

2016 Regular Session

HOUSE BILL NO. 1080

BY REPRESENTATIVE GAROFALO

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22

AN ACT

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

Be it enacted by the Legislature of Louisiana:

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

§1236. Powers of parish governing authorities

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

* * *

(21)

* * *

(b)(i) The governing authority of the parish of Jefferson and of 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 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.

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

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

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

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

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

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

12 * * *

13 (30)

14 * * *

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

24 (ii) If the owner of any such lot located within recognized subdivisions
 25 outside municipalities in the parish fails to remove any such item or items when
 26 requested to do so by the governing authority, within fifteen days after receipt of
 27 such request or notice by a registered or certified letter or other adequate notice, the
 28 governing authority may have such trash, debris, junk, or wrecked or used
 29 automobiles, motor vehicles, or any part or parts thereof, or any other junk, discarded

1 or abandoned machinery, or other metal, tin, or other discarded items removed and
2 may charge the property owner therefor in accordance with regulations adopted by
3 the governing authority.

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

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

22 (v) In the event that such ordinances are enacted, the sheriff effecting
23 collection shall be reimbursed by the governing authority for an amount equal to
24 fifteen percent of the amount of such charges actually collected from the property
25 owner. This collection charge shall be in addition to such charges and shall also be
26 added to the ad valorem tax bill of the property involved.

27 (vi) In the exercise of the authority herein granted to the parishes of
28 Jefferson, Ascension, and St. Tammany and to any parish with a population of not

1 less than thirty-five thousand eight hundred persons and not more than thirty-nine
 2 thousand persons according to the latest federal decennial census, the respective
 3 parish shall be the sole and proper defendant in any action, authorized by law, to
 4 contest the addition of such charges to the ad valorem tax bill of the property
 5 involved.

6 * * *

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____