

ORDINANCE NO. 1 OF 2019
AMENDING TOWN OF PORT BARRE ORIGINAL CODE OF ORDINANCES
PART 8, HEALTH AND SANITATION, CHAPTER 2 WEEDS

SECTION 8-2001 Excessive weeds declared nuisance.

Footnotes:

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State Law reference— Weed cutting in municipalities with a population of less than 400,000, R.S. 33:5062; municipal power to provide by ordinance for addressing noxious weeds, etc., R.S. 33:362.

GENERALLY

Prohibited on occupied property or abutting sidewalks or neutral ground:

(a) No owner, tenant or occupant of any leased, rented or occupied lot, place or area shall permit any noxious weeds, grass, or deleterious, unhealthy or noxious growths, over 8 inches in height, to grow, stand or accumulate on any lot, place or area unoccupied, leased or occupied by said person, or on any abutting sidewalk or neutral ground, nor shall such person allow said lot, place or area, or abutting sidewalk or neutral ground to become a haven for rodents or other dangerous animals.

(b) All cleared property shall be maintained at a height not to exceed 8 inches.

Prohibited on unoccupied property or abutting sidewalks or neutral ground:

(a) No owner of any lot, place or area not leased or occupied by another person shall permit any noxious weeds, grass, or deleterious, unhealthy or noxious growths, over 8 inches in height, to grow, stand or accumulate on any lot, place or area owned by said person, or any abutting sidewalk or neutral ground, nor shall such person allow said lot, place or area or any abutting sidewalk or neutral ground to become a haven for rodents or other dangerous animals.

(b) Naturally forested and agricultural properties shall not be disturbed unless they shall abut an occupied lot and then only to the extent of 50 feet adjacent to such occupied lot, but in no case shall the owner of such naturally forested or agricultural property allow it to become a haven for rodents or other dangerous animals.

SECTION 8-2002 Authority of Code Enforcement Officer or Supervisor of Public Works to enter property.

Notification by Town:

(a) The owner, tenant or occupant shall be served notice by certified mail, return receipt requested and/or priority mail through the United States Postal Service. The owner, tenant or occupant shall have five (5) days from the receipt of said letter to comply with the conditions of this Ordinance.

(b) The Code Enforcement Officer, Supervisor of public works, or his agent, or any person designated by the Town to perform the duties and responsibilities of public works is hereby authorized to enter property found to be in violation of this Ordinance, and to cut, rake and remove any noxious weeds or growth or deleterious, unhealthy or noxious growths, over 8 inches in height on unoccupied property and 8 inches in height on occupied property, growing or standing on any sidewalk or banquette, or on any lot,

place or area, provided no such work shall be undertaken by said Supervisor or said person until the owner of said lot, place or area or the owner of the property abutting the sidewalk or banquette, shall have had the opportunity to do the work himself at least five days after previous notice has been given to him or in his absence from the Town, to the agent of the leased or occupied premises; or if the agent is not known to the occupant thereof, or if not leased or occupied, after advertisement in some newspaper published or have general circulation in the Town for two consecutive days.

(c) The actual cost to the Town, including reasonable and required administrative charges for the cutting, destruction, or removal of any noxious weeds, grass or deleterious, unhealthy or noxious growths as described in above is hereby declared to be a charge, cost, or expense of the property abutting the sidewalk or banquette or of the lot, place or area, where such noxious weeds, grass or deleterious, unhealthy or noxious growths have been cut, destroyed or removed. Said costs and expenses may be collected in the manner fixed for the collection of taxes and shall be subject to the same penalties for delinquencies. The Code Enforcement Officer, Supervisor of public works for the Town, or his agent, or any person designated by the Town with the responsibilities of public works, shall demand of the owners of such property the payment of such charges, costs or expenses. After the cutting, destruction or removal of such weeds, grass, or growths as shall have been done by the Supervisor of public works or the designee of the Town, after due notice as above stated, if the costs or expenses thereof shall not have been paid by the owner of such property within ten days after demand, the Supervisor of public works or the designee of the Town shall send an attested bill of said costs and expenses to the town clerk and/or tax collector, who shall add the amount of said costs and expenses to the next tax bill of the owner for such property; and, in addition, the said Supervisor of public works or town clerk or tax collector shall also have recorded in the mortgage office of the mortgage records of the parish, an attested statement showing the costs and expenses incurred for such work and the place or property on which said work was done or abuts, so as to establish for the Town, a lien and privilege securing the payment by said property owner of said charges, costs and expenses, upon such property.

