

ST. TAMMANY PARISH COUNCIL

ORDINANCE

ORDINANCE CALENDAR NO. 2885

ORDINANCE C. S. NO. _____

COUNCIL SPONSOR: MSSRS. BAGERT/BINDER

PROVIDED BY COUNCIL OFFICE

INTRODUCED BY MR. CANULETTE

SECONDED BY MR. IMPASTATO

ON THE 1st DAY OF JULY 2004.

ORDINANCE TO AMEND AND REENACT THE ST. TAMMANY PARISH CODE OF ORDINANCES, CHAPTER 14, NUISANCES, TO PROVIDE FOR CHANGES AND CLARIFICATIONS THEREIN.

WHEREAS, for reasons of clarifying the language within parish regulations for clearer description of purposes, definitions and illustrative enumerations, it is necessary to make changes to parish code provisions regarding nuisances.

THE PARISH OF ST. TAMMANY HEREBY ORDAINS that the St. Tammany Parish Code of Ordinances, Chapter 14, Nuisances, Article I, General Provisions, is amended and reenacted to provide for changes and clarifications to defined purposes and illustrative enumerations as follows, to wit:

Sections 14-001.00 through 14-009.00 are hereby repealed in their entirety (See Attachment 1) and replaced with the following:

Chapter 14 Nuisances

Article I - In General

Section 14-001.00 Purpose And Definitions

The purpose of these Articles is to define and prohibit conduct that constitutes a "nuisance." Conduct that is defined as a nuisance is expressly prohibited and shall constitute a misdemeanor punishable according to the penalties and provisions set forth in Section 14-009.00, which shall apply to all nuisances, unless a separate penalty is otherwise provided. In this regard, conduct that is a "nuisance" is hereby defined as any unlawful act or omission, or suffering or permitting any condition or thing to be or exist, which act, omission, condition or thing either:

- (a) Injures or endangers the health, safety or well-being of others; or
- (b) Essentially interferes with, obstructs or tends to obstruct or renders dangerous for passage any public or private street, highway, sidewalk, stream, ditch or drainage; or
- (c) Injures, damages, threatens to damage or tends to depreciate the value of any public or private property; or
- (d) Essentially interferes with the right of privacy within ones home or unreasonably interferes with the use of ones residential property, including sounds and noises as enumerated in Section 14-002.00(e); or
- (e) Actually causes, or imminently threatens to cause, material and substantial disruption within the community or is an invasion of the rights of others, including sounds and noises as enumerated in Section 14-002.00(f).

Section 14-002.00 Illustrative Enumerations

The following acts and/or omissions and the maintaining, using, placing, depositing, leaving or permitting to be or remain on any public or private property of any of the following items, conditions or actions are hereby declared to be and constitute a nuisance; provided, however, these enumerations shall not be deemed nor construed to be conclusive, limiting or restrictive:

- (a) Noxious weeds and other rank vegetation.
- (b) Accumulation of rubbish, trash, refuse, junk and abandoned materials, metals, lumber or other things.
- (c) Any condition which provides harborage for rats, mice, snakes and other vermin.
- (d) Any building or other structure which is in such a dilapidated condition that it is unfit for human habitation, or kept in such an unsanitary condition that it is a menace to the health of people residing in the vicinity thereof, or presents a more than ordinarily dangerous fire hazard in the vicinity where it is located.
- (e) All noises and sounds, including animal noises, that are unreasonably loud and intrusive, raucous, jarring or disturbing and which essentially interfere with the right of privacy within ones home or unreasonably interfere with the use of ones residential property, which is defined to include single-family, duplex or multifamily dwellings, nursing homes, outpatient surgical facilities and similar facilities.
- (f) All noises or sounds that are unreasonably loud and intrusive, raucous, jarring or disturbing and which actually cause, or imminently threaten to cause, material and substantial disruption of the activities of such places as schools, courts, churches or businesses.
- (g) All obnoxious and/or dangerous odors and stenches, as well as the conditions, substances or other causes which give rise to the emission or generation of such odors and stenches.
- (h) The carcasses of animals or fowl not disposed of within a reasonable time after death.
- (i) The pollution of any public well or cistern, stream, lake, canal or body of water by sewage, dead animals, creamery, industrial wastes or other substances.
- (j) Any building, structure or other place or location where any activity which is in violation of local, state or federal law is conducted, performed or maintained.
- (k) Any accumulation of stagnant water permitted or maintained on any lot or piece of ground.
- (l) Dense smoke, noxious fumes, gas, soot or cinders, in unreasonable quantities.
- (m) Contractor's rubble, defined for the purposes hereof as the residue from construction, building demolition or razing of parts or the whole of structures and the residue of "do it yourself" repairs or other like operations including excavation.
- (n) Building debris which is defined for the purposes hereof as plaster, roofing, concrete, brickbats, sand, discarded electrical wiring, lumber, pipes and fixtures resulting from construction repair, renovation or remodeling of any building, structure or appurtenance thereto.

