HLS 16RS-1572 ORIGINAL

2016 Regular Session

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HOUSE BILL NO. 1080

BY REPRESENTATIVE GAROFALO

LOCAL GOVT/ORDINANCES: Authorizes certain parish governing authorities to enact ordinances relative to the removal of deleterious growths, trash, debris, and other noxious matter

AN ACT

2	To amend and reenact R.S. 33:1236(21)(b) and (30)(b), relative to the powers of certain
3	parish governing authorities; to authorize certain parish governing authorities to
4	enact ordinances requiring property owners to remove deleterious growths, trash,
5	debris, and other noxious matter; to provide relative to liens granted in favor of the
6	parish governing authorities with respect to such properties; and to provide for
7	related matters.
8	Be it enacted by the Legislature of Louisiana:
9	Section 1. R.S. 33:1236(21)(b) and (30)(b) are hereby amended and reenacted to
10	read as follows:
11	§1236. Powers of parish governing authorities
12	The police juries and other parish governing authorities shall have the
13	following powers:
14	* * *
15	(21)
16	* * *
17	(b)(i) The governing authority of the parish of Jefferson and of any parish
18	with a population of not less than thirty-five thousand eight hundred persons and not
19	more than thirty-nine thousand persons according to the latest federal decennial

CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

<u>census</u> may enact ordinances regulating or prohibiting the growth or accumulation of grass, obnoxious weeds, or other deleterious or unhealthful growths, trash, debris, refuse, or discarded or noxious matter.

- (ii) In the exercise of the authority herein granted, the parish governing authority may, among other things, but not by way of limitation, require or compel property owners to cut or remove such grass, obnoxious weeds, or other deleterious or unhealthful growths, trash, debris, refuse, or discarded or noxious matter on their property.
- (iii) If the owner of any lot located within recognized subdivisions outside municipalities in the parish fails to cut or remove such matter when requested to do so by the governing authority, within fifteen days after receipt of such request or notice by a registered or certified letter or other adequate notice, the governing authority may have such matter cut or removed and may charge such property owner in accordance with regulations adopted by the governing authority.
- (iv) Upon failure of any such property owner to pay the charges, the governing authority may file a certified copy of said charges with the recorder of mortgages, and the same, when so filed and recorded, shall operate as a lien and privilege in favor of the parish against the property on which said matter was cut or removed. In the parish of Jefferson and in any parish with a population of not less than thirty-five thousand eight hundred persons and not more than thirty-nine thousand persons according to the latest federal decennial census, the lien and privilege granted under this Paragraph, when recorded within sixty days from the date of completion of the cutting or removal, shall have the same ranking as an ad valorem tax lien on immovable property as provided in R.S. 9:4821(1).
- (v) The parish may, at its option, enact ordinances to add cutting and removal charges to the annual ad valorem tax bill of the property involved. In the parish of Jefferson and in any parish with a population of not less than thirty-five thousand eight hundred persons and not more than thirty-nine thousand persons according to the latest federal decennial census, if such charges are unpaid, the ad

2	those granted under Paragraph (21)(b)(iv) of this Section.
3	(vi) In the event that such ordinances are enacted, the sheriff effecting
4	collection shall be reimbursed by the governing authority for an amount equal to
5	fifteen percent of the amount of such charges actually collected from the property
6	owner. This collection charge shall be in addition to such charges and shall also be
7	added to the ad valorem tax bill of the property involved.
8	(vii) In the exercise of the authority herein granted to the parish of Jefferson
9	and to any parish with a population of not less than thirty-five thousand eight
10	hundred persons and not more than thirty-nine thousand persons according to the
11	latest federal decennial census, the respective parish of Jefferson shall be the sole
12	and proper defendant in any action, authorized by law, to contest the addition of such
13	charges to the ad valorem tax bill of the property involved.
14	* * *
15	(30)
16	* * *
17	(b)(i) In the exercise of the authority granted herein, the governing authority
18	of the parishes of Jefferson, Ouachita, Calcasieu, Ascension, and St. Tammany and
19	of parishes with a population of not less than thirty-five thousand eight hundred
20	persons and not more than thirty-nine thousand persons according to the latest
21	federal decennial census may require or compel property owners to remove trash,
22	debris, junk, wrecked or used automobiles, or motor vehicles, or any part or parts
23	thereof, or any other junk, discarded or abandoned machinery or other metal, tin, or
24	other discarded items on their property, when such items are being stored or kept in
25	violation of any zoning or other regulatory ordinance.
26	(ii) If the owner of any such lot located within recognized subdivisions
27	outside municipalities in the parish fails to remove any such item or items when
28	requested to do so by the governing authority, within fifteen days after receipt of
29	such request or notice by a registered or certified letter or other adequate notice, the

valorem tax lien imposed thereby and such rights attendant thereto shall coexist with

governing authority may have such trash, debris, junk, or wrecked or used automobiles, motor vehicles, or any part or parts thereof, or any other junk, discarded or abandoned machinery, or other metal, tin, or other discarded items removed and may charge the property owner therefor in accordance with regulations adopted by the governing authority.

