

ORDINANCE # 2011-12
INTRODUCED BY Alexius
DATE INTRODUCED 4/5/11
ITEM NUMBER 2011-04-02
PUBLIC HEARING 5/3/11
ADOPTED/TABLED 5/3/11 (as amended)
EFFECTIVE 5/27/11
BOOK # 4 PAGE #
RECORDATION #
AMENDED BY ORDINANCE #
DATE AMENDED 6

ADOPTION

INTRODUCTION

CITY OF COVINGTON ORDINANCE NUMBER 2011-12

7 AN ORDINANCE OF THE CITY OF COVINGTON AMENDING
8 THE FOLLOWING PROVISION OF THE COVINGTON CODE
9 OF ORDINANCES: CHAPTER 42 ENVIRONMENT, ARTICLE
10 IV. ABANDONED, INOPERATIVE, DISMANTLED, JUNK AND
11 WRECKED VEHICLES, SEC. 42-113. RIGHT TO ENTER UPON
12 PRIVATE PROPERTY, AND SEC. 42-113.1. NOTICE TO
13 OWNER OR OCCUPANT TO ABATE PUBLIC NUISANCE ON
14 OCCUPIED OR UNOCCUPIED PREMISES

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17 WHEREAS, certain amendments and additions have been suggested to the
18 sections of the Code addressing Abandoned, Inoperative, Dismantled, Junk and
19 Wrecked Vehicles; and

20 WHEREAS, the Covington City Council deems this amendment
21 appropriate to protect the health, safety and welfare of the citizens of Covington;
22 and,

23 WHEREAS, the Covington City Council deems this amendment
24 appropriate to protect the First Amendment rights of the citizens of Covington as
25 well as visitors to the City; and

26 WHEREAS, the City Council has held its public hearing in accordance with
27 law,

28 NOW, THEREFORE, be it ordained by the City Council of the City of
29 Covington, at its regular session convened, that Section 42-113. Right to enter
30 upon private property, and 42-113.1. Notice to owner or occupant to abate public
31 nuisance on occupied or unoccupied premises, be amended to read as follows:

32 Sec. 42-113. Right to enter upon private property

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34 The Covington Police Department or the code compliance officer shall be
35 authorized to enter upon open private property or public property to investigate a
36 vehicle, or parts thereof, alleged to be a nuisance pursuant to this chapter.

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1 Sec. 42-113.1. Notice to owner or occupant to abate public nuisance on occupied
2 or unoccupied premises.

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4 (a) Whenever any public nuisance, as provided for herein, exists on occupied or
5 unoccupied premises within the City of Covington, the Covington Police
6 Department or the code compliance officer shall order the owner of the vehicle, or
7 the owner or the occupant of the premises whereon such public nuisance exists, to
8 abate or remove the same. Such order shall:

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10 (1) Be in writing;

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12 (2) Specify the public nuisance and its location;

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14 (3) Specify the corrective measures required and the enforcement measures that
15 may be taken;

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17 (4) Provide for compliance within 15 days from the service thereof; and

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19 (5) Provide for an opportunity for a pre-enforcement hearing before the police
20 chief or the chief's designee or the code compliance officer by written request
21 received by the Covington Police Department or the code compliance officer
22 within ten days of receipt of notice.

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24 (b) The order shall be served upon the owner or occupant of the premises by
25 serving him personally or by sending the order by certified mail, return receipt
26 requested, to the address of the premises or of the owner if different from the
27 premises, and the address shown by the Louisiana Department of Motor Vehicles
28 for the vehicle in question.

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30 (c) Within the 15-day period after service of notice, the owner or occupant of
31 the premises or the owner of the vehicle shall abate the nuisance by

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33 (1) Removing the nuisance from the premises, or

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35 (2) Placing the vehicle within an enclosure as provided in subsection 42-
36 111.5(a).

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38 (d) It shall be the responsibility of the owner or occupant of the property or
39 owner of the vehicle to notify the Covington Police Department or the code
40 compliance officer as soon as the vehicle has been removed or enclosed. Upon
41 notification, the Covington Police Department or the code compliance officer will
42 set up an appointment in order to verify that compliance has taken place.

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44 (e) If owner or occupant of the premises or the owner of the vehicle fails to
45 abate the nuisance within the 15-day period of notification and fails to timely
46 request a pre-enforcement hearing, the Covington Police Department or the code
47 compliance officer may issue a misdemeanor summons to the owner or occupant
48 of the premises or the city, at the city's discretion, may seek to have the vehicle
49 removed from the premises by means of injunctive relief and imposition of civil
50 penalties.

51 (Ord. No. 2005-38, 9-26-2005)

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1 **BE IT FURTHER ORDAINED** that if any provision of this ordinance
2 shall be held to be invalid, such invalidity shall not affect other provisions herein
3 which can be given effect without the invalid provision and to this end the
4 provisions of this ordinance are hereby declared to be severable.

5 **WHEREUPON**, this ordinance having been submitted in writing, having
6 been read by title and adopted at a public meeting of the City Council of the City
7 of Covington, State of Louisiana.

8 **WHEREUPON**, ALEXIUS moved for adoption, as amended, seconded by
9 ROMAGE and this ordinance was submitted to a vote and resulted in the
10 following:

11 YEAS: 6 NAYS: -0-
12 ABSTAIN: 0 ABSENT: SACCO

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14 **PASSED AND ADOPTED** this 3rd day of May, 2011.

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MATTHEW T. FAUST
PRESIDENT OF THE COUNCIL



BONNIE D. CHAMPAGNE
CLERK TO THE COUNCIL

Presented to the Mayor this 11th day of May, 2011, at 2:35
o'clock P.M.



BONNIE D. CHAMPAGNE
CLERK TO THE COUNCIL

Approved or Vetoed by the Mayor on this 11th day of
May, 2011.



MAYOR CANDACE WATKINS

Received from the Mayor this 11th day of May, 2011, at 4:00
o'clock P.M.



BONNIE D. CHAMPAGNE
CLERK TO THE COUNCIL