- (o) Camps, buildings and structures determined to be unsafe or dangerous by the St. Tammany Parish Chief Building Official.
- (p) The placing of fill material comprised in whole or in part of asphaltic and/or asbestos roofing shingles on any lot, place or area situated on Lake Pontchartrain or any waterway which has a current flow and is designated as a river or bayou on any official map of the State of Louisiana or any other body of water, depression or bed, whether or not there is a current flow present or water present within its bank, when such stream is identifiable on any official map of the State of Louisiana and the directional course of said stream indicates a discharge of water into Lake Pontchartrain, to deposit or place, or to permit the deposition or placement on such lot, place or area, or upon any river bank or seashore of said lot, place or area any fill material comprised, either entirely or partly, of asphaltic and/or asbestos roofing shingles.
- (q) Tree cuttings and other associated debris in public or private drainage ways, drainage servitudes, ditches or natural or man-made canals.

Section 14-003.00 Fires For Yard Debris

(A) The burning of leaves and other yard debris, such as pine needles, pine cones, shrubs, brush and cut timber shall not be a violation of this Chapter, provided that:

- (1) The fire area shall not be greater than eight (8) feet in diameter;
- (2) The height of burning materials shall not be greater than four (4) feet;
- (3) Burning shall only occur between sunrise and one hour before sunset;
- (4) The fire site shall not be unattended;
- (5) A functional water hose shall be located next to the fire site;
- (6) The fire site shall be located at least 10 feet from the nearest property line;
- (7) There shall be no more than one (1) fire site per homesite or parcel of land;
- (8) The fire site shall be located at least fifty (50) feet from any structure, if nearer than fifty (50) feet from a structure a container must be used;
- (9) The fire shall not emit dense smoke, noxious fumes, gas, soot or cinders in unreasonable quantities so as to violate Section 14-001.00 above.

A violation of any of the above restrictions may result in the fire site being considered a nuisance under this chapter.

(B) The above restrictions shall not apply in the event that the controlled fire or open burning of leaves and yard debris, as stated herein, is located a distance of one thousand (1000') feet or more from the nearest dwelling.

(C) The provisions of this section are not intended nor shall they lessen the responsibility of all persons to abide by other ordinances of this Parish, and laws of this State governing the matters herein addressed.

Section 14-004.00 Notice To Abate

Whenever a nuisance is found to exist within the Parish, the sheriff, enforcement officers of the Parish Department of Planning and Permits, the parish health officer and the Chief of the applicable Fire Protection District, or any of their duly designated representatives, shall have the authority to give written notice to abate the nuisance to the owner or occupant of the property upon which such nuisance exists or upon the person causing or maintaining the nuisance. Where the nature and circumstances of a particular nuisance violation warrants immediate enforcement, the sheriff's office may arrest or issue a misdemeanor summons in lieu of the notice to abate. In addition, an enforcing official shall have the authority to summarily abate any nuisance which, by its nature, creates an immediate hazard to life and/or property.

Section 14-005.00 Contents Of Notice

The notice to abate a nuisance issued under the provisions of this Article shall contain:

- (a) An order to abate the nuisance or to request a hearing within a stated time, which shall be reasonable under the circumstances.
- (b) The location of the nuisance, if the same is stationary.
- (c) A description of what constitutes the nuisance.
- (d) A statement of acts necessary to abate the nuisance.
- (e) A statement that if the nuisance is not abated as directed and no request for hearing is made within the prescribed time, the Parish will abate such nuisance and assess the cost thereof against such person.

Section 14-006.00 Service of Notice

The notice to abate a nuisance shall be served as any other legal process may be served pursuant to law.

Section 14-007.00 Abatement By Parish

Upon the failure of the person upon whom notice to abate a nuisance is served pursuant to the provisions of this Article to abate the same, the enforcement officer or other duly designated officer of the Parish shall proceed to abate such nuisance and shall prepare a statement of costs incurred in the abatement thereof.

Section 14-008.00 Costs Of Parish Declared Lien

Any and all costs incurred by the Parish in the abatement of a nuisance under the provisions of this Article shall constitute a lien against the property upon which such nuisance existed, which lien shall be filed, proven and collected as provided for by law. Such lien shall be notice to all persons from the time of its recording, and shall bear interest at the legal rate thereafter until satisfied.

Section 14-009.00 Penalties

Any person who shall violate any of the provisions of this chapter; or who shall violate or fail to comply with any order made hereunder, within the time fixed therein, shall severally for each and every violation and noncompliance, respectively, be guilty of a misdemeanor punishable by a fine of not less than ONE HUNDRED (\$100.00) DOLLARS nor more than FIVE HUNDRED (\$500.00) DOLLARS, or by imprisonment for not less than thirty (30) days nor more than ninety (90) days, or both such fines and imprisonment. Unless specifically provided otherwise, each day that any violation of this chapter shall continue shall constitute a separate offense. The imposition of a penalty for any violation shall not excuse the violation nor shall the violation be permitted to continue. All such persons shall be required to correct or remedy such violations or defects within a reasonable time, and when not otherwise specified, the application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

Section 14-010.00 Unhealthful Materials, Weeds, Grass, Debris

(a) It shall be unlawful for the owner of any lot, place or area within all subdivisions, within one hundred feet (100') of all homes, business places or establishments and within one hundred feet (100') of the exterior right of way limits of all State Highways and Parish roads or streets in the Parish of St. Tammany, or the agent of such owner, to permit on such lot, place or area, or upon any sidewalk abutting same, any weeds, grass, or deleterious, unhealthful growths over fifteen inches (15") in height, trash, debris, refuse, discarded or noxious matter, that may be growing, lying or located thereon.

