

SUMMARY ORDINANCE #512

On a motion by Councilman Smith the following ordinance was offered:

An ordinance amending Ordinance # 502, which is an amendment to the Building code and Related Regulations of The Town of Jean Lafitte, to update Article II- Unsafe buildings and Structure Installations, Etc. Sec. -1 to (4).

NUISANCES

ARTICLE II: IN GENERAL

Sec. 1-1 . Purpose and scope.

The purpose of this ordinance is to provide for the protection and promotion of the public health, safety and welfare by regulating and eliminating those nuisances which have a negative impact upon the quality of life, safety and health of the neighborhoods where they are located. This chapter is enacted to also prevent the spread of disease; to limit and prevent the harborage of insects, rodents, and other vermin; to limit and prevent accumulations of filth, sewage, garbage, refuse, debris; to limit and prevent depreciation of property values and disturbance of another's peaceful possession of his property due to a person's actions or property constituting a violation of the conditions of this chapter. The foregoing also includes but is not limited to the regulation of property that is blighted as blight causes deterioration and instability in neighborhoods and has an adverse impact on neighboring properties. Further, vacant, unsecured and/or boarded structures are a major cause and source of blight as such unkempt structures and long-term vacancies discourage economic development, retard appreciation of property values and decrease the quality of life.

Sec. 1-2. Definitions.

For the purposes of this chapter, the following terms, phrases, words and derivations shall have the meaning given herein, unless it is apparent from the context that a different meaning is intended:

- (1) Attractive nuisance. The term "attractive nuisance" refers to a potentially harmful thing which is inviting or otherwise lures a person, no matter the age of the person, into or onto a thing to investigate, play in or otherwise enter without permission or utilizes.
- (2) Blight. The term "blight" refers to commercial or residential property, including structures whether movable or immovable and lots, in a deleterious condition, uninhabitable, overgrown with vegetation, has an accumulation of junk or debris or otherwise unfit for human habitation or use and/or not in compliance with code. Blight also refers to conditions that impair growth or prosperity.
- (3) Boarded. The term "boarded" shall mean a structure whose doors and windows have been covered with plywood or other material for the purpose of preventing entry into the structure by persons or animals.
- (4) Compliance. The term "compliance" refers to the removal of a proprietary party from a town contractor list due to his/her maintenance of his/her property for a period of not less than three consecutive months.
- (5) Nuisance. The term nuisance means any activity, condition or use of a premises which is detrimental to or endangers public safety, health or welfare; produces such material annoyance, inconvenience, discomfort so as to interfere with or disturb another in the peaceful possession of his property or cause injury to the right of another or of the public; is detrimental to the property of others or which causes or tends to cause substantial diminution in the value of other property in the vicinity or neighborhood in which such premises is located; is in violation of any zoning ordinance or regulation; and/or any prohibited activity or condition declared to be a nuisance in these ordinances.
- (6) Open excavation. The term "open excavation" as used in this chapter shall include any item not included in the definition of swimming pool and shall include but not be limited to a burrow pit, pond, construction site, any uncovered cutting in the earth whether naturally forming or man-made and is not used for recreational bathing or enjoyment, or other area in which water may accumulate.

