

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~~ the charges with the recorder
18 of 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~~ the matter was cut
20 or removed. In the ~~parish~~ parishes of Jefferson and ~~in any parish with a population~~
21 ~~of not less than thirty-five thousand eight hundred persons and not more than thirty-~~
22 ~~nine thousand persons according to the latest federal decennial census~~ St. Bernard,
23 the 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)~~; R.S.
26 9:4821(A)(1).

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

1 items are being stored or kept in violation of any zoning or other regulatory
2 ordinance.

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

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

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

1 attendant thereto shall coexist with those granted under Item (iii) of this
2 Subparagraph.

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

15 * * *

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 147 Reengrossed 2017 Regular Session Garofalo

Abstract: Authorizes the governing authority of St. Bernard Parish to enact ordinances requiring property owners to remove deleterious growths, trash, debris, and other noxious matter.

Present law authorizes the governing authority of a parish with a population of not less than 35,800 persons and not more than 39,000 persons to enact ordinances to require a property owner to cut or remove deleterious or unhealthful growths, trash, wrecked or used automobiles, and other discarded or noxious matter from his property. Authorizes the parish governing authority, if the owner fails to take the required action within 15 days of notice, to have the matter cut or removed and to charge the property owner. Authorizes the parish governing authority to place a lien against a property if the owner does not pay, such lien having the same ranking as an ad valorem tax lien. Additionally authorizes the parish governing authority to add the removal charges to the annual ad valorem tax bill.

Proposed law makes present law applicable to St. Bernard Parish rather than to parishes with a population in the specified range.

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

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.