

2018 Regular Session

HOUSE BILL NO. 536

BY REPRESENTATIVE JIMMY HARRIS

MUNICIPALITIES: Provides relative to nuisances in certain municipalities

1 AN ACT

2 To enact Subpart D-2 of Part I of Chapter 14 of Title 33 of the Louisiana Revised Statutes,
3 to be comprised of R.S. 33:4770.21, relative to nuisances in certain municipalities;
4 to prohibit any person or proprietary party from maintaining or permitting
5 deleterious growths or noxious matter on properties located within any such
6 municipality; to provide penalties for violations; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. Subpart D-2 of Part I of Chapter 14 of Title 33 of the Louisiana Revised
9 Statutes, comprised of R.S. 33:4770.21, is hereby enacted to read as follows:

10 SUBPART D-2. NUISANCES; CERTAIN MUNICIPALITIES

11 §4770.21. Nuisances; certain municipalities; injunctive relief

12 A.(1) Notwithstanding any other provision of law to the contrary, in any
13 municipality with a population of not less than three hundred thousand persons
14 according to the latest federal decennial census, it shall be unlawful for any person
15 or proprietary party to maintain, permit, or allow on any premises, within one
16 hundred fifty feet of an existing building, the growth of grass or weeds, other than
17 trees, shrubs, cultivated flowers, gardens, and any vegetation that is part of an
18 approved stormwater management plan, to exceed a height of eight inches or to
19 permit or allow on the premises the growth of any other deleterious or unhealthy
20 vegetation.

1 (2) It shall also be unlawful for any person or proprietary party to maintain,
2 permit, or allow the storing or abandoning of trash, debris, junk, wrecked or used
3 automobiles or motor vehicles, or any part or parts thereof, or any other junk,
4 discarded or abandoned machinery or other metal, tin, or other discarded items, on
5 any vacant lot, or any portion of any occupied lot, neutral ground, or sidewalk within
6 any such municipality.

7 B.(1) Any person or proprietary party violating any provision of this Subpart
8 may be punished by a fine not exceeding five hundred dollars per violation or
9 imprisonment for a term not exceeding six months, or by both such fine and
10 imprisonment, within the discretion of the trier of fact.

11 (2) In addition to the penalties provided in Paragraph (1) of this Subsection,
12 any person or proprietary party who maintains or permits a prohibited activity or
13 condition may be enjoined as provided in this Paragraph.

14 (a) The issuance of an injunction may be petitioned for by the following:

15 (i) The municipality or any proper officer thereof or his duly authorized
16 representative.

17 (ii) Any adjacent or neighboring property owner who is especially damaged
18 by such violation.

19 (iii) Any ten residents of the election precinct wherein the violation exists.

20 (b) Application for injunctive relief shall be by petition to a court of
21 competent jurisdiction.

22 (c) A violation of the provisions of an injunction issued pursuant to this
23 Subpart shall constitute a contempt of court. A person or proprietary party found
24 guilty of such contempt shall be punished by a fine of not less than one hundred
25 dollars nor more than five hundred dollars or by imprisonment for a period of not
26 less than twenty-four hours nor more than thirty days or both fine and imprisonment.
27 On conviction for a second or subsequent contempt the offender shall be punished
28 by both fine and imprisonment without benefit of probation or suspension of
29 sentence.

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 536 Original

2018 Regular Session

Jimmy Harris

Abstract: Prohibits persons and proprietary parties in certain municipalities from maintaining or permitting deleterious growths and noxious matters on properties located within the municipalities.

Proposed law provides that it shall be unlawful for any person or proprietary party in any municipality with a population of not less than 300,000 persons to maintain, permit, or allow on any premises, within 150 feet of an existing building, the growth of grass or weeds or other deleterious growths to exceed a height of eight inches. Proposed law additionally provides that it is unlawful for any person or proprietary party to maintain, permit, or allow the storing or abandoning of trash, debris, junk, wrecked, or used automobiles or other discarded items, on any vacant lot or any portion of any occupied lot, neutral ground, or sidewalk, within the municipalities.

Proposed law provides that persons or proprietary parties who violate the provisions of proposed law may be punished by a fine not exceeding \$500 per violation or imprisonment for a term not exceeding six months, or by both such fine and imprisonment, within the discretion of the trier of fact. Proposed law additionally provides that such persons or proprietary parties may be enjoined and the issuance of an injunction may be petitioned for by the following:

- (1) The municipality or any proper officer thereof or his duly authorized representative.
- (2) Any adjacent or neighboring property owner who is especially damaged by such violation.
- (3) Any ten residents of the election precinct wherein the violation exists.

Proposed law provides that a violation of an injunction constitutes a contempt of court and any person found guilty of contempt shall be punished by a fine of not less than \$100 nor more than \$500, or by imprisonment for a period of not less than 24 hours nor more than 30 days or both fine and imprisonment.

(Adds R.S. 33:4770.21)