- (7) Maintenance of a nuisance. The term "maintenance of a nuisance" means to conduct, carry on, keep or permit to exist on one's premises any prohibited activity or condition as defined in this chapter or any nuisance; failure to abate a nuisance or prohibited activity or condition shall be considered as maintenance of a nuisance.
- (8) Prohibited activity or condition. The term "prohibited activity or condition" means any activity or conduct as now or hereafter declared to be a nuisance or otherwise prohibited under the laws of the town or state, including, but not limited to, sections of this chapter.
- (9) Property maintenance violation. The term "property maintenance violation" shall refer to the act of keeping buildings, premises, structures and equipment in a proper condition so as to prevent their decline or failure and in accordance with standards of cleanliness, sanitation, stability and safety and shall include but not be limited to maintenance of exterior weather protective coatings, soffit, fascia and gutters and other minor building conditions, vegetation, and trash and debris as required in this Code.
- (10) Proprietary party. The term "proprietary party" means an owner, person with ownership interest, lessee, sublessee, tenant or occupant of any premises.
- (11) Property. The term "property" means any lot, tract or parcel of land, and/or any portion of ground or other immovable property, whether occupied or vacant, for the purposes of this chapter, the term shall also include the area abutting said property including but not limited to, sidewalks and other servitudes.
- (12) Premises. The term "premises" means any building, structure, property, watercraft or movable owned or occupied by any proprietary party or representative thereof.
- (13) Repeat offender. The term "repeat offender" can include, but is not limited to, (a) the owner, tenant or representative of any property issued a third notice for the same violation but had previously corrected said violation timely within a consecutive twelve-month period; (b) the owner, tenant or representative of a property that has been previously found in violation by a trier of fact; and/or (c) any owner, tenant or representative of a property placed on any town contractor list for remedial action.
- (14) Representative. The term "representative" means an officer, agent, employee or other representative of a proprietary party.
- (15) Structure. The term "structure" shall include a building, house or other items such as signs and canopies which are manmade and protrude above lot grade.

Sec. 1-3. Maintenance of a nuisance prohibited.

Maintenance of a nuisance or other prohibited activity or condition in or upon any premises by a proprietary party, his representative or any person acting in concert with him or them is hereby prohibited and declared to be unlawful.

Article II. TRASH, VEGETATION AND PROPERTY MAINTENANCE

Sec. 2-1. Trash, debris, junk, refuse, abandoned property prohibited on public and private property.

- (a) It shall be unlawful for any person or proprietary party to maintain, permit or allow the accumulation, collection on his premises or the keeping, depositing on or scatter over or upon his premises or within his vehicle including but not limited to the following: Trash, debris, refuse, junk, abandoned, discarded or unused objects, equipment, machinery, or parts thereof, including, but not limited to, furniture, stoves, refrigerators, freezers, air conditioners, vehicles, parts of vehicles, trailers, boats, campers, haulers, cans, containers, metal, building materials or other discarded, abandoned or noxious matter; and, the same is hereby declared to be a nuisance.
- (b) The unenclosed or unsheltered storage or keeping of any old, stripped, wrecked, partially dismantled or otherwise non-operating vehicles, machinery, implements, equipment, building materials, or personal property of any kind, which is no longer in good operating condition or safely usable for the purposes for which it was manufactured, or any vehicle without valid inspection tag(s) and/or valid license plate, on any premises by a proprietary party is hereby prohibited and declared to be a nuisance.
- (c) It shall be unlawful for any person or proprietary party to display a vehicle, trailer, boat, camper or other item "for sale," "for rent," or other like display on private or public property as said vehicle is

considered abandoned. Only vehicles operating on a daily basis may display such verbiage or items located on the proper zoned and used property, car dealership and/or used car lot; otherwise, said display is hereby prohibited and declared to be a nuisance.

Sec. 2-2. Exceptions.

Provided the premises complies with all other applicable ordinances and regulations, the following situations shall be excluded from the application of the previous section:

- (1) The provisions shall not apply with regard to a vehicle, appliance or other personal machinery or equipment of a proprietary party provided such item is in good operating condition and if applicable, contains proper inspection tag(s) and/or license plate, and is either in an enclosed building, within the roofline of the structure or so located upon the premises as not to be readily visible from any public place or from any surrounding property.
- (2) The provisions shall not apply with regard to a licensed and properly operated junk yard; or with regard to any business operated in a lawful place, other than in or within three hundred (300) feet of a residential district or residential premises, and operated in a lawful manner when the keeping or maintenance of such items is necessary to the operation of such enterprise; or with regard to any appropriate storage place or depository maintained by the town, its departments or any other public agency or public entity.
- (3) The provisions shall not apply to undeveloped or land that is not cleared.

