payment of the property owner of the charges, costs, expenses, and legal interest on such amounts from the date of recordation.

Sec. 1-6: Responsibility for violations by corporations.

For the purposes of enforcing the provisions of this article, a corporation shall be deemed to be represented by its president, or in the president's absence, by its vice-president, or in the absence of both, by the officer or individual in charge of the affairs of the corporation, any such representative shall be held responsible and punished for any violation by the corporation of the provisions of this article.

Sec. 1-7: Responsibility for violations by firms.

Each of the owners or partners of a partnership, joint venture, or association shall be held individually responsible and punishable for any violation by the entity of the provisions of this article.

Sec. 1-8: Charges when St. Landry Parish Government abates violations.

The following contractor fees and charges to property owners for cutting and/or removal of grass, weeds, noxious foliage, and/or trash shall apply when the St. Landry Parish Government must accomplish the abatement.

TABLE INSET:

	Property Size Description: Type of Work (1)	Contractors Fees (2)	Charges to Property Owners
1	Less than 100' x 100 [*]		Actual cost plus an administrative fee not to exceed 50% of actual cost
2	More than 100' x 100' But up to one acre [*]		Actual cost plus an administrative fee not to exceed 50% of actual cost
3	One acre to less than Five acres [*]		Actual cost plus an administrative fee not to exceed 50% of actual cost
4	Five acres or more		Actual cost plus an administrative fee not to exceed 50 % of actual cost.
5	Debris and cuttings, Removal and disposal		Actual cost plus an administrative fee not to exceed 50 % of actual cost.
6	Hourly rate		Actual cost plus an administrative fee not to exceed 50 % of actual cost.
7	Other jobs	Quotes obtained	Actual cost plus an administrative fee not to exceed 50 % of actual cost.

(1) * The items in 1, 2, and 3, above refer to grass cutting only. In the event that the property is in such condition that it will require work in excess of regular mowing, quotes will be obtained prior to the abatement and the charge will be the actual cost plus an administrative fee not to exceed fifty (50%) percent of the actual cost.

(2) The actual price that will be paid to the contractor doing the work.

If the St. Landry Parish Government is forced to perform these duties due to non-performance by the property owner, the property owner shall be responsible for all costs and/or expenses incurred for the remediation of the violation, plus administrative charges not to exceed fifty (50 %) percent of the contractor's charges shall be added to cover St. Landry Parish Government's expenses.

Sec. 1-9: Collection of charges when St. Landry Parish Government abates violation.

The actual cost to the St. Landry Parish Government, including reasonable and required administrative charges, and having work performed pursuant to the provisions of this article, is declared to be a charge, cost, or expense of the property abutting the sidewalk or banquette, or of the lot, place, or area, where such noxious weeds, grass, deleterious or unhealthy foliage have been cut, destroyed, or removed. The costs and expenses shall be collected in the manner fixed for the collection of taxes and shall be subject to the same penalties for delinquencies. The parish president or his designee shall cause the demand of the owners of such property the payment of such charges, costs, or expenses.

After the cutting, destruction, or removal of such weeds, grass, or foliage as shall have been done by the director of the public works department, after due notice as provided in this article if the costs or expenses thereof shall not have been paid within thirty (30) days after demand, the director of the finance department shall add the amount of the bill to the next tax bill of the owner. The director of the finance department shall have recorded in the mortgage office of the parish an attested bill showing the cost and expense incurred for the work and the place or property on which the work was done, so as to establish for the St. Landry Parish Government a lien and privilege securing the payment of the property owner of the charges, costs, expenses, and legal interest on such amounts from the date of recordation.

Sec. 1-10: Abatement time periods for tall grass violations.

