

**ORDINANCE NUMBER 12-18A
VILLAGE OF ELIZABETH, LOUISIANA**

AN AMENDMENT TO ORDINANCE 12-18 SECTION 4.F. TO INCREASE COST OF PREPARATION AND FILING OF THE LIEN FEE.

AN AMENDMENT TO ADD A SECTION 4.J. TO RECORD A RELEASE BY OBLIGEE OF RECORD AND A REQUEST FOR CANCELLATION FORM WITH THE RECORDER OF MORTGAGES IN THIS PARISH.

ORDINANCE 12-18 CREATED NEW DEFINITIONS AND GUIDELINES FOR PROPERTY MAINTENANCE WITHIN THE CORPORATE LIMITS OF THE VILLAGE OF ELIZABETH AND TO PROVIDE FOR ENFORCEMENT MEASURES THEREOF, AND TO PROVIDE FOR RELATED MATTERS

BE IT ORDAINED by the Mayor and Board of Aldermen for the Village of Elizabeth, Louisiana, who met in regular session and enacted the following original Ordinance Number 12-18 which shall read as follows:

Section 1 : Definitions

- A. 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:
1. *Abandoned inoperative vehicle* means any junked, wrecked or dismantled vehicle, or any part or parts thereof, which is incapable of being lawfully moved upon the highways and streets. Vehicles which are otherwise in compliance with R.S. 32:1301—32:1310 are not considered to be abandoned, inoperative vehicles for purposes of this division. Furthermore, lack of current and/or valid registration, inspection sticker or license plate above does not constitute an abandoned, inoperative condition.
 2. *Abandoned movable property* means any major appliances such as refrigerators, freezers, stoves, dishwashers, etc., or any parts of same or of other machinery, or any scrap metal, or other items which are not being used in any construction and are left unattended for a period in excess of 14 days on any public way, neutral ground, vacant lot, or unused portion of any occupied lot.
 3. *Antique vehicle* means any motor vehicle 25 years or older which is operable and substantially in its original condition. These vehicles must be registered as antiques and display antiques license plates.
 4. *Appliances* means appliances such as refrigerators, freezers, ranges, ovens etc. or any parts thereof.

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5. *Brush* means any plant, vegetation or woody growth under three inches in diameter;
6. *Neutral Ground* means area between an owner's property line and the curb or ditch as the case may be;
7. *Owner* means any person owning any lot, subdivision or property within the Village. This term shall also include the owner's agent or tenant, who exercises control or authority over any lot, subdivision or property;
8. *Owner of the premises* means the owner of the land on which the vehicle is located, as shown on the last assessment roll.
9. *Owner of the vehicle* means the last registered owner.
10. *Unattended Vehicle* means any vehicle which is inoperable and has not been repaired or used for its intended purpose for a continuous period of sixty days.
11. *Vehicle* means a device by which any person or property may be propelled, moved or drawn upon a roadway, except a device moved by human power or used exclusively upon stationary rails or tracks.

Section 2: Duty of Owners to Maintain Property

- A. It shall be unlawful for the owner of any lot, tract, subdivision or parcel of ground located within the corporate limits of the Village of Elizabeth, to permit weeds, grass, brush, or underbrush to grow to a height of 12 inches or more.
- B. The owner of any lot, tract, subdivision or parcel of ground shall be required to cut, destroy or remove weeds, grass, brush, underbrush or any deleterious or unhealthy growths or other noxious matter, growing, lying or located in or upon such lot, place or area. No growth shall be allowed to interfere with the passage of any pedestrian on any sidewalk. Property owners shall be responsible for vegetation maintenance to the edge of any abutting street surface.
- C. Whoever violates any provision of this section shall be fined not more than \$500.00 or imprisoned for not more than 60 days, or both, at the discretion of the judge, in addition to any other penalty provided by law or ordinance.

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- D. In addition to the penalties contained in this section, the court may order that every defendant convicted after a trial or pleading guilty, pay restitution to the Village in an amount equal to the amount of expenses and charges incurred by the Village in performing the work necessary to bring the owner's property into compliance with this section. In no case shall the fines and the amount ordered in restitution exceed \$500.00. It shall not be a defense to prosecution under this section that the Village performed work necessary to correct the noted deficiencies and violations, or that the Village caused such work to be done.

Section 3: Prohibition Against Storage of Inoperative Vehicles and Abandoned Movable Property

- A. The storing or abandoning of abandoned inoperative vehicles or abandoned moveable property, or any parts thereof, on any vacant lot, or any unused portion of any occupied lot, neutral ground, or public way within the Village of Elizabeth is prohibited.
- B. Whoever violates any provision of this section shall be fined not more than \$500.00 or imprisoned for not more than 60 days, or both, at the discretion of the judge, in addition to any other penalty provided by law or ordinance.
- C. In addition to the penalties contained in this section, the court may order that every defendant convicted after a trial or pleading guilty, pay restitution to the Village in an amount equal to the amount of expenses and charges incurred by the Village in performing the work necessary to bring the owner's property into compliance with this section. In no case shall the fines and the amount ordered in restitution exceed \$500.00. It shall not be a defense to prosecution under this section that the Village performed work necessary to correct the noted deficiencies and violations, or that the Village caused such work to be done.

Section 4: Enforcement Procedure of Sections 2 and 3

- A. The Mayor or the Mayor's designated representative shall send to the owner, as determined from the latest Village tax assessment rolls, notice of failure to comply with the requirements of Sections 2 or 3 of this Ordinance. The last known property owner shall be notified as follows:
 - 1. A written notice requiring that such owner comply with Sections 2 or 3 within ten days from the date of the receipt of the notice, posted by registered mail, with a return receipt requested. The notice is to be sent any time that the Mayor deems it necessary to enforce Sections 2 or 3.

