

2022 Regular Session

HOUSE BILL NO. 458

BY REPRESENTATIVE ST. BLANC

LOCAL GOVERNMENT: Provides relative to the powers granted to the city of Franklin to regulate the storing and abandoning of junk or junked vehicles

1 AN ACT

2 To enact R.S. 33:4876.1, relative to the city of Franklin; to authorize the governing authority
3 of the city to enact ordinances to regulate the storing and abandoning of junk or junk
4 vehicles; to provide relative to the removal and disposition of such items; to provide
5 for definitions; and to provide for related matters.

6 Notice of intention to introduce this Act has been published
7 as provided by Article III, Section 13 of the Constitution of
8 Louisiana.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 33:4876.1 is hereby enacted to read as follows:

11 §4876.1. Abandoned junk and junked vehicles; disposition of; city of Franklin

12 A. Notwithstanding any other provision of law to the contrary, the governing
13 authority of the city of Franklin may enact ordinances regulating or prohibiting the
14 storing or abandoning of junk or junked vehicles on any vacant lot, or any portion
15 of any occupied lot, neutral ground, street, or sidewalk, within the city of Franklin.

16 B. As used in this Section, the following terms have the meanings ascribed
17 to them unless the context clearly indicates otherwise:

18 (1) "Junk" means discarded or abandoned major appliances, such as
19 refrigerators, freezers, or ranges. The term "junk" also means discarded metal, tin,
20 or other discarded items.

1 (2) "Junked vehicle" is one that meets the definition of junk vehicle provided
2 in R.S. 32:1728.2 and meets all of the following requirements:

3 (a) It is three years old or older.

4 (b) It is wrecked or extensively damaged or is missing any part or parts
5 thereof, including but not limited to a motor, transmission, window, windshield, or
6 tire.

7 (c) It is inoperable due to mechanical failure and has remained inoperable
8 for more than seventy-two consecutive hours, if the vehicle is on public property, or
9 for thirty consecutive days, if the vehicle is on private property.

10 (d) It displays an expired license plate or does not display a license plate.

11 C.(1) Any ordinance enacted pursuant to this Section shall authorize the city
12 of Franklin to remove any junk or junked vehicle from any public or private property
13 on which it is located if the property owner fails to remove the junk or junked vehicle
14 within fifteen days after receipt of notice from the city of Franklin.

15 (2)(a) The city of Franklin shall notify the property owner, by registered
16 mail, addressed in accordance with the tax rolls of the city, or served on the property
17 owner, by domiciliary or personal service by a representative of the city, of its intent
18 to remove any such junk or junked vehicle.

19 (b)(i) In addition to the notice required in Subparagraph (a) of this
20 Paragraph, no later than ten days prior to the removal of a junked vehicle from
21 private property, the city of Franklin shall notify the owner of the junked vehicle, and
22 all lienholders of such vehicle, of its intent to remove the junked vehicle. No later
23 than ten days after the removal of a junked vehicle from public property, the city of
24 Franklin shall notify the owner of the junked vehicle, and all lienholders of such
25 vehicle, that the vehicle has been removed.

26 (ii) The notice required by Item (i) of this Subparagraph shall be in writing
27 by certified mail, return signature electronic. The notice shall also include the
28 information provided in R.S. 32:1720(B)(1) through (7).

29 (3) Any ordinance adopted pursuant to this Section shall provide a procedure
30 by which an owner or lienholder may claim possession of a junked vehicle.

1 (4)(a) The city of Franklin shall dispose of junk in a manner designated by
2 the governing authority of the city.

3 (b) The city of Franklin shall dispose of a junked vehicle in accordance with
4 the procedures provided in R.S. 32:1728.2.

5 (5) Any costs incurred by the city of Franklin for the removal or disposition
6 of junk or junked vehicles shall be a charge on the property owner, shall not exceed
7 five hundred dollars, and shall constitute a special lien on his property collectible in
8 the manner provided by law for the correction of special assessments.

9 D. The provisions of R.S. 33:4876 are not applicable to the city of Franklin.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 458 Original

2022 Regular Session

St. Blanc

Abstract: Grants the city of Franklin certain powers with respect to the removal and disposition of junk and junked vehicles.

Present law generally authorizes parish and municipal governing authorities to enact ordinances regulating or prohibiting the storing or abandoning of junk, wrecked or used automobiles or motor vehicles, or other junk, discarded or abandoned major appliances, such as refrigerators, freezers, ranges, or machinery or other metal, tin, or other discarded items.

Present law relative to junk motor vehicles, requires that a parish or municipal ordinance provide for the removal and disposition of the vehicles after notice of not less than 10 days is either placed on the vehicle itself or given to the owner. Provides that if a vehicle remains on public or private property after notice is given, the vehicle is considered public property and must be disposed of by the parish or municipality as the governing authority may designate.

Present law relative to other abandoned property, requires that the notice be given to the owner of the lot or parcel of ground upon which the junk material is located. Provides that the cost of removal constitutes a special lien collectible in the same manner as special assessments are collectible by law.

Present law relative to the removal of abandoned junk, provides for the collection of costs from the owner of the material, not to exceed \$200. Authorizes the parish or municipality to require the property owner to enclose the property with fencing.

Proposed law retains present law but provides an exception for the city of Franklin. Authorizes the city's governing authority to enact ordinances regulating or prohibiting the storing and abandoning of junk or junked vehicles. Defines "junk" to mean discarded or abandoned major appliances, metal, tin, or other discarded items. Defines "junked vehicle" to mean a vehicle in such a state of deterioration that it cannot be profitably restored and has a fair market value of \$500 or less by using the rough trade-in value shown in the most recent National Automobile Dealers Assoc. Guide. A "junked vehicle" must also meet

certain additional requirements, including being at least three years old, wrecked or extensively damaged, and inoperable due to mechanical failure.

Proposed law requires that a city ordinance authorize the removal of junk and junked vehicles 15 days after notice is given to the owner of the property upon which the junk or junked vehicle is located. Requires the city to give notice, by registered mail or served on the property owner, of its intent to remove such items.

Proposed law additionally requires the city, no later than 10 days prior to removal of a junked vehicle from private property, to notify the owner of the vehicle, and all lienholders, of its intent to remove the vehicle. Requires the city, no later than 10 days after removal of a junked vehicle from public property, to notify the owner of the vehicle, and all lienholders, that the vehicle has been removed. Notice must be given by certified mail, return signature electronic.

Proposed law requires that any ordinance adopted pursuant to proposed law provide a procedure by which an owner or lienholder may claim possession of a junked vehicle.

Proposed law requires the city to dispose of junk in a manner designated by its governing authority and to dispose of a junked vehicle in accordance with the procedures set forth in present law (R.S. 32:1728.2). Provides that the costs incurred for the removal or disposition of any junk or junked vehicles will be a charge on the property owner not to exceed \$500. Provides that the charge constitutes a special lien on his property collectible in the same manner as special assessments.

(Adds R.S. 33:4876.1)