If the property owner liable has been notified pursuant to section 1-4 at any time during the immediately preceding twelve (12) months and has failed to do the work himself after opportunity to do so, the St. Landry Parish Government may undertake to abate the property within the city limits of Opelousas and the unincorporated areas of St. Landry Parish on a monthly basis without the notice required in section 1-4. However, prior to undertaking such work, the St. Landry Parish Government shall file and record an affidavit, signed by the parish president, at its administrative office. Such affidavit shall include the following:

- (1) A description of the property sufficient to reasonable identify it.
- (2) A photograph of the property sufficient to reasonable identify its unsafe or unsanitary condition and to justify the necessity for cutting, destroying, or removing weeds, grass, or other noxious growths.
- (3) A statement that the property owner liable has within the past twelve (12) months failed to do such work after notification and opportunity to do so pursuant to section 1-4 of this chapter.
- (4) Penalties shall be provided for as follows:

Table Inset:

	Property Size Description: Type of Work (1)	Contractors Fees (2)	Charges to Property Owners	Penalties
1	Less than 100' x 100'		Actual cost plus an administrative fee not to exceed 50% of actual cost	
2	More than 100' x 100' But up to one acre*		Actual cost plus an administrative fee not to exceed 50% of actual cost	
3	One acre to less than Five acres*		Actual cost plus an administrative fee not to exceed 50% of actual cost	
4	Five acres or more		Actual cost plus an administrative fee not to exceed 50 % of actual cost.	
5	Debris and cuttings, Removal and disposal		Actual cost plus an administrative fee not to exceed 50 % of actual	

			cost.	
6	Hourly rate		Actual cost plus an administrative fee not to exceed 50 % of actual cost.	
7	Other jobs	Quotes obtained	Actual cost plus an administrative fee not to exceed 50 % of actual cost.	
8	First Abatement		Actual cost plus an administrative fee not to exceed 50% of actual cost	Plus a penalty of \$100.00
9	Second Abatement		Actual cost plus an administrative fee not to exceed 50% of actual cost	Plus a penalty of \$200.00
10	Third Abatement		Actual cost plus an administrative fee not to exceed 50% of actual cost	Plus a penalty of \$300.00

DIVISION 2: JUNKED MOTOR VEHICLES OR ABANDONED MOTOR VEHICLES

Sec. 2-1 Definitions.

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

Junked item shall be:

- (1) Junked motor vehicle, as hereinafter defined.
- (2) Any unused major electrical appliance and/or parts thereof, including, but not limited to, washing machines(s), clothes dryers(s), refrigerator(s), freezer(s), and air conditioner(s).
- (3) Machinery and/or equipment or parts thereof other than junked motor vehicles and unused major electrical appliances which, by reason of deterioration through rusting, rotting or otherwise, have become inoperable and/or unreasonable for the purposes for which they were intended.
- (4) Construction debris.
- (5) Waste paper, boxes, and crates and/or parts thereof.

Junked motor vehicle shall be any motor vehicle which does not have lawfully affixed thereto both an unexpired license plate(s), and a valid motor vehicle safety inspection certificate, and the condition of which is one (1) or more of the following: wrecked, dismantled, partially dismantled, inoperative, abandoned, or discharged. Exceptions: The provisions of this definition of junked motor vehicle shall not apply to any motor vehicle in operable condition specifically adopted or constructed for racing or operation on privately owned drag strips or raceways; nor shall they apply to any motor vehicle retained by the owner for antique collection purposes rather than for salvage or transportation.

Motor vehicle shall be any vehicle which is designed to be self-propelled and designed to travel along the ground and shall include, but is not limited to, automobiles, buses, motor-bikes, motorcycles, mopeds, motor scooters, trucks, tractors, lawnmowers, go-carts, campers and trailers.

Private property shall mean any property within the parish which is privately owned and which is not public property as defined in this section.

Public property shall mean any street or highway which shall include the entire width between the boundary lines of every way publicly maintained for the purpose of vehicular traffic and shall also mean any other publicly owned property or facility.

Sec. 2-2: Declaration of public nuisance; prohibition.