(b) That the St. Tammany Parish Government, or its duly authorized representative, is hereby authorized and empowered to notify, in writing, the owner of any lot, place of area within the Parish of St. Tammany, or the agent of such owner, to cut, destroy and/or remove any such weeds, grass or deleterious, unhealthful growths over fifteen inches (15") in height, trash, debris, refuse, discarded or noxious matter, found growing, lying or located on such owner's property, or upon the sidewalk abutting same; provided that such written notice shall be by Certified Mail, addressed to said owner or agent of said owner, at his last known address.

(c) That upon failure, neglect or refusal of any such owner, or agent of such owner to cut, destroy and/or remove such weeds, grass, or deleterious, unhealthful growths over fifteen inches (15") in height, trash, debris, refuse, discarded or noxious matter, growing, lying or located upon such owner's property, or upon the sidewalk abutting same, within ten (10) days after receipt of the written notice provided for in the preceding section, or within ten (10) days after the date of such notice, in the event the same is returned to the St. Tammany Parish Government by the U.S. Post Office because of its inability to make delivery thereof, provided the same was properly addressed to the last known address of such owner, or agent, the St. Tammany Parish Government, or its duly authorized representative, is hereby authorized and empowered to order by Parish personnel or by contract to pay for the cutting, destroying and/or removal of such weeds, grass, or deleterious, unhealthful growths over fifteen inches (15") in height, trash, debris, refuse, discarded or noxious matter.

(d) That, whenever the St. Tammany Parish Government, or its duly authorized representative, has paid for the cutting, destroying and/or removing of such weeds, grass, or deleterious, unhealthful growths over fifteen inches (15") in height, trash, debris, refuse, discarded or noxious matter, as set forth in the preceding section, the actual cost thereof, plus accrued interest at the rate of eight percent (8%) per annum from the date of the completion of said work, shall be charged to the owner of such property on the next regular tax bill forwarded to such owner by the Sheriff and Ex-Officio Tax Collector for the Parish of St. Tammany, if not paid by such owner prior thereto, which said charge shall be due and payable by said owner at the time of payment of such tax bill.

(e) That if the full amount due the Parish of St. Tammany is not paid by such owner within ten (10) days after the cutting, destroying and/or removal of such weeds, grass, or deleterious, unhealthful growths over fifteen inches (15") in height, trash, debris, refuse, discarded or noxious matter, as set forth in the two preceding sections; then, and in that case, the St. Tammany Parish Government, or its authorized representative, shall cause to be recorded in the Mortgage Office of the Parish of St. Tammany, a sworn statement showing the cost and expense incurred for the work and the date, place or property on which said 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 of court, if any, for collection, until final payment has been made; said costs and expenses shall be collected in the manner fixed by law for the collection of taxes, and, further, shall be subject to a delinquent penalty of ten percent (10%) in the event same is not paid in full on or before the date the tax bill upon which said charge appears becomes delinquent, sworn statements recorded in accordance with the provisions hereof shall be prima facie evidence that all legal formalities have been complied with and that the work has been properly and satisfactorily done, and shall be full notice to every person concerned that the amount of that statement, plus interest, constitutes a charge against the property designated or described in the statement and that the same is due and collectible as provided by law.

(f) In addition to the above remedies, violations of the provisions of this ordinance, or failure to comply with any of its requirements, shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction therefore be fined not less than FIFTY DOLLARS (\$50.00) per day, and in addition, shall pay all cost and expenses involved in the case; however, the maximum aggregated fines are not to exceed FIVE HUNDRED DOLLARS (\$500.00). Each day such violation continues shall be considered as a separate offense all in accordance with Section 1-008.00 of the Parish Code of Ordinances.

(g) The Director of Permits and Inspections, the Director of Planning and all persons appointed as acting inspectors of the Parish of St. Tammany are empowered to serve a citation upon persons charged with violations of any provision contained in this section or to post a notice of violation at the place of violation.

(h) As used in this section, the term "citation" shall mean a written or printed notice served upon the person charged with a violation. Such citation shall include, but may not be limited to, the following information:

- 1) The name of the person creating the violation or the owner or person in charge of the premises at which the violation occurs,
- 2) The date and place of violation,
- 3) A short description of the violation followed by the number and section of the ordinance or Code article provision violated,
- 4) The date and place at which the person shall appear and a notice that if the person does not respond to the citation a warrant shall be issued for such person's arrest.
- 5) A notice that the person charged may be represented by counsel, that he may plead guilty or not guilty, and that he has a right to a court hearing.

