

On joint motion of all Councilmembers present the following ordinance was offered as amended:

**SUMMARY NO. 22472 ORDINANCE NO. 23298**

An ordinance to amend Chapter 36, relating to traffic and motor vehicles, particularly those motor vehicles operated and/or parked unlawfully, and the processes used to remove such vehicles and/or impose a penalty; and Chapter 2.5 relating to the administrative adjudication of public health, housing, fire code, environmental and historic district violations of Jefferson Parish, Louisiana pertaining to the authority of hearing officers with regard to Chapter 36, and to provide for related matters. (Parishwide)

**THE JEFFERSON PARISH COUNCIL HEREBY ORDAINS:**

**SECTION 1.** That Chapter 36, Article I, Section 36-5), of the Jefferson Parish Code of Ordinances is hereby amended to read as follows:

**Sec. 36-5. Parking, storing, driving and/or riding a motor vehicle upon servitudes, etc., prohibited.**

- (a) It shall be unlawful for any person to park, store, drive and/or ride a motor vehicle upon any canal servitudes, levees or levee rights-of-way, public drainage servitudes, neutral grounds, medians, and/or on the rights-of-way between the paved portion of a dedicated street and the property line of the adjacent landowner within the parish, and/or on the unpaved or non-graveled portion of the front yard area of any private residence or business except where permitted by the appropriate parish department, which permission shall be indicated by the erection of appropriate signs in the area.
- (b) Any motor vehicle which is parked or stored unlawfully in violation of this section shall be tagged by the department of inspection and code enforcement, and such motor vehicle shall be subject to the same processes as junked, wrecked and/or abandoned vehicles, in accordance with article V of this chapter.

**SECTION 2.** That Chapter 36, Article V, Section 36-92, of the Jefferson Parish Code of Ordinances is hereby amended to read as follows:

**Sec. 36-92. On neutral ground.**

No person shall park any vehicle or permit it to stand, either attended or unattended, on the public neutral ground of any street, road or highway of the parish, except where permitted by the appropriate parish department, which permission shall be indicated by the erection of appropriate signs in the area.

**SECTION 3.** That Chapter 36, Article V, Section 36-109(a), of the Jefferson Parish Code of Ordinances be amended to read as follows:

**Sec. 36-109. Inspections and investigations.**

- (a) The department of inspection and code enforcement shall make all investigations and inspections necessary to enable the enforcement of this Article.

**SECTION 4.** That Chapter 36, Article V, Section 36-131, of the Jefferson Parish Code of Ordinances is hereby amended to read as follows:

**Sec. 36-131. Tagging; notice; request for hearing; emergency removal and storage.**

- (a) **Tagging.** Whenever any vehicle is found to have an apparent violation or is found to be abandoned, junked or derelict by the department of inspection and code enforcement by reason of illegal parking or storing of such vehicle on public or private property, streets, ways, roads, or highways within the parish, or upon any canal servitude, levees or levee rights-of-way, public drainage servitudes, neutral grounds, medians, and/or rights-of-way between the paved portion of a dedicated street and the property line of the adjacent landowner within the parish, the parish through said inspectors shall immediately post a notice on the windshield of the vehicle directing that the vehicle be removed from said location within seventy-two (72) hours exclusive of weekends and/or legal

holidays.

**SECTION 5.** That Chapter 36, Article V, Section 36-133(a), of the Jefferson Parish Code of Ordinances is hereby amended to read as follows:

**Sec. 36-133. Vehicle removal and disposal**

- (a) The department of inspection and code enforcement, through its inspectors, shall remove or cause to be removed any accessible vehicle with apparent violations, or any inoperable, junked, derelict or abandoned vehicle from any public or private property, which is not enclosed in a building or so located upon the premises as not to be readily visible from any public place or surrounding property, neutral ground, street, or sidewalk following the expiration stated in section 36-131(1), or any motor vehicle parked or stored upon any canal servitude, levee or levee right-of-way, public drainage servitude, neutral ground, median, and/or right-of-way between the paved portion of a dedicated street and the property line of the adjacent landowner within the parish in violation of section 36-5(a), if the vehicle is not removed or if there is no request made for a hearing within the compliance period. The time for compliance begins on the date of the receipt of notice which is tagging of the vehicle. Said vehicles shall be destroyed or sold to defray the cost of removal.

