

§9097.2. South Burbank Crime Prevention and Development District

A. Creation. There is hereby created within the parish of East Baton Rouge, as more specifically provided in Subsection B of this Section, a body politic and corporate which shall be known as the South Burbank Crime Prevention and Development District, hereinafter referred to as the "district". The district shall be a political subdivision of the state as defined in the Constitution of Louisiana.

B. Boundaries. The district shall be comprised of the area of the parish of East Baton Rouge, lying within the following perimeter: commencing at the north side of Gardere Lane at Bayou Fountain proceeding along Bayou Fountain bayou to the northwest to include the streets of Bayou Fountain and Governor, thence in a southwestern direction along Magnolia Point to Burbank, excluding the Meadowbend Subdivision, thence in a northwesterly direction along Burbank Drive to Elbow Bayou, following Elbow Bayou west and south to Nicholson, Nicholson southeast to Longview Plantation Road thence in a northeastern direction along Longview Plantation to the southeast corner of Bayou Pecan to include the Hermitage and Sagefield Subdivisions, thence in a northerly direction along Bayou Pecan across Burbank to Bayou Fountain bayou, clearly excluding subdivisions on Bluebonnet Lane and excluding the 163 lots of the Sagefield subdivision filed June 16, 1991, then proceeding in a northwestern direction along Bayou Fountain bayou to Gardere Lane.

C. Purpose. The purpose of the district shall be to aid in crime prevention by educating district stakeholders on concepts such as Crime Prevention Through Environmental Design (CPTED) and implementing programs such as or similar to Crime Free Multi-Housing (CFMH) and to operate in cooperation with any blight elimination team established in East Baton Rouge Parish and to add to the security of district residents by providing for an increase in the presence of law enforcement personnel or contracted security personnel in the district.

D. Definitions. For purposes of this Section the following terms, unless the context otherwise requires, shall have the meaning respectively ascribed to them in this Section:

(1) "Parcel" means:

(a) A lot, a subdivided portion of ground, or an individual tract used as a residential or commercial structure.

(b) A unit in a condominium, however, it does not mean a "condominium parcel" as defined in R.S. 9:1121.103.

(c) Each unit of a residential or commercial structure which contains four or more units.

(2) A "residential or commercial structure" means any such structure with three or less units.

E. Governance. (1) The district shall be governed by a board of commissioners consisting of eleven members as follows:

(a) The president of the GSRI Property Owners Association shall be an ex officio member.

(b) The board of directors of the GSRI Property Owners Association or its successor shall appoint four members.

(c) The member or members of the Louisiana House of Representatives who represent the area which comprises the district shall appoint one member.

(d) The member or members of the Louisiana Senate who represent the area which comprises the district shall appoint one member.

(e) The East Baton Rouge Parish assessor shall appoint one member.

(f) Any subdivision or condominium association recognized by the Greater Baton Rouge Federation of Civic Associations or its designated successor shall appoint one member. In the case of multiple associations qualifying the federation shall select the eligible association on a rotating basis.

(g) The mayor-president shall appoint one member.

(h) The council member or council members who represent the district shall appoint one member.

(2) All members of the board shall own property or be a registered voter within the district and at least two members shall reside within the district.

(3)(a) The terms of the members appointed pursuant to Subparagraphs (1)(g) and (h) of this Subsection shall be concurrent with the respective appointing authority.

(b) The member serving pursuant to Subparagraph (1)(a) of this Subsection shall serve during his term of office as president of the GSRI Property Owners Association.

(c) The initial terms of office for the remaining members shall be one, two, three, or four years. Two members shall serve one year, two shall serve two years, two shall serve three years, and two shall serve four years as determined by lot at the first meeting of the board. Subsequent terms shall be four years. Vacancies resulting from the expiration of a term or any other reason shall be filled in the manner of the original appointment. Members shall be eligible for reappointment.

(4) The members of the board shall select from among themselves a president and such other officers as they deem appropriate. The terms and responsibilities of officers shall be as provided by the bylaws of the board.

(5) The members of the board shall serve without compensation and shall not receive reimbursement for expenses.

F. Powers and duties. The district, acting through its board of commissioners, shall have the following powers and duties:

(1) To sue and be sued.

(2) To adopt, use, and alter at will a corporate seal.