Section 14-011.00 Prohibited Tree Cuttings And Associated Debris

It shall be unlawful for any individual, tree trimming company, public utility company or other company, and its employees, engaged in tree trimming operations to leave or permit to remain on any public or private drainageways, drainage servitudes, ditches or natural or man-made canals any tree cuttings and other associated debris. Except as otherwise provided herein, individuals, tree trimming companies and public utility or other companies shall be responsible to contemporaneously remove all such tree cuttings and other associated debris resulting from tree trimming operations.

(a) Emergencies: During times of emergencies, because of damage occasioned by such events as hurricanes, tornadoes, force majeure or other catastrophic events, when such tree trimming operations are necessary to restore such things as power, or other public utility services, tree cuttings and other associated debris shall be permitted to remain for a reasonable time under the circumstances. Clean-up of trees and limbs that are broken and blown over by forces such as wind and rain or structural failure shall not be the responsibility of said utility companies or their tree contractors. The responsibility for clean-up of trees and debris due to wind or rain or structural failure shall belong to each respective individual property owner. However, under no circumstances shall post storm tree trimming activities result in debris being placed in and left to remain in any drainage way, drainage servitude, ditch or natural or man-made canal.

(b) Contemporaneous removal: Except in cases of emergencies, which shall not include pre-storm activities, all tree cuttings and other associated debris shall be removed from the location where the activity is being conducted contemporaneously with the tree trimming activity of that particular day and no tree cuttings and associated debris shall be permitted to remain at the site.

(c) Notice: Whenever the public nuisance set forth in this Section exists within the parish, in violation of Section 14-002.00 of this Chapter, the enforcing agency shall order the company creating the nuisance to immediately remove all cuttings and other associated debris from the site. Such order shall:

- (1) Be in writing;
- (2) Specify the public nuisance and its location;
- (3) Specify the corrective measures required and the enforcement measures that may be taken;
- (4) Provide for compliance within ten (10) days from the service thereof; and
- (5) Provide for an opportunity for a pre-enforcement hearing and extension of time by written request received by the enforcing agency within ten (10) days.
- (6) The order or notice shall be served upon a domestic or foreign corporation by personal service upon the designated agent or by sending the notice by certified mail, return receipt requested, to the address of the designated agent as shown on the records of the secretary of state. If the corporation has failed to designate an agent, if there is no registered agent by reason of death, resignation or removal, or if the person attempting to make service certifies that he is unable, after due diligence, to serve the designated agent, service may be made by (i) service on any officer, or director, or any person named as such in the last report filed with the secretary of state, (ii) by personal service on any employee of suitable age and discretion at any place where the business of the corporation is regularly conducted, (iii) or by any other method of service authorized by law for service of lawsuits in civil cases.

(d) Within the ten-day period following service of notice, the company shall either remove all tree cuttings and associated debris or apply to the enforcing agency for a pre-enforcement hearing and request for extension of time, which shall set forth the reasons why such an extension should be granted. If the company fails to remove the cuttings and associated debris, within the ten-day period of notification, and fails to timely request a hearing and extension of time, the parish may have the cuttings and associated debris removed, at the expense of the company.

(e) Notice presumed from refused certified mail: For purposes of this Section, when service of notice by certified mail has been refused, the company is deemed to have received notice in accordance with the provisions of this section, and the ten-day period commences to run on the date of refusal.

(f) When immediate action is required: Nothing herein shall be construed to prevent the parish, without notice and opportunity for pre-enforcement hearing, from removing, or having removed, at the expense of the responsible company, any cuttings or associated debris that is actually blocking drainage or ingress and egress, or which otherwise presents an imminent threat to public safety.

(g) Requirement of bond: Any company that has been determined to have violated the provisions of this Section, on at least two occasions, may be required to post bond, in the amount of FIVE THOUSAND (\$5,000.00) DOLLARS, which may be applied to satisfy the costs of any future violations of this Section.

BE IT FURTHER ORDAINED that the St. Tammany Code of Ordinances, Chapter 14, Nuisances, Article IV, Noise and Hours of Operation, is also amended as follows, to wit:

Article IV - Noise And Sound ~~Noise, Hours Of Operation~~

Section 14-035.00 Investigating And Enforcing Noise Violations

It is hereby declared that at certain levels, sounds may be detrimental to the health, safety and well-being of the citizenry. Therefore, St. Tammany Parish prohibits sounds that constitute a nuisance, as defined in Section 14-001.00(d) and (e), and illustrated in Section 14-002.00(e) and (f). In the investigation and enforcement of the provisions relating to sound, consideration shall be given to the time, place and manner or nature of the sound complained of (i.e. - emergency work, impulsive sound or amplification). Additionally, to aid the enforcing agency in determining if the particular sound constitutes a nuisance as defined in Section 14-001.00(d) and (e), and illustrated in Section 14-002.00(e) and (f), the following definitions and decibel levels are established.