The presence of any junked motor vehicle and/or abandoned motor vehicle within the parish of St. Landry 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 motor vehicle on the real property of another or on public property or to suffer, permit, and allow any junked motor vehicle and/or abandoned vehicle to be parked, left, or maintained on his own real property, provided that this section shall not apply to:

- (1) Any junked motor vehicle in an enclosed building. For the purposes of this article only, an enclosed building shall be considered to include a carport which is attached to a residence or a carport which is freestanding or detached from a residence as long as it is a permanent structure having a rigid roof supported by walls and/or rigid supports constructed of materials consisting of those customarily used in the construction industry for a residence.
- (2) Any junked 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 St. Landry Parish Government.

Sec. 2-3: Seizure.

- (1) The St. Landry Parish Government, through its duly authorized representative, may seize or otherwise hold any junked motor 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 for removing the vehicle to the place of holding as well as all other costs incurred during the period of holding.
- (2) The St. Landry Parish Government, through its authorized representative, may take into custody any junked motor vehicle and/or abandoned motor vehicle found on public or private property. The St. Landry Parish Government 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 motor vehicles and/or abandoned motor vehicles as it may determine necessary.

Sec. 2-4: Notification of owners.

- (1) Whenever any motor vehicle is determined to be a junked motor vehicle and/or an abandoned motor vehicle, the St. Landry Parish Government, through its representative, shall cause a notice (see attached affidavit, Exhibit A), to be placed on the vehicle itself or given to the owner of the vehicle, if known, advising that the vehicle shall be removed within fifteen (15) days after notice. If the vehicle is not removed pursuant to the notice, the vehicle may be removed by the St. Landry Parish Government and disposed of in accordance with the provisions of sections 2-4 and 2-5 depending upon the condition of the vehicle. If the vehicle is owned by someone other than the owner of the premises upon which the vehicle is located, St. Landry Parish Government shall further give notice to the owner of the premises by either certified mail or hand

delivery. If notice by certified mail is returned, refused, or unclaimed, notice shall be deemed to have been given.

- (2) St. Landry Parish Government shall notify the owner of the premises and shall include in the notice posted (see attached affidavit, Exhibit A), on the vehicle that in lieu of removal, the owner of the premises and/or of the vehicle may remit the total amount charged for towing, together with a written letter of authority authorizing the St. Landry Parish Government to remove and dispose of the motor vehicle. The letter of authority shall be on a form prescribed and furnished by the St. Landry Parish Government. In the event that anyone other than the person determined to be the owner of the vehicle grants authority for removal of the vehicle and pays the fees for same, removal shall not take place until the fifteen (15) day delay accorded the owner of the vehicle has expired in order to permit the vehicle owner to remove same at his expense. The owner of the property, the occupant thereof in instances where same is not the owner of and the occupant has been given notice in accordance with this section, and the owner of the vehicle are each responsible for removal of same equally, and St. Landry Parish Government may choose to proceed against all or anyone of the foregoing to compel removal of same.
- (3) If the motor vehicle is not removed within fifteen (15) days from the date of the posting of the notice or authority and the fee paid to St. Landry Parish Government to remove same within said delays, the motor vehicle may be removed and disposed of by St. Landry Parish Government in accordance with the provisions of sections 2-5 and 2-6, as applicable. In such event, St. Landry Parish Government shall be entitled to recover the One hundred dollar (\$100.00) fine and any and all costs which are incurred by St. Landry Parish Government with reference to the removal, storage, and/or disposal of the motor vehicle. In the event the owner of the premises upon which the vehicle is located is to be taxed for such costs, such costs may be represented and secured by a lien filed in the public records of the parish clerk of court attesting to the costs incurred. Such lien shall be recoverable and may be enforced in the same manner and by the same procedure for collection of sums due for grass cutting liens.

Sec. 2-5: Sale by St. Landry Parish Government of abandoned motor vehicle which does not qualify as junked motor vehicle; procedure.

