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received
9/5/03 *[Signature]*

ADOPTED
METROPOLITAN COUNCIL

AUG 27 2003

840

ORDINANCE 12725 *Brian Mayer*
COUNCIL ADMINISTRATOR/TREASURER

by *Buco*
introduced 8-13-03
H. 8-27-03

AMENDING TITLE 11 (TRAFFIC CODE), CHAPTER 28 (PARKING), OF THE CODE OF ORDINANCES OF THE CITY OF BATON ROUGE AND PARISH OF EAST BATON ROUGE, SO AS TO AMEND AND RE-ENACT SECTION 11:415 (STOPPING, STANDING OR PARKING PROHIBITED; GENERAL RULES), THEREOF, RELATIVE TO PAVED PARKING.

BE IT ORDAINED by the Metropolitan Council of the Parish of East Baton Rouge and City of Baton Rouge that:

Section 1. Title 11, Chapter 28, Section 415 (Stopping, standing or parking prohibited; general rules) of the Code of Ordinances of the City of Baton Rouge and Parish of East Baton Rouge is hereby amended, so as to amend and re-enact Section 11:415 thereof, which shall read as follows:

"SECTION 11.415 Stopping, standing or parking prohibited; general rules.

(a) No person shall stop, stand or park a vehicle, or permit a vehicle registered in his name to be stopped, standing or parked, except when necessary to avoid conflict with other traffic or in compliance with law or the directions of a police officer or traffic-control device, or parking-control device in any of the following places:

- (1) On a sidewalk;
- (2) In front of or blocking a public or private driveway;
- (3) Within an intersection;
- (4) Within fifteen (15) feet of a fire hydrant;
- (5) On a crosswalk;
- (6) Within twenty-five (25) feet of a crosswalk or curbline at an intersection;
- (7) Within thirty (30) feet upon the approach to any flashing beacon, stop sign, or traffic-control signal located at the side of a roadway;
- (8) Between a safety zone and the adjacent curb or within twenty (20) feet on points on the curb immediately opposite the ends of a safety zone, unless the department of public works has indicated a different length by signs or markings;
- (9) Within fifty (50) feet of the nearest rail of a railroad crossing;
- (10) Within twenty (20) feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within seventy-five (75)

- feet of the entrance (when properly signposted);
- (11) Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic;
 - (12) On the roadway side of any vehicle stopped or parked at the edge or curb of a street;
 - (13) Upon any bridge or other elevated structure upon a highway or within a highway tunnel;
 - (14) At any place where official signs prohibit such;
 - (15) On the driver's left-hand side of any two-way street or highway;
 - (16) At any place where the curb has officially been painted red;
 - (17) Within any zone or officially marked place designated as a fire lane at all schools, hospitals, churches and other places of public assembly, as well as commercial and shopping facilities, and apartment complexes;
 - (18) Within a lane of traffic that is clearly marked by lines to identify it as a lane for the movement of traffic;
 - (19) Any place where parking will obscure or obstruct visibility of any traffic-control device;
 - (20) Upon the traveled portion of any roadway except to yield to other traffic, or as directed by a signal or sign, or as directed by a police officer;
 - (21) Alongside a neutral ground curb.
- (b) No person shall move a vehicle not lawfully under his control into any such prohibited area or away from a curb such distance as is unlawful.
- (22) On the grass in the front yard between the front of the residence and the street of any lot in the A1, A2, A2.5, A3 or A4 districts and in recognized subdivisions in the rural district."

Section 2. The provisions of this ordinance are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section or portion of this ordinance, or the invalidity of the application thereof to any person or circumstances shall not affect the validity of the remainder of this ordinance, or the validity of its application to other persons or circumstances.