~~Section 14-035.00 Policy Statement On Noise~~

~~(A) Declaration of Policy: It is hereby declared to be the policy of the Parish to prohibit unnecessary, excessive, and annoying sounds from all sources subject to its police power. At certain levels, sounds are detrimental to the health and welfare of the citizenry and in the public interests shall be systematically proscribed according to St. Tammany Parish's zoning map and classifications and the specific hours as set forth in this ordinance.~~

Section 14-136.00 Definitions

- (A) Decibels: Decibel shall mean a unit of level when the base of the logarithm is the tenth root of ten and the quantities concerned are proportional to power.
- (B) Emergency Work: Emergency work shall mean work made necessary to restore property to a safe condition following a public calamity or work required to protect persons or property from an imminent exposure to danger or work by private or public utilities when restoring utility service.
- (C) Impulsive Sound: Impulsive sound shall mean a sound of short duration. Usually less than one second, with an abrupt onset and rapid decay. Examples of sources of impulsive sound include but not limited to explosions, drop forge impacts, and the discharge of firearms.

- (D) Sound: Sound shall mean an oscillation in pressure, particle displacement, particle velocity or other physical parameter, in a medium with internal forces that causes compression and rarefaction of that medium. The description of sound may include any characteristic of such sound, including duration, intensity and frequency.
- (E) Sound Level: Sound level, in decibels (dB), is the sound measured with the (A) weighting and slow response by a sound level meter.
- (F) Weekend: Weekend shall mean Friday, Saturday and Sunday, and include holidays as established by the Parish.
- (G) Weekday: Weekday shall mean any day Monday through Thursday.

Section 14-137.00 Readings Of dB(A) by Zoning District

An increase of 10 dB(a) is allowed for impulsive sounds.

To determine the sound level, three readings will be taken at the complainant's dwelling or structure and the mean of these readings will determine the actual decibel count.

		Maximum dB(A)	
(A)	A1, A-2, A-3, A-4, A-5, A-6, PUD, RC, and MH		
	Daytime - 7 a.m. to 9 p.m. weekdays.	60	<u>65</u>
	8 a.m. to 10 p.m. weekends.		
	Nighttime - 9 p.m. to 7 a.m. weekdays.	50	<u>60</u>
	10 p.m. to 8 a.m. weekends.		
(B)	C-2, C-3, and ID		
	Daytime - 7 a.m. to 11 p.m. entire week.		70
	Nighttime - 11 p.m. to 7 a.m. entire week.		60
(C)	M-1, M-2, and M-3		
	Daytime - 7 a.m. to 11 p.m. entire week.		75
	Nighttime - 11 p.m. to 7 a.m. entire week.		65
(D)	LC, C-1, R, and SA		
	Daytime - 7 a.m. to 11 p.m. entire week.		70
	Nighttime - 11 p.m. to 7 a.m. entire week.	50	<u>60</u>

Section 14-138.00 Special Notes And General Statements

- (a) Special events permitted by the Parish shall be exempt from the Sound Control Ordinance.
- (b) Emergency Work or sounds from and emergency vehicle shall be exempt from this Sound Control Ordinance.
- ~~(c) Sound on all public Right-of-ways (streets, highways, etc.) shall comply with the levels of the Zoning District in which they are situated.~~
- (c) Construction activity and general maintenance shall be exempt from daytime decibel restrictions but the maximum nighttime sound levels shall apply in all instances.

REPEAL: All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

SEVERABILITY: If any provision of this Ordinance shall be held to be invalid, such invalidity shall not affect other provisions herein which can be given effect without the invalid provision and to this end the provisions of this Ordinances are hereby declared to be severable.

DATE OF ENACTMENT: This Ordinance shall become effective fifteen (15) days after adoption.

MOVED FOR ADOPTION BY _____, SECONDED BY _____

WHEREUPON THIS ORDINANCE WAS SUBMITTED TO A VOTE AND RESULTED IN THE FOLLOWING:

YEAS:

NAYS:

ABSTAIN:

ABSENT:

THIS ORDINANCE WAS DECLARED DULY ADOPTED AT A REGULAR MEETING OF THE PARISH COUNCIL ON THE _____ DAY OF _____ 2004 AND BECOMES ORDINANCE COUNCIL SERIES NO. _____.

PATRICIA BRISTER, COUNCIL CHAIRMAN

ATTEST:

DIANE HUESCHEN, COUNCIL CLERK

KEVIN DAVIS, PARISH PRESIDENT

Published introduction: _____, 2004
Published adoption: _____, 2004

Delivered to Parish President : _____, 2004 at _____
Returned to Council Clerk: _____, 2004 at _____

ST. TAMMANY PARISH CODE OF ORDINANCES

- CHAPTER 14
 - NUISANCES

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 - IN GENERAL

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ARTICLE I

IN GENERAL

SEC.