Sec. 2-3. Weeds, grass, other vegetation.

It shall be unlawful for any person or proprietary party to maintain, permit or allow on any premises, within one hundred fifty (150) feet of an existing building, the growth of grass or weeds, other than trees, shrubs, cultivated flowers, gardens, and any vegetation that is part of an approved storm water management plan, to exceed a height of eight (8) inches or more, or to permit or allow on the premises the growth of any other deleterious or unhealthful vegetation; and, the same is hereby declared to be a nuisance. It shall be a violation if any growth of flowers, gardens or landscaping is uncontrolled or not regularly maintained.

Sec. 2-4 Violations and penalties.

- (a) Any person violating any provision of this chapter shall be guilty of a misdemeanor.
- (b) In addition to the penalties provided, any person, proprietary party, his representative or any person acting in concert with him or them who maintains or fails to abate a nuisance or prohibited activity or condition may be enjoined as provided by law, including, but not limited to, the injunctive relief or order of abatement provided for in this chapter.
- (c) The issuance of an injunction or order of abatement pursuant to this chapter may be petitioned for by the following:
 - (1) The Town of Jean Lafitte, or any proper officer thereof or, their duly authorized representative;
 - (2) Any adjacent or neighboring property owner who is especially damaged by such violation;

Sec. 2-5. Injunctive relief; judicial order.

- (a) Application for injunctive relief or judicial order of abatement afforded by this chapter shall be by petition to the Mayor's court.
- (b) A violation of the provisions of an injunction or judicial order of abatement issued in a cause instituted under the provisions of this chapter shall constitute a contempt of court. A person found guilty of such contempt shall be punished by a fine of not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00), or by imprisonment in the parish prison for a period of not less than twenty-four (24) hours nor more than thirty (30) days or both fine and imprisonment. On conviction for a second or subsequent contempt the offender shall be punished by both fine and imprisonment, without benefit of probation or suspension of sentence.

Sec. 2-6. Abatement by order of town

(a) Abatement of weeds by owner. Upon notification of violation, as provided in this chapter, the proprietary party, his representative or any person acting in concert with him or them shall jointly or severally abate the nuisance and/or prohibited activity or condition by removing the offending matter or taking the corrective action to abate said nuisance and/or prohibited activity or condition within five (5) days of date on notification (which may be via U.S. First Class Mail or posting of the property) or as otherwise provided herein.

(b) (1) Abatement of weeds by town. Notwithstanding whether any injunctive or other judicial relief is petitioned for in accordance with the provisions of this chapter, and except for those, circumstances addressed in subsection (b)(2) herein, if the violation consists of weeds, grass or other vegetation on property and is not abated within five (5) days of date on notification (which may be via U.S. First Class Mail or posting of the property), with said notice only being required to be sent to the property owner once every calendar year, the Town is hereby authorized to cut, destroy and remove all such grass, weeds and other deleterious or unhealthy growths of vegetation on an as needed basis in accordance with this code, and the property owner, as shown on the latest property assessment rolls and/or conveyance records, shall be assessed a charge for the cutting, destruction and removal. If the costs to the town for the cutting, destruction and/or removal exceed the amount of one hundred dollars (\$100.00), the owner of the property shall be assessed the actual cost, plus a surcharge equal to one hundred (100) percent of the costs to cover inspection and administrative costs.

(2) Emergency abatement of weeds by town. Notwithstanding whether any injunctive or other judicial relief is petitioned for in accordance with the provisions of this chapter, if the violation consists of weeds, grass or other vegetation exceeding fifty-four (54) inches in height on property, except any vegetation that is part of an approved storm water management plan, the town shall post a violation notice on the property or otherwise attempt to notify the property owner. If the violation is not corrected within twenty-four (24) hours, the town is hereby authorized to immediately cut, destroy and remove all such grass, weeds and other deleterious or unhealthy growths of vegetation, and the property owner, as shown on the latest property assessment rolls and/or conveyance records, shall be assessed the same fee and surcharge.

