

ORDINANCE NO. 2019-255

AMENDING SECTION 24 OF THE CODE OF ORDINANCES
WEEDS AND NOXIOUS GROWTHS

BE IT ORDAINED by the Livonia Town Council in regular session convened that Chapter 24 of the Code of Ordinances of the Town of Livonia is hereby amended and reenacted to read as follows:

CHAPTER 24

WEEDS AND NOXIOUS GROWTHS

Section 24.1 Noxious weeds; nuisance

Section 24.1.1 Hay bailing

Section 24.2 Encroachment upon adjoining properties, interference

Section 24.3 Owner's or occupant's duty

Section 24.4 Clearing of premises; requirements

Section 24.5 Notice to remove

Section 24.6 Waiver of notice

Section 24.7 Allowing noxious growth prohibited - Penalties

Section 24.1 Noxious weeds, nuisance

No person owning or occupying any property within the town shall permit any grass or noxious weeds or any vegetation whatsoever not for human consumption or planted for agricultural use (which shall not exceed a height of eighteen (18") inches for livestock purposes) or ornamental purposes, or any other deleterious, unhealthy, or noxious growths and accumulations, to grow or remain upon the premises so as to exceed a height of twelve (12") inches or to throw off any unpleasant or noxious odor or to conceal any filthy deposit or to create or produce pollen. Any grass, weeds, other vegetation, or any other deleterious, unhealthy, or noxious growths and accumulations growing upon any premises in the town in violation of this Chapter is hereby declared to be a nuisance and detrimental to the health, safety, cleanliness, and comfort of the inhabitants of the town.

(Ordinance 79 adopted 4/8/93; Ordinance 123 adopted 3/12/01; Ordinance 147 adopted 2/10/03; Ordinance 153 adopted 7/13/04)

Section 24.1.1 Hay bailing

The planting and harvesting of hay shall be limited to areas of a minimum of two (2) acres, which shall be contiguous. The planting, cultivating and harvesting of hay shall be no closer than fifty (50) feet from a residential, commercial or industrial building or structure, other than said structures which are owned or leased by the person or entity planting and harvesting the hay in said area, unless the person or entity planting and harvesting the hay has the written permission of the owners of said structure to do so. Documentation evidencing

such permission shall be filed with the town clerk. The hay crop shall be cut at such time as it reaches thirty-six (36) inches in height, and shall be cut a minimum of twice per year.

Section 24.2 Encroachment upon adjoining properties; interference

No person owning or occupying any property within the town shall permit any trees, hedges, bushes, or shrubbery of whatsoever kind or nature to grow or remain upon the premises, or in the area between the sidewalk and curb abutting the premises, so as to encroach upon the adjoining sidewalks, streets, highways, or alleys in a manner as to interfere with pedestrians or vehicular traffic lawfully using the sidewalks, streets, highways, or alleys or in a manner as to restrict the clear view of vehicular traffic using the streets, highways, or alleys. Any trees, hedges, bushes, or shrubbery growing upon any premises in the town or in the area between any sidewalk and curb abutting any premises in violation of this Chapter is hereby declared to be a nuisance and detrimental to the health, welfare, and safety of the inhabitants of the town. (Ordinance 79 adopted 4/8/93; Ordinance 123 adopted 3/12/01)

Section 24.3 Owner's or occupant's duty

The owner of any premises and the occupant thereof, in case of premises occupied by other than the owner, shall cut, destroy, or remove noxious weeds, grass, vegetation, or any other deleterious, unhealthy, or noxious growths and accumulations growing or remaining upon the premises in violation of this Chapter. (Ordinance 123 adopted 3/12/01)

Section 24.4 Clearing of premises; requirements

The owner of any premises and the occupant thereof, in case of premises occupied by other than the owner thereof, shall remove, trim, or cut all trees, hedges, bushes, or shrubbery of whatsoever kind or nature growing or remaining upon the premises, or in the area between the sidewalk and the curb abutting the premises, in violation of this Chapter. (Ordinance 123 adopted 3/12/01)

Section 24.5 Notice to remove

A. In the event that any owner or occupant of property situated within the town does not comply with this Chapter, the town shall provide notice to the owner of the property, as determined from the latest assessment rolls, or occupant of the property, requiring compliance with this Chapter within **ten (10)** days after notification. The notice shall further state that if the owner or occupant does not comply with this Chapter and compliance requires work to be done on the subject's property, the town may cause the work to be done and pay therefor and charge the cost incurred in doing or having the work done to the owner or occupant of the property. The cost of the work shall include the expense of inspection, locating the owner or occupant, issuing or publishing notice, reinspection, ordering the work done, postage, and all necessary incidents to such work. The notice shall be given by personal service, by registered or certified mail, return receipt requested, or published in the official journal of the town for two consecutive weeks.