14-001.00 Definition

For the purposes of this Article, the word "nuisance" is hereby defined as any person doing an unlawful act, or omitting to perform a duty, or suffering or permitting any condition or thing to be or exist, which act, omission, condition or thing either:

- (a) Injures or endangers the comfort, repose, health or safety of others; or
- (b) Offends decency; or
- (c) Is offensive to the senses; or
- (d) Unlawfully interferes with, obstructs or tends to obstruct or renders dangerous for passage any public or private street, highway, sidewalk, stream, ditch or drainage; or
- (e) In any way renders other persons insecure in life or the use of property; or
- (f) Essentially interferes with the comfortable enjoyment of life and property, or tends to depreciate the value of the property of others.

STATE REFERENCE: LSA R.S. 33:1236(49)

SEC.

14-002.00 Illustrative Enumeration

The maintaining, using, placing, depositing, leaving or permitting to be or remain on any public or private property of any of the following items, conditions or actions are hereby declared to be and constitute a nuisance; provided, however, this enumeration shall not be deemed or construed to be conclusive, limiting or restrictive:

- (a) Noxious weeds and other rank vegetation.
- (b) Accumulation of rubbish, trash, refuse, junk and other abandoned materials, metals, lumber or other things.
- (c) Any condition which provides harborage for rats, mice, snakes and other vermin.
- (d) Any building or other structure which is in such a dilapidated condition that it is unfit for human

habitation, or kept in such an unsanitary condition that it is a menace to the health of people residing in the vicinity thereof, or presents a more than ordinarily dangerous fire hazard in the vicinity where it is located.

- (e) All unnecessary or unauthorized noises and annoying vibrations, including animal noises.
 - (f) All disagreeable or obnoxious odors and stenches, as well as the conditions, substances or other causes which give rise to the emission or generation of such odors and stenches.
 - (g) The carcasses of animals or fowl not disposed of within a reasonable time after death.
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- (h) The pollution of any public well or cistern, steam, lake, canal or body of water by sewage, dead animals, creamery, industrial wastes or other substances.
 - (i) Any building, structure or other place or location where any activity which is in violation of local, state or federal law is conducted, performed or maintained.
 - (j) Any accumulation of stagnant water permitted or maintained on any lot or piece of ground.
 - (k) Dense smoke, noxious fumes, gas, soot or cinders, in unreasonable quantities.
 - (l) Contractor's rubble, defined for the purposes hereof as the residue from construction, building demolition or razing of parts or the whole of structures and the residue of "do it yourself" repairs or other like operations including excavation.
 - (m) Building debris which is defined for the purposes hereof as plaster, roofing, concrete, brickbats, sand, discarded electrical wiring, lumber, pipes and fixtures resulting from construction repair, renovation or remodeling of any building, structure or appurtenance thereto.
 - (n) Camps, buildings and structures determined to be unsafe or dangerous by the St. Tammany Parish Chief Building Official. (added by amendment Ord. No. 88-969, adopted 07/21/88)
 - (o) The placing of fill material comprised in whole or in part of asphaltic and/or asbestos roofing shingles on any lot, place or area situated on Lake Pontchartrain or any waterway which has a current flow and is designated as a river or bayou on any official map of the State of Louisiana or any other body of water, depression or bed, whether or not there is a current flow present or water present within its bank, when such stream is identifiable on any official map of the State of Louisiana and the directional course of said stream indicates a discharge of water into Lake Pontchartrain, to deposit or place, or to permit the deposition or placement on such lot, place or area, or upon any river bank or seashore said lot, place or area any fill material comprised, either entirely or partly, of asphaltic and/or asbestos roofing shingles. (added by amendment Ord. No. 90-1290, adopted 06/21/90)
(Ord. No. 80-22, adopted 08/21/80; amended by addition of subsection (n) Ord. No. 88-969, adopted 07/21/88; amended by addition of subsection (o) Ord. No. 90-1290, adopted 06/21/90)

SEC.

14-002.01 Fires For Yard Debris

EDITORIAL NOTE: New Section 14-002.01 added under the authority of Ordinance No. 91-1412, adopted 03/21/91 .

(A) The burning of leaves and yard debris, such as pine needles, pine cones, shrubs, brush and cut timber, in St. Tammany Parish shall not be a violation of this Chapter; except that such activity within the boundaries of St. Tammany Fire Protection District No. 1 shall be governed by Section 14.002.02 hereof. (Ord. No. 91-1412, adopted 03/21/91)

EDITORIAL NOTE: See Section 8-014.00, 8-036.00 of the St. Tammany Parish Code of Ordinances for Fire Protection District No. 1.

SEC.

14-002.02 Yard Fires Located In St. Tammany Fire Protection District No. 1

EDITORIAL NOTE: New Section 14-002.02 added under the authority of Ordinance No. 91-1412, adopted 03/21/91.

(A) The burning of leaves and other yard debris, such as pine needles, pine cones, shrubs, brush and cut timber, within the geographical boundaries of St. Tammany Fire Protection District No. 1 shall not be a violation of this Chapter, provided that:

- (1) The fire area shall not be greater than 8 feet in diameter;
- (2) The height of burning materials shall not be greater than four (4) feet;
- (3) Burning shall only occur between sunrise and one hour before sunset;
- (4) The fire site shall not be unattended;
- (5) A functional water hose shall be located next to the fire site; and
- (6) The fire site shall be located at least 10 feet from the nearest property line.
- (7) There shall be no more than one (1) fire site per homesite or parcel of land.
- (8) The fire site shall be located at least fifty (50) feet from any structure, if nearer than fifty (50) feet from a structure a container must be used.