Whenever any motor vehicle which does not qualify as a junked motor vehicle has been seized or is otherwise held by the St. Landry Parish Government after having been removed from public or private property, and the same has not been claimed for a period of three (3) months or more, then the motor vehicle shall be considered as having been abandoned to the St. Landry Parish Government such that the St. Landry Parish Government may dispose of such motor vehicle and collect the costs and charges of removing, storing, and disposing of the vehicle in the following manner:

- (1) The St. Landry Parish Government shall send a registered or certified letter, return receipt requested, to the owner of the vehicle, within ten (10) days of the date the vehicle was seized. The St. Landry Parish Government shall send a second letter to the vehicle owner upon the expiration of the three-month (3) period provided for in this division. Any such letter shall be sent to the owner of the vehicle at owner's last known address informing owner that the St. Landry Parish Government is holding the vehicle and advising of the location of the vehicle. The owner shall also be informed in such letter that the vehicle will be sold to the highest bidder unless the owner, on or before the date of sale, claims the vehicle and pays the St. Landry Parish Government all costs and charges imposed for the removal, storage, and detention of the

vehicle. A copy of both of these letters shall also be sent to any person known to be the holder of a security interest affecting the vehicle.

- (2) Before any sale of such vehicle, the St. Landry Parish Government shall have the vehicle appraised by a competent appraiser and shall publish a notice of the proposed sale of the vehicle in the official journal of the St. Landry Parish Government not less than three (3) times within a ten-day (10) 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 the vehicles will be sold either individually or in globo to the highest bidder therefore, all in the discretion of the St. Landry Parish Government.
- (3) All funds received from the sale of any such motor vehicle under the provisions of this division shall be set aside and placed in a separate account established by the St. Landry Parish Government after the St. Landry Parish Government deducts from the proceeds of the sale whatever amount is necessary to pay for all costs and charges with reference to the removal, detention, storage, and/or disposal of the motor vehicle. If, within one (1) year following the date of the sale, the owner or lien-holder of any of the vehicles shall present sufficient proof to the St. Landry Parish Government of ownership or lien, the owner or lien-holder shall be entitled to the amount received for the individual vehicle less the pro rata share of the costs and expenses of the sale, as well as the charges and costs which are due and owing to the St. Landry Parish Government by virtue of the removal, storage, detention, and/or disposal of the vehicle. Any funds not claimed within one (1) year of the sale shall be deposited into special funds established to administer this division.

Sec. 2-6: Sale or other disposal by St. Landry Parish Government of junked motor vehicles.

Any junked motor vehicle as defined in this chapter may be removed and disposed of after notice of not less than fifteen (15) days either placed on the vehicle itself or given to the owner, if known. Any junked motor vehicle which remains on the public way or private property after notice given as provided herein shall be considered as public property and shall be disposed of by the criminal justice support services division of the chief administrative officer's office. Said department is hereby given authority to dispose of such junked motor vehicles by any of the following means, to wit:

- (1) Cause said motor vehicle to be delivered to a salvage or scrap facility and surrendered as scrap to any such facility willing to accept same.
- (2) Negotiate with any towing company or companies an agreement(s) whereby the towing company or companies shall remove the vehicle in consideration of the company receiving any salvage value which may be obtained there from.
- (3) Otherwise dispose of said vehicle in the most cost effective means possible, including payment of reasonable fees to any third party willing to accept same, if no party is willing to either pay for same or accept same for salvage vehicle.

Sec. 2-7: Criminal liability for noncompliance with removal order.

Any person who fails to comply with a properly posted and/or served notice for the removal of a motor vehicle pursuant to this section shall be guilty of a misdemeanor and shall be subject to a fine of up to five hundred dollars (\$500.00) or a prison term of up to six (6) months, or both, for each violation. The St. Landry Parish Government representative handling the issuance of the notice to remove an offensive motor vehicle shall be 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.

