

2017 Regular Session

HOUSE BILL NO. 147

BY REPRESENTATIVE GAROFALO

PARISH/ORDINANCES: Authorizes the governing authority of St. Bernard Parish to enact ordinances requiring property owners to remove deleterious growths and trash

1 AN ACT

2 To amend and reenact R.S. 33:1236(21)(b) and (30)(b), relative to St. Bernard Parish; to
3 authorize the parish governing authority to enact ordinances requiring property
4 owners to remove deleterious growths, trash, debris, and other noxious matter; to
5 provide relative to liens granted in favor of the parish governing authority with
6 respect to such properties; and to provide for related matters.

7 Notice of intention to introduce this Act has been published
8 as provided by Article III, Section 13 of the Constitution of
9 Louisiana.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 33:1236(21)(b) and (30)(b) are hereby amended and reenacted to
12 read as follows:

13 §1236. Powers of parish governing authorities

14 The police juries and other parish governing authorities shall have the
15 following powers:

16 * * *

17 (21)

18 * * *

19 (b)(i) The governing authority of the ~~parish~~ parishes of Jefferson and ~~of any~~
20 ~~parish with a population of not less than thirty-five thousand eight hundred persons~~

1 ~~and not more than thirty-nine thousand persons according to the latest federal~~
2 ~~decennial census~~ St. Bernard may enact ordinances regulating or prohibiting the
3 growth or accumulation of grass, obnoxious weeds, or other deleterious or
4 unhealthful growths, trash, debris, refuse, or discarded or noxious matter.

5 (ii) In the exercise of the authority ~~herein~~ granted by this Subparagraph, the
6 parish governing authority may, among other things, but not by way of limitation,
7 require or compel property owners to cut or remove such grass, obnoxious weeds,
8 or other deleterious or unhealthful growths, trash, debris, refuse, or discarded or
9 noxious matter on their property.

10 (iii) If the owner of any lot located within recognized subdivisions outside
11 municipalities in the parish fails to cut or remove such matter when requested to do
12 so by the governing authority, within fifteen days after receipt of such request or
13 notice by a registered or certified letter or other adequate notice, the governing
14 authority may have such matter cut or removed and may charge such property owner
15 in accordance with regulations adopted by the governing authority.

16 (iv) Upon failure of any such property owner to pay the charges, the
17 governing authority may file a certified copy of said charges with the recorder of
18 mortgages, and the same, when so filed and recorded, shall operate as a lien and
19 privilege in favor of the parish against the property on which said matter was cut or
20 removed. In the parish parishes of Jefferson and ~~in any parish with a population of~~
21 ~~not less than thirty-five thousand eight hundred persons and not more than thirty-nine~~
22 ~~thousand persons according to the latest federal decennial census~~ St. Bernard, the
23 lien and privilege granted under this Paragraph, when recorded within sixty days
24 from the date of completion of the cutting or removal, shall have the same ranking
25 as an ad valorem tax lien on immovable property as provided in R.S. 9:4821(1).

26 (v) The parish may, at its option, enact ordinances to add cutting and
27 removal charges to the annual ad valorem tax bill of the property involved. In the
28 parish parishes of Jefferson and ~~in any parish with a population of not less than~~
29 ~~thirty-five thousand eight hundred persons and not more than thirty-nine thousand~~

1 ~~persons according to the latest federal decennial census~~ St. Bernard, if such charges
2 are unpaid, the ad valorem tax lien imposed thereby and such rights attendant thereto
3 shall coexist with those granted under ~~Paragraph (21)(b)(iv) of this Section~~ Item (iv)
4 of this Subparagraph.

5 (vi) ~~In the event that~~ If such ordinances are enacted, the sheriff effecting
6 collection shall be reimbursed by the governing authority for an amount equal to
7 fifteen percent of the amount of such charges actually collected from the property
8 owner. This collection charge shall be in addition to such charges and shall also be
9 added to the ad valorem tax bill of the property involved.

10 (vii) In the exercise of the authority ~~herein~~ granted by this Subparagraph to
11 the ~~parish~~ parishes of Jefferson and ~~to any parish with a population of not less than~~
12 ~~thirty-five thousand eight hundred persons and not more than thirty-nine thousand~~
13 ~~persons according to the latest federal decennial census~~ St. Bernard, the respective
14 parish shall be the sole and proper defendant in any action, authorized by law, to
15 contest the addition of such charges to the ad valorem tax bill of the property
16 involved.

17 * * *

18 (30)

19 * * *

20 (b)(i) In the exercise of the authority granted ~~herein~~ by this Paragraph, the
21 governing authority of the parishes of Jefferson, Ouachita, Calcasieu, Ascension, ~~and~~
22 ~~St. Tammany,~~ and of parishes with a population of not less than thirty-five thousand
23 ~~eight hundred persons and not more than thirty-nine thousand persons according to~~
24 ~~the latest federal decennial census~~ St. Bernard may require or compel property
25 owners to remove trash, debris, junk, wrecked or used automobiles, or motor
26 vehicles, or any part or parts thereof, or any other junk, discarded or abandoned
27 machinery or other metal, tin, or other discarded items on their property, when such
28 items are being stored or kept in violation of any zoning or other regulatory
29 ordinance.

1 (ii) If the owner of any such lot located within recognized subdivisions
2 outside municipalities in the parish fails to remove any such item or items when
3 requested to do so by the governing authority, within fifteen days after receipt of
4 such request or notice by a registered or certified letter or other adequate notice, the
5 governing authority may have such trash, debris, junk, or wrecked or used
6 automobiles, motor vehicles, or any part or parts thereof, or any other junk, discarded
7 or abandoned machinery, or other metal, tin, or other discarded items removed and
8 may charge the property owner therefor in accordance with regulations adopted by
9 the governing authority.

10 (iii) Upon failure of any such property owner to pay the charges, the
11 governing authority may file a certified copy of the charges with the recorder of
12 mortgages, and the copy when so filed and recorded, shall operate as a lien and
13 privilege in favor of the parish against the property from which the items were
14 removed. In the parishes of Jefferson, Ascension, ~~and~~ St. Tammany, and ~~in any~~
15 ~~parish with a population of not less than thirty-five thousand eight hundred persons~~
16 ~~and not more than thirty-nine thousand persons according to the latest federal~~
17 ~~decennial census~~ St. Bernard, the lien and privilege granted under this Paragraph,
18 when recorded within sixty days from the date of completion of the removal of the
19 items, shall have the same ranking as an ad valorem tax lien on immovable property
20 as provided in R.S. 9:4821(1).

21 (iv) The parish may, at its option, enact ordinances to add the removal
22 charges to the annual ad valorem tax bill of the property involved. In the parishes
23 of Jefferson, Ascension, ~~and~~ St. Tammany, and ~~in any parish with a population of not~~
24 ~~less than thirty-five thousand eight hundred persons and not more than thirty-nine~~
25 ~~thousand persons according to the latest federal decennial census~~ St. Bernard, if such
26 charges are unpaid, the ad valorem tax lien imposed thereby and such rights
27 attendant thereto shall coexist with those granted under Item (iii) of this
28 Subparagraph.