(B) Notwithstanding Section 14-002.01 herein, a violation of any of the above restrictions may result in [the] fire site being considered a Nuisance under this chapter. (Ord. No. 91-1412, adopted 03/21/91)

EDITORIAL NOTE: See also Sections 8-014.00, 8-018.01 - 8-018.02 of the St. Tammany Parish Code of Ordinances.

SEC.

14-002.03 Notice To Abate

EDITORIAL NOTE: New Section 14-002.03 added under the authority of Ordinance No. 91-1412, adopted 03/21/91.

The health officer, sheriff, enforcement officers of the Parish Department of Permits and Inspections, the Chief of the applicable Fire Protection District, or their duly designated representatives, shall have the authority to summarily abate any nuisance which, by its nature, creates an immediate hazard to life and/or property. (Ord. No. 91-1412, adopted 03/21/91)

SEC.

14-002.04 Penalties

EDITORIAL NOTE: New Section 14-002.04 added under the authority of Ordinance No. 91-1412, adopted 03/21/91.

(A) Any person who shall violate any of the provisions of this ordinance hereby adopted; or who shall violate or fail to comply with any order made hereunder, within the time fixed therein shall severally for each and every violation and noncompliance, respectively, be guilty of a misdemeanor punishable by a fine of not less than ONE HUNDRED (\$100.00) DOLLARS nor more than FIVE HUNDRED (\$500.00) DOLLARS, or by imprisonment for not less than thirty (30) days nor more than ninety (90) days, or both such fines and imprisonment. Unless specifically provided otherwise, each day that any violation of this ordinance shall continue shall constitute a separate offense. The imposition of a penalty for any violation shall not excuse the violation nor shall the violation be permitted to continue. All such persons shall be required to correct or remedy such violations or defects within a reasonable time, and when not otherwise specified, the application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions. (Ord. No. 91-1412, adopted 03/21/91)

(B) The above restrictions shall not apply in the event that the controlled fire or open burning of leaves, trash and yard debris, as stated herein, is located a distance of one thousand (1000') feet or more from the nearest dwelling. (Ord. No. 91-1412, adopted 03/21/91)

(C) The provisions of this ordinance are not intended nor shall they lessen the responsibility of all persons to abide by other ordinances of this Parish, and laws of this State governing the matters

herein addressed. (Ord. No. 91-1412, adopted 03/21/91)

SEC.

14-003.00 Prohibited

It shall be unlawful for any person to cause, permit, maintain or allow the creation or maintenance of a nuisance.

It shall be unlawful for any person to store or keep on any lot or tract of ground used for residential or commercial purpose, junk lumber or other junk and other unused building debris or contractor's rubble for a period of more than ninety (90) days except when it is contained in a completely enclosed area and is not visible from a public street, adjacent lot or tract of land and except when it has met the requirements of the Parish and State relative to health, fire and safety. (Ord. No. 80-22, adopted 08/21/80)

SEC.

14-004.00 Notice To Abate

Whenever a nuisance is found to exist within the Parish the Health Officer or his duly designated agent, shall give written notice to the owner or occupant of the property upon which such nuisance exists or upon the person causing or maintaining the nuisance.

SEC.

14-005.00 Contents Of Notice

The notice to abate a nuisance issued under the provisions of this Article shall contain:

(a) An order to abate the nuisance or to request a hearing within a stated time, which shall be reasonable under the circumstances.

(b) The location of the nuisance, if the same is stationary.

(c) A description of what constitutes the nuisance.

(d) A statement of acts necessary to abate the nuisance.

(e) A statement that if the nuisance is not abated as directed and no request for hearing is made within the prescribed time, the Police Jury will abate such nuisance and assess the cost thereof against such person.

SEC.

14-006.00 Service Of Notice

The notice to abate a nuisance shall be served as any other legal process may be served pursuant to law.

SEC.

14-007.00 Abatement By Parish

Upon the failure of the person upon whom notice to abate a nuisance was served pursuant to the provisions of this Article to abate the same, the health officer or other duly designated officer of the Parish shall proceed to abate such nuisance and shall prepare a statement of costs incurred in the abatement thereof.

SEC.

14-008.00 Costs Of Parish Declared Lien

Any and all costs incurred by the Parish in the abatement of a nuisance under the provisions of this Article shall constitute a lien against the property upon which such nuisance existed, which lien shall be filed, proven and collected as provided for by law. Such lien shall be notice to all persons from the time of its recording, and shall bear interest at the legal rate thereafter until satisfied.

SEC.

