

Regular Session, 2011

SENATE BILL NO. 122

BY SENATOR AMEDEE

PARISHES. Authorizes the governing authority of Ascension Parish to require property owners to remove debris, wrecked or used motor vehicles, or other discarded items being stored or kept on their property. (8/15/11)

AN ACT

To amend and reenact R.S. 33:1236(30)(b)(i), (iii), (iv), and (vi), relative to the powers of local governing authorities; to authorize the governing authority of Ascension Parish to require and compel property owners to remove debris, wrecked or used motor vehicles, or any other discarded or abandoned items on their property; to authorize the governing authority to adopt ordinances placing any cost incurred for removal of such debris or items on the ad valorem tax bills of the parish; to authorize a collection fee for the sheriff of such parish; to provide relative to any action brought to contest the placing of such costs on the tax bills; and to provide for related matters.

Notice of intention to introduce this Act has been published.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 33:1236(30)(b)(i), (iii), (iv), and (vi) are hereby amended and reenacted to read as follows:

§1236. Powers of parish governing authorities

The police juries and other parish governing authorities shall have the following powers:

1 (30)(a) * * *

2 (b)(i) In the exercise of the authority granted herein, the governing authority
3 of the parishes of Jefferson, Ouachita, Calcasieu, **Ascension**, and St. Tammany may
4 require or compel property owners to remove trash, debris, junk, wrecked or used
5 automobiles, or motor vehicles, or any part or parts thereof, or any other junk,
6 discarded or abandoned machinery or other metal, tin, or other discarded items on
7 their property, when such items are being stored or kept in violation of any zoning
8 or other regulatory ordinance.

9 * * *

10 (iii) Upon failure of any such property owner to pay the charges, the
11 governing authority may file a certified copy of said charges with the recorder of
12 mortgages, and the same when so filed and recorded, shall operate as a lien and
13 privilege in favor of the parish against the property of which said items were
14 removed. In the parishes of Jefferson, **Ascension**, and St. Tammany, the lien and
15 privilege granted under this Paragraph, when recorded within sixty days from the
16 date of completion of the removal of the items, shall have the same ranking as an ad
17 valorem tax lien on immovable property as provided in R.S. 9:4821(1).

18 * * *

19 (iv) The parish may, at its option, enact ordinances to add the removal
20 charges to the annual ad valorem tax bill of the property involved. In the parishes of
21 Jefferson, **Ascension**, and St. Tammany, if such charges are unpaid, the ad valorem
22 tax lien imposed thereby and such rights attendant thereto shall coexist with those
23 granted under Item (30)(b)(iii) of this Section.

24 * * *

25 (vi) In the exercise of the authority herein granted to the parishes of Jefferson,
26 **Ascension**, and St. Tammany, the respective parish shall be the sole and proper
27 defendant in any action, authorized by law, to contest the addition of such charges
28 to the ad valorem tax bill of the property involved.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Cathy R. Wells.

DIGEST

Present law authorizes the governing authority of the parishes of Jefferson, Ouachita, St. Tammany, and Calcasieu to require or compel property owners to remove trash, debris, junk, wrecked or used automobiles, or motor vehicles, or any part or parts thereof, or any other junk, discarded or abandoned machinery or other metal, tin, or other discarded items on their property, when such items are being stored or kept in violation of any zoning or other regulatory ordinance.

Proposed law adds the governing authority of Ascension Parish to present law.

Present law authorizes the governing authority of the parishes of Jefferson and St. Tammany to place a lien against a property owner for failure to pay charges and the lien shall have the same ranking as an ad valorem tax lien on immovable property as provided in R.S. 9:4821(1); present law also provides for the parishes of Jefferson and St. Tammany to be the sole and proper defendant in any action, authorized by law, to contest the addition of such charges to the ad valorem tax bill of the property involved.

Proposed law adds the governing authority of Ascension Parish to present law.

Present law authorizes a collection fee for the sheriffs of Jefferson and St. Tammany in an amount equal to 15% of the amount of such charges actually collected from the property owner.

Proposed law adds the sheriff of Ascension Parish to present law.

Effective August 15, 2011.

(Amends R. S. 33:1236(30)(b)(i), (iii), (iv), and (vi))