DIVISION 3: DANGEROUS BUILDINGS.

Sec. 3-1: Authority to condemn.

The St. Landry Parish Government may condemn and cause to be demolished or removed any building or structure within the parish when it is in a dilapidated and dangerous condition which endangers the public welfare.

Sec. 3-2: Recommendation of removal; notice; service; condemnation in emergency

- (1) Before the government may condemn any building or structure there must be submitted to it a written report recommending the demolition or removal of the building signed by the building inspector or other person authorized to act in such matters for the parish. The report shall contain a log of all actions taken by the department of public works regarding the building, as well as the dates of such actions. The report shall further contain documentation of the time period given to repair the building as well as any additional repair time extended. The parish president shall thereupon serve notice on the owner of the building or structure requiring him to show cause at a meeting of the council, regular or special, why the building or structure should not be condemned. The date and hour of the meeting shall be stated in the notice which shall be served at least ten (10) days prior to the date of the hearing, except in case of grave public emergency as hereinafter provided. The notice may be served by the sheriff, deputy sheriff, or constable having jurisdiction and power to serve legal process where the owner of the building or structure is found in the state, and the officer shall make return of the service as in ordinary cases. If a return has been made certifying that the sheriff or constable has been unable to make service, then the notice may be served by an investigator employed with the office of the parish attorney.
- (2) If the owner be absent from the state or unrepresented therein, then the notice shall be served upon the occupant of the condemned building or structure, if any, and also an attorney-at-law appointed by the parish president to represent the absentee. Domiciliary service may be made as in ordinary cases.
- (3) In case of grave public emergency where the condition of the building is such as to cause possible immediate loss or damage to person or property the St. Landry Parish Government may condemn the building after twenty-four (24) hours' notice served upon the owner, his agent or the occupant, and attorney-at-law to represent the absent owner.

Sec. 3-3: Condemnation order; demolition.

- (1) After the hearing, if in the opinion of the council, the facts justify it, an order shall be entered condemning the building and ordering that it be demolished or removed within a certain delay but no sooner than ten (10) days from date of service of the order. It shall be mandatory for the parish president to proceed with the demolition of condemned structures not later than thirty (30) days after the expiration of the delays permitted by the council for the owner to demolish the subject building or structure.
- (2) The decision and order of the council shall be in writing, shall supercede and nullify any building permit issued for work on the building, and shall be final unless appealed from within ten (10) days as hereinafter provided.

Sec. 3-4: Signs to be posted at condemned buildings.

Once a building or structure has been condemned by order of the council, the department of public works shall post a sign upon the property notifying the public of the classification of the building or structure as a vacant, uninhabitable building. The criminal penalties for trespass and vandalism shall be stated on the sign. The sign shall read as follows:

“By order of the St. Landry Parish Government, this structure has been classified as a vacant, uninhabitable building. Trespass and vandalism are prohibited and punishable by law. The penalty for trespass is a fine of not more than twenty-five dollars (\$25.00) or imprisonment for not more than twenty (20) days. The penalty for vandalism is a fine of not more than five hundred dollars (\$500.00) or imprisonment for not more than six (6) months, or both.”

Sec. 3-5: Appeal from council order.

- (1) The owner, occupant, agent, or other representative of the owner may appeal from the decision of the council to the district court having jurisdiction over the property. The appeal shall be made by the filing of a suit against the parish, setting forth the reasons why the decision or order of the council is illegal or improper and the issue shall be tried *de novo* and by preference in the district court. Where a grave public emergency has been declared by the governing authority, the owner of the building who desires to prevent the demolition or removal thereof must file his petition within forty-eight (48) hours and must, at the time of the filing of the petition, furnish such bond as may be fixed by the district judge to cover any damage that might be caused by the condition of the building.
- (2) Either party may appeal from the judgment of the district court as in other cases.

Sec. 3-6: Demolition of building.