14-009.00 Unhealthful Materials, Weeds, Grass, Debris

(a) It shall be unlawful for the owner of any lot, place or area within all subdivisions, within one hundred feet (100') of all homes, business places or establishments and within one hundred feet (100') of the exterior right of way limits of all State Highways and Parish roads or streets in the Parish of St. Tammany, or the agent of such owner, to permit on such lot, place or area, or upon any sidewalk abutting same, any weeds, grass, or deleterious, unhealthful growths over fifteen inches (15") in height, trash, debris, refuse, discarded or noxious matter, that may be growing, lying or located thereon.

(b) That the St. Tammany Parish Council, or its duly authorized representative, is hereby authorized and empowered to notify, in writing, the owner of any lot, place of area within the Parish of St. Tammany, or the agent of such owner, to cut, destroy and/or remove any such weeds, grass or deleterious, unhealthful growths over fifteen inches (15") in height, trash, debris, refuse, discarded or noxious matter, found growing, lying or located on such owner's property, or upon the sidewalk abutting same; provided that such written notice shall be by Certified Mail, addressed to said owner or agent of said owner, at his last known address.

(c) That upon failure, neglect or refusal of any such owner, or agent of such owner to cut, destroy and/or remove such weeds, grass, or deleterious, unhealthful growths over fifteen inches (15") in height, trash, debris, refuse, discarded or noxious matter, growing, lying or located upon such owner's property, or upon the sidewalk abutting same, within ten (10) days after receipt of the written notice provided for in the preceding section, or within ten (10) days after the date of such notice, in the event the same is returned to the St. Tammany Parish Council by the Post Office Department because of its inability to make delivery thereof, provided the same was properly addressed to the last known address of such owner, or agent, the St. Tammany Parish Council, or its duly authorized representative, is hereby authorized and empowered to order by Parish forces or by contract to pay for the cutting, destroying and/or removal of such weeds, grass, or deleterious, unhealthful growths over fifteen inches (15") in height, trash, debris, refuse, discarded or noxious matter.

(d) That, whenever the St. Tammany Parish Council, or its duly authorized representative, has paid for the cutting, destroying and/or removing of such weeds, grass, or deleterious, unhealthful growths over fifteen inches (15") in height, trash, debris, refuse, discarded or noxious matter, as set forth in the preceding section, the actual cost thereof, plus accrued interest at the rate of eight percent (8%) per annum from the date of the completion of said work, shall be charged to the owner of such property on the next regular tax bill forwarded to such owner by the Sheriff and Ex-Officio Tax Collector for the Parish of St. Tammany, if not paid by such owner prior thereto, which said charge shall be due and payable by said owner at the time of payment of such tax bill.

(e) That if the full amount due the Parish of St. Tammany is not paid by such owner within ten (10) days after the cutting, destroying and/or removal of such weeds, grass, or deleterious, unhealthful growths over fifteen inches (15") in height, trash, debris, refuse, discarded or noxious matter, as set forth in the two preceding sections; then, and in that case, the St. Tammany Parish Council, or its authorized representative, shall cause to be recorded in the Mortgage Office of the Parish of St. Tammany, a sworn statement showing the cost and expense incurred for the work and the date, place or property on which said 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 of court, if any, for collection, until final payment has been made; said costs and expenses shall be collected in the manner fixed by law for the collection of taxes, and, further, shall be subject to a delinquent penalty of ten percent (10%) in the event same is not paid in full on or before the date the tax bill upon which said charge appears becomes delinquent, sworn statements recorded in accordance with the provisions hereof shall be prima facie evidence that all legal formalities have been complied with and that the work has been properly and satisfactorily done, and shall be full notice to every person concerned that the amount of that statement, plus interest, constitutes a charge against the property designated or described in the

statement and that the same is due and collectible as provided by law.

1) In addition to the above remedies, violations of the provisions of this ordinance, or failure to comply with any of its requirements, shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction therefore be fined not less than FIFTY DOLLARS (\$50.00) per day, and in addition, shall pay all cost and expenses involved in the case; however, the maximum aggregated fines are not to exceed FIVE HUNDRED DOLLARS (\$500.00). Each day such violation continues shall be considered as a separate offense all in accordance with Section 1-11 of the Parish Code of Ordinances.

2) The Director of Permits and Inspections, the Director of Planning and all persons appointed as acting inspectors of the Parish of St. Tammany are empowered to serve a citation upon persons charged with violations of any provision contained in this article or to post a notice of violation at the place of violation.

3) As used in this article, the term "citation" shall mean a written or printed notice served upon the person charged with a violation.

Such citation shall include, but may not be limited to, the following information:

1) The name of the person creating the violation or the owner or person in charge of the premises at which the violation occurs.

2) The date and place of violation,

3) A short description of the violation followed by the number and section of the ordinance or Code article provision violated,

4) The date and place at which the person shall appear and a notice that if the person does not respond to the citation a warrant shall be issued for such person's arrest.

5) A notice that the person charged may be represented by counsel, that he may plead guilty or not guilty, and that he has a right to a court hearing.

(Ord. 88-992, adopted 10/20/88)

Cross Reference: Chapter 11, Sec. 11-003.00

SECS. 14-010.00 - 14-020.99. Reserved.