As provided for in R.S. 33:4770.12 (A) the charges, costs, and expenses incurred by the town in enforcing such ordinances, shall, to the extent of the actual cost thereof be a charge, cost, or expense of the property abutting the sidewalk, or banquette or of the lot, place, or area, and the owner thereof beginning with the second violation notice during a 12 month period.

B. If the owner or occupant does not comply with this Chapter within **ten (10)** days after receipt of notice or after the date of the second publication if notice is provided through the official journal, the mayor may cause the premises to be cleaned by cutting, destroying, or removing noxious weeds, grass, or other deleterious, unhealthy, or noxious growths or accumulations thereon and/or on the sidewalk or banquette abutting the same and assess the costs thereof against the owner or occupant. Thereafter, the town shall furnish the owner or occupant with a written statement, by certified mail, which contains a description of the property and the cost of the work performed, including postage, publication expenses, all cost incurred for the work, plus accrued interest at the rate that does not exceed the legal interest rate provided in R.S. 9:3500 from the date of completion of such work shall be charged to the owner of such property, which charge shall be due and payable by said owner on the date of completion of said work.

C. If the owner or occupant does not pay the charges within thirty (30) days after being furnished the statement described in Subsection B or within thirty (30) days after the certified letter is returned as not deliverable, the mayor shall cause a certified copy of the statement to be filed and recorded in the mortgage records of the parish. When so filed and recorded, the statement shall constitute a lien upon the property from the date of recordation prior in rank to mortgages, vendor's privileges, and all other liens, except taxes.

D. If the owner or occupant does not pay the cost incurred as shown on the statement within ten (10) days after filing of a certified copy thereof in the mortgage records of the parish, the mayor may take the necessary steps in court incidental to the collection of the expense incurred as shown on the statement, plus costs of court and fined per Section 24.7 of this Section. (Ordinance 38 adopted 3/10/70; Ordinance 77 adopted 4/8/93; Ordinance 123 adopted 3/12/01)

Section 24.6 Waiver of notice

The town may undertake the cutting, destruction, or removal of noxious weeds or grass or other deleterious, unhealthful, or noxious growths on any property within the town on an as-needed basis without the notice required in Section 24.5 if the property owner or occupant liable has been notified pursuant to that section at any time during the immediately preceding twelve (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, or his designee, at the town hall. The 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 or occupant liable has within the past twelve (12) months failed to do such work after notification and opportunity to do so pursuant to Section 24.5.

(Ordinance 123 adopted 3/12/01; Ordinance 153 adopted 7/13/04)

Section 24.7 Allowing noxious growth prohibited - Penalties

Any person who violates any of the provisions of this section shall be guilty of a misdemeanor, and upon conviction in municipal court, if the owner is found to have violated this section two (2) times within a twelve (12) month period, the town will additionally assess the owner a fine of two hundred fifty dollars (\$250.00) upon the second offense and five-hundred dollars (\$500.00) on every subsequent offense thereafter.- The town is further authorized to charge the owner interest on all sums due from incurrence until payment at a rate that does not exceed the legal interest rate provided in R.S. 9:3500. If the statement is not paid within one month thereafter, the amount thereof shall be included in and form a part of the taxes due by the property and the owner, and when collected shall be credited to the general fund of the town.

Said Ordinance having been introduced on June 10, 2019, by Terry Jarreau, notice of public hearing have been published, said public hearing having been held, the title having been read and the Ordinance considered, a motion was made by Terry Jarreau and seconded by Ron LeBlanc, to adopt the Ordinance. A record vote was taken and the following results were had:

YEAS:	G. Jarreau, T. Jarreau, LeBlanc, Pourciau
NAYS:	None
ABSENT:	Bergeron
ABSTAIN:	None

Whereupon, the Ordinance was declared adopted on this 8th day of July 2019

ATTEST and delivered to the Mayor
July 9, 2019
Donna Bergeron, MMC
Town Clerk, Livonia, Louisiana

APPROVED and delivered to the Clerk
July 9, 2019
Rhett Pourciau, MAYOR
Town of Livonia, Louisiana

Published in the official journal on July 11, 2019.