- (1) The owner or his designated agent may proceed to demolish and remove the building in accordance with the order of the council, provided the owner or his agent executes a contract in writing obligating himself to have the work done within the required time and files with the parish president a copy of the contract, together with a bond to guarantee performance.
- (2) If the owner or occupant of the building or structure fails or refuses to comply with the decision of the council and fails to appeal therefrom within the legal delays provided herein, then, in that event, the parish president may proceed with the demolition or removal of the condemned building or structure, in which case neither the parish president nor the St. Landry Parish Government shall be liable in damages.
- (3) Prior to the demolition or removal of the building or structure by the St. Landry Parish Government, the parish president or his designee shall serve notice on the owner, his agent, and on the occupant of the building, if any there be, or upon the attorney-at-law appointed to represent the minor, interdict, or absentee owner, giving the time when work will begin upon the demolition or removal of the building.

Sec. 3-7: Costs of demolition to be a lien on property.

The St. Landry Parish Government shall have a lien and privilege for the cost of demolishing or removing the building or structure against the lot and improvements upon

which the building or structure is situated. In order to preserve the lien and privilege it shall be the duty of the parish president to prepare and sign a sworn statement of facts, giving the description of the property and the approximate cost of demolishing or removing the building or structure, which statements of facts he shall cause to be filed and recorded in the mortgage office of the parish in which the property is located, and the St. Landry Parish Government shall be entitled to recover the amount of this expense together with all costs of court, by ordinary process in the district court having jurisdiction of the property.

Sec. 3-8: Attorney to be appointed to represent absent or minor owner.

If the building or structure is unoccupied and its owner is absent from the state and unrepresented therein, or if the building is owned by a minor who has no tutor, or an interdict who has no curator, the parish president shall appoint an attorney-at-law to represent the absentee, minor, or interdict upon whom the notices and other proceedings provided therein may be served. The attorney shall be paid a reasonable fee to be taxed as cost.

**AFFIDAVIT
ABANDONED/JUNK VEHICLES**

STATE OF LOUISIANA

PARISH OF ST. LANDRY

BEFORE ME, the undersigned Notary Public, personally came and appeared _____, a representative of the St. Landry Parish Government, who, first being duly sworn and deposed, hereby swears that the below described information is true and correct:

Affiant

Sworn to and subscribed before me on the _____ day of _____, 2008.

Notary Public
DEFINITIONS:

Abandoned vehicle: a motor vehicle that is:

- 1) Left upon a public street or highway in violation of a law or ordinance prohibiting parking; or
- 2) Is inoperable and is left unattended on public property for more than three (3) days, or is inoperable and _____ left unattended on the shoulder or right-of-way of an interstate or a four-lane highway for more than three (3) days, or that has remained on private property without the consent of the owner or person in control of the _____ property for more than 24 hours; or
- 3) Left on property owned or operated by the city for a period of more than three (3) days; or
- 4) Left on private property without the consent of the owner, person in control of the property, or occupant or lessee thereof for more than three (3) days.

Junk vehicle: A motor vehicle on public or private property that is determined by the policing authority to be a health or safety hazard, a public nuisance, and unlawful, including a vehicle found to be:

Location vehicle removed

to: _____

Condition of Vehicle: (e.g. tires, on blocks, broken windows, wrecked, etc.) _____

Inspector's signature
Date of Inspection

XIII. RESOLUTIONS:

1. Adopt the adjusted millage rate(s) for the year 2008.
2. Consider the adoption of a resolution to abandon the 40 ft. right of way on an undeveloped roadway (Popular Street) on the north side of Guidry Road located in the Lewisburg area as per request from Mr. James Tweedel & Elaine Tweedel. (District 11)
3. Consider the adoption of a resolution to reappoint and/or appoint board members to the Coulee Crouche Gravity Drainage District No. 22, to be retroactive to August 08, 2008 (4 yr. term):

