

FACT SHEET

<u>TITLE</u>	<u>DATE</u>	<u>ORIGINATING DEPARTMENT</u>
An ordinance to amend Chapter 38, Article II, Division 4, Section 31 of the City of Shreveport, Louisiana, Code of Ordinances relative to the procedure for the abatement of inoperable vehicle violations and to otherwise provide with respect thereto	March 14, 2022	Department of Property Standards
		<u>COUNCIL DISTRICT</u>
		City-wide
		<u>SPONSOR</u>

PURPOSE

To amend Chapter 38, Art II, Div. 4, Section 31 of the City of Shreveport, Louisiana Code of Ordinances.

BACKGROUND INFORMATION

Section 38-31(c) of the City of Shreveport Code of Ordinances provides that “Whenever a complaint is made to the department of property standards, or the department of property standards becomes aware of a violation of this section, the department of property standards shall cause to be served upon the person in possession of the vehicle or the owner of the real property upon which such inoperable vehicle is located, a written notice which shall inform such person of the violation and direct that he comply with the provisions of this section within ten (10) days following receipt of the notice, or will be required to appear in environmental court for violation of this section.”

Subsection (d) provides “In the event the owner of such inoperable vehicle cannot be found, and the owner of the real property upon which such vehicle is located is a nonresident of the parish, the division of code enforcement shall have the authority to enter upon such property and cause the vehicle to be removed...”

Currently, Section 38-31 provides that upon the expiration of the ten (10) day written notice period, if an inoperable vehicle violation has not been abated by the person served the violation, said violation proceeds directly to the City’s Environmental Court for adjudication. As part of the Department of Property Standard’s efforts to reduce the Department’s case load coming before the Environmental Court and to transition the Court into a more quasi-appellate role for the Department and City, this revised ordinance will permit property owners and or those in possession of inoperable vehicles to appeal written notices of violations for inoperable vehicles violations, pursuant to Section 38-105, to the Environmental Court. If those owners or possessors do not abate their property within the required ten day (10) period pursuant to Section 38-31(c) or do not appeal their written notice of violation to the Environmental Court pursuant to Section 38-105, the Department of Property Standards will then have the authority to have such vehicle removed from wherever real property the vehicle is then located.

This is a companion ordinance amendment to additional Property Standards legislation related to Environmental Court on today’s agenda

<u>TIMETABLE</u>	<u>ATTACHMENTS</u>
Introduction: March 22, 2022 Final Passage: April 12, 2022	

SPECIAL PROCEDURAL REQUIREMENTS

NA

FINANCES

NA

SOURCE OF FUNDSNA

ALTERNATIVES

(1) Adopt the ordinance as submitted, or (2) Amend the ordinance, or (3) Reject the ordinance.

RECOMMENDATION

It is recommended that the City Council adopt the ordinance.

FACT SHEET PREPARED BY:

David Kaplovitz
Assistant City Attorney

ORDINANCE NO. 44 OF 2022

AN ORDINANCE TO AMEND CHAPTER 38, ARTICLE II, DIVISION 4, SECTION 31 OF THE CITY OF SHREVEPORT, LOUISIANA CODE OF ORDINANCES RELATIVE TO PROCEDURE FOR THE ABATEMENT OF INOPERABLE VEHICLE VIOLATIONS AND OTHERWISE PROVIDE WITH RESPECT THERETO.

BY COUNCILMEMBER

WHEREAS, City of Shreveport Code of Ordinances, Chapter 38, Article II, Division IV, Section 31(c) provides that “Whenever a complaint is made to the department of property standards, or the department of property standards becomes aware of a violation of this section, the department of property standards shall cause to be served upon the person in possession of the vehicle or the owner of the real property upon which such inoperable vehicle is located, a written notice which shall inform such person of the violation and direct that he comply with the provisions of this section within ten (10) days following receipt of the notice, or will be required to appear in environmental court for violation of this section.”; and

WHEREAS, City of Shreveport Code of Ordinances, Chapter 38, Article II, Division IV, Section 31(d), provides that “In the event the owner of such inoperable vehicle cannot be found, and the owner of the real property upon which such vehicle is located is a nonresident of the parish, the division of code enforcement shall have the authority to enter upon such property and cause the vehicle to be removed. All costs incurred shall be assessed against the property upon which the vehicle is located.”; and

WHEREAS, City of Shreveport Code of Ordinances, Chapter 38, Article V, Division 1, Section 105 provides that “With the exception of emergency demolitions as outlined any person aggrieved by any notice of violation from the director, or any person aggrieved by any order or ORDINANCE NO. OF 2022 4 decision of the director, shall have the right to appeal the notice or decision to the environmental court by filing a written request for appeal within ten days (10 days) of receipt of such or der, notice or decision.”; and

WHEREAS, the Department of Property Standards is tasked with enforcing Chapter 38 of the City of Shreveport Code of Ordinances, otherwise known as the “Property Standards Code.”; and

WHEREAS, currently, Section 38-31 of the Code of Ordinances provides that upon the expiration of the ten (10) day written notice period, if an inoperable vehicle violation has not been abated by the person served the violation, said violation proceeds directly to the City’s Environmental Court for adjudication; and

WHEREAS, as part of the Department of Property Standard’s efforts to reduce the Department’s case load coming before the Environmental Court and to transition the Court into a more quasi-appellate role for the Department and City, this revised ordinance will permit property owners and or those in possession of inoperable vehicles to appeal written notices of violations for inoperable vehicle violations, pursuant to Section 38-105 of the Code of Ordinances, to the Environmental Court; and

WHEREAS, if real property owners or those in possession of inoperable vehicles do not abate their property within the required ten day (10) period pursuant to this section or do not appeal their notice of violation to the Environmental Court pursuant to Section 38-105 of the Code of Ordinances, the Department of Property Standards would then have the authority to have such vehicle removed from wherever real property the vehicle is located.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Shreveport, acting in due, legal, and regular session convened, that Chapter 38, Article II, Division 4 of the City of Shreveport, Louisiana Code of Ordinances is hereby amended to read as follows:

Sec. 38-31. - Inoperable vehicles

...

(c) Whenever a complaint is made to the department of property standards, or the department of property standards becomes aware of a violation of this section, the department of property standards shall cause to be served upon the person in possession of the vehicle or the owner of the real property upon which such inoperable vehicle is located, a written notice which shall inform such person of the violation and direct that he comply with the provisions of this section within ten days following receipt of the notice. Such person shall have the right to appeal the written notice to the Environmental Court pursuant to Section 38-105 of this Chapter.

(d) In the event the inoperable vehicle violation is not abated pursuant to the above subsection, a timely appeal is not filed pursuant to Section 38-105 of this Chapter, the owner of such inoperable vehicle cannot be found, or the owner of the real property upon which such vehicle is located is a nonresident of the parish, the division of code enforcement shall have the authority to enter upon such property and cause the vehicle to be removed. All costs incurred shall be assessed against the property upon which the vehicle is located.

BE IT FURTHER ORDAINED that if any provision or item of this Ordinance or the application thereof is held invalid, such invalidity shall not affect other provisions, items or applications of this Ordinance which can be given affect without the invalid provisions, items or applications and to this end the provisions of this Ordinance are hereby declared severable.

BE IT FURTHER ORDAINED that all Ordinances or parts thereof in conflict herewith are hereby repealed.

THUS DONE AND ORDAINED by the City Council of the City of Shreveport, Louisiana.

APPROVED AS TO LEGAL FORM:

City Attorney's Office