

2016 Regular Session

HOUSE BILL NO. 1080

BY REPRESENTATIVE GAROFALO

LOCAL GOVT/ORDINANCES: Authorizes certain parish governing authorities to enact ordinances relative to the removal of deleterious growths, trash, debris, and other noxious matter

1 AN ACT

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

8 Be it enacted by the Legislature of Louisiana:

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

11 §1236. Powers of parish governing authorities

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

14 * * *

15 (21)

16 * * *

17 (b)(i) The governing authority of the parish of Jefferson and of any parish
18 with a population of not less than thirty-five thousand eight hundred persons and not
19 more than thirty-nine thousand persons according to the latest federal decennial

1 census may enact ordinances regulating or prohibiting the growth or accumulation
2 of grass, obnoxious weeds, or other deleterious or unhealthful growths, trash, debris,
3 refuse, or discarded or noxious matter.

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

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

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

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

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

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

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

provides for each parish to be the sole and proper defendant in any action, authorized by law, to contest the addition of such charges to the ad valorem tax bill of the property involved.

Proposed law retains present law and additionally authorizes the governing authority of any parish with a population of not less than 35,800 persons and not more than 39,000 persons to exercise the powers granted pursuant to present law.

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