Section 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

(B)

ADOPTED
METROPOLITAN COUNCIL

JUL 23 2003

307

ORDINANCE 12696

Brian Mayer
COUNCIL ADMINISTRATOR TREASURER

By Benham
Introduced 6-25-03
P.H. 7-23-03

TO ENACT CHAPTER 11 OF TITLE 12, ENTITLED
BLIGHT ELIMINATION, OF THE CODE OF ORDINANCES
OF THE CITY OF BATON ROUGE AND PARISH OF EAST
BATON ROUGE.

BE IT ORDAINED by the Metropolitan Council of the Parish
of East Baton Rouge and City of Baton Rouge that:

Section 1. Title 12 of the Code of Ordinances of the
City of Baton Rouge and Parish of East Baton Rouge is hereby
amended, so as to enact Chapter 11 thereof, which shall read as
follows:

"CHAPTER 11. BLIGHT ELIMINATION

Sec. 12:650 Blight Elimination Plan

In addition to the numerous ongoing
and widespread efforts by the City-
Parish to eliminate blight within
East Baton Rouge Parish, elimination
of blight in the parish shall also
be accomplished by methodically
selecting blighted areas within the
parish which need the most urgent
attention and designating those
areas as "community improvement
areas" by resolution of the
Metropolitan Council. "Community
improvement areas" shall be
recommended to the Metropolitan
Council by the "Blight Elimination
Team", created by Section 12:653, in
accordance with the criteria set out
in Section 12:652. Once a community
improvement area has been
designated, it shall receive
concentrated blight elimination
efforts from the "Blight Elimination
Team", until the blight within the
community improvement area has been
diminished to the extent that such
efforts are no longer necessary.

Sec. 12:651 Definition of Blight

For purposes of this ordinance,
blight shall be defined as
conditions upon or affecting
premises, which are hazardous to the
health, safety or welfare of the
public, and/or conditions which are
detrimental to property values,
economic stability, or to the
quality of the environment. Such
conditions may include, but are not
limited to, the following: the

accumulation of junk, trash, garbage, litter, refuse, rubbish, appliances, debris, combustible materials, or junked inoperable vehicles; illegal dumping; noxious weeds; overgrown vegetation; infestation of insects, vermin or rodents; animals running at large; dilapidated structures; condemned properties; abandoned adjudicated properties; criminal violations; weed liens; zoning violations; alcohol beverage control violations; health code violations; and other conditions which are hazardous to public health, safety or welfare.

Sec. 12:652 Community Improvement Area Criteria.

In order for an area to be designated as a "community improvement area", the area must have a significant concentration of conditions of blight as defined in 12:651 above as compared with other areas within the parish.

Sec. 12:653 Blight Elimination Team.

There shall be created within the City-Parish government a multi-agency task force known as the Blight Elimination Team, hereinafter known as the "Team", which shall be composed of the following members:

Mayor's Office Designee
Baton Rouge Police Department Designee
East Baton Rouge Sheriff's Office Designee
DPW Inspection Division Designee
DPW Neighborhood Improvement Designee
Can Do! Office Staff Designee
• Citizen's Service's Designee
Council Administrator's Office Designee
Office of Community Development Designee
Parish Attorney Designee from Adjudicated Property Section
Police Legal Advisor
City Prosecutor Designee
Animal Control Designee
Alcoholic Beverage Control Officer
Fire Department Designee
Health Department Designee
Mosquito and Rodent Control Designee
East Baton Rouge Parish Tax Assessor Designee
East Baton Rouge Parish Clerk of Court Designee
Planning Commission Designee
Workforce Investment Administration Designee

Sec. 12:654 Responsibilities of Blight Elimination Team.