**SECTION 6.** That Chapter 36, Article V, Section 36-134 be amended to read as follows:

**Sec. 36-134. Redemption by owner.**

The owner of an inoperable, junked, derelict, abandoned or otherwise unlawfully parked or stored motor vehicle seized or impounded by the department of inspections and code enforcement under the provisions of this chapter may redeem such vehicle at any time after its removal but prior to an order of sale or destruction thereof, upon proof of ownership and:

- (1) By paying all accrued storage and towing fees and penalties; or
- (2) By posting bond in accordance with the provisions of section 36-146(a)(2).

Such persons shall be issued a notice of hearing by the department of inspection and code enforcement.

**SECTION 7.** That Chapter 36, Article V, Section 36-135(a), of the Jefferson Parish Code of Ordinances is hereby amended to read as follows:

**Sec. 36-135. Penalty for violation.**

- (a) After notice has been duly given and all delays have expired, the registered owner of a motor vehicle unlawfully parked or stored in violation of section 36-5, or of such junked, wrecked, derelict, or abandoned motor vehicle in violation of sections 36-129 et seq., will be subject to penalty as provided herein.

**SECTION 8.** That Chapter 2.5, Section 2.5-4, of the Jefferson Parish Code of Ordinances is hereby amended to add thereto additional language to read as follows:

**Chapter 2.5. ADMINISTRATIVE ADJUDICATION OF PUBLIC HEALTH, HOUSING, FIRE CODE, ENVIRONMENTAL AND HISTORIC DISTRICT VIOLATIONS**

**Sec. 2.5-4. Authority of hearing officer.**

Hearing officers who have been appointed and sworn in accordance with section 2.5-3 of this chapter shall have the authority to hear and decide public health, housing, fire code, environmental, or historic district ordinance violations, or any matters involving licensing and permits and any other ordinance violations that may be determined by the Jefferson Parish Council. Adjudication authority of the hearing officer shall include, but not be limited to, violations of the following chapters or sections of this Code and other miscellaneous codes:

...  
Chapter 36, Traffic and Motor Vehicles: Article 1, Section 36-5; and Article V, Division 3, Junked, Wrecked and Abandoned Vehicles;  
....

**SECTION 9.** That all ordinances in conflict with the provisions of this proposed ordinance are hereby repealed.

**SECTION 10.** That any and all sections found to be void or in conflict with other laws be repealed without the repealing of the entire ordinance.

**SECTION 11.** That the Chairman of the Jefferson Parish Council, or in his absence, the Vice-Chairman, is authorized to sign and approve this ordinance amending Chapter 36, relating to traffic and motor vehicles, particularly those motor vehicles operated and/or parked unlawfully, and the processes used to remove such vehicles and/or impose a penalty; and Chapter 2.5 relating to the administrative adjudication of public health, housing, fire code, environmental and historic district violations of Jefferson Parish, Louisiana pertaining to the authority of hearing officers with regard to Chapter 36, and to provide for related matters.

The foregoing ordinance having been submitted to a vote, the vote thereon was as follows:

**YEAS: 6 NAYS: None ABSENT: (1) Lee**

The ordinance was declared to be adopted on this 7<sup>th</sup> day of May, 2008, and shall become effective as follows; if signed forthwith by the Parish President, ten (10) days after adoption, thereafter upon signature by the Parish President, or if not signed by the Parish President, upon expiration of the time for ordinances to be considered finally adopted without the signature of the Parish President, as provided in Section 2.07 of the Charter. If vetoed by the Parish President and subsequently approved by the Council, this ordinance shall become effective on the day of such approval.

THE FOREGOING IS CERTIFIED  
TO BE A TRUE & CORRECT COPY

*Eula A. Lopez*

EULA A. LOPEZ  
PARISH CLERK  
JEFFERSON PARISH COUNCIL