
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)]

Abramson

HB No. 940

Abstract: Provides for additional administrative adjudication notice and procedures relative to nuisance ordinances for sanitation and litter violations in the city of New Orleans. Provides for notice, procedures, fines, and appeals.

Proposed law authorizes the city of New Orleans to prescribe civil fines for violation of nuisance ordinances relative to sanitation or litter as authorized by the provisions of present law.

Proposed law authorizes the city of New Orleans to adopt an ordinance establishing an administrative adjudication hearing procedure, and requires that each ordinance provide a time period for persons' property charged with violating a nuisance sanitation or litter ordinance to have a hearing not less than 15 days from ticket issuance.

Proposed law further requires that the ordinance provide for appointment of hearing officers who shall have been licensed to practice law in Louisiana for no less than two years and who shall have authority to administer oaths and affirmations and to issue orders compelling the attendance of witnesses and the production of documents to be enforceable by the municipal court of the municipality or the district court in which the municipality is located.

Proposed law provides for a legal presumption that the owner as provided by the Orleans Parish Assessor's records was responsible for the offense at the time of the charged violation, and that the ordinance requires that the city bears the burden of proving by a preponderance of the evidence that the person receiving the ticket committed the sanitation or litter violation.

Proposed law requires that the ticket provide information as to the time and place of an administrative adjudication hearing, at which the city official issuing the ticket will be present, and that failure of any person charged with a violation to appear at the hearing shall be considered an admission of liability for the charged violation. The original ticket or any true copy shall be rebuttable proof of the facts contained therein.

Proposed law requires all hearings to be conducted in accordance with the APA and all testimony be under oath and authorizes the person charged with the ordinance to present evidence and testimony, but not be required to be present if submitted in advance.

Proposed law requires the hearing officer to issue an order to state if the person charged is liable for violation of the nuisance sanitation or litter ordinance and the amount of any fine, penalty, cost, or fee assessed against him, which order may be filed in the mortgage or conveyance office

of the city and shall constitute a lien and privilege and be paid the same as taxes.

Proposed law requires all hearing officer orders to be maintained in a separate index and file and recorded utilizing computer printouts or other similar data processing techniques.

Proposed law requires that the city ordinance provide for the amount and disposition of fines, penalties, costs, and fees.

Proposed law provides for an appeal process with the appropriate district court which shall be instituted by filing within 30 days of the filing of the hearing officer's order, and requires the district court to schedule a hearing and notify all parties of the date, time, and place of such hearing.

Proposed law prohibits service of notice of appeal from staying the enforcement and collection of the judgment unless the person who files the appeal posts bond prior to filing notice of appeal with the agency of the municipality designated by ordinance to accept payments of violations of nuisance sanitation or litter ordinances.

(Adds R.S. 13:2575.6)