(i) Within fifteen (15) days of emergency abatement, a letter shall be mailed to the property owner shown on the latest property assessment rolls and/or conveyance records informing the property owner of the violation, of the emergency abatement, and of the opportunity to request a hearing within thirty (30) days of the emergency abatement to contest the emergency abatement and the accompanying penalty.

(ii) The hearing will be conducted by the Mayor's court who shall be empowered to hear testimony, examine all evidence, make written findings of fact as to whether the conditions for which the property owner required emergency abatement and render any order authorized herein consistent with the court's findings.

(c) Abatement of junk, trash, etc. Notwithstanding whether any injunctive or other judicial relief is petitioned for in accordance with the provisions of this chapter, if the violation consists of any prohibited activity or condition specified in this chapter and is not abated within five (5) days of date on notification (which may be via U.S. First Class Mail or posting of the property) unless otherwise noted herein, with said notice only being required to be sent to the owner once every calendar year, the town, is hereby authorized to clear, destroy and remove all such offending materials and/or take any action necessary to abate the nuisance; and the property owner, as shown on the latest property assessment rolls and/or conveyance records, shall be assessed a charge for the clearing, destruction and removal and/or other corrective action in accordance with the following schedule:

(1) A charge of not less than one hundred fifty dollars (\$150.00) shall be assessed for the removal of any trash, debris, refuse, junk, abandoned, discarded or unused objects, equipment, machinery, or parts thereof or any other noxious matter or offending materials;

(2) If the cost to the town for clearing, removing and/or destroying such items exceeds the amount of one hundred fifty dollars (\$150.00), the owner of the property shall be assessed actual cost, plus a surcharge equal to one hundred (100) percent of the costs to cover inspection and administrative costs.

(d) Work to be done by town employee or independent contractor. In connection with any work performed pursuant to this section, the town may proceed to have the necessary work done either by its own employees or by an independent contractor.

(e) (1) Any person deemed a repeat offender shall be automatically notified every calendar year until compliance.

(2) Any work order issued to a town contractor to perform remedial action pursuant to this article shall remain in effect even though it may not be performed until the following year.

(3) Once notice is issued to a property owner, removal of vegetation and/or trash in violation may be performed without a hearing.

Sec. 2-7. Notification of violation.

(a) Following an inspection and verification of a violation, the town, through its regulatory and/or administrative departments, shall notify the owner and any known interested party of the premises in violation.

(b) Such notice of violations shall be either by certified mail, personal or domiciliary service made by any authorized personnel of the town, and/or by any other reasonable method of notification.

(c) Notice by posting. All properties alleged to be in violation shall be posted by either posting the property on the window nearest the front door if a structure exists or on a post or stake on a vacant lot, said notice shall contain the following:

(1) The legal description and municipal address (if applicable) of the property;

(2) The nature of the violation including the specific provision of the ordinance involved;

(3) The penalties, enforcement and/or abatement proceedings that the proprietary party may be liable for if the nuisance or other prohibited activity or condition is not voluntarily abated; and

(4) If applicable, the opportunity for a hearing to contest the violation, as provided for in this article.

(d) If any abandoned, junked, derelict, wrecked, partially dismantled or otherwise non-operating vehicle forms the basis of any violation under this article the provisions for notice of violation and penalties shall be made. Except that vehicles in violation pursuant to this section are not subject to being tagged.

(e) Following a third (3rd) or greater inspection of the same property within a twelve-month period for repeat or new violations, a one hundred fifty dollar (\$150.00) administrative inspection fee shall apply per additional inspection until said violations are remedied.

Sec. 2-8. Review hearings.

(a) In all applicable instances where a proprietary party has received notice of a violation of the provisions of this article, he shall be afforded an opportunity for a hearing to refute such determination and to raise whatever objection he may have to the issuance of the violation notice.