PRESENTLY SERVING	NOMINATIONS
Ernest Domengeaux, term expired August 8, 2008	Ernest Domengeaux Jr. 491 Clarence Cormier Rd. Carencro, LA 70520
Leo Paul Henry, term expired August 8, 2008	Leo Paul Henry P. O. Box 268 Sunset, LA 70584
Camille Menard, term expired August 8, 2008	Camille Menard 635 Menard Road Cankton, LA 70584
Norward Richard, term expired August 8, 2008	Norward Richard 1627 Hwy 343 Church Point, LA 70525
Gregg Cormier, term expired August 8, 2008	Gregg A. Cormier 1540 Highway 343 Church Point, LA 70525
	Stanley Adams P. O. Box 197 Sunset, LA 70584

4. Consider the adoption of a resolution to reappoint and/or appoint board members to the St. Landry Parish Housing Authority, to be retroactive to August 4, 2008 (5 yr. term)

PRESENTLY SERVING	NOMINATIONS
Larris Soileau, term expired August 4, 2008	Larris Soileau 406 E. Vine St., P. O. Box 223 Washington, LA 70589
	Gerald Emon 318 W. Vine St. Opelousas, LA 70570
	Michael Levier 800 Myrtle St. Opelousas, LA 70570

5. Consider the adoption of a resolution to reappoint and/or appoint board members to the St. Landry Parish Solid Waste Disposal District: (4 yr term)

PRESENTLY SERVING	NOMINATIONS
Kathy Moreau, term expires September 1, 2008	Kathy Moreau P. O. Box 123 Leonville, LA 70551
Jodie Powell, term expires September 1, 2008	Jodie Powell 1321 West Oak Ave Eunice, LA 70535
	Gerald Emon 318 W. Vine St. Opelousas, LA 70570
	Lucius Gloston 773 Baget St. Opelousas, LA 70570
	Earl Pitre 239 N Hibiscus St. Opelousas, LA 70570
	Lincoln Joseph Savoie 648 Thelma Drive Sunset, LA 70584
	Christopher Thomas 1341 E. Maple Ave. Eunice, LA 70535

XIV. COMMITTEE REPORTS:

**PUBLIC WORKS COMMITTEE
MONDAY, AUGUST 4TH, 2008 AT 6:00 P.M.**

PRESENT: Kenneth Vidrine; Glenn Stout; Jay Guidry; Jimmie Edwards; Ronald Buschel, Chairman; Hurlin Dupre, Ex Officio. **ABSENT:** Fekisha Miller.

1. Meeting was called to order by Chairman, Ronald Bushel;
2. Chairman Ronald Buschel requested the Council Clerk to call roll.
3. Pledge and Invocation by Council Chaplin Jerry L. Red.
4. Mark Major, Med Express Ambulance Service, 9305 Hwy 105, Melville, LA addressed the committee regarding the reestablishment of Med Express services in St. Landry Parish and informed the committee of the services his company provides.
5. The committee recommends bringing the discussion to amend Ordinance 2006-0011, to include the value of structures from 0 to 2,000.00 are attached with a fee of 10% on all small structures and after 2,000.00 proceed with the base price already set in place, to the regular Council meeting scheduled for August 20th, 2008.
6. The committee recommends tabling the discussion to change the name of Choctaw Drive to avoid confusion for emergency services until representatives of Choctaw drive could attend the meeting for comments and the committee request that Jude Moreau with 911 Communications attend the regular Council meeting on August 20th, 2008 to address the problems and recommend a solution.
7. The committee recommends the approval of Elizabeth Heights Subdivision Extension as it meets all requirements in accordance with our Parish Code of Ordinance for private developments.
8. The committee recommends bringing to the full council the request by St. Landry Parish 911 Communication District that a portion of the road currently

known as Grand Rue de Josh commence in the curve and from the curve northward be renamed as Rue de Walter. This will allow the St. Landry Parish Communication District to stay within compliance with 911 addressing standards and that said change be recorded on the Plat of Survey in the St. Landry Parish Clerk of Courts office.