Responsibility for violations by corporations:

(a) For the purpose of enforcing the provisions of this Ordinance, a corporation shall be deemed to be represented by its president, or in his absence, by its vice-presidents, or in the absence of both, by the officer or individual in charge of the affairs of the corporation; any such representative shall be held responsible and punished for violation by the corporation of the provisions of this Ordinance.

Responsibility for violations by partnerships:

(a) Each of the partners of a partnership shall be held responsible and punishable for any violation by the partnership of the provisions of this Ordinance.

SECTION 8-2003 Fines and penalties.

(a) Any police or law enforcement officer of the Town or the Supervisor of public works or any person designated by the Town with the responsibilities of public works, or anyone whom they so designate, is hereby given authority to enforce any and all of the regulations of this Ordinance, and to issue notices or court citations for violations of the regulations and control set forth herein.

(b) Any owner or other person violating any provision of this Ordinance shall be guilty of a misdemeanor and, upon conviction thereof, in a court of competent jurisdiction, including, but not limited to, the Mayor's Court of the Town, be punished as follows:

- (1) For first conviction, such person shall be fined not more than \$100.00;
- (2) For a second conviction, such person shall be fined not more than \$200.00;
- (3) For a third or subsequent conviction, such person shall be fined not more than \$500.00.

(c) The above penalties shall be in addition to any costs, expenses, and/or fees incurred by the Town for the cutting, destruction, removal, collection, picking up, and hauling away of any weeds, grass, or growths as is authorized in this Ordinance.

(d) Each day that such violation exists shall be considered a separate, distinct, and additional violation.

SECTION 8-2004 Notification not needed.

Work undertaken without notice.

(a) The Town may undertake the cutting, destruction, or removal of noxious weeds or grass or other deleterious, unhealthy, or noxious growths on any property within the Town corporate limits, on a monthly basis, without the notice required above, if the property owner liable has been notified pursuant to such section at any time during the immediately preceding 12 months, and has failed to do the work himself after opportunity to do so. However, prior to undertaking such work, the Town shall file and record an affidavit, signed by the mayor, at its administrative office. Such affidavit shall include the following:

- (1) A description of the property sufficient to reasonably identify it.
- (2) A photograph of the property sufficient to reasonably identify its unsafe or unsanitary condition and to justify the necessity for cutting, destroying or removing weeds, grass, or other noxious growths.
- (3) A statement that the property owner liable has within the past 12 months failed to do such work after notification and opportunity to do so pursuant to Section 8-2002.

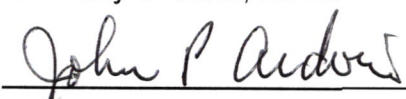
This ordinance to become effective 30 days after being adopted by the Town of Port Barre Town Council in compliance with L.S.A.R.S. 33:173. All ordinances or resolutions or parts thereof in conflict are hereby repealed.

This ordinance having been introduced on May 7, 2019, by Alderman Hardy and published by title only on May 12, 2019, was submitted to a vote, and the vote therein was as follows:

YEAS: Robin, Abshire, Pickney, Hardy and Barron
NAYS: None
ABSENT: None
ABSTAIN: None

This ordinance was declared adopted on this the 4th day of June, 2019.


TORIA V. COMEAUX, TOWN CLERK


JOHN P. ARDOIN, MAYOR