- (a) The Blight Elimination Team shall be responsible for recommending the community improvement area for elimination of blight, which shall be approved by the Metropolitan Council by resolution.
- (b) The Inspection Division designee shall perform an inspection of the community improvement area to determine the existence of any zoning violations and to evaluate which properties are threats to public safety and health.
- (c) The Baton Rouge Police Department designee shall be responsible for determining the locations upon which drug selling, prostitution, crimes of violence and other offenses which may constitute a public nuisance or may affect the quality of life are ongoing. When the community improvement area is outside the limits of the City of Baton Rouge, the Sheriff shall designate a deputy to perform this function.
- (d) The Animal Control designee shall canvass the area to determine the nature of the stray animal problem and create an action plan for solving the problem.
- (e) The Parish Attorney designee shall prepare a report of the status of adjudicated properties in the area.
- (f) The Alcoholic Beverage Control designee shall evaluate the permit holders in the community improvement area to ascertain whether ongoing violations exist and shall report his/her findings to the Team.
- (g) The Neighborhood Improvement designee shall determine whether abandoned properties in the area should be condemned.
- (h) The Fire Department designee shall inspect the area and

report any potential fire hazards which are found to the Team.

- (i) The Can Do! Office shall coordinate with neighborhood groups, civic associations and community development corporations in the area to bring to the team the priorities for change of the people who live in the area.
- (j) The Office of Community Development designee shall report on federally funded initiatives in the community improvement area.
- (k) The Health Department designee shall inspect the area and report any health or sanitary code violations.
- (l) The Mosquito and Rodent Control Designee shall inspect the area and report any infestations of insects, vermin or rodents which are found to the Team.
- (m) The Workforce Investment Administration Designee shall be responsible for assisting with economic development.

Sec. 12:655. Meetings.

The mayor's office shall set a date for meetings, during which the aforementioned members shall deliver the reports and the Team shall develop a specific action plan for elimination of blight in the area along a designated time line. Regular meetings shall be set for the acceptance of progress reports and the Team shall be responsible for making semi-annual status reports to the Mayor-President and the Metropolitan Council regarding the progress of blight elimination within the community improvement area.

Sec. 12:656. Funding and Service Projects.

The Blight Elimination Team shall make every effort to coordinate with the Office of Community Development and with community organizations in order to establish volunteer service projects, including rehabilitation and repair, to assist residents with the elimination of blight. Additionally, funding for concentrated blight elimination efforts shall be made available from the Office of Community Development block grants.

Sec. 12:657. Penalty for Maintaining Blight.

Notwithstanding any other provision of law to the contrary, and in addition to any other remedy provided by law, any person who allows blight, as defined herein, to be created, to remain, or to exist, on property which is in his or her custody, control, or ownership, shall be guilty of maintaining blight, which shall be punishable as a misdemeanor. The penalty for violation of this subsection shall be a fine of not more than \$500.00 and/or imprisonment for not more than 30 days, or both. Each calendar day that such violation exists shall be considered a separate violation."

Section 2. The provisions of this ordinance are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section or portion of this ordinance, or the invalidity of the application thereof to any person or circumstances shall not affect the validity of the remainder of this ordinance, or the validity of its application to other persons or circumstances.

Section 3. Any and all ordinances or parts of ordinances in conflict herewith are hereby repealed.

**PREDIAL SERVITUDE
&
BUILDING RESTRICTIONS**

* * * * *

STATE OF LOUISIANA

PARISH OF EAST BATON ROUGE

**PROPERTY: LOT B - BURRIS SUBDIVISION
 East Baton Rouge Parish, State of Louisiana**

**OWNER: Zona M. Pickens
 13279 Old Hammond Hwy.
 Baton Rouge, Louisiana 70816**

The undersigned party, in consideration for withdrawal of opposition of the Sherwood Forest Citizens Association, Inc., (hereinafter referred to as "SFCA") to the requested rezoning of the referenced property and in compromise over the rezoning and use of the above described property, the undersigned owner(s) hereby create, impose, and encumber their property with the following predial servitudes and building restrictions, which are intended to run with the land and be binding on all future owners, heirs, and assigns of said lots, whether as building restrictions or individual lot deed restrictions, so long as the SFCA is in existence.

