

PUBLIC NUISANCE
#79-11-01

The following ordinance was offered by Alderman Charles R. Holley, Sr. and seconded by Alderman James Lavigne.

An ordinance for the Town of Pearl River, Louisiana, defining and prohibiting public nuisances on public, private, and commercial ways; declaring the violation of such nuisances to be a misdemeanor; and providing penalties for the violation thereof.

Be it enacted by the Mayor and Board of Aldermen of the Town of Pearl River, Louisiana, in legal session convened;

Section 1: Be it ordained by the Mayor and Board of Aldermen of the Town of Pearl River, Louisiana in legal session convened, that the following words and phrases shall have the respective meanings described to them:
A.) OWNER- Any person legally vested with the title and ownership of any immovable property situated within the city.
B.) PERSON- An individual, firm, partnership, corporation or organization of any kind.
C.) JUNK AND SALVAGE YARD- Any premises, establishment, or place of business maintained, operated or used for storing, keeping, buying, selling or dismantling motor vehicles or any parts thereof, machinery, furniture, household goods and household appliances that are inoperable, scrapped, discarded, or junked, or any combination of the above described items.

Section 2: Be it further ordained that it shall be unlawful for any person to abandon, store, leave, place or park any motor vehicles or any parts thereof, machinery, furniture, household goods and household appliances that are inoperable, scrapped, discarded, or junked, upon any public property of the Town of Pearl River, Louisiana.

Section 3: Be it further ordained that it shall be unlawful for any person to store or keep upon any lot or tract of land used for residential purpose motor vehicles or any parts thereof, machinery, furniture, household goods and household appliances that are inoperable, scrapped, discarded, or junked, except when it is contained in a completely enclosed area and is not visible from a public street or an adjacent lot or tract of land.

Section 4: Be it further ordained that it shall be unlawful for any person to store or keep upon any premises used for commercial or business purposes or nonresidential purposes, any motor vehicles or any parts thereof, machinery, furniture, household goods and household appliances that are inoperable, scrapped, discarded, or junked, provided that this section shall not apply to:
A.) Such materials stored or kept on the premises of a junk or salvage yard, as defined above.
B.) Damaged but salvageable motor vehicles, machinery, furniture, household goods and household appliances awaiting repair or in the process of repair and on the premises of a bonafide repair shop.

Section 5: Be it further ordained that in order to more effectively carry out the intent of this article, the Clerk of the Town of Pearl River shall send to the property owner as determined from the latest assessment rolls, or the occupant of the property failing to comply with the requirements of this article, a written notice requiring such property owner to comply there within fifteen (15) days from the date of receipt thereof. Such notice shall be posted by registered or certified mail, with return receipt requested. Any costs incurred by the Town of Pearl River in connection with the removal of the item or items which violate this article shall be taxed as costs to the person who violates this article.

Section 6: Be it further ordained that if the owner or occupant of said premises so desires, he may, within said fifteen (15) days period after service of notice to abate the nuisance, request of the Town Clerk, either in person or in writing and without the requirement of bond, that a date and time be set when he may appear before the Mayor's Court for a trial to determine whether he is in violation of this article, and whether or not the location and continued existence of the abandoned, stripped, wrecked, or junked vehicle or materials on his property constitutes a public nuisance.

Section 7: Be it further ordained that if there has been no compliance by said property owner or occupant with the requirements of this article within fifteen (15) days of a judgment of the court determining that he is in violation, the owner or occupant

shall be guilty of a misdemeanor and on conviction thereof shall be fined a sum not to exceed five hundred dollars (\$500) per offense plus the cost of removal of the item or items which violate this article.

Section 8:

Be it further ordained that the provisions of this article shall not affect any legitimate businesses which are operating junk and salvage yards.

Section 9:

Be it further ordained that if any section, subsection, clause or phrase of the ordinance be held in doubt or unconstitutional, such decision shall not affect the remaining portions of this ordinance. The Mayor and Board of Aldermen hereby declare that they would have adopted this ordinance, and each section, sub-section, sentence, clause and phrase thereof, in respective of the fact that anyone or more sections, declared invalid or unconstitutional.

Section 10:

Be it further ordained that this ordinance shall go into effect on and after the 27 day of December, 1979.

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

YEAS: 3
NAYS: 0
ABSTAIN: 0

Present were: Aldermen Charles Holley, James Lavigne, and Johnny Livingston
Absent were: Leo Baragona and Milton Zechenelly.

And the ordinance was declared adopted on this 27 day of November, 1979.

Robert Harper, Mayor

Ruby Gauley, Town Clerk