9. The committee recommends bring to the full council the discussion to abandon a gravel drive located within Tract 5 as shown on plat of survey due to its relocation on the northern boundary of Dale & Maudry August's property and dedicated it's relocation as Dixon Road.
10. The committee recommends accepting the Public Works Report as presented by the Public Works Director, Tim Marks
11. The committee recommends entering into an intergovernmental agreement with the City of Opelousas to clean up some abandon adjudicated property including parcel on 1605 Bossier Street, 1006 Harper Street, 539 Herman Street, and lot 19, block 9 on South Street, property adjudicated from Sedona Wyble.
12. The committee recommends forwarding a letter of thanks for the contribution of the new grappling truck to the parish and its 12 municipalities to the St. Landry Parish Solid Waste Disposal District.
13. The committee recommends accepting the Parish President Report as presented.
14. The committee recommends adjournment to the next Public Works Committee scheduled for Monday, September 1st, 2008 at 6:00 p.m.

Submitted by:
/s/ Chairman, Ronald Buschel

ADMINISTRATIVE/FINANCE COMMITTEE
IMMEDIATELY FOLLOWING THE PUBLIC WORKS COMMITTEE
MONDAY AUGUST 4TH, 2008

PRESENT: Leon Robinson; Pam Gautreau; Dexter Brown; Gary Courville; Jerry L. Red; and Albert Hollier, Chairman; Hurlin Dupre, Ex Officio. **ABSENT:** None.

1. Meeting was called to order by Chairman, Albert Hollier;
2. Chairman Albert Hollier requested the Council Clerk to call roll;
3. Lincoln Savoie , 648 Thelma Dr., Sunset, LA 70584 addressed the committee regarding the Solid Waste Commission appointment and requested that the committee consider his application for any upcoming vacancies on the board.
4. The committee recommends granting a trail ride permit to Warren Rideau, Immaculate Conception Church Lebeau Posse for a trail ride for the following days; September 5th, and 6th, 2008.
5. The committee recommends forwarding a letter to Union Pacific Railroad to request that a representative attend the next regular Council Meeting on August 20th, 2008 to inform the Council of a plan to alleviate the drainage obstructions in their right a ways between Landrineau Road and Hwy 757 and all through St. Landry Parish.
6. The committee recommends bringing to the full Council the request for the attendance of the legislative delegates representing St. Landry Parish at the next regular council meeting to explain the low amount of available funding allocated for St. Landry Parish in the 2008 legislative session.

7. The committee recommends that the Administrative Finance Committee be adjourned to the next committee meeting scheduled for Monday, September 1st, 2008, immediately following the Public Works Committee.

Submitted by:
/s/ Albert Hollier, Chairman

**XV. ANNOUNCEMENT OF VACANCY AND/OR TERM EXPIRATIONS ON
BOARDS/COMMISSIONS:**

1. **ST. LANDRY PARISH TOURIST COMMISSION**
(3 yr terms)

Suzanne LaHaye, term expires November 4, 2008
John Slaughter, term expires November 4, 2008
Mary "Sis" Johnson Doucet, term expires November 4, 2008
Jane Ardoin, term expires November 4, 2008
Angela Doomes, term expires November 4, 2008
Charles Jagneaux, term expires November 4, 2008
Mavis Fruge, term expires November 4, 2008

2. **FIRE DISTRICT NO. 7**
(2 yr terms)

Pat Hubbard, term expired December 31, 2007.
Larry Rideau, term expired December 31, 2007.

XVI. LITIGATION REPORT

XVII. ADJOURNMENT

Adjournment with next regular meeting to be scheduled for Wednesday, September 17th, 2008, in the Council Meeting Room, Suite 132, Courthouse Building, Opelousas, Louisiana.