(3) To receive and expend funds collected pursuant to Subsection G and in accordance with a budget adopted as provided by Subsection H of this Section.

(4) To enter into contracts with individuals or entities, private or public, for the provision of security patrols or other programs in the district.

(5) To purchase items and supplies which the board deems instrumental to achieving the purpose of the district.

(6) To perform or have performed any other function or activity necessary for the achievement of the purpose of the district.

(7) To provide for police protection, jurisdiction over any facilities owned by the district, and may contract for such services with municipalities or parishes, or both, or with private enterprises within its jurisdiction.

G. Parcel fee. The governing authority of East Baton Rouge Parish is hereby authorized to impose and collect a parcel fee within the district subject to and in accordance with the provisions of this Subsection:

(1) The amount of the fee shall be as requested by duly adopted resolution of the governing authority of the district; however, the fee shall not:

(a) Exceed one hundred dollars per parcel per year for each residential or commercial structure.

(b) Exceed twenty-five dollars per parcel per year for each unit in a condominium, or in a residential or commercial structure with four or more units.

(2)(a) The fee shall be imposed on each improved parcel located within the district.

(b) The owner of the parcel shall be responsible for payment of the fee.

(3)(a) The fee shall be imposed only after the question of its imposition has been approved by a majority of the registered voters of the district voting at a regularly scheduled primary or general election held for that purpose in accordance with the Louisiana Election Code. No other election shall be required except as provided by this Paragraph.

(b) The fee shall expire four years from its initial levy but may be renewed as provided in Subparagraph (3)(a) of this Subsection. If renewed, the term of the imposition of the fee shall be as

provided in the proposition authorizing such renewal, not to exceed four years.

(4) In addition to all other means of collection, the district may collect the parcel fee by use of any means authorized by law for the collection of taxes. The district may submit to the assessor a certified list, either in hard or electronic form, reflecting the fee amounts due, the property upon which each amount is levied, and the last owner of record of such property. Upon receipt of such information, the assessor shall place the fee on the tax roll. If the list is received by the assessor on or before October fifteenth, then the fee shall be placed on the roll for the current year. If the list is received by the assessor after October fifteenth, then the fee shall be placed on the roll for the next tax year. Upon filing with the recorder of mortgages, the roll shall operate as a lien against all property against which the fee has been assessed as provided by Chapter 3 of Subtitle III of Title 47 of the Louisiana Revised Statutes of 1950. All fee amounts reflected on the roll shall be subject to interest in the same manner as ad valorem taxes. The assessor shall be reimbursed in the same manner as provided in R.S. 47:1993.1(C), but the governing authority of the district shall not be required to pay such reimbursement in advance.

(5) District fee liens in East Baton Rouge Parish shall prime all other liens, mortgages, and privileges against the property, except those for prior recorded taxes and local and special assessments.

(6) The fee shall be collected at the same time and in the same manner as ad valorem taxes are collected by the sheriff, as ex officio tax collector, of East Baton Rouge Parish. The sheriff shall collect and remit to the district all amounts collected not more than sixty days after collection. He shall retain the same commissions as he receives for the collection of ad valorem taxes. Such means of collection shall include but are not limited to tax sales as provided for in Chapter 5 of Subtitle III of Title 47 of the Louisiana Revised Statutes of 1950.

(7) Any parcel fee which is unpaid shall be added to the tax rolls of East Baton Rouge Parish, and shall be enforced with the same authority and subject to the same penalties and procedures as unpaid ad valorem taxes.

H. Budget. (1) The board of commissioners shall adopt an annual budget in accordance with the Louisiana Local Government Budget Act, R.S. 39:1301 et seq. The budget and all amendments shall be submitted to the East Baton Rouge Metropolitan Council.

(2) The district shall be subject to audit by the legislative auditor pursuant to R.S. 24:513.

I. Miscellaneous provisions. (1) It is the purpose and intent of this Section that the additional law enforcement and security personnel and their services provided for through the fees authorized herein shall be supplemental to and not in lieu of personnel and services provided in the district by the East Baton Rouge Parish Sheriff's Office or the Baton Rouge City Police.

(2) If the district ceases to exist, any funds of the district shall be transmitted to the governing authority of East Baton Rouge Parish and shall be used for law enforcement purposes in the district.

Acts 2004, No. 623, §1, eff. July 5, 2004.