The restrictions created herein and hereafter shall run with the land and shall be for a term of ten (10) years, after which they shall automatically be extended for successive periods of five (5) years, unless the landowner and SFCA, agree to modify, enhance, or terminate the provisions contained herein, in whole or in part, which shall become effective at the beginning of the next 5 year term, or a date mutually agreeable by the parties.

These restrictions shall not, in any way whatsoever, apply to 1) the current owners, their heirs or assigns, for so long as the property is maintained as a single-family dwelling; 2) nor to any future owner(s), their heirs or assigns, for so long as the property is maintained as a single-family dwelling; 3) nor to any future owner(s), their heirs or assigns, for so long as the property is kept in its present structural condition, without outside alteration, although used commercially. Should #3 of this paragraph be applicable, then Item #'s 2 through 6 of these restrictions as detailed below, will also apply.

The undersigned party specifically make the SFCA a party to these restrictions and predial

servitudes with full right of enforcement and the obligations and rights set forth herein.

The prevailing party in an enforcement dispute shall be reimbursed for all attorneys fees and costs by the losing party.

1. Any contractor, builder, developer, or property owner intending to use this property for commercial purposes shall submit a set of "Blue Print" plans to the SFCA prior to construction activity being initiated. SCFA, through its Board of Directors, has the right to deny if the plans, or a portion of the plans, do not meet with the restrictions contained in this agreement or are found by the SFCA to not be compatible in materials and construction with surrounding existing or adjoining commercial properties. Failure by the SFCA to reply, by certified return receipt mail, within forty-five (45) days of receipt of said plans will constitute approval of the plans as submitted.

2. The following uses SHALL NOT BE PERMITTED ON THE PROPERTY:

- (a) Gasoline or fuel stations in combination with or without a convenience store;
- (b) Repair/service shops which repair or test any gasoline or diesel motors, vehicles, motorcycles or off road recreational vehicles;
- (c) Radio, television, or cellular phone towers;
- (d) Any rail, bus or other mass transportation terminal or parking area;
- (e) Installation or repair of motor vehicle music equipment;
- (f) Police, fire and EMS;
- (g) Park and ride facilities;
- (h) Abortion clinics;
- (i) Roadside sale of fruits or vegetables;
- (j) Snowball stands.

3. No second-story commercial building erected on the property shall have windows in the rear of the second story facing a single-family dwelling adjacent to the rear property line.

4. Landscaping shall be harmonious with the type of business structure erected and shall be regularly maintained, and all of the property shall be kept clean and free of trash or debris.

5. Any dumpster or similar refuse container shall not be placed so as to be either visually or noxiously offensive to any adjacent neighboring residential property owners.

6. The area utilized for commercial purposes shall be fenced, by the commercial user, with wooden fences of at least eight (8) feet in height and erected along the borders of the adjoining properties unless mutually agreed upon by the immediately adjoining property owners otherwise. If any fence shall be erected, it shall be maintained in good condition at all times, by the commercial user, with all damages and deterioration repaired within thirty (30) days of written notice by the SFCA. Failure to repair the fence within the time set forth shall result in liquidated damages of \$750.00 per thirty (30) day notice with all other rights and remedies being reserved by the parties.

THUS DONE AND SIGNED before the respective undersigned Notary Public in the presence of the competent witnesses subscribed hereto on the date set forth.

WITNESSES:

Dana Beland
Garric Dugan

Zona M. Pickens
ZONA M. PICKENS, Owner
Dated: November 16, 2001

SWORN TO AND SUBSCRIBED, before me, this 16th day of November, 2001.

[Signature]
NOTARY PUBLIC

Accepted by:

Richard W. Bartel
Sheep K. Paulina

SHERWOOD FOREST CITIZENS ASSOCIATION, INC.

By: Cindy Abouche
Date: 11/15/01

ORIG 477 BNDL 11294

SWORN TO AND SUBSCRIBED, before me, this 15th day of November, 2001.

[Signature]
NOTARY PUBLIC

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