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2. The Mayor or the Mayor's designee may notify the owner of the property by advertising in the official journal of the Village within which the property is located for two consecutive publications. If the notification is done by advertisement, no work can be done on the property by the Village within ten days of such advertisement.
- B. However, the Mayor or the Mayor's designee may undertake the work necessary to bring property into compliance with Sections 2 or 3 on any property within the Village on a monthly basis without the notice required in subsection (1) of this section if the property owner liable has been notified pursuant to such subsection at least once any time during the immediately preceding six months and has failed to do the work. The Mayor or the Mayor's designee shall file and record an affidavit at its office which shall include the following:
1. A description of the property sufficient to reasonably identify it.
 2. A photograph of the property sufficient to reasonably identify its unsafe or unsanitary condition and to justify the necessity for the work to bring the property into compliance with Sections 2 or 3.
 3. A statement that the property owner liable has within the past six months failed to do such work after notification and opportunity to do so pursuant to subsection (a) of this section.
- C. In the event the Mayor determines that a situation exists where, for the preservation of the public health or safety, it is necessary to order the immediate clearing of a piece of real estate within the Village from unsanitary or unsafe accumulations of weeds or other deleterious, unhealthy or noxious growths, or any inoperative vehicles or abandoned movable property, he shall call the Council to session as provided by law, and if said Council concurs in the Mayor's determination, it may authorize such work to be done immediately and without the necessity for notice as required herein.
- D. If there has been no compliance with the notice within ten days of its receipt, or if the owner failing to comply with the provisions of Sections 2 or 3 is an absentee or has no known mailing address, the Mayor or the Mayor's designee shall then cause the necessary work to be done to effect compliance with the provisions of Sections 2 or 3 at the owner's expense. The Mayor or the Mayor's designee may have such work done either with the personnel and equipment of the Village or by means or a contract with a third person.
- E. Whenever the Mayor has ordered work done to bring property in compliance with Sections 2 or 3, as set forth herein, the sum of \$175.00 plus \$80.00 per

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hour or any fraction of an hour per piece of equipment actually used in the work, plus any cost of equipment rented by the Village to perform the work, plus accrued interest at the rate of ten percent per annum from the date of completion of the work shall be charged to the owner of the property, which charge shall be due and payable by said owner on the date of completion of said work.

- F. Upon completion of such work, the Mayor or the Mayor's designee shall prepare and file with the recorder of mortgages of the parish a certificate showing the cost of such work along with the fees set out in paragraph (B) of this section, a fee of \$275.00 for the cost of preparation and filing of the lien, the name of the owner and a description of the property involved. This certificate shall be recorded by the recorder of mortgages in the mortgage records of this parish and shall operate from the date of fil
- G. ing as a tax lien or assessment of the property affected. This lien shall prescribe only in ten years from the date of filing such certificate, may be enforced in a summary manner as other tax liens or assessments, by ordinary proceedings or personally against the property owner as provided for by law, and shall be subject to a ten percent penalty, interest and attorney fees.
- H. Upon the filing of this certificate, the Mayor or the Mayor's designee, in writing, shall advise the Village attorney thereof, and the latter shall institute proceedings for the enforcement of such lien.
- I. Sworn statements recorded in accordance with the provisions of this section shall be prima facie evidence that all legal formalities have been complied with and shall be full notice to every person concerned that the amount of the statement, plus penalties and interest, constitutes a charge against the property designated or described in the statement and the same is due and collectible by law.
- J. Upon receiving payment of such lien, Mayor or Mayor's designee shall prepare and file a Release by Obligee of Record and a Request for Cancellation. These 2 certificates shall be recorded by the recorder of mortgages in the mortgage records of this parish.

Section 5

- A. It shall be unlawful for any person, firm, or corporation owning property which abuts a drainage ditch or street ditch to place, or authorize the placement of, trash, rubbish, debris, tree limbs, logs, scrap material, or any kind of rubble in the drainage ditch or street ditch or to, in any manner, obstruct or cause to obstruct the natural flow of runoff waters within the Village.

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- B. Whoever violates any provision of this section shall be fined not more than \$500 or imprisoned for not more than 60 days, or both, at the discretion of the judge.

Section 6

- A. It shall be unlawful for any person, firm, or corporation owning property which abuts a drainage ditch or street ditch to burn any object in the drainage ditch or street ditch.
- B. Whoever violates any provision of this section shall be fined not more than \$500.00 or imprisoned for not more than 60 days, or both, at the discretion of the judge.

Section 7

This ordinance shall become effective upon signature by the Mayor, or in the event of a veto, upon override.

Section 8

All ordinances or parts of ordinances in conflict herewith are hereby repealed in their entirety, including, but not limited to, Ordinance 1-91, Ordinance 5-98, Ordinance 2-2001, and Ordinance 04-09.

Said amendment to Ordinance having been introduced on the 9th day of October, 2023 by notice of Public Hearing having been published on the 19th day of October, 2023, said Public Hearing having been held, title having been read and Ordinance considered, on motion by Stacy Weldon, and seconded by Mea Dillehay to adopt the Ordinance on the 13^h day of November, 2023. A record vote was taken and the following result was had:

Ken Kelly: yea Mea Dillehay: yea Stacy Weldon: yea

Whereupon the Mayor declares the above amendment to Ordinance 12-18 to become Ordinance 12-18A duly adopted on the 13th day of November, 2023.

APPROVED: /s/ Mandy L Green, Mayor ATTEST: /s/ Denise Lee, LCM Clerk