- (iii) Upon failure of any such property owner to pay the charges, the governing authority may file a certified copy of the charges with the recorder of mortgages, and the copy when so filed and recorded, shall operate as a lien and privilege in favor of the parish against the property from which the items were removed. In the parishes of Jefferson, Ascension, and St. Tammany and in any parish with a population of not less than thirty-five thousand eight hundred persons and not more than thirty-nine thousand persons according to the latest federal decennial census, the lien and privilege granted under this Paragraph, when recorded within sixty days from the date of completion of the removal of the items, shall have the same ranking as an ad valorem tax lien on immovable property as provided in R.S. 9:4821(1).
- (iv) The parish may, at its option, enact ordinances to add the removal charges to the annual ad valorem tax bill of the property involved. In the parishes of Jefferson, Ascension, and St. Tammany and in any parish with a population of not less than thirty-five thousand eight hundred persons and not more than thirty-nine thousand persons according to the latest federal decennial census, if such charges are unpaid, the ad valorem tax lien imposed thereby and such rights attendant thereto shall coexist with those granted under Item (iii) of this Subparagraph.
- (v) In the event that such ordinances are enacted, the sheriff effecting collection shall be reimbursed by the governing authority for an amount equal to fifteen percent of the amount of such charges actually collected from the property owner. This collection charge shall be in addition to such charges and shall also be added to the ad valorem tax bill of the property involved.

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(vi) In the exercise of the authority herein granted to the parishes of Jefferson, Ascension, and St. Tammany and to any parish with a population of not less than thirty-five thousand eight hundred persons and not more than thirty-nine thousand persons according to the latest federal decennial census, the respective parish shall be the sole and proper defendant in any action, authorized by law, to contest the addition of such charges to the ad valorem tax bill of the property involved.

* * *

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 1080 Original

2016 Regular Session

Garofalo

Abstract: Authorizes the governing authority in any parish with a population of not less than 35,800 persons and not more than 39,000 persons to enact ordinances relative to the removal of deleterious growths, trash, debris, and other noxious matter.

<u>Present law</u> authorizes the Jefferson Parish governing authority to enact ordinances to require or compel property owners to cut or remove grass, obnoxious weeds, or other deleterious or unhealthful growths, trash, debris, refuse, or discarded or noxious matter on their property. Authorizes the parish governing authority, if the owner fails to cut or remove the noxious matter within 15 days of notice, to have the matter cut or removed and to charge the property owner. <u>Present law</u> authorizes the parish governing authority to place a lien against a property owner for failure to pay charges and the lien shall have the same ranking as an ad valorem tax lien on immovable property as provided in <u>present law</u> (R.S. 9:4821(1)). Additionally authorizes the parish governing authority to add the removal charges to the annual ad valorem tax bill. Further provides for the parish to be the sole and proper defendant in any action, authorized by law, to contest the addition of such charges to the ad valorem tax bill of the property involved.

<u>Proposed law</u> retains <u>present law</u> and additionally authorizes the governing authority of any parish with a population of not less than 35,800 persons and not more than 39,000 persons to exercise the powers granted pursuant to <u>present law</u>.

Present law authorizes the governing authority of the parishes of Jefferson, Ouachita, Calcasieu, Ascension, and St. Tammany to require or compel property owners to remove trash, debris, junk, wrecked or used automobiles, or motor vehicles, or any part(s) thereof, or any other junk, discarded or abandoned machinery or other metal, tin, or other discarded items on their property, when such items are being stored or kept in violation of any zoning or other regulatory ordinance. Present law authorizes the parish governing authorities, if the owner fails to remove such items within 15 days of notice, to have the items removed and to charge the property owner. Authorizes the parish governing authorities in Jefferson, Ascension, and St. Tammany to place a lien against a property owner for failure to pay charges and the lien shall have the same ranking as an ad valorem tax lien on immovable property as provided in present law (R.S. 9:4821(1)). Additionally authorizes those parish governing authorities to add the removal charges to the annual ad valorem tax bill. Further

provides for each parish to be the sole and proper defendant in any action, authorized by law, to contest the addition of such charges to the ad valorem tax bill of the property involved.

<u>Proposed law</u> retains <u>present law</u> and additionally authorizes the governing authority of any parish with a population of not less than 35,800 persons and not more than 39,000 persons to exercise the powers granted pursuant to <u>present law</u>.

(Amends R.S. 33:1236(21)(b) and (30)(b))