

ORDINANCE NO. 02-05

A REVISION OF AN ORDINANCE PROVIDING FOR THE CONTROL OF WEEDS, GRASS, DEBRIS, AND OTHER UNHEALTHFUL OR NOXIOUS CONDITIONS WITHIN THE CORPORATE LIMITS OF THE TOWN OF FORDOCHE AND TO FURTHER PROVIDE WITH RESPECT THERETO

BE IT ORDAINED by the Council Members of the Town of Fordoche, Louisiana, in regular session convened that the ordinances of the Town of Fordoche are hereby enacted to read as follows:

Section 1: Noxious weeds, nuisance

No person owning or occupying any property within the town shall permit any grass or noxious weeds or any vegetation whatsoever not for human consumption or planted for agricultural use or ornamental purposes or hay crop (which shall not exceed a height of twenty-four (24) inches), or any other deleterious, unhealthy, or noxious growths and accumulations, to grow or remain upon the premises so as to exceed a height of twelve (12) inches or to throw off any unpleasant or noxious odor or to conceal any filthy deposit or to create or produce pollen. Any grass, weeds, other vegetation, or any other deleterious, unhealthy, or noxious growths and accumulations growing upon any premises in the town in violation of this Ordinance is hereby declared to be a nuisance and detrimental to health, safety, cleanliness and comfort of the inhabitants of the town.

Section 2: Encroachment upon adjoining properties; interference

No person owning or occupying any property within the town shall permit any trees, hedges, bushes, or shrubbery of whatsoever kind or nature to grow or remain upon the premises, or in the area between the sidewalk and curb abutting the premises, so as to encroach upon the adjoining sidewalks, streets, highways, or alleys or in a manner as to restrict the clear view of vehicular traffic is hereby declared to be a nuisance and detrimental to the health, welfare, and safety of the inhabitants of the town.

Section 3: Owner's or occupant's duty

The owner of any premises and the occupant thereof, in case of premises occupied by other than the owner, shall cut, destroy, or remove noxious weeds, grass, vegetation, or any other deleterious, unhealthy, or noxious growths and accumulations growing or remaining upon the premises in violation of this Ordinance.

Section 4: Clearing of premises; requirements

The owner of any premises and the occupant thereof, in case of premises occupied by other than the owner thereof, shall remove, trim, or cut all trees, hedges, bushes or shrubbery of whatsoever kind or nature growing or remaining upon the premises, or in the area between the sidewalk and the curb abutting the premises, in violation of this Ordinance.

Section 5: Notice to remove

A. In the event that any owner or occupant of property situated with the town does not comply with this Ordinance, the town shall provide notice to the owner of the property, as determined from the latest assessment rolls, requiring compliance with this Ordinance within seven (7) days after notification. The notice shall further state that if the owner does not comply with this Ordinance and compliance requires work to be done on the owner's property, the town may cause the work to be done and pay therefore and charge the cost incurred in doing or having the work done to the owner of the property. The cost of the work shall include the expense of inspection, locating the owner, issuing or publishing notice, re-inspection, ordering the work done, postage, and all necessary incidents to such work. The notice shall be given by personal service or by registered or certified mail, return receipt requested. If the owner cannot be served or if notice by mail is returned as non-deliverable, notice shall be published in the official journal of the town for two consecutive weeks.

B. If the owner does not comply with this Ordinance within seven (7) days after receipt of notice

or after the date of the second publication if notice is provided through official journal, the mayor may cause the premises to be cleaned by cutting, destroying, or removing noxious weeds, grass, or other deleterious, unhealthy, or noxious growths or accumulations thereon and/or on the sidewalk or banquette abutting the same and assess the costs thereof against the owner. Thereafter, the town shall furnish the owner with a written statement, by certified mail, which contains a description of the property and the cost of the work performed, including postage and publication expenses.

C. If the owner does not pay the charges within fourteen (14) days after being furnished the statement described in Subsection B or within fourteen (14) days after the certified letter is returned as not deliverable, the mayor shall cause a certified copy of the statement to be filed and recorded in the mortgage records of the parish. When so filed and recorded, the statement shall constitute a lien upon the property from the date of recordation prior in rank to mortgages, vendor's privileges, and all other liens, except taxes.

D. If the owner does not pay the cost incurred as shown on the statement within ten (10) days after filing of a certified copy thereof in the mortgage records of the parish, the mayor may take the necessary steps in court incidental to the collection of the expense incurred as shown on the statement.

#### Section 6: Waiver of notice

The town may undertake the cutting, destruction, or removal of noxious weeds or grass or other deleterious, unhealthful, or noxious growths on any property with the town on a monthly basis without the notice required in Section 5 of the property owner liable has been notified pursuant to that section at any time during the immediately preceding six months and has failed to do the work himself after opportunity to do so. However, prior to undertaking such work, the town shall file and record an affidavit, signed by the mayor, at the town hall. The affidavit shall include the following:

(1) A description of the property sufficient to reasonably identify it.

(2) A photograph of the property sufficient to reasonably identify its unsafe or unsanitary condition and to justify the necessity for cutting, destroying, or removing weeds, grass, or other noxious growths.

(3) A statement that the property owner liable has within the past six months failed to do such work after notification and opportunity to do so pursuant to section 5.

#### Section 7: Allowing noxious growth prohibited

It shall be unlawful for a person to intentionally fail to comply with this Ordinance.

All ordinances or parts of ordinances in conflict herewith are hereby replaced.

Said Ordinance having been introduced on June 1, 2005, by Pat Smith, notice of public hearing having been published, said public hearing having been held, the title having been read, and the Ordinance considered, a motion was made by Stan Thibodeaux and seconded by Jason Giordano to adopt the Ordinance. A record vote was taken and the following results were had:

YEAS: Giordano, Smith, Thibodeaux

NAYS: None

ABSENT: Gueho

ABSTAIN: St. Romain

WHEREUPON, the Ordinance was declared adopted on this 14 day of June, 2005.

ATTEST and delivered to the Mayor  
Leslie Thibodeaux  
Town Clerk, Fordoche, Louisiana

APPROVED and delivered to the clerk June 14, 2005  
Justin K. Cox, Mayor  
Town of Fordoche, Louisiana

Published in official journal July 7, 2005.