

2017 Regular Session

HOUSE BILL NO. 147

BY REPRESENTATIVE GAROFALO

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~~  
21 ~~and not more than thirty-nine thousand persons according to the latest federal~~  
22 ~~decennial census~~ St. Bernard may enact ordinances regulating or prohibiting the

1 growth or accumulation of grass, obnoxious weeds, or other deleterious or  
 2 unhealthful growths, trash, debris, refuse, or discarded or noxious matter.

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

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

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

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

1 shall coexist with those granted under ~~Paragraph (21)(b)(iv) of this Section~~ Item (iv)  
2 of this Subparagraph.

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

15 \* \* \*

16 (30)

17 \* \* \*

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

28 (ii) If the owner of any such lot located within recognized subdivisions  
29 outside municipalities in the parish fails to remove any such item or items when  
30 requested to do so by the governing authority, within fifteen days after receipt of

1 such request or notice by a registered or certified letter or other adequate notice, the  
2 governing authority may have such trash, debris, junk, or wrecked or used  
3 automobiles, motor vehicles, or any part or parts thereof, or any other junk, discarded  
4 or abandoned machinery, or other metal, tin, or other discarded items removed and  
5 may charge the property owner therefor in accordance with regulations adopted by  
6 the governing authority.

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

18 (iv) The parish may, at its option, enact ordinances to add the removal  
19 charges to the annual ad valorem tax bill of the property involved. In the parishes  
20 of Jefferson, Ascension, ~~and St. Tammany,~~ and ~~in any parish with a population of not~~  
21 ~~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, if such  
23 charges are unpaid, the ad valorem tax lien imposed thereby and such rights  
24 attendant thereto shall coexist with those granted under Item (iii) of this  
25 Subparagraph.

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

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

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_