(b) Upon timely request, a hearing shall be held before the Mayors court. All hearings shall be informal and not bound by any formal rules of evidence.

(c) The Mayors court shall be empowered to hear testimony and examine all evidence, make written findings of fact as to whether the conditions the proprietary party was cited for exist or not and render any order authorized herein that is consistent with the findings.

Sec. 2-9. Billing; payment

At the completion of any work performed pursuant to this article, the proprietary party and/or owner of the premises shall be sent a bill by certified mail, personal or domiciliary service made by any authorized personnel of the town, or by any other reasonable method of notification, itemizing the cost of the work in accordance with this article. The proprietary party and/or owner of the premises shall be given ten (10) days from the date of the notice to make payment to the town before a lien is placed.

Sec. 2-10. Authority to impose lien.

In addition to the other provisions of this article, the town is also authorized to have recorded in the mortgage office of the parish, a sworn statement showing the cost and expenses incurred for the work and the date, place or property on which the work was done, and the recordation of such sworn statement shall constitute a lien and privilege on the property and shall remain in full force and effect for the amount due in principal and interest, plus costs filing the lien, and costs of court, if any, for collection until final payment has been made. Sworn statements for matters involving minor or major repairs shall include the fine imposed plus costs of filing the lien, and costs of court, if any.

Sec. 2-11 Collection of outstanding invoices.

- (a) After fifteen (15) days following the invoice date, the town shall submit a list of unpaid amounts and the town shall have recorded a lien against the respective properties. The administration office and/or the regulatory department shall maintain a list of liens filed.
- (c) The town shall then send a second invoice to the proprietary party and/or property owner advising that the accounts receivable are to be turned over for collection if the amounts due are not paid within fifteen (15) days.
- (d) After said fifteen (15) days if any invoice remains unpaid, the town shall make written demand for payment. If payment is not received within fifteen (15) days, the town may file suit for collection. The proprietary party and/or owner of the premises shall be liable for reasonable attorney's fees, of not less than twenty (20) percent, plus any necessary court costs when an account is turned over for collection.
- (e) The town shall monitor and maintain reports as to the success of collections for these charges.

Sec. 2-12. Adding costs and/or fines to ad valorem tax bill

- (a) In addition to any other provisions regarding collection of costs for work performed pursuant to this article, if payment is not received within six (6) months of the original invoice date, the town may, at its option, proceed to adopt an ordinance levying the charges for such work plus fifteen (15) percent collection charges as an assessment to be added to the annual ad valorem tax bill of the premises or property involved.
- (b) The ordinance will then be forwarded over to the Jefferson Parish Assessors Office to include the cost, including court cost or hearing costs, administrative fees, charges from the town contractor and/or town to be placed on the tax rolls and included on the ad valorem tax bill.
- (c) The Jefferson Parish Sheriff effecting collection shall be reimbursed fifteen (15) percent of the amount of such charges actually collected from the proprietary party and/or owner of the premises or property involved.

RESOLUTION # 2218

On a motion by Councilman Smith and seconded by Councilman Guillie the following resolution was adopted:

A resolution approving the St. Anthony/St. Pius X Third Annual Boiled Shrimp Cook Off on Saturday, September 25, 2021 from 11:00 a.m. to 8:00 p.m.

WHEREAS, the cook off will be held outdoors at the St .Anthony/St. Pius X Church Hall located at 2685 Jean Lafitte Blvd., Lafitte, Louisiana.

WHEREAS, alcoholic beverages will be served,

YEAS: 3
Councilman Creppel
Councilman Guillie
Councilman Smith

NAYS: 0

ABSENT: 2
Councilman Bartholomew
Councilman LeBeau

Mayor Timothy Kerner thanked Ellie Melancon for her dedication and volunteering in our community.

No further business was discussed. On a motion by Councilman Smith and seconded by Councilman Guillie the meeting was adjourned at 7:05 p.m.

Town Clerk