

**ORDINANCE NO. 07-0813-2007**

**AN ORDINANCE REQUIRING THE PROVIDING OF NOTICE BY SELLERS OF IMMOVABLE PROPERTY TO PURCHASERS OF IMMOVABLE PROPERTY LOCATED IN JACKSON PARISH, LOUISIANA, PROVIDING AN EFFECTIVE DATE AND PROVIDING FOR OTHER MATTERS THERTO.**

WHEREAS, numerous tracts of immovable property located in Jackson Parish have been and are being sold which border on roads, some of which are public and some of which are private; and

WHEREAS, there have in the past been numerous instances in which individuals purchased immovable property believing that the road providing access to the immovable property being purchased was a public road when in fact the road was a private road which was not part of the parish road system; and

WHEREAS, it is detrimental to economic development in Jackson Parish for individuals to be purchasing immovable property believing that property to have access to a public road only to find out that the road providing access is not a public road:

NOW, THEREFORE, be it ordained by the Police Jury of Jackson Parish, Louisiana, in legal session herein assembled:

SECTION I: Definitions

- A. Immovable property: Any tract of land which under Louisiana law would be designated as immovable property located in Jackson Parish outside of the municipal limits of any municipality;
- B. Seller: Any firm, person, corporation or other legal entity conveying immovable property to another;
- C. Public road: A road existing at the time of the sale of immovable property which is part of the parish road system, a state highway or a municipal street;
- D. Private road: Any road located in Jackson Parish providing access to immovable property which is not a public road as defined in this Ordinance; and
- E. Purchaser: Any firm, person, corporation or other legal entity acquiring immovable property from another.

## SECTION II: Notice required

Any seller of immovable property shall, prior to the signing of an act of sale conveying immovable property to any other purchaser advise the purchaser, in writing, whether or not any road providing access to said immovable property is a public road or a private road. The seller shall obtain a written acknowledgment from the purchaser of its receipt of the notice required by this Section and shall retain that notice for a period of three years from the date of sale of the immovable property.

## SECTION III: Penalty

Any seller who violates the provision of this Ordinance shall be guilty of a violation of this ordinance. For each such violation the seller shall be subject to a fine of not more than \$500.00 and imprisonment for not more than ninety days or both.

## SECTION IV: Effective Date

This ordinance shall become effective immediately upon its adoption.

## SECTION V: Severability

Severability is intended throughout and within the provisions of this Ordinance. Should any item or provision, including any section, exception, part, phrase or term, or the application thereof be held invalid, the application to other persons or circumstances shall not be affected thereby and the validity of this Ordinance in any way and all other respects shall not be affected thereby. If any phrase, clause, word or portion of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, the invalidity shall be limited to that portion of the Ordinance.

All ordinances or parts of ordinance in conflict herewith are repealed as of the effective date of this Ordinance.

Upon motion made by Mr. Langston and seconded by Ms. Monroe the above ordinance was adopted at the legal meeting of the Police Jury of Jackson Parish, Louisiana held on the 13<sup>th</sup> day of August, 2007.

YEAS: Mr. Atkins, Mr. Langston, Mr. Magee, Mr. Zeno, Ms. Monroe, Mr. Smith

NAYS: None

ABSENT: Dr. Garrett

ABSTAIN: None

ATTEST:

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PRESIDENT

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SECRETARY-TREASURER

CERTIFICATE

I, KENNETH O. PARDUE, the undersigned Secretary-Treasurer of the Jackson Parish Police Jury declare that the above and foregoing is a true and correct copy of an ordinance adopted by the Jackson Parish Police Jury at a legal meeting held on the 13<sup>th</sup> day of August, 2007 at which a quorum was present and voting.

Jonesboro, Louisiana, on this 13<sup>th</sup> day of August, 2007.